













# NEW HAMPSHIRE GENERAL COURT



## JOURNAL of the HOUSE OF REPRESENTATIVES

1986 Session

January 8, 1986

through

June 10, 1986

JOHN B. TUCKER  
SPEAKER

CARL A. PETERSON  
CLERK

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# HOUSE JOURNAL 1

*Wednesday, 8 Jan 86*

The House assembled at 1:00 p.m.

On the second Wednesday in January in the year of our Lord, One thousand nine hundred and eighty-six, the one hundred and fiftieth General Court of the State of New Hampshire convened at the Capitol in the City of Concord. The representatives were called to order by the Speaker, John B. Tucker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

As we pass into a New Year, Almighty God, we stand in honor and give thanks for the lives of four of our number who completed their term on earth since our last session: Geraldine Bangs, Floyd Kohl, Norman Packard and Margaret Roberts.

Guide us to remember the past and learn from it, but give us the courage to write a new song for a New Year. O Thou who see all the years as a watch in the night prepare us to work together, building on the past, adding our efforts and guiding forward our Ship of State.

We gratefully ask Your blessing on all who labor in this building as we enter the Year of our Lord 1986. Amen.

Rep. Benton led the Pledge of Allegiance.

The National Anthem was sung by Martha Sanderson accompanied on the organ by Rep. Jesse Davis.

The New Hampshire Gentlemen, a men's "a cappella" singing group from the University of New Hampshire entertained the House with a medley of songs.

## LEAVES OF ABSENCE

Reps. Mann, James J. White, Randall, George Gordon, Donnelly and Ames, the day, illness.

Reps. James Chandler, Carragher, Pantzer, Brown, Bennett, Brideau, Healy, Scranton, Blais, Newman, Bernier and Palumbo, the day, important business.

## INTRODUCTION OF GUESTS

Hank Chambers and his wife Susan, son and daughter-in-law of Rep. Chambers; Ellie Moore, wife of Rep. Benjamin Moore; 4th grade class from Holy Infant Jesus School of Nashua, teachers, Ms. Ouellet and Mrs. Leveille and mothers, Mrs. Hoppe, Mrs. Beaulieu, Mrs. Goulet, Mrs. Pelletier, Mrs. Polsoretti, Mrs. Ross and Mrs. Winn, guests of Rep. Lozeau; Rob Brodie and Richard Grip, guests of Rep. Grip; Maureen and Brian Haynes and Brian Wolpert, daughter, son and guest of Rep. Haynes; Mrs. Charles Oliver, mother of Rep. Sanderson; Kathleen O'Shea and Kevin O'Shea, guests of Rep. Bryant.

Reps. Rounds and Chambers moved that the Honorable Senate be notified that the House of Representatives will be ready to meet in Joint Convention at 1:15 p.m. for the purpose of receiving His Excellency, The Governor, and to hear any communication he may be pleased to make.

Adopted.

## SENATE MESSAGE

The Senate is ready to meet in joint convention for the purpose of hearing His Excellency John H. Sununu, Governor.

JOINT CONVENTION  
(Speaker presiding)

The Speaker introduced the Governor, who addressed the House briefly.

Mr. Speaker, Madam President, Honorable members of the General Court.

I am here today to join you in opening the 1986 legislative session. As you know, the state of New Hampshire is moving steadily along the course charted by the biennial budget passed by you, and signed by me last June.

We can be proud of the job we did last year.

Our budget increased funding for the university system, for education, and for new school programs.

It increased funding for veterans' programs, our welfare needs, the prison and our state parks.

We took additional great strides in expanding treatment and residential care for our mental health programs and our developmentally-disabled citizens.

The groundwater program we authorized and funded is well underway. We met all our needs and more, while reducing taxes.

However, as we gather here today, we are just six months into the biennium. We are moving along as anticipated. There is no reason for a significant change or midstream correction in our well-charted course.

As you are all aware, we are witnessing a national trend where policies in our sister states, and at the federal level, are returning to the traditional approach we have consistently maintained in New Hampshire.

The explosive expansion of government at all levels, which was the trend over the last half century, has been reversed, and the intrusions of government on the rights of the individual have been checked.

We are moving into an era where the individual, rather than big government, is being recognized as the key to our future. We, as individuals can help; we can make a difference; we can improve our communities, our environment and our lives through hard work and our own efforts. We do not have to rely on government to do everything or to address every concern.

Certainly, governments at the national and state levels are finally learning the New Hampshire lesson that problems are not solved simply by increasing the price tag. Creative ideas, a careful use of resources and the efforts of informed citizens working together are the key ingredients. When programs have been shown to effectively address a need, New Hampshire citizens have always been willing and able to support the effort.

Here in New Hampshire, we have taken the opportunity to refurbish our institutional structures and our delivery systems. Our focus has been and should continue to be to improve the quality of what we have in place.

That focus and thrust has achieved constructive results. Our economy continues to thrive; our job opportunities continue to excel; and we have taken strong positive measures to maintain and protect our quality of life.

I would suggest that an appropriate theme for any actions we take in the coming weeks would be to address only that which is necessary to maintain our traditional approach, or to enhance our efforts in dealing with our quality of life issues.

There are sufficient funds appropriated in every department to meet every need recognized in legislation last session. In particular, that funding included all the dollars required to fund settlement, and with constructive action on the recommended internal transfers by your Fiscal



Committee and your Advisory Budget Committee, those funds can be made available to the requisite programs without impacting at all on our capacity to serve and meet every other need.

Let us address only what we must, and not seek issues to merely serve special interests.

Unfortunately, I have seen data showing some individual legislators are sponsoring bills with total demands on our taxpayers funds of \$50 million. They misunderstand the difference between needs and wants. I am sure you have no inclination to approve such an excessive expansion of spending levels. The citizens of New Hampshire, whom we all serve, clearly, have no such desires, and I will protect their position.

We do have specific needs which we can deal with expeditiously. In the past few months significant effort has been made to respond to a court decision concerning the snack tax issue. We found that the matter could not be resolved by administrative rules alone. Specific legislative change is required to accomplish what appears to be our universal goal. To that end, I understand legislation has been prepared and with luck may be on my desk to be signed by the end of the day. I congratulate all the members of the General Court who have worked so hard in dealing with that tough issue.

You also will be considering legislation to address a measure which will enhance the long term fiscal integrity of the state's financial system. As you all know, our bond rating and our state's finances have been a major concern as we worked to restore New Hampshire's fiscal capacity. Even with all we have done, it is important that we add one more asset to the state's set of tools to assure its fiscal integrity.

In order to provide for unanticipated and sudden shortfalls in revenue, it is imperative that the state of New Hampshire establish a revenue stabilization fund mechanism. That legislation has been filed, and I believe contains the kind of backup structure consistent with the needs of our state. It will be another step in the strong foundation we have created together.

You will also be considering legislation regarding the utilization of some of our most precious and most valuable resources -- our lakes, ponds and rivers. I hope that you will provide definitive, focused legislation to meet our responsibilities to preserve and protect those priceless assets while assuring that they continue to be an integral part of the quality of our environment and a resource for all our citizens. We must also ensure that our environmental institutions and programs are more responsive to our citizens and their goals.

I recognize that this Legislature, in anticipation of this session, assigned some tasks for further study to be addressed and honed during the interim period. These include the reauthorization of the Personnel Department of the state and some tough issues dealing with the retirement program. The completion of this unfinished business from the last session can and should be dealt with quickly and effectively.

We are just six months into this budget period which does not end until June 30, 1987. In general, preliminary revenue estimates are slightly up, but we are still only 25 percent of the way through the biennium. It is too early to tinker, to change, to spend, or to make expensive promises.

I pledge to you that we will monitor the revenues. We will watch the trends, and we will heed the reports. If the economy slows, we will tighten our belts. If we do better than anticipated, we can again next session reduce our taxes.

A number of you have urged me to do what I can to work with the General Court to make sure that this session places a minimal demand on the available time of all its members. I commit to you my cooperation to achieve that end.

Members of this Legislature can be proud of the solid achievements of the state of New Hampshire over the past three years. These achievements were built on the understanding and a recognition that the New Hampshire

way is a unique, effective and constructive relationship among our citizens, our public institutions, and our communities.

I am confident that this legislative session, the first even-year session under the new Constitutional Amendment, will reflect our understanding that our traditional approach is the best approach.

I intended that this presentation be short, and sweet, and to the point. May our efforts in the next few weeks be the same. Thank you.

Rep. Rounds and Sen. Stabile moved that the Joint Convention arise. Adopted.

The Joint Convention adjourned.

HOUSE  
(Speaker in the Chair)

The Speaker addressed the House briefly:

This chamber is no stranger to the making of history. Great men and women have walked here, and within these walls have been passed the laws of the state. Today, we mark another historic occasion; the first annual legislative session in more than one hundred years.

History itself is composed of moments such as this; living moments which, once past, are pressed between the pages of history books as cold facts. Today, we are in the midst of making history in these chambers, and I think we should pause for a moment to savor that fact.

Two years ago the people of this state loudly proclaimed that they wished the Legislature to return to meeting annually for the first time since the 19th century. This being the people's will, it is clearly our job to make annual sessions work.

It is easy to call for, but unwise to expect perfection the first time out of the chute. In his first year in the automobile business, Henry Ford went bankrupt. In its first year in the soda business, Coca-Cola sold only 400 cokes. It is unlikely that after more than 100 years of trying to perfect biennial sessions we will come up with the last word in annual sessions in 1986.

But it is important for us to learn from the lessons of the 1985 and 1986 sessions so that we can work toward running annual sessions in the most efficient and effective manner possible. To do this, I will need the help of you, the members of the House. I ask for your constructive suggestions and your ideas for making this session, and those that follow, better.

I think we have already taken a major step by, for the first time in our history, having all bills and a schedule of all initial hearings available by the opening day of the session. This will be a major factor in reducing the number of session days we meet while still guaranteeing members of the public the opportunity to testify on legislation in which they are interested.

Finally, I would like to thank each of you for your restraint in introducing bills. In particular, I thank those of you who responded to my call to withdraw legislation of a non-critical nature. The worth of a legislator should not be measured by the number of bills he or she has introduced, but by the legislator's contribution to the deliberative process. In this respect, you have acted responsibly, and of that I am most proud.

Today, we will demonstrate the advantage of being in a posture to legislatively address several urgent public policy issues. Rooms and Meals Tax, Energy Code, Vocational Education and High Level Radioactive Waste.

As the gavel is brought down on today's activities it will mark the turning of a page of history. Let us remember that our responsibilities to our constituents and to posterity do not end today. We must continue



to work toward perfecting the mechanics of annual sessions and toward realizing those ideals of representative government envisioned by the founding fathers. The first is our task, the other our duty, as members of the New Hampshire House of Representatives. Thank you.

Rep. Parr moved that the Speaker's remarks be printed in the Journal. Adopted.

Reps. Rounds and Chambers offered the following:

HOUSE CONCURRENT RESOLUTION NO. 5

RESOLVED, that the biennium Joint Rules be amended to include the following:

January 8, 1986	Convening Day
March 20, 1986	Crossover Day
May 1, 1986	Deadline for final action in non-originating body.
May 15, 1986	Deadline for submitting conference committee reports.
May 23, 1986	Deadline for final action on all conference committee reports.

Not later than  
May 30, 1986                      Adjournment

Rep. Rounds explained the resolution.  
Rep. Chambers spoke in favor of the resolution.  
Adopted.

Reps. Rounds and Chambers offered the following:

HOUSE RESOLUTION NO. 4

RESOLVED, that the biennium House Rules be amended to include the following:

Insofar as the rules of the House for the 1986 Annual Session are in conflict with or inconsistent with the rules of the House for the 1985 Annual Session, the 1986 provisions shall take precedence.

For the purposes of the 1986 Annual Session and notwithstanding the twenty-eight day provisions of House Rule 43:

I. A minimum of 50 percent of all House legislation shall be reported out of each standing committee in such a way as to provide the advance notice required by House Rule 44 prior to floor action on February 6, 1986.

II. A minimum of 25 percent of all House legislation shall be reported out of each standing committee in such a way as to provide the advance notice required by HR 44 prior to floor action on March 4, 1986.

(a) All bills requiring appropriations shall be reported out of each standing committee, except the Committee on Appropriations, in such a way as to provide the advanced notice required by House Rule 44 prior to floor action on March 4, 1986.

(b) All revenue bills shall be reported out of each standing committee in such a way as to provide the advanced notice

required by House Rule 44 prior to floor action on March 5, 1986.

III. The balance of all House legislation shall be reported out of each standing committee in such a way as to provide the advanced notice required by House Rule 44 prior to floor action on March 17, 1986.

Rep. Rounds explained the resolution.

Rep. Chambers spoke in favor of the resolution.

Adopted.

Reps. Rounds and Chambers offered the following:

#### HOUSE RESOLUTION NO. 5

RESOLVED, that the actions of the rules committee of the House in granting approval for pre-printing, and introduction of bills, joint resolutions and concurrent resolutions to amend the constitution are hereby legalized, ratified, approved and confirmed; and the scheduling of all hearings by said committees as printed in the Calendar of the House, and today distributed to all members are also hereby legalized, ratified, approved and confirmed and any rule requiring any different notice of such scheduling is hereby suspended.

Adopted.

#### COMMUNICATIONS

Mr. Carl A. Peterson  
House Clerk

Dear Mr. Peterson:

Regretfully, having moved from my district (District 31, Nashua), I must resign my seat in the New Hampshire House.

Respectfully,  
Rep. Richard H. Duprey

Honorable John B. Tucker  
Speaker of the House

Dear Mr. Speaker:

It is with deep regret that I hereby resign as a Representative to the General Court from Hillsborough District 25 effective July 2, 1985.

It has been a great honor to serve my constituents and the State of New Hampshire, and it has been a pleasure to work as a member of the House under your admirable leadership; however, as of the date cited, I will no longer have a domicile within the district.

Very sincerely yours,  
Rep. Edward J. Newcombe

Mr. Carl Peterson  
Clerk of the House

Dear Mr. Peterson:

This is to advise that the following representative-elect was sworn into office by the Governor and Executive Council on November 21, 1985.

Belknap County District No. 9 (Laconia-Ward 1)  
Esther R. Nighswander, r, Laconia (38 Wildwood Road) 03246

Sincerely,  
Robert P. Ambrose  
Deputy Secretary of State

Mr. Carl Peterson  
Clerk of the House

Dear Mr. Peterson:

This is to advise that the following representative-elect was sworn into office by the Governor and Executive Council on December 19, 1985.

Hillsborough County District No. 31 (Nashua-Ward 8)  
Chrysoula A. Katsiaficas, d, Nashua (28 Royal Crest Drive) 03060  
Sincerely,  
Robert P. Ambrose  
Deputy Secretary of State

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 6 through 512, and House Bills of Intent numbered 2001 through 2009, and House Joint Resolutions numbered 1 through 3, and House Resolutions numbered 1 through 3, and Concurrent Resolutions Proposing Constitutional Amendments numbered 1 through 10, and House Concurrent Resolutions numbered 1 through 3, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS,  
HBIs, HJR's, HR's, CACR's and HCR's  
First, second reading and referral

HB 6-FN, relative to financial disclosure. (Rounds of Grafton Dist. 10; Raiche of Hillsborough Dist. 41; Harrington of Hillsborough Dist. 7; Bass of Hillsborough Dist. 7; Hollingworth of Rockingham Dist. 17 - To Legislative Administration)

HB 7, relative to damages recoverable for bodily injury in civil actions. (Ingram of Sullivan Dist. 4 - To Judiciary)

HB 8, relative to campaign financing. (Ingram of Sullivan Dist. 4 - To Constitutional and Statutory Revision)

HB 9, relative to least cost supply plan electricity planning. (Chambers of Grafton Dist. 12; Matson of Cheshire Dist. 7; Krasker of Rockingham Dist. 27; King of Grafton Dist. 12; Lessard of Dist. 21 - To Commerce, Small Business and Consumer Affairs)

HB 10-FN, excluding criminal offenders from workers' compensation. (Sytek of Rockingham Dist. 20 - To Labor, Industrial and Rehabilitative Services)

HB 11, relative to mandatory auto insurance. (Chase of Rockingham Dist. 28; Clay of Rockingham Dist. 28; Rogers of Rockingham Dist. 28 - To Commerce, Small Business and Consumer Affairs)

HB 12, requiring a blood test for persons contemplating marriage. (Chase of Rockingham Dist. 28; Clay of Rockingham Dist. 28 - To Constitutional and Statutory Revision)

HB 13, requiring food establishments to print prices for mixed drinks, wine and beer on their menus. (Chase of Rockingham Dist. 28; Clay of Rockingham Dist. 28 - To Regulated Revenues)

HB 14-FN, relative to a severance tax on sand, gravel, loam, ore, and other substances. (Pannell of Merrimack Dist. 6; Thompson of Cheshire Dist. 9 - To Municipal and County Government)

HB 15-FN, allowing nonprofit charitable organizations, and social and sports clubs to sell lucky 7 tickets. (R. Blaisdell of Rockingham Dist. 13; C. Blaisdell of Dist. 10 - To Regulated Revenues)

HB 16, relative to effective dates for legislation. (Jones of Strafford Dist. 6 - To Legislative Administration)

HB 17-FN, appropriating funds for a fire exit stairway and a library and classroom at the youth development center. (Vartanian of Rockingham Dist. 20; Bibbo of Merrimack Dist. 3; Scamman of Rockingham Dist. 19; Boucher of Rockingham Dist. 23; Parker of Cheshire Dist. 11; Charbonneau of Dist. 14; Podles of Dist. 16; McLane of Dist. 15; Arnold of Hillsborough Dist. 33; Riley of Cheshire Dist. 5 - To State Institutions and Housing)

HB 18-FN, appropriating funds for roof repairs at the youth development center. (Vartanian of Rockingham Dist. 20; Bibbo of Merrimack Dist. 3; Scamman of Rockingham Dist. 19; Boucher of Rockingham Dist. 23; E. Wheeler of Hillsborough Dist. 10; Charbonneau of Dist. 14; Podles of Dist. 16; McLane of Dist. 15; Arnold of Hillsborough Dist. 33; Riley of Cheshire Dist. 5 - To State Institutions and Housing)

HB 19-FN, relative to users of fuel other than motor fuel in vehicles of the pleasure type. (Riley of Cheshire Dist. 5; Parks of Strafford Dist. 6; Sytek of Rockingham Dist. 20 - To Transportation)

HB 20-FN, relative to licensure of food service establishments. (Townsend of Sullivan Dist. 1; Chase of Rockingham Dist. 28; Copenhaver of Grafton Dist. 12 - To Health and Human Services)

HB 21, prohibiting homosexuals from adopting and from being foster parents. (Ingram of Sullivan Dist. 4; Roberge of Dist. 9 - To Judiciary)

HB 22, prohibiting gambling machines on licensed premises. (MacDonald of Carroll Dist. 6 - To Regulated Revenues)

HB 23, establishing a fire standards and training council within the department of postsecondary vocational-technical education. (Dexter of Belknap Dist. 8; Mace of Rockingham Dist. 21 - To Executive Departments and Administration)

HB 24, establishing a department of safety. (Ward of Grafton Dist. 1 - To Executive Departments and Administration)

HB 25-FN, concerning use of safety restraint systems in passenger automobiles equipped with such systems. (Pappas of Hillsborough Dist. 37; Emanuelson of Rockingham Dist. 20; Joslyn of Rockingham Dist. 20; Lindblade of Sullivan Dist. 5; Copenhaver of Grafton Dist. 12; Arnesen of Grafton Dist. 7; Diament of Strafford Dist. 3; Gilbreth of Merrimack Dist. 10; Kinhan of Merrimack Dist. 14; Quimby of Rockingham Dist. 7; Reardon of Hillsborough Dist. 37; McLane of Dist. 15; Hough of Dist. 5 - To Health and Human Services)

HB 26, relative to mental health group homes. (Ottolini of Coos Dist. 8; Brungot of Coos Dist. 8 - To Health and Human Services)

HB 27, limiting the frequency of public referendum questions concerning management of the Berlin water works. (Brungot of Coos Dist. 8; Coulombe of Coos Dist. 8 - To Municipal and County Government)

HB 28-FN, relative to the reporting of child abuse. (Pantelakos of Rockingham Dist. 24; Chase of Rockingham Dist. 28; Clay of Rockingham Dist. 28; Charbonneau of Dist. 14 - To Children, Youth and Elderly Affairs)

HB 29, permitting the election of 5 commissioners in village districts within the towns of Merrimack and Hooksett. (Boucher of Merrimack Dist. 9; Riley of Merrimack Dist. 9; Kelley of Hillsborough Dist. 13 - To Municipal and County Government)

HB 30-FN, amending the business profits tax. (Ahrens of Hillsborough Dist. 13; R. Jones of Strafford Dist. 6 - To Ways and Means)

HB 31-FN, to provide a loss carryforward under the business profits tax. (Ahrens of Hillsborough Dist. 13; Harrington of Hillsborough Dist. 7; Zeckhausen of Belknap Dist. 11; Grip of Hillsborough Dist. 7; Brown of Belknap Dist. 4 - To Ways and Means)

HB 32-FN, establishing the salaries for certain employees of the department of postsecondary technical education. (Walker of Rockingham Dist. 17; O'Rourke of Hillsborough Dist. 35; LaMott of Grafton Dist. 5; Pearson of Belknap Dist. 5; Johnson of Dist. 17; Lessard of Dist. 21 - To Education)



HB 33, to change the operation and the name of the department of postsecondary vocational-technical education. (Walker of Rockingham Dist. 17; O'Rourke of Hillsborough Dist. 35; LaMott of Grafton Dist. 5; Pearson of Belknap Dist. 5; Lessard of Dist. 21 - To Education)

HB 34-FN, establishing the salaries of classified state employees in academic positions. (Walker of Rockingham Dist. 17; O'Rourke of Hillsborough Dist. 35; LaMott of Grafton Dist. 5; Pearson of Belknap Dist. 5; Lessard of Dist. 21 - To Education)

HB 35, prohibiting smoking in grocery food stores. (Joslyn of Rockingham Dist. 20; Barry of Hillsborough Dist. 43; Pappas of Hillsborough Dist. 37; Johnson of Dist. 17 - To Health and Human Services)

HB 36, relative to settlements on behalf of minors and to legacies to minors not under guardianship. (Green of Hillsborough Dist. 36 - To Judiciary)

HB 37-FN, providing additional exemptions under the interest and dividends tax. (Green of Hillsborough Dist. 36 - To Ways and Means)

HB 38-FN, repealing the resident tax. (Lown of Hillsborough Dist. 9; Burns of Hillsborough Dist. 11; Podles of Dist. 16 - To Municipal and County Government)

HB 39-FN, requiring the publication of the superior court rules in the Revised Statutes Annotated. (Murphy of Hillsborough Dist. 40; Bibbo of Merrimack Dist. 3; Guay of Coos Dist. 7 - To Judiciary)

HB 40-FN, relative to adjusted elderly exemptions. (Lown of Hillsborough Dist. 9 - To Municipal and County Government)

HB 41, relative to public protection from semi-domesticated and domesticated animals. (Hyman of Hillsborough Dist. 3 - To Environment and Agriculture)

HB 42, making English the official language of the state. (Raynowska of Rockingham Dist. 20; Podles of Dist. 16 - To Education)

HB 43-FN, relative to supervision and control of probationers and parolees. (Sylvia of Hillsborough Dist. 1; Johnson of Sullivan Dist. 2 - To Judiciary)

HB 44-FN, eliminating the requirement that all school districts be in a school administrative unit, and removing the authority of the state board of education over school administrative unit superintendents and assistant superintendents. (Sylvia of Hillsborough Dist. 1 - to Education)

HB 45, increasing the age for OHRV operation and changing the penalty for unlawful OHRV operation. (Sylvia of Hillsborough Dist. 1; Johnson of Sullivan Dist. 2 - To Fish and Game)

HB 46, relative to the discovery and disposition of human skeletal remains. (Walter of Grafton Dist. 13; Bibbo of Merrimack Dist. 3; Hollingworth of Rockingham Dist. 17; Heath of Dist. 3; Chandler of Dist. 7 - To Education)

HB 47, relative to comparative fault, apportionment of damages and contributions among tortfeasors. (Johnson of Merrimack Dist. 5 - To Judiciary)

HB 48, relative to notification to abutters. (Shriver of Hillsborough Dist. 11; Stonner of Hillsborough Dist. 11; Fried of Hillsborough Dist. 16; Burns of Hillsborough Dist. 11 - To Municipal and County Government)

HB 49, relative to a shield law for reporters. (D'Amante of Sullivan Dist. 7; Dion of Hillsborough Dist. 45; Quimby of Rockingham Dist. 7; Reardon of Hillsborough Dist. 37 - To Judiciary)

HB 50-FN, establishing the arts development program and making an appropriation therefor. (Davis of Cheshire Dist. 8; Nelson of Hillsborough Dist. 31; Krasker of Rockingham Dist. 27; Sanderson of Rockingham Dist. 25; Riley of Cheshire Dist. 5; Winn of Hillsborough Dist. 28; McLane of Dist. 15 - To Education)

HB 51-FN, relative to fire protection and warning devices in health care facilities. (Hyman of Hillsborough Dist. 3; Musler of Strafford Dist. 3; Benton of Rockingham Dist. 5; Welch of Rockingham Dist. 10 - To Public Protection and Veterans Affairs)



HB 52-FN, relative to the legacy and succession tax. (Rodeschin of Sullivan Dist. 2; Blacketor of Cheshire Dist. 16 - To Ways and Means)

HB 53, relative to municipal liability. (Lown of Hillsborough Dist. 9 - To Judiciary)

HB 54-FN, relative to nursing home care costs paid by counties. (Spaulding of Sullivan Dist. 6; Disnard of Sullivan Dist. 6 - To Appropriations)

HB 55-FN, relative to unfair insurance trade practices and mandating acceptance of a certificate of insurance as a binder by a financial institution. (Burns of Coos Dist. 5 - To Commerce, Small Business and Consumer Affairs)

HB 56-FN, eliminating the lien placed on property because of failure to file a complete inventory form. (Diament of Strafford Dist. 3 - To Municipal and County Government)

HB 57, eliminating all special restricted use funds which are not established by the constitution. (Diament of Strafford Dist. 3; St. Jean of Dist. 20 - To Appropriations)

HB 58-FN, relative to strict liability for hazardous waste cleanup and priority of state liens on certain property. (Greene of Rockingham Dist. 18; Bowler of Belknap Dist. 2 - To Environment and Agriculture)

HB 59-FN, relative to hazardous waste facility siting procedures, the hazardous waste fund, the solid waste management board, and reporting of hazardous waste contamination. (Greene of Rockingham Dist. 18; Bowler of Belknap Dist. 2 - To Environment and Agriculture)

HB 60-FN, establishing a siting board for hazardous waste facility siting and making an appropriation therefor. (Greene of Rockingham Dist. 18; Bowler of Belknap Dist. 2 - To Environment and Agriculture)

HB 61-FN, relative to the state selection of potential hazardous waste facility sites. (Greene of Rockingham Dist. 18; Bowler of Belknap Dist. 2 - To Environment and Agriculture)

HB 62-FN, establishing a quasi-public entity for siting hazardous waste facilities and making an appropriation therefor. (Greene of Rockingham Dist. 18; Bowler of Belknap Dist. 2 - To Environment and Agriculture)

HB 63-FN, requiring permits to serve alcoholic beverages. (Blacketor of Cheshire Dist. 16; Frink of Cheshire Dist. 15 - To Regulated Revenues)

HB 64, relative to unemployment compensation. (Skinner of Rockingham Dist. 21 - To Labor, Industrial and Rehabilitative Services)

HB 65, authorizing police officers and certified emergency medical technicians to order removal of motor vehicle fatalities. (Fried of Hillsborough Dist. 16; Moore of Hillsborough Dist. 5; Eaton of Cheshire Dist. 4; Chretien of Hillsborough Dist. 33; Pressly of Hillsborough Dist. 24; Stabile of Dist. 12; Charbonneau of Dist. 14; Podles of Dist. 16 - To Judiciary)

HB 66-FN, enabling bingo licensees to obtain a license valid for one year. (Fried of Hillsborough Dist. 16 - To Regulated Revenues)

HB 67-FN, relative to the return of the accumulated contributions of group I and group II members of the New Hampshire retirement system. (Musler of Strafford Dist. 3 - To Executive Departments and Administration)

HB 68, relative to requiring notice of hydro-energy generation projects. (Dickinson of Carroll Dist. 2; Blanchard of Rockingham Dist. 26; Whittemore of Merrimack Dist. 10; Humphrey of Hillsborough Dist. 2; Dingle of Strafford Dist. 4 - To Resources, Recreation and Development)

HB 69, naming a mountain in Stark, New Hampshire as "Mount Mary" after the first name of its owner. (Chardon of Coos Dist. 6 - Resources, Recreation and Development)

HB 70-FN, increasing the amount of the tax exemption for post-secondary institutions. (Riley of Cheshire Dist. 5 - To Municipal and County Government)

HB 71, relative to associate supervisors in conservation districts. (Birch of Belknap Dist. 5; Copenhaver of Grafton Dist. 12 - To Environment and Agriculture)

HB 72, prohibiting paramilitary training and activity. (Benton of Rockingham Dist. 5 - To Public Protection and Veterans Affairs)

HB 73-FN, relative to the office of ombudsman within the state council on aging. (Townsend of Sullivan Dist. 1 - To Children, Youth and Elderly Affairs)

HB 74, making a supplemental appropriation for capital improvements for the veterans' home. (Levesque of Hillsborough Dist. 30 - To Public works)

HB 75-FN, making a supplemental appropriation to the veterans' home for 1986 and 1987 fiscal years. (Levesque of Hillsborough Dist. 30 - To Public Protection and Veterans Affairs)

HB 76-FN, changing the method of calculating the tax exemption for post-secondary institutions. (Walker of Rockingham Dist. 17; Riley of Cheshire Dist. 5; Pearson of Belknap Dist. 5 - To Municipal and County Government)

HB 77, relative to the New Hampshire veterans' home. (Levesque of Hillsborough Dist. 30 - To Public Protection and Veterans Affairs)

HB 78-FN, relative to mandatory mediation and making an appropriation therefor. (Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 79, relative to appeals before the board of tax and land appeals. (Jacobson of Merrimack Dist. 2 - To Ways and Means)

HB 80-FN, relative to special moped licenses. (Jacobson of Merrimack Dist. 2 - To Transportation)

HB 81, relative to insurers assessing points for speeding. (Jacobson of Merrimack Dist. 2 - To Commerce, Small Business and Consumer Affairs)

HB 82, relative to the driver's license suspension period for motor vehicle habitual offenders. (Easton of Grafton Dist. 11 - To Transportation)

HB 83, relative to private roads. (Easton of Grafton Dist. 11 - To Municipal and County Government)

HB 84-FN, relative to the small scale power facility tax exemption. (Smith of Hillsborough Dist. 21 - To Science and Technology)

HB 85, relative to the Bedford road interchange with the Everett turnpike in the town of Merrimack and making an appropriation therefor. (Nute of Hillsborough Dist. 13; H. Watson of Hillsborough Dist. 13; Ahrens of Hillsborough Dist. 13; Kelley of Hillsborough Dist. 13; G. Watson of Hillsborough Dist. 13 - To Public Works)

HB 86-FN, relative to fire inspectors issuing citations for violations of fire safety rules. (Millard of Merrimack Dist. 4 - To Public Protection and Veterans Affairs)

HB 87-FN, repealing the prohibition against including CWIP charges in a public utility's rate base. (F. Foss of Coos Dist. 2; Quimby of Rockingham Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 88-FN, relative to resident commercial salt water licenses. (Dionne of Strafford Dist. 5; Pantelakos of Rockingham Dist. 24; Wiggins of Dist. 8 - To Fish and Game)

HB 89-FN, creating a position of conservation officer lieutenant in law enforcement division 6 of the department of fish and game and making an appropriation therefor. (Pantelakos of Rockingham Dist. 24; Dionne of Strafford Dist. 5 - To Fish and Game)

HB 90-FN, relative to improvement of the state boat launch on Crystal Lake in the town of Enfield and making an appropriation therefor. (Scanlan of Grafton Dist. 11; Hough of Dist. 5 - To Resources, Recreation and Development)

HB 91, relative to service of civil process. (Reardon of Hillsborough Dist. 37 - to Judiciary)

HB 92, prohibiting certain persons from riding in open cargo motor vehicles. (Arnesen of Grafton Dist. 7 - To Transportation)

HB 93, relative to the merchant's privilege to arrest and detain shoplifters. (Rogers of Rockingham Dist. 28; Chase of Rockingham Dist. 28 - To Judiciary)

HB 94, relative to conflicts of interest for planning board and zoning board of adjustment members. (Rogers of Rockingham Dist. 28; Chase of

Rockingham Dist. 28; Jacobson of Hillsborough Dist. 26 - To Municipal and County Government)

HB 95, amending the definition of a municipal utility in RSA 374-A to include counties. (Riley of Cheshire Dist. 5 - To Commerce, Small Business and Consumer Affairs)

HB 96-FN, making an appropriation for basement classrooms at New Hampshire youth development center. (Boucher of Rockingham Dist. 23 - To State Institutions and Housing)

HB 97-FN, relative to the foundation aid formula. (Robinson of Hillsborough Dist. 14; Taffe of Grafton Dist. 6; Boucher of Rockingham Dist. 23; Nelson of Hillsborough Dist. 31; Johnson of Dist. 17 - To Education)

HB 98-FN, making an additional appropriation for foundation aid. (Robinson of Hillsborough Dist. 14; Taffe of Grafton Dist. 6; Nelson of Hillsborough Dist. 31; Densmore of Grafton Dist. 3; Lessard of Dist. 21 - To Education)

HB 99-FN, relative to resurfacing portions of Route 3-A in the towns of Litchfield and Hudson and the city of Manchester. (Robinson of Hillsborough Dist. 14; O'Rourke of Hillsborough Dist. 35; Nute of Hillsborough Dist. 13; Boucher of Rockingham Dist. 23; Jasper of Hillsborough Dist. 19; Charbonneau of Dist. 14 - Public Works)

HB 100-FN, making an appropriation to pay moneys owed to the education commission of the states. (Robinson of Hillsborough Dist. 14; Boucher of Rockingham Dist. 23; Taffe of Grafton Dist. 6; Case of Rockingham Dist. 6; Johnson of Dist. 17; Lessard of Dist. 21 - To Education)

HB 101, prohibiting the sale, rental, showing, advertising for sale or distribution of obscene video tapes or video discs to persons under 18 years of age. (Packard of Strafford Dist. 4 - To Judiciary)

HB 102, relative to voter registration. (Packard of Strafford Dist. 4 - To Constitutional and Statutory Revision)

HB 103, relative to access to New Hampshire rivers. (Whittemore of Merrimack Dist. 10; Seward of Rockingham Dist. 3; Mehegan of Sullivan Dist. 3; Hendrick of Hillsborough Dist. 12 - To Resources, Recreation and Development)

HB 104, relative to the reconstruction of Lowell Road, River Road, and Route 3-A south from Central Street in the town of Hudson to the Massachusetts state line and making an appropriation therefor. (Chamberlin of Strafford Dist. 4 - To Public Works)

HB 105, providing for an access ramp to interstate 95 in the town of North Hampton and making an appropriation therefor. (Chamberlin of Strafford Dist. 4 - To Public Works)

HB 106, relative to the death penalty. (Chretien of Hillsborough Dist. 33; Jasper of Hillsborough Dist. 19 - To Judiciary)

HB 107, relative to coordinated registration of corporations and limited partnerships. (Pantzer of Merrimack Dist. 11; Varkas of Hillsborough Dist. 34; Lindblade of Sullivan Dist. 5; Packard of Hillsborough Dist. 15; Foss of Coos Dist. 2 - To Constitutional and Statutory Revision)

HB 108, relative to the transfer of registration of a motor vehicle. (Varkas of Hillsborough Dist. 34 - To Transportation)

HB 109-FN, creating a compensation program for victims of crimes and making an appropriation therefor. (Eaton of Cheshire Dist. 4 - To Judiciary)

HB 110-FN, relative to continued membership in group II of the New Hampshire retirement system under certain circumstances. (Gross of Merrimack Dist. 16 - To Executive Departments and Administration)

HB 111-FN, establishing an academy of science, arts, and technological innovation. (Newell of Rockingham Dist. 7 - To Science and Technology)

HB 112-FN, relative to state support for Alzheimer's disease and related disorders. (Mason of Hillsborough Dist. 8; Varkas of Hillsborough Dist. 34; Pressly of Hillsborough Dist. 24; Riley of Cheshire Dist. 5; Arnold of Hillsborough Dist. 33; p. Blanchette of Rockingham Dist. 12;



Burkush of Hillsborough 43; Burton of Strafford Dist. 4; Carragher of Hillsborough Dist. 22; Case of Rockingham Dist. 6; Cronin of Hillsborough Dist. 38; Davis of Cheshire Dist. 8; Dickinson of Carroll Dist. 2; Dykstra of Hillsborough Dist. 39; Flanders of Rockingham Dist. 5; N. Ford of Hillsborough Dist. 24; Gordon of Cheshire Dist. 5; Hoar of Rockingham Dist. 6; Hounsell of Carroll Dist. 2; Humphrey of Hillsborough Dist. 2; Ingram of Sullivan Dist. 4; Keefe of Hillsborough Dist. 31; LaMott of Grafton Dist. 5; Mason of Rockingham Dist. 22; Meader of Strafford Dist. 10; O'Rourke of Hillsborough Dist. 31; Parr of Rockingham Dist. 17; Pearson of Belknap Dist. 5; Rehlander of Merrimack Dist. 8; Reidy of Hillsborough Dist. 45; Robinson of Merrimack Dist. 3; Sallada of Hillsborough Dist. 4; Scranton of Cheshire Dist. 16; Smith of Hillsborough Dist. 9; Steiner of Hillsborough Dist. 33; Tamposi of Hillsborough Dist. 27; Townsend of Sullivan Dist. 1; Van Loan of Hillsborough Dist. 11; McLane of Dist. 15; White of Dist. 11; Stabile of Dist. 12 - To Health and Human Services)

HB 113, relative to anatomical gifts. (Hager of Merrimack Dist. 21; O'Brien of Strafford Dist. 9; Lewis of Merrimack Dist. 5; Holmes of Merrimack Dist. 13; Lessard of Dist. 21 - To Health and Human Services)

HB 114-FN, relative to the business profits tax. (Zeckhausen of Belknap Dist. 11; Harrington of Hillsborough Dist. 7; Ahrens of Hillsborough Dist. 13; Brown of Belknap Dist. 4 - To Ways and Means)

HB 115-FN, replacing the death penalty with a penalty of life imprisonment without parole. (Sylvia of Hillsborough Dist. 1 - To Judiciary)

HB 116, relative to the time and method for holding school district elections and adopting school district budgets. (Ducharme of Hillsborough Dist. 19 - To Education)

HB 117-FN, removing the requirement that the Sullivan county probate court sit in Claremont. (Schotanus of Sullivan Dist. 1 - To Judiciary)

HB 118, making an appropriation to the city of Nashua to undertake the construction of a second bridge across the Nashua River. (Hogan of Hillsborough Dist. 23; Dykstra of Hillsborough Dist. 39; Tamposi of Hillsborough Dist. 27; Jacobson of Hillsborough Dist. 26; Barberia of Merrimack Dist. 21; Boyer of Dist. 13; Stabile of Dist. 12 - To Public Works)

HB 119, relative to replacing the Hampton beach seawall and making an appropriation therefor. (Parr of Rockingham Dist. 17; LaMott of Grafton Dist. 5; Hollingworth of Rockingham Dist. 17; Malcolm of Rockingham Dist. 17; Walker of Rockingham Dist. 17; Preston of Dist. 23 - To Public Works)

HB 120, permitting notary publics to register absentee voters. (Arnesen of Grafton Dist. 7 - To Constitutional and Statutory Revision)

HB 121, prohibiting open containers of alcoholic beverages in motor vehicles. (Moore of Hillsborough Dist. 5; Bourque of Hillsborough Dist. 35 - To Transportation)

HB 122, relative to the aggravated felonious sexual assault law. (Sytek of Rockingham Dist. 20; Benton of Rockingham Dist. 5 - To Judiciary)

HB 123, amending the right to know law. (Johnson of Sullivan Dist. 2; Sylvia of Hillsborough Dist. 1 - To Judiciary)

HB 124, relative to defined benefit pension funds. (Warburton of Rockingham Dist. 6 - To Labor, Industrial and Rehabilitative Services)

HB 125-FN, relative to the sale and distribution of tobacco products. (Sallada of Hillsborough Dist. 4; Rodeschin of Sullivan Dist. 2; Whitcomb of Grafton Dist. 1; Connolly of Merrimack Dist. 7; Arnold of Hillsborough Dist. 33; Johnson of Dist. 17 - To Ways and Means)

HB 126, requiring auctioneers to disclose the name of an absent bidder at auctions. (Sallada of Hillsborough Dist. 4 - To Executive Departments and Administration)

HB 127-FN, allocating 1/2 of one percent of the meals and rooms tax to the fish and game fund. (Pantelakos of Rockingham Dist. 24; Wiggins of Dist. 8 - To Ways and Means)



HB 128, banning the sale, possession and use of air rifles, bb guns and pellet guns. (Chase of Rockingham Dist. 28; Clay of Rockingham Dist. 28; Rogers of Rockingham Dist. 28 - To Public Protection and Veterans Affairs)

HB 129, relative to truck weights. (I. Gordon of Cheshire Dist. 5; Pearson of Belknap Dist. 5; Lamontagne of Coos Dist. 7; Sloan of Rockingham Dist. 6; Bond of Dist. 1 - To Transportation)

HB 130-FN, providing diesel fuel user permits without a fee to New Hampshire servicemen assigned to posts of duty in another state. (I. Gordon of Cheshire Dist. 5 - To Transportation)

HB 131-FN, authorizing the director of motor vehicles to issue special vanity plates for amateur radio operators. (I. Gordon of Cheshire Dist. 5; Labombarde of Hillsborough Dist. 22; G. Katsakiores of Rockingham Dist. 7 - To Transportation)

HB 132, relative to the port authority. (Sloan of Rockingham Dist. 6 - Hoar of Rockingham Dist. 6; Griffin of Dist. 24 - To Transportation)

HB 133, relative to smoking in the workplace. (Sloan of Rockingham Dist. 6 - To Health and Human Services)

HB 134-FN, relative to the Rannie Webster Foundation. (Goss of Rockingham Dist. 18 - To Constitutional and Statutory Revision)

HB 135-FN, establishing a teacher mentor and grant pilot program and making an appropriation therefor. (Taffe of Grafton Dist. 6; Robinson of Hillsborough Dist. 14 - To Education)

HB 136, relative to the recording of the real estate transfer tax. (Jones of Strafford Dist. 6 - To Ways and Means)

HB 137-FN, relative to probation officers appointed by the Laconia district court. (Holbrook of Belknap Dist. 13 - To Judiciary)

HB 138, relative to insurance coverage for the services of certified clinical social workers. (Packard of Hillsborough Dist. 15; Pappas of Hillsborough Dist. 37; Hough of Dist. 5; Lessard of Dist. 21 - To Commerce, Small Business and Consumer Affairs)

HB 139, requiring approval of the voters by a state referendum before issuing a license for any high-level or low-level radioactive waste disposal facility. (Daniell of Merrimack Dist. 12 - To State-Federal Relations)

HB 140-FN, relative to terrain alterations and removal of gravel. (Smith of Hillsborough Dist. 21 - To Resources, Recreation and Development)

HB 141, relative to exceptions to the energy conservation code for new building construction in the state. (Smith of Hillsborough Dist. 21 - To Science and Technology)

HB 142-FN, relative to voting booths in cities. (Flanagan of Rockingham Dist. 8; Dickinson of Carroll Dist. 2 - To Constitutional and Statutory Revision)

HB 143, relative to declarations of candidacy. (Flanagan of Rockingham Dist. 8 - To Constitutional and Statutory Revision)

HB 144-FN, relative to retention of voting documents. (Flanagan of Rockingham Dist. 8 - To Constitutional and Statutory Revision)

HB 145, relative to the pari-mutuel commission. (Kelley of Hillsborough Dist. 13 - To Regulated Revenues)

HB 146, relative to temporary stay orders issued by the pari-mutuel commission. (Kelley of Hillsborough Dist. 13 - To Regulated Revenues)

HB 147, relative to the civil defense agency. (Hoar of Rockingham Dist. 6; Griffin of Dist. 24 - To Public Protection and Veterans Affairs)

HB 148, prohibiting the harassment of hunters, trappers and fishermen. (Smith of Merrimack Dist. 20; Perham of Hillsborough Dist. 10; Wiggins of Dist. 8 - To Fish and Game)

HB 149-FN, relative to the noise pollution caused by motorcycles. (Felch of Rockingham Dist. 14; Preston of Dist. 23 - To Transportation)

HB 150-FN, establishing a natural heritage program in the department of resources and economic development. (Chambers of Grafton Dist. 12; Lamontagne of Coos Dist. 7; Krasker of Rockingham Dist. 27; Matson of

Cheshire Dist. 7; King of Grafton Dist. 12; Lewis of Merrimack Dist. 5; Lessard of Dist. 21 - To Resources, Recreation and Development)

HB 151-FN, relative to an office of technical assistance for community planning. (Chambers of Grafton Dist. 12; Krasker of Rockingham Dist. 27; Matson of Cheshire Dist. 7; King of Grafton Dist. 12; Diament of Strafford Dist. 3; Lessard of Dist. 21; Stephen of Dist. 18 - To Executive Departments and Administration)

HB 152, providing manufactured housing tenants with a limited right to purchase the park. (King of Grafton Dist. 6 - To State Institutions and Housing)

HB 153, relative to identification requirements for voter registration. (O'Rourke of Hillsborough Dist. 35; Jacobson of Merrimack Dist. 2; Green of Hillsborough Dist. 36; Reardon of Hillsborough Dist. 37 - To Constitutional and Statutory Revision)

HB 154, relative to intestate descent and distribution among collateral heirs. (Reardon of Hillsborough Dist. 37 - To Judiciary)

HB 155-FN, providing for continuation of certain insurance benefits for divorced or separated spouses. (Krasker of Rockingham Dist. 27; Griffin of Dist. 24 - To Commerce, Small Business and Consumer Affairs)

HB 156, providing the statute of uses shall not affect trusts. (Reardon of Hillsborough Dist. 37 - To Judiciary)

HB 157, relative to the Rye harbor project and making an appropriation therefor. (Greene of Rockingham Dist. 18 - To Public Works)

HB 158-FN, prohibiting video blackjack and video poker machines in liquor establishments. (Bass of Hillsborough Dist. 7 - To Regulated Revenues)

HB 159, extending the due process rights of certain teachers. (Raiche of Hillsborough Dist. 41; Sytek of Rockingham Dist. 20; Lessard of Dist. 21 - To Judiciary)

HB 160, establishing a collateral source rule for tort liability. (Fraser of Merrimack Dist. 6; Freese of Dist. 4 - To Judiciary)

HB 161, prohibiting the cancellation of leases, contracts, and other agreements by use of minimum and maximum gasoline or diesel fuel volume requirements. (Guay of Coos Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 162-FN, relative to the New Hampshire tourism policy. (Blanchard of Rockingham Dist. 26; Meader of Strafford Dist. 10; Dingle of Strafford Dist. 4; Coulombe of Coos Dist. 8; Freese of Dist. 4 - To Resources, Recreation and Development)

HB 163, relative to the allocation of state public waters. (Blanchard of Rockingham Dist. 26; Woodward of Rockingham Dist. 18; Dickinson of Carroll Dist. 2; Dingle of Strafford Dist. 4 - To Resources, Recreation and Development)

HB 164, relative to information required on birth, marriage, and death certificates. (Dickinson of Carroll Dist. 2; Flanagan of Rockingham Dist. 8; Shriver of Hillsborough Dist. 11; Flanders of Rockingham Dist. 5 - To Constitutional and Statutory Revision)

HB 165, making kidnapping a class A felony in all cases in which the victim is under the age of 18. (Ahrens of Hillsborough Dist. 13 - To Judiciary)

HB 166, granting an out-of-state peace officer in fresh pursuit power to arrest for a misdemeanor. (Ahrens of Hillsborough Dist. 13 - To Judiciary)

HB 167-FN, modifying the pre-sentence duties of probation officers in criminal cases. (Ahrens of Hillsborough Dist. 13 - To Judiciary)

HB 168, relative to clarifying the bail jumping statute. (Ahrens of Hillsborough Dist. 13 - To Judiciary)

HB 169, relative to acknowledgments. (King of Grafton Dist. 12 - To Constitutional and Statutory Revision)

HB 170-FN, relative to community developmental services. (King of Grafton Dist. 12; Densmore of Grafton Dist. 3 - To Health and Human Services)

HB 171-FN, relative to the governor's legal counsel and making an appropriation therefor. (King of Grafton Dist. 12 - To Executive Departments and Administration)

HB 172-FN, making an appropriation to fund SB 1 of the 1985 legislative session. (King of Grafton Dist. 12 - To Children, Youth and Elderly Affairs)

HB 173-FN, relative to equal treatment for persons seeking employment. (King of Grafton Dist. 12 - To Labor, Industrial and Rehabilitative Services)

HB 174, relative to utility exemptions from zoning ordinances. (Ward of Grafton Dist. 1 - To Municipal and County Government)

HB 175, establishing a department of education. (Ward of Grafton Dist. 1 - To Executive Departments and Administration)

HB 176, relative to aquifer protection for the town of Woodstock. (King of Grafton Dist. 6 - To Resources, Recreation and Development)

HB 177-FN, establishing a revenue stabilization reserve account and a debt retirement account. (Tamposi of Hillsborough Dist. 27; Scamman of Rockingham Dist. 19; Welch of Rockingham Dist. 10; Burns of Hillsborough Dist. 8; Young of Cheshire Dist. 1; White of Dist. 11 - To Appropriations)

HB 178-FN, relative to information services at highway rest areas and appropriating fees for these services. (Dickinson of Carroll Dist. 2; Lewis of Merrimack Dist. 5; Vaughn of Rockingham Dist. 27; Lessard of Dist. 21 - To Public Works)

HB 179-FN, permitting the sale of tax-free cigarettes to the residents of the Glencliff home for the elderly. (LaMott of Grafton Dist. 5 - To Ways and Means)

HB 180-FN, relative to a salmonid stamp and continually appropriating the stamp or permit fees for salmonid propagation and management. (Powers of Carroll Dist. 5 - To Fish and Game)

HB 181, relative to the lobbyist statement. (Jacobson of Hillsborough Dist. 26 - To Legislative Administration)

HB 182, enabling district court judges to issue orders enjoining violations of any local land use or planning and zoning ordinance. (Lown of Hillsborough Dist. 9 - To Judiciary)

HB 183, relative to increasing the number of alternate members on appointed local land use boards. (Jacobson of Hillsborough Dist. 26; Nelson of Hillsborough Dist. 31 - To Municipal and County Government)

HB 184, relative to divorce based on irreconcilable differences. (Lown of Hillsborough Dist. 9; Raiche of Hillsborough Dist. 41; Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 185, relative to alimony and property settlements and fault grounds in divorce. (Lown of Hillsborough Dist. 9; Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 186, relative to standards for the awarding of legal and physical custody. (Lown of Hillsborough Dist. 9 - To Judiciary)

HB 187, requiring school buses to be equipped with CB radios and a monitored base station and making an appropriation therefor. (Gourdeau of Rockingham Dist. 8 - To Transportation)

HB 188, establishing a timetable and procedure for adopting the Hillsborough county budget. (Hyman of Hillsborough Dist. 3; Podles of Dist. 16 - To Municipal and County Government)

HB 189, relative to the League of New Hampshire Craftsmen. (Grodin of Cheshire Dist. 6 - To Executive Departments and Administration)

HB 190-FN, relative to the Walker building. (Boucher of Rockingham Dist. 23 - To State Institutions and Housing)

HB 191, relative to employee removal powers of county commissioners. (Bates of Strafford Dist. 1; West of Merrimack Dist. 21 - To Labor, Industrial and Rehabilitative Services)

HB 192, relative to health maintenance organizations. (Kinhan of Merrimack Dist. 14; Nelson of Hillsborough Dist. 31 - To Commerce, Small Business and Consumer Affairs)

HB 193-FN, establishing a local water protection assistance program and making an appropriation therefor. (Bardsley of Merrimack Dist. 1;



Woodward of Rockingham Dist. 18; Conroy of Rockingham Dist. 7; LaMott of Grafton Dist. 5; Whittemore of Merrimack Dist. 10; Johnson of Dist. 17; Heath of Dist. 3 - To Resources, Recreation and Development)

HB 194, requiring the absolute distinction between credit cards and debit cards. (Diament of Strafford Dist. 3; Dexter of Belknap Dist. 8 - To Commerce, Small Business and Consumer Affairs)

HB 195, relative to cooperative planning for great ponds and their watersheds. (Grodin of Cheshire Dist. 6 - To Resources, Recreation and Development)

HB 196, relative to judicial authorization for the conduct of sobriety checkpoints to detect, apprehend, and deter impaired motorists. (Rounds of Grafton Dist. 10 - To Judiciary)

HB 197-FN, relative to agricultural promotion and making an appropriation therefor. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 198, relative to small claims judgments. (Sylvia of Hillsborough Dist. 1; Johnson of Sullivan Dist. 2 - To Judiciary)

HB 199, relative to bank deposits. (Chase of Rockingham Dist. 28; Horton of Coos Dist. 4 - To Commerce, Small Business and Consumer Affairs)

HB 200, repealing the task force on low-level radioactive waste management. (Wight of Hillsborough Dist. 9 - To Science and Technology)

HB 201, relative to telephone lifeline rates. (Wight of Hillsborough Dist. 9 - To Commerce, Small Business and Consumer Affairs)

HB 202-FN, relative to forfeiture of items used in connection with drug offenses. (Sytek of Rockingham Dist. 20; Nelson of Hillsborough Dist. 31; Charbonneau of Dist. 14 - To Judiciary)

HB 203-FN, reinstating uniform fees for community mental health centers. (King of Grafton Dist. 12 - To Health and Human Services)

HB 204-FN, relative to payment for cost of services to unincorporated or unorganized places. (Guay of Coos Dist. 7 - To Municipal and County Government)

HB 205, recodifying the workers' compensation law. (Skinner of Rockingham Dist. 21 - To Labor, Industrial and Rehabilitative Services)

HB 206, allowing city councils to establish penalties for the violation of municipal codes. (Burkush of Hillsborough Dist. 43; Dion of Hillsborough Dist. 45 - To Municipal and County Government)

HB 207-FN, relative to admissions to state-owned campsites or camping areas for persons age 65 or older. (Beaupre of Hillsborough Dist. 42 - To Resources, Recreation and Development)

HB 208, relative to the sale of pistols and revolvers. (Newman of Rockingham Dist. 24 - To Public Protection and Veterans Affairs)

HB 209, eliminating the statute of limitations for sexual assault crimes. (O'Brien of Strafford Dist. 9; Burton of Strafford Dist. 4; Lessard of Dist. 21 - To Judiciary)

HB 210, relative to the location of the Concord headquarters facility for fish and game. (Chandler of Merrimack Dist. 21 - To Public Works)

HB 211, relative to the resale of tickets. (Barry of Hillsborough Dist. 43; Green of Hillsborough Dist. 36; G. Watson of Hillsborough Dist. 13 - To Commerce, Small Business and Consumer Affairs)

HB 212, relative to chiropractic. (Ridge of Cheshire Dist. 17; Blacketer of Cheshire Dist. 16; Young of Cheshire Dist. 1; Blaisdell of Dist. 10 - To Executive Departments and Administration)

HB 213, relative to charter conversions for state credit unions. (Lamy of Hillsborough Dist. 46 - To Commerce, Small Business and Consumer Affairs)

HB 214, relative to the radiological health program. (Wight of Hillsborough Dist. 9; Randall of Belknap Dist. 3; Smith of Hillsborough Dist. 21 - To Health and Human Services)

HB 215, relative to approval or disapproval of applications submitted to planning boards. (Sylvia of Hillsborough Dist. 1 - To Municipal and County Government)

HB 216, relative to disclosure of banking information to banking customers. (Pressly of Hillsborough Dist. 24; Longworth of Rockingham



Dist. 18; Burns of Hillsborough Dist. 11 - To Commerce, Small Business and Consumer Affairs)

HB 217, relative to depositor's rights in savings banks. (Pressly of Hillsborough Dist. 24; Longworth of Rockingham Dist. 18; Burns of Hillsborough Dist. 11; Varkas of Hillsborough Dist. 34 - To Commerce, Small Business and Consumer Affairs)

HB 218-FN, relative to the operating expenses of state agencies for fiscal year 1987. (Kidder of Merrimack Dist. 2 - Appropriations)

HB 219, relative to municipal industrial development authorities. (Coulombe of Coos Dist. 8; Brungot of Coos Dist. 8; Ottolini of Coos Dist. 8 - To Municipal and County Government)

HB 220-FN, relative to Route 16 road improvement and making an appropriation therefor. (Guay of Coos Dist. 7; Bond of Dist. 1 - To Public Works)

HB 221-FN, relative to public access to public waters and acquisition of Timber Island and making an appropriation therefor. (Wight of Hillsborough Dist. 9; White of Belknap Dist. 1 - To Resources, Recreation and Development)

HB 222, relative to the requirements for notification of abutters for local land use board hearings. (Carragher of Hillsborough Dist. 22 - To Municipal and County Government)

HB 223, relative to the county commissioner districts in Hillsborough county. (Ahrens of Hillsborough Dist. 13; Carragher of Hillsborough Dist. 22 - To Municipal and County Government)

HB 224-FN, to establish a special service area in the town of Merrimack. (Nute of Hillsborough Dist. 13 - To Municipal and County Government)

HB 225, relative to voluntary mediation in divorce proceedings. (Lown of Hillsborough Dist. 9 - To Judiciary)

HB 226-FN, consolidating the mental health laws. (Carragher of Hillsborough Dist. 22 - To Health and Human Services)

HB 227-FN, making a supplemental appropriation for matching funds for vocational rehabilitation. (King of Grafton Dist. 12 - To Education)

HB 228, relative to incompatibility of offices in towns. (West of Merrimack Dist. 21 - To Constitutional and Statutory Revision)

HB 229-FN, relative to the licensing of dogs. (West of Merrimack Dist. 21 - To Municipal and County Government)

HB 230, relative to the definition of a cord of wood. (Grip of Hillsborough Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 231-FN, relative to the assets permitted to qualify for the expanded elderly exemption. (Grip of Hillsborough dist. 7 - To Municipal and County Government)

HB 232, relative to community wells. (Gage of Rockingham Dist. 20 - To Resources, Recreation and Development)

HB 233, authorizing additional capital improvements in the department of postsecondary vocational-technical education and making an appropriation therefor. (Chandler of Merrimack Dist. 21 To Public Works))

HB 234-FN, relative to financial disclosure by public officials. (Chandler of Merrimack Dist. 21 - To Legislative Administration)

HB 235, relative to Mustela putorius furo. (Chretien of Hillsborough Dist. 33 - To Environment and Agriculture)

HB 236, relative to referees, auditors, and marital masters. (Chretien of Hillsborough Dist. 33 - To Judiciary)

HB 237, relative to the completion of construction of the relocation of Route 11 at West Alton and making an appropriation therefor. (Pearson of Belknap Dist. 5; Jensen of Belknap Dist. 6; White of Belknap Dist. 1; Campbell of Belknap Dist. 5; Freese of Dist. 4 - To Public Works)

HB 238, allowing Gilford to separate from school administrative unit number 30. (Pearson of Belknap Dist. 5; Campbell of Belknap Dist. 5 - To Education)

HB 239, allowing students in an approved high school vocational electrical program to perform electrical installations in residential

buildings. (Pearson of Belknap Dist. 5; Nelson of Hillsborough Dist. 31; Hounsell of Carroll Dist. 2; Stabile of Dist. 12 - To Education)

HB 240-FN, relative to funding of local probation services and making an appropriation therefor. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 241, relative to wages paid for working a bingo game. (G. Katsakiores of Rockingham Dist. 7; P. Katsakiores of Rockingham Dist. 7 - To Regulated Revenues)

HB 242, establishing a committee to study the feasibility of using so-called "phantom taxes" collected by utilities to benefit the state. (Easton of Grafton Dist. 11 - To Commerce, Small Business and Consumer Affairs)

HB 243, enabling towns to postpone the payment of property taxes on the principal residences of the elderly. (Sylvia of Hillsborough Dist. 1 - To Municipal and County Government)

HB 244, relative to maximum boat speeds on public waters. (White of Belknap Dist. 1 - To Transportation)

HB 245-FN, relative to the state's natural diversity and making an appropriation therefor. (Chardon of Coos Dist. 6; Lewis of Merrimack Dist. 5 - To Resources, Recreation and Development)

HB 246-FN, establishing a committee to study New Hampshire rivers and making an appropriation therefor. (Chardon of Coos Dist. 6; Powers of Carroll Dist. 5 - To Resources, Recreation and Development)

HB 247, allowing persons voting in primaries to change party affiliation by mail. (Lewis of Merrimack Dist. 5; Flanagan of Rockingham Dist. 8; Holmes of Merrimack Dist. 13 - To Constitutional and Statutory Revision)

HB 248-FN, creating a nonlapsing fund to provide handicapped persons with gainful employment and making an appropriation therefor. (Nelson of Hillsborough Dist. 31; Zis of Hillsborough Dist. 28; Holmes of Merrimack Dist. 13 - To Education)

HB 249, prohibiting the use of certain steel drums or other drums for floats, rafts, docks, etc. in the public waters of the state. (Burdick of Rockingham Dist. 7; Conroy of Rockingham Dist. 7 - To Resources, Recreation and Development)

HB 250, relative to discharge of mortgages. (Sanderson of Rockingham Dist. 25 - To Judiciary)

HB 251, relative to organically grown produce. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

HB 252, relative to the administration of small estates. (Arnesen of Grafton Dist. 7 - To Judiciary)

HB 253-FN, increasing the limit on the state guarantee of bonds and notes of school districts. (Robinson of Merrimack Dist. 3 - To Education)

HB 254-FN, prohibiting liquor brokers from doing business in the state. (Dexter of Belknap Dist. 8 - To Regulated Revenues)

HB 255-FN, relative to the fee for equine infectious anemia testing. (Burton of Strafford Dist. 4 - To Environment and Agriculture)

HB 256-FN, relative to plumbers' board fees and making an appropriation therefor. (King of Grafton Dist. 12 - To Executive Departments and Administration)

HB 257, enacting the driver license compact. (Lamontagne of Coos Dist. 7 - To Transportation)

HB 258-FN, increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs. (Lamontagne of Coos Dist. 7 - To Environment and Agriculture)

HB 259, relative to boats powered by motors of less than 10 horsepower. (Lamontagne of Coos Dist. 7 - To Resources, Recreation and Development)

HB 260, relative to the powers of the executive director of the department of fish and game. (Riley of Merrimack Dist. 9; Hounsell of Dist. 2 - To Fish and Game)

HB 261, prohibiting the sale of moose meat. (Powers of Carroll Dist. 5 - To Fish and Game)

HB 262 , relative to the lapsing of variances. (Reardon of Hillsborough Dist. 37; Pressly of Hillsborough Dist. 24 - To Municipal and County Government)

HB 263, relative to payment of police officers at public meetings or functions. (Benton of Rockingham Dist. 5 - To Public Protection and Veterans Affairs)

HB 264-FN, increasing fees for certain fish and game licenses. (Powers of Carroll Dist. 5; LaMott of Grafton Dist. 5 - To Fish and Game)

HB 265, permitting insurance policyholders access to other agents of the same company. (Jacobson of Merrimack Dist. 2 - To Commerce, Small Business and Consumer Affairs)

HB 266, relative to insuring antiques. (Jacobson of Merrimack Dist. 2 - To Commerce, Small Business and Consumer Affairs)

HB 267-FN, establishing a commission on municipal liability and making an appropriation therefor. (Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 268, permitting the use of snares to trap beaver and otter. (Golden of Belknap Dist. 7 - To Fish and Game)

HB 269, relative to written policy directives to police officers and to internal investigations by law enforcement agencies. (Sytek of Rockingham Dist. 20; Lessard of Dist. 21 - To Judiciary)

HB 270, relative to the guardianship laws. (Kinhan of Merrimack Dist. 14 - To Judiciary)

HB 271-FN, appropriating funds for full-time public school teachers. (Robinson of Merrimack Dist. 3 - To Education)

HB 272, relative to county government. (Pressly of Hillsborough Dist. 24; Reardon of Hillsborough Dist. 37; Varkas of Hillsborough Dist. 34 - To Municipal and County Government)

HB 273-FN, relative to the revocation of town manager plans. (Johnson of Cheshire Dist. 3 - To Municipal and County Government)

HB 274, relative to possession of fireworks. (Moore of Hillsborough Dist. 5 - To Public Protection and Veterans Affairs)

HB 275, relative to responsibility for tenants' property taxes in manufactured housing parks. (Lussier of Strafford Dist. 8 - To Municipal and County Government)

HB 276, relative to manufactured housing park rules. (Lussier of Strafford Dist. 8 - To State Institutions and Housing)

HB 277, providing manufactured housing tenants with a limited right to purchase the park. (Lussier of Strafford Dist. 8 - To State Institutions and Housing)

HB 278, enabling municipalities to enact fair rental ordinances governing manufactured housing parks. (Lussier of Strafford Dist. 8 - To State Institutions and Housing)

HB 279-FN, relative to legalizing betting on a sporting event. (Simon of Rockingham Dist. 9 - To Regulated Revenues)

HB 280-FN, relative to the drug forfeiture fund. (Ahrens of Hillsborough Dist. 13 - To Judiciary)

HB 281, relative to county buildings. (Ahrens of Hillsborough Dist. 13 - To Municipal and County Government)

HB 282, relative to the prohibition for taking smelt by bait dealers. (Smith of Merrimack Dist. 20; Hardy of Belknap Dist. 4; Pressly of Hillsborough Dist. 24; Parmenter of Hillsborough Dist. 26 - To Fish and Game)

HB 283, relative to comparative negligence in calculating damages for loss of consortium claims. (Fraser of Merrimack Dist. 6 - To Judiciary)

HB 284-FN, relative to water treatment plant operators. (Hardy of Belknap Dist. 4 - To Resources, Recreation and Development)

HB 285, relative to the deadline for planning and zoning recodification. (Robinson of Hillsborough Dist. 14 - To Municipal and County Government)

HB 286-FN, relative to the Winnepesaukee River basin control. (LaMott of Grafton Dist. 5 - To Resources, Recreation and Development)



HB 287-FN, authorizing the water supply and pollution control commission to enter into a cooperative program in accordance with the federal Water Pollution Control Act for the purpose of establishing, financing, and operating a revolving loan fund program and making an appropriation therefor. (LaMott of Grafton Dist. 5 - To Resources, Recreation and Development)

HB 288, enabling municipalities to license motels, hotels and other short-term leased property. (Hollingworth of Rockingham Dist. 17 - To Municipal and County Government)

HB 289, relative to privileged communications with the attorney general. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 290, relative to the representation of state officials by the attorney general. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 291, relative to mandatory sentences for child sexual assault offenders. (Wagner of Hillsborough Dist. 19 - To Judiciary)

HB 292-FN, relative to training seminars for department, division and bureau heads and making an appropriation therefor. (Randall of Belknap Dist. 3 - To Science and Technology)

HB 293-FN, directing the division of information services, department of administrative services, to conduct a statewide resource and information data base study and making an appropriation therefor. (Randall of Belknap Dist. 3 - To Science and Technology)

HB 294, removing the liquor commission from the exception to the data processing authority of the director of information services. (Randall of Belknap Dist. 3 - To Executive Departments and Administration)

HB 295, relative to Mirror Lake in the town of Woodstock. (Taffe of Grafton Dist. 6 - To Resources, Recreation and Development)

HB 296, relative to annulments of criminal records. (Raiche of Hillsborough Dist. 41 - To Judiciary)

HB 297, relative to removal and release of dead bodies from hospitals. (West of Merrimack Dist. 21 - To Health and Human Services)

HB 298-FN, dedicating room 306 in the legislative office building to Robert W. Wheeler. (Reidy of Hillsborough Dist. 45; Arnold of Hillsborough Dist. 33; Hawkins of Belknap Dist. 5; O'Rourke of Hillsborough Dist. 35; St. Jean of Dist. 20 - To Legislative Administration)

HB 299, changing the date for observance of Memorial Day. (Chandler of Merrimack Dist. 21 - To Constitutional and Statutory Revision)

HB 300, relative to educational loan corporations. (Hager of Merrimack Dist. 21; Taffe of Grafton Dist. 6 - To Education)

HB 301, relative to water improvement bonds issued by the city of Rochester. (Keans of Strafford Dist. 11 - To Resources, Recreation and Development)

HB 302, relative to water improvement bonds issued by municipalities. (Keans of Strafford Dist. 11 - To Resources, Recreation and Development)

HB 303-FN, establishing a committee to study reciprocity relative to boat registrations and making an appropriation therefor. (Jacobson of Hillsborough Dist. 26; Parmenter of Hillsborough Dist. 26 - To Transportation)

HB 304, relative to the construction of exit 1 of the central turnpike and making an appropriation therefor. (Jacobson of Hillsborough Dist. 26; Robinson of Hillsborough Dist. 14; Smith of Hillsborough Dist. 21; Carragher of Hillsborough Dist. 22; Stabile of Dist. 12; Boyer of Dist. 13; Charbonneau of Dist. 14 - To Public Works)

HB 305, relative to soliciting county employees for political contributions. (Jacobson of Hillsborough Dist. 26 - To Municipal and County Government)

HB 306, relative to health maintenance organizations. (Kinhan of Merrimack Dist. 14 - To Commerce, Small Business and Consumer Affairs)

HB 307, relative to a duty to protect third persons. (Kinhan of Merrimack Dist. 14 - To Judiciary)

HB 308, requiring libraries to make annual reports of trust funds to



the attorney general. (West of Merrimack Dist. 21 - To Constitutional and Statutory Revision)

HB 309, relative to agricultural and farm plates. (Shepard of Merrimack Dist. 5 - To Transportation)

HB 310, relative to driving while intoxicated. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 311-FN, relative to marine fisheries. (Pantelakos of Rockingham Dist. 24; Chase of Rockingham Dist. 28 - To Fish and Game)

HB 312, making an appropriation for various veterans programs. (Benton of Rockingham Dist. 5 - To Public Protection and Veterans Affairs)

HB 313, relative to probationary licenses for "at risk" drivers. (Lussier of Strafford Dist. 8 - To Transportation)

HB 314, relative to the transportation of alcohol in open containers. (Lamontagne of Coos Dist. 7; Boyer of Dist. 13 - To Transportation)

HB 315, relative to delinquent trappers' reports. (Smith of Merrimack Dist. 20 - To Fish and Game)

HB 316, relative to the issuance of licenses by agents of the department of fish and game. (Felch of Rockingham Dist. 14 - To Fish and Game)

HB 317, requiring fire warning systems in child care centers. (Hyman of Hillsborough Dist. 3; Welch of Rockingham Dist. 10; Podles of Dist. 16 - To Public Protection and Veterans Affairs)

HB 318, reinstating double damages for injuries caused by dogs. (Nagel of Rockingham Dist. 20 - To Judiciary)

HB 319, deleting the exemption from civil liability for a law enforcement officer who transports a victim in an emergency. (Butler of Rockingham Dist. 11 - To Judiciary)

HB 320, permitting registered nurses to fill out death certificates. (Butler of Rockingham Dist. 11; Copenhaver of Grafton Dist. 12 - To Health and Human Services)

HB 321-FN, relative to the establishment of a charter commission for the city of Portsmouth. (Clay of Rockingham Dist. 28; Chase of Rockingham Dist. 28 - To Municipal and County Government)

HB 322, correcting a statutory reference to the appointment of guardians and conservators by probate courts. (Scamman of Rockingham Dist. 19 - To Judiciary)

HB 323-FN, establishing the licensure of dietitians. (Sanderson of Rockingham Dist. 25; Griffin of Dist. 24 - To Executive Departments and Administration)

HB 324-FN, relative to hazardous waste cleanup. (Chambers of Grafton Dist. 12; W. King of Grafton Dist. 6; Schwartz of Cheshire Dist. 13; O'Brien of Strafford Dist. 9; Lessard of Dist. 21 - To Environment and Agriculture)

HB 325-FN, relative to acupuncture. (Pearson of Belknap Dist. 5 - To Health and Human Services)

HB 326, relative to high-level radioactive waste. (Chardon of Coos Dist. 6; Dupont of Dist. 6 - To State-Federal Relations)

HB 327-FN, relative to a study of the highways and bridges in the Hanover-Lebanon area and making an appropriation therefor. (Walter of Grafton Dist. 13; Chambers of Grafton Dist. 12; M. King of Grafton Dist. 12; H. Townsend of Grafton Dist. 13; Bean of Grafton Dist. 13; Hough of Dist. 5 - To Public Works)

HB 328-FN, relative to current use. (A. Jacobson of Merrimack Dist. 2 - To Municipal and County Government)

HB 329-FN, relative to personal injury actions and medical malpractice litigation. (Horton of Coos Dist. 4 - To Judiciary)

HB 330-FN, relative to insanity and to the guilty but mentally ill plea. (Shriver of Hillsborough Dist. 11; Anderson of Merrimack Dist. 7; Lamontagne of Coos Dist. 7; Varkas of Hillsborough Dist. 34; Bond of Dist. 1; Griffin of Dist. 24; Boyer of Dist. 13; St. Jean of Dist. 20 - To Judiciary)

HB 331-FN, regulating falconry in the state. (McKinney of Rockingham Dist. 23; W. Boucher of Rockingham Dist. 23 - To Fish and Game)

HB 332-FN, authorizing the establishment of lakes conservation districts. (Wight of Hillsborough Dist. 9; White of Belknap Dist. 1 - To Resources, Recreation and Development)

HB 333, making an appropriation to the voc-tech college in Claremont. (LaMott of Grafton Dist. 5; Bibbo of Merrimack Dist. 3; Ramsay of Cheshire Dist. 10; Christy of Grafton Dist. 11; O'Rourke of Hillsborough Dist. 35; Ashnault of Carroll Dist. 2; Boucher of Merrimack Dist. 9; Brodeur of Sullivan Dist. 7; Chambers of Grafton Dist. 12; D'Amante of Sullivan Dist. 7; Gordon of Cheshire Dist. 5; McKee of Sullivan Dist. 8; Normandin of Sullivan Dist. 8; O'Rourke of Hillsborough Dist. 31; Pearson of Belknap Dist. 5; Russell of Cheshire Dist. 17; Taffe of Grafton Dist. 6; Wiggins of Dist. 8 - To Public Works)

HB 334, clarifying a construction authorization bill. (O'Rourke of Hillsborough Dist. 35; LaMott of Grafton Dist. 5 - To Public Works)

HB 335, guaranteeing access to information in the integrated financial system to the legislative budget assistant. (LaMott of Grafton Dist. 5; Matson of Cheshire Dist. 7 - To Executive Departments and Administration)

HB 336, relative to transfers from the penalty assessment fund. (LaMott of Grafton Dist. 5; Matson of Cheshire Dist. 7 - To Appropriations)

HB 337-FN, to repeal certain statutes relative to state employees. (LaMott of Grafton Dist. 5 - To Labor, Industrial and Rehabilitative Services)

HB 338, relative to frivolous lawsuits. (Fraser of Merrimack Dist. 6; Freese of Dist. 4 - To Judiciary)

HB 339-FN, requiring the state to buy American made products except in certain circumstances. (Matson of Cheshire Dist. 7 - To Executive Departments and Administration)

HB 340, relative to highway construction zones. (Bibbo of Merrimack Dist. 3 - To Transportation)

HB 341-FN, abolishing the insanity defense. (Hayes of Merrimack Dist. 15 - To Judiciary)

HB 342-FN, eliminating the fuel user's fee exemption for in-state diesel commercial vehicles. (Gordon of Cheshire Dist. 5 - To Transportation)

HB 343-FN, making a supplemental appropriation to the special railroad fund and making the debt service on railroad improvement bonds a charge against the general fund. (Bowler of Belknap Dist. 2 - To Appropriations)

HB 344, establishing state speed limits consistent with the national maximum speed limit. (Bibbo of Merrimack Dist. 3 - To Transportation)

HB 345, relative to penalty for overweight loads on vehicles. (Bibbo of Merrimack Dist. 3 - To Transportation)

HB 346-FN, relative to the state aid construction and state aid reconstruction programs. (Bibbo of Merrimack Dist. 3 - To Public Works)

HB 347-FN, relative to weight-in-motion highway scales and classifiers and making an appropriation therefor. (Hoar of Rockingham Dist. 6; Pearson of Belknap Dist. 5; Emanuelson of Rockingham Dist. 20 - To Transportation)

HB 348, allowing registers of probate to transfer questions of law to the supreme court. (Scamman of Rockingham Dist. 19 - To Judiciary)

HB 349, relative to the siting of manufactured housing. (Lussier of Strafford Dist. 8 - To Municipal and County Government)

HB 350, relative to imitation controlled drugs. (Eaton of Cheshire Dist. 4 - To Judiciary)

HB 351, relative to wiretapping and eavesdropping. (Eaton of Cheshire Dist. 4 - To Judiciary)

HB 352, relative to consumer credit transactions. (Quimby of Rockingham Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 353, relative to insurance coverage for home health care. (Copenhaver of Grafton Dist. 12; Sanderson of Rockingham Dist. 25; E. Wheeler of Hillsborough Dist. 10 - To Commerce, Small Business and Consumer Affairs)

HB 354, relative to physical therapy and chiropractic. (Copenhaver of Grafton Dist. 12 - To Health and Human Services)

HB 355, relative to notaries public. (King of Grafton Dist. 12 - To Constitutional and Statutory Revision)

HB 356, relative to gasoline credit account charges. (Dickinson of Carroll Dist. 2; Lamontagne of Coos Dist. 7; Guay of Coos Dist. 7; Stephen of Dist. 18 - To Commerce, Small Business and Consumer Affairs)

HB 357, restricting boating on Iona Lake in the town of Albany and Middle Pea Porridge Pond in the town of Madison, and Big Pea Porridge Pond in the towns of Madison and Conway. (Holmes of Carroll Dist. 3 - To Resources, Recreation and Development)

HB 358, establishing a committee to study services to children and families. (Wallner of Merrimack Dist. 18; E. Wheeler of Hillsborough Dist. 10; Bean of Grafton Dist. 13 - To Children, Youth and Elderly Affairs)

HB 359, relative to division level advisory committees. (Dickinson of Carroll Dist. 2; Greene of Rockingham Dist. 18; Whittemore of Merrimack Dist. 10; Blanchard of Rockingham Dist. 26; Woodward of Rockingham Dist. 18 - To Executive Departments and Administration)

HB 360, relative to credit for reinsurance. (Burns of Coos Dist. 5 - To Commerce, Small Business and Consumer Affairs)

HB 361, relative to cancellation of group insurance by the employer because of economic hardship. (Burns of Coos Dist. 5 - To Commerce, Small Business and Consumer Affairs)

HB 362, relative to health care delivery and financing systems. (Burns of Coos Dist. 5 - To Commerce, Small Business and Consumer Affairs)

HB 363, relative to conditional approval of plats and applications by planning boards. (Wallner of Merrimack Dist. 18; Gross of Merrimack Dist. 16; Holmes of Merrimack Dist. 13 - To Municipal and County Government)

HB 364, providing for alternate members on conservation commissions. (White of Belknap Dist. 1 - To Municipal and County Government)

HB 365, requiring marinas to have boat sewage pumping facilities, public sanitary facilities and restrictions on boat sinks and showers. (White of Belknap Dist. 1 - To Resources, Recreation and Development)

HB 366, relative to the sale of rail properties in the state. (Hoar of Rockingham Dist. 6 - To Transportation)

HB 367-FN, relative to state investments in South Africa and Namibia. (Hollingworth of Rockingham Dist. 17; Arnesen of Grafton Dist. 7; Raiche of Hillsborough Dist. 41; O'Rourke of Hillsborough Dist. 35; Quimby of Rockingham Dist. 7 - To Appropriations)

HB 368-FN, establishing a data collection and evaluation system to determine the needs of the elderly in New Hampshire and making an appropriation therefor. (Parks of Strafford Dist. 6; Townsend of Sullivan Dist. 1; McLane of Dist. 15 - To Children, Youth and Elderly Affairs)

HB 369, relative to use of portable radios, record players, and tape recorders at state beaches and state parks. (Vaughn of Rockingham Dist. 27 - To Resources, Recreation and Development)

HB 370-FN, relative to the rate of the tobacco tax. (Chandler of Merrimack Dist. 21 - To Ways and Means)

HB 371-FN, relative to mail order address disclosure. (Emanuelson of Rockingham Dist. 20 - To Commerce, Small Business and Consumer Affairs)

HB 372-FN, exempting transfers of title between certain charitable organizations from the real estate transfer tax. (Hayes of Merrimack Dist. 15 - To Ways and Means)

HB 373-FN, providing for a single annual motor vehicle inspection and changing the inspection sticker fee. (Eaton of Cheshire Dist. 4; Locke of Merrimack Dist. 9; Townsend of Sullivan Dist. 1; Heath of Dist. 3 - To Transportation)

HB 374-FN, relative to relocation of certain public utility property. (Bibbo of Merrimack Dist. 3 - To Public Works)

HB 375-FN, relative to the issuance by municipalities of bonds or notes payable on demand. (Wallner of Merrimack Dist. 18; Gross of



Merrimack Dist. 16; Holmes of Merrimack Dist. 13 - To Municipal and County Government)

HB 376-FN, relative to municipal development district corporation borrowing. (Wallner of Merrimack Dist. 18; Gross of Merrimack Dist. 16; Holmes of Merrimack Dist. 13 - To Municipal and County Government)

HB 377-FN, relative to violations of posted weight limitations on bridges. (Hoar of Rockingham Dist. 6 - To Transportation)

HB 378-FN, requiring emissions control inspections of motor vehicles. (Greene of Rockingham Dist. 18 - To Transportation)

HB 379-FN, rescinding the pay raises for certain commissioners enacted in the 1983 operating budget. (Paradis of Hillsborough Dist. 6 - To Appropriations)

HB 380-FN, establishing the governor's merit scholarship program. (Sanderson of Rockingham Dist. 25; Taffe of Grafton Dist. 6 - To Education)

HB 381-FN, licensing oil burner technicians. (Pariseau of Hillsborough Dist. 43 - To Executive Departments and Administration)

HB 382, establishing a department of natural resources. (Ward of Grafton Dist. 1; Dupont of Dist. 6 - To Executive Departments and Administration)

HB 383-FN, establishing an Alan B. Shepard park commission. (G. Katsakiores of Rockingham Dist. 7; P. Katsakiores of Rockingham Dist. 7 - To Resources, Recreation and Development)

HB 384-FN, relative to oversight of the state policy on energy and development. (Wight of Hillsborough Dist. 9 - To Science and Technology)

HB 385-FN, establishing a study committee to develop a water quality and monitoring program. (Jensen of Belknap Dist. 6; Brown of Belknap Dist. 4 - To Resources, Recreation and Development)

HB 386-FN, establishing a study committee to evaluate microwave asphalt concrete road repair. (Easton of Grafton Dist. 11 - To Public Works)

HB 387-FN, establishing a committee to study the feasibility of a fee at Hampton beach. (Hollingworth of Rockingham Dist. 17 - To Resources, Recreation and Development)

HB 388-FN, establishing a committee to study the procurement of computer equipment by the state. (Randall of Belknap Dist. 3 - To Science and Technology)

HB 389-FN, committing the state to the Northern New England Low-Level Radioactive Waste Management Compact. (Parr of Rockingham Dist. 17; Chardon of Coos Dist. 6; Dupont of Dist. 6 - To State-Federal Relations)

HB 390-FN, to permit designation of enterprise zones by the director of economic development, department of resources and economic development. (Quimby of Rockingham Dist. 7; Hutchings of Grafton Dist. 8 - To Commerce, Small Business and Consumer Affairs)

HB 391-FN, relative to excess electric generating capacity. (Chambers of Grafton Dist. 12; Matson of Cheshire Dist. 7; Krasker of Rockingham Dist. 27; King of Grafton Dist. 12; Lessard of Dist. 21 - To Commerce, Small Business and Consumer Affairs)

HB 392-FN, relative to the board of registration in medicine. (McCain of Rockingham Dist. 11; Sytek of Rockingham Dist. 20; Dexter of Belknap Dist. 8; Raiche of Hillsborough Dist. 41 - To Executive Departments and Administration)

HB 393-FN, relative to health insurance benefits for part-time employees. (Arnesen of Grafton Dist. 7; Wallner of Merrimack Dist. 18 - To Commerce, Small Business and Consumer Affairs)

HB 394-FN, relative to the registration of trade names. (Ducharme of Hillsborough Dist. 19 - To Constitutional and Statutory Revision)

HB 395-FN, relative to materials salvaged under the authority of the historic preservation office. (Sallada of Hillsborough Dist. 4 - To Resources, Recreation and Development)

HB 396-FN, relative to peer review organizations and hospital cost containment. (Crory of Grafton Dist. 12; Copenhaver of Grafton Dist. 12; Townsend of Sullivan Dist. 1 - To Health and Human Services)

HB 397-FN, relative to mandatory risk sharing plan surcharges. (Crory of Grafton Dist. 12 - To Commerce, Small Business and Consumer Affairs)

HB 398-FN, certifying clinical mental health counselors and providing insurance coverage therefor. (Kinhan of Merrimack Dist. 14; Nelson of Hillsborough Dist. 31; Hager of Merrimack Dist. 21; Griffin of Dist. 24; Lessard of Dist. 21 - To Executive Departments and Administration)

HB 399-FN, relative to group II membership in the New Hampshire retirement system. (R. Campbell of Belknap Dist. 5; Hawkins of Belknap Dist. 5 - To Executive Departments and Administration)

HB 400-FN, establishing a revolving fund for distribution and publication costs of state publications. (Zeckhausen of Belknap Dist. 11 - To Executive Departments and Administration)

HB 401-FN, relative to extending committal orders for persons committed for criminal insanity from 5 to 10 years. (Shriver of Hillsborough Dist. 11 - To Judiciary)

HB 402-FN, relative to state taxation of direct obligations of the United States government. (Kinhan of Merrimack Dist. 14 - To Ways and means)

HB 403-FN, relative to the regulation of telecommunications in the state. (Wight of Hillsborough Dist. 9 - To Science and Technology)

HB 404-FN, authorizing the issuance of bonds for the city of Berlin to assist the city with its sewage disposal project. (Ottolini of Coos Dist. 8 - To Municipal and County Government)

HB 405-FN, establishing a committee to study making school district participation in school administrative units voluntary and removing the authority of the state board of education over school administrative unit superintendents and assistant superintendents. (Keefe of Hillsborough Dist. 31; Pearson of Belknap Dist. 5; Wadsworth of Grafton Dist. 13; Van Loan of Hillsborough Dist. 11 - To Education)

HB 406-FN, relative to overweight trucks. (Hoar of Rockingham Dist. 6 - To Transportation)

HB 407-FN, relative to under-registration of gross weight. (Hoar of Rockingham Dist. 6 - To Transportation)

HB 408-FN, increasing the travel allowance for members of the general court. (LaMott of Grafton Dist. 5 - To Legislative Administration)

HB 409-FN, enabling the town of Amherst to establish a land bank. (Lown of Hillsborough Dist. 9 - To Municipal and County Government)

HB 410-FN, establishing an air toxic control program within the air resources agency. (O'Brien of Strafford Dist. 9; Shriver of Hillsborough Dist. 11 - To Environment and Agriculture)

HB 411-FN, relative to emissions from new woodstoves. (Shriver of Hillsborough Dist. 11; O'Brien of Strafford Dist. 9 - To Environment and Agriculture)

HB 412-FN, relative to reporting requirements of corporations and limited partnerships. (Pantzer of Merrimack Dist. 11; Varkas of Hillsborough Dist. 34; Lindblade of Sullivan Dist. 5; B. Packard of Hillsborough Dist. 15; Foss of Coos Dist. 2 - To Constitutional and Statutory Revision)

HB 413-FN, relative to purchase of services for state agencies. (Sytek of Rockingham Dist. 20 - To Executive Departments and Administration)

HB 414-FN, providing for the licensing of insurance consultants. (Burns of Coos Dist. 5 - To Executive Departments and Administration)

HB 415-FN, requiring the state board of education to develop family planning programs in junior and senior high schools in the state. (Krasker of Rockingham Dist. 27; Chambers of Grafton Dist. 12; Wallner of Merrimack Dist. 18 - To Education)

HB 416-FN, relative to a personal care assistance program for the physically handicapped and making an appropriation therefor. (Densmore of Grafton Dist. 3; Chambers of Grafton Dist. 12 - To Education)

HB 417-FN, relative to off highway recreational vehicles and appropriating a portion of agents' penalties to the OHRV bureau. (Conroy

of Rockingham Dist. 7; Vaughn of Rockingham Dist. 27; Burdick of Rockingham Dist. 7; Dickinson of Carroll Dist. 2; Stabile of Dist. 12 - To Fish and Game)

HB 418-FN, increasing registration fees for resident off highway recreational vehicles. (Burdick of Rockingham Dist. 7; Conroy of Rockingham Dist. 7 - To Fish and Game)

HB 419-FN, relative to heart or lung disease in firefighters. (Gage of Rockingham Dist. 20 - To Labor, Industrial and Rehabilitative Services)

HB 420-FN, relative to the manufacture, transportation, and sale of table wines. (Hayes of Merrimack Dist. 15 - To Regulated Revenues)

HB 421-FN, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances. (Matson of Cheshire Dist. 7 - To Judiciary)

HB 422-FN, relative to housing authorities. (Reidy of Hillsborough Dist. 45 - To State Institutions and Housing)

HB 423-FN, relative to overtime pay rates. (Newman of Rockingham Dist. 24 - To Labor, Industrial and Rehabilitative Services)

HB 424-FN, increasing the minimum hourly wage. (Newman of Rockingham Dist. 24 - To Labor, Industrial and Rehabilitative Services)

HB 425-FN, authorizing the city of Concord to issue revenue bonds. (Wallner of Merrimack Dist. 18; Gross of Merrimack Dist. 16; Holmes of Merrimack Dist. 13 - To Municipal and County Government)

HB 426-FN, relative to adopting an optional municipal fiscal year. (Wallner of Merrimack Dist. 18; Gross of Merrimack Dist. 16; Holmes of Merrimack Dist. 13 - To Municipal and County Government)

HB 427-FN, allowing salaries for state liquor store employees to be based upon store profitability and authorizing an employee incentive program. (Connolly of Merrimack Dist. 7; Sallada of Hillsborough Dist. 4; Heath of Dist. 3 - To Ways and Means)

HB 428-FN, authorizing cities, towns, and unincorporated places to tax the removal of sand, gravel and loam. (Hyman of Hillsborough Dist. 3 - To Municipal and County Government)

HB 429-FN, relative to a 6-year capital improvement plan. (Chambers of Grafton Dist. 12; C. Jacobson of Hillsborough Dist. 26; Matson of Cheshire Dist. 7; M. King of Grafton Dist. 12; Lessard of Dist. 21 - To Public Works)

HB 430-FN, establishing a department of water management and protection. (Woodward of Rockingham Dist. 18; Blanchard of Rockingham Dist. 26; Campbell of Rockingham Dist. 20; Dickinson of Carroll Dist. 2; Dingle of Strafford Dist. 4 - To Executive Departments and Administration)

HB 431-FN, establishing civil assessments for shoplifting infractions. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 432-FN, requiring the diesel fuel tax to be paid at the pump. (Eaton of Cheshire Dist. 4 - To Ways and Means)

HB 433-FN, relative to engineering services to municipalities in the field of water pollution abatement. (Chardon of Coos Dist. 6; Wiggins of Dist. 8 - To Resources, Recreation and Development)

HB 434-FN, relative to gasoline vapor control systems. (O'Brien of Strafford Dist. 9; L. Smith of Hillsborough Dist. 21 - To Environment and Agriculture)

HB 435-FN, determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an appropriation therefor. (Taffe of Grafton Dist. 6; Case of Rockingham Dist. 6; Burton of Strafford Dist. 4; Wadsworth of Grafton Dist. 13; Rehlander of Merrimack Dist. 8 - To Education)

HB 436-FN, relative to the school building aid formula. (Robinson of Hillsborough Dist. 14; Taffe of Grafton Dist. 6; Case of Rockingham Dist. 6; Rehlander of Merrimack Dist. 8 - To Education)

HB 437-FN, repealing the university of New Hampshire fund. (E. Robinson of Hillsborough Dist. 14; Taffe of Grafton Dist. 6; O'Rourke of Hillsborough Dist. 35; Johnson of Dist. 17; Blaisdell of Dist. 10; White of Dist. 11 - To Education)



HB 438-FN, relative to New Hampshire retirement system benefits. (Ward of Grafton Dist. 1; White of Dist. 11 - To Executive Departments and Administration)

HB 439-FN, relative to the division for children and youth services. (E. Wheeler of Hillsborough Dist. 10; Domini of Sullivan Dist. 5 - To Children, Youth and Elderly Affairs)

HB 440-FN, establishing an office of administration and support and an office of health and human services planning within the department of health and human services. (Ward of Grafton Dist. 1; Dexter of Belknap Dist. 8; Hager of Merrimack Dist. 21; Russell of Cheshire Dist. 17 - To Executive Departments and Administration)

HB 441-FN, relative to licensing estheticians. (Joslyn of Rockingham Dist. 20 - To Executive Departments and Administration)

HB 442-FN, relative to the salary of the assistant to the commissioner of the department of resources and economic development. (Ashnault of Carroll Dist. 2 - To Appropriations)

HB 443-FN, relative to workers' compensation lump sum payments and state retirement benefits. (Fraser of Merrimack Dist. 6 - To Executive Departments and Administration)

HB 444-FN, relative to court administration. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 445-FN, relative to the salary of the executive director of the postsecondary education commission. (Taffe of Grafton Dist. 6; Boucher of Rockingham Dist. 23; Blaisdell of Dist. 10; Hough of Dist. 5 - To Education)

HB 446-FN, requiring that recordings and transcripts be made of all public legislative hearings. (Burns of Hillsborough Dist. 11; Reardon of Hillsborough Dist. 37; Lessard of Dist. 21 - To Legislative Administration)

HB 447-FN, eliminating the toll booth at the Hampton exit at the intersection of routes 51 and 95. (Scamman of Rockingham Dist. 19 - To Public Works)

HB 448-FN, relative to the disposal of state owned real property. (White of Belknap Dist. 1 - To State Institutions and Housing)

HB 449-FN, relative to judicial salaries. (Sytek of Rockingham Dist. 20; Fraser of Merrimack Dist. 6 - To Judiciary)

HB 450-FN, permitting municipalities to use generally accepted accounting principles and to have their tax rates established using generally accepted accounting principles. (Hager of Merrimack Dist. 21; Gross of Merrimack Dist. 16 - To Municipal and County Government)

HB 451-FN, relative to the delivery of wine purchases by a licensee. (MacDonald of Carroll Dist. 6 - To Regulated Revenues)

HB 452-FN, relative to real estate brokers' bond and establishing a real estate recovery fund. (Pappas of Hillsborough Dist. 37; Lindblade of Sullivan Dist. 5; Packard of Hillsborough Dist. 15; Varkas of Hillsborough Dist. 34; Rodgers of Hillsborough Dist. 19 - To Commerce, Small Business and Consumer Affairs)

HB 453-FN, allocating county nursing home expenses. (Ahrens of Hillsborough Dist. 13; H. Mason of Hillsborough Dist. 8 - To Municipal and County Government)

HB 454-FN, allocating county welfare expenses back to the towns. (Ahrens of Hillsborough Dist. 13 - To Municipal and County Government)

HB 455-FN, providing tax incentives for New Hampshire business organizations. (Wight of Hillsborough Dist. 9 - To Ways and Means)

HB 456-FN, relative to minimizing and abating health hazards related to asbestos and making an appropriation therefor. (Chardon of Coos Dist. 6 - To Health and Human Services)

HB 457-FN, relative to the eradication of milfoil. (Dexter of Belknap Dist. 8; Schofield of Carroll Dist. 4; Heath of Dist. 3 - To Resources, Recreation and Development)

HB 458-FN, relative to imposing a water use permit fee and amending the federal boat numbering system. (Sloan of Rockingham Dist. 6; Pearson

of Belknap Dist. 5; Haynes of Rockingham Dist. 9; Hoar of Rockingham Dist. 6; Lamontagne of Coos Dist. 7 - To Resources, Recreation and Development)

HB 459-FN, relative to rate setting for special education and the division for children and youth services and making an appropriation therefor. (Taffe of Grafton Dist. 6 - To Executive Departments and Administration)

HB 460-FN, relative to a forgivable loan program and making an appropriation therefor. (Taffe of Grafton Dist. 6; E. Robinson of Hillsborough Dist. 14; Johnson of Dist. 17 - To Education)

HB 461-FN, establishing a department of securities. (Pantzer of Merrimack Dist. 11; Crory of Grafton Dist. 12; Foss of Coos Dist. 2; Varkas of Hillsborough Dist. 34; B. Packard of Hillsborough Dist. 15 - To Executive Departments and Administration)

HB 462-FN, exempting insurers from the premium tax on programs written for certain public employees. (Kinhan of Merrimack Dist. 14 - To Ways and Means)

HB 463-FN, relative to quality assurance and cost controls for mental health services and creating a task force to study utilization review. (Kinhan of Merrimack Dist. 14; Blaisdell of Dist. 10 - To Commerce, Small Business and Consumer Affairs)

HB 464-FN, relative to overseas ballots. (Flanagan of Rockingham Dist. 8 - To Constitutional and Statutory Revision)

HB 465-FN, providing emergency relief for persons exposed to release of hazardous materials. (Popov of Rockingham Dist. 12; Hollingworth of Rockingham Dist. 17 - To Environment and Agriculture)

HB 466-FN, relative to underground storage facilities. (Schwartz of Cheshire Dist. 13; Chardon of Coos Dist. 6 - To Resources, Recreation and Development)

HB 467-FN, requiring the referral of child abuse cases to the police for criminal investigation. (Ahrens of Hillsborough Dist. 13 - To Children, Youth and Elderly Affairs)

HB 468-FN, providing for computer access to public records and creating a public access review committee. (W. King of Grafton Dist. 6; Raiche of Hillsborough Dist. 41; Hutchings of Grafton Dist. 8 - To Executive Departments and Administration)

HB 469-FN, relative to a motor vehicle assessment to support a bond issue for new road construction. (Quimby of Rockingham Dist. 7 - To Public Works)

HB 470-FN, relative to welfare. (Copenhaver of Grafton Dist. 12 - To Health and Human Services)

HB 471-FN, relative to interference with burial sites. (Hyman of Hillsborough Dist. 3 - To Judiciary)

HB 472-FN, preventing the division of vocational rehabilitation from assuming primary medical costs for transplants and traumatic head injuries. (Boucher of Rockingham Dist. 23 - To Health and Human Services)

HB 473-FN, relative to filing returns under the interest and dividends tax. (Schmidtchen of Rockingham Dist. 23 - To Ways and Means)

HB 474-FN, relative to developing a state policy and rules for energy cogeneration. (Wight of Hillsborough Dist. 9 - To Science and Technology)

HB 475, establishing a study committee to develop a state policy for information technology. (Wight of Hillsborough Dist. 9 - To Science and Technology)

HB 476-FN, relative to auctioneering. (Shepard of Merrimack Dist. 5 - To Executive Departments and Administration)

HB 477-FN, relative to employer contributions and an administrative fee for the department of employment security. (Skinner of Rockingham Dist. 21 - To Labor, Industrial and Rehabilitative Services)

HB 478-FN, authorizing the public utilities commission to regulate cable television. (Disnard of Sullivan Dist. 6; Diamant of Strafford Dist. 3; Jacobson of Hillsborough Dist. 26 - To Commerce, Small Business and Consumer Affairs)

HB 479, requiring notification to consumers of surplus lines insurance

coverage. (Burns of Coos Dist. 5 - To Commerce, Small Business and Consumer Affairs)

HB 480-FN, eliminating the requirement that the Merrimack district court hold sessions in Bedford. (Stonner of Hillsborough Dist. 11; Shriver of Hillsborough Dist. 11; Burns of Hillsborough Dist. 11; Van Loan of Hillsborough Dist. 11; Roberge of Dist. 9 - To Judiciary)

HB 481-FN, authorizing the issuance of notes or bonds for the town of Londonderry. (Schmidtchen of Rockingham Dist. 23 - To Municipal and County Government)

HB 482-FN, creating a department of economic assistance. (Ward of Grafton Dist. 1; Dexter of Belknap Dist. 8 - To Executive Departments and Administration)

HB 483-FN, establishing a division of adult and elderly services within the department of health and human services. (Ward of Grafton Dist. 1; Dexter of Belknap Dist. 8; E. Wheeler of Hillsborough Dist. 10; Hager of Merrimack Dist. 21 - To Executive Departments and Administration)

HB 484-FN, creating an office of federal-state financial information in the office of the governor. (Ward of Grafton Dist. 1; Dexter of Belknap Dist. 8; Hager of Merrimack Dist. 21 - To Executive Departments and Administration)

HB 485-FN, relative to the payment of subsequent tax. (West of Merrimack Dist. 21 - To Municipal and County Government)

HB 486-FN, repealing the compact agreement with the state of Maine on the Maine-New Hampshire Interstate Bridge Authority. (Chandler of Merrimack Dist. 21 - To Public Works)

HB 487-FN, establishing a community DWI program, funded through \$50 reinstatement fees to be paid by certain persons who have had their drivers' licenses revoked. (Kelley of Hillsborough Dist. 13; Vaughn of Rockingham Dist. 27 - To Transportation)

HB 488-FN, relative to eligibility for financial assistance from towns. (Joslyn of Rockingham Dist. 20 - To Municipal and County Government)

HB 489-FN, relative to firemen's retirement system members. (Burkush of Hillsborough Dist. 43 - To Executive Departments and Administration)

HB 490-FN, repealing the requirement that a person applying for restoration of a revoked driver's license do so as an original applicant. (Lamontagne of Coos Dist. 7; Boyer of Dist. 13 - To Transportation)

HB 491-FN, relative to receiving the total veterans' exemption upon the sale of residential property. (Lamontagne of Coos Dist. 7; York of Coos Dist. 8; Lessard of Dist. 21; Boyer of Dist. 13 - To Municipal and County Government)

HB 492-FN, relative to public law libraries serving superior courts. (Pressly of Hillsborough Dist. 24; Reardon of Hillsborough Dist. 37 - To Judiciary)

HB 493-FN, relative to the business profits tax and maximum compensation. (Zeckhausen of Belknap Dist. 11; Brown of Belknap Dist. 4; Jones of Strafford Dist. 6; Lessard of Dist. 21 - To Ways and Means)

HB 494-FN, relative to the return of state tax revenue to cities and towns for school district aid. (Robinson of Hillsborough Dist. 14 - To Education)

HB 495, relative to the possession of alcohol and controlled substances on premises leased or rented by minors. (Hollingworth of Rockingham Dist. 17 - To Judiciary)

HB 496-FN, establishing an office of international trade to promote New Hampshire businesses and products overseas, and making an appropriation therefor. (Hutchings of Grafton Dist. 8; King of Grafton Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 497-FN, relative to retirement benefits for certain legislative and constitutional officers. (Hawkins of Belknap Dist. 5 - To Executive Departments and Administration)

HB 498-FN, relative to boat registration fees. (Schofield of Carroll Dist. 4 - To Transportation)



HB 499-FN, establishing a STOP-DWI program, funded through \$20 reinstatement fees to be paid by certain persons who have had their drivers' licenses revoked. (Lamontagne of Coos Dist. 7; Lussier of Strafford Dist. 8; Lessard of Dist. 21; Boyer of Dist. 13 - To Transportation)

HB 500-FN, permitting group II state employee members who reach age 65 to make an election for retirement benefits. (O'Rourke of Hillsborough Dist. 35; Walker of Rockingham Dist. 17; LaMott of Grafton Dist. 5; Pearson of Belknap Dist. 5; Chambers of Grafton Dist. 12 - To Executive Departments and Administration)

HB 501, establishing the salaries for the presidents of the technical institute and the 6 technical colleges. (Walker of Rockingham Dist. 17; O'Rourke of Hillsborough Dist. 35; LaMott of Grafton Dist. 5; Pearson of Belknap Dist. 5; Lessard of Dist. 21 - To Education)

HB 502, imposing a 5 year moratorium on the elimination of automotive service facilities. (Dickinson of Carroll Dist. 2; Lamontagne of Coos Dist. 7; Meader of Strafford Dist. 10; Guay of Coos Dist. 7; Heath of Dist. 3; St. Jean of Dist. 20; Chandler of Dist. 7; Stephen of Dist. 18 - To Commerce, Small Business and Consumer Affairs)

HB 503-FN, relative to child care licensing. (Wallner of Merrimack Dist. 18; E. Wheeler of Hillsborough Dist. 10 - To Health and Human Services)

HB 504-FN, relative to a child abuse and neglect prevention program and making an appropriation therefor. (Pannell of Merrimack Dist. 6; Bean of Grafton Dist. 13; Wallner of Merrimack Dist. 18; Podles of Dist. 16; Lessard of Dist. 21; McLane of Dist. 15 - To Children, Youth and Elderly Affairs)

HB 505-FN, relative to the prepayment of real estate taxes in the city of Concord. (Wallner of Merrimack Dist. 18; Gross of Merrimack Dist. 16; Holmes of Merrimack Dist. 13 - To Municipal and County Government)

HB 506-FN, establishing an optional assessment of the residence tax. (Wallner of Merrimack Dist. 18; Gross of Merrimack Dist. 16; Holmes of Merrimack Dist. 13 - To Municipal and County Government)

HB 507-FN, relative to the compromise of an action against the state. (Kidder of Merrimack Dist. 2; White of Dist. 11 - To Appropriations)

HB 508, recodifying the public health statutes. (Carragher of Hillsborough Dist. 22 - To Health and Human Services)

HB 509, establishing an east-west highway from Route I-393 in Concord to the Spaulding Turnpike and making an appropriation therefor. (Bibbo of Merrimack Dist. 3; Chandler of Merrimack Dist. 21; Pearson of Belknap Dist. 5; Berkey of Strafford Dist. 11; Boucher of Merrimack Dist. 9; Keans of Strafford 11; LaMott of Grafton Dist. 5; Meader of Strafford Dist. 10; Swope of Strafford Dist. 1; F. Torr of Strafford Dist. 6 - To Public Works)

HB 510, providing the legislative budget assistant with access to certain records. (Chandler of Merrimack Dist. 21 - To Legislative Administration)

HB 511, prohibiting the governor and council from nominating and appointing members of the house and senate to salaried positions in state government during the term for which they were elected. (Chandler of Merrimack Dist. 21 - To Legislative Administration)

HB 512-FN, relative to taxation of meals. (Tamposi of Hillsborough Dist. 27; Blaisdell of Dist. 10 - To Ways and Means)

HBI 2001, relating to scholarship opportunities for gifted children. (Ingram of Sullivan Dist. 4 - To Education)

HBI 2002, relating to the rates of reimbursement for care of dependents of legislators. (Arnesen of Grafton Dist. 7; Wallner of Merrimack Dist. 18; O'Brien of Strafford Dist. 9; Packard of Hillsborough Dist. 15; Lessard of Dist. 21 - To Constitutional and Statutory Revision)

HBI 2003, relating to liability of liquor servers for alcohol-related auto accidents. (Newman of Rockingham Dist. 24; Chambers of Grafton Dist. 12; St Jean of Dist. 20 - To Judiciary)

HBI 2004, relating to an incentive for hazardous pollutant source reductions. (O'Brien of Strafford Dist. 9; Chambers of Grafton Dist. 12 - To Environment and Agriculture)

HBI 2005, relating to alternate sentencing of criminals. (Ahrens of Hillsborough Dist. 13 - To Judiciary)

HBI 2006, relating to capital budget planning. (Rounds of Grafton Dist. 10 - To Public Works)

HBI 2007, relating to municipal legal liability insurance and liquor legal liability insurance. (Grodin of Cheshire Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HBI 2008, relating to providing an incentive for employers to operate day care facilities. (Reardon of Hillsborough Dist. 37; O'Rourke of Hillsborough Dist. 35; Pressly of Hillsborough Dist. 24; O'Brien of Strafford Dist. 9 - To Labor, Industrial and Rehabilitative Services)

HBI 2009, relating to restructuring and the regulation of the real estate commission. (Eaton of Cheshire Dist. 4 - To Executive Departments and Administration)

HJR 1-FN, relative to the Statue of Liberty and making an appropriation therefor. (Pappas of Hillsborough Dist. 37; Emanuelson of Rockingham Dist. 20; Diamant of Strafford Dist. 3; Shriver of Hillsborough Dist. 11; Chase of Carroll Dist. 6; Podles of Dist. 16 - To Appropriations)

HJR 2, relative to state tourism policy. (Schwartz of Cheshire Dist. 13; Dickinson of Carroll Dist. 2; Dingle of Strafford Dist. 4; Meader of Strafford Dist. 10; Seward of Rockingham Dist. 3; Bond of Dist. 1; Heath of Dist. 3 - To Resources, Recreation and Development)

HJR 3-FN, relative to the selection of guardians ad litem in marital cases. (Lown of Hillsborough Dist. 9; Raiche of Hillsborough Dist. 41; Jacobson of Merrimack Dist. 2 - To Judiciary)

HR 1, relative to methods for managing conflicts and political disputes. (Wight of Hillsborough Dist. 9 - To Science and Technology)

HR 2, relative to the implementation of current and developing science and technology in state government. (Wight of Hillsborough Dist. 9 - To Science and Technology)

HR 3, demanding an end to the United States' membership in the United Nations and the removal of the buildings and facilities of the United Nations from the United States. (Locke of Belknap Dist. 6 - To Constitutional and Statutory Revision)

CACR 1, relating to the number of senators and representatives. Providing that there shall be 48 senators and no more than 200 representatives. (Pannell of Merrimack Dist. 6 - To Constitutional and Statutory Revision)

CACR 2, relating to size of the senate. Providing that the senate shall consist of 48 members. (Riley of Cheshire Dist. 5; Charbonneau of Dist. 14 - To Constitutional and Statutory Revision)

CACR 3, relating to jury trials. Providing that a 12-person jury is required in capital cases and when imprisonment may be more than one year, but that other juries shall consist of 6 persons. (Murphy of Hillsborough Dist. 40; Nute of Hillsborough Dist. 13; Jacobson of Hillsborough Dist. 26 - To Constitutional and Statutory Revision)

CACR 4, relating to compensation of the legislature. Providing that constitutional amendments affecting legislative compensation may be proposed only by a constitutional convention. (Ames of Rockingham Dist. 10; Welch of Rockingham Dist. 10 - To Constitutional and Statutory Revision)

CACR 5, relating to dependents of legislators. Providing that legislators shall be reimbursed for the costs of dependent care. (Arnesen of Grafton Dist. 7; Wallner of Merrimack Dist. 18; Jones of Strafford Dist. 6; O'Brien of Strafford Dist. 9; Packard of Hillsborough Dist. 15; Lessard of Dist. 21 - To Constitutional and Statutory Revision)

CACR 6, relating to senators and representatives. Providing that no senator or representative shall be appointed to any civil office created

or for which the compensation has been increased during his term.  
(Warburton of Rockingham Dist. 6 - To Constitutional and Statutory Revision)

CACR 7, relating to enactments of the general court. Providing that no enactment shall embrace more than one subject. (Pannell of Merrimack Dist. 6 - To Constitutional and Statutory Revision)

CACR 8, relating to meetings of the general court. Providing that the general court shall meet biennially and receive mileage for not more than 90 legislative days during the session, but not after the first day of July following the biennial assembly of the legislature. (Warburton of Rockingham Dist. 6 - To Constitutional and Statutory Revision)

CACR 9, relating to the term of the governor. Providing that the term shall be 4 years. (Densmore of Grafton Dist. 3; Hawkins of Belknap Dist. 5 - To Constitutional and Statutory Revision)

CACR 10, relating to compensation of the legislature. Providing that each member of the legislature shall be paid \$30 per each legislative day actually attended up to a maximum payment of \$1,350 for each annual session. (Newman of Rockingham Dist. 24 - To Constitutional and Statutory Revision)

HCR 1, relative to enactment of federal legislation implementing a household hazardous waste coding system. (O'Brien of Strafford Dist. 9; Shriver of Hillsborough Dist. 11 - To Environment and Agriculture)

HCR 2, relative to federal tax reform. (McCue of Hillsborough Dist. 38; Dexter of Belknap Dist. 8; Chretien of Hillsborough Dist. 33; Burns of Hillsborough Dist. 11; Arnold of Hillsborough Dist. 33; Podles of Dist. 16; Stabile of Dist. 12; Freese of Dist. 4 - To State-Federal Relations)

HCR 3, relative to the movie industry. (Emanuelson of Rockingham Dist. 20; Chase of Rockingham Dist. 28; Pappas of Hillsborough Dist. 37 - To Commerce, Small Business and Consumer Affairs)

#### VACATES

Rep. Bibbo moved that the House vacate the reference of HB 178-FN, relative to information services at highway rest areas and appropriating fees for these services, to the Committee on Public Works.

Adopted.

The Speaker referred HB 178 to the Committee on Resources, Recreation and Development.

Rep. Paul Meader moved that the House vacate the reference of HB 301, relative to water improvement bonds issued by the city of Rochester, and HB 302, relative to water improvement bonds issued by municipalities, to the Committee on Resources, Recreation and Development.

Adopted.

The Speaker referred HB 301 and HB 302 to the Committee on Municipal and County Government.

Rep. Sochalski moved that the House vacate the reference of HB 503, relative to child care licensing, to the Committee on Health and Human Services.

Adopted.

The Speaker referred HB 503 to the Committee on Executive Departments and Administration.

Rep. Paul Meader moved that the House vacate the reference of HB 140-FN, relative to terrain alterations and removal of gravel, to the Committee on Resources, Recreation and Development.

Adopted.

The Speaker referred HB 140 to the Committee on Environment and Agriculture.



Rep. Beverly Gage moved that the House vacate the reference of HB 14-FN, relative to a severance tax on sand, gravel, loam, ore, and other substances, and HB 428-FN, authorizing cities, towns, and unincorporated places to tax the removal of sand, gravel and loam, to the Committee on Municipal and County Government.

Adopted.

The Speaker referred HB 14 and HB 428 to the Committee on Environment and Agriculture.

#### SUSPENSION OF RULES

Rep. Rounds moved that the rules be so far suspended as to permit consideration at the present time of HB 512, relative to taxation of meals, without a public hearing, committee report and the required notice in the Calendar and spoke to his motion.

Adopted by the necessary two-thirds.

Rep. Rounds moved that the House adopt HB 512, relative to taxation of meals, at the present time.

Reps. Tamposi and Robert Jones spoke in favor of the motion.

Rep. Blacketor requested a roll call. Sufficiently seconded.

YEAS 362 NAYS 3  
YEAS 362

**BELKNAP:** Birch, Bolduc, Bowler, Brough, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Matthew Locke, Nighswander, Pearson and Zeckhausen.

**CARROLL:** Ashnault, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio, Powers, Saunders and Schofield.

**CHESHIRE:** Arnott, Blacketor, Burley, Crane, Davis, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Elmer Johnson, Matson, Miller, Morse, Parker, Perry, Ramsay, Ridge, William Riley, Russell, Schwartz, Secord, William Sullivan, Thompson and Young.

**COOS:** Brungot, Harold Burns, Chardon, Coulombe, Frederic Foss, Guay, Horton, Lamontagne, Marsh, Ottolini, Theriault and York.

**GRAFTON:** Arnesen, Bean, Blair, Chambers, Christy, Crory, Densmore, Driscoll, Duggan, Easton, Hutchings, Michael King, Wayne King, LaMott, McAvoy, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

**HILLSBOROUGH:** Ahrens, Arnold, August, Barry, Bass, Beaupre, Bergeron, Boisvert, Lionel Boucher, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, John Burns, Leslie Burns, Chagnon, Champagne, Charron, Chretien, Clancy, Cote, Cox, Cronin, Crotty, William Dion, Donovan, Ducharme, Duperron, Dupont, Durant, Dwyer, Dykstra, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Gagnon, Scott Green, Grip, Marian Harrington, Hendrick, Herod, Hogan, Holden, Humphrey, Hyman, Chris Jacobson, Jasper, George Jones, Michael Jones, Katsiaticas, Keefe, Kelley, Knight, Labombarde, Lamy, Levesque, Lown, Lozeau, Martin, Howard Mason, McCue, Messier, Elizabeth Moore, Morrissette, Murphy, Nelson, Nute, O'Rourke, Bonnie Packard, Pappas, Paquette, Paradis, Pariseau, Parmenter, Pellow, Perham, Pressly, Prestipino, Raiche, Reardon, Frances Riley, Ellen-Ann Robinson, Philip Rodgers, Sallada, Shriver, B. P. Smith, Leonard Smith, Steiner, Stonner, Mary Sullivan, Sylvia, Tamposi, Turgeon, Van Loan, Vanderlosk, Varkas, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler,

Kenneth Wheeler, Frank Whittemore, M. Arnold Wight, Winn, Lucille Wood, Worthen and Zis.

MERRIMACK: Anderson, Barberia, Bardsley, Bibbo, Laurent Boucher, Bowes, Cailler, Cate, Connolly, Fraser, Gilbreth, Gross, Hager, Hayes, Mary Holmes, Alf Jacobson, Jelley, C. William Johnson, Kidder, Kinhan, Lewis, Arthur Locke, Millard, Nichols, Pannell, Phelps, Rehlander, Doris Riley, Walter Robinson, Linwood Rogers, Savaria, Shepard, Gerald R. Smith, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: Benton, Blaisdell, Blanchard, William Boucher, Burdick, Butler, Marilyn Campbell, Case, Champoux, Lawrence Chase, Clay, Connors, Conroy, Day, Ellyson, Emanuelson, Felch, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Lovejoy, Joseph MacDonald, Mace, Magoon, Malcolm, Robert Mason, McCain, McKinney, Benjamin Moore, Nagel, Pantelakos, Parr, Pevear, Popov, Quimby, Raynowska, Norman Rogers, Romoli, Rosencrantz, Sanderson, Scamman, Schmidtchen, Schwaner, Seward, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Stachowske, Sytek, Titone, Tufts, Vartanian, Vaughn, Walker, Warburton, Welch, Wells and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Bryant, Burton, Callahan, Chamberlin, Diament, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Frew, Hussey, Robert Jones, Keans, Kincaid, Laurion, Lussier, Meader, Musler, O'Brien, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, Ingram, Paul Johnson, Lindblade, McKee, Mehegan, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend.

#### NAYS 3

BELKNAP: None.

CARROLL: None.

CHESHIRE: None.

COOS: None.

GRAFTON: Copenhaver.

HILLSBOROUGH: McGlynn.

MERRIMACK: Daniell.

ROCKINGHAM: None.

STRAFFORD: None.

SULLIVAN: None, and HB 512 was ordered to third reading.

Rep. Carragher notified the Clerk that she wished to be recorded in favor of HB 512.

#### SUSPENSION OF RULES

Rep. Rounds moved that the rules be so far suspended as to place HB 512, relative to taxation of meals, on third reading and final passage at the present time.

Adopted by the necessary two-thirds.

Question now being shall HB 512 be read a third time and passed.  
Adopted.

Third reading and final passage

HB 512, relative to taxation of meals.

PERSONAL PRIVILEGE

Rep. Russell Chase addressed the House under personal privilege.

The Carroll County Delegation offered the following:

HOUSE RESOLUTION NO. 6

memorializing former  
Representative Russell G. Claflin  
of Wolfeboro.

WHEREAS, we have learned with great sorrow of the death of former State Representative Russell G. Claflin of Wolfeboro, and

WHEREAS, for eleven consecutive terms between 1957 and 1976, Russell G. Claflin was elected to the New Hampshire House of Representatives, faithfully serving the voters of District Four in Carroll County, and

WHEREAS, as a respected legislator and leader, Russell G. Claflin served seven consecutive terms as Chairman of the Standing Committee on Resources, Recreation and Development, as well as two terms as Chairman of Transportation and one term as Chairman of Public Health, and

WHEREAS, Russell G. Claflin served as a delegate to the Constitutional Conventions of 1956 and 1964, and

WHEREAS, having graduated from Harvard University, Russell G. Claflin gave freely of his time, energy and leadership to the community of Wolfeboro, having served on, among others, the town's Planning and Zoning Commission, now therefore be it

RESOLVED, by the New Hampshire House of Representatives in Regular Session convened, that Russell G. Claflin be publicly lauded for his outstanding legislative record, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to the family of Russell G. Claflin, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

The Franklin Delegation offered the following:

HOUSE RESOLUTION NO. 7

memorializing Representative  
Margaret D. Roberts of Franklin.

WHEREAS, we have learned with great sorrow of the death of Representative Margaret D. Roberts of Franklin, and

WHEREAS, as an honorable and respected member of the New Hampshire House of Representatives, Margaret D. Roberts faithfully served the voters of District Ten in the County of Merrimack, first during the biennium of 1981-82, then for a second term in the biennium of 1985-86, and

WHEREAS, during her tenure as an elected Representative, Margaret D. Roberts served as a distinguished and untiring member of the Standing Committees on Health and Welfare, and Health and Human Services, and

WHEREAS, having graduated from the Brooklyn School of Nursing in 1952 and then from St. John's University in 1956, Margaret D. Roberts was a



Trustee of the New Hampshire Right To Life Committee and an active member of the Franklin Regional Hospital Association, and

WHEREAS, in addition to serving as a delegate to the State Republican Convention, Margaret D. Roberts was active in the ongoing affairs of the Merrimack County Republican Committee, Merrimack County Executive Committee and the Organization of Women Legislators, now therefore be it

RESOLVED, by the New Hampshire House of Representatives in Regular Session convened, that Margaret D. Roberts be publicly recognized and given highest commendation for her dedicated service to her constituents, her community and her State, and be it further,

RESOLVED, that expressions of deepest sympathy be extended to the family of Margaret D. Roberts, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to her family.

Unanimously adopted by a rising vote of silent prayer.

The Keene Delegation offered the following:

#### HOUSE RESOLUTION NO. 8

memorializing Representative  
Floyd A. Kohl of Keene.

WHEREAS, we have learned with sorrow of the death of Representative Floyd A. Kohl of Keene, and

WHEREAS, for the bienniums of 1979-80 and 1985-86, Floyd A. Kohl was elected to the New Hampshire House of Representatives, and did honorably and faithfully serve his constituents in District Fifteen of Cheshire County, and

WHEREAS, during his tenure as an elected Representative, Floyd A. Kohl served as an untiring and devoted member of the Standing Committee on Ways and Means, always concerned with the welfare of the poor and the elderly, and

WHEREAS, during his first term in the House of Representatives, Floyd A. Kohl was responsible for the adoption of the Golden Granite State Discount Card, which has been a welcome benefit to the thousands of senior citizens in New Hampshire, and

WHEREAS, having been born in Cleveland, Ohio, Floyd A. Kohl was a graduate of Baldwin Wallace College and Cleveland Law School, now therefore be it

RESOLVED, by the New Hampshire House of Representatives in Regular Session convened, that Floyd A. Kohl be publicly recognized and given highest commendation for his service and fidelity to the State and to the vast community of senior citizens in New Hampshire, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

#### SUSPENSION OF RULES

Rep. Chardon moved that the rules be so far suspended as to permit consideration at the present time of a House Concurrent Resolution urging that New Hampshire not be considered as a site for the disposal of radioactive waste, without introduction, referral, public hearing, committee report and the required notice in the Calendar.

Rep. Dickinson spoke in favor of the motion, and yielded to questions. Adopted by the necessary two-thirds.

Rep. Dickinson moved that the House adopt HCR 4, urging that New Hampshire not be considered as a site for the disposal of radioactive waste, and explained the resolution.

The Clerk read the resolution in full.

Reps. M. Arnold Wight, Parr, Chardon, Chambers and Sara Townsend spoke in favor of the motion.

Rep. Dickinson moved that further consideration of HCR 4 be laid upon the table.

Adopted.

#### SENATE MESSAGES CONCURRENCE

HB 512, relative to taxation of meals.

#### REQUESTS CONCURRENCE

SB 15, appropriating funds for the completion of the regional vocational center in Whitefield and for developing plans for other regional facilities and to legalize a Pittsfield town meeting.

#### SUSPENSION OF RULES

Rep. Rounds moved that the rules be so far suspended as to permit consideration at the present time of SB 15-FN, appropriating funds for the completion of the regional vocational center in Whitefield and for developing plans for other regional facilities and to legalize a Pittsfield town meeting, without introduction, referral, public hearing, committee report and the required notice in the Calendar, and spoke to his motion.

Adopted by the necessary two-thirds.

Rep. Rounds moved that the House adopt SB 15-FN, appropriating funds for the completion of the regional vocational center in Whitefield and for developing plans for other regional facilities and to legalize a Pittsfield town meeting.

Reps. Chardon and Taffe spoke in favor of the motion.

Rep. Kidder spoke in favor of the motion and yielded to questions.  
Ordered to third reading.

#### SENATE MESSAGE REQUESTS CONCURRENCE

SB 13, relative to the energy conservation in new building construction.

#### SUSPENSION OF RULES

Rep. Rounds moved that the rules be so far suspended as to permit consideration at the present time of SB 13, relative to the energy conservation in new building construction, without introduction, referral, public hearing, committee reports and the required notice in the Calendar.

Adopted by the necessary two-thirds.

Rep. Rounds moved that the House adopt SB 13, relative to the energy conservation in new building construction.

Rep. M. Arnold Wight spoke in favor of the motion.  
Ordered to third reading.

Rep. Dickinson moved that HCR 4, urging that New Hampshire not be considered as a site for the disposal of radioactive waste, be removed from the table.

Adopted.

Rep. Daniell offered an amendment.

#### Amendment

Amend the title of the resolution by striking out same and inserting in place thereof the following:

#### A RESOLUTION

urging that New Hampshire not be considered as a site for the disposal of radioactive waste and prohibiting the disposal of radioactive waste within the state.

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

That New Hampshire is an inappropriate site for a high-level nuclear waste treatment or storage facility, and be it further

RESOLVED, that seasonal population, tourism and transportation, be considered in the regional phase of the department of energy siting process, and that more thorough consideration be given to groundwater and surface water protection, and be it further

RESOLVED, that Governor Sununu and our congressional delegation be requested to convey the foregoing points to the United States Department of Energy, and be it further

RESOLVED, that no radioactive waste be disposed of within the state of New Hampshire and that any such waste sites are hereby forbidden.

The Clerk read the amendment.

Rep. Daniell explained the amendment.

Reps. Dickinson and Rounds spoke against the amendment.

Rep. Chardon spoke against the amendment and yielded to questions.

Amendment lost.

Ordered to third reading.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today, it be to meet at the call of the Chair

Adopted.

#### LATE SESSION

#### Third reading and final passage

SB 15, appropriating funds for the completion of the regional vocational center in Whitefield and for developing plans for other regional facilities and to legalize a Pittsfield town meeting.

SB 13, relative to the energy conservation in new building construction.

HCR 4, urging that New Hampshire not be considered as a site for the disposal of radioactive waste.



## ENROLLED BILL REPORT

HB 512, relative to the taxation of meals.  
Sen. Mark Hounsell  
Rep. Chris Jacobson  
For the Committee.

## INTRODUCTION OF A GUEST

Wilbur Ingram, son of Rep. Ingram.

Rep. Rounds moved that the House stand in recess for the purpose of Enrolling Reports only.  
Adopted.

The House recessed at 3:20 p.m.

## RECESS

(Rep. Parr in the Chair)

## ENROLLED BILLS REPORT

SB 15, appropriating funds for the completion of the regional vocational center in Whitefield and for developing plans for other regional facilities and to legalize a Pittsfield town meeting.

SB 13, relative to energy conservation in new building construction.  
Sen. Mark Hounsell  
Rep. Chris Jacobson  
For the Committee.

## COMMITTEE APPOINTMENTS

Rep. Katsiaficas on Health and Human Services.  
Rep. Nighswander on Health and Human Services.

## RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.  
Adopted.

# HOUSE JOURNAL 2

*Tuesday, 11Feb86*

The House assembled at 10:00 a.m. and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Almighty God, we thank You for this day, our lives and our work. Why does it take a tragedy to remind us of our dependence on You. Forgive us for not turning more often in praise of Your name. Let the courage of "our teacher" teach us to have courage in our caring, especially for the children of our State, that each may be nourished, protected and educated as best we can. In the name of the One who placed children in the center, we pray. Amen.

Rep. Gross led the Pledge of Allegiance.

The members sang "America the Beautiful" accompanied by Rep. Jesse Davis at the organ.

The Concord Delegation offered the following:

## HOUSE RESOLUTION NO. 9

memorializing Christa McAuliffe of Concord.

WHEREAS, Christa McAuliffe - neighbor, daughter, wife, mother, citizen and friend - was chosen from more than eleven thousand American teachers to be the first citizen in space, and

WHEREAS, Christa McAuliffe accepted this challenge - with enthusiasm, dedication and pride - and brought to it both her sense of wonder and of joy, and

WHEREAS, Christa McAuliffe intended always that the lessons of this journey be shared with us and many others, and

WHEREAS, on the 28th of January of this year "Challenger" was lost with all those aboard: Francis Scobee, Michael Smith, Judith Resnick, Ellison Onizuka, Gregory Jarvis, Ronald McNair - Christa McAuliffe: the first civilian in space and a teacher from the State of New Hampshire, now therefore be it

RESOLVED, that in New Hampshire's proud space tradition that began with Alan Shepard and has not ended, we honor the crew of "Challenger" and take pride in the memory of Christa McAuliffe for whom space was not a profession but a dream; and also

Despite the grief we share with Americans and, indeed, with people everywhere, we remember the family of Christa McAuliffe who supported her, believed in her and shared her willingly with us all, and

RESOLVED, that the New Hampshire House of Representatives on this, the eleventh day of February in the year nineteen hundred and eighty-six, pays special tribute to the memory of Christa McAuliffe who was many things, but was above all a teacher, and

Finally, that we, still students all, pledge to learn what Christa McAuliffe taught so that we, in turn, can teach her lesson of grace, intelligence and courage to the children in New Hampshire and everywhere.

Adopted unanimously by a rising vote of silent prayer.

## LEAVES OF ABSENCE

Reps. Champagne, Cate, James J. White, Nagel, Frew, Diament, Mehegan, Boutwell, Joslyn, Worthen, Pellow, Donnelly, Clancy, Paquette, Mann and Ralph Torr, the day, illness.

Reps. Michael Jones, Bolduc, Wood, Wagner, Brown, Walter Robinson, Tamposi, Patricia Russell and Pantelakos, the day, important business.

Rep. Joseph MacDonald, the day, illness in the family.

## INTRODUCTION OF GUESTS

Katherine Chase, wife of Rep. Russell Chase and Patricia Pollard, guest of Rep. Bean.

## COMMUNICATION

Mr. Carl A. Peterson  
Clerk of the House

Dear Carl:

This is to advise that the following representatives-elect were sworn into office by the Governor and Executive Council on February 5, 1986.

Hillsborough County District No. 25 (Nashua-Ward 5)  
Frank E. Snow, d, Nashua (22 Michael Avenue) 03062

Hillsborough County District No. 34 (Manchester-Ward 2)  
Walter A. Stiles, r, Manchester (226 Sagamore Street) 03104

Rockingham County District No. 7 (Derry)  
Eunice M. Campbell, r, Derry (5 Oak Street, A-3) 03038

Sincerely,  
Robert P. Ambrose  
Deputy Secretary of State

SENATE MESSAGE  
CONCURRENCE

HCR 4, urging that New Hampshire not be considered as a site for the disposal of radioactive waste.

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

HCR 1, relative to enactment of federal legislation implementing a household hazardous waste coding system; HB 384, relative to oversight of the state policy on energy and development; and HB 475, establishing a study committee to develop a state policy for information technology, were removed at the request of Rep. McCain.

Adopted.

COMMITTEE REPORTS  
(CONSENT CALENDAR)

HB 32-FN, establishing the salaries for certain employees of the department of postsecondary technical education. Ought to Pass with Amendment.

House Bill 32 establishes the salaries for the Commissioner and Deputy Commissioner of the Department of Postsecondary Technical Education, the President of the Technical Institute, and the Presidents of the Technical Colleges. Vote 18-0. Rep. E. Jane Walker for Education.



## Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Commissioner, Deputy, Presidents. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended by inserting the following:

I. In group R, the commissioner of postsecondary technical education.

II. In group O, the deputy commissioner of postsecondary technical education.

III. In group N, the president of the technical institute and the presidents of the technical colleges.

Referred to Appropriations.

HB 33, to change the operation and the name of the department of postsecondary vocational-technical education. Ought to Pass with Amendment.

This bill establishes the position of deputy commissioner of the Department of Postsecondary Vocational-technical Education. It establishes the procedure and members who shall help prepare the grant requests for federal vocational funds. This bill allows the Board of Governors to transfer funds with approval of the Governor and Council. Vote 17-0. Rep. E. Jane Walker for Education.

## Amendment

Amend RSA 188-F:9 as inserted by section 8 of the bill by striking out same and inserting in place thereof the following:

188-F:9 Deans. Deans at any of the institutions of the department shall be classified state employees.

Amend RSA 188-F:14 as inserted by section 8 of the bill by striking out same and inserting in place thereof the following:

188-F:14 Budgeting. The department shall submit an operating budget based on program appropriation units or other budgetary units required by the general court. Each institution of the department and the commissioner's office shall be considered a separate budgetary unit. The department shall submit its budget in the same format and at the same time as other state agencies. The board of governors shall not make transfers of funds between line items within any budgetary unit without first making a recommendation to the governor and council and obtaining their approval. By October 31 of each fiscal year, the department shall submit a report to the joint fiscal committee detailing all transfers made during the last fiscal year and the reasons for them. Transfers of funds between budgetary units shall be made in accordance with procedures and restrictions applying to all other agencies.

HB 97-FN, relative to the foundation aid formula. Ought to pass with Amendment.

House Bill 97, as amended, clarifies which year's data the Department of Education shall use in making calculations for distribution of foundation aid. The bill, as amended, does not change the distribution formula. The amendment eliminates the need for a fiscal note and makes the methodology section of the fiscal note, as written, incorrect. Vote 17-0. Rep. Betty Jo Taffe for Education.

## Amendment

Amend the bill by striking out section one and renumbering sections 2-4 to read as 1, 2, and 3, respectively.

HB 100-FN, making an appropriation to pay moneys owed to the education commission of the states. Ought to Pass.

As a ratifier of the Interstate Compact that created the Education Commission of the States, the State of New Hampshire is obligated by statute to pay dues to the Education Commission of the States. House Bill 100 appropriates \$57,000 to pay New Hampshire's FY 1986 and FY 1987 dues, as well as 10 percent of the amount past due for FY 1983, 1984 and 1985. The Education Commission of the States conducts research on education, collects information on education legislation in the 50 states, and holds training sessions on education for state legislators. Vote 18-0. Rep. Betty Jo Taffe for Education.

Referred to Appropriations.

HB 239, allowing students in an approved high school vocational electrical program to perform electrical installations in residential buildings. Ought to Pass.

This bill enables vocational education electrical program students to perform electrical installations in residential buildings built as a part of an approved vocational education program. Students must be supervised by a teacher holding an electrician's license or a licensed electrician. Completion will require complete inspection and certification by qualified and licensed personnel. Vote 17-0. Rep. Ralph W. Pearson for Education.

HB 300, relative to educational loan corporations. Ought to Pass. House Bill 300 enables education loan corporations under RSA 195-E to offer loans directly to parents of students enrolled in postsecondary education programs. At present, loans can only be offered to students. The bill also broadens the definition of parents to include "any person with the duty and authority to make important decisions" concerning the student. Vote 17-0. Rep. Betty Jo Taffe for Education.

HB 436-FN, relative to the school building aid formula. Refer for Interim Study.

Testimony before the Committee indicated support for the concept of this bill, but concern was expressed over certain technical problems involving the treatment of cooperative school districts in the bill as written. The Committee believes the bill has sufficient merit to warrant additional study and refinement. Vote 15-0. Rep. Monte D. Rehlander for Education.

HB 445-FN, relative to the salary of the executive director of the postsecondary education commission. Ought to Pass with Amendment. House Bill 445 changes the salary of the Executive Director of the Postsecondary Education Commission from group K to group M. The amendment removes the requirement that the out-of-state students incentive committee appointed by the Postsecondary Education Commission consist of eight members, allowing the Commission to determine the size of the committee. Vote 18-0. Rep. Betty Jo Taffe for Education.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Number of Committee Members. Amend RSA 188-D:30, I (supp) as inserted by 1985, 244:1 by striking out said paragraph and inserting in place thereof the following:

I. The postsecondary education commission shall appoint a committee to be known as the "out-of-state students incentive committee" which shall review and make recommendations to the executive director of the commission regarding grant applicants. The committee shall choose a chairman from among its members and shall make decisions by a majority vote of the members present and voting.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect June 6, 1986.

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

Referred to Appropriations.

HB 501, establishing the salaries for the presidents of the technical institute and the 6 technical colleges. Ought to Pass with Amendment. This bill establishes the position and salaries of the Presidents of the Technical Institute and the 6 Technical Colleges in the State unclassified salary system. In the 1983 session, HB 53 took the Presidents out of the State classified salary schedule, but failed to put them into the unclassified salary schedule. This bill corrects that error. Vote 16-0. Rep. E. Jane Walker for Education.

#### Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Presidents, Salaries Established. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended by inserting in group N the following: President of the technical institute and presidents of the technical colleges.

Referred to Appropriations.

HB 14-FN, relative to a severance tax on sand, gravel, loam, ore, and other substances. Inexpedient to Legislate. House Bill 14 (and HB 428) would impose a sales tax, which would add greatly to cost of construction and highway maintenance, as well as increase costs for all types of construction and building. Under HB 428, the tax would be discriminatory. Administration would be difficult. Constitutionality of these bills would undoubtedly be challenged. Vote 18-0. Rep. Harry E. Flanders for Environment and Agriculture.

HB 41, relative to public protection from semi-domesticated and domesticated animals. Inexpedient to Legislate. There is no need for additional legislation to protect the public from animals in New Hampshire. Owners of livestock are already aware of responsibility for animal containment and welfare. The liability of trespassers may not be as clear-cut. Proposed legislation may address this problem in the next session. Vote 17-0. Rep. John L. Sherburne for Environment and Agriculture.

HB 71, relative to associate supervisors in conservation districts. Ought to Pass with Amendment.

Allows associate supervisors to vote if needed for a quorum. The amendment is housekeeping measures requested by counsel on the acquisition of development rights' legislation. Vote 16-0. Rep. Patricia J. Donovan for Environment and Agriculture.



## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT  
relative to associate supervisors in conservation  
districts and the acquisition of agricultural  
land development rights.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Duties of Committee. Amend RSA 432:20, I (supp) as inserted by 1985, 72:1 by striking out said paragraph and inserting in place thereof the following:

I. The committee shall evaluate and accept or reject sites proposed by a landowner pursuant to RSA 432:22. The committee shall consider in their evaluation, at a minimum, the following:

(a) The degree to which the acquisition would serve to preserve the agricultural potential of the state;

(b) The suitability of land as to soil classification and other criteria for agricultural use; and

(c) The fair market value of such land pursuant to RSA 75:1 as determined by an independent appraisal and the fair market value of such land when used for agricultural purposes which shall be the top of the value range for horticultural crops as established by the current use advisory board. The landowner shall bear the expense of the appraisal of the land to be acquired.

3 Repeal. RSA 432:21, I, relative to adopting rules for municipalities to use in determining suitability and feasibility of acquiring particular sites, is hereby repealed.

4 Procedure. Amend RSA 432:22 (supp) as inserted by 1985, 72:1 by striking out said section and inserting in place thereof the following:  
432:22 Procedure for Administration.

I. Acquisition of agricultural land development rights shall be conducted in cooperation with a landowner upon review pursuant to this section. Any proposal for designating a site as in agricultural preservation restriction area shall be submitted by the landowner to the committee for approval.

II. The committee shall determine the amount due to the affected agricultural landowner and authorize the commissioner to pay such amount to the owner. Agricultural land development rights purchased pursuant to this section shall be held in the name of the state of New Hampshire.

III. The determination of such amounts shall be equitable in consideration of anticipated benefits from the proposed site but not to exceed the difference between the fair market value of such land and the fair market value of such land restricted for agricultural purposes pursuant to this subdivision.

IV. The rights acquired pursuant to the purchase agreement shall not be sold or otherwise conveyed to a third party without consent of the landowner, nor does such purchase grant the public any right of access or right of use of the affected property.

V. The committee shall view each parcel subject to agricultural preservation restriction not less than once every 2 years to assure that as use complies with law and the rules of the committee. The committee may delegate responsibility for monitoring of the agricultural preservation restriction to the conservation commission in the municipality, or to the conservation district, in which the parcel is situated. Such commission or district shall submit a report of its inspection to the committee in a timely manner.

5 Release. Amend RSA 432:24, II (supp) as inserted by 1985, 72:1 by striking out said paragraph and inserting in place thereof the following:

II. Agricultural preservation restrictions may be released by the committee if the site is no longer suitable for agricultural purposes. An owner of an agricultural preservation site may request the committee's approval to release the restriction for the public good. Prior to the release of the agricultural land development rights by the committee, a public hearing shall be conducted in the municipality in which the site is located. A notice of said hearing shall specify the grounds for the hearing as well as the date, time, and place, and at least 14 days' notice of the time and place of such hearing shall be published in a paper of general circulation in the municipality. A legal notice of the hearing shall also be posted in at least 3 public places in such city or town. The 14 days shall not include the day of publication nor the day of the meeting, but shall include any Saturdays, Sundays, and legal holidays within said period. At least 2 committee members shall sit on the hearing panel.

6 Recording. Amend RSA 432:27, I (supp) as inserted by 1985, 72:1 by striking out said paragraph and inserting in place thereof the following:

I. Acquisition of the developmental rights or release of the preservation restrictions on agricultural land shall be evidenced by certificates issued by the commissioner and shall be recorded pursuant to RSA 477:3-a in the appropriate registry of deeds by the commissioner. Recording costs shall be paid by the affected landowner.

7 Development Rights Acquired by Public Bodies. Amend RSA 432:25, II (supp) as inserted by 1985, 72:1 by striking out said paragraph and inserting in place thereof the following:

II The restrictions may be released, in whole or in part, by the holder for consideration in an amount determined by the governmental body or charitable corporation or trust that purchased the development rights. Prior to release of restriction by a governmental body, a public hearing shall be conducted in the municipality in which the site is located. A notice of said hearing shall specify the grounds for the hearing as well as the date, time, and place, and at least 14 days' notice of the time and place of such hearing shall be published in a paper of general circulation in the municipality. A legal notice of the hearing shall also be posted in at least 3 public places in such city or town. The 14 days shall not include the day of publication nor the day of the meeting, but shall include any Saturdays, Sundays, and legal holidays within said period.

8 Bonds Authorized and Establishing a Special Account. Amend RSA 432:30 (supp) as inserted by 1985, 72:1 by striking out said section and inserting in place thereof the following:

432:30 Special Account; Bonds Authorized.

I. The state treasurer shall establish a separate account to which shall be credited all funds appropriated or acquired to fund the acquisition of development rights in accordance with RSA 432:17 - 31-a. This shall be a non-lapsing account, and funds in said account are hereby appropriated for the purposes of this subdivision.

II. To provide funds for any appropriation made for the account established in RSA 432:30, I, the state treasurer may borrow upon the credit of the state a sum as approved by the general court and issue bonds and notes in the name of and on behalf of the state in accordance with RSA 6-A. Any bonds issued under this section shall be payable not later than 10 years from their date or dates of issue.

III. The payment of principal and interest on the bonds and notes issued for the purposes of this subdivision shall be made when due from the general fund.

9 Transfer of Appropriation and Contributions. All remaining funds previously appropriated for acquisition of development rights, including the sum appropriated by 1985, 304:1, and any funds that may be received under RSA 432:31, are hereby transferred and credited to the separate account established in RSA 432:30.

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

HB 197-FN, relative to agricultural promotion and making an appropriation therefor. Ought to Pass.

This bill will enable the Department of Agriculture to further the sales of New Hampshire products through a broader advertising realm. Vote 17-0. Rep. Eleanor M. Anderson for Environment and Agriculture.

Referred to Appropriations.

HB 255-FN, relative to the fee for equine infectious anemia testing. Ought to Pass.

This bill corrects an inconsistency in the statute. It could also lead to an increase in testing at the lab, capturing business now sent out-of-state. Vote 18-0. Rep. Elizabeth A. Greene for Environment and Agriculture.

HB 411-FN, relative to emissions from new woodstoves. Inexpedient to Legislate.

The majority of the Committee felt strongly that new stove construction standards should come from the Environmental Protection Agency rather than the individual states. The Environmental Protection Agency has indicated its intent to establish a certification program for wood stoves in 1987. Vote 14-2. Rep. John L. Sherburne for Environment and Agriculture.

HB 428-FN, authorizing cities, towns, and unincorporated places to tax the removal of sand, gravel and loam. Inexpedient to Legislate.

House Bill 428 (and HB 14) would impose a sales tax, which would add greatly to cost of construction and highway maintenance, as well as increase costs for all types of construction and building under HB 428, the tax would be discriminatory. Administration would be difficult. Constitutionality of these bills would undoubtedly be challenged. Vote 18-0. Rep. Harry E. Flanders for Environment and Agriculture.

HB 67-FN, relative to the return of the accumulated contributions of group I and group II members of the New Hampshire retirement system. Inexpedient to Legislate.

The Committee finds that the problem addressed by this bill results from administrative error in the Retirement System. The Committee is confident that the Retirement Board of Trustees is aware of the problem and will correct it by means of administrative rulemaking. Vote 15-0. Rep. Richard H. Campbell for Executive Departments and Administration.

HB 399-FN, relative to group II membership in the New Hampshire retirement system. Refer for Interim Study.

The subject matter of this bill will be considered in the overall study of the Retirement System by the current Joint Committee on Retirement. Vote 15-0. Rep. Kenneth W. Malcolm for Executive Departments and Administration.

HB 45, increasing the age for OHRV operation and changing the penalty for unlawful OHRV operation. Inexpedient to Legislate.

This bill has been covered by House Bill 417. Vote 16-0. Rep. Gerald R. Smith for Fish and Game.

HB 88-FN, relative to resident commercial salt water licenses. Ought to Pass.

This is a housekeeping bill which corrects a discrepancy between the non-resident and the resident commercial salt water licenses. Vote 15-0. Rep. Albert J. Dionne for Fish and Game.



HB 316, relative to the issuance of licenses by agents of the department of fish and game. Ought to Pass.

This bill gives the Fish and Game Department the authority to remove an agent's license for violation of rules of procedure. Vote 15-0. Rep. Clifford W. Birch for Fish and Game.

HB 39-FN, requiring the publication of the superior court rules in the Revised Statutes Annotated. Inexpedient to Legislate.

It was the feeling of the Committee that the current system of publishing the rules of court is the most efficient and cost-effective. Vote 13-0. Rep. Donnalee Lozeau for Judiciary.

HB 49, relative to a shield law for reporters. Refer for Interim Study.

Numerous questions and concerns regarding the language and substance of this bill were brought to the Committee's attention both by the sponsors and by representatives of the media which clearly necessitates a more detailed study. Vote 12-1. Rep. Charles F. Bass for Judiciary.

HB 65, authorizing police officers and certified emergency medical technicians to order removal of motor vehicle fatalities. Ought to Pass.

This bill facilitates the removal of automobile accident fatalities from the public roadways and clarifies the removal procedure. Vote 13-0. Rep. David E. Cote for Judiciary.

HB 117-FN, removing the requirement that the Sullivan county probate court sit in Claremont. Ought to Pass with Amendment.

This bill removes the requirement that the Sullivan County Probate Court meet in Claremont. The amendment, requested by a unanimous vote of the Sullivan County Delegation, provides that the Sullivan County Attorney be full time. Vote 12-0. Rep. Paul M. Johnson for Judiciary.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the Sullivan county probate court and prohibiting the Sullivan county attorney from engaging in the private practice of law.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Probate Court Sittings in Sullivan County. Amend RSA 549:8 by striking out said section and inserting in place thereof the following:  
549:8 Sullivan. For the county of Sullivan, at Newport, on the last Wednesday of the months of January through October, and on the third Wednesday of November and December.

2 Private Practice Prohibited for Sullivan County Attorney. Amend RSA 7 by inserting after section 34-c the following new section:

7:34-d Private Practice Prohibited; Sullivan County. The Sullivan county attorney shall not directly or indirectly engage in the private practice of law or accept any fees or compensation other than his official salary for any legal services. Private practice of law does not include the provision of legal services without charge to the members of the county attorney's family, when the provision of these services does not conflict with his official duties.

## 3 Effective Date.

I. Section 1 of this act shall take effect upon passage.

II. The remainder of this act shall take effect January 1, 1987.

HB 154, relative to intestate descent and distribution among collateral heirs. Ought to Pass.

This bill clarifies the law on intestate succession. It would expand the number of relatives that would be allowed to inherit from a person who has died without a will. Vote 16-0. Rep. Thomas U. Gage for Judiciary.

HB 159, extending the due process rights of certain teachers. Ought to Pass.

This bill represents an agreement between School Boards' Association and the New Hampshire Education Association on the subject of a right to a hearing for a teacher who has received notice of non-renewal of contract. Under this bill, a teacher may request such a hearing if the teacher has taught for three consecutive years in a school district or two years after having taught for three years in another school district. Vote 13-2. Rep. Alf E. Jacobson for Judiciary.

HB 291, relative to mandatory sentences for child sexual assault offenders. Inexpedient to Legislate.

The sponsor feels the issues have been adequately addressed in other legislation and was willing to withdraw. Vote 14-0. Rep. Frank J. Sylvia for Judiciary.

HB 310, relative to driving while intoxicated. Ought to Pass with Amendment.

This bill clarifies the language of the current law by providing that the mandatory jail sentence for driving after suspension or revocation applies only during the period of suspension or revocation. Additionally, the bill corrects an anomaly in the present law in which the penalty for aggravated DWI could be less than for standard DWI. The amendment moves up the effective date. Vote 13-0. Rep. Donna P. Sytek for Judiciary.

## Amendment

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

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

HB 322, correcting a statutory reference to the appointment of guardians and conservators by probate courts. Ought to Pass.

This bill simply corrects a statutory reference in RSA 161-D, relative to protection services to adults. Vote 16-0. Rep. Maureen E. Raiche for Judiciary.

HB 348, allowing registers of probate to transfer questions of law to the supreme court. Inexpedient to Legislate.

Since adequate means already exist for certification by the Probate Court, it was felt that the bill was superfluous and perhaps confusing. Vote 16-0. Rep. David E. Cote for Judiciary.

HB 10-FN, excluding criminal offenders from workers' compensation. Refer for Interim Study.

House Bill 10 would exclude criminal offenders from workers' compensation system during their incarceration. The Committee had

many concerns regarding liability and wage loss, as well as responsibility, and felt that it was most necessary to have Interim Study, and the sponsor wanted this too. Vote 12-2. Rep. Henry E. Wells for Labor, Industrial and Rehabilitative Services.

HB 337-FN, to repeal certain statutes relative to state employees. Ought to Pass with Amendment.

This measure repeals certain sections of RSA 99 and RSA 206:24-a dealing with compensation and benefits for state employees, which have become obsolete and are now addressed by the collective bargaining process. The amendment deals with the effective passage dates of certain agencies which have been under reorganization. Vote 14-0. Rep. Avis B. Nichols for Labor, Industrial and Rehabilitative Services.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Repeals. The following are hereby repealed:

I. RSA 99:2(a), relative to the salaries of custodial employees.

II. RSA 99:2(b), relative to the salaries of trade employees.

III. RSA 99:2(c), relative to the salaries of law enforcement employees.

IV. RSA 99:2(f), relative to the salaries of classified employees of the division of state police.

V. RSA 99:2(g), relative to the salaries of classified employees in the office of the state fire marshal.

VI. RSA 99:2(h), relative to holiday pay for state police.

VII. RSA 99:15, relative to shift differentials for institutional employees.

VIII. RSA 206:24-a, relative to the salaries of conservation officers of the department of fish and game.

2 Repeal; Aeronautics Commission Salaries. RSA 99:2(i), relative to the salaries of the aeronautics commission, is hereby repealed.

3 Repeal; Benefits for Classified State Employees and State Officials.

The following are hereby repealed:

I. RSA 99:16, relative to annual leave for classified state employees.

II. RSA 99:17, relative to sick leave for classified state employees.

III. RSA 99:18, relative to additional annual leave for classified state employees.

IV. RSA 99-A, relative to mileage rates for state officials and employees.

4 Contingency Provisions.

I. Section 2 of this act shall take effect if and when employees under RSA 99:2(i) are included in a collective bargaining agreement under RSA 273-A.

II. Section 3 of this act shall take effect if and when the attorney general has determined that sufficient rules have been adopted, dealing with the subject matter of RSA 99:16, 17, 18 and RSA 99-A, under proper statutory authority.

5 Effective Date.

I. Sections 2 and 3 shall take effect as provided in section 4 of this act.

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



HB 419-FN, relative to heart or lung disease in firefighters.  
Inexpedient to Legislate.

House Bill 419 is a rework of House Bill 609 of the 1985 Session, which failed to gain passage by this Committee or the House. It was the unanimous vote (14-0) of the Committee that the bill be "Inexpedient" and not worth interim study. The current law works, and works well, and protects both the employee and employer. This bill would remove the prima facie presumption to a conclusive presumption. It would require payment to a firefighter who was disabled by a heart or lung ailment, regardless of the circumstances. Rep. Avis B. Nichols for Labor, Industrial and Rehabilitative Services.

HB 29, permitting the election of 5 commissioners in village districts within the towns of Merrimack and Hooksett. Ought to Pass.

This action allows the village districts of Merrimack and Hooksett to strengthen representation, and updates district procedures in accordance to the Revised Statutes Annotated. Vote 18-0. Rep. Paul A. Golden for Municipal and County Government.

HB 38-FN, repealing the resident tax. Inexpedient to Legislate.

This bill could cause considerable loss of revenue to cities and towns which would have to be made up through the property tax. Another bill which has been introduced, making resident tax optional by individual town and city votes, would seem to be more logical for consideration. Vote 16-3. Rep. Frank E. McIntire for Municipal and County Government.

HB 188, establishing a timetable and procedure for adopting the Hillsborough county budget. Inexpedient to Legislate.

This bill is unnecessary as present legislation gives the Hillsborough County Delegation enough flexibility to handle the budget hearings and adoption process. Vote 15-2. Rep. David M. Perry for Municipal and County Government.

HB 281, relative to county buildings. Ought to Pass with Amendment.

This bill brings the allowable expenditures by the commissioners to a more reasonable figure. Vote 15-0. Rep. Lawrence Cronin for Municipal and County Government.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Building Expense Increased. Amend RSA 24:13, I (supp) as inserted by 1979, 152:1 by striking out in line 4 the amount "\$1,000" and inserting in place thereof the following (\$5,000) so that said paragraph as amended shall read as follows:

I. The power to raise county taxes, to make appropriations for the use of the county and to authorize the purchase of real estate for its use, the sale and conveyance of its real estate, the erection, enlargement or repair of its buildings exceeding an expense of \$5,000, and the issuing of bonds for its debts, shall be vested in the county convention.

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

HB 404-FN, authorizing the issuance of bonds for the city of Berlin to assist the city with its sewage disposal project. Inexpedient to Legislate.

The Committee felt that passing House Bill 404 would establish a very undesirable precedent. Vote 17-0. Rep. David M. Perry for Municipal and County Government.

HB 409-FN, enabling the town of Amherst to establish a land bank.  
Refer for Interim Study.

The Committee feels that although the concept expressed in this bill has merit, the bill also has some faults which need to be worked out. Additionally, it would appreciate the opportunity to hear further testimony. Vote 14-1. Rep. Richard A. Grodin for Municipal and County Government.

HB 453-FN, allocating county nursing home expenses. Inexpedient to Legislate.

It is the opinion of the Committee that this bill is inappropriate at this time. The new welfare system, as established by Senate Bill 1, has been in force only since January 1 and should be allowed to function for a year at least before being reviewed. Vote 15-0. Rep. David M. Perry for Municipal and County Government.

HB 454-FN, allocating county welfare expenses back to the towns.  
Inexpedient to Legislate.

The Committee is of the opinion that this bill is inappropriate at this time for the same reason as applied to House Bill 453. The Committee felt that SB 1, effective as of January 1, 1986, should be given a chance to work. Vote 15-0. Rep. Roger C. King for Municipal and County Government.

HB 505-FN, relative to the prepayment of real estate taxes in the city of Concord. Inexpedient to Legislate.

This bill is not necessary at this time as indicated by testimony. Furthermore, payments of this nature could result in the taxpayer being in violation of Internal Revenue Service rules and regulations. Vote 18-0. Rep. George M. West for Municipal and County Government.

HB 51-FN, relative to fire protection and warning devices in health care facilities. Ought to Pass with Amendment.

House Bill 51 is the result of "interim study" of 3 house bills, each pertinent to "fire detection and control in health care facilities." Input was sought and accepted, to include administrators of health care facilities and from personnel of fire service organizations; the resulting legislation incorporates the best features of all the input. This legislation assures the maximum level of protection to patients and residents of hospitals, nursing homes, hostels and hospices. The State Fire Marshal is the final arbiter on questions relating to the degree of protection and detection needed in any given health care facility. Vote 10-1. Rep. Robert L. Hyman for Public Protection and Veterans Affairs.

#### Amendment

Amend the bill by striking out section 6 and inserting in place thereof the following:

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

HB 75-FN, making a supplemental appropriation to the veterans' home for the 1986 and 1987 fiscal years. Ought to Pass with Amendment.

Additional funding for the balance of FY 1986 and FY 1987 due to a sharp increase in the costs of medicines, etc. for the residents, and to cover the cost of unanticipated expenditures in plant renovations. Vote 13-1. Rep. Arthur J. Locke for Public Protection and Veterans Affairs.

## Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appropriation. In addition to any other funds appropriated, the sum of \$9,800 is hereby appropriated to the New Hampshire veterans' home for the fiscal year ending June 30, 1986, and the sum of \$17,200 is hereby appropriated to said home for the fiscal year ending June 30, 1987, to the following PAU's:

	Fiscal Year 1986	Fiscal Year 1987
I. PAU 05,03,01,20	\$ 3,850	\$ 7,700
II. PAU 05,03,01,51	1,000	2,000
III. PAU 05,03,01,90	1,500	3,000
IV. PAU 05,03,02,20	950	1,500
V. PAU 05,03,02,50	1,500	3,000
VI. PAU 05,03,02,97	<u>1,000</u>	<u>- 0 -</u>
TOTAL	\$ 9,800	\$17,200

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Referred to Appropriations.

HB 77, relative to the New Hampshire Veterans' home. Ought to Pass with Amendment.

This bill updates certain obsolete provisions of the statute pertaining to the operation of the New Hampshire Veterans' Home; sections on "admission to the home, reporting procedures and the Board of Managers" are updated. Vote 13-1. Rep. James Herod, Jr. for Public Protection and Veterans Affairs.

## Amendment

Amend RSA 119:9 as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

119:9 Admission. A veteran who desires admission shall make application on forms furnished by the home. Rules relative to admittance or rejection or an applicant, including an appeal process, shall be adopted pursuant to RSA 541-A, by the board of managers.

Amend the bill by striking out section 8 and inserting in place thereof the following:

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

HB 128, banning the sale, possession and use of air rifles, bb guns and pellet guns. Inexpedient to Legislate.

The sponsor agreed that the problem should more properly be addressed at the municipal level. Vote 13-0. Rep. Robert L. Hyman for Public Protection and Veterans Affairs.



HB 317, requiring fire warning systems in child care centers. Refer for Interim Study.

Additional time is required to work out conflicts with the provisions of the "Life Safety Code"; this can best be accomplished in interim study. Vote 13-1. Rep. Alfred Ellyson for Public Protection and Veterans Affairs.

HB 99-FN, relative to resurfacing portions of Route 3-A in the towns of Litchfield and Hudson and the city of Manchester. Inexpedient to Legislate.

The Public Works Committee felt that this type of bill sets a bad precedent and would lead to many bills trying to force the Highway Department to pave roads in various sections of the State that might not be on the Department's priority list. The Highway Department is capable of formulating the paving priorities in the State. The Department also assured the Committee that the section of road mentioned in the bill would be resurfaced in 1986. Vote 19-0. Rep. Gene G. Chandler for Public Works.

HB 104, relative to the reconstruction of Lowell Road, River Road, and Route 3-A south from Central Street in the town of Hudson to the Massachusetts state line and making an appropriation therefor. Inexpedient to Legislate.

This bill was voted Inexpedient to Legislate in the 1985 session by the Public Works Committee and the Legislature. For some unknown reason this bill resurfaced through Legislative Services. A public hearing was held and the Highway Department reported inadequate highway funds are available for this project in 1986. Vote 18-1. Rep. Warren L. Swope for Public Works.

HB 105, providing for an access ramp to interstate 95 in the town of North Hampton and making appropriation therefor. Inexpedient to Legislate.

No one appeared in favor of this bill. Vote 20-0. Rep. James C. Chamberlin for Public Works.

HB 447-FN, eliminating the toll booth at the Hampton exit at the intersection of routes 51 and 95. Inexpedient to Legislate.

The Committee felt that if it took this toll booth out it would have to take out other toll booths throughout the State. The Committee's feeling is that it would lose revenue for the State. The way the state is growing the Committee expects a projection of about 7 percent increase in tolls. Vote 19-0. Rep. Lorine Walter for Public Works.

HB 469-FN, relative to a motor vehicle assessment to support a bond issue for road construction. Refer for Interim Study.

The Committee is aware of the acute need for improvements in the state's highway system in all phases -- completion of the final links in the Interstate System, elimination of bottlenecks on the primary system, major improvements in the Turnpike System, especially in the Nashua area, and, in the Committee's opinion just as important, the gross inadequacies of the secondary road system. The latter was allotted only 4 million dollars for 1,200 miles in the plan proposed by the Governor.

An assessment per vehicle method to raise funds for the highway construction only is a marked shift from the gasoline tax which is a use tax.

The Committee was clearly divided, a motion of Inexpedient to Legislate losing by a single vote (9-10). Opponents and proponents then agreed unanimously that a realistic and responsible recommendation was Interim Study. Vote 19-0. Rep. James A. Chandler for Public Works.

HB 13, requiring food establishments to print prices for mixed drinks. Inexpedient to Legislate.

The intent of this bill can be satisfactorily covered by rules promulgated by the Liquor Commission. The Committee voted "Inexpedient to Legislate" by a tally of 18-2. Rep. Robert N. Kelley for Regulated Revenues.

HB 146, relative to temporary stay orders issued by the pari-mutuel commission. Ought to Pass with Amendment.

This bill was amended with HB 145 to make minor changes and housekeeping measures requested by the Pari-Mutuel Commission. There was no opposition to the measures proposed. Vote 22-0. Rep. James D. Phelps for Regulated Revenues.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT  
relative to the pari-mutuel commission.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Change in Time for Payments. Amend RSA 284:24 by striking out said section and inserting in place thereof the following:

284:24 Payment. Payments made under RSA 284:23 shall be made no later than 3 calendar days after each racing day. Failure to make payments in the time prescribed shall subject the licensee to a civil forfeiture of \$50 for each day the payments are overdue.

3 Exemption from Administrative Procedures Act. Amend RSA 541-A:10, I(k) (supp) as inserted by 1985, 372:7 by striking out said subparagraph and inserting in place thereof the following:

(k) RSA 111, relative to the state guard;

(l) RSA 284:12, IV, relative to the sale of pari-mutuel pools as authorized under RSA 284:22.

4 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

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

HB 69, naming a mountain in Stark, New Hampshire as "Mount Mary" after the first name of its owner. Ought to Pass.

This bill names a privately owned peak on the Pilot Range as "Mount Mary." The peak has been unofficially known as "Mount Mary" during the past nine years. Vote 16-1. Rep. Phoebe A. Chardon for Resources, Recreation and Development.

HB 195, relative to cooperative planning for great ponds and their watersheds. Ought to Pass with Amendment.

This bill, as amended, authorizes the Office of State Planning in cooperation with the Water Resources Board, other appropriate agencies and regional planning commissions, to undertake a pilot program with several towns contiguous to a great pond to develop a management plan for the pond and its watershed. Vote 19-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Pilot Project. The office of state planning is authorized to establish a pilot program with several towns contiguous to a great pond to develop a management plan for the great pond and its watershed. The office of state planning shall work with the water resources board and with other state agencies and regional planning commissions. This pilot program may be initiated by the office of state planning if the towns are in agreement, or towns desiring such a program may request the services of the office of state planning. This pilot program shall be conducted without additional staff or personnel in the office of state planning and within its appropriation. The authority to establish a pilot program under the provisions of this act shall be terminated on January 1, 1988, unless extended by the general court.

HB 246-FN, establishing a committee to study New Hampshire's rivers and making an appropriation therefor. Inexpedient to Legislate.

The subject matter of HB 246 will be covered by Senate Bill 70. Vote 19-0. Rep. Phoebe A. Chardon for Resources, Recreation and Development.

HB 259, relative to boats powered by motors of less than 10 horsepower. Ought to Pass.

Present State law exempts boats operated on tidal and coastal waters under ten horsepower from the boat numbering system. This bill eliminates that exemption. Vote 14-0. Rep. Janet M. Conroy for Resources, Recreation and Development.

HB 286-FN, relative to the Winnepesaukee River basin control. Ought to Pass with Amendment.

This bill establishes a non-lapsing revolving fund for the repair and replacement of major treatment plant and pump station components in the Winnepesaukee River basin. The bill further provides for insurance coverage to protect the pollution control facilities against fire, vandalism, and malicious mischief. Vote 16-0. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

#### Amendment

Amend RSA 149-G:9 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

149-G:9 Insurance. The water supply and pollution control commission shall purchase insurance, including extended coverage insurance, to protect the pollution control facilities administered under this chapter against fire, vandalism, and malicious mischief, and to provide liability protection for the facilities. Such insurance shall be purchased through the director of plant and property management, after consultation with the insurance commissioner as to the amount of coverage, the cost of which shall be included in the user fee.

Referred to Appropriations.

HB 395-FN, relative to materials salvaged under the authority of the historic preservation offices. Ought to Pass with Amendment.

This bill, as amended, provides a means whereby the State Historic Preservation Office can maintain a record of ownership of archaeological treasures found in New Hampshire and to benefit from part of the proceeds when they are sold. Vote 16-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

#### Amendment

Amend RSA 227-C:8, IV(e) as inserted by section 2 of the bill by



striking out said subparagraph and inserting in place thereof the following:

(e) The custodian's liability to obtain written consent from the division for sale, auction, gift or trade of the collection; provided, however, any disposition of materials by sale or auction shall require that an assessment of 25 percent of the monetary value be paid to the state.

HB 200, repealing the task force on low-level radioactive waste management. Ought to Pass.

The majority of the Committee found that House Bill 200 "Ought to Pass." Vote 8-0. Rep. Roger L. Easton for Science and Technology.

HB 292-FN, relative to training seminars for department, division and bureau heads and making an appropriation therefor. Inexpedient to Legislate.

The majority of the Committee found that this bill was Inexpedient to Legislate. Vote 8-0. Rep. Roger L. Easton for Science and Technology.

HB 293-FN, directing the division of information services, department of administrative services, to conduct a statewide resource and information data base study and making an appropriation therefor. Inexpedient to Legislate.

The majority of the Committee found that House Bill 293 was Inexpedient to Legislate. Vote 8-0. Rep. Roger L. Easton for Science and Technology.

HB 474-FN, relative to developing a state policy and rules for energy cogeneration. Inexpedient to Legislate.

The substance of this bill is included in HB 384. Vote 8-0. Rep. Roger L. Easton for Science and Technology.

HR 1-FN, relative to methods for managing conflicts and political disputes. Ought to Pass.

The Committee voted unanimously (8-0) that this Resolution "Ought to Pass" and that it should be placed on the Consent Calendar. Rep. Roger L. Easton for Science and Technology.

HR 2, relative to the implementation of current and developing science and technology in state government. Inexpedient to Legislate.

Having considered the same, the Science and Technology Committee reports the same (HR 2) as "Inexpedient to Legislate." Vote 6-0. Rep. Roger L. Easton for Science and Technology.

HB 17-FN, appropriating funds for a fire exit stairway and a library and classroom at the youth development center. Ought to Pass with Amendment.

House Bill 17, as amended, will bring the Youth Development Center educational facility up to State accreditation level which it now lacks because it does not have a library at all. In addition, the fire exit stairway will permit use of an existing building at this time, mostly unused, because of being below fire department standards. The fire exit stairway will add considerable area (two floors) which can be turned into badly needed additional classroom space. Vote 14-0. Rep. William A. Riley for State Institutions and Housing.

#### Amendment

Amend paragraph I of section 1 of the bill by striking out same and inserting in place thereof the following:

## I. Division for children and youth services:

- A. New Hampshire youth development center \$ 57,050  
 basement library and classrooms  
 (Main building)

Amend the bill by striking out section 2 and inserting in place thereof the following:

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

Referred to Appropriations.

HB 18-FN, appropriating funds for roof repairs at the youth development center. Ought to Pass with Amendment.

House Bill 18, as amended, permits the patching of the roof of the Campus Edge Building, which roof has leaky spots, and has not been dealt with for over 20 years. Vote 14-0. Rep. William A. Riley for State Institutions and Housing.

## Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

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

Referred to Appropriations.

HB 96-FN, making an appropriation for basement classrooms at New Hampshire youth development center. Refer for Interim Study.

It was felt by the Committee that this bill requires further study. Vote 14-0. Rep. William Riley for State Institutions and Housing.

COMMITTEE REPORTS  
 (Regular Calendar)

HJR 1-FN, relative to the statue of liberty and making an appropriation therefor. Ought to Pass with Amendment.

The majority of the Committee believed that New Hampshire should be listed as a state on the roster of those supporting the national effort to repair the Statue of Liberty and thus back its citizens who have so well financed their share. Vote 8-7. Rep. Russell C. Chase for Appropriations.

## Amendment

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

That there is hereby appropriated for the restoration effort of the Statue of Liberty the sum of \$5,000. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Rep. Chase explained the amendment and yielded to questions.

Amendment adopted.

Ordered to third reading.

HB 172-FN, making an appropriation to fund SB 1 of the 1985 legislative session. Ought to Pass with Amendment.

This bill appropriates money to fund Senate Bill 1 which was passed last session. The amendment reappropriates the money for FY 86, and appropriates the funds directly from the General fund for FY 87. The amendment also makes minor changes to clarify the bill as it was passed last session. Vote 15-3. Rep. W. Douglas Scamman, Jr. for Children, Youth and Elderly Affairs.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

increasing the appropriation in the operating budget relative to the department of health and human services to fund SB 1 of the 1985 legislative session.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Operating Budget Amended.

I. Amend 1985, 406:1.05,02,03,02 by striking out all after class 97 and inserting in place thereof the following:

98 DCYS Settlement	2,812,000	6,192,000
99 Diversion Incentives	300,000	600,000

\*The twelve new social worker I positions included in this class line shall be used only for child protective services. The division for children and youth services shall report quarterly to the governor and council and the fiscal committee concerning child protective case loads.

Total	12,232,310	16,181,627
Estimated Source of Funds For Bureau of Children		
00 Federal Funds	6,218,490	6,489,261
01 Other Agency Funds	196,900	202,300
05 Local Funds	1,612,000	3,310,000
General Fund	4,204,920	6,180,066
Total	12,232,310	16,181,627

II. Amend 1985, 406:1.05,02,04,05,01 and 05,02,04,05,02 by striking out same and inserting in place thereof the following:

05 Health and Social Services

02 Department of Health and Human Services

04 Division of Human Services

05 Grants

01 Financial Grants

90 AFDC	20,240,100	20,269,600
92 OAA	1,070,800	1,084,300
93 APTD	6,117,400	7,246,800
94 ANB	263,500	286,300
95 Interim Assistance	26,800	27,300
96 Refugee Assistance	98,100	100,700

Total	27,816,700	29,015,000
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## Estimated Source of Funds

## For Financial Grants

00 Federal Funds	11,371,376	11,159,364
01 Other Agency Funds	98,100	100,700
05 Private or Local Funds	3,594,100	4,165,550
09 Agency Income	962,400	973,200
General Fund	11,790,724	12,616,186
Total	27,816,700	29,015,000

## 05 Health and Social Services

## 02 Department of Health and Human Services

## 04 Division of Human Services

## 05 Grants

## 02 Medical Grants

90 Provider Payment	29,187,537	31,028,200
91 Community Mental Health	3,706,100	3,993,700
92 Nursing Homes	58,087,900	59,218,700
93 Other Nursing Homes	800,569	1,048,100
94 Laconia State School	8,603,000	8,078,400
95 NH Home for the Elderly	1,273,900	1,328,800
96 NH Hospital	3,801,800	3,373,100
97 Physical Exams	11,900	12,700
98 Hud Demo	611,800	1,171,900
99 Community Care	14,865,600	14,690,000

Total	120,950,106	123,943,600
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## Estimated Source of Funds

## For Medical Grants

00 Federal Funds	73,797,653	73,824,210
01 Other Agency Funds	8,596,356	9,120,360
05 Private or Local Funds	16,642,524	17,356,011
09 Agency Income	150,000	150,000
General Fund	21,763,573	23,493,019
Total	120,950,106	123,943,600

III. Amend 1985, 406:1.05,02,05,01,02 by striking out same and inserting in place thereof the following:

## 05 Health and Social Services

## 02 Department of Health and Human Services

## 05 Division of Mental Health

## 01 Administration

## 02 Administration and Support

## 10 Personal Services -

Permanent	489,863	507,485
20 Current Expenses	34,815	35,100
30 Equipment	3,140	
50 Other Personal Services	27,144	27,344
60 Benefits	91,901	100,915
70 In-state Travel	14,510	14,510
80 Out-of-state Travel	3,827	4,184
90 Training	9,321	9,502
91 Transfer to Information Services	A 125,000	155,000
98 Accountability	57,349	155,083

Total	856,870	1,009,123
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Estimated Source of Funds  
for Administration and  
Support

01 Reimbursement to Mental Health	80,000	80,000
General Fund	776,870	929,123
Total	856,870	1,009,123

IV. Amend 1985,406:1.05,02,05,01,03 by striking out classes 10 and 60 and the totals and inserting in place thereof the following:

10 Personal Services -		
Permanent	203,185	246,450
60 Benefits	37,140	49,049
Total	362,478	423,754
Estimated Source of Funds For Evaluation and Quality Assurance		
General Fund	362,478	423,754
Total	362,478	423,754

V. Amend 1985, 406:1.05,02,05,01,04 by striking out classes 10 and 60 and the totals and inserting in place thereof the following:

10 Personal Services -		
Permanent	233,784	272,870
60 Benefits	40,119	53,210
Total	15,234,105	18,759,457
Estimated Source of Funds for Community Mental Health Services		
General Fund	15,234,105	18,759,457
Total	15,234,105	18,759,457

VI. Amend 1985, 406:1.05,02,05,01,05 by striking out classes 10 and 60 and the totals and inserting in place thereof the following:

10 Personal Services -		
Permanent	403,870	436,756
60 Benefits	66,485	85,167
Total	23,980,380	24,143,877
Estimated Source of Funds for Community Developmental Services		
General Fund	23,980,380	24,143,877
Total	23,980,380	24,143,877

VII. Amend 1985, 406:1.05,02,05,01,06 by striking out classes 93 and 94 and the totals and inserting in place thereof the following:

93 Equipment Rental	89,155	117,250
94 Computer Time/ Consultants	28,000	53,235
Total	451,128	510,794
Estimated Source of Funds for Planning and Information Systems		
General Fund	451,128	510,794
Total	451,128	510,794

VIII. Amend 1985, 406:1.05,02,05,01,07 by striking out class 95 and the totals and inserting in place thereof the following:

95 Office of Public Guardian	437,500	621,350
Total	918,497	1,104,041
Estimated Source of Funds for Client and Legal Services		
General Fund	918,497	1,104,041
Total	918,497	1,104,041

IX. Amend 1985,406:1.05,02,05,04,01 by striking out class 90 and the totals and inserting in place thereof the following:

90 Consultants	75,000	80,000
Total	1,722,722	1,745,505
Estimated Source of Funds for Administration		
01 Other Agency Funds	200,000	200,000
05 Private or Local Funds	28,000	28,000
General Fund	1,494,722	1,517,505
Total	1,722,722	1,745,505

X. Amend 1985, 406:1.05,02,05,04,03 by striking out class 90 and the totals and inserting in place thereof the following:

90 Management Contract	160,000	165,000
Total	987,508	1,009,916
Estimated Source of Funds for Housekeeping		
General Fund	987,508	1,009,916
Total	987,508	1,009,916

XI. Amend 1985, 406:1.05,02,05,04,04 by striking out class 20 and the totals and inserting in place thereof the following:

20 Current Expenses	134,955	174,955
Total	693,273	745,289
Estimated Source of Funds for Laundry		
01 Other Agency Funds	176,000	125,000
General Fund	517,273	620,289
Total	693,273	745,289

XII. Amend 1985, 406:1.05,02,05,04,08 by striking out class 90 and the totals and inserting in place thereof the following:

90 Guardianships	180,000	190,000
Total	1,400,068	1,434,689
Estimated Source of Funds for Professional Administration		
General Fund	1,400,068	1,434,689
Total	1,400,068	1,434,689

XIII. Amend 1985, 406:1.05,02,05,04,13 by striking out class 90 and the totals and inserting in place thereof the following:



90 Consultants	20,000	30,000
Total	68,985	79,138
Estimated Source of Funds for Radiology		
General Fund	68,985	79,138
Total	68,985	79,138

XIV. Amend 1985, 406:1.05,02,05,04,17 by striking out class 90 and the totals and inserting in place thereof the following:

90 O R Contract	300,000	340,000
Total	1,777,019	1,839,098
Estimated Source of Funds for Medical Surgical		
General Fund	1,777,019	1,839,098
Total	1,777,019	1,839,098

XV. Amend 1985, 406:1.05,02,05,04,19 by striking out class 90 and the totals and inserting in place thereof the following:

90 Consultants	245,000	200,000
Total	5,177,364	5,222,994
Estimated Source of Funds for Adult Psychiatric Unit		
General Fund	5,177,364	5,222,994
Total	5,177,364	5,222,994

2 Guidelines. Amend RSA 165:1, II (supp) as inserted by 1979, 243:1 as amended by striking out said paragraph and inserting in place thereof the following:

II. The local governing body, as defined in RSA 672:6, of every town and city in the state shall adopt written guidelines relative to general assistance. The guidelines shall include, but not be limited to the following:

- (a) The process for application for general assistance.
- (b) The criteria for determining eligibility.
- (c) The process for appealing a decision relative to the granting of general assistance.

3 Placement Costs. Amend RSA 170-G:4, XVI (supp) as inserted by 1985, 380:53 by striking out said paragraph and inserting in place thereof the following:

XVI. Encourage cities, towns and counties to develop and maintain court diversion programs and alternative dispositions for juveniles other than placements outside of the home through the use of a formula which shall allow for the transfer of funds to cities, towns, and counties which have, or are developing, alternatives for juvenile care. The amount to be distributed for this program shall be not less than 5 percent of the amount appropriated in each fiscal year to the division for children and youth services for placement costs. The method of distribution shall be based upon rules adopted under RSA 541-A by the director.

4 Authority to Adjust Total. The legislative budget assistant is authorized to adjust any totals as made necessary by the passage of this act.

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

Rep. Scamman yielded to questions.  
 Amendment adopted.  
 Referred to Appropriations.

CACR 4, relating to compensation of the legislature. Providing that constitutional amendments affecting legislative compensation may be proposed only by a constitutional convention. Inexpedient to Legislate. The Committee felt that it was not a good idea to qualify or restrict what amendments could or could not be considered by either a Constitutional Convention or the Legislature. All questions must eventually go before the people for ratification and it is immaterial to the public what method was used to propose the amendment. Vote 11-0. Rep. Mary J. Shriver for Constitutional and Statutory Revision.

Report adopted.

CACR 8, relating to meetings of the general court. Providing that the general court shall meet biennially and receive mileage for not more than 90 legislative days during the session, but not after the first day of July following the biennial assembly of the legislature. Inexpedient to Legislate.

The Committee unanimously (10-0) agreed that this proposed Constitutional Amendment was inexpedient. In 1984, over 70 percent of New Hampshire's citizens endorsed annual sessions. The Committee believes that the Legislature should honor the mandate of the voters, and that annual legislative sessions should be allowed a trial in order to examine their value. Rep. Beverley B. Bryant for Constitutional and Statutory Revision.

Report adopted.

HB 98-FN, making an additional appropriation for foundation aid.  
 Ought to Pass.

Testimony before the Committee was overwhelmingly in support of this bill. Without this additional appropriation, Foundation Aid will decrease in 1987. This appropriation can be funded without increasing taxes. Current state surplus of over 4 million dollars includes \$900,000 in Sweepstakes revenue which should go to school districts. In addition, State revenues are running ahead of projections. This appropriation will also lessen the impact on those communities which would otherwise lose funds under the hold-harmless provision of the Foundation Aid formula. Vote 17-0. Rep. Karen O. Wadsworth for Education.

Referred to Appropriations.

HB 235, relative to *Mustela putorius furo*. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: Evidence in opposition included the Commissioner of Agriculture, New Hampshire Fish and Game, New Hampshire Veterinary Medicine, New Hampshire Society for the Prevention of Cruelty to Animals, New Hampshire Regional Office of the Humane Society of United States, Hillsborough Humane Society, Nashua Police Department and the Farm Bureau. This was persuasive to the majority of the Committee. Vote 10-8. Rep. Elizabeth A. Greene for the Majority of Environment and Agriculture.

MINORITY: The minority of the Committee felt this bill is a basic personal liberty issue. Testimony indicates that the *mustela putorius furo* is not a wild animal, but in fact has been domesticated for 3,000 years. As a domestic animal they should be entitled to the same ownership rights as other more common domestic animals. The bill, in its present form, leaves permitting for the sale of ferrets under the

jurisdiction of the Fish and Game Commission. Reps. Mary J. Shriver, Catherine O'Brien, Elizabeth S. Millard, John L. Sherburne and Malcolm W. Harrington for the Minority of Environment and Agriculture,.

Rep. Shriver moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to her motion.

Reps. Marilyn Campbell and Elizabeth Greene spoke against the motion.

Reps. Pannell, Dickinson and Chretien spoke in favor of the motion.

Rep. Felch spoke against the motion and yielded to questions.

A division was requested.

125 members having voted in the affirmative and 208 in the negative, the motion lost.

Resolution adopted.

HB 258-FN, increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs. Ought to Pass.

This bill increases by 10 percent the matching funds available for training and equipping local fire departments to handle hazardous waste spills. Vote 15-2. Rep. Merle W. Schotanus for Environment and Agriculture.

Referred to Appropriations.

HB 434-FN, relative to gasoline vapor control systems. Inexpedient to Legislate.

The intent of House Bill 434 is praiseworthy, but the bill itself has some problems. Costs incurred by small station owners would be prohibitive. The approved systems are in the process of being changed by the Environmental Protection Agency. With other unknowns, this resulted in the Inexpedient to Legislate vote of 9-7. Rep. Frank N. Whittemore for Environment and Agriculture.

Resolution adopted.

HB 465-FN, providing emergency relief for persons exposed to release of hazardous materials. Refer for Interim Study.

The Committee unanimously agreed that a system providing emergency relief for persons exposed to release of hazardous materials is needed, but the elements of cost, liability, departmental responsibility, and authority must be refined and clarified. This bill provides a good blueprint for resolving these issues, and should be studied further. Vote 17-0. Rep. Merle W. Schotanus for Environment and Agriculture.

Referred for Interim Study.

HB 449-FN, relative to judicial salaries. Ought to Pass.

The Committee believes that the judicial salaries are long overdue to be increased to a fair and just level. The bill provides an 8 percent increase in June 1986 and another in June 1987. Vote 16-0. Rep. Beverly A. Hollingworth for Judiciary.

Question being on the Committee report, the Speaker was in doubt and requested a division.

139 members having voted in the affirmative and 195 in the negative, the report lost.

HB 124, relative to defined benefit pension funds. Refer for Interim Study.

The Committee voted 10-4 that this bill, dealing with residual assets of pension plans when terminated be paid as deferred wages to plan



participants, be referred for interim study as this bill may not be necessary if it becomes public law, and the measure is before Congress. Rep. Avis B. Nichols for Labor, Industrial and Rehabilitative Services.

Referred for Interim Study.

HB 85, relative to the Bedford road interchange with the Everett turnpike in the town of Merrimack and making an appropriation therefor. Ought to Pass with Amendment.

This is one bill that is self-financing through tolls and was passed in the 1981 session as a needed project. Vote 18-0. Rep. Charles M. Nute for Public Works.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sum of \$6,000,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1987, for the construction of a north-bound off ramp and a south-bound on ramp to the Everett turnpike at the Bedford road in the town of Merrimack which was authorized by 1981, 542:2. In addition, this appropriation covers the widening and lengthening of the overpass bridge at Bedford road which was found to be necessary from the study conducted pursuant to 1981, 542:1 and the installation of toll booths for both ramps. This appropriation shall be non-lapsing.

2 Bonds. To provide funds for the appropriation in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$6,000,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

3 Payments. The payment of principal and interest of the bonds and notes issued for the project in section 1 of this act shall be made when due from the New Hampshire turnpike sinking fund.

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

Amendment adopted.

Referred to Appropriations.

HB 118, making an appropriation to the city of Nashua to undertake the construction of a second bridge across the Nashua River. Inexpedient to Legislate.

The Committee has sympathy for Nashua in this instance, but lack of funds was the deciding factor in recommending Inexpedient to Legislate. Vote 12-6. Rep. George F. Disnard for Public Works.

Resolution adopted.

HB 119, relative to replacing the Hampton beach seawall and making an appropriation therefor. Ought to Pass with Amendment.

This bill, as amended, will appropriate funds to repair the Hampton Beach seawall. This project will complete a project started in the 1950s on the State of New Hampshire's seacoast state park. Vote 19-1. Rep. Beverly A. Hollingworth for Public Works.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appropriation. The sum of \$7,200,000 is hereby appropriated to the department of transportation and the department of resources and economic development for the biennium ending June 30, 1987, for the replacement of the Hampton beach steel seawall with a concrete seawall similarly constructed to the existing seawall which adjoins it. This shall be a nonlapsing appropriation and in addition to any other appropriation for the department of transportation or the department of resources and economic development for the biennium.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Bonds. To provide funds for the appropriation in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$7,200,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under section 1 of this act beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 2 of this act shall be reduced by the same amount.

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

Amendment adopted.  
Referred to Appropriations.

HB 157, relative to the Rye harbor project and making an appropriation therefor. Ought to Pass with Amendment.

The majority of the Committee felt that it must protect what little seacoast the state has, but showed some concern over how low the fees for moorings now being charged to private boats by our state presently. Vote 16-3. Rep. Mildred S. Ingram for Public Works.

#### Amendment

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Additional Appropriation. Amend 1985, 409:1, IX, B by striking out said subparagraph and inserting in place thereof the following:

B. Marine repairs, dredging - Hampton,	
Portsmouth and Rye harbor	920,000

5 Total Charged. Amend 1985, 409:1 by striking out the total state appropriation paragraph IX and inserting in place thereof the following:

\$6,245,000

6 Total Charged. Amend 1985, 409:1 by striking out the total state appropriation section 1 and inserting in place thereof the following:

\$18,600,620

7 Bonds Authorized Charged. Amend 409:11, I by striking out said section and inserting in place thereof the following:

1. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$22,713,620 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

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

Amendment adopted.  
Referred to Appropriations.

HB 210, relative to the location of the Concord headquarters facility for fish and game. Ought to Pass with Amendment.

The result of this bill, as amended, is to eliminate any reference to specific site for construction of facilities for new regional offices in Cheshire County and Littleton that now appear in the capital budget. Vote 16-3. Rep. Robert E. Murphy for Public Works.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Location of Regional Offices. Amend 1985, 409:1, V, B, 2., by striking out said subparagraph and inserting in place thereof the following:

2. Laconia (to be built on state owned property); southwest region of state - Cheshire county; Littleton - (A suitable site within the area). \$400,000

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

Amendment adopted.  
Ordered to third reading.

HB 220-FN, relative to Route 16 road improvement and making an appropriation therefor. Ought to Pass.

This bill provides the funds to complete the design for two sections of Route 16. One section 2 miles south of US 2 in Gorham and 7 miles south of the Dana Place Inn. Vote 18-1. Rep. Beaton Marsh for Public Works.

Referred to Appropriations.

HB 237, relative to the completion of construction of the relocation of Route 11 at West Alton and making an appropriation therefor. Inexpedient to Legislate.



The need for this project was not questioned. However, it was felt other projects have higher priority for the available funds. Vote 16-3. Rep. Beaton Marsh for Public Works.

Resolution adopted.

HB 304, relative to the construction of exit 1 of the central turnpike and making an appropriation therefor. Ought to Pass with Amendment. This project is considered one of the first contemplated steps to the Everett Turnpike improvements. The amendment merely adds funds for necessary improvements. Vote 17-1. Rep. James C. Chamberlin for Public Works.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Authority Granted. Amend RSA 237:2, IV (supp) as inserted by 1983 427:1 as amended by striking out said paragraph and inserting in place thereof the following:

IV. Make improvements to the central New Hampshire turnpike, including, but not limited to:

(a) The design, right of way acquisition and construction for the improvement of the central New Hampshire turnpike in Nashua between the Massachusetts line and exit 3 to include reconstruction of exit 1, also including associated widening and the construction of a new northbound on-ramp from Daniel E. Webster highway to the central turnpike, and the design and land acquisition for a new interchange at exit 2 which connects to a new interchange at the Daniel E. Webster highway and for additional lanes on the turnpike between the state line and exit 3. The commissioner of the department of transportation is hereby directed to make this project a priority and to begin construction within the biennium ending June 30, 1987.

(b) Construction of a new 7W in Nashua. The commissioner of the department of transportation is hereby directed to prioritize this project and to begin construction within the biennium ending December 1, 1985.

(c) Reconstruction of exit 8 in Merrimack to remove the current toll plaza providing toll collection equipment on the on and off ramps.

(d) construction of the main line toll plaza in Bedford.

(e) Continue design and engineering of the modernization of the central turnpike.

Amendment adopted.  
Referred to Appropriations.

HB 327-FN, relative to a study of the highways and bridges in the Hanover-Lebanon area and making an appropriation therefor. Ought to Pass with Amendment.

This amount of money is needed for the study due to the fact that it takes in Hanover, Lebanon and other needed safety factors. Vote 18-1. Rep. Lorine Walter for Public Works.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appropriation. The sum of \$150,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1987, for

the purpose of conducting a study and providing recommendations regarding, but not limited to, the following highways and bridges in the Hanover-Lebanon area:

- I. New Hampshire Route 120 from I-89 to the Hanover line, as it relates to projected cross traffic from development to the west.
- II. The Ledyard bridge, its approaches, and the sufficiency of its connector to I-91 in Vermont.
- III. The sufficiency of I-91 in Vermont and New Hampshire Routes 10 and 12A as development takes place in the northwest quadrant of Lebanon.
- IV. The feasibility of a connector road between New Hampshire Routes 120 and 10 to accommodate growth on New Hampshire Route 120, and also in the northwest quadrant of Lebanon, including an interstate bridge to relieve traffic in West Lebanon and Hanover, which would be a continuation of the Route 10 - Route 120 connector, linking up with I-91 in Wilder, Vermont.
- V. The intersection of New Hampshire Interstate 89 and New Hampshire Route 12 in West Lebanon, including the feasibility of a half-cloverleaf to alleviate congestion northbound on Route 12A at Exit 20 by means of a free right turn onto I-89.
- VI. The sufficiency of the US Route 4 bridge over the Connecticut River.

This shall be a nonlapsing appropriation and in addition to any other appropriation for the department of transportation for the biennium. This appropriation shall be a charge against the highway fund.

Amendment adopted.

Referred to Appropriations.

HB 486-FN, repealing the compact agreement with the state of Maine on the Maine-New Hampshire Interstate Bridge Authority. Inexpedient to Legislate.

The majority of the Committee felt that this bill would cause more problems than it would solve. Vote 15-4. Rep. Charles M. Nute for Public Works.

Resolution adopted.

HB 145, relative to the pari-mutuel commission. Ought to Pass with Amendment.

Amended, House Bill 145 increases the percentage of horse racing revenue which is contributed to the horse owner's purse. This will enable Rockingham Park to continue to draw the quality horses it needs to compete. The Massachusetts tracks have received a substantial tax break which places Rockingham Park at a competitive disadvantage. The amount of State revenue is reduced for three years, with repayment to begin in 1995 after Rockingham Park has reduced its debts. Vote 18-1. Rep. James D. Phelps for Regulated Revenues.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### An Act

increasing commissions and purses at horse races.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Commission and Purse Increased. Amend RSA 284:22, I (supp) as amended by striking out said paragraph and inserting in place thereof the following:

I. The commission on all win, place and show pari-mutuel pools at tracks or race meets at which running horse races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the commission on all other pari-mutuel pools at such tracks or race meets shall be uniform throughout the state at the rate of 26 percent of each dollar wagered in such pools. Except as provided in the introductory paragraph of this section, the amount of the purse fund at such tracks or race meets at which running horse races are conducted shall be 8-1/4 percent of each dollar wagered in all pari-mutuel pools, said 8-1/4 percent to be paid by the licensee out of the commission on such pools. In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage", provided, and the balance of such breakage shall be paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2. Each licensee shall pay the tax provided for in RSA 284:23. During the calendar years 1986 and 1987 only, the licensee shall add to said purse fund 3/4 of one percent of all pari-mutuel pools at tracks or race meets at which running horse races are conducted, and the state shall add to said purse fund the residual unclaimed thoroughbred pari-mutuel ticket fund left after one year under RSA 284:31 plus 1/2 of the breakage received by the state under this section and 1/2 of the tax received by the state under RSA 284:23, I; during the calendar years 1995, 1996 and 1997 only, all of said breakage shall be paid to the state and none to the licensee.

2 State Tax Increased. Amend RSA 284:23, I (supp) as amended by striking out said paragraph and inserting in place thereof the following:

I. Each person, association or corporation licensed to conduct a running horse race or running horse meet under this chapter shall pay to the state treasurer a sum of money equal to one percent of the total contributions to all win, place and show pari-mutuel pools, and a sum of money equal to 2 percent of the total contributions to all other pari-mutuel pools conducted, made or sold at any such race or meet licensed hereunder, except that during calendar years 1995, 1996 and 1997 only, the tax on such win, place and show pools shall be 1-1/2 percent and the tax on all other pools shall be 3 percent. Of the amount so paid to the state treasurer, a sum equal to 1/4 of one percent of said total payments shall be expended for the promotion of agriculture in the state under the direction of the commissioner of agriculture, and the balance of such payments shall be distributed in accordance with the provisions of RSA 284:2. The payment of the increased tax for the years 1995, 1996, and 1997 to reimburse the state for its contribution to the purse fund under RSA 284:22, I shall be secured under the same terms and conditions as the subordinated revenue bonds issued by the industrial development authority dated December 23, 1983, after said bonds have been paid.

3 Commission and Purse Increased. Amend RSA 284:22, I (supp) as amended by striking out said paragraph and inserting in place thereof the following:

I. The commission on all win, place and show pari-mutuel pools at tracks or race meets at which running horse races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the commission on all other pari-mutuel pools at such tracks or race meets shall be uniform throughout the state at the rate of 26 percent of each dollar wagered in such pools. Notwithstanding any other provision of law, the amount of the purse fund at such tracks or race meets at which running horse races are conducted shall be 8-1/4 percent of each dollar wagered in all pari-mutuel pools, said 8-1/4 percent to be paid by the licensee out of the commission on such pools. In addition to the above commission, 1/2 of the odd cents



of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage", shall be retained by the licensee in addition to the commission above provided, and the balance of such breakage shall be paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2. Each licensee shall pay the tax provided for in RSA 284:23. During the calendar years 1987 and 1988 only, the licensee shall add to said purse fund 3/4 of one percent of all pari-mutuel pools at tracks or race meets at which running horse races are conducted, and the state shall add to said purse fund the residual unclaimed thoroughbred pari-mutuel ticket fund left after one year under RSA 284:31 plus 1/2 of the breakage received by the state under this section and 1/2 of the tax received by the state under RSA 284:23, I; during the calendar years 1995, 1996 and 1997 only, all of said breakage shall be paid to the state and none to the licensee.

4 Effective Date.

I. Section 3 of this act shall take effect at 12:01 a.m. on July 1, 1987.

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

Amendment adopted.

Rep. Ward spoke against the report and yielded to questions.

Rep. Kenneth MacDonald yielded to questions.

Reps. Phelps and Robert Mason spoke in favor of the report and yielded to questions.

Rep. James Chandler spoke to the report.

Rep. Benton spoke in favor of the report.

A roll call was requested. Sufficiently seconded.

YEAS 279 NAYS 66  
YEAS 279

BELKNAP: Birch, Richard Campbell, Golden, Hardy, Malcolm Harrington, Hawkins, Jensen and Pearson.

CARROLL: Ashnault, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Olimpio, Saunders and Schofield.

CHESHIRE: Arnott, Blacketor, Burley, Crane, Jesse Davis, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Elmer Johnson, Matson, Miller, William Riley, Schwartz, Scranton and Thompson.

COOS: Brideau, Brungot, Harold Burns, Chardon, Coulombe, Frederic Foss, Guay, Horton, Lamontagne, Marsh, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bean, Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Driscoll, Michael King, Wayne King, LaMott, McAvoy, Rounds, Scanlan, Taffe, Howard Townsend, Wadsworth, Walter and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Arris, Barry, Bergeron, Blais, Boisvert, Lionel Boucher, Bourdon, Bourque, Bridgewater, Burkush, A. Leslie Burns, John Burns, Carragher, Chagnon, Chretien, Cote, Cox, Cronin, Crotty, William Dion, Duperron, Dupont, Durant, Dwyer, Dykstra, Clyde Eaton, Fields, Fried, Gagnon, Scott Green, Grip, Healy, Herod, Hogan, Holden, Humphrey, Chris Jacobson, Jasper, George Jones, Keefe, Kelley, Knight, Labombarde, Lamy, Levesque, Lown, Lozeau, Martin, McGlynn, Messier, Elizabeth Moore, Morrisette, Robert Murphy, Nelson, Nute, O'Rourke, Bonnie Packard, Pappas, Paradis, Parmenter, Perham, Prestipino, Raiche, Reardon, Reidy, Frances Riley, Ellen-Ann Robinson, Shriver, B. P. Smith, Leonard Smith, Snow, Steiner, Stiles, Stonner, Mary Sullivan, Turgeon, Van Loan, Varkas, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Arnold Wight and Winn.



MERRIMACK: Anderson, Barberia, Bardsley, Bibbo, Laurent Boucher, Bowes, James Chandler, Connolly, Fraser, Gilbreth, George E. Gordon, Hager, Hayes, Mary Holmes, Jolley, Kidder, Lewis, Arthur Locke, Millard, Nichols, Pannell, Pantzer, Phelps, Doris Riley, Linwood Rogers, Savaria, Shepard, Gerald Smith, Stio, Wallner and West.

ROCKINGHAM: Benton, Blaisdell, Patti Blanchette, William Boucher, Burdick, Butler, Eunice Campbell, Marilyn Campbell, Lawrence A. Chase, Jr., Clay, Connors, Conroy, Day, Ellyson, Felch, Flanagan, Flanders, Bert Ford, Beverly Gage, Thomas Gage, Goss, Elizabeth Greene, Haynes, Hollingworth, Robert Johnson, Kane, George Katsakiores, Phyllis Katsakiores, Krasker, Mace, Magoon, Malcolm, Robert Mason, Jr., McKinney, Newell, Palumbo, Parr, Pevear, Popov, Quimby, Raynowska, Norman Rogers, Romoli, Rosencrantz, Scamman, Schmidtchen, Schwaner, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Stachowske, Sytek, Tufts, Vartanian, Vaughn and Welch.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Burton, Callaghan, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Hussey, Robert Jones, Kincaid, Laurion, Meader, Musler, O'Brien, Parks, Francis Robinson, Henry Sullivan and Whiting.

SULLIVAN: Brodeur, Call, D'Amante, Domini, Ingram, Paul Johnson, Lindblade, McKee, Normandin, Rodeschin, Schotanus and Sara Townsend.

NAYS 66

BELKNAP: Bowler, Brough, Dexter, Holbrook, Matthew Locke, Nighswander and Zeckhausen.

CARROLL: Gene Chandler.

CHESHIRE: Morse, Parker, Perry, Ramsay, Ridge, Secord and Young.

COOS: Chappell and Mayhew.

GRAFTON: Easton, Stewart, Ward and Weymouth.

HILLSBOROUGH: Bass, Charron, Donovan, Joseph M. Eaton, Nancy Ford, Marian Harrington, Hendrick, Hyman, Katsiaficas, Howard Mason, McCue, Pressly, Sallada, Sylvia, Vanderlosk, Geraldine Watson and Zis.

MERRIMACK: Daniell, Gross, Alf Jacobson, C. William Johnson, Rehlander and James Whittemore.

ROCKINGHAM: Case, Champoux, Emanuelson, Gourdeau, Hoar, Longworth, McCain, Benjamin Moore, Sanderson, Seward, Walker, Warburton and Wells.

STRAFFORD: Bryant, Keans, Lussier, Pelley, Spear, Ann Torr and Franklin Torr.

SULLIVAN: Disnard and Spaulding, and the report was adopted.  
Referred to Appropriations.

HB 420-FN, relative to the manufacture, transportation, and sale of table wines. Refer for Interim Study.

The Committee, the sponsor and all parties agree that the complexity of the bill needs a great deal of study work and especially more information on the fiscal impact to the State which would be \$6,800,000 loss of revenue if this bill is passed as written. Vote 13-3. Rep. Lynn C. Horton for Regulated Revenues.

Referred for Interim Study.

HCR 1, relative to enactment of federal legislation implementing a household hazardous waste coding system. Ought to Pass with Amendment. This resolution requests the United States Congress to enact legislation implementing a system to identify household hazardous waste. This will clarify which commonly used products are actively dangerous. Vote 17-0. Rep. Elizabeth A. Greene for Environment and Agriculture.

Amendment

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the Congress of the United States enact legislation implementing an identification and coding system for household hazardous substances that may be discarded as waste that uses the internationally recognized prohibition symbol, a sample of which is attached hereto; and

That the members of the New Hampshire congressional delegation sponsor and support such legislation; and

That copies of this resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the New Hampshire congressional delegation.

Amendment adopted.

Ordered to third reading.

HB 384-FN, relative to oversight of the state policy on energy and development. Ought to Pass with Amendment.

The Committee voted unanimously (8-0) that this bill, as amended, ought to pass. Rep. Roger L. Easton for Science and Technology.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Legislative Oversight Established.

I. The science and technology committee of the house of representatives shall serve as the legislative oversight committee to study the progress that has been made in the implementation of the state policy on energy.

II. The committee may initiate amendments and revisions to the state policy on energy.

III. The committee shall be entitled to legislative mileage for duties performed in connection with this study.

IV. The committee shall report its findings and recommendations annually to the speaker of the house of representatives, the president of the senate and governor and council on or before December 15.

Amendment adopted.

Ordered to third reading.

HB 475, establishing a study committee to develop a state policy for information technology. Ought to Pass.

After considering this bill the Committee found that this bill ought to pass. Vote 8-0. Rep. Roger L. Easton for Science and Technology.

Rep. McCain spoke against the report.  
Rep. M. Arnold Wight explained the report and yielded to questions.  
Ordered to third reading.

The Manchester Delegation offered the following:

HOUSE RESOLUTION NO. 10

memorializing Representative  
Norman A. Packard of Manchester.

WHEREAS, we have learned with sorrow of the death of Representative Norman A. Packard of Manchester, and

WHEREAS, for the bienniums of 1981-82 and 1985-86, Norman A. Packard was elected to the New Hampshire House of Representatives, and did honorably and faithfully serve his constituents in District Thirty-Four of Hillsborough County, and

WHEREAS, for four consecutive terms between 1953 and 1960, Norman A. Packard was elected to the New Hampshire Senate, and did devotedly discharge the responsibilities entrusted to him by the voters in District Sixteen of Hillsborough County, and

WHEREAS, Norman A. Packard was a respected legislator and leader who served with distinction as President of the New Hampshire Senate for the biennium of 1959-60, and

WHEREAS, having lived his entire life in Manchester, Norman A. Packard energetically demonstrated an abundance of community spirit through his active leadership roles in the Heart Association, Salvation Army, Pawtuckaway Lake Improvement Association, Lions Club, Taxpayers Association and Gasoline Dealers Association, and

WHEREAS, in addition to serving as a delegate to the 1948 Constitutional Convention, Norman A. Packard was active in the ongoing affairs of the Manchester Republican City Committee, most recently as Vice Chairman and Executive Board member, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Norman A. Packard's outstanding record of public service and achievement be acknowledged, commended and publicly recognized, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his daughters and sons.

Unanimously adopted by a rising vote of silent prayer.

Reps. Bowler and Randall offered the following:

HOUSE RESOLUTION NO. 11

honoring Winnisquam Regional High School.

WHEREAS, on January 20, 1986, during the live telecast on Channel 11 in Durham, New Hampshire, Winnisquam Regional High School won the Fall 1985 Granite State Challenge by defeating Conant High School, 480 to 390, and

WHEREAS, prior to reaching the championship round, Winnisquam Regional High School prevailed in three qualifying rounds, defeating Hopkinton High School, Dover High School, and Interlakes High School, and

WHEREAS, the team, coached by English teacher Stephen Tessler, was comprised of Rick Montambeault, Todd Malcolm, Ross Phelps, Robert Sanville, Andre Tolme and Jen Kelley who all brought acclaim, honor and recognition to their school, and

WHEREAS, team members, throughout the four rounds of arduous competition, displayed a unity of spirit that was marked by unselfishness, commitment and a strong desire to succeed, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the academic team of champions from Winnisquam Regional High School be applauded and recognized for its achievement, and be it further

RESOLVED, that the coach and students be lauded for the dedication, sacrifice and hard work that made them champions, and that a suitable copy of this Resolution be prepared for presentation to Winnisquam Regional High School.

Adopted.

Rep. Rounds offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 12 at 10:00 a.m.

Adopted.

#### LATE SESSION

#### Third reading and final passage

HB 33, to change the operating and the name of the department of postsecondary vocational-technical education.

HB 97-FN, relative to the foundation aid formula.

HB 239, allowing students in an approved high school vocational electrical program to perform electrical installations in residential buildings.

HB 300, relative to educational loan corporations.

HB 71, relative to associate supervisors in conservation districts and the acquisition of agricultural land development rights.

HB 255-FN, relative to the fee for equine infectious anemia testing.

HCR 1, relative to enactment of federal legislation implementing a household hazardous waste coding system.

HB 88-FN, relative to resident commercial salt water licenses.

HB 316, relative to the issuance of licenses by agents of the department of fish and game.

HB 65, authorizing police officers and certified emergency medical technicians to order removal of motor vehicle fatalities.

HB 117-FN, relative to the Sullivan county probate court and prohibiting the Sullivan county attorney from engaging in the private practice of law.

HB 154, relative to intestate descent and distribution among collateral heirs.

HB 159, extending the due process rights of certain teachers.

HB 310, relative to driving while intoxicated.

HB 322, correcting a statutory reference to the appointment of guardians and conservators by probate courts.

HB 337-FN, to repeal certain statutes relative to state employees.

HB 29, permitting the election of 5 commissioners in village districts within the towns of Merrimack and Hooksett.

HB 281, relative to county buildings.

HB 51-FN, relative to fire protection and warning devices in healthcare facilities.

HB 77, relative to the New Hampshire veterans' home.

HB 146, relative to the pari-mutuel commission.

HB 69, naming a mountain in Stark, New Hampshire as "Mount Mary" after the first name of its owner.



HB 195, relative to cooperative planning for great ponds and their watersheds.

HB 259, relative to boats powered by motors of less than 10 horsepower.

HB 395-FN, relative to materials salvaged under the authority of the historic preservation offices.

HB 200, repealing the task force on low-level radioactive waste management.

HB 384-FN, relative to oversight of the state policy on energy and development.

HB 475, establishing a study committee to develop a state policy for information technology.

HR 1-FN, relative to methods for managing conflicts and political disputes.

HJR 1-FN, relative to the statue of liberty and making an appropriation therefor.

HB 210, relative to the location of the Concord headquarters facility for fish and game.

#### RECONSIDERATION

Rep. George Gordon moved that the House reconsider its action whereby it did not adopt the Committee report on HB 449-FN, relative to judicial salaries, and spoke to his motion.

Reps. Sytek and Quimby spoke in favor of the motion.

Rep. Hollingworth spoke in favor of the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 172 NAYS 170  
YEAS 172

BELKNAP: Birch, Bowler, Richard Campbell, Malcolm Harrington, Nighswander, Pearson, Randall and Zeckhausen.

CARROLL: Russell Chase, Dickinson, Robert Holmes, Kenneth MacDonald, Olimpio and Schofield.

CHESHIRE: Jesse Davis, Daniel Eaton, Irvin Gordon, Grodin, Matson, Miller, Parker, Perry, Ramsay, William Riley, Scranton and Thompson.

COOS: Chardon, Coulombe, Frederic Foss, Mayhew and Ottolini.

GRAFTON: Arnesen, Bean, Blair, Chambers, Copenhaver, Crory, Densmore, Easton, Michael King, Wayne King, Rounds, Scanlan, Taffe, Howard Townsend, Wadsworth, Walter and Ward.

HILLSBOROUGH: Ahrens, Arnold, Bass, Boisvert, Bourque, Burkush, John Burns, Chagnon, Chretien, Cote, Joseph M. Eaton, Nancy Ford, Grip, Marian Harrington, Hendrick, Hogan, Chris Jacobson, Jasper, Keefe, Kelley, Knight, Lamy, Lown, Lozeau, Messier, Robert Murphy, Nelson, O'Rourke, Bonnie Packard, Pappas, Parmenter, Pressly, Raiche, Reardon, Ellen-Ann Robinson, Shriver, Leonard Smith, Snow, Steiner, Stonner, Mary Sullivan, Sylvia, Van Loan, Geraldine Watson, Harold Watson, Arnold Wight, Winn and Zis.

MERRIMACK: Bardsley, Bibbo, Laurent Boucher, James Chandler, Fraser, Gross, Hager, Hayes, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Lewis, Millard, Nichols, Pantzer, Phelps, Rehlander, Wallner and West.

ROCKINGHAM: Benton, Blaisdell, Blanchard, Patti Blanchette, William Boucher, Marilyn Campbell, Case, Champoux, Connors, Day, Thomas Gage,

Goss, Elizabeth Greene, Hollingworth, Robert Johnson, Kane, George Katsakiores, Malcolm, McCain, Parr, Pevear, Popov, Quimby, Sanderson, Scamman, Sherburne, Skinner, Sloan, Sochalski, Stachowske, Sytek, Tufts, Vartanian, Walker and Woodward.

STRAFFORD: Bates, Bernard, Bryant, Burton, Callaghan, Chamberlin, Patricia Foss, Hussey, Robert Jones, Keans, Meader, O'Brien, Francis Robinson and Ann Torr.

SULLIVAN: Disnard, Paul Johnson, Lindblade, McKee, Normandin, Schotanus and Sara Townsend.

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BELKNAP: Brough, Dexter, Golden, Hardy, Hawkins, Holbrook, Jensen and MatthewLocke.

CARROLL: Ashnault, Gene Chandler, Hounsell and Saunders.

CHESHIRE: Arnott, Blacketor, Burley, Crane, Delano, Frink, Elmer Johnson, Morse, Ridge, Schwartz, Secord and Young.

COOS: Brideau, Brungot, Harold Burns, Chappell, Guay, Horton, Lamontagne, Marsh, Theriault and York.

GRAFTON: Christy, Driscoll, LaMott, McAvoy, Stewart, Weymouth and Whitcomb.

HILLSBOROUGH: Arris, Barry, Bergeron, Blais, Lionel Boucher, Bourdon, Bridgewater, A. Leslie Burns, Carragher, Charron, Cox, Cronin, Crotty, William Dion, Donovan, Duperron, Dupont, Durant, Dwyer, Dykstra, Clyde Eaton, Fields, Fried, Gagnon, Scott Green, Holden, Humphrey, Hyman, George Jones, Katsiaficas, Labombarde, Levesque, Martin, Howard Mason, McGlynn, Elizabeth Moore, Morrissette, Nute, Paradis, Perham, Prestipino, Reidy, Frances Riley, Sallada, B. P. Smith, Stiles, Turgeon, Vanderlosk, Varkas, Emma Wheeler, Kenneth Wheeler and Frank Whittemore.

MERRIMACK: Anderson, Barberia, Bowes, Connolly, Daniell, Gilbreth, George E. Gordon, Jelley, Pannell, Doris Riley, Linwood Rogers, Savaria, Shepard, Gerald Smith, Stio and James Whittemore.

ROCKINGHAM: Burdick, Butler, Eunice Campbell, Lawrence A. Chase, Jr., Conroy, Ellyson, Emanuelson, Felch, Flanagan, Flanders, Bert Ford, Beverly Gage, Gourdeau, Haynes, Hoar, Phyllis Katsakiores, Longworth, Mace, Magoon, Robert Mason, Jr., McKinney, Benjamin Moore, Newell, Palumbo, Raynowska, Norman Rogers, Romoli, Rosencrantz, Schmidtchen, Schwaner, Seward, Simon, Splaine, Vaughn, Warburton, Welch and Wells.

STRAFFORD: Appleby, Berkey, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Frechette, Kincaid, Laurion, Lussier, Musler, Parks, Pelley, Spear, Henry Sullivan, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Call, D'Amante, Domini, Ingram, Rodeschin and Spaulding, and reconsideration prevailed.

Rep. Sytek moved that HB 449-FN, relative to judicial salaries, be recommitted to the Committee on Judiciary.

Adopted.

Rep. Rounds moved that the House stand in recess.

Adopted.

The House recessed at 12:40 p.m.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.  
Adopted.

# HOUSE JOURNAL 3

*Wednesday, 12Feb86*

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

Prayer was offered by the House Chaplain, Rev. David W. Bell.

On this Wednesday some of us think of ashes, some of us think of Jesus' testing in the wilderness, some of us think of Lincoln's agony over a divided Nation. Lord God, giver of all strength, help us in our days of testing, that we be made of the right stuff that fights for civil justice, rights and responsibilities for all citizens in our State. Amen.

Rep. Mann led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Donnelly, Worthen, Mehegan, Boutwell, Ralph Torr, Warburton, James J. White and Paquette, the day, illness.

Reps. Henry Sullivan, Bean, Case, Brown, Pantelakos, Russell, Wagner, Wood, Tamposi, Hogan, Frew, Michael Jones, Musler and Stonner, the day, important business.

Rep. Joseph MacDonald, the day, illness in the family.

## INTRODUCTION OF GUESTS

Former Minority Leader, Chris Spirou, guest of Rep. Chambers; Timberlane Junior High School, eighth grade Social Studies Class and chaperones Mrs. Raleigh and Mrs. Marino, guests of Reps. Flanagan and Gourdeau.

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

HB 50, establishing the arts development program and making an appropriation therefor and HB 193, establishing a local water protection assistance program and making an appropriation therefor, were removed at the request of Rep. Young.

HB 369, relative to use of portable radios, record players, and tape recorders at state beaches and state parks, was removed at the request of Rep. A. Leslie Burns.

HB 388, establishing a committee to study the procurement of computer equipment by the state, was removed at the request of Rep. M. Arnold Wight.

Adopted.

## COMMITTEE REPORTS (Consent Calendar)

HB 73-FN, relative to the office of ombudsman within the state council on aging. Ought to Pass with Amendment.

This bill, as amended, gives the ombudsman the right to go into hospitals for records of elderly patients. It also allows her to service those fifty-nine and younger, if they are in nursing homes. Vote 16-0. Rep. Emma B. Wheeler for Children, Youth and Elderly Affairs.



## Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Definitions. Amend RSA 167-A:21 by inserting after paragraph VI the following new paragraph:

VI-a. "Non-elderly" means any person 59 years of age or under who is a patient, resident or client of a facility.

2 Powers and Duties. Amend RSA 167-A:25, I(c) (supp) as inserted by 1983, 33:2 by striking out said subparagraph and inserting in place thereof the following:

(c) Acting on complaint, investigate any act, practice, policy or procedure of any facility or government agency that does or may adversely affect the health, safety, welfare, or civil or human rights of:

(1) Any elderly patient, resident, or client of a facility;

or

(2) Any non-elderly patient, resident, or client of a facility where such investigation will:

(A) either benefit elderly patients, residents or clients of that facility or facilities generally, or be the only viable avenue of assistance available to the complainant; and

(B) not significantly diminish the ombudsman's efforts in investigating complaints regarding elderly patients, residents, or clients of facilities.

3 Powers and Duties. Amend RSA 167-A:25 by inserting after paragraph II the following new paragraph:

III. The ombudsman shall:

(a) Provide information as appropriate to public agencies regarding the problems of patients, residents, or clients of facilities.

(b) Provide for training of ombudsman office staff and volunteers and promote the development of citizen organizations to participate in the ombudsman program.

4 Access to Records. Amend RSA 167-A:26 by inserting after subparagraph I(b) the following new subparagraph:

(c) Upon certification by the ombudsman that there is an ongoing investigation under RSA 167-A:25, I(c) involving a current or former patient of a hospital, enter the hospital and inspect there any books, files, medical records, or other records that pertain to the patient and are required by law to be maintained by the hospital or a government agency.

5 Reference Addition. Amend RSA 126-A:26, II (supp) as inserted by 1979, 395:2 by striking out said paragraph and inserting in place thereof the following:

II. In an investigation, the representative of the office shall have the authority to apply to the superior court for an order authorizing entry when an administrator of a facility refuses such representative entry as provided in subparagraph I(b) or I(c).

6 Access to Records. Amend RSA 167-A:26 by inserting after paragraph II the following new paragraph:

III. Authorized representatives of the office with proper identification shall have access to patients, residents, or clients of a facility to:

(a) Visit, talk with, and make personal, social, and legal services available.

(b) Inform them of their rights and entitlements and corresponding obligations under federal and state law by distribution of educational materials, discussion in groups, or discussion with individual patients, residents or clients.

(c) Assist them in asserting their legal rights relative to claims for public assistance, medical assistance, or social services benefits, and in all matters in which patients, residents, or clients have a legal claim. Assistance may be provided individually or on a group basis and may include organizational activity, counseling and litigation assistance.

(d) Engage in other methods of assisting, advising, and representing patients, residents or clients to extend to them the full enjoyment of their rights.

7 Report to Ombudsman Activities. Amend RSA 167-A:29 (supp) as inserted by 1979, 395:2 by striking out said section and inserting in place thereof the following:

167-A:29 Review; Reports Required.

I. The director and council shall review on a regular basis the development, implementation, administration, and operation of the office provided for in this subdivision. To facilitate this review, the office shall submit such reports as called for by the director and council from time to time and shall submit an annual report no later than 60 days after the close of the fiscal year.

II. The office shall file a report of the activities of the ombudsman program and the ombudsman activities concerning facilities and the protection of the rights of patients, residents, or clients of the facilities with the commissioner of health and human services, the governor, the general court, and the public within 120 days following the end of each federal fiscal year.

8 Immunity from Liability. Amend RSA 167-A by inserting after section 29 the following new section:

167-A:29-a Immunity from Liability. Any person, institution, or official who in good faith participates in the registering of a complaint, or who in good faith investigates that complaint or provides access to those persons carrying out the investigation or who participates in a judicial proceeding resulting from that complaint, shall be immune from any civil or criminal liability that might otherwise result by reason of these actions. For the purpose of any civil or criminal proceedings, there will be a rebuttable presumption that any person acting pursuant to this subdivision did so in good faith.

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

HB 358, establishing a committee to study services to children and families. Ought to Pass with Amendment.

This bill establishes a 15 person study committee. The committee will study services needed by CHINS (children in need of services). They are charged with submitting a report to the Speaker of the House and the Senate President by January 1, 1987. Vote 17-0. Rep. Mary Jane Wallner for Children, Youth and Elderly Affairs.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Membership. The study committee shall be composed of the following members:

I. Two members of the house of representatives, to be appointed by the speaker of the house.

II. Two members of the senate, to be appointed by the president of the senate.

III. The director of the division for children and youth services, or his designee.

IV. One member of the Group Home Association, to be chosen by its members.

- V. One juvenile probation officer, to be appointed by the governor.
- VI. One representative from New Hampshire Legal Assistance, to be appointed by the executive director.
- VII. One member of the New Hampshire Counties Association, to be chosen by its members.
- VIII. One member of the Community Mediation Diversion Program, to be appointed by the director.
- IX. One member from the New Hampshire School Principals Association, to be chosen by its members.
- X. One district court judge to be chosen by the District and Municipal Court Judges Association.
- XI. One physician to be chosen by the New Hampshire Medical Society.
- XII. Two public members, to be appointed by the governor.

HB 11, relative to mandatory auto insurance. Inexpedient to Legislate. At the request of the sponsor and because the Committee felt that this bill did not solve the problems of insurance and under insurance, plus the high cost of administering the bill, the Committee could not recommend it at this time. Vote 16-0. Rep. Harold W. Burns for Commerce, Small Business and Consumer Affairs.

HB 55-FN, relative to unfair insurance trade practices and mandating acceptance of a certificate of insurance as a binder by a financial institution. Ought to Pass with Amendment.

It was the choice of the Committee that a binder given at the time of insurance should cover a person until the policy is issued. Vote 17-0. Rep. Lucille T. Wood for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT relative to insurance trade practices.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Definition. Amend RSA 417:2 by inserting after paragraph II the following new paragraph:

III. "Creditor or lender" shall include their successors or assigns.

2 Unfair Methods. Amend RSA 417:4, XVI(c) and (d) as inserted by 1971, 519:1 by striking out said subparagraphs and inserting in place thereof the following:

(c) Whenever the instrument requires that the purchaser, mortgagor, or borrower furnish insurance of any kind on real or personal property which is being conveyed or which is collateral security to a loan, the mortgagee or lender shall refrain from disclosing or using any and all such insurance information to his or its own advantage and to the detriment of either the borrower, purchaser, mortgagor, insurer, or company or agency complying with the requirements relating to insurance.

(d) Notwithstanding any other law to the contrary, a creditor or lender of a loan secured by an interest in real property shall not require the borrower to keep the mortgaged property insured under a property insurance policy in a sum in excess of the value of the buildings on the real property.

(e) Notwithstanding any other law to the contrary, no creditor or lender shall require as a condition to closing a loan that the borrower



provide an original insurance policy at said closing; provided, however, that the creditor or lender may require the borrower to produce at closing a binder showing the borrower as a named insured and creditor or lender as mortgagee, and confirming that insurance has been issued, is in force, and will remain in full force until a copy of the final policy is delivered to the creditor or lender or until the creditor or lender has received notice of cancellation in accordance with the policy condition.

(f) No insurer may automatically write insurance on a debtor who has contracted credit based on the principle that the insurance is applicable unless specifically rejected by the debtor, unless the premium or such other identifiable charge as may be applicable is paid in full by the creditor.

3 Temporary Insurance. Amend RSA 407:6 as inserted by 1959, 163:1 by striking out said section and inserting in place thereof the following:

407:6 Temporary Insurance. Binders or other contracts for temporary insurance may be made, orally or in writing and shall be deemed to include all the terms of such Standard Fire Policy and all such applicable endorsements as may be designated in such contract of temporary insurance; except that the cancellation clause of such Standard Fire Policy, and the clause thereof specifying the hour of the day at which the insurance shall commence, may be superseded by the express terms of such contract of temporary insurance.

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

HB 265, permitting insurance policyholders access to other agents of the same company. Inexpedient to Legislate.

Evidence presented at the public hearing was that names and addresses of agents representing companies in the state are already available upon request of a policyholder of the company. Vote 15-0. Rep. Harold W. Burns for Commerce, Small Business and Consumer Affairs.

HB 266, relative to insuring antiques. Inexpedient to Legislate.

The Committee felt that this bill creates more problems than it would solve. Every article over 20 years is not an antique and should not be insured as such. Vote 16-0. Rep. Harold W. Burns for Commerce, Small Business and Consumer Affairs.

HB 360, relative to credit for reinsurance. Ought to Pass with Amendment.

The Committee agreed that this bill is necessary to establish proper policy and procedures for credit for reinsurance. Vote 15-0. Rep. Patricia H. Foss for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Amendment of Subdivision. Amend RSA 405:45 through 52 by striking out said sections and inserting in place thereof the following:

405:45 Definitions. In this subdivision:

I. "Assuming insurer" means any insurance company which assumes in any manner or form whatever, the whole or any part of any risk or liability and shall include any underwriting member of an insurance exchange, assigned risk pool, joint underwriting association, syndicate, reciprocal exchange, reinsurance facility, health maintenance organization, health service corporation, or medical service corporation.

II. "Liability" includes the reserves of loss adjustment expense, unearned premiums, outstanding case, and incurred but not reported losses.

III. "State" means only states of the United States, District of Columbia, Virgin Islands, Guam, and Puerto Rico.



IV. "Domestic ceding insurer" means any insurance company or association which is incorporated under the laws of this state and shall include health maintenance organizations licensed pursuant to RSA 420-B, nonprofit health service corporations licensed pursuant to RSA 420-A, hospital service corporations licensed pursuant to RSA 419, and medical service corporations licensed pursuant to RSA 420.

V. "Evergreen letters of credit" means that the letter of credit is automatically renewed unless some affirmative action is taken prior to the expiration date.

405:46 Credit for Reinsurance. Credit for reinsurance shall be allowed a domestic ceding insurer as either an asset or a deduction from liability on account of reinsurance ceded only when:

I. The reinsurance is ceded to an assuming insurer which is licensed to transact insurance or reinsurance or otherwise accredited as a reinsurer in this state or licensed in at least one state which employs standards regarding credit for reinsurance substantially similar to those applicable under this division and which insurer conforms to the same standards of solvency which would be required of such insurer if it were licensed in this state; or

II. The reinsurance is ceded to a group of individual unincorporated underwriters which maintains a trust fund in a United States bank or trust company for the payment of the valid claims of its United States policyholders and ceding insurers, their assigns and successors in interest. The group of individual unincorporated underwriters shall report annually to the commissioner information substantially the same as that required to be reported on the NAIC annual statement form by licensed insurers to enable the commissioner to determine the sufficiency of the trust fund. The trust shall consist of a trusteed account representing the group's liabilities attributable to business written in the United States and, in addition, include a trusteed surplus of not less than \$100,000,000; and the group shall make available to the commissioner an annual certification by the group's domiciliary regulator and its independent public accountants of the solvency of each underwriter. Such trust shall be established in a United States bank or trust company which is a member of the federal reserve system in a form approved by the commissioner of insurance. The trust instrument shall provide that contested claims shall be valid and enforceable upon the final order of any court of competent jurisdiction in the United States. The trustees of the trust shall have legal title to the trust assets for the benefit of its United States policyholders and ceding insurers, their assigns and successors in interest. The trust and the assuming insurer shall be subject to examination as determined by the commissioner. The trust described herein must remain in effect for as long as the assuming insurer shall have outstanding obligations due under the reinsurance agreements subject to the trust. No later than February 28 of each year, the trustees of the trust shall report to the commissioner in writing setting forth the balance of the trust and listing the trust's investments at the preceding year end and shall certify the date of termination of the trust, if so planned, or certify that the trust shall not expire prior to the next following December 31; or

III. The reinsurance is ceded to an assuming insurer not meeting the requirements of paragraph I or II but only with respect to the insurance of risks located in the United States where such reinsurance or participation is required by applicable law or regulation of that jurisdiction.

405:47 Nonlicensed or Accredited Insurer.

I. If the assuming insurer is not licensed or accredited to transact insurance or reinsurance in this state, the credit permitted by RSA 405:46 shall not be allowed unless the assuming insurer agrees in the reinsurance agreements:

(a) That in the event of the failure of the assuming insurer to perform its obligations under the terms of the reinsurance agreement, the

assuming insurer, at the request of the ceding insurer, shall submit to the jurisdiction of any court of competent jurisdiction in any state of the United States, shall comply with all requirements necessary to give such court jurisdiction, and shall abide by the final decision of such court or of any appellate court in the event of an appeal; and

(b) To designate the commissioner or a designated attorney as its true and lawful attorney upon whom may be served any lawful process in any action, suit or proceeding instituted by or on behalf of the ceding company.

II. The provisions of paragraph I are not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate their disputes, if such an obligation is created in the agreement.

405:48 Liability Reduction. A reduction from liability for the reinsurance ceded to an assuming insurer not meeting the requirements of RSA 405:46 shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer for funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with such assuming insurer as security for the payment of obligations thereunder, if such security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer, and, in the case of a trust, held in a United States bank or trust company that is a member of the federal reserve system. This security may be in the form of:

I. Cash;

II. Securities listed by the security valuation office of the National Association of Insurance Commissioners and qualifying as admitted assets;

III. Clean, irrevocable, unconditional evergreen letters of credit, issued or confirmed by a bank or trust company that is a member of the federal reserve system; or

IV. Any other form of security acceptable to the commissioner.

405:49 Reinsurance Insolvency.

I. No credit shall be allowed, as an admitted asset or deduction from liability, to any ceding insurer for reinsurance, unless the reinsurance contract provides, in substance, that in the event of the insolvency of the ceding insurer, the reinsurance shall be payable by the assuming insurer on the basis of the claims allowed against the ceding insurer in the insolvency proceedings, under contract or contracts reinsured without diminution because of the insolvency of the ceding insurer directly to the ceding insurer or to its domiciliary liquidator or receiver except:

(a) where the contract specifically provides another payee of such reinsurance in the event of the insolvency of the ceding insurer; or

(b) where the assuming insurer with the consent of the direct insured or insured has assumed such policy obligations of the ceding insurer as direct obligations of the assuming insurer to the payees under such policies and in substitution for the obligations of the ceding insurer to such payees.

II. A reinsurance contract may provide that the domiciliary liquidator or receiver of any insolvent ceding insurer shall, within a specified or reasonable time after the claim is filed in court or in the receivership, give written notice to the assuming insurer of all or part of any claim against the ceding insurer on the policy or bond reinsured. During the pendency of the claim, any assuming insurer may investigate the claim, and unless forbidden to do so by the reinsurance agreement, may intervene in the proceeding in which the claim is pending and interpose any defenses it considers available which have not been raised by the ceding insurer, its liquidator or receiver. The expenses incurred by the assuming insurer in this type of action are payable up to the amount of the expenses or the amount of the benefit produced, whichever is less, as expenses of the receivership. If 2 or more assuming insurers have

potential liability because of the same claim, the expenses shall be apportioned among them in proportion to the benefit received.

405:50 Reinsurance Contract. No person shall have any rights against the reinsurer which are not specifically set forth in the contract of reinsurance or in a specific agreement between the reinsurer and the person.

405:51 Penalty. Any domestic ceding insurer failing to comply with any of the provisions of this subdivision shall be fined not more than \$2500, or the commissioner may revoke the license of such company for one year, or both.

405:52 Rulemaking. The commissioner may adopt rules, pursuant to RSA 541-A, relative to implementing the provisions of this subdivision.

2 Application. The provisions of this act shall apply to all financial statements filed in the insurance department on or after December 1, 1986. The domestic ceding insurer shall follow the provisions of this act when calculating the credit for all reinsurance.

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

HB 362, relative to health care delivery and financing systems. Ought to Pass.

The Committee agreed that the additional language put forth in this bill is necessary to prevent any misunderstanding or misuse of the title "Health Maintenance Organization" which is a specifically defined organization by state and federal laws. Vote 16-0. Rep. Patricia H. Foss for Commerce, Small Business and Consumer Affairs.

HB 479, requiring notification to consumers of surplus lines insurance coverage. Ought to Pass with Amendment.

The Committee agreed that this bill mandates needed disclosure information for the protection of an insured. Vote 16-0. Rep. Patricia H. Foss for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Surplus Lines. Amend RSA 405:24 (supp) as amended by striking out said section and inserting in place thereof the following:

405:24 Issue. The commissioner, upon the annual payment of a fee as provided in RSA 400-A:29, may issue licenses to licensed resident agents of the state, subject to revocation at the pleasure of the commissioner, permitting the agent named therein to procure insurance policies and contracts of insurance or suretyship to be effective in this state in foreign insurance companies not authorized to transact business in this state, but which are duly authorized to do business in some state having an insurance commissioner. All such licenses shall expire annually on March 31. Such insurance or suretyship placed with an unadmitted company shall be for such amount as the agent cannot place with an admitted company, and shall not be placed until the agent has first satisfied the insurance commissioner that he cannot procure such an insurance in an admitted company. Every licensee before delivering to the insured a policy or binder of insurance written under the provisions of this section shall have stamped in a form approved by the commissioner on the face of the binder or policy the following:

"The company issuing this policy has not been licensed by the state of New Hampshire and the rates charged have not been approved by the commissioner of insurance. If the company issuing this policy becomes insolvent, the New Hampshire insurance guaranty fund shall not be liable for any claims made against the policy."

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



HR 3, demanding an end to the United States' membership in the United Nations and the removal of the buildings and facilities of the United Nations from the United States. Inexpedient to Legislate.

The Committee and the sponsor agree that House Resolution No. 3 is poorly worded. Vote 9-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

HB 437-FN, repealing the university of New Hampshire fund. Ought to Pass with Amendment.

This bill, as amended, repeals the University of New Hampshire millage formula and replaces it with the University System of New Hampshire fund. This statute replaces a former footnote of the budget. Vote 16-0. Rep. Mary S. Nelson for Education.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the university system of  
New Hampshire fund.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 University Fund. Amend RSA 187-A:7 (supp) as inserted by 1981, 331:1 by striking out said section and inserting in place thereof the following:

I. For the purpose of providing a fund to be known as the university system of New Hampshire fund, the state treasurer shall credit to such fund the appropriation made to the university system for each fiscal year.

II. All sums so credited are appropriated to said university system for the support and maintenance thereof, including payments of salaries and wages to employees, and current expenses; the construction of additional buildings; the taking of land by eminent domain; the purchase of land, library books, and periodicals; the making of necessary repairs and replacements; the building of roads and walks; the improvement of the grounds; the construction, extension and maintenance of water, sewer and heating systems; and in general for the payment of all such expenses incident to the management of the university system as the trustees thereof may from time to time determine.

III. This fund shall constitute a continuing appropriation for the benefit of the university system. Any amount remaining to the credit of the university system at the close of any fiscal year shall be carried over and credited to its account for the succeeding year. No part of the fund shall be used for the payment of salaries or expenses of extension service agents resident in the counties of the state.

2 Effective Date. This act shall take effect June 30, 1986.

HB 126, requiring auctioneers to disclose the name of an absent bidder at auctions. Refer for Interim Study.

This problem can and should be addressed in Rules and Regulations. The Board of Auctioneers has indicated willingness to do so. Vote 18-0. Rep. William F. McCain for Executive Departments and Administration.

HB 189, relative to the League of New Hampshire Craftsmen. Ought to Pass.

This bill reaffirms the membership status of these employees who have been members of the New Hampshire Retirement Service. It continues the



members' status now that the League of New Hampshire Craftsmen has been divided into two organizations. Vote 19-0. Rep. Kenneth W. Malcolm for Executive Departments and Administration.

HB 256-FN, relative to plumbers' board fees and making an appropriation therefor. Ought to Pass.

This bill authorizes the State Plumbers' Board to purchase and sell the state plumbing code and set up a revolving account. Vote 18-0, Rule 16, one. Rep. Ann M. Torr for Executive Departments and Administration.

Referred to Appropriations.

HB 476-FN, relative to auctioneering. Refer for Interim Study. This bill addresses proposed changes and possible additional amendments to law that can best be handled as part of the Sunset process during the 1987 session. Vote 18-0. Rep. William F. McCain for Executive Departments and Administration.

HB 500-FN, permitting group II state employee members who reach age 65 to make an election for retirement benefits. Ought to Pass with Amendment.

The bill permits state employee group II members to retire at age 65 regardless of the number of years service. The amendment extends this provision to all group II members. As amended, the bill corrects what appears to be a drafting oversight in the 1979 legislation that deleted a compulsory age 65 retirement provision and neglected to permit voluntary retirement under the same conditions. Vote 18-1. Richard H. Campbell, Jr. for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

permitting group II members who reach age 65 to make an election for retirement benefits.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Retirement Benefits for Certain Group II Members. Amend RSA 100-A:5, II(a) (supp) as inserted by 1967, 134:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(a) Any group II member in service who has attained age 45 and completed 20 years of creditable service, or who has attained age 65, may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time, not less than 30 days nor more than 90 days subsequent to the filing thereof, he desires to be retired, notwithstanding that during such period of notification he may have separated from service.

Referred to Appropriations.

HB 260, relative to the powers of the executive director of the department of fish and game. Ought to Pass with Amendment.

The Committee felt that in the event of incapacity of Director, a deputy be appointed. Further, that the Director need not be a certified officer. Vote 16-0. Rep. Gerard E. Powers for Fish and Game.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to the powers of the executive director of the department of fish and game and the appointment of an acting director.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Acting Director. Amend RSA 206:8 by inserting after paragraph II the following new paragraph:

III. The commission shall have the authority to appoint an acting director in the event that the executive director's position becomes vacant during his term of office due to retirement, resignation or prolonged illness, or for any other just cause, until the commission can appoint a new executive director.

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

HB 261, prohibiting the sale of moose meat. Ought to Pass. The sale of uninspected meat for public consumption was unpalatable to the Committee. Vote 14-1. Rep. Gerard E. Powers for Fish and Game.

HB 311-FN, relative to marine fisheries. Refer for Interim Study. The Committee feels this bill has merit and should be put into study until the new building is built in Durham. Vote 19-0. Rep. Albert J. Dionne for Fish and Game.

HB 315, relative to delinquent trappers' reports. Ought to Pass. This bill is nothing more than a housekeeping bill and it is unfair for the trappers in that the Fish and Game Department will notify them by mail that they have failed to report their catches and become delinquent. Vote 14-1. Rep. Charles H. Felch, Sr. for Fish and Game.

HB 331-FN, regulating falconry in the state. Inexpedient to Legislate. This bill adds more than \$20,000 in expenditures to the Fish and Game Department each year. Evidence presented to the Committee did not indicate that there is sufficient interest in the sport to justify an expenditure of funds in this amount. Vote 11-0. Rep. Lester R. Perham for Fish and Game.

HB 417-FN, relative to off highway recreational vehicles and appropriating a portion of agents' penalties to the OHRV bureau. Ought to Pass with Amendment.

This bill addresses the growing concerns of safety and property damage resulting from the use of OHRVs. Vote 14-2. Rep. David M. Scanlan for Fish and Game.

## Amendment

Amend RSA 215-A:11-j as inserted by section 10 of the bill by striking out same and inserting in place thereof the following:

215-A:11-j Penalty. Notwithstanding the provisions of title LXVIII and in addition to any other penalty imposed under RSA 215-A, any person

who violates RSA 215-A:11-b shall be fined not less than \$50 or more than \$500.

Amend RSA 215-A:19, V(b) as inserted by section 13 of the bill by striking out same and inserting in place thereof the following:

(b) The owner or legal occupant of private property has complained that an OHRV has been abandoned on said private property for a period of greater than 48 hours.

Amend the bill by striking out section 17 and inserting in place thereof the following:

17 Placement of Registration Indicia. Amend RSA 215-A:21, VI (supp) as inserted by 1981, 538:3 by striking out said paragraph and inserting in place thereof the following:

VI. No person shall operate any OHRV unless the assigned OHRV registration numbers, plates, or decals are placed on the OHRV as required by this chapter.

Amend RSA 215-A:24-a, IV as inserted by section 20 of the bill by striking out same and inserting in place thereof the following:

IV. If the accounting and payment required by paragraphs I and II of this section are delinquent, the agent shall be assessed and pay a penalty equal to 10 percent of the amount due or \$10, whichever is greater. Penalties collected under this paragraph shall be credited to the fish and game fund. Fifty percent of these agent penalties are hereby continually appropriated to the OHRV registration office.

Amend RSA 215-A:24-b as inserted by section 20 of the bill by striking out same and inserting in place thereof the following:

215-A:24-b Unused OHRV Decals. Agents shall return to the executive director, within 10 days after the close of the current registration year, all unused OHRV decals. The OHRV registration agents shall be held responsible to the state for the full face value of all OHRV decals for which they are chargeable until settlement has been made as above provided.

Amend the introductory paragraph of RSA 215-A:29, VII as inserted by section 22 of the bill by striking out same and inserting in place thereof the following:

VIII. A person registered as owner of a snow traveling vehicle or OHRV shall be fined not less than \$50 or more than \$500 if a snow traveling vehicle or OHRV bearing his registration number is operated contrary to the provisions of this chapter. The registered owner may not be so fined if:

Amend the bill by striking out section 25 and inserting in place thereof the following:

25 Effective Date. This act shall take effect October 1, 1986.

Amend the bill by striking out section 21 and renumbering the original sections 22, 23, 24 and 25 to read as:

21, 22, 23 and 24, respectively.

HB 418-FN, increasing registration fees for resident off highway recreational vehicles. Refer for Interim Study.

The Committee recommends interim study because the general public, off road vehicle users, and state agencies need more time to get facts and figures to insure that proper procedures will be followed in the future off road vehicle trail program. Vote 13-3. Rep. Robert D. Hussey for Fish and Game.

HB 20-FN, relative to licensure of food service establishments. Ought to Pass.

The Committee unanimously (19-0) approves this bill to require licenses for food establishments and retail food stores not controlled by city or town health officers. Certain temporary and occasional food service establishments are exempt. Rep. Robert M. Gilbreth for Health and Human Services.

HB 112-FN, relative to state support for Alzheimer's disease and related disorders. Ought to Pass.

The Committee voted unanimously (18-0) to adopt House Bill 112. Alzheimer's disease and related disorders have touched hundreds of our citizens, and the Committee decided now is the time to develop a comprehensive plan to help the citizens of New Hampshire and their family members cope with this terrible disease. Rep. Lawrence A. Chase, Jr. for Health and Human Services.

Referred to Appropriations.

HB 36, relative to settlements on behalf of minors and to legacies to minors not under guardianship. Ought to Pass with Amendment.

This bill, as amended, increases to \$5,000 the amount of money an administrator or executor may distribute out of a legacy to a minor not under guardianship. Vote 14-0. Rep. Thomas U. Gage for Judiciary.

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to minors not under guardianship.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Guardianship; Amount Increased. Amend RSA 561:20 as amended by striking out said section and inserting in place thereof the following:  
 561:20 Minors Not Under Guardianship. Whenever any minor not being under legal guardianship shall be entitled to receive from any administrator or executor any distributive share as heir or next of kin, or any legacy, the full amount of which share or legacy is not more than \$5000, said administrator or executor, upon petition to and approval of the probate court shall pay said sum to the parents of the minor, if both are living, or to the surviving parent if one parent is deceased, or to the parent or other person having custody of the minor, if the parents are divorced, or to a person standing in loco parentis to the minor, if both parents are deceased. The receipt of the parents or parent or other person shall be filed and accepted by the probate court in discharge of the administrator's or executor's liability therefor in the same manner and effect as though the parents or parent or other person had been legally appointed guardian by the probate court. Publication of notice upon the petition to the probate court shall not be required unless ordered by the court. When considering such a petition the probate court shall determine the best interests of the minor. If such a petition is approved by the probate court, the court may make all necessary orders for protecting the interests of the minor and may require the parents or



parent or other person to give bond or to account for all money received on behalf of the minor, or both.

2 Effective Date. This act shall take effect January 1, 1987.

HB 93, relative to the merchant's privilege to arrest and detain shoplifters. Inexpedient to Legislate.

The Committee rejected the principal thrust of this bill, which was to grant arrest powers to an employee or agent of a merchant in matters of shoplifting. The Committee felt that this was too great an extension of the police power. Vote 13-1. Rep. Alf E. Jacobson for Judiciary.

HB 198, relative to small claims judgments. Ought to Pass with Amendment.

This bill clarifies that small claims judgments should be treated the same as any other money judgments in the awarding of costs and interest. It will standardize the awards which are not presently being consistently administered by the various district and municipal courts due to a difference in interpretation of the statute. Vote 15-0. Rep. Frank J. Sylvia for Judiciary.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Judgments. Amend RSA 503:7 by inserting in line 4 after the word "costs" the following (and interest) so that said section as amended shall read as follows:

503:7 Judgment. At the hearing, the technical rules of evidence shall not apply but the justice may admit any evidence he deems material and proper. Judgment shall be entered for the prevailing party and, if the plaintiff recovers, his costs and interest shall be awarded to him in addition to the judgment in his behalf. In awarding judgment, the justice may provide for payment thereof in installments. The court shall render judgment for the plaintiff when the defendant fails to appear pursuant to said notice.

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

HB 250, relative to discharge of mortgages. Ought to Pass with Amendment.

This bill, as amended, will allow a mortgage discharge instrument to be either witnessed or acknowledged. It also rephrases the last sentence of RSA 80:39, which pertains to the incontestability of collector's deeds, so that section will clearly apply to all collector's deeds on record. This will greatly benefit all those seeking to obtain or discharge mortgages in New Hampshire. Vote 13-1. Rep. Thomas U. Gage for Judiciary.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the discharge of mortgages and the  
validity of tax collectors' deeds.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Validity of Tax Collectors' Deeds. Amend RSA 80:39 as amended by striking out said section and inserting in place thereof the following:

80:39 Incontestability. No action, suit or other proceeding shall be brought to contest the validity of a tax sale or any collector's deed based thereon after 10 years from the date of record of the collector's deed. This section shall apply to all collectors' deeds of record as of July 1, 1956, and to those recorded thereafter.

4 Effective Date. This act shall take effect January 1, 1987.

HB 252, relative to the administration of small estates. Ought to Pass with Amendment.

Those who testified were overwhelmingly in favor of having the limit for voluntary administration of wills increased from \$2,000 to \$5,000 to meet today's economic standards. The amendment also increases the discretionary limit for waiving the bonding requirements correspondingly. Vote 14-0. Rep. Frank J. Sylvia for Judiciary.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Bond of Administrator. Amend RSA 553:13 by striking out said section and inserting in place thereof the following:

553:13 Bond.

I. No person shall intermeddle with the estate of a person deceased, or act as administrator thereof, or be considered as having that trust, except as provided in RSA 553:14 and 15, until he has given bond to the judge, with sufficient sureties, in such reasonable sum as he shall approve, upon condition:

(a) To return to the judge a true and perfect inventory of the estate of the deceased, upon oath, within 3 months from the date of the bond.

(b) To administer the estate according to law.

(c) To render to the judge an account of administration, upon oath, within one year, and annually thereafter unless excused by the judge of probate as provided by law, until a final account is filed and allowed.

(d) To pay all taxes for which he may be or become liable under RSA 86, RSA 87, and RSA 89.

(e) To pay and deliver the rest and residue of the estate which shall be found remaining upon the account of the administrator to such person or persons respectively as the judge, by his decree, according to law, shall limit and appoint.

(f) To deliver the letters of administration into the court of probate, in case a will of the deceased shall thereafter be approved and allowed.

II. In the discretion of the judge of probate, the requirements for sureties may be waived when the estate has a gross value of less than \$5,000, exclusive of property specified in RSA 554:5, and for the administration of such estate a bond may be given to the judge without sureties.

2 Administration of Small Estates Over Five Hundred Dollars. Amend RSA 553:31-a as inserted by 1967, 428:2 as amended by striking out in line 3 the words "two thousand dollars" and inserting in place thereof the following (\$5,000) so that said section as amended shall read as follows:

553:31-a Administration of Small Estates Over Five Hundred Dollars.

If the estate of a person deceased, whether testate or intestate, consists entirely of personal property of a gross value exceeding \$500 but not exceeding \$5,000, and the will has been allowed or no petition under any other section of RSA 553 or any section under RSA 552 has been filed, the right to administer shall be in the executor named in the will or as set forth in RSA 553:2 upon such person filing with the probate court in the

county in which the deceased was domiciled at the time of his death an affidavit stating that the affiant has undertaken to act as executor or voluntary administrator of such an estate and will administer the same according to law. Such executor or voluntary administrator shall, at the time of filing such affidavit, also file a personal bond without sureties, a list of heirs, a report of gifts and transfers under RSA 86:22 with the register of probate and with the department of revenue administration, and a true and perfect inventory of the estate of the deceased, which shall be incorporated into the affidavit. The form of this affidavit and the rules governing proceedings under this section shall be prescribed in the manner provided by RSA 547:33. Upon approval of the probate court and payment of a fee of \$5 the register of probate shall, if no other petition for administration is pending, issue an attested copy of the affidavit which shall constitute sufficient legal authority to all persons owing any money, having custody of any property or acting as register or transfer agent of any evidence of interest, indebtedness, property or rights belonging to the estate and to persons purchasing or otherwise dealing with the estate, to make payment or transfer to the affiant with the same effect as if made to a duly appointed representative of the deceased person. In the case of executors of small estates, as defined herein, the provisions of this section shall apply in place of those otherwise applicable. Out of the assets which the executor or voluntary administrator collects, he shall pay debts and expenses in accordance with RSA 554:19. If any balance remains he shall distribute it either according to the will or, if there is no will, to the surviving spouse, if any, and if not, in accordance with RSA 561:6. The executor or voluntary administrator may not take any fee for his services. A voluntary administrator is liable as an executor in his own wrong as provided in RSA 553:17 to all persons aggrieved by his administration, and if letters testamentary or of administration are later granted then to the rightful executor or administrator. If a personal representative of the deceased person is appointed under any other section of RSA 553, or under any section of RSA 552, the powers of the voluntary administrator shall cease. An executor or voluntary administrator appointed under this section shall render a statement of his administration not later than 90 days from the date of his appointment.

3 Effective Date. This act shall take effect January 1, 1987.

HB 280-FN, relative to the drug forfeiture fund. Inexpedient to Legislate.

The substance of this bill will be adequately addressed in HB 202. Vote 14-0. Rep. C. William Johnson for Judiciary.

HB 290, relative to the representation of state officials by the attorney general. Ought to Pass.

This bill requires that anyone indemnified under RSA 99-D must cooperate with the Attorney General in any defense to a claim as a condition of representation. It also expedites the payment of claims and provides that where the person indemnified has insurance against such claims, the State would pay only the amount in excess of the insurance. Vote 21-0. Rep. Donna P. Sytek for Judiciary.

Referred to Appropriations.

HB 350, relative to imitation controlled drugs. Inexpedient to Legislate.

The majority of the Committee found this bill too extreme to address a solution to the problem of imitation drugs. Vote 10-4. Rep. Donnalee M. Lozeau for Judiciary.

HB 421-FN, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances. Refer for Interim Study.



The bill, in its present form, is too inclusive. In Interim Study, the Committee will investigate limiting the ambit of the bill to just a few types of local ordinances. Vote 13-3. Rep. Thomas U. Gage for Judiciary.

HB 471-FN, relative to interference with burial sites. Refer for Interim Study.

The Committee felt the time has come to address the questions and concerns surrounding historic burial sites. The complexity of this issue makes interim study necessary. Vote 10-3. Rep. Donnalee M. Lozeau for Judiciary.

HB 480-FN, eliminating the requirement that the Merrimack district court hold sessions in Bedford. Inexpedient to Legislate.

The Committee was unwilling to abolish the Bedford sessions of the Merrimack District Court because of the tremendous growth in the area. While the Bedford facility is less than excellent, it should be the state's and, not the town's responsibility to pay for improvements. Vote 16-3. Rep. Paul M. Johnson for Judiciary.

HB 492-FN, relative to public law libraries serving superior courts. Refer for Interim Study.

The Committee felt that this bill presented fruitful opportunity for further study, which the prime sponsor had suggested. Vote 13-3. Rep. David E. Cote for Judiciary.

HB 191, relative to employee removal powers of county commissioners. Ought to Pass with Amendment.

The bill establishes procedures for County Commissioners to follow. It provides that before any county discharges, removes or suspends an employee who has served at least one year, the County Commissioners must first adopt and establish discharge procedures. The adopted rules and procedures may include, but shall not be limited to provisions of RSA 273-A in which the county has entered. Vote 13-0. Rep. Wilfred Burkush for Labor, Industrial and Rehabilitative Services.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 County Must Establish Discharge Procedures. Amend RSA 28:10-a (supp) as inserted by 1959, 295:1 as amended by striking out said section and inserting in place thereof the following:

28:10-a Discharge or Suspension from Employment.

I. Before any county may discharge, remove, or suspend an employee as provided in paragraphs II-IV, the county commissioners shall first adopt and establish rules and procedures for the discharge, removal, or suspension of its employees. Each county employee shall receive a copy of the rules and procedures which the county adopts. Nothing in this section shall be construed so as to limit negotiations under, or the applicability of, RSA 273-A. In the event that rules or procedures adopted by the county commissioners conflict with an agreement negotiated pursuant to RSA 273-A, the provisions of the collective bargaining agreement shall prevail.

II. Any employee of a county institution who has served at least one year shall not be discharged, removed, or suspended from employment except for dishonesty, intoxication, immoral behavior or other misconduct, neglect of duty, negligence, willful insubordination, lack of cooperation, inefficiency, incapacity or unfitness to perform his duties, or for the good of the institution to which he is assigned, and subject to the following conditions:



(a) Prior to the discharge or removal of any such employee, a statement of the grounds and reasons for the discharge or removal shall be prepared by the county commissioners and signed by a majority of the county commissioners. Notice of the grounds and reasons shall be given to said employee not less than 10 days nor more than 30 days prior to the effective date of such discharge or removal.

(b) Any such employee may be suspended at any time, without prior notice, for a period not to exceed 10 days.

III. Within 30 days of receipt of the notice under subparagraph II(a), or within 10 days of the first day of suspension under subparagraph II(b), the employee may request in writing a public hearing on such notice or suspension before the county personnel committee, consisting of the chairman, vice-chairman and clerk of the county convention, except if said employee is covered by a collective bargaining agreement under RSA 273-A, in which case the employee's hearing and discharge, removal, or suspension proceedings shall be held pursuant to the provisions of the agreement. If, upon such hearing, said committee finds good cause for discharge, removal, or suspension of the employee, they shall approve his discharge, removal, or suspension as ordered or approved by the county commissioners. The personnel committee may establish reasonable rules for procedure and the admission of evidence and shall keep a record of all proceedings under this section. Any action or decision made under this section shall be subject to rehearing and appeal as provided in RSA 541. The county personnel committee, when acting under the provisions of this section, shall be deemed a commission within the meaning of RSA 541:1.

IV. The salary of said employee shall terminate or be suspended on the effective date of his discharge, removal, or suspension; provided, however, that if the employee has been discharged, removed, or suspended without good cause, he shall be reinstated to his former position without loss of pay for the period of suspension and shall be reimbursed for his legal costs and reasonable attorneys' fees as determined by the personnel committee or, in the event of appeal from its ruling, by the supreme court. This section shall not apply to county employees laid off by reason of abolition of a position, change in organization, lack of work, or insufficient funds, nor to employees of county jails not located at the county farm.

HB 48, relative to notification to abutters. Inexpedient to Legislate. The preponderance of testimony was in opposition to this bill. The Committee feels the provisions are potentially costly and are not needed. Vote 19-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 70-FN, increasing the amount of the tax exemption for postsecondary institutions. Inexpedient to Legislate.

1. This bill aimed to provide tax relief for private postsecondary institutions. If it were to pass, the burden would be shifted to the tax base of the host communities.
2. The Committee feels that if it is to be state policy to provide tax relief for private postsecondary institutions, the state should provide the funds.
3. Testimony indicates that, as is provided for in the statutes, a number of communities and private postsecondary institutions have voluntarily and mutually agreed on a negotiated increased exemption. The Committee favors continuation of this approach where it is appropriate. Vote 15-0. Rep. Kurt A. Normandin for Municipal and County Government.

HB 76-FN, changing the method of calculating the tax exemption for post-secondary institutions. Inexpedient to Legislate.

This is a more complicated and, to the host communities, more expensive version of HB 70. The Committee does not favor either the aim or the

approach contained in this bill. Vote 15-0. Rep. Kurt A. Normandin for Municipal and County Government.

HB 94, relative to conflicts of interest for planning board and zoning board of adjustment members. Inexpedient to Legislate.

Testimony indicates that, although its intent may be laudable, this bill is unworkable. Vote 19-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 174, relative to utility exemptions from zoning ordinances. Inexpedient to Legislate.

By request of the sponsor, this legislation was deemed Inexpedient to Legislate. Vote 19-0. Rep. Leona Dykstra for Municipal and County Government.

HB 215, relative to approval or disapproval of applications submitted to planning boards. Inexpedient to Legislate.

The Committee was of the opinion there was no demonstrated need for this legislation at this time. Vote 14-1. Rep. George M. West for Municipal and County Government.

HB 321-FN, relative to the establishment of a charter commission for the city of Portsmouth. Inexpedient to Legislate.

Testimony on House Bill 321 showed Portsmouth's need for a commission to consider revision of the city charter. To expedite this, proponents of the bill desire that the Legislature act to set up a charter commission. The Committee, however, is persuaded that: (A) The procedures of existing law (RSA 49-B) provide opportunity for establishing a charter commission on or before the target date cited in the bill, (B) The people would be better served by the 49-B process, whereby the question of whether or not a charter commission should be established is decided by the voters. Vote 17-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 425-FN, authorizing the city of Concord to issue revenue bonds. Refer for Interim Study.

Testimony from the City of Concord and the Department of Revenue Administration indicated further study is required. Vote 14-1. Rep. George M. West for Municipal and County Government.

HB 86-FN, relative to fire inspectors issuing citations for violations of fire safety rules. Ought to Pass with Amendment.

The bill, as amended, clarifies and strengthens the authority of the Commissioner of Safety and State Fire Marshal in delegating power to local officials to issue citations for fire code violations, and further clarifies the method of serving notice of violations. Persons who serve such notices must have law enforcement training as specified by the Police Standards and Training Council. Vote 10-0. Rep. Germaine Y. Bourdon for Public Protection and Veterans Affairs.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Reference Change Training Deleted. Amend RSA 106-A:4-b, I (supp) as inserted by 1981, 150:1 by striking out said paragraph and inserting in place thereof the following:

1. The commissioner of safety may grant the authority to detain and make arrests as a peace officer pursuant to RSA 594, serve criminal processes, and enforce the rules adopted under RSA 153:4-a and RSA 153:5 to the state fire marshal and any deputy fire marshal or fire investigator to promote the efficient discharge of such persons' lawful duties.

2 Fire Investigations. Amend RSA 106-A:4-b by inserting after paragraph II the following new paragraphs:

III. The commissioner of safety may grant authority to issue a citation for violations of fire safety rules adopted under RSA 153:4-a and RSA 153:5 to the state fire marshal or his designee. A citation for violations under this paragraph shall carry the penalty set forth under RSA 153:24.

IV. The commissioner of safety may grant authority to act as an appropriate law enforcement authority for service of orders under RSA 153:14 to the state fire marshal or his designee.

V. The commissioner of safety shall assure in granting the authority provided in this section that any person so designated has received appropriate law enforcement training through a program approved by the police standards and training council.

3 Duties of State Fire Marshal. Amend RSA 153:4-a by inserting after paragraph III the following new paragraph:

IV. To promote the efficient discharge of his lawful duties, the state fire marshal or his designee may issue citations for violations of fire safety rules under RSA 106-A:4-b.

4 Violation Orders. Amend RSA 153:10-a by inserting after paragraph VI the following new paragraph:

VII. Whenever the enforcement authority observes a violation of this section, he shall prepare a written notice of violation describing the substandard condition and specifying a time limit for the elimination of the violation. The written notice of violation shall be served by the enforcement authority or his designee upon the owner or his duly authorized agent or upon the occupant or other person responsible for the violation. Such notice of violation shall be served either by certified mail to the last known post office address or by delivering it personally to such person or persons.

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

HB 147, relative to the civil defense agency. Inexpedient to Legislate.

Many of the provisions of RSA 107, "The Civil Defense Agency" are outdated; it is contemplated by the Civil Defense Agency that the statute will be updated in the 1987 session. With this in mind, the sponsor of the bill and this Committee were in accord that the updating of the statute, and amending the name of the agency, should be done simultaneously. Vote 11-0. Rep. Robert L. Hyman for Public Protection and Veterans Affairs.

HB 263, relative to payment of police officers at public meetings or functions. Ought to Pass with Amendment.

This bill clarifies legislation enacted in 1985 (Chapter 5), which required the Chief of Police to make a determination as to whether police presence was needed at public functions. The term "public function" was clearly defined in the 1985 legislation. Persons conducting public functions, for which police presence is provided, may pay for the police presence. However, there is a "home rule" aspect, in that the Chief of Police may waive payment if such waiver does not conflict with local ordinance or policy. Vote 12-0. Rep. David A. Young for Public Protection and Veterans Affairs.

#### Amendment

Amend RSA 105:9, III-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III-a. The applicant or sponsor of any public meeting or function may be charged for the services of any police officers that may be



detailed or assigned to that meeting or function, unless charges authorized by this section for the services of a police officer are waived by the chief of police when in his judgment such authorization does not conflict with an existing local ordinance or policy.

HB 274, relative to possession of fireworks. Refer for Interim Study. The entire subject of the sale, purchase, possession and use of fireworks needs a careful review; this can only be accomplished through interim study. Vote 11-0. Rep. David A. Welch for Public Protection and Veterans Affairs.

HB 241, relative to wages paid for working a bingo game. Inexpedient to Legislate.

The Committee felt that this would put an unfair burden on the small bingo games in light of the Federal, State payroll tax reporting requirements. Vote 17-0. Rep. Betsy McKinney for Regulated Revenues.

HB 90-FN, relative to improvement of the state boat launch on Crystal Lake in the town of Enfield and making an appropriation therefor. Ought to Pass with Amendment.

This bill, as amended, allows the Fish and Game Department to acquire access to the boat launch area on Crystal Lake and to do the work necessary to improve it. Vote 12-2. Rep. Howard C. Dickinson for Resources, Recreation and Development.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appropriation. The sum of \$2,500 is hereby appropriated to the department of fish and game for the fiscal year ending June 30, 1987, in addition to any other appropriation for said department, for the purpose of removing boulders in the lake at the state boat launch site on Crystal Lake in the town of Enfield. This appropriation shall be contingent upon the town of Enfield deeding the right of way to the state boat launch site to the state, which shall be under the administration of the department of fish and game. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Referred to Appropriations.

HB 162-FN, relative to the New Hampshire tourism policy. Ought to Pass with Amendment.

This bill establishes a New Hampshire tourism policy. It sets forth guidelines to be used in accomplishing orderly growth of the tourism industry in the state. Vote 17-0. Rep. MaryAnn N. Blanchard for Resources, Recreation and Development.

#### Amendment

Amend RSA 12-A:22, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. Plan, develop and administer a program of information and publicity designed to attract to and within the state, tourists, visitors and other interested persons. This program shall be consistent with the New Hampshire tourism policy under RSA 12-A:23.

Amend RSA 12-A:23, VI as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:



VI. Support tourism by developing an essential tourism infrastructure, including, but not limited to, adequate highways and public transportation networks and facilities for the traveling public.

Amend RSA 12-A:23, XI as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

XI. Harmonize, to the maximum extent, all state activities in support of tourism with the needs of the general public, the state and its political subdivisions, and the tourism industry. Any conflicts among the agencies and departments of the state in the implementation of their responsibilities under this section shall be referred to the council on resources and development established by RSA 162-C.

2 Council on Resources and Development. Amend RSA 162-C:2 by inserting after paragraph V the following new paragraph:

VI. Resolve differences and conflicts among the agencies and departments of the state in the implementation of the tourism policy under RSA 12-A:23.

HB 176, relative to aquifer protection for the town of Woodstock. Inexpedient to Legislate.

The Committee concluded that the problem addressed by the bill involves the question of security of the Town of Woodstock municipal water supply well. The jeopardy believed to exist is removal of gravel in the general area of the well, but since the gravel removed for I-93 construction appears to have been completed, the action proposed by the bill is moot. It seems apparent that the physical problem of protection needs better definition as a basis for any protection measure. Furthermore, the restriction of building or gravel removal within a one mile radius of the well appears to be a matter within the jurisdiction of the town's zoning powers. Vote 15-0. Rep. Douglas R. Woodward for Resources, Recreation and Development.

HB 207-FN, relative to admissions to state-owned campsites or camping areas for persons age 65 or older. Inexpedient to Legislate.

Although the Committee is in sympathy with the sponsor's intent, it noted that the statutes already provide for the extensive use of park facilities, entirely free of charge, by citizens 65 years of age or over. The Committee is optimistic that passage of HB 162 and HCR 2 will lead to a data base on the utilization of parks which would provide a sound basis for determining equitable park fee policies. With such information in sight, it seems premature to alter the statutes at this time. Vote 16-0. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

HB 221-FN, relative to public access to public waters and acquisition of Timber Island and making an appropriation therefor. Inexpedient to Legislate.

While a need may exist for a "marine" park on Lake Winnepesaukee, the Committee believes that Timber Island should not be the exclusive focus of such a study. If the sponsors wish to submit legislation for a more general study of the issue in the next session, the Committee would welcome it. Vote 15-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

HB 232, relative to community wells. Inexpedient to Legislate.

The Committee agreed this proposed legislation is inappropriate and this type of concern can be better addressed at the local level through zoning or building ordinances and planning board rules and regulations. Vote 14-0. Rep. Janet M. Conroy for Resources, Recreation and Development.

HB 383-FN, establishing an Alan B. Shepard park commission. Refer for Interim Study.

The Committee felt this bill establishing an Alan B. Shepard park commission requires further study as it felt there should be additions as well as amendments to the bill. Vote 13-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

HB 433-FN, relative to engineering services to municipalities in the field of water pollution abatement. Ought to Pass with Amendment.

The Water Supply and Pollution Control Commission is authorized to provide inspection services for sewage treatment system construction to municipalities with populations under 5,000 whether or not federal funds are involved. Five additional positions are created in the Subsurface Waste Disposal Division to cope with the increased work load. Vote 15-0. Rep. Phoebe A. Chardon for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to engineering services to municipalities in the field of water pollution abatement and providing for additional staff to implement the provisions of RSA 149-E and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Commission Duties. Amend RSA 149:4, IX (supp) as inserted by 1965, 267:8 as amended by striking out said paragraph and inserting in place thereof the following:

IX. To set standards of design and construction for sewerage and sewage or waste treatment systems. To reject, if necessary, or modify and approve as deemed necessary for the purposes of the state water pollution control program all engineering or other documents associated with the design and construction of pollution control projects and perform such other related engineering or inspectional work as will provide for proper design, construction and operation of the facilities involved, and take such other action as the commission deems necessary to maximize the effectiveness of sewerage and other pollution control facilities, both proposed and in construction. The purpose of this paragraph is to ensure the planning, construction and operation of publicly owned pollution control facilities which in the judgment of the commission will produce maximum benefits with the least expenditure of federal, state and local funds. The commission may, on request of any qualified municipality, provide resident construction engineering services for projects undertaken with or without benefit of a federal grant under the provisions of this chapter. The commission may purchase professional liability insurance annually in order to provide coverage in connection with such resident construction engineering services. The resident construction engineering services provided for herein shall be available to any municipality with a population of less than 5,000 according to the 1985 office of state planning estimates and only in cases where the estimated total project contract costs do not exceed \$3,000,000.

2 Personnel. To provide the services set forth in section 1 of this act, the water supply and pollution control commission is hereby authorized to employ such professional and other consultant personnel as may be required to carry out the provisions of this act. The commission

is further authorized to utilize existing construction grant funds, appropriated to PAU 03-05-01, office of the commission, to fund these services.

3 Appropriation; New Positions.

I. There is hereby appropriated the sum of \$128,205 for the fiscal year ending June 30, 1987, as follows:

PAU 03-05-03 Subsurface Waste Disposal:

Personnel Services	\$ 90,888
Current Expenses	18,177
Equipment	10,000
Benefits	6,000
Travel, In-State	3,140
TOTAL	<u>\$128,205</u>

Said sum shall be in addition to the appropriations contained in the appropriations act for the fiscal year ending June 30, 1987, relative to the water supply and pollution control commission, subsurface waste disposal PAU 03-05-03. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

II. The commission is hereby authorized to establish the following additional permanent positions: one sanitary engineer II, one environmentalist III, one environmentalist II, one water pollution sanitarian II, and one word processor operator II.

4 Effective Date. This act shall take effect July 1, 1986.

Referred to Appropriations.

HJR 2, relative to state tourism policy. Ought to Pass.

This resolution calls for officials from various agencies involved in tourism promotion to meet in order to coordinate the collection and analysis of data on tourism, formed from HBI 2001, which passed in the 1985 session, felt this resolution was necessary because of the lack of cooperation among the agencies and the inadequacy of available data for further study of the impact of tourism on the state. The resolution requires the agencies to report their results to the House Resources, Recreation and Development Committee and the Senate Development, Recreation and Environment Committee. Vote 16-0. Rep. Susan Schwartz for Resources, Recreation and Development.

HB 152, providing manufactured housing tenants with a limited right to purchase the park. Refer for Interim Study.

A Subcommittee of State Institutions and Housing is presently studying this proposed legislation, as contained in House Bill 546 of the 1985 session, and could be incorporated in the final report. Vote 14-0. Rep. Ralph Parker for State Institutions and Housing.

HB 190-FN, relative to the Walker building. Inexpedient to Legislate. The Committee is presently studying the future use of the New Hampshire Hospital campus (HBI 2008), consequently it felt that it was more appropriate to deal with the context of this bill during the course of that study. Vote 16-0. Rep. Deborah L. Arnesen for State Institutions and Housing.

HB 276, relative to manufactured housing park rules. Inexpedient to Legislate.

Although the Committee was sympathetic with the intent of this legislation, it felt that a tenant's interest would be best protected by insuring that his or her lease contained the responsibilities of the manufactured housing park owner (the landlord). Vote 14-0. Rep. Deborah L. Arnesen for State Institutions and Housing.



HB 277, providing manufactured housing tenants with a limited right to purchase the park. Refer for Interim Study.

A Subcommittee of State Institutions and Housing is presently studying the proposed legislation as contained in House Bill 546 of the 1985 session and could be incorporated in the final report. Vote 14-0. Rep. Ralph Parker for State Institutions and Housing.

HB 19-FN, relative to users of fuel other than motor fuel in vehicles of the pleasure type. Ought to Pass with Amendment.

The amendment to this bill would allow a driver of a diesel vehicle, who only drives a small amount, to request a rebate (if over \$10) of excess road toll already paid. Vote 9-3. Rep. Stephen Sloan for Transportation.

#### Amendment

Amend RSA 260:52, XI(a) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(a) a user driving a vehicle of the pleasure type shall prepay an estimated toll based on the annual state fee for registering said vehicle at the time of registration of the vehicle. The toll for a full year (12 months) shall be equal to twice the registration fee for a full year. The fee for a period of less than a full year shall be prorated in the same manner as vehicle registration fees are prorated under RSA 261:141, and the user's license shall expire on the same date as the vehicle registration; or

Referred to Appropriations.

HB 80-FN, relative to special moped licenses. Inexpedient to Legislate.

This bill might solve the problem of commuting to place of employment for a few persons whose licenses have been suspended or revoked. However, it would seem to be inconsistent with attempts to enforce current DWI penalties and the Committee felt that it should not make any change at the present time. Vote 10-2. Rep. Victor E. Emanuelson for Transportation.

HB 130-FN, providing diesel fuel user permits without a fee to New Hampshire servicemen assigned to posts of duty in another state. Ought to Pass.

The Committee agreed that servicemen who don't drive in New Hampshire should be exempt from the road toll. Rep. Stephen Sloan for Transportation.

HB 187, requiring school buses to be equipped with CB radios and a monitored base station and making an appropriation therefor. Inexpedient to Legislate.

CB radios, as required by this bill, do not seem to be the type of equipment to best solve the problems of communications for school buses. Testimony at the hearing signified that about 60 percent of the school buses now have some mode of radio communication and more are working toward this end, therefore making the passage of this bill unnecessary. Vote 13-0. Rep. Roger Stewart for Transportation.

HB 303-FN, establishing a committee to study the reciprocity relative to boat registrations and making an appropriation therefor. Inexpedient to Legislate.

This subject matter is being handled in another bill. Vote 13-0. Rep. Stephen Sloan for Transportation.



HB 342-FN, eliminating the fuel user's fee exemption for in-state diesel commercial vehicles. Ought to Pass with Amendment.

Due to a suit against the State, all revenues are being held in escrow. This bill, with technical amendments, would correct the problem. It has been held unconstitutional to discriminate between in-state and out-of-state truckers. Vote 11-0. Rep. Stephen Sloan for Transportation.

#### Amendment

Amend RSA 260:52, V as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

V. Every user shall procure a user's license for each motor vehicle propelled by such fuel, which will expire on January 1 of each year, on such forms as the department may prescribe at a fee of \$20. It shall be unlawful for any owner or driver to drive or cause to be driven any motor vehicle propelled by such fuel over the ways of this state unless he is the holder of a valid user's license or has been granted authority to drive on a temporary basis as provided in RSA 260:52, VI. Notwithstanding this provision, all pleasure-type vehicles shall be exempted from the requirements of a user's license. For the purposes of this section, pleasure-type vehicles shall be limited to passenger vehicles not used for the common or contract carriage of passengers, pickup trucks and vans with a registered gross weight of less than 7,000 pounds, and buses which have been structurally altered for use as campers which are not common or contract carriers of passengers and do not have a seating capacity of more than 19 passengers.

HB 490-FN, repealing the requirement that a person applying for restoration of a revoked driver's license do so as an original applicant. Ought to Pass.

This bill was a request from the Department of Safety to make the procedures consistent. There seems to be little difference in status of a person seeking driving privileges after a period of loss by revocation and a person seeking driving privileges after a period of loss by suspension. Vote 12-0. Rep. Irvin H. Gordon for Transportation.

#### COMMITTEE REPORTS (Regular Calendar)

HB 368-FN, establishing a data collection and evaluation system to determine the needs of the elderly in New Hampshire and making an appropriation therefor. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The majority of the Committee felt with reorganization of the Department Of Health and Human Services pending, it should not pass the bill at this time. The Committee felt cooperation is needed between state and county agencies for this data collection on the elderly. Vote 15-2. Rep. Ednapearl F. Parr for the Majority of Children, Youth and Elderly Affairs.

MINORITY: This is designed to provide presently unavailable data, county by county, on the needs of the elderly. Presently, there is no way of determining whether we are getting our money's worth from the \$100,000,000+ spent on the elderly programs nor can we determine if the elderly could be better served with the same expenditures.

Furthermore, if expected federal cuts are sustained, we need data to determine which cuts can be made that will hurt the fewest elderly and where additional state appropriations may be necessary. This

legislation should pass. Reps. Joe B. Parks, Josephine Mayhew for the Minority of Children, Youth and Elderly Affairs.

Resolution adopted.

CACR 1, relating to the number of senators and representatives. Providing that there shall be 48 senators and no more than 200 representatives. Inexpedient to Legislate.

The Committee agrees the House should remain at 400. The size of the Senate will be handled in CACR 2. Vote 8-2. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

Report adopted.

CACR 2, relating to size of the senate. Providing that the senate shall consist of 48 members. Ought to Pass with Amendment.

As amended, this resolution will allow 2 Senators from each of the twenty-four districts until after the next census when the State will then be divided into 48 Senatorial Districts with 48 Senators. Vote 8-1. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

#### Amendment

Amend the resolution by striking out paragraph II and inserting in place thereof the following:

II. Resolved, That article 26 of part second of the constitution be amended by striking out said article and inserting in place thereof the following:

(Art.) 26. (Senatorial Districts, How Constituted.) For the 1988 and 1990 state general elections, 2 senators shall be chosen from each of the 24 senatorial districts formed following the 1980 decennial federal census. Beginning with the 1991 legislative session the legislature shall, at its session following each decennial federal census, divide the state into 48 districts, as nearly equal as may be in population, each consisting of contiguous towns, city wards and unincorporated places, without dividing any town, city ward, or unincorporated place. Each district shall be represented by one senator.

Amend the resolution by striking out paragraph III and inserting in place thereof the following:

III. Resolved, That article 27 of part second of the constitution by amended by striking out said article and inserting in place thereof the following:

(Art.) 27. (Election of Senators.) For the 1988 and 1990 state general elections, the voters of each district, qualified as provided in this constitution, shall give in their votes for 2 senators from their respective district. Beginning with the 1992 general election, the voters of each district shall biennially give in their votes for one senator from their respective district.

Amend the resolution by striking out paragraph VII and inserting in place thereof the following:

VII. Resolved, That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the constitution by increasing the size of the senate to 48 members, providing for 2 senators from each of the existing 24 senatorial districts in 1988 and 1990 and providing for one

senator from each of 48 newly created senatorial districts beginning with the 1992 general election?

Amendment adopted.

Reps. William Riley and Sara Townsend spoke in favor of the report.

YEAS 280 NAYS 49  
YEAS 280

**BELKNAP:** Birch, Bolduc, Bowler, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Nighswander, Pearson and Zeckhausen.

**CARROLL:** Robert Holmes, Kenneth MacDonald, McIntire, Olimpio and Schofield.

**CHESHIRE:** Arnott, Blacketor, Burley, Crane, Jesse Davis, Daniel Eaton, Irvin Gordon, Grodin, Elmer Johnson, Matson, Miller, Parker, Perry, Ridge, William Riley, Schwartz, Scranton, Secord and Thompson.

**COOS:** Harold Burns, Chardon, Coulombe, Frederic Foss, Guay, Horton, Marsh, Mayhew, Ottolini, Theriault and York.

**GRAFTON:** Arnesen, Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Duggan, Easton, LaMott, Mann, McAvoy, Rounds, Scanlan, Stewart, Taffe, Wadsworth, Walter, Ward and Whitcomb.

**HILLSBOROUGH:** Ahrens, Arnold, Barry, Bass, Beaupre, Boisvert, Lionel Boucher, Bourque, Bridgewater, Burkush, A. Leslie Burns, John Burns, Carragher, Chagnon, Champagne, Chretien, Clancy, Cox, Cronin, Crotty, William Dion, Ducharme, Durant, Dwyer, Dykstra, Joseph M. Eaton, Fields, Nancy Ford, Fried, Scott Green, Grip, Marian Harrington, Healy, Hendrick, Holden, Humphrey, Chris Jacobson, Jasper, George Jones, Katsiaticas, Keefe, Kelley, Knight, Levesque, Lown, Lozeau, Martin, Howard Mason, McCue, McGlynn, Messier, Elizabeth Moore, Morrissette, Robert Murphy, Nelson, O'Rourke, Bonnie Packard, Pappas, Parmenter, Perham, Prestipino, Raiche, Reardon, Reidy, Frances Riley, Ellen-Ann Robinson, Shriver, B. P. Smith, Leonard Smith, Snow, Steiner, Stiles, Sylvia, Van Loan, Vanderlosk, Varkas, Geraldine Watson, Frank Whittemore, Arnold Wight and Winn.

**MERRIMACK:** Anderson, Barberia, Bardsley, Bibbo, Bowes, Cate, James Chandler, Connolly, Fraser, Gilbreth, George E. Gordon, Hager, Hayes, Mary Holmes, Jelley, C. William Johnson, Kidder, Kinhan, Lewis, Millard, Nichols, Pannell, Pantzer, Phelps, Rehlander, Doris Riley, Walter Robinson, Linwood Rogers, Savaria, Shepard, Gerald Smith and West.

**ROCKINGHAM:** Blaisdell, Blanchard, William Boucher, Burdick, Butler, Eunice Campbell, Marilyn Campbell, Champoux, Clay, Connors, Conroy, Day, Emanuelson, Flanagan, Flanders, Bert Ford, Beverly Gage, Gourdeau, Elizabeth Greene, Haynes, Hollingworth, Robert Johnson, Joslyn, Roger King, Krasker, Longworth, Lovejoy, Mace, Magoon, Malcolm, Robert Mason, Jr., McCain, McKinney, Nagel, Parr, Pevear, Popov, Quimby, Raynowska, Norman Rogers, Romoli, Sanderson, Seward, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Stachowske, Sytek, Titone, Tufts, Vaughn, Walker, Wells and Woodward.

**STRAFFORD:** Appleby, Berkey, Bernard, Bryant, Burton, Callaghan, Chamberlin, Diament, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Hussey, Robert Jones, Keans, Kincaid, Laurion, Lussier, Meader, O'Brien, Parks, Pelley, Francis Robinson, Spear, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, Ingram, Paul Johnson, Lindblade, McKee, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 49

BELKNAP: Brough, Jensen and Matthew Locke.

CARROLL: Ashnault, Gene Chandler, Dickinson and Saunders.

CHESHIRE: Morse and Young.

COOS: Brungot and Lamontagne.

GRAFTON: Bennett, Driscoll, Howard Townsend and Weymouth.

HILLSBOROUGH: Bourdon, Charron, Cote, Donovan, Duperron, Dupont, Gagnon, Herod, Hyman, Labombarde, Nute, Paradis, Sallada, Mary Sullivan, Turgeon, Harold Watson, Emma Wheeler, Kenneth Wheeler and Zis.

MERRIMACK: Daniell, Arthur Locke, Stio and James Whittemore.

ROCKINGHAM: Benton, Lawrence A. Chase, Jr., Ellyson, Felch, Thomas Gage, Kane, Palumbo, Scamman, Schwaner and Welch.

STRAFFORD: Frechette, and CACR 2 was adopted by the necessary three-fifths.

Reps. Ramsay, Hoar and Phyllis Katsakiores notified the Clerk that they wished to be recorded in favor of CACR 2.

CACR 3, relating to jury trials. Providing that a 12-person jury is required in capital cases and when imprisonment may be more than one year, but that other juries shall consist of 6 persons. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The majority believes that the citizens of New Hampshire deserve a 12-person jury. Reducing the diversity and representative nature of a jury could lead to unfair results. A 6-person jury could make it easier for one person to dominate the deliberations. Vote 8-2. Rep. Dennis H. Fields for the Majority of Constitutional and Statutory Revision.

MINORITY: The minority favors a six-person jury because it would save money and would provide for more effective administration of justice in New Hampshire's courts. CACR 1, passed in the 1985 session, which pertains to the amount in controversy for jury trials, will be on the 1986 election ballot. The minority believes that the present resolution should be considered when it will be the only resolution about jury trials to appear on the election ballot. Reps. Beverley B. Bryant and Catherine O'Brien for the Minority of Constitutional and Statutory Revision.

Rep. Murphy moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Rep. Joseph Eaton spoke against the motion.

Rep. Murphy requested a roll call. Sufficiently seconded.

YEAS 103 NAYS 233  
YEAS 103

BELKNAP: Bolduc, Richard Campbell, Malcolm Harrington, Jensen and Nighswander.



CARROLL: Olimpio.

CESHIRE: Blacketor and Matson.

COOS: Brideau, Frederic Foss, Horton, Mayhew and Theriault.

GRAFTON: Bennett, Blair, Chambers, Densmore, Driscoll and Easton.

HILLSBOROUGH: Beaupre, Bourque, Burkush, John Burns, Champagne, Clancy, Cox, Cronin, William Dion, Dupont, Durant, Dwyer, Dykstra, Scott Green, Herod, Chris Jacobson, George Jones, Katsiaficas, Kelley, Knight, Levesque, Lown, Lozeau, Howard Mason, Messier, Morrissette, Robert Murphy, Nelson, Nute, O'Rourke, Pappas, Parmenter, Pressly, Reardon, Reidy, B. P. Smith, Snow, Turgeon, Geraldine Watson and Arnold Wight.

MERRIMACK: Bardsley, Bibbo, Laurent Boucher, James Chandler, Connolly, Hayes, Jelley, C. William Johnson, Lewis, Arthur Locke, Pannell, Pantzer, Phelps and Doris Riley.

ROCKINGHAM: Emanuelson, Felch, Thomas Gage, Gourdeau, Robert Johnson, George Katsakiores, Krasker, Magoon, Malcolm, Popov, Norman Rogers, Sanderson, Schwaner, Seward, Sytek, Vaughn and Woodward.

STRAFFORD: Bryant, Burton, Chamberlin, Anita Flynn, Edward Flynn and Franklin Torr.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Lindblade, McKee and Spaulding.

#### NAYS 233

BELKNAP: Birch, Bowler, Brough, Dexter, Golden, Hardy, Hawkins, Holbrook, Matthew Locke, Pearson, Randall and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Dickinson, Robert Holmes, Kenneth MacDonald, McIntire, Saunders and Schofield.

CESHIRE: Arnott, Burley, Crane, Jesse Davis, Delano, Daniel Eaton, Irvin Gordon, Grodin, Elmer Johnson, Morse, Parker, Perry, Ramsay, Ridge, William Riley, Schwartz, Scranton, Secord, Thompson and Young.

COOS: Brungot, Harold Burns, Chappell, Chardon, Coulombe, Guay, Lamontagne, Marsh, Ottolini and York.

GRAFTON: Arnesen, Christy, Copenhaver, Crory, Duggan, LaMott, Mann, McAvoy, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Barry, Bass, Blais, Boisvert, Lionel Boucher, Bourdon, Bridgewater, A. Leslie Burns, Carragher, Chagnon, Charron, Chretien, Cote, Crotty, Donovan, Ducharme, Duperron, Joseph M. Eaton, Fields, Nancy Ford, Fried, Gagnon, Grip, Marian Harrington, Healy, Hendrick, Holden, Humphrey, Hyman, Jasper, Keefe, Labombarde, Martin, McGlynn, Elizabeth Moore, Bonnie Packard, Perham, Prestipino, Raiche, Frances Riley, Ellen-Ann Robinson, Sallada, Shriver, Leonard Smith, Steiner, Stiles, Mary Sullivan, Sylvia, Van Loan, Vanderlosk, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Winn and Zis.

MERRIMACK: Anderson, Barberia, Bowes, Cailler, Cate, Daniell, Fraser, Gilbreth, George E. Gordon, Hager, Mary Holmes, Alf Jacobson, Kidder, Kinhan, Millard, Nichols, Rehlander, Walter Robinson, Linwood Rogers, Savaria, Shepard, Gerald Smith, Stio, West and James Whittemore.

ROCKINGHAM: Benton, Blaisdell, Blanchard, William Boucher, Burdick, Butler, Eunice Campbell, Marilyn Campbell, Champoux, Lawrence A. Chase, Jr., Clay, Connors, Conroy, Day, Ellyson, Flanagan, Flanders, Beverly Gage, Elizabeth Greene, Hollingworth, Joslyn, Kane, Phyllis Katsakiores, Roger King, Longworth, Lovejoy, Mace, Robert Mason, Jr., McCain, McKinney, Nagel, Palumbo, Parr, Pevear, Quimby, Raynowska, Romoli, Scamman, Schmidtchen, Sherburne, Simon, Skinner, Sloan, Sochalski, Stachowske, Titone, Tufts, Vartanian, Walker, Welch and Wells.

STRAFFORD: Appleby, Berkey, Bernard, Callaghan, Diamant, Dingle, Albert Dionne, Patricia Foss, Frechette, Hussey, Robert Jones, Keans, Kincaid, Laurion, Lussier, Meader, O'Brien, Parks, Pelley, Francis Robinson, Spear, Swope, Ann Torr and Whiting.

SULLIVAN: Domini, Ingram, Paul Johnson, Normandin, Rodeschin, Schotanus and Sara Townsend, and the substitute motion lost.

Question now being on the report of the Majority, Inexpedient to Legislate.

Report adopted.

CACR 5, relating to dependents of legislators. Providing that legislators shall be reimbursed for costs of dependent care. Majority: Inexpedient to Legislate. Minority: Ought to Pass with Amendment.

MAJORITY: This Constitutional Amendment is unfair to business people who give up work days. As a people's Legislature, time and finances should be planned ahead. Vote 6-3. Rep. Natalie S. Flanagan for the Majority of Constitutional and Statutory Revision.

MINORITY: In New Hampshire 68 percent of the population is under age 40 while only 16 percent of the legislators are under 40. CACR 5 would address the financial aspects of providing child care for dependents of that group. In addition, it would help out representatives in the middle or later years who may at any moment have an immediate family member become disabled and in need of care. This bill encourages participation from all so that families can be represented in the New Hampshire House. Administered in the same manner as mileage payments, it would help keep down (but not eliminate) out-of-pocket expenses needed to serve in the Legislature. The amendment simply changes the wording of the question which would be put to the voters in November. Reps. Catherine O'Brien, Mary J. Shriver and Beverley B. Bryant for the Minority of Constitutional and Statutory Revision.

Rep. Arnesen spoke to the report.

Rep. Welch spoke in favor of the Majority report.

Question being on the report of the Majority, Inexpedient to Legislate.

Report adopted.

CACR 6, relating to senators and representatives. Providing that no senator or representative shall be appointed to any civil office created or for which the compensation has been increased during his term. Inexpedient to Legislate.

The Committee feels that if talent is available for a position, it should be used. Vote 9-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

Report adopted.

CACR 7, relating to enactments of the general court. Providing that no enactment shall embrace more than one subject. Inexpedient to Legislate.

The majority of the Committee felt that this Constitutional Amendment was not needed. It can be handled by House and Senate rules or by

statute. Vote 7-2. Rep. Carol H. Holden for Constitutional and Statutory Revision.

Report adopted.

CACR 9, relating to the term of the governor. Providing that the term shall be 4 years. Ought to Pass.

The Committee supports a four-year term for Governor. Over 62 percent of the voters favored this in the 1984 election. In 1985, the New Hampshire House of Representatives voted in favor of the resolution. The Committee believes that it should be given a second chance this year. Vote 9-1. Rep. Beverley B. Bryant for Constitutional and Statutory Revision.

A roll call was requested. Sufficiently seconded.

YEAS 240 NAYS 106  
YEAS 240

BELKNAP: Birch, Bolduc, Bowler, Dexter, Hardy, Malcolm Harrington, Hawkins, Holbrook, Nighswander, Pearson, Randall and Zeckhausen.

CARROLL: Russell Chase, Robert Holmes, Kenneth MacDonald, McIntire, Olimpio, Saunders and Schofield.

CHESHIRE: Arnott, Blacketer, Crane, Jesse Davis, Daniel Eaton, Irvin Gordon, Grodin, Elmer Johnson, Morse, Parker, Perry, Ramsay, William Riley, Schwartz, Scranton, Secord and Thompson.

COOS: Brideau, Harold Burns, Chardon, Frederic Foss, Horton, Lamontagne, Marsh, Mayhew, Theriault and York.

GRAFTON: Arnesen, Blair, Chambers, Copenhaver, Crory, Densmore, Duggan, LaMott, Mann, Rounds, Scanlan, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Bass, Boisvert, Lionel Boucher, Burkush, John Burns, Carragher, Chagnon, Champagne, Chretien, Cote, Cox, Crotty, William Dion, Ducharme, Dwyer, Dykstra, Joseph M. Eaton, Fields, Nancy Ford, Fried, Grip, Marian Harrington, Healy, Hendrick, Herod, Holden, Humphrey, Chris Jacobson, George Jones, Katsiaficas, Keefe, Kelley, Knight, Lown, Lozeau, Martin, Howard Mason, Messier, Elizabeth Moore, Morrissette, Robert Murphy, Nelson, O'Rourke, Bonnie Packard, Pappas, Parmenter, Pressly, Raiche, Reardon, Reidy, Ellen-Ann Robinson, Sallada, Shriver, B. P. Smith, Leonard Smith, Snow, Sylvia, Turgeon, Van Loan, Varkas, Geraldine Watson, Harold Watson, Frank Whittemore, Arnold Wight, Winn and Zis.

MERRIMACK: Anderson, Bardsley, Bibbo, Bowes, Cailler, Fraser, Gilbreth, Gross, Hager, Hayes, Mary Holmes, Alf Jacobson, Jelley, C. William Johnson, Kinhan, Pantzer, Phelps, Walter Robinson, Linwood Rogers, Gerald Smith, Stio and West.

ROCKINGHAM: Blaisdell, Blanchard, William Boucher, Burdick, Eunice Campbell, Marilyn Campbell, Champoux, Clay, Conroy, Day, Ellyson, Felch, Flanagan, Flanders, Bert Ford, Beverly Gage, Thomas Gage, Elizabeth Greene, Haynes, Joslyn, Phyllis Katsakiores, Roger King, Krasker, Lovejoy, Mace, Magoon, Malcolm, Robert Mason, Jr., McCain, McKinney, Nagel, Palumbo, Parr, Popov, Quimby, Norman Rogers, Romoli, Rosencrantz, Sanderson, Scamman, Schmidtchen, Seward, Skinner, Sochalski, Stachowske, Sytek, Titone, Tufts, Vartanian, Walker and Woodward.

STRAFFORD: Appleby, Bryant, Burton, Callaghan, Chamberlin, Diamant, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Keans, Laurion, Meader, O'Brien, Parks, Pelley, Francis Robinson, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Call, D'Amante, Disnard, Domini, Ingram, Paul Johnson, Lindblade, McKee, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend.

## NAYS 106

BELKNAP: Brough, Richard Campbell, Golden, Jensen and Matthew Locke.

CARROLL: Ashnault, Gene Chandler, Dickinson and Hounsell.

CHESHIRE: Burley, Delano, Miller, Ridge and Young.

COOS: Brungot, Chappell, Coulombe, Guay and Ottolini.

GRAFTON: Bennett, Christy, Driscoll, Easton, McAvoy, Stewart and Weymouth.

HILLSBOROUGH: Barry, Beaupre, Blais, Bourdon, Bourque, Bridgewater, A. Leslie Burns, Charron, Clancy, Cronin, Donovan, Duperron, Dupont, Durant, Gagnon, Scott Green, Hyman, Jasper, Labombarde, Levesque, McCue, McGlynn, Nute, Paradis, Perham, Prestipino, Frances Riley, G. Philip Rodgers, Steiner, Stiles, Mary Sullivan, Vanderlosk, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Barberia, Laurent Boucher, Cate, Connolly, Daniell, George E. Gordon, Kidder, Lewis, Arthur Locke, Millard, Nichols, Pannell, Rehlander, Savaria, Shepard and James Whittemore.

ROCKINGHAM: Benton, Butler, Lawrence A. Chase, Jr., Connors, Emanuelson, Gourdeau, Hollingworth, Robert Johnson, Kane, George Katsakiores, Longworth, Benjamin Moore, Pevear, Raynowska, Schwaner, Sherburne, Simon, Sloan, Splaine, Vaughn, Welch and Wells.

STRAFFORD: Berkey, Bernard, Albert Dionne, Hussey, Kincaid, Lussier and Spear.

SULLIVAN: Brodeur, and CACR 9 was adopted by the necessary three-fifths.

CACR 10, relating to compensation of the legislature. Providing that each member of the legislature shall be paid \$30 per each legislative day actually attended up to a maximum payment of \$1,350 for each annual session. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: It was felt that CACR 10 is needed and would increase and maintain public involvement in the Legislature. This CACR passed both the Committee and the House last year, but was unfortunately killed in the Senate. In hopes of agreement in the Senate this year, the Committee voted for passage. Vote 7-3. Rep. Catherine O'Brien for the Majority of Constitutional and Statutory Revision.

MINORITY: The minority believes that this being a volunteer legislature and that it works, it should remain so. Rep. Martin P. Lussier for the Minority of Constitutional and Statutory Revision.

Rep. Alf Jacobson spoke in favor of the report of the Majority.  
A roll Call was requested. Sufficiently seconded.



YEAS 217 NAYS 126  
YEAS 217

BELKNAP: Birch, Bolduc, Bowler, Hardy, Malcolm Harrington, Hawkins, Holbrook, Nighswander, Pearson and Zeckhausen.

CARROL: Ashnault, Gene Chandler, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio and Schofield.

CHESHIRE: Arnott, Blacketor, Burley, Jesse Davis, Delano, Daniel Eaton, Morse, Parker, Perry, Ramsay, William Riley, Schwartz, Scranton, Secord and Thompson.

COOS: Brideau, Harold Burns, Chappell, Chardon, Frederic Foss, Horton and York.

GRAFTON: Arnesen, Blair, Chambers, Copenhaver, Crory, Densmore, Driscoll, Easton, LaMott, Mann, Rounds, Scanlan, Stewart, Taffe, Wadsworth, Walter and Ward.

HILLSBOROUGH: Arnold, Bass, Boisvert, Lionel Boucher, Burkush, Carragher, Chagnon, Chretien, Cox, Cronin, Crotty, William Dion, Durant, Dwyer, Joseph M. Eaton, Nancy Ford, Fried, Marian Harrington, Healy, Hendrick, Herod, Holden, Chris Jacobson, Keefe, Kelley, Knight, Levesque, Lown, Howard Mason, McCue, McGlynn, Messier, Nelson, Bonnie Packard, Pappas, Parmenter, Pressly, Raiche, Reardon, Reidy, Ellen-Ann Robinson, Shriver, Leonard Smith, Snow, Steiner, Mary Sullivan, Sylvia, Van Loan, Geraldine Watson, Frank Whittemore, Arnold Wight and Winn.

MERRIMACK: Anderson, Bardsley, Bibbo, Bowes, Cailier, Cate, James Chandler, Connolly, Fraser, Gross, Hager, Hayes, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Kinhan, Millard, Nichols, Pannell, Pantzer, Phelps, Rehlander, Walter Robinson, Linwood Rogers, Shepard, Gerald Smith, West and James Whittemore.

ROCKINGHAM: Blaisdell, Blanchard, William Boucher, Burdick, Butler, Eunice Campbell, Marilyn Campbell, Champoux, Connors, Day, Emanuelson, Felch, Flanagan, Bert Ford, Thomas Gage, Elizabeth Greene, Haynes, Hollingworth, Joslyn, Krasker, Mace, Robert Mason, Jr., Benjamin Moore, Nagel, Palumbo, Parr, Pevear, Popov, Quimby, Raynowska, Romoli, Rosencrantz, Sanderson, Schmidtchen, Skinner, Sloan, Splaine, Stachowske, Sytek, Titone, Tufts, Vaughn, Walker and Woodward.

STRAFFORD: Appleby, Bernard, Bryant, Burton, Callaghan, Chamberlin, Diamant, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Keans, Kincaid, Laurion, Meader, O'Brien, Pelley, Francis Robinson, Spear, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: D'Amante, Disnard, Ingram, Paul Johnson, Lindblade, McKee, Normandin, Schotanus and Sara Townsend.

NAYS 126

BELKNAP: Brough, Richard Campbell, Dexter, Golden, Jensen, Matthew Locke and Randall.

CARROLL: Russell Chase and Saunders.

CHESHIRE: Crane, Irvin Gordon, Grodin, Elmer Johnson, Miller, Ridge and Young.

COOS: Brungot, Coulombe, Guay, Lamontagne, Marsh, Mayhew, Ottolini and Theriault.

GRAFTON: Bennett, Christy, Duggan, McAvoy, Howard Townsend, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Barry, Beaupre, Blais, Bourdon, Bourque, Bridgewater, John Burns, Champagne, Charron, Clancy, Cote, Donovan, Ducharme, Duperron, Dupont, Dykstra, Fields, Gagnon, Scott Green, Grip, Humphrey, Hyman, Jasper, George Jones, Katsiaficas, Labombarde, Lozeau, Martin, Elizabeth Moore, Morrissette, Robert Murphy, Nute, Paradis, Perham, Prestipino, Frances Riley, G. Philip Rodgers, Sallada, B. P. Smith, Stiles, Turgeon, Vanderlosk, Varkas, Harold Watson, Emma Wheeler, Kenneth Wheeler and Zis.

MERRIMACK: Barberia, Laurent Boucher, Daniell, Gilbreth, George E. Gordon, Jelley, Lewis, Arthur Locke, Savaria and Stio.

ROCKINGHAM: Benton, Lawrence A. Chase, Jr., Clay, Conroy, Ellyson, Flanders, Gourdeau, Robert Johnson, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Longworth, Lovejoy, Magoon, Malcolm, McCain, McKinney, Norman Rogers, Schwaner, Seward, Sherburne, Simon, Sochalski, Vartanian, Welch and Wells.

STRAFFORD: Berkey, Albert Dionne, Hussey, Lussier and Parks.

SULLIVAN: Brodeur, Call, Domini, Rodeschin and Spaulding, and CACR 10 was not adopted lacking the necessary three-fifths.

Rep. Lussier moved that CACR 10 be reported Inexpedient to Legislate. Adopted.

Rep. A. Leslie Burns notified the Clerk that she wished to be recorded in favor of Inexpedient to Legislate on CACR 10.

HBI 2001, relating to scholarship opportunities for gifted children. Inexpedient to Legislate.

This bill of intent provided an opportunity for members of the Education Committee to have a glimpse at the personal situation of a gifted and talented young girl. Although the specific situation raised critical concern, it was the majority opinion of the Committee that the newly created Governor's Steering Committee for Excellence in Education can and should investigate methods and means to develop scholarship opportunities for an accelerated education for gifted children. The majority vote of 14-4 for Inexpedient to Legislate was preceded by a tie vote for interim study. Rep. James F. Kinhan for Education.

Rep. Ingram spoke against the report.

Rep. Kinhan spoke in favor of the report.

Resolution adopted.

HB 323-FN, establishing the licensure of dietitians. Refer for Interim Study.

The testimony from public hearing defines multiple issues. The monitoring of interstate product promotions such as nutritional aids or weight control products, as well as the advanced utilization and recognition of the 150 nationally registered dietitians, are but two of the over-expanding scope of the exploding billion dollar "nutritional" marketplace. A full definition of all issues and a more complete solution is needed to properly address this important legislation. For these reasons, the Committee recommends the time for a complete definitive study and solution through interim study. Vote 18-1. Rep. William F. McCain for Executive Departments and Administration.

Referred for Interim Study.

HB 35, prohibiting smoking in grocery food stores. Ought to Pass with Amendment.

The Committee supports this bill because no one has a constitutional right to expose others to health hazards. Further, the State does have a special responsibility to preserve and protect public places where food is sold. Secondary tobacco smoke has been identified as a major health danger. House Bill 35 is a proper constitutional response to this major health problem. Vote 18-1. Rep. Scott E. Green for Health and Human Services.

#### Amendment

Amend RSA 155:51 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

155:51 Prohibition; Posting of Signs.

I. Notwithstanding any law or rule to the contrary, no person shall smoke in any public section of a grocery food store.

II. The person in charge of a grocery food store shall post conspicuous NO SMOKING signs at the entrances to and within the store.

III. When anyone is smoking in a grocery food store, the person in charge shall request that the offender cease smoking there. If the offender continues to smoke there, the person in charge may notify law enforcement authorities.

Amend RSA 155:52 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

155:52 Penalty. Anyone who smokes in a grocery food store or who removes or defaces a sign posted under this subdivision shall be guilty of a violation and, notwithstanding RSA 651:2, IV(a), shall be subject to a fine up to \$25.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

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

Amendment adopted.

Rep. George Gordon moved that the words, Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass with Amendment, and spoke to his motion.

Reps. Joslyn, Copenhaver and Sochalski spoke against the motion and yielded to questions.

Rep. Hyman spoke in favor of the motion.

The previous question was moved. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 134 NAYS 214

YEAS 134

BELKNAP: Brough, Richard Campbell and Malcolm Harrington.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, McIntire and Saunders.

CHESHIRE: Blacketor, Crane, Jesse Davis, Irvin Gordon, Elmer Johnson, Miller, Scranton, Secord, Thompson and Young.

COOS: Brideau, Brungot, Chappell, Coulombe, Guay, Lamontagne, Theriault and York.

GRAFTON: Bennett, Blair, Christy, Duggan, LaMott, McAvoy, Stewart and Weymouth.

HILLSBOROUGH: Beaupre, Blais, Boisvert, Bourdon, Burkush, Carragher, Chagnon, Charron, Crotty, Ducharme, Duperron, Durant, Dwyer, Fried, Gagnon, Herod, Hyman, George Jones, Labombarde, Martin, Howard Mason, McCue, Morrissette, Robert Murphy, Nelson, O'Rourke, Perham, Raiche, Reardon, Reidy, Frances Riley, G. Philip Rodgers, B. P. Smith, Snow, Steiner, Stiles, Mary Sullivan, Turgeon, Vanderlosk, Geraldine Watson, Harold Watson, Emma Wheeler and Frank Whittemore.

MERRIMACK: Barberia, Bibbo, Laurent Boucher, Daniell, George E. Gordon, Jelley, Arthur Locke, Rehlander, Walter Robinson and Gerald Smith.

ROCKINGHAM: Benton, Blaisdell, William Boucher, Champoux, Day, Felch, Flanagan, Flanders, Bert Ford, Thomas Gage, Haynes, Kane, George Katsakiores, Roger King, Mace, Magoon, Benjamin Moore, Norman Rogers, Romoli, Rosencrantz, Scamman, Seward, Sherburne, Stachowske, Tufts, Vartanian, Wells and Woodward.

STRAFFORD: Callaghan, Chamberlin, Frechette, Kincaid, Laurion, Lussier, Meader, Pelley, Francis Robinson, Swope, Ann Torr and Franklin Torr.

SULLIVAN: Brodeur, D'Amante, Disnard, Domini, Paul Johnson and Lindblade.

NAYS 214

BELKNAP: Birch, Bolduc, Bowler, Dexter, Golden, Hardy, Hawkins, Holbrook, Jensen, Matthew Locke, Nighswander, Pearson, Randall and Zeckhausen.

CARROLL: Robert Holmes, Hounsell, Kenneth MacDonald, Olimpio and Schofield.

CHESHIRE: Arnott, Burley, Delano, Daniel Eaton, Grodin, Morse, Parker, Perry, Ramsay, Ridge, William Riley and Schwartz.

COOS: Harold Burns, Chardon, Frederic Foss, Horton, Marsh, Mayhew and Ottolini.

GRAFTON: Arnesen, Chambers, Copenhaver, Crory, Densmore, Driscoll, Easton, Mann, Rounds, Scanlan, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Barry, Bass, Lionel Boucher, Bourque, Bridgewater, A. Leslie Burns, John Burns, Champagne, Chretien, Clancy, Cote, Cox, Cronin, William Dion, Donovan, Dykstra, Joseph M. Eaton, Fields, Nancy Ford, Scott Green, Grip, Marian Harrington, Healy, Hendrick, Holden, Humphrey, Chris Jacobson, Jasper, Katsiaficas, Keefe, Kelley, Knight, Levesque, Lown, Lozeau, McGlynn, Messier, Elizabeth Moore, Nute, Bonnie Packard, Pappas, Paradis, Parmenter, Pressly, Prestipino, Ellen-Ann Robinson, Sallada, Shriver, Leonard Smith, Sylvia, Van Loan, Varkas, Kenneth Wheeler, Arnold Wight, Winn and Zis.

MERRIMACK: Anderson, Bardsley, Bowes, Cailler, Cate, James Chandler, Connolly, Fraser, Gilbreth, Gross, Hager, Hayes, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Kinhan, Lewis, Millard, Nichols, Pannell, Pantzer, Phelps, Doris Riley, Linwood Rogers, Savaria, Shepard, Stio, Wallner and West.

ROCKINGHAM: Blanchard, Burdick, Butler, Eunice Campbell, Marilyn Campbell, Lawrence A. Chase, Jr., Clay, Connors, Conroy, Ellyson, Emanuelson, Beverly Gage, Gourdeau, Elizabeth Greene, Hoar, Hollingworth, Robert Johnson, Joslyn, Phyllis Katsakiores, Krasker, Longworth, Lovejoy, Malcolm, Robert Mason, McCain, McKinney, Nagel, Newell, Palumbo, Parr,



Pevear, Popov, Quimby, Raynowska, Sanderson, Schmidtchen, Schwaner, Simon, Skinner, Sloan, Sochalski, Splaine, Sytek, Titone, Vaughn, Walker and Welch.

STRAFFORD: Appleby, Berkey, Bernard, Bryant, Burton, Diament, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Hussey, Robert Jones, Keans, O'Brien, Parks, Spear and Whiting.

SULLIVAN: Call, Ingram, McKee, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Ordered to third reading.

HB 133, relative to smoking in the workplace. Ought to Pass. The Committee felt that the importance of protecting workers from passive exposure to the toxic effects of smoking overrides any slight inconvenience which may be experienced by employers. The bill specifically states that no structural changes shall be required to accommodate the preference of the employees. The Committee felt also that the rights of smokers are equally protected. Vote 16-3. Rep. Matthew M. Sochalski for Health and Human Services.

Ordered to third reading.

Rep. William Boucher notified the Clerk that he wished to be recorded against HB 133.

HB 21, prohibiting homosexuals from adopting and from being foster parents. Majority: Inexpedient to Legislate. Minority: Ought to Pass. MAJORITY: The Committee shares the concern of the sponsor that children not be placed for adoption or foster care in an undesirable environment. The goal can be better achieved by rule than statute. The Division for Children and Youth Services and the Attorney General have substantially completed regulations that will provide an improved and more complete assessment for all potential foster and adoptive parents. Vote 16-1. Rep. Donna P. Sytek for the Majority of Judiciary.

MINORITY: It is clear from the title and contents of this bill that the New Hampshire Legislature is requested to pass judgment as to whether or not an agency of the State shall be permitted to grant a license to any homosexual foster family home, and as to whether or not a homosexual should be accepted as an adopting parent. The Minority firmly endorses the position of the sponsor of this bill. It is timely and necessary. Rep. Daniel J. Healy for the Minority of Judiciary.

Rep. Ingram moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to her motion.

Rep. Daniel Eaton spoke against the motion.

Rep. Healy spoke in favor of the motion.

Rep. Young spoke in favor of the motion and yielded to questions.

Rep. Sytek spoke against the motion and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 145 NAYS 206  
YEAS 145

BELKNAP: Birch, Bolduc, Brough, Dexter, Golden, Hardy, Holbrook, Jensen and Matthew Locke.

CARROLL: Ashnault, Gene Chandler, Hounsell, Saunders and Schofield.

CHESHIRE: Arnott, Crane, Delano, Frink, Elmer Johnson, Ridge, Secord and Young.

COOS: Brideau, Brungot, Chappell, Coulombe, Frederic Foss, Guay, Lamontagne, Marsh and York.

GRAFTON: Bennett, Blair, Christy, Driscoll, Stewart, Howard Townsend and Weymouth.

HILLSBOROUGH: Barry, Beaupre, Blais, Boisvert, Bourdon, Bourque, Burkush, A. Leslie Burns, Champagne, Charron, Clancy, Cox, Cronin, Crotty, William Dion, Ducharme, Duperron, Dupont, Dwyer, Nancy Ford, Gagnon, Grip, Healy, Herod, Chris Jacobson, Keefe, Knight, Labombarde, Levesque, Martin, Howard Mason, Morrisette, Robert Murphy, Nute, Paradis, Perham, Prestipino, Reidy, Frances Riley, Stiles, Turgeon, Vanderlosk, Varkas, Harold Watson, Kenneth Wheeler, Arnold Wight and Winn.

MERRIMACK: Barberia, Bibbo, Laurent Boucher, Gilbreth, George E. Gordon, Mary Holmes, Jelley, Arthur Locke, Pannell, Walter Robinson, Savaria, Shepard, Gerald Smith and Stio.

ROCKINGHAM: Benton, William Boucher, Burdick, Lawrence A. Chase, Jr., Clay, Day, Ellyson, Emanuelson, Felch, Flanagan, Gourdeau, Robert Johnson, Roger King, Magoon, Malcolm, McKinney, Benjamin Moore, Nagel, Palumbo, Raynowska, Norman Rogers, Rosencrantz, Scamman, Schwaner, Seward, Sherburne, Vaughn, Walker, Welch, Wells and Woodward.

STRAFFORD: Bernard, Callaghan, Dingle, Albert Dionne, Patricia Foss, Frechette, Kincaid, Laurion, Meader, Parks and Pelley.

SULLIVAN: Disnard, Domini, Ingram and Spaulding.

## NAYS 206

BELKNAP: Bowler, Richard Campbell, Malcolm Harrington, Hawkins, Nighswander, Pearson, Randall and Zeckhausen.

CARROLL: Russell Chase, Dickinson, Robert Holmes, Kenneth MacDonald, McIntire and Olimpio.

CHESHIRE: Blacketor, Burley, Jesse Davis, Daniel Eaton, Irvin Gordon, Grodin, Matson, Miller, Morse, Parker, Perry, Ramsay, William Riley, Schwartz, Scranton and Thompson.

COOS: Harold Burns, Chardon, Horton, Mayhew, Ottolini and Theriault.

GRAFTON: Arnesen, Chambers, Copenhaver, Crory, Densmore, Duggan, Easton, Wayne King, Mann, McAvoy, Rounds, Scanlan, Taffe, Wadsworth, Walter and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Bass, Lionel Boucher, Bridgewater, John Burns, Carragher, Chagnon, Chretien, Cote, Donovan, Dykstra, Joseph M. Eaton, Fields, Fried, Scott Green, Marian Harrington, Hendrick, Holden, Humphrey, Hyman, Jasper, George Jones, Katsiaficas, Kelley, Lown, Lozeau, McCue, McGlynn, Messier, Elizabeth Moore, Nelson, Bonnie Packard, Pappas, Parmenter, Pressly, Raiche, Reardon, Ellen-Ann Robinson, G. Philip Rodgers, Sallada, Shriver, B. P. Smith, Leonard Smith, Snow, Steiner, Mary Sullivan, Sylvia, Van Loan, Geraldine Watson, Emma Wheeler, Frank Whittemore and Zis.

MERRIMACK: Anderson, Bardsley, Bowes, Cailler, Cate, James Chandler, Connolly, Daniell, Fraser, Gross, Hager, Hayes, Alf Jacobson, C. William

Johnson, Kidder, Kinhan, Lewis, Millard, Nichols, Pantzer, Phelps, Rehlander, Doris Riley, Linwood Rogers, Wallner, West and James Whittemore.

ROCKINGHAM: Blaisdell, Blanchard, Butler, Eunice Campbell, Marilyn Campbell, Champoux, Connors, Conroy, Flanders, Bert Ford, Beverly Gage, Thomas Gage, Goss, Elizabeth Greene, Haynes, Hoar, Hollingworth, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Krasker, Longworth, Lovejoy, Mace, Robert Mason, McCain, Newell, Parr, Pevear, Popov, Quimby, Romoli, Sanderson, Schmidtchen, Simon, Skinner, Sloan, Sochalski, Splaine, Stachowske, Sytek, Titone, Tufts and Vartanian.

STRAFFORD: Appleby, Berkey, Bryant, Burton, Chamberlin, Diament, Anita Flynn, Edward Flynn, Hussey, Robert Jones, Keans, Lussier, O'Brien, Francis Robinson, Spear, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Call, D'Amante, Paul Johnson, Lindblade, McKee, Normandin, Rodeschin, Schotanus and Sara Townsend, and the motion lost.  
Question being on the report of the Majority, Inexpedient to Legislate.  
Resolution adopted.

RECESS

(Speaker in the Chair)

(COMMITTEE REPORTS cont.)

HB 91, relative to service of civil process. Ought to Pass with Amendment.

Civil process is served by certified mail in the Federal Courts and is the preferred method as well as being cost effective. Allowing this same type of service as an elective alternative in our State Courts, using figures given by the sheriffs could save New Hampshire citizens as much as \$2,500,000 per year while at the same time reduce the cost of county government by over \$1,000,000 per year. Vote 13-2. Rep. Frank J. Sylvia for Judiciary.

Rep. Sytek moved that HB 91 be recommitted to the Committee on Judiciary and spoke to her motion.  
Adopted.

HB 106, relative to the death penalty. Without Recommendation.  
The Committee was deadlocked 11-11 and therefore brings the bill to the floor without recommendation. Rep. Donna P. Sytek for Judiciary.

Rep. Chretien moved that HB 106 be adopted, and spoke to his motion.  
Reps. Raiche, Sylvia and Francis Robinson spoke against the motion and yielded to questions.  
Reps. Scamman, Jasper, Geraldine Watson and Daniel Eaton spoke in favor of the motion.  
Rep. Zis spoke against the motion.  
Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.  
A roll call was requested. Sufficiently seconded.

YEAS 233 NAYS 113  
YEAS 233

BELKNAP: Birch, Brough, Richard Campbell, Golden, Hardy, Holbrook, Jensen, Matthew Locke, Randall and Zeckhausen.

CARROLL: Gene Chandler, Russell Chase, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio, Saunders and Schofield.

CHESHIRE: Arnott, Blacketor, Burley, Delano, Daniel Eaton, Frink, Irvin Gordon, Elmer Johnson, Matson, Miller, Morse, Parker, Perry, Ridge, William Riley, Secord, Thompson and Young.

COOS: Brungot, Harold Burns, Chardon, Coulombe, Frederic Foss, Guay, Horton, Marsh and Theriault.

GRAFTON: Christy, Driscoll, Duggan, Mann, McAvoy, Rounds, Scanlan, Stewart, Howard Townsend, Wadsworth, Walter and Ward.

HILLSBOROUGH: Ahrens, Barry, Bass, Beaupre, Boisvert, Lionel Boucher, Bourque, Bridgewater, Burkush, A. Leslie Burns, John Burns, Carragher, Chagnon, Charron, Chretien, Cox, Cronin, Crotty, William Dion, Donovan, Ducharme, Duperron, Dupont, Dykstra, Joseph M. Eaton, Fields, Fried, Gagnon, Grip, Marian Harrington, Healy, Hendrick, Herod, Humphrey, Hyman, Chris Jacobson, Jasper, Keefe, Kelley, Knight, Levesque, Lozeau, Martin, Howard Mason, McCue, Morrissette, Nute, Pariseau, Parmenter, Perham, Reidy, Frances Riley, Ellen-Ann Robinson, G. Philip Rodgers, Sallada, Shriver, B. P. Smith, Steiner, Stiles, Mary Sullivan, Turgeon, Vanderlosk, Varkas, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Arnold Wight and Winn.

MERRIMACK: Anderson, Barberia, Laurent Boucher, Bowes, Cailier, James Chandler, Connolly, Daniell, Gilbreth, George E. Gordon, Hayes, Mary Holmes, Jelley, C. William Johnson, Kidder, Lewis, Millard, Nichols, Pannell, Phelps, Rehlander, Walter Robinson, Linwood Rogers, Shepard, Gerald Smith, Stio, West and James Whittemore.

ROCKINGHAM: Benton, Blaisdell, William Boucher, Burdick, Butler, Eunice Campbell, Marilyn Campbell, Champoux, Lawrence A. Chase, Jr., Clay, Conroy, Day, Felch, Flanagan, Flanders, Beverly Gage, Thomas Gage, Goss, Gourdeau, Hoar, Robert Johnson, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Mace, Malcolm, Robert Mason, Jr., McCain, McKinney, Palumbo, Parr, Raynowska, Romoli, Rosencrantz, Sanderson, Scamman, Schmidtchen, Simon, Skinner, Sochalski, Splaine, Stachowske, Tufts, Vaughn, Walker, Welch and Wells.

STRAFFORD: Appleby, Bryant, Callaghan, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Robert Jones, Laurion, Lussier, Meader, Parks, Spear, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Call, D'Amante, Disnard, Domini, Ingram, Lindblade, Normandin, Rodeschin, Schotanus and Sara Townsend.

## NAYS 113

BELKNAP: Bolduc, Bowler, Dexter, Malcolm Harrington, Hawkins, Nighswander and Pearson.

CARROLL: Ashnault and Dickinson.

CHESHIRE: Crane, Jesse Davis, Grodin, Ramsay, Schwartz and Scranton.

COOS: Brideau, Chappell, Lamontagne, Mayhew, Ottolini and York.

GRAFTON: Arnesen, Bennett, Blair, Chambers, Copenhaver, Densmore, Easton, Michael King, Wayne King, Taffe, Weymouth and Whitcomb.

HILLSBOROUGH: Blais, Bourdon, Champagne, Clancy, Cote, Durant, Nancy Ford, Scott Green, Holden, George Jones, Katsiaticas, Labombarde, Lown, McGlynn, Messier, Elizabeth Moore, Robert Murphy, Nelson, O'Rourke, Bonnie Packard, Pappas, Paradis, Pressly, Raiche, Reardon, Leonard Smith, Snow, Sylvia, Van Loan and Zis.



MERRIMACK: Allgeyer, Bardsley, Cate, Fraser, Hager, Alf Jacobson, Kinhan, Arthur Locke, Savaria and Wallner.

ROCKINGHAM: Blanchard, Connors, Ellyson, Bert Ford, Elizabeth Greene, Haynes, Hollingworth, Joslyn, Krasker, Longworth, Magoon, Benjamin Moore, Nagel, Newell, Pevear, Popov, Quimby, Norman Rogers, Schwaner, Seward, Sherburne, Sloan, Sytek, Vartanian and Woodward.

STRAFFORD: Bates, Berkey, Bernard, Chamberlin, Diament, Frechette, Hussey, Keans, Kincaid, O'Brien and Francis Robinson.

SULLIVAN: Brodeur, Paul Johnson, McKee and Spaulding, and the motion was adopted.

Ordered to third reading.

Rep. Bryant notified the Clerk that she inadvertently voted yea and meant to vote nay.

HB 115-FN, replacing the death penalty with a penalty of life imprisonment without parole. Inexpedient to Legislate.

The majority of the Committee felt that the State of New Hampshire should continue its policy of allowing capital punishment. The constitutionality of the death penalty has been upheld by the United States Supreme Court. Vote 12-9. Rep. Donnalee M. Lozeau for Judiciary.

Rep. Lown moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to her motion.

Reps. Lozeau and Scamman spoke against the motion.

Rep. Sylvia spoke in favor of the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 69 NAYS 275  
YEAS 69

BELKNAP: Bowler, Dexter, Nighswander and Pearson.

CARROLL: None.

CHESHIRE: Jesse Davis, Irvin Gordon, Ramsay and Schwartz.

COOS: Ottolini.

GRAFTON: Arnesen, Chambers, Copenhaver, Densmore, Easton, Michael King, Wayne King and Stewart.

HILLSBOROUGH: Ahrens, Bourdon, Cote, Nancy Ford, Hendrick, Katsiaficas, Lown, McGlynn, Messier, Morrissette, Nelson, O'Rourke, Pappas, Pressly, Prestipino, Raiche, Reardon, Reidy, Leonard Smith, Snow, Sylvia, Van Loan, Arnold Wight, Winn and Zis.

MERRIMACK: Anderson, Bardsley, James Chandler, Alf Jacobson, Jelley, Kinhan, Wallner and James Whittemore.

ROCKINGHAM: Blanchard, Connors, Hollingworth, Longworth, Magoon, Popov, Quimby, Schwaner and Sloan.

STRAFFORD: Bates, Bernard, Diament, Keans, Kincaid, O'Brien, Francis Robinson and Whiting.

SULLIVAN: Paul Johnson and McKee.

## NAYS 275

BELKNAP: Birch, Bolduc, Brough, Richard Campbell, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Matthew Locke, Randall and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio, Saunders and Schofield.

CHESHIRE: Arnott, Burley, Crane, Delano, Daniel Eaton, Frink, Elmer Johnson, Matson, Miller, Morse, Parker, Perry, Ridge, William Riley, Scranton, Secord, Thompson and Young.

COOS: Brideau, Brungot, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Guay, Horton, Lamontagne, Marsh, Mayhew, Theriault and York.

GRAFTON: Bennett, Blair, Christy, Driscoll, Duggan, Mann, McAvoy, Rounds, Scanlan, Taffe, Howard Townsend, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Barry, Bass, Beaupre, Blais, Boisvert, Lionel Boucher, Bridgewater, Burkush, A. Leslie Burns, John Burns, Carragher, Chagnon, Champagne, Charron, Chretien, Clancy, Cox, Cronin, Crotty, William Dion, Donovan, Ducharme, Duperron, Dupont, Durant, Dykstra, Joseph M. Eaton, Fields, Fried, Gagnon, Scott Green, Grip, Marian Harrington, Healy, Herod, Holden, Humphrey, Hyman, Chris Jacobson, Jasper, George Jones, Keefe, Kelley, Knight, Labombarde, Levesque, Lozeau, Martin, Howard Mason, McCue, Elizabeth Moore, Robert Murphy, Nute, Bonnie Packard, Paradis, Pariseau, Parmenter, Perham, Frances Riley, Ellen-Ann Robinson, G. Philip Rodgers, Sallada, Shriver, B. P. Smith, Steiner, Stiles, Mary Sullivan, Turgeon, Vanderlosk, Varkas, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler and Frank Whittemore.

MERRIMACK: Allgeyer, Barberia, Bibbo, Laurent Boucher, Bowes, Cailler, Cate, Connolly, Daniell, Fraser, Gilbreth, George E. Gordon, Hager, Hayes, Mary Holmes, C. William Johnson, Kidder, Lewis, Arthur Locke, Millard, Nichols, Pannell, Phelps, Rehlander, Walter Robinson, Linwood Rogers, Savaria, Shepard, Gerald Smith, Stio and West.

ROCKINGHAM: Benton, Blaisdell, William Boucher, Burdick, Butler, Eunice Campbell, Marilyn Campbell, Champoux, Lawrence A. Chase, Jr., Clay, Conroy, Day, Ellyson, Felch, Flanagan, Flanders, Bert Ford, Beverly Gage, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Hoar, Robert Johnson, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Lovejoy, Mace, Malcolm, Robert Mason, McCain, McKinney, Benjamin Moore, Nagel, Newell, Palumbo, Parr, Pevear, Raynowska, Norman Rogers, Romoli, Rosencrantz, Sanderson, Scamman, Schmidtchen, Seward, Sherburne, Simon, Skinner, Sochalski, Splaine, Stachowske, Sytek, Tufts, Vaughn, Walker, Welch, Wells and Woodward.

STRAFFORD: Appleby, Berkey, Bryant, Callaghan, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Hussey, Robert Jones, Laurion, Lussier, Meader, Parks, Spear, Swope, Ann Torr and Franklin Torr.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, Ingram, Lindblade, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Resolution adopted.

HB 289, relative to privileged communications with the attorney general. Refer for Interim Study.

The question of precisely what communication is protected under the attorney-client privilege is complex and deserves further study. Vote 15-6. Rep. Donna P. Sytek for Judiciary.

Referred for Interim Study.

HB 424-FN, increasing the minimum hourly wage. Ought to Pass.

This bill increases the State's minimum hourly wage to \$3.45 for 1987, \$3.55 for 1988 and \$3.65 for 1989. The minimum wage has not been increased since 1981 when it went to \$3.35. New Hampshire is a year behind Massachusetts, Vermont and Maine. This measure puts us in line with other New England States. Area employers are offering substantially more than the federal minimum wage as a starting salary. This 10 cent increase per hour is not a luxury that is being extended, but an economic necessity. Vote 11-2. Rep. Robert S. Hawkins for Labor, Industrial and Rehabilitative Services.

Rep. John Burns moved that the words, Refer for Interim Study, be substituted for the Committee report, Ought to Pass, spoke to his motion and yielded to questions.

Reps. Skinner, Hawkins, Alf Jacobson and Romoli spoke against the motion.

Rep. Shepard spoke in favor of the motion.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Hawkins requested a roll call. Sufficiently seconded.

YEAS 86 NAYS 261

YEAS 86

BELKNAP: Richard Campbell, Holbrook, Jensen, Matthew Locke and Pearson.

CARROLL: Gene Chandler, Dickinson and Saunders.

CHESHIRE: Arnott, Elmer Johnson, Morse, Ridge, Secord and Young.

COOS: Chappell, Horton and Marsh.

GRAFTON: Blair, Christy, Duggan, Easton, Stewart and Howard Townsend.

HILLSBOROUGH: Bourdon, John Burns, Chagnon, Charron, Cox, Donovan, Fried, Grip, Herod, Hyman, Jasper, George Jones, Knight, Labombarde, Lown, Lozeau, Martin, Howard Mason, McCue, Elizabeth Moore, Paradis, Perham, Frances Riley, G. Philip Rodgers, Sallada, Shriver, B. P. Smith, Vanderlosk, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore and Arnold Wight.

MERRIMACK: Laurent Boucher, Cailler, Daniell, Fraser, Hayes, Arthur Locke, Millard, Nichols, Pannell and Shepard.

ROCKINGHAM: Marilyn Campbell, Clay, Ellyson, Thomas Gage, Goss, Gourdeau, Kane, Roger King, Malcolm, Norman Rogers, Sherburne, Sytek and Welch.

STRAFFORD: Chamberlin, Anita Flynn, Edward Flynn and Franklin Torr.

SULLIVAN: Lindblade, Rodeschin and Schotanus.

NAYS 261

BELKNAP: Birch, Bolduc, Bowler, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Nighswander. Randall and Zeckhausen.

CARROLL: Ashnault, Russell Chase, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio and Schofield.

CHESHIRE: Burley, Crane, Jesse Davis, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Matson, Miller, Parker, Perry, Ramsay, William Riley, Schwartz, Scranton and Thompson.

COOS: Brideau, Brungot, Harold Burns, Chardon, Coulombe, Frederic Foss, Guay, Lamontagne, Mayhew, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bennett, Chambers, Copenhaver, Crory, Densmore, Driscoll, Michael King, Wayne King, LaMott, McAvoy, Rounds, Scanlan, Taffe, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Barry, Bass, Beaupre, Blais, Boisvert, Lionel Boucher, Bourque, Bridgewater, Burkush, A. Leslie Burns, Carragher, Champagne, Chretien, Clancy, Cote, Cronin, Crotty, William Dion, Ducharme, Duperron, Dupont, Durant, Dykstra, Joseph M. Eaton, Fields, Gagnon, Scott Green, Marian Harrington, Healy, Hendrick, Holden, Humphrey, Chris Jacobson, Katsiaficas, Keefe, Kelley, Levesque, McGlynn, Messier, Morrissette, Robert Murphy, Nelson, Nute, O'Rourke, Bonnie Packard, Pappas, Pariseau, Parmenter, Pressly, Prestipino, Raiche, Reardon, Reidy, Ellen-Ann Robinson, Leonard Smith, Snow, Steiner, Stiles, Mary Sullivan, Sylvia, Turgeon, Van Loan, Varkas, Geraldine Watson, Winn and Zis.

MERRIMACK: Allgeyer, Anderson, Barberia, Bardsley, Bibbo, Bowes, James Chandler, Connolly, Gilbreth, George E. Gordon, Gross, Hager, Mary Holmes, Alf Jacobson, Jolley, C. William Johnson, Kidder, Kinhan, Lewis, Phelps, Rehlander, Walter Robinson, Linwood Rogers, Savaria, Gerald Smith, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: Benton, Blaisdell, Blanchard, William Boucher, Burdick, Butler, Eunice Campbell, Champoux, Lawrence A. Chase, Jr., Connors, Conroy, Day, Emanuelson, Felch, Flanagan, Flanders, Bert Ford, Beverly Gage, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, Joslyn, George Katsakiores, Phyllis Katsakiores, Krasker, Longworth, Lovejoy, Mace, Magoon, Robert Mason, McCain, McKinney, Benjamin Moore, Nagel, Newell, Palumbo, Parr, Pevear, Popov, Quimby, Raynowska, Romoli, Rosencrantz, Sanderson, Scamman, Schmidtchen, Schwaner, Seward, Simon, Skinner, Sloan, Sochalski, Splaine, Stachowske, Tufts, Vartanian, Vaughn, Walker, Wells and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Bryant, Callaghan, Diament, Dingle, Albert Dionne, Patricia Foss, Frechette, Hussey, Robert Jones, Keans, Kincaid, Laurion, Lussier, Meader, O'Brien, Parks, Francis Robinson, Spear, Swope, Ann Torr and Whiting.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, Ingram, Paul Johnson, McKee, Normandin, Spaulding and Sara Townsend, and the motion lost.

Ordered to third reading.

HBI 2008, providing an incentive for employers to operate day care facilities. Ought to Pass.

This bill of intent is dealing with an important issue of providing employers with an incentive to operate day care facilities for their employees. Areas of possible legislative action for tax credits to employers for operating facilities of this sort should be explored. It was the unanimous concern of the management and labor that such a study take place for possible legislative consideration. Vote 11-2. Rep. Avis B. Nichols for Labor, Industrial and Rehabilitative Services.

Ordered to third reading.



HB 262, relative to the lapsing of variances. Refer for Interim Study. The sponsor has identified a problem area deserving of attention, but the solution would open up a large number of problems. Vote 11-4. Rep. Kurt A. Normandin for Municipal and County Government.

Referred for Interim Study.

HB 506-FN, establishing an optional assessment of the residence tax. Ought to Pass with Amendment.

After lengthy deliberation the majority of the Committee was of the opinion each municipality should be given the opportunity to voice their concerns with respect to the assessment of the resident tax. Vote 10-3. Rep. George M. West for Municipal and County Government.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Optional Collection of Residence Tax. Amend RSA 72 by inserting after section 1-b the following new section:

72:1-c Optional Collection of Residence Tax.

I. Notwithstanding any other provision of law, any town or city by majority vote of the legislative body may elect not to assess, levy and collect a resident tax. All municipalities which elect not to assess, levy or collect said resident tax shall be exempt from all provisions of law relating to it. The provisions of RSA 214:11-a, 214:12, 215-A:1, XII, 261:71, and 261:72 shall not apply to residents of municipalities not so assessing, levying or collecting the resident tax.

II. The legislative body of any town or city may adopt the provisions of paragraph I by approving the following question: "Shall we adopt the provisions of RSA 72:1-c which authorize any town or city to elect not to assess, levy and collect a resident tax?" If a majority of those voting on the question vote "Yes", RSA 72:1-c shall apply within the town or city on April 1 following the approval of the question. Any town or city may rescind the provisions of RSA 72:1-c in the same manner, except the word "adopt" shall be changed to "rescind" in the question.

Amendment adopted.

Rep. George Gordon moved that the words, Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass with Amendment, spoke to his motion and withdrew his motion.

Ordered to third reading.

HCR 2, relative to federal tax reform. Ought to Pass with Amendment. This resolution sends a message to Congress and the President that New Hampshire fully supports reform of the current tax system with the goals of simplification and fairness. Vote 9-2. Rep. Donna P. Sytek for State-Federal Relations.

#### Amendment

Amend the resolution by striking out all after the title and inserting in place thereof the following:

Whereas, the President of the United States has initiated a proposal, through various speeches and public statements, including an address to the people of the state of New Hampshire upon the occasion of a recent personal visit to the granite state; and

Whereas, this question of federal tax reform has won approval in the United States House of Representatives, and is now pending before the United States Senate; and

Whereas, federal tax reform holds out to the American people the twin promises of fairness and growth because it ensures that all Americans pay their fair share - and not a penny more; and

Whereas, federal tax reform will promote tax simplification which will invigorate the economy by rewarding enterprise, spurring competition, and restoring the discipline of the marketplace with a tax system that will carry America into the twenty-first century; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the United States Congress and the President of the United States should reform the United States income tax system in 1986 and recommend a simplified system based upon the proposal offered by the President of the United States upon his visit to New Hampshire in September of 1985; and

That copies of this resolution, signed by the speaker of the house and the president of the senate, be by them forwarded to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and the members of the New Hampshire congressional delegation.

Amendment adopted.

Rep. Chardon yielded to questions.

Rep. Scamman spoke in favor of the report and yielded to questions.

Rep. Chambers spoke against the report.

Rep. Rounds spoke in favor of the report.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

A division was requested.

209 members having voted in the affirmative and 87 in the negative, HCR 2 was adopted.

Ordered to third reading.

Rep. Copenhaver notified the Clerk that she wished to be recorded against HCR 2.

HB 131-FN, authorizing the director of motor vehicles to issue special vanity plates for amateur radio operators. Ought to Pass.

The Committee heard convincing testimony that the amateur radio operators do indeed perform services of considerable value in emergencies relating to traffic control. It seemed that the plate would be recognized and would enable them to get into emergency areas without delay. There will be no added cost involved in issuing the plate or in its production. Vote 11-1. Rep. Irvin H. Gordon for Transportation.

Rep. Jasper moved that the words, Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass, and spoke to his motion.

Rep. Labombarde explained the report.

Rep. Daniel Eaton spoke in favor of the motion and yielded to questions.

Rep. Irvin Gordon spoke against the motion.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

The Speaker requested a division.

202 members having voted in the affirmative and 104 in the negative, the motion was adopted.

Resolution adopted.

HB 244, relative to maximum boat speeds on public waters. Refer for Interim Study.

Although the various testimony presented concurred, the maximum speeds stated within this bill are too high and unenforceable by existing Department of Safety equipment. It was continuously brought out that

some form of speed limits are required, especially on Lake Winnepesaukee. Since demand on our lakes is increasing and speed control has been successfully enacted on some New Hampshire bodies of water, the Committee voted 8 to 5 to send this bill to Interim Study for additional consideration. Rep. Robert L. Whiting for Transportation.

Referred for Interim Study.

HB 50-FN, establishing the arts development program and making an appropriation therefor. Ought to Pass.

This bill establishes matching funds to particularly help the smaller communities in New Hampshire in the Arts Development Program under the State Commission on the Arts. Vote 17-1. Rep. Jesse F. Davis for Education.

Referred to Appropriations.

HB 193-FN, establishing a local water protection assistance program and making an appropriation therefor. Ought to Pass with Amendment.

This bill directs the Office of State Planning to establish a water protection assistance program for the purpose of encouraging and assisting municipalities, which choose to take steps to protect their water resources. Program implementation will be primarily through regional planning agencies. An appropriation of one thousand dollars was made for this purpose. The bill was amended in Committee to include reference to coordination with activities of the county conservation districts and to clarify procedures for temporary protection measures consistent with current statutes. Vote 14-0. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

#### Amendment

Amend RSA 4:12-r as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

4:12-r Program Administration.

I. The office shall develop criteria for water protection and suggested model language to guide municipalities in the development of local water resource management and protection plans as provided in RSA 674:2, VIII, and other appropriate protection measures. Such criteria and model language shall be prepared by the office with the assistance of appropriate state and other experts and shall reflect the experience of regional planning commissions and councils, hereinafter referred to as regional planning agencies.

II. The program shall be implemented by the office primarily through the established regional planning agencies. Other technical services and advice, including that available from the university system of New Hampshire, may also be utilized. The program shall be coordinated with plans and programs of other state agencies, especially those of the water supply and pollution control commission, the water resources board, the wetlands board, and the division of waste management, hereinafter referred to collectively as the water agencies and with activities of the county conservation districts. The office may authorize regional planning agencies to perform specific phases of the administration of this subdivision, especially the collaboration with municipalities.

Amend RSA 4:12-t, III as inserted by section 1 by striking out same and inserting in place thereof the following:

III. If a municipality determines there is an immediate need to develop or amend subdivision or site plan review regulations in the manner

provided by RSA 675:6 or to prevent deterioration of a critical water resource through a zoning ordinance or amendment in the manner provided by RSA 674:23, II, it may adopt such temporary measures for protection of water resources. Such measures shall be valid as provided in RSA 674:23, III.

Amendment adopted.

Referred to Appropriations.

HB 369, relative to use of portable radios, record players, and tape recorders at state beaches and state parks. Ought to Pass with Amendment. The subject matter of this bill is unnecessary as Administrative Rules of the Division of Parks and Recreation are in place to handle complaints of excessive noise from portable radios, record players, and tape recorders. The amendment changes the title to: Relative to indemnification from civil suits under RSA 99-D for state park volunteers. The amendment is being used as a vehicle to give protection from civil suits to park volunteers. Vote 14-1. Rep. Charles L. Vaughn for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to indemnification from civil suits under  
RSA 99-D for state park volunteers.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 State Park Volunteers. Amend RSA 216-A by inserting after section 3-g the following new section:

216-A:3-h Indemnification of Park Volunteers. Any person recognized by the director, division of parks and recreation, as a park volunteer who is under the supervision of a park manager and is performing volunteer duties or activities at a state park shall be considered a state employee for the purpose of defense and indemnification from civil suits under RSA 99 D.

Amendment adopted.

Referred to Appropriations.

HB 388-FN, establishing a committee to study the procurement of computer equipment by the state. Ought to Pass with Amendment.

This bill, as amended, creates a legislative oversight to study the implementation of RSA 21-I:9. Vote 6-0. Rep. Roger L. Easton for Science and Technology.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to a study of the procurement of computer  
equipment by the state.

Amend the bill by striking out section 1 and inserting in place thereof the following:



1 Legislative Oversight Established.

I. The science and technology committee of the house of representatives shall serve as the legislative oversight committee to study the implementation of RSA 21-I:9, the division of information services in the department of administrative services.

II. The committee may initiate amendments and revisions to RSA 21-I:9.

Amendment adopted.

Rep. M. Arnold Wight offered an amendment.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to a study of the procurement of computer equipment by the state.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Legislative Oversight Established.

I. The science and technology committee of the house of representatives shall serve as the legislative oversight committee to study the implementation of RSA 21-I:9, the division of information services in the department of administrative services.

II. The committee may recommend legislation amending RSA 21-I:9 pertaining to technical implementation of computer equipment.

Hearing no objection, the Speaker advised the Clerk to dispense with the reading of the amendment.

Rep. M. Arnold Wight explained the amendment.

Rep. McCain spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

The Seabrook Delegation offered the following:

HOUSE RESOLUTION NO. 12

memorializing former State Representative  
William W. Moore of Seabrook.

WHEREAS, we have learned with sorrow of the death of former State Representative William W. Moore of Seabrook, who served as an honorable and respected lawmaker during the biennium of 1983-1984, and

WHEREAS, during his tenure as a servant of the people in District Fourteen of Rockingham County, William W. Moore was a hard-working, energetic member of the standing Committees on Labor, Human Resources and Rehabilitation and Fish and Game, and

WHEREAS, having been a charter member of the Seabrook Firemen's Association, William W. Moore, for thirty-nine consecutive years, served the organization with devotion, sitting at various times as President, Vice President and Trustee, and

WHEREAS, having been blessed with an abundance of community spirit, William W. Moore was one of the founders of the Miss Seabrook Pageant, the

founder and master of ceremonies of the Teen Canteen Dances, and a member of the Town Planning Board, and

WHEREAS, with generosity of spirit and out of the goodness of his heart, William W. Moore for many years operated a home Fix-It Shop, helping countless neighbors, friends and acquaintances, and

WHEREAS, for fifty-one years William W. Moore was married to Annie Souther Moore, an enduring union that produced a son, William W., Jr., and a daughter, Phyllis, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that William W. Moore's outstanding record of public and community service receive highest commendation and recognition, and be it further

RESOLVED, that expressions of deepest sympathy be extended to his family and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Rounds offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 13 at 10:30 a.m.

Adopted.

#### LATE SESSION

#### Third reading and final passage

HB 73-FN, relative to the office of ombudsman within the state council on aging.

HB 358, establishing a committee to study services to children and families.

HB 55-FN, relative to insurance trade practices.

HB 360, relative to credit for reinsurance.

HB 362, relative to health care delivery and financing systems.

HB 479, requiring notification to consumers of surplus lines insurance coverage.

HB 437-FN, relative to the university system of New Hampshire fund.

HB 189, relative to the League of New Hampshire Craftsmen.

HB 260, relative to the powers of the executive director of the department of fish and game and the appointment of an acting director.

HB 261, prohibiting the sale of moose meat.

HB 315, relative to delinquent trappers' reports.

HB 417-FN, relative to off highway recreational vehicles and appropriating a portion of agents' penalties to the OHRV bureau.

HB 20-FN, relative to licensure of food service establishments.

HB 36, relative to minors not under guardianship.

HB 198, relative to small claims judgments.

HB 250, relative to the discharge of mortgages and the validity of tax collectors' deeds.

HB 252, relative to the administration of small estates.

HB 191, relative to employee removal powers of county commissioners.

HB 86-FN, relative to fire inspectors issuing citations for violations of fire safety rules.

HB 263, relative to payment of police officers at public meetings or functions.

HB 162-FN, relative to the New Hampshire tourism policy.

HJR 2, relative to state tourism policy.

HB 388-FN, relative to a study of the procurement of computer equipment by the state.

HB 130-FN, providing diesel fuel user permits without a fee to New Hampshire servicemen assigned to posts of duty in another state.

HB 342-FN, eliminating the fuel user's fee exemption for in-state diesel commercial vehicles.

HB 490-FN, repealing the requirement that a person applying for restoration of a revoked driver's license do so as an original applicant.

CACR 2, relating to size of the senate. Providing that the senate shall consist of 48 members.

CACR 9, relating to the term of the governor. Providing that the term shall be 4 years.

HB 35, prohibiting smoking in grocery food stores.

HB 133, relative to smoking in the workplace.

HB 106, relative to the death penalty.

HB 424-FN, increasing the minimum hourly wage.

HBI 2008, providing an incentive for employers to operate day care facilities.

HB 506-FN, establishing an optional assessment of the residence tax.

HCR 2, relative to federal tax reform.

Rep. Rounds moved that the House stand in recess.  
Adopted.

The House recessed at 4:05 p.m.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.  
Adopted.

# HOUSE JOURNAL 4

*Thursday, 13Feb86*

The House assembled at 10:30 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

We are thankful, dear Heavenly Father, that when we face our final court of Yours alone, that You are known for Your mercy as well as Your justice. Have mercy on us, dear Lord, as it has been a trying week. Have mercy on us when we run low on courage, when we think of expedient measures over right actions. Renew our faith in ourselves that we may do the job we have promised ourselves we would do. Amen.

Rep. Parr led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Worthen, Mehegan, Donnelly, Boutwell, James J. White, Ralph Torr, Warburton, Mann, Ellen-Ann Robinson, Hyman, Paquette, William Dion and Hoar, the day, illness.

Reps. Nagel, Wood, Wagner, Russell, Pantelakos, Case, Brown, Bean, Olimpio, Hardy, Miller, Michael Jones, Chris Jacobson, Bennett, Whiting, Cailler, Tamposi, Crotty and Arnott, the day, important business.

Rep. Nelson, illness in the family.

## INTRODUCTION OF GUESTS

Andrew Janca and his mother Joanne, guests of the House; Donald Cousey, Jr., guest of Rep. Rehlander; Mr. and Mrs. George Sheftic, guests of Rep. Call; Wayne Campbell and Joan LaPlante, guests of Rep. Grip; Celeste Longacre and Kate Beetle, daughter and guest of Rep. Chagnon; Carol A. Welch, wife of Rep. Welch; Edith Ames, wife of former Rep. Ames and his children, Lucille Heald, Bridget Kelly and Mary Sultzback and Mr. and Mrs. Donald Ames, guests of Rep. Welch.

Reps. Palumbo and Welch offered the following:

## HOUSE RESOLUTION NO. 13

memorializing Representative  
Warren F. Ames of Kingston.

WHEREAS, we have learned with sorrow of the death of Representative Warren F. Ames who was serving his second term as a member of the New Hampshire House, and

WHEREAS, having been an attentive and diligent legislator, Warren F. Ames served as Vice Chairman of the Standing Committee on Public Protection and Veterans Affairs, and

WHEREAS, having been a civic-minded citizen possessed of strong leadership capabilities, Warren F. Ames served his community in numerous capacities including as a member and chairman of the Sanborn Regional School Board in Kingston and as a board member of the Kingston Community House, and



WHEREAS, having been genuinely interested in the youth of the community, Warren F. Ames freely and untiringly gave of his time and energy as a Cub Scout Leader, Boy Scout Leader, Little League Baseball Coach, Midget Football Coach and teacher of Christian Doctrine, and

WHEREAS, Warren F. Ames was a respected and esteemed member of the Knights of Columbus, the Holy Name Society of St. Alphonsus Church, the Lions Club and Veterans of Foreign Wars, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Warren F. Ames be publicly commended for his exemplary leadership and outstanding service to his community and his state, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

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

HB 343, making a supplemental appropriation to the special railroad fund and making the debt service on railroad improvement bonds a charge against the general fund, HB 227, making a supplemental appropriation for matching funds for vocational rehabilitation, and HB 264, increasing fees for certain fish and game licenses, were removed at the request of Rep. Young.

HB 95, amending the definition of a municipal utility in RSA 374-A to include counties, was removed at the request of Rep. Guay.

HB 56, eliminating the lien placed on property because of failure to file a complete inventory form, was removed at the request of Rep. Diament.

HB 223, relative to the county commissioner districts in Hillsborough county, was removed at the request of Rep. Mary Sullivan.

HB 224, to establish a special service area in the town of Merrimack, was removed at the request of Rep. Beverly Gage.

HB 103, relative to access to New Hampshire rivers, was removed at the request of Rep. Meader.

Adopted.

#### COMMITTEE REPORTS (Consent Calendar)

HB 57, eliminating all special restricted use funds which are not established by the constitution. Inexpedient to Legislate.

Many concerns were expressed regarding adverse effects this legislation would have on certain state agencies including Fish and Game, Water Resources, and Sweepstakes. Difficulties encountered as a result of tampering with dedicated funds provided by user groups was brought to the Committee's attention. Vote 16-0. Rep. Edward Densmore for Appropriations.

HB 336, relative to transfers from the penalty assessment fund. Ought to Pass.

This bill restores the Police Standards Act to its original language. Vote 16-0. Rep. Paul I. LaMott for Appropriations.

HB 379-FN, rescinding the pay raises for certain commissioners enacted in the 1983 operating budget. Inexpedient to Legislate.

The Committee received testimony supporting the principle behind

the bill but felt the entire unclassified salary schedule should be studied and updated. The matter will be addressed in other legislation. The Vote 19-0. Rep. Howard C. Townsend for Appropriations.

HB 507-FN, relative to the compromise of an action against the state. Ought to Pass with Amendment.

This bill provides funds for the settlement of a claim against the state for alleged errors at the state laboratory in performing certain screening tests on a particular infant.

The amendment provides sufficient funds for settlement of a claim against the state for additional contract expenses arising out of the construction of the new tramway at Cannon Mountain.

Upon the recommendation of the Office of the Attorney General, it is the judgment of this Committee that it is in the best interest of the state to settle these two lawsuits for a sum certain, rather than let the cases go to trial where the State would have an increased exposure of liability. Vote 14-0. Rep. Michael B. King for Appropriations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the compromise of actions against the state.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Appropriation. The sum of \$190,700.00, plus interest at 10 percent per year from and after November 29, 1985, is hereby appropriated to the attorney general to pay the compromised amount in the action Pizzagalli Construction Co., Inc. v. State of New Hampshire. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

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

HB 201, relative to telephone lifeline rates. Inexpedient to Legislate.

The sponsor of this legislation and the Committee agreed that as the Public Utilities Commission has mandated that by January 1, 1986 a low cost measured service of \$5.20 be available to all in New Hampshire who desire such service, this bill is not necessary. Vote 12-1. ,p. Elizabeth L. Crory for Commerce, Small Business and Consumer Affairs.

HB 242, establishing a committee to study the feasibility of using so-called "phantom taxes" collected by utilities to benefit the state. Inexpedient to Legislate.

This bill is an exact repeat of a bill in the last session of the Legislature. This issue has been discussed thoroughly and documented both on the state and federal levels. The process follows accepted accounting principles. Further study at this time is not warranted. Vote 14-1. Rep. Frederic A. Foss for Commerce, Small Business and Consumer Affairs.

HB 478-FN, authorizing the public utilities commission to regulate cable television. Refer for Interim Study.

The Committee feels cable television systems merit further study. Vote 13-0. Rep. George F. Disnard for Commerce, Small Business and Consumer Affairs.

HBI 2007, relating to municipal legal liability insurance and liquor legal liability insurance. Ought to Pass with Amendment.

The Committee felt there were severe problems in the cost and availability of liability insurance and this should be addressed by the Committee. Vote 16-0. Rep. Harold W. Burns for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the title of the bill of intent by striking out same and inserting in place thereof the following:

relating to legal liability insurance.

Amend the state of intent by striking out same and inserting in place thereof the following:

The general court should review and study the availability of legal liability insurance in New Hampshire. All mechanisms of guaranteeing that such insurance services are provided should be reviewed and legislation should be proposed to guarantee the availability of such insurance in the state.

The committee to which this bill is referred should, by December 15, 1986, file for drafting by the office of legislative services appropriate legislation to accomplish the above purposes.

HB 8, relative to campaign financing. Inexpedient to Legislate. The Committee feels there is no excessive abuse of political funds for personal use or benefit. Vote 12-0. Rep. Dennis H. Fields for Constitutional and Statutory Revision.

HB 102, relative to voter registration. Inexpedient to Legislate. The Committee feels that the statute currently in force provides the checklist supervisors adequate guidelines to identify an applicant requesting his name be placed on the checklist. Vote 12-0. Rep. Frances L. Riley for Constitutional and Statutory Revision.

HB 143, relative to declarations of candidacy. Ought to Pass. This legislation clarifies the wording concerning the filing time by party committees to fill vacancies. Vote 10-0. Rep. Beverley B. Bryant for Constitutional and Statutory Revision.

HB 169, relative to acknowledgments. Ought to Pass with Amendment. This is a house cleaning bill, as this is being done now. Vote 11-0. Rep. Martin P. Lussier for Constitutional and Statutory Revision.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to acknowledgments and administration  
of oaths by military officers.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Administration of Oaths. Amend RSA 110-B:64 (supp) as inserted by 1981, 434:1 as amended by striking out said section and inserting in place thereof the following:

110-B:64 Administration of Oaths. All commissioned and warrant officers of the national guard as well as other personnel authorized to administer oaths under the laws of this state shall have the power to administer oaths for the purpose of the administration of military justice and for other purposes of military administration. All commissioned and warrant officers of the armed forces of the United States, in addition to those named above, may administer enlistment oaths to those enlisting or reenlisting in the New Hampshire national guard.

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

HB 34-FN, establishing the salaries of classified state employees in academic positions. Ought to Pass with Amendment.

House Bill 34 addresses the discrepancies within the classified salary schedule for academic personnel which have accumulated since 1975.

The amendment has been a cooperative effort by the sponsors, State Employees Association representatives, Department of Post-Secondary Technical Education, the Governor's Office, and the State Negotiator. Vote 16-0. Rep. E. Jane Walker for Education.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Salaries Established; Academic Employees. Amend RSA 99:1-a (supp) as inserted by 1975, 505:32 as amended by striking out said section and inserting in place thereof the following:

99:1-a Salaries Established. The salary ranges for all classified state employees commencing June 6, 1986, shall be established as follows:

Salary Grade	Minimum	Step 1	Step 2	Step 3	Maximum
1	10,179.00	10,393.50	10,608.00	10,822.50	11,076.00
2	10,393.50	10,608.00	10,822.50	11,076.00	11,310.00
3	10,608.00	10,822.50	11,076.00	11,310.00	11,505.00
4	10,764.00	11,056.50	11,349.00	11,700.00	12,090.00
5	11,076.00	11,427.00	11,856.00	12,304.50	12,694.50
6	11,427.00	11,836.50	12,265.50	12,694.50	13,162.50
7	11,895.00	12,382.50	12,870.00	13,357.50	13,845.00
8	12,304.50	12,811.50	13,279.50	13,786.50	14,274.00
9	12,714.00	13,221.00	13,728.00	14,176.50	14,683.50
10	13,162.50	13,611.00	14,098.50	14,644.50	15,268.50
11	13,552.50	14,157.00	14,781.00	15,405.00	15,990.00
12	14,137.50	14,800.50	15,522.00	16,224.00	16,867.50
13	14,508.00	15,288.00	16,048.50	16,828.50	17,628.00
14	15,288.00	16,087.50	16,906.50	17,725.50	18,525.00
15	16,009.50	16,848.00	17,706.00	18,544.50	19,363.50
16	16,516.50	17,374.50	18,252.00	19,110.00	19,968.00
17	17,043.00	17,901.00	18,778.50	19,714.50	20,592.00
18	17,706.00	18,661.50	19,617.00	20,572.50	21,547.50
19	18,408.00	19,402.50	20,436.00	21,430.50	22,444.50
20	19,149.00	20,143.50	21,177.00	22,171.50	23,205.00
21	19,870.50	20,884.50	21,918.00	22,912.50	23,965.50



22	20,787.00	21,996.00	23,166.00	24,336.00	25,486.50
23	21,742.50	22,932.00	24,180.00	25,389.00	26,598.00
24	22,659.00	23,965.50	25,213.50	26,500.50	27,709.50
25	24,180.00	25,545.00	26,910.00	28,314.00	29,698.50
26	24,940.50	26,286.00	27,709.50	29,152.50	30,556.50
27	25,681.50	27,085.50	28,528.50	29,991.00	31,414.50
28	26,481.00	27,963.00	29,503.50	30,985.50	32,506.50
29	27,280.50	28,821.00	30,400.50	31,980.00	33,579.00
30	28,060.50	29,718.00	31,375.50	33,033.00	34,671.00
31	29,991.00	31,668.00	33,423.00	35,119.50	36,835.50
32	31,902.00	33,676.50	35,431.50	37,245.00	39,039.00
33	34,222.50	36,153.00	38,142.00	40,092.00	42,081.00
34	36,504.00	38,727.00	40,852.50	42,978.00	45,142.50

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year (40 weeks). Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional weeks per year during which they work.

2 Salaries Established; Academic Employees. Amend RSA 99:1-a (supp) as inserted by 1975, 505:32 as amended by striking out said section and inserting in place thereof the following:

99:1-a Salaries Established. The salary ranges for all classified state employees commencing March 13, 1987, shall be established as follows:

Salary Grade	Minimum	Step 1	Step 2	Step 3	Maximum
1	10,179.00	10,491.00	10,803.00	11,134.50	11,466.00
2	10,491.00	10,803.00	11,134.50	11,466.00	11,817.00
3	10,803.00	11,134.50	11,466.00	11,817.00	12,168.00
4	11,134.50	11,466.00	11,817.00	12,168.00	12,538.50
5	11,466.00	11,817.00	12,168.00	12,538.50	12,909.00
6	11,817.00	12,168.00	12,538.50	12,909.00	13,299.00
7	12,168.00	12,655.50	13,162.50	13,689.00	14,235.00
8	12,655.50	13,162.50	13,689.00	14,235.00	14,800.50
9	13,162.50	13,689.00	14,235.00	14,800.50	15,385.50
10	13,689.00	14,235.00	14,800.50	15,385.50	16,009.50
11	14,235.00	14,800.50	15,385.50	16,009.50	16,653.00
12	14,800.50	15,385.50	16,009.50	16,653.00	17,316.00
13	15,385.50	16,009.50	16,653.00	17,316.00	18,018.00
14	16,009.50	16,653.00	17,316.00	18,018.00	18,739.50
15	16,653.00	17,355.00	18,096.00	18,856.50	19,656.00
16	17,355.00	18,096.00	18,856.50	19,656.00	20,494.50
17	18,096.00	18,856.50	19,656.00	20,494.50	21,372.00
18	18,856.50	19,656.00	20,494.50	21,372.00	22,288.50
19	19,656.00	20,494.50	21,372.00	22,288.50	23,244.00
20	20,494.50	21,372.00	22,288.50	23,244.00	24,238.50
21	21,372.00	22,288.50	23,244.00	24,238.50	25,272.00
22	22,288.50	23,244.00	24,238.50	25,272.00	26,344.50
23	23,244.00	24,297.00	25,389.00	26,539.50	27,729.00
24	24,297.00	25,389.00	26,539.50	27,729.00	28,977.00
25	25,389.00	26,539.50	27,729.00	28,977.00	30,283.50
26	26,539.50	27,729.00	28,977.00	30,283.50	31,648.50
27	27,729.00	28,977.00	30,283.50	31,648.50	33,072.00
28	28,977.00	30,283.50	31,648.50	33,072.00	34,554.00
29	30,283.50	31,648.50	33,072.00	34,554.00	36,114.00
30	31,648.50	33,072.00	34,554.00	36,114.00	37,732.50
31	33,072.00	34,651.50	36,289.50	38,005.50	39,819.00
32	34,651.50	36,289.50	38,005.50	39,819.00	41,710.50
33	36,289.50	38,005.50	39,819.00	41,710.50	43,699.50
34	38,005.50	39,819.00	41,710.50	43,699.50	45,766.50

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year (40 weeks). Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional weeks per year during which they work.

### 3 Transition.

I. All state employees in academic positions on June 6, 1986, at 12:01 a.m. shall be placed within the schedule established by section 1 at the same salary grade in which the employee was placed prior to the effective date of this act. Within the salary grade, each employee shall be placed at the lowest step which provides an increase in the employee's salary.

II. Each state employee in an academic position on June 6, 1986, at 12:01 a.m. whose salary prior to the effective date of this act exceeds the maximum step in the salary grade for that employee within the schedule established by section 1 of this act shall be placed in the maximum step. Such employees shall be paid a one-time lump-sum adjustment equal to twice the difference between the employee's prior annual pay and the employee's annual pay as established by section 1 of this act.

### 4 Effective Date.

I. Sections 1 and 3 of this act shall take effect on June 6, 1986, at 12:01 a.m.

II. Section 2 of this act shall take effect on March 13, 1987, at 12:01 a.m.

Referred to Appropriations.

HB 416-FN, relative to a personal care assistance program for the physically handicapped and making an appropriation therefor. Ought to Pass with Amendment.

This bill removes the disincentives not foreseen by the original legislation that provided for the Personal Care Attendant to the handicapped employee. Under current law, the handicapped employee exceeds the income level and loses the Personal Care Attendant, therefore cannot continue gainful employment. This bill will correct this disincentive and enhance the Personal Care Attendant program. Vote 13-0. Rep. Margaret A. Case for Education.

### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

### AN ACT

relative to a workers' personal care assistance program for persons with severe physical disabilities and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Workers' Personal Care Assistance Program. Amend RSA 200-C by inserting after section 8 the following new subdivision:

### Workers' Personal Care Assistance Program

200-C:9 Definitions. In this subdivision:

I. "Personal care assistance" means attendant care, including, but not limited to, assistance with bathing, bowel or bladder care, dressing, personal grooming, moving in and out of bed, preparation and

consumption of food, housecleaning, laundry, or other services necessary for daily living and self care in order to allow a person with severe physical disabilities to become or remain employed. A person shall be considered employed if he works a minimum of 20 hours per week for which he receives remuneration at a rate which equals or exceeds the national minimum wage or performs comparable work for a minimum of 20 hours per week for less or no remuneration.

II. "Personal care attendant" means a person who performs personal care assistance tasks for a person with severe physical disabilities.

200-C:10 Establishment; Amount of Subsidies. The director, division of vocational rehabilitation, shall develop and implement a workers' personal care assistance program for persons with severe physical disabilities. Upon application to the director, subsidies shall be made to eligible persons for the purpose of employing personal care attendants. An eligible person shall receive a maximum amount of \$7,300 per year. Persons who receive reduced subsidies pursuant to RSA 200-C:11 shall pay a portion of the cost of their personal care services. The director may develop and maintain a list of personal care attendants available to be hired by persons with severe physical disabilities. The director may contract with centers for independent living and community based nonprofit agencies to provide services pursuant to this section.

200-C:11 Eligibility.

I. Rules adopted by the director under RSA 200-C:15 shall include eligibility standards for participation in the program, provided no person with an annual income of over \$20,000, after payment of all state and federal taxes and disability related expenses specified by the director in the rules, shall be eligible for a full subsidy. Persons whose annual income, after such taxes and such expenses, exceeds the limit for a full subsidy shall be eligible for subsidies which are reduced by 1/2 the amount their income exceeds such limit. A person whose need for personal care assistance services exceeds the amount of the subsidy for which he is eligible may spend his own income for such services, and such expenditure shall be considered a disability related expense for purposes of determining his income.

II. Any person shall be eligible for participation in the program who needs daily personal care assistance for a period of 2 or more hours and who is:

(a) Employed at the time of application for personal care assistance and ineligible for any other state or federal personal care assistance program; or

(b) An employable person who is unable to seek or accept employment due to a lack of personal care assistance or because acceptance of such employment would render such person ineligible for or cause a reduction in services from any other state or federal program providing personal care assistance.

III. When a person eligible for assistance under this section obtains employment which renders him ineligible for, or causes a reduction in services from another program providing personal care assistance, the director shall ensure a smooth transition between the 2 programs so that personal care subsidies provided under this section shall commence immediately upon termination or reduction of services under the other program.

200-C:12 Appeals. The contested case provisions of RSA 541-A:16-21 shall apply when a person is aggrieved by a decision of the director under this subdivision. Appeals shall be governed by the provisions of RSA 541-A.

200-C:13 Insufficient Funds. If personal care subsidies cannot be provided to all eligible persons because of insufficient appropriations, the director shall:

I. Promptly notify the governor, the general court, the Developmental Disabilities Advocacy Center, the governor's commission for



the handicapped and the advisory committee established under RSA 200-C:14; and

II. Provide subsidies to employed persons first.

200-C:14 Advisory Committee. The director shall establish an advisory committee in accordance with RSA 21-G:11 for the workers' personal care assistance program. The majority of the members of the committee shall be persons who use personal care assistance services. The committee shall:

I. Continuously assess the personal care assistance needs of persons with severe physical disabilities in the state and shall report annually to the director, division of vocational rehabilitation; the governor; and the general court on such needs, including information concerning the progress and accomplishments of the workers' personal care assistance program in meeting such needs.

II. Advise the director on the operation of the workers' personal care assistance program.

III. Recommend to the director an annual budget request and recommend to the director, the governor, and the general court legislation to improve personal care assistance services to persons with severe physical disabilities.

200-C:15 Rulemaking. The director shall adopt rules, pursuant to RSA 541-A, to implement the workers' personal care assistance program.

2 Appropriation. The sum of \$100,000 is hereby appropriated for the fiscal year ending June 30, 1987, to the department of education, division of vocational rehabilitation, for the purposes of implementing the workers' personal care assistance program. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1986.

Referred to Appropriations.

HB 251, relative to organically grown produce. Ought to Pass with Amendment.

This bill redefines "organically grown," "organically produced," "organically processed" and labeling of such. Vote 19-0. Rep. John L. Sherburne for Environment and Agriculture.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Organically Grown. Amend RSA 426:6 (supp) as inserted by 1985, 72:1 by striking out said section and inserting in place thereof the following:

426:6 Definitions.

I. "Organically grown" means agricultural plant commodities which are:

(a) grown in soil whose biological health is maintained by ecologically sound management practices without the use of any synthetically manufactured pesticide, herbicide, or fungicide which may result in residues or byproducts which are toxic to consumers; and

(b) not treated with any synthetically manufactured chemical substance, including, but not limited to, artificial colors, artificial flavors, artificial preservatives, fungicides or insecticides, or with any ionizing radiation, at any point during harvesting, processing, storage, transportation, packaging or sale.

II. "Organically produced" means meat, poultry, fish, eggs, milk, honey, and other minimally processed animal food commodities which have been maintained in the following conditions:

(a) Have been fed grasses, feeds, and water which are free from pesticides, herbicides, fungicides, or any other synthetically



manufactured chemical or substance which may result in residues or byproducts which are toxic to the animal or consumer; and

(b) Have had no artificial stimulants, hormones, drugs, or antibiotics routinely administered, unless a veterinarian had prescribed them for the treatment of a specific illness or disease, but in no event administered within 90 days of the sale or slaughter of such commodities; and

(c) Have had no ionizing radiation or synthetically manufactured flavor, color, preservative, fungicide, or insecticide, introduced or applied at any point during processing, storage, transportation, packaging, or sale.

III. "Organically processed" means food commodities which are more than minimally processed and meet the following conditions:

(a) all of the ingredients have been "organically grown", or "organically produced"; and

(b) no synthetically manufactured chemical or substance such as but not limited to, artificial flavor, color, preservative, fungicide, insecticide, or any ionizing radiation, has been applied at any point in processing, storage, transportation, packaging, or sale.

IV. "Synthetically manufactured" means the composition or formulation of a substance by uniting, combining, extracting, or refining through human activity which chemically changes a material or substance, as opposed to "natural" which means from a naturally occurring plant, animal, or mineral source, excepting microbiological processes such as composting or inoculation.

V. "Minimally processed" means any of the following:

- (a) removal of inedible substances;
- (b) peeling or seeding of fruits and vegetables;
- (c) shelling of nuts or removal of chaff and hull from grains;
- (d) pressing of fruits and vegetables to express their juices;
- (e) pressing of seeds and nuts to express their oil, provided it is done without the use of solvents, bleaches, or dyes;
- (f) separation of milk into skim milk and cream;
- (g) processing necessary to preserve food, such as rapid heating or chilling;
- (h) processing needed to make food safe and edible for human consumption;
- (i) addition of microorganisms approved by the Food and Drug Administration for use in food; or
- (j) sorting, cleaning and water rinsing.

426:6-a Labeling and Advertising. Except as otherwise provided in this chapter, a food shall not be labeled or advertised as "organic", "organically grown", "organically produced", "organically processed", or any similar term unless it meets the requirements of RSA 426:6. In addition, such food shall not contain more than one percent of the allowable residues of any pesticide, herbicide, fungicide, or any other synthetically manufactured chemical substance, as established by the Food and Drug Administration of the United States Department of Health and Human Services.

426:6-b Certification.

I. Any food which is sold as organically grown, organically produced, organically processed, or similar terminology may be labeled as "certified" if the producer of such food is enrolled in a registered certification program which includes an annual inspection by a qualified independent inspector and the filing of an affidavit which attests that the food is produced under conditions consistent with RSA 426:6 through 6-a.

II. When a product is labeled as "certified", the name and address of the person or organization which provides the certification shall be listed on the label.

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

HB 410-FN, establishing an air toxic control program within the air resources agency. Inexpedient to Legislate.

The Committee was in unanimous agreement that the subject matter and funds in this bill should be considered during the next biennium, provided Water Resources and Public Health Departments have reached agreement regarding their respective responsibilities. Vote 17-0. Rep. John L. Sherburne for Environment and Agriculture.

HBI 2004, relating to an incentive for hazardous pollutant source reductions. Inexpedient to Legislate.

The Committee, including the sponsor, feels that House Bill 324 does a great deal of what HBI 2004 is directed at, and is reporting it as inexpedient to legislate. Vote 18-0. Rep. Elizabeth A. Greene for Environment and Agriculture.

HB 294, removing the liquor commission from the exception to the data processing authority of the director of information services. Inexpedient to Legislate.

The sponsor has recommended to the Committee that there is no need for this legislation at this time. Vote 13-0. Rep. Bart V. Prestipino for Executive Departments and Administration.

HB 335, guaranteeing access to information in the integrated financial system to the legislative budget assistant. Inexpedient to Legislate.

This information is now being made available on request; therefore, there is no need for this legislation. Vote 13-0. Rep. Bart V. Prestipino for Executive Departments and Administration.

HB 339-FN, requiring the state to buy American made products except in certain circumstances. Inexpedient to Legislate.

The intent of this bill is admirable and within the feelings of the Committee, however, in practical terms would be unenforceable due to the complexity of major manufactured products. The Committee feels the intent can better be expressed by a resolution which it is recommending. Vote 14-0. Rep. Kenneth W. Malcolm for Executive Departments and Administration.

HB 381-FN, licensing oil burner technicians. Inexpedient to Legislate.

The varied testimony was in support of the concept, but not the bill as written, as it did not address the many concerns of protection to the consumer. Vote 15-0. Rep. Ann M. Torr for Executive Departments and Administration.

HB 413-FN, relative to purchase of services for state agencies. Ought to Pass with Amendment.

This amendment was recommended and drafted by the Attorney General's Office to clarify the procedures required for the purchase of services. Vote 18-0 with 1 abstaining. Rep. Harold W. Watson for Executive Departments and Administration.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Division of Plant and Property Management; Definition of Purchase. Amend RSA 21-I:11, I(c) (supp) as inserted by 1983, 416:40 by striking out said subparagraph and inserting in place thereof the following:

(c) "Purchase" shall mean all contracts for the purchase of supplies or services, as well as the act of purchasing.

2 Division of Plant and Property Management; Definition of Services. Amend RSA 21-I:11, I by inserting after subparagraph (e) the following new subparagraph:

(f) "Services" shall mean services provided for general agency use including, but not restricted to, the following: credit card agreements, elevator maintenance, hazardous waste testing and removal, janitorial services, laboratory services, rubbish removal, security services, snow removal, soil testing, transportation, office machine maintenance, vehicle repair, vehicle rental and leasing, and warehousing. "Services" shall not mean services provided solely to one agency.

3 Responsibility for Services for State Agencies. Amend RSA 21-I:11, II (supp) as inserted by 1983, 416:40 by striking out in line 1 the words "and supplies" and inserting in place thereof the following (, supplies, and services) so that said paragraph as amended shall read as follows:

II. Purchasing all materials, equipment, supplies, and services for all departments and agencies of the state including contracting for the purchase or rental of data processing equipment, except as otherwise provided by law. Insofar as practicable all such purchases shall be made in such quantities and manner as shall be most economical for the state.

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

Referred to Appropriations.

HB 441-FN, relative to licensing estheticians. Inexpedient to Legislate.

The sponsor requested that this bill be withdrawn. Therefore, the Committee unanimously adopted Inexpedient to Legislate. Vote 18-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

HB 180-FN, relative to a salmonid stamp and continually appropriating the stamp or permit fees for salmonid propagation and management. Inexpedient to Legislate.

This bill is unnecessary since it is included in House Bill 264. Vote 14-0. Rep. Gerald R. Smith for Fish and Game.

HB 268, permitting the use of snares to trap beaver and otter. Ought to Pass with Amendment.

This bill will allow the Fish and Game Department to issue special permits to snare animals causing a nuisance. Vote 14-0. Rep. Albert J. Dionne for Fish and Game.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the use of snares under certain conditions.

Amend RSA 210:17 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

210:17 Snares, Etc.

I. No person shall use a snare or poison, explosives or chemicals, or smoke out or dig out any den or house of any kind, or cut den trees, for the purpose of taking fur-bearing animals.

II. Notwithstanding the provisions of paragraph I, snares set under water or ice shall be permitted for the taking of beaver and otter only, during the open season therefor, provided;



(a) Each individual snare, whether set singularly or in the aggregate, shall be affixed with a durable tag denoting the name of the licensed trapper who sets, arranges, or tends the snare; and

(b) That in addition to the landowner permit required by RSA 210:11, the trapper has secured from the landowner or occupant a special permit to use snares, signed by the owner or occupant, and shall have filed a copy of the special permit with the conservation officer in whose district the person is going to set or use snares.

III. Notwithstanding the provisions of paragraphs I and II, snares may be used for the taking of fur-bearing animals and coyotes which are determined by the executive director to be causing damage to wildlife, domestic animals, or property. No person shall set snares pursuant to this paragraph without first obtaining a special nuisance permit from the executive director or his designee.

IV. For the purposes of this section, the executive director may adopt rules relative to the use of snares, under RSA 541-A.

V. Any person taking fur-bearing animals or coyotes by the use of snares shall meet all the requirements pertaining to traps and trapping required by title XVIII.

HB 170-FN, relative to community developmental services. Inexpedient to Legislate.

The sponsor wished this bill withdrawn as the need for the bill no longer exists. Vote 20-0. Rep. Esther R. Nighswander for Health and Human Services.

HB 101, prohibiting the sale, rental, showing, advertising for sale or distribution of obscene video tapes or video discs to persons under 18 years of age. Inexpedient to Legislate.

Although the Committee does not condone nor approve of depictions of obscene behavior on the covers of videotapes, it was felt that this bill, which graphically describes what is to be prohibited, was not in the public interest. In addition, since the sponsor failed to appear at the hearing the Committee was unable to gain any further insights as to the intent of this bill. Vote 21-0. Rep. Marc A. Chretien for Judiciary.

HB 122, relative to the aggravated felonious sexual assault law. Ought to Pass with Amendment.

This bill, as amended, clarifies the language of the existing statute and extends protection to 16 and 17 year old victims who are coerced to submit by someone in a position of authority over them. Currently, only those aged 13 through 15 are covered. Vote 12-0. Rep. Donna P. Sytek for Judiciary.

#### Amendment

Amend RSA 632-A:2, X as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

X. When, except as between legally married spouses, the victim is 13 years of age or older and under 16 years of age and:

(a) the actor is a member of the same household as the victim; or

(b) the actor is related by blood or affinity to the victim.

X-a. When, except as between legally married spouses, the victim is 13 years of age or older and under 18 years of age and the actor is in a position of authority over the victim and uses this authority to coerce the victim to submit.



HB 137-FN, relative to probation officers appointed by the Laconia district court. Inexpedient to Legislate.

The Committee unanimously agreed that Laconia's problem is being addressed in other pending legislation. Vote 14-0. Rep. Donnalee M. Lozeau for Judiciary.

HB 156, providing the statute of uses shall not affect trusts. Ought to Pass.

The Statute of Uses is an archaic rule of law that occasionally results in title problems upon the transfer of real estate. The passage of House Bill 156 will insure the provisions of the trusts will be protected. Vote 13-1. Rep. Beverly A. Hollingworth for Judiciary.

HB 166, granting an out-of-state peace officer in fresh pursuit power to arrest for a misdemeanor. Inexpedient to Legislate.

This bill would allow out-of-state police to pursue and arrest individuals for misdemeanors. Current law allows fresh pursuit only for felonies. The Committee felt that it wasn't good public policy to relinquish part of our state's sovereignty by allowing out-of-state police the power to pursue and arrest individuals for misdemeanor violations. Vote 14-0. Rep. Marc Chretien for Judiciary.

HB 167-FN, modifying the pre-sentence duties of probation officers in criminal cases. Inexpedient to Legislate.

The Committee agreed unanimously that the recommendations of probation officers are vital to court proceedings. Vote 14-0. Rep. Donnalee M. Lozeau for Judiciary.

HB 168, relative to clarifying the bail jumping statute. Ought to Pass with Amendment.

This bill rewrites the bail jumping statute spelling out what constitutes just cause and clarifying notice requirements. Vote 13-1. Rep. C. William Johnson for Judiciary.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Bail Jumping. Amend RSA 642:8 as inserted by 1971, 518:1 by striking out said section and inserting in place thereof the following:  
642:8 Bail Jumping.

I. A person is guilty of an offense if, after having been released with or without bail, he:

(a) knowingly fails to appear before a court as required by the conditions of his release; or

(b) knowingly fails to surrender for service of sentence pursuant to a court order.

II. It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or surrendering and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement that he appear or surrender, and that he appeared or surrendered as soon as such circumstances ceased to exist.

III. The offense is a class B felony if the offense involved in the specified appearance is murder or a class A felony, otherwise, it is a misdemeanor.

HB 318, reinstating double damages for injuries caused by dogs. Inexpedient to Legislate.

This bill would reinstate an archaic law which was repealed last year. The Committee does not see any reason why injuries by dogs should be subject to double damages when other types of injury receive only normal damages. The law had no deterrent effect before and would not if it were reinstated. Vote 11-3. Rep. Thomas U. Gage for Judiciary.

HB 319, deleting the exemption from civil liability for a law enforcement officer who transports a victim in an emergency. Inexpedient to Legislate.

House Bill 319 was attempting to delete language that had passed the Legislature last June and took effect the beginning of this year. If deleted, a serious emergency could be turned to tragedy due to fear of liability. Vote 14-0. Rep. Daniel A. Eaton for Judiciary.

HB 351, relative to wiretapping and eavesdropping. Ought to Pass with Amendment.

This bill allows the Attorney General's Office to apply to a judge of competent jurisdiction for authorization to install a "pen register device" for use in law enforcement investigation of organized crime and other specific crimes. Vote 10-4. Rep. C. William Johnson for Judiciary.

#### Amendment

Amend RSA 570-A:9-a as inserted by section 2 of the bill by inserting after paragraph V the following new paragraph:

VI. Nothing in this section shall be construed as prohibiting a telephone public utility in New Hampshire from using pen register devices as defined in RSA 570-A:1, XII.

HB 16, relative to effective dates for legislation. Inexpedient to Legislate.

Questions during debate on the last day of the 1985 Session prompted the sponsor to file this bill. Though there is no specific statutory reference delineating the time of day that legislation becomes effective, the Committee was satisfied by the assertion of the Director of Legislative Services that, unless another time is included, all legislation becomes effective at the first moment of the date contained in the bill. Vote 8-4. Rep. James A. Chandler for Legislative Administration.

HB 27, limiting the frequency of public referendum questions concerning management of the Berlin water works. Ought to Pass with Amendment.

Because there is no local provision of law dealing with such referendum questions and there is no reference to control of the water works in the city charter, because it was created by the Legislature in 1925, the Committee feels this bill is necessary. Vote 14-1. Rep. Catherine M. Brungot for Municipal and County Government.

#### Amendment

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Berlin Water Works. Notwithstanding any other provision of law and notwithstanding any instruction, rule or regulation imposed by local ordinance, the mayor and city council of Berlin are hereby prohibited from placing referendum questions pertaining to the management of the Berlin water works by the board of water commissioners on a ballot for a period

of 4 years from the effective date of this act and from placing such questions on a ballot more often than every 4 years after the initial 4 year period has ended, unless petitioned by 10 percent of the registered voters of Berlin to place such a question on the ballot.

HB 204-FN, relative to payment for cost of services to unincorporated or unorganized places. Ought to Pass.

This bill expands the ability of the County Commissioners to recoup the expenses of services to unincorporated places. Vote 14-0. Rep. Catherine M. Brungot for Municipal and County Government.

HB 231-FN, relative to the assets permitted to qualify for the expanded elderly exemption. Inexpedient to Legislate.

The sponsor of this bill requested that the Committee find it Inexpedient to Legislate. Vote 16-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 243, enabling towns to postpone the payment of property taxes on the principal residences of the elderly. Inexpedient to Legislate.

Limited testimony was presented to the Committee. Also, this proposal would shift the tax burden from one group of taxpayers to another. Vote 16-0. Rep. George M. West for Municipal and County Government.

HB 285, relative to the deadline for planning and zoning recodification. Ought to Pass with Amendment.

House Bill 285 extends the time for making town master plans and zoning ordinances to come into compliance with 1983 statutes. The Committee felt this extension is advisable. Vote 16-0. Rep. David M. Perry for Municipal and County Government.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Conforming Master Plan and Zoning Ordinance. Amend 1983, 447:2 by striking out said section and inserting in place thereof the following:

447:2 Application of Existing Laws. Each municipality shall have from January 1, 1984, until July 1, 1986, to make its master plan and its zoning ordinances conform with the relevant provisions of this act.

HB 312, making an appropriation for various veterans programs. Inexpedient to Legislate.

The "State Veterans Needs Committee" has the responsibility, by statute (Chapter 321, Laws of 1985), to determine what programs are beneficial for New Hampshire veterans and should therefore be state funded. The SVNC has determined that three veterans' programs, funded for FY 1986, should not be funded for FY 1987: (a) the "incarcerated veterans" program at the State Prison has been incorporated into an expanded guidance program; (b) the American Leadership Trust will be funded by grants and donations from the private sector; (c) the federal government has an "outreach activity" at White River Junction, Vermont, which is being expanded into the five northern counties of New Hampshire. To fund the New Hampshire Veterans Resource/Counseling Center at Meredith would be a needless and wasteful duplication of effort. Vote 12-0. Rep. David A. Young for Public Protection and Veterans Affairs.

HB 63-FN, requiring permits to serve alcoholic beverages. Inexpedient to Legislate.

This bill is unfair to a waiter, waitress or bartender besides a \$30. permit fee and they would be suspended from work for a period of time. Vote 18-0. Rep. Carol A. Nagel for Regulated Revenues.

HB 278, enabling municipalities to enact fair rental ordinances governing manufactured housing parks. Inexpedient to Legislate.

The main topic of manufactured housing is being thoroughly reviewed by interim study of former HB 546 in Committee and every phase of all aspects and areas of concern are sure to be addressed and reviewed including the subject matter of this bill which would apparently give the authority for rent control to municipalities. Vote 13-0. Rep. Norman R. Brough for State Institutions and Housing.

HB 92, prohibiting certain persons from riding in open cargo motor vehicles. Inexpedient to Legislate.

There were too many unanswered questions to pass this bill. Two examples included hayrides and parades. Vote 11-0. Rep. Donald F. Lamontagne for Transportation.

HB 132, relative to the port authority. Ought to Pass.

This bill renews the Port Authority for another term under the Sunset Act. Vote 11-0. Rep. Donald F. Lamontagne for Transportation.

HB 309, relative to agricultural and farm plates. Ought to Pass with Amendment.

This bill clarifies the use and requirement for ownership of agricultural number plates. Vote 11-0. Rep. Ralph W. Pearson for Transportation.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Agriculture Plates. Amend RSA 261:82 by inserting after paragraph III the following new paragraphs:

IV. This section shall be construed as authorizing the holder of agricultural plates to operate the vehicle while it is empty so long as it is being used generally to accomplish the purposes allowed in this section, and to transport within such vehicle incidental personal property such as food, tools, and clothing.

V. To be eligible for the issuance of an agricultural vehicle registration, the applicant shall sign the following form which the treasurer of a city or such other official as the city government may designate or the town clerk shall provide. This form shall be provided to the applicant upon request without further evidence from the applicant that the plate shall be used for purposes of this section.

I, the undersigned, fully understand the limitations concerning the use of agricultural vehicles, motor vehicles or trucks registered under RSA 261:82, and hereby certify that my vehicle will be used only for agricultural and farming purposes and uses incidental thereto, within a 20 mile radius of the main entrance of the farm upon which the vehicle is to be driven.

Signed:

Date: \_\_\_\_\_

Copies to:

Town or City Clerk

Applicant

HB 345, relative to penalty for over-weight loads on vehicles. Inexpedient to Legislate.

House Bill 345 increases the fines for overloaded trucks. This is being combined with another bill which directs similar changes in



existing statutes. Vote 14-0. Rep. Irvin H. Gordon for Transportation.

HB 347-FN, relative to weight-in-motion highway scales and classifiers and making an appropriation therefor. Inexpedient to Legislate. Testimony by representatives of the Department of Public Works and Highways indicates that acquisition of the equipment referred to in this bill is already underway. A site for installation has been selected and the money is being made available. The above facts make House Bill 347 unnecessary. Vote 13-0. Rep. Irvin H. Gordon for Transportation.

HB 377-FN, relative to violations of posted weight limitations on bridges. Inexpedient to Legislate.

The topic of this bill is being addressed in another bill. Vote 10-1. Rep. Donald F. Lamontagne for Transportation.

HB 498-FN, relative to boat registration fees. Inexpedient to Legislate.

The provisions of this bill are covered in another piece of legislation and the two bills have been combined. Vote 14-0. Rep. Irvin H. Gordon for Transportation.

#### COMMITTEE REPORTS (Regular Calendar)

HB 393-FN, relative to health insurance benefits for part-time employees. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: This bill gives employers the choice of including part-time employees on their group health insurance policies. As amended, part-time employee is defined as one who must regularly work at least half the weekly hours of the full-time employee for a minimum of 15 hours. The bill changes the business practice of some insurance companies who blocked employers from offering group policies to part-time employees. Vote 9-8. Rep. William A. Varkas for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: The vote in Committee on House Bill 393 was a tie with the chair voting to allow passage. Inclusion of all part-time employees will most likely cause an increase in all group rates and therefore higher costs to employers and employees alike. Allowing this option may force the employer to pay the same proportion of insurance costs for part-time employees or for full-time employees to avoid potential charges of discrimination. Passage of this bill could also cause less part-time employment because the costs of this type of employment would increase due to increased insurance costs. Half of the Committee feels that the costs and drawbacks of this bill far outweigh the benefits and recommends Inexpedient to Legislate. Rep. Vincent J. Palumbo for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Part-Time Employees; Group Insurance. Amend RSA 415:18, I by inserting after subparagraph (p) the following new subparagraph:

(q) A provision that the insurer shall not exclude part-time employees and shall offer the same benefits to part-time employees as it offers to the employee groups of which the part-time employees would be members if they were full-time employees. The insurer shall offer to include the part-time employees as part of the employer's

employee group, at the full rate to be paid by the employer at a rate prorated between the employer and the employee, or at the employee's expense. A part-time employee shall be any employee who regularly works at least half of the weekly hours of the full-time employee in the employee group of which the part-time employee would be a member if he were a full-time employee or who works a minimum of 15 hours per week.

2 Part-Time Employees; Medical Service Corporations. Amend RSA 420 by inserting after section 5-a the following new section:

420:5-b Part-Time Employees. A medical service corporation shall not exclude part-time employees and shall offer the same insurance benefits to part-time employees as it offers to the employee groups of which the part-time employees would be members if they were full-time employees. The insurer shall offer to include the part-time employees as part of the employer's employee group, at the full rate to be paid by the employer, at a rate prorated between the employer and the employee, or at the employee's expense. A part-time employee shall be any employee who regularly works at least half of the weekly hours of the full-time employee in the employee group of which the part-time employee would be a member if he were a full-time employee or who works a minimum of 15 hours per week.

3 Part-Time Employees; Nonprofit Health Service Corporations. Amend RSA 420-A by inserting after section 7 the following new section:

420-A:7-a Part-Time Employees. A health service corporation shall not exclude part-time employees and shall offer the same insurance benefits to part-time employees as it offers to the employee groups of which the part-time employees would be members if they were full-time employees. The insurer shall offer to include the part-time employees as part of the employer's employee group, at the full rate to be paid by the employer, at a rate prorated between the employer and the employee, or at the employee's expense. A part-time employee shall be any employee who regularly works at least half of the weekly hours of the full-time employee in the employee group of which the part-time employee would be a member if he were a full-time employee or who works a minimum of 15 hours per week.

4 Part-Time Employees; Health Maintenance Organizations. Amend RSA 420-B:12 by inserting after paragraph III the following new paragraph:

IV. No health maintenance organization shall exclude part-time employees or refuse to offer the same insurance benefits to part-time employees as it offers to the employee groups of which the part-time employees would be members if they were full-time employees. The insurer shall offer to include the part-time employees as part of the employer's employee group, at the full rate to be paid by the employer, at a rate prorated between the employer and the employee, or at the employee's expense. A part-time employee shall be any employee who regularly works at least half of the weekly hours of the full-time employee in the employee group of which the part-time employee would be a member if he were a full-time employee or who works a minimum of 15 hours per week.

5 Effective Date. This act shall take effect January 1, 1987.

Amendment adopted.

Ordered to third reading.

HB 153, relative to identification requirements for voter registration. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The majority of the Committee felt there did not seem to be a need to change the current qualifications of an applicant to vote. The acceptance of an applicant would still be left to the discretion of the supervisor of the checklist. Although the bill appeared to make voter registration easier, it also expanded the possibility of voter fraud. RSA 654:42 offers a mechanism for the applicant who has a legitimate complaint or feels their name was illegally kept off the

checklist. Vote 11-1. Rep. Mary J. Shriver for the Majority of Constitutional and Statutory Revision.

MINORITY: House Bill 153 would make voting more accessible to a greater number of people as the current law is too restrictive. Rep. Catherine O'Brien for the Minority of Constitutional and Statutory Revision.

Resolution adopted.

HB 435-FN, determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an appropriation therefor. Ought to Pass with Amendment.

Extensive subcommittee research on this bill during interim study convinced the Committee that assistance to school districts receiving handicapped children under the Division of Children and Youth Services supervision was badly needed. While not shifting unlimited liability to the State for such students, it does provide substantial relief to school districts attempting to provide appropriate services in compliance with federal and State law. Vote 15-1. Rep. Wayne M. Burton for Education.

#### Amendment

Amend RSA 186-C:19-b, I and II as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. For an educationally handicapped child in placement for which the division for children and youth services has financial responsibility, the school district responsible for the development of an individualized education plan and for educational expenses under this section shall be as provided in RSA 186-C:7 and 13 and RSA 193:27-29. As used in this section, "children in placement for which the division of children and youth services has financial responsibility" shall mean all children placed out of their homes as a result of a juvenile petition filed under RSA 169-B:6, RSA 169-C:7 or RSA 169-D:5, except children at the youth development center and children placed at the Philbrook center while awaiting disposition of the court following arraignment pursuant to RSA 169-B:13.

II. The school district liability for expenses for special education or for special education and educationally related services as specified in the current individualized education plan for an educationally handicapped child in placement for which the division for children and youth services has financial responsibility shall be the state average elementary cost per pupil, as determined by the state board of education for the preceding school year. The liability of a school district under this section for the state average elementary cost per pupil shall be prorated if the placement is for less than a full school year and the district shall be liable for only the prorated amount.

(a) Any costs of special education or special education and educationally related services in excess of the state average elementary cost per pupil shall be the liability of the department of education within the limit of appropriated funds. If the state appropriation to the department of education is insufficient to pay all costs of special education or special education and educationally related services in excess of the state average elementary per pupil cost, the responsible school district shall pay the difference between the state average elementary per pupil cost and the amount paid by the department of education under this section, in accordance with RSA 186-C:13 and subject to the right of reimbursement under RSA 186-C:18. Costs for which the department of education is liable under this section shall be paid to education service providers by the department of education. The



department of education shall develop a mechanism for allocating the funds appropriated for the purposes of this section.

(b) The division for children and youth services shall be liable for all court-ordered costs pursuant to RSA 169-B, 169-C, and 169-D other than for special education or special education and educationally related services specified in the child's individualized education plan.

(c) No school district shall be required to pay the expenses of the education program of a child placed under RSA 169-B, 169-C, or 169-D except as provided by RSA 186-C.

Amendment adopted.

Referred to Appropriations.

HB 392-FN, relative to the board of registration in medicine. Ought to Pass with Amendment.

This legislation stems from a request of the Board of Registration in Medicine in conjunction with the Attorney General to revamp disciplinary hearing procedures, plus other general housekeeping in 1985. Additionally, the Dental Board had also requested, with the Attorney General, that they revamp their procedures. The entire dental study could not be completed by October 1, 1985. However, a more critical part which was completed was accommodated as an amendment to this legislation. Vote 13-0. Rep. William F. McCain for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the board of registration in medicine and making an appropriation therefor and relative to the board of dental examiners.

Amend the bill by striking out all after section 5 and inserting in place thereof the following:

6 Advisory Committee. Amend RSA 329 by inserting after section 9-b the following new section:

329:9-c Advisory Committee. There is hereby established a committee which shall serve in an advisory capacity to the board. The advisory committee shall consist of 2 physicians and 2 physician's assistants, to be appointed by the board biennially. Members of the committee shall serve without compensation. It shall be the duty of the committee to review all physician assistant issues, including applications for registration, and to make appropriate recommendations to the board.

7 Rulemaking. Amend RSA 329:9, III as inserted by 1977, 417:4 as amended by striking out said paragraph and inserting in place thereof the following:

III. How an applicant shall be examined, including:

- (a) Time and place of examination.
- (b) The subjects to be tested or national examination to be given.
- (c) Passing grade.
- (d) Disposition of examination papers.
- (e) Examination security measures.

8 Rulemaking. Amend RSA 329:9, XII, and XIII as inserted by 1981, 483:4 by striking out said paragraphs and inserting in place thereof the following:

XII. The certification and temporary certification of paramedical personnel, as provided for in RSA 329:21, XII;



XIII. Procedures for investigations conducted during the 6-month conditional license period under RSA 329:16; and

XIV. Other matters related to the proper administration of this chapter.

9 Examinations. Amend RSA 329:10 as amended by striking out said section and inserting in place thereof the following:

329:10 Examinations.

I. Examinations may be held at least twice a year and shall be given in the English language, but shall otherwise be conducted according to such rules as the board shall prescribe. Any individual alleged to have engaged in conduct which subverts or attempts to subvert the medical licensing examination process shall have, upon request, a hearing before the board. After such hearing, the board may have the applicant's scores on the licensing examination withheld or declared invalid or both, or disqualify the applicant from the practice of medicine, or subject the applicant to the imposition of other appropriate sanctions. Conduct which subverts or attempts to subvert the medical licensing examination process includes, but is not limited to:

(a) Conduct which violates the security of the examination materials.

(b) Conduct which violates the standard of test administration.

(c) Conduct which violates the credentialing process.

II. The board of registration in medicine shall provide written notification to all applicants for medical licensure of the prohibitions on conduct which subverts or attempts to subvert the licensing examination process and of the sanctions imposed for such conduct under RSA 329:10, I. A copy of such notification shall be signed by the applicant and filed with his application.

10 Examination Waiver. Amend RSA 329:10-a, I(b) as inserted by 1983, 377:4 by striking out said subparagraph and inserting in place thereof the following:

(b) The National Board of Medical Examiners examination; or

(c) The national medical licensing examination of Canada (LMCC); and

11 Applicants; Educational Requirements. Amend RSA 329:12, I(f) as inserted by 1970, 3:3 as amended by striking out said subparagraph and inserting in place thereof the following:

(f) Has completed at least 2 years of post-graduate training approved by the board, or its equivalent as determined by the board. Each applicant who has graduated from an accredited medical school on or after January 1, 1970, is required to have satisfactorily completed at least 24 months in a graduate educational program approved by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association, or the Royal College of Physicians and Surgeons of Canada. Each applicant who has graduated from an accredited medical school prior to January 1, 1970, is required to have satisfactorily completed at least 12 months in a graduate educational program approved by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association, or the Royal College of Physicians and Surgeons of Canada. Each applicant who has graduated from an unaccredited medical school is required to have satisfactorily completed at least 36 months in a graduate educational program approved by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association, or the Royal College of Physicians and Surgeons of Canada.

12 Subsequent Examinations. Amend RSA 329:13 as amended by striking out said section and inserting in place thereof the following:

329:13 Second and Third Examinations. Applicants who fail to pass their first examination may take one subsequent examination. If the applicant fails the examination on the second attempt, he may make a third attempt only after one additional year of postgraduate training. If the applicant fails this third attempt, he shall be deemed ineligible for

registration in New Hampshire unless the board, upon a petition by an applicant for special consideration, permits an applicant to make an additional attempt to pass the examination.

13 Fee for Subsequent Examinations. Amend RSA 329:13-a as inserted by 1959, 144:2 by striking out said section and inserting in place thereof the following:

329:13-a Fee for Second and Third Examinations. An applicant for a second, third, or special consideration examination shall pay the fee required for new applicants.

14 Out-of-State and Foreign Applicants. Amend RSA 329:16 as amended by striking out said section and inserting in place thereof the following:

329:16 Applicants from other States and Countries. The board shall register and issue a temporary license for a 6-month conditional period, during which time the board shall conduct a complete background review and investigation utilizing any and all national registries or other institutions. The board shall adopt rules under RSA 541-A relative to such investigations. Upon completion of the background research and verification of experience and before the expiration of such conditional period, the board may issue a permanent license to any applicant who is legally qualified to practice medicine in any state or country whose licensure requirements the board deems are substantially equivalent to or higher than those of this state. The temporary license shall be issued upon payment of a fee established by the board. Any applicant for licensure by reciprocity or endorsement from another jurisdiction shall not be considered for licensure if he did not pass the licensing examination in the other jurisdiction after 3 attempts. The board may, however, upon petition by an applicant for special consideration, issue such a license to an applicant who required more than 3 attempts to pass the licensing examination in the other jurisdiction. Any license issued under this section shall be conditioned upon the recipient taking up actual practice of medicine in this state within 18 months after issuance of the temporary license and continuing such practice for at least one year. Such condition may be waived by the board only in the case of active military service of the United States.

15 Reference Change. Amend RSA 329:17, II as inserted by 1977, 417:18 as amended by striking out in lines 2 and 3 the citation "RSA 507-C:1," and inserting in place thereof the following (paragraph III) so that said paragraph as amended shall read as follows:

II. Every clerk of the superior court shall report to the board the filing and final disposition of any action for medical injury as defined in paragraph III within 30 days after such filing and within 30 days after such final disposition.

16 Report of Claims and Suits Required. Amend RSA 329:17, III as inserted by 1977, 417:18 by striking out said paragraph and inserting in place thereof the following:

III. Every insurer, including self-insurers, providing professional liability insurance to a licensee of the board shall send a complete report to the board as to all reservable claims and suits coincident with the initiation of an action for medical injury within 30 days after the initiation of the action. For the purpose of this paragraph, medical injury means any adverse, untoward or undesired consequences arising out of or sustained in the course of professional services rendered by a medical care provider, whether resulting from negligence, error or omission in the performance of such services; from rendition of such services without informed consent or in breach of warranty or in violation of contract; from failure to diagnose; from premature abandonment of a patient or of a course of treatment; from failure properly to maintain equipment or appliances necessary to the rendition of such services; or otherwise arising out of or sustained in the course of such services.

III-a. The board shall conduct an investigation of any person licensed by the board who has had 3 reservable claims or actions for

medical injury, as defined in RSA 507-C:1, brought against him within a 5-year period.

17 Medical Review Committee Established. Amend RSA 329:17 by inserting after paragraph V the following new paragraphs:

V-a. A medical review subcommittee of 5 members shall be nominated by the board of registration in medicine and appointed by the governor and council. The subcommittee shall consist of one physician member of the board of registration in medicine and 4 other persons, no more than 3 of whom shall be physicians. Any public member of the subcommittee shall be a person who is not, and never was, a member of the medical profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of medical services or an activity directly related to medicine, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment. The initial subcommittee members shall be appointed for the following terms: one member shall serve a one-year term; 2 members shall serve a 2-year term; and 2 members shall serve a 3-year term. All subsequent terms shall be for 3 years. Upon referral by the board, the subcommittee shall review disciplinary actions reported to the board under paragraphs II-V of this section. Following review of each case, the subcommittee shall render its decisions and make recommendations to the board.

V-b. When a threat to public health, safety, or welfare exists, and upon a majority vote, the board of registration in medicine shall notify the hospital chief executive officer of any pending disciplinary proceedings for referral to the hospital's credentials and quality assurance committees or their equivalent. The hospital's committees shall report back to the board of registration in medicine with a progress or final report within 45 days.

18 Disciplinary Actions; Reference Change; Confidentiality. Amend RSA 329:17, IX, and X as inserted by 1977, 417:18 by striking out said paragraphs and inserting in place thereof the following:

IX. No civil action shall be maintained against the board or any member thereof, or its agents, employees or against any organization or its members, including, but not limited to, any member of a professional standards review organization listed in RSA 507:8-c, I, or against any other person for or by reason of any statement, report, communication or testimony to the board, or determination by the board in relation to disciplinary proceedings under this section; provided that such statement, report, communication, or determination is made in good faith.

X. The board may informally dispose of any complaint by stipulation, agreed settlement, consent order or default. The board may hold preliminary hearings to facilitate the informal disposition of unjustified complaints which, during the preliminary hearing, are found to be unwarranted or unjustified. The board shall follow the provisions of RSA 541-A:16, V in conducting such hearings. All such investigations and preliminary hearings shall be confidential and exempt from the provisions of RSA 91-A, provided that the board shall make public any action taken under RSA 329:17, VII resulting from a preliminary hearing or investigation.

XI. Any complaint not resolved at or prior to a preliminary hearing shall be heard by the board. Such hearing shall be an open public hearing, provided, however, that the board shall hear the testimony of any witness who is under 18 years of age at the time of his testimony in camera unless good cause is shown by the person complained against. A transcript of any testimony taken in camera shall be made available to the public, but the name and any identifying characteristics of the witness shall be deleted from the transcript.

XII. All complaints under this section shall be brought within 6 years of the discovery of the act, omission or failure complained of, except that a complaint involving a person under 18 years of age may be brought up to 6 years after the person reaches the age of 18.



19 Persons Excepted. Amend RSA 329:21, II as inserted by 1971, 542:1 by striking out said paragraph and inserting in place thereof the following:

II. To legally qualified physicians in other states or countries when called in consultation by an individual licensed to practice in the state who bears the responsibility for the patient's diagnosis and treatment. However, regular or frequent consultation by such an unlicensed person, as determined by the licensing board, shall constitute the practice of medicine without a license; or

20 Temporary Certification. Amend RSA 329:21, XII(b) as inserted by 1971, 542:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(b) Is a graduate of such a program and has passed, or has received temporary certification for the period pending the results of, any examination for paramedical personnel required by the board.

21 Repeal. RSA 329:20, relative to the board's report to the governor and council, is hereby repealed.

22 Appropriation. The sum of \$11,200 is hereby appropriated to the board of registration in medicine for the fiscal year ending June 30, 1987, for the purposes of sections 1-20 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

23 Duties; Organization; Meetings; Records. Amend RSA 317-A:4, I(d) as inserted by 1979, 456:3 by striking out said subparagraph and inserting in place thereof the following:

(d) To obtain legal counsel, investigators, and such other assistance as may be required; to make contracts and arrangements for the performance of administrative and similar services; and to establish compensation therefor;

24 Investigators. Amend RSA 317-A:4, I(f) as inserted by 1979, 456:3 by striking out said subparagraph and inserting in place thereof the following:

(f) With the approval of the attorney general and the governor and council, to compensate the board's counsel, investigators, and other assistants, appointed in connection with its activities under RSA 317-A:4, 317-A:17, 317-A:18, and RSA 317-A:27, on warrant of the governor out of any money in the treasury not otherwise appropriated; provided that any sums so expended shall be included in the computation of fees established for the subsequent fiscal year under RSA 317-A:4(e).

25 Rulemaking. Amend RSA 317-A:12, VIII and IX inserted by 1981, 482:7 by striking out said paragraphs and inserting in place thereof the following:

VIII. Administration of the inactive list established under RSA 317-A:16;

IX. Procedures for the conduct of hearings consistent with due process; and

X. Procedures and policies for the investigation of disciplinary proceedings under RSA 317-A:17.

26 New Section; Subpoena Power; Witness Fees. Amend RSA 317-A by inserting after section 18 the following new section:

317-A:18-a Summons; Oath; Witnesses.

I. The board shall have the power to subpoena witnesses and administer oaths in any disciplinary proceedings, and to compel, by subpoena duces tecum, the production of papers and records.

II. Witnesses summoned before the board shall be paid the same fees as witnesses summoned to appear before the superior court, and such summons issued by the board shall have the same effect as though issued for appearance before such court.

27 Effective Date.

I. Sections 23, 24, 25, and 26, of this act shall take effect upon its passage.

II. Section 22 of this act shall take effect July 1, 1986.



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

Amendment adopted.  
Referred to Appropriations.

HB 282, relative to the prohibition for taking smelt by bait dealers. Inexpedient to Legislate.

The Committee feels it is better to leave the smelt for the fish, to be caught by the fisherman than to harvest the smelt to sell to the fishermen to catch the fish. Vote 12-2. Rep. Milton G. Jensen for Fish and Game.

Resolution adopted.

HB 26, relative to mental health group homes. Ought to Pass with Amendment.

This bill merely requires that the Director of Mental Health and Developmental Services inform the governing bodies of communities when the division is proposing a community living facility within a municipality. Vote 18-3. Rep. Lucille A. Ottolini for Health and Human Services.

#### Amendment

Amend RSA 126-A:39 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

126-A:39 Duties and Functions of Division of Mental Health and Developmental Services. The director shall develop a statewide program of community living facilities for developmentally impaired and mentally ill persons. The director shall be responsible for the selection, certification and monitoring of such community living facilities in accordance with rules adopted by the director pursuant to RSA 541-A. The director shall communicate in writing with the governing body of the city or town in which a community living facility is proposed. The director shall also be responsible for prior approval of all individual residential placements and shall adopt rules relative to monitoring the care, treatment and habilitation provided to all residents of community living facilities. Placements of children shall be consistent with RSA 170-A, 170-C and 170-E, as appropriate. Approval by the director of an individual for placement in a community living facility shall be based on a finding by the director that the community living facility is the least restrictive environment appropriate to the needs of the individual. "Least restrictive environment" means the facility, program or service which least inhibits a person's freedom of movement, freedom of choice, and participation in the community, while achieving the purposes of habilitation and treatment.

Amendment adopted.  
Ordered to third reading.

HB 456-FN, relative to minimizing and abating health hazards related to asbestos and making an appropriation therefor. Ought to Pass with Amendment.

This proposed legislation addresses the problems of health safety to exposure to asbestos fibers. Medical and scientific authorities agree that there has been a significant increase in the incidence of asbestosis, bronchogenic carcinoma, mesothelioma and other malignancies. This bill defines what constitutes asbestos and what constitutes "asbestos abatement." It further defines the duties of both the Division of Public Health and Air Resources Commission. It develops licensure provisions of those involved in asbestos removal.

It creates an asbestos advisory committee. It grants authority for the Director to set fees for licensure; and penalty provisions for noncompliance including closure provisions. Vote 21-0. Rep. Leo W. Fraser, Jr. for Health and Human Services.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 141-B the following new chapter:

#### CHAPTER 141-C ASBESTOS MANAGEMENT AND CONTROL

141-C:1 Statement of Policy. The general court finds that exposure to asbestos fibers over time has been linked by medical and scientific authorities to a significant increase in the incidence of diseases, such as asbestosis, bronchogenic carcinoma, mesothelioma, and other malignancies, and that such diseases place unnecessary and preventable burdens on society while depriving the victims of livelihood, well-being, and life. The general court also finds that abatement of asbestos from workplaces, schools, public facilities, and dwellings, which is carried out to reduce the exposure of the public to this health threat, further jeopardizes public health when the abatement is done without adequate safeguards and by unqualified individuals. In order to protect the health of the public from this threat, it shall be the policy of the state to establish and enforce asbestos exposure standards and to control the exposure of the public to asbestos by regulation of asbestos abatement activities. It shall be the responsibility of the division of public health services, department of health and human services, in consultation with the air resources commission, to carry out this policy.

141-C:2 Definitions. In this chapter:

- I. "Asbestos" means amosite, chrysotile, crocidolite, or asbestiform tremolite, actinolite, or anthophyllite.
- II. "Asbestos abatement" means any of the following activities:
  - (a) The wrecking or removal of any load-supporting structural member containing or covered by friable asbestos material;
  - (b) The encapsulation, coating, binding or resurfacing of structural members, walls, ceilings or other building surfaces, or ducts, pipes, boilers, tanks, reactors, furnaces or other vessels containing friable asbestos material for the purpose of minimizing the potential for fiber release;
  - (c) The construction of airtight enclosures by the use of impact resistant materials to isolate surfaces coated or containing friable asbestos material;
  - (d) The removal or stripping of friable asbestos materials from structural members, walls, ceilings, or other building surfaces, or ducts, pipes, boilers, tanks, reactors, furnaces or other vessels; or
  - (e) The repair of friable asbestos materials to minimize the likelihood of fiber release from damaged areas. Repair may include, but shall not be limited to, application of duct tape, rewettable glass cloth, canvas, cement, or other suitable materials to seal exposed areas where asbestos fibers may be released, or repair of damaged, previously encapsulated, friable asbestos-containing materials with non-asbestos substitutes; and re-encapsulation or repair of enclosures around friable asbestos-containing materials.

III. "Commission" means the air resources commission.

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

V. "Contractor" means any partnership, firm, association, corporation, or sole proprietorship which engages in asbestos abatement activities.

VI. "Director" means the director, division of public health services, department of health and human services.

VII. "Division" means the division of public health services, department of health and human services.

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

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

141-C:3 Duties.

I. The director shall:

(a) License any partnership, firm, association, corporation, or sole proprietorship which engages in asbestos abatement activities.

(b) Test employees of owners or managers of buildings, facilities, or dwellings, and of contractors, who are engaged in asbestos abatement, and provide certificates to those who are found competent to do so.

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

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

(e) Conduct such medical and scientific studies of workers presently or previously exposed to friable asbestos material as necessary to fully understand, define, and describe the actual health consequences of such exposure in their workplaces.

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

(g) Establish safe worker practices to protect the health of asbestos abatement workers.

II. The commission shall:

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

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

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

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

(e) Collect fees for asbestos abatement notification.

141-C:4 Rulemaking.

I. The director shall adopt rules, pursuant to RSA 541-A, relative to:

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

(b) The necessary training, licensure, and certification requirements applicable to major and minor asbestos abatement projects.

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

(d) Closure of places contaminated with friable asbestos material under RSA 141-C:7.

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

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



(g) The licensure of owners, managers, and contractors undertaking asbestos abatement under RSA 141-C:10.

(h) The certification and training of employees engaged in asbestos abatement under RSA 141-C:11.

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

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

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

(l) Procedures for exemption from the requirements of RSA 141-C:9 and 141-C:10.

II. The air resources commission shall adopt rules, pursuant to RSA 541-A, relative to work practices and engineering control standards for the abatement of asbestos.

(a) Such rules shall include the following;

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

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

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

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

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

(b) The air resources commission shall also adopt rules, pursuant to RSA 541-A, relative to establishing work practices, engineering control standards and emission standards necessary to control the release of asbestos to the ambient air during processing, transport and disposal activities.

141-C:5 Asbestos Abatement Advisory Committee Established. There is hereby established an asbestos abatement advisory committee for the purpose of coordinating the activities of state agencies responsible for the health, safety, and protection of the public and the environment which are or may be affected by the presence of asbestos. At a minimum the asbestos abatement advisory committee shall consist of:

I. The governor or his designee;

II. The attorney general; and

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

(a) the department of education;

(b) the department of labor;

(c) the air resources commission; and

(d) the division of public health services, department of

health and human services.

The director of the division of public health services or his designee shall serve as chairman of the committee.

141-C:6 Asbestos Exposure Standards.

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

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



be 0.1 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscope methods.

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

I. Except as provided for under RSA 141-C:6, II, no person, whether natural or not natural, owning, controlling, or managing any workplace, public building, facility, school, or rental dwelling containing asbestos levels exceeding 0.01 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscope methods shall permit exposure of any person to such conditions.

II. The division may close access to any building or facility or any portion thereof in which there have been found asbestos levels exceeding 0.01 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscope methods.

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

141-C:8 Inspection of Building; Orders.

I. Whenever the director has reason to suspect the presence of friable asbestos material in any public building, facility, school, or rental dwelling, he may cause inspections to be carried out and, if friable asbestos is found or if asbestos levels exceeding 0.01 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscope methods are found, he may order corrective action to abate the risk to the health of the public. The order may, at the discretion of the director, include notice of closure of access under RSA 141-C:7.

II. In the event that asbestos levels exceed the standards set in RSA 141-C:6, I or II, there shall be a second test of samples collected over an 8 hour period analyzed by transmission electron microscopy analysis before any order of abatement is issued. The results of the transmission electron microscopy analysis shall prevail. Such tests shall be paid for by the owner of the building or facility being analyzed.

III. The director may, upon request of the owner, inspect private dwellings for the presence of friable asbestos material. If friable asbestos material is found, he shall make recommendations to the owner for its abatement. The director shall charge a fee for such inspections under RSA 141-C:12.

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

141-C:10 Licensure. No owner or manager of any building, facility, school, or rental dwelling, whether public or private, or contractor, unless exempted by rules adopted pursuant to this chapter, shall engage in asbestos abatement without first obtaining a license from the division. The license shall be in writing and shall be valid for a period of 12 months from the date of issuance, be dated when issued, contain an expiration date, and be signed by the director of the division or by his designee. The license shall also include the name and address of the applicant. The license or a certified copy thereof shall be available at the worksite for inspection by representatives of the division, the commission, or the local government.

141-C:11 Certification of Employees; Reciprocity.

I. Employees of owners, managers, or contractors who engage in asbestos abatement shall first obtain a certificate of training from the division. No certificate shall be issued unless the employee has taken a course of training in asbestos control and removal, passed an examination administered by the division, and demonstrated the ability to perform asbestos abatement safely and in compliance with applicable federal regulations or rules adopted by the division and by the commission.

II. The certificate shall be in writing, be valid for a period of 12 months from the date of issuance, be dated when issued, contain an expiration date, and be signed by the director or his designee. It shall also include the name and address of the employee to whom it is issued. The certificate or a certified copy thereof shall be readily available at the worksite for inspection by the representatives of the division, the commission, or the local government.

III. The division may accept the course of training approved by other states if it is found to be substantially equivalent to the course of training specified by the division.

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

#### 141-C:12 Fees.

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

II. The commission shall, by rule, set a schedule of fees for the notification of asbestos abatement projects. All such fees shall be deposited in a nonlapsing account, shall be used solely for the administration of the commission's responsibilities under this chapter, and are hereby continually appropriated for said purposes.

141-C:13 Compliance Monitoring. For the purposes of assuring compliance with RSA 141-C:7, I and II; 141-C:8, I and II; 141-C:9; 141-C:10; and 141-C:11, or with any rule adopted by the division or the commission, an authorized representative of the division or commission may, upon presentation of appropriate credentials and at any reasonable time:

I. Enter any asbestos abatement worksite;

II. Inspect and obtain samples from the workplace and the environment for the purposes of ensuring compliance with this chapter;

III. Procure and examine licenses issued under RSA 141-C:10 and certificates issued under RSA 141-C:11; or

IV. Inspect and photocopy any records, information, or test results relating to the asbestos abatement activity.

141-C:14 Enforcement. Whenever the director has reason to believe that the provisions of RSA 141-C:7, I or II; 141-C:8, I or II; 141-C:10; or 141-C:11, or any rule adopted under this chapter has been violated, he shall issue a notice of violation and an order of abatement. Whenever the commission has reason to believe that any provision of RSA 141-C:9 or any rule adopted by the commission under this chapter has been violated, the commission shall issue a notice of violation and an order of abatement. The notice of violation shall set forth the facts constituting the violation. The order of abatement shall set forth the measures which shall be taken to eliminate the violation and the time within which those measures shall be performed. The director may request the attorney general to bring a civil action in superior court for appropriate relief, including a temporary or permanent injunction or both, to enforce any provision of this chapter or any order issued pursuant to this chapter.

#### 141-C:15 Criminal Penalty; Fine.

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

(a) Violates RSA 141-C:7, I or II; 141-C:8, I or II; 141-C:9; 141-C:10; or 141-C:11;

(b) Violates RSA 141-C:13; or

(c) Makes or certifies a material false statement relative to any information required under RSA 141-C:10, 141-C:11, or 141-C:13.

II. Notwithstanding RSA 651:2, a natural person may, in addition to any sentence of imprisonment, probation, or conditional discharge, be

fined not more than \$25,000 if found guilty of any violation of this chapter. Each day of violation shall constitute a separate offense.

141-C:16 Civil Forfeiture. Any person who violates RSA 141-C:7, I or II; 141-C:8, I or II; 141-C:9; 141-C:10; 141-C:11; or 141-C:13 shall be subject to a civil forfeiture of up to \$25,000 for each day of a continuing violation, in addition to enforcement by injunctive relief.

141-C:17 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are severable.

141-C:18 Discharge of or Discrimination Against Employees. No employer shall discharge or cause to be discharged or otherwise discipline or in any manner discriminate against any employee, prospective employee, or employee representative because that person has filed any complaint or has instituted or caused to be instituted any proceeding related to the provisions of this chapter.

141-C:19 Federal Preemption. Nothing in this chapter shall be construed to allow the division or the commission to enforce such occupational safety and health standards which have been preempted by the Occupational Safety and Health Act of 1970, 29 USC sec. 651, et seq.

2 Appropriation. The sum of \$85,004 is hereby appropriated to the division of public health services, department of health and human services and the sum of \$45,336 is hereby appropriated to the air resources commission, for the fiscal year ending June 30, 1988, for the purposes of this act. These sums shall be in addition to all other sums appropriated to these agencies. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1987.

Amendment adopted.

Referred to Appropriations.

HB 470-FN, relative to welfare. Ought to Pass with Amendment. This bill makes minor technical changes in RSA 167 for clarity and compliance with federal law, amends 167:4 providing that public assistance shall not be granted to people who have transferred property within three years. One amendment adds a section inadvertently omitted in drafting. The other amendment is a policy statement that money budgeted to Human Services shall not lapse, but be used to fund unfunded and underfunded programs as approved by the Legislative Health and Welfare Oversight Committee. Vote 22-0. Rep. Marion L. Copenhagen for Health and Human Services.

#### Amendment

Amend the bill by striking out section 9 and inserting in place thereof the following:

9 Amount of Assistance. Amend RSA 167:7, V (supp) as inserted by 1985, 394:3 by striking out said paragraph and inserting in place thereof the following:

V. Subject to applicable federal regulations, the director may establish criteria to operate a special needs program, or to operate an emergency assistance program only for aid to families with dependent children, subject to the amount of available funds in the budget of the division of human services.

10 Funding Nonlapsing. No funds appropriated to the division of human services, department of health and human services, for the biennium ending June 30, 1987, shall lapse back to the general fund, but shall be used by the director, division of human services to meet unfunded or



underfunded services, as determined by the oversight committee established under RSA 126-A:8, within the division of human services.

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

Amendment adopted.

Rep. Disnard moved that HB 470 be recommitted to the Committee on Health and Human Services, and spoke to his motion.

Rep. Sochalski spoke in favor of the motion.

Adopted.

HB 408-FN, increasing the travel allowance for members of the general court. Ought to Pass.

House Bill 408 would implement an overdue adjustment in the legislative mileage rate. The current rates of 38 cents for the first 45 miles and 19 cents for the excess would rise to 44 cents and 22 cents respectively. The change would not be effective until the organization of the 1987 Legislature. Vote 14-0. Rep. James A. Chandler for Legislative Administration.

A roll call was requested. Sufficiently seconded.

YEAS 220 NAYS 108  
YEAS 220

BELKNAP: Birch, Bolduc, Bowler, Brough, Richard Campbell, Malcolm Harrington, Holbrook, Jensen, Nighswander, Pearson, Randall and Zeckhausen.

CARROLL: Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Powers and Schofield.

CHESHIRE: Blacketor, Burley, Crane, Jesse Davis, Delano, Frink, Irvin Gordon, Morse, Parker, Perry, Ramsay, William Riley, Schwartz, Scranton and Secord.

COOS: Brideau, Brungot, Harold Burns, Chappell, Chardon, Frederic Foss, Horton, Mayhew and Ottolini.

GRAFTON: Arnesen, Chambers, Copenhaver, Crory, Densmore, Driscoll, Easton, Michael King, Wayne King, LaMott, Rounds, Scanlan, Stewart, Taffe, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Arnold, Barry, Bass, Boisvert, Burkush, A. Leslie Burns, Carragher, Charron, Clancy, Cote, Cronin, Ducharme, Durant, Joseph M. Eaton, Fields, Nancy Ford, Fried, Gagnon, Grip, Marian Harrington, Hendrick, Herod, Jasper, Keefe, Kelley, Knight, Lamy, Levesque, Lown, Howard Mason, McGlynn, O'Rourke, Bonnie Packard, Pappas, Pressly, Raiche, Reidy, B. P. Smith, Leonard Smith, Snow, Steiner, Mary Sullivan, Sylvia, Van Loan, Geraldine Watson, Harold Watson, Emma Wheeler, Arnold Wight and Winn.

MERRIMACK: Anderson, Bardsley, Bibbo, Bowes, Cate, James Chandler, Fraser, Gilbreth, Gross, Alf Jacobson, Kinhan, Millard, Nichols, Pantzer, Phelps, Rehlander, Linwood Rogers, Gerald Smith, Wallner, West and James Whitemore.

ROCKINGHAM: Benton, Blaisdell, Blanchard, William Boucher, Burdick, Butler, Eunice Campbell, Marilyn Campbell, Champoux, Connors, Conroy, Day, Emanuelson, Felch, Flanagan, Beverly Gage, Thomas Gage, Goss, Elizabeth Greene, Haynes, Hollingworth, Joslyn, George Katsakiores, Phyllis Katsakiores, Krasker, Longworth, Lovejoy, Mace, Robert Mason, Jr., McKinney, Benjamin Moore, Newell, Parr, Pevear, Quimby, Raynowska,



Romoli, Rosencrantz, Seward, Sherburne, Skinner, Sloan, Splaine, Stachowske, Tufts, Vartanian, Vaughn, Walker, Wells and Woodward.

STRAFFORD: Appleby, Bates, Bernard, Bryant, Burton, Chamberlin, Diamant, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Hussey, Robert Jones, Keans, Laurion, Meader, Musler, O'Brien, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr and Franklin Torr.

SULLIVAN: D'Amante, Disnard, Ingram, Paul Johnson, Lindblade, McKee, Normandin, Schotanus and Sara Townsend.

NAYS 108

BELKNAP: Dexter, Golden and Matthew Locke.

CARROLL: Saunders.

CHESHIRE: Grodin, Elmer Johnson, Ridge, Thompson and Young.

COOS: Coulombe, Guay, Lamontagne, Marsh and Theriault.

GRAFTON: Blair, Christy, Duggan, McAvoy and Howard Townsend.

HILLSBOROUGH: Beaupre, Blais, Lionel Boucher, Bourdon, Bourque, Bridgewater, John Burns, Chagnon, Champagne, Chretien, Cox, Donovan, Duperron, Dykstra, Scott Green, Hogan, Holden, Humphrey, George Jones, Katsiaficas, Labombarde, Lozeau, Martin, McCue, Elizabeth Moore, Morrisette, Robert Murphy, Nute, Perham, Prestipino, Reardon, Frances Riley, Sallada, Shriver, Stiles, Stonner, Turgeon, Vanderlosk, Varkas, Kenneth Wheeler, Frank Whittemore and Zis.

MERRIMACK: Barberia, Laurent Boucher, Connolly, Daniell, George E. Gordon, Hager, Hayes, Mary Holmes, Jolley, C. William Johnson, Kidder, Lewis, Arthur Locke, Pannell, Savaria, Shepard and Stio.

ROCKINGHAM: Lawrence A. Chase, Jr., Clay, Ellyson, Flanders, Gourdeau, Kane, Roger King, Magoon, Malcolm, McCain, Palumbo, Popov, Norman Rogers, Sanderson, Schmidtchen, Schwaner, Simon, Sochalski, Sytek and Welch.

STRAFFORD: Berkey, Callaghan, Albert Dionne, Kincaid and Lussier.

SULLIVAN: Brodeur, Call, Domini, Rodeschin and Spaulding, and HB 408 was adopted.

Referred to Appropriations.

HB 219, relative to municipal industrial development authorities. Ought to Pass.

This bill received unanimous consent of Study Committee and unanimous consent of Committee. It improves, and updates authoritative powers of industrial development authorities in areas of financial control. Vote 14-0. Rep. Paul A. Golden for Municipal and County Government.

Ordered to third reading.

HB 491-FN, relative to receiving the total veterans' exemption upon the sale of residential property. Inexpedient to Legislate.

The majority of the Committee is of the opinion this legislation is not required as present law is adequate. However, in some isolated cases local officials are not in compliance and it is hoped in the future, the Department of Revenue Administration will assist and instruct the appropriate local officials in the proper administration

of existing law. Vote 11-5. Rep. George M. West for Municipal and County Government.

Resolution adopted.

HB 72, prohibiting paramilitary training and activity. Inexpedient to Legislate.

Testimony at the public hearing expressed the fears and concerns that the bill was a prelude to gun control, that its enactment would interfere with legitimate outdoor training programs, and that it would preclude rod and gun clubs, archery groups and pistol and rifle range operators from conducting training programs for young people, in the proper and safe handling of weapons. Additionally, others felt that the intent of the bill was in violation of the United States and New Hampshire Constitutions. Vote 10-3. Rep. Robert L. Hyman for Public Protection and Veterans Affairs.

Rep. Benton moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, spoke to his motion and withdrew his motion.

Reps. Welch and Rehlander spoke in favor of the report and yielded to questions.

Rep. Fields spoke in favor of the report.

The Speaker requested a division vote.

183 members having voted in the affirmative and 117 in the negative, the report was adopted.

Resolution adopted.

Rep. Copenhaver notified the Clerk that she wished to be recorded against the report on HB 72.

HB 233, authorizing additional capital improvements in the department of postsecondary vocational-technical education and making an appropriation therefor. Inexpedient to Legislate.

The Committee felt that this will be addressed in the next session because there is a great deal to look at, and it did not want to leave anything out. Vote 10-6. Rep. Lorine Walter for Public Works.

Resolution adopted.

HB 333, making an appropriation to the voc-tech college in Claremont. Ought to Pass with Amendment.

House Bill 333, as amended, will appropriate \$173,000 to remodel an existing building for a much needed library and expand area available for instruction in the Industrial Arts. Vote 13-1. Rep. Robert E. Murphy for Public Works.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Claremont Voc-tech; Library. The sum of \$176,000 is hereby appropriated to the vocational-technical college in Claremont for the purposes of design costs for a library addition to the existing building.

2 Bonds Authorized. To provide funds for the appropriation made in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$176,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. Payments of principal and interest of said bonds and notes shall be made from the general funds of the state. Said bonds shall be 10 year bonds.

3 Effective Date. This act shall take effect July 1, 1986.

Amendment adopted.  
Referred to Appropriations.

HB 386-FN, establishing a study committee to evaluate microwave asphalt concrete road repair. Ought to Pass.

This bill establishes a study committee consisting of 3 members of the House, 3 members of the Senate, one member from the Department of Transportation and one nonvoting member representing the road building contractors in the State, appointed by Governor and Council. Vote 9-7. Rep. Mildred S. Ingram for Public Works.

Ordered to third reading.

HB 326, relative to high-level radioactive waste. Ought to Pass with Amendment.

The bill, as amended, states that New Hampshire is opposed to the siting of a high-level radioactive waste repository in the State. It sets up a procedure for dealing with the federal government through the Office of State Planning, the Council on Resources and Development, and a citizens advisory committee. The federal government is required to comply with various application procedures, including environmental and socioeconomic impact studies, and to negotiate agreements with the State before conducting any high level radioactive waste related activity in the State. Vote 12-0. Rep. Phoebe A. Chardon for State-Federal Relations.

Rep. Chardon moved that HB 326 be recommitted to the Committee on State-Federal Relations.

Adopted.

HB 340, relative to highway construction zones. Ought to Pass. This bill establishes allowance for excess weights for construction equipment loads within a construction zone. The wording of the existing statute is less specific. Vote 12-1. Rep. Irvin H. Gordon for Transportation.

Ordered to third reading.

#### SUSPENSION OF RULES

Rep. Rounds and Chambers moved that the rules be so far suspended as to permit consideration at the present time of HB 145, increasing commissions and purses at horse races, without the required notice in the Calendar.

Adopted by the necessary two-thirds.

HB 145, increasing commissions and purses at horse races. Ought to Pass with Amendment.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Commission and Purse Increased. Amend RSA 284:22, I (supp) as amended by striking out said paragraph and inserting in place thereof the following:

I. The commission on all win, place and show pari-mutuel pools at tracks or race meets at which running horse races are conducted for public exhibition shall be uniform throughout the state at the rate of 19



percent of each dollar wagered in such pools, and the commission on all other pari-mutuel pools at such tracks or race meets shall be uniform throughout the state at the rate of 26 percent of each dollar wagered in such pools. Except as provided in the introductory paragraph of this section, the amount of the purse fund at such tracks or race meets at which running horse races are conducted shall be 8-1/4 percent of each dollar wagered in all pari-mutuel pools, said 8-1/4 percent to be paid by the licensee out of the commission on such pools. In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage", shall be retained by the licensee, and the balance of such breakage shall be paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2. Each licensee shall pay the tax provided for in RSA 284:23. During the calendar years 1986 and 1987 only, the licensee shall add to said purse fund 3/4 of one percent of all pari-mutuel pools at tracks or race meets at which running horse races are conducted, and the state shall add to said purse fund the residual unclaimed thoroughbred pari-mutuel ticket fund left after one year under RSA 284:31 plus 1/2 of the breakage received by the state under this section and 1/2 of the tax received by the state under RSA 284:23, I. Said 1/2 of the tax received by the state under RSA 284:23 and added to said purse fund under the provisions of this section shall not annually exceed \$1,000,000 for each of the calendar years 1986 and 1987.

2 State Tax Increased. Amend RSA 284:23, I (supp) as amended by striking out said paragraph and inserting in place thereof the following:

I.(a) Each person, association or corporation licensed to conduct a running horse race or running horse meet under this chapter shall pay to the state treasurer a sum of money equal to one percent of the total contributions to all win, place and show pari-mutuel pools, and a sum of money equal to 2 percent of the total contributions to all other pari-mutuel pools conducted, made or sold at any such race or meet licensed hereunder, except that during calendar years 1995, 1996 and 1997 only, the tax on such win, place and show pools shall be 1-1/2 percent and the tax on all other pools shall be 3 percent. Of the amount so paid to the state treasurer, a sum equal to 1/4 of one percent of said total payments shall be expended for the promotion of agriculture in the state under the direction of the commissioner of agriculture, and the balance of such payments shall be distributed in accordance with the provisions of RSA 284:2. The payment of the increased tax for the years 1995, 1996, and 1997 to reimburse the state for its contribution to the purse fund under RSA 284:22, I shall be secured under the same terms and conditions as the subordinated revenue bonds issued by the industrial development authority dated December 23, 1983, after said bonds have been paid, except that the rights of the state shall be subordinate to the rights of the industrial development authority and the bondholders. Any release of the state as a lien creditor shall be subject to the prior approval of the fiscal committee and with the approval of governor and council.

(b) Each person, association, or corporation licensed to conduct a running horse race or running horse race meet under this chapter and each mortgagee of the bonds of the industrial development authority dated December 23, 1983, shall annually submit audited financial reports to the legislative budget assistant during the calendar years 1986, 1987, and 1988.

(c) Nothing in this section shall be construed as to entitle the state to both the payment of the increased tax for the years 1995, 1996, and 1997 and an amount equal to 1/2 of one percent of all win, place and show pools and one percent of all other pools for the calendar years 1986, 1987, and 1988.

3 Commission and Purse Increased. Amend RSA 284:22, I (supp) as amended by striking out said paragraph and inserting in place thereof the following:

I. The commission on all win, place and show pari-mutuel pools at tracks or race meets at which running horse races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the commission on all other pari-mutuel pools at such tracks or race meets shall be uniform throughout the state at the rate of 26 percent of each dollar wagered in such pools. Notwithstanding any other provision of law, the amount of the purse fund at such tracks or race meets at which running horse races are conducted shall be 8-1/4 percent of each dollar wagered in all pari-mutuel pools, said 8-1/4 percent to be paid by the licensee out of the commission on such pools. In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage", shall be retained by the licensee in addition to the commission above provided, and the balance of such breakage shall be paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2. Each licensee shall pay the tax provided for in RSA 284:23. During the calendar years 1987 and 1988 only, the licensee shall add to said purse fund 3/4 of one percent of all pari-mutuel pools at tracks or race meets at which running horse races are conducted, and the state shall add to said purse fund the residual unclaimed thoroughbred pari-mutuel ticket fund left after one year under RSA 284:31 plus 1/2 of the breakage received by the state under this section and 1/2 of the tax received by the state under RSA 284:23, I; during the calendar years 1995, 1996 and 1997 only, 3/4 of said breakage shall be paid to the state and 1/4 to the licensee. Said 1/2 of the tax received by the state under RSA 284:23 and added to said purse fund under the provisions of this section shall not annually exceed \$1,000,000 for each of the calendar years 1987 and 1988.

4 Effective Date.

I. Section 3 of this act shall take effect at 12:01 a.m. on July 1, 1987.

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

Reps. LaMott, Michael King and Kenneth MacDonald explained the amendment and yielded to questions.

Rep. Ward spoke against the amendment and yielded to questions.

Rep. Marilyn Campbell spoke in favor of the amendment.

Rep. Carragher moved the previous question. Sufficiently seconded.

Adopted.

Amendment adopted.

Rep. James Chandler offered an amendment.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Commission and Purse Increased. Amend RSA 284:22, I (supp) as amended by striking out said paragraph and inserting in place thereof the following:

I. The commission on all win, place and show pari-mutuel pools at tracks or race meets at which running horse races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the commission on all other pari-mutuel pools at such tracks or race meets shall be uniform throughout the state at the rate of 26 percent of each dollar wagered in such pools. Except as provided in the introductory paragraph of this section, the amount of the purse fund at such tracks or race meets at which running horse races are conducted shall be 8-1/4 percent of each dollar wagered in all pari-mutuel pools, said 8-1/4 percent to be paid by the licensee out of the commission on such pools. In addition to the

above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage", shall be retained by the licensee, and the balance of such breakage shall be paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2. Each licensee shall pay the tax provided for in RSA 284:23. During the calendar years 1986 and 1987 only, the licensee shall add to said purse fund 3/4 of one percent of all pari-mutuel pools at tracks or race meets at which running horse races are conducted, and the state shall add to said purse fund the residual unclaimed thoroughbred pari-mutuel ticket fund left after one year under RSA 284:31 plus 1/2 of the tax received by the state under RSA 284:23, I. Said 1/2 of the tax received by the state under RSA 284:23 and added to said purse fund under the provisions of this section shall not annually exceed \$800,000 for each of the calendar years 1986 and 1987.

2 State Tax Increased. Amend RSA 284:23, I (supp) as amended by striking out said paragraph and inserting in place thereof the following:

I.(a) Each person, association or corporation licensed to conduct a running horse race or running horse meet under this chapter shall pay to the state treasurer a sum of money equal to one percent of the total contributions to all win, place and show pari-mutuel pools, and a sum of money equal to 2 percent of the total contributions to all other pari-mutuel pools conducted, made or sold at any such race or meet licensed hereunder, except that during calendar years 1995, 1996 and 1997 only, the tax on such win, place and show pools shall be 1-1/2 percent and the tax on all other pools shall be 3 percent. Of the amount so paid to the state treasurer, a sum equal to 1/4 of one percent of said total payments shall be expended for the promotion of agriculture in the state under the direction of the commissioner of agriculture, and the balance of such payments shall be distributed in accordance with the provisions of RSA 284:2. The payment of the increased tax for the years 1995, 1996, and 1997 to reimburse the state for its contribution to the purse fund under RSA 284:22, I shall be secured under the same terms and conditions as the subordinated revenue bonds issued by the industrial development authority dated December 23, 1983, after said bonds have been paid, except that the rights of the state shall be subordinate to the rights of the industrial development authority and the bondholders. Any release of the state as a lien creditor shall be subject to the prior approval of the fiscal committee and with the approval of governor and council.

(b) Each person, association, or corporation licensed to conduct a running horse race or running horse race meet under this chapter and each mortgagee of the bonds of the industrial development authority dated December 23, 1983, shall annually submit audited financial reports to the legislative budget assistant during the calendar years 1986, 1987, and 1988.

(c) Nothing in this section shall be construed as to entitle the state to both the payment of the increased tax for the years 1995, 1996, and 1997 and an amount equal to 1/2 of one percent of all win, place and show pools and one percent of all other pools for the calendar years 1986, 1987, and 1988.

3 Commission and Purse Increased. Amend RSA 284:22, I (supp) as amended by striking out said paragraph and inserting in place thereof the following:

I. The commission on all win, place and show pari-mutuel pools at tracks or race meets at which running horse races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the commission on all other pari-mutuel pools at such tracks or race meets shall be uniform throughout the state at the rate of 26 percent of each dollar wagered in such pools. Notwithstanding any other provision of law, the amount of the purse fund at such tracks or race meets at which running horse races are conducted shall be 8-1/4 percent of each dollar wagered in all pari-mutuel pools, said 8-1/4 percent to be paid by the licensee out of the commission



on such pools. In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage", shall be retained by the licensee in addition to the commission above provided, and the balance of such breakage shall be paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2. Each licensee shall pay the tax provided for in RSA 284:23. During the calendar years 1987 and 1988 only, the licensee shall add to said purse fund 3/4 of one percent of all pari-mutuel pools at tracks or race meets at which running horse races are conducted, and the state shall add to said purse fund the residual unclaimed thoroughbred pari-mutuel ticket fund left after one year under RSA 284:31 plus 1/2 of the tax received by the state under RSA 284:23, I; during the calendar years 1995, 1996 and 1997 only. Said 1/2 of the tax received by the state under RSA 284:23 and added to said purse fund under the provisions of this section shall not annually exceed \$800,000 for each of the calendar years 1987 and 1988.

4 Effective Date.

I. Section 3 of this act shall take effect at 12:01 a.m. on July 1, 1987.

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

Hearing no objection, the Speaker advised the Clerk to dispense with the reading of the amendment.

Rep. James Chandler explained the amendment.

Reps. Rounds and Chambers spoke against the amendment.

Amendment lost.

The Speaker requested a division.

259 members having voted in the affirmative and 71 in the negative, HB 145 was ordered to third reading.

SUSPENSION OF RULES

Reps. Rounds and Chambers moved that HB 145, increasing commissions and purses at horse races, be ordered to third reading and final passage at the present time.

Adopted by the necessary two-thirds.

Third reading and final passage.

HB 145, increasing commissions and purses at horse races.

RECESS

AFTER RECESS

(Speaker in the Chair)

RECONSIDERATION

Rep. Chardon moved that the House reconsider its action whereby it recommitted HB 326, relative to high-level radioactive waste, to the Committee on State-Federal Relations, and spoke to her motion.

Adopted.

HB 326, relative to high-level radioactive waste.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter; Radioactive Waste Act. Amend RSA by inserting after chapter 125-D the following new chapter:

CHAPTER 125-E  
RADIOACTIVE WASTE ACT

125-E:1 Statement of Policy. The legislature opposes the siting of a high-level radioactive waste facility in the state of New Hampshire and finds that the northeast is an unsafe and hydrogeologically and geologically inappropriate area in which to locate a site for the permanent disposal of high-level radioactive waste. The legislature further finds that it is in the best interests of the state to establish procedures to provide advocacy for the people of the state before the federal government and for a maximum of public participation in the assessment process in order to assure that the federal Department of Energy will consider the unique features of the state and the needs of the people of the state when assessing the state as a potentially suitable location for the long-term or temporary storage or permanent disposal of high-level radioactive waste.

125-E:2 Definitions. In this chapter:

I. "Committee" means the nuclear waste policy advisory committee.

II. "Consultation" means the sharing of information on planned nuclear waste programs and activities and the right of others to review, comment, and offer recommendations on such activities.

III. "Council" means the council on resources and development established under RSA 162-C:1 which shall serve as the nuclear waste technical review committee.

IV. "Densely populated area" means any area in which more than 500 people are located within the proposed control area of a proposed site of a permanent repository for the disposal of radioactive waste.

V. "Federal Department of Energy" means the United States Department of Energy or any successor agency, including its contractors or subcontractors, which is assigned responsibility for the long-term or temporary storage or permanent disposal of high-level radioactive waste or any waste not classified as low-level radioactive waste by the Nuclear Regulatory Commission.

VI. "High-level radioactive waste" means:

(a) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations;

(b) other highly radioactive material that the Nuclear Regulatory Commission, consistent with existing law, has determined by rule requires permanent isolation; and

(c) any nuclear waste not classified as low-level radioactive waste by the Nuclear Regulatory Commission.

VII. "Office" means the office of state planning.

VIII. "Nuclear" means high-level radioactive.

IX. "State radiation control agency" means the division of public health services, department of health and human services, as designated by RSA 125:59.

125-E:3 Office of State Planning.

I. The office of state planning shall serve as the initial agency in this state to be contacted by the federal Department of Energy or any other federal agency on any matter related to the long-term or temporary storage or permanent disposal of high-level radioactive waste.

II. The office shall serve as the initial agency in this state to receive any report, study, document, information or notification of proposed plans from the federal Department of Energy or any other federal agency on any matter related to the long-term or temporary storage or permanent disposal of high-level radioactive waste. Notification of

proposed plans includes notification of proposals to conduct field work, on-site evaluation, on-site testing, or any other related studies, or any activities involving federal presence in New Hampshire related to the long-term or temporary storage or permanent disposal of high-level radioactive waste.

III. The office shall disseminate or arrange with the federal Department of Energy or other federal agency to disseminate in a timely manner information received under paragraph II to the council, the committee, appropriate state agencies, appropriate local units of government, and interested citizen groups and citizens.

IV. The office, in accordance with the recommendations and advice of the council and committee, shall respond to contacts made under paragraph I and information received under paragraph II if a response is appropriate. The office shall consult with the council, the committee, appropriate state agencies, and affected local units of government. The council and the committee may prepare written comments for use by the office in preparing its response.

V. The office shall provide staff and support services to the committee, as the committee may require.

VI. The office, in consultation with the council and the committee, shall adopt rules, under RSA 541-A, relative to procedures necessary to enable it to discharge its duties and powers under this chapter and to carry out the purposes and objectives of this chapter, including but not limited to:

- (a) The further definition of "related studies" in RSA 125-E:3, II;
- (b) The further definition of the term "timely manner" in RSA 125-E:3, III;
- (c) The further definition of "interested citizen groups" in RSA 125-E:3, III;
- (d) Application requirements under RSA 125-E:7, VI;
- (e) The procedures for its review of fund applications under RSA 125-E:10, including further definition of what is consistent with the state's nuclear waste policy, and what is in the best interest of the state relative to the long-term or temporary storage or permanent storage of high-level radioactive waste; and

(f) Application and permit requirements for site studies, in addition to the requirements under RSA 125-E:13.

#### 125-E:4 Nuclear Waste Policy Advisory Committee.

I. The nuclear waste policy advisory committee is hereby created. The committee shall exercise the powers and duties and discharge the responsibilities as provided in RSA 125-E:5. The committee shall consist of the following members: one member of the house of representatives to be appointed by the speaker of the house; one member of the senate to be appointed by the senate president; one public member to be appointed by the speaker of the house; one public member to be appointed by the senate president; 4 members to be appointed by the governor, at least one of whom shall be the governor's representative and at least 2 of whom shall be public members, one of the public members to be from a county in which a proposed facility may be located; the director of the state radiation control agency or his designee; and the state geologist.

II. The original appointments of the committee shall be made not later than January 1, 1987. Terms of office shall begin on January 1, 1987, and shall last for a period of 2 years. Vacancies in office shall be filled by appointment in the same manner as the original appointment to the position which becomes vacant. An appointment to fill a vacancy other than by expiration of a term of office shall be for the balance of the unexpired term. The committee shall elect a chairman from among its members, who shall serve for a term of 2 years.

III. The members of the committee may receive reimbursement for mileage and actual expenses incurred in the performance of their duties.



Members of the committee who are state employees shall be reimbursed for those expenses incurred which are authorized.

IV. Provided that funding is available, the members of the committee may receive per diem compensation for each day spent in the actual discharge of their duties when attending a meeting of the committee or on other authorized committee business.

125-E:5 Responsibilities and Duties of the Committee. The responsibilities and duties of the committee shall include, but not be limited to, the following:

I. To recommend state nuclear waste policy to the office of state planning and to advise the office on any matters relating to such policy, including matters to be addressed in memoranda of understanding and in other agreements with the federal Department of Energy.

II. To recommend legislative proposals related to nuclear waste for consideration by the New Hampshire legislature.

III. To review all data, plans, conclusions and other documents produced by the federal Department of Energy, which relate to any phase of high-level nuclear waste programs or activities.

IV. With the cooperation of the office, to hear and evaluate public comment and make appropriate recommendations to the office and the legislature.

V. To advise the office on socioeconomic issues which have an impact on affected areas as a result of activities proposed or conducted under this chapter. Socioeconomic issues shall include, but not be limited to, transportation of nuclear waste and population density, including seasonal population.

VI. To critically review and comment on any environmental and socioeconomic impact statements, studies, or lack of such, including transportation risks and concerns.

125-E:6 Nuclear Waste Technical Review Council.

I. The nuclear waste technical review council is hereby created. The council shall exercise the powers and duties and discharge the responsibilities as provided in RSA 125-E:7.

II. The council shall originally consist of the following 15 members who are also members of the council on resources and development: the commissioner of the department of agriculture; the commissioner of the department of education; the executive director of the fish and game department; the commissioner of transportation; the executive director of the water supply and pollution control commission; the chairman of the water resources board; the commissioner of the department of resources and economic development; the director of the division of economic development; the director of the division of forests and lands; the director of the division of parks and recreation; the director of the office of state planning who shall serve as the chairman; the commissioner of the department of safety; and the director of the division of public health services; the director of air resources; and the director of civil defense.

125-E:7 Responsibilities and Duties of Council; Application and Review Process. The responsibilities and duties of the council shall include, but not be limited to, the following:

I. To advise the office and the committee on all technical matters related to high-level nuclear waste activities within the state.

II. To assist and to advise the office and committee in formulating studies, plans, and other implementations of the state nuclear waste program.

III. To assist in the implementation of directives of the office and committee which relate to the state nuclear waste program.

IV. To perform a critical review of all data and documents produced by the federal Department of Energy which relate to any phase of high-level nuclear waste activities and to submit comments on such data and documents to the office.

V. To provide technical information to the attorney general and the legislature which will assist their efforts to assure the health, safety, and welfare of the citizens of the state.

VI. To perform initial review of all applications to conduct nuclear waste related activities within the state. Such review, to be completed within 90 days of receipt of the application, shall determine if the application is in compliance with the requirements of this chapter. Upon completion of such review, the council shall either:

(a) File the application with the office for its consideration. The office shall then deny, grant, or grant with certain conditions, requirements or stipulations the application to conduct the proposed nuclear waste activities; or

(b) Notify the applicant that the requirements of this chapter have not been met or satisfactorily completed and return the application for resubmittal. Such notification to applicants shall include a listing of deficiencies in complying with application procedures; provided, however, that the applicant may reapply by submitting the original application with amendments listing provisions which satisfy previous deficiencies in the application.

125-E:8 Office, Council, and Committee as Advocates. The office, the council, and the committee shall serve as advocates on behalf of the citizens of this state before the federal Department of Energy and other federal agencies on matters related to the long-term or temporary storage or permanent disposal of high-level radioactive waste.

125-E:9 Educational Programs. The office shall promote and coordinate educational programs which provide information on the nature of high-level radioactive waste; the long-term or temporary storage or permanent disposal of these wastes; the activities of the office, the council, and the committee; and the activities of the federal Department of Energy and other federal agencies related to the long-term or temporary storage or permanent disposal of high-level radioactive waste.

125-E:10 Review of Fund Applications. The office, in consultation with the council and the committee, shall review any application to the federal Department of Energy or other federal agency or its contractor, by a state agency, or any other person including the state institutions of higher learning, a local unit of government, or a regional planning commission or any other person for funds for any program related to the long-term or temporary storage or permanent disposal of high-level radioactive waste. If the office finds that the application is not consistent with the state's nuclear waste policy or that the application is not in the best interests of the state, the office, after consultation with the council and the committee, shall forward its findings to the governor, the speaker of the house of representatives and the president of the senate, and the federal agency to which the application for funds is being made. If the office finds that the application of a state agency is not consistent with the state's nuclear waste policy or that the application of a state agency is not in the best interests of the state, the findings forwarded to the governor shall include a recommendation that the governor take action as necessary to safeguard the interests of the state by stipulating certain conditions for the acceptance of the funds.

125-E:11 Office to Cooperate With Congress and With Other States. The office, in consultation with the council and the committee, shall monitor activity by Congress and the federal government related to the long-term or temporary storage or permanent disposal of high-level radioactive waste. The office, in consultation with the committee, may advise the New Hampshire congressional delegation of action which is necessary to protect the interests of the state and may work with the congressional delegations and the state governments of other affected northeastern states.

125-E:12 State to Intervene. In appropriate cases, the office, in consultation with the committee, shall request the state attorney general to institute or intervene in judicial proceedings to protect the state's

interests, enforce the state's policy, and present the state's point of view on matters related to the long-term or temporary storage or permanent disposal of high-level radioactive waste.

125-E:13 Application for Area or Site Studies. A separate application shall be made for each stage of the process of evaluating and selecting a site for the long-term or temporary storage or permanent disposal of high-level radioactive waste. An application to conduct area or site characterization studies or any phase of such a study which is filed pursuant to this chapter shall contain the following information and materials:

I. A description of the proposed activities, including maps, present and proposed development, and geological, seismic, ecological, hydrological, biological, aesthetic, social, demographic and related data, as appropriate.

II. A statement of the ownership and other financial interests in the proposed facility.

III. An estimate of the costs of the proposed activities, if any, and the source of the funds.

IV. A statement of the need for the proposed activities, including the source, type, and composition of the nuclear waste proposed to be received for storage or disposal at the facility.

V. A statement of the environmental impact of the proposed action, including short-term and long-term effects, mitigation measures proposed to minimize the environmental impact, and any adverse environmental effects which could not be avoided should the facility be constructed, maintained and operated.

VI. A statement of the socioeconomic impact of the proposed action, including the short-term and long-term effects, mitigation measures proposed to minimize the socioeconomic impact, and any adverse socioeconomic effects which could not be avoided should the facility be constructed, maintained and operated.

VII. An assessment of the safety and adequacy of in-state transportation access to the site for construction and maintenance purposes.

VIII. A complete resume of the applicant's expertise and experience in all other fields of study in relation to high-level radioactive waste storage and disposal, including the general conclusions, technical results, and findings of those activities.

125-E:14 Further Requirements for Site Studies.

I. Prior to the initiation of each and every phase of nuclear waste site characterization activities, including area characterization, the office shall require that a written agreement between the federal Department of Energy and the state shall be concluded in accordance with the provisions of RSA 125-E:13, 16 and 17.

II. At the completion of each phase of site characterization, including area characterization, and prior to the initiation of any subsequent phase of investigation, the federal Department of Energy shall prepare and administer an oral briefing for the office, the council, the committee, interested members of the legislature, and the governor's office, collectively, in which a synopsis of the previously completed study phase is detailed. The briefing shall include, at a minimum, the significant findings of the study, including those findings which could possibly preclude the site from being developed into a repository for the long-term or temporary storage or permanent disposal of high-level radioactive waste. Any noted deficiencies in the data base, interpretation of the data base, or conclusions or recommendations regarding the data base, cited in writing by the technical community of the state or recorded in public hearings in the state, shall be addressed in the briefing. The methods by which those deficiencies were resolved or are to be addressed shall be identified by the Department of Energy during the briefing. The office in consultation with the council and the committee shall determine the adequacy of the resolution of the noted



deficiencies and shall prepare a written report of their findings. The office shall transmit the findings with a recommendation concerning a future course of action to the governor, the senate president, and the speaker of the house of representatives. If the findings and the recommendations indicate adequate identification of deficiencies and their resolution, the governor may recommend adoption of a joint resolution authorizing initiation of additional phases of site characterization. If the findings and the recommendations indicate inadequate identification of deficiencies or their inadequate resolution, the governor may recommend that the conflict resolution procedure outlined in the agreement be initiated.

125-E:15 Office as Agent for Agreements.

I. The office shall serve as the agency in this state to negotiate written nuclear waste site characterization agreements and modifications or technical revisions to these agreements with the federal Department of Energy on any matter related to the long-term or temporary storage or permanent disposal of high-level radioactive waste.

II. The office shall serve as the agency in this state to negotiate such written agreements and modifications or technical revisions to these agreements with any federal agency other than the federal Department of Energy on any matter related to the long-term or temporary storage or permanent disposal of high-level radioactive waste.

III. The office shall consult with the council, the committee, and the attorney general during the negotiation of any agreement or modification or technical revisions to an agreement executed under paragraph I or II. The council, the committee, and the attorney general shall prepare such written comments on any agreement or draft agreement being negotiated by the office as may be appropriate and necessary.

IV. The office in concert with the committee shall hold at least one public hearing within the county or counties in which the site is located on any proposed agreement or modification or technical revision to an agreement negotiated under paragraph I or II. The office shall issue 30 days' notice of the date and location of hearings conducted under this section. The office shall prepare a written summary of testimony presented at hearings conducted under this section and shall consider the need for modifications or technical revisions to the negotiated agreement as a result of the hearing.

125-E:16 Agreements with the Federal Department of Energy.

I. The office of state planning shall negotiate separate agreements with the federal Department of Energy concerning different stages of the process of evaluating and selecting a site for the long-term or temporary storage or permanent disposal of high-level radioactive waste. The office shall negotiate a separate agreement with the federal Department of Energy for the final stages of the selection of any site for the long-term or temporary storage or permanent disposal of high-level radioactive waste.

II. Any agreement negotiated by the office with the federal Department of Energy under RSA 125-E:15 shall include, but not be limited to:

(a) A general description of the roles of the state and the federal Department of Energy in the execution of the agreement.

(b) A compliance schedule which includes a list of significant events and stages which are expected to be reached as the federal Department of Energy assesses the suitability of the site for the long-term or temporary storage or permanent disposal of high-level radioactive waste and a description of the actions to be taken by the federal Department of Energy and the state at each event and stage.

(c) The criteria that the federal Department of Energy shall use in evaluating the suitability of any site in the state for the long-term or temporary storage or permanent disposal of high-level radioactive waste.

(d) A requirement that the federal Department of Energy shall comply with all federal laws, state laws and local ordinances and shall respect state sovereignty consistent with the United States Constitution and the Tenth Amendment to the United States Constitution, regardless of the ownership of the land on which the activity takes place.

(e) A requirement that the federal Department of Energy and any of its contractors or subcontractors shall provide the office with all reports and documents the office requests and any other relevant reports and documents in a timely manner and in accordance with any applicable law, regulation, or rule. The requirement shall specify that the federal Department of Energy shall not charge a fee for searching for or for supplying reports and documents requested by the office. The requirement shall specify that the federal Department of Energy shall provide the office with all reports and documents from contractors and subcontractors after the reports and documents are submitted to the federal Department of Energy, regardless of whether the reports and documents have received the final approval of the Department of Energy.

(f) A requirement that, upon request by the office, the federal Department of Energy shall provide the date, methods and underlying assumptions used in the preparation of reports and documents in accordance with any applicable law, regulation, or rule.

(g) A requirement that the federal Department of Energy shall notify the office of any grants related to the long-term or temporary storage or permanent disposal of high-level radioactive waste from the federal Department of Energy to any person in this state.

(h) A requirement that the federal Department of Energy shall notify the office in a timely manner of any proposed field work, on-site evaluation, on-site testing, or similar activities it or any contractor or subcontractor intends to conduct and a requirement that the Department of Energy shall allow the office to monitor these activities by any appropriate means.

(i) A requirement that the federal Department of Energy shall provide the office in a timely manner with a copy of any requests for proposals and final contracts issued by the Department of Energy relating to the evaluation, selection, or construction of a site for the long-term or temporary storage or permanent disposal of high-level radioactive waste in this state.

(j) A provision that the federal Department of Energy shall agree to provide funds to be used to provide educational programs as set forth in RSA 125-E:9 and to review the activities of the Department of Energy and its contractors and subcontractors which relate to assessing the suitability of the site for the long-term or temporary storage or permanent disposal of high-level waste.

(k) A process for resolving disputes between the office and the federal Department of Energy, including disputes concerning alleged violations of the written agreement and disputes concerning technical assessments made by the Department of Energy. The process for resolving disputes concerning technical assessments made by the federal Department of Energy may involve a process of scientific review and mediation by an impartial and independent person.

(l) A requirement that the federal Department of Energy and the office shall identify impacts, including but not limited to, economic impacts associated with studies related to the characterization of an area or site for its potential as a repository or the impacts associated with the development of a site as a repository for the long-term or temporary storage or permanent disposal of high-level radioactive waste and that the Department of Energy will provide a mechanism to mitigate those impacts.

(m) A requirement that if the federal Department of Energy selects a site in the state for construction of a repository for the long-term or temporary storage or permanent disposal of high-level radioactive waste, the Department of Energy shall prepare, prior to submission of an application to license or construct the repository, a

repository plan which shall include descriptions of the Department of Energy's plans for construction of the repository, transportation of wastes to the repository, operation of the repository, closing of the repository, and monitoring of the repository after closure.

(n) A requirement that the location of any site for the long-term or temporary storage or permanent disposal of high-level radioactive waste shall not be in a densely populated area.

(o) A requirement that the federal Department of Energy shall develop in cooperation with state and local officials an emergency response plan.

III. Any agreement negotiated by the office with the federal Department of Energy under RSA 125-E:15 shall include a list of reasons for which the office may object to the selection of a site within this state for the long-term temporary storage or permanent disposal of high-level radioactive waste. These reasons shall include, but not be limited to, the following:

(a) The site or the transportation of waste to the site poses a danger to public health and safety or to the environment.

(b) The federal Department of Energy fails to address to the satisfaction of the office the potential socioeconomic effects of the site or of the transportation of waste to the site.

(c) The federal Department of Energy is violating or has violated a written agreement or revision approved under RSA 125-E:14.

(d) In the judgment of the office, the federal Department of Energy fails to comply with criteria, regulations, or standards of other federal agencies concerning the long-term or temporary storage or permanent disposal of high-level radioactive waste, including criteria which excludes a proposed site from consideration because of previous mining or drilling of any type within the area which could be affected by the construction of the site or by the heat resulting from the long-term or temporary storage or permanent disposal of high-level radioactive waste at the site.

(e) In the judgment of the office, the federal Department of Energy fails to use generally accepted scientific and technical practices in evaluating the suitability of a site for the long-term or temporary storage or permanent disposal of high-level radioactive waste.

IV. Any agreement negotiated by the office with the federal Department of Energy which does not comply with the requirements or standards prescribed in this section shall be void and of no effect.

125-E:17 Agreements to Be Submitted to Governor. The office shall submit any written agreement or modification or technical revision to an agreement negotiated under RSA 125-E:15, approved by the office, and approved by the federal Department of Energy or other federal agency to the governor. The office shall submit with the agreement, modification, or technical revision a written summary of the hearings held under RSA 125-E:15.

125-E:18 Review of Site Selection; Recommendation.

I. If the federal Department of Energy selects a site in the state for construction of a repository for the long-term or temporary storage or permanent disposal of high-level radioactive waste, the office shall review the adequacy of the selected site and of the repository plan prepared by the federal Department of Energy pursuant to RSA 125-E:16, II(m). The review shall include a full scientific review of the adequacy of the selected site and the repository plan. The office shall solicit written comments on the selected site and the repository plan from the council and the committee. The office may utilize recognized experts in conducting its scientific review. The office shall conduct at least one public hearing in the affected county on the repository plan and shall make available to the public arguments and evidence for and against the repository plan. The office shall provide 30 days' notice of the date and location of the public hearing. The office shall solicit comments from appropriate state agencies, local units of government, and interested



citizen groups on the adequacy of the selected site and the repository plan. The office shall make these comments available to the public.

II. After completing the review, the office shall submit a recommendation, complete with supporting reasons for the recommendation, to the speaker of the house of representatives, the senate president, and the governor on the issue of the site and repository plan selected by the federal Department of Energy. The governor, after review of the recommendation and findings of the office, may confer with the office, council, committee, representatives of state agencies, institutions of higher learning, or representatives of the affected county or locality. The governor, thereafter, shall recommend appropriate legislation to the legislature relating to the establishment of a long term or temporary storage or permanent disposal facility for high-level radioactive waste. There shall be no further activity by the Department of Energy related to the long term or temporary storage or permanent disposal of high-level radioactive waste in the state while legislation proposed by the governor or the legislature relative to such topic is being considered by the legislature.

125-E:19 Office to Implement Agreements. The office, in consultation with the committee and the council, shall implement all agreements, modifications, and technical revisions approved pursuant to this chapter. In doing so, the office may solicit the views of appropriate state agencies, local units of government, and interested citizen groups.

125-E:20 Finance. The office shall attempt to finance all of its expenses from moneys received from the federal Department of Energy and other federal agencies and from other grants for which the office may apply. Expenses of the committee members to attend meetings shall be reimbursed by the office from these funds.

125-E:21 Assistance From State Agencies. The office shall rely on the expertise of staff in other state agencies and may utilize recognized experts to assist the office in its duties whenever possible, and these other state agencies shall assist the office as much as possible in fulfilling its duties.

125-E:22 Enactment of Chapter Not Acceptance. Nothing in this chapter shall be interpreted by the federal government or the federal Department of Energy as acceptance by the people of this state of a site for the long-term or temporary storage or permanent disposal of high-level radioactive waste.

125-E:23 Penalties. Any person who is convicted of violating the provisions of this chapter shall be guilty of a misdemeanor and, notwithstanding the provisions of title LXII, shall be punished by a fine of \$1,000 for each day upon which the violation occurred. Upon violation or upon reasonable belief of violation of this section, the attorney general shall institute proceedings for injunctive relief in the superior court of the county in which the violation occurred to require the immediate cessation of any testing, on-site evaluation, or any other site evaluation or selection procedure regarding possible use of any crystalline rock formation or other geologic structure within the jurisdiction of the state, the immediate cessation of transportation of high-level radioactive waste or other high-level radioactive material to the site, and the immediate removal from the state of such materials already located on the site.

2 Statutes Applicable; Federal Department of Energy. The federal Department of Energy shall be subject to the provisions of this act and subject to all other applicable state laws in effect or which may become effective, including, but not limited to, all state laws relative to mining, surface water and groundwater during all phases of any attempt to site a radioactive waste storage facility in the state, including any preliminary tests or feasibility studies to site such a facility. Any disposal or storage within the state of New Hampshire shall be made in strict adherence to regulations established by any agency of the federal government, including but not limited to, the Environmental Protection

Agency, the Nuclear Regulatory Commission, and the Department of Energy, and shall be in strict compliance with any rules adopted by the state radiation control agency in strict compliance with and the provisions of this chapter.

3 CORD Membership. Amend RSA 162-C:1 as inserted by 1963, 301:1 as amended by striking out said section and inserting in place thereof the following:

162-C:1 Council Established. There shall be a council on resources and development composed of 15 members as follows: commissioner of the department of agriculture; commissioner of the department of education; executive director of the fish and game department; commissioner of the department of transportation; the executive director of the water supply and pollution control commission; chairman of the water resources board; commissioner of the department of resources and economic development; director of the division of economic development; director of the division of forests and lands; director of the division of parks and recreation; the director of the office of state planning; the commissioner of the department of safety; the director of the division of public health services; the director of the air resources agency; and the director of civil defense.

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

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

Amendment adopted.

Rep. Hollingworth offered an amendment.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to high-level radioactive waste  
and making an appropriation therefor.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Appropriation. The sum of \$25,000 is hereby appropriated for the fiscal year ending June 30, 1987, to the office of state planning for the purposes of administering the provisions of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

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

The Clerk read the amendment.

Rep. Hollingworth explained the amendment.

Rep. Chardon spoke against the amendment and yielded to questions.

Rep. M. Arnold Wight spoke against the amendment.

Amendment lost.

Rep. Daniell offered an amendment.

Amendment

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Voter Approval Required. Amend RSA 125 by inserting after section 77-f the following new section:

125:77-g Referendum Required.

I. Notwithstanding RSA 125-E, no license shall be issued for any high-level or low-level nuclear waste disposal facility of any kind whether above ground or in the ground without first receiving the approval of a simple majority of the voters of the state on the following question: "Are you in favor of allowing a license to be issued for a radioactive waste disposal facility in the town of \_\_\_\_\_ (insert name of town, city or unincorporated place)?"

II. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" and "No". If no cross is made in either of the squares, the ballot shall not be counted on the question.

III. If a majority of those voting on the question vote "Yes" the license may be issued.

IV. The question shall be placed on the official ballot of any state-wide election.

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

The Clerk read the amendment.

Rep. Daniell explained the amendment.

Rep. Chardon spoke against the amendment.

A Roll call was requested. Insufficiently seconded.

The Speaker requested a division.

33 members having voted in the affirmative and 254 in the negative, the amendment lost.

Ordered to third reading.

HB 343-FN, making a supplemental appropriation to the special railroad fund and making the debt service on railroad improvement bonds a charge against the general fund. Ought to Pass with amendment.

This bill authorizes the payment from the General Fund of principal and interest for New Hampshire bonds known as Railroad Bonds. It also restructures the Special Railroad Fund with disbursements from fund to be approved by Fiscal Committee and Governor and Council for Railroad Division of the Department of Transportation. Vote 18-0. Rep. Robert G. Holbrook for Appropriations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

making the debt service on railroad improvement bonds a charge against the general fund and authorizing an appropriation and use of the special railroad fund.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Amortization of Bonds. Amend 1974, 49:4 by striking out said section and inserting in place thereof the following:

49:4 Amortization of Bonds. The interest and principal on bonds, notes, or loans under section 3 of this act shall, beginning July 1, 1986, be a charge on the general funds of the state and are hereby appropriated therefor.

2 Appropriation and Use of Special Railroad Fund. Amend RSA 228:69 as inserted by 1981, 568:55 by striking out said section and inserting in place thereof the following:



228:69 Appropriation and Use of Special Railroad Fund. Any moneys deposited in the special fund established by RSA 228:68 are hereby appropriated to be expended by the commissioner with prior approval of the fiscal committee and the approval of governor and council only for the purchase or paying for the operation and the maintenance of railroad properties to be acquired or which have been acquired pursuant to the provisions of this subdivision.

3 Effective Date. This act shall take effect July 1, 1986.

Amendment adopted.  
Ordered to third reading.

HB 95, amending the definition of a municipal utility in RSA 374-A to include counties. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: House Bill 95 adds the word "county" to RSA 374-A:1. Testimony at this time shows that there is no demand for this by any county. If, in the future, some county desires to become a utility engaged in the generation and distribution of electricity, then the word can be added. Vote 14-1. Rep. C. Dana Christy for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: This bill changes one word only in the existing law, adding counties to the existing definition of municipality along with cities, towns and villages, as the law now stands. It would have been very helpful to Cheshire County when Swanzey, Keene and Marlborough were under orders to create sewage disposal systems. Rep. Lawrence J. Guay for the Minority of Commerce, Small Business and Consumer Affairs.

Rep. Guay moved that HB 95 be recommitted to the Committee on Commerce, Small Business and Consumer Affairs, and spoke to his motion. Rep. Quimby spoke in favor of the motion.  
Adopted.

HB 227-FN, making a supplemental appropriation for matching funds for vocational rehabilitation. Ought to Pass.

This bill appropriates an additional \$16,666 for FY 1986 and \$22,222 for FY 1987 to enable the State to receive an additional \$350,000 in federal matching funds. This money would be used to provide vocational rehabilitation services to a greater number of people within the State. Vote 14-0. Rep. Karen O. Wadsworth for Education.

Rep. Young spoke to the report.  
Rep. Wadsworth explained the report and yielded to questions.  
Rep. William Boucher spoke in favor of the report and yielded to questions.  
Referred to Appropriations.

HB 264-FN, increasing fees for certain fish and game licenses. Ought to Pass with Amendment.

The increases in all fish and game licenses were made with consideration for the hunters and fishermen, as well as for monetary considerations to the Fish and Game Department. Vote 11-3. Rep. Robert D. Hussey for Fish and Game.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

increasing fees for certain fish and game licenses and relative to certain fish and game statutes.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Field Trials. Amend RSA 207:13, I (supp) as inserted by 1978, 10:1 as amended by striking out said paragraph and inserting in place thereof the following:

I. Field trials for dogs may be held at such times, in such manner, and under such restrictions, as may be prescribed by the executive director. Any person wishing to hold a field trial shall first obtain a written permit from the person on whose land it is proposed to hold the trial, present the same to the executive director, and pay a fee of \$9.50, including field trials for coon dogs and such night hunts for coon dogs as authorized by paragraph II. The executive director may thereupon issue a permit for such field trial. The executive director or his duly authorized agent shall supervise the holding of such field trial, enforce the terms of the permits, and the rules for its conduct. The executive director shall adopt rules under RSA 541-A for the conduct of field trials as in his opinion are necessary to safeguard the interest of the wildlife of the state, provided that the executive director shall issue permits for beagle trials to any beagle club recognized by the American Kennel Club for trials to be run under the rules and regulations of the American Kennel Club. The fee for this permit shall not exceed \$9.50. The executive director or his authorized agent shall enforce the terms of such permits.

2 Importing and Releasing. Amend RSA 207:14 (supp) as amended by striking out said section and inserting in place thereof the following:

207:14 Importing and Releasing. Except as provided by RSA 207:14-a and 14-b, no living fish or the fry or the eggs of such fish, no living wild bird or its eggs, and no living wild animal shall be brought into this state by any person from any other state or country without first procuring a permit from the executive director to do so. The fee for such permit shall be \$10. The executive director may refuse to issue a permit for such entry into this state upon a finding that their introduction would be detrimental to the best interests of the state.

3 Bow and Arrow. Amend RSA 208:5 (supp) as amended by striking out said section and inserting in place thereof the following:

208:5 Bow and Arrow. Any resident upon the payment of a fee of \$14.50, or any nonresident upon the payment of a fee of \$35.50, shall be issued an archery license. An archery license shall entitle the holder to hunt deer with bow and arrow during the season set by the executive director pursuant to RSA 208:2 throughout the state and in Bear Brook Refuge under the following conditions: A person holding such license shall be entitled to kill one deer under the license and one deer as a holder of a firearms hunting license. An archery license shall also entitle the holder to hunt wildlife with bow and arrow during the open season for bow and arrow under the following conditions: If a nonresident not holding a New Hampshire hunting license is a person under 16 years of age, he shall not be entitled to hunt under the archery license except when accompanied by a properly licensed person who is 18 years of age or over, and must also comply with all the provisions of this chapter. No person hunting under this section shall carry any firearms, and no deer shall be taken with firearms under the archery license. The prohibition against carrying firearms shall not apply to persons properly licensed to carry firearms.

4 Lobster License. Amend RSA 211:18 (supp) as amended by striking out said section and inserting in place thereof the following:

211:18 License. No person may at any time, place, set, keep, maintain, supervise, lift, raise, or draw in from any water under the jurisdiction of this state, or in any way aid or assist in so doing, any pot, trap, warp, or any other device used in taking lobsters or crabs without a special license; nor during the time from sunset to one hour before sunrise. The executive director shall issue the special license under rules adopted under RSA 541-A and in the form prescribed by him.

The fee for such a license is \$124.50. If a person does not take lobsters or crabs for the purpose of selling them and does not use more than 5 traps, the fee is \$34.50. The fees and fines collected under this subdivision and the expenses of enforcing the subdivision shall be accounted for separately by the executive director. Nothing in this section shall pertain to the taking of green crabs.

5 Licenses for Taking. Amend RSA 211:62-a (supp) as inserted by 1959, 194:2 as amended by striking out said section and inserting in place thereof the following:

211:62-a License for Taking. No person shall at any time take clams, clam worms or oysters unless he is a resident of the state and he has been duly licensed as provided in this section; provided that a resident of the state may take from any public tidal area which is not specifically posted to the contrary by the fish and game department not over one quart of clam worms during any one day for his own use without a license therefor. Any resident of this state shall, upon application to the executive director of the fish and game department, be granted a license to take clams, clam worms or oysters upon payment of a fee of \$12.50 for each license. Such license shall be issued for the current calendar year. The executive director of the fish and game department shall make readily available such licenses as are covered by this section through its regular outlets. A person who furnishes to another person or permits another person to have or use a clam, oyster, or clam worm license issued to himself or any other person, or changes or alters such license or uses a license issued to another person, or makes a false statement in an application to obtain said license shall be subjected to the penalty under RSA 211:64.

6 Application; Revocation or Suspension. Amend RSA 212:26 as amended by striking out said section and inserting in place thereof the following:

212:26 Application; Revocation or Suspension. Such licenses shall be issued by the executive director, in his discretion, upon application therefore in writing, and shall be subject to revocation and suspension at any time, in the discretion of the executive director. The applicant shall pay a fee of \$9.50.

7 Application Fees. Amend RSA 214:9, I, II, and III (supp) as amended by striking out said paragraphs and inserting in place thereof the following:

I. If the applicant is a resident of this state and wishes to hunt, \$14.50, and the agent shall thereupon issue a resident hunting license which shall entitle the licensee to hunt, shoot, kill or take, except by the use of traps, and to transport wild birds and wild animals under the restrictions of this title.

II. If the applicant is a resident of this state and wishes to fish, \$17.25, and the agent shall thereupon issue a resident fishing license, which shall entitle the licensee to kill, take and transport all species of freshwater fish, saltwater smelt, saltwater shad, and saltwater salmonoids under the restrictions of this title.

III. If the applicant is a resident of this state and wishes to hunt and fish, \$24.50, and the agent shall thereupon issue a resident hunting and fishing license, which shall entitle the licensee to hunt, shoot, kill or take, except by the use of traps, and to transport wild birds, wild animals, all species of freshwater fish, saltwater smelt, saltwater shad, and saltwater salmonoids under the restrictions of this title.

8 Application Fees; Trapping. Amend RSA 214:9, IV (supp) as amended by striking out said paragraph and inserting in place thereof the following:

IV. If the applicant is a resident of this state and wishes to take fur-bearing animals and coyote by the use of traps, \$27.50, and the department shall thereupon issue a trapping license, which shall entitle the licensee to take fur-bearing animals and coyote by the use of traps and sell and transport them under the restrictions of this title.



9 Application Fees. Amend RSA 214:9, VI, VII, VII-a, VII-b, and VIII (supp) as amended by striking out said paragraphs and inserting in place thereof the following:

VI. If the applicant is a nonresident and wishes to hunt, \$69.50, and the agent shall thereupon issue a nonresident hunting license which shall entitle the licensee to hunt, shoot, kill and take, except by the use of traps, and to transport wild birds and wild animals under the restrictions of this title.

VII. If the applicant is a nonresident under 16 years of age and wishes to hunt, \$35.50, and the agent shall thereupon issue a nonresident minor's hunting license which shall entitle the licensee to hunt, shoot, or take wild animals when accompanied by another licensee 18 years of age or over, and to transport wild animals under the restrictions of this title.

VII-a. If the applicant is a nonresident and wishes to take small game as defined in RSA 207:1, XXVI, \$35.50, and the agent shall thereupon issue a nonresident small game license which shall entitle the licensee to hunt, shoot or take small game; provided, however, this license shall not authorize the taking of fur-bearing animals as defined in RSA 207:1, VIII.

VII-b. If the applicant is a nonresident and wishes to take small game as defined in RSA 207:1, XXVI, for 3 consecutive days, \$16.50, and the agent shall thereupon issue a 3-day nonresident small game license which shall entitle the licensee to hunt, shoot or take small game; provided, however, this license shall not authorize the taking of fur-bearing animals as defined in RSA 207:1, VIII.

VIII. If the applicant is a nonresident and wishes to take any species of freshwater fish, saltwater smelt, saltwater shad, or saltwater salmonoids, \$29.50, and the agent shall thereupon issue a nonresident fishing license which shall entitle the licensee to kill, take and transport all species of fresh water fish, saltwater smelt, saltwater shad, and saltwater salmonoids, under the restrictions of this title, provided that:

(a) If the applicant wishes to take said fish for 15 consecutive days, \$21.50, and the agent shall thereupon issue a 15-day nonresident fishing license for said time only under the restrictions of this title;

(b) If the applicant wishes to take said fish for 7 consecutive days, \$17.50, and the agent shall thereupon issue a 7-day nonresident fishing license for said time only under the restrictions of this title; and

(c) If the applicant wishes to take said fish for 3 consecutive days, \$12.50, and the agent shall thereupon issue a 3-day nonresident fishing license for said time only under the restrictions of this title.

(d) If the applicant is a nonresident at least 12 years of age and under 16 years of age and wishes to take said fish, \$4, and the agent shall thereupon issue a nonresident minor's fishing license which shall entitle the licensee to kill, take and transport freshwater fish, saltwater smelt, saltwater shad, and saltwater salmonoids under the restrictions of this title.

10 Resident Warm Water Fishing License. Amend RSA 214:9 by inserting after paragraph II the following new paragraph:

II-a. If the applicant is a resident of this state and wishes to fish, \$11.75, and the agent shall thereupon issue a resident warm water fishing license, which shall entitle the licensee to kill, take, and transport fish, under the restrictions of this title, except brook trout, brown trout, rainbow trout, Sunapee trout, lake trout, and their hybrids; American shad; and all species of salmon.

11 Nonresident Warm Water Fishing License. Amend RSA 214:9 by inserting after paragraph VIII the following new paragraph:

VIII-a. If the applicant is a nonresident of this state and wishes to fish, \$23.50, and the agent shall thereupon issue a nonresident

warm water fishing license, which shall entitle the licensee to kill, take, and transport fish, under the restrictions of this title, except brook trout, brown trout, rainbow trout, Sunapee trout, lake trout, and their hybrids; American shad; and all species of salmon.

12 Fur Buyers. Amend RSA 214:25 (supp) as amended by striking out said section and inserting in place thereof the following:

214:25 Applications; Fees. The applicant, whether a resident or nonresident, shall fill out and sign a blank to be furnished by the executive director and pay the applicable license fee. The executive director shall thereupon issue a fur-buyer's license which shall entitle the licensee to buy and sell the furs and skins of deer, coyotes, and fur-bearing animals lawfully taken, and to sell and transport the same, under the restrictions of this title. The executive director shall grant such licenses for the entire state upon the payment of a fee of \$59.50 for residents or upon the payment of a fee of \$84.50 for nonresidents.

13 Application for Licenses. Amend RSA 214:31 as amended by striking out said section and inserting in place thereof the following:

214:31 Applications for Licenses. Any person desiring a license provided for in this subdivision shall present a petition therefor, on forms supplied by the executive director, accompanied by the written statement of at least 2 well known citizens of the community in which the applicant resides, certifying to his good character and to his fitness to be entrusted with the privileges granted by such special license, with a fee of \$9.50, except the fee for a taxidermy license shall be \$24.50.

14 Permit to Import. Amend RSA 214:34-d as inserted by 1965, 347:1 as amended by striking out said section and inserting in place thereof the following:

214:34-d Permit to Import. No fish of any description shall be brought into this state for use as bait without first procuring a permit from the executive director. Such permit shall be valid for no longer than one year but no additional permit shall be required within that period of time to import the same species of fish from the same source of supply. Five days' notification of each intent to import shall be filed with the executive director. The fee for each such permit is \$9.50.

15 Guides Licenses. Amend RSA 215:4, I and II (supp) as amended by striking out said paragraphs and inserting in place thereof the following:

I. Except as provided in RSA 215:5, II, every resident applicant for a license as a guide to hunt shall pay to the executive director therefor the sum of \$59.50.

II. Except as provided in RSA 215:5, II, every resident applicant for a license as a guide to fish shall pay to the executive director therefor the sum of \$59.50.

16 Patients from Certain Institutions Residing in Group Homes. Amend RSA 214 by inserting after section 14-c the following new section:

214:14-d Deinstitutionalized Patients Residing in Group Homes. Patients who have been deinstitutionalized from the institutions cited in 214:14 and 214:14-a but are residing in private group homes may fish without a license on a special permit from the director of the group home. Patients fishing under the provisions of this section shall be under the direct supervision of the group home director or his designee. The executive director of the department of fish and game shall furnish permit forms to the group home upon request, to be filled out when issued. The number of permits issued shall be reported to the executive director once each year as he shall direct.

17 License Required. Amend RSA 214:1 (supp) as amended by striking out said section and inserting in place thereof the following:

214:1 License Required. No person, except as hereinafter provided, shall at any time fish, hunt, trap, shoot, pursue, take or kill freshwater fish, saltwater smelt, saltwater shad, saltwater salmonoids, wild birds, or wild animals in this state, without first procuring a proper and valid license to do so, and then only in accordance with the terms of such license and subject to all the provisions of this title. The licensee

shall carry such license on his person when so engaged, and the license shall be subject to inspection on demand of any person.

18 Resident Aliens. Amend RSA 206:10, III (supp) as inserted by 1978, 40:3 as amended by striking out said paragraph and inserting in place thereof the following:

III. If the applicant is a resident alien, the agent shall issue a resident fishing, hunting, or combination fishing and hunting license, and the applicant shall be considered a resident when applying for any other license, permit or stamp.

19 Pheasant Stamps or License Revenues. Amend RSA 206:35-a (supp) as inserted by 1975, 440:3 as amended by striking out said section and inserting in place thereof the following:

206:35-a Pheasant Stamp Revenues. The state treasurer shall establish a separate account to which shall be credited all moneys collected by the fish and game department from issuance of pheasant stamps under RSA 214:9, X. The moneys in said account shall be used only for purchase or propagation of pheasants, and is hereby appropriated for said purposes. Said funds shall be expended for the purposes hereof as determined by the executive director with the approval of the commission. The moneys in said account shall be nonlapsing.

20 Military Personnel. Amend RSA 214:3, III (supp) as inserted by 1985, 291:13 by striking out said paragraph and inserting in place thereof the following:

III. Military personnel licensed under this section shall carry upon their person a valid military identification card and current assignment orders while engaged in these activities which clearly indicate that said license holder is permanently stationed at a military base within the state.

21 Reciprocity. Amend RSA 214:13-b as inserted by 1975, 152:1 by striking out said section and inserting in place thereof the following:

214:13-b Reciprocity Nonresident Licenses; Certain Persons. The executive director may issue upon application complimentary nonresident hunting and fishing licenses to a person from another state who is suffering from paraplegia or who is suffering from the loss of, or the loss of the use of, both lower extremities, if the state in which said person is a resident provides a reciprocal privilege for residents of this state who are similarly suffering. The executive director shall determine the form of such complimentary licenses. All such licenses shall be consecutively numbered.

22 Effective Date.

I. Sections 8 and 12 of this act shall take effect July 1, 1987.

II. Sections 16, 17, 18, 19, 20 and 21 of this act shall take effect 60 days after its passage.

III. The remainder of this act shall take effect November 15, 1986, for the sale of 1987 fish and game licenses.

Rep. Young spoke to the report and yielded to questions.

Amendment adopted.

Ordered to third reading.

HB 56-FN, eliminating the lien placed on property because of failure to file a complete inventory form. Inexpedient to Legislate.

The majority of the Committee felt this legislation was an attempt to address an isolated case and would seriously affect the enforcement provisions of RSA 74:7-a. Vote 13-1. Rep. George M. West for Municipal and County Government.

Rep. Beverly Gage moved that HB 56 be recommitted to the Committee on Municipal and County Government, and yielded to questions.

Adopted.

HB 223, relative to the county commissioner districts in Hillsborough county. Ought to Pass with Amendment.



The bill, as amended, strengthens the one man one vote concept. Vote 15-1. Rep. Kurt A. Normandin for Municipal and County Government.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Change in County Commissioner Districts; Hillsborough County. Amend RSA 662:4, IV (supp) as inserted by 1979, 436:1 by striking out said paragraph and inserting in place thereof the following:

IV. Hillsborough: District 1, the city of Manchester and the town of Litchfield; District 2, the city of Nashua and the towns of Pelham and Hudson; and District 3, all the remaining towns in the county.

Amendment adopted.  
Ordered to third reading.

HB 224-FN, to establish a special service area in the town of Merrimack. Ought to Pass with Amendment.

This bill seems to be beneficial to the town of Merrimack and the city of Franklin, and the Committee voted its approval. Vote 16-0. Rep. David M. Perry for Municipal and County Government.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

to establish a fire protection area in the town of Merrimack, to legalize the special water district meeting of the Merrimack village district and relative to the adoption of an optional fiscal year for the city of Franklin.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Purpose. The purpose of sections 1-4 of this act is to correct certain property tax inequities. Within the town of Merrimack is the Merrimack village district which provides water for fire protection for property of its customers within the town of Merrimack except for a relatively small section located in southeastern Merrimack. Water for fire protection for the latter section is provided and billed to the town by Pennichuck Water Works, a private water utility company. An annual general fund appropriation has been provided in the past by the town to cover this cost. Accordingly, the cost of such water has been added by the town to the property tax bill of all of the town's property owners, including property owners serviced by the Merrimack village district, who, as a result, pay for water for fire protection of their own property and, in addition, pay a portion of the expense for water for fire protection for property located in the section serviced by Pennichuck Water Works.

2 Fire Protection Area. The board of selectmen of the town of Merrimack at the annual town meeting or at any special town meeting held for the following purpose shall place the following article in the town warrant:

To see if the town will vote to create a fire protection area in that section of the town of Merrimack served by the Pennichuck Water Works. Further, that the owners within the proposed fire protection area shall be responsible for defraying the expenses incurred by the town in providing water for fire protection.

3 Fire Protection Area. If the warrant article contained in section 2 of this act is adopted by a majority vote of the legal voters of the town of Merrimack present and voting, the section of Merrimack franchised to Pennichuck Water Works shall be established as a fire protection area. The selectmen shall tax all and only the property owners of this fire protection area for the expense, billed to the town of Merrimack by Pennichuck Water Works, of the water for fire protection provided by Pennichuck Water Works. The selectmen shall base this taxation for water for fire protection upon the appraised value of the property which has been determined in accordance with RSA 75:1. The taxes for water for fire protection shall be included on the property tax warrant committed to the collector of taxes under the hands and seal of the selectmen requiring him to collect them. They shall be itemized and included on the property tax bills, and the collector of taxes shall have the same rights and remedies and be subject to the same liabilities in relation thereto as in the collection of other taxes.

4 Definition. For the purposes of sections 1-3 of this act, the phrase "water for fire protection" shall mean all water, lines, hydrants and related utilities which are necessary to ensure the transmission and availability of water in the event of fire.

5 Proceedings Legalized. All acts, votes, and proceedings of the special water district meeting of the Merrimack village district in the town of Merrimack held on September 25, 1985, are hereby legalized, ratified and confirmed.

6 Adoption of Optional Fiscal Year; City of Franklin. Notwithstanding any provision of RSA 31:94-a to the contrary, the city of Franklin shall be deemed to have adopted an optional fiscal year beginning on January 1, 1986. The city of Franklin shall have a single 18 month transitional accounting period running from January 1, 1986, and ending on June 30, 1987. Thereafter, the accounting period for the city of Franklin shall be on a fiscal year basis and shall run from July 1 to June 30 of the following year.

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

Amendment adopted.

Rep. Beverly Gage offered an amendment.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

to establish a fire protection area in the town of Merrimack, to legalize the special water district meeting of the Merrimack village district, to legalize the Goffstown town meeting, and relative to the adoption of an optional fiscal year for the city of Franklin.

Amend the bill by striking out section 7 and inserting in place thereof the following:

7 Goffstown Town Meeting Legalized. All acts, votes and proceedings of the annual town meeting of the town of Goffstown held on March 12, 1985, are hereby legalized, ratified and confirmed to the extent to which they would have been legal had the annual town meeting warrant been posted in a timely fashion.

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

The Clerk read the amendment.

Rep. Beverly Gage explained the amendment.

Amendment adopted.  
 Ordered to third reading.

HB 103, relative to access to New Hampshire rivers. Ought to Pass with Amendment.

This bill authorizes the state, with the advice and consent of the local municipalities involved, to obtain public access to the navigable rivers of the state. The amendment states all rivers with the exception of the Connecticut River which is addressed in a separate bill. Vote 16-0. Reps. James A. Whittemore and Constance M. Mehegan for Resources, Recreation and Development.

Rep. Meader moved that HB 103 be recommitted to the Committee on Resources, Recreation and Development, and spoke to his motion.  
 Adopted.

Rep. Tucker, for the entire membership, offered the following:

HOUSE RESOLUTION NO. 14

honoring State Representative  
 Elizabeth A. Greene of Rye.

WHEREAS, now serving her thirteenth consecutive term as an elected member of the New Hampshire House of Representatives, Elizabeth A. Greene since the biennium of 1971-72 has chaired the Standing Committee on Environment and Agriculture, and

WHEREAS, the United States Environmental Protection Agency has named Elizabeth A. Greene recipient of its 1985 Environmental Merit Award, the highest award which can be bestowed by the EPA Regional Office, and

WHEREAS, throughout her distinguished and productive career as an esteemed lawmaker, Elizabeth A. Greene has been an unwavering champion of environmental quality and protection of agricultural resources, and

WHEREAS, being an untiring and devoted leader, Elizabeth A. Greene has been a vital force behind New Hampshire's legislation promoting hazardous waste cleanup and facility sitings, regional solid waste management, acid rain controls, inspection of automobile emission controls, and preservation of open space and farmland, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Elizabeth A. Greene be saluted and applauded for her outstanding contributions and leadership in preserving New Hampshire's environment, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to her.

Adopted unanimously.

Rep. Rounds offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

LATE SESSION

Third reading and final passage.

HB 336, relative to transfers from the penalty assessment fund.



HB 343-FN, making the debt service on railroad improvement bonds a charge against the general fund and authorizing an appropriation and use of the special railroad fund.

HB 507-FN, relative to the compromise of actions against the state.

HBI 2007, relating to legal liability insurance.

HB 143, relative to declarations of candidacy

HB 169, relative to acknowledgments and administration of oaths by military officers.

HB 251, relative to organically grown produce.

HB 264-FN, increasing fees for certain fish and game licenses and relative to certain fish and game statutes.

HB 268, relative to the use of snares under certain conditions.

HB 122, relative to the aggravated felonious sexual assault law.

HB 156, providing the statute of uses shall not affect trusts.

HB 168, relative to clarifying the bail jumping statute.

HB 351, relative to wiretapping and eavesdropping.

HB 27, limiting the frequency of public referendum questions concerning management of the Berlin water works.

HB 204-FN, relative to payment for cost of services to unincorporated or unorganized places.

HB 223, relative to the county commissioner districts in Hillsborough county.

HB 224, to establish a fire protection area in the town of Merrimack, to legalize the special water district meeting of the Merrimack village district, to legalize the Goffstown town meeting, and relative to the adoption of an optional fiscal year for the city of Franklin.

HB 285, relative to the deadline for planning and zoning recodification.

HB 132, relative to the port authority.

HB 309, relative to agricultural and farm plates.

HB 393-FN, relative to health insurance benefits for part-time employees.

HB 26, relative to mental health group homes.

HB 219, relative to municipal industrial development authorities.

HB 386-FN, establishing a study committee to evaluate microwave asphalt concrete road repair.

HB 326, relative to high-level radioactive waste.

HB 340, relative to highway construction zones.

Rep. Rounds moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 3:15 p.m.

RECESS

(Rep. Jensen in the Chair)

SENATE MESSAGE  
CONCURRENCE

HB 145, increasing commissions and purses at horse races.

ENROLLED BILL REPORT

HB 145, increasing commissions and purses at horse races.

Rep. James A. Chandler  
Sen. Mark Hounsell  
For the Committee.

Rep. Blaisdell moved that the House stand in recess.  
Adopted.

RECESS

(Rep. Sara Townsend in the Chair)

SENATE MESSAGE  
REQUESTS CONCURRENCE

SB 1, relative to abandoned property and depositing public moneys in New Hampshire savings banks.

SB 100, authorizing the director of the division of parks and recreation to make certain emergency expenditures.

SB 12-FN, relative to certain withdrawals from the New Hampshire retirement system.

SB 30, requiring notification of late payments by subcontractors to unions.

SB 73, relative to uninsured motorist property damage insurance.

SB 53, relative to valid marriages.

SB 64-FN, relative to marriage.

SB 47, prohibiting the sale of products containing human collagen.

SB 99-FN, relative to disposal of human body parts.

SB 125, prohibiting abortions in the second and third trimester of pregnancy.

SB 33, directing the department of revenue administration to study the problem of requiring business organizations to include on their business profits tax returns the municipality in which they are located.

SB 50, permitting public television and public radio, as part of their fund raising programs, to auction wine and liquor donated for that purpose, relative to liquor licenses, and relative to social clubs within national guard armories.

SB 80-FN, relative to an administrative fine for prohibited liquor sales.

SB 131-FN, relative to the higher education building corporation.

SB 49, appropriating and granting bonding authority for funds to construct a superior courthouse to serve Hillsborough county.

SB 58, providing a supplemental appropriation for safety services in the department of safety.

SB 17, restricting the size of motors to be used on Iona Lake.

SB 20, prohibiting the operation of petroleum powered power boats on Spectacle Pond in the towns of Groton and Hebron.

SB 23, relative to the taking of migratory game birds.

SB 70, establishing a committee to study critical lakes and river protection.

SB 75, requiring reciprocity before nonresidents may train dogs in this state.

SB 7, establishing a fire standards and training council within the department of postsecondary vocational-technical education.

SB 27, relative to nominations when a candidate does not receive the nomination of his own party in the state primary election.

SB 36, establishing a division of personnel.

SB 106, allowing students in an approved high school vocational electrical program to perform electrical installations in residential buildings.

SB 56, relative to the current use advisory board.

Rep. Fried offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate bills numbered 7 and 36, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS  
First, second reading and referral

SB 7, establishing a fire standards and training council within the department of postsecondary vocational-technical education. (Executive Departments and Administration)

SB 36, establishing a division of personnel. (Executive Departments and Administration)

## COMMUNICATION

John B. Tucker  
Speaker of the House

Dear Mr. Speaker:

I'm pleased to send you a copy of the enclosed resolution which was recently adopted by the Vermont General Assembly.

Sincerely,  
James H. Douglas  
Secretary of State

J.R.S. 64. Joint resolution expressing shock at the explosion of space shuttle Challenger and expressing sympathy on the death of schoolteacher Christa McAuliffe and the crew members of the space shuttle.

WHEREAS, the members of this General Assembly share, in our capacity as humble and loyal citizens of these great United States, in the triumphs and also in the failures of our national space program, and

WHEREAS, we were all shocked to the very depths of our consciousness to learn of the mid-air explosion of the space shuttle Challenger on the morning of January 28, resulting in the death of all those aboard the space shuttle, and

WHEREAS, one of the passengers aboard the space shuttle, Christa McAuliffe, was a schoolteacher from our sister state, New Hampshire, who had brought glory and distinction to her home school, Concord High School, by having been chosen as America's first citizen in space, and

WHEREAS, we were all deeply saddened to learn of her fate and the death of the crew members of the Challenger---Commander Francis R. Scobee, pilot Michael J. Smith, Judith Resnik, Ronald E. McNair, Ellison S. Onizuka, and Gregory B. Jarvis, now therefore be it

RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES, that we hereby express our profound sorrow emerging from this tragic event which has touched the very fabric of our country, and be it further

RESOLVED, that we extend our heartfelt sympathy upon the painful loss of these courageous pioneers, in their quest to explore the unknown of the spatial frontier, to the families of Christa McAuliffe and the other crew members of the Challenger, and be it further

RESOLVED, that the Secretary of State is hereby directed to forward copies of this resolution to Attorney Steven J. McAuliffe, husband of Christa McAuliffe, in Concord, New Hampshire, to Charles Foley, Principal of Concord High School, to Vesta M. Roy, President of the New Hampshire Senate, and to John B. Tucker, Speaker of the New Hampshire House of Representatives.

STATE OF TENNESSEE  
HOUSE OF REPRESENTATIVES  
HOUSE JOINT RESOLUTION NO. 488

By Representatives Bivens, Bell, Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis



(Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton, Mr. Speaker McWherter.

and

By Senators Albright, Atchely, Burks, Burleson, Cohen, Cooper, Crutchfield, Darnell, Davis, Dunavant, Elkins, Ford, Hamilton, Haynes, Henry, Hicks, Koella, Kyle, Lashlee, Lewis, Longley, Moore, O'Brien, Owen, Person, Richardson, Rochelle, Rucker, Shockley, Thomas, Williams and Mr. Speaker Wilder.

A RESOLUTION to express the shock and sorrow of the people of Tennessee at the loss of the crew of the space shuttle Challenger and to provide for an expression of condolence.

WHEREAS, Tennesseans were shocked and horrified by the sudden loss of the space shuttle Challenger and her crew, Commander Francis R. Scobee, Pilot Michael J. Smith, Judith Resnick, Ronald E. McNair, Christa McAuliffe, Ellison S. Onozuka and Gregory B. Jarvis on Tuesday, January 28, 1986; and

WHEREAS, this devastating loss ended the lives of persons of great ability and devotion to their country, and marked a tragic close to the first attempt to allow a civilian to orbit; and

WHEREAS, the arduous process of application, evaluation, selection, and training that Christa McAuliffe underwent evidenced her stalwart and indefatigable spirit and was truly in the highest and finest tradition of the teaching profession; and

WHEREAS, Mrs. McAuliffe's worthy participation in America's space program truly manifested her dedication to challenge and achievement; and

WHEREAS, Tennesseans, together with the rest of America and the world, feel a deep sadness at the sacrifice of these pioneers, coupled with a special grief at the loss of Christa McAuliffe our first civilian astronaut and an exemplary representative of the creative energy and enthusiasm found among those who instruct and guide the youth of this country; now, therefore,

BE IT RESOLVED by the House of Representatives of the ninety-fourth General Assembly of the State of Tennessee, the Senate concurring, that this Assembly, on behalf of the people of Tennessee, does hereby express its deepest sympathy and extend its most heartfelt condolences to the families of Christa McAuliffe, Commander Francis R. Scobee, Pilot Michael J. Smith, Judith Resnick, Ronald E. McNair, Ellison S. Onizuka and Gregory B. Jarvis; and stand in a moment of silence as an indication of this sympathy.

BE IT FURTHER RESOLVED, that to honor the memory of Christa McAuliffe and her life of purpose, that this Assembly does hereby urge public and private school teachers across Tennessee to wear armbands or other tokens of mourning on Wednesday, February 5, 1986 as a final tribute to Mrs. McAuliffe. (Adopted: January 29, 1986)

#### COMMITTEE ASSIGNMENTS

Rep. Walter Stiles on Public Protection and Veterans Affairs  
 Rep. Eunice M. Campbell on Constitutional and Statutory Revision  
 Rep. Frank E. Snow on Environment and Agriculture

COMMITTEE CHANGES

Rep. Charles Vaughn off Science and Technology  
Rep. Edward Bennett off Executive Departments and Administration, on  
Resources, Recreation and Development.  
Rep. Helene R. Donnelly off Ways and Means  
REP. Clifford Birch off Science and Technology  
Rep. William Arnott off Science and Technology

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.  
Adopted.

# HOUSE JOURNAL 5

*Tuesday, 4Mar86*

The House assembled at 10:00 a.m. and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

As we begin this day's session we lift before You, Almighty God, our colleague Leander W. Burdick, Jr. We thank You for his work in this chamber. Help us not to forget our dependence upon each other. In the rush of work, support us in doing our homework well and in trusting others to do theirs. Despite our differences of opinion we thank You for the friendships developed by our work here, and may we always hold special the privilege of serving our State in this Hall. Amen.

Rep. Beverly Gage led the Pledge of Allegiance.

The Hutchinson Family Singers entertained the House with three numbers from its extensive repertoire.

## LEAVES OF ABSENCE

Reps. Bergeron, Paquette, Mann, Donnelly, James J. White, Pellow, Scanlan, Hardy, Christy, Mary Sullivan, Dupont and Mace, the day, illness.

Reps. Champoux, Marilyn Campbell, M. Arnold Wight, John Burns, Callaghan, Romoli, Kenneth MacDonald, Carol Nagel, Marsh, Ducharme, Dwyer, Frink, Simon and Newman, the day, important business.

Rep. Benjamin Moore, the day, death in the family.

Rep. Joseph MacDonald, illness in the family.

## INTRODUCTION OF GUESTS

Carol and Diana Palumbo and Mr. and Mrs. Edward Higgins, wife, daughter and guests of Rep. Palumbo; Students of the Spring Street Junior High School in Nashua, guests of Rep. Mary Nelson; Mrs. Sue Johansen, Karol Johansen, Melissa Mackey, daughter, granddaughter and guest of Rep. Irvin Gordon; Betty and Hazel Hounsell, mother and grandmother of Rep. Hounsell; Gladys and Laurie Burdick, wife and daughter of former Representative Burdick.

The Derry Delegation and Rep. Tucker for the entire House of Representatives offered the following:



## HOUSE RESOLUTION NO. 17

memorializing Representative  
Leander W. Burdick, Jr., of Derry.

WHEREAS, we have learned with great sorrow of the death of Representative Leander W. Burdick, Jr., who was serving his third consecutive term as an honorable member of the New Hampshire House, and

WHEREAS, Leander W. Burdick, Jr., served as a member of the Standing Committee on Resources, Recreation and Development, earning the respect and admiration of his colleagues for his devotion and hard work, and

WHEREAS, having been born in East Providence, Rhode Island, Leander W. Burdick, Jr., for forty-one years lived in Derry and devotedly served the community as Chairman of the Zoning Board of Adjustment, and as a member of the Budget Committee and the School Board, and

WHEREAS, Leander W. Burdick, Jr., spent thirty-two years as a dedicated employee of the United States Postal Service, and was a past President of the New Hampshire Branch of the National Association of Letter Carriers, and

WHEREAS, Leander W. Burdick, Jr., was Vice Chairman of the Rockingham County Delegation, a member of the Veterans of Foreign Wars, and a past Grand Chancellor of the Knights of Pythias, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Leander W. Burdick, Jr., be publicly recognized and given highest commendation for his dedicated service to his State and to his community, and be it further

RESOLVED, that expressions of deepest sympathy be extended to his family and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

## VACATES

Rep. Joseph Eaton moved that the House vacate the reference of HB 107, relative to coordinated registration of corporations and limited partnerships, and HB 412-FN, relative to reporting requirements of corporations and limited partnerships, to the Committee on Constitutional and Statutory Revision.

Adopted.

The Speaker referred HB 107 and HB 412 to the Committee on Commerce, Small Business and Consumer Affairs.

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

HB 172-FN, increasing the appropriation in the operating budget relative to the department of health and human services to fund SB 1 of the 1985 legislative session, was removed at the request of Rep. Barberia.

HB 142-FN, relative to voting booths in cities, was removed at the request of Rep. Vaughn.

HB 44-FN, eliminating the requirement that all school districts be in a school administrative unit, and removing the authority of the state board of education over school administrative unit superintendents and assistant superintendents, and HB 405-FN, establishing a committee to study making school district participation in school administrative units voluntary and removing the authority of the state board of education over school administrative unit superintendents and assistant superintendents, were removed at the request of Rep. Patti Blanchette.

HB 135-FN, establishing a teacher mentor and grant pilot program and making an appropriation therefor, was removed at the request of Rep. Arnott.

HB 253-FN, increasing the limit on the state guarantee of bonds and notes of school districts, was removed at the request of Rep. Hyman.

HB 110-FN, relative to continued membership in group II of the New Hampshire retirement system under certain circumstances, was removed at the request of Rep. George Gordon.

HB 489-FN, relative to firemen's retirement system members, was removed at the request of Rep. Connolly.

HB 497-FN, relative to retirement benefits for certain legislative and constitutional officers, was removed at the request of Rep. Michael King.

HB 56-FN, eliminating the lien placed on property because of failure to file a complete inventory form, was removed at the request of Rep. Diamant.

HB 328-FN, relative to current use, was removed at the request of Rep. Alf Jacobson.

Adopted.

COMMITTEE REPORTS  
(Consent Calendar)

HB 439-FN, relative to the division of children and youth services. Ought to Pass with Amendment.

This bill changes the Division of Welfare, Department of Health and Welfare to the Division of Human Services, Department of Health and Human Services. It also changes the definition of abused child and inserts the definition of sexual abuse found in the federal Child Protection Act. The salary of the Director of the Division of Children and Youth Services is changed from group N to group O bringing it more in line with directors in equivalent positions. The amendment deletes subject matter concerning placement costs which has been addressed in HB 172. Vote 14-0. Rep. W. Douglas Scamman, Jr. for Children, Youth and Elderly Affairs.

Amendment

Amend the bill by striking out section 5 and renumbering sections 6-13 to read as 5, 6, 7, 8, 9, 10, 11 and 12, respectively.

Amend section 12 of the bill by striking out same and inserting in place thereof the following:

12 Effective Date.

I. Section 11 of this act shall take effect July 1, 1986.

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

HB 192, relative to health maintenance organizations. Inexpedient to Legislate.

The bill, as amended, would have required Health Maintenance Organizations to extend coverage outside the organization. Testimony from proponents addressed disclosure to members of provided services. After lengthy testimony the Subcommittee reviewed marketing material commonly used by HMOs in New Hampshire and felt that disclosure information was in use. Proponents failed to convince the Committee that the legislation was justified or needed. Vote 18-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

HB 213, relative to charter conversions for state credit unions. Ought to Pass.

The Federal Credit Union Act requires that the affirmative vote of a majority of only those members who vote on the proposition for conversion be obtained. House Bill 213 would, in this regard, create parity between our State Credit Union statutes and the Federal Credit Union Act. Vote 19-0. Rep. Catherine G. Lamy for Commerce, Small Business and Consumer Affairs.

HB 306, relative to health maintenance organizations. Inexpedient to Legislate.

The Committee feels that Health Maintenance Organizations do provide mental health coverage at the present time and a mandate is not required. Vote 18-0. Rep. Joseph Diament for Commerce, Small Business and Consumer Affairs.

HB 120, permitting notary publics to register absentee voters. Inexpedient to Legislate.

This bill would allow any notary public to register voters. Nothing in the bill refers to returning applications for Town Clerks or supervisors. Vote 10-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

HB 355, relative to notaries public. Inexpedient to Legislate.

The Committee believes that the present law is working, and should not be changed. Vote 10-0. Rep. Martin P. Lussier for Constitution and Statutory Revision.

HB 116, relative to the time and method for holding school district elections and adopting school district budgets. Inexpedient to Legislate. There was considerable opposition to this bill at the public hearing. The bill would disturb existing relationships between school districts and towns, with possible harmful effects. Vote 14-0. Rep. Betty Jo Taffe for Education.

HB 248-FN, creating a nonlapsing fund to provide handicapped persons with gainful employment and making an appropriation therefor. Ought to Pass with Amendment.

This bill allows the Division of Vocational Rehabilitation to provide adaptive equipment when necessary to enable people who are handicapped to be gainfully employed by State agencies. All purchases are subject to the approval of the Governor and Council. Vote 14-0. Rep. Mary S. Nelson for Education.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

creating a nonlapsing fund to provide handicapped persons with gainful state employment and making an appropriation therefor.

Amend RSA 200-C:9 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

200-C:9 Equipment Depository. There is hereby established an equipment depository within the division of vocational rehabilitation. Moneys contained in the handicapped persons' employment fund, established by RSA 200-C:10, shall be used to purchase adaptive equipment to enable handicapped persons to become gainfully employed by the state and any subdivision thereof. The division shall determine the equipment to be purchased, subject to the approval of governor and council. The purchases shall be limited to equipment which provides reasonable, and not extraordinary, accommodations to the needs of the handicapped, such as telephone adapters, adjustable desks, and other like equipment. The division shall have authority to reissue equipment returned to the depository and to dispose of any equipment that is no longer useful and to deposit any sale proceeds in the fund established by RSA 200-C:10.

Referred to Appropriations.



HB 380-FN, establishing the governor's merit scholarship program. Ought to Pass with Amendment.

House Bill 380 establishes in statute the Governor's Scholars Awards program which was funded by the 1985 operating budget. The awards will be made to scholastically outstanding New Hampshire high school graduates seeking or pursuing programs of study at institutions of higher education. Vote 19-0. Rep. Betty Jo Taffe for Education.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

establishing the governor's scholars awards.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Governor's Scholars Awards; Funding. Amend RSA 188-D by inserting after section 32 the following new subdivision:

#### Governor's Scholars Awards

188-D:33 Governor's Scholars Awards.

I. There are hereby established the governor's scholars awards to be awarded by the governor for the benefit of scholastically outstanding New Hampshire high school graduates seeking or pursuing programs of study at institutions of higher education.

II. For the purposes of this subdivision, a student shall be considered to be a New Hampshire high school graduate if the student is graduating during the school year prior to the academic year for which the award is made from a New Hampshire public high school or New Hampshire nonpublic high school approved for attendance and educational programs (AP) by the state board of education pursuant to RSA 186:11, XXIX and if the student would qualify for in-state tuition status under rules governing tuition rates for the University System of New Hampshire.

188-D:34 Administration of Awards.

I. The postsecondary education commission shall administer the governor's scholars awards in accordance with state accounting procedures and shall have the authority to:

(a) Conduct the program authorized by this subdivision;  
 (b) Receive and disburse moneys in accordance with this subdivision; and

(c) Adopt rules, in consultation with the department of education, under RSA 541-A, in order to carry out the provisions of this subdivision.

2 Appropriation to be Nonlapsing. Funds appropriated for the purposes of this act shall not lapse until the end of the fiscal year following the fiscal year for which they were appropriated.

3 Funds Already Appropriated. Funding for this act shall be provided by the funds appropriated by 1985, 406:1.06,02,01,27.

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

HB 494-FN, relative to the return of state tax revenue to cities and towns for school district aid. Ought to Pass with Amendment.

This bill puts into statute an existing practice of the Department of Revenue Administration. Vote 18-0. Rep. Mary S. Nelson for Education.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to the return of state tax revenue  
to cities and towns.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Allocation of State Tax Revenue. Amend RSA 31-A by inserting after section 4 the following new section:

31-A:4-a Allocation of State Tax Revenue to Cities and Towns. Notwithstanding any other provision of law to the contrary, the commissioner of revenue administration shall apportion for tax rate setting purposes pursuant to RSA 76:11-a the amount of state tax revenue which is returned to each city or town under RSA 31-A:4 as follows:

I. Thirty-five percent of the grant shall be apportioned to the city or town.

II. The remaining 65 percent of the grant shall be apportioned as follows according to the 1984 apportionment:

(a) 62 percent to school districts.

(b) 38 percent to the county, city or town.

HB 171-FN, relative to the governor's legal counsel and making an appropriation therefor. Ought to Pass with Amendment.

This amended bill addresses a 1970 exception in the law as to the Governor's legal counsel. This amendment removes the exception and places Governor's counsel in the same status as the Speaker's counsel and Senate President's counsel. There is no appropriation or fiscal impact during this administration inasmuch as the act would be effective on January 1, 1987. Vote 15-0. Rep. William F. McCain for Executive Departments and Administration.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to the governor's staff.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Salary of Governor's Staff. Amend RSA 4:12 as amended by striking out said section and inserting in place thereof the following:

4:12 Governor's Staff. The governor may appoint such staff, including but not limited to legal counsel, professional persons, consultants, assistants, secretaries, stenographers, and clerks, as he shall need who shall render such services as the governor may require of them. He shall fix their compensation within the limits of the appropriation made for such purposes.

2 Effective Date. This act shall take effect January 1, 1987.

Referred to Appropriations.

HB 359, relative to division level advisory committees. Inexpedient to Legislate.

This bill, in its broad interpretation, is flawed. In some cases, it counters to the role of some boards. It further is contrary to the "Administrative Procedure Act." In the case of reorganization, the role of the advisory boards is specifically defined. Vote 17-0. Rep. Robert B. Holmes, Jr. for Executive Departments and Administration.

HBI 2009, relating to restructuring and the regulation of the real estate commission. Inexpedient to Legislate.

The intent of this bill has been addressed by administrative action and the bill is hereby withdrawn at the sponsor's request. Vote 17-0. Rep. Kenneth W. Malcolm for Executive Departments and Administration.

HB 297, relative to removal and release of dead bodies from hospitals. Ought to Pass with Amendment.

This bill clarifies certain sections of RSA 290 relative to burials and disinterments and is an act relative to removal and release of dead bodies from hospitals, any residence, tombs or vaults, or any other facility. Previously, the requirements in this bill have been in rules and regulations and the Attorney General recommended that they should be in an RSA. There are 2 very minor Committee amendments in wording to clarify the intent of the bill. Vote 17-0. Rep. Gertrude I. Butler for Health and Human Services.

#### Amendment

Amend RSA 290:2-a as inserted by section one of the bill by striking out same and inserting in place thereof the following:

290:2-a Release from Hospital. No dead body of a human being shall be removed from a hospital without a pronouncement of death signed by a physician, including the time and date of death. Whenever a contagious disease is involved, the death certificate shall so state before the body shall be released from the hospital.

Amend RSA 290:3-b as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

290:3-b Emergency Burial Permit. The local registrar may issue an emergency burial permit in an emergency as defined by rules adopted by the director, division of public health services, department of health and human services, pursuant to RSA 126:3.

HB 165, making kidnapping a class A felony in all cases in which the victim is under the age of 18. Inexpedient to Legislate.

Testimony did not elicit any real need to enhance the penalty for the kidnapping of underage persons. Present law provides for an encouragement of harmless return of victims. The Committee considers appropriate such a process. Vote 14-1. Rep. Alf E. Jacobson for Judiciary.

HB 270, relative to the guardianship laws. Ought to Pass.

This bill gives the Probate Court the flexibility it needs to respond appropriately when a proposed ward refuses to attend guardianship hearings voluntarily, by permitting a waiver of attendance under certain conditions. Vote 15-0. Rep. Donna P. Sytek for Judiciary.

HBI 2005, relating to alternate sentencing of criminals. Ought to Pass with Amendment.



This bill of intent recommends that the Department of Corrections Advisory Board jointly with the Legislature should look into the possibility of alleviating prison overcrowding by adopting a greater range of sentencing alternatives. Vote 15-0. Rep. Donna P. Sytek for Judiciary.

#### Amendment

Amend the house bill of intent by striking out the statement of intent and inserting in place thereof the following:

#### STATEMENT OF INTENT

The number of prisoners incarcerated in the New Hampshire state prison and county jails and houses of corrections exceeds the capacity of those institutions. Therefore, there is a need to study methods of reducing prisoner overcrowding and reducing expenses for prisoners borne by the state and counties. The general court should, jointly with the advisory committee on the department of corrections, study alternate sentencing procedures and methods. The committee to which this bill is referred shall recommend any legislation it deems necessary based on the study by the advisory committee.

HB 40-FN, relative to adjusted elderly exemptions. Refer for Interim Study.

The Legislature has been striving to find solutions to the elderly exemption, particularly when property re-evaluations are involved. Two such bills came before the House this term. The Committee feels the intent of the bill is meritorious and recommends interim study with the hope that a bill can be developed to accomplish those aims equitably. Vote 13-1. Rep. Richard A. Grodin for Municipal and County Government.

HB 83, relative to private roads. Inexpedient to Legislate. House Bill 83 is unnecessary legislation. The subject is now well covered within the present statutes. Vote 14-0. Rep. David M. Perry for Municipal and County Government.

HB 183, relative to increasing the number of alternate members on appointed local land use boards. Ought to Pass. This bill re-establishes the authority for having up to five alternate members on a local land use board. The change is necessary because of heavy workloads. Vote 13-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 222, relative to the requirements for notification of abutters for local land use board hearings. Ought to Pass.

Passage of this measure will save time and money on the part of all concerned with notification of abutters on land use hearings. It eliminates vexing problems of notifying condominium owners. Vote 13-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 229-FN, relative to the licensing of dogs. Ought to Pass. House Bill 229, as written, streamlines the administration of the Dog Licensing Law and makes it much easier for the town and city clerks to work with. Vote 13-0 (1 abstention). Rep. David M. Perry for Municipal and County Government.

HB 275, relative to responsibility for tenants' property taxes in manufactured housing parks. Inexpedient to Legislate.

This bill would result in eliminating a well-defined method of municipal tax collection. Vote 13-0. Rep. George M. West for Municipal and County Government.

HB 450-FN, permitting municipalities to use generally accepted accounting principles and to have their tax rates established using generally accepted accounting principles. Inexpedient to Legislate.

The only support for House Bill 450 came from the City of Concord. No testimony came from any other city or town. The Committee feels that the City of Concord should sit down with the Department of Revenue Administration and settle any differences they may have between them. Vote 13-0. Rep. David M. Perry for Municipal and County Government.

HB 485-FN, relative to the payment of subsequent tax. Ought to Pass. This bill corrects inequities in process of payment of subsequent taxes after a tax sale. Subsequent payment cannot be made by a lien holder until current tax becomes delinquent. Vote 13-0. Rep. Robert B. Goss for Municipal and County Government.

HB 429-FN, relative to a 6-year capital improvement plan. Refer for Interim Study.

The Committee agreed that a new system of long range planning for capital improvements is needed, especially with the drying up of federal funds. However, there are some provisions of this bill that are open to various legal opinions. It does require that the planning process include highways, bridges, state offices, higher education facilities, state hospitals and correctional facilities. This bill will be studied with HBI 2006. Vote 16-0. Rep. Sandra B. Keans for Public Works.

HBI 2006, relating to capital budget planning. Refer for Interim Study.

The Committee agreed that a new system of long range planning for purposes of budgeting, especially with the expected cutbacks of federal funds, is necessary. However, it will take some comprehensive study to compare our present way of putting the state's budgets together with any new procedure. Check also HB 429 which will be studied at the same time. Vote 16-0. Rep. Sandra B. Keans for Public works.

HB 68, relative to requiring notice of hydro-energy generation projects. Ought to Pass with Amendment.

This bill requires applicants to the Federal Energy Regulatory Commission to also give notice of hydro development to owners of the dam site and local governing body, planning board and conservation commissions of each municipality in which project is sited. The amendment includes specific language to cover modifications to hydro projects and extends authority to the Water Resources Board, Wetlands Board and Water Supply and Pollution Control Commission to deny permits for failure to comply with notice requirements. Vote 16-0. Rep. MaryAnn N. Blanchard for Resources, Recreation and Development.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Notice Required. Amend RSA 481 by inserting after section 10 the following new section:

481:10-a Notice Required for Hydro-energy Generation Projects.

I. Every applicant to the Federal Energy Regulatory Commission for the permits and licenses, or modifications of permits or licenses, necessary for the development, construction, or reconstruction of a hydro-energy project shall place, on or prior to the date of such application, a notice of his intent in at least 2 local newspapers in the area where the proposed work is to be done and shall notify the following

by certified mail, return receipt requested, that he intends to undertake a hydro-energy project:

(a) The owners of the dam site of the proposed project.

(b) The local governing body, planning board, and conservation commission of each municipality in which the project is sited.

II. The notice required in paragraph I shall include a brief description of the project for which the permit, license, or modification of the permit or license is to be sought, as well as a statement by the developer explaining the purpose of the project and his reasons for the development of a hydroelectric generation project.

III. The water resources board, the wetlands board, and the water supply and pollution control commission shall deny any applicant violating this section any permit necessary for study and subsequent construction of the proposed project. The water resources board, wetlands board, and the water supply and pollution control commission shall notify the Federal Energy Regulatory Commission of any denial under this section.

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

HB 150-FN, establishing a natural heritage program in the department of resources and economic development. Ought to Pass with Amendment. This bill directs the Department of Resources and Economic Development to establish a natural heritage program to identify and designate areas of natural heritage to preserve and protect. The amendment corrects some wording in the bill, but not the intent. Vote 13-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

#### 1 Program Established.

I. The department of resources and development shall establish a natural heritage program. The purpose of the program is to identify, designate, and preserve unique and rare plant and animal species and geologic formations which constitute the natural heritage of the state.

II. The department shall propose enabling legislation on or before September 1, 1986, to the general court with a recommended budget and bonding authority level if deemed to be necessary for the department to protect and preserve areas designated as part of the natural heritage program, to the extent that the department may need to intervene in the state and other jurisdictional proceedings.

III. The commissioner of the department of resources and economic development shall be assisted in the program outlined in paragraph I by a committee composed of a representative from the Nature Conservancy; the Society for Protection of New Hampshire Forests; the Audubon Society of New Hampshire; the New Hampshire Association of Conservation Commissions; the department of fish and game; the division of forests and lands, department of resources and economic development; and the office of state planning. Each representative shall be designated by his organization or state agency.

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

HB 178-FN, relative to information services at highway rest areas and appropriating fees for these services. Ought to Pass with Amendment. This bill, as amended, provides for the renting of advertising space in the rest areas, subject to approval of the Secretary of Transportation, provides for annual fees for authorized information/directional signs serving privately owned business, provides for reclassifying highways in the federal system from time to



time and provides for the establishment of an eight membership team to study the merits of specific information (logo) signs on interstate highways in the State. Vote 15-0. Rep. Charles H. Dingle for Resources, Recreation and Development.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to information services at highway rest areas, appropriating fees for these services, and establishing a study committee on specific information signs.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Advertising Space. Amend RSA 230:52 (supp) as inserted by 1981, 87:1 as amended by striking out said section and inserting in place thereof the following:

230:52 Exclusion of Commercial Enterprises.

I. No commercial enterprise or activities shall be authorized or conducted by the state commissioner of transportation or any other agency of the state within or on the property acquired for or designated as a limited access facility.

II. Notwithstanding the provisions of RSA 230:52, I, advertising space and other traveler information services may be rented for a fee, the amount of which shall not exceed a fair portion of the cost of maintaining the services. The fees shall be deposited as provided in RSA 236:86, III.

2 Information Sites. Amend RSA 236:86 (supp) as inserted by 1981, 87:1 as amended by striking out said section and inserting in place thereof the following:

236:86 Information Sites.

I. The commissioner of transportation shall, in consultation with the Secretary of Transportation or appropriate federal official of the United States as provided by subsection (f) of section 131 of Title 23, United States Code, provide within the rights-of-way for areas at appropriate distances from interchanges on the interstate system, on which signs, displays and devices giving specific information in the interest of the traveling public may be erected and maintained. Such signs shall conform to national standards.

II. The development of a cooperative information service at any rest area is authorized, subject to approval of the Secretary of Transportation or appropriate federal official, where applicable, in accordance with subsection (i) of section 131 of Title 23, United States Code. Such service shall be coordinated and controlled through the office of vacation travel in the department of resources and economic development, with the cooperation of the department of transportation, and these agencies shall have the responsibility of training any personnel which may be hired. Expanded information services may include, but not necessarily be limited to, sign plazas, racks for advertising brochures, computers, and equipment deemed by the office of vacation travel as necessary for the distribution of tourist-related information to the traveling public.

III. The fees collected pursuant to RSA 230:52, II shall be deposited in a special account for the office of vacation travel to be expended to create and maintain the cooperative information services, and for this purpose are hereby continually appropriated.

IV. Individual businesses and organizations may assist in development of an information service plan, with final approval given by

and design designated by the office of vacation travel; subject to approval of the Secretary of Transportation or appropriate federal official, where applicable, in accordance with subsection (1) of section 131 of Title 23, United States Code.

3 Definition of Signs. Amend RSA 236:70, III (supp) as inserted by 1981, 87:1 by striking out said paragraph and inserting in place thereof the following:

III. The words "directional and informational signs" shall mean directional and informational signs in the specific interest of the traveling public, or other official signs and signals erected or maintained by state or other public agencies having jurisdiction, provided the erection of such signs is not inconsistent with the standards to be promulgated by the United States Secretary of Transportation under section 131(f) of the Federal Highway Beautification Act of 1965, or provided they are business directional signs established as official signs to provide directional information for eligible motorist-oriented privately owned businesses. For the purposes hereof, informational signs are deemed to be in the specific interest of the traveling public only if they contain information about public places operated by federal, state or local governments, natural phenomena, historic sites, areas of natural scenic beauty or naturally suited for outdoor recreation, and places for camping. The commissioner of transportation is vested with authority to determine whether informational signs are in the specific interest of the traveling public.

4 Definitions of Highway Systems. Amend RSA 236:70, IV and V as inserted by 1981, 87:1 by striking out said paragraphs and inserting in place thereof the following:

IV. The words "interstate system" shall mean all highways which are a part of the national system of interstate and defense highways described in subsection (e) of section 103 of Title 23, United States Code, and such highways as may be so reclassified from time to time as provided in subsection (f) of section 103 of Title 23, United States Code.

V. The words "federal aid primary system" shall mean all highways which are a part of the federal aid system described in subsection (b) of section 103 of Title 23, United States Code, and such highways as may be so reclassified from time to time as provided by subsection (f) of section 103 of Title 23, United States Code.

5 Definition. Amend RSA 236:70, XVI as inserted by 1981, 87:1 by striking out said paragraph and inserting in place thereof the following:

XVI. "Federal aid secondary system" means all highways which are a part of the federal aid system described in subsection (c) of section 103 of Title 23, United States Code, and such highways as may be so reclassified from time to time as provided in subsection (f) of section 103 of Title 23, United States Code.

6 Agreement with United States Secretary of Transportation. Amend RSA 236:83 (supp) as inserted by 1981, 87:1 as amended by striking out said section and inserting in place thereof the following:

236:83 Agreement with United States Secretary of Transportation Relating to the Erection of Advertising Devices. The commissioner of transportation may enter into agreements with the Secretary of Transportation or appropriate federal official of the United States as provided by section 131 of Title 23, United States Code, provided that any such agreement shall be consistent with, and not more restrictive than, the provisions of this subdivision, except that the reclassification of the federal-aid systems from time to time shall not be considered more restrictive than the provisions of this subdivision, and except that the agreement executed by the former commissioner of public works and highways and the federal highway administrator on June 14, 1963, under the provisions of this subdivision is hereby reaffirmed so that the commissioner of transportation may maintain the control required to receive and to continue to receive bonus payments from the federal government with respect to the control of outdoor advertising on the

interstate system. Any expenditures of money by the commissioner in connection with agreements authorized by the section shall be payable from any funds available to the commissioner.

7 Rules. Amend RSA 236:84 (supp) as inserted by 1981, 87:1 as amended by striking out said section and inserting in place thereof the following:

236:84 Rulemaking.

I. The commissioner of transportation may adopt rules under RSA 541-A which are reasonable and consistent with, but not more restrictive than, the provisions of this subdivision relative to:

- (a) Informational and directional signs.
- (b) Applications for sign licenses.
- (c) Applications for sign permits.
- (d) Any other matters required in administering this

subdivision.

II. The reclassification of a highway to or from the interstate, federal-aid primary, or federal-aid secondary system, or the designation of a highway to or from the turnpike system, shall not constitute the adoption of a rule under this section.

8 Permit Fee. Amend RSA 236 by inserting after section 72 the following new section:

236:72-a Business Directional Sign Permit Fee. For any new official business directional signs authorized after the effective date of this section, and beginning April 1, 1987, for all official business directional signs authorized by the commissioner to serve privately owned businesses, an annual permit fee of \$10 shall be collected by the commissioner. Permits shall expire on April 1 following the date of issue or renewal, and fees shall not be prorated. All fees collected under this section shall be deposited in the highway fund.

9 Authority for Business Directional Signs. Amend RSA 236:73, IV (supp) as inserted by 1981, 87:1 as amended by striking out said paragraph and inserting in place thereof the following:

IV. Directional, informational or official signs:

(a) Within the right-of-way as determined by the commissioner of transportation to be in the specific interest of the traveling public and which conform to national standards as promulgated by the Secretary of Transportation;

(b) Off the right-of-way as may be permitted under rules adopted by the commissioner of transportation. Such signs may include signs directing the traveling public to privately owned resorts, hotels, restaurants or other commercial establishments catering to the traveling public where the commissioner of transportation determines that such a sign is necessary to the continued operation of such commercial establishment and that traffic safety is best served by providing such a sign to the traveling public thereby avoiding confusion on the part of the motorist. Any such directional sign shall be erected and maintained by the commercial establishment involved under rules adopted by the commissioner, and which conform to national standards as promulgated by the Secretary of Transportation; or

(c) Within the right-of-way or off the right-off-way of primary or secondary highways and roads of and within the state, but not highways on the interstate system or turnpike system, business directional signs subject to specific approval and issuance of permit by the commissioner of transportation, provided that any such business directional sign shall be erected and maintained by the applicant under rules adopted by the commissioner pursuant to RSA 541-A.

10 Application of Receipts. Amend RSA 6:12, I by inserting after subparagraph (u) the following new subparagraph:

(v) The money received under RSA 230:52, II, which shall be credited to the office of vacation travel, department of resources and economic development.

11 Study Committee Established. There is hereby established a committee consisting of the following 8 members: 3 members of the house



of representatives appointed by the speaker of the house of representatives; 3 senators appointed by the president of the senate; the commissioner of the department of transportation or his designee; and the commissioner of the department of resources and economic development or his designee. The committee shall study the merits of permitting specific information signs to be installed on the interstate and federal aid primary highway systems of the state, as well as other means of communicating information to the traveling public. The committee members shall serve without compensation, but the legislative members shall receive legislative mileage for service on the committee. The committee shall submit its findings and recommendations in a report to the speaker of the house of representatives and the president of the senate on or before December 1, 1986.

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

Referred to Appropriations.

HB 245-FN, relative to the state's natural diversity and making an appropriation therefor. Ought to Pass with Amendment.

This bill makes an appropriation for the biennium ending June 30, 1987, to be expended in support of the natural heritage inventory. The amendment states the nature conservancy shall be administered within the Office of the Commissioner of the Department of Resources and Economic Development. Vote 17-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT  
relative to a natural heritage inventory.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Natural Heritage Inventory. The natural heritage inventory developed by the Nature Conservancy shall be administered within the office of the commissioner of the department of resources and economic development.

2 Donations and Gifts. The commissioner of the department of resources and economic development, with approval of the legislative fiscal committee and governor and council, may accept gifts or donations of funds in support of the natural heritage inventory, and the funds shall be expended by the commissioner in support of the inventory's total budget for the biennium and for said purposes are hereby appropriated.

3 Report. The commissioner of the department of resources and economic development shall submit an annual report on the activities relating to the natural heritage inventory to the governor, the speaker of the house of representatives, and the president of the senate.

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

Referred to Appropriations.

HB 295, relative to Mirror Lake in the town of Woodstock. Ought to Pass with Amendment.

This bill grants an exemption for the use of a boat powered by an electric motor on Mirror Lake in the Town of Woodstock. The exemption is granted for research purposes only for a period of three years. The amendment makes the bill effective on passage. Vote 15-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

## Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Mirror Lake. Notwithstanding the provisions of RSA 486:11, for purposes of research of the polyphemus pediculus only, an exemption shall be granted until July 1, 1989, for the use of a boat powered by an electric motor on Mirror Lake in the town of Woodstock.

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

HB 332-FN, authorizing the establishment of lakes conservation districts. Inexpedient to Legislate.

Although the Committee feels that inter-municipal cooperation for the protection of water should be encouraged and facilitated, it determined, with advise from the Attorney General's Office, that the authority outlined in this bill is already available to municipalities under RSA 53-A. In addition, two other bills proceeding through the Legislature - the technical assistance program for water protection and of lakes - provide direction for joint municipal action. Implementation of these programs should clarify what, if any, need exists for additional legislation. The sponsor concurs with the Committee report. Vote 12-0. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

HB 403-FN, relative to the regulation of telecommunications in the state. Refer for Interim Study.

This bill provides the Public Utilities Commission with specific guidelines for regulating public telecommunication services. The Committee has determined that the subject will require an extensive analysis of guidelines from other states. Accordingly, the Committee voted 9-0 to have this bill referred to a committee for interim study. Rep. Roger L. Easton for Science and Technology.

HB 422-FN, relative to housing authorities. Refer for Interim Study. The Committee appreciates the housing authorities' need for more flexibility if they are to continue to address the housing needs of the low income because of the unavailability of federal money for 100 percent low income housing projects, however, there is much confusion and concern about the impact of the new Federal Tax Reform Act. Consequently, the Committee felt that this bill would require more study and input from agencies affected by this house bill. Vote 13-0. Rep. Deborah L. Arnesen for State Institutions and Housing.

HB 448-FN, relative to the disposal of state owned real property. Ought to Pass with Amendment.

The withdrawal of federal support for housing programs has placed a substantial burden on individual states to assume responsibility for low income housing programs. The proposed amendment provides a nationally significant model for innovative State participation in the development of housing. Vote 13-0. Rep. Barbara E. Arnold for State Institutions and Housing.

## Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Disposal of Real Estate. Amend RSA 4:40 as amended by striking out said section and inserting in place thereof the following:

4:40 Disposal of Real Estate. Disposal of state owned real estate shall occur as follows:

I. Except as provided in paragraph II of this section, upon recommendation of the head of any state department having jurisdiction over the same and with the approval of the council on resources and development, all requests for the disposal or leasing of state owned properties shall be reviewed and approved by the long range capital planning and utilization committee prior to submission to the governor and council for approval. Upon determination that the property is no longer needed by the state, the governor and council shall first offer it to the town, city, or county in which the property is located. If the town, city, or county refuses the offer, the governor and council may sell, convey, transfer, or lease the real property.

II. If, upon recommendation of the head of any state department having jurisdiction over the same, the long range capital planning and utilization committee determines that the property may be suitable for use as low-income rental housing sites, the governor and council may lease without consideration the property to the New Hampshire housing finance authority under RSA 204-C for use as low-income rental housing sites. If the New Hampshire housing finance authority refuses the offer, the property shall be disposed of according to paragraph I of this section. In this paragraph, "low-income rental housing" means projects that are designed for occupancy by low-income persons and families earning no more than 80 percent of the median area income, as defined from time to time by the United States Department of Housing and Urban Development.

III. Sales of real property under this section shall be at not less than a current market value of the subject property as may be determined by the governor and council. If the town, city, or county decides to resell the property, it shall first offer the property to the state at the market value at the time of sale.

IV. This section shall not apply to sale of institutional lands as provided by RSA 10:4, to real estate given or bequeathed to the state under provisions of trust, or to state lands or their products required to be held to procure a continuance of federal conservation work.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Long Range Capital Planning and Utilization Committee. Amend RSA 17-M:2, I(d) and (e) (supp) as inserted by 1983, 428:4 by striking out said subparagraphs and inserting in place thereof the following:

(d) A plan to coordinate the physical plant needs and capital resources of the state into a feasible, long range capital improvement program for the entire state;

(e) Periodic recommendations for improvement in the capital budget process; and

(f) Investigation of the use of public property for low-income housing sites.

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

COMMITTEE REPORTS  
(Regular Calendar)

HB 54-FN, relative to nursing home care costs paid by counties. Inexpedient to Legislate.

This bill would provide for state and counties to share equally the cost for public assistance to recipients in nursing homes. The committee felt it would be inappropriate to pass this legislation as the state would be required to raise \$3,070,000 new revenue to offset the additional cost. Vote 13-8. Rep. Franklin Torr for Appropriations.



Rep. Disnard moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Franklin Torr spoke against the motion and yielded to questions.

Rep. Spaulding spoke in favor of the motion.

Rep. Schmidtchen spoke against the motion.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Spaulding requested a roll call. Sufficiently seconded.

YEAS 149 NAYS 183  
YEAS 149

BELKNAP: Bolduc, Golden, Malcolm Harrington, Jensen and Nighswander.

CARROLL: Ashnault, Gene Chandler, Dickinson, Hounsell and Schofield.

CHESHIRE: Arnott, Burley, Daniel Eaton, Irvin Gordon, Grodin, Matson, Miller, Parker, Perry, Ramsay, William Riley, Russell, Schwartz and Secord.

COOS: Brideau, Harold Burns, Coulombe, Frederic Foss, Guay, Horton, Lamontagne, Mayhew, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bennett, Chambers, Copenhaver, Crory, Densmore, Driscoll, Easton, Wayne King, LaMott and Whitcomb.

HILLSBOROUGH: August, Barry, Bass, Blais, Bourque, Bridgewater, Champagne, Clancy, Cote, Cronin, Durant, Dykstra, Joseph M. Eaton, Gagnon, Scott Green, Healy, Hyman, Chris Jacobson, Katsiaticas, Kelley, Lozeau, Howard Mason, Morrisette, Robert Murphy, Nelson, O'Rourke, Pappas, Paradis, Parmenter, Pressly, Prestipino, Raiche, G. Philip Rodgers, B. P. Smith, Snow, Sylvia, Wagner, Frank Whitemore, Winn, Wood and Worthen.

MERRIMACK: Barberia, Connolly, Alf Jacobson, Jelley, C. William Johnson, Pannell, Pantzer, Walter Robinson, Gerald Smith and Wallner.

ROCKINGHAM: Blaisdell, Blanchard, Patti Blanchette, Butler, Case, Connors, Conroy, Ellyson, Flanagan, Beverly Gage, Gourdeau, Hollingworth, Krasker, Longworth, Magoon, Newell, Pevear, Popov, Raynowska, Norman Rogers, Rosencrantz, Sanderson, Skinner and Warburton.

STRAFFORD: Appleby, Burton, Chamberlin, Albert Dionne, Anita Flynn, Edward Flynn, Hussey, Keans, Kincaid, Laurion, O'Brien, Pelley, Spear, Henry Sullivan and Swope.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, Ingram, Paul Johnson, McKee, Mehegan, Normandin, Rodeschin, Schotanus and Spaulding.

NAYS 183

BELKNAP: Birch, Bowler, Brough, Brown, Richard Campbell, Dexter, Holbrook, Matthew Locke, Pearson and Zeckhausen.

CARROLL: Russell Chase, Robert Holmes, McIntire, Olimpio and Powers.

CHESHIRE: Blacketor, Crane, Jesse Davis, Delano, Morse, Ridge, Scranton, Thompson and Young.

COOS: Brungot, Chappell and Chardon.

GRAFTON: Bean, Blair, McAvoy, Rounds, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Weymouth.

HILLSBOROUGH: Ahrens, Arnold, Boisvert, Lionel Boucher, Bourdon, Boutwell, Burkush, A. Leslie Burns, Carragher, Chagnon, Charron, Chretien, Cox, Crotty, Donovan, Duperron, Clyde Eaton, Fields, Nancy Ford, Fried, Marian Harrington, Hendrick, Herod, Holden, Humphrey, Jasper, Michael Jones, Keefe, Knight, Labombarde, Levesque, Lown, Messier, Elizabeth Moore, Nute, Bonnie Packard, Perham, Frances Riley, Ellen-Ann Robinson, Sallada, Shriver, Leonard Smith, Steiner, Stiles, Stonner, Tamposi, Turgeon, Van Loan, Vanderlosk, Varkas, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler and Zis.

MERRIMACK: Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, James Chandler, Daniell, Fraser, Gilbreth, George E. Gordon, Gross, Hager, Hayes, Mary Holmes, Kidder, Kinhan, Lewis, Arthur Locke, Millard, Nichols, Phelps, Rehlander, Doris Riley, Linwood Rogers, Shepard, Stio, West and James Whittemore.

ROCKINGHAM: William Boucher, Lawrence A. Chase, Jr., Clay, Day, Emanuelson, Felch, Flanders, Bert Ford, Thomas Gage, Goss, Elizabeth Greene, Haynes, Hoar, Robert Johnson, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Malcolm, Robert Mason, Jr., McCain, McKinney, Palumbo, Parr, Quimby, Scamman, Schmidtchen, Schwaner, Seward, Sherburne, Sloan, Sochalski, Splaine, Stachowske, Sytek, Titone, Tufts, Vartanian, Walker, Welch, Wells and Woodward.

STRAFFORD: Bates, Berkey, Bernard, Bryant, Dingle, Patricia Foss, Frechette, Robert Jones, Lussier, Meader, Musler, Parks, Francis Robinson, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Lindblade and Sara Townsend, and the motion lost.  
Resolution adopted.

HB 467-FN, requiring the referral of child abuse cases to the police for criminal investigation. Ought to Pass with Amendment.  
House Bill 467, as amended, requires the Division of Children and Youth to report immediately by phone to the police when there is reason to believe a child has been abused within the definition of RSA 169-C:3. It also requires a written report to follow within 2 working days. The amendment also requires cooperation between police personnel and the Division of Children and Youth personnel in limiting the number of interviews of child victims. Vote 16-0. Rep. Mary Jane Wallner for Children, Youth and Elderly Affairs.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Investigation of Child Abuse Cases. Amend RSA 169-C:38 (supp) as inserted by 1979, 361:2 by striking out said section and inserting in place thereof the following:

169-C:38 Report to Law Enforcement Authority.

I. The bureau shall immediately by telephone refer all cases in which there is reason to believe that a child has been abused within the definition of RSA 169-C:3, II, to the local police in the community in which the acts of abuse are believed to have occurred, if that community employs a full-time police chief; if the community does not employ a full-time police chief the referral shall be to the sheriff of the county or to the New Hampshire state police. The bureau shall also notify the police in writing within 2 working days of the referral, and a copy of this written report shall be sent to the office of the county attorney.

II. All law enforcement personnel and bureau employees shall cooperate in limiting the number of interviews of a child victim and, when

appropriate, shall conduct joint interviews of the child. Employees of the bureau shall share with the investigating police officers all information in their possession which it is lawful for them to disclose to a law enforcement agency. Investigating police officers shall not use or reveal any confidential information shared with them by the bureau except to the extent necessary for the investigation and prosecution of the case.

III. No staff member of the bureau shall be held civilly or criminally liable for a telephone referral or a written report made under paragraph I.

2 Effective Date. This act shall take effect 30 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 28-FN, relative to the reporting of child abuse. Inexpedient to Legislate.

The concerns brought forth in House Bill 28 are addressed in HB 467. Vote 13-0. Rep. Mary Jane Wallner for Children, Youth and Elderly Affairs.

Resolution adopted.

HB 504-FN, relative to a child abuse and neglect prevention program and making an appropriation therefor. Ought to Pass with Amendment. After an intensive study of acceptable means to address the critical need for preventing child abuse and neglect, the Committee agreed to endorse an amendment to House Bill 504, that requires manifestation of public support before substantial outlays are made on a matching basis. The bill includes also the creation of a Board of Trustees comprising members appointed by the Governor and the Legislature, the Attorney General and the Task Force on Child Abuse. Concerns of Committee members in the area of accountability are also addressed in the amendment. Vote 11-4. Rep. James H. Pannell for Children, Youth and Elderly Affairs.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Prevention Program. Amend RSA 169-C by inserting after section 39 the following new subdivision:

#### Prevention Program

169-C:39-a Purpose.

I. The legislature recognizes that child abuse and neglect are serious societal problems, are threats to the family unit, and result in major expenses to society. The legislature further declares that there is a need to assist private and public agencies in initiating and enhancing community based educational and service programs for the prevention of these misfortunes. It is the intent of the legislature to support programs that will reduce conditions leading to child abuse and thus limit the need for future state intervention and expense. It is further intended that programs for preventing child abuse and neglect will be cooperative ventures of citizens, communities, and the state. The purpose of this subdivision is to create a new fund to be used exclusively for the prevention of child abuse and neglect, in order to augment funds currently available from federal, state, or local sources for this purpose.

II. The purpose of this subdivision is to provide a new source of funding, known as the Children's Trust Fund, which shall increase the



funds available for the prevention of child abuse and neglect. The legislature does not intend that these funds will be used as a substitute for any funds currently available from federal, state, or local sources for prevention programs. Nor does the legislature intend that these funds will substitute for state appropriations to the budget of the division for children and youth services or to any other state agency.

169-C:39-b Definitions. In this subdivision:

I. "Board" means the board of trustees established by RSA 169-C:39-d.

II. "Fund" means the trust fund for the prevention of child abuse and neglect established by RSA 169-C:39-c.

III. "Grantee" means any public or private nonprofit organization which receives funding under this subdivision.

IV. "Prevention" means strengthening family function and reducing or eliminating factors conducive to child abuse and neglect.

V. "Prevention programs" means programs designed to meet the goals in paragraph IV and may include, but are not limited to:

(a) Community-based educational programs on prenatal care, prenatal bonding, child development, basic child care, care of children with special needs, coping with family stress; and

(b) Community-based programs relating to aid to parents, child abuse counselling, support groups for families at risk of child abuse and neglect, and early identification of families with potential for such problems.

169-C:39-c Trust Fund for Prevention of Child Abuse and Neglect.

I. There is hereby established in the office of the attorney general a special fund to be known as the trust fund for the prevention of child abuse and neglect. The sole purpose of the fund shall be to provide grant money for prevention programs, as defined in RSA 169-C:39-b, V, and said moneys shall not be available for any other purpose. The trust fund established in this paragraph shall be administered by the attorney general who shall have the responsibility of soliciting and accepting moneys from sources other than the general fund, including federal moneys, and the responsibility of prudently investing moneys in the trust fund established in this paragraph. The attorney general shall deposit any moneys received as a result of solicitation into said trust fund. The attorney general may delegate the responsibilities relating to solicitation and investment to the New Hampshire Charitable Fund and may reimburse the New Hampshire Charitable Fund for the cost of these services, out of moneys set aside for administrative costs under paragraph IV.

II. The state treasurer shall establish a separate account to be known as the "trust fund reserve account" into which shall be deposited all moneys appropriated to the trust fund reserve account. When moneys from a source other than the general fund are deposited into the trust fund established under paragraph I, the state treasurer shall deposit into the trust fund, from the trust fund reserve account, additional moneys in the same amount on a one-to-one matching basis. Any interest earned on the trust fund reserve account shall revert to the general fund.

III. Until the total assets of the fund exceed \$5,000,000 only the interest earned on the moneys in the trust fund established under paragraph I shall be available for disbursement each year, except for any moneys, the receipt of which is conditioned upon the moneys being expended. When the amount of the trust fund exceeds \$5,000,000, any moneys in excess of this amount shall be disbursed for the purposes of this subdivision, except for any moneys, the receipt of which is conditioned upon the moneys remaining in the trust fund.

IV. Of the interest earned on the trust fund established under paragraph I, not more than 5 percent shall be designated for administrative expenses. All mileage payments for members of the board shall be paid out of these moneys.

## 169-C:39-d Board of Trustees.

I. There is hereby established a board composed of the following 9 members, all of whom shall have had experience and knowledge with regard to problems of child abuse and neglect to administer the prevention program:

(a) Five members to be appointed by the governor, as follows: one physician recommended by the New Hampshire Medical Society, one social worker, one educator recommended by the state board of education, one mental health professional recommended by the New Hampshire Mental Health Association, and one public member;

(b) One member to be appointed by the president of the senate;

(c) One member to be appointed by the speaker of the house;

(d) The attorney general or his designee; and

(e) One person to be chosen by the New Hampshire Task Force on Child Abuse and Neglect.

II. The board members, other than the legislative members who shall serve for a term concurrent with their legislative terms and other than the attorney general, shall serve terms of 3 years, except that the first appointees shall serve according to the following provision: the member appointed by the speaker, the member appointed by the senate president and the social worker and the educator appointed by the governor shall each serve for 2 years, the physician appointed by the governor and the member chosen by the New Hampshire Task Force on Child Abuse and Neglect shall each serve for one year.

III. The board shall choose a chairman from among its members and shall meet at least 4 times per year and more often at the call of the chair. Five members shall constitute a quorum. The board shall be administratively attached to the office of the attorney general. Members of the board shall receive mileage payments at the state employee rate.

IV. All initial appointments to the board shall be made within 30 days of the effective date of this subdivision and all vacancies shall be filled within 30 days after the vacancy is effective. The attorney general shall call the first meeting within 30 days after the initial appointments to the board are made.

169-C:39-e Duties of the Board. The board shall have the following duties:

I. With the assistance of the attorney general, administer the grant program established by this subdivision.

II. Disperse funds to qualified grantees.

III. Publicize the availability of the trust fund moneys.

IV. Renew and monitor the quality of the programs which have received moneys from the trust fund.

V. Report annually on the effectiveness of the grant program to the speaker of the house, the senate president, and the governor.

169-C:39-f Criteria for Selection of Grantees. The board shall use all of the following criteria for selecting grantees:

I. A grantee shall be a community-based public or private nonprofit organization or subdivision of the state that intends to use its grant for a prevention program, as defined in RSA 169-C:39-b, V.

II. A grantee shall stipulate that participation by targeted individuals in its prevention program be voluntary.

III. A grantee shall demonstrate the need for its proposed prevention program.

IV. A grantee shall establish its ability to secure community support and its efficiency of administration.

169-C:39-g Amount of Grant.

I. A grantee shall have a portion of its funding contributed from a source other than the children's trust fund, which source may include town, city, county, federal, or private sources. Contribution in kind, whether material, commodities, transportation, office space, or personal services, may be evaluated and counted as part of the required non-state funding.

- II. A grantee shall be eligible to receive up to the following percentage of its yearly funding from the trust fund:
- (a) First year of funding - 70 percent.
  - (b) Second year of funding - 60 percent.
  - (c) Third and all subsequent years of funding - 50 percent.
- 169-C:39-h Guidelines. The attorney general, in consultation with the board of trustees, shall develop guidelines relative to:
- I. Further criteria for the selection of grantees.
  - II. Application procedures for grants.
  - III. Criteria for the evaluation of grantees.
  - IV. Any other subject necessary to the proper administration of this subdivision.

2 Appropriation. The following sums are hereby appropriated as directed for the fiscal year ending June 30, 1987, for the purposes of the trust fund for the prevention of child abuse and neglect established by this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated:

I. The sum of \$1,000,000 to the trust fund reserve account established in RSA 169-C:39-c, II. These funds shall not lapse for a period of 3 years after the effective date of this act, at which time the moneys remaining in the trust fund reserve account shall lapse to the general fund, RSA 169-C:39-c, II notwithstanding.

II. The sum of \$100,000 to the trust fund established by RSA 169-C:39-c, I.

2 Effective Date. This act shall take effect July 1, 1986.

Amendment adopted.

Referred to Appropriations.

HB 138, relative to insurance coverage for the services of certified clinical social workers. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: This bill provides vendorship (third party reimbursement) to Certified Clinical Social Workers. Clinical Social Workers received certification under previous legislation. A social worker, to be certified, goes through a rigorous process of review and examination. Clinical Social Workers constitute a majority of service providers, though not currently reimbursed by statute, but by clients and/or public funds. Currently, in mental health clinics psychiatrists "sign off" on insurance claims for services performed, mostly, by Clinical Social Workers. This bill allows the consumer a choice of mental health services. Vote 12-5. Rep. Bonnie B. Packard for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: The minority position on House Bill 138 is inexpedient to legislate for a number of reasons. First and foremost, is the formation of a commission (provided for by HB 463) to study the whole issue of mental health care provider's certification/licensure procedure, delivery of service and third party reimbursement. Let's give the Commission a chance to study the whole issue (psychologists, pastoral counselors, social workers, etc.) before we, in piecemeal fashion, grant third party reimbursement to any more mental health care providers. There are no guaranteed caps on payments for these services. On the other hand, rates will rise as we have seen in the past with psychologists and pastoral counselors. All of these issues will be addressed by the study commission in comprehensive fashion and hopefully a well-coordinated and well-balanced outline for the delivery and reimbursement of mental health care will be proposed. Rep. Vincent J. Palumbo for the Minority of Commerce, Small Business and Consumer Affairs.

Rep. McCain moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass, and spoke to his motion.



Reps. Bonnie Packard, Diament and William Boucher spoke against the motion and yielded to questions.

Rep. Palumbo spoke in favor of the motion and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

On a voice vote the motion lost.

Ordered to third reading.

HB 394-FN, relative to the registration of trade names. Inexpedient to Legislate.

There is an alphabetical listing of all trade names in the Office of the Secretary of State. The Committee does not feel that this should be the duty of the Secretary of State. Vote 10-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

Resolution adopted.

HB 238, allowing Gilford to separate from school administrative unit number 30. Majority: Inexpedient to Legislate. Minority: Ought to Pass with Amendment.

MAJORITY: House Bill 238 was filed at the request of the Gilford School Board. Subsequent action by the Gilford School District meeting instructed the school board to request defeat of HB 238. An amendment was submitted to enable the Farmington School District to withdraw from SAU #44, but a motion of "ought to pass with amendment" failed 6-11. A subsequent motion of "inexpedient to legislate" passed 12-5. Rep. Ralph W. Pearson for the Majority of Education.

MINORITY: The Farmington School District has met the State Board of Education requirements for SAU withdrawal. In the opinion of the minority, the State Board of Education has not followed its own rules by refusing to allow Farmington to form its own SAU. Reps. Arthur Tufts, Margaret A. Case, William A. Riley, Mary S. Nelson and E. Jane Walker for the Minority of Education.

Rep. Spear moved that the report of the Minority, Ought to Pass with Amendment, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Reps. Pearson and Taffe spoke against the motion.

Reps. Tufts and Burton spoke in favor of the motion.

Reps. Walker and Patti Blanchette spoke in favor of the motion and yielded to questions.

Reps. William Boucher and Hounsell spoke against the motion and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. William Boucher requested a roll call. Sufficiently seconded.

YEAS 225 NAYS 105  
YEAS 225

BELKNAP: Birch, Bolduc, Bowler, Brough, Brown, Richard Campbell, Dexter, Golden, Malcolm Harrington, Jensen, Matthew Locke and Zeckhausen.

CARROLL: Gene Chandler, Russell Chase, McIntire and Olimpio.

CHESHIRE: Blacketor, Burley, Crane, Delano, Daniel Eaton, Grodin, Matson, Morse, Ramsay, Ridge, Russell, Schwartz, Secord and Young.

COOS: Brungot, Chappell, Coulombe, Guay, Horton, Mayhew, Ottolini and York.

GRAFTON: Arnesen, Bennett, Blair, Chambers, Copenhaver, Crory, Densmore, Easton, Wayne King, LaMott, McAvoy, Stewart, Howard Townsend and Weymouth.

HILLSBOROUGH: August, Barry, Bass, Beaupre, Blais, Lionel Boucher, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, A. Leslie Burns, Chagnon, Champagne, Charron, Chretien, Clancy, Cote, Cronin, Duperron, Durant, Dykstra, Joseph M. Eaton, Fried, Gagnon, Scott Green, Marian Harrington, Healy, Hendrick, Herod, Holden, Humphrey, Hyman, Chris Jacobson, Katsiaficas, Kelley, Lamy, Lozeau, Messier, Elizabeth Moore, Morrissette, Robert Murphy, Nelson, Nute, O'Rourke, Bonnie Packard, Pappas, Paradis, Parmenter, Perham, Prestipino, Raiche, Reardon, Frances Riley, G. Philip Rodgers, Shriver, B. P. Smith, Snow, Sylvia, Turgeon, Vanderlosk, Wagner, Harold Watson, Emma Wheeler, Kenneth Wheeler, Winn, Worthen and Zis.

MERRIMACK: Barberia, Bardsley, Bibbo, Laurent Boucher, Cate, Connolly, Daniell, Fraser, George E. Gordon, Hayes, Alf Jacobson, Jelley, C. William Johnson, Lewis, Arthur Locke, Millard, Pantzer, Phelps, Linwood Rogers, Shepard, Wallner, West and James Whittemore.

ROCKINGHAM: Benton, Blaisdell, Blanchard, Patti Blanchette, Butler, Eunice Campbell, Case, Clay, Conroy, Ellyson, Felch, Flanders, Beverly Gage, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Hoar, Hollingworth, Joslyn, George Katsakiores, Phyllis Katsakiores, Krasker, Longworth, Lovejoy, Magoon, Robert Mason, Jr., McCain, McKinney, Newell, Palumbo, Pantelakos, Parr, Pevear, Popov, Raynowska, Norman Rogers, Rosencrantz, Sanderson, Seward, Sherburne, Skinner, Sloan, Stachowske, Sytek, Titone, Tufts, Vaughn, Walker, Warburton and Wells.

STRAFFORD: Appleby, Berkey, Bernard, Bryant, Burton, Chamberlin, Diament, Albert Dionne, Anita Flynn, Edward Flynn, Frechette, Hussey, Keans, Kincaid, Laurion, Lussier, Meader, Musler, O'Brien, Parks, Pelley, Spear, Henry Sullivan and Franklin Torr.

SULLIVAN: Call, D'Amante, Ingram, Lindblade, McKee, Mehegan and Rodeschin.

#### NAYS 105

BELKNAP: Hawkins, Holbrook, Nighswander, Pearson and Randall.

CARROLL: Ashnault, Dickinson, Robert Holmes, Hounsell, Powers and Schofield.

CHESHIRE: Arnott, Jesse Davis, Irvin Gordon, Miller, Parker, Perry, Scranton and Thompson.

COOS: Harold Burns, Chardon, Frederic Foss and Theriault.

GRAFTON: Bean, Driscoll, Rounds, Taffe, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Carragher, Cox, Crotty, Donovan, Fields, Nancy Ford, Hogan, Jasper, Keefe, Knight, Labombarde, Levesque, Lown, Howard Mason, Ellen-Ann Robinson, Sallada, Steiner, Stiles, Stonner, Tamposi, Van Loan, Geraldine Watson, Frank Whittemore and Wood.

MERRIMACK: Anderson, Bowes, James Chandler, Gilbreth, Gross, Mary Holmes, Kinhan, Nichols, Pannell, Rehlander, Doris Riley, Walter Robinson, Gerald Smith and Stio.

ROCKINGHAM: William Boucher, Lawrence A. Chase, Jr., Day, Emanuelson, Flanagan, Bert Ford, Haynes, Robert Johnson, Kane, Roger King, Malcolm, Quimby, Scamman, Schwaner, Sochalski, Splaine, Vartanian, Welch and Woodward.

STRAFFORD: Bates, Dingle, Patricia Foss, Robert Jones, Swope, Ann Torr and Whiting.

SULLIVAN: Brodeur, Disnard, Domini, Paul Johnson, Normandin, Schotanus, Spaulding and Sara Townsend, and the motion was adopted.

Rep. Spear offered an amendment.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

allowing Farmington to separate from school  
administrative unit number 44.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Withdrawal of Farmington School District. Notwithstanding the provisions of RSA 186:11, I, or the provisions of any other law to the contrary, the state board of education is instructed to divide the currently existing school administrative unit number 44 consisting of the Farmington school district, the Wakefield school district, the Milton school district, the Middleton school district, the Barrington school district, the Nottingham school district, the Northwood school district, and the Strafford school district into 2 separate school administrative units with one consisting of the Wakefield school district, the Milton school district, the Middleton school district, the Barrington school district, the Nottingham school district, the Northwood school district and the Strafford school district and the other composed of the Farmington school district alone.

2 Waivers. The 2 different school administrative units created as a result of section 1 of this act are granted waivers from the requirements of any statutes or other laws or of any rules of the state board of education, of the commissioner of education or of the department of education or of any other state agency necessary to facilitate the start-up of the 2 new school administrative units for a period ending no later than 6 months after the effective date of this act. A school administrative unit created as a result of this act may declare an end to its waiver before the expiration of the 6 month period if it so desires.

3 Effective Date. This act shall take effect January 1, 1987.

Amendment adopted.

Ordered to third reading.

RECESS

#### COMMITTEE REPORTS (cont.)

HB 271-FN, appropriating funds for full-time public school teachers. Refer for Interim Study.

The Committee agrees with the sponsor that low teachers' salaries contribute to growing teacher shortages that threaten the effectiveness of our state's public schools. Although a majority of the Committee did not agree that House Bill 271 should pass, the Committee felt that the problems of recruiting and retaining teachers merit serious consideration. Vote 17-2. Rep. Betty Jo Taffe for Education.

Referred for Interim Study.



HB 415-FN, requiring the state board of education to develop family planning programs in junior and senior high schools in the state.

Majority: Refer for Interim Study. Minority: Ought to Pass with Amendment.

MAJORITY: The Education Committee conducted an extensive hearing on this bill and received strong testimony both in support and opposition of the bill. Concerns and issues focused upon the major social/health problem of teenage pregnancies and young single parent families, also upon the role of education and its local districts to optionally develop programs of family life/health education. Since the bill has implications for coordination with other policy committees and the various factions need to develop constructive efforts. The Committee therefore approved a motion of refer for interim study. Vote 15-4. Rep. James F. Kinhan for the Majority of Education.

MINORITY: As amended, this bill would require the Department of Education to make a plan, a comprehensive model, to be used on a volunteer basis by local school districts. The testimony indicated that family planning education was badly needed, and this would require the State to address the problems raised during the Committee hearing. All of the information offered, pointed to the need for action rather than for interim study. Reps. Patricia O. Sanderson and Wayne M. Burton for the Minority of Education.

Referred for Interim Study.

HB 460-FN, relative to a forgivable loan program and making an appropriation therefor. Ought to Pass with Amendment.

House Bill 460 establishes a forgivable loan program for qualifying students. This bill appropriates the sums of \$75,000 for forgivable loans and \$7991 for administrative costs for the fiscal year ending June 30, 1987. It will encourage qualified students to enter the teaching profession. Vote 14-0. Rep. Cynthia W. McKee for Education.

#### Amendment

Amend subparagraph II(b) of section 3 of the bill by striking out same and inserting in place thereof the following:

(b) \$7,991 for the purpose of administering the forgivable loan program established by section 2 of this act.

Amendment adopted.

Referred to Appropriations.

HB 151-FN, relative to an office of technical assistance for community planning. Ought to Pass with Amendment.

The amendment addresses the need to insure continuous communication channels with the towns and cities during the crush of work caused by the nuclear dump studies. This bill establishes such temporary assistance while also providing for data gathering and analysis for possible follow-on legislation to provide growth planning assistance to the towns and cities. Vote 10-6. Rep. William F. McCain for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

establishing a growth planning commission  
to assist cities and towns.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Commission Established. There is hereby established a special commission to provide temporary services for the office of state planning in the area of growth planning techniques for cities and towns. The office of state planning shall provide support services to the commission as required by the commission. The commission shall operate under the direction and supervision of the director of the office of state planning. The commission shall consist of persons in a number to be determined by the governor and appointed by the governor with the consent of the council. Each person shall be a nonclassified employee and shall be qualified by education and experience. The commission's functions and duties shall be completed no later than June 30, 1987, at which time the commission shall cease to exist.

2 Duties of the Commission. The commission shall:

I. Respond to questions gathered from towns and cities regarding growth planning techniques and regarding progress towards their meeting the requirements for master plans. The commission shall record and gather this data to formulate a database for cross-reference and distribution purposes in responding to all cities and towns.

II. Analyze the data gathered in paragraph I and, on or before November 1, 1986, submit a report to the governor, the speaker of the house, and the president of the senate containing a summary of its activities and its recommendations for legislation to be proposed to the 1987 session of the New Hampshire general court.

III. Work, in consultation with the director of the office of state planning, during the 1987 session of the New Hampshire general court, towards the enactment of legislation and an implementation plan regarding growth planning techniques for cities and towns based upon the recommendations contained in its report.

3 Appropriation. There is hereby appropriated to the office of state planning for the fiscal year ending June 30, 1987, the sum of \$60,000 for the purpose of providing funding for the nonclassified employees to be appointed by the governor under section 1 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

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

Amendment adopted.

Referred to Appropriations.

HB 172-FN, increasing the appropriation in the operating budget relative to the department of health and human services to fund SB 1 of the 1985 legislative session. Ought to Pass.

It was the unanimous opinion of this committee that this important bill, to fund the settlement bill of last year, be passed. Vote 19-0. Rep. Andrea A. Scranton for Appropriations.

Rep. Scamman explained the Committee report.

Ordered to third reading.

HB 175, establishing a department of education. Ought to Pass with Amendment.

House Bill 175 establishes a Department of Education consisting of a commissioner, a deputy commissioner who will supervise an Office of Administration, and three divisions headed by directors. The Board of Education will appoint the commissioner and retain its present rule making powers. This bill is drafted in accordance with RSA 21-G and has the approval of the educational community. Vote 16-1. Rep. Nancy M. Ford for Executive Departments and Administration.

## Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 21-M the following new chapter:

CHAPTER 21-N  
DEPARTMENT OF EDUCATION

21-N:1 Findings; Policy Statement.

I. The general court finds that the students, parents, general citizenry, local school teachers and administrators, local governments, local school boards, school administrative units, and state government have a joint and shared responsibility for the quality of education delivered through the public education system in the state of New Hampshire.

II. In order to provide general guidance to the state department of education established by this chapter, the general court declares the following to be the policy of the state of New Hampshire:

(a) The department shall have the dual role of providing regulatory direction and instructional assistance to public elementary and secondary schools.

(b) The department shall be mindful of the need to balance these dual roles so that they are given equal consideration in planning department activities and expenditures and so that the consequences and implications of regulatory decisions are fully considered in light of the need to provide services to assist the local schools in complying with such regulatory direction.

(c) The paramount goal of the state shall be to provide quality education for all school-age children in the state, to the end that each such child shall be provided the opportunity to reach his full educational potential and shall have been exposed to the widest possible variety of educational and cultural experiences consistent with sound basic education.

(d) The department shall continually strive to develop creative and innovative methods to assist local schools to achieve the highest possible degree of effective educational programming and teaching techniques.

(e) The department shall work to establish credible processes for measuring and rating schools, monitoring continued performance, and approving schools based upon measurable elements known to be related to instructional effectiveness. In the process of monitoring and evaluating schools, department personnel shall strive to operate in a nonintrusive fashion in order to minimize disruption of daily classroom routine.

21-N:2 Establishment; General Functions.

I. There is hereby established the department of education, an agency of the state under the executive direction of a commissioner of education.

II. The department of education, through its officials, shall be responsible for the following general functions:

(a) Providing general supervision for elementary and secondary schools, teachers and administrators.

(b) Providing a variety of educational services to schools and particular groups.

(c) Providing vocational rehabilitation services for handicapped and disabled individuals.

21-N:3 Commissioner; Deputy Commissioner, Directors; Compensation.



I. The commissioner of the department of education shall be appointed by the board of education, and shall serve for a term of 4 years. He may succeed himself, if reappointed. The commissioner shall be qualified to hold that position by reason of education and experience.

II. The commissioner shall nominate each division director and the deputy commissioner for confirmation by the board of education. The division directors and the deputy commissioner shall serve for a term of 4 years. They may succeed themselves, if reappointed. The directors and the deputy commissioner shall be qualified to hold their respective positions by reason of education and experience.

III. The directors and the deputy commissioner shall serve staggered terms. Two of the initial terms shall be for 2 years and 2 of the initial terms shall be for 4 years, as directed by the commissioner.

IV. The salaries of the commissioner, each division director, and the deputy commissioner shall be as specified in RSA 94:1-a.

21-N:4 Duties of Commissioner. In addition to the powers, duties and functions otherwise vested by law in the commissioner of the department of education, he shall:

I. Represent the public interest in the administration of the functions of the department of education and be responsible to the governor, the general court and the public for such administration.

II. Establish an audit and monitoring unit within his office which shall:

(a) Assist the commissioner by supplying analytical reports of examinations conducted of the department's various divisions, bureaus, sections, programs and functions. Examinations shall be conducted and reports prepared in accordance with standards of governmental auditing and program evaluation specified by authoritative national standard setting bodies. Reports shall contain analyses, appraisals, comments and recommendations relating to the accuracy and competence of accounting, financial, and management procedures in use.

(b) Monitor department compliance with federal grant requirements and grantee and subgrantee compliance with all department grant requirements.

(c) Not assume any managerial, supervisory or operational function, nor direct action initiated as a result of its recommendations.

III. Provide for a fair hearings unit within his office which shall conduct all hearings required under the provisions of RSA 186-C or any federal law or regulation. Such hearings shall be conducted as adjudicative proceedings as provided in RSA 541-A. The hearing officer, when appropriate, shall present proposed findings and recommendations to the commissioner who shall, upon review of the record, issue a final decision in the matter.

IV. The commissioner shall designate the person who shall act in his capacity in the event that he is incapacitated or unable to perform his duties. He shall designate the person to represent him on boards, commissions, committees, and professional associations.

21-N:5 Office of Administration. There is hereby established within the department an office of administration, under the supervision of an unclassified deputy commissioner who shall, in accordance with applicable laws:

I. Provide for the following functions:

(a) Personnel management.

(b) Developing and maintaining a system of accounting records and budget control procedures which meet all state and applicable federal accounting, purchasing, and reporting requirements.

(c) Property, contracts, and grants management.

(d) Data processing.

(e) Assisting the commissioner with short and long range department level planning activities.

(f) Collecting, compiling, analyzing and reporting on education data.

(g) Planning, applying for and fiscally managing all federal and other grants on a department-wide basis.

(h) Rate setting, as specified under RSA 186-C:7, III. Such rate setting shall be accomplished in consultation with the department of health and human services, whenever appropriate.

II. Exercise, subject to the supervision of the commissioner, superior authority over the directors of the other divisions of the department relative to areas of responsibility specified in this section.

21-N:6 Division of Instructional Services. There is hereby established within the department the division of instructional services, under the supervision of an unclassified director of instructional services who shall be responsible for the following functions, in accordance with applicable laws:

I. Providing technical and consulting services in both academic and support areas to public elementary and secondary schools.

II. Administering the provisions of RSA 186-C relative to special education, except functions assigned exclusively to the division of administration as provided by RSA 21-N:5.

III. Providing technical and consulting services to assist secondary vocational education efforts.

IV. Administering the provisions of RSA 186:61 and 186:62, relative to adult basic education, except functions assigned exclusively to the division of administration, as provided by RSA 21-N:5.

V. Administering any programs designed to assist the education of migrant workers and educationally disadvantaged individuals, except functions assigned exclusively to the division of administration, as provided by RSA 21-N:5.

21-N:7 Division of Standards and Certification. There is hereby established within the department the division of standards and certification, under the supervision of an unclassified director of standards and certification who shall be responsible for the following functions, in accordance with applicable laws:

I. Administering standards for certifying and recertifying educational personnel and approving teacher education programs.

II. Administering standards for approving elementary and secondary schools in accordance with rules adopted by the board under RSA 21-N:9, I.

III. Assuring compliance with all federal equal opportunity and access requirements, including, but not limited to, those requirements concerning awareness and elimination of discrimination on the basis of sex, race, language, physical or mental handicap or economic status.

IV. Approving any course offered under the Federal Job Training Partnership Act.

V. General ongoing reviews of school standards.

VI. Administering department responsibilities for driver education.

VII. Carrying out department responsibilities with regard to the board of nursing education and nurse registration.

VIII. Providing school building construction service and administering the school building aid program.

IX. Administering department responsibilities for food and nutrition services.

21-N:8 Division of Vocational Rehabilitation. There is hereby established within the department the division of vocational rehabilitation, under the supervision of an unclassified director of vocational rehabilitation who shall be responsible for the following functions, in accordance with applicable laws:

I. Administering vocational rehabilitation programs, including the provisions of RSA 200-C, except those functions assigned exclusively to the division of administration, as provided by RSA 21-N:5.

II. Carrying out federal social security disability determinations as authorized by the Social Security Administration.

III. Administering the provisions of RSA 186-B relative to services to the blind.

21-N:9 Rulemaking.

I. The board of education shall adopt rules, pursuant to RSA 541-A, relative to minimum standards for:

- (a) High schools, as authorized by RSA 186:8.
- (b) Junior high schools, as authorized by RSA 186:8.
- (c) Elementary schools, as authorized by RSA 186:8 and

189:25.

II. The board of education shall adopt rules, pursuant to RSA 541-A, relative to:

- (a) The organization of school administrative units.
- (b) The duties of school boards.
- (c) Standards for school building construction.
- (d) School health policies.
- (e) Child benefit services grants.
- (f) Non-public school advisory councils.
- (g) Home study.
- (h) Dual enrollment, as authorized by RSA 193:l-b.
- (i) High school equivalency programs, as authorized by RSA

186:61.

(j) Adult basic education programs, as authorized by RSA 186:61 and 186:62.

(k) Vocational rehabilitation services, as authorized by RSA 186:6.

(l) Special education programs affecting all educationally handicapped individuals, as authorized by RSA 186-C:5, 186-C:16 and 186-C:18, V.

(m) Standards for approval of regional vocational education centers, as authorized by RSA 188-E:3.

(n) Vocational technical education, as authorized by RSA 186:6.

(o) Standards for approval of non-public schools, as authorized by RSA 186:11, XXIX.

(p) Qualifications and duties of school superintendents and principals, as authorized by RSA 186:8.

(q) Qualifications and duties of school administrative unit professional employees, as authorized by RSA 186:8.

(r) Professional preparation standards for educating teachers in post-secondary institutions, as authorized by RSA 186:11, X.

(s) Certification standards for educational personnel, including teachers, paraprofessionals, superintendents, assistant superintendents, teacher consultants, business administrators, principals, vocational directors, administrative associates, coordinators of comprehensive health education and services, directors of pupil personnel services, guidance directors, guidance counselors, school psychologists, associate school psychologists, school physicians, school dentists, paramedics, dental hygienists, social workers, health educators, physical education teachers, home economics teachers, elementary teachers, school nurses, specialists in assessment of intellectual functioning, media supervisors, media generalists and media educational associates, as authorized by RSA 186:8 and RSA 186:11, X.

(t) Administering the provisions of RSA 193:27 through 193:30 regarding placement of children, as authorized by RSA 193:30.

21-N:10 State Board of Education.

I. There is hereby established the state board of education consisting of 7 members who shall serve without pay and shall not be technical educators or professionally engaged in school work. The members shall be paid for actual expenses incurred in the performance of their duties out of moneys appropriated for the department of education.

II. The education committee of the house of representatives or the education committee of the senate may, by majority vote of its



members, propose areas of study to the board, which shall be put on the agenda of the next meeting of the board for its consideration and response.

III. The governor and council shall appoint the members of the board and their term of office shall be for 5 years from the January 31 on which the terms of their predecessors expired. Annually, on or before January 31, the governor shall name a member of the board who shall serve as chairman for one year and until his successor is appointed. No member of the board shall serve more than 2 consecutive terms.

IV. The governor and council may, after notice and hearing, remove a member of the board for incompetency, failure to discharge his duties, malfeasance, immorality, or other cause inimical to the welfare of the public schools, and in case of such removal, or of a vacancy arising from any other cause, they shall make another appointment for the unexpired term.

V. The state shall provide an office for the board. The board shall hold at least 6 regular meetings each year, and such special meetings as may be required. The time and places for regular meetings shall be fixed by the board, and the chairman shall call a special meeting upon the written request of any 2 members, or on his own motion.

21-N:11 Duties of Board. The state board of education established by RSA 21-N:10 shall:

I. Regularly review all programs and activities of the department of education and make recommendations to the commissioner of education with regard to such programs and activities.

II. Advise the commissioner of education with regard to department goals, information gathering and any other aspect of elementary and secondary education within the state of New Hampshire.

III. Hear appeals and issue decisions, which shall be considered final decisions of the department of education for purposes of RSA 541, of any dispute between individuals and school systems or the department of education, except those disputes governed by the provisions of RSA 21-N:4, III.

IV. Appoint members of the professional standards board and other advisory bodies as provided by law.

V. Adopt rules as provided in 21-N:9.

## 2 Transfer.

I. All of the functions, powers, duties and responsibilities of the state department of education in existence prior to the effective date of this section, and all of the functions, powers, duties and responsibilities of the officials of the department of education in existence prior to the effective date of this section are hereby transferred to and vested in the commissioner of education appointed pursuant to this act.

II. The transfer provided for in paragraph I of this section shall include all of the personnel, books, papers, records, equipment, unexpended appropriations or other funds, actions and other property or obligations of any kind formerly a part of the department of education in existence prior to the effective date of this section.

III. The transfer provided for in this section shall become effective on the date set pursuant to the laws of 1983, 372:5, II. Prior to that date, the existing department of education and the officials of the existing department of education referred to in this section shall retain their full power and authority.

3 Transition Procedure. The transition procedure to be followed in implementing the new department established by this act shall be as specified in the laws of 1983, 372:2, 372:3, 372:4 and 372:5 and in RSA 21-G.

## 4 Commissioner-Designate.

I. The board of education shall appoint the commissioner of education prior to September 1, 1986. The individual so appointed shall be known as the commissioner-designate until the department of education

established by this act becomes operational on the date set according to the laws of 1983, 372:5, II.

II. The commissioner-designate shall assume his full powers and duties under the law when the department of education established by this act becomes operational on the date set according to the laws of 1983, 372:5, II. Prior to that date, the commissioner-designate shall perform only the duties prescribed by the laws of 1983, 372:4 and 372:5, and in RSA 17-L. During the period when he is preparing his implementation plan the commissioner-designate shall be permitted to choose one clerical person from one of the entities scheduled for transfer to his department to assist him on a full-time basis.

III. The governor shall draw his warrant upon funds not otherwise appropriated to provide compensation to the commissioner-designate at the rate specified in RSA 94:1-a for the commissioner of education during the transition period.

5 Appropriations. All realignment of functions, reassignment of personnel, and restructuring of organizational units required by this act shall be accomplished within the existing appropriations transferred from the agencies consolidated by this act to the department of education established by this act.

6 Changes in Authority. As of the effective date for the department of education established by this act, set according to the laws of 1983, 372:5, II, the references listed below are hereby changed as follows:

I. All references to the "chief of the division of vocational rehabilitation" in RSA 200-C shall be changed to read "director of the division of vocational rehabilitation".

II. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make changes in the printed version of all laws and rules, and all legislation enacted by the 1986 session of the general court that may be necessary for the purpose of conforming the language of such laws, rules or legislation to the language of this act, provided that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1986 session laws.

7 Rulemaking. Amend RSA 186:8 by striking out said section and inserting in place thereof the following:

186:8 Rulemaking Authority; Standards; Employee Qualifications. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to:

I. Minimum curriculum and educational standards for all grades of the public schools.

II. Qualifications and duties for school superintendents, principals, school administrative unit professionals and other public school employees.

III. Certification standards for educational personnel, including those listed in RSA 21-N:9, II(s).

8 Duties of State Board of Education. Amend the caption and introductory paragraph of RSA 186:11 (supp) by striking out said caption and paragraph and inserting in place thereof the following:

186:11 Duties of State Board of Education. The state board of education shall, in addition to the duties assigned by RSA 21-N:9:

9 Teacher Certification. Amend RSA 186:11, X as amended by striking out said paragraph and inserting in place thereof the following:

X. Adopt rules, pursuant to RSA 541-A, relative to:

(a) Certification of teachers, supervisors, and administrators in the public schools. The state board shall also examine the qualifications of candidates for those positions and issue certificates to those who meet the requirements of said rules.

(b) Fees to be paid to the commissioner of education for the administration of proficiency exams, other competence evaluations and for the issuance of educational credentials. These fees must bear a reasonable relationship to the actual costs related to such activities.

Funds collected from these fees shall be expended only for purposes of fulfilling the requirements of this paragraph. No portion of the funds collected from these fees shall lapse, nor be used for any other purpose than fulfilling the requirements of this paragraph, nor be transferred to any other appropriation.

10 Non-Public Schools. Amend RSA 186:11, XXIX as amended by striking out said paragraph and inserting in place thereof the following:

XXIX. Adopt rules, pursuant to RSA 541-A, relative to reasonable criteria for approving non-public schools for the purpose of compulsory attendance requirements. The state board of education may, upon request, designate which schools meet those criteria, and may, upon the request of a non-public school, approve or disapprove its education program and curriculum.

11 Programs for Federal Aid. Amend the introductory paragraph of RSA 186:11-d as inserted by 1959, 292:1 by striking out said paragraph and inserting in place thereof the following:

The state board of education shall formulate plans for the following programs:

12 Professional Standards Board. Amend RSA 186:60, I as inserted by 1975, 122:1 by striking out said paragraph and inserting in place thereof the following:

I. There is hereby established a professional standards board to advise the state board of education regarding professional growth, certification and governance of the education profession in this state. The board shall consist of the following 21 members:

- (a) The director of the division of standards and certification, or his designee, who shall be the executive secretary of the board;
- (b) 9 members representing classroom teachers or education specialists, or both;
- (c) 9 members representing higher education and education administration; and
- (d) 2 members representing qualified lay persons.

13 Adult Education. Amend RSA 186:61 as inserted by 1975, 363:1 by striking out said section and inserting in place thereof the following:

186:61 Establishment of Adult High School Education Program.

I. The state board of education shall establish and promote an educational program for adults to earn a high school diploma or its equivalent. This program shall be administered by the school districts in accordance with the rules adopted by the state board.

II. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to:

- (a) The issuance of high school diplomas to adults.
- (b) The issuance of high school equivalency certificates based on uniform educational criteria.
- (c) Designation of public schools and institutions of higher education to serve as testing centers for high school equivalency certificate examinations.

14 Adult Education. Amend RSA 186:62, I and II as inserted by 1975, 363:1 by striking out said paragraphs and inserting in place thereof the following:

I. The state board of education shall promote and encourage other programs of adult and continuing education. The board shall adopt rules, pursuant to RSA 541-A, relative to standards and accreditation of those adult and continuing education programs which involve certification of adult learners at the high school level and which are organized and administered exclusively by school district officials.

II. The state board of education shall:

- (a) Receive applications from school district officials seeking those funds which have been designated for adult education programs operating within school district auspices and grant funds to school districts for such programs.



- (b) Accept grants, gifts and funds for such programs.
- (c) Request, receive and expend federal funds for such

programs.

15 Administrator of Blind Services. Amend RSA 186-B:2 as inserted by 1970, 34:1 by striking out said section and inserting in place thereof the following:

186-B:2 Appointment of Blind Services Administrator. The commissioner with approval of the state board of education shall appoint an administrator of blind services, who shall be a classified employee within the division of vocational rehabilitation, and who shall report directly to the director of vocational rehabilitation.

16 Aid to the Blind. Amend RSA 186-B:4 as inserted by 1970, 34:1 by striking out said section and inserting in place thereof the following:

186-B:4 Aid to the Blind. The department of education shall furnish aid to the blind of the state, as follows:

I. The administrator of blind services shall prepare and maintain a register of the blind in the state, which shall describe their condition, cause of blindness, capacity for education and industrial training, and such other data as he considers advisable.

II. The administrator of blind services shall act as a bureau of information and industrial aid for the blind, and for this purpose may furnish materials and tools to any blind person. He may assist blind persons engaged in home industries in marketing their products, in finding employment, and in developing home industries. He may ameliorate the condition of the blind by devising means to facilitate the circulation of books, by promoting visits among the aged or helpless blind in their homes, and by such other methods as are expedient. However, he shall not undertake the permanent support or maintenance of any blind person.

III. The administrator of blind services shall furnish assistance to such blind persons, in such amounts and at such asylums, schools, or other institutions designed for the purpose of industrial aid to the blind as the department of education directs.

IV. The commissioner of education at his discretion may contribute to the support of the blind persons from New Hampshire receiving instruction in industrial institutions outside the state.

V. The commissioner of education with approval of the state board may appoint other officials and agents necessary to assist in carrying into effect the provisions of this chapter, subject to rules of the state personnel commission.

17 Definitions. Amend RSA 186-B:10, II as inserted by 1975, 260:1 by striking out said paragraph and inserting in place thereof the following:

II. "Blind services" means the administrative unit for the blind services program of the division of vocational rehabilitation of the department of education under the administrator of blind services.

18 Rulemaking. Amend RSA 188-E:3, I as inserted by 1973, 567:1 by striking out said paragraph and inserting in place thereof the following:

I. The state board of education shall make grants available to designated regional centers for construction of vocational education facilities. The board shall adopt rules, pursuant to RSA 541-A and RSA 21-N:9, II, relative to requirements for approval of regional vocational education centers to receive funds for construction of such facilities. The rules shall include criteria which guarantee potential sending districts an opportunity to enroll students in the regional vocational program, and basic criteria for planning such facilities through cooperative development of plans by the vocational education staff of the state department of education and the local school districts staff. When such plans appear to be both educationally and financially acceptable, the department's vocational staff shall recommend to the commissioner that they be approved for funding.

19 Appeals by Dismissed Teachers. Amend RSA 189:32 as amended by striking out said section and inserting in place thereof the following:

189:32 Appeal. Any person so removed, unless dismissed by the school board, may appeal to the state board. The board shall prescribe the manner in which appeals shall be made, and when one is made shall investigate the matter in any way it sees fit, and make such orders as justice requires.

20 School Administrative Unit; Duties. Amend RSA 189:43 (supp) as amended by striking out said section and inserting in place thereof the following:

189:43 Organization and Duties.

I. The school board of each school administrative unit shall meet between April 1 and June 1 in each year, at a time and place fixed by the chairmen of the several boards, and shall organize by choosing a chairman, a secretary, and a treasurer.

II. The school board of each school administrative unit shall appoint a superintendent and, upon nomination by the superintendent of schools, appoint one or more assistant superintendents, teacher consultants, and business administrators.

III(a). "Teacher consultant" as used in this title means a teacher with specific training and experience which will enable him, to give helpful advice, counsel and assistance to teachers, pupils and parents of a school system as a constructive means of improving the educational growth and development of children, solving pupil problems of retardation and maladjustment, adopting the program of studies to meet the needs of the children and the community, bringing resources outside of the school to classroom teachers, pupils, parents and community and in general acting as a consultant to the entire staff and community in the recognition of the educational needs.

(b) Teacher consultant positions shall be established only after a majority of the school districts in the school administrative unit representing not less than 60 percent of the total pupils in the school administrative unit has voted favorably upon the establishment of the position.

IV (a). "Business administrator" as used in this title means a person with specific training and experience which will enable him to keep books of account of the school administrative unit and the school districts thereof, to prepare their operating and capital budgets, to act as purchasing agent for the school administrative unit and the school districts thereof, to prepare contracts for and to supervise repairs and maintenance of school buildings, to prepare contracts for and supervise and operate transportation facilities for the school districts and generally to assist the school administrative unit and the school districts thereof in the administration of their business and financial affairs.

(b) Business administrator positions shall be established only after a majority of the school districts in the school administrative unit representing 60 percent of the total pupils in the school administrative unit has voted favorably upon the establishment of the position.

V. The school board of each school administrative unit shall fix the salaries of all school administrative unit personnel, shall apportion the expense of the salaries and benefits among the several districts, and shall certify the apportionment to their respective treasurers and to the state board of education. The school administrative unit board shall have the authority to remove superintendents, assistant superintendents, teacher consultants, and business administrators.

21 Rulemaking; Dual Enrollment. Amend RSA 193:1-b as inserted by 1973, 501:5 by striking out said section and inserting in place thereof the following:

193:1-b Rulemaking Authority; Dual Enrollment Programs.

I. In order to accomplish the secular educational purposes of RSA 193:1-a, the state board of education shall adopt rules, pursuant to RSA 541-A and RSA 21-N:9, II(h), relative to:

- (a) Providing for shared or released time programs.
- (b) Leasing of space.
- (c) Requirements for optional services permitted under RSA

189:49.

II. In the event that a court rules invalid a particular lease or rule, that action shall not be deemed to have invalidated other leases or rules adopted under this section.

22 Rulemaking. Amend RSA 193:30 (supp) as inserted by 1981, 326:1 by striking out said section and inserting in place thereof the following:

193:30 Rulemaking Authority. The state board of education shall adopt rules, pursuant to RSA 541-A and RSA 21-N:9, II(1), relative to education of children placed in homes for children, health care facilities or state institutions. Such rules may include provisions for administrative hearings to resolve disputes between school districts relative to reimbursement under RSA 193:29.

23 Federal School Building Aid. Amend RSA 198:15-g as inserted by 1957, 301:3 by striking out said section and inserting in place thereof the following:

198:15-g Federal School Building Aid. The department of education is hereby designated as the agency of the state of New Hampshire for the receipt and distribution of federal funds in aid of school building construction and is hereby given such authority in connection therewith as it may be required to possess by any federal act relating thereto in order to receive and distribute such funds, and it is hereby authorized to cooperate with the federal government or any agency thereof in the development of plans for the distribution of federal funds in aid of the construction of school buildings and to receive and expend in accordance with such plans all funds made available to it or the state of New Hampshire by the federal government or any of its agencies; provided, however, to the extent permitted by any federal act relating thereto, the department of education, in formulating plans for the distributing of federal funds, may give consideration to the effort made by any local school district in providing school buildings, its financial ability to pay for school buildings, the encouragement of cooperative school districts and the amounts received or to be received by school districts as state aid to school buildings under the provisions of this chapter as now or hereafter amended.

24 Vocational Rehabilitation Fund. Amend RSA 200-C:1 as inserted by 1967, 417:1 by striking out said section and inserting in place thereof the following:

200-C:1 Federal Vocational Rehabilitation Funds. The commissioner of education, or if the commissioner of education delegates the authority in writing, the director of the division of vocational rehabilitation of the department of education, is authorized to make application to and receive funds from, to cooperate with, and to enter into any agreements with the federal government or any agency of the federal government to secure the participation of the United States government through the allotment of federal funds in the vocational rehabilitation program of this state.

25 Allied Health Professions Administration. Amend RSA 188-B:2 (supp) as inserted by 1967, 410:1 as amended by striking out said section and inserting in place thereof the following:

188-B:2 Administration. The commissioner of postsecondary vocational-technical education is charged with the administration of this chapter and is authorized, within the funds appropriated therefor, to employ teachers, administrative staff and such other employees as may be necessary to carry out the provisions hereof. The commissioner is authorized and directed to locate the facilities for any training program hereunder at the state technical institute and vocational-technical colleges, and to establish and implement curricula for as many of said professions as soon as possible, and to make application for and receive any and all federal grants or assistance available. The commissioner shall study the feasibility for the expansion and greater implementation



of the general purposes of this chapter including the establishment of new facilities for the purposes hereunder and shall make recommendations to the next session of the legislature relative to the matter.

26 Positions Retained. Should any person now employed in the department of education be offered an unclassified position and refuse that position, he shall be retained as a classified employee at his present salary level, in a position outlined in accordance with the implementation plan required by the laws of 1983, 372:4, III.

27 Temporary Authority to Set Salaries.

I. The commissioner of education appointed pursuant to this act shall include as part of the implementation plan required by the laws of 1983, 372:4, III recommendations as to the appropriate temporary salary level for the directors of all divisions and the deputy director of the department.

II. The joint committee on implementation of reorganization established by RSA 17-L shall submit the recommendations submitted in accordance with paragraph I to the joint fiscal committee of the general court. The joint fiscal committee shall consider these recommendations and shall set a temporary salary level for each division director of the department of education.

III. The joint fiscal committee shall recommend permanent salary levels for each division director of the department of education to the next regular or special session of the general court following the effective date for the department of education established pursuant to this act. In any case, the temporary salary levels set pursuant to this section shall expire 10 days after the last session day of the next regular or special session following the effective date for the department of education established pursuant to this act.

28 Rules Authorized.

I. The general court hereby declares that all of the rules of the state board of education and the department of education which have been properly filed with the director of legislative services as final rules, as required by RSA 541-A, prior to the effective date for the department of education established by this act set according to the laws of 1983, 372:5, II shall be deemed to have been adopted under valid statutory authority except as otherwise provided in this section. The expiration dates for such rules under RSA 541-A:2, IV in effect on the effective date of this section shall remain unchanged. The presumption of validity accorded such rules by this section shall not be construed to extend beyond the expiration dates in effect on the effective date of this section.

29 Repeals. The following are hereby repealed:

I. RSA 186:1, 186:2, 186:3, 186:4, 186:9, 186:9-a, 186:9-b, 186:10, 186:12 and 186:51, relative to the state board of education and the commissioner and deputy commissioner of education.

II. RSA 186:11, XXII, XXIII, XXIV and XXX relative to superintendents, assistant superintendents, teacher consultants and business administrators.

III. RSA 186:64-67, relative to a comprehensive health program.

IV. RSA 186-B:5, relative to an industrial workshop program.

V. RSA 189:30, 189:44 and 189:48, relative to salaries for superintendents, assistant superintendents, teacher consultants and business administrators.

VI. RSA 194-A, relative to education voucher programs.

VII. RSA 195:1, VI, relative to the definition of state board.

VIII. RSA 195-A:1, VIII, relative to the definition of state board.

30 Hearing Officer. Amend RSA 186:10-a (supp) as inserted by 1977, 57:1 by striking out said section and inserting in place thereof the following:

186:10-a Hearing Officer. The state board of education upon nomination of the commissioner shall appoint a qualified hearing officer

to preside over such preliminary hearings as may be held prior to formal hearings held by the state board, and to render decisions which shall be binding until the state board's formal hearings are held.

31 Effective Date.

I. Sections 1, 2, 3, 4, 5, and 6 of this act shall take effect July 1, 1986.

II. The remainder of this act shall take effect when the reorganized department of education established by this act becomes operational on the date set according to the laws of 1983, 372:5, II.

Rep. Ward explained the Committee report.

Amendment adopted.

Ordered to third reading.

HB 400-FN, establishing a revolving fund for distribution and publication costs of state publications. Ought to Pass with Amendment. As amended, this bill would insure that anyone who obtains a license for one of the occupations or professions would be provided with a set of the rules and/or regulations that govern that occupation or profession. Any expense of providing these publications would be reflected in the cost of the license. Vote 17-0. Rep. Harold W. Watson for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

requiring licensing boards to provide copies of certain publications to applicants and licensees.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 332-G the following new chapter:

#### CHAPTER 332-H DISTRIBUTION OF PUBLICATIONS BY LICENSING COMMISSIONS AND BOARDS.

332-H:1 Definitions. In this chapter:

I. "Board" means any department, division, commission, agency, or board which examines and licenses an occupation or profession.

II. "Publication" includes any document supplied by a board which contains the rules relating to the examining, licensing, and regulation of the occupation or profession.

332-H:2 Distribution of Publications.

I. One copy of a publication which contains the rules relating to the examination, licensing, and regulation of a person's occupation or profession shall be automatically provided to a person who is newly licensed at the time he receives his license as a member of an occupation or profession. In addition, upon the written or oral request of a person to be examined or of a person who presently holds a license as a member of an occupation or profession, the appropriate board shall on the same day that the request is made provide the person with one copy of a publication which contains the rules relating to the examination, licensing and regulation of the person's occupation or profession.

II. Publications which are distributed under paragraph I shall be a compilation of the current rules relating to examining, licensing, and regulation for which the board is responsible.

332-H:3 Cost of Publications. Every board shall recover the cost of printing and issuing publications to examinees and licensees as provided in RSA 332-H:2. The expenses for such publications shall be covered by the examination and licensing fees charged by the board.

2 Effective Date. This act shall take effect January 1, 1987.

Amendment adopted.  
Ordered to third reading.

HB 459-FN, relative to rate setting for special education and the division for children and youth services and making an appropriation therefor. Inexpedient to Legislate.

This legislation is being addressed in part by House Bill 175, the organization of the Department of Education, and also in an ongoing comprehensive study. Vote 17-0. Rep. Nancy M. Ford for Executive Departments and Administration.

Resolution adopted.

HB 320, permitting registered nurses to fill out death certificates. Ought to Pass with Amendment.

The intent of House Bill 320, as amended, strikes the original bill, which allows attending registered nurses to be able to pronounce death in order to expeditiously release the body of someone who has died in a nursing home, or private home under home health aid care or in a hospice situation even if the registered nurse is unable to reach the attending physician by phone. The funeral director still has to obtain the cause of death and physician's signature before anything can be done to the body. Vote 16-1. Rep. Gertrude I. Butler for Health and Human Services.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

permitting registered nurses to pronounce  
death in certain circumstances.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Registered Nurses Pronouncing Death. Amend RSA 290 by inserting after section 1-a the following new section:

290:1-b Pronouncement of Death by Registered Nurses. If an anticipated death occurs in a nursing home, a private home served by a home health care provider licensed under RSA 151, or a hospice, the registered nurse attending at the last sickness may pronounce the person dead and release the body to the funeral director after having signed the death certificate on the designated line. If a contagious disease is known to be present at the time of death, that fact shall be indicated on the death certificate in accordance with rules adopted by the division of public health services, department of health and human services as provided in RSA 126:2.

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

Amendment adopted.  
Ordered to third reading.



HB 325-FN, relative to acupuncture. Ought to Pass with Amendment. The intent of the sponsor of this bill is to stop the Board of Registration in Medicine from regulating hypnotists. The Committee overwhelmingly agrees with this intent. In addition, as the title of the bill indicates, the bill, with its amendment, strengthens the Board of Registration in Medicine's control over the practice of acupuncture. Vote 18-1. Rep. Elizabeth Hager for Health and Human Services.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Acupuncture. Amend RSA 329 by inserting after section 1-a the following new section:

329:1-b Acupuncture. Acupuncture shall be performed only by physicians licensed under this chapter. Acupuncture shall be considered the practice of medicine as defined in RSA 329:1.

2 Acupuncture Added. Amend RSA 329:9, XII and XIII as inserted by 1981, 483:4 by striking out said paragraphs and inserting in place thereof the following:

XII. The certification of paramedical personnel, as provided for in RSA 329:21, XII;

XIII. The definition of acupuncture; and

XIV. Other matters related to the proper administration of this chapter.

3 Rescission. New Hampshire Administrative Rules, Med 404.04, relative to acupuncture and hypnosis, is hereby rescinded.

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

Amendment adopted.

Ordered to third reading.

HB 431-FN, establishing civil assessments for shoplifting infractions. Ought to Pass with Amendment.

The amendment strikes out the entire original bill, and replaces it with a modification of the theft statute developed during interim study. In determining the value of stolen property, there will be no offset for the value of any property or service given in exchange. This change will be helpful, particularly in the prosecution of investment fraud. Vote 17-0. Rep. Donna P. Sytek for Judiciary.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the crime of theft.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 No Offset. Amend RSA 637:2, V as inserted by 1971, 518:1 by inserting after subparagraph (a) the following new subparagraph:

(b) The value of property or services obtained by the actor shall determine the grade of the offense, and such value shall not be offset against or reduced by the value of any property or services given by the actor in exchange.

2 Theft. Amend RSA 637:4 as inserted by 1971, 518:1 by inserting after paragraph III the following new paragraph:

IV. A person commits theft under this section notwithstanding that the victim has suffered no actual or net pecuniary loss.

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

Amendment adopted.

Ordered to third reading.

#### SUSPENSION OF RULES

Rep. Sytek moved that the rules be so far suspended as to permit consideration at the present time of HR 15, requesting an opinion of the Justices on HB 196, without a public hearing.

Rep. Francis Robinson spoke in favor of the motion.

Adopted by the necessary two thirds.

HR 15, requesting an opinion of the justices. Ought to Pass. This resolution requests an opinion of the justices on the constitutionality of HB 196 as amended by the Committee, which provides a new procedure for the conduct of sobriety checkpoints, commonly called DWI roadblocks. Vote 11-1. Rep. Donna P. Sytek for Judiciary.

#### HOUSE RESOLUTION NO. 15

requesting an opinion of the justices.

Whereas, HB 196, an act relative to judicial authorization for the conduct of sobriety checkpoints to detect, apprehend and deter impaired motorists, has been introduced and has been amended by the judiciary committee of the house of representatives and is now pending before the house of representatives for consideration; and

Whereas, HB 196 as amended provides that a judicial warrant authorizing the conduct of a sobriety checkpoint shall be issued upon application to any justice of a district, municipal, or superior court upon a finding by such justice that the checkpoint is a reasonable means of detecting, apprehending, and deterring impaired motorists, and that the interest of the state in maintaining such a checkpoint outweighs the intrusion upon individual rights; and

Whereas, the New Hampshire Supreme Court has found constitutionally defective, under Part I, Article 19 of the New Hampshire Constitution, a sobriety checkpoint program, on the basis that there was no showing that no other, less intrusive, means exist to effectively combat drunk driving, State v. Koppel, 127 N.H. (decided August 16, 1985); and

Whereas, HB 196 as amended provides for independent review by a neutral and detached magistrate of a variety of both objective and subjective factors, upon which a determination as to the reasonableness and relative effectiveness of the sobriety checkpoint as a DWI enforcement tool is to be made; and

Whereas, HB 196 as amended requires that a neutral and detached magistrate, prior to authorizing the implementation of a sobriety checkpoint, make an affirmative finding, in consideration of a number of objective and subjective factors addressed by this court and courts in other jurisdictions, that the intrusion upon individual rights of privacy is outweighed by the public interest in maintaining a sobriety checkpoint; and

Whereas, HB 196 as amended incorporates a requirement for notice at least 7 days prior to implementation of a sobriety checkpoint; and

Whereas, a question has arisen as to the constitutionality of HB 196 as amended in light of the court's opinion in State v. Koppel; now, therefore, be it

Resolved by the House of Representatives:

That the Justices of the Supreme Court are respectfully requested to give their opinion and answer the following questions of law:

I. In view of the proposed system of independent review of a sobriety checkpoint program by a neutral and detached magistrate, who shall consider a series of objective and subjective factors related to reasonableness, relative effectiveness, and deterrence, does HB 196 as amended, violate Part I, Article 19 of the New Hampshire Constitution?

II. In all respects other than those to which the preceding question relates, is HB 196 as amended, constitutional on its face?

That the clerk of the house of representatives transmit copies of this resolution and copies of HB 196 and the proposed amendment to the justices of the New Hampshire Supreme Court.

Ordered to third reading.

Rep. Sytek moved that HB 196 be laid upon the Table to await the opinion of the Justices on HR 15.

HB 334, clarifying a construction authorization bill. Ought to Pass. House Bill 334 will amend RSA 423:27 by inserting the phrase "Land Acquisition" which will grant authorization to the Attorney General to litigate the eminent domain cases pending in Superior Court. This bill will not increase the total of \$3,000,000 currently appropriated. Vote 13-5. Rep. Robert E. Murphy for Public Works.

Ordered to third reading.

HB 346-FN, relative to the state aid construction and state aid reconstruction programs. Ought to Pass.

House Bill 346 will modify RSA 235 section entitled "Class II Highway State Aid" which will change the contribution formula in favor of the towns and cities. Vote 17-0. Rep. Robert E. Murphy for Public Works.

Ordered to third reading.

HB 374-FN, relative to relocation of certain public utility property. Refer for Interim Study.

This bill is an attempt to clean up language which was passed on a Senate amendment last year. It provides that highway funds can be used to match federal funds that would be used to relocate public utility property during highway construction. The question is "Who should pay"? The utility through rates approved by the Public Utilities Commission or all of us who use the highways. Vote 11-5. Rep. Sandra B. Keans for Public Works.

Referred for Interim Study.

HB 509, establishing an east-west highway from Route I-393 in Concord to the Spaulding turnpike and making an appropriation therefor. Ought to Pass with Amendment.

The Public Works Committee voted 16-2 for this comprehensive highway plan with a special emphasis on needed funding for secondary roads to be financed by a gasoline tax to be phased in over a four-year period. Without a gasoline tax increase, secondary roads would receive only \$3,000,000 or less annually - pennies for a 1,200 mile secondary road system. The Committee strongly feels that this would be inadequate, insufficient and unrealistic to meet New Hampshire's needs. Rep. Warren L. Swope for Public Works.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:



## AN ACT

establishing a 10-year state highway construction and reconstruction plan; making an appropriation for certain projects; and increasing the gasoline and diesel fuel tax.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Legislative Intent. In this act, the general court is adopting a 10-year construction and reconstruction plan for the highway system of the state. This plan is predicated on the report submitted to the governor by the governor's advisory commission on highways, and is intended to serve as guidelines for highway development in the state for the next decade. The plan shall be revised and updated as required based on an annual report from the commissioner of the department of transportation and as the wisdom of the general court may from time to time dictate.

2 Interstate Highway Construction and Reconstruction Plan for 10 Years.

I. (a) Summary of the program estimated costs over the next 10 years is as follows:

(1) Route I-93	\$34,062,750
(2) Route I-393	21,100,000
(3) Route I-89	<u>8,750,000</u>
Total	\$63,912,750

(b) Funding for the programs in paragraph I(a) shall be from the following sources:

(1) Required state match	\$ 6,391,275
(2) Federal funds	<u>57,521,475</u>
Total	\$63,912,750

II. The specific projects for the program estimated costs summarized in paragraph I are as follows:

(a) Route I-93:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Hooksett	88	Safety and overlay from Merrimack River north 0.63 mi.	1.76225 (.4875 4R) (1.27475 Interstate)
(2) Lincoln	86	Landscaping from park boundary to Pemi Trail	.200
(3) Lincoln	86	Landscaping from Harvard Brook to park boundary	.160
(4) Lincoln	86	Landscaping from Pemi Trail to Whitehouse Bridge	.200
(5) Lincoln	86	Landscaping from US 3 to Harvard Brook	.140

(6)	Lincoln	88	Bridge construction Pemigewasset River - 4 bridges	3.488
(7)	Lincoln-Franconia	86	Landscaping parkway section	.100
(8)	Lincoln-Franconia	87	Landscaping parkway section	.100
(9)	Franconia	86	Sewer system at interpretive shelter	.250
(10)	Franconia	86	Structures - 4 bridges over Skoocumchuck and Lafayette Brooks	5.25
(11)	Franconia	87	Landscaping Profile Lake parking area	.200
(12)	Franconia	87	Landscaping Profile Lake to park boundry	.200
(13)	Franconia	87	Landscaping tramway area and Echo Lake	.200
(14)	Franconia	87	Landscaping Echo Lake to park boundry	.200
(15)	Franconia	88	Landscaping Echo Lake to I-93	.100
(16)	Franklin	89	Interchange I-93 Exit 21	22.00
			Total I-93	<u>\$34.06275</u>

## (b) Route I-393:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Concord	86	US 4 over I-393 bridges	2.0
(2) Concord	86	New Hampshire 106 over I-393 bridges	1.80
(3) Concord	87	Reconstruction along Suncook River 1.6 mi.	7.70
(4) Concord-Pembroke	87	I-393 over Suncook River bridges	4.10
(5) Pembroke-Chichester	86	Suncook River easterly including bridges over Horse Corner Road and I-393 over local roads	5.50
		Total I-393	<u>\$21.10</u>

## (c) Route I-89:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Concord	88	Clinton Street interchange	2.50
(2) Warner	87	Safety and overlay/resur- facing 0.5 mi. north of New Hampshire 103 northerly 1.5 mi.	1.85 (.900 4R) (.950 Interstate)
(3) Sutton-New London	88	Safety and overlay/resur- facing from Exit 11 south- erly 2.58 mi.	4.105 (2.105 4R) (2.00 Interstate)

(4)	New London	86	Safety and overlay/resurfacing - Exit 11	.970 (.495 4R) (.475 Interstate)
(5)	New London	88	Safety and overlay/resurfacing Exit 11 north to Sunapee	5.575 (2.750 4R) (2.825 Interstate)
			Total I-89	\$8.750

3 Interstate 4R Program.

I. (a) Summary of the interstate 4R program estimated costs over the next 10 years is as follows:

(1)	Route I-89	\$13,176,000
(2)	Route I-93	69,778,500
(3)	Route I-95	310,000
(4)	Route I-293	18,600,000
(5)	Miscellaneous	2,250,000
	Total	\$104,114,500

(b) Funding for the programs in paragraph I(a) shall be from the following sources:

(1)	State Matching Fund	\$ 10,411,450
(2)	Federal Funds	93,703,050
	Total	\$104,114,500

(c) For purposes of the 10-year plan, estimated available federal interstate 4R funds are \$15,000,000, to \$18,000,000 yearly.

II. The specific projects for the program estimated costs summarized in paragraph I are as follows:

(a) Route I-89:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Bow	87	Bridge replacement from I-89 to I-93	.851
(2) Warner	87	Safety and overlay, resurfacing 1.5 mi.	1.850 (.900 4R) (.950 Interstate)
(3) Sutton-New London	88	Safety and overlay, resurfacing 2.58 mi.	4.105 (2.0 Interstate)
(4) New London	86	Safety and overlay Exit 11	.97 (.475 Interstate)
(5) New London	88	Safety and overlay Exit 11N to Sunapee toll	5.575 (2.825 Interstate)
(6) Enfield	89	Rehabilitation Exit 15 to Exit 16	(2.750 4R) 2.020



(7)	Enfield-Lebanon	86	Resurfacing	.555
			Exit 15 to Exit 16	
(8)	Lebanon	86	US 4 interchange	3.50
			Rehabilitation -	
			6 bridges	
			Total	<u>\$13.176</u>
			I-89	

## (b) Route I-93:

	TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1)	Salem-Manchester		Major Widening to 6 lanes	
		91	Exit 1 to Exit 3	10.0
		93	Exit 3 to Exit 4	12.0
		95	Exit 4 to I-293	13.0
(2)	Londonderry	88	Exit 4 (I-93 and New Hampshire 102) safety, signals and widening	6.0
(3)	Manchester	88	Widen from 4 lanes to 6 from Cohas to Candia Road	5.255
(4)	Manchester	90	Study - I-93 & I-293 interchange	.10
(5)	Hooksett	88	Reconstruction pavement - overlay from Merrimack River north	1.7622 (1.274750 Interstate) (.4875 4R)
(6)	Bow-Concord	86	Landscaping from Merrimack River north 0.63 miles	.15
(7)	Concord	87	Merrimack River bridge rehabilitation (2 bridges)	3.801
(8)	Concord	87	Bridge rehabilitation over B&M RR and Hall Street (4 bridges), and northbound exit ramp replacement (Bridge Street)	6.7
(9)	Concord	87	Landscaping - Exit 12 to Exit 14	.1
(10)	Concord	88	Landscaping from Exit 14 to Exit 16	.150
(11)	Concord	89	Bridge replacement over Manchester St. Br. relocated	4.0
(12)	Sanbornton - Meredith-New Hampton	86	Bridge rehabilitation decks - 10 bridges	2.220
(13)	Woodstock-Lincoln	86	Resurfacing	2.10
	6 mi. on Rt. 3 - I-93		Exit 30 north 6 miles safety and overlay	
(14)	Bethlehem	87	Bridge rehabilitation US 302 over I-93	.600
(15)	Littleton	86	Landscaping from New Hampshire 135 north 6 miles	.160
(16)	Littleton	86	Rest area	.935
(17)	Littleton	87	Landscaping US 302 north 6 miles	.150
(18)	Littleton	87	Bridge rehabilitation	1.650

(19) Littleton	86	Signing and lighting from Vermont to US 302	.220
		Total I-93	<u>\$69.7785</u>

## (c) Route I-95:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Portsmouth-Kittery	86	Bridge rehabilitation	<u>.310</u>
		Total I-95	\$ .310

## (d) Route I-293:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Manchester-Bedford	89	Bridge rehabilitation	11.5
(2) Manchester-Bedford	90	Safety and overlay Queen City Bridge to Merrimack River	7.1
		Total I-293	<u>\$18.6</u>

## (e) Miscellaneous Improvements

PROJECT	FY	EST. COST (\$ millions)	
(1) Pavement markings	86-95	1.25	
(2) Weighing in motion scales -		1.00	
		<u>plus truck fees</u>	
		Total Miscellaneous	\$2.25

## 4 New Hampshire Primary Highway Program.

I. (a) Summary of the primary highway program estimated costs over the next 10 years is as follows:

(1) New Hampshire 101	\$110,350,000
(2) New Hampshire 101A	38,000,000
(3) New Hampshire 51	15,000,000
(4) US 4	21,301,000
(5) US 3	5,610,000
(6) US 302	17,100,000
(7) US 302	4,800,000**
(8) New Hampshire 115	8,715,000**
(9) New Hampshire 25	16,860,000
(10) New Hampshire 16	22,200,000
(11) US 2	500,000
(12) New Hampshire 9	44,100,000
(13) New Hampshire 11	74,147,000
(14) New Hampshire 12	4,000,000
(15) Other primary projects and studies	10,000,000

(16) Signal and intersection improvement projects	10,000,000
(17) Miscellaneous	<u>4,400,000*</u>
Total	\$393,568,000

\* Includes: \$500,000 for alignment re Franklin/I-93 Exit 21;  
\$150,000 for study re Hanover/Lebanon area and pavement markings.

\*\* Total does not include anticipated transfer of Interstate 4R funds to occur upon completion of Interstate System.

(b) Funding for the programs in paragraph I(a) shall be from the following sources:

(1) State matching funds	\$ 98,392,000
(2) Federal funds	<u>295,176,000</u>
	\$393,568,000

(c) For purposes of the 10-year plan, estimated available federal primary highway funds are:

(1) First 5 years at \$12,000,000 yearly, for a total of \$60,000,000.

(2) Second 5 years at \$20,000,000 - 24,000,000 yearly, for a total of \$100,000,000 - 120,000,000.

(3) Total estimated available federal funds for the decade are \$160,000,000 - 180,000,000.

II. The specific projects for the program estimated costs summarized in paragraph I are as follows:

(a) New Hampshire Route 9:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Roxbury-Sullivan	95	Reconstruction from east Sullivan south 2.04 mi.	3.0
(2) Nelson-Stoddard	91	New location bypass around Granite Lake	11.1
(3) Hillsborough	95	Reconstruction bypass	30.0

(b) New Hampshire Route 11:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Claremont	86	Reconstruction from Winter Street east 1.6 mi.	3.225
(2) Claremont-Newport	94	Reconstruction from compact to Kelleyville bridge	8.0
(3) Newport	86	Landscaping Sugar River bridge	.022
(4) Franklin-Laconia	89	New Hampshire 11 east to New Hampshire 127	60.4



	91	New Hampshire 127 east to Interchange 21	
	93	Interchange 21 east to Lochmere	
	94	Lochmere to Laconia bypass (US 3 and Route 11)	
(5) Alton	89	Relocate - preliminary engineering and right of way acquisition	2.5

## (c) New Hampshire Route 12:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Troy-Marlborough	94	Reconstruction from B&M bridge north 2.02 mi.	4.0

## (d) New Hampshire Route 16:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Ossipee	94	Reconstruction	6.70
(2) Ossipee	94	Reconstruction	5.60
(3) Albany	95	Reconstruction	7.60
(4) Gorham	95	Reconstruction	2.2
(5) Jackson	87	Study - Jackson/Bartlett	.100

## (e) New Hampshire Route 25:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Meredith	93	Reconstruction from US 3 easterly to New Hampshire 25	2.50
(2) Meredith	94	Reconstruction from Center Harbor south 3.24 mi.	6.0
(3) Moultonborough	87	Rehabilitation from Sandwich south 1 mi.	.860
(4) Effingham-Freedom	87	New location of Route 25 to Maine	3.50
(5) Warren-Glencliff	88	Reconstruction 2.5 miles	4.0

## (f) New Hampshire Route 51:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Exeter-Hampton	91	Reconstruction from New Hampshire 101 east to I-95 along New Hampshire 51	15.0

## (g) New Hampshire Route 101:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
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(1)	Marlborough	86	Landscaping	.050
(2)	Dublin	94	Main Street project Bypass	30.0
(3)	Bedford	88	Reconstruction	3.25
			New Hampshire 101 - New Hampshire 114 intersection	
(4)	Raymond-Epping	86	Landscaping	.150
			from Auburn to Epping	
(5)	Epping-Brentwood	89	Reconstruction -	18.0
			major widening	
(6)	Brentwood-Exeter	88	Reconstruction -	18.40
			major widening	
(7)	Exeter	90	Reconstruction	15.0
			New Hampshire 101- New Hampshire 51 inter- change (cloverleaf)	
(8)	Keene-Dublin (complete link)	93	Reconstruction	15.5
			Optical Avenue east 7 mi. to Chesham Road	
(9)	Exeter-Stratham	90	Reconstruction and widening Newfield interchange	10.0
(h) New Hampshire Route 101A:				
	TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1)	Milford-Nashua	92	New location	38.0
(i) New Hampshire Route 115:				
	TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1)	Carroll	88	Reconstruction	2.605
			funds diverted from Notch/Interstate	
(2)	Carroll	88	Reconstruction	3.405
			funds diverted from Notch/Interstate	
(3)	Carroll-Jefferson	87	Reconstruction	2.705
			funds diverted from Notch/Interstate	
(j) United States Route 2:				
	TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1)	Randolph	92	Reconstruction	.50
			3 mi. from intersection of New Hampshire 115 - .3 mi.	
(k) United States Route 3:				
	TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1)	Gilford	86	Signals at end of Laconia bypass	.110

(2) Whitefield	90	Reconstruction	3.10
(3) Lancaster	87	Reconstruction	1.50
		Weeks State Park	
(4) Lancaster	95	Reconstruction	.90
		US 2 south	

(l) United States Route 4:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Concord-Durham	91	Northwood bypass from New Hampshire 107 - US 202/202A	16.0
(2) Pembroke-Chichester		89 Reconstruction	4.750
		exiting Route 4 to I-393	
(3) Durham	88	Safety improvement	.551

(m) United States Route 302:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Haverhill	95	Reconstruction from Vermont to New Hampshire 10	1.8
(2) Bath-Lisbon	92	Reconstruction from New Hampshire 112 north 8.89 mi. to Lisbon	15.3
(3) Bath	88	Relocation project - funds diverted from Notch/Interstate	4.8

(n) Other Primary Projects.

	EST. COST (\$ millions)
(1) Studies and miscellaneous projects	10.0
(2) Signal and intersection improvement projects	10.0

(o) Miscellaneous.

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Statewide	86-95	Pavement markings	3.750
(2) Hanover-Lebanon	87	Study	.150
(3) Franklin/I-93	87-88	Alignment	.500
		Exit 21	

5 New Hampshire Turnpike Program.

I. Summary of the turnpike program estimated costs over the next 10 years is as follows:

(a) Central Turnpike	\$179,350,000
(b) Circumferential - Nashua	130,000,000
(c) Spaulding Turnpike	23,200,000
(d) Blue Star (I-95)	1,600,000
(e) Conway Bypass	<u>34,500,000</u>

Total \$368,650,000



II. The specific projects for the program estimated costs summarized in paragraph I are as follows:

(a) Central Turnpike:

TOWN/PROJECT	FY ESTIMATED	IMPROVEMENT COMPLETION DATE	EST. COST (\$ millions)
(1) Nashua-Merrimack	90	Preliminary engineering and right of way acquisition Exits 7W and 8 ramp toll facilities	2.0
(2) Nashua	87	Exit 7W - Tinker Road new location	8.50
(3) Nashua	88	Exit 2 - Preliminary engineering construction	15.0
(4) Merrimack	91	Exit 1 and Sanders ramp interchange and ramp toll facilities	8.40
(5) Bedford	88	Barrier toll facilities	5.0
(6) Merrimack	88	Complete industrial interchange ramp toll facilities	21.75
(7) Merrimack/Camp Sargent Road	88	Complete connection to Merrimack industrial interchange	3.0
(8) Nashua	91	Preliminary engineering and right of way for interchanges 3 - 7	3.20
(9) Manchester	91	Reconstruction EXIT 5 southbound on-ramp to Granite Street	1.00
(10) Nashua	89	Circumferential highway southern segment only with one toll barrier	60.0
(11) Nashua	92	Circumferential highway northern segment only with one toll barrier	70.0
(12) Nashua/D.W. Highway	89	Interchange construction Exit 2 to Exit 3	19.50
(13) Nashua	94	Central widening between interchanges 3 - 7	60.0
(14) Merrimack/Bedford Rd.	88	2 ramp tolls	6.6
(15) Bedford - Manchester	94	Widening - Route 101 to Amoskeag interchange	20.0
(16) Bow-Concord	91	Central widening between I-89 and I-393 interchanges (study)	.10
(17) Nashua	89	Toll barrier north of Massachusetts state line on central turnpike - southbound	4.50

(b) Spaulding Turnpike:

TOWN/PROJECT	FY ESTIMATED	IMPROVEMENT COMPLETION DATE	EST. COST (\$ millions)
(1) Portsmouth - Newington	90	Gosling Road interchange and approaches	11.0

(2) Dover-Rochester	93	Safety improvements to Spaulding Turnpike 16.4 mi.	8.0
(3) Dover	90	Toll - expand to 8 lanes	1.20
(4) Newington	91	Right of way acquisition for access south of Newington Bridge	3.0
(5) Conway	92	Conway bypass including toll barrier (7 mi.)	34.50

(c) Blue Star (Route I-95):

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
		ESTIMATED COMPLETION DATE	
(1) Hampton - North Hampton	95	Toll - expand to 16 lanes	1.60

#### 6 Proposed Turnpike Tolls.

I. The 10-year plan anticipates the following general toll rate increases:

- (a) Blue Star (Route I-95) in fiscal year 1988;
- (b) Central Turnpike in fiscal year 1990; and
- (c) Blue Star (Route I-95) in fiscal year 1991.

II. The Hampton ramp toll barrier on Route 51 to Route I-95 shall not be closed.

III. The toll rate increase on the Spaulding Turnpike from the city of Dover to the city of Rochester in fiscal year 1987 shall include location review.

IV. A toll shall be established on the opening of the southern segment of the Nashua - Hudson circumferential highway in fiscal year 1990.

V. A toll shall be established on the opening of the Conway bypass in fiscal year 1993.

VI. On the opening of the northern segment of the Nashua - Hudson circumferential highway in fiscal year 1993, the circumferential tolls and the central turnpike tolls shall be revised.

VII. A new toll barrier shall be opened just north of the Massachusetts state line, for the collection of a toll from southbound vehicles only.

#### 7 Overall Summary of the Estimated Costs of the 10-Year Highway Construction and Reconstruction Plan.

I. The source of funding for the Interstate program is as follows:

- (a) Required state match (10 percent) - \$ 6,391,275
- (b) Federal participation (90 percent) - \$ 57,521,475
- Total costs - \$ 63,912,750

II. The source of funding for the Interstate 4R program is as follows:

- (a) Required state match (10 percent) - \$ 10,411,450
- (b) Federal participation (90 percent) - \$ 93,703,050
- Total costs - \$104,114,500

(c) The estimated total available federal Interstate 4R funds are \$15,000,000 to \$18,000,000 yearly, to total \$150,000,000 to \$180,000,000 for the decade.

III. The source of funding for the Primary program is as follows:

- (a) Required state match (25 percent) - \$ 98,392,000
- (b) Federal participation (75 percent) - \$295,176,000
- Total costs - \$393,568,000\*

\*This total does not include anticipated Interstate 4R transfers to be made upon completion of Interstate system.

(c) Estimated available federal primary funds:

(1) First 5 years at \$12,000,000 yearly, to total \$60,000,000.

(2) Second 5 years at \$20,000,000-24,000,000 yearly, to total \$100,000,000-120,000,000.

(3) The estimated total available federal funds for the decade are \$160,000,000 - \$180,000,000.

IV. Turnpike program: total costs - \$368,650,000.

8 Commissioner's Annual Report.

I. The commissioner of the department of transportation shall submit to the general court an annual report on the status of the highway projects which are stipulated in this act.

II. The report shall include a detailed summary of funds expended to date and the extent of the work accomplished on each specific project. The commissioner shall also submit recommendations with specific emphasis on critical areas in the state highway system, which may or may not be included in the programs outlined in this act.

III. The report shall be submitted to the speaker of the house of representatives, the president of the senate, the governor and council, members of the house public works committee, members of the senate capital budget committee, and members of the long range capital planning and utilization committee, on or before December 1 each year.

9 Appropriation. The sum of \$1,000,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1987, for the purpose of an environmental impact study and preliminary design plans for a 4-lane east-west highway from route I-393 in Concord to the Spaulding turnpike at a terminus to be determined by the governor and council. This shall be a non-lapsing appropriation and in addition to any other appropriation for the department of transportation for the biennium.

10 Appropriation. The sum of \$60,400,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1987, for the alteration to U.S. route 3 and New Hampshire route 11 in the city of Franklin and the towns of Belmont and Tilton. The construction shall begin at a point in the travelled way of New Hampshire route 11 in the city of Franklin about 0.6 miles west of New Hampshire route 3-A, thence running easterly around the north side of Franklin and Tilton to Lochmere where it crosses the Winnipesaukee River; thence running northerly around the southerly side of Lake Winnisquam to a point in the travelled way of the existing Laconia bypass at its terminus in the town of Belmont. This appropriation shall be non-lapsing.

11 Appropriation. The sum of \$2,500,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1987, for land acquisition, engineering design and planning, to relocate a portion of Route 11 at West Alton and to close the gap of approximately 4.75 miles between the 2 highway projects which reconstructed Route 11. The land to be acquired for this project shall be approved by the governor and council. This appropriation shall be in addition to any other for the department of transportation for the biennium and shall be non-lapsing.

12 Bonds. To provide funds for the appropriations in sections 9, 10, and 11 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$63,900,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

13 Payments. The payment of principal and interest of the bonds and notes issued for the projects in sections 9, 10, and 11 of this act shall be made when due from the highway fund.

14 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes of sections 9 through 11 of this act.



11. To accept any federal funds which are, or become available for any project under sections 9 through 11 of this act beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 12 of this act shall be reduced by the same amount.

15 New Toll Booth on Central Turnpike Study. The commissioner of transportation shall make a study analyzing the impact of a new toll booth being installed south of exit 1 in the city of Nashua, relative to the diversion of traffic to local streets and the impedance to the flow of traffic on the turnpike. The findings of this study shall be reported to the governor and council on or before October 15, 1986.

16 Authority Granted. Amend RSA 237:2, II (supp) as inserted by 1981, 87:1 as amended by striking out said paragraph and inserting in place thereof the following:

II. Acquire land and make improvements to that portion of the eastern New Hampshire turnpike known as the Spaulding turnpike and extend said turnpike with 2 lanes including the completion of existing interchange number 9, the Dover-Somersworth interchange, and the extension of the turnpike to the 1965 Milton-Wakefield project, the expansion of the Dover toll facility, safety and widening improvements along the turnpike, purchase of access in critical sections, and the extension of the system to include a bypass around Conway.

17 Authority Granted. Amend RSA 237:2, IV (supp) as inserted by 1983, 427:1 as amended by striking out said paragraph and inserting in place thereof the following:

IV. Make improvements to the central New Hampshire turnpike, including, but not limited to:

(a) The design, right of way acquisition and construction for the improvement of the central New Hampshire turnpike in Nashua between the Massachusetts line and exit 3 to include reconstruction of exit 1, also including associated widening and the construction of a new northbound on-ramp from Daniel E. Webster highway to the central turnpike, and the design and land acquisition for a new interchange at exit 2 which connects to a new interchange at the Daniel E. Webster highway and for additional lanes on the turnpike between the state line and exit 3. The commissioner of the department of transportation is hereby directed to make this project a priority and to begin construction within the biennium ending June 30, 1987.

(b) Construction of a new exit 7W in Nashua. The commissioner of the department of transportation is hereby directed to prioritize this project and to begin construction within the biennium ending December 1, 1985.

(c) Reconstruction of exit 8 in Merrimack to remove the current toll plaza providing toll collection equipment on the on and off ramps.

(d) Construction of the main line toll plaza in Bedford.

(e) For the construction of a north-bound off ramp and a south-bound on ramp to the Everett turnpike at the Bedford road in the town of Merrimack; the widening and lengthening of the overpass bridge at Bedford road, and the installation of toll booths for both ramps.

(f) Continue design and engineering of the modernization of the central turnpike.

18 Authority Granted. Amend RSA 237:2 by inserting after paragraph VI the following new paragraph:

VII. Acquire land as required and make improvements to the central New Hampshire turnpike, including but not limited to, completion of the connection to the Merrimack industrial interchange, improvements to interchanges 3 through 7 as required, the extension of the system to include an easterly circumferential beltway around Nashua extending from exit 2 and running easterly through the city of Nashua and the towns of Hudson and Merrimack to an intersection with the existing turnpike in the

vicinity of Tinker Road, improvements and widening between interchanges 2 and 7, widening between the route 101 intersection and the Amoskeag interchange in Manchester, coordination of a study of widening between the I-89 and I-393 interchanges, and the establishment of a toll station southbound in the vicinity of Nashua and the Massachusetts state line.

19 Funds Provided. Amend RSA 237:7, I (supp) as inserted by 1981, 87:1 as amended by striking out said paragraph and inserting in place thereof the following:

I. The following sums are appropriated for the purpose of carrying out the projects authorized by RSA 237:2:

<u>Projects</u>	<u>Amounts</u>	
(a) Improvements to the Blue Star memorial highway. RSA 237:2, I.	\$ 42,600,000	
(b) Improvements and 2 lane extension of Spaulding turnpike. RSA 237:2, II	76,700,000	
(c) Improvements to central New Hampshire turnpike. RSA 237:2, III.	28,500,000	
(d) Construction of Dover-Somersworth interchange number 9 of Spaulding turnpike. RSA 273:2, II.	1,700,000	
(e) Construction and improvements to the central New Hampshire turnpike. RSA 237:2, IV.	64,400,000	
(f) Improvements to central New Hampshire turnpike. RSA 237:2, V.	21,750,000	
(g) Improvements to eastern New Hampshire turnpike. RSA 237:2, VI.	7,000,000	
		Federal \$3,500,000 State \$3,500,000
(h) Improvements to central New Hampshire turnpike. RSA 237:2, VII.	220,800,000	
(i) Improvements to the Spaulding turnpike Gosling Road interchange. RSA 237:2, VI.	11,000,000	

20 Borrowing Power. Amend RSA 237:8 (supp) as inserted by 1981, 87:1 as amended by striking out same and inserting in place thereof the following:

237:8 Borrowing Power. For the purpose of providing funds necessary for the appropriations made by RSA 237:7 the state treasurer is authorized

to borrow upon the credit of the state a sum not exceeding \$470,950,000 and for the purpose may issue bonds and notes in the name and on behalf of the state in accordance with the provisions of RSA 6-A; provided that the bonds may mature up to 30 years from their dates of issue and may be made redeemable before maturity at the option of the governor and council at such price or prices and under such terms and conditions as may be fixed by the governor and council prior to the issue of the bonds. The interest on bond anticipation notes may be funded by the issue of the bonds to the extent of the applicable bond authorization and, to the extent not so funded, may be paid from any source from which interest on the anticipated bonds could be paid, including any of the turnpike reserve accounts identified in RSA 237:15.

21 Levy of Tolls. Amend RSA 260:32 as inserted by 1981, 146:1 as amended by striking out said section and inserting in place thereof the following:

260:32 Levy of Tolls and Exemptions. There is hereby imposed a road toll of 14 cents per gallon upon the sale of each gallon of motor fuel sold by distributors thereof. The road toll shall be collected by the distributor from the purchaser and remitted to the state in the manner hereinafter set forth; provided, however, that the road toll shall not apply to:

- I. Sales to the United States or its agencies;
- II. Sales between duly licensed distributors;
- III. Sale of motor fuel exported from the state;
- IV. Bulk sales from distributors to the state of New Hampshire or its agencies; or
- V. Bulk sales from distributors to any city, town, county, school district, or village district.

22 Supplemental Road Toll. Amend RSA 260:33 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

260:33 Supplemental Road Toll.

I. In addition to the 14 cents per gallon of motor vehicle road tolls now imposed pursuant to the provisions of RSA 260:32, a supplemental road toll of one cent per gallon is hereby imposed commencing July 1, 1986; a supplemental road toll of 2 cents per gallon is hereby imposed commencing July 1, 1987; a supplemental road toll of 3 cents per gallon is hereby imposed commencing July 1, 1988; and a supplemental road toll of 4 cents per gallon is hereby imposed commencing July 1, 1989. This one cent increase each year shall result in a total additional levy of 4 cents commencing July 1, 1989.

II. The state treasurer shall establish a special account to be known as the "restricted construction fund" in the highway fund for the road tolls imposed by this section. The funds in this account shall be used for design, engineering plans, and construction as appropriated by the general court for specific state secondary highway projects. These funds are to be expended in accordance with a 5 year secondary highway program developed by the commissioner of transportation and approved by the governor and council. Any portion of the fund remaining upon completion of an annual segment of the 5 year secondary program may be transferred to primary highway projects upon approval of the governor and council. The funds may also be utilized to retire any bonds or notes issued for secondary highway projects approved under this section. No funds shall be appropriated from this special account for operating or maintenance costs.

III. The road tolls collected pursuant to this section and RSA 260:52, II shall be exempted from the provisions of RSA 235:23, I.

23 Road Toll on Users of Fuel Other Than Motor Fuel. Amend RSA 260:52, I, II, III and IV as inserted by 1981, 146:1 as amended by striking out said paragraphs and inserting in place thereof the following:

260:52 Road Toll on Users of Fuel Other Than Motor Fuel.

I. A road toll is hereby imposed on all users of fuel other than motor fuel as defined in RSA 259:58, upon the use of such fuel by any



person within this state only when such fuel is used in an internal combustion engine for the generation of power to propel motor vehicles of any kind or character on the ways of the state at the rate of 14 cents per gallon and shall be for the same purposes as the road toll collected under the preceding sections of this subdivision with respect to motor fuel. Such road toll on such use of fuel shall be collected as hereinafter provided in this section.

II. In addition to the 14 cents per gallon on users of other than motor fuel imposed pursuant to RSA 260:52, I, a supplemental road toll of one cent per gallon is hereby imposed commencing July 1, 1986; a supplemental road toll of 2 cents per gallon is hereby imposed commencing July 1, 1987; a supplemental road toll of 3 cents per gallon is hereby imposed commencing July 1, 1988; and a supplemental road toll of 4 cents per gallon is hereby imposed commencing July 1, 1989. This one cent increase each year shall result in a total additional levy of 4 cents commencing July 1, 1989.

III. The supplemental road tolls imposed pursuant to RSA 260:52, II shall be subject to the provisions of RSA 260:33, II and III, and shall not be used for any other purposes.

IV. The provisions of this section shall not apply to or affect special mobile equipment.

24 Repeal. The following are hereby repealed:

I. RSA 260:34, relative to additional highway road toll.

II. RSA 260:34-a, relative to an additional levy of a highway road toll.

III. RSA 260:52, IV-a, relative to a supplemental road toll for users of fuel other than motor fuel.

25 Secondary Highway Projects. Any funds in the special account known as the "restricted construction fund" established in RSA 260:33, II, are hereby appropriated for the following secondary highway projects:

PROJECT	FY	IMPROVEMENT	LOCATION	EST. COST
I. (a) US 3 Pittsburg	1986	Preliminary engineering and right of way	From westerly intersection of Back Lake Road, northeasterly 9.5 miles	\$ 600,000
(b) US 3 Pittsburg	1986	Rehabilitation	Limits to be determined by 10,077	900,000
(c) NH 110 Milan	1986	Rehabilitation	3.0 miles north of Berlin city lines, northerly 2.4 miles	850,000
(d) Inv. Rte. 44 Windsor, Vt.	1986	Br. Rehabilitation	NH 12-A, westerly over Connecticut River	1,625,000
(e) NH 130 Hollis	1986	Reconstruction	From NH 122 east to Pine Hill Road	1,200,000
(f) NH 107 Kingston-Freemont	1986	Reconstruction	Junction NH 107 and South Road	<u>950,000</u>
TOTAL COST				\$6,125,000
II. (a) NH 106 Pembroke	1987	Rehabilitation	US 3 interchange, northerly 1.7 miles	1,475,000
(b) NH 108 Durham	1987	Reconstruction	Bennett Road, northerly to Durham FAU	1,400,000

(c)	NH 124 Greenville- New Ipswich	1987	Recon- struction	Mascenic Regional School, southerly 1.4 miles	1,400,000
(d)	NH 124 New Ipswich & NH 123	1987	Recon- struction	0.3 mile west of NH 123-A, easterly 0.4 mile	500,000
(e)	NH 127 Webster	1987	Recon- struction	0.5 mile southwest of Tyler Road, northerly 2.3 miles	<u>2,000,000</u>
				TOTAL COST	\$6,775,000
III.(a)	NH 130 Hollis	1988	Recon- struction	Pine Hill Road, easterly to Nashua city line	\$2,550,000
(b)	NH 26 Colebrook	1988	Recon- struction	3.0 miles west of Colebrook/Dixville town line easterly 2.5 miles	4,150,000
(c)	US 3 Pittsburg	1988	Rehab- ilitation		<u>750,000</u>
				TOTAL COST	\$7,450,000
IV.(a)	NH 116 Littleton- Bethlehem	1989	Rehab- ilitation	1.2 miles west of Bethlehem town line, easterly 3.9 miles	\$1,700,000
(b)	NH 102 Derry- Chester	1989	Recon- struction	Beaver Road, northerly to 0.8 mile south of Chester Square	3,000,000
(c)	NH 108 Durham	1989	Recon- struction	Newmarket town line to Bennett Road	<u>1,700,000</u>
				TOTAL COST	\$6,400,000

## 26 Effective Date.

I. Section 1 through 20 of this act shall take effect upon its passage.

II. Sections 21 through 25 of this act shall take effect July 1, 1986.

Rep. Bibbo moved that HB 509 be made a Special Order for Wednesday, March 5 at 10:00 a.m.

On a voice vote the motion lost.

Rep. Bibbo explained the Committee report and yielded to questions.

Rep. Rounds requested the Chair to declare if the question was divisible.

The Chair declared the question divisible.

Question being on Sections 1 through 20 of the amendment.

Rep. Rounds spoke to the report and yielded to questions.

Rep. LaMott spoke to the report.

Rep. Tamposi yielded to question.

Rep. Quimby spoke in favor of the report.

Reps. Bryant and Bowler spoke to the report.

Rep. Boisvert moved the previous question. Sufficiently seconded.

Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 267 NAYS 79  
YEAS 267

**BELKNAP:** Birch, Bolduc, Brough, Brown, Richard Campbell, Dexter, Malcolm Harrington, Holbrook, Jensen, Matthew Locke, Nighswander, Pearson and Zeckhausen.

**CARROLL:** Ashnault, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Powers and Schofield.

**CHESHIRE:** Blacketor, Burley, Jesse Davis, Delano, Daniel Eaton, Irvin Gordon, Grodin, Elmer Johnson, Matson, Miller, Morse, Parker, Perry, Ramsay, William Riley, Russell, Schwartz, Scranton, Secord and Thompson.

**COOS:** Brideau, Harold Burns, Chappell, Chardon, Frederic Foss, Guay, Horton, Lamontagne, Mayhew, Ottolini, Theriault and York.

**GRAFTON:** Bean, Bennett, Chambers, Densmore, Driscoll, Wayne King, LaMott, Rounds, Taffe, Howard Townsend, Wadsworth, Walter, Weymouth and Whitcomb.

**HILLSBOROUGH:** Ahrens, Arnold, August, Barry, Bass, Blais, Boisvert, Lionel Boucher, Bourdon, Bourque, Bridgewater, Burkush, A. Leslie Burns, Carragher, Chagnon, Champagne, Chretien, Clancy, Cote, Crotty, Duperron, Durant, Dykstra, Nancy Ford, Fried, Gagnon, Scott Green, Grip, Marian Harrington, Hogan, Holden, Humphrey, Chris Jacobson, Jasper, Keefe, Kelley, Knight, Labombarde, Lamy, Levesque, Lown, Lozeau, Howard Mason, Messier, Morrissette, Robert Murphy, Nelson, Nute, O'Rourke, Bonnie Packard, Pappas, Pariseau, Parmenter, Perham, Prestipino, Reardon, Ellen-Ann Robinson, G. Philip Rodgers, Sallada, Shriver, Leonard Smith, Steiner, Stiles, Stonner, Tamposi, Turgeon, Van Loan, Varkas, Geraldine Watson, Harold Watson, Kenneth Wheeler, Frank Whittemore, Winn, Wood and Worthen.

**MERRIMACK:** Anderson, Barberia, Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, James Chandler, Connolly, Daniell, Fraser, Gilbreth, George E. Gordon, Gross, Hayes, Mary Holmes, Alf Jacobson, Jelley, C. William Johnson, Kidder, Kinhan, Lewis, Nichols, Pannell, Pantzer, Rehlander, Doris Riley, Linwood Rogers, Shepard, Gerald Smith, Stio, Wallner, West and James Whittemore.

**ROCKINGHAM:** Benton, Blaisdell, Blanchard, William Boucher, Case, Clay, Conroy, Day, Felch, Flanagan, Bert Ford, Beverly Gage, Thomas Gage, Goss, Hoar, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Lovejoy, Magoon, Robert Mason, Jr., McKinney, Newell, Pantelakos, Parr, Pevear, Popov, Quimby, Raynowska, Norman Rogers, Rosencrantz, Scamman, Schmidtchen, Schwaner, Seward, Sherburne, Skinner, Sloan, Sochalski, Splaine, Stachowske, Sytek, Titone, Tufts, Walker, Wells and Woodward.

**STRAFFORD:** Bates, Berkey, Bernard, Bryant, Burton, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Hussey, Robert Jones, Keans, Kincaid, Laurion, Lussier, Meader, O'Brien, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr, Franklin Torr and Whiting.

**SULLIVAN:** Brodeur, Call, Disnard, Domini, Ingram, Paul Johnson, Lindblade, McKee, Mehegan, Normandin, Schotanus, Spaulding and Sara Townsend.

NAYS 79

**BELKNAP:** Bowler, Golden, Hawkins and Randall.



CARROLL: McIntire, Olimpio and Saunders.

CHESHIRE: Arnott, Crane, Ridge and Young.

COOS: Brungot and Coulombe.

GRAFTON: Arnesen, Blair, Copenhaver, Crory, Easton, McAvoy, Stewart and Ward.

HILLSBOROUGH: Beaupre, Boutwell, Charron, Cox, Cronin, Donovan, Clyde Eaton, Joseph M. Eaton, Fields, Healy, Hendrick, Herod, Hyman, George Jones, Katsiaficas, Elizabeth Moore, Paradis, Pressly, Raiche, Frances Riley, B. P. Smith, Snow, Sylvia, Vanderlosk, Wagner, Emma Wheeler and Zis.

MERRIMACK: Hager, Arthur Locke, Millard, Phelps and Walter Robinson.

ROCKINGHAM: Patti Blanchette, Butler, Eunice Campbell, Lawrence A. Chase, Jr., Connors, Ellyson, Emanuelson, Flanders, Gourdeau, Elizabeth Greene, Haynes, Hollingworth, Kane, Malcolm, McCain, Palumbo, Sanderson, Vartanian, Vaughn, Warburton and Welch.

STRAFFORD: Appleby, Diament and Musler.

SULLIVAN: D'Amante and Rodeschin, and Sections 1 through 20 were adopted.  
Rep. Blair notified the Clerk that he inadvertently voted nay and meant to vote yea.

Question now being on Sections 21 through 25 of the amendment.

Rep. Quimby spoke in favor of the sections and yielded to questions.

Rep. Bibbo explained the sections and yielded to questions.

Reps. Walter Robinson and Marian Harrington spoke against the sections.

Rep. Leonard Smith spoke to the sections.

Rep. Scamman spoke against the sections and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Bibbo requested a roll call. Sufficiently seconded.

YEAS 106 NAYS 239  
YEAS 106

BELKNAP: Birch, Brough, Richard Campbell, Dexter, Hawkins, Holbrook, Jensen and Pearson.

CARROLL: Robert Holmes.

CHESHIRE: Blacketor, Crane, Jesse Davis, Delano, Daniel Eaton, Irvin Gordon, Morse, Schwartz, Scranton and Secord.

COOS: Chardon, Frederic Foss and Theriault.

GRAFTON: Bean, Bennett, Blair, Crory, Driscoll, Easton, Wayne King, Stewart, Howard Townsend, Wadsworth and Walter.

HILLSBOROUGH: Ahrens, Bass, Boisvert, Nancy Ford, Kelley, Knight, Labombarde, Levesque, Lown, Robert Murphy, Nute, Bonnie Packard, Pappas, Ellen-Ann Robinson, Stiles, Sylvia, Van Loan, Geraldine Watson and Harold Watson.

MERRIMACK: Anderson, Bardsley, Bibbo, Cate, James Chandler, Daniell, Gilbreth, Gross, Hager, C. William Johnson, Kinhan, Pantzer, Shepard and James Whittemore.

ROCKINGHAM: Blanchard, Eunice Campbell, Conroy, Day, Felch, Flanagan, Thomas Gage, Goss, Robert Johnson, George Katsakiores, Lovejoy, Magoon, Quimby, Raynowska, Norman Rogers, Rosencrantz, Seward, Sherburne, Skinner, Sloan, Sochalski, Splaine, Titone, Walker, Wells and Woodward.

STRAFFORD: Bates, Bernard, Chamberlin, Patricia Foss, Kincaid, Francis Robinson, Spear and Swope.

SULLIVAN: Call, Domini, Ingram, Paul Johnson, McKee and Sara Townsend.

NAYS 239

BELKNAP: Bolduc, Bowler, Brown, Golden, Malcolm Harrington, Matthew Locke, Nighswander, Randall and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Hounsell, McIntire, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Arnott, Burley, Grodin, Elmer Johnson, Matson, Miller, Parker, Perry, Ramsay, Ridge, William Riley, Russell, Thompson and Young.

COOS: Brideau, Brungot, Harold Burns, Chappell, Coulombe, Guay, Horton, Lamontagne, Mayhew, Ottolini and York.

GRAFTON: Arnesen, Chambers, Copenhagen, Densmore, Michael King, LaMott, McAvoy, Rounds, Taffe, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Arnold, August, Barry, Beaupre, Blais, Lionel Boucher, Bourdon, Boutwell, Bridgewater, Burkush, A. Leslie Burns, Carragher, Chagnon, Champagne, Charron, Chretien, Clancy, Cote, Cox, Cronin, Crotty, Donovan, Duperron, Durant, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Fried, Gagnon, Scott Green, Grip, Marian Harrington, Healy, Hendrick, Herod, Hogan, Holden, Humphrey, Hyman, Chris Jacobson, Jasper, George Jones, Katsiaficas, Keefe, Lamy, Lozeau, Howard Mason, Messier, Elizabeth Moore, Morrisette, Nelson, O'Rourke, Paradis, Pariseau, Parmenter, Perham, Pressly, Prestipino, Raiche, Reardon, Frances Riley, G. Philip Rodgers, Sallada, Shriver, B. P. Smith, Leonard Smith, Snow, Steiner, Stonner, Tamposi, Turgeon, Vanderlosk, Varkas, Wagner, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Winn, Wood, Worthen and Zis.

MERRIMACK: Barberia, Laurent Boucher, Bowes, Connolly, Fraser, George E. Gordon, Hayes, Mary Holmes, Alf Jacobson, Jelley, Kidder, Lewis, Arthur Locke, Millard, Nichols, Pannell, Phelps, Rehlander, Doris Riley, Walter Robinson, Linwood Rogers, Gerald Smith, Stio, Wallner and West.

ROCKINGHAM: Benton, Blaisdell, Patti Blanchette, William Boucher, Butler, Lawrence A. Chase, Jr., Clay, Connors, Ellyson, Emanuelson, Flanders, Bert Ford, Beverly Gage, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hollingworth, Kane, Phyllis Katsakiores, Roger King, Krasker, Malcolm, Robert Mason, Jr., McCain, McKinney, Newell, Palumbo, Pantelakos, Parr, Pevear, Popov, Sanderson, Scamman, Schmidtchen, Schwaner, Stachowske, Sytek, Tufts, Vartanian, Vaughn, Warburton and Welch.

STRAFFORD: Appleby, Berkey, Bryant, Burton, Diament, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Frechette, Hussey, Robert Jones, Keans, Laurion, Lussier, Meader, Musler, O'Brien, Parks, Pelley, Henry Sullivan, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Brodeur, D'Amante, Disnard, Lindblade, Mehegan, Normandin, Rodeschin, Schotanus and Spaulding, and Sections 21 through 25 of the amendment lost.

Rep. Case notified the Clerk that she wished to be recorded against Sections 21 through 25 of the amendment.

The title and effective date of HB 509 will be altered in Legislative Services to correspond with the Sections of the amendment that were adopted.

Referred to Appropriations.

#### SUSPENSION OF RULES

Rep. Rounds moved that the Rules be so far suspended as to place HB 172, increasing the appropriation in the operating budget relative to the department of health and human services to fund SB 1 of the 1985 legislative session, on third reading and final passage at the present time.

Adopted by the necessary two-thirds.

Question being shall HB 172 be ordered to third reading.

Adopted.

#### Third reading and final passage

HB 172-FN, increasing the appropriation in the operating budget relative to the department of health and human services to fund SB 1 of the 1985 legislative session.

#### COMMITTEE REPORTS (cont.)

HB 142-FN, relative to voting booths in cities. Ought to Pass with Amendment.

This bill will address the problems with long voting lines experienced in recent elections. Presently, localities that use voting machines, under Ballot Law Commission rules, allow one machine for every 600 voters. This bill, as amended, will specify one machine for every 200 voters in presidential elections and one machine for every 300 voters in other elections. The requirement for voting booths in towns using paper ballots will not change. Vote 10-0. Rep. Mary J. Shriver for Constitutional and Statutory Revision.

Rep. Flanagan moved that HB 142 be recommitted to the Committee on Constitutional and Statutory Revision, and spoke to her motion.

Adopted.

HB 405-FN, establishing a committee to study making school district participation in school administrative units voluntary and removing the authority of the state board of education over school administrative unit superintendents and assistant superintendents. Ought to Pass with Amendment.

The changes in many school districts, because of increased population and expansion of business, require a comprehensive study of the school administrative unit structure. Vote 20-0. Rep. Edmund M. Keefe for Education.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

to provide for the comprehensive study of the SAU structure within the state of New Hampshire and to hire an independent consultant to report to the house education committee making an appropriation therefor.



Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Consultant Authorized.

I. The education committee of the house of representatives is hereby authorized to hire a consultant to study the school administrative unit (SAU) structure of the state, including but not limited to, the following:

(a) The requirement that all school districts be in a SAU and making school districts participation in SAUs voluntary.

(b) The authority of the state board of education over SAU superintendents and assistant superintendents.

II. The consultant shall report on the validity of the SAU structure and make specific recommendations for improvement in the existing system to the house of representatives on or before December 1, 1986.

2 Appropriation. The sum of \$25,000 is hereby appropriated to the house of representatives for the fiscal year ending June 30, 1986, for the purposes of hiring a consultant, appointed by the education committee, to study the SAU structure of the state. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1986.

Amendment adopted.

Referred to Appropriations.

HB 44-FN, eliminating the requirement that all school districts be in a school administrative unit, and removing the authority of the state board of education over school administrative unit superintendents and assistant superintendents. Inexpedient to Legislate.

House Bill 405 addresses this issue. The sponsor agreed to making House Bill 44 inexpedient provided the Committee recommends that House Bill 405 ought to pass. Vote 20-0. Rep. Betty Jo Taffe for Education.

Resolution adopted.

HB 135-FN, establishing a teacher mentor and grant pilot program and making an appropriation therefor. Ought to Pass.

This bill would establish a dual program of teacher mentors for beginning teachers and grant funding for special projects or programs. A program commission would be created to establish guidelines and criteria. Department of Education would administer the program. Vote 12-0. Rep. Patricia O. Sanderson for Education.

Rep. Taffe yielded to questions.

Referred to Appropriations.

HB 253-FN, increasing the limit on the state guarantee of bonds and notes of school districts. Ought to Pass with Amendment.

The limit on State guarantee of bonds and notes has not been increased since 1971. The New Hampshire School Building Authority and New Hampshire School Boards Association support this increase that could result in the saving of thousands of dollars by local districts planning new construction. The amendment is a pro-forma legalization of establishment of the John Stark Regional School District. Vote 16-0. Rep. Walter K. Robinson for Education.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

increasing the limit on the state guarantee of bonds and notes of school districts and relative to legalizing certain school district meetings.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Henniker and Weare School Districts. All acts, votes and proceedings of the special school district meetings held in Henniker on October 1, 1985, and in Weare on October 3, 1985, to approve the formation of the John Stark regional school district are hereby legalized, ratified and confirmed.

3 John Stark Regional School District. All acts, votes and proceedings of the organizational meeting of the John Stark regional school district held on November 23, 1985, and the special meeting of the John Stark regional school district held on December 18, 1985, are hereby legalized, ratified and confirmed.

## 4 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

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

Rep. Hyman moved that the words, Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass with Amendment, and spoke to his motion.

Rep. Walter Robinson spoke against the motion and yielded to questions.

Rep. William Boucher spoke against the motion.

A roll call was requested. Sufficiently seconded.

YEAS 24 NAYS 303  
YEAS 24

BELKNAP: Golden.

CARROLL: Saunders.

CHESHIRE: Crane, Morse and Perry.

COOS: Coulombe and Mayhew.

GRAFTON: Whitcomb.

HILLSBOROUGH: Bourdon, Charron, Duperron, Hyman, Lamy, Elizabeth Moore and Frances Riley.

MERRIMACK: Cate and Daniell.

ROCKINGHAM: Clay, Emanuelson and Beverly Gage.

STRAFFORD: Frechette and Musler.

SULLIVAN: Call and Rodeschin.

## NAYS 303

BELKNAP: Birch, Bolduc, Bowler, Brough, Brown, Richard Campbell, Dexter, Malcolm Harrington, Hawkins, Holbrook, Jensen, Matthew Locke, Nighswander, Pearson, Randall and Zeckhausen.

CARROLL: Russell Chase, Dickinson, Robert Holmes, Hounsell, McIntire, Olimpio, Powers and Schofield.

CHESHIRE: Arnott, Blacketer, Burley, Jesse Davis, Delano, Daniel Eaton, Irvin Gordon, Grodin, Elmer Johnson, Matson, Miller, Parker, Ramsay, Ridge, William Riley, Russell, Schwartz, Scranton, Secord, Thompson and Young.

COOS: Brideau, Brungot, Harold Burns, Chappell, Chardon, Frederic Foss, Guay, Lamontagne, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bean, Blair, Chambers, Copenhaver, Crory, Densmore, Driscoll, Easton, Michael King, Wayne King, LaMott, McAvoy, Rounds, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Weymouth.

HILLSBOROUGH: Ahrens, Arnold, August, Barry, Bass, Beaupre, Blais, Boisvert, Lionel Boucher, Boutwell, Bridgewater, Burkush, A. Leslie Burns, Carragher, Chagnon, Champagne, Chretien, Clancy, Cote, Cox, Cronin, Crotty, Donovan, Durant, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Gagnon, Scott Green, Grip, Marian Harrington, Healy, Hendrick, Herod, Hogan, Holden, Humphrey, Chris Jacobson, Jasper, George Jones, Katsiaticas, Keefe, Kelley, Knight, Labombarde, Levesque, Lown, Lozeau, Messier, Morrissette, Robert Murphy, Nelson, Nute, O'Rourke, Bonnie Packard, Pappas, Paradis, Pariseau, Parmenter, Perham, Pressly, Prestipino, Raiche, Reardon, Ellen-Ann Robinson, G. Philip Rodgers, Sallada, Shriver, B. P. Smith, Leonard Smith, Snow, Steiner, Stiles, Sylvia, Tamposi, Turgeon, Van Loan, Vanderlosk, Wagner, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Winn, Wood, Worthen and Zis.

MERRIMACK: Anderson, Barberia, Bardsley, Bibbo, Laurent Boucher, Bowes, James Chandler, Connolly, Fraser, Gilbreth, George E. Gordon, Gross, Hayes, Alf Jacobson, Jelley, C. William Johnson, Kidder, Kinhan, Lewis, Arthur Locke, Millard, Nichols, Pannell, Pantzer, Phelps, Rehlander, Walter Robinson, Linwood Rogers, Shepard, Gerald Smith, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: Benton, Blaisdell, Blanchard, William Boucher, Case, Lawrence A. Chase, Jr., Connors, Conroy, Day, Ellyson, Felch, Flanagan, Flanders, Bert Ford, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Lovejoy, Magoon, Malcolm, Robert Mason, Jr., McCain, Newell, Palumbo, Pantelakos, Parr, Pevear, Popov, Quimby, Raynowska, Norman Rogers, Rosencrantz, Sanderson, Schwaner, Seward, Sherburne, Skinner, Sloan, Sochalski, Splaine, Stachowske, Sytek, Titone, Tufts, Vartanian, Vaughn, Walker, Warburton, Welch, Wells and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Bryant, Burton, Chamberlin, Diament, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Hussey, Robert Jones, Keans, Kincaid, Laurion, Lussier, Meader, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr, Franklin Torr and Whiting.



SULLIVAN: Brodeur, D'Amante, Disnard, Domini, Ingram, Paul Johnson, Lindblade, McKee, Mehegan, Normandin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Amendment adopted.

Ordered to third reading.

Rep. Rounds moved that HB 110-FN, relative to continued membership in group II of the New Hampshire retirement system under certain circumstances, HB 489-FN, relative to firemen's retirement system members, HB 497-FN, relative to retirement benefits for certain legislative and constitutional officers, HB 56-FN, eliminating the lien placed on property because of failure to file a complete inventory form and HB 328-FN, relative to current use, be made Special Orders for Wednesday, March 5 at 10:00 a.m.

Adopted.

Rep. Rounds offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 5 at 10:00 a.m.

Adopted.

#### LATE SESSION

##### Third reading and final passage

HB 439-FN, relative to the division of children and youth services.

HB 213, relative to charter conversions for state credit unions.

HB 253-FN, increasing the limit on the state guarantee of bonds and notes of school districts and relative to legalizing certain school district meetings.

HB 380-FN, establishing the governor's scholars awards.

HB 494-FN, relative to the return of state tax revenue to cities and towns.

HB 297, relative to removal and release of dead bodies from hospitals.

HB 270, relative to the guardianship laws.

HBI 2005, relating to alternate sentencing of criminals.

HB 183, relative to increasing the number of alternate members on appointed local land use boards.

HB 222, relative to the requirements for notification of abutters for local land use board hearings.

HB 229-FN, relative to the licensing of dogs.

HB 485-FN, relative to the payment of subsequent tax.

HB 68, relative to requiring notice of hydro-energy generation projects.

HB 150-FN, establishing a natural heritage program in the department of resources and economic development.

HB 295, relative to Mirror Lake in the town of Woodstock.

HB 448-FN, relative to the disposal of state owned real property.

HB 467-FN, requiring the referral of child abuse cases to the police for criminal investigation.

HB 138, relative to insurance coverage for the services of certified clinical social workers.

HB 238, allowing Farmington to separate from school administrative unit number 44.

HB 175, establishing a department of education.

HB 400-FN, requiring licensing boards to provide copies of certain publications to applicants and licensees.

HB 320, permitting registered nurses to pronounce death in certain circumstances.

HB 325-FN, relative to acupuncture.

HB 431-FN, relative to the crime of theft.

HR 15, requesting an opinion of the justices. (HB 196)

HB 334, clarifying a construction authorization bill.

HB 346-FN, relative to the state aid construction and state aid reconstruction programs.

Rep. Rounds moved that the House stand in recess.

Adopted.

The House recessed at 4:50 p.m.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 6

*Wednesday, 5 Mar 86*

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

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Almighty God, maker of all rules and giver of all freedoms, Help us to live free of the tantalizing traps of security, money, power or privilege that cause so many to die. Help us to set aside those things we could freely do which would create a stumbling block to another's following in our path. Build in us a sense of concern for the whole family of persons we call our State. Amen.

Rep. Robert Johnson led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Mace, Christy, James J. White, Donnelly, Nute, Bergeron, Gilbreth, Cote, Martin, Joslyn, Mary Sullivan, Stonner, Dupont and Paquette, the day, illness.

Reps. Newman, Ducharme, Marsh, Nagel, Romoli, Callaghan, John Burns, Dwyer, McCue, Hogan, M. Arnold Wight, Marilyn Campbell, Cate, Brough, McKinney, Michael Jones and Bolduc, the day, important business.

Rep. Joseph MacDonald, the day, illness in the family.

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

## INTRODUCTION OF GUESTS

Former Representative, David Packard, husband of Rep. Packard; 4th grade students from the McDonough School in Manchester, guests of the Manchester Delegation; Paul Finerty, Earl Barnard, Mrs. Virginia MacGregor, Mrs. Ruth Boyd and Mrs. Helen Tirmacco, guests of Rep. McCain.

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

HB 211, relative to the resale of tickets, was removed at the request of Rep. Barry.

HB 230, relative to the definition of a cord of wood, was removed at the request of Rep. Appleby.

HB 209, eliminating the statute of limitations for sexual assault crimes, was removed at the request of Rep. O'Brien.

HB 305, relative to soliciting county employees for political contributions, was removed at the request of Rep. Mehegan.

HB 314, relative to the transportation of alcohol in open containers, HB 487-FN, establishing a community DWI program, funded through \$50 reinstatement fees to be paid by certain persons who have had their drivers' licenses revoked, and HB 499-FN, establishing a STOP-DWI program, funded through \$20 reinstatement fees to be paid by certain persons who have had their drivers' licenses revoked, were removed at the request of Rep. Lamontagne.

Adopted.



COMMITTEE REPORTS  
(Consent Calendar)

HB 17-FN, appropriating funds for a fire exit stairway and a library and classroom at the youth development center. Ought to Pass with Amendment.

As part of the long range plan at the Youth Development Center, the library must be completed for accreditation, a classroom added and fire exit completed. HB 18-FN has been incorporated into this bill and will repair the roof of a building at the Youth Development Center. Vote 17-0. Rep. Lee Anne Steiner for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

appropriating funds for a fire exit stairway  
and a library, classroom and roof repairs  
at the youth development center.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation; Fire Exit Stairway, Library, and Classroom; YDC. The following sums are hereby appropriated to the departments named for the purposes stated for the biennium ending June 30, 1987. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

I. Division for children and youth services:

A. New Hampshire youth development center basement library and classroom (Main building)	\$ 57,050
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II. Department of public works and highways:

A. New Hampshire youth development center fire exit stairway (Campus edge building)	68,000
B. New Hampshire youth development center roof repair (Campus edge building)	<u>6,608</u>

Total	\$131,658
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2 Effective Date. This act shall take effect upon its passage.

HB 18-FN, appropriating funds for roof repairs at the youth development center. Inexpedient to Legislate.

This bill is incorporated as an amendment in HB 17-FN as they both apply to the Youth Development Center. Vote 17-0. Rep. Lee Anne Steiner for Appropriations.

HB 19-FN, relative to users of fuel other than motor fuel in vehicles of the pleasure type. Ought to Pass with Amendment.

This bill has been amended to allow an owner of a diesel pleasure vehicle to request a rebate of excess prepaid road toll if such rebate is less than \$25, effective July 1, 1986. Vote 16-1. Rep. Paul I. LaMott for Appropriations.

## Amendment

Amend RSA 260:52, XI(b) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(b) if the user driving a vehicle of the pleasure type elects to report on an annual basis the total gallonage of fuels used within the state, such report shall include the vehicle's odometer readings at the beginning of the registration year and the reading at the end of the registration year, and a statement of the number of miles traveled in the state, the user may then apply to the director of motor vehicles for any rebate that may be due of the toll paid the previous year; provided, however, that no rebate shall be made for amounts less than \$25.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect July 1, 1986.

HB 34-FN, establishing the salaries of classified state employees in academic positions. Ought to Pass with Amendment.

This bill establishes a single classified pay scale. Vote 18-0. Rep. Joanne O'Rourke for Appropriations.

## Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Salaries Established; Academic Employees. Amend RSA 99:1-a (supp) as inserted by 1975, 505:32 as amended by striking out said section and inserting in place thereof the following:

99:1-a Salaries Established. The salary ranges for all classified state employees commencing June 6, 1986, shall be established as follows:

Salary Grade	Minimum	Step 1	Step 2	Step 3	Maximum
1	10,179.00	10,393.50	10,608.00	10,822.50	11,076.00
2	10,393.50	10,608.00	10,822.50	11,076.00	11,310.00
3	10,608.00	10,822.50	11,076.00	11,310.00	11,505.00
4	10,764.00	11,056.50	11,349.00	11,700.00	12,090.00
5	11,076.00	11,427.00	11,856.00	12,304.50	12,694.50
6	11,427.00	11,836.50	12,265.50	12,694.50	13,162.50
7	11,895.00	12,382.50	12,870.00	13,357.50	13,845.00
8	12,304.50	12,811.50	13,279.50	13,786.50	14,274.00
9	12,714.00	13,221.00	13,728.00	14,176.50	14,683.50
10	13,162.50	13,611.00	14,098.50	14,644.50	15,268.50
11	13,552.50	14,157.00	14,781.00	15,405.00	15,990.00
12	14,137.50	14,800.50	15,522.00	16,224.00	16,867.50
13	14,508.00	15,288.00	16,048.50	16,828.50	17,628.00
14	15,288.00	16,087.50	16,906.50	17,725.50	18,525.00
15	16,009.50	16,848.00	17,706.00	18,544.50	19,363.50
16	16,516.50	17,374.50	18,252.00	19,110.00	19,968.00
17	17,043.00	17,901.00	18,778.50	19,714.50	20,592.00
18	17,706.00	18,661.50	19,617.00	20,572.50	21,547.50
19	18,408.00	19,402.50	20,436.00	21,430.50	22,444.50
20	19,149.00	20,143.50	21,177.00	22,171.50	23,205.00
21	19,870.50	20,884.50	21,918.00	22,912.50	23,965.50
22	20,787.00	21,996.00	23,166.00	24,336.00	25,486.50
23	21,742.50	22,932.00	24,180.00	25,389.00	26,598.00

24	22,659.00	23,965.50	25,213.50	26,500.50	27,709.50
25	24,180.00	25,545.00	26,910.00	28,314.00	29,698.50
26	24,940.50	26,286.00	27,709.50	29,152.50	30,556.50
27	25,681.50	27,085.50	28,528.50	29,991.00	31,414.50
28	26,481.00	27,963.00	29,503.50	30,985.50	32,506.50
29	27,280.50	28,821.00	30,400.50	31,980.00	33,579.00
30	28,060.50	29,718.00	31,375.50	33,033.00	34,671.00
31	29,991.00	31,668.00	33,423.00	35,119.50	36,835.50
32	31,902.00	33,676.50	35,431.50	37,245.00	39,039.00
33	34,222.50	36,153.00	38,142.00	40,092.00	42,081.00
34	36,504.00	38,727.00	40,852.50	42,978.00	45,142.50

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. For purposes of this section, what has heretofore been called an 11 month schedule shall be deemed to include 220 working days and what has heretofore been called a full year schedule shall be deemed to include 235 working days.

2 Salaries Established; Academic Employees. Amend RSA 99:1-a (supp) as inserted by 1975, 505:32 as amended by striking out said section and inserting in place thereof the following:

99:1-a Salaries Established. The salary ranges for all classified state employees commencing March 13, 1987, shall be established as follows:

Salary Grade	Minimum	Step 1	Step 2	Step 3	Maximum
1	10,179.00	10,491.00	10,803.00	11,134.50	11,466.00
2	10,491.00	10,803.00	11,134.50	11,466.00	11,817.00
3	10,803.00	11,134.50	11,466.00	11,817.00	12,168.00
4	11,134.50	11,466.00	11,817.00	12,168.00	12,538.50
5	11,466.00	11,817.00	12,168.00	12,538.50	12,909.00
6	11,817.00	12,168.00	12,538.50	12,909.00	13,299.00
7	12,168.00	12,655.50	13,162.50	13,689.00	14,235.00
8	12,655.50	13,162.50	13,689.00	14,235.00	14,800.50
9	13,162.50	13,689.00	14,235.00	14,800.50	15,385.50
10	13,689.00	14,235.00	14,800.50	15,385.50	16,009.50
11	14,235.00	14,800.50	15,385.50	16,009.50	16,653.00
12	14,800.50	15,385.50	16,009.50	16,653.00	17,316.00
13	15,385.50	16,009.50	16,653.00	17,316.00	18,018.00
14	16,009.50	16,653.00	17,316.00	18,018.00	18,739.50
15	16,653.00	17,355.00	18,096.00	18,856.50	19,656.00
16	17,355.00	18,096.00	18,856.50	19,656.00	20,494.50
17	18,096.00	18,856.50	19,656.00	20,494.50	21,372.00
18	18,856.50	19,656.00	20,494.50	21,372.00	22,288.50
19	19,656.00	20,494.50	21,372.00	22,288.50	23,244.00
20	20,494.50	21,372.00	22,288.50	23,244.00	24,238.50
21	21,372.00	22,288.50	23,244.00	24,238.50	25,272.00
22	22,288.50	23,244.00	24,238.50	25,272.00	26,344.50
23	23,244.00	24,297.00	25,389.00	26,539.50	27,729.00
24	24,297.00	25,389.00	26,539.50	27,729.00	28,977.00
25	25,389.00	26,539.50	27,729.00	28,977.00	30,283.50
26	26,539.50	27,729.00	28,977.00	30,283.50	31,648.50
27	27,729.00	28,977.00	30,283.50	31,648.50	33,072.00
28	28,977.00	30,283.50	31,648.50	33,072.00	34,554.00
29	30,283.50	31,648.50	33,072.00	34,554.00	36,114.00



30	31,648.50	33,072.00	34,554.00	36,114.00	37,732.50
31	33,072.00	34,651.50	36,289.50	38,005.50	39,819.00
32	34,651.50	36,289.50	38,005.50	39,819.00	41,710.50
33	36,289.50	38,005.50	39,819.00	41,710.50	43,699.50
34	38,005.50	39,819.00	41,710.50	43,699.50	45,766.50

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. For purposes of this section, what has heretofore been called an 11 month schedule shall be deemed to include 220 working days and what has heretofore been called a full year schedule shall be deemed to include 235 working days.

### 3 Transition.

I. All state employees in academic positions on June 6, 1986, at 12:01 a.m. shall be placed within the schedule established by section 1 at the same salary grade in which the employee was placed prior to the effective date of this act. Within the salary grade, each employee shall be placed at the lowest step which provides an increase in the employee's salary.

II. Each state employee in an academic position on June 6, 1986, at 12:01 a.m. whose salary prior to the effective date of this act exceeds the maximum step in the salary grade for that employee within the schedule established by section 1 of this act shall be placed in the maximum step. Such employees shall be paid a one-time lump-sum adjustment equal to twice the difference between the employee's prior annual pay and the employee's annual pay as established by section 1 of this act.

### 4 Effective Date.

I. Sections 1 and 3 of this act shall take effect on June 6, 1986, at 12:01 a.m.

II. Section 2 of this act shall take effect on March 13, 1987, at 12:01 a.m.

HB 90-FN, relative to improvement of the state boat launch on Crystal Lake in the town of Enfield and making an appropriation therefor. Ought to Pass with Amendment.

This bill allows the town of Enfield to let the Department of Fish and Game take over the launch facilities at Crystal Lake. Fish and Game funds and Federal funds will be used to remove boulders from the lake. Vote 18-0. Rep. Lee Anne Steiner for Appropriations.

### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriations. The sum of \$10,000 is hereby appropriated to the department of fish and game for the biennium ending June 30, 1987, in addition to any other appropriation for said department, for the purpose of removing boulders in the lake at the state boat launch site on Crystal Lake in the town of Enfield. This appropriation shall be contingent upon the town of Enfield deeding the right of way to the state boat launch site to the state, which shall be under the administration of the department of fish and game. Of the sum appropriated, \$7,500 shall be from the federal Wallop-Breaux Fund and \$2,500 shall be from the fish and game fund.

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

HB 100-FN, making an appropriation to pay moneys owed to the education commission of the states. Ought to Pass.

New Hampshire has not paid its dues to the Education Commission of the States since 1983. The current law clearly states that we should pay the yearly dues, or that the Governor must notify in writing all other Governors a year in advance of his state's desire to withdraw. Vote 15-1. Rep. Andrea A. Scranton for Appropriations.

HB 193-FN, establishing a local water protection assistance program and making an appropriation therefor. Ought to Pass with Amendment. The bill directs the Office of State Planning to establish a water protection assistance program to help local communities develop water protection criteria. Vote 18-1. Rep. Lee Anne Steiner for Appropriations.

#### Amendment

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Appropriation. The sum of \$20,000 for the fiscal year ending June 30, 1987, is hereby appropriated to the office of state planning for the purpose of implementing sections 1-2 of this act. The appropriation is in addition to any other funds appropriated to the office of state planning. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

HB 227-FN, making a supplemental appropriation for matching funds for vocational rehabilitation. Ought to Pass.

This bill appropriates \$27,283 in '86 and \$22,222 in '87 to match \$245,553 in '86 and \$200,000 in '87 in Federal Funds which have become available. Vote 18-0. Rep. Andrea A. Scranton for Appropriations.

HB 258-FN, increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs. Ought to Pass with Amendment.

This bill changes the rates of distribution of hazardous material transportation fees and penalties to 65 percent to the State of New Hampshire's hazardous waste cleanup fund and 15 percent to be used for local emergency responses. The 20 percent remains the same going to the Department of Safety for enforcement of laws and rules. Vote 18-0. Rep. Robert Holbrook for Appropriations.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Distribution of Penalties or Fees. Amend RSA 106-A:21 (supp) as inserted by 1983, 393:5 by striking out said section and inserting in place thereof the following:

106-A:21 Civil Penalties. Any person who violates any of the provisions of this subdivision, any rule adopted under this subdivision or any term or condition of a license or permit issued under this subdivision shall be subject to a civil penalty not to exceed \$5,000 for a natural person or \$25,000 for any other person. The sums obtained from the levying of civil penalties or fees under this subdivision shall be distributed in the following manner:

I. 65 percent shall be transferred to the state of New Hampshire hazardous waste cleanup fund established by RSA 147-B;

II. 15 percent shall be credited to the department of safety to be used for state, local or regional emergency response programs identified by the commissioner and deemed appropriated by him to receive such funding;

III. 20 percent shall be credited to the department of safety to be used for the enforcement of the laws and rules related to the transportation of hazardous materials and wastes.

IV. The department of safety is authorized to establish a revolving fund into which it shall deposit the sums allocated in paragraph II and III. The department of safety, with approval of the governor and council, shall be authorized to utilize the moneys from the revolving fund so created for the purposes outlined in paragraph II and III.

2 Date for Distribution. All penalties or fees collected pursuant to RSA 106-A:17-23 during the fiscal year ending June 30, 1986, shall be distributed according to the percentages under RSA 106-A:21 prior to the effective date of this act. All penalties or fees collected pursuant to RSA 106-A:17-23 on or after July 1, 1986, shall be distributed according to RSA 106-A:21 as amended by section 1 of this act.

3 Effective Date. This act shall take effect July 1, 1986.

HB 286-FN, relative to the Winnepesaukee River basin control. Ought to Pass.

This bill permits the member towns and city of the Winnepesaukee River Basin Project to set up a reserve for future repairs and replacement of equipment and to purchase insurance coverage for protection of the project and members. Members of the project approve this bill and all funds are from members of the project. Vote 18-0. Rep. Robert Holbrook for Appropriations.

HB 290-FN, relative to the representation of state officials by the attorney general. Ought to Pass.

The Committee concurs with the policy decision of the Judiciary and has determined that fiscal implications of this bill are satisfactory and desirable. Vote 15-0. Rep. Michael King for Appropriations.

HB 369-FN, relative to indemnification from civil suits under RSA 99-D for state park volunteers. Ought to Pass with Amendment.

The bill sets up a nonprofit organization, New Hampshire Outdoor Council, whose membership includes A.M.C., White Mountain Attractions, Division of Parks, Fish and Game Committee, Fish and Game Department, Audubon Society and others to raise funds to aid local volunteer rescue groups and to enhance our trail network by marketing materials developed by New Hampshire Outdoor Council to meet their objectives. Vote 17-0. Rep. Lee Anne Steiner for Appropriations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to indemnifying state park volunteers from civil suits and authorizing the New Hampshire Outdoor Council to raise funds for certain purposes.

Amend the bill by striking out section 2 and inserting in place thereof the following:

#### 2 The New Hampshire Outdoor Council.

I. The New Hampshire Outdoor Council (NHOC), a charitable, nonprofit organization, is recognized and endorsed as an organization focused on providing needed additional funds for the extensive hiking trail system in the state and for search and rescue missions provided by the various volunteer groups working in close cooperation with the department of fish and game.



II. The NHOC's need for a source of funds to support informational and educational projects designed to prevent the need for search and rescue missions would be accomplished by marketing materials developed by the NHOC to meet its objectives.

III. The NHOC is authorized to work through the division of parks and recreation and the office of vacation travel, department of resources and economic development, to promote the distribution of materials offered for the purpose of raising funds.

IV. The NHOC shall encourage proper stewardship of the extensive trail system in the following areas:

(a) Trail clearing, marking, signing, repair, reconstruction and the building of new trails;

(b) Protecting public access to the trails via educational and other voluntary measures, including the donation of land or certain interests in land.

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

HB 392-FN, relative to the board of registration in medicine and making an appropriation therefor and relative to the board of dental examiners. Ought to Pass.

The bill increases the number of members on the Board of Registration in Medicine due to the increased work load. In addition it allows the Dental Board to hire additional personnel. Vote 17-0. Rep. Andrea A. Scranton for Appropriations.

HB 500-FN, permitting group II members who reach age 65 to make an election for retirement benefits. Ought to Pass.

This bill corrects the problem of Group II members who reach the age of 65 without the mandatory 20 years of service. They will now be able to collect their benefits on a prorated benefit allowance based on actual years of service. Vote 19-0. Rep. Margaret A. Ramsay for Appropriations.

HB 155-FN, providing for continuation of certain insurance benefits for divorced or separated spouses. Ought to Pass with Amendment.

Nationwide, there is increasing concern over an insurance coverage problem which affects spouses who are not employed, become divorced and receive insurance through a group plan at the spouse's place of employment. As amended, this bill provides for continuation of group insurance benefits for divorced spouses for two years. Those spouses 55 or older shall be able to continue coverage until becoming eligible for Medicare. Vote 17-1. Rep. Toni Pappas for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the bill by striking out sections 1-5 and inserting in place thereof the following:

1 Continuation of Coverage After Divorce. Amend RSA 415:18 by inserting after paragraph IV the following new paragraph:

IV-a. Upon the granting of a decree of divorce or legal separation to which one of the parties is a member of a group accident and health insurance policy, which group is comprised of certificate holders of such insurance who are residents of the state and whose principal place of employment is in the state, the person who was insured as the dependent spouse of said member prior to the issuance of such decree shall remain eligible for continuing coverage under said plan, without additional premium or examination therefor, as if the decree had not been entered. Such eligibility shall continue for dependent spouses under age 55 through the member's participation in the plan for a period or until the dependent spouse becomes eligible for participation in another employer based group

plan or until the remarriage of the member spouse, whichever occurs first. For dependent spouses who are 55 years of age or older such eligibility shall continue until the dependent spouse becomes eligible for participation in another employer based group plan or until the dependent spouse becomes eligible for medicare or until the remarriage of the member spouse, whichever occurs first. Upon remarriage of the group plan member, the former spouse shall have the right to convert the coverage to an individual policy within 31 days. The continuation of coverage provided in this paragraph shall terminate upon the remarriage of the former spouse, at which time the former spouse may convert the coverage as provided herein. Any former spouse who is responsible for making a portion of or full payment to the employer shall notify the employer and the insurance company, in writing within 30 days of the decree of divorce or separation, that coverage under this paragraph is requested. The employer shall have the right to terminate coverage for a dependent spouse who is receiving coverage under this paragraph if full payment for the coverage is not received by the employer within 30 days of the date the premium payments are due.

2 Continuation of Coverage After Divorce; Medical Service Corporations. Amend RSA 420 by inserting after section 5-a the following new section:

420:5-b Continuation of Coverage for Divorced or Separated Spouses. Upon the granting of a decree of divorce or legal separation to which one of the parties is a member of a group accident and health insurance policy, which group is comprised of certificate holders of such insurance who are residents of the state and whose principal place of employment is in the state, the person who was insured as the dependent spouse of said member prior to the issuance of such decree shall remain eligible for continuing coverage under said plan, without additional premium or examination therefor, as if the decree had not been entered. Such eligibility for dependent spouses under age 55 shall continue through the member's participation in the plan for a period of 2 years or until the dependent spouse becomes eligible for participation in another employer based group plan or until the remarriage of the member spouse, whichever occurs first. For dependent spouses who are 55 years of age or older such eligibility shall continue until the dependent spouse becomes eligible for participation in another employer based group plan or until the dependent spouse becomes eligible for medicare or until the remarriage of the member spouse, whichever occurs. Upon remarriage of the group plan member, the former spouse shall have the right to convert the coverage to an individual policy within 31 days. The continuation of coverage provided in this section shall terminate upon the remarriage of the former spouse, at which time the former spouse may convert the coverage as provided herein. Any former spouse who is responsible for making a portion of or full payment to the employer shall notify the employer and the insurance company, in writing within 30 days of the decree of divorce or separation, that coverage under this section is requested. The employer shall have the right to terminate coverage for a dependent spouse who is receiving coverage under this section if full payment for the coverage is not received by the employer within 30 days of the date the premium payments are due.

3 Continuation of Coverage After Divorce; Health Service Corporations. Amend RSA 420-A by inserting after section 7 the following new section:

420-A:7-a Continuation of Coverage for Divorced or Separated Spouses. Upon the granting of a decree of divorce or legal separation to which one of the parties is a member of a group accident and health insurance policy, which group is comprised of certificate holders of such insurance who are residents of the state and whose principal place of employment is in the state, the person who was insured as the dependent spouse of said member prior to the issuance of such decree shall remain eligible for continuing coverage under said plan, without additional



premium or examination therefor, as if the decree had not been entered. Such eligibility for dependent spouses under age 55 shall continue through the member's participation in the plan for a period of 2 years or until the dependent spouse becomes eligible for participation in another employer based group plan or until the remarriage of the member spouse, whichever occurs first. For dependent spouses who are 55 years of age or older such eligibility shall continue until the dependent spouse becomes eligible for participation in another employer based group plan or until the dependent spouse becomes eligible for medicare or until the remarriage of the member spouse, whichever occurs first. Upon remarriage of the group plan member, the former spouse shall have the right to convert the coverage to an individual policy within 31 days. The continuation of coverage provided in this section shall terminate upon the remarriage of the former spouse, at which time the former spouse may convert the coverage as provided herein. Any former spouse who is responsible for making a portion of or full payment to the employer shall notify the employer and the insurance company, in writing within 30 days of the decree of divorce or separation, that coverage under this section is requested. The employer shall have the right to terminate benefits for a dependent spouse who is receiving coverage under this section if full payment for the coverage is not received by the employer within 30 days of the date the premium payments are due.

4 Hospital Service Corporations. Amend RSA 419 by inserting after section 5-a the following new section:

419:5-b Continuation of Coverage for Divorced or Separated Spouses. Upon the granting of a decree of divorce or legal separation to which one of the parties is a member of a group accident and health insurance policy, which group is comprised of certificate holders of such insurance who are residents of the state and whose principal place of employment is in the state, the person who was insured as the dependent spouse of said member prior to the issuance of such decree shall remain eligible for continuing coverage under said plan, without additional premium or examination therefor, as if the decree had not been entered. Such eligibility for dependent spouses under age 55 shall continue through the member's participation in the plan for a period of 2 years or until the dependent spouse becomes eligible for participation in another employer based group plan or until the remarriage of the member spouse, whichever occurs first. For dependent spouses who are 55 years of age or older such eligibility shall continue until the dependent spouse becomes eligible for participation in another employer based group plan or until the dependent spouse becomes eligible for medicare or until the remarriage of the member spouse, whichever occurs first. Upon remarriage of the group plan member, the former spouse shall have the right to convert the coverage to an individual policy within 31 days. The continuation of coverage provided in this section shall terminate upon the remarriage of the former spouse, at which time the former spouse may convert the coverage as provided herein. Any former spouse who is responsible for making a portion of or full payment to the employer shall notify the employer and the insurance company, in writing within 30 days of the decree of divorce or separation, that coverage under this section is requested. The employer shall have the right to terminate benefits for a dependent spouse who is receiving coverage under this section if full payment for the coverage is not received by the employer within 30 days of the date the premium payments are due.

5 Health Maintenance Organizations. Amend RSA 420-B by inserting after section 8 the following new section:

420-B:8-a Continuation of Coverage for Divorced or Separated Spouses. Upon the granting of a decree of divorce or legal separation to which one of the parties is a member of a group accident and health insurance policy, which group is comprised of certificate holders of such insurance who are residents of the state and whose principal place of employment is in the state, the person who was insured as the dependent



spouse of said member prior to the issuance of such decree shall remain eligible for continuing coverage under said plan, without additional premium or examination therefor, as if the decree had not been entered. Such eligibility for dependent spouses under age 55 shall continue through the member's participation in the plan for a period of 2 years or until the dependent spouse becomes eligible for participation in another employer based group plan or until the remarriage of the member spouse, whichever occurs first. For dependent spouses who are 55 years of age or older such eligibility shall continue until the dependent spouse becomes eligible for participation in another employer based group plan or until the dependent spouse becomes eligible for medicare or until the remarriage of the member spouse, whichever occurs first. Upon remarriage of the group plan member, the former spouse shall have the right to convert the coverage to an individual policy within 31 days. The continuation of coverage provided in this section shall terminate upon the remarriage of the former spouse, at which time the former spouse may convert the coverage as provided herein. Any former spouse who is responsible for making a portion of or full payment to the employer shall notify the employer and the insurance company, in writing within 30 days of the decree of divorce or separation, that coverage under this section is requested. The employer shall have the right to terminate coverage for a dependent spouse who is receiving coverage under this section if full payment for the coverage is not received by the employer within 30 days of the date the premium payments are due.

HB 361, relative to cancellation of group insurance by the employer because of economic hardship. Ought to Pass with Amendment.

This bill, as amended, was requested by the Insurance Department. It provides for the continuation of benefits under group health and Health Maintenance Organization plans for employees of employers who go into bankruptcy, or simply discontinue operation, and, in effect, extends existing provisions of RSA 415 to such employees. Vote 12-1. Rep. B. P. Smith for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to termination of group insurance benefits.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Termination. Amend RSA 415:18, VII(g) by inserting after subparagraph (3) the following new subparagraph:

(4) Whenever any group hospital, surgical, medical insurance plan, or health maintenance organization terminates coverage for any reason, the benefits of such plan shall be available at the same group rate to the individual, the surviving spouse, and the dependents covered by the group plan, for an extension period of 39 weeks, or until such member, surviving spouse, or dependent becomes eligible for benefits under another group plan, whichever occurs first. Written notice of the right to continue such group coverage shall be given by the insurance company in each master policy, certificate, and group policy. The insurance company shall furnish each employer or group an adequate supply of attachments for each master policy, certificate, or group policy in effect. An individual, surviving spouse, or dependent electing continuation of coverage under this subparagraph shall provide the insurance company written notice of election together with the first monthly premium contribution within 31 days from the date coverage would otherwise

terminate. The group rate shall be paid by the individual, surviving spouse, or dependent directly to the insurance company. The premium rate shall be that required for the coverage being continued and shall not exceed the applicable group rate. Upon termination of the extension period, the member, surviving spouse, or dependent shall be entitled to exercise any option which is or was provided in the group plan to elect a converted policy. If a person or member becomes entitled to the 39-week extension period under this subparagraph and if such person or member has not been given notice of the termination of the group plan 31 days from the date of termination of the group coverage, then the person or member shall have an additional period within which to elect the 39-week extension period. This additional period shall expire 15 days after the person or member shall have been given said notice, but in no event shall the additional period extend beyond 6 months after the expiration of the original 31 day period. Written notice presented to the person or member or mailed by the policyholder to the last known address of the person or member or mailed by the insurer to the last known address of the person or member as furnished by the policyholder shall constitute the giving of notice for the purpose of this subparagraph. If an additional period is allowed the person or member for election of the 39-week extension period as provided in this subparagraph, and if written notice of election accompanied by the first monthly premium and any monthly premiums which may be overdue, if any, is made after the expiration of the original 31 day period, but within the additional period allowed an employee or member in accordance with this subparagraph, the effective date of the extension period shall be the date of termination from the group.

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

HB 463-FN, relative to quality assurance and cost controls for mental health services and creating a task force to study utilization review. Ought to Pass with Amendment.

The bill, as amended, establishes a task force to study mental health services. The Committee is comprised of a broad spectrum of mental health care providers, a representative of the public sector, business and industry; 2 members of the Senate and 2 members of the House. The purpose of the task force is to study and make recommendations relative to utilization and peer review of services, including all aspects of mental health care delivery. Vote 12-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

establishing a task force to study utilization review and other matters relative to mental health services.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

#### 1 Task Force Established.

I. There is hereby established a task force to study mental health services. The members of the task force shall include, but shall not be limited to, the following:

(a) A representative of the New Hampshire Psychiatric Society;

(b) A representative of the New Hampshire Psychological Organization;

- (c) A representative of the New Hampshire Association of Pastoral Counselors;
- (d) A representative of the New Hampshire Chapter, National Association of Social Workers;
- (e) A representative of the National Academy of Mental Health Counselors;
- (f) A representative from the New Hampshire Association of Mental Health;
- (g) A representative from a community mental health center;
- (h) A representative from the commercial health care insurance industry;
- (i) A representative from the nonprofit health care industry;
- (j) A representative from a special psychiatric and alcohol/substance abuse hospital;
- (k) A representative from the Business and Industry Association of New Hampshire;
- (l) One public member;
- (m) The director of mental health and developmental services or his designee;
- (n) 2 members of the senate appointed by the president of the senate; and
- (o) 2 members of the house of representatives appointed by the speaker of the house.

II. The governor shall appoint the members designated in paragraph I(a) through (f) after receiving 2 nominees from each organization controlling each category of appointment. The appointed general court members shall convene the first meeting of the task force no later than June 30, 1986. The task force shall select one of its members to act as chairman. The task force may elect other members to join the task force by a majority vote. The division of mental health and developmental services shall provide administrative support to the task force including meeting space, technical assistance, and any other relevant support.

2 Duties. The primary duty of the task force shall be to study and make recommendations relative to utilization and peer review of services covered under RSA 415:18-a, 419:5-a, and 420:5-a. The task force shall also study and make recommendations relative to:

- I. Cost caps and benefit specifications;
- II. The development of a voluntary program of pro bono mental health services;
- III. The improvement of current quality assurance practices of certification and licensure;
- IV. Continuing education, recertification, and relicensure requirements;
- V. The improvement of current practices of professional advertising and statements of business terms in order to enhance consumer choice; and
- VI. Actions necessary for insurers and providers to participate in a public data-based system.

3 Report. The task force shall report its findings and recommendations to the speaker of the house, the president of the senate, and the governor no later than December 30, 1986, with proposed legislation for the 1987 legislative session.

4 Compensation. The members of the task force shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to the duties of the task force.

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



This resolution urges the Classification and Ratings Administration, Motion Picture Association of America, National Association of Theater Owners and International Film Importers and Distributors of America to include specific criteria in the movie rating review process which takes into consideration the depiction of substance abuse without negative consequences. Vote 12-0. Rep. Vincent J. Palumbo for Commerce, Small Business and Consumer Affairs.

HB 12, requiring a blood test for persons contemplating marriage. Inexpedient to Legislate.

The sponsor stated that he felt this legislation is not needed at this time. Vote 10-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

HB 308, requiring libraries to make annual reports of trust funds to the attorney general. Ought to Pass.

This is a housekeeping bill; no one testified against it. Vote 8-0. Rep. Martin P. Lussier for Constitutional and Statutory Revision.

HB 140-FN, relative to terrain alterations and removal of gravel. Refer for Interim Study.

In cooperation with the Committee on Resources, Recreation and Development, the Committee on Environment and Agriculture voted unanimously to send this bill to interim study. An inquiry by members of both Committees into the reasons for this proposed legislation indicated that the Water Supply and Pollution Control Commission believes it is overwhelmed with inadequate engineering plans for several new large developments throughout the State. To insure adequate protection of the environment, an intensive study of present and future growth issues needs to be made. An additional issue of local control over development versus State control also needs to be addressed. Vote 16-0. Rep. John L. Sherburne for Environment and Agriculture.

HB 398-FN, certifying clinical mental health counselors and providing insurance coverage therefor. Refer for Interim Study.

This bill addresses, by testimony, only 8-10 persons affected at present. With a previous bill of 1985 in interim study covering Psychology Board and current House Bill 463 forming a special related task force, this bill should be acted on as a part of these overall studies. Vote 16-0. Rep. William F. McCain for Executive Departments and Administration.

HB 78-FN, relative to mandatory mediation and making an appropriation therefor. Refer for Interim Study.

House Bill 225 and House Bill 78 both involve mediation. The Committee feels that formal standards need to be set up as a first step towards consideration of mediation as a significant process in marital disputes. Vote 14-0. Rep. Elizabeth D. Lown for Judiciary.

HB 225, relative to voluntary mediation in divorce proceedings. Refer for Interim Study.

The Committee is proposing to study this bill on mediation together with HB 78 in order to work on the setting up of standards for mediator as per testimony on the subject. Vote 12-2. Rep. Elizabeth D. Lown for Judiciary.

HB 267-FN, establishing a commission on municipal liability and making an appropriation therefor. Inexpedient to Legislate.

The Committee will address the municipal liability problem in House Bill 53. Vote 13-1. Rep. Thomas U. Gage for Judiciary.

HBI 2003, relating to liability of liquor servers for alcohol-related auto accidents. Ought to Pass with Amendment.

The Committee unanimously agreed that the issue of liability for those who serve liquor merits investigation. Vote 15-0. Rep. Donnalee M. Lozeau for Judiciary.

#### Amendment

Amend the bill of intent by striking out all after the title and inserting in place thereof the following:

It is the intent of the general court to require individuals who consume alcohol to be responsible for their own behavior and to prohibit the transfer of that responsibility to a liquor serving establishment. In order to promote this individual responsibility, the general court should consider adopting policies to limit or prohibit the transfer of such responsibility.

HB 423-FN, relative to overtime pay rates. Ought to Pass with Amendment.

HB 423 relative to compensation being paid at a rate of time and one-half for all time worked in excess of 40 hours in any one week. The Committee found this bill, as amended, provides overtime pay for all employees who work over forty hours in any one week at a rate of time and a half except those with the following exemptions: Employee covered by the federal Fair Labor Standards Act of 1938, as amended, and any employee employed by an amusement, seasonal or recreational establishment if it meets certain conditions. Vote 14-0. Rep. Robert S. Hawkins for Labor, Industrial and Rehabilitative Services.

#### Amendment

Amend RSA 279:21, VIII as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

VIII. Those employees covered by the introductory paragraph of this section, with the following exceptions, shall, in addition to their regular compensation, be paid at the rate of time and one-half for all time worked in excess of 40 hours in any one week:

(a) Any employee employed by an amusement, seasonal, or recreational establishment if:

(1) it does not operate for more than 7 months in any calendar year; or

(2) during the preceding calendar year, its average receipts for any 6 months of such year were not more than 33-1/3 percent of its average receipts for the other 6 months of such year. In order to meet the requirements of this subparagraph, the establishment in the previous year shall have received at least 75 percent of its income within 6 months. The 6 months, however, need not be 6 consecutive months.

(b) Any employee covered under the provisions of the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. section 201, et seq.).

HB 273-FN, relative to the revocation of town manager plans. Ought to Pass.

House Bill 273 places all towns on the same level in the event they eliminate the town manager form of government. Vote 13-0. Rep. David M. Perry for Municipal and County Government.

HB 375-FN, relative to the issuance by municipalities of bonds or notes payable on demand. Refer for Interim Study.

The subject matter requires further study in view of the fact the Tax Simplification Act presently under consideration in Congress is not in final form at this time. Vote 13-0. Rep. George M. West for Municipal and County Government.

HB 376-FN, relative to municipal development district corporation borrowing. Refer for Interim Study.

This proposal, at the request of the Department of Revenue Administration, should be referred to interim study in view of changing federal regulation. Vote 13-0. Rep. George M. West for Municipal and County Government.

HB 481-FN, authorizing the issuance of notes or bonds for the town of Londonderry. Ought to Pass with Amendment.

It was the unanimous decision by the Committee that this bill pass as it allows the Town of Londonderry to implement a program of collecting revenue to alleviate a financial dilemma caused by transition of fiscal year, and impact of tax collection, due to the fiscal year change. Vote 14-0. Reps. Robert H. Day and Paul A. Golden for Municipal and County Government.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

authorizing the issuance of notes or bonds and relative to the collection of taxes for the town of Londonderry.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Payment of Additional Taxes for 6-year Period Referendum; Borrowing Authorization. Amend 1983, 189:5 by inserting after paragraph II the following new paragraphs:

III. Notwithstanding any other provision of law to the contrary, the taxes for each of the fiscal years ending June 30, 1987, June 30, 1988, June 30, 1989, June 30, 1990, June 30, 1991, and June 30, 1992, equal to the amount raised and appropriated by the town meeting for 1986, 1987, 1988, 1989, 1990, or 1991, respectively, to defray expenses for the operation of the town, county, and school district at a rate as determined by the department of revenue administration for each of the fiscal years ending June 30, 1987; June 30, 1988; June 30, 1989; June 30, 1990; June 30, 1991; and June 30, 1992; shall be multiplied by a factor of 109.23 percent. The purpose for using this formula shall be to collect a total of 13 months of taxes for each 12 month fiscal year during this 6-year period. The town of Londonderry shall place 9.23 percent of the funds raised under this taxation procedure in a separate reserve account entitled prepaid property taxes. The funds in this separate reserve account shall not be available for any current year appropriation purposes, but instead shall be used for appropriated purposes in the fiscal year immediately following the year in which they were collected.

IV.(a) If the town of Londonderry wishes to adopt the provisions of paragraph III, it may do so in the following question: "Shall we adopt the provisions of 1983, 189:5, III which provides for the collection of a total of 13 months of taxes for each of the 12 month fiscal years ending June 30, 1987, June 30, 1988, June 30, 1989, June 30, 1990, June 30, 1991, and June 30, 1992 in order to defray expenses for the operation of the town, county and school district?"



(b) The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No". If no cross is made in either of the squares, the ballot shall not be counted on the question.

(c) If a majority of those voting on the question vote "Yes", 1983, 189:5, III shall apply within the town of Londonderry.

V. The question shall be listed in the warrant and placed on the official ballot, or a special ballot prepared by the clerk, upon a vote of the selectmen or upon submission to the selectmen of a petition signed by 25 registered voters or 1/6 of the registered voters, whichever is less.

VI. If the town of Londonderry adopts the provisions of 1983, 189:5, III, it may put to the voters the question of whether to rescind its action upon the vote of the selectmen or upon the petition of voters as provided in paragraph V. The question shall be as provided in paragraph IV, except the word "adopt" shall be changed to "rescind."

VII. The town of Londonderry is authorized to borrow, by long term notes or bonds issued in conformance with RSA 33, in an amount not to exceed \$1,500,000, said bonds to be issued to solve serious cash problems not foreseen in the change of the town's fiscal year resulting from compliance with the laws of 1983, 189:5, I and II.

HB 254-FN, prohibiting liquor brokers from doing business in the state. Inexpedient to Legislate.

The Committee vote of 17-0 as "Inexpedient to Legislate" supported the Subcommittee report of a 7-0 vote that the intent of the bill to eliminate third party liquor representatives (brokers) would not be beneficial to the State as they do serve an essential function for the Liquor Commission. Reports of any ethical problems by liquor representatives could not be proved by hearsay and, if they do exist, it is the duty of the Attorney General's Office to investigate. Much testimony, both oral and written, was received but all was not germane to this bill. It was agreed that it would be more practicable to continue Subcommittee work with the Sunset Committee for the 1987 Session, which will cover all facets of the Liquor Commission. Rep. Robert P. Mason for Regulated Revenues.

HB 103, relative to access to New Hampshire rivers. Ought to Pass with Amendment.

This bill, as amended, only provides a process whereby the State, with the consent of the local municipality, may acquire public access point along our major rivers to insure adequate recreational opportunity for the general public. Also, the Division of Safety Services is directed to hold hearings concerning speed and horsepower limitation on public waters upon petition. Vote 15-0. Reps. Howard C. Dickinson, Jr. and James A. Whittemore for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to access to New Hampshire rivers and operating restrictions on certain bodies of water.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Public Access to Navigable Rivers. Amend RSA 230 by inserting after section 73 the following new sections:

230:73-a Public Access to Navigable Rivers. The state, with the advice and consent of local municipalities involved, shall obtain appropriate public access, either by easement or pursuant to RSA 230:63-71, to all navigable rivers of the state. This action shall be taken in consultation with the right-of-way board established in RSA 230:72.

230:73-b Administration of Access Area. After acquisition and initial development by the state under the supervision of the council on resources and development, the state shall transfer administrative responsibility for each access area to the municipality in which the area is located. The municipality shall adopt ordinances relative to use of the area, including the establishment of fees for certain services, providing that access to the area shall be available to all residents of the state.

2 Operating Restrictions. Amend RSA 270:12 as amended by striking out said section and inserting in place thereof the following:

270:12 Operating Restrictions. The director of the division of safety services, upon petition of 25 persons, or 10 percent of the lake shore property owners, whichever is the lesser, shall hold a hearing and subsequently adopt rules consistent with public interest and pursuant to RSA 541-A governing the maximum horsepower of boat engines and outboard motors or maximum speed limits for the operation of such boats or outboard motors applicable to or upon all or any portion of the public waters of this state. The director may, in like manner and after notice and hearing, prohibit the use of motor boats and outboard motors on bodies of public water having an area of 35 acres or less; provided, however, that said prohibition shall not be construed as affecting the bodies of water regulated under RSA 486. Hearings under this section shall be held in the vicinity of the body of water under consideration.

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

HB 249, prohibiting the use of certain steel drums or other drums for floats, rafts, docks, etc. in the public waters of the state. Ought to Pass with Amendment.

This bill prohibits the use of any container that has contained a hazardous or toxic substance to be used as a flotation device in public waters unless it has been internally treated (thoroughly cleaned) to prevent pollution and externally treated to prevent deterioration. The bill grandfathers all existing flotation devices. The amendment clarifies the provisions in the original bill. Vote 17-0. Rep. Janet M. Conroy for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

prohibiting the use of certain containers for use as flotation devices in the public waters of the state.

Amend RSA 270:26-b as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

270:26-b Certain Containers Prohibited as Floats.

I. No owner of any float, dock, raft or similar device or structure shall employ for flotation in the public waters of the state any container which formerly contained any hazardous or toxic substance, as defined by RSA 147-B:2, which poses a danger to public health or the environment unless such container has been rendered harmless by internal treatment for the removal of the hazardous or toxic substance.

II. Any container which is to be used as a flotation device in the public waters of the state and which is subject to deterioration shall be treated externally so as to preserve the integrity of the container and prevent its deterioration. No container shall be treated in any manner which would pollute the public waters of the state.

III. Notwithstanding the provisions of paragraph I, any flotation device in current use for any of the purposes described in paragraph I, on the effective date of this section, shall be exempt from this prohibition.

IV. Any owner who violates the provisions of this section shall be guilty of a misdemeanor.

V. This section may be enforced by any duly authorized peace officer as defined in RSA 594:1 or by qualified employees of the water supply and pollution control commission established under RSA 149:2.

HB 284-FN, relative to water treatment plant operators. Ought to Pass with Amendment.

This bill provides for increased fees for examination of water treatment plant operators. In addition, the bill provides for a fee system for covering the cost of the conversion of residential units to condominium ownership. The Water Supply and Pollution Control Commission has provided convincing evidence that the inspections are warranted. Vote 16-0. Rep. Douglas R. Woodward for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to water treatment plant operators; authorizing the charging of a fee for water supply systems; authorizing new positions and making an appropriation therefor.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Water Supply Systems. Amend RSA 148:25, I as amended by striking out said paragraph and inserting in place thereof the following:

I. Water Supply Systems. No person, proposing to supply water for domestic uses, shall construct any new system, or enlarge any existing system, for supplying water to the public without first submitting detailed plans of the proposed construction to the water supply and pollution control commission and securing its approval thereof. It shall be the duty of the commission to examine the topography and the watershed, to complete an engineering review of the plans and specifications for said proposed construction, and to make chemical and bacteriological analysis of the waters, of the proposed supply, before approval is granted.

5 Plans for Public Water System Required. Amend RSA 148:25 by inserting after paragraph I the following new paragraphs:

I-a. Any person submitting detailed plans to the commission, as provided for in this section, for a new public water system, or an existing public water system where conversion from transient use to residential-type use is proposed, shall pay to the commission a fee of \$30 per residential unit. When usage cannot be apportioned by residential units at new public water systems, the fee shall be based on the flow proportioned equivalent to that of a single family residential unit. The commission shall adopt rules pursuant to RSA 541-A defining flow proportioned equivalency.



I-b. The fees required under paragraph I-a shall be for reviewing such detailed plans and making site inspections as may be necessary. The fee shall be paid at the time said detailed plans are submitted and shall be deposited with the state treasurer as unrestricted revenue. The commission shall establish by rule, adopted pursuant to RSA 541-A, a minimum threshold below which no fee is required and a maximum level above which the fee will not increase.

6 Appropriation.

I. The sum of \$120,843 is hereby appropriated to the water supply and pollution control commission, PAU 03,05,01 for the fiscal year ending June 30, 1987, to be expended as follows:

Personnel Services	\$ 84,339
Current Expense	4,500
Equipment	11,780
Benefits	16,024
Travel, In-state	4,200
Total	<u>\$120,843</u>

Said sum shall be in addition to the appropriations contained in the appropriations act for the fiscal year ending June 30, 1987, relative to the water supply and pollution control commission, office of the commission, PAU 03,05,01. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The commission is hereby authorized to establish the following additional permanent positions: one civil engineer V, one sanitary engineer II, and one word processor operator II.

7 Effective Date. This act shall take effect July 1, 1986.

Referred to Appropriations.

HB 287-FN, authorizing the water supply and pollution control commission to enter into a cooperative program in accordance with the federal Water Pollution Control Act for the purpose of establishing, financing, and operating a revolving loan fund program and making an appropriation therefor. Refer for Interim Study.

House Bill 287 would have authorized a revolving loan fund to fund future water pollution control projects. Unfortunately, the expected changes in federal tax law is expected to preclude the method proposed to subsidize the interest rates on the loans to local jurisdiction. Furthermore, the federal grant in aid to match the State's participation is not yet authorized. Thus, there are sufficient problems to hold this bill in abeyance and the next few months are expected to clarify what future action is appropriate. Thus, interim study is the indicated course for the bill. Vote 14-0. Rep. Douglas R. Woodward for Resources, Recreation and Development.

HB 357, restricting boating on Iona Lake in the town of Albany and Middle Pea Porridge Pond in the town of Madison, and Big Pea Porridge Pond in the towns of Madison and Conway. Ought to Pass with Amendment.

This bill, as amended, restricts the use of any power motor in excess of 10 horsepower on Iona Lake and the use of any power boat with an internal combustion engine on Middle Pea Porridge Pond and Big Pea Porridge Pond. There was no adverse testimony on the bill; however, the Committee felt that a 10 horsepower motor rather than a 5 horsepower motor was more reasonable to allow on Iona Lake. Future problems related to the limitation of horsepower and speed on public waters of the State is addressed in the amendment to HB 103. Vote 16-0. Rep. Charles H. Dingle for Resources, Recreation and Development.

## Amendment

Amend RSA 486:24 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

486:24 Iona Lake. No person shall use or operate any power boat equipped with any type of power motor in excess of 10 horsepower upon Iona Lake in the town of Albany. Any person who violates this section shall be guilty of a violation.

HB 365, requiring marinas to have boat sewage pumping facilities, public sanitary facilities and restrictions on boat sinks and showers. Ought to Pass with Amendment.

This is a straightforward, no nonsense clean water bill requiring that: (1) no boat equipped with such plumbing facilities as sink, lavatory, shower or toilet shall be launched without enclosing the facilities to prevent any discharge into the waters of the State; (2) no preparer of a boat for launching shall drain or run off any toxic substances into the waters of the State; (3) any provider to the general public of secure berthing or mooring facilities shall furnish pump out facilities and sanitary facilities; and (4) launchers and providers may charge for their costs of installations and services provided. Penalties are prescribed for non-compliance. Vote 14-0. Rep. Richardson Blair for Resources, Recreation and Development.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

to prevent marine pollution by requiring the sealing  
of all boat plumbing facilities.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Boat Plumbing Facilities. Amend RSA 149-A:3 (supp) as inserted by 1957, 190:1 as amended by striking out said section and inserting in place thereof the following:

149-A:3 Discharge Prevention; Seal Boat Plumbing Facilities.

I. No launcher, or provider (other than a municipal provider) of launching facilities or services, shall launch, or permit the launching of, a boat equipped either temporarily or permanently with plumbing facilities such as toilet, lavatory, sink or shower, without first requiring that such plumbing facilities are so sealed as to prevent any discharge into the waters of the state onto which such launch is made or permitted.

II. No preparer of a boat for storage or launching shall drain, or permit the drainage or seepage of, any sewage or non-biodegradable or polluting substance such as, but not limited to, antifreeze, into the waters of the state. No water containing any soap, oil, detergent or chemicals shall be flushed from the surfaces or bilges of boats into the waters of the state.

III. After July 1, 1986, any provider to the general public of secure berthing or mooring facilities on the waters of the state shall provide public boat pumpout facilities and public sanitary facilities available to all who request their usage.

IV. Each day that a person is in violation of the provisions of this section shall constitute a separate offense, subject to the penalties prescribed in RSA 149-A:4.

V. Nothing in this section shall preclude the launcher or provider from charging for the launch or service provided or permitted or for the cost of installation, of service, and of maintenance of pumpout and sanitary facilities.

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

HB 385-FN, establishing a study committee to develop a water quality and monitoring program. Inexpedient to Legislate.

The Committee felt that what is needed is not another study, but an effort to manage and share data which is currently available. Vote 15-0. Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development.

HB 387-FN, establishing a committee to study the feasibility of a fee at Hampton beach. Ought to Pass with Amendment.

This bill, as amended, establishes a thirteen (13) member Committee to Study the Feasibility of Establishing a Fee for Use of State Seacoast Swimming Beaches. Further, it requests the Committee to study the drafting of uniform rules and regulations at these beaches. The original bill requested a charge feasibility study for only Hampton State Beach, thus a selectman from the towns of North Hampton and Rye were added to the original eleven (11) member Committee. Vote 15-1. Rep. Charles L. Vaughn for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

establishing a committee to study the feasibility of a fee at the state seacoast beaches.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

#### 1 Committee Established.

I. There is hereby established a 13 member committee to study the feasibility of establishing a fee for the use of the state seacoast swimming beaches. The committee shall consist of one member from the state senate appointed by the president of the senate; one member from the state house of representatives appointed by the speaker of the house of representatives; one precinct commissioner appointed by the precinct commission; 2 members from the general public appointed by governor and council; the commissioner of the department of resources and economic development or his designee; the commissioner of the department of safety or his designee; the commissioner of the department of transportation or his designee; the director of the office of state planning or his designee; the executive director of the department of fish and game or his designee; and a member of the board of selectmen from the towns of Hampton, North Hampton, and Rye appointed by the chairman of each board. The chairman of this committee shall be selected by the committee. The committee members shall serve without compensation. Legislative members shall be entitled to receive legislative mileage in connection with their duties as committee members.

II. The committee shall determine the feasibility of establishing a fee, including, but not limited to, the area to be covered by a fee and the amount to charge. The committee shall hold public hearings in the seacoast area and shall consider the problems of crowd control, the necessity to provide adequate police protection, the establishment of uniform beach rules and regulations, the potential of beautifying the



surrounding areas and providing protection from further beach erosion, and the maintenance of the harbor areas, as possible justifications for establishing a fee.

III. The committee shall report its findings and recommendations to the governor and council, the speaker of the house of representatives, and the president of the senate on or before December 1, 1986.

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

HB 457-FN, relative to the eradication of milfoil. Ought to Pass with Amendment.

An exotic aquatic weed called milfoil is an increasingly serious problem in New Hampshire's lakes. A footnote in the 1982 Special Session budget deleted a reference in RSA 270:5, VII to a \$.50 boat fee for the control and eradication of aquatic weeds in the State's lakes. However, the reference was retained in RSA 149-F:5, and money has accumulated in a fund dedicated to aquatic weed control. The bill, as amended, reinstates the cross reference to a \$.50 fee in RSA 270:5, VII, and requires the Water Supply and Pollution Control Commission to contract with the University of New Hampshire for research on eradication and control of milfoil. Approximately one-half of the \$90,326 presently in the fund is appropriated for the University research project, and the remainder is appropriated to the Commission for the purposes of RSA 149-F, which include the awarding of matching grants to towns and lake associations for aquatic weed control. Vote 15-0. Rep. Phoebe A. Chardon for Resources, Recreation and Development.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

#### 1 Research Program Established.

I. The water supply and pollution control commission shall contract with the university system of New Hampshire to conduct a research program for the eradication and control of the exotic weed known as myriophyllum heterophyllum, hereinafter referred to as milfoil, under the direction of the dean of the college of life sciences and agriculture. The university of New Hampshire may grant moneys for research projects to qualified individuals to the extent funds are available. All research proposals shall be carefully considered by the university to determine their feasibility and environmental safety.

II. The University of New Hampshire shall coordinate this research program with staff biologists of the fish and game commission and of the water supply and pollution control commission by fully informing them of the development of the research program, and inviting them to contribute both expertise and personnel as appropriate to conduct the research.

III. The research shall include an analysis of research done worldwide on this project, with particular emphasis on research done in the United States and Canada. The research shall also include, but not be limited to:

(a) A summary of various research programs published on this subject, including a comparison of the cost effectiveness, risks, and successes of eradication measures researched.

(b) Realistic goals for control of milfoil in New Hampshire lakes.

(c) Variability of water milfoil habitats with regard to substrate type, ingredients, degree of use, type of use, and priorities for control.

(d) The cost effectiveness of various control methods which would vary depending on particular shoreline locations.

IV. The researchers on this project shall make 3 reports to the general court and governor and council. The first report shall be due by January 1, 1987, the second by January 1, 1988, and a final report by July 1, 1988. These reports shall contain the findings and recommendations of the research project to date.

V. A minimum of the funds provided for this research project shall be expended for staff salaries.

2 Federal Funds. Nothing in this act shall prohibit any state agency from receiving matching federal funds for the eradication of aquatic weeds.

3 Additional Registration Fee. Amend RSA 270:5, VII (supp) as inserted by 1969, 489:2 as amended by striking out said paragraph and inserting in place thereof the following:

VII. Additional Registration Fees. There shall be paid to said director, in addition to the fees required by paragraph III, an additional fee of \$1.50 for each registration required by said paragraph. The additional fees are for the following purposes:

(a) \$1 shall be paid over to the state treasurer for deposit in the general fund as unrestricted revenue; and

(b) \$.50 shall be paid over pursuant to the provisions of RSA 149-F:5.

#### 4 Appropriations.

I. The sum of \$45,000 is hereby appropriated for the biennium ending June 30, 1987, to the university system of New Hampshire, college of life sciences and agriculture for the purposes of section 1 of this act. No funds appropriated under this section shall be used for the purchase of tillage machinery.

II. This appropriation shall be a charge against the fund established under RSA 149-F:5. The water supply and pollution control commission is further authorized to expend the balance of the moneys in the fund established under RSA 149-F:5 for the purposes set forth in RSA 149-F:3-5.

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

Referred to Appropriations.

HB 82, relative to the driver's license suspension period for motor vehicle habitual offenders. Ought to Pass.

This bill deals with the terms and period of motor vehicle license suspension for habitual offenders. The Committee finds that, after investigation with the Department of Safety Commissioner and Deputy Commissioner, that no new statutory provisions are required to properly address the problem. All of the considerations contained in the bill are already covered by statute. Vote 12-0. Rep. Ralph W. Pearson for Transportation.

HB 108, relative to the transfer of registration of a motor vehicle. Ought to Pass.

Under present law, a person buying a motor vehicle cannot have his registration and tax credits from his previously owned vehicle transferred without signing a statement that he has transferred the ownership to another person. This prevents him from keeping his previous vehicle for use at a later time when another member of the family wants to use it. This bill allows the person to keep his car and transfer his credits for tax and registration to the new vehicle. This bill has the support of the Department of Safety. Vote 9-0. Rep. Irvin H. Gordon for Transportation.

HB 149-FN, relative to the noise pollution caused by motorcycles. Inexpedient to Legislate.

The Committee found that all problems raised in this bill relative to the noise pollution caused by motorcycles can be solved by referring to

existing rules formulated by the Department of Safety. Equipment is now used at motorcycle inspection stations to do all testing necessary to hold motorcycles to these standards. Vote 12-0. Rep. Roger Stewart for Transportation.

HB 378-FN, requiring emissions control inspections of motor vehicles. Refer for Interim Study.

This bill deals with an inspection program to bring all areas of the State into compliance with emission standards published by the Director of Motor Vehicles in accordance with Environmental Protection Agency demands. There is an enormous amount of work to be done in this field. Some areas of the State have task forces at work and still are far from ready to give input to the program. In fact, some groups have asked us, as a Committee, to hear their suggestions when they are ready. Vote 11-1. Rep. Irvin H. Gordon for Transportation.

HB 406-FN, relative to overweight trucks. Inexpedient to Legislate. The provisions of this bill increasing the fines for overloaded vehicles have already been covered in HB 129, the section making the penalty for repeat offenders more severe is also included in the other bill. Vote 12-0. Rep. Irvin H. Gordon for Transportation.

The Speaker called for the Special Orders.

HB 110-FN, relative to continued membership in group II of the New Hampshire retirement system under certain circumstances. Refer for Interim Study.

The Committee sees merit in the objective of permitting policemen members of group II to remain in group II when they take positions with the Police Standards and Training Council. However, this can better be considered as part of the general study of group II membership and benefits which is being undertaken by a special joint committee on the retirement system. Vote 15-1 (1 abstention). Rep. Richard H. Campbell, Jr. for Executive Departments and Administration.

Rep. George Gordon moved that the words, Ought to Pass, be substituted for the Committee report, Refer for Interim Study, and spoke to his motion.

Reps. Richard Campbell and Ramsay spoke against the motion and yielded to questions.

Rep. Wayne King and Ward spoke against the motion.

Rep. Blais spoke to the motion.

Rep. Daniel Eaton spoke in favor of the motion and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

A division was requested.

137 members having voted in the affirmative and 164 in the negative, the motion lost.

Referred for Interim Study.

HB 489-FN, relative to firemen's retirement system members. Inexpedient to Legislate.

The intent of this bill is to reopen a window, every biennium, for a few firemen who have previously elected to stay with the old firemen's retirement system to change to the new system. The Committee feels that there have been sufficient opportunities for this election in the past and there is no need for new legislation now. Vote 15-0. Rep. Richard H. Campbell, Jr. for Executive Departments and Administration.

Resolution adopted.



HB 497-FN, relative to retirement for certain legislative and constitutional officers. Inexpedient to Legislate.

A nearly identical bill from the 1985 session, SB 223, is now in interim study and is scheduled for consideration by the Special Joint Committee on Retirement for recommendation to the 1987 session. Vote 15-0. Rep. Richard H. Campbell, Jr. for Executive Departments and Administration.

Rep. Phelps moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Franklin Torr, William Boucher, Gross and Ward spoke against the motion.

Rep. Hawkins spoke in favor of the motion and yielded to questions.

Reps. Bates and Palumbo spoke in favor of the motion.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 168 NAYS 164  
YEAS 168

**BELKNAP:** Bowler, Golden, Hardy, Hawkins and Nighswander.

**CARROLL:** Ashnault, Gene Chandler, Dickinson, Hounsell, Kenneth MacDonald, Powers and Saunders.

**CHESHIRE:** Arnott, Blacketer, Burley, Crane, Delano, Daniel Eaton, Frink, Matson, Miller, Schwartz and Scranton.

**COOS:** Brideau, Brungot, Harold Burns, Coulombe, Guay, Horton, Lamontagne, Ottolini, Theriault and York.

**GRAFTON:** Blair, Chambers, Copenhaver, Crory, Densmore, Driscoll, Wayne King, LaMott, McAvoy, Weymouth and Whitcomb.

**HILLSBOROUGH:** Ahrens, Bass, Blais, Lionel Boucher, Bourque, Boutwell, Burkush, Champagne, Chretien, Clancy, Cronin, Crotty, Donovan, Duperron, Durant, Dykstra, Fields, Scott Green, Healy, Herod, Humphrey, Hyman, Chris Jacobson, Levesque, McGlynn, Nelson, O'Rourke, Pappas, Paradis, Perham, Pressly, Prestipino, Raiche, Reardon, Ellen-Ann Robinson, Stiles, Turgeon, Wagner, Kenneth Wheeler, Winn, Wood and Zis.

**MERRIMACK:** Barberia, Bardsley, Bibbo, James Chandler, Connolly, Fraser, George E. Gordon, Jelley, Kinhan, Pantzer, Phelps, Walter Robinson, Gerald Smith, Wallner, West and James Whittemore.

**ROCKINGHAM:** Blaisdell, Blanchard, Patti Blanchette, Butler, Lawrence A. Chase, Jr., Conroy, Day, Emanuelson, Felch, Bert Ford, Beverly Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Hoar, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Longworth, Lovejoy, Magoon, Malcolm, Robert Mason, Jr., Benjamin Moore, Newell, Palumbo, Pantelakos, Popov, Raynowska, Norman Rogers, Sanderson, Scamman, Schmidtchen, Sloan, Sochalski, Splaine, Stachowske, Vaughn, Warburton, Welch and Wells.

**STRAFFORD:** Bates, Bernard, Bryant, Burton, Chamberlin, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Kincaid, Meader, Musler, Henry Sullivan and Swope.

**SULLIVAN:** Brodeur, Call, D'Amante, Disnard, Ingram, Paul Johnson, McKee and Normandin.

## NAYS 164

**BELKNAP:** Birch, Brown, Richard Campbell, Dexter, Malcolm Harrington, Holbrook, Jensen, Matthew Locke, Pearson and Zeckhausen.

**CARROLL:** Russell Chase, Robert Holmes, McIntire, Olimpio and Schofield.

**CHESHIRE:** Jesse Davis, Irvin Gordon, Grodin, Elmer Johnson, Morse, Parker, Perry, Ramsay, Ridge, Russell, Thompson and Young.

**COOS:** Chappell, Chardon, Frederic Foss and Mayhew.

**GRAFTON:** Arnesen, Bean, Duggan, Easton, Mann, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth, Walter and Ward.

**HILLSBOROUGH:** August, Barry, Boisvert, Bourdon, Bridgewater, A. Leslie Burns, Carragher, Charron, Cox, Clyde Eaton, Joseph M. Eaton, Nancy Ford, Fried, Gagnon, Marian Harrington, Hendrick, Holden, Jasper, George Jones, Katsiaticas, Keefe, Kelley, Knight, Labombarde, Lown, Lozeau, Messier, Elizabeth Moore, Morrisette, Robert Murphy, Bonnie Packard, Pariseau, Parmenter, Pellow, Frances Riley, G. Philip Rodgers, Sallada, Shriver, B. P. Smith, Leonard Smith, Snow, Steiner, Sylvia, Tamposi, Van Loan, Vanderlosk, Varkas, Geraldine Watson, Harold Watson, Emma Wheeler, Frank Whittemore and Worthen.

**MERRIMACK:** Laurent Boucher, Bowes, Gross, Hager, Hayes, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Lewis, Arthur Locke, Millard, Nichols, Pannell, Rehlander, Linwood Rogers, Savaria, Shepard and Stio.

**ROCKINGHAM:** Benton, William Boucher, Eunice Campbell, Case, Champoux, Clay, Ellyson, Flanagan, Flanders, Thomas Gage, Kane, McCain, Parr, Quimby, Rosencrantz, Schwaner, Seward, Sherburne, Simon, Skinner, Sytek, Tufts, Vartanian, Walker and Woodward.

**STRAFFORD:** Appleby, Berkey, Dingle, Frechette, Hussey, Robert Jones, Keans, Laurion, Lussier, O'Brien, Parks, Pelley, Francis Robinson, Spear, Ann Torr, Franklin Torr and Whiting.

**SULLIVAN:** Domini, Lindblade, Mehegan, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion was adopted.

Referred to Appropriations.

HB 56-FN, eliminating the lien placed on property because of failure to file a complete inventory form. Inexpedient to Legislate.

The intent of this bill was to eliminate the treatment of unpaid penalties as incident to the tax. The Committee, on reviewing the testimony, is of the unanimous opinion that the existing provisions, as set forth in the Revised Statutes Annotated, are appropriate and sufficient to safeguard the interests of all concerned. Vote 13-0. Rep. Paul A. Golden for Municipal and County Government.

Rep. James Chandler moved that HB 56 be made a Special Order when bills removed from the Consent Calendar are considered later in the day.

Rep. Beverly Gage spoke in favor of the motion.

Adopted.

HB 328-FN, relative to current use. Inexpedient to Legislate.

This bill has merit, however, in its present form the unanimous decision of the Committee deems the bill unworkable. Vote 13-0. Rep. Paul A. Golden for Municipal and County Government.

Rep. Alf Jacobson moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Grodin spoke against the motion and yielded to questions.

On a voice vote the motion lost.

Resolution adopted.

#### SUSPENSION OF RULES

Rep. Marian Harrington moved that the rules be so far suspended as to permit consideration at the present time of House Resolution No. 18, requesting an opinion of the Justices concerning the constitutionality of HB 30, without a public hearing, committee report and the required notice in the Calendar.

Adopted by the necessary two-thirds.

#### HOUSE RESOLUTION NO. 18

requesting an opinion of the justices concerning  
the constitutionality of HB 30.

Whereas, there is pending in the House, House Bill 30, "An act amending the business profits tax"; and

Whereas, an amendment has been proposed to HB 30; and

Whereas, doubt has arisen as to the constitutionality of the provisions of said bill as amended; and

Whereas, it is important that the question of the constitutionality of said provisions should be settled in advance of its enactment; now, therefore, be it

Resolved by the House:

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

1. Would any provision of the constitution of New Hampshire be violated by defining business organizations as members of a "unitary business" as provided in section 3 of HB 30?

2. Would any provision of the constitution of the United States or this state be violated by the provision of section 3 which excludes certain corporations from the definition of "water's edge combined group" contingent upon the taxpayer's agreement to certain conditions?

3. Would any provision of the constitution of New Hampshire be violated by the provision of section 4 of HB 30, which provides that the application of the "water's edge method" or "water's edge formula" is conditioned upon the taxpayer's compliance with rules adopted by the department of revenue administration or procedural requirements of RSA 77-A?

4. Would any provision of the constitution of the United States or this state be violated by the provisions of HB 30 insofar as they would include within the definition of income subject to apportionment dividends received by a business organization which is part of a water's edge combined group from sources outside of New Hampshire?

5. Would any provision of the constitution of the United States or this state be violated by the provisions of HB 30 which would require, or give the discretion to, the commissioner of the department of revenue administration to include in income subject to apportionment, income from sources outside of the 50 states and the District of Columbia?

6. Would any provision of the constitution of the United States or this state be violated by the provision of section 6 of HB 30 which provides that the commissioner "may require or permit" a return containing the combined net income of a water's edge combined group?

7. Would any provision of the constitution of New Hampshire be violated by sections 5 and 6 of HB 30?

8. Would any provision of the constitution of the United States or this state be violated by any other provisions of HB 30?



That the clerk of the house of representatives transmit copies of this resolution and HB 30 and the proposed amendment to the Justices of the New Hampshire Supreme Court.

The Clerk read the resolution.  
Ordered to third reading.

Rep. Marian Harrington moved that HB 30, amending the business profits tax, be laid upon the table to await the opinion of the Justices.  
Adopted.

#### SUSPENSION OF RULES

Rep. Gerald Smith moved that the rules be so far suspended as to permit consideration at the present time of House Resolution No. 16, requesting an opinion of the Justices on HB 148, without a public hearing.  
Adopted by the necessary two-thirds.

HR 16, requesting an opinion of the justices on HB 148. Ought to Pass.

This resolution requests an opinion of the Supreme Court as to the constitutionality of parts of HB 148, i.e. the first amendment. Vote 8-3. Rep. Gerald R. Smith for Fish and Game.

#### HOUSE RESOLUTION NO. 16

requesting an opinion of the justices on HB 148.

Whereas, there is pending in the house, HB number 148 "An Act prohibiting the harassment of hunters, trappers and fishermen"; and whereas, doubt has been expressed as to the constitutionality of the provisions of said bill; now, therefor, be it

Resolved, by the House of Representatives:

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

1. May the general court within the provisions of the New Hampshire Constitution enact a statute as proposed in HB 148, which would enable the state to use its police powers to protect licensed hunters, trappers and fishermen from any harassment while engaged in pursuit of a lawful activity?

2. Would any provision of the Constitution of the United States, with particular reference to Article I or the amendments to the Constitution relative to the freedom of religion, of speech and of the press, be violated by the provision of the bill that prohibits any person from physically or verbally provoking a licensed hunter, trapper or fisherman while engaged in pursuit of a lawful activity?

That the clerk of the house be instructed to transmit to the clerk of the supreme court 6 copies of this resolution and 6 copies of HB 148.

Ordered to third reading.

Rep. Gerald Smith moved that HB 148, prohibiting the harassment of hunters, trappers and fishermen, be laid upon the table to await the opinion of the Justices on HR 16.

Adopted.

RECESS

(Speaker in the Chair)

COMMITTEE REPORTS (cont.)  
(Regular Calendar)

HB 32-FN, establishing the salaries for certain employees of the department of postsecondary technical education. Ought to Pass.

This bill establishes the position of Deputy Commissioner and places the Presidents of the Post-Secondary Vocational-Technical System in the unclassified system. Vote 15-4. Rep. Joanne O'Rourke for Appropriations.

Ordered to third reading.

HB 50-FN, establishing the arts development program and making an appropriation therefor. Ought to Pass with Amendment.

This bill was amended to provide \$50,000 to assist in developing a long-range plan for the new Department of Libraries, Arts and Historical Resources. The sponsors and supporters agreed that this is a sufficient amount at this time to promote their goals. Vote 12-5. Rep. Margaret A. Ramsay for Appropriations.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Statement of Purpose. The general court finds that there are over 400 cultural organizations and hundreds of communities in the state which want to develop, plan, design or improve their cultural centers and facilities. It is important that the state play a role in generating new partnerships and sources of private support for cultural facilities. The creation of a matching grants program for cultural centers under the council on the arts will provide needed assistance not only in the renovation or construction of cultural centers but also in their maintenance and management to insure growth and financial health.

2 New Section; Arts Development Program. Amend RSA 19-A by inserting after section 12 the following new subdivision:

Arts Development Program

19-A:13 Program Established; Matching Funds.

I. There is hereby established the New Hampshire arts development program to be administered by the New Hampshire council on the arts. The purpose of the program shall be to offer matching state funds for the planning, development, design and management of quality cultural facilities operated by New Hampshire non-profit organizations.

II. The funds shall be expended for appropriate projects through an application process administered by the council, provided that a one to one match of funds shall be paid by sources other than the state.

III. Grants shall be screened by the council which shall consider the following criteria:

(a) The quality of the project.

(b) The objectives of the project as stated in the application.

(c) The probability that the project will achieve its stated objectives.

(d) The ability of the applicant to raise the necessary one to one match of funds from sources other than the state.

IV. The council shall make its selection within the limits of appropriated funds. Any applicant who is rejected shall be sent written notification of the rejection with the reasons stated for the rejection.

3 Appropriation. The sum of \$50,000 is hereby appropriated for the fiscal year ending June 30, 1987, to the New Hampshire council on the arts

for the purposes of funding the New Hampshire arts development program as established by RSA 19-A:13. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1986.

Amendment adopted.

Ordered to third reading.

HB 177-FN, establishing a revenue stabilization reserve account and a debt retirement account. Ought to Pass with Amendment.

This bill would create a "rainy day fund" from the general fund surplus, when there is one. This fund would be used to smooth out the budget cycle when revenues fall below projections, create a deficit. Testimony indicated that the stabilization such a fund can provide may be helpful to New Hampshire's bond rating and will improve the financial reputation of this state.

The amendment (1) makes technical changes; (2) reduces the maximum size of the rainy day fund from 6 percent to 5 percent of the unrestricted general fund for the previous fiscal year; (3) provides for annual revenue estimates to assist the legislature; and (4) provides, as the House voted last year, for voluntary rather than mandatory early retirement of state bonds in the event of a surplus. Vote 15-6. Rep. Caroline L. Gross for Appropriations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

establishing a revenue stabilization reserve  
account and requiring reports on debt  
redemption and revenue estimates.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Estimates of Income. As soon as possible, the commissioner of administrative services shall present to the legislature an updated estimate of the total income of the state for fiscal year 1986, in which the several items of income shall be listed and classified according to sources or character, departments or establishments producing said funds and brought into comparison with the income actually received and projected to be received during the current fiscal year and an updated estimate of the income to be received during the fiscal year 1987. These updated estimates shall require ratification by the legislature before the end of the 1986 regular legislative session.

2 Estimates of Income. Amend RSA 9:5 as amended by striking out said section and inserting in place thereof the following:

9:5 Estimates of Income.

I. On or before October 1 next prior to each biennial legislative session, the commissioner of administrative services shall prepare an estimate of the total income of the state for each fiscal year of the ensuing biennium, in which the several items of income shall be listed and classified according to sources or character, departments or establishments producing said funds and brought into comparison with the income actually received during the last completed fiscal year and the estimated income to be received during the year in progress.

II. On or before January 15 of each even numbered year, the commissioner of administrative services shall present to the legislature



an updated estimate of the total income of the state for the current fiscal year, in which the several items of income shall be listed and classified according to sources or character, departments or establishments producing said funds and brought into comparison with the income actually received and projected to be received during the current fiscal year and an updated estimate of the income to be received during the next fiscal year. These updated estimates shall require ratification by the legislature by the end of the regular legislative session of such even numbered year.

3 Account Established. Amend RSA 9 by inserting after section 13-d the following new sections:

9:13-e Revenue Stabilization Reserve Account.

I. Notwithstanding the definition of "budget" in RSA 9:1, for purposes of this section the term "budget" means the operating budget in effect for the appropriate fiscal year.

II. There is hereby established within the general fund general ledger a revenue stabilization reserve account. At the close of each fiscal year, any surplus, as determined by the official audit performed pursuant to RSA 21-I:8, I(h) shall be transferred by the comptroller to a special nonlapsing revenue stabilization reserve account. The comptroller is hereby directed to establish said revenue stabilization reserve account in which to deposit all money received from any general fund operating budget surplus. The state treasurer shall invest funds in this account as authorized by RSA 6:8. The interest so earned shall be deposited as unrestricted general fund revenue.

III. In the event of a general fund operating budget deficit at the close of any fiscal year as determined by the official audit performed pursuant to RSA 21-I:8, I(h), the comptroller shall notify the advisory budget control committee and the governor of such deficit and request that sufficient funds, to the extent available, be transferred from the revenue stabilization reserve account to eliminate such deficit. Such transfer may be made only when both of the following conditions have been met:

(a) A general fund operating budget deficit occurred for the most recently completed fiscal year; and

(b) Unrestricted general fund revenues in the most recently completed fiscal year were less than the budget forecast.

The amount of said transfer shall not exceed a sum equal to the lower of the amount of the deficit in subparagraph (a) or the revenue shortfall in subparagraph (b). Upon receipt of approval from both the advisory budget control committee and the governor, the comptroller shall immediately transfer the sums so approved to the general fund surplus account.

IV. No available balance in the revenue stabilization reserve account shall be utilized for any purpose other than those authorized by paragraphs II and III, without the specific approval of 2/3 of each house of the general court and the governor.

V. If, after the requirements of paragraphs II-IV have been met and the balance remaining in the revenue stabilization reserve account is in excess of an amount equal to 5 percent of the actual general fund unrestricted revenues for the most recently completed fiscal year, then such excess shall be transferred, without further action, to the general fund surplus account.

#### Debt Redemption

9:13-f Debt Redemption; State Treasurer Required to Report.

I. The state treasurer shall report annually to the legislature, prior to the beginning of each session, on the state's outstanding bond obligations. The report shall describe in detail the bond issues which, in the state treasurer's judgment, could be redeemed prior to their stated date of maturity; the value of such issues; and the reasons why the state treasurer believes such issues should be redeemed prior to maturity.

II. The state treasurer shall make recommendations for appropriate legislation relative to early redemption of the state's outstanding bond obligations.

III. The legislature, upon receipt of the state treasurer's report, may appropriate funds for the purpose of debt redemption.

4 Effective Date.

I. Section 1 of this act shall take effect upon its passage.

II. Section 2 of this act shall take effect July 1, 1986.

III. Section 3 of this act shall take effect July 1, 1987.

Amendment adopted.

Reps. Franklin Torr, Densmore and Gross spoke in favor of the report.

Reps. Chambers, Young and Alf Jacobson spoke to the report.

Rep. Tamposi spoke in favor of the report and yielded to questions.

Ordered to third reading.

HB 197-FN, relative to agricultural promotion and making an appropriation therefor. Ought to Pass.

This bill makes an appropriation to the Department of Agriculture to bolster agricultural promotion in three areas. 1. For advertising, research product development and information programs, with matching funds from commodity groups. 2. Tourist information about sources of New Hampshire grown products and farms welcoming visitors. 3. The development of food exhibits and expositions. Vote 18-2. Rep. Howard C. Townsend for Appropriations.

Ordered to third reading.

HB 333, making an appropriation to the voc-tech college in Claremont. Ought to Pass with Amendment.

The bill allows for design costs for an addition to the library, industrial training space and classrooms at the Voc-Tech College in Claremont. Vote 13-3. Rep. Lee Anne Steiner for Appropriations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

making an appropriation to the voc-tech college in Claremont  
and increasing the funds for repairs to the  
legislative office building.

Amend the bill by striking out section one and inserting in place thereof the following:

1 Claremont Voc-tech; Library. The sum of \$176,000 is hereby appropriated to the vocational-technical college in Claremont for the purposes of design costs for library space, industrial training space and classrooms.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 LOB Repairs. Amend 1985, 409:1, II, B by striking out said subparagraph and inserting in place thereof the following:

B. Roofing repair and foundation repair

Legislative office building

90,000\*

4 Paragraph Total Adjusted. Amend 1985, 409:1 by striking out the total state appropriation paragraph II and inserting in place thereof the following:

Total state appropriation paragraph II \$ 1,016,500

5 Section Total Adjusted. Amend 1985, 409:1 by striking out the total state appropriation section 1 and inserting in place thereof the following:

Total state appropriation section 1 \$18,235,620

6 Bonding Authority Amended. Amend 1985, 409:11, I by striking out said paragraph and inserting in place thereof the following:

I. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$22,348,620 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

7 Effective Date.

I. Sections 1 and 2 of this act shall take effect July 1, 1986.

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

Amendment adopted.

Ordered to third reading.

HB 433-FN, relative to engineering services to municipalities in the field of water pollution abatement and providing for additional staff to implement the provisions of RSA 149-E and making an appropriation therefor. Ought to Pass with Amendment.

Resident Engineering Services provided to communities of under 5,000 by Water Supply and Pollution Control Commission are capped at \$150,000. The services are paid for by state funds when no federal funds are available. Five additional positions are authorized for subsurface waste disposal. Vote 14-1. Rep. Lee Anne Steiner for Appropriations.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Personnel. To provide the services set forth in section 1 of this act, the water supply and pollution control commission is hereby authorized to employ such professional and other consultant personnel as may be required to carry out the provisions of this act. The commission is further authorized to utilize up to \$150,000 of the funds appropriated to PAU 03-05-01, office of the commission, to fund these services if no federal funds are available.

Amendment adopted.

Ordered to third reading.

HB 435-FN, determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an appropriation therefor. Ought to Pass with Amendment.

This bill provides financial support for the special education costs of handicapped children under the supervision of the Division for Children and Youth Services, the same children who receive services under Senate Bill #1. The school districts would still be responsible for the state average elementary cost for each one of these students, but the state would assume any excess costs for these children placed by the courts. Vote 10-9. Rep. Ellen-Ann Robinson for Appropriations.



## Amendment

Amend RSA 186-C:19-b, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. The department of education shall by rules adopted under RSA 541-A, after a public hearing, establish the rates charged by education service providers for educational services to the department of education or to school districts for educationally handicapped children in placement for which the division for children and youth services has financial responsibility.

Amendment adopted.

Ordered to third reading.

HB 445-FN, relative to the salary of the executive director of the postsecondary education commission. Ought to Pass.

The work load of the Postsecondary Education Commission has doubled since 1979. It handles scholarship programs, veterinary, medical and optometry capitation fees and is responsible for licensing higher education facilities in the state. The committee feels that an increase in salary of \$2,507 for the Executive Director more than justified. Vote 17-2. Rep. Andrea A. Scranton for Appropriations.

Ordered to third reading.

HB 194, requiring the absolute distinction between credit cards and debit cards. Inexpedient to Legislate.

House Bill 194 would inform credit card users when interest charges would begin on their credit card purchases. The sponsors asked that the bill be postponed to allow the credit card issuers to work out a clearer disclosure format. An amendment was offered by Senator Stephen to limit credit card interest rates. A Subcommittee held further hearings and found interest rate restrictions resulted in limited credit availability. The amendment would only apply to New Hampshire issued credit cards and would have no effect on the over 70 percent of credit cards in use by New Hampshire citizens which originate outside of New Hampshire. Vote 12-0. Rep. Elizabeth L. Crory for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

HB 452-FN, relative to real estate brokers' bond and establishing a real estate recovery fund. Ought to Pass with Amendment.

This bill, as amended, establishes a real estate recovery fund funded by a \$10 fee on real estate brokers and salesmen. The amendment provides that any person aggrieved by reason of embezzlement, misuse or other mishandling of escrow funds will be compensated in an amount not exceeding \$10,000. Vote 9-3. Rep. Toni Pappas for Commerce, Small Business and Consumer Affairs.

## Amendment

Amend RSA 331-A:11 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

331-A:11 Real Estate Recovery Fund. The New Hampshire real estate commission shall establish and maintain a real estate recovery fund from which any person aggrieved by reason of embezzlement, misuse, or other mishandling of escrow funds or other funds held in trust by any real estate broker or real estate salesman, duly licensed in this state, or by the unlicensed employee of such real estate broker may recover, by order

of a court, compensation in the amount not exceeding in the aggregate the amount of \$10,000 in connection with any one transaction or claim, regardless of the number of persons aggrieved or parcels of real estate involved in such transaction or claim.

Amendment adopted.

Referred to Appropriations.

HB 144-FN, relative to retention of voting documents. Refer for Interim Study.

The Committee believes that this bill needs more research. Vote 7-2. Rep. Martin P. Lussier for Constitutional and Statutory Revision.

Referred for Interim Study.

HB 58-FN, relative to strict liability for hazardous waste cleanup and priority of state liens on certain property. Ought to Pass with Amendment.

HB 58 deals primarily with the lien and strict liability provisions of RSA 147-B:10, passed in 1981 to provide the State with a mechanism to recover funds spent in cleaning up hazardous waste sites. After numerous hearings and subcommittee meetings in both the 1985 and 1986 sessions on issues relating to the provisions of RSA 147-B:10, the committee is agreed that clarification of those provisions is warranted and that HB 58 represents a significant step in that direction. In this regard, the committee acknowledges the assistance and participation of various private sector groups and several state agencies in the hearings and discussions that have resulted in the current bill being reported by this committee. It is the committee's understanding that HB 58, as amended, represents both consensus and compromise by these groups and, consequently, there is broad support for the enactment of this legislation.

HB 58 clarifies RSA 147-B:10 by providing a mechanism for the State to perfect and record the lien authorized by this statute. To perfect a lien against real property, HB 58 requires that a Notice of Lien be filed in the Registry of Deeds where such property is located. Notices of Liens against personal property and business revenues will be recorded at the Secretary of State's Office in Concord. State liens will still take a first priority as to real and personal property and business revenues at the site where the hazardous wastes are found, but will receive a priority based on time of recording and therefore be subordinate to existing liens, mortgaged and secured interests as to other property and business revenues of the responsible party. The committee believes that these amendments not only establish a significant degree of certainty as to the existence and enforceability of such liens, but also respond to the claims of unfairness raised before the committee by banking, development and other real estate interests.

HB 58 also amends the strict liability provision of RSA 147-B:10. By so doing, it is the committee's intent to insert language into the State's Hazardous Waste Laws that is similar in meaning to the cost recovery provisions of the federal "Superfund" law, the Comprehensive, Environmental Compensation, Response and Liability Act ("CERCLA"). Specifically, by adopting language from CERCLA it is the committee's intent to provide New Hampshire with authority and rights of action no less than those established by CERCLA, including (but not limited to) joint and several liability of responsible parties for all costs incurred by the state in responding to and remedying releases and threatened releases of hazardous waste or materials at any site, regardless of whether such costs were incurred before or after the enactment of HB 58. Furthermore, as further evidence of the committee's intent to reflect CERCLA standards and responsibilities,

the committee also recommends amending the definition of "person" to exclude from the universe of responsible parties persons who hold indicia of ownership such as mortgages and secured interests at a facility but who take no part in the management or operation of such facilities. Also, HB 58 includes CERCLA-like provisions outlining the defenses to liability available to an alleged responsible party and a right of contribution by such parties against other potentially responsible parties.

Lastly, HB 58 redefines "person" in RSA Ch. 147-A to make the same exception to the strict liability provisions of that chapter that will exist in RSA 147-B if HB 58 is enacted.

In summary, the committee feels that enactment of HB 58 as amended with the new provisions for perfection and recording of liens and for establishment of a standard of liability equivalent to CERCLA brings a required degree of certainty to RSA 147-B:10 that has heretofore been missing. Vote 14-0. Rep. Barbara B. Bowler for Environment and Agriculture.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Person Defined; Hazardous Waste Management. Amend RSA 147-A:2, XII (supp) as inserted by 1981, 413:2 by striking out said paragraph and inserting in place thereof the following:

XII. "Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, United States government or any agency thereof, political subdivision of the state, or any interstate body. The term "person" shall not include a person who, without participation in the management or actual operation of the facility, holds the indicia of ownership primarily to protect a mortgage on real property on which a facility is located or a security interest in personal property located at the facility.

2 Facility Defined. Amend RSA 147-B:2, III (supp) as inserted by 1981, 413:3 by striking out said paragraph and inserting in place thereof the following:

III. "Facility" means any site, area or location where hazardous waste or hazardous materials are or have been treated, stored, generated, disposed of, or otherwise come to be located.

3 Notice of Lien Defined. Amend RSA 147-B:2 by inserting after paragraph VIII-a the following new paragraph:

VIII-b. "Notice of Lien" means an instrument signed on behalf of the office, designating a particular facility or facilities and identifying the persons then deemed by the office to be liable under this chapter with respect to each such facility and their mailing addresses, to the extent known to the office, and declaring a lien upon the real and personal property of such persons for the payment of the amounts due or to become due from such persons to the state under this chapter; provided, however, that neither the failure to state any address nor the designation of an incorrect address shall invalidate such notice of lien; and provided further that successive notices of lien, naming the persons so deemed liable, may be issued. The notice of lien shall be in the following form:

#### NOTICE OF LIEN

NOTICE is hereby given that the Office of Waste Management, Division of Public Health Services, Department of Health and Human Services claims a lien against the persons identified below pursuant to RSA 147-B:10-b in the amount claimed:

<u>Name/Address</u>	<u>Location of Facility</u>	<u>Amount</u>
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In accordance with RSA 147-B:10-b, this notice shall be recorded with \_\_\_\_\_ and shall constitute a lien against property of the person(s) identified above and shall have effect and priority in accordance with RSA 147-B:10-b upon recording of this notice of lien with the above referenced office.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

DEPARTMENT OF HEALTH AND  
HUMAN SERVICES  
Division of Public Health Safety  
Office of Waste Management

By: \_\_\_\_\_

4 Person Defined; Hazardous Waste Cleanup Fund. Amend RSA 147-B:2, IX (supp) as inserted by 1981, 413:3 as amended by striking out said paragraph and inserting in place thereof the following:

IX. "Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, United States government or any agency thereof, political subdivision of the state, or any interstate body. The term "person" shall not include a person who, without participation in the management or actual operation of a facility, holds the indicia of ownership primarily to protect a mortgage on which a facility is located or a security interest in personal property located at the facility.

5 Release Defined. Amend RSA 147-B:2 by inserting after paragraph IX the following new paragraph:

IX-a. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.

6 Strict Liability; Civil Action. Amend RSA 147-B:10 (supp) as inserted by 1981, 413:3 as amended by striking out said section and inserting in place thereof the following:

147-B:10 Strict Liability; Civil Action.

I. Subject only to the defenses set forth in RSA 147-B:10-a, any person who

- (a) Owns or operates a facility;
- (b) Owned or operated a facility at the time hazardous waste or hazardous materials were disposed there;
- (c) By contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, to any facility of hazardous waste or hazardous materials owned, possessed or controlled by such person; or
- (d) Accepts or accepted any hazardous waste of hazardous material for transport to disposal or treatment facilities or sites selected by such person, shall be strictly liable for all costs incurred by the state in responding to a release or threatened release of hazardous waste or hazardous material at or from the facility as specified in paragraph II.

II. Costs recoverable by the state under paragraph I shall include all costs relating to:

- (a) Containment of the hazardous wastes or hazardous materials.
- (b) Necessary cleanup and restoration of the site and the surrounding environment.
- (c) Removal of the hazardous wastes or hazardous materials.
- (d) Such actions as may be necessary to monitor, assess and evaluate the release or threat of release of a hazardous waste or hazardous material; or to mitigate damage to the public health or welfare that may otherwise result from a release or threat of release.

III.(a) The attorney general may institute an action before the superior court for the county in which the facility is located against any person liable pursuant to paragraph I of this section to recover all costs incurred by the state.

(b) Notwithstanding the rights of the state under subparagraph (a) above, any private party who has expended funds to remedy environmental damage may also bring an action in the superior court for the county in which the facility is located against any person who may be liable for such damage pursuant to paragraph I of this section. Such private party's right to contribution shall be limited to expenditures which are incurred for the purposes described in paragraph II of this section and which are consistent with the laws and rules of the state of New Hampshire. A private party's right to recovery under this section shall not be barred by the fact that the party bringing the action is itself liable to the state under this section.

147-B:10-a Defenses. There shall be no liability under RSA 147-B:10, I for a person otherwise liable who can establish by a preponderance of the evidence that the release or threat of release of hazardous wastes or hazardous materials, and the resulting damages were caused solely by:

I. An act of God;

II. An act of war; or

III. An act or omission of a third party other than an employee, agent, or independent contractor of the defendant, if the defendant establishes by a preponderance of the evidence that he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of such hazardous substance, in light of all relevant facts and circumstances, and that he took precautions against foreseeable acts or omissions of any such third party and the consequences that could foreseeably result from such acts or omissions.

147-B:10-b Lien.

I. The office shall have a lien upon the business revenues and all real and personal property of any person subject to liability under RSA 147-B:10, I for all costs incurred by the state pursuant to RSA 147-B:10, II.

II. In order for the lien created under this section to be valid and effective against the real property of a person liable under RSA 147-B:10, I, of this section, the office shall record the notice of lien in the registry of deeds for each county in which such person owns or holds an interest in real property. Upon its recording in a registry of deeds, the notice of lien shall be effective against all real property of the person located within such county. In order for the lien created by this section to be perfected and valid against the business revenues and personal property, tangible and intangible, of the person subject to liability under RSA 147-B:10, I, the office shall record the notice of lien with the office of the secretary of state in which financing statements are filed pursuant to RSA 382-A:9-401. The office shall file separate notices of lien forms for each person subject to liability under RSA 147-B:10, I. There shall be no charge for filing a notice of lien. The fee for discharging a notice of lien shall be borne by the person identified in the notice of lien.

III. The priority of the lien created by this section shall be as follows:

(a) As to the real property on which the hazardous waste or hazardous material is located, the lien shall constitute a first priority lien against such real property prior to all encumbrances, whether of record or inchoate, when the notice of lien is recorded in the registry of deeds for the county in which such real property is located and the notice of lien identifies the record owner of such real property.

(b) As to the business revenues generated from the facility on which hazardous waste or hazardous material is located and personal property located at the facility on which hazardous waste or hazardous material is located, the lien shall constitute a first priority lien

against such business revenues or personal property, prior to all encumbrances, whether of record or inchoate, when the notice of lien is filed with the secretary of state and the notice of lien identifies the owner of such personal property.

(c) As to all other property, whether real, personal or business revenues, other than that which is described in subparagraph (a) or (b) of this paragraph, the notice of lien shall constitute a lien that is effective as of the date and time of recording or filing, without priority on antecedent encumbrances of record when the notice of lien is properly recorded in the appropriate registry of deeds or filed with the secretary of state.

IV. The office shall also send a copy of the notice of lien to the person identified in the notice of lien at the address set forth in the notice of lien by certified mail, return receipt requested, postage prepaid.

7 Effective Date. This act shall take effect January 1, 1987.

Amendment adopted.

Ordered to third reading.

HB 324-FN, relative to hazardous waste cleanup. Ought to Pass with Amendment.

The bill has been amended so that the State will not be required to assume the responsibility for a negative declaration at the time of a sale. The statement will be filed with the office. The definition of an "industrial establishment" has been simplified. Vote 18-0. Rep. Elizabeth A. Greene for Environment and Agriculture,

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 147-D the following new chapter:

#### CHAPTER 147-E ENVIRONMENTAL CLEANUP RESPONSIBILITY ACT

147-E:1 Statement of Purpose. The general court finds and declares that the generation, handling, storage, and disposal of hazardous substances and wastes from certain industrial establishments pose an inherent danger of exposing the citizens, property, and natural resources of this state to substantial risk of harm or degradation; that the closing of operations and the transfer of real property utilized for the generation, handling, storage, and disposal of hazardous substances and wastes should be conducted in a rational and orderly way, so as to mitigate potential risks; and that it is necessary to impose a precondition on any closure or transfer of these operations by requiring the adequate preparation and implementation of acceptable cleanup procedures.

147-E:2 Definitions. In this chapter:

I. "Cleanup plan" means a plan for the cleanup of industrial establishments, approved by the office, which may include a description of the locations, types, and quantities of hazardous substances and wastes that will remain on the premises; a description of the types and locations of storage vessels, surface impoundments, or secured landfills containing hazardous substances and wastes; recommendations regarding the most practicable method of cleanup; and a cost estimate of the cleanup plan. The office, upon a finding that the evaluation of a site for cleanup purposes necessitates additional information, may require graphic and



narrative descriptions of geographic and hydrogeologic characteristics of the industrial establishment and evaluation of all residual soil, groundwater, and surface water contamination.

II. "Closing, terminating, or transferring operations" means the cessation of all operations which involve the generation, manufacture, refining, transportation, treatment, storage, handling, or disposal of hazardous substances and wastes, or any temporary cessation for a period of not less than 2 years, or any other transaction or proceeding through which an industrial establishment becomes non-operational for health or safety reasons or undergoes change in ownership.

III. "Declaration" means a written declaration, submitted by an industrial establishment and filed with the office, that there has been no discharge of hazardous substances or wastes on the site, or that any such discharge has been cleaned up in accordance with procedures approved by the office, and that there remain no hazardous substances or wastes at the site of the industrial establishment.

IV. "Hazardous substances" means those elements and compounds, including petroleum products, which are defined as such by the office, after public hearing, and which shall be consistent to the maximum extent possible with, and which shall include, the list of hazardous substances adopted by the Environmental Protection Agency pursuant to section 311 of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. sec. 1321), and the list of toxic pollutants designated by Congress or the Environmental Protection Agency pursuant to section 307 of that act (33 U.S.C. sec. 1317); except that sewage and sewage sludge shall not be considered as hazardous substances for the purposes of this chapter.

V. "Hazardous waste" means a solid, semi-solid, liquid, or contained gaseous waste, or any combination of these wastes:

(a) Which, because of either quantity, concentration, or physical, chemical, or infectious characteristics may:

(1) Cause or contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness; or

(2) Pose a present or potential threat to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise mismanaged; or

(b) Which has been identified as a hazardous waste by the office using the criteria established under RSA 147-A:3, I or as listed under RSA 147-A:3, II. Such wastes include, but are not limited to, those which are reactive, toxic, corrosive, ignitable, irritants, strong sensitizers, or which generate pressure through decomposition, heat, or other means. Such wastes do not include radioactive substances that are regulated by the Atomic Energy Act of 1954, as amended.

VI. "Industrial establishment" means any place of business engaged in operations which involve the generation, manufacture, refining, transportation, treatment, storage, handling, or disposal of hazardous substances or wastes on-site, above or below ground. The office may, pursuant to RSA 541-A, exempt certain industrial establishments upon a finding that the operation of the industrial establishment does not pose a risk to public health and safety.

VII. "Office" means the office of waste management, division of public health services, department of health and human services, established under RSA 147-A:1.

147-E:3 Owner or Operator of Industrial Establishment Planning to Close, Sell, or Transfer Operations; Duties; Implementation of Cleanup Plan.

I. The owner or operator of an industrial establishment planning to close operations shall:

(a) Notify the office in writing, no more than 5 days subsequent to public release, of its decision to close operations.

(b) Upon closing operations, or 60 days subsequent to public release of its decision to close or transfer operations, whichever is later, the owner or operator shall submit a declaration or a copy of a

cleanup plan to the office for filing and a surety bond or other financial security for approval by the office guaranteeing performance of the cleanup in an amount equal to the cost estimate for the cleanup plan.

II. The owner or operator of an industrial establishment planning to sell or transfer operations shall:

(a) Notify the office in writing within 5 days of the execution of an agreement of sale or any option to purchase.

(b) File within 60 days prior to transfer of title a declaration to the office, or, within 60 days prior to transfer of title, attach a copy of any cleanup plan to the contract or agreement of sale or any option to purchase which may be entered into with respect to the transfer of operations. In the event that any sale or transfer agreements or options have been executed prior to the submission of the plan to the office, the cleanup plan shall be transmitted, by certified mail, prior to the transfer of operations, to all parties to any transaction concerning the transfer of operations, including purchasers, bankruptcy trustees, mortgagees, sureties, and financiers.

(c) Obtain, upon filing of the cleanup plan with the office, a surety bond or other financial security approved by the office guaranteeing performance of the cleanup plan in an amount equal to the cost estimate for the cleanup plan.

III. The cleanup plan and detoxification of the site shall be implemented by the owner or operator, provided that the purchaser, transferee, mortgagee, or other party to the transfer may assume that responsibility pursuant to the provisions of this chapter.

147-E:4 Rulemaking. The office shall adopt rules, under RSA 541-A after public hearing, relative to:

I. Minimum standards for soil, groundwater, and surface water quality necessary for the detoxification of the site of an industrial establishment, including buildings and equipment, to ensure that the potential for harm to public health and safety is minimized to the maximum extent practicable, taking into consideration the location of the site and surrounding ambient conditions.

II. Criteria necessary for the evaluation and approval of cleanup plans.

III. A fee schedule reflecting the actual costs associated with the review of negative declarations and cleanup plans.

IV. The definition of hazardous substances under RSA 147-E:2, III.

V. Exemptions under RSA 147-E:2, V.

VI. Other matters necessary to the administration of this chapter.

147-E:5 Declaration or Request for Cleanup Plan; Inspection.

I. The office shall, in accordance with the schedule contained in an approved cleanup plan, inspect the premises to determine conformance with the minimum standards for soil, groundwater, and surface water quality and shall certify that the cleanup plan has been executed.

147-E:6 Transfer of Industrial Establishment; Deferral of Cleanup Plan; Exceptions.

I. Notwithstanding any rule or law to the contrary, the transferring of an industrial establishment shall be in accordance with the provisions of this chapter.

II. If the premises of the industrial establishment would be subject to substantially the same use by the purchaser, transferee, mortgagee, or other party to the transfer, and upon written certification and filing with the office, the implementation of a cleanup plan and the detoxification of the site may be deferred until the use changes or until the purchaser, transferee, mortgagee, or other party to the transfer closes, terminates, or transfers operations.

(a) Within 60 days of receiving notice of the sale or realty transfer and the certification that the industrial establishment would be subject to substantially the same use, the office shall approve, conditionally approve, or deny the certification.

(b) Upon approval of the certification, the implementation of a cleanup plan and detoxification of the site shall be deferred.

(c) Upon denial of the certification, the cleanup plan and detoxification of the site shall be implemented in accordance with this chapter.

III. The authority to defer implementation of the cleanup plan set forth in paragraph II of this section shall not be construed to limit, restrict, or prohibit the office from directing site cleanup under any other law or rule but shall be solely applicable to the obligations of the owner or operator of an industrial establishment under this chapter. Nothing in this chapter shall be construed to limit, restrict, or prohibit the office from directing site cleanup under any other law or rule.

IV. Nothing in this chapter shall constitute a lien or claim which may be limited or discharged in a bankruptcy proceeding. All obligations imposed by this chapter shall constitute continuing regulatory obligations imposed by the state.

147-E:7 Failure to Comply; Void Sale or Transfer; Liability of Transferor; Penalties.

I. Failure of the transferor to comply with any of the provisions of this chapter shall be grounds for voiding the sale or transfer of an industrial establishment or any real property utilized in connection therewith by the transferee, entitles the transferee to recover damages from the transferor, and renders the owner or operator of the industrial establishment strictly liable, without regard to fault, for all cleanup and removal costs and for all direct and indirect damages resulting from the failure to implement the cleanup plan.

II. Failure to file a declaration or cleanup plan under RSA 147-E:3 shall be grounds for voiding the sale by the office.

III. Any person who knowingly gives or causes to be given any false information or who fails to comply with the provisions of this chapter shall be liable for a penalty of not more than \$25,000 for each offense. If the violation is of a continuing nature, each day during which it continues shall constitute an additional and separate offense. Penalties shall be collected in a civil action and shall be paid to the New Hampshire hazardous waste fund established under RSA 147-B. Any officer or management official of an industrial establishment who knowingly directs or authorizes a violation of this chapter shall be personally liable for the penalties established under this paragraph.

2 Rule Drafting. The office of waste management, division of public health services, shall develop and draft rules to implement this chapter so that the office shall be ready to initiate the rulemaking process under RSA 147-E:4 on or before January 15, 1988.

3 Effective Date.

I. Section 1 of this act shall take effect January 1, 1988.

II. The remainder of this act shall take effect July 1, 1987.

Amendment adopted.

Referred to Appropriations.

HB 212, relative to chiropractic. Ought to Pass with Amendment. A serious inequity regarding fairness and equality, the cornerstones of New Hampshire, are being corrected by the amended legislation. Vague language compromised by inequitable administrative rules have seemingly ignored these principles and the intent of previous legislatures. This bill clearly prohibits the inequity and excludes "Rules" from changing the law. Vote 15-1. Rep. William F. McCain for Executive Departments and Administration.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:



## AN ACT

relative to chiropractic and requiring that  
academic standards for professions be  
established only by statute.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Licenses. Amend RSA 316:9, III (supp) as inserted by 1981, 480:6 by striking out said paragraph and inserting in place thereof the following:

III. Have graduated from a degree granting chiropractic college which is accredited by a federally approved regional or specialized accrediting agency or is a recognized candidate for such accreditation.

2 Academic Standards. Amend RSA 332-G by inserting after section 2 the following new section:

332-G:3 Academic Standards. Boards or commissions shall not change required academic standards for entry into a profession by rule or administrative act but only as provided by statute.

3 Examinations. Amend RSA 316:11 as amended by striking out said section and inserting in place thereof the following:

316:11 Examinations. The board shall give a written examination in the following subjects: Anatomy, physiology, symptomatology, hygiene, chiropractic orthopedy, histology, pathology, chiropractic x-ray procedures and analysis, neurology, bacteriology and chemistry, and the principles of chiropractic adjusting and nerve tracing. The examination shall address the basic professional standards of chiropractic relating only to the determination of and adjustment of vertebral misalignments (subluxations) of the spine and specifically excluding treatments using ancillary techniques including, but not limited to, heat, water and the like which shall be included only in an additional examination for chiropractic specializations. This statute shall not be superseded by administrative rulemaking.

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

Amendment adopted.

Ordered to third reading.

HB 414-FN, providing for the licensing of insurance consultants.  
Ought to Pass with Amendment.

This bill was amended only to correct definitions and for some clarification purposes. As amended, it licenses insurance consultants, an ever-growing segment of the insurance industry. This license establishes like control of insurance consultants/brokers/agents, in the best interests of the consumer public. Vote 17-0. Rep. William F. McCain for Executive Departments and Administration.

## Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Insurance Consultants; Licensing. Amend RSA 405 by inserting after section 44 the following new subdivision:

## Insurance Consultants

405:44-a License Required; Limited Authorization.

I. No person, corporation, partnership or association shall, for a fee received or to be received, offer to examine, or examine or aid in examining, any policy of insurance or any annuity or pure endowment contract

for the purpose of giving, or give or offer to give, any advice, counsel, recommendation or information in respect to the terms, conditions, benefits, coverage or premium of any such policy or contract, or in respect to the expediency or advisability of altering, changing, exchanging, converting, replacing, surrendering, continuing, renewing or rejecting any such policy or contract, or of accepting or procuring any such policy or contract from any company, or, in or on advertisements, cards, signs, circulars or letterheads, or elsewhere, or in any other way or manner by which public announcements are made, use the title "insurance consultant," "insurance adviser," "insurance specialist," "insurance counselor," "insurance analyst," "policyholders' advisor," "policyholders' counselor," or any other similar title, or any title, word or combination of words indicating that he gives, or is engaged in the business of giving, advice, counsel, recommendation or information to holders of policies of insurance or annuity or pure endowment contracts, unless he holds a license as an insurance consultant under the provisions of this subdivision.

II. No person, corporation, partnership or association shall, by the granting of a license, under this subdivision, be construed to have been authorized to be other than a consultant on insurance matters.

405:44-b Application for License; Standards; Fee; Revocation; Suspension; Hearing.

I. The commissioner may, upon receipt of a fee of \$30, issue to any person who has attained the age of 18 or to any corporation, partnership or association a license to act as an insurance consultant. The applicant for the license shall file with the commissioner a written application in such manner and form as the commissioner shall prescribe, stating the line or lines of insurance for which the applicant desires such a license. If the commissioner is satisfied that the applicant is trustworthy, competent, of good moral character and financially responsible, he shall issue the license, which shall expire on June 14 of the second year after issuance, unless sooner revoked or suspended as provided in this section.

II. All initial applicants under this section shall be examined by the commissioner in such manner and form as he prescribes. Such examination shall be of sufficient scope to demonstrate a broad knowledge of insurance contracts and the practices of the insurance industry in the line or lines of insurance for which the applicant desires such a license, provided that the commissioner may waive the requirement of such examination for such license to act as an insurance consultant for those lines of insurance in which the applicant holds a valid agent or broker's license or registration issued pursuant to RSA 402, RSA 405 or RSA 408.

III. Applicants subject to this section shall remit with their application an examination fee of \$15 which shall entitle the applicant to take such examination once, and such applicant may be reexamined upon payment of a \$15 fee for each such reexamination. The license may, in the discretion of the commissioner, be renewed biennially upon payment of a fee of \$30 without requiring anew the detailed information specified for the original application.

IV. The commissioner may at any time, for cause shown and after a hearing, due notice of which has been given, revoke the license or suspend it for a period not exceeding the unexpired term of the license. The commissioner may, for cause shown and after a hearing, due notice of which has been given, revoke the license while so suspended, and shall notify the licensee in writing of such revocation or suspension, and shall publish a notice of such revocation or suspension in such manner as he may deem necessary for the protection of the public.

V. The commissioner may at any time require such information as he deems necessary as to the business methods, policies and transactions of a licensee under this section. Any person, corporation, partnership or association who fails or refuses to furnish the commissioner, in such form as he may require, any such information within 10 days after receiving a written request therefor shall be subject to suspension or revocation of his license or an administrative fine of not more than \$2,500, or both a fine and suspension or revocation.

405:44-c Appeal. Any person, corporation, partnership or association aggrieved by the action of the commissioner in revoking, suspending or refusing to grant or reissue a license may file an appeal in accordance with the provisions of RSA 541.

405:44-d Unenforceable Contracts or Agreements. Any contract or agreement with an insurance consultant shall not be enforceable by him unless it is in writing and executed, in duplicate, by the person to be charged or by his legal representative, or unless one of such duplicates is delivered to, or retained by, such person when it is signed by him, or unless it plainly specifies the amount of the fee paid or payable by such person and the services to be rendered by such insurance consultant, or unless it is in a form currently approved by the commissioner.

405:44-e Required Acknowledgments. An insurance consultant who furnishes any advice or counsel as such consultant, makes any recommendation or gives any information except under the terms of a previously executed written contract conforming to RSA 405:44-d and in full force and effect shall, in every case, give to the recipient a statement in writing, signed by him, in a form currently approved by the commissioner, specifying the advice, counsel, recommendation or information given, and a receipt, in a form currently approved by the commissioner, for the fee paid to him or a statement, in a form currently approved by the commissioner, of the fee to be received by him. Any person, corporation, partnership or association who violates any provision of this section shall be subject to suspension or revocation of his or its license or an administrative fine of not more than \$2,500, or both a fine and suspension or revocation.

405:44-f Disclosure Statement.

I. In addition to those records and reports which the commissioner may require pursuant to title XXXVII, any person, corporation, partnership or association subject to the provisions of this chapter, shall provide to current and prospective clients a written disclosure statement containing information relative to his or its background and business practices. The written disclosure statement shall include information concerning all of the following:

- (a) The types of clients serviced by the insurance consultant.
- (b) The nature and cost of services provided.
- (c) The methods of analysis, sources of information and investment strategies utilized.
- (d) The educational background of the insurance consultant and his employees or associates and the business standards to which he adheres.
- (e) Any other business activities or professions in which the insurance consultant is engaged.
- (f) Any ownership interest the insurance consultant may have in entities offering products which may be recommended by the insurance consultant.
- (g) Whether there are any sales fees and commissions which the insurance consultant may receive for recommending particular insurance products to clients.
- (h) Any other information relative to the insurance consultant's background and business practices which the commissioner deems appropriate.



II. The written disclosure statement shall be delivered to clients or prospective clients not less than 48 hours prior to the establishment of a written contract, or at the time the parties enter into the contract, if the client is afforded the right to terminate the contract, without penalty, within 5 business days after entering into it.

405:44-g Penalty for Acting Without a License. Any person, corporation, partnership, or association who acts as an insurance consultant without such license or during a suspension of his or its license shall be subject to an administrative fine not to exceed \$2,500 for each such act.

2 Fees. Amend RSA 400-A:29 by inserting after paragraph XVIII the following new paragraph:

XIX. Insurance Consultants

- |                                 |      |
|---------------------------------|------|
| (a) Application examination fee | \$15 |
| (b) Original license            | \$30 |
| (c) Biennial renewal            | \$30 |

3 Effective Date. This act shall take effect July 1, 1986.

Amendment adopted.

Ordered to third reading.

HB 430-FN, establishing a department of water management and protection. Ought to Pass with Amendment.

House Bill 430 establishes a Department of Environmental Services to coordinate the State's efforts in combating the pollution and degradation of our air, water and soil. It is clearly the intent of this legislation to deal, not only with the current threats to our natural resources, but to take a leading role addressing the future conservation of our environment. Vote 14-1. Rep. Robert B. Holmes, Jr. for Executive Departments and Administration.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing a department of environmental services.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 21-M the following new chapter:

CHAPTER 21-N  
DEPARTMENT OF ENVIRONMENTAL SERVICES

21-N:1 Establishment; General Functions.

I. There is established the department of environmental services, an agency of the state under the executive direction of the commissioner of environmental services.

II. The department of environmental services, through its officials, shall be responsible for the following general functions:

- (a) Continuously developing and implementing a statewide water management and protection plan and program consistent with the policies and criteria set forth in RSA 481:1 and the final report of the joint committee studying water resources management created by 1983, 361.
- (b) Water pollution control.
- (c) Water supply protection.

- (d) Regulation of waste disposal generally, and as it impacts water quality.
- (e) Water allocation and water impoundment and storage.
- (f) Flood control.
- (g) Air pollution control.

21-N:2 Commissioner; Assistant Commissioner; Directors; Compensation.

I. The commissioner of the department of environmental services shall be appointed by the governor, with the consent of the council, and shall serve for a term of 4 years. The commissioner shall be qualified to hold that position by reason of education and experience.

II. The commissioner of environmental services shall nominate an assistant commissioner for appointment by the governor, with the consent of the council, who shall serve for a term of 4 years. The assistant commissioner shall be qualified to hold that position by reason of education and experience. The assistant commissioner shall have overall responsibility for all planning functions of the department and shall perform such other duties as the commissioner may assign. The assistant commissioner shall perform the duties of the commissioner if for any reason the commissioner is unable to do so.

III. The commissioner shall nominate each division director, for appointment by the governor with the consent of the council. The division directors shall each serve for a term of 4 years. Directors shall be qualified to hold their respective positions by reason of education and experience.

IV. The salaries of the commissioner, the assistant commissioner and each division director shall be as specified in RSA 94:1-a.

21-N:3 Duties of Commissioner. In addition to the powers, duties, and functions otherwise vested by law in the commissioner of the department of environmental services, including RSA 21-G, the commissioner, except as otherwise provided in this chapter, shall:

I. Continuously develop and implement a statewide water management and protection plan and program consistent with the policies and criteria set forth in RSA 481:1 and the final report of the joint committee studying water resources management created by 1983, 361.

II. Represent the public interest in the administration of the functions of the department of environmental services and be responsible to the governor, the general court, and the public for such administration.

III. Provide for, in consultation with the commissioner of the department of administrative services and the state treasurer, a system of accounts and reports which will ensure the integrity and lawful use of all fees, funds, and revenues collected by the department, the use of which is restricted by state or federal law.

IV. Have the authority to receive, administer, and internally audit all present and future federal and state water-related, air pollution control, and waste grant programs.

V. Have the authority to adopt rules, pursuant to RSA 541-A, necessary to assure the continuance or granting of federal funds or other assistance intended to promote the administration of this chapter, not otherwise provided for by law.

VI. Collect and account for all fees, funds, taxes, or assessments levied upon any person subject to the jurisdiction of the department of environmental services.

VII. Establish a water resources assessment program which shall, among other things, collect and manage data on water resources and water use within the state. The commissioner shall be authorized to use federal funds for such program.

VIII. Contract with, subject to approval by the governor and council, regional planning commissions in the development of regional plans and ensure that local plans are consistent with regional management plans for entire watershed areas.

21-N:4 Division of Water Resources. There is established within the department the division of water resources, under the supervision of an unclassified director of water resources who shall also serve as the chairman of the water resources board established by RSA 481:4. The division, through its officials, shall be responsible for the former executive functions, duties, and responsibilities of the water resources board. The corporate identity of the water resources board shall remain intact and the board shall receive administrative support from the division. The wetlands board and the water well board shall be agencies administered by the department. The director shall be responsible for collecting and recording data on matters relevant to the functional responsibilities of the division and providing such data to the administrative services unit in the office of the commissioner for inclusion in the department data base.

21-N:5 Division of Water Supply and Pollution Control. There is established within the department the division of water supply and pollution control, under the supervision of an unclassified director of water supply and pollution control. The division, through its officials, shall be responsible for the former functions, duties, and responsibilities of the water supply and pollution control commission. The director shall be responsible for collecting and recording data on matters relevant to the functional responsibilities of the division and providing such data to the administrative services unit in the office of the commissioner for inclusion in the department data base.

21-N:6 Division of Waste Management. There is established within the department the division of waste management, under the supervision of an unclassified director of waste management. The division, through its officials, shall be responsible for the former functions, duties, and responsibilities of the office of waste management of the division of public health services and the former functions, duties, and responsibilities of the solid waste management board. The director shall be responsible for collecting and recording data on matters relevant to the functional responsibilities of the division and providing such data to the administrative services unit in the office of the commissioner for inclusion in the department data base.

21-N:7 Division of Air Resources. There is established within the department the division of air resources, under the supervision of an unclassified director of air resources. The division, through its officials, shall be responsible for the former functions, duties and responsibilities of the air resources agency and the air resources commission. The director shall be responsible for collecting and recording data on matters relevant to the functional responsibilities of the division and providing such data to the administrative services unit in the office of the commissioner for inclusion in the department data base.

21-N:8 Air Resources Advisory Committee.

I. There is hereby established an air resources advisory committee which shall be composed of 9 members, including one representing the steam power generating industry; one representing the fuels industry; one representing the manufacturing component of industry; one representing the field of municipal government; and 5 members appointed at large who shall represent the public interest, one of whom shall be a licensed practicing physician and one of whom shall represent the field of recreation. The committee members who shall represent the public interest may not derive any significant portion of their income from persons subject to permits or enforcement orders, and may not serve as attorney for, act as consultant for, serve as officer or director, or hold any other official or contractual relationship with any person subject to permits or enforcement orders. All potential conflicts of interest shall be adequately disclosed. The members shall be residents of the state and shall be appointed by the governor with the consent of council. Each member shall serve for a term of 4 years and until his successor shall be



appointed and qualified; provided that of the original appointments, 3 shall be appointed for a term of 2 years, 3 for a term of 3 years, and 3 for a term of 4 years. The members shall receive no compensation for their services but shall receive necessary travel and other expenses while engaged in actual work of the commission. The governor and council shall annually select a chairman from the membership at large and one of the commission members to serve as vice-chairman. When the chairman is absent, it shall be the duty of the vice-chairman to assume and administer the duties of the chairman.

II. The committee shall consult with and advise the director of the division of air resources with respect to the policy, programs, goals and operations of the division, with particular emphasis on long-range planning for the division and on education of the public relative to the functions of the division, on a continuing basis. In order to accomplish said purposes, the committee shall meet with the director not less frequently than quarterly, or at the call of the chairman or 3 committee members. The committee shall file annually a report of its deliberations and recommendations with the commissioner of the department of environmental services and the governor and council. The director shall furnish the committee with such clerical and other assistance as it may require.

III. The committee shall hear appeals from decisions by the director of air resources, as provided in RSA 125-C:14.

21-N:9 Advisory Committees. The commissioner shall establish, as provided in RSA 21-G:11, an advisory committee for each of the divisions created by this chapter except the air resources division. The 5 members of the water resources board appointed under RSA 481:4 shall also serve as the advisory committee for the division of water resources. The advisory committee for the division of water supply and pollution control shall consist of 13 members. The advisory committee for the division of waste management shall consist of 13 members. All advisory committee members shall serve for a term of 4 years, except the members of the advisory committee to the division of water resources, who shall serve for as long as they remain members of the water resources board.

21-N:10 Office of the Commissioner. The commissioner of environmental services shall establish units within his office to be responsible for: administrative services, geology, planning, public information and permitting, and risk analysis and management, which shall include the following functions and such other functions as may be assigned by the commissioner:

I. Administrative services shall include the following services to all divisions, to the greatest extent possible:

- (a) Accounting, purchasing, and budget control.
- (b) Personnel management.
- (c) Property, contracts, and grants management.
- (d) Data processing.

(e) Compiling, indexing, and managing data collected by all divisions, which shall be used to establish a departmental data base for use by all divisions of the department, and which shall be a public record.

II. Geology shall be under the direction of the state geologist, who shall: consult with the commissioner of the department of resources and economic development relative to the issuance of mining permits under RSA 12-E; assist the directors of water resources, water supply and pollution control, and waste management as necessary; and perform such other duties as may be assigned by the commissioner. The state geologist shall be a staff member of the commissioner's office and shall advise the department, and all other branches of state and local government, concerning the geologic character of the state and its implications for both economic and scientific needs in conjunction with all existing and future environmental factors relating to the geology of the state. He shall maintain liaison with federal and other state geologic agencies and with the state university.

III. Planning shall be under the direct supervision of the assistant commissioner and shall include all department level short- and long-range planning activities and the coordination and compilation of all division level planning activities.

IV. Public information and permitting shall include all initial public contact relative to permits and applications; furnishing members of the general public with all permit applications and information needed for any project which comes under the jurisdiction of the department, as well as information as to federal or local permits which may be required; assisting members of the general public, whenever possible, to fill out permit applications by directing them to the appropriate person within the relevant division of the department; and generally providing members of the general public with all of the information necessary for meeting permit requirements, including information as to where to find the relevant federal laws and regulations, rules, and municipal ordinances.

V. The risk analysis and management function shall be the direct responsibility of the assistant commissioner, under the direction of the users oversight group established in RSA 21-N:13 and in accordance with RSA 125-E:7. The commissioner may call on any personnel from any division or any other state department to assist the assistant commissioner in the event of a crisis, disaster, or other occurrence or condition requiring analysis and management of an actual or suspected risk of damage to the environment. The unit, once assembled by the commissioner in the event of a crisis, disaster, occurrence, or condition, shall work closely with the risk assessment bureau in the division of public health services of the department of health and human services under the direction of the assistant commissioner and the users oversight group to:

(a) Make assessments of potential or actual risk of harm to the environment or, in cooperation with the risk assessment bureau of the division of public health services of the department of health and human services, to persons.

(b) Manage environmental risk hazards using the results of the assessment described above or any other available information to develop and evaluate regulatory options, within a statutory framework, to reduce or eliminate the risk of harm to the environment.

21-N:11 New Hampshire Environmental Services Advisory Committee.

I. There is established the New Hampshire environmental services advisory committee.

II. The New Hampshire environmental services advisory committee shall include 9 members, 4 of whom shall be elected by and from among the members of the divisional advisory committees and 5 of whom shall be appointed by the governor with the consent of the council, with the following qualifications:

(a) The 5 members appointed by the governor and council shall be residents of different executive council districts, and not more than 3 of the 5 shall be members of the same political party.

(b) 3 of the 5 members appointed by the governor and council shall be qualified, experienced, and representative of one or more of the following disciplines:

- (1) waste management.
- (2) water management and protection.
- (3) air pollution control.

(c) 2 of the 5 members appointed by the governor and council shall be representative of the general public.

III. Each member shall serve for a term of 4 years and may serve, if appointed, for not more than 2 consecutive terms.

IV. The New Hampshire environmental services advisory committee shall consult with and advise the commissioner of the department of environmental services with respect to the policies, programs, and operations of the department on a continuing basis and for that purpose shall meet with the commissioner not less frequently than quarterly, or at the call of the chairman or upon the request of 3 committee members. The



committee shall place particular emphasis on long-range planning for the department and on education of the public relative to the functions of the department. The committee shall elect annually its own chairman and vice-chairman and the commissioner shall furnish it with such clerical and other assistance as it may require. Vacancies on the committee shall be filled in the same manner as original appointments, but for the unexpired term. The committee shall file annually a report of its deliberations and recommendations with the governor and council and the appropriate oversight committees of the general court.

21-N:12 Rulemaking Authority.

I. Notwithstanding the provisions of RSA 21-N:4, 5, 6 and 7, the commissioner of environmental services, after consultation with his division directors, shall, as provided by RSA 21-G:9, II(b), adopt such rules, pursuant to RSA 541-A, as he deems reasonable and necessary in order to properly carry out the provisions of this chapter and the authority granted him and the department and its divisions under the laws of the state. This rulemaking authority shall expire on July 1, 1988, at which time this section, unless replaced by a later legislative enactment, shall be deemed repealed.

II. Prior to January 1, 1988, the commissioner of environmental services, after consultation with his division directors, shall present proposed legislation containing a specific delegation of rulemaking authority to replace this section to the chairman of the joint legislative committee on administrative rules established under RSA 541-A and to the senate president and the speaker of the house of representatives, who may refer such proposed legislation to the appropriate standing committees. This proposed legislative delegation of rulemaking authority shall be drafted in as narrow a manner as possible, consistent with the need to provide the commissioner of water management and protection with sufficient authority to fulfill the regulatory role assigned to him under this chapter and other laws of the state. The commissioner shall also present proposed legislation at the same time which shall detail how an appellant shall file a petition requesting an appeal and how the members of the appeals tribunal shall be selected consistent with RSA 21-N:15. Notwithstanding the provisions of the joint rules of the house and senate, legislation prepared under this section shall be permitted to be introduced as a bill into the 1988 regular session of the general court.

21-N:13 Users Oversight Group; Establishment; Composition; Responsibilities.

I. There is hereby established a users oversight group consisting of the commissioner of the department of environmental services, the director of the division of waste management in the department of environmental services, the director of the division of water supply and pollution control in the department of environmental services, the commissioner of the department of health and human services, the director of the division of public health services in the department of health and human services, the director of the division of air resources in the department of environmental services, and the governor or his designee.

II. The responsibilities of the users oversight group shall be as follows:

(a) To oversee and coordinate the use of all state laboratories, except the university laboratories and the laboratories in the department of fish and game, the department of agriculture, the pari-mutuel commission, and the department of transportation to assure equal access by all departments and units of government in accordance with the priority of the work, and to assure the most efficient and effective use of the laboratories, including the sharing of personnel and equipment and group purchasing.

(b) To oversee and coordinate the efforts of the risk assessment unit in the department of health and human services with those of the risk analysis and management unit in the office of the commissioner of environmental services; to assist the governor in the event of any



crisis, disaster, or occurrence which may or does affect human life or the environment, or both; to assign priorities in the work of the 2 units described in this subparagraph; and to make available generally in the most efficient and expeditious manner all of the resources of the state.

#### Appeals

21-N:14 Definition. For purposes of this subdivision, "department decision" means the final action on an application, petition, order or request taken by the commissioner or any department official who has statutory authority to make such final decision or to whom the commissioner has properly delegated the authority to take such final action. "Department decision" shall not mean rulemaking or an agency declaratory ruling as provided for in RSA 541-A, and shall not include any decisions of the wetlands board for which a rehearings and appeals process is provided under RSA 483-A:4.

#### 21-N:15 Appeals Officers.

##### I. The commissioner shall:

(a) nominate 20 individuals, who shall be known as appeals officers, for appointment by the governor, with the consent of the council. Each appeals officer shall be appointed to a term of 5 years; provided that of the original appointments 4 shall be for a term of one year, 4 shall be for a term of 2 years, 4 shall be for a term of 3 years, 4 shall be for a term of 4 years, and 4 shall be for a term of 5 years. Vacancies shall be filled in a like manner for any unexpired term. The commissioner, the governor, and the council shall be responsible for filling vacancies promptly to assure that 20 appeals officers hold office at all times.

(b) All appeals officers shall be qualified for their positions by reason of interest, experience, and education. Appointments shall be made in such a way as to assure a broad and equitable representation of the widest possible opinion and experience in the fields regulated by the department.

(c) Appeals officers shall receive no compensation for their services, but shall be reimbursed for mileage at the state employee rate while engaged in actual appeals work. No reimbursement shall be made for travel outside the state.

(d) The commissioner shall assure that a current publicly available list of all appeals officers is kept on file both in his office and with the secretary of state.

##### II. Appeals officers shall not:

(a) Have a financial or economic interest related in any way to the parties or the specific subject matter of any appeal on which they sit.

(b) Be related by affinity or consanguinity to the commissioner or any employee of the department who is directly involved in the decision under appeal, or to any party in interest to an appeal on which they sit.

(c) Hold any legal, equitable, creditor, or debt interest in any partnership, firm, or other entity which contracts with the department.

(d) Engage in ex parte communications concerning any appeal from a department decision.

(e) Perform their duties in any manner which is other than impartial and diligent, or qualify themselves for an appeal when their impartiality might reasonably be questioned.

21-N:16 Appeals Tribunals. Appeals tribunals consisting of 3 appeals officers shall hear and decide administrative appeals of decisions made by any department official, except the director of air resources as provided by RSA 125-C:14, relative to any of its functions affecting persons, municipalities, or private property. Appeals tribunals shall not hear appeals relative to condemnations of property for public purposes and the

assessment of damages therefor, nor departmental personnel appeals. Administrative appeals shall be taken in the following manner:

I. The appellant shall file a petition requesting an appeal as specified by rule of the department adopted pursuant to RSA 541-A.

II. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the process of selecting appeals officers to serve on appeals tribunals. The appellant and the division director shall each have the right to select one of the 3 members of the appeals tribunal. The 2 members so selected shall select the third member of that tribunal, who shall serve as chairman of the particular tribunal.

III. Appeals tribunal hearings shall be conducted in accordance with the provision of RSA 541-A governing adjudicative proceedings.

21-N:17 Administrative Support. The commissioner of environmental services shall provide all necessary clerical support requested by a duly constituted appeals tribunal. At a minimum, the commissioner of environmental services shall:

I. Provide all necessary clerical and support personnel and services in order to:

(a) Prepare notices and other documents required under RSA 541-A as directed by appeals tribunals and distribute such notices and documents upon the approval of the particular appeals tribunal involved;

(b) Schedule the conduct of all appeals tribunal proceedings, with the approval of the appeals board so as to ensure timely and efficient conduct of such proceedings;

(c) Prepare and maintain the record, required by RSA 541-A, of all adjudicative proceedings conducted by appeals tribunals.

II. Provide comfortable and adequate space for the use of appeals tribunals in performing their official duties; and

III. Prepare, maintain as a public record, and continuously update a document which shall summarize the findings and decisions of all appeals tribunals supported by the department.

21-N:18 Status as Rehearing. An appeal under RSA 21-N:14-16 shall be considered a rehearing for purposes of RSA 541 and any other provision of law requiring a rehearing in the department prior to taking an appeal to any court.

## 2 Transfer and Terminations.

I. The water supply and pollution control commission; the water resources board except as otherwise provided by this act; the wetlands board; the office of waste management of the division of public health services, department of health and human services; the solid waste management board; the air resources commission; and the air resources agency are hereby abolished and all of the functions, duties, powers, responsibilities, unclassified personnel and unexpended appropriations of those entities and the officials of those entities are hereby transferred to and vested in the commissioner of environmental services appointed pursuant to this act.

II. The transfers and terminations provided for in this section shall become effective on the date set pursuant to the laws of 1983, 372:5, II. Prior to that date the existing entities, and the officials of those entities, referred to in this section shall retain their full power and authority.

III. On the date the transfers provided for in this section become effective, the terms of the members of the solid waste management board and the members of the water supply and pollution control commission shall immediately expire. The incumbent members of the air resources commission in office on the date the transfers provided for in this section become effective shall become the first members of the air resources advisory committee for the remainder of the terms for which they were appointed under RSA 125-C:3.

IV. On the date the transfers provided for in this section become effective, the wetlands board and the water well board shall become agencies administered by the commissioner of environmental services created by this act.

V. Notwithstanding the transfers set forth in paragraph I, the water resources board shall remain a public corporation governed by a 5 member board and retain those functions, duties, and responsibilities relative to its corporate functions. The transfers under paragraph I shall not apply to those books, papers, records, unexpended appropriations or other funds, actions, and property significantly involved with these corporate functions. The commissioner of environmental services shall determine, in consultation with the board members or their successors, which books, papers, records, unexpended appropriations or other funds, actions, and property are significantly involved with these corporate functions and shall exclude them from the implementation plan required by the laws of 1983, 372:4, III.

### 3 Transfer; Laboratories.

I. All of the functions, powers, duties, and responsibilities pertaining to the establishment of laboratories and the provision of laboratory services by the air resources agency under RSA 125-C and the water supply and pollution control commission under RSA 149 are hereby transferred to and vested in the commission of health and human services to be placed under the supervision of the director of the division of public health services.

II. The transfer provided for in paragraph I of this section shall include all of the personnel, books, papers, records, equipment, unexpended appropriations or other funds, actions and other property or obligations of any kind of the laboratories of the air resources agency and the water supply and pollution control commission. The commissioner of health and human services and the director of public health services shall determine, in consultation with the executive director of the water supply and pollution control commissioner, the director of the air resources agency, and the commissioner of environmental services, which of the personnel, books, papers, records, equipment, unexpended appropriations or other funds, actions and other property or obligations are part of the laboratories transferred by paragraph I of this section. The commissioner of health and human services and the director of public health services shall present, and the commissioner of environmental services shall include as presented, without change, a special addendum to the implementation plan required of the commissioner of environmental services by the laws of 1983, 372:4, III which shall detail the property, obligations, and personnel to be transferred to the department of health and human services in accordance with this paragraph.

III. The transfers provided for in this section shall become effective on the date set pursuant to the laws of 1983, 372:5, II. Prior to that date, the existing entities, and the officials of those entities, referred to in this section shall retain their full power and authority.

4 Transition Procedure. The transition procedure to be followed in implementing the new department established by this act and to govern the establishment of the new department shall be as specified in the laws of 1983, 372:2, 3, 4 and 5 and RSA 21-G.

### 5 Commissioner-Designate.

I. The governor, with the consent of the council, shall appoint the commissioner of environmental services on or after July 1, 1986. The individual so appointed shall be known as the commissioner-designate until the department of environmental services becomes operational on the date set according to the laws of 1983, 372:5, II. The secretary of state shall commission the individual so appointed as the commissioner of environmental services.

II. The commissioner-designate shall assume his full powers and duties under the law when the department of environmental services becomes operational on the date set according to the laws of 1983, 372:5, II. Prior to that date, the commissioner-designate shall perform only the duties prescribed by the laws of 1983, 372:4 and 372:5, and RSA 17-L.

III. The governor shall draw his warrant upon funds not otherwise appropriated to provide compensation to the commissioner-designate at the rate specified in section 31 of this act during the transition period.



6 Appropriations. All realignment of functions, reassignment of personnel, and restructuring of organizational units required by this act shall be accomplished within the existing appropriations transferred from the agencies consolidated by this act to the department of environmental services. No additional appropriations shall be made for purposes of implementing this act.

7 Reference Changes.

I. As of the effective date for the department of environmental services set pursuant to 1983, 372:5, II, the references below are hereby changed as follows:

(a) All references to the "water supply and pollution control commission", the "water pollution commission", or the "commission" (relating to the water supply and pollution control commission) in RSA 7:18-b; 21-M; 31:92-a; 32:10-b; 33:5 - 33:5-c; 33:7-b; 52:18-a; 146-A; 148; 148-B; 149; 149-A; 149-B; 149-E; 149-F; 149-G; 149-I; 270-A; 329-A:3, III; 332-E:1; 430; 482:41-f; 487-B; 488; and 488-A shall be changed to read "division of water supply and pollution control".

(b) All references to the "division of public health services, department of health and human services", or "division" (relating to the division of public health services) in RSA 148 and RSA 148-A shall be changed to read "division of water supply and pollution control". All references to the "director, division of public health services", or "director" in RSA 148 shall be changed to read "director, division of water supply and pollution control".

(c) All references to the "executive director of the water supply and pollution control commission", the "executive director", "technical secretary of the water pollution commission" or "chairman" (relating to the water supply and pollution control commission) in RSA 125:77-h; 148; 149; 149-H; 162-C:1; 162-F:3; 329-A:3; 332-E:2; and 488 shall be changed to read "director of the division of water supply and pollution control".

(d) All references to the "solid waste management board" or the "board" (relating to the solid waste management board) in RSA 149-M shall be changed to read "division of waste management".

(e) All references to the "office of waste management, division of public health services, department of health and human services," the "office of waste management, division of public health services," the "office of waste management" or the "office" (relating to the office of waste management) in RSA 147-A; 147-B; 147-C; 147-D; and 149-M shall be changed to read "division of waste management".

(f) All references to the "New Hampshire water resources board", the "water resources board", the "board", the "chairman of the water resources board", the "chairman" (relating to the water resources board) in RSA 7:18-b, 228:4, 162-C:1 and 162-F:3 shall be changed to read "director, division of water resources, department of environmental services", or "division of water resources" or "division" as the context requires.

(g) The reference to the "chief aquatic biologist of the water supply and pollution control commission" in RSA 162-F:3 shall be changed to read "commissioner of the department of environmental services or his designee".

(h) All references to the "agency", the "air resources agency", the "air resources commission", or the "commission" in RSA 125-C and 125-D shall be changed to read "director of the division of air resources" or "director" as the context requires.

(i) All references to the "water supply and pollution control commission" and the "commission" in RSA 131:3-a shall be changed to read "director, division of public health services".

(j) All references to the "division of public health services" in RSA 125:95 shall be changed to read "commissioner of environmental services".

(k) All references to the "New Hampshire water resources board", the "water resources board", the "board" (relating to the water resources board), or the "corporation" in RSA 7:18-b; 228:4; 481; 481-A; 481-C; 481-D; 482; 482-A; 482-B; 482-C; 482-D; 482-E; 482-F; 482-G; 482-H; 482-I; 482-J; 482-K; 482-L; 482-M; 482-N; 482-O; 482-P; 482-Q; 483; 483-A:1-c II; 484; 485; and 488-A shall be changed to read "division of water resources".

II. The director of legislative services is hereby authorized, with the approval of the speaker of the house of representatives and the president of the senate, to make changes in the printed versions of all laws and rules, and all legislation enacted by the 1986 session of the general court that may be necessary for the purpose of conforming the language of such laws, rules, or legislation to the language of this act, provided that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1986 session laws.

8 Laboratory; Division of Public Health Services. Amend RSA 125:15 by inserting after paragraph IV the following new paragraph:

V. To provide laboratory services, as provided by RSA 131, as may be necessary to protect the health of the public and the environment.

9 Rulemaking; Division of Public Health Services. Amend RSA 125:15-a by inserting after paragraph VII the following new paragraphs:

VIII. Assigning priorities to provision of laboratory services to be performed by the division of public health services. Rules adopted under this paragraph shall be approved by the users oversight group established by RSA 21-N:13 prior to the filing of both a proposed and a final rule under RSA 541-A.

IX. Environmental quality standards, criteria, and guidelines, as provided by RSA 125-E:3, IV.

10. Rulemaking; Air Resources. Amend RSA 125-C:4 (supp) as inserted by 1979, 359:2 by striking out said section and inserting in place thereof the following:

125-C:4 Rulemaking Authority; Subpoena Power.

I. The director shall adopt rules, subject to the written approval of the commissioner, under RSA 541-A, relative to:

(a) The prevention, control, abatement, and limitation of air pollution, including but not limited to, open air source pollution, mobile source pollution, and stationary source pollution.

(b) Primary and secondary ambient air quality standards.

(c) Procedures to meet air pollution emergencies, as authorized by RSA 125-C:9.

(d) The establishment and operation of a statewide permit system, as authorized by RSA 125-C:6, XIV and RSA 125-C:11, I.

(e) Devices, in addition to those devices defined under RSA 125-C:2, subject to the permit requirements of RSA 125-C:11, as authorized by RSA 125-C:11, II.

(f) The exemption of certain devices from the permit requirement of RSA 125-C:11, I and the conformance of exempted devices to established standards, as authorized by RSA 125-C:11, I.

(g) The forms and information required on applications for temporary and permanent permits required under RSA 125-C:11, as authorized by RSA 125-C:12, I.

(h) Notification of and public hearing on permit applications, including exemptions from those requirements, as authorized by RSA 125-C:12, II.

(i) Fees for permit application and review, as authorized by RSA 125-C:12, IV.

(j) Procedures for permit application review, as authorized by RSA 125-C:11, IV, and criteria for permit denial, suspension or revocation, as authorized by RSA 125-C:13.

(k) Procedures for air testing and monitoring and recordkeeping, as authorized by RSA 125-C:6, XI.

(l) Procedures for receiving violation complaints and for rules enforcement, as authorized by RSA 125-C:15, I.

(m) Procedures for granting variances, as authorized by RSA 125-C:16.

II. The director is authorized to issue subpoenas requiring the attendance of such witnesses and the production of such evidence and to administer such oaths and to take such testimony as he may deem necessary.

11 Powers of Director of Air Resources. Amend RSA 125-C:6, I (supp) as inserted by 1979, 359:2 by striking out in lines 2 and 3 the words "by the commission" and inserting in place thereof the following (under it) so that said paragraph as amended shall read as follows:

I. Exercising general supervision of the administration and enforcement of this chapter and all rules adopted and orders promulgated under it.

12 Reference Change. Amend RSA 125-C:6, IX (supp) as inserted by 1979 359:2 by striking out in line 1 the word "commission" and inserting in place thereof the following (air resources advisory committee established by RSA 21-N:8) so that said paragraph as amended shall read as follows:

IX. Consulting the air resources advisory committee established by RSA 21-N:8 on the policies and plans for the control and prevention of air pollution.

13 Reference Change. Amend RSA 125-C:8 (supp) as inserted by 1979, 359:2 by striking out said section and inserting in place thereof the following:

125-C:8 Powers and Duties of Director. The director shall be responsible for the implementation of this chapter and any rule adopted hereunder, and may delegate to a subordinate or subordinates any and all duties vested in him, except rulemaking authority.

14 Rehearings and Appeals. Amend RSA 125-C:14 (supp) as inserted by 1979, 359:2 as amended by striking out said section and inserting in place thereof the following:

125-C:14 Rehearings and Appeals. Notwithstanding the provisions of RSA 21-N:14-16, and any other provision of law, administrative appeals from decisions of the director made under the provisions of this chapter shall:

I. Be heard first by the air resources advisory committee established by RSA 21-N:8, which shall conduct hearings under this paragraph in accordance with the provisions governing adjudicative proceedings under RSA 541-A. Such hearings shall be considered rehearings for purposes of RSA 541 and any other provision of law requiring a rehearing by the department prior to taking an appeal to any court.

II. Any person aggrieved by a decision of the air resources advisory committee may appeal under the provisions of RSA 541.

15 New Chapter. Amend RSA by inserting after chapter 125-D the following new chapter:

#### CHAPTER 125-E HEALTH RISK ASSESSMENTS

125-E:1 Findings, Intent. The general court finds that protection of the public health and welfare demands a state-wide capacity to assess the nature of and risks to both humans and ecosystems associated with exposure to a variety of environmental contaminants. Recognizing that health risk assessment entails responding to situations where scientific data and exposure standards are often incomplete at best, the general court finds that the success of such a program requires flexible access to medical, scientific, and engineering expertise in all agencies of state government. The general court enacts this chapter in order to provide a mechanism for health risk assessment. The general court intends that the division of public health services, which has primary state responsibility for protecting the public health, shall be the lead agency for health risk assessment. It further intends that other state agencies shall cooperate fully in making personnel with training and experience in the disciplines necessary to accomplish such assessments available to the division of



public health services on a reasonable basis. In establishing this function, the general court intends to provide regulatory decision-makers who shall analyze, assess, and manage public and environmental health risks with the most timely and accurate information and analysis available.

125-E:2 Definitions. In this chapter:

I. "Acute health effect" means an adverse health outcome or disease which manifests itself upon or shortly after exposure to an environmental hazard.

II. "Adverse health outcome" means any condition which results in human morbidity, mortality, impaired reproductive function, toxicity, teratogenic, carcinogenic, or mutagenic effects.

III. "Chronic health effect" means an adverse health outcome or disease which manifests itself over a long incubation or latency period. Chronic health effects can result from either a limited high level or long term, low level exposure to an environmental hazard.

IV. "Director" means the director of the division of public health services.

V. "Division" means the division of public health services, department of health and human services.

VI. "Dose-response assessment" means the determination of the relation between the magnitude of exposure to environmental hazards and the probability of occurrence of adverse health effects.

VII. "Environmental hazard" means any biological, chemical, or physical agent present in the environment which has the potential of causing disease or adverse health outcome.

VIII. "Environmental health risk assessment" means the use of scientific and medical data to define potential health effects of exposure of individuals or populations to environmental hazards.

IX. "Exposure assessment" means the determination of the extent of human exposure to an environmental hazard.

X. "Users oversight group" means the users oversight group established under RSA 21-N:13.

XI. "Hazard identification" means the scientific process of collecting and validating data to determine if biological, chemical, physical agents man-made or naturally occurring can be causally linked to particular chronic or acute health effects.

XII. "Imminent health hazard" means the immediate threat to the population of an adverse health outcome posed by an environmental hazard.

XIII. "Risk characterization" means the description of the nature and, when possible, the magnitude of human risk from an environmental hazard, including its attendant uncertainty.

XIV. "Risk management" means the use of the results of environmental health risk assessments or other information in order to develop and evaluate regulatory options, within a statutory framework, to reduce the risk of harm to human health and ecosystems to the greatest possible degree.

125-E:3 Health Risk Assessment Bureau; Duties.

I. There is established within the division of public health services a health risk assessment bureau under the direction of a classified administrator of health risk assessments. The bureau shall be responsible for administering the health risk assessment program.

II. The bureau shall provide completed health risk assessments to other state agencies for use in risk management activities. This includes human health risk assessment of known or suspected environmental hazards and on pending regulatory actions regarding environmental protection being considered by other state agencies. The health risk assessment shall consist of some or all of the following information: hazard identification, dose-response assessment, exposure assessment, and risk characterization.

III. The director shall have the authority to establish and dissolve risk assessment teams as necessary, based upon the need for assessment of particular situations.

IV. The director shall have the responsibility for the development of environmental quality standards, criteria, and guidelines to protect human health in consultation with the commissioner of environmental services or his designee or designees. These shall be adopted as rules under RSA 541-A after approval by the commissioner of health and human services and the users oversight group and shall be made available to other agencies for consideration in risk management activities.

V. The director shall have the authority to apply for and accept federal funds or other assistance as are available for the conduct of environmental health risk assessment activities or as are available to carry out this chapter.

125-E:4 Imminent Health Hazard. The director shall have the responsibility, upon the receipt and validation of information of an imminent health hazard, to inform the users oversight group which shall inform the governor of such threat and request that such state agencies as may be responsible by statute take necessary and immediate action to abate the environmental hazard. The director shall provide recommendations and advice as necessary, and shall determine when the imminent hazard has been abated.

125-E:5 Interagency Cooperation.

I. In order to carry out health risk assessment, the director is authorized to request and receive, on a reasonable basis, the assistance of personnel in any agency of state government with training or experience in any of the following fields:

- (a) Medicine.
- (b) Toxicology.
- (c) Epidemiology.
- (d) Environmental epidemiology.
- (e) Environmental health.
- (f) Industrial hygiene.
- (g) Occupational health nursing.
- (h) Ecology.
- (i) Environmental sanitation.
- (j) Engineering.
- (k) Radiological health.
- (l) Biological sciences, including wildlife biology.
- (m) Any other necessary discipline.

II. In order to assure cooperation among agencies in the health risk assessment process, the director shall initiate the preparation of written memoranda of understanding with the executive head of any other agency of state government employing personnel needed for carrying out environmental health risk assessments. The memoranda shall include, at a minimum, the following:

(a) A procedure for identifying and agreeing upon the personnel, facilities, and equipment available for environmental health risk assessments.

(b) The contents and timing of a request for assistance.

III. The director shall initiate the process of preparing memoranda of understanding with a written, dated request to undertake the process to the executive head of the agency concerned. If agreement between the director and the concerned agency head is not reached within 90 days, the director shall send written notification of the impasse to the governor. The governor shall cause the memorandum of understanding to be prepared and put into effect within 60 days of receiving the notification from the director.

IV. If a dispute should arise regarding the implementation of any memorandum of understanding under this section, the director shall notify the governor with a written, dated document of the dispute. The governor shall resolve the dispute within 5 working days of receiving notification from the director.

## 125-E:6 Reports.

I. The director shall prepare written reports detailing the results of any environmental health risk assessment undertaken pursuant to this chapter.

II. The director shall make these reports available to those state or local officials responsible for risk management decisions and activities.

125-E:7 Environmental Risk Analysis. Any environmental hazard assigned to the risk analysis and management unit in the office of the commissioner of environmental services shall be the direct responsibility of the assistant commissioner who shall have the same duties and responsibilities relative to environmental hazards as the director of the division of public health services has relative to human health risks under this chapter. Any rules adopted by the assistant commissioner hereunder shall have the prior approval of the commissioner of environmental services and of the users oversight group.

16 Laboratory Purposes. Amend RSA 131:1 by inserting in line 5 after the word "health" the words (and the environment) so that said section as amended shall read as follows:

131:1 Purposes. The department of health and human services, division of public health services, may establish, equip, and operate a laboratory or laboratories with such expert assistants and such facilities as are necessary for routine examinations and analyses and for original investigations and research in matters affecting public health and the environment.

17 Investigations. Amend RSA 131:2 by striking out said section and inserting in place thereof the following:

131:2 Investigations. The director of public health services shall make investigations and analyses of foods and drugs offered for sale in our markets with a view of discovering adulterated, misbranded, and unhealthful or unsafe products and shall make investigations concerning food sanitation and similar matters of sanitation and shall enforce the laws relative to all such matters. The director shall conduct such toxicological investigations as may be requested by the attorney general or county attorneys. The director shall provide laboratory services as requested by the department of environmental services. The director may employ such clerical and technical personnel as may be necessary.

18 Testing of Water Supplies. Amend RSA 131:3 by striking out said section and inserting in place thereof the following:

131:3 Testing of Water Supplies. The director of public health services shall provide laboratory support to the division of water supply and pollution control, department of environmental services, necessary to assist the division of water supply and pollution control to perform its investigatory and enforcement functions relative to protecting public water supplies, and sources furnishing water to institutions, schools, hotels, camps, other places of public resort, and individuals, and advise in connection with the same.

19 Reimbursements. Amend RSA 131:4 by inserting in line 9 after the word "transit", the following (The department of environmental services shall transfer to the appropriations supporting the laboratory functions of the division of public health services all funds received from the federal government or other sources intended to support laboratory services requested by the department of environmental services under RSA 131:2.) so that said section as amended shall read as follows:

131:4 Service; Reimbursements. All investigations conducted in the said laboratory under the provisions of this chapter shall be free to the people of this state, provided that in the case of investigation or service rendered to other departments, not required of it by law, payment may be made for such service by the department requesting the same. There shall be credited to the appropriation for said laboratory reimbursement of the cost to it of stock or supplies furnished to other departments or to the public as an accommodation and any disbursements received on



account of property lost or damaged in transit. The department of environmental services shall transfer to the appropriations supporting the laboratory functions of the division of public health services all funds received from the federal government or other sources intended to support laboratory services requested by the department of environmental services under RSA 131:2

20 New Section. Amend RSA 131 by inserting after section 6 the following new section:

131:7 Cooperation. The director of public health services and laboratory employees of the division of public health services shall co-operate with the users oversight group established by RSA 21-N:13 relative to the duties of the users oversight group.

21 Plumbing Board Administratively Attached. Amend RSA 329-A:3, III (supp) as inserted by 1985, 286:3 by striking out said paragraph and inserting in place thereof the following:

III. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of environmental services, division of water supply and pollution control.

22 Eliminating Promotion Functions of Board. Amend RSA 481:1-a, I (supp) as inserted by 1985, 400:6 by striking out said paragraph and inserting in place thereof the following:

I. It is declared that there is a statewide need for conservation and distribution of water and the regulation of the flow of rivers and streams, and for the development of hydro-energy sources, and that the public interest, welfare, and necessity may require the construction of projects for the conservation, development, storage, distribution, and utilization of water and the operation of hydro-energy production facilities relying on water energy resources. The department of environmental services shall be regarded as performing a governmental function in carrying out these provisions. In carrying out the provisions and purposes of this chapter, the department of environmental services shall not, however, perform promotion activities which involve new or existing hydroelectric generation projects.

23 Department Powers. Amend the introductory paragraph of RSA 481:3 and RSA 481:3, I (supp) as amended by striking out said paragraphs and inserting in place thereof the following:

481:3 Authority of Director. The director of water resources may engage in projects, financed as set forth in this chapter. The director is authorized:

I. To investigate and identify the facilities for storing surplus water, and for conserving, controlling and distributing surplus water, and to investigate and identify facilities for the production and utilization of hydro-energy.

24 Limiting Authority to Promote Hydro-Energy Production Facilities. Amend RSA 481:3, X (supp) as amended by striking out said paragraph and inserting in place thereof the following:

X. To apply for and hold all necessary permits and licenses, and to meet all requirements of the Federal Energy Regulatory Commission in developing hydro-energy production facilities, subject to the authority of the division of economic development in the department of resources and economic development to promote hydro-energy projects.

X-a. To provide technical assistance to the division of economic development of the department of resources and economic development when the division requests such assistance in the promotion or development of a hydro-energy project.

25 Management. Amend RSA 481:4 by striking out said section and inserting in place thereof the following:

481:4 Corporation Established. There shall be a public corporation called the New Hampshire water resources board. The management of the corporation shall be vested in a board of 5 directors to be appointed by the governor, with the advice and consent of the council, provided that one director shall be the director of the division of water resources, who

shall serve as chairman. Each member, except the chairman, shall hold office for 5 years and until his successor is appointed and qualified, and any vacancy shall be filled for the unexpired term. All of the members shall serve without salary, but they may receive such compensation for attending meetings as may be fixed by the governor and council, with reasonable expenses incurred in the performance of their duties. The governor and council may at any time remove a director for inefficiency, neglect of duty, or malfeasance in office, but no director shall be removed without a hearing, after notice in writing of the charges against him. The board shall serve as the advisory committee to the division of water resources, department of environmental services, as provided by RSA 21-N:9.

26 Powers. Amend RSA 481:6, I, as amended in striking out said paragraph and inserting in place thereof the following:

I. The director of water resources shall have the power to make contracts with the United States, any state in the United States, a foreign country, or any public corporation or body in another state or country.

27 Expenditures. Amend the introductory paragraph of RSA 481:33 as inserted by 1982, 24:1 by striking out in line 2 the words "New Hampshire water resources board" and inserting in place thereof the following (commissioner of environmental services) so that said paragraph as amended shall read as follows:

481:33 Expenditure. Notwithstanding other provisions of law the commissioner of environmental services shall expend such sums from the dam maintenance fund as are necessary for performance of work on state-owned dams only in the following categories:

28 Wetlands Board Members. Amend 483-A:1-c, as inserted by 1979, 392:1 as amended by striking out said section and inserting in place thereof the following:

483-A:1-c Establishment of Wetlands Board.

I. There is hereby established a wetlands board for the purpose of carrying out the provisions of law conferring on the division of water resources authority to decide matters relative to resources of the state, including, but not limited to, excavating, dredging, and filling waters of the state. Appointees and officials shall have voting rights as members of the wetlands board; provided, however, that nothing herein shall be construed as affecting other duties of the division of water resources with reference to dams, water levels, and administration of the division or the department of environmental services. The wetlands board shall be composed of the following:

(a) The executive director of the department of fish and game or his designee;

(b) The commissioner of the department of transportation or his designee;

(c) The commissioner of the department of resources and economic development or his designee;

(d) The director of the office of state planning or his designee;

(e) The director of the division of water resources in the department of environmental services or his designee;

(f) The director of the division of water supply and pollution control in the department of environmental services or his designee;

(g) The director of the division of waste management in the department of environmental services or his designee;

(h) The commissioner of the department of safety or his designee;

(i) 3 members of the public appointed by the governor and council for a term of 3 years or until a successor is chosen. One of these shall be a member of a municipal conservation commission at the time of appointment, one shall be a member of a soil or water conservation

district at the time of appointment, and one shall be an elected municipal official at the time of appointment. The 3 members appointed under this subparagraph shall be entitled to expenses as may be authorized by the governor and council.

II. The wetlands board shall be administered by the commissioner of environmental services.

29 Water Well Board. Amend RSA 489-B:3, I (supp) as inserted by 1983, 359:1 by striking out said paragraph and inserting in place thereof the following:

I. There is hereby created a board to be known as the New Hampshire water well board. The water well board shall be administered by the commissioner of environmental services. The board shall consist of 6 members who are residents of the state, appointed by the governor with the advice and consent of the council as follows: one member shall be the director, division of water resources, department of environmental services, or his designee; one shall be the state geologist; 2 shall be active water well contractors with at least 10 years of experience; one shall be an active pump installer with at least 10 years of experience; and one shall be a member of the public who has demonstrated concern for and knowledge of water resources management in New Hampshire. Each member shall hold office for a term of 5 years and until his successor is appointed and qualified; provided, however, that the original appointments shall be as follows: the member of the public for a 2-year term; one water well contractor for a 3-year term; one water well contractor for a 4-year term; and the pump installer for a 5-year term. Appointments to fill vacancies shall be for the unexpired term. The governor and council may remove any member of the board for good cause.

30 Incumbent Unclassified Employees.

I. The individuals holding the following unclassified positions on the effective date of the transfers provided for by this act are transferred to the department of environmental services and shall perform such duties as the commissioner shall assign; provided, however, that they shall serve only for the remainder of their existing terms or, if the terms are not specified, for 4 years after the date of transfer and, except as provided in paragraph II, at the salaries they received at the time of their transfers:

(a) The director, municipal services, water supply and pollution control commission.

(b) The chief aquatic biologist, water supply and pollution control commission.

(c) The assistant chief engineer - administrators, water supply and pollution control commission.

(d) The deputy executive director, water supply and pollution control commission.

II. Any individual in a position named in paragraph I or III who has not reached the maximum salary provided for his unclassified position prior to the effective date of his transfer shall be permitted to receive yearly service increases up to the maximum salary level in the manner provided by RSA 94:3.

III. The person serving as the chairman of the water resources board on the effective date of the transfers provided by this act shall become the first director of the division of water resources at the salary he received at the time of his transfer, and for a term of one year from the effective date of the transfers provided for by this act. The person serving as the executive director, water supply and pollution control commission, on the effective date of the transfers provided by this act shall become the first director of the division of water supply and pollution control at the salary he received at the time of his transfer, and for a term of one year from the effective date of the transfers provided for by this act. The person serving as director of the air resources agency on the effective date of the transfers provided for by this act shall become the first director of the division of air resources



at the salary he received at the time of his transfer and for the remainder of the term to which he was appointed under the provisions of RSA 125-C:7.

31 Salaries.

I. Amend RSA 94:1-a (supp) as inserted by 1975, 505:28 as amended by striking out the following:

(a) In group L, director, municipal services, water supply and pollution control commission.

(b) In group M, chief aquatic biologist, water supply and pollution control commission; and director, air resources agency.

(c) In group N, assistant chief engineer - administrators, water supply and pollution control commission.

(d) In group N, chairman, water resources board.

(e) In group O, deputy executive director, water supply and pollution control commission.

(f) In group P, executive director, water supply and pollution control commission.

II. Amend RSA 94:1-a (supp) as inserted by 1975, 505:28 as amended by inserting in group S, the following:

commissioner, department of environmental services.

32 Temporary Authority to Set Salaries.

I. The commissioner of environmental services appointed pursuant to this act shall include as part of the implementation plan required by the laws of 1983, 372:4, III recommendations as to the appropriate temporary salary level for the assistant commissioner and the directors of all divisions of the department.

II. The joint committee on implementation of reorganization established by RSA 17-L shall submit the recommendations submitted in accordance with paragraph I to the joint fiscal committee of the general court. The joint fiscal committee shall consider these recommendations and shall set a temporary salary level for the assistant commissioner and each division director of the department of environmental services, except as otherwise provided by this act.

III. The joint fiscal committee shall recommend permanent salary levels for the assistant commissioner and each division director of the department of environmental services to the next regular session of the general court following the effective date for the department of environmental services established pursuant to this act. In any case, the temporary salary levels set pursuant to this section shall expire 10 days after the last session day of the next regular or special session following the effective date for the department of environmental services established pursuant to this act.

33 Appeals. The appeals procedures established in RSA 21-N:14-16, as inserted by section 1 of this act, shall be utilized within the department of environmental services in lieu of any other appeal procedures in effect as of the date when the department of environmental services becomes operational set according to the laws of 1983, 372:5, II, except that any administrative appeal commenced prior to that date shall be heard and decided by the commissioner of environmental services, or the air resources advisory committee in the case of air resources appeals, under the procedures in effect at the time such appeals commenced.

34 Recodification Committee. There is hereby established a joint legislative committee for recodifying the water laws of the state. The committee shall consist of 4 members of the house of representatives, appointed by the speaker, and 4 members of the senate, appointed by the senate president. The committee shall review the state's existing laws relative to water management and make recommendations to the general court which shall be consistent with the provisions of this act. The committee shall submit its findings to the speaker and the senate president on or before January 1, 1988. The committee's legislative recommendations shall:

I. Incorporate into a single act entitled "The Water Management and Protection Act" that part of existing law which is relevant to water resources management.

II. Repeal laws which are no longer pertinent and correct any inconsistencies which may exist in current law.

III. Amend existing law as necessary to further define and clarify the intent of the general court with regard to the management of water resources and activities which may affect those resources.

IV. Insert in other law, as appropriate, reference to the applicability and need to comply with the provisions of the new water management and protection act.

V. Notwithstanding the provisions of the joint rules of the house and senate, legislation prepared under this section shall be permitted to be introduced as a bill into the 1988 regular session of the general court.

### 35 Sunset.

I. There is hereby created a PAU for the department of environmental services established by section 1 of this act which shall expire July 1, 1992, unless renewed by the general court under RSA 17-G.

II. The provisions of this section shall supersede the review schedule under RSA 17-G for the PAU's of the water supply and pollution control commission, the water resources board, the air resources agency, and the department of health and human services, division of public health services, office of waste management.

### 36 Repeals. The following are hereby repealed:

I. RSA 12-A:11, relative to the transfer of the water resources board.

II. RSA 125-C:3, relative to the air resources commission.

III. RSA 125-C:5, relative to the air resources agency.

IV. RSA 125-C:7 relative to the director of the air resources agency.

V. RSA 147-A:1, relative to the establishment of the office of waste management.

VI. RSA 147-A:2, X-a; 147-B:2, VIII-a; 147-C:1, VII; 147-D:1, VI-a; and 149-M:1, X-a, relative to the definition for the office of waste management.

VII. RSA 149:4, VIII, relative to laboratories for the water supply and pollution control commission.

VIII. RSA 149-M:1, II, and 149-M:4 relative to the definition for the solid waste management board.

IX. RSA 149:1, VI, relative to the definition for the water supply and pollution control commission.

X. RSA 149:2, relative to the establishment of the water supply and pollution control commission.

XI. RSA 481:3, XI, relative to groundwater investigations.

XII. RSA 481:5, relative to the salary of the chairman of the water resources board.

XIII. RSA 481:18, relative to the assets of the water resources board.

37 Conditional Provision. If an act of the 1986 regular session entitled "An act establishing a department of natural resources" which includes a division of water resources, protection, and management, becomes law, then sections 1-33, 35, and 36 of this act shall be null and void, and shall not take effect.

### 38 Effective Date.

I. Sections 7, I; 22; 23; 24; 25; 26; 27; 28; 29; 31, I; and 36 of this act shall take effect when the department of water management and protection becomes operational on the date set according to 1983, 372:5, II.

II. The remainder of this act shall take effect July 1, 1986.

Amendment adopted.

Rep. Robert Holmes spoke in favor of the report.

Rep. Guay moved that HB 430 be laid upon the table.

The Chair requested a division.

48 members having voted in the affirmative and 223 in the negative, the motion lost.

Rep. Guay spoke against the report and yielded to questions.

Rep. Woodward spoke in favor of the report.

Ordered to third reading.

HB 438-FN, relative to New Hampshire retirement system benefits.

Ought to Pass with Amendment.

This bill, as amended, provides improved, permanent additional benefits (COLA's) for current retirees with permanent funding from system assets; sets up a sound permanent mechanism for funding future additions; gives group I retirees full credit for all years of service; and generally simplifies and clarifies several sections of the retirement statute. Vote 15-0. Rep. Richard H. Campbell for Executive Departments and Administration.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Definition; Terminal Funding. Amend RSA 100-A:1 by inserting after paragraph XXIX the following new paragraph:

XXX. "Terminal funding" shall mean providing the full present value of the total liability for benefit improvement. Unless otherwise specified, the source of terminal funding shall be the special account established under RSA 100-A:16, II(h).

2 Service Retirement Benefits; Group I Members. Amend RSA 100-A:5, I (supp) as inserted by 1967, 134:1 as amended by striking out said paragraph and inserting in place thereof the following:

#### I. Group I Members.

(a) Any group I member may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time, not less than 30 days nor more than 90 days subsequent to the filing thereof, the member desires to be retired, provided the member at the time so specified for retirement has attained age 60 and notwithstanding that during such period of notification the member may have separated from service. For the purposes of this section, a teacher member of group I who remains in service throughout a school year shall be deemed to be in service during July and August at the end of such school year.

(b) Upon service retirement, an employee member or teacher member of group I shall receive a service retirement allowance which shall consist of: (1) a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of retirement; and (2) a state annuity payable prior to the member's attainment of age 65 which, together with the member annuity, shall be equal to 1/60 of the member's average final compensation multiplied by the number of years of creditable service. After attainment of age 65, the state annuity shall be reduced by 1/120 of the member's average final compensation not in excess of the applicable Social Security breakpoint for each year of creditable service; provided that such reduced retirement allowance, together with the primary insurance amount, shall not be less than the service retirement allowance the member was receiving prior to attainment of age 65; and further provided that no such reduction shall be made in respect to any teacher for years of creditable service between July 1, 1945, and July 1, 1950, and for those years of creditable service between July 1, 1950, and July 1, 1957, with respect to which the teacher did not elect a refund of past contributions under RSA 192:21. For the purposes



of the above, Social Security breakpoint shall mean \$4,200 with respect to each year of prior service and shall mean the maximum amount of taxable wages under the Federal Insurance Contributions Act as from time to time in effect with respect to each year of membership service. The provisions of this subparagraph shall apply prospectively to those group I employee and teacher members currently retired before July 1, 1986.

(c) Notwithstanding any other provision of law, any group I member who meets the requirements of RSA 100-A:10, I(a), and who has attained the age of 50, but not the age of 60, may elect to retire and have benefits commence immediately as a reduced service retirement allowance upon written application to the board of trustees setting forth the time, not less than 30 days nor more than 90 days subsequent to the filing thereof, at which the member desires to have benefits commence. The service retirement allowance shall be determined in accordance with RSA 100-A:5, I(b) and shall be reduced by 5/9 of one percent for each month by which the date on which benefits commence precedes the month after which the member attains 60 years of age.

(d) Any group I member who qualifies for a service, early, vested or disability retirement allowance may have the benefits payable prior to age 65 and the benefits payable after age 65 actuarially combined and levelled to provide a constant lifetime allowance.

3 Ordinary Disability Retirement Benefits. Amend RSA 100-A:6, I(b) (supp) as inserted by 1967, 134:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(b) Upon ordinary disability retirement, the group I member who has attained age 60 shall receive an ordinary disability retirement allowance which is equal in amount to a service retirement allowance; otherwise the member shall receive an ordinary disability retirement allowance which shall consist of: (1) a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of retirement; and (2) a state annuity, payable until the member is eligible for an unreduced benefit under the Social Security Act, which together with the member annuity shall be equal to 1.5 percent of the member's average final compensation times the number of years of creditable service at the time of disability retirement; provided, however, that such allowance shall not be less than the lesser of 25 percent of the member's average final compensation or 1.5 percent of the member's average final compensation multiplied by the number of years of creditable service the member would have had had the member remained in service until attainment of age 60. After the member is eligible for an unreduced benefit under the Social Security Act, the state annuity shall be reduced to an amount which, together with the member annuity, shall be equal to 90 percent of the service retirement allowance that would be payable after attainment of age 65 as provided in RSA 100-A:5, I(b) on the basis of the member's average final compensation and creditable service at the time of the disability retirement; provided, however, that such reduced disability retirement allowance, together with the primary insurance amount, shall not be less than the ordinary disability retirement allowance payable prior to eligibility for a primary insurance amount.

4 Accidental Disability Retirement Benefits. Amend RSA 100-A:6, I(d) as inserted by 1967, 134:1 by striking out said subparagraph and inserting in place thereof the following:

(d) Upon accidental disability retirement, the group I member who has attained age 60 shall receive a service retirement allowance; otherwise the member shall receive an accidental disability retirement allowance which shall consist of: (1) a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of retirement; and (2) a state annuity, payable until the member is eligible for an unreduced benefit under the Social Security Act, which together with the member annuity shall be equal to 50 percent of the member's average final compensation. After the member is eligible for an

unreduced benefit under the Social Security Act, the state annuity shall be reduced to an amount which, together with the member annuity, shall be equal to the service retirement allowance that would be payable after attainment of age 65 as provided in RSA 100-A:5, I(b) on the basis of the member's average compensation at the time of the disability retirement and 30 years' service.

5 Method of Financing. Amend RSA 100-A:16, II(d) (supp) as inserted by 1967, 134:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(d) Commencing with the date of establishment and until the amount of the unfunded accrued liability has been established, the board of trustees shall determine the percentage normal contribution rate on account of each member classification as the uniform and constant percentage of the earnable compensation of the average new entrant member which, if contributed on the basis of the member's earnable compensation throughout the entire period of active service, would be sufficient to provide for the payment of any state annuity payable on the member's account from contributions by the employer. Commencing with the valuation as of June 30, 1969, the percentage normal contribution rate shall be determined after each actuarial valuation as the rate percent of the earnable compensation of all members obtained by deducting from the total liabilities of the state annuity accumulation fund on account of each member classification the amount of the unfunded accrued liability and the total amount of the funds in hand to the credit of the respective member classification in that fund, subject to subparagraph (h), and dividing the remainder by one percent of the present value of future compensation of all members within the appropriate member classification. Commencing with the valuation as of June 30, 1983, the actuary in determining the percentage normal contribution rate may include a projection of the membership, earnable compensation and assets of the retirement system from the valuation date to the beginning of the year to which such percentage normal contribution rate is applicable; or the actuary may base such determination on the anticipated level of contribution, over and above any accrued liability contribution, as is necessary to maintain such reasonable actuarial funded ratio as may be directed by the board of trustees, and for purposes of this determination the actuarial funded ratio shall be the ratio of the fair market value of the retirement system's assets to the present value of accumulated benefits under the retirement system for all members, but without regard to any future compensation increase.

6 Crediting Earnings to Special Account. Amend RSA 100-A:16, II(h) (supp) as inserted by 1983, 469:146 by striking out said subparagraph and inserting in place thereof the following:

(h) There shall be a special account for additional benefits held by the board of trustees. The special account shall be credited annually with all of the earnings of the special account assets, plus all of the earnings of the remaining assets of the retirement system in excess of the assumed rate of return as determined by the board of trustees. The assets held in the special account shall not be used in the actuarial determination of the rate percent of normal contribution as set forth in subparagraphs (b), (c) and (d). The special account shall be used only to fund or partially fund additional benefits for retired members of the retirement system.

7 Contribution Rate. Amend RSA 100-A:16, II(i) (supp) as inserted by 1983, 469:146 as amended by striking out said subparagraph and inserting in place thereof the following:

(i) If the actuarially determined normal contribution rate as set forth in subparagraphs (b), (c), and (d) on account of any of the various member classifications shall be negative in any fiscal year, then the excess amount resulting from the difference between zero and the negative actuarially determined normal contribution rate shall be used to reduce the employee contribution rate for that member classification in that fiscal year.

8 Additional Allowance. Amend RSA 100-A:42-a (supp) as inserted by 1977, 583:1 by striking out said section and inserting in place thereof the following:

100-A:42-a Additional Allowances in General. Any group I or group II member of the New Hampshire retirement system or any of its predecessor systems shall after retirement be entitled to receive additional allowances if and when enacted by the legislature. Any such additional allowance when granted by the legislature shall become a permanent part of the beneficiary's base retirement allowance. The granting of such additional allowance shall be contingent upon the terminal funding of the total actuarial cost thereof at the time of granting, and shall be paid each year for the life of the beneficiary. Such additional allowance shall be included in the monthly annuity paid to the member or to the member's beneficiary, if the member is deceased and had elected an option to continue payments under RSA 100-A:13. Additional allowances, when granted, shall be compounded on previously granted additional allowances.

9 Additional Allowances for all Beneficiaries. Amend RSA 100-A:42-b (supp) as inserted by 1977, 528:1 as amended by striking out said section and inserting in place thereof the following:

100-A:42-b Additional Allowances.

I. All beneficiaries of the New Hampshire retirement system or of its predecessor systems who are receiving retirement allowances according to RSA 100-A or to RSA 100, RSA 102, RSA 103, or RSA 192 shall receive additional allowances as shown in the following table according to the date of retirement. The additional allowance shown shall become a permanent part of each beneficiary's base retirement allowance as of July 1, 1986:

Date of Retirement	Percent Additional Allowance
Prior to July 1, 1961	71.00
July 1961 - Dec. 1967	55.45
Jan. 1968 - Sept. 1975	42.62
Oct. 1975 - June 1977	27.34
July 1977 - Sept. 1979	21.28
Oct. 1979 - June 1981	10.25
July 1981 - June 1983	5.00

II. The additional allowances provided in paragraph I shall apply, in the percentage shown, to the retired member's service retirement benefits as provided in RSA 100-A:5, or to disability retirement benefits as provided in RSA 100-A:6, or to the annuity of the beneficiary of a deceased member's death benefit as provided in RSA 100-A:8 or 9, or to vested deferred retirement benefits as provided in RSA 100-A:10, or to any optional retirement allowance that the member may have elected under RSA 100-A:13, or to the annuity of a beneficiary of a deceased retired member who elected an option providing for a survivor annuity under RSA 100-A:13.

III. Any retired permanent police beneficiary whose retirement benefit under RSA 103 is less than \$100 per month and who retired prior to May 1, 1961, shall receive an additional monthly retirement allowance equal to the amount by which the regular monthly retirement benefit is less than \$100.

10 New Section; Authorized Deductions. Amend RSA 100-A by inserting after section 10 the following new section:

100-A:10-a Authorized Deductions. Notwithstanding any other provisions of this chapter, any member who makes application for benefits hereunder and who is at the time a member of a group insurance plan which provides hospitalization, hospital medical care, surgical care, and other medical and surgical benefits may request that the monthly payments for such insurance be deducted from the benefit payments which the member is



to receive; and, in such case, said deductions shall be made from the sums due the member.

11 Funding. Funding for the purposes of this act shall be as follows:

I. The total actuarial cost of providing benefits as provided in section 2 of this act shall be funded from the special account created by RSA 100-A:16, II(h) on a terminal basis and shall be paid each year for the life of the beneficiary.

II. The total actuarial cost of providing additional allowances as provided in section 8 of this act shall be funded from the special account created by RSA 100-A:16, II(h) on a terminal basis and shall be paid each year for the life of the beneficiary.

III. The sum of \$16,848 for the biennium ending June 30, 1987, is hereby appropriated to the New Hampshire retirement system from the New Hampshire retirement system administrative account for the purpose of the administration of this act by the board of trustees. This appropriation is in addition to any other funds appropriated to the New Hampshire retirement system.

12 Repeal. The following are hereby repealed:

I. RSA 100-A:16, IV, relative to authorized deductions.

II. 1985, 398:5, which amended RSA 100-A:16, II(d), relative to retirement system financing.

III. 1985, 398:6, which amended RSA 100-A:42-b, II, relative to the retirement allowance rate for group I and group II members.

13 Administration; Transition. The board of trustees of the New Hampshire retirement system shall have until December 31, 1986, to make the administrative, record keeping, and bookkeeping changes which shall be necessary in order to administer the provisions of this act.

14 Effective Date.

I. Section 11 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1986.

Amendment adopted.

Referred to Appropriations.

HB 443-FN, relative to workers' compensation lump sum payments and state retirement benefits. Ought to Pass with Amendment.

This bill would exempt workers' compensation lump-sum payments from offsetting New Hampshire Retirement System disability benefits, as was the customary practice of the trustees for many years. Additional cost to the Retirement System should be offset by savings in workers' compensation costs. The amendment provides a restricted reduced-benefit retirement for judges, similar to that which group I members of the Retirement System now have. Vote 17-0. Rep. Richard H. Campbell, Jr. for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to workers' compensation lump sum payments and state retirement benefits, and judges' retirement benefits.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Retirement of Supreme Court Justices. Amend RSA 490:2 by inserting after paragraph II the following new paragraph:

II-a. A justice who has 15 years or more full-time state employment may, within 24 months of eligibility for judicial retirement, retire, but in such case, his retirement compensation and that of any eligible survivor shall be permanently reduced by 5/9 of one percent for each such earlier month.

4 Retirement of Superior Court Justices. Amend RSA 491:2 by inserting after paragraph II the following new paragraph:

II-a. A justice who has 15 years or more full-time state employment may, within 24 months of eligibility for judicial retirement, retire, but in such case, his retirement compensation and that of any eligible survivor shall be permanently reduced by 5/9 of one percent for each such earlier month.

5 Retirement of District Court Justices. Amend RSA 502-A:6-a by inserting after paragraph III the following new paragraph:

III-a. A justice who has 15 years or more full-time state employment may, within 24 months of eligibility for judicial retirement, retire, but in such case, his retirement compensation and that of any eligible survivor shall be permanently reduced by 5/9 of one percent for each such earlier month.

6 Effective Date.

I. Sections 3, 4, and 5 of this act shall take effect upon its passage.

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

Amendment adopted.

Referred to Appropriations.

HB 461-FN, establishing a department of securities. Refer for Interim Study.

The purpose of this legislation is to establish a new method of securities administration and monitoring, however, the bill in its present form is not ready for enactment. Vote 17-0. Rep. Ann M. Torr for Executive Departments and Administration.

Referred for Interim Study.

HB 468-FN, providing for computer access to public records and creating a public access review committee. Inexpedient to Legislate. The Committee feels that this bill raises a very important issue that the Legislature must address in the future. It serves a worthwhile purpose to raise questions and start people thinking at this time. The bill is entirely too broad and general to even study in its present form. The Committee feels that the bill is too flawed to work with and hopes that the sponsors will redraft the bill with a more focused scope for introduction in the next session of the Legislature. Vote 17-0. Rep. Harold W. Watson for Executive Departments and Administration.

Rep. McCain moved that HB 468-FN be referred for Interim Study and spoke to his motion.

Adopted.

HB 483-FN, establishing a division of adult and elderly services within the department of health and human services. Ought to Pass with Amendment.

This bill creates a new division of Elderly and Adult Services, which replaces the present responsibilities and programs of the State Council on Aging. Present Council members become members of a new State Committee on Aging which is charged with working closely with the new Division Director in the assessment of issues relating to the aged, and developing programs and strategies addressing those issues.

The Ombudsman's autonomy is insured with "administrative attachment" to the Office of the Commissioner of Health and Human Services, with oversight and accountability for the Ombudsman provided by both the Commissioner and the Attorney General. Vote 12-4. Rep. Dean Dexter for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

establishing a division of elderly and adult services within the department of health and human services.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Division of Elderly and Adult Services Established. Amend RSA 126-A:3 (supp) as inserted by 1961, 222:1 as amended by striking out said section and inserting in place thereof the following:

126-A:3 Department Established. There shall be a department of health and human services under the executive direction of a commissioner of health and human services, which department shall include the following divisions:

- I. A division of elderly and adult services;
- II. A division of public health services;
- III. A division of mental health and developmental disabilities;
- IV. A division of human services; and
- V. A division for children and youth services.

2 Director of Elderly and Adult Services Added. Amend RSA 126-A:6 (supp) as inserted by 1981, 156:1 as amended by striking out said section and inserting in place thereof the following:

126-A:6 Directors of Divisions.

I. Each director shall be responsible for the administrative and executive direction of his respective division, subject to the approval of the commissioner. Each shall be appointed by the governor and council after nomination by the commissioner of health and human services. Each director shall hold office for a term of 4 years. Each may, in his discretion, establish advisory committees to assist him in developing divisional programs and policies. The provisions of RSA 21-G:8 shall apply to appointments under this section.

II. The qualifications of the directors shall be as follows:

(a) The director of the division of elderly and adult services shall have at least 5 years' experience in the field of elderly and adult services and have an advanced degree in human services, public administration, the social sciences, or a related discipline.

(b) The director of public health services shall be a physician licensed or eligible for licensure in New Hampshire, with at least 5 years' administrative experience in public health.

(c) The director of the division of mental health and developmental services either shall be a physician-psychiatrist licensed or eligible for licensure in New Hampshire, or shall hold a master's degree in public management, public health administration, or the equivalent of one of such degrees, and shall have at least 10 years' experience in the mental health field.

(d) The director of human services shall be duly qualified through training at an accredited school of social services with emphasis in public welfare administration and have at least 5 years' experience in the field of public welfare.



(e) The director of children and youth services shall have an advanced degree in human services, public administration, social science, or a related discipline, and shall have at least 5 years' experience in children and youth services.

3 Salaries of Commissioner and Division Directors. Amend RSA 126-A:7 as inserted by 1961, 222:1 as amended by striking out said section and inserting in place thereof the following:

126-A:7 Salaries. The annual salaries of the commissioner of health and human services, the deputy commissioner of health and human services, the assistant commissioner of health and human services, the director of the division of elderly and adult services, the director of the division of public health services, the director of the division of mental health and developmental disabilities, the director of the division of human services, and the director of the division for children and youth services shall be as prescribed by RSA 94:1-5.

4 Implementation Plan. All support services to all segments of the elderly and adult population of the state except income supplementation shall be consolidated in one administrative unit to the greatest extent possible. The commissioner of health and human services is, therefore, directed to consult with the director of the state council on aging and any other members of the director's staff or the commissioner's own staff or any other persons. The commissioner is then, after consulting with the members of the state council on aging, to prepare and submit an implementation plan creating a division of elderly and adult services by September 1, 1986. The plan shall be submitted to, and reviewed and approved by, a joint committee of the legislature consisting of the executive departments committee of the senate and the executive departments and administration committee of the house of representatives. The chairmen of those committees shall serve as co-chairmen of the joint committee. The plan shall add no additional employees to the state service and for each new position created by it a comparable existing position shall be abolished.

5 Changes in Plan. Any changes in the implementation plan established under section 4 of this act approved by a majority vote of the joint committee shall be adopted by the commissioner of health and human services, but the plan shall become effective in any event on January 1, 1987, subject to any changes approved by the joint committee.

#### 6 Transition.

I. The commissioner of health and human services shall nominate for appointment by the governor and council the director of the division of elderly and adult services on or before January 1, 1987. The governor may draw his warrant upon funds not otherwise appropriated to cover reasonable expenses associated with the transition.

II. The commissioner of health and human services may transfer appropriations and personnel of the department in accordance with state procedures and rules of the department of personnel for the purposes of carrying out the duties of the division.

7 Salary of Director, Division of Elderly and Adult Services. Amend RSA 94:1-a (supp) as inserted by 1975, 505:28 as amended by inserting in group N, director, division of elderly and adult services, department of health and human services.

8 Federal Funds; Council; Discount Program; Companion Animals. Amend RSA 126-A by inserting after section 64 the following new subdivisions:

#### Older Americans Act

126-A:65 Federal Funds. The division of elderly and adult services of the department of health and human services shall be the single state agency responsible to administer in New Hampshire the Older Americans Act of 1965 and subsequent legislation pursuant to that act and to receive all federal funds under Title III of said act. The division is also authorized to receive federal funds other than from the Administration on

Aging to administer that act. The state treasurer shall receive and place in an account all federal funds paid to the state under that act, subject to requisition or disbursement by the division as a single state agency. The division is authorized to receive and expend federal funds made available to it.

126-A:66 Administration of State Plan. The division shall be the sole and final agency designated as the single state agency for administering or supervising the administration of the New Hampshire state plan for implementing the Older Americans Act of 1965, including final decisions as to disposition of Title III project grant funds. The division shall have authority to submit or revise the New Hampshire state plan and shall be the sole state agency responsible for administering the program described in the state plan and shall collect and publish supporting statistics by county on the functional needs of and the services available to the New Hampshire elderly.

#### State Committee on Aging

126-A:67 Committee Established; Organization; Meetings; Expenses.

I. There shall be a state committee on aging which shall consist of 15 members. Three members shall be appointed by the governor with the approval of the council from each of the 5 councilor districts established under RSA 661:2. Each of the members shall serve for a term of 3 years. At least 8 members shall be 60 years of age or older at the time of their appointment, and not more than 8 members shall be of the same political party. Eight members shall constitute a quorum. No member shall serve more than 2 consecutive terms, and no member shall have a material financial interest in any agency receiving federal or other funds administered by the committee.

II. The governor shall name one member of the committee to act as chairman. His term of office as chairman shall be for 2 years. The chairman shall call the first meeting of the council. The committee shall elect a vice-chairman and a clerk.

III. The committee shall meet no less than once in each 3 month period.

IV. All members of the committee shall be reimbursed for actual expenses, including any necessary in-state travel connected with committee business at the mileage rate established for state employees, within the limits of the appropriation made therefor.

126-A:68 Duties. The committee shall assist the director of the division of elderly and adult services to make a continuing assessment of problems relating to the aged and in determining what steps should be taken to provide better integration of the aged into the social and economic life of the state. The committee shall solicit the cooperation and help of the various groups concerned with the problems of the aged and shall obtain from such groups their views, experience, assistance, and recommendations in the preparation and direction of future planning and administrative and legislative action as the committee may from time to time deem necessary and advisable. All governmental agencies within the state shall cooperate with the committee in making available such information, suggestions, and statistics to enable the committee to perform its functions.

126-A:69 Establishment and Support of Programs by a Municipality. Any city, county, or town may establish programs for the aged and such programs may be administered by appropriate existing offices or departments, or new offices or departments, of such governmental units. A city, county, or town may raise and appropriate funds for the administration of these programs. Any city, county, or town, with the advice of the state committee on aging, may raise the appropriate funds to assist or fund, in whole or in part, nonprofit corporations or agencies in administering programs for the aged.



## Golden Granite State Discount Card

126-A:70 Program Established. There is hereby established in the state of New Hampshire the golden granite state discount card program, a program to provide a system of voluntary discounts given by participating merchants to aged persons holding discount cards. The division of elderly and adult services shall be responsible for administering the program.

126-A:71 Duties of Division. The duties of the division with regard to the discount card program shall be as follows:

I. Administering the program, including the use of staff, space, and equipment maintained by the division to carry out the purposes of this subdivision.

II. Acquiring any federal or other funds available for the program and cooperating with the governor in an effort to obtain any discretionary funds or other funds available to the program through the office of the governor.

III. Encouraging the aged to participate in the program by urging them to apply for discount cards.

IV. Encouraging merchants to participate in the program by urging them to offer discounts to persons who hold discount cards.

V. Advertising the program as is deemed necessary for its success.

VI. Cooperating with the division of motor vehicles in providing for the distribution of identification cards to all eligible applicants.

VII. Establishing a set of procedures and forms whereby each merchant wishing to participate will sign a statement of intent to be filed with the division, on which the merchant shall stipulate the amount of the discount offered and the time limits, if any, on the discount.

126-A:72 Rules. The director, after consultation with the state committee on aging and approval by the commissioner, shall adopt rules, pursuant to RSA 541-A, to effectuate the purposes of RSA 126-A:71.

126-A:73 Eligibility for Card. Any resident of New Hampshire 60 years of age or older is eligible for a discount card as provided in this subdivision.

126-A:74 Discount Cards. The director shall cooperate with the director of the division of motor vehicles in using identification cards as provided under RSA 260:21, with any necessary alterations, as the discount cards required for the purposes of this subdivision.

126-A:75 Eligible Merchants; Statement of Intent. Any merchant who signs a statement of intent which stipulates the amount of the discount he will offer, any limitations on the time during which it will be offered, and a promise not to raise his price over the discount and who adheres to this statement may participate in the discount card program.

126-A:76 Suspension of Card Privileges. Any person who holds a discount card and allows another person to use his card to obtain a discount shall have his card suspended by the director for such period as the director deems fit.

126-A:77 Suspension of Merchants. Any merchant who fails to adhere to the agreement contained in the statement of intent pursuant to RSA 126-A:75 or who falsely advertises discounts for holders of discount cards shall be suspended from the program for such period as the director deems fit.

126-A:78 Withdrawal by Merchants. Any merchant participating in the program may withdraw at any time by giving notice to the director and removing any decal posted in or on his premises.

126-A:79 Discount Card Fund. All funds received by the director pursuant to RSA 260:22 or RSA 126-A:71, II shall be kept in a separate account and are continually appropriated for the purposes of this subdivision.



126-A:80 Definitions. In this subdivision:

I. "Animals" means common domesticated household animals limited to: dogs, cats, caged birds, and aquarium fish.

II. "Housing for the elderly" means public housing facilities financed by either the state or federal government to provide living accommodations for persons 60 years of age or older but shall not include nursing homes or high-rise apartment buildings.

126-A:81 Authority. Any housing for the elderly shall permit the tenants of each housing project upon petition of 10 percent of all the tenants to determine by a simple majority vote of those voting whether or not to allow the tenants in their building to have companion animals, provided that a 6-month period elapses between votes and that a subsequent vote shall not affect animals already on the premises which were permitted by a previous vote. If the vote permits tenants to maintain companion animals on the premises, the tenants shall adopt, with input from building management, rules relative to reasonable limitations and restrictions to be imposed for maintaining a companion animal that are not covered by RSA 126-A:83. Any complaints regarding a tenant's companion animal shall be handled in the same manner as any other tenant complaint and pursuant to the provisions of RSA 466:31.

126-A:82 Damage Deposit. If companion animals are permitted, tenants desiring to have them as pets shall post, with the management of the building, a damage deposit which shall be a sum of money not to exceed 1-1/2 times the amount of a month's rent paid by the tenant.

126-A:83 Owner's Responsibility. The tenant owner of a companion animal shall have the following responsibilities:

I. (a) To provide the management with a signed agreement with some person, or other legal entity, other than another tenant, that such person or legal entity shall act as a temporary or permanent caretaker for the companion animal if the owner cannot care for it, whether temporarily or permanently.

(b) The signed agreement shall also permit management to implement the agreement referred to in subparagraph (a), if the animal is not cared for properly or is abused in any manner.

II. To provide the management with a veterinarian certificate stating that the animal is in good health and, if the animal is a cat or a dog, that it has been neutered or spayed, as applicable.

III. To be totally responsible for the care and cleanliness of the companion animal both within the owner's building, on the building grounds, or on adjacent property.

IV. To be limited to no more than one companion animal per apartment, with the exception of birds and aquarium fish.

V. To abide by any local ordinances that may affect the custody of certain companion animals.

9 Office of Ombudsman Established. Amend RSA 126-A by inserting after section 11 the following sections:

126-A:11-a Office Established. There is hereby established the office of the ombudsman to be administratively attached to the office of the commissioner of health and human services under RSA 21-G:10. The office shall be responsible for receiving, servicing, investigating, and resolving complaints or problems concerning health care facilities and for investigating the administrative acts and omissions of any facility or government agency as defined in RSA 126-A:11-b, V and VI.

126-A:11-b Definitions. In RSA 126-A:11-a through 11-i:

I. An "act" of any facility or government agency includes any failure or refusal to act by such facility or government agency.

II. "Administrator" means any person who is charged with the general administration or supervision of a facility whether or not such person has an ownership interest and whether or not such person's functions and duties are shared with one or more other persons.

III. "Division" means the division of elderly and adult services.

IV. "Elderly" means any person 60 years of age or older who is a patient, resident, or client of any facility.

V. "Facility" means any facility, or institution, whether public or private, offering health or health related services for the institutionalized elderly, and which is subject to regulation, visitation, inspection, or supervision by any government agency. Facilities include, but are not limited to, nursing homes, skilled nursing homes, intermediate care facilities, extended care facilities, convalescent homes, rehabilitation centers, homes for the aged, special hospitals, veterans hospitals, chronic disease hospitals, psychiatric hospitals, mental hospitals, mental retardation centers or facilities, day care facilities for the elderly, medical day care centers and boarding homes, other homes for sheltered care, or any facility or institution housing 2 or more supplemental security income recipients.

VI. "Government agency" means any department, division, office, bureau, board, commission, authority, or any other agency or instrumentality created by any county or municipality or by the state, or to which the state is a party, which is responsible for the regulation, inspection, visitation, or supervision of facilities or which provides services to patients, residents, or clients of facilities.

VII. "Office" means the office of ombudsman established by RSA 126-A:11-a.

VIII. "Ombudsman" means the person who is the administrator and chief executive officer of the office of ombudsman.

IX. "Patient, resident, or client" means any person 60 years of age or older who is receiving treatment, care, or housing in any facility in all its aspects including, but not limited to, admission, retention, confinement, commitment, period of residence, transfer, discharge, and any instances directly related to such status.

126-A:11-c Ombudsman. The commissioner of health and human services, in consultation with the attorney general, shall hire a person as the administrator and chief executive officer of the office who shall be called the ombudsman and who shall be a person qualified by training and experience to perform the duties of the office. The ombudsman shall hire such other persons needed to perform the functions of this office. The ombudsman shall devote his entire time to the duties of his position and shall receive such salary as shall be provided in a classified position as determined by the department of personnel.

126-A:11-d Powers and Duties.

I. The ombudsman, as administrator and executive officer of the office, shall, subject to the approval of the commissioner of health and human services and the attorney general:

(a) Adopt rules, pursuant to RSA 541-A, prescribing duties for the efficient conduct of the business, work, and general administration of the office.

(b) Adopt rules, pursuant to RSA 541-A, relative to eliciting, receiving, investigating, responding to, and resolving complaints or problems from any person or agency involving patients, residents, or clients of facilities.

(c) Acting on complaint, investigate any act, practice, policy, or procedure of any facility or government agency that does or may adversely affect the health, safety, welfare, or civil or human rights of any patient, resident, or client of a facility.

II. The files maintained by the ombudsman program shall be disclosed only with the written consent of the complainant, or a patient, resident, or client of a facility, or his legal representative, or if such disclosure is required by court order. Nothing in this paragraph shall be construed to prohibit the disclosure of information gathered in any investigation to any interested party as may be necessary to resolve the complaint.

126-A:11-e Access to Records, etc.

I. In the course of an investigation, the representative of the office may:



(a) Make the necessary inquiries and obtain such information as he deems necessary.

(b) Enter during normal working hours and, after notifying the person in charge of his presence, inspect the premises of a facility or government agency and inspect there any books, files, medical records, or other records that pertain to patients, residents, or clients and are required by law to be maintained by the facility or government agency.

II. In an investigation, the representative of the office shall have the authority to apply to the superior court for an order authorizing entry when an administrator of a facility refuses such representative entry as provided in paragraph I(b).

III. Authorized representatives with proper identification of the office shall have access to residents of a facility to:

(a) Visit, talk with, and make personal, social, and legal services available to the residents;

(b) Inform patients of their rights and entitlements and corresponding obligations under federal and state law by distribution of educational materials and discussion in groups and with individual residents;

(c) Assist patients in asserting their legal rights relative to claims for public assistance, medical assistance, and social services benefits, and in all matters in which residents have a legal claim. Assistance may be provided individually or on a group basis and may include organizational activity, counselling, and litigation assistance; and

(d) Engage in other methods of assisting, advising, and representing patients to extend to them the full enjoyment of their rights.

126-A:11-f Retaliation Prohibited; Penalty.

I. No discriminatory, disciplinary, or retaliatory action shall be taken against any officer or employee of a facility or government agency by such facility or government agency; nor against any patient, resident, or client of a facility; nor against any guardian or family member of any patient, resident, or client; nor against any volunteer for any communication by him with the office or for any information given or disclosed by him in good faith to aid the office in carrying out its duties and responsibilities.

II. Any person who knowingly or willfully violates the provisions of this section shall be guilty of a misdemeanor.

126-A:11-g Cooperation Required. The office may request from any government agency, and said agency is hereby authorized and directed to provide, such cooperation and assistance, services, and data as will enable the office properly to perform or exercise any of its functions, duties, and powers under RSA 126-A:11-a through 11-i.

126-A:11-h Review, Reports Required.

I. The commissioner of health and human services and the attorney general, acting together, shall oversee the office of the ombudsman, and review on a regular basis the development, implementation, administration, and operation of the office. To facilitate this review, the office shall submit such reports as requested by the commissioner of health and human services and the attorney general from time to time and shall submit an annual report to them no later than 60 days after the close of the fiscal year.

II. The office shall file a report of the activities of the ombudsman program and the ombudsman activities concerning facilities and the protection of the rights of residents of the facilities with the commissioner of health and human services, the attorney general, the governor, the general court, and the public within 120 days following the end of each federal fiscal year.

126-A:11-i Immunity from Liability. Any person, official, or institution who in good faith participates in the registering of a complaint, or who in good faith investigates that complaint or provides



access to those persons carrying out the investigation or who participates in a judicial proceeding resulting from that complaint, shall be immune from any civil or criminal liability that might otherwise result by reason of these actions. For the purpose of any civil or criminal proceedings, there shall be a rebuttable presumption that any person acting pursuant to this subdivision did so in good faith.

10 Termination and Transfer; State Council on Aging.

I. The state council on aging is hereby terminated and all of the functions, powers, duties and responsibilities of that entity and the officials of that entity are hereby transferred to and vested in the division of elderly and adult services of the department of health and human services. Members of the state council on aging serving on December 31, 1986, shall continue to serve on the state committee on aging created by this act until the expiration of their current terms of appointment.

II. The transfer provided for in paragraph I of this section shall include personnel, books, papers, records, equipment, unexpended appropriations or other funds, contracts, actions, and other property, resources, or obligations of any kind of the state council on aging. The administration of the transfer described in this section shall be included in the implementation plan required by section 4 of this act.

11 Portion of Highway Fund Credited to State Council on Aging. Amend RSA 260:22 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

260:22 Disposition of Fees; Reimbursement to the Highway Fund. The necessary expenses incurred under RSA 260:21 shall be a charge against the operating budget of the department of safety, division of motor vehicles, motor vehicle and driver safety, driver licensing. Pursuant to RSA 260:21, 50 percent of all fees collected shall be credited to the department to reimburse operating expenditures and are hereby appropriated for that purpose. Fifty percent of all fees collected shall be credited as unrestricted revenue to the highway fund; provided, however, that 50 percent of all fees collected for cards issued pursuant to RSA 260:21, I(c) shall be credited to the state committee on aging pursuant to RSA 126-A:79. Upon prior approval of governor and council, transfers may be made from non-driver's picture identification card unrestricted revenue for other related expenditures, but in no event shall the cumulative annual transfers exceed 50 percent of all fees collected.

12 Transfer; Division of Human Services to Division of Elderly and Adult Services.

I. The functions, powers, duties and responsibilities of the division of human services, under RSA 161:2, IV-a; RSA 161:2, XII; RSA 161:2, I; RSA 161:2, XII-a; RSA 161:9; and RSA 161-D which relate to social services for the elderly and adult populations, are hereby transferred to the division of elderly and adult services.

II. The transfer provided for in paragraph I of this section shall include personnel, books, papers, records, equipment, unexpended appropriations or other funds, contracts, actions, and other property, resources or obligations of any kind of the division of human services. The transfer described in this section shall be included in the implementation plan under section 4 of this act.

13 Repeal. The following are hereby repealed:

I. RSA 4:12-a, relative to coordinator of federal funds.

II. RSA 167-A, relative to the state council on aging.

III. RSA 170-G:3, I, relative to the director of the division for children and youth services.

14 Effective Date.

I. Sections 4, 5, and 6 of this act shall take effect on September 1, 1986.

II. The remainder of this act shall take effect January 1, 1987.

Amendment adopted.

Ordered to third reading.

HB 89-FN, creating a position of conservation officer lieutenant in law enforcement division 6 of the department of fish and game and making an appropriation therefor. Ought to Pass with Amendment.

The Committee feels this bill is necessary in order to start the regional offices, and also to implement the aquatic education program. Vote 13-0. Rep. Laura Pantelakos for Fish and Game.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

authorizing 4 new positions in the department of fish and game; extending an appropriation in the current budget; and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sum of \$93,442 is hereby appropriated to the department of fish and game for the biennium ending June 30, 1987, to fund 2 new positions for regional supervisors, labor grade 25. This sum shall be a charge against the fish and game fund.

2 Appropriation. The sum of \$15,393 is hereby appropriated to the department of fish and game for the biennium ending June 30, 1987, to fund a new position of secretary typist II. This sum shall be a charge against the fish and game fund.

3 Appropriation. The sum of \$80,000 is hereby appropriated to the department of fish and game for the biennium ending June 30, 1987, to fund a new position for an aquatic education coordinator, labor grade 18, and for equipment and a support program. The state's share of this appropriation is \$20,000 and \$60,000 shall be federal funds. The state's share of this appropriation shall be a charge against the fish and game fund.

4 Appropriation Extended. The appropriation made in PAU 03,01,01,03,22 in 1985, 406:1, shall not lapse until June 30, 1987.

5 Effective Date. This act shall take effect July 1, 1986.

Amendment adopted.

Referred to Appropriations.

HB 25-FN, concerning use of safety restraint systems in passenger automobiles equipped with such systems. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: Safety restraint systems in private passenger motor vehicles is a public health issue in that it will reduce the incidence of permanent injuries and death. Cost related to accidents result in higher insurance premiums and/or greater medical welfare costs borne by the taxpayer. The bill, as amended, changes failing to comply from a primary offense to a secondary violation, which means the motorist cannot be stopped primarily for failing to wear a safety belt. Vote 12-7. Rep. Lynn Joslyn for the Majority of Health and Human Services.

MINORITY: This bill ought not to pass. It is not the role of the State to mandate good habits. We all agree that the use of safety belts is a sensible practice, but must the State be a guarantor of good habits? Certainly not. We should encourage the use of seat belts, but HB 25 is a model which is neither enforceable nor conforms with the New Hampshire spirit. Rep. Scott E. Green for the Minority of Health and Human Services.

Rep. Scott Green moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Reps. Lawrence Chase and Ramsay spoke against the motion.

Reps. George Gordon and Lamontagne spoke in favor of the motion.

Reps. Pappas and Sochalski spoke against the motion and yielded to questions.

Rep. Daniel Eaton spoke in favor of the motion and yielded to questions.

The previous question was moved. Sufficiently seconded. Adopted.

Rep. Scott Green requested a roll call. Sufficiently seconded.

YEAS 261 NAYS 82  
YEAS 261

**BELKNAP:** Birch, Richard Campbell, Dexter, Golden, Hardy, Hawkins, Matthew Locke, Pearson and Randall.

**CARROLL:** Ashnault, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Olimpio, Powers, Saunders and Schofield.

**CHESHIRE:** Arnott, Blacketer, Burley, Crane, Jesse Davis, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Elmer Johnson, Miller, Morse, Ridge, Schwartz, Scranton, Secord and Young.

**COOS:** Brideau, Brungot, Harold Burns, Chappell, Coulombe, Frederic Foss, Guay, Horton, Lamontagne, Mayhew, Ottolini, Theriault and York.

**GRAFTON:** Bean, Bennett, Blair, Driscoll, Duggan, Wayne King, McAvoy, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Weymouth.

**HILLSBOROUGH:** August, Barry, Bass, Beaupre, Blais, Boisvert, Lionel Boucher, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, A. Leslie Burns, Carragher, Chagnon, Champagne, Charron, Chretien, Clancy, Cox, Cronin, Crotty, Duperron, Durant, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Fried, Gagnon, Scott Green, Grip, Healy, Hendrick, Herod, Holden, Humphrey, Hyman, Chris Jacobson, Jasper, George Jones, Kelley, Labombarde, Lamy, Levesque, Lozeau, Howard Mason, McGlynn, Elizabeth Moore, Morrissette, Robert Murphy, O'Rourke, Bonnie Packard, Paradis, Pariseau, Parmenter, Pellow, Perham, Prestipino, Raiche, Reardon, Frances Riley, Sallada, Shriver, B. P. Smith, Snow, Steiner, Stiles, Turgeon, Van Loan, Vanderlosk, Varkas, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Worthen and Zis.

**MERRIMACK:** Allgeyer, Barberia, Bibbo, Laurent Boucher, Bowes, Cailier, Connolly, George E. Gordon, Hayes, Mary Holmes, Alf Jacobson, Jelley, Kidder, Arthur Locke, Millard, Nichols, Pannell, Phelps, Doris Riley, Walter Robinson, Linwood Rogers, Savaria, Shepard, Gerald Smith and Stio.

**ROCKINGHAM:** Benton, Blaisdell, Patti Blanchette, William Boucher, Butler, Eunice Campbell, Case, Champoux, Clay, Conroy, Day, Ellyson, Felch, Flanagan, Flanders, Bert Ford, Beverly Gage, Thomas Gage, Goss, Gourdeau, Haynes, Hoar, Hollingworth, Robert Johnson, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Magoon, Malcolm, Robert Mason, Jr., McCain, Benjamin Moore, Newell, Palumbo, Pantelakos, Parr, Pevear, Raynowska, Norman Rogers, Rosencrantz, Scamman, Schmidtchen, Schwaner, Seward, Sherburne, Simon, Skinner, Sloan, Stachowske, Sytek, Vartanian, Warburton, Welch and Wells.



STRAFFORD: Appleby, Bates, Berkey, Bernard, Chamberlin, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Hussey, Robert Jones, Keans, Kincaid, Laurion, Lussier, Meader, Musler, Pelley, Spear, Henry Sullivan, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, McKee, Mehegan, Normandin, Rodeschin, Schotanus and Spaulding.

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BELKNAP: Bowler, Brown, Malcolm Harrington, Holbrook, Jensen, Nighswander and Zeckhausen.

CARROLL: None.

CHESHIRE: Matson, Parker, Perry, Ramsay, William Riley, Russell and Thompson.

COOS: Chardon.

GRAFTON: Arnesen, Chambers, Copenhaver, Crory, Densmore, Easton, Michael King, Rounds and Whitcomb.

HILLSBOROUGH: Ahrens, Nancy Ford, Marian Harrington, Katsiaticas, Keefe, Lown, Messier, Nelson, Pappas, Pressly, Ellen-Ann Robinson, G. Philip Rodgers, Leonard Smith, Sylvia, Frank Whittemore and Winn.

MERRIMACK: Bardsley, James Chandler, Daniell, Fraser, Gross, Hager, C. William Johnson, Kinhan, Lewis, Pantzer, Rehlander, Wallner, West and James Whittemore.

ROCKINGHAM: Blanchard, Lawrence A. Chase, Jr., Connors, Emanuelson, Elizabeth Greene, Krasker, Longworth, Popov, Quimby, Sanderson, Sochalski, Splaine, Tufts, Vaughn, Walker and Woodward.

STRAFFORD: Bryant, Burton, Diament, Dingle, Frechette, O'Brien, Parks and Francis Robinson.

SULLIVAN: Ingram, Paul Johnson, Lindblade and Sara Townsend, and the motion was adopted.

Resolution adopted.

PERSONAL PRIVILEGE

Rep. George Gordon addressed the House under Personal Privilege.

COMMITTEE REPORTS (cont.)

HB 43-FN, relative to supervision and control of probationers and parolees. Ought to Pass with Amendment.

This bill inserts a new chapter in the Revised Statutes Annotated relative to the control of probationers and parolees. In addition to clarifying some sections of present law, the bill provides for new alternatives for treatment of some prison-bound offenders. Those eligible may be placed in home confinement monitored by probation or parole officers, or may be subject to a special program of short-term incarceration followed by intensive supervision. The full Committee voted 16-0 to approve this product of intensive work by a study committee. Rep. Francis E. Robinson for Judiciary.

## Amendment

Amend the title of the bill by striking out same and inserting in place hereof the following:

## AN ACT

relative to supervision and control of probationers and parolees and adjusting current appropriations to the department of corrections and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter; Probation. Amend RSA by inserting after chapter 504 the following new chapter:

CHAPTER 504-A  
PROBATIONERS AND PAROLEES

504-A:1 Definitions. In this chapter:

- I. "Commissioner" means the commissioner of corrections.
- II. "Officer" means any probation or parole officer under the supervision of the commissioner.
- III. "Parole board" means the adult parole board established under RSA 651-A:3.
- IV. "Parole conditions" means the restrictions and limitations established by the adult parole board for the conduct and behavior of a parolee.
- V. "Parolee" means a prisoner who has been paroled by the adult parole board under the provisions of RSA 651-A.
- VI. "Prison-bound offender" means a convicted felon on probation who otherwise would be sentenced to a term in the state prison.
- VII. "Probation conditions" means the restrictions and limitations established by the court for the conduct and behavior of a probationer.
- VIII. "Probationer" means a person, as defined in RSA 625:11, II, who has been sentenced under RSA 651:2, V to a term of probation.

504-A:2 Probationers and Parolees in or of Other Jurisdictions. Under RSA 651-A:25, probationers or parolees may be transferred for supervision and control between states which are signatories to a compact entered into under that section. New Hampshire probationers and parolees whose supervision has been transferred to other states are subject to the rules, regulations, policies, and procedures in effect in the state to which they are transferred. Probationers and parolees transferred to New Hampshire for supervision shall be held accountable and be supervised and controlled under the same rules, policies, and procedures as apply to New Hampshire probationers and parolees.

504-A:3 Termination of Probation or Parole. The authority that placed a person on probation or parole may terminate the probation or parole at any time.

504-A:4 Violation of the Terms of Probation or Parole.

I. Any probationer or parolee may be arrested without warrant at any time by any probation or parole officer, or any other officer authorized to arrest upon request of a probation or parole officer, when the probation or parole officer has reason to believe that the probationer or parolee has committed a new criminal offense or is conducting himself in such a way as to be a menace to public safety, or there is probable cause to believe that the probationer or parolee will abscond or commit new criminal offenses if not arrested.

II. When a parolee violates the conditions of his parole but does not meet the criteria for immediate arrest, a probation or parole officer with knowledge of the circumstances of the parole violation shall report the facts surrounding the violation to any member of the parole board who may issue a warrant for the arrest of the parolee.

504-A:5 Detention of Violators. Any probationer or parolee who is arrested under the authority of RSA 504-A:4 shall be detained at the county jail closest to the location where he was arrested or any other suitable confinement facility in reasonable proximity to the location where he was arrested. He shall be detained there pending a preliminary hearing. No sheriff or county correctional administrator shall refuse to accept a probationer or parolee committed to his facility for detention by or under the authority of a probation or parole officer.

504-A:6 Preliminary Hearing. The facts and circumstances surrounding the arrest and detention of any probationer or parolee shall be expeditiously reviewed at a preliminary hearing meeting the due process requirements of federal law.

504-A:7 Transfer of Supervision. The department of corrections may transfer supervision of a probationer or parolee from one probation or parole officer to another at any time.

504-A:8 Appointment of State Officers. State probation and parole officers shall be appointed by the commissioner under the rules of the department of personnel, consistent with the funding provided for full and part-time probation and parole officers.

504-A:9 Supervision by Commissioner. The commissioner shall exercise technical supervision over all probation and parole officers in the state.

504-A:10 Municipal Probation Officers. The district courts may appoint one or more qualified municipal probation officers for their respective courts. The salaries and expenses of the municipal officers shall be paid by the municipality. The commissioner of corrections, pursuant to RSA 541-A, and after consultation with the state personnel department, shall adopt rules specifying the minimum qualifications for such municipal officers. All municipal officers shall meet such minimum qualifications. The appointing court shall certify to the commissioner in writing that a municipal officer meets such minimum qualifications before the officer is appointed. The commissioner shall maintain a record of the appointments of all municipal officers and the certification of their qualifications.

504-A:11 Assignment and Removal. Probation and parole officers shall be assigned or reassigned to geographical regions within the state in consonance with the duties to be accomplished. They may be assigned any duties determined appropriate by the commissioner, except that locally funded officers shall not be assigned duties outside of the jurisdiction of the court they service.

504-A:12 Powers and Duties of Probation or Parole Officers. The powers and duties of probation or parole officers shall be:

I. To serve as officers of the court and to investigate at the request of any court, the parole board, or the commissioner any case, matter, or question, whether pending or not, and to report the results of such investigation with recommendations to the authority which ordered the investigation.

II. To take charge of and to provide supervision to persons placed on probation or parole, attempting to assist them in establishing law-abiding lives while monitoring their behavior through office, home, work, and other contacts to insure that they comply with their probation or parole conditions.

III. To report promptly to the appropriate court or the parole board violations of probation or parole conditions which are required by statute, the parole board, or the court or which, in the opinion of the officer, are serious enough to warrant consideration by the authority authorizing probation or parole. Such reports shall include recommendations as to any actions which the officer believes to be appropriate.



IV. To arrest expeditiously or cause to be arrested any probationer or parolee against whom any arrest warrant or capias has been issued by any authority.

V. To arrest expeditiously or cause to be arrested any probationer or parolee in accordance with RSA 504-A:4-6.

VI. To collect or to supervise the collection of any fees, fines, or restitution payments ordered and to administratively process these funds under rules adopted under RSA 541-A by the commissioner.

VII. To discharge any other duties or responsibilities assigned by the commissioner or his designated representative.

504-A:13 Supervision and Service Charges. The court shall establish a supervision fee for probationers, and the parole board shall establish a supervision fee for parolees. The fee shall not be less than \$10 a month, unless waived by the court or board, and may be any greater amount as established by the court or board. The board shall adopt rules under RSA 541-A relative to a fee schedule. This fee shall be considered a condition of release, and failure to satisfy this obligation shall be grounds for a violation hearing, unless the probationer or parolee has been found to be indigent and, for that reason, unable to pay the fee. Service charges for collection of fees, fines, and restitution shall be established at 10 percent of the funds collected.

504-A:14 Computerized Identification of Probationers and Parolees. The computerized motor vehicle files under the control of the commissioner of safety relative to probationers and parolees who have been convicted of felonies or misdemeanors shall reflect their status so that inquiring law enforcement officers shall be advised of the probation or parole status of such persons when detained or inquired about through motor vehicle records. Both the department of safety and the department of corrections and their employees and agents shall not be held liable for errors of omission or commission in maintenance of this data file unless the error is shown to be malicious.

2 Bail for Persons on Probation or Parole Who Are Arrested. Amend RSA 597 by inserting after section 1-a the following new section:

597:1-b Probationers and Parolees Excepted. Notwithstanding the provisions of RSA 597:1 and 597:1-a, a person serving a sentence of probation under RSA 651:2, V or a term of parole under RSA 651-A who is arrested on a new misdemeanor or felony charge shall not be eligible for bail for a period of 72 hours from the time of his arrest to permit the supervising probation officer or parole officer to review the facts and circumstances surrounding the arrest. Law enforcement agencies who arrest a known probationer or parolee shall make prompt, reasonable attempts to notify the supervising probation officer or parole officer of the arrest, and probationers and parolees who are arrested and fail to advise their supervising probation officer or parole officer in accordance with the conditions of probation and parole, may be subject to arrest and detention as probation and parole violators.

3 International Prisoner Transfer. Amend RSA by inserting after chapter 622-B the following new chapter:

#### CHAPTER 622-C INTERNATIONAL PRISONER TRANSFERS

622-C:1 International Prisoner Transfer. Whenever a treaty is in force between the United States and a foreign country providing for the transfer or exchange of convicted offenders to the country of which they are citizens or nationals, the governor may, on behalf of the state and subject to the terms of the treaty, authorize the commissioner of corrections to consent to the transfer or exchange of offenders and to take any other action necessary to implement the participation of this state in the treaty.

4 Confinement to Place of Residence; Placement in Intensive Supervision Program or Assignment to Special Alternative Incarceration Program as a Condition of Probation. Amend RSA 651:2, V as inserted by 1971, 518:1 by striking out said paragraph and inserting in place thereof the following:

V. A person may be placed on probation if the court finds he is in need of the supervision and guidance that the probation service can provide under such conditions as the court may impose. The period of probation shall be for a period to be fixed by the court not to exceed 5 years for a felony, 2 years for a misdemeanor and one year for a violation. Upon petition of the probation officer or the probationer, the period may be terminated sooner by the court if the conduct of the probationer warrants it. In cases of persons convicted of felonies or misdemeanors, the sentence may include, as a condition of probation, confinement to a person's place of residence for not more than one year in case of a misdemeanor or more than 5 years in case of a felony. Such home confinement may be monitored by a probation officer and supplemented, as determined by the department of corrections, by electronic monitoring to verify compliance. Upon recommendation by the department of corrections, the court may, as a condition of probation, order a prison-bound offender placed in an intensive supervision program as an alternative to incarceration, under requirements and restrictions established by the department of corrections. Upon recommendation by the department of corrections, the court may sentence a prison-bound offender to a special alternative incarceration program involving short term confinement followed by intensive community supervision. The department of corrections shall adopt rules governing eligibility for such programs. Any offender placed in either the home confinement, intensive supervision or special alternative incarceration program who violates the conditions or restrictions of his probation shall be subject to immediate arrest by a probation officer or any authorized law enforcement officer and brought before the court for an expeditious hearing pending further disposition.

5 Arrest of Parolees. Amend RSA 651-A by inserting after section 15 the following new section:

651-A:15-a Arrest of Parolees. Any parolee may be arrested and detained by a probation or parole officer in accordance with RSA 504-A:4-6.

6 Revocation Hearing. Amend RSA 651-A:17 (supp) as inserted by 1983, 461:16 by striking out said section and inserting in place thereof the following:

651-A:17 Parole Revocation. Any parolee arrested under RSA 651-A:15-a shall be entitled to a hearing before the board within 30 days, in addition to any preliminary hearing which is required under RSA 504-A:6. The parolee shall have the right to appear and be heard at the revocation hearing. If the board, after a hearing, finds that the parolee has violated the conditions of his parole, violated the law, or associated with criminal companions and in its judgment should be returned to the custody of the commissioner of corrections, the board shall revoke his parole. A prisoner whose parole is revoked shall be recommitted to the custody of the commissioner of corrections.

7 Cross Reference. Amend RSA 651-A:21, I (supp) as inserted by 1983, 461:16 by striking out said paragraph and inserting in place thereof the following:

I. Upon the expiration of the term of his maximum sentence as provided in RSA 651-A:18 and 19, a paroled prisoner shall be entitled to receive a final discharge, provided that at the time of such expiration no proceedings are pending for his recommitment. Such proceedings shall be deemed to be pending when a warrant has been issued or an arrest has been made under RSA 651-A:15-a.

8 Department of Corrections; Bureau of Security. Amend 1985, 406:1.02, 16, 03, 01 by striking out classes 10 and 60 for fiscal year

1987 and the totals and estimated sources of funds for fiscal year 1987 and inserting in place thereof the following:

		<u>FY 1987</u>
10	Personal services-permanent	3,951,985
60	Benefits	822,129
	Total	5,475,449
	Estimated source of funds for Bureau of security	
09	Agency income	36,000
	General fund	5,439,449
	Total	5,475,449

9 Department of Corrections; Positions Abolished. Amend the footnote\* to 1985, 406.1.02, 16, 03, 01 by inserting in line 11 after the position number "00590." the following (The following positions are hereby abolished beginning 7-1-86, 12910, 12944, 13017, 12912, 12986, 12987.) so that said footnote as amended shall read as follows:

\*The following positions are authorized beginning 10-1-85, 00485, 00486, 00487, 00488, 00489, 00490, 00491, 00492, 00493, 00494, 00495, 00496, 00497, 00498, 00499, 00521, 00522, 00525, 00526, 00527, 00528, 00529, 00552, 00553, 00554, 00555, 00556, 00578, 00579, 00580, 00581, 00582, 00584, 00585. The following positions are authorized beginning 1-1-86, 00535, 00536, 00537, 00538, 00539, 00540, 00541, 00542, 00543, 00544, 00545, 00571, 00589, 00590. The following positions are hereby abolished beginning 7-1-86, 12910, 12944, 13017, 12912, 12986, 12987.

10 Department of Corrections; Bureau of Programs and Services. Amend 1985, 406:1.02, 16, 03, 02, 04 by striking out class 23 for fiscal year 1987 and the totals and estimated source of funds for fiscal year 1987 and inserting in place thereof the following:

		<u>FY 1987</u>
23	Heating fuel and electricity	580,063
	Total	1,111,575
	Estimated source of funds for maintenance	
	General fund	1,111,575
	Total	1,111,575

11 Department of Corrections; Bureau of District Affairs. Amend 1985, 406:1.16,04,01 by striking out said PAU and inserting in place thereof the following:

02 Administration of justice and public protection  
16 Department of corrections  
04 Division of field services  
01 Bureau of district affairs

10	Personal services - permanent	*	1,097,744	1,239,817
11	Director of field services		40,522	40,522
20	Current expense		122,050	135,550



30 Equipment	F	124,766	
50 Other personal services		7,000	18,720
60 Benefits		216,768	260,501
70 In-state travel		29,000	29,000
80 Out-of-state travel		1,500	7,500
90 Transfer to information svcs	A	60,621	40,621
91 Transfer to general services		2,431	2,494
Total			1,702,402
1,774,725			
Estimated source of funds for			
Bureau of district affairs			
05 Private or local funds			4,100
4,200			
General fund			1,698,302
1,770,525			
Total			1,702,402
1,774,725			

\*The funds in the fiscal year 1987 appropriation include 6 new positions of probation/parole officer I, labor grade 19.

12 Department of Corrections; Appropriation Reduced. The appropriation of \$121,500 to PAU 02,16,03,01, class 94, Other Expenditures, under the authority of 1985, 406:17, made by action of the fiscal committee on August 13, 1985, and confirmed by governor and council on August 21, 1985, is hereby reduced in amount by \$40,766.

13 Adjustment of Budget Totals. The legislative budget assistant is authorized to adjust all totals as made necessary by the passage of this act.

14 Repeal. The following are hereby repealed:

I. RSA 504, relative to probation.

II. RSA 651-A:15, relative to a complaint for violation of parole.

III. RSA 651-A:18, III, relative to reparole.

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

Amendment adopted.

Referred to Appropriations.

HB 109-FN, creating a compensation program for victims of crimes and making an appropriation therefor. Ought to Pass with Amendment.

House Bill 109 establishes a compensation fund for victims who suffer bodily injury as the result of a felony or by persons driving under the influence of alcohol or controlled substances. Compensation can only be paid for unreimbursed costs. There is a maximum payment of \$5,000 per victim and total appropriation is \$100,000 including administrative costs. Vote 13-1. Geraldine G. Watson for Judiciary.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Administration, Investigation and Payment of Claims. Amend RSA 7 by inserting after section 36 the following new subdivision:

#### Crime Victim Compensation Program

7:36-a Program Authorized. This subdivision creates a crime victims' compensation program in the department of justice. The attorney general shall have and exercise the authority to administrate, within the criminal

justice bureau, a program to compensate victims of crimes and the families of deceased victims of crimes.

7:36-b Administration of Program. The attorney general shall have the authority to employ such professional and clerical staff as he deems necessary for the effective administration of the program, but in no event shall more than 25 percent of the state appropriation to the compensation fund be used for administrative costs associated with the program. The attorney general shall adopt rules pursuant to RSA 541-A, relative to the administration of the program.

7:36-c Procedure. A person wishing to claim compensation shall, within one year of the crime, file a report with the department of justice. The attorney general shall investigate these reports and, according to whether the claimants meet the requirements of RSA 7:36-d, approve or deny compensation. If compensation is approved, the attorney general shall determine the amount to be awarded, according to the guidelines of RSA 7:36-e. Any claimant aggrieved by the determination of the attorney general may, within 30 days of the determination, appeal the decision by written application to the board of claims under RSA 541-B. The board of claims shall review and determine the correctness of the attorney general's decision de novo.

7:36-d Claimant Eligibility. Victims of (a) a felony resulting in bodily injury; or (b) bodily injury caused by persons driving under the influence of alcohol or controlled substances are eligible for compensation. In a case in which a person entitled to apply is a minor or mentally incompetent, the application may be made on his behalf by a parent, guardian or other legal representative. In case of the victim's death as a direct result of the crime, the victim's spouse or dependent children or the victim's parents when a child under the age of 18 is the victim are eligible to claim compensation. Other family members and relatives of the victim may claim compensation if the attorney general determines that such compensation is in the interest of justice. The claimant must have filed a police report within 48 hours of the crime, unless good cause is shown. Failure to prosecute or to prosecute successfully the offender in the claimant's case shall not prejudice the claim of an eligible claimant; however, the claimant must cooperate fully with law enforcement officials in the apprehension and prosecution of the offender, unless good cause exists for a failure to cooperate.

7:36-e Reimbursable Expenses. The claimant may be compensated for reasonable out-of-pocket expenses, funeral expenses, medical expenses, counselling expenses, and lost wages directly resulting from a crime committed within the state of New Hampshire, to the extent funds are available. In determining the amount of compensation to be allowed, the attorney general shall take into consideration amounts that the claimant has received or is eligible to receive from any other source or sources, including, but not limited to, payments from the offender, federal, state and municipal governments and their agencies, insurance benefits and workers' compensation awards, as a result of the injury or death giving rise to the application. No compensation shall be paid unless the claimant has incurred losses of at least \$200. There shall be a \$5,000 ceiling on recovery per victim per incident. The spouse and dependent children of a deceased victim may claim up to 75 percent of an amount equal to the award they could claim as workers' compensation under RSA 281:22, had the victim's death been work-related, but in no event shall the total award exceed \$5,000. When, in the case of a deceased victim, more than one claimant has applied for an award from the fund, the attorney general may apportion the total award among those claimants according to relative need. In determining the amount of compensation to be awarded, the attorney general shall consider the contributory fault of the victim in causing his injury.

7:36-f Report to General Court. The attorney general shall provide to the president of the senate and speaker of the house before February 15 of each even numbered year a report of his activities under this section,

including a summary of the cases considered by the attorney general and the amount of any compensation awarded. Such reports shall include a statement of actual and estimated expenditures for the program for the current fiscal year and estimates of expenditure requirements for such program for the next fiscal year.

2 Appropriation. The sum of \$100,000 is hereby appropriated to the department of justice for the victim's compensation program. This appropriation is in addition to any other funds appropriated to the department of justice. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Applicability. This act shall apply only to victims of crimes committed on or after January 1, 1987.

4 Effective Date. This act shall take effect January 1, 1987.

Amendment adopted.

Referred to Appropriations.

HB 240-FN, relative to funding of local probation services and making an appropriation therefor. Ought to Pass with Amendment.

This bill provides funds to cities and towns in partial reimbursement for costs of local probation officers, as an interim measure pending development of a permanent program of statewide probation service. A legislative commission is established to develop such a program with the aid of an advisory committee representing the state and local agencies concerned with probation. The appropriation contained in the bill, as amended, is substantially less than that contained in the original bill. The Committee voted 16-0 in favor of aiding local communities to maintain this important function. Rep. Francis E. Robinson for Judiciary.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to a select commission to study probation and  
relative to state reimbursement of municipalities  
for the costs of local probation services  
and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Reimbursement of Costs of Local Probation Services. By January 1, 1987, the department of corrections shall pay the following municipalities the amounts listed in the schedule below as reimbursement for costs of local probation services during fiscal year 1986:

<u>Municipality</u>	<u>Amount</u>
Concord	\$103,537
Derry	\$ 26,098
Dover	\$ 24,397
Durham	\$ 23,013
Franklin	\$ 13,117
Goffstown	\$ 22,322
Hanover	\$ 4,406
Laconia	\$ 56,339
Lebanon	\$ 15,257
Manchester	\$180,750



Nashua	\$186,000
Peterborough	\$ 21,069
Portsmouth	\$ 42,516
Rochester	\$ 750
Salem	\$ 55,809
Somersworth	\$ 29,383

2 Supplemental Appropriation; Department of Corrections. In addition to all other amounts appropriated to the department of corrections for the fiscal year ending June 30, 1987, the sum of \$804,763 is hereby appropriated to the department of corrections for state reimbursement of municipalities for the costs of local probation services during fiscal year 1986. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Select Commission to Study Probation; Advisory Committee on Probation.

I. A select commission is hereby established to study a method of administering and organizing local probation services. The commission shall continue in existence until December 31, 1986, and shall consist of 6 members, of whom 3 shall be appointed by the president of the senate and 3 by the speaker of the house, at least one of whom shall be a member of the house judiciary committee.

II. In addition to the commission, there is hereby established an advisory committee which shall work with the commission and assist it in developing a method of administering and organizing local probation services. The advisory committee shall continue in existence until December 31, 1986, and shall be composed of the following members:

(a) The director of the division for children and youth services, department of health and human services, or his designee.

(b) The commissioner of corrections, or his designee.

(c) The director of the administrative office of the courts, or his designee.

(d) The president of the New Hampshire Judges Association, or his designee.

(e) The president of the New Hampshire District Court Probation Officers Association, or his designee.

4 Meetings and Duties of Advisory Committee. The members of the advisory committee shall meet as often as it deems necessary at such places as the committee shall determine. The advisory committee shall submit specific recommendations to the commission for consideration by September 30, 1986.

5 Commission Meetings; Report. The commission shall meet as often as it deems necessary at such places as it shall determine. The commission shall complete and shall present a report and proposed legislation concerning a method of organizing local probation services, if it deems such legislation advisable, to the governor and the legislature by December 31, 1986, for consideration during the 1987 session of the legislature.

6 Effective Date.

I. Sections 1 and 2 of this act shall take effect July 1, 1986.

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

Amendment adopted.

Referred to Appropriations.

HB 449-FN, relative to judicial salaries. Ought to Pass with Amendment.

Upon reconsideration, the Committee voted a one-time nine percent increase in judicial compensation effective September 1986 in lieu of the original recommendation of two 8 percent increases in 1986 and 1987. This increase will be covered by funds currently available in

the salary adjustment fund, and thus no appropriation is needed for the fiscal year. Vote 13-0. Rep. Charles F. Bass for Judiciary.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Judicial Salaries; September 12, 1986. Amend RSA 491-A:1 (supp) as inserted by 1981, 568:136, IV as amended by striking out said section and inserting in place thereof the following:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief Justice, supreme court	\$68,527
Associate justices, supreme court	\$65,970
Chief Justice, superior court	\$65,970
Associate justices, superior court	\$64,245
District court justices prohibited from practice pursuant to RSA 502-A:21	\$64,245
Probate judges	\$19,102

2 Appropriation. Notwithstanding the provisions of RSA 99:4, a sum sufficient to pay the salary differentials resulting from section 1 of this act is hereby appropriated from the salary adjustment fund for the biennium ending June 30, 1987. The governor is authorized to draw his warrant for said sum out of any money in the fund not otherwise appropriated.

3 Effective Date. This act shall take effect September 12, 1986.

Rep. Sytek explained the Committee report and yielded to questions.  
Rep. Ramsay spoke in favor of the report and yielded to questions.  
Rep. Bass spoke in favor of the report.

Question being on the amendment, Rep. Sytek requested a roll call.  
Sufficiently seconded.

Rep. Champagne abstained from voting under Rule 16.

YEAS 241 NAYS 94  
YEAS 241

BELKNAP: Birch, Bowler, Brown, Richard Campbell, Dexter, Hardy, Malcolm Harrington, Hawkins, Jensen, Nighswander, Pearson, Randall and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald and Schofield.

CHESHIRE: Jesse Davis, Daniel Eaton, Irvin Gordon, Grodin, Matson, Miller, Morse, Parker, Perry, Ramsay, William Riley, Russell, Schwartz, Scranton and Thompson.

COOS: Brideau, Harold Burns, Chardon, Frederic Foss, Guay, Mayhew, Theriault and York.

GRAFTON: Arnesen, Bean, Blair, Chambers, Copenhaver, Crory, Densmore, Driscoll, Duggan, Easton, Michael King, Wayne King, LaMott, Rounds, Scanlan, Taffe, Howard Townsend, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Bass, Blais, Boisvert, Bourque, Boutwell, Bridgewater, Burkush, A. Leslie Burns, Carragher, Chretien, Cox, Crotty,

Clyde Eaton, Joseph M. Eaton, Nancy Ford, Fried, Grip, Marian Harrington, Hendrick, Herod, Holden, Chris Jacobson, Jasper, Keefe, Kelley, Labombarde, Lamy, Lown, Lozeau, Howard Mason, McGlynn, Messier, Elizabeth Moore, Robert Murphy, Nelson, O'Rourke, Bonnie Packard, Pappas, Pariseau, Parmenter, Pellow, Perham, Pressly, Raiche, Reardon, Ellen-Ann Robinson, G. Philip Rodgers, Shriver, B. P. Smith, Leonard Smith, Snow, Steiner, Stiles, Sylvia, Turgeon, Van Loan, Varkas, Geraldine Watson, Harold Watson, Frank Whittemore, Worthen and Zis.

MERRIMACK: Bardsley, Bibbo, Laurent Boucher, Bowes, Cailler, James Chandler, Connolly, Daniell, Fraser, Gross, Hager, Hayes, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Kinhan, Millard, Nichols, Pantzer, Phelps, Rehlander, Linwood Rogers, Shepard, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: Benton, Blaisdell, Blanchard, Patti Blanchette, Butler, Eunice Campbell, Case, Clay, Connors, Conroy, Day, Felch, Bert Ford, Beverly Gage, Thomas Gage, Goss, Elizabeth Greene, Hoar, Hollingworth, Robert Johnson, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Lovejoy, Magoon, Malcolm, Robert Mason, Jr., McCain, Palumbo, Pantelakos, Parr, Pevear, Popov, Quimby, Norman Rogers, Sanderson, Scamman, Sherburne, Skinner, Sloan, Sochalski, Sytek, Tufts, Vartanian, Vaughn, Walker, Wells and Woodward.

STRAFFORD: Appleby, Bates, Bernard, Bryant, Burton, Chamberlin, Diament, Dingle, Albert Dionne, Patricia Foss, Frechette, Hussey, Robert Jones, Keans, Kincaid, Laurion, Meader, Musler, O'Brien, Parks, Pelley, Francis Robinson, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Call, Disnard, Paul Johnson, Lindblade, McKee, Normandin, Rodeschin, Schotanus and Sara Townsend.

#### NAYS 94

BELKNAP: Golden, Holbrook and Matthew Locke.

CARROLL: Olimpio and Saunders.

CHESHIRE: Arnott, Blacketor, Burley, Crane, Delano, Frink, Elmer Johnson, Ridge, Secord and Young.

COOS: Brungot, Chappell, Horton, Lamontagne and Ottolini.

GRAFTON: Bennett, McAvoy and Stewart.

HILLSBOROUGH: August, Barry, Beaupre, Lionel Boucher, Bourdon, Charron, Clancy, Cronin, Donovan, Duperron, Durant, Dykstra, Fields, Gagnon, Scott Green, Humphrey, Hyman, George Jones, Katsiaticas, Levesque, Morrissette, Paradis, Prestipino, Frances Riley, Sallada, Vanderlosk, Wagner, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Allgeyer, Barberia, George E. Gordon, Jelley, Lewis, Arthur Locke, Pannell, Doris Riley and Gerald Smith.

ROCKINGHAM: William Boucher, Lawrence A. Chase, Jr., Ellyson, Emanuelson, Flanagan, Flanders, Gourdeau, Haynes, Longworth, Benjamin Moore, Newell, Raynowska, Rosencrantz, Schwaner, Seward, Simon, Splaine, Stachowske, Warburton and Welch.

STRAFFORD: Berkey, Anita Flynn, Edward Flynn, Lussier, Spear, Henry Sullivan and Swope.



SULLIVAN: Brodeur, D'Amante, Domini, Ingram, Mehegan and Spaulding, and the amendment was adopted.

Referred to Appropriations.

HB 173-FN, relative to equal treatment for persons seeking employment. Inexpedient to Legislate.

This bill is contrary to the intent of the Unemployment Compensation Law which is an insurance program, and it was never contemplated that individuals who have a limited attachment to the labor market would be entitled to benefits. No one has been denied benefits because they are a part-time employee. The Department estimates this bill, as written, would increase the duration of claims by at least one week. Many seasonal jobs would be lost because of the increased cost of Unemployment Compensation insurance which is based on use. At a time when the administration fund of the Department has been cut by the federal government causing a decrease in staff, this bill would increase their workload. Fiscal note is \$900,000 to \$2,000,000 and it would increase benefits on municipalities by 40 percent which would be a direct fiscal impact on property taxpayers of our State. Vote 10-4. Rep. Avis B. Nichols for Labor, Industrial and Rehabilitative Services.

Rep. Skinner moved that HB 173-FN be recommitted to the Committee on Labor, Industrial and Rehabilitative Services, and spoke to her motion. Adopted.

HB 181, relative to the lobbyist statement. Ought to Pass with Amendment.

A request from the Secretary of State's Office precipitated the filing of this bill, which makes technical changes on the filing dates of lobbyist statements of fees and expenditures to reflect the change to annual sessions. After reviewing the bill and consulting the Deputy Secretary of State, the Committee is recommending additional changes which would strike all references to special sessions, permitting a one-time annual registration, continue the requirement of three filings, but shifting the dates, and INCREASING the annual registration fee to \$50. At the request of the Legislative Historical Committee, an appropriation of \$10,000 to continue the much-needed restoration of State House portraits. Past funding mechanisms, principally from special liquor bottles, currently provide the Historical Committee with little if any funds. Vote 13-0. Rep. James A. Chandler for Legislative Administration.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to lobbyist registration and lobbyist statements, making an appropriation to the joint legislative historical committee and relative to the responsibility of the committee to accept and expend funds.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Registration. Amend RSA 15:1 by striking out said section and inserting in place thereof the following:

15:1 Registration. Any person who is employed for a consideration by any other person in a representative capacity to promote or oppose

directly or indirectly any legislation pending or proposed before the general court shall first enter his appearance with the secretary of state in a book to be kept for that purpose, which book shall be open to public inspection. Such entry shall show the full names of employer and employed, their respective residences, the usual occupation of each, the date and character of the employment or agreement therefor, the duration of the employment if it can be determined, and the special subjects of legislation, if any, to which the employment relates. If the employment varies from time to time, such entries shall be varied accordingly. All registrations required under this section shall expire on December 1.

2 Registration Fee. Amend RSA 15:2 (supp) as amended by striking out said section and inserting in place thereof the following:

15:2 Registration Fee. The fee for registration as a lobbyist under RSA 15:1 for any one legislative session shall be \$50 for each employer. Each individual who acts as a lobbyist shall pay the above registration fee regardless of his affiliation with any registered lobbyist.

3 Annual Sessions. Amend RSA 15:3, II (supp) as inserted by 1981, 154:2 by striking out said paragraph and inserting in place thereof the following:

II. Lobbyists registered for a legislative session shall file statements on April 15, August 15, and December 15. The statement due on April 15 shall cover from the time of registration to April 1. The statement due on August 15 shall cover the period from the time of registration or April 1, whichever is later, to August 1. The statement due on December 15 shall cover the period from the time of registration or August 1, whichever is later, to December 1.

4 Appropriation. The sum of \$10,000 for the fiscal year ending June 30, 1987, is hereby appropriated to the joint legislative historical committee established in RSA 17-I for deposit in the nonlapsing historical fund established under RSA 177:4-b, II for the purpose of carrying out its statutory duties. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Responsibilities of Joint Legislative Historical Committee. Amend RSA 17-I:2 (supp) as inserted by 1981, 451:1 by striking out said section and inserting in place thereof the following:

17-I:2 Responsibilities. The committee shall have the following responsibilities:

I. To purchase and restore historical items, including paintings and memorial plaques, for the state house, the legislative office building, and other buildings or facilities under the jurisdiction of the general court.

II. To oversee the historical fund established under RSA 177:4-b.

III. To research and record the history, background, and achievements of the general court.

IV. To accept and expend funds appropriated by the general court or received from any other source for the purposes authorized by this chapter.

6 Repeal. The following are hereby repealed:

I. RSA 15:3, III, relative to statements after August 1.

II. RSA 15:3, IV, relative to statements for special sessions.

7 Effective Date.

I. Sections 1-4 and 6 of this act shall take effect December 1, 1986.

II. The remainder of this act shall take effect July 1, 1986.

Amendment adopted.

Referred to Appropriations.

HB 446-FN, requiring that recordings and transcripts be made of all public legislative hearings. Refer for Interim Study.

At first glance, the Committee was skeptical of the considerable expense against the value of transcripts of all legislative hearings. But one specific case - one which cost the state 10 million dollars - and testimony by a court stenographer on state-of-the-art recording equipment, its capabilities and cost, convinced the Committee the proposal merited further consideration. Vote 12-1. Rep. James A. Chandler for Legislative Administration.

Referred for Interim Study.

HB 208, relative to the sale of pistols and revolvers. Ought to Pass with Amendment.

The bill carefully defines an "electronic defense weapon" and incorporates the features of denying such a weapon (stun gun) to any person who has ever been convicted of a felony, and denies the sale of such a weapon to any person under 18 years of age. Penalties are established for those who use a stun gun in the commission of a crime. The Committee is firmly convinced that this legislation is the correct initial approach, and that close evaluation of the subject of stun guns will determine what, if any, future legislation is required. Vote 11-1. Rep. George T. Musler for Public Protection and Veterans Affairs.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to electronic defense weapons.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Electronic Defense Weapons. Amend RSA 159 by inserting after section 19 the following new subdivision:

#### Electronic Defense Weapons

159:20 Electronic Defense Weapons Defined. "Electronic defense weapon" means an electronically activated non-lethal device which is designed for or capable of producing an electrical charge of sufficient magnitude to immobilize or incapacitate a person temporarily.

159:21 Possession by Felons Prohibited. Any person who has been convicted of a felony in this or any other state who possesses an electronic defense weapon away from the premises where he resides shall be guilty of a class B felony. Neither the whole nor any part of a sentence of imprisonment imposed for a violation of this section shall be served concurrently with any other term of imprisonment.

159:22 Restricted Sale or Purchase. Any person who knowingly sells an electronic defense weapon to a person under 18 years of age shall be guilty of a violation.

159:23 Criminal Use of Electronic Defense Weapons.

I. Any person who uses an electronic defense weapon on another person with intent to commit a crime punishable as a misdemeanor shall be guilty of a misdemeanor.

II. Any person who uses an electronic defense weapon on another person with intent to commit a crime punishable as a felony shall be guilty of a class B felony.

III. Neither the whole nor any part of a sentence of imprisonment imposed for a violation of this section shall be served concurrently with any other term of imprisonment.



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

Amendment adopted.  
Ordered to third reading.

HB 74, making a supplemental appropriation for capital improvements for the veterans' home. Ought to Pass with Amendment.

The amendments to this bill appropriate \$138,000 to the Veterans' Home for design plans for a 50-bed addition, \$67,110 to the House Clerk's Office for computer replacement and enhancement, \$87,840 to the Aeronautics Commission to match \$610,500 available in Federal Funds to complete Phase I of the Skyhaven master plan. Vote 17-0. Rep. Charles M. Nute for Public Works.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

making a supplemental appropriation for capital improvements to the veterans home; making an appropriation for the house clerk's office; and amending certain existing aeronautics capital appropriations.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. Amend 1985, 409:1, XI, A by striking out said subparagraph and inserting in place thereof the following:

A. Design and construction documents -	
fifty bed nursing care addition including	
expansion of ancillary services, and	
master planning	\$ 238,000

2 Total Amended. Amend the total state appropriation of paragraph XI by striking out same and inserting in place thereof the following:

Total state appropriation paragraph XI	\$ 288,000
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3 State Total Appropriation. Amend the total state appropriation for section 1 by striking out same and inserting in place thereof the following:

Total state appropriation section 1	\$18,338,620
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4 Bonds Authorized. Amend 1985, 409:11, I by striking out said paragraph and inserting in place thereof the following:

I. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$22,451,620 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

5 Appropriation. The sum of \$67,110 is hereby appropriated to the general court for the purchase of computer hardware, software, and support in the house clerk's office. This appropriation is in addition to any other funds appropriated to the general court for the biennium ending June 30, 1987. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Aeronautics Appropriation; Skyhaven. Amend 1979, 435:1, III, E as amended by 1983, 423:16 by striking out said paragraph and inserting in place thereof the following:

E. Rochester

- (1) Phase one improvements to include widen existing runway, widen existing taxiway, land acquisition, and additional Av-gas facilities

\$1,285,070

Less Federal	<u>1,138,563</u>
Net appropriation paragraph (1)	146,507
Net appropriation paragraph E	146,507

7 Bond Total Amended. Amend 1979, 435:12 as amended by 1982, 38:29 by striking out in line 4 the sum "\$25,918,000" and inserting in place thereof the following (\$26,005,840) so that said section as amended shall read as follows:

435:12 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2 and 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$26,005,840 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purpose of paragraphs II C and D, III A, IV C(2), IV D(2), IV E(2), IV F(2), VI B(5), VII A(1) and (2), VII B(1), (2) and (3), (9) and (10), VIII B, IX F and G, XIII G, XV C, XVI and XVII A of section one of this act shall have a maturity of 5 years from the date of issue; provided, further, that the bonds issued for the purpose of paragraphs I, III B(1), IV B(3) and (4), IV C(1), IV C(3) and (4), IV D(1), IV D(3) and (4), IV F(3), (4) and (5), IV G(1), (2) and (3), VI A(4), VI B(6), (7), (8) and (9), VI C(1), VI D, IX A, X A, XI, XIII C of section one of this act shall have a maturity of 10 years from the date of issue; and provided that the bonds issued for the purpose of paragraphs II C, III A and IV in section 2 of this act shall have a maturity of 5 years from the date of issue.

8 Aeronautics; Change of Description; Keene, Dillant-Hopkins Airport. Amend 1978, 49:1, III, A(1) as amended by 1981, 565:14, III and V(c) and 1983, 423:19 by striking out said paragraph and inserting in place thereof the following:

- (1) Runway reconstruction and obstruction removal

	\$ 570,000
Net appropriation paragraph (1)	<u>513,000</u>
	57,000

9 Aeronautics; Extending Lapse Dates. The appropriations in sections 6 and 8 of this act are hereby extended until June 30, 1989.

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

Amendment adopted.

Referred to Appropriations.

HB 458-FN, relative to imposing a water use permit fee and amending the federal boat numbering system. Ought to Pass with Amendment.

This bill joins New Hampshire with forty-five other states (Alaska excluded) in the federal boat numbering system for boats sixteen feet or more in length. There are other numerous reasonable exclusions. The bill imposes a "water use permit" requirement (with fee) upon such boats estimated to raise \$400,000/\$500,000 shared by Safety Services and Fish and Game Department committed to improved boating safety. Rather than give the two agencies a non-lapsing blank check, the

Committee has imposed the requirement on both agencies to report annually on each's share of the revenues generated and the uses to which each's share has been put to increase boating safety. Vote 16-0. Rep. Richardson Blair for Resources, Recreation and Development.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof:

1 Accidents. Amend RSA 270:1-a as inserted by 1973, 313:1 by striking out said section and inserting in place thereof the following:

270:1-a Drownings and Boating Accident Reports.

I. Every person owning any commercial or private boat involved in an accident which results in personal injury or death or in which the combined or total property damages resulting are \$500 or more shall report the accident immediately to the director of safety services or his authorized representative and thereafter file a written report with the director on forms furnished by him within 10 days following the accident.

II. All law enforcement agencies having knowledge of a drowning or boating accident shall immediately report any personal injury resulting from a boating accident, death or drowning, including suspected drowning, and all boating accidents in which there is resulting property damage of \$500 or more to the director of safety services or his authorized representative.

III. It shall be the responsibility of the director of safety services and his authorized representative to investigate any drowning or suspected drowning and all accidents in which there is serious injury, death or property damage of \$500 or more. This investigation shall be in addition to, and independent of, any investigation made by other agencies of government, except that said agencies shall exchange data and cooperate with each other to avoid unnecessary duplication of efforts.

IV. Jurisdiction for the purposes of this section shall extend to all waters under the jurisdiction of the state of New Hampshire.

2 Definitions. Amend RSA 270:2 (supp) as amended by striking out said section and inserting in place thereof the following:

270:2 Definitions and Classifications. The following words and phrases as used in this chapter shall have the following meanings, unless the context clearly requires otherwise:

I. "Common carrier" means any person who undertakes, directly or by his agent or under a lease or any other arrangement, to transport passengers or property on the public waters of the state operating on a regular schedule, for compensation.

II. "Commercial boat" means:

(a) Any boat used as a common carrier of passengers or property operating on a regular schedule.

(b) Any boat carrying passengers for hire.

(c) Any such boat or outboard motor when rented either separately or in connection with camps, cottages or other real estate; provided, however, any applicant applying for a commercial boat registration pursuant to this subparagraph shall certify under penalty of perjury that said application is bona fide and that the applicant does in fact rent the boat or outboard motor on a regular commercial basis either separately or in connection with the camp, cottage or other real estate. The director of the division of motor vehicles shall be the sole judge of whether or not applicant qualifies for a commercial boat registration pursuant to this subparagraph.

(d) Any such boat or outboard motor used by the proprietor of any school or camp in which minors are received for compensation, or by any officer, agent or employee of such proprietor for the transportation of minors.



III. "Indicia" means the distinguishing plate or decal to be placed on a boat indicating that the appropriate water use fee has been paid and the water use permit has been issued.

IV. "Inland waters of the state" means the navigable public waters within the boundaries of the state over which the state has exclusive jurisdiction.

V. "Manufacturer or dealer" means any person engaged in the business of manufacturing or dealing in boats or outboard motors.

VI. "Person" means any individual, firm, partnership, corporation, company, association or joint-stock association, including any trustee, administrator, executor, receiver, assignee or other personal representative thereof.

VII. "Private boat" means any boat, not a commercial boat, used exclusively for pleasure purposes by its owner or others with his permission.

VIII. "Tidal and coastal waters of the state" means the waters within the coastal boundaries of the state extending seaward for 3 miles.

IX. "Waters of the state" means any body of water over which the state has either exclusive jurisdiction or concurrent jurisdiction with the federal government or another state.

X. "Water use permit" means the permit issued pursuant to this chapter upon payment of the prescribed fee. Whenever the term "registration" or "registered" is used in this chapter, it shall refer to the water use permit, unless the context requires another meaning.

3 Water Use Permit. Amend RSA 270:3 (supp) as amended by striking out said section and inserting in place thereof the following:

270:3 Water Use Permit; Exemptions.

I. No person shall operate upon any of the inland waters of this state any commercial or private boat other than those exempted under RSA 270:5, III(b) unless a water use permit has been obtained for the boat as provided in this chapter or the boat is exempt under paragraph II of this section.

II. The following boats shall be exempt from the water use permit requirement:

(a) Boats brought into the state for the purpose of taking part in a race or other promotional event, which will not be in the state in excess of 10 days, provided the department of safety shall have issued a special authorization permitting said boats to be used for racing or promotional purposes. No such permit shall be for a period longer than 10 days from the time the boats were brought into the state.

(b) Boats owned by the government of the United States or by a state or political subdivision of a state and used exclusively in the public service and clearly identifiable as such.

(c) Boats for which a temporary permit has been issued by the department of safety during the effective period of such permit.

(d) Sailboats under 16 feet in length, rowboats, racing shells and canoes, unless they have an inboard or outboard motor, in which case they shall obtain a water use permit.

III. The water use fee shall be as established under RSA 270:5.

4 Application. Amend RSA 270:4 as amended by striking out said section and inserting in place thereof the following:

270:4 Application. Every person owning any commercial or private boat shall annually, before operating the same, apply in writing to the director of the division of motor vehicles for a water use permit. Such application may be made to a duly authorized representative of the director or by mail addressed to the director of the division of motor vehicles and shall be in such a form and contain such information as said director may require. In the case of all private boats the proper fee shall accompany the application. Such fees shall be paid before the issuance of a certificate and indicia. The application shall also contain the following question and statement: "Is this boat equipped with any plumbing facility such as toilet, lavatory, sink or shower?:"

Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes", state its fixed berthing/mooring location \_\_\_\_\_

\_\_\_\_\_, NH.

If more than one location, notify water supply and pollution control commission in accordance with RSA 270-A. Any violation of the conditions stated in this application shall subject the applicant to the penalties provided in RSA 270-A:5."

5 Receipt. Amend RSA 270:4-a (supp) as inserted by 1961, 270:3 as amended by striking out said section and inserting in place thereof the following:

270:4-a Receipt Required. Every application for a water use permit of a boat subject to the boat permit fee imposed by RSA 72-A:2 shall be accompanied by a receipt showing the payment of the boat permit fee. The director of motor vehicles or his authorized representatives shall not issue a water use permit, unless such receipt accompanies the application or the applicant proves his eligibility for exemption as provided in RSA 72-A:6.

6 Rental Application. Amend RSA 270:4-b (supp) as inserted by 1977, 585:2 as amended by striking out said section and inserting in place thereof the following:

270:4-b Rental Application. Every boat used for purposes of rental shall have a water use permit. Inboard and inboard/outboard rental boats shall be inspected by the division of safety services before the water use permit is issued.

7 Fees. Amend RSA 270:5 (supp) as amended by striking out said section and inserting in place thereof the following:

270:5 Fees. The director of the division of motor vehicles shall collect fees as follows:

I. For commercial boats there shall be paid to the department of safety a water use fee for every such boat inspected as to which a certificate is issued by said director, based upon the following schedule: boats used for passengers only, or for passengers and freight, permitted to carry a maximum of not exceeding 10 persons, \$6; boats permitted to carry a maximum of more than 10 and not exceeding 25 persons, \$12; boats permitted to carry a maximum of more than 25 and not exceeding 150 persons, \$18; boats permitted to carry over 150 persons, \$30; boats used exclusively for towing freight, \$12.

II. For operators' licenses there shall be paid to the department of safety for every general certificate of captain, master, pilot or engineer, \$4; and for every limited certificate of captain, master, pilot or engineer, \$2. A general certificate shall entitle the holder to act in the capacity named on any boat of the class described in the certificate; a limited certificate shall entitle him to act in such capacity only on a particular boat named in the certificate. Only one certificate shall be required to entitle the holder to act in any or all of the above capacities on any motor boat permitted to carry a maximum of 25 persons.

III. For private boats there shall be paid to the department of safety for each water use permit for privately operated boats a water use fee as follows:

(a) Any boat shall have its water use fee determined by length in the following manner:

up to and including 16 feet	\$ 9
16.1 feet to 21 feet	\$14
21.1 feet to 30 feet	\$19
30.1 feet to 45 feet	\$35
45.1 feet and over	\$50

(b) Rental boats equipped to use an outboard or inboard motor shall pay the fee prescribed in subparagraph (a).

(c) Boats owned and operated by preparatory schools, high schools, colleges and universities for the purposes of athletic training or competition shall be exempt from water use permit fees.

IV. A manufacturer or dealer shall pay to the department of safety \$5 for a water use permit as provided by RSA 270:21. Those requiring more than one indicia shall pay to said director \$3 for each additional indicia.

V. The fees in RSA 270:5, I through IV shall apply only to the operation of boats on the inland waters of the state.

8 Agents. Amend RSA 270:5-a (supp) as inserted by 1961, 164:1 as amended by striking out said section and inserting in place thereof the following:

270:5-a Authorized Agents. Duly authorized agents of the department of safety may collect private water use fees and issue indicia. When an authorized agent who is not an employee of the department issues a water use permit, he shall collect and retain a fee of \$1.50 as compensation for issuing it. Applications for private boat water use certificates shall include the words and figures, "agent's fee \$1.50".

9 Display. Amend RSA 270 by inserting after section 5-a the following new section:

270:5-b Display of Water Use Indicia. The indicia issued with each water use permit shall be displayed on the stern of the boat in such a manner as to provide a clear unobstructed view of the indicia from off the stern of the boat.

10 Disposition of Revenues; Report. Amend RSA 270:6 (supp) as amended by striking out said section and inserting in place thereof the following:

270:6 Disposition of Revenues; Report.

I. Notwithstanding other provisions of law to the contrary, all fines collected under this chapter, 1/2 of the sums received by the road toll administration on account of the unrefunded motor vehicle road tolls for marine use, and the amount of fees generated by the fee schedule under RSA 270:5 and RSA 270-C:3 shall not accrue to the general fund but shall be placed in a nonlapsing fund, to be known as the boat safety fund, for support of the department of safety, division of safety services for the promotion of the safety of navigation and the administration and enforcement of this chapter. The remaining 1/2 of the unrefunded motor vehicle road tolls for marine use shall not accrue to the general fund but shall be credited to the fish and game fund.

II. The commissioner of the department of safety and the executive director of the department of fish and game shall submit on or before December 1, annually, a report to the house committee on resources, recreation and development and to the senate committee on development, recreation and environment, relative to the expenditure of the revenues derived from paragraph I and the current status of the water safety program funded by paragraph I.

11 Rules. Amend RSA 270:11 by striking out said section and inserting in place thereof the following:

270:11 Rules. Consistent with the policy of this chapter, the commissioner of the department of safety shall adopt rules, pursuant to RSA 541-A, relative to the equipment and operation of all boats, including rafts and floats of whatever kind, type or character, operated or used on any waters in this state, and the classification, examination and certification of captains, masters, engineers, and pilots of all such boats. Such rules shall be binding on the persons owning, leasing, or operating such boats, rafts and floats.

12 Enforcement. Amend RSA 270:12-a by inserting after paragraph III the following new paragraph:

IV. The commissioner of the department of safety is hereby authorized to enter into an agreement or agreements with the United States government enabling the commissioner and his authorized agents and representatives to exercise concurrent jurisdiction over boats being operated on specified waters of the state regarding boating law enforcement, boating accident investigation, and search and rescue operations. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the equipment and operation of all boats on the waters of the



state as provided in RSA 270:11, which rules shall have the force of law and shall be binding on all persons owning, operating and leasing such boats; provided, however, that the United States Coast Guard shall have primary jurisdiction for the enforcement of boating laws on the tidal and coastal waters of the state and further provided that nothing contained herein shall be interpreted to allow the division of safety services to provide enforcement activity in the tidal and coastal waters of the state, as defined in RSA 270:2, VIII. Any person who violates a rule adopted by the commissioner of the department of safety under this paragraph shall be guilty of a violation, and, notwithstanding the provisions of title LXII, shall be fined not more than \$500, and for a second offense within a 12 month period shall be guilty of a misdemeanor.

13 Expiration. Amend RSA 270:14 (supp) as amended by striking out said section and inserting in place thereof the following:

270:14 Expiration of Permits and Certificates. All water use permits and certificates issued under this chapter shall expire on December 31 next following the date of issue.

14 Indicia. Amend RSA 270:15 (supp) as amended by striking out said section and inserting in place thereof the following:

270:15 Indicia; Certificates. Each boat issued a water use permit by the department of safety shall be given a distinguishing number. An indicia bearing the number shall be furnished the boat owner and attached to the boat in such manner as the department shall prescribe. Said department shall issue to the boat owner a certificate that the water use fee has been paid for the boat. The certificate shall at all times be kept upon said boat while in operation and upon request shall be open to examination by any duly authorized representative of the department of safety or any authorized peace officer.

15 Revocation of Water Use Permit. Amend RSA 270:16 (supp) as amended by striking out said section and inserting in place thereof the following:

270:16 Revocation of Permit. The commissioner of the department of safety or his authorized representative, after hearing, may revoke the water use permit for any boat issued pursuant to this chapter for violation of any provisions of this chapter or the rules adopted, pursuant to RSA 541-A, under this chapter, or whenever it appears upon a complaint of the selectmen or tax collector of any town that the owner has failed, after demand, to pay any boat permit fee or boat tax upon the boat which is due to the town.

16 Suspension. Amend RSA 270:16-a (supp) as inserted by 1959, 120:1 as amended by striking out said section and inserting in place thereof the following:

270:16-a Suspension of Water Use Permit. The commissioner of the department of safety or his authorized representative may order the suspension of any water use permit in his discretion without a hearing and may order the water use permit to be delivered to his office, whenever he has just cause to believe that the holder of the permit is physically or mentally an improper or incompetent person to operate power boats or outboard motors or both, or is operating improperly or so as to endanger the public, or pending the investigation of any accident in which a boat is involved. Upon request of any person whose water use permit is suspended pursuant to this section, the commissioner shall hold a hearing on the suspension within 30 days of such request.

17 Operation after Suspension. Amend RSA 270:16-d (supp) as inserted by 1979, 358:11, III by striking out said section and inserting in place thereof the following:

270:16-d Operation after Suspension or Revocation. Any person operating or causing to be operated any boat for which the water use permit has been suspended or revoked pursuant to the provisions of this chapter shall be guilty of a violation.

18 Transfer. Amend RSA 270:17 (supp) as amended by striking out said section and inserting in place thereof the following:

270:17 Transfer of Water Use Permit. Upon the transfer of ownership of any boat, its water use permit shall expire, and the person in whose name the water use permit was issued shall return the permit issued forthwith to the department of safety with a written notice containing the date of such transfer.

19 Penalty. Amend RSA 270:18 (supp) as amended by striking out same and inserting in place thereof the following:

270:18 Penalty. If any person operates any boat required to have a water use permit without said permit, or violates any provision of this chapter or any rule adopted under this chapter relating to the equipment or operation of such boats, or refuses or fails when requested to exhibit to any duly authorized representative of the department or authorized peace officer the water use permit of such boat, he and the owner of said boat, if the boat is operated with his permission or assent, shall be guilty of a violation.

20 Dealers. Amend RSA 270:20 (supp) as amended by striking out said section and inserting in place thereof the following:

270:20 Dealer's Water Use Indicia. A manufacturer or dealer of boats may make application to the department of safety, upon blanks furnished by the department for that purpose, for a general distinguishing indicia for his boats, at the fee provided in RSA 270:5, IV.

21 Dealers Water Use Certificate. Amend RSA 270:21 (supp) as amended by striking out said section and inserting in place thereof the following:

270:21 Dealer's Certificate and Indicia. The department of safety may, if it is satisfied of the facts stated in the application, issue to the applicant for a dealer's water use permit a certificate containing the name, residence, and address of such applicant and the general distinguishing number assigned together with such provisions as the department may determine. All boats owned or kept for sale by such manufacturer or dealer, may, while so owned or kept, be regarded as registered under such distinguishing number, provided the indicia issued by said department are attached to the boats. The department shall, at the time of issuing a certificate to a manufacturer or dealer, furnish him with an indicia of such design and color as the department may determine and such further indicia and temporary certificates as he may require.

22 Use of Dealer's Indicia. Amend RSA 270 by inserting after section 21 the following new section:

270:21-a Use of Dealer's Indicia. A manufacturer or dealer shall not lend water use indicia which have been assigned to him hereunder to a sub-agent or to any other person. Such indicia may be used on boats when used in connection with said manufacturer's or dealer's business or for pleasure purposes, but in no case shall they be used on boats carrying persons or property for hire or compensation.

23 Temporary Water Use Permit. Amend RSA 270:22 (supp) as amended by striking out said section and inserting in place thereof the following:

270:22 Temporary Water Use Permit. A person upon purchasing a private boat, except those exempted under RSA 270:5, III(b) and (d) from a duly registered manufacturer or dealer shall immediately apply for water use indicia for such boat and pay the required water use fee to said manufacturer or dealer. Upon receipt of such application and fee the dealer or manufacturer may issue to the purchaser a receipt for such payment and a temporary certificate or indicia. If an indicia is issued it shall be attached to said boat. The dealer or manufacturer shall immediately forward the application and fee to the department of safety by mail or otherwise and furnish such further information as the department may require. The temporary certificate or indicia shall be evidence that application has been made for registration and such boat may be operated for a period of not more than 10 consecutive days thereafter. Permanent indicia when received shall be attached immediately by the purchaser.

24 Repeal. The following are hereby repealed:

I. RSA 270:15-a, relative to initial plates.

II. RSA 270:15-b, relative to disposition of fees.



III. RSA 270:15-c, relative to number plate validation.

25 Definition Inserted. Amend RSA 270-C:1 by inserting after paragraph VII the following new paragraph:

VIII. "Waters of the state" means those waters defined in RSA 270:2, IX.

26 Operation of Unnumbered Vessels. Amend RSA 270-C:10 (supp) as inserted by 1985, 377:1 by striking out said section and inserting in place thereof the following:

270-C:10 Operation of Unnumbered Vessels Prohibited. Every vessel using the waters of this state shall be numbered, except those exempted by RSA 270-C:9. No person shall operate or give permission for the operation of any such vessel on the waters of this state unless the vessel is numbered in accordance with this chapter, applicable federal law, or a federally approved numbering system of another state, and unless the certificate of numbers issued to such vessel is on board and in full force and effect, and the identifying numbers set forth in the certificate of numbers are displayed on each side of the bow of such vessel, except for wooden hull classic antique boats 25 years or older, whose identifying numbers shall be displayed in a readily conspicuous place within the boat. Any person who violates this section shall be guilty of a violation, and, notwithstanding the provisions of Title LXII, may be fined not more than \$500 for the first offense, and shall be guilty of a misdemeanor for a second offense.

27 Prohibitions. Amend RSA 270-C by inserting after section 14 the following new sections:

270-C:15 Prohibitions. No person while operating or in charge of a vessel shall:

I. Refuse, when requested by a peace officer, to give his name and address and the name and address of the owner of such boat.

II. Give a false name or address to a peace officer.

III. Purposely neglect to stop when signaled to stop by any peace officer who is in uniform or who displays his badge conspicuously on the outside of his outer coat or garment or who signals such person to stop by means of any audible or visual emergency warning signal; or otherwise willfully attempt to elude pursuit by a peace officer by increasing speed, extinguishing running lights while still under power, or abandoning a vessel while being pursued.

IV. Refuse, on demand of a peace officer, to sign his name in the presence of the officer.

V. Refuse, on demand of a peace officer, to produce suitable means of identification.

270-C:16 Penalty. Any person who violates the provisions of RSA 270-C:15 shall be guilty of a misdemeanor and may have his privilege to operate a vessel and any certificate of numbers issued by the department in his name suspended by the commissioner. If any person other than the operator of the pursued vessel sustains personal injury in a collision resulting from the operation of a vessel which is evading pursuit by a peace officer, the operator of the pursued vessel shall be guilty of a class B felony.

270-C:17 Accident Report Required. In the case of a boating accident involving death, personal injury, or property damage of \$500 or more, the operator of any vessel involved shall file with the director of safety services or his authorized representative a full description of the accident, including such information as the director of safety services may by rule require. If the owner or operator is incapable of making such report, the investigating officer shall submit such report.

270-C:18 Limitation of Title 46 of the United States Code. Notwithstanding any provisions of the Title 46 of the United States Code to the contrary, any person using a vessel on inland waters under the sole jurisdiction of the state of New Hampshire shall be required to pay a water use fee for the boat in accordance with the provisions of RSA 270.

28 Application of Receipts. Amend RSA 6:12, I by inserting after subparagraph (u) the following new subparagraph:



(v) The fees received under RSA 270:5 and RSA 270-C:3 and other revenues as specified in RSA 270:6, other than those credited to the fish and game fund, which shall be credited to the boat safety fund.

29 Collection of Boat Tax. Amend RSA 72-A:4, I and II (supp) as inserted by 1978, 12:1 as amended by striking out said paragraphs and inserting in place thereof the following:

I. For boats which are required to have a water use permit from the department of safety under the provisions of RSA 270:3, the boat permit fee shall be paid prior to, or at the time of, obtaining the water use permit. The boat permit fee may be paid to:

(a) An agent of the commissioner of the department of safety duly authorized to issue boat water use permits under RSA 270:5-a. These agents shall furnish a surety bond as required in RSA 41:6;

(b) The town or city clerk, or tax collector in the place where the boat is or where the water use permit will be issued; or

(c) The department of safety.

II. For boats which are exempt from department of safety water use permits, the boat tax shall be paid to the town or city clerk or the tax collector as provided in RSA 72-A:8.

30 Town Treasurer. Amend RSA 72-A:5 (supp) as inserted by 1978, 12:1 as amended by striking out said section and inserting in place thereof the following:

72-A:5 Town Treasurer. Every clerk, tax collector, and authorized agent shall each week send all boat permit fees collected to his town or city treasurer. The department of safety shall each month send all boat permit fees collected to the treasurer of the town or city where the money was collected. The permit fees shall be for the general use of the town or city.

31 Rulemaking. Amend RSA 72-A:7 (supp) as inserted by 1979, 484:5 as amended by striking out said section and inserting in place thereof the following:

72-A:7 Rulemaking. The commissioner of the department of safety shall adopt rules under RSA 541-A, after consulting with the commissioner of revenue administration, relative to the efficient administration of the boat permit fee.

32 Effective Date. This act shall take effect January 1, 1987.

Amendment adopted.

Referred to Appropriations.

HB 121, prohibiting open containers of alcoholic beverages in motor vehicles. Refer for Interim Study.

This bill provides for prohibiting transportation or possession of alcoholic beverages in open containers in motor vehicles. There are exceptions allowed including possession in living areas of recreational vehicles, chartered buses and limousines for hire. It also permits possession of "tailgate" parties in association with sporting events. Each exception creates problems with one or more groups. Several communities already have local ordinances. An effort will be made to bring forth a new bill that will be more acceptable to all. Vote 7-4. Rep. Irvin H. Gordon for Transportation.

Referred for Interim Study.

HB 129, relative to truck weights. Ought to Pass with Amendment.

This bill is intended to provide separate weight allowances on the interstate and defense highway system to comply with federal laws. It is also intended to provide additional weight allowances on the non-interstate and general highway system, subject to additional certification and registration requirements, and increased fines for violations, as well as revocation of such additional allowance privileges if they are abused. Vote 12-1. Rep. Ralph W. Pearson for Transportation.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to truck weights and increasing penalties for overweight vehicles.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Purpose. This legislation is intended to provide separate weight allowances on the interstate and defense highway system to comply with federal laws. It is also intended to provide additional weight allowances on the non-interstate and general highway system, subject to additional certification and registration requirements, and increased fines for violations, as well as revocation of such additional allowance privileges if they are abused.

2 Weight on Interstate and Defense Highway System. Amend RSA 266:18 (supp) as inserted by 1981, 146:1 as amended by striking out said section and inserting in place thereof the following:

266:18 Weight on Interstate and Defense Highway System. The driving on the interstate and defense highway system of this state of any vehicle or combination of vehicles exceeding the limitations of this section is hereby prohibited.

I. Maximum tire and axle gross weights allowable:

(a) 600 pounds per inch of width of tire.

(b) When being driven with a gross weight in excess of 73,280 pounds:

(1) 20,000 pounds per axle on axles more than 8 feet apart.

(2) 17,000 pounds per axle on axles not more than 8 feet apart.

(c) When being driven with a gross weight not in excess of 73,280 pounds:

(1) 22,400 pounds per axle on 3-axle single unit vehicles and on all other vehicles with axles 10 feet or more apart, including combination vehicles.

(2) 18,000 pounds per axle on axles of vehicles less than 10 feet apart, except 3-axle single unit vehicles.

(d) Two axles less than 40 inches apart shall be considered as a single axle unit.

II. Maximum allowable vehicle gross weights:

(a) For 2-axle vehicles, 33,400 pounds.

(b) For single unit 3-axle vehicles, 47,500 pounds, or a gross weight not in excess of that produced by application of the weight formula as defined in subparagraph (g), whichever is greater, as shown in table III.

(c) For single unit 4-axle vehicles, 47,500 pounds, or a gross weight not in excess of that produced by application of the weight formula as defined in subparagraph (g), whichever is the greater. Such vehicles shall have drive on 2 rear axles, and the tridem may contain not more than one retractable axle and, if not factory installed and load equalizing, must provide a system of load equalization by hydraulic, pneumatic or mechanical means, and be equipped with brakes.

(d) For a combination of truck-tractor and semi-trailer equipped with 3 axles, the gross weight shall not exceed that set forth in table I as follows:

Table I.

<u>Distance Between Extreme Axles in Feet</u>	<u>Maximum Gross Weight in Pounds</u>
25	54,500
26	55,500
27	56,000
28	57,000
29	57,500
30	58,500
31	59,000
32	60,000

Further provided that the maximum tire and axle gross weights as provided in paragraph I shall apply and the maximum load in pounds carried on any group of 2 or more consecutive axles shall not exceed that produced by application of the weight formula as defined in subparagraph (g).

(e) For a combination of truck-tractor and semi-trailer equipped with 4 axles, the gross weight shall not exceed that set forth in table II as follows:

Table II.

<u>Distance Between Extreme Axles in Feet</u>	<u>Maximum Gross Weight in Pounds</u>
28	60,500
29	61,500
30	62,000
31	62,500
32	63,500
33	64,000
34	64,500
35	65,500
36	66,000
37	66,500
38	67,500
39	68,000

Further provided that the maximum tire and axle gross weights as provided in paragraph I shall apply, and the maximum load in pounds carried on any group of 2 or more consecutive axles shall not exceed that produced by application of the weight formula as defined in subparagraph (g).

(f) For a combination of truck-tractor and single semi-trailer with 5 or more axles with gross weight not in excess of 73,280 pounds, the weight on any single axle shall not exceed 22,400 pounds and the weight on any tandem axle shall not exceed 36,000 pounds.

(g) For a combination of truck-tractor and single semi-trailer equipped with 5 or more axles with a gross weight in excess of 73,280 pounds or a combination of truck-tractor and more than one trailing unit, the total gross weight shall not exceed 80,000 pounds including all law enforcement tolerances, and the overall gross weight on a group of 2 or more consecutive axles shall not exceed that produced by application of the following formula, known as the weight formula:

$$W = 500 \left\{ \frac{LN}{N-1} + 12N + 36 \right\}$$



(In which W equals overall gross weight on any group of 2 or more consecutive axles to the nearest 500 pounds; L equals the distance measured to the nearest foot between the extreme of any group of 2 or more consecutive axles; and N equals the number of axles in the group under consideration.) Except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, provided the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more and provided that such gross weight shall not exceed 80,000 pounds, including all law enforcement tolerances.

$$\text{The formula } W = 500 \left\{ \frac{LN}{N-1} + 12N + 36 \right\}$$

when expressed in tabular form results in maximum allowable load in pounds carried on any group of 2 or more consecutive axles as follows in table III.

Table III.

Distance*	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8 and less	34,000	34,000				
more than 8	38,000	42,000				
9	39,000	42,500				
10	40,000	43,500				
11		44,000				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,000	52,000			
16		48,000	52,500	58,000		
17		48,500	53,500	58,500		
18		49,500	54,000	59,000		
19		50,000	54,500	60,000		
20		51,000	55,500	60,500	66,000	
21		51,500	56,000	61,000	66,500	
22		52,500	56,500	61,500	67,000	
23		53,000	57,500	62,500	68,000	
24		54,000	58,000	63,000	68,500	74,000
25		54,500	58,500	63,500	69,000	74,500
26		55,500	59,500	64,000	69,500	75,000
27		56,000	60,000	65,000	70,000	75,500
28		57,000	60,500	65,500	71,000	76,500
Distance*	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
29		57,500	61,500	66,000	71,500	77,000
30		58,500	62,000	66,500	72,000	77,500
31		59,000	62,500	67,500	72,500	78,000
32		60,000	63,500	68,000	73,000	78,500
33			64,000	68,500	74,000	79,000
34			64,500	69,000	74,500	80,000
35			65,500	70,000	75,000	
**36			66,000	70,500	75,500	

**37	66,500	71,000	76,000
**38	67,500	71,500	77,000
39	68,000	72,500	77,500
40	68,500	73,000	78,000
41	69,500	73,500	78,500
42	70,000	74,000	79,000
43	70,500	75,000	80,000
44	71,500	75,500	
45	72,000	76,000	
46	72,500	76,500	
47	73,500	77,500	
48	74,000	78,000	
49	74,500	78,500	
50	75,500	79,000	
51	76,000	80,000	
52	76,500		
53	77,500		
54	78,000		
55	78,500		
56	79,500		
57	80,000		

\*Distance in feet between the extremes of any group of 2 or more consecutive axles.

\*\*Distance in feet between the extremes of 4 axles. (2 sets of 2 axles) 68,000 gross weight exception.

The permissible loads are computed to the nearest 500 pounds.

(h) The following loaded vehicles shall not be driven over H15-44 bridges:

(1) A combination vehicle equipped with 5 axles in the configuration of 3-axle truck-tractor and 2-axle semi-trailer with wheel base less than 38 feet or 2-axle truck-tractor with 1-axle semi-trailer and 2-axle full trailer with wheel base less than 45 feet.

(2) A loaded single unit vehicle with full trailer equipped with axles with wheel base less than 45 feet.

(3) Vehicles with 7, 8, or 9 axles.

(i) Coupled vehicles consisting of a truck together with a trailer attached to the truck by a pintle hook or similar coupling device with adequate breakaway protection as provided in RSA 266:63 may be driven, provided the total combined gross weight of the vehicles does not exceed 80,000 pounds and provided that each unit of the coupled vehicles shall be limited to the maximum permissible axle weights and gross weights of the individual units, and further provided that the weight of 2 or more consecutive axles of the coupled vehicle shall not be in excess of that produced by application of the weight formula as defined in subparagraph (g) and shall be limited to a total combined gross weight not in excess of 80,000 pounds, a single axle limit of 20,000 pounds and a tandem axle limit of 34,000 pounds.

3 Weight on Non-interstate and General Highway System; Additional Registration; Certification; Enforcement. Amend RSA 266:18-a (supp) as inserted by 1983, 434:16 by striking out said section and inserting in place thereof the following:

266:18-a Weight on Non-interstate and General Highway System. The driving on ways of this state, other than on the interstate and defense highway system as provided by RSA 266:18, of any vehicle or combination of vehicles exceeding the limitations of this section is hereby prohibited; provided, however, that any police officer may allow on any way other than the interstate and defense highway system a tolerance of 5 percent above said limitations.

I. Maximum tire and axle gross weights allowable:

(a) 600 pounds per inch of width of tire.

(b) Two axles less than 40 inches apart shall be considered as a single axle unit.

II. Maximum allowable vehicle gross weight:

(a) For 2-axle vehicles, 33,400 pounds.

(b) For single unit 3-axle vehicles, 55,000 pounds, or a gross weight not in excess of that produced by application of the weight formula as defined in subparagraph (g), whichever is greater, as shown in table III in subparagraph (g).

(c) For single unit 4-axle vehicles, 60,000 pounds, or a gross weight not in excess of that produced by application of the weight formula as defined in subparagraph (g), whichever is the greater. Such vehicles shall have drive on 2 rear axles, and the tridem may contain not more than one retractable axle and, if not factory installed and load equalizing, must provide a system of load equalization by hydraulic, pneumatic, or mechanical means, and be equipped with brakes.

(d) For a combination of truck-tractor and semi-trailer equipped with 3 axles, the gross weight shall not exceed that set forth in table I as follows:

Table I.

<u>Distance Between Extreme Axles in Feet</u>	<u>Maximum Gross Weight in Pounds</u>
25	54,500
26	55,500
27	56,000
28	57,000
29	57,500
30	58,500
31	59,000
32	60,000

Further provided that the maximum tire and axle gross weights as provided in paragraph I shall apply, and the maximum load in pounds carried on any group of 2 or more consecutive axles shall not exceed that produced by application of the weight formula as defined in subparagraph (g).

(e) For a combination of truck-tractor and semi-trailer equipped with 4 axles, the gross weight shall not exceed that set forth in table II as follows:

Table II.

<u>Distance Between Extreme Axles in Feet</u>	<u>Maximum Gross Weight in Pounds</u>
28	60,500
29	61,500
30	62,000
31	62,500
32	63,500
33	64,000
34	64,500
35	65,500
36	66,000
37	66,500
38	67,500
39	68,000



Further provided that the maximum tire and axle gross weights as provided in paragraph I shall apply, and the maximum load in pounds carried on any group of 2 or more consecutive axles shall not exceed that produced by application of the weight formula as defined in subparagraph (g).

(f) For a combination of truck-tractor and single semi-trailer with 5 or more axles with gross weight not in excess of 73,280 pounds, the weight on any single axle shall not exceed 22,400 pounds and the weight on any tandem axle shall not exceed 36,000 pounds.

(g) For a combination of truck-tractor and single semi-trailer equipped with 5 or more axles with a gross weight in excess of 73,280 pounds or a combination of truck-tractor and more than one trailing unit, the total gross weight shall not exceed 80,000 pounds including all law enforcement tolerances, and the overall gross weight on a group of 2 or more consecutive axles shall not exceed that produced by application of the following formula, known as the weight formula.

$$\text{The formula } W = 500 \left\{ \frac{LN}{N-1} + 12N + 36 \right\}$$

(In which W equals overall gross weight on any group of 2 or more consecutive axles to the nearest 500 pounds; L equals the distance measured to the nearest foot between the extreme of any group of 2 or more consecutive axles; and N equals the number of axles in the group under consideration.) Except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, provided the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more and provided that such gross weight shall not exceed 80,000 pounds, including all law enforcement tolerances.

$$\text{The formula } W = 500 \left\{ \frac{LN}{N-1} + 12N + 36 \right\}$$

when expressed in tabular form results in maximum allowable load in pounds carried on any group of 2 or more consecutive axles as follows in table III.

Table III.

Distance*	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8 and less	34,000	34,000				
more than 8	38,000	42,000				
9	39,000	42,500				
10	40,000	43,500				
11		44,000				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,000	52,000			
16		48,000	52,500	58,000		
17		48,500	53,500	58,500		
18		49,500	54,000	59,000		
19		50,000	54,500	60,000		
20		51,000	55,500	60,500	66,000	
21		51,500	56,000	61,000	66,500	

22	52,500	55,500	61,500	67,000	
23	53,000	57,500	62,500	68,000	
24	54,000	58,000	63,000	68,500	74,000
25	54,500	58,500	63,500	69,000	74,500
26	55,500	59,500	64,000	69,500	75,000
27	56,000	60,000	65,000	70,000	75,500
28	57,000	60,500	65,500	71,000	76,500
29	57,500	61,500	66,000	71,500	77,000
30	58,500	62,000	66,500	72,000	77,500
31	59,000	62,500	67,500	72,500	78,000
32	60,000	63,500	68,000	73,000	78,500
33		64,000	68,500	74,000	79,000
34		64,500	69,000	74,500	80,000
35		65,500	70,000	75,000	
**36		66,000	70,500	75,500	
**37		66,500	71,000	76,000	
**38		67,500	71,500	77,000	
39		68,000	72,500	77,500	
40		68,500	73,000	78,000	
41		69,500	73,500	78,500	
42		70,000	74,000	79,000	
43		70,500	75,000	80,000	
44		71,500	75,500		
45		72,000	76,000		
46		72,500	76,500		
47		73,500	77,500		
48		74,000	78,000		
49		74,500	78,500		
50		75,500	79,000		
51		76,000	80,000		
52		76,500			
53		77,500			
54		78,000			
55		78,500			
56		79,500			
57		80,000			

\*Distance in feet between the extremes of any group of 2 or more consecutive axles.

\*\*Distance in feet between the extremes of 4 axles. (2 sets of 2 axles) 68,000 gross weight exception.

The permissible loads are computed to the nearest 500 pounds.

(h) The following loaded vehicles shall not be driven over H15-44 bridges:

(1) A combination vehicle equipped with 5 axles in the configuration of 3-axle truck-tractor and 2-axle semi-trailer with wheel base less than 38 feet or 2-axle truck-tractor with 1-axle semi-trailer and 2-axle full trailer with wheel base less than 45 feet.

(2) A loaded single unit vehicle with full trailer equipped with axles with wheel base less than 45 feet.

(3) Vehicles with 7, 8, or 9 axles.

(i) Coupled vehicles consisting of a truck together with a trailer attached to the truck by a pintle hook or similar coupling device with adequate breakaway protection as provided in RSA 266:63 may be driven, provided the total combined gross weight of the vehicles does not exceed 80,000 pounds and provided that each unit of the coupled vehicles shall be limited to the maximum permissible axle weights and gross weights of the individual units, and further provided that the weight of 2 or more consecutive axles of the coupled vehicle shall not be in excess of that produced by application of the weight formula as defined in subparagraph

(g) and shall be limited to a total combined gross weight not in excess of 80,000 pounds, a single axle limit of 20,000 pounds and a tandem axle limit of 34,000 pounds.

266:18-b Weight on Non-interstate and General Highway System for Vehicles with Additional Registration. The provisions of this section shall only apply to vehicles or combinations of vehicles which have been certified pursuant to RSA 266:18-d and shall only apply to the driving of such vehicles on any way other than the interstate and defense highway system. The driving of any such vehicle exceeding the limitations of this section is hereby prohibited; provided, however, that any police officer shall allow on any way other than the interstate and defense highway system a tolerance of 5 percent above said limitations and 10 percent above said limitations on the axle weights.

I. Maximum tire and axle gross weights allowable: 600 pounds per inch of width of tire.

II. Maximum axle weights allowable:

(a) 22,400 pounds per axle on 3-axle single unit vehicles and 20,000 pounds per axle on 4-axle single unit vehicles and 22,400 pounds on all other vehicles with axles 10 feet or more apart, including combination vehicles.

(b) 18,000 pounds per axle on axles of vehicles less than 10 feet apart, except 3-axle single unit vehicles and 4-axle single unit vehicles.

(c) Two axles less than 40 inches apart shall be considered as a single axle unit.

(d) The distribution of loads shall be further controlled as:

(1) No single axle of a tandem unit shall support more than 60 percent of the total weight supported by the tandem unit. It shall not be considered a violation if neither axle of a tandem unit exceeds the weight legally allowed on a single axle unit for the same vehicle.

(2) No single axle of a tri-axle unit shall support more than 40 percent of the total weight supported by the tri-axle unit.

(3) The allowable gross weight of a vehicle shall not be increased by the addition of a trailing axle, so called, unless the trailing axle supports at least 50 percent of the added weight permitted by the addition of that trailing axle.

III. Maximum allowable vehicle gross weights:

(a) For 2-axle vehicles, 37,400 pounds.

(b) For single unit 3-axle vehicles, 65,000 pounds.

(c) For single unit 4-axle vehicles, 73,000 pounds. Such vehicles shall have drive on 2 rear axles, and the tridem may contain not more than one retractable axle and, if not factory installed and load equalizing, must provide a system of load equalization by hydraulic, pneumatic, or mechanical means, and be equipped with brakes.

(d) For a combination of truck-tractor and semi-trailer equipped with 3 axles, the gross weight shall not exceed that set forth in table I as follows:

Table I.

<u>Distance Between Extreme Axles in Feet</u>	<u>Maximum Gross Weight in Pounds</u>
25	54,500
26	55,500
27	56,000
28	57,000
29	57,500
30	58,500
31	59,000
32	60,000



Further provided that the maximum tire and axle gross weights as provided in paragraph I shall apply, and the maximum load in pounds carried on any axle shall not exceed that provided in paragraph II.

(e) For a combination of truck-tractor and semi-trailer equipped with 4 axles or more, the gross weight shall not exceed that set forth in the following table:

<u>Distance*</u>	<u>Total Axles</u>	<u>Gross Wt.</u>
8	4 or more	59,000
9	"	60,000
10	"	61,000
11	"	62,000
12	"	63,000
13	"	64,000
14	"	65,000
15	"	66,000
16	"	67,000
17	"	68,000
18	"	69,000
19	5 or more	70,000
20	"	72,000
21	"	74,000
22	"	76,000
23	"	78,000
24	"	80,000
25	"	80,000
26	"	80,000
27	"	80,000
28	"	82,000
29	"	84,000
30	6 or more	86,000
31	"	88,000
32	"	90,000
33	"	92,500
34	"	95,000
35	"	97,500
36	"	99,000

\*The distance in feet noted is that between extreme axles, excluding the steering axle.

Further provided that the maximum tire and axle gross weights as provided in paragraphs I and II shall apply.

(f) For a combination of truck-tractor and single semi-trailer with 4 or more axles, the weight on any single axle shall not exceed 22,400 pounds and the weight on any tandem axle shall not exceed 36,000 pounds, and the weight of any tri-axle shall not exceed 54,000 pounds.

(g) For a combination of truck-tractor and one or more trailing units being driven upon any way of this state, the total gross weight shall not exceed 99,000 pounds.

(h) The commissioner of transportation may restrict at his discretion the crossing of certain bridges or other structures, which he determines to have insufficient strength to safely carry multiple legal loads, by limiting vehicles to a caution crossing, whereby the bridge is restricted to one vehicle certified under RSA 266:18-d exceeding 37,400 pounds on the bridge at any one time. When multiple vehicles of more than 2 axles are located on the designated bridge, all loaded certified vehicles shall be required to stop and wait until other traffic passes

before crossing the bridge. A bridge so restricted shall be posted according to RSA 266:18-c.

(i) The following loaded vehicles shall not be driven over H15-44 bridges unless so authorized by the commissioner of transportation:

(1) A combination vehicle equipped with 5 axles in the configuration of 3-axle truck-tractor and 2-axle semi-trailer with wheel base less than 38 feet or 2-axle truck-tractor with one-axle semi-trailer and 2-axle full trailer with wheel base less than 45 feet.

(2) A loaded single unit vehicle with full trailer equipped with 6 axles with wheel base less than 45 feet.

(3) Vehicles with 7, 8, or 9 axles.

(j) Coupled vehicles consisting of a truck together with a trailer attached to the truck by a pintle hook or similar coupling device with adequate breakaway protection as provided in RSA 266:63 may be driven, provided the total combined gross weight of the vehicles does not exceed 99,000 pounds and provided that each unit of the coupled vehicles shall be limited to the maximum permissible axle weights and gross weights of the individual units, and further provided that the weight of 2 or more consecutive axles of the coupled vehicle shall not be in excess of that produced by application of the weight formula as defined in RSA 266:18-b, III(e) and shall be limited to a total combined gross weight not in excess of 99,000 pounds, a single axle limit of 22,400 pounds, a tandem axle limit of 36,000 pounds, and a tri-axle limit of 54,000 pounds.

266:18-c General Weight Provisions. The following provisions shall apply to any vehicle covered by RSA 266:18, 18-a, or 18-b, regardless of the type of way or highway on which it is driven, except as otherwise specified:

I. A vehicle or combination of vehicles equipped with any solid rubber tires shall not have weights more than 80 percent of those permitted; provided that no vehicle equipped with solid rubber tires which has at any point less than one inch of rubber above the top or beyond the flange or rim shall be driven upon any way.

II. Motor vehicles or vehicles drawn by motor vehicles when equipped with metal or other hard tires shall not have weights more than 40 percent of those permitted.

III. The provisions of RSA 266:18, 18-a, and 18-b shall not apply to vehicles used exclusively in the surfacing of ways of the state of New Hampshire, or subdivisions thereof; provided that the commodities of tar, asphalt, or the combination thereof shall not exceed 2,000 gallons on any 2-axle vehicle, or 4,000 gallons on any 3-axle vehicle.

IV. A vehicle or combination of vehicles shall not be driven or moved over any bridge or other structure on any way if the weight of such vehicle, or combination of vehicles and load, is greater than the capacity of the structure as shown by a sign on the right side of or overhead on the structure.

V. It shall be the duty of the commissioner of transportation to cause signs to be erected at both ends on the right side of or overhead on all bridges or other structures under his jurisdiction stating the capacity in tons of 2,000 pounds which the bridge or other structure will safely carry. As an alternative to posting signs with stated weight limits, the commissioner of transportation may, at his discretion, post standardized warning signs designating certain restricted bridges as caution crossing bridges, or as excluded bridges, and publish a list which designates all such bridges, so conditioned at least annually. For all other bridges or other structures it shall be the duty of the authority having jurisdiction to place similar signs. The signing message for posting of weight limits for bridges and structures shall read as follows:

WEIGHT  
LIMIT  
X  
TONS

If the authority determines that a bridge or other structure may safely carry loads greater than this limit by vehicles with 3 or more axles, the signs shall read as follows:

GROSS WEIGHT LIMIT  
X TONS OR  
Y% OF LEGAL LOADS

"X" is the numerical value that equals the posted maximum legal gross weight limit for a 2-axle vehicle. "Y%" is the numerical value expressed as a percentage of the maximum legal gross weight limit of any single axle or tandem axle, and the combined gross weight limit of any 3-axle truck or any combination as noted in this section. Where no special permit loads are allowed, the signing message for posting shall read as follows:

NO PERMIT LOAD  
LEGAL LOADS MAXIMUM

Upon bridges or other structures of sufficient strength to carry safely the legal loads permissible by this section, no such signs shall be required.

VI. A determination of the gross weight of vehicles under the tables as set forth in RSA 266:18, 18-a, and 18-b shall, in cases in which the distance between extreme axles is not in exact number of feet, be governed by the following: if the distance is 6 inches or less in excess of the number of feet stated in the table, the gross weight shall be based upon the number of feet stated in the table; if the distance is more than 6 inches in excess of the number of feet in the table, the gross weight shall be based upon the next higher number of feet.

266:18-d Additional Certification and Registration.

I. No vehicle shall be driven on any way with a gross vehicle weight in excess of the weight limits specified in RSA 266:18-a without having obtained a certification therefor from the commissioner of the department of safety. The certification shall be in addition to any other requirements provided by law. Any vehicle so certified may be driven on any way other than the interstate or defense highway system in accordance with the limits established by RSA 266:18-b.

II. The commissioner shall issue said certificate upon receiving proper application. The application shall be accompanied by an additional fee of \$105 and the certification shall be in effect for a period of one year.

III. Vehicles so certified include the power unit, which shall be inspected and certified by the department of safety annually as meeting standard safety conditions required for the safe operation of the vehicle. Such inspection shall designate the maximum safe gross weight for the vehicles as determined by the components and the summation of the manufacturer's axle design limits for each axle of the vehicle.

IV. A vehicle so certified shall be considered to have reciprocity with other states granting New Hampshire similar reciprocity for the full weight limit designated in RSA 266:18-b or to the weight limit for which the vehicle is registered, whichever is less.

V. Upon certification a vehicle shall be eligible for an additional registration authorizing the driving of the vehicle in accordance with the weight limits established in RSA 266:18-b. The fee for such additional registration shall be determined in accordance with the vehicle registration fee provided by law and shall be in addition to the certification fee contained in paragraph II.

VI. The commissioner or his designee may revoke or suspend any additional registration granted pursuant to paragraph V of any vehicle or vehicles which are being driven in violation of the limits established by RSA 266:18-b or any other provision of law as evidenced by a record of such violations. The commissioner shall adopt rules pursuant to RSA 541-A



relative to the procedures for such revocation or suspension and any other matter necessary to properly administer this section.

266:18-e Enforcement Expenditures. Notwithstanding any other provision of law, in case the expenditure of additional funds over budget estimates is necessary to implement and enforce this chapter, the governor and council, with the prior approval of the fiscal committee of the general court, upon request from the commissioner, may authorize the transfer of funds from the highway surplus account to the department of safety for such purpose.

266:18-f Assembly or Disassembly of Double Trailers. The commissioner of transportation, by rule adopted pursuant to RSA 541-A, shall have the authority to prohibit and to approve suitable locations for the assembly and disassembly of truck-tractor, semi-trailer, or full trailer combinations, and these rules shall have the force of law. No truck-tractor, semi-trailer, or full trailer combination shall be assembled or disassembled on the roadway or shoulder of any way, nor within a state or municipally owned right of way, nor at state operated rest areas, weigh stations or car pool parking lots, nor at any other location prohibited by the commissioner of transportation. Any person who shall violate the provisions of this section shall be guilty of a misdemeanor.

4 Penalties. Amend RSA 266:25 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following new section:

266:25 Penalty for Overload.

I. Except as provided in paragraph II, any person who shall drive or cause to be driven on the ways of this state a vehicle whose weight is in excess of that prescribed in this subdivision shall be guilty of a violation, and notwithstanding the provisions of RSA 625:9, V, shall be fined not more than \$100 for a first offense nor more than \$250 for a subsequent offense within a registration year.

II. Any person who shall drive or cause to be driven on the ways of this state a vehicle whose weight is in excess of that prescribed in RSA 266:18-a, or RSA 266:18-b shall be fined \$100 or \$.02 for each pound in excess of the prescribed weight, whichever is the greater, for a first offense; \$250 or \$.02 per pound in excess of the prescribed weight, whichever is greater, for a second offense; for a third and subsequent offense of the same vehicle in violation of this section, \$250 or \$.02 per pound in excess of the prescribed weight, whichever is greater, up to an excess of 15,000 pounds; when the excess is more than 15,000 pounds and less than 30,000 pounds, \$.03 per pound; and when the excess is more than 30,000 pounds, \$.04 per pound.

III. Any person who shall drive or cause to be driven on any interstate and defense highway of this state a vehicle whose weight is in excess of that prescribed in RSA 266:18 shall be subject to the fine in paragraph I.

IV. Any person who shall drive or cause to be driven on a bridge of this state a vehicle whose weight is in excess of the posted or annually published caution crossing limit, for that particular bridge may be fined up to \$200.

V. Any person who shall drive or cause to be driven on a bridge of this state a vehicle whose weight exceeds the limit of an excluded bridge (or bridge posted for no trucks) may be fined up to \$400.

VI. All fines and certification fees collected pursuant to this section, RSA 260:42, RSA 260:52, RSA 260:55, RSA 265:118, RSA 266:16, RSA 266:26, and RSA 266:63 through 72-a shall accrue to the highway fund.

5 Effective Date. This act shall take effect January 1, 1987.

Rep. Rehlander moved that HB 129 be Referred for Interim Study and yielded to questions.

Reps. Sloan, Pearson and Irvin Gordon spoke against the motion and yielded to questions.

Rep. Lewis spoke in favor of the motion.

Rep. Stewart spoke to the motion and yielded to questions.

Rep. Hoar spoke in favor of the motion and yielded to questions.

Rep. Chardon spoke against the motion.

The previous question was moved. Sufficiently seconded. Adopted.

A division was requested.

70 members having voted in the affirmative and 231 in the negative, the motion lost.

Amendment adopted.

Ordered to third reading.

HB 407-FN, relative to under-registration of gross weight. Refer for Interim Study.

The provisions of this bill, like those of HB 406 have been included in HB 129. As a matter of fact, the penalties in HB 129 are more severe for the violation than this bill requests. Vote 9-3. Rep. Irvin H. Gordon for Transportation.

Referred for Interim Study.

HB 211, relative to the resale of tickets. Inexpedient to Legislate. This legislation was intended to address a problem which no longer exists. The Committee feels it is now an intrusion on the free enterprise system. Vote 12-0. Rep. Toni Pappas for Commerce, Small Business and Consumer Affairs.

Rep. Scott Green moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Pappas spoke against the motion and yielded to questions.

Rep. Quimby spoke against the motion.

A division was requested.

25 members having voted in the affirmative and 230 in the negative, the motion lost.

Resolution adopted.

Rep. Sallada notified the Clerk that he wished to be recorded against the substitute motion on HB 211.

HB 230, relative to the definition of a cord of wood. Inexpedient to Legislate.

Present law seems clear and adequate if the dealer is honest. The proposed change (to define a cord by lengths and cubic footage) would be both costly and confusing. Vote 12-0. Rep. Eugene E. Pantzer for Commerce, Small Business and Consumer Affairs.

Rep. Appleby moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Pantzer and Quimby spoke against the motion.

A division was requested.

19 members having voted in the affirmative and 225 in the negative, the motion lost.

Resolution adopted.

HB 209, eliminating the statute of limitations for sexual assault crimes. Ought to Pass with Amendment.

This bill clarifies and strengthens the protection of children from sex-related offenses being unpunishable due to the statute of limitations having expired. The amendment provides that the statute of limitations for rape and incest where the victim is under 18 runs for 6 years after the age of majority. Vote 12-0. Rep. Frank J. Sylvia for Judiciary.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to the statute of limitations  
for child sexual assault and incest.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Statute of Limitations; Sexual Assault of Minors. Amend RSA 632-A:7 (supp) as inserted by 1975, 302:1 by striking out said section and inserting in place thereof the following:

632-A:7 Limitations of Prosecutions.

I. In cases where the victim was under the age of 18 when the alleged sexual assault offense occurred, the statute of limitations shall not begin to run until the victim reaches the age of 18.

II. In cases where the victim was over the age of 18 when the alleged sexual assault offense occurred, no prosecution may be maintained under this chapter unless the alleged offense was brought to the attention of a law enforcement officer within 6 months after its occurrence.

2 Statute of Limitations; Incest. Amend RSA 639:2 as inserted by 1971, 518:1 by striking out said section and inserting in place thereof the following:

639:2 Incest.

I. A person is guilty of a class B felony if he marries or has sexual intercourse, or lives together with, under the representation of being married, a person whom he knows to be his ancestor, descendant, brother or sister, of the whole or half blood, or an uncle, aunt, nephew or niece; provided, however, that no person under the age of 18 shall be liable under this section if the other party is at least 3 years older at the time of the act. The relationships referred to herein include blood relationships without regard to legitimacy, stepchildren, and relationships of parent and child by adoption.

II. In cases of alleged incest where the victim is under the age of 18, the statute of limitations shall not begin to run until the victim reaches the age of 18.

3 Effective Date. This act shall take effect January 1, 1987.

Amendment adopted.

Rep. O'Brien offered an amendment.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to the statute of limitations  
for child sexual assault and incest.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Statute of Limitations; Sexual Assault of Minors. Amend RSA 632-A:7 (supp) as inserted by 1975, 302:1 by striking out said section and inserting in place thereof the following:

632-A:7 Limitations of Prosecutions.

I. In cases where the victim was under the age of 18 when the alleged sexual assault offense occurred, the statute of limitations shall



not begin to run until 12 years after the victim reaches the age of 18.

II. In cases where the victim was over the age of 18 when the alleged sexual assault offense occurred, no prosecution may be maintained under this chapter unless the alleged offense was brought to the attention of a law enforcement officer within 6 months after its occurrence.

2 Statute of Limitations; Incest. Amend RSA 639:2 as inserted by 1971, 518:1 by striking out said section and inserting in place thereof the following:

639:2 Incest.

I. A person is guilty of a class B felony if he marries or has sexual intercourse, or lives together with, under the representation of being married, a person whom he knows to be his ancestor, descendant, brother or sister, of the whole or half blood, or an uncle, aunt, nephew or niece; provided, however, that no person under the age of 18 shall be liable under this section if the other party is at least 3 years older at the time of the act. The relationships referred to herein include blood relationships without regard to legitimacy, stepchildren, and relationships of parent and child by adoption.

II. In cases of alleged incest where the victim is under the age of 18, the statute of limitations shall not begin to run until 12 years after the victim reaches the age of 18.

3 Effective Date. This act shall take effect January 1, 1987.

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. O'Brien explained the amendment.

Rep. Sylvia spoke against the amendment and yielded to questions.

Rep. Burton spoke in favor of the amendment and yielded to questions.

Rep. Sytek spoke against the amendment.

The Chair requested a division.

79 members having voted in the affirmative and 228 in the negative, the amendment lost.

Ordered to third reading.

HB 305, relative to soliciting county employees for political contributions. Ought to Pass with Amendment.

The majority of the testimony to this bill was in favor, as amended.

This bill prohibits coercion and allows for solicitation of state and county employees for political contributions. Vote 14-0. Rep. Leona Dykstra for Municipal and County Government.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to coercing county employees to make political contributions.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Coercion of County Employees Prohibited. Amend RSA 664:4-a (supp) as inserted by 1983, 415:2 by striking out said section and inserting in place thereof the following:

664:4-a Prohibited Coercion of State and County Employees.

I. No person shall knowingly coerce, or attempt to coerce, any classified state employee to make a contribution to any political campaign, political committee, or to any candidate, party or cause, for the purpose of promoting the success or defeat of any candidate or political party.

II. No person shall knowingly coerce, or attempt to coerce, any county employee to make a contribution to any political campaign, political committee, party, or cause, or to any candidate for the county office in which that county employee is employed.

2 Effective Date. This act shall take effect January 1, 1987.

Rep. Mehegan moved that the words, Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass with Amendment, and spoke to her motion.

Rep. Beverly Gage spoke against the motion.

On a voice vote the motion lost.

Amendment adopted.

The Chair requested a division.

199 members having voted in the affirmative and 102 in the negative, HB 305 was ordered to third reading.

HB 56-FN, eliminating the lien placed on property because of failure to file a complete inventory form. Inexpedient to Legislate.

The intent of this bill was to eliminate the treatment of unpaid penalties as incident to the tax. The Committee, on reviewing the testimony, is of the unanimous opinion that the existing provisions, as set forth in the Revised Statutes Annotated, are appropriate and sufficient to safeguard the interests of all concerned. Vote 13-0. Rep. Paul A. Golden for Municipal and County Government.

Rep. Diament moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion. Reps. West and Beverly Gage spoke against the motion and yielded to questions.

The Chair requested a division.

88 members having voted in the affirmative and 215 in the negative, the motion lost.

Resolution adopted.

HB 314, relative to the transportation of alcohol in open containers. Inexpedient to Legislate.

The subject matter of this bill, transportation of alcohol in open containers, is covered in HB 121 which has been recommended for interim study. Many questions were raised on both sides of this bill. Therefore, the Committee feels more study is necessary. Vote 9-1. Rep. Irvin H. Gordon for Transportation.

Resolution adopted.

HB 487-FN, establishing a community DWI program, funded through \$50 reinstatement fees to be paid by certain persons who have had their drivers' licenses revoked. Refer for Interim Study.

This bill calls for an assessment of \$50 reinstatement fee to be paid by a person after revocation of license for driving while intoxicated and related offenses or for refusal to take a blood alcohol content test. The Committee sees some merit in the bill, but wishes to see further work done in establishing the programs that are to benefit from the fund to be established from the assessment fee. For the above reason the Committee recommends that the bill needs further study. Vote 11-0. Rep. Irvin H. Gordon for Transportation.

Referred for Interim Study.

HB 499-FN, establishing a STOP-DWI program, funded through \$20 reinstatement fees to be paid by certain persons who have had their drivers' licenses revoked. Inexpedient to Legislate.

The substance of this bill is similar to that of HB 487 and it will be the intention of the Committee to consider that fact in the study of

HB 487. For this reason the Committee asks that HB 499 be inexpedient to legislate. Vote 10-0. Rep. Irvin H. Gordon for Transportation.

Resolution adopted.

#### RECONSIDERATION

Rep. Irvin Gordon moved that the House reconsider its action whereby it passed HB 129, relative to truck weights.  
Reconsideration lost.

Rep. Rounds offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

#### LATE SESSION

##### Third reading and final passage

HB 17-FN, appropriating funds for a fire exit stairway and a library, classroom and roof repairs at the youth development center.

HB 19-FN, relative to users of fuel other than motor fuel in vehicles of the pleasure type.

HB 34-FN, establishing the salaries of classified state employees in academic positions.

HB 90-FN, relative to improvement of the state boat launch on Crystal Lake in the town of Enfield and making an appropriation therefor.

HB 100-FN, making an appropriation to pay moneys owed to the education commission of the states.

HB 193-FN, establishing a local water protection assistance program and making an appropriation therefor.

HB 227-FN, making a supplemental appropriation for matching funds for vocational rehabilitation.

HB 258-FN, increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs.

HB 286-FN, relative to the Winnepesaukee River basin control.

HB 290-FN, relative to the representation of state officials by the attorney general.

HB 369-FN, relative to indemnifying state park volunteers from civil suits and authorizing the New Hampshire Outdoor Council to raise funds for certain purposes.

HB 392-FN, relative to the board of registration in medicine and making an appropriation therefor and relative to the board of dental examiners.

HB 500-FN, permitting group II members who reach age 65 to make an election for retirement benefits.

HB 155-FN, providing for continuation of certain insurance benefits for divorced or separated spouses.

HB 361, relative to termination of group insurance benefits.

HB 463-FN, establishing a task force to study utilization review and other matters relative to mental health services.

HCR 3, relative to the movie industry.

HB 308, requiring libraries to make annual reports of trust funds to the attorney general.

HB 209, relative to the statute of limitations for child sexual assault and incest.

HBI 2003, relating to liability of liquor servers for alcohol-related auto accidents.



HB 423-FN, relative to overtime pay rates.

HB 273-FN, relative to the revocation of town manager plans.

HB 305, relative to coercing county employees to make political contributions.

HB 481-FN, authorizing the issuance of notes or bonds and relative to the collection of taxes for the town of Londonderry.

HB 103, relative to access to New Hampshire rivers and operating restrictions on certain bodies of water.

HB 249, prohibiting the use of certain containers for use as flotation devices in the public waters of the state.

HB 357, restricting boating on Iona Lake in the town of Albany and Middle Pea Porridge Pond in the town of Madison, and Big Pea Porridge Pond in the towns of Madison and Conway.

HB 365, to prevent marine pollution by requiring the sealing of all boat plumbing facilities.

HB 387-FN, establishing a committee to study the feasibility of a fee at the state seacoast beaches.

HB 82, relative to the driver's license suspension period for motor vehicle habitual offenders.

HB 108, relative to the transfer of registration of a motor vehicle.

HB 32-FN, establishing the salaries for certain employees of the department of postsecondary technical education.

HB 50-FN, establishing the arts development program and making an appropriation therefor.

HB 177-FN, establishing a revenue stabilization reserve account and requiring reports on debt redemption and revenue estimates.

HB 197-FN, relative to agricultural promotion and making an appropriation therefor.

HB 333, making an appropriation to the voc-tech college in Claremont and increasing the funds for repairs to the legislative office building.

HB 433-FN, relative to engineering services to municipalities in the field of water pollution abatement and providing for additional staff to implement the provisions of RSA 149-E and making an appropriation therefor.

HB 435-FN, determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an appropriation therefor.

HB 445-FN, relative to the salary of the executive director of the postsecondary education commission.

HB 58-FN, relative to strict liability for hazardous waste cleanup and priority of state liens on certain property.

HB 212, relative to chiropractic and requiring that academic standards for professions be established only by statute.

HB 414-FN, providing for the licensing of insurance consultants.

HB 430-FN, establishing a department of environmental services.

HB 483-FN, establishing a division of elderly and adult services within the department of health and human services.

HR 16, requesting an opinion of the justices on HB 148.

HB 208, relative to electronic defense weapons.

HB 129, relative to truck weights and increasing penalties for overweight vehicles.

HR 18, requesting an opinion of the justices concerning the constitutionality of HB 30.

Rep. Rounds moved that the House stand in recess for the purpose of Enrolling Reports, Senate Messages and Introduction of Senate Bills only.  
Adopted.

The House recessed at 5:44 p.m.

RECESS

(Rep. Welch in the Chair)

SENATE MESSAGES  
CONCURRENCE

HB 172-FN, increasing the appropriation in the operating budget relative to the department of health and human services to fund SB 1 of the 1985 legislative session.

HB 481-FN, authorizing the issuance of notes or bonds and relative to the collection of taxes for the town of Londonderry.

REQUESTS CONCURRENCE

SB 32, relative to motor vehicle inspections.

SB 39, relative to the human rights commission.

SB 65, relative to the eviction of tenants in certain rental property.

SB 113-FN, relative to the creation of distinctive registration plates for businesses which do not engage in the retail sale of motor vehicles to the public.

SB 141-FN, relative to off highway recreational vehicles and appropriating a portion of agents' penalties to the OHRV registration office.

SCR 1, authorizing the formation of a committee to study the establishment of an office of state auditor.

SCR 2, relative to the disposal of high-level radioactive waste in New Hampshire.

CACR 12, relating to rulemaking authority of the supreme court.

Providing that supreme court rules are effective only when not inconsistent with statute.

CACR 11, relating to meetings of the General Court. Providing that the General Court shall meet biennially and receive mileage for not more than 90 legislative days during the session, but not after the first day of July following the biennial assembly of the Legislature.

SB 108-FN, relative to establishing a veterans' cemetery in the state.

SB 14-FN, establishing a committee to study presumptive sentencing and sentencing of criminals in New Hampshire.

SB 26, relative to the integrated bar.

SB 66, relative to annulments of arrest records.

SB 115, increasing DWI penalties.

Rep. Malcolm offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 32, 39, 65, 113, 141, SCRs 1 and 2, CACRs 12 and 11, SBs 108, 14, 26, 66, 115, 1, 12, 17, 20, 23, 27, 30, 33, 47, 49, 50, 53, 56, 58, 64, 70, 73, 75, 80, 99, 100, 106, 125 and 131, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS, SCRs and CACRs  
First, second reading and referral

SB 32, relative to motor vehicle inspections. (Transportation)

SB 39, relative to the human rights commission. (Judiciary)

SB 65, relative to the eviction of tenants in certain rental property. (Judiciary)

SB 113-FN, relative to the creation of distinctive registration plates for businesses which do not engage in the retail sale of motor vehicles to the public. (Transportation)

SB 141-FN, relative to off highway recreational vehicles and appropriating a portion of agents' penalties to the OHRV registration office. (Fish and Game)

SCR 1, authorizing the formation of a committee to study the establishment of an office of state auditor. (Executive Departments and Administration)

SCR 2, relative to the disposal of high-level radioactive waste in New Hampshire. (State-Federal Relations)

CACR 12, relating to rulemaking authority of the supreme court. Providing that supreme court rules are effective only when not inconsistent with statute. (Constitutional and Statutory Revision)

CACR 11, relating to meetings of the General Court. Providing that the General Court shall meet biennially and receive mileage for not more than 90 legislative days during the session, but not after the first day of July following the biennial assembly of the Legislature. (Constitutional and Statutory Revision)

SB 108-FN, relative to establishing a veterans' cemetery in the state. (Public Protection and Veterans Affairs)

SB 14-FN, establishing a committee to study presumptive sentencing and sentencing of criminals in New Hampshire. (Judiciary)

SB 26, relative to the integrated bar. (Judiciary)

SB 66, relative to annulments of arrest records. (Judiciary)

SB 115, increasing DWI penalties. (Judiciary)

SB 1, relative to abandoned property and depositing public moneys in New Hampshire savings banks. (Commerce, Small Business and Consumer Affairs)

SB 100, authorizing the director of the division of parks and recreation to make certain emergency expenditures. (Appropriations)

SB 12-FN, relative to certain withdrawals from the New Hampshire retirement system. (Executive Departments and Administration)

SB 30, requiring notification of late payments by subcontractors to unions. (Labor, Industrial and Rehabilitative Services)

SB 73, relative to uninsured motorist property damage insurance. (Commerce, Small Business and Consumer Affairs)

SB 53, relative to valid marriages. (Judiciary)

SB 64-FN, relative to marriage. (Judiciary)

SB 47, prohibiting the sale of products containing human collagen. (Health and Human Services)

SB 99-FN, relative to disposal of human body parts. (Health and Human Services)

SB 125, prohibiting abortions in the second and third trimester of pregnancy. (Health and Human Services)

SB 33, directing the department of revenue administration to study the problem of requiring business organizations to include on their business profits tax returns the municipality in which they are located. (Ways and Means)

SB 50, permitting public television and public radio, as part of their fund raising programs, to auction wine and liquor donated for that purpose, relative to liquor licenses, and relative to social clubs within national guard armories. (Regulated Revenues)

SB 80-FN, relative to an administrative fine for prohibited liquor sales. (Regulated Revenues)

SB 131-FN, relative to the higher education building corporation. (Public Works)

SB 49, appropriating and granting bonding authority for funds to construct a superior courthouse to serve Hillsborough county. (Public Works)

SB 58, providing a supplemental appropriation for safety services in the department of safety. (Public Works)

SB 17, restricting the size of motors to be used on Iona Lake. (Resources, Recreation and Development)

SB 20, prohibiting the operation of petroleum powered power boats on Spectacle Pond in the towns of Groton and Hebron. (Public Protection and Veterans Affairs)



SB 23, relative to the taking of certain game birds. (Fish and Game)  
 SB 70, establishing a committee to study critical lakes and river protection. (Resources, Recreation and Development)  
 SB 75, requiring reciprocity before nonresidents may train dogs in this state. (Fish and Game)  
 SB 27, relative to nominations when a candidate does not receive the nomination of his own party in the state primary election. (Constitutional and Statutory Revision)  
 SB 106, allowing students in an approved high school vocational electrical program to perform electrical installations in residential buildings. (Education)  
 SB 56, relative to the current use advisory board. (Environment and Agriculture)

## ENROLLED BILL REPORT

HB 172, increasing the appropriation in the operating budget relative to the department of health and human services to fund SB 1 of the 1985 legislative session.

Rep. Chris Jacobson  
 Sen. Mark Hounsell  
 For the Committee.

RECESS

(Rep. Rodeschin in the Chair)

## ENROLLED BILL REPORT

HB 481, authorizing the issuance of notes or bonds and relative to the collection of taxes for the town of Londonderry.

Rep. Gertrude I. Butler  
 Sen. Rhona M. Charbonneau  
 For the Committee.

## COMMUNICATION

John B. Tucker  
 Speaker of the House of Representatives

Dear John and House members:

Bobbie Arnold has informed me that my dad's Resolution was read before the full house. How honored he would have been.

I have not been able to adequately write you to tell you how deeply touched our family has been for the depth of feeling and thoughtfulness extended at the time of dad's death.

He loved his country and particularly the State of New Hampshire in which he was born and raised. Those of you who knew him, will I'm sure, remember him for his honesty and genuine concern.

For the flowers, letters and consideration shown my family and me, I can never adequately thank you.

Thank you for caring,  
 Shirley Packard Aumand  
 and the members of the Packard family

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.  
 Adopted.

# HOUSE JOURNAL 7

*Monday, 17 Mar 86*

The House assembled at 10:00 a.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Almighty God, we thank You for the Saints of every age who have led their nation to place its trust in You. How tempting it is to trust in luck or fortune. As we print on our coins and recite in our pledge, so let our minds acknowledge Your rule over all nations. Let us wait upon the Lord for our security, our salvation and our victory. In Jesus' name we pray. Amen.

Rep. A. Leslie Burns led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Mann, Bergeron, James J. White, Connors, Donnelly, Blanchard, Simon, Mace, Beaupre, Michael Jones, Dwyer, Pevear and Pantelakos, the day, illness.

Reps. Bennett, Joslyn, Cate, Parr, Parmenter, Fried, Scamman, Tamposi, Swope, Pressly, Scanlan, Hendrick, Donovan, Marsh, Champoux, Lionel Boucher, Ducharme, Bolduc, Normandin, Randall, Vartanian, Whiting, Cailler, Stonner and Benjamin Moore, the day, important business.

Rep. Joseph MacDonald, the day, illness in the family.

## INTRODUCTION OF GUESTS

Howard Lee Mason, son of Rep. Howard Mason; Sylvia E. Jones, wife of Rep. Robert Jones; Mr. and Mrs. Larry Richardson, guests of Rep. Dexter; students from the Allenstown Elementary School, guests of the House; Rich Robinson and members of the V.F.W., guests of Rep. Whitcomb.

## SENATE MESSAGES CONCURRENCE

HB 156, providing the statute of uses shall not affect trusts.

HB 71, relative to associate supervisors in conservation districts and the acquisition of agricultural land development rights.

HB 88, relative to resident commercial salt water licenses.

HB 29, permitting the election of 5 commissioners in village districts within the towns of Merrimack and Hooksett.

HB 300, relative to educational loan corporations.

HB 281, relative to county buildings.

## REQUESTS CONCURRENCE

SB 139, relative to special education for children 18 years of age and older.

SB 44, increasing rates for shared homes and certain residents of community living homes and making an appropriation therefor.

SB 46-FN, establishing a printed materials revolving fund at the department of education.

SB 107-FN, requiring local approval for Sunday greyhound racing.

SB 43, relative to a systematic review of health coverage proposals.

SB 60-FN, appropriating funds for inspection of apiaries and preventions of honeybee swarm contamination.

SB 79, relative to third party payments for certain licensed psychologists.

SB 18, allowing persons to receive, collect or to transmit premiums to or for any insurer through a credit card facility.

SB 78, relative to comprehensive tort reform.

SB 119, relative to building permits.

SB 121, relative to planning board procedures on plats.

SB 123, conforming local growth limitations to not less than the local growth percentage.

SB 52, prohibiting operators of motor vehicles from cutting across private or public land at intersections to avoid traffic signals or signs and amending the penalties for overtaking and passing a school bus.

SB 2, relative to driver's license suspensions and revocations and to arrests by law enforcement officers in interstate fresh pursuit.

SB 92-FN, relative to the tobacco tax.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate bills numbered 139, 44, 46, 107, 43, 60, 79, 18, 78, 119, 121, 52, 2, and 92, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF SENATE BILLS First, second reading and referral

SB 139, relative to special education for children 18 years of age and older. (Education)

SB 44, increasing rates for shared homes and certain residents of community living homes and making an appropriation therefor. (Health and Human Services)

SB 46-FN, establishing a printed materials revolving fund at the department of education. (Education)

SB 107-FN, requiring local approval for Sunday greyhound racing. (Regulated Revenues)

SB 43, relative to a systematic review of health coverage proposals. (Commerce, Small Business and Consumer Affairs)

SB 60-FN, appropriating funds for inspection of apiaries and prevention of honeybee swarm contamination. (Environment and Agriculture)

SB 79, relative to third party payments for certain licensed psychologists. (Commerce, Small Business and Consumer Affairs)

SB 18, allowing persons to receive, collect or to transmit premiums to or for any insurer through a credit card facility. (Commerce, Small Business and Consumer Affairs)

SB 78, relative to comprehensive tort reform. (Judiciary)

SB 119, relative to building permits. (Municipal and County Government)

SB 121, relative to planning board procedures on plats. (Municipal and County Government)

SB 123, conforming local growth limitations to not less than the local growth percentage. (Municipal and County Government)

SB 52, prohibiting operators of motor vehicles from cutting across private or public land at intersections to avoid traffic signals or signs and amending the penalties for overtaking and passing a school bus. (Transportation)



SB 2, relative to driver's license suspensions and revocations and to arrests by law enforcement officers in interstate fresh pursuit.  
(Transportation)

SB 92-FN, relative to the tobacco tax. (Ways and Means)

SENATE MESSAGE  
REQUESTS CONCURRENCE WITH AMENDMENTS

HB 224, to establish a fire protection area in the town of Merrimack, to legalize the special water district meeting of the Merrimack village district, to legalize the Goffstown town meeting, to legalize the Greenland school district meeting, and relative to the adoption of an optional fiscal year for the city of Franklin. (Amendment printed SJ 3/4)

Rep. Beverly Gage moved that the House concur.  
Adopted.

HB 507, relative to the compromise of actions against the state.  
(Amendment printed SJ 3/12)

Rep. Kidder moved that the House concur.  
Adopted.

HB 51, relative to fire protection and warning devices in health care facilities. (Amendment printed SJ 3/12)

Rep. Benton moved that the House concur.  
Adopted.

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

HB 74, making a supplemental appropriation for capital improvements to the veterans home; making an appropriation for the house clerk's office; and amending certain existing aeronautics capital appropriations, was removed at the request of Rep. Ellyson.

HB 367-FN, relative to state investments in South Africa and Namibia, was removed at the request of Rep. Morse.

HB 443-FN, relative to workers' compensation lump sum payments and state retirement benefits, and judges' retirement benefits, was removed at the request of Rep. Burley.

HB 449-FN, relative to judicial salaries, was removed at the request of Rep. Lawrence Chase.

HB 452-FN, relative to real estate brokers' bond and establishing a real estate recovery fund, was removed at the request of Rep. Sloan.

HB 142-FN, relative to voting booths in cities, was removed at the request of Rep. Vaughn.

HB 37-FN, providing additional exemptions under the interest and dividends tax, was removed at the request of Rep. Scott Green.

HB 127-FN, allocating 1/2 of one percent of the meals and rooms tax to the fish and game fund, was removed at the request of Rep. Powers.

HB 493-FN, relative to the business profits tax and maximum compensation, was removed at the request of Rep. Zeckhausen.

Adopted.

COMMITTEE REPORTS  
(Consent Calendar)

HB 75-FN, making a supplemental appropriation to the veterans' home for 1986 and 1987 fiscal years. Ought to Pass.

This bill appropriates \$27,000 for emergency repairs and other costs at the Veterans Home. The Commandant indicated to the Committee that he will receive revenues in excess of those estimated in the operating budget and further that the excess will lapse to the general fund in an amount sufficient to cover this additional appropriation. Vote 17-0. Rep. William F. Kidder for Appropriations.

HB 89-FN, authorizing 4 new positions in the department of fish and game; extending an appropriation in the current budget; and making an appropriation therefor. Ought to Pass with Amendment.

This bill is the beginning of a reorganization effort at the Fish and Game Department which will provide a regional concept. Aquatic education program is a 3 - 1 federal match which hopefully will stimulate youngsters interest in fishing and conservation. Vote 18-0. Rep. Lee Anne Steiner for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

authorizing new positions in the department of fish and game; extending an appropriation in the current budget; and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sum of \$187,894 is hereby appropriated to the department of fish and game for the biennium ending June 30, 1987. This appropriation is in addition to any other funds appropriated for said department for the biennium, and shall be a charge against the fish and game fund, except for the federal funds provided in paragraph II. The funds appropriated shall be expended as follows:

I. Regional Districts.

10	Personal Services - permanent	62,673
30	Equipment	27,000
60	Benefits	12,221
70	In-state travel	4,000
80	Out-of-state travel	2,000
	Total	<u>\$107,894</u>

II. Aquatic Education Program.

10	Personal Services - permanent	21,540
20	Current Expenses	24,121
30	Equipment	15,960
50	Other personal services	9,500
60	Benefits	4,879
70	In-state travel	2,500
80	Out-of-state travel	1,500
	Total	<u>\$80,000</u>

Estimated source of funds  
for aquatic education program

00	Federal Funds (Wallop-Breaux)	\$60,000
	Fish and Game Fund	20,000
	Total	<u>\$80,000</u>

2 Appropriation Extended. The appropriation made in 1985, 406:1.03,01,01,03,22 shall not lapse until June 30, 1987.

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

HB 112-FN, relative to state support for Alzheimer's disease and related disorders. Ought to Pass with Amendment.

Alzheimer's disease is a recently recognized, devastating and costly disease not only for the victims but for their immediate families.

This bill would help coordinate programs and agencies. Vote 17-0.

Rep. Andrea A. Scranton for Appropriations.

#### Amendment

Amend RSA 137-I:4, V as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

V. With the advice and counsel of the task force established in RSA 137-I:5, develop and submit to the commissioner a comprehensive plan for ADRD services. The plan shall include recommendations concerning:

(a) Development of programs, including respite, home health, nursing, and day care services, for persons suffering from ADRD;

(b) Mechanisms for funding necessary ADRD services throughout the state;

(c) Training for professional and nonprofessional caretakers of ADRD patients;

(d) Mechanisms for the regular collection of accurate data on the incidence and prevalence of ADRD; and

(e) Legislation required to implement the plan.

Amend RSA 137-I:5 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

137-I:5 Task Force; Establishment, Duties. There is hereby established a task force on ADRD to give advice and counsel to the coordinator, commissioner, divisions of the department of health and human services, state council on aging, and other appropriate agencies. The task force and the chairman of the task force shall be appointed by the commissioner and shall consist of no fewer than 12 members. The task force shall include, but not be limited to, representation from consumers of ADRD services and their family members, health professionals, and appropriate state and local agencies. The task force shall advise and counsel the coordinator and commissioner on the needs of persons with ADRD and the comprehensive plan for ADRD services and other duties set forth in RSA 137-I:4. The task force shall meet at least 6 times per year and may establish such subcommittees as considered necessary to carry out its purpose. Members of the task force shall receive no compensation except mileage payments at the state employee rate, within the limits of appropriations to the department of health and human services.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Sunset Termination Date. The Alzheimer's coordinator position and the task force established by this act shall terminate on July 1, 1992, pursuant to RSA 17-G.

HB 171-FN, relative to the governor's staff. Ought to Pass.

This bill allows the Governor to appoint a legal counsel to his/her staff and fix the compensation within the limits of the appropriations made for such a purpose. Vote 19-0. Rep. Margaret A. Ramsay for Appropriations.



HB 181, relative to lobbyist registration and lobbyist statements, making an appropriation to the joint legislative historical committee and relative to the responsibility of the committee to accept and expend funds. Ought to Pass.

This bill proposes changes in the law relative to the registration, fees and statements of lobbyists to correct changed conditions caused by annual sessions. The second part appropriates \$10,000 to be used by the Joint Legislative Historical Committee in continuing the refurbishing of portraits and other General Court historical responsibilities. Vote 19-0. Rep. Russell C. Chase for Appropriations.

HB 256-FN, relative to plumbers' board fees and making an appropriation therefor. Ought to Pass with Amendment.

In the current budget cycle, the Plumbers' Board has an appropriation of \$1,500 to spend on the purchase of code books. To date approximately \$800 of this amount has been expended. As amended, HB 256-FN adds \$500 to the code book line item so that the board would have approximately \$1,200 for code books in the remainder of this biennium.

The amendment also adds \$35,000 to permit the Real Estate Commission to begin computerization of its functions. Although a greater amount was requested, the committee felt this sum was sufficient for start-up training and operational costs during the rest of the FY '86 - '87 budget cycle. Vote 17-1. Rep. Caroline L. Gross for Appropriations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the plumbers' board and making an appropriation therefor and relative to the real estate commission and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Plumbers' Board; Appropriation. Amend 1985, 406:1.02,06,15 by striking out class 90 and the totals for FY 1986 and inserting in place thereof the following:

		<u>FY 86</u>
90 Code Books	F	2000
Total		114,719
General fund		114,719
Total		114,719

2 Real Estate Commission; Supplemental Appropriation. In addition to all other sums appropriated to the real estate commission for fiscal years 1986 and 1987, the sum of \$35,000 is hereby appropriated to the real estate commission for the biennium ending June 30, 1987, for the purpose of computerizing its functions. The appropriated sum may be expended for computer purchase, annual maintenance charges, training, regular supplies and forms and any other purpose necessary for computerization. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. The sum appropriated shall not be transferred or expended for any purpose other than computerization of the functions of the real estate commission.

3 Adjustment of Budget Totals. The legislative budget assistant is authorized to make any adjustments to totals in the budget made necessary by the passage of this act.

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

HB 284-FN, relative to water treatment plant operators; authorizing the charging of a fee for water supply systems; authorizing new positions and making an appropriation therefor. Ought to Pass.

Increased drain on existing personnel brought on by continued development of housing in the state cites the need for more positions to keep up with demand. New fees should support the additional personnel. Vote 18-0. Rep. Lee Anne Steiner for Appropriations.

HB 408-FN, increasing the travel allowance for members of the general court. Ought to Pass with Amendment.

The Appropriations Committee supports the increase in the travel allowance for members of the General Court. The Committee amended the bill to include a \$5.00 minimum for legislators. This affects only 12 or fewer legislators from the immediate area. Vote 16-3. Rep. Margaret A. Ramsay for Appropriations.

#### Amendment

Amend the introductory paragraph of RSA 14:15-a, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. A member of the general court shall be allowed mileage per mile of the round trip to and from his home to the state house in Concord each day of attendance at the following rates, provided that a member shall receive a minimum of \$5 per day for mileage for each day of legislative attendance:

HB 413-FN, relative to purchase of services for state agencies. Ought to Pass.

This bill provides for the purchase of general services for state agencies and departments the responsibility of the Division of Plant and Property Management. Vote 19-0. Rep. Franklin Torr for Appropriations.

HB 416-FN, relative to a workers' personal care assistance program for persons with severe physical disabilities and making an appropriation therefor. Ought to Pass with Amendment.

This bill establishes a worker's personal care assistance program within the Division of Vocational Rehabilitation. The Committee endorses this program which will assist severely disabled persons to become or remain employed. The appropriation for 1987 is downscaled to \$30,000, an amount deemed sufficient for the first year of operation. Vote 17-0. Rep. Edward Densmore for Appropriations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to a workers' personal care assistance program for persons with severe physical disabilities and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Workers' Personal Care Assistance Program. Amend RSA 200-C by inserting after section 8 the following new subdivision:

Workers' Personal Care Assistance Program

200-C:9 Definitions. In this subdivision:

I. "Personal care assistance" means attendant care, including, but not limited to, assistance with bathing, bowel or bladder care, dressing, personal grooming, moving in and out of bed, preparation and consumption of food, housecleaning, laundry, or other services necessary for daily living and self care in order to allow a person with severe physical disabilities to become or remain employed. A person shall be considered employed if he works a minimum of 20 hours per week for which he receives remuneration at a rate which equals or exceeds the national minimum wage.

II. "Personal care attendant" means a person who performs personal care assistance tasks for a person with severe physical disabilities.

200-C:10 Establishment; Amount of Subsidies. The director, division of vocational rehabilitation, shall develop and implement a workers' personal care assistance program for persons with severe physical disabilities. Upon application to the director, subsidies shall be made to eligible persons for the purpose of employing personal care attendants. An eligible person shall receive a maximum amount of \$7,300 per year. Persons who receive reduced subsidies pursuant to RSA 200-C:11 shall pay a portion of the cost of their personal care services. The director may develop and maintain a list of personal care attendants available to be hired by persons with severe physical disabilities. The director may contract with centers for independent living and community based nonprofit agencies to provide services pursuant to this section.

200-C:11 Eligibility.

I. Rules adopted by the director under RSA 200-C:15 shall include eligibility standards for participation in the program, provided no person with an annual income of over \$17,000, after payment of all state and federal taxes and disability related expenses specified by the director in the rules, shall be eligible for a full subsidy. Persons whose annual income, after such taxes and such expenses, exceeds the limit for a full subsidy shall be eligible for subsidies which are reduced by 1/2 the amount their income exceeds such limit. A person whose need for personal care assistance services exceeds the amount of the subsidy for which he is eligible may spend his own income for such services, and such expenditure shall be considered a disability related expense for purposes of determining his income.

II. Any person shall be eligible for participation in the program who needs daily personal care assistance for a period of 2 or more hours and who is:

(a) Employed at the time of application for personal care assistance and ineligible for any other state or federal personal care assistance program; or

(b) An employable person who is unable to seek or accept employment due to a lack of personal care assistance or because acceptance of such employment would render such person ineligible for or cause a reduction in services from any other state or federal program providing personal care assistance.

III. When a person eligible for assistance under this section obtains employment which renders him ineligible for, or causes a reduction in services from another program providing personal care assistance, the director shall ensure a smooth transition between the 2 programs so that personal care subsidies provided under this section shall commence immediately upon termination or reduction of services under the other program.

200-C:12 Appeals. The contested case provisions of RSA 541-A:16-21 shall apply when a person is aggrieved by a decision of the director under



this subdivision. Appeals shall be governed by the provisions of RSA 541-A.

200-C:13 Insufficient Funds. If personal care subsidies cannot be provided to all eligible persons because of insufficient appropriations, the director shall:

I. Promptly notify the governor, the general court, the Developmental Disabilities Advocacy Center, the governor's commission for the handicapped and the advisory committee established under RSA 200-C:14; and

II. Provide subsidies to employed persons first.

200-C:14 Advisory Committee. The director shall establish an advisory committee in accordance with RSA 21-G:11 for the workers' personal care assistance program. The majority of the members of the committee shall be persons who use personal care assistance services. The committee shall:

I. Continuously assess the personal care assistance needs of persons with severe physical disabilities in the state and shall report annually to the director, division of vocational rehabilitation; the governor; and the general court on such needs, including information concerning the progress and accomplishments of the workers' personal care assistance program in meeting such needs.

II. Advise the director on the operation of the workers' personal care assistance program.

III. Recommend to the director an annual budget request and recommend to the director, the governor, and the general court legislation to improve personal care assistance services to persons with severe physical disabilities.

200-C:15 Rulemaking. The director shall adopt rules, pursuant to RSA 541-A, to implement the workers' personal care assistance program.

2 Appropriation. The sum of \$30,000 is hereby appropriated for the fiscal year ending June 30, 1987, to the department of education, division of vocational rehabilitation, for the purposes of implementing the workers' personal care assistance program. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1986.

HB 442-FN, relative to the salary of the assistant to the commissioner of the department of resources and economic development. Ought to Pass with Amendment.

This will authorize an in-depth outside study of all salaries of unclassified state employees by the Facilities Committee. The Committee believes this will be fairer and more efficient than taking up unclassified pay raises one at a time. Vote 16-0. Rep. William F. Kidder for Appropriations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

authorizing the legislative facilities committee to conduct a study of salaries for unclassified state employees.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Unclassified Employees Study Authorized. The legislative facilities committee shall conduct an in depth study of salaries for all unclassified state employees. The committee is authorized to engage consultants to assist in this study. All state departments and agencies shall cooperate

with the committee as may be required to complete this study. The members are authorized to receive legislative mileage in connection with their duties under this act. A report on the committee's findings and recommendations for legislation shall be made to the speaker of the house of representatives and the president of the senate on or before December 1, 1986.

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

HB 457-FN, relative to the eradication of milfoil. Ought to Pass with Amendment.

This bill releases \$90,000 of funds accumulated in an account from a \$.50 surcharge on boat registrations for the purpose of finding a solution to the problem of milfoil infestation in lakes. Vote 17-0. Rep. John E. Burns for Appropriations.

#### Amendment

Amend the bill by striking out paragraph II of section 4 and inserting in place thereof the following:

II. The water supply and pollution control commission is hereby directed and shall expend up to \$45,000 for harvesting and any other environmentally acceptable method to eradicate or contain the further spread of milfoil.

III. The appropriation in paragraph I and the expenditure directed in paragraph II shall be charged against the fund established under RSA 149-F:5.

HB 9, relative to least cost supply plan electricity planning. Ought to Pass with Amendment.

In the future, a least cost supply plan will be considered before permits are granted for siting transmission lines and power plants. This bill will more clearly enunciate New Hampshire policy in considering equivalent costs, reliability, and environmental factors along with conservation of energy, and renewable energy resources before permits are granted. Vote 14-1. Rep. Elizabeth L. Crory for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the bill by striking out sections 3 and 4 and renumbering section 5 to read as 3.

HB 95, amending the definition of a municipal utility in RSA 374-A to include counties. Ought to Pass with Amendment.

This bill clarifies the definition of a public utility and excepts municipal and county corporations from such definition. It further enables counties to provide services to the public of a utility nature. Vote 15-0. Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to municipal and public utilities.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Public Utility Redefined. Amend RSA 362:2 (supp) as amended by striking out said section and inserting in place thereof the following:

362:2 Public Utility. The term "public utility" shall include every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court, except municipal corporations and county corporations operating within their corporate limits, owning, operating or managing any plant or equipment or any part of the same for the conveyance of telephone or telegraph messages or for the manufacture or furnishing of light, heat, sewage disposal, power or water for the public, or in the generation, transmission or sale of electricity ultimately sold to the public, or owning or operating any pipeline, including pumping stations, storage depots and other facilities, for the transportation, distribution or sale of gas, crude petroleum, refined petroleum products, or combinations of petroleum products, cooperative marketing associations organized for purposes of rural electrification, any other business, except as hereinafter exempted, over which on September 1, 1951, the public utilities commission exercised jurisdiction.

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

HB 199, relative to bank deposits. Inexpedient to Legislate. The sponsor withdrew his sponsorship of the bill. The Committee felt that the bill was not feasible. Vote 15-0. Rep. Tom Longworth for Commerce, Small Business and Consumer Affairs.

HB 217, relative to depositors' rights in savings banks. Ought to Pass with Amendment.

This bill addresses the question of depositors' rights in mutual savings banks. By relating said rights to the applicable sections of the rules of the Federal Home Loan Bank Board, conversion/mergers will be simplified. Vote 15-0. Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to depositors' ratification of certain savings banks conversions.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Depositors' Ratification of Conversions. Amend RSA 386:10, II as amended by striking out said paragraph and inserting in place thereof the following:

II(a). Notwithstanding any other provision of law to the contrary, the board of trust company incorporation may adopt rules pursuant to RSA 541-A permitting any mutual savings bank to convert to stock form in the same manner, to the same extent and with comparable limitations as federal savings and loan associations operating within this state are permitted under rules of the Federal Home Loan Bank Board. However, no conversion under this paragraph shall be permitted which includes as part of the conversion transaction the issuance of securities of any bank or holding company other than securities of the converting savings bank or the securities of a holding company organized by the converting savings bank in order to acquire its capital stock, unless in addition to procedures



required by the rules adopted under this paragraph, it is ratified by the depositors of the mutual savings bank seeking to convert. Ratification by depositors shall not be required if:

- (1) The conversion is part of a reorganization into a mutual holding company pursuant to RSA 386-B;
- (2) The conversion is required by federal or state regulatory authorities; or
- (3) The conversion has been commenced by the filing with the board of trust of company incorporation of an application to convert prior to the effective date of this paragraph.

(b) For purposes of effectuating the depositor ratification procedures required by this paragraph, the board of trust company incorporation is directed to adopt depositor voting procedures, applying to the same extent and with comparable limitations as federal savings and loan associations operating within this state are permitted under rules of the Federal Home Loan Bank Board. The rules adopted pursuant to this paragraph shall contain a provision allowing for the inclusion of comments on the conversion by individual incorporators and groups of incorporators with the voting materials submitted to the depositors. Such inclusion shall be at the expense of the converting bank.

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

HB 397-FN, relative to mandatory risk sharing plan surcharges. Ought to Pass with Amendment.

The Joint Underwriters Association is a state insurance company created by RSA 404-C which sells medical liability insurance. If the company has or anticipates a deficit, the bill requires any plan created by the Insurance Commissioner to assess or surcharge members or health providers who are or have been direct participants in such a plan. The bill also requires all monies collected by any surcharge to be held in a trust account to be expended only in the event of an actual cash deficit. Vote 13-1. Rep. Elizabeth L. Crory for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Medical Malpractice Insurers. Amend RSA 404-C by inserting after section 13 the following new subdivision:

#### Medical Malpractice Sharing Plans

404-C:14 Deficits; Funds.

I. Where a deficit occurs or is anticipated, any plan created pursuant to this chapter which deals with medical malpractice liability insurance shall assess or surcharge up to a maximum of 15 percent of the gross premium on primary coverage only members or health providers who are or have been direct participants in such plan and have been issued or have held a policy of insurance issued through such plan.

II. All funds collected through the assessment or surcharge under paragraph I of this section shall be placed in a separate account and shall be administered by 5 trustees who shall not be affiliated with such medical malpractice plan. These funds shall only be expended in the event of an actual cash deficit.

III. Once a deficit no longer exists or is no longer anticipated, all funds remaining in the trust account created pursuant to paragraph II shall be returned to those health care policyholders or members of the insurance industry who actual contributed to the fund, in a manner to be approved by the commissioner.

IV.(a) For purposes of this section, a deficit shall exist whenever the general assets of the plan are exhausted by virtue of payment of or allocation for the plan's necessary administrative expenses, losses, loss adjustment expenses and reserves, including the insured but not reported reserve for loss and loss adjustment expenses.

(b) For purposes of this section, an actual cash deficit shall occur whenever the general assets of the plan are exhausted by actual payment of the plan's necessary administrative expenses and losses.

404-C:15 Rulemaking. The commissioner of insurance shall adopt rules under RSA 541-A relative to:

I. The appointment of 5 trustees under RSA 404-C:14, II.

II. Any matter necessary to the administration of this subdivision.

HB 496-FN, establishing an office of international trade to promote New Hampshire businesses and products overseas, and making an appropriation therefor. Ought to Pass with Amendment.

The bill was totally amended to establish an international trade specialist under the Department of Resources and Economic Development to promote and encourage New Hampshire businesses to export internationally. Vote 11-2. Rep. A. Leslie Burns for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

establishing the position of international trade specialist in the division of economic development of the department of resources and economic development.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 International Trade Specialist. Amend RSA 12-A by inserting after section 22 the following new subdivision:

#### International Trade

12-A:23 International Trade Specialist.

I. There is hereby established the position of international trade specialist in the division of economic development of the department of resources and economic development. The international trade specialist shall be appointed by the commissioner and shall be under the supervision of the director of the division of economic development. The qualifications and term of employment of the international trade specialist shall be determined by the commissioner.

II. The international trade specialist shall:

(a) Assist, promote, encourage, develop and advance economic prosperity and employment throughout the state by fostering the expansion of exports of manufactured goods and services by businesses of all sizes.

(b) Cooperate and act in conjunction with public or private organizations, the goals of which are promotion, development and advancement of export trade activities in the state.

(c) Coordinate and disseminate information to the business and trade community about export opportunities and funding programs.

(d) Create foreign demand for the state's exports.

(e) Promote the state's investment and tourist attractions.

(f) Provide initial intake and referral services to introduce and coordinate business firms and government agencies, international

bankers, shipping and freight forwarders, foreign trade firms, and any other appropriate persons and bodies.

(g) Act as a third party broker in matching firms requesting in-depth consulting for developing or implementing an international business plan with providers of consulting services.

(h) Cooperate with agencies, organizations, and associations to create a greater awareness in business executives of export opportunities. This cooperation may include, but shall not be limited to, workshops, newsletters, New Hampshire International Trade Association round table sessions, New Hampshire Business and Industry Association seminars, and New Hampshire Council on World Affairs conferences.

(i) Work with the university system of New Hampshire's Small Business Development Center regional offices to provide basic international trade management assistance.

(j) Develop a pool of volunteers who are experienced international trade executives. These individuals shall provide one-on-one advice to business managers who are interested in entering the overseas market or in expanding their overseas market activities.

(k) Establish appropriate overseas contacts that will increase New Hampshire exports.

(l) Perform any administrative duties which the commissioner may assign.

12-A:24 Advisory Board. There is hereby established a board to advise the international trade specialist on international trade matters. The members of the advisory board shall be appointed by the governor with the advice and consent of the council for a term of 2 years. The members of the board shall consist of: one member of the general court; the international trade specialist; one member of a New Hampshire trade association; one member from the New Hampshire business community; and an owner of a small business in New Hampshire.

2 Effective Date. This act shall take effect July 1, 1987.

HB 134-FN, relative to the Rannie Webster Foundation. Ought to Pass with Amendment.

This is a housekeeping measure. No testimony against. Vote 9-0. Rep. Martin P. Lussier for Constitutional and Statutory Revision.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the Rannie Webster Foundation and allowing the Lake Sunapee Yacht Club to revive its charter.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Lake Sunapee Yacht Club; Revival of Charter. Notwithstanding the 51 month limitation on revival of charters in RSA 292:30, I, the officers of the Lake Sunapee Yacht Club may procure the revival of its July 7, 1950 charter, which was revoked on April 26, 1977, by complying with the requirements of RSA 292:30, II-VII.

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

HB 228, relative to incompatibility of offices in towns. Ought to Pass.

This bill was requested by the Tax Collectors' Association. The Committee feels this bill is needed and will take care of a lot of



controversy. Vote 10-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

HB 464-FN, relative to overseas ballots. Ought to Pass with Amendment. This bill provides for an overseas voter and an armed services voter to get their ballots in enough time to vote in a primary and a general election. Vote 10-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to overseas voters, armed services voters, general election ballots, and eliminating references to electors on the ballot.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Eliminating Reference to Presidential Electors. Amend RSA 652:13 (supp) as inserted by 1979, 436:1 as amended by striking out said section and inserting in place thereof the following:

652:13 Federal Election. "Federal election" shall mean any state general, special, or primary election held solely or in part for the purpose of choosing or nominating any candidates for the offices of president, vice-president, United States senator, or United States representative. For federal overseas voters who are eligible to vote in federal elections as provided in RSA 657:2, "federal election" shall also include any presidential primary election.

2 Reference to Electors Removed. Amend RSA 656:4 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

656:4 Name and Domicile. Every state general election ballot shall contain the name and domicile of each candidate who has been nominated in accordance with the election laws, except as hereinafter provided, and shall contain no other name except party appellations. The names and addresses of the presidential electors shall not be printed on the ballot; but, in lieu thereof, the names of a party's candidates for president and vice-president shall be printed thereon under the designation for "President and Vice-President of the United States". If a nomination has been made by nomination papers, the words "Nom. Papers" shall be added to the name of the political party.

3 Instruction to Voters. Amend RSA 656:6 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

656:6 Designation of Office. Immediately above the offices column shall be printed the instructions to voters as provided in RSA 659:18. The offices column shall be immediately to the left of the set of party columns. The offices column shall list the offices, each preceded by the word "For", for which the candidates whose names are listed in the party columns have been nominated, as in "For Governor". Below each such phrase shall be printed in small but easily legible letters "Vote for any (here insert a number designating how many persons are to be voted for)".

4 Reference to Electors Removed. Amend RSA 656:7 (supp) as inserted by 1979, 436:1 as amended by striking out said section and inserting in place thereof the following:

656:7 Order of Offices. The order in which the officers to be voted for shall be placed in the party columns and shall be as follows:

President and vice-president of the United States, governor, United States senator, representative in congress, executive councilor, state senator, representative to the general court and county officers.

5 Eliminating Reference to Electors. Amend RSA 656:8 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

656:8 Squares. Directly at the right of the name of each candidate there shall be a square; except that, in the case of president and vice-president of the United States, one square shall suffice which shall be placed opposite the designation "President and Vice-President of the United States".

6 Instructions; Circle. Amend RSA 656:10 (supp) as inserted by 1979, 436:1 as amended by striking out said section and inserting in place thereof the following:

656:10 Circle. Above the party designation shall be printed a circle not less than 3/4 of an inch in diameter, and surrounding such circle shall be the following words printed in plain letters: "straight ticket for all candidates of this party make a cross (X) within this circle."

7 Special Write-In Ballots. Amend RSA 657 by inserting after section 10 the following new section:

657:10-a Special Overseas and Armed Services Election Write-In Ballot.

Notwithstanding any other provision of the election laws, a qualified absentee voter may apply to a city or town clerk for a special write-in absentee ballot. These ballots shall be mailed by the town or city clerk no later than the date of the primary to overseas citizens and armed services personnel who state they are unable to vote by regular absentee ballot or in person due to requirements of military service or due to living in isolated areas outside the United States and Canada. The ballot shall be prepared by the secretary of state and shall be as nearly as practicable, the same as the official overseas citizens federal election ballot except that there shall be no candidate's names printed on it.

8 Address of Absentee Voters. Amend RSA 657:15 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

657:15 Sending Absentee Ballots. When the verification required by RSA 657:12 or 13 has been made, the clerk shall retain the application and, without delay, personally deliver or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:9 or designate an assistant to deliver such materials to the applicant. The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absent voting ballots have been sent. Copies of said lists shall be open to inspection and shall be posted at the polling places on the day of election as provided in RSA 658:27.

9 Ballots Mailed to Armed Services Voters. Amend RSA 657:19 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

657:19 Sending Ballots. Upon receipt of a properly executed application for an official armed services absentee ballot, whether the form supplied by the secretary of state, the federal government or a written statement containing the information required by RSA 657:4, or the federal application form, a town or city clerk shall send the materials provided for in RSA 657:9 regardless of whether the applicant appears on the checklist. Whenever an armed services voter requests a state general election absentee ballot prior to October 1 to be mailed to an address outside of the United States or Canada, he shall be sent the same ballot as provided in RSA 656:34.

10 Instructions for Voters. Amend RSA 659:18 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

659:18 Instructions for Voters; How to Mark the Ballot.

I. In a state general election, the following instructions to voters for straight ticket voting shall be printed on the ballot: Make a cross (X) within the circle of the political party of your choice if you wish to vote for all candidates running in that party column. If you vote a straight ticket, but wish to vote for one or more individual candidates of a different party, you may do so, and your vote for an individual candidate will override the straight party vote for that office. However, if you vote for one candidate of a different party for an office where more than one candidate is to be elected, be sure to vote individually for all candidates of your choice for that office, because your straight ticket vote will not be counted for that office.

II. In a state general election, the following instructions to voters for split ticket voting shall be printed on the ballot: If you do not wish to vote in any party circle, make crosses (X) in the squares opposite the names of the candidates for which you wish to vote.

III. In a state general election, the following instructions to voters for write-in voting shall be printed on the ballot: If you wish to vote for candidates whose names are not printed on the ballot, write in the names on the appropriate lines in the blank column at the right.

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

HBI 2002, relating to the rates of reimbursement for care of dependents of legislators. Inexpedient to Legislate.

The 1986 Session of the House of Representatives found CACR 5, on the same subject matter, to be inexpedient. Therefore, the sponsors of this bill of intent stated that it was unnecessary. Vote 9-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

HB 62-FN, establishing a quasi-public entity for siting hazardous waste facilities and making an appropriation therefor. Inexpedient to Legislate.

There are too many problems with this bill to solve in the time remaining. The Committee decided on inexpedient, but with the intent to work on legislation to be introduced in 1987. The Committee feels this legislation is important and much needed in this State. Vote 11-1. Rep. Catherine O'Brien for Environment and Agriculture.

HB 23, establishing a fire standards and training council within the department of postsecondary vocational-technical education. Inexpedient to Legislate.

The subject matter of this bill is being addressed in Senate Bill 7. Vote 17-0. Rep. Dean Dexter for Executive Departments and Administration.

HB 482-FN, creating a department of economic assistance. Refer for Interim Study.

The Committee feels much more study is required before the establishment of a new Department of Economics in state government is proposed and acted upon. Vote 14-0. Rep. Dean Dexter for Executive Departments.

HB 203-FN, reinstating uniform fees for community mental health centers. Inexpedient to Legislate.

This bill is an unnecessary and unwanted intrusion into the administration of locally run programs. Logic tells us that costs on particular matters vary from region to region. The centers must have the flexibility that HB 203 would take away. Vote 19-0. Rep. Scott E. Green for Health and Human Services.



HB 354, relative to physical therapy and chiropractic. Ought to Pass. The Committee voted unanimously in favor of this bill with no amendments. The purpose of the bill is to insure that physical therapists may not do spinal adjustments and chiropractors may not practice physical therapy except preparatory to and complementary to a spinal adjustment. The bill also repeals rulemaking authority on matters related to the proper administration of the chapter. This authority is being systematically removed from other chapters giving rulemaking authority. Vote 14-0. Rep. Lawrence A. Chase, Jr. for Health and Human Services.

HB 182, enabling district court judges to issue orders enjoining violations of any local land use or planning and zoning ordinance. Ought to Pass with Amendment.

House Bill 182 straightens out discrepancies in existing law relating to the enforcement of land use violations. It also gives injunctive powers to the District Court in certain land use violation cases with continued power of appeal to the Superior Court. Vote 11-1. Rep. Elizabeth D. Lown for Judiciary.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

clarifying penalty provisions for violations of local codes and regulations, relative to district court jurisdiction over such penalties, and enabling district court judges to issue temporary orders enjoining violations of local land use regulations.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Penalties for Violations of Town Bylaws. Amend RSA 31:39, III (supp) as inserted by 1981, 211:1 as amended by striking out said paragraph and inserting in place thereof the following:

III. Towns may adopt penalties as part of the bylaws to enforce observance of the bylaws, making a violation of a bylaw a violation as defined in RSA 625:9 or a violation punishable by a civil fine or penalty not to exceed \$1,000 for a single offense.

2 District Court Local Regulation Enforcement and Temporary Restraining Orders. Amend RSA 502-A by inserting after section 11 the following new sections:

502-A:11-a Local Regulation Enforcement.

I. The district court shall have original jurisdiction, subject to appeal, of the prosecution by a municipality of any violation of a local ordinance, code or regulation properly adopted pursuant to enabling statutes, including, but not limited to, RSA chapters 31, 41, 52, 147, 149-I, 155, 155-E, 236, 424, and 672-677, to the extent that violation of such local ordinance, code or regulation, by its terms or by applicable statute:

(a) Is characterized as a misdemeanor or violation within the meaning of the criminal code, in which event penalties shall be consistent with RSA 651.

(b) Is punishable by a civil fine or civil penalty in an amount which does not exceed the limits of the district court's civil damages concurrent jurisdiction as set forth in RSA 502-A:14, II.

II. This section shall not be construed to diminish the jurisdiction of the superior court to hear and decide matters in which

municipalities seek to enforce local ordinances, codes or regulations through injunctive or other equitable relief.

502-A:11-b. Temporary Restraining Orders. If a municipality has commenced in the district court an enforcement action as described in RSA 502-A:11-a, it may, as part of the prosecution, apply to the district court for the district in which the municipality is located for a temporary restraining order compelling the alleged violator to cease and desist from the conduct alleged, pending a further hearing on the merits, subject to the conditions set forth below:

I. The request for such a temporary order shall be accompanied by a copy, certified by the town clerk, of the section of the code, regulation or ordinance which is alleged to have been violated, and an affidavit setting forth, under oath, the specific conduct complained of, as well as any efforts the municipality has made to obtain voluntary compliance.

II. Upon a showing by the municipality that there is a strong likelihood that the municipality shall prevail on the merits, and that the continuation of the alleged violation will irreparably harm the municipality or its citizens, or will require an excessive expenditure of municipal funds to correct, the district court may issue a temporary restraining order requiring the alleged violator to cease and desist from any further conduct which constitutes a violation, or which contributes to or expands an existing, continuing violation, pending further hearing. Such order may be made with or without prior notice to the defendant.

III. If such order is made ex parte, the defendant may file a written request with the clerk of court and request a hearing on the order. Such hearing shall be held no later than 5 days after the request is received by the clerk. The rules of evidence shall not apply to such hearing.

IV. The district court may impose on either party the requirement of a bond to protect the other party from potential pecuniary harm which may result from either the issuance of such a temporary order or from its rescission at the request of the defendant.

V. If the defendant, at any time after the filing of the municipality's request for issuance of such temporary order, requests that a further hearing with respect to the order be held by the superior court, then the matter of the issuance of the order shall be transferred to the superior court for such further action as the superior court shall deem appropriate. This action may, at the discretion of the superior court, be consolidated with any pending action under RSA 676:15 or other action to obtain protective or declaratory relief with respect to the same conduct set forth in the underlying district court prosecution; provided, however, that any temporary order issued by the district court prior to its clerk's receipt of a request for transfer to the superior court shall remain in effect until such time as vacated by the superior court; and provided further that the underlying code violation action shall remain in district court to be disposed of as provided by law. Hearings held before the superior court under this paragraph shall be de novo.

3 Jury Trial in Superior Court. Amend RSA 592-A:2-b as inserted by 1973, 264:3 by striking out said section and inserting in place thereof the following:

592-A:2-b Jury Trial. Trial by jury shall not be afforded in the superior court for any violation as defined in RSA 625:9, except upon an appeal pursuant to RSA 599:1 of the imposition of a civil fine or penalty which aggregates the total fines and penalties for a single offense to an amount in excess of \$500.

4 Appeals from Convictions in Municipal or District Court. Amend RSA 599:1 (supp) as amended by striking out said section and inserting in place thereof the following:

599:1 Appeals. A person sentenced by a district or municipal court for a misdemeanor or for any offense which provides the basis for enhanced penalties if the offender is subsequently convicted of the same offense, or who has been sentenced by the imposition of a civil fine or penalty

bringing the total fines and penalties for a single offense to an amount in excess of \$500, may, at the time the sentence is declared, appeal therefrom to the superior court. The appeal shall be entered by the appellant at the next return day unless the time is extended by the superior court for good cause. In all misdemeanor cases which are so appealed or in which defendants are bound over it shall be the duty of the clerk of the superior court to transmit to the justice of the district or municipal court, within 10 days after the case is finally disposed of, a certificate showing the final disposition of the case.

5 Civil Penalty Distinguished from Criminal Fine. Amend RSA 651:2, IV by inserting after subparagraph (c) the following new subparagraph:

(d) The limitations on amounts of fines authorized in subparagraphs (a) and (b) shall not include the amount of any civil fine or civil penalty characterized as such, the imposition of which is authorized by statute or by a properly adopted local ordinance, code or regulation.

6 Civil Penalties Not Part of Criminal Record. Amend RSA 651 by inserting after section 5 the following new section:

651:5-a Civil Penalties. The imposition of a pecuniary forfeiture characterized by statute or by a properly adopted local code, ordinance or regulation as a civil fine or civil penalty shall not, unless another sentence is imposed, appear as a record of conviction or sentence as part of the criminal record. The person subject thereto shall, following full payment of such penalty, be treated in all respects as if such penalty had never been imposed.

7 Clarification of Injunctive Relief for Land Use Violations. Amend RSA 676:15 (supp) as inserted by 1983, 447:1 by striking out said section and inserting in place thereof the following:

676:15 Injunctive Relief. In case any building or structure or part thereof is or is proposed to be erected, constructed, altered, or reconstructed, or any land is or is proposed to be used in violation of this title or any ordinance, code or regulation adopted under this title, or any provision or specification of an application, plat or plan approved by, or any requirement or condition of a permit or decision issued by, any local administrator or land use board acting under the authority of this title, the building inspector or other official with authority to enforce such violations, or the owner of any adjacent or neighboring property who would be specially damaged by such violation may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, alteration, or reconstruction.

8 Clarification of Fines and Penalties for Land Use Violations. Amend RSA 676:17 (supp) as inserted by 1983, 447:1 as amended by striking out said section and inserting in place thereof the following:

676:17 Fines and Penalties.

I. Any person who violates any of the provisions of this title, or any ordinance, code or regulation adopted under this title, or any provision or specification of an application, plat or plan approved by, or any requirement or condition of a permit or decision issued by, any local administrator or land use board acting under the authority of this title:

(a) Shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

(b) Shall be subject to a civil penalty not to exceed \$100 for each day that such violation is found to continue after the conviction date or after the date on which the violator receives written notice from the municipality that he is in violation, whichever is earlier.

II. The building inspector or other local official with the authority to enforce a violation as set forth in paragraph I may bring an action for a criminal penalty, civil penalty, or both, either in the district court pursuant to RSA 502-A:11-a, or in the superior court. The provisions of this section shall take precedence over any inconsistent local penalty provision.



III. In any legal action brought by a municipality to enforce any ordinance, code or regulation adopted under this title, or any provision or specification of an application, plat or plan approved by, or any requirement or condition of a permit or decision issued by, any local administrator or local land use board acting under the authority of this title, by way of an action for penalties as set forth in paragraph I, injunctive relief as provided by RSA 676:15, or otherwise, the municipality may recover its costs and reasonable attorneys' fees actually expended in pursuing the legal action if it prevails in the action. For the purposes of this paragraph, recoverable costs shall include all out-of-pocket expenses actually incurred, including, but not limited to, inspection fees, expert fees and investigatory expenses.

IV. If any violation as set forth in paragraph I results in the expenditure of public funds by a municipality which are not reimbursed under paragraph III, the court in its discretion may order, as an additional civil penalty, that a violator make restitution to the municipality for funds so expended.

V. The superior court may, upon a petition filed by a municipality and after notice and a preliminary hearing as in the case of prejudgment attachments under RSA 511-A, require an alleged violator to post a bond with the court to secure payment of any penalty or remedy or the performance of any injunctive relief which may be ordered or both. At the hearing, the burden shall be on the municipality to show that there is a strong likelihood that it will prevail on the merits, that the penalties or remedies sought are reasonably likely to be awarded by the court in an amount consistent with the bond sought, and that the bond represents the amount of the projected expense of compliance with the injunctive relief sought.

9 Effective Date. This act shall take effect January 1, 1987.

HB 184, relative to divorce based on irreconcilable differences. Ought to Pass with Amendment.

House Bill 184 includes a provision to simplify the divorce procedure for couples who have no children, no real estate and very little in the way of assets. The Committee feels that in these cases the adversarial approach can be eliminated, thereby reducing court time and costs. Vote 14-1. Rep. Elizabeth D. Lown for Judiciary.

#### Amendment

Amend RSA 458:7-c, IV(a) (3) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(3) The name, age, and address of each living child born of or adopted during the marriage;

Amend RSA 458:7-d as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

458:7-d Court Supplied Joint Petition Form.

I. The clerks of the superior court shall supply a form petition complying with RSA 458:7-c to be filed in divorce cases based on irreconcilable differences which shall meet all of the following requirements:

(a) There are no living minor children born of or adopted during the marriage, and no children conceived during the marriage, but not yet born;

(b) Neither petitioner is seeking spousal support;

(c) Neither spouse owns any real estate either individually or with the spouse or another person;

(d) Total equity in personal property owned either individually or jointly is \$10,000 or less; and

(e) Total debt owed either individually or jointly is \$3,000 or less.

II. The form supplied under paragraph I shall be approved by the supreme court. The form shall be easily understandable and designed to be completed by filling in blanks and checking off applicable sections.

HJR 3-FN, relative to the selection of guardians ad litem in marital cases. Ought to Pass with Amendment.

This House Joint Resolution is designed to set up guidelines for the selection, training and monitoring of guardians ad litem, as well as a listing of those who have completed the course for the use of the Superior Court in their appointment. Vote 16-1. Rep. Elizabeth D. Lown for Judiciary.

#### Amendment

Amend the resolution by striking out all after the title and inserting in place thereof the following:

Whereas, guardians ad litem are appointed to represent the interests of children in many divorce cases; and

Whereas, there exist few guidelines for the selection, training, and monitoring of guardians ad litem; and

Whereas, guardians ad litem should have suitable training to enable them to perform their duties in a manner which will serve the best interests of the children of this state; now, therefore, be it

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

That the administrative office of the courts working in conjunction with the superior court, the community mental health centers, the New Hampshire Bar Association, and other professionals interested in child development, conduct training and education program for guardians ad litem in marital cases at least once a year; and

That no individual be appointed as a guardian ad litem until he has completed one course of training and education program for guardians ad litem in marital cases; and

That the chief justice of the superior court maintain a register of guardians ad litem who have completed the prerequisite training and that no guardian ad litem be appointed after January 1, 1988, who is not on the register; and

That copies of this resolution be forwarded to the administrative office of the courts and the chief justice of the superior court.

HB 205, recodifying the workers' compensation law. Ought to Pass with Amendment.

House Bill 205 is the effort of a thorough recodification of New Hampshire's Workers' Compensation Law. The law has not been updated for obsolete sections, renumbering and redesignation of sections, as well as correcting grammatically this law, for 39 years.

Recodification is done to clarify the existing law and does not contain any new material or meaning. It is rewriting the law in a clear, readable language for the citizens of the State, dealing with the law.

Included in this recodification is the inclusion from other statutes, sections of other chapter laws dealing with workers' compensation.

Vote 15-0. Rep. Calvin Warburton for Labor, Industrial and Rehabilitative Services.

#### Amendment

Amend RSA 281-A:4 I (a) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

(a) To have work performed consisting of the removal, excavation or drilling of soil, rock or minerals, or the cutting or removal of timber from land and work done in connection with and in or about the area of such cutting or removal, other than the owner of the land containing such soil, rock, minerals or timber; or

Amend RSA 281-A:6, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

281-A:6 Employee.

I. "Employee," with respect to private employment, means any person in the service of an employer subject to the provisions of this chapter under any express or implied or oral or written contract of hire except a railroad employee engaged in interstate commerce whose rights are governed by the Federal Employers' Liability Act. If they elect to be personally covered by this chapter, "employee" includes persons who regularly operate businesses or practice their trades, professions, or occupations, whether individually or in partnership or association with other persons, whether or not they hire others as employees.

Amend RSA 281-A:6, II as inserted by section 2 of the bill by inserting after subparagraph (c) the following new subparagraph:

(d) Shall not mean, pursuant to RSA 504:1, III, any offender who, as a condition of his probation, performs work specified by the court for the benefit of a public employer, as defined in RSA 281-A:7, III, or a bona fide charitable institution.

Amend RSA 281-A:25, IV as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

IV. By making compensation available to employees of the state as provided in RSA 21-I:24 and 25.

Amend RSA 281-A:43, V as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

V. Every employer shall be required to report each compensable injury case to the commissioner if total disability payments continue or are expected to continue for 6 months from the date of injury.

Amend RSA 281-A:51 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

281-A:51 Lump Sum Payments. Lump sum agreements may be permitted at the discretion of the labor commissioner or his designated representative when the best interest of all concerned will be served thereby; provided, however, in no instance shall the medical provisions of this chapter be lump summed.

Amend RSA 281-A:59 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

281-A:59 Manner of Giving Notice of Hearing. A notice of a hearing under the provisions of this chapter shall be given by giving notice in hand or by sending it by certified mail addressed to each party at interest at that party's last known residence or place of business. The superior court shall send by certified mail to the commissioner a copy of each notice of a hearing it sets.

Amend RSA 281-A:60, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:



I. If an employee's right to compensation or another benefit under this chapter is not in dispute either as to eligibility or amount but a dispute arises between successive employers or between successive insurance carriers for the same employer regarding liability for any benefit, the commissioner, following notice and hearing for all interested parties, shall enter an order setting forth the liability of an employer or insurance carrier for the payment of compensation or another benefit in the first instance. Each employer or insurance carrier ruled liable shall immediately start payment pending final determination. The commissioner may make such orders for the deposit of security as he feels may be necessary. When the issue of liability is finally determined, either the commissioner or the court in which the issue is finally resolved shall enter an order making such financial adjustment as may be appropriate in order to effectuate the decision.

Amend RSA 281-A:66 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

281-A:66 Assignments; Exemption From Claims of Creditors; Attorneys' Fees.

I. A claim for compensation under this chapter shall not be assignable, and the compensation and any claim for compensation shall be exempt from a claim of a creditor except as provided in this section. A claim for payment by a physician or a hospital or by anyone providing any other remedial care chargeable to the employee and rendered in connection with a compensated injury and a claim by an attorney for payment for services rendered an employee in prosecuting a claim under this chapter, when approved by the superior court, may be enforced against the compensation award in such manner as the superior court may direct.

II. Workers' compensation payments shall be subject to wage assignment by the division of human services, department of health and human services, for the payment of child support orders and combination spousal and child support orders, pursuant to RSA 458-B:1, IX.

Amend the bill by striking out sections 3 and 4 inserting in place thereof the following:

3 Cross Reference; Probation. Amend RSA 504:1, III as amended by striking out in line 4 the citation "RSA 273-A:1, X" and inserting in place thereof the following (RSA 281-A:7, III) and by striking out in line 8 the word "workmen's" and inserting in place thereof the following (workers') so that said paragraph as amended shall read as follows:

III. Place a defendant on probation for a period not to exceed 5 years, and to determine the terms and conditions of such probation, which may include the performance of specified work for the benefit of a public employer, as defined in RSA 281-A:7, III, or a bona fide charitable institution. However, no person who performs services for the benefit of a public employer or charitable trust under this paragraph shall receive any benefits that such employer gives to its other employees, including, but not limited to, workers' compensation and unemployment benefits and no such employer shall be liable for any damages sustained by a person while performing services for the benefit of the employer or any damages caused by that person, unless the employer is guilty of gross negligence.

4 Repeal. RSA 281, relative to workers' compensation, is hereby repealed.

HB 298-FN, dedicating room 306 in the legislative office building to Robert W. Wheeler. Ought to Pass with Amendment.

With a 424-membership and hundreds of alumni - many worthy of appropriate recognition, including the late member from Goffstown - the Committee was reluctant to recommend dedicating physical facilities,

considering their limited number. Instead, it supports the establishment of a procedure to memorialize all outstanding deceased representatives and senators. Vote 13-0. Rep. James A. Chandler for Legislative Administration.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

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relative to memorializing the names of deceased legislators and making an appropriation to the joint committee on legislative facilities.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Purpose. The purpose of this legislation is to establish a procedure to memorialize the names of deceased members of the New Hampshire general court whose performance during their tenures was outstanding.

2 Procedure. The joint committee on legislative facilities shall recommend procedures for memorializing the names of outstanding deceased legislators. The committee shall submit its recommendations to the speaker of the house and the president of the senate on or before September 1, 1986.

3 Appropriation. The sum of \$2,000 is hereby appropriated to the joint committee on legislative facilities, established under RSA 17-E:1, for the fiscal year ending June 30, 1987, for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any funds in the state treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1986.

HB 510, providing the legislative budget assistant with access to certain records. Ought to Pass with Amendment.

Currently, the Legislative Budget Assistant's statute does not allow his auditors access to confidential information necessary to determine whether an agency is operating properly. This bill is needed so that the Legislative Budget Assistant has statutory authority to perform the audit function. The amendment inserts one clarifying phrase and another that further protects the confidentiality of tax returns at the Department of Revenue Administration. Both Department of Revenue Administration and the Legislative Budget Assistant support the amended version of HB 510. Vote 14-0. Rep. James A. Chandler for Legislative Administration.

Amendment

Amend RSA 14:31, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. Furnishing Information. All state departments, boards, institutions, commissions and agencies shall be required to furnish to the legislative budget assistant any information, including confidential information, he may request in the course of carrying out his duties as prescribed by paragraphs I, II and III, except that access to confidential information maintained by the department of revenue administration shall be controlled solely by the provisions of RSA 21-J:14. If the legislative budget assistant requires access to confidential information, the state entity shall furnish the information, notwithstanding RSA 126-A:4-a;

134:8; 149:13; 151:13; 161-B:7; 167:30; 169-B:35; 170-E:16; 172:8-a; 354-A:9, II; 383:10-b; 400-A:25; 400-A:37, VI; 401-B:7 or any other provision of law, except as otherwise provided in this paragraph. In such situations, the legislative budget assistant shall be subject to the same restrictions and penalties regarding disclosure of the information as the original custodian of the information. The work product of the legislative budget assistant shall also be confidential to the extent required to preserve confidentiality required by law. Disclosure of confidential information to the legislative budget assistant shall be only for the purpose of, and to the extent necessary for, conducting audits as are required by law. The legislative budget assistant shall notify the head of any state department, board, institution, commission, or agency before requiring the state entity to furnish any confidential information which was obtained by the entity through an exchange of information agreement with another state or the federal government. This paragraph shall not be construed to authorize disclosure to any member of the legislature or to any expert consultants, including certified public accountants and data processing experts, hired by the legislative budget assistant to assist him in the carrying out of his duties, except such summaries and results which do not disclose any identity required by law to be confidential. If any state entity other than the department of revenue administration, objects to providing confidential information under the provisions of this paragraph, the state entity may apply to the attorney general for disapproval of the request. The attorney general may examine any confidential information to which the legislative budget assistant has requested access to determine whether or not it is necessary for the legislative budget assistant to examine the information to carry out his duties as required by law. If the attorney general finds that such examination is not necessary, he shall disapprove the request, and the agency shall not be required to provide such information.

HB 272, relative to county government. Ought to Pass with Amendment. All who testified were in favor of this bill. Its aim is to give each county a means of examining its structure and way of doing business. Vote 12-0. Rep. Richard A. Grodin for Municipal and County Government.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 County Charters. Amend RSA by inserting after chapter 28 the following new chapter:

#### CHAPTER 28-A COUNTY CHARTERS

28-A:1 Charter Commission; Petition; Establishment.

I. (a) A person registered to vote within the county may file a declaration of intent to petition the establishment of a county charter commission with the board of commissioners.

(b) Petitions shall be on paper of uniform size and may consist of as many individual pages as are necessary provided that a separate petition shall be utilized for each municipality in which signatures are solicited. The petition circulated in each municipality and ward, where wards exist, shall bear the heading "PETITION FOR COUNTY CHARTER COMMISSION", underneath which shall be printed "Municipality of \_\_\_\_\_; Ward \_\_\_\_\_," followed by the paragraph:

"Each of the undersigned voters respectfully requests the county convention to establish a charter commission for the purpose of studying the need for and/or preparing a county charter to be submitted to the voters of the County of \_\_\_\_\_."



(c) Each signature shall be in ink or other indelible instrument and shall be followed by the place of residence with street and number, if any. No petition shall contain any party or political designation.

(d) Before submission to the board of commissioners, each petition shall be certified by the clerk of the municipality in which it was circulated as to the voting registration of the signatories. The clerk shall strike those names who are found not to be registered voters; however, this shall not in any way invalidate the remaining names.

II.(a) Upon submission of petitions totalling at least 10 percent of the registered voters within the county, the board of commissioners shall convene the county convention within 60 days to vote upon the following question:

"Shall a county charter commission be established for the purpose of studying the need for a written county charter establishing the structure of county government and, if the commission deems necessary, for the purpose of drafting a county charter for submission to the voters?"

(b) If 2/3 of the county convention members present and voting vote to establish a charter commission, a nominating committee shall be established consisting of the 3 county commissioners and 4 members of the executive committee of the county convention selected by the chairman of the county convention. The nominating committee shall present a list of charter commissioners to the full convention. The county convention shall accept or reject the list without amendments by a simple majority vote. In the event of rejection, the nominating committee shall prepare a new slate of nominees, including any it may desire to renominate, for submission to the convention within 30 days. If the second slate of nominees is rejected, the nominating committee shall prepare a third and final list, which shall constitute the charter commission without further action by the convention.

(c) If the county convention votes against the establishment of a charter commission, the board of commissioners shall not submit the above question to the county convention for at least 2 calendar years following the negative vote.

28-A:2 Membership; Appointments. The nominating committee shall observe the following rules in nominating the 15 member charter commission:

I. No more than 5 members shall be appointed from each commissioner voting district.

II. The members shall be appointed as equally as possible from each of the commissioner voting districts. For counties without districts, the appointees shall represent varied geographical areas of the county.

III. No more than 60 percent of the members shall be members of the same political party.

IV. At least one member shall be the chairman of the board of commissioners or his designee from the county.

V. At least 3 members shall be currently elected state representatives from the county.

VI. At least 5 members shall not currently hold an elective office in any level of government.

VII. All members shall be persons with expertise in government structure, the law, or other skills useful to the commission.

VIII. Up to 2 members may be nonresidents who have special knowledge or expertise in government organization, law, or other skills useful to the commission.

28-A:3 Scope of Authorization; Procedure; Meetings; Budget.

I. A charter commission established under this chapter may recommend a charter which meets the needs of the county in terms of structure and operation to include, but not be limited to, such matters as: numbers and duties of elected officials, except elected officials specified by the Constitution of the state of New Hampshire; method of electing officials; manner of filling vacancies; powers of nomination, appointment and confirmation; terms of office; establishment and

operations of nonconstitutional offices, agencies and departments; and adoption of the county budget.

II. The charter commission shall meet within 30 days of its appointment at a meeting called by the chairman of the board of commissioners. At this meeting, the charter commission shall organize by electing from its members a chairman, a vice chairman, and clerk-secretary. The commission shall also prepare a schedule for future meetings. All meetings, hearings and deliberations of the charter commission shall be subject to RSA 91-A.

III. Vacancies occurring on the commission shall be filled promptly by the nominating committee using the same rules for selection as in RSA 28-A:2. Members shall serve without compensation, but shall be reimbursed for expenses lawfully incurred by them in the performance of their duties.

IV. The charter commission shall adopt rules governing the conduct of its meetings and proceedings in accordance with an accepted parliamentary procedure, shall keep appropriate records, and may employ such legal, research, clerical, or other employees and consultants as are deemed necessary within the limits of its budget.

V. The county commissioners shall provide the charter commission with suitable space and with reasonable access to county facilities for holding public hearings, may contribute clerical and other assistance to such commission, and shall permit reasonable access to consult with and obtain advice and information from county officers, officials, and employees during ordinary working hours.

VI. Within 60 days after its organizational meeting, the charter commission shall hold 3 public hearings in 3 separate locations within the county for the purpose of receiving information, views, comments, and other pertinent material relative to its functions. All public hearings before a charter commission shall be held within the county at such times and places as may be specified in a notice published at least 10 days prior to the hearing in a newspaper having general circulation in the county, but public hearings may be adjourned and reconvened from time to time without further published notice.

#### 28-A:4 Charter Commission Report; Referendum.

I. Within 9 months after its election, the charter commission, if it determines a charter shall be proposed, shall prepare a preliminary report including the text of the charter which the commission intends shall be submitted to the voters and any explanatory information the commission deems desirable; shall cause such report to be printed and circulated to the board of commissioners, the county convention, the secretary of state, all clerks of municipalities and each public library within the county. Within 12 months after its election, the charter commission shall submit to the board of commissioners and the county convention its final report, which shall include the full text and explanation of the proposed new charter or charter revision, such comments as the commission deems desirable, an indication of the major differences between any current and proposed charters, and a written opinion by an attorney admitted to the bar of this state that the proposed charter or charter revision is not in conflict with the Constitution or the general laws. Minority reports, if filed, shall not exceed 1,000 words.

II.(a) Upon the filing of the final report, the board of commissioners shall forward the proposed new charter to the secretary of state, who shall submit the question of adoption of the charter to the voters on the official ballot used within the county at the next state general election after the filing of the final report. The charter commission shall draft the question and it may expand or elaborate on the question; however, the substance of the question shall be as follows:

"Shall the proposed charter for the county of (name of county) be adopted as recommended by the charter commission?"

(b) The charter commission shall continue in existence for 30 days after submission of the question to the voters.

(c) In order for the charter to be adopted, at least 2/3 of the voters voting on the question must vote yes on the charter question. The results of the vote on this question shall be forwarded by the municipal clerks to the secretary of state in the same manner as the results of other balloting is reported.

28-A:5 Transition Period and Amendments. Any charter proposed by the charter commission shall include transition provisions under which the governmental structure set out in the charter shall take effect. Any proposed charter shall also contain provisions for amendment of the charter, which amendment process shall require approval by 2/3 of the voters of the county voting on the question.

28-A:6 Recording. Within 10 days after the results of the election have been declared, the secretary of state shall prepare and sign duplicate certificates attesting to the adoption or rejection of the charter. One certificate shall be recorded in the office of the secretary of state and one certificate shall be deposited in the office of the county commissioners.

28-A:7 Conflict of Laws. Notwithstanding any other provision of law, county charters adopted pursuant to this chapter shall take precedence over any other general or special laws relating to county government structure and procedures.

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

HB 301, relative to water improvement bonds issued by the city of Rochester. Inexpedient to Legislate.

This legislation is not necessary as House Bill 302 covers the issue brought forth in House Bill 301. Vote 12-0. Rep. Robert H. Day for Municipal and County Government.

HB 363, relative to conditional approval of plats and applications by planning boards. Ought to Pass with Amendment.

House Bill 363 responds to the New Hampshire Supreme Court decision in the Sklar case. In its decision, the court emphasized the requirement that a planning board conduct a public hearing to determine compliance with conditional approvals. The bill provides formally for such conditional approvals and, more importantly, exempts conditions which relate entirely to applicant's possession of permits or approvals granted by other boards in agencies and conditions whose fulfillment may be determined without the use of discretionary judgment. Reference to conditions of an administrative nature and those not needing discretionary judgment is intended to convey the meaning of the legal term "ministerial." Vote 12-0. Rep. Richard A. Grodin for Municipal and County Government.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Conditional Approval. Amend RSA 676:4, I by inserting after subparagraph (h) the following new subparagraph:

(i) A planning board may grant conditional approval of a plat or application, which approval shall become final without further public hearing, upon certification to the board by its designee or based upon evidence submitted by the applicant, of satisfactory compliance with the conditions imposed. Final approval of a plat or application conditionally approved may occur in the foregoing manner only when the conditions are:

(1) Conditions and minor plan changes or conditions or minor plan changes imposed by the board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or



(2) Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the board; or

(3) Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies or approvals granted by other boards or agencies.

Final approval of a plat or application conditionally approved subject to any other conditions shall require a public hearing and notice as provided in subparagraph I(d).

HB 364, providing for alternate members on conservation commissions. Ought to Pass with Amendment.

The amendment strikes the title and contents of the original bill, for the purpose of making a needed correction to the statute governing recording fees charged by Registers of Deeds. A fee is charged for each transaction by closing an unintended loophole whereby multiple transactions listed on a single document were assessed at a single transaction rate. Vote 13-0. Rep. Timothy Bates for Municipal and County Government.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to recording fees.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Recording Fees. Amend RSA 478:17-g, I (supp) as inserted by 1973, 217:1 as amended by striking out said paragraph and inserting in place thereof the following:

I. For recording each deed, mortgage, attachment of real estate, lease, agreement, assignment, release, partial discharge, or any like document, \$8 for the first recorded page, plus \$3 for each additional recorded page, except for the complete discharge of a mortgage, filings pursuant to RSA 382-A, or a lien, for which the fee shall be \$8. Said charges shall include all charges for information furnished in compliance with RSA 478:14.

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

HB 466-FN, relative to underground storage facilities. Ought to Pass with Amendment.

As amended, HB 466 creates a new RSA chapter for underground gasoline storage tanks. It clarifies the rule making authority of the Water Supply and Pollution Control Commission regarding tank standards, record-keeping, inspection, and replacement schedules. A registration and permitting process will be administered. The penalty and liability provisions are the same as those passed in the 1985 session. This bill is important to the protection of groundwater because of the serious threat posed by leaking storage tanks. The regulatory program already underway is not changed, but is placed in a separate Chapter because of inconsistencies resulting from the current placement. A FN (fiscal note) is no longer necessary, because the revolving loan fund included in the original bill has been removed by the amendment. Federal deficit reduction measures pending in Congress could restrict this fund, so the Committee will review alternative funding mechanisms for future consideration. The purpose of the fund is to help finance tank replacements and monitoring equipment for small, local operators. Vote 15-0. Rep. Susan Schwartz for Resources, Recreation and Development.

## Amendment

Amend RSA 146-C:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

146-C:1 Definitions: In this chapter:

I. "Commission" means the New Hampshire water supply and pollution control commission.

II. "Discharge" means the disposal, addition, or injection of any liquid to groundwaters or surface waters from any designed conveyance system, including, but not limited to, pipe, ditch, channel, tunnel, conduit, well, fissure, container, tank, as well as any designed leachate disposal system.

III. "Disposal" means deposit, discharge, injection, dumping, or placing of oil into or on any land or water so that such waste or any constituent thereof may enter surface or groundwater.

IV. "Existing facility" means a facility the construction or installation of which began prior to September 17, 1985.

V. "Facility" means a system of tanks, pumps, vaults, fixed containers, and appurtenant structures, singly or in any combination, which are used or designed to be used for the storage, transmission, or dispensing of oil or petroleum liquids, and which are within the size, capacity, and other specifications prescribed by rules adopted by the commission pursuant to RSA 146-C:9, VI.

VI. "Failure" means a condition which may or does allow the uncontrolled passage of liquid into or out of a facility, and includes, but is not limited to, a discharge to the waters of the state without a permit issued pursuant to RSA 146-C:4.

VII. "Groundwaters" means all areas below the top of the water table, including aquifers, wells, and other sources of groundwater.

VIII. "Life expectancy" means the time period within which a failure is not expected to occur as determined by the commission.

IX. "Liquid" means oil and petroleum liquids.

X. "New facility" means a facility the construction or installation of which begins on or after September 17, 1985, including, but not limited to, facilities which replace existing facilities, facilities which are moved from one location to another, and facilities which are substantially modified after September 17, 1985.

XI. "Nonresidential", when referring to a facility, means a facility which serves any commercial, industrial, institutional, municipal, public, or other building, including, but not limited to, service stations, hotels and motels, hospitals, nursing homes, and correctional institutions, but not including non-commercial residential buildings.

XII. "Oil" means petroleum products and their byproducts of any kind and in any form, including, but not limited to, petroleum, fuel, sludge, crude, and all other liquid hydrocarbons regardless of specific gravity and which are used as motor fuel, lubricating oil, or any oil used for heating or processing. The term "oil" shall not include natural gas, liquified petroleum gas, or synthetic natural gas, regardless of derivation or source.

XIII. "Operator" means the person or political subdivision who has responsibility for the care, custody, and control of the daily operation of a facility.

XIV. "Owner" means the person or political subdivision in possession of or having legal ownership of a facility.

XV. "Residential building" means any house, apartment, trailer, manufactured housing, or other structure occupied by individuals as a domicile.

XVI. "Substantial modification" means the construction or installation of any addition to a facility or any restoration or

renovation of a facility which: increases or decreases the on-site storage capacity of the facility; significantly alters the physical configuration of the facility; or impairs or improves the physical integrity of the facility or its monitoring systems. On-site abandonment is specifically excluded as a "substantial modification" of a facility.

XVII. "Surface water" means streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, watercourses, and other bodies of water, natural or artificial.

XVIII. "Underground storage facility" means a facility or facility component that is 10 percent or more below the surface of the ground and is not fully visible for inspection.

Amend RSA 146-C:3 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

146-C:3 Registration of Underground Storage Facilities.

I. The owner of each existing underground storage facility shall register the facility with the commission on forms provided by the commission and shall provide the following information:

- (a) Facility name, location, and mailing address.
- (b) Owner's name, mailing address, and telephone number.
- (c) Contact person for this facility.
- (d) Tank information: the size, age, type of tank material, location (on-site), and oil product stored.

II. The owner of each existing underground storage facility shall register the facility with the commission on forms provided by the commission, and shall provide the following information to the extent that it may reasonably be available to the owner:

- (a) Results of previous tank testings conducted in accordance with commission rules, including documentation of test results.
- (b) All previous owners and lessees with names and current addresses.
- (c) A detailed description of the facility; the size of tanks (physical dimensions), number of fill boxes, number and type of fittings attached to tanks, complete description of underground piping system, type of cathodic protection, date each tank was manufactured, installed, relined, and inspected, and tank manufacturer, and the date and results of the latest tightness test of all underground tanks.
- (d) The estimated life expectancy of all inground tanks and appurtenances.
- (e) Description and date of past discharges or disposal of petroleum based products, remedial actions, ground and surface water monitoring results, and closure plans.
- (f) Detailed site plan and layout.
- (g) Existing groundwater protection monitoring programs, if any.

III. The owner of a registered underground storage facility shall report any changes in the information provided under paragraph I or II within 10 days of the change.

IV. The registration required under this section shall be renewed every 5 years. A registration need not be renewed if the commission has received written notice that the registered underground storage facility has been closed by approved procedures according to rules adopted pursuant to RSA 146-C:9, II(i). Any notice of closure shall include the date of such closure.

Amend RSA 146-C:4, II as inserted by section 1 of the bill by inserting in place thereof the following:

II. The commission shall issue or deny a permit to all facilities registered under RSA 146-C:3 within 90 days of the receipt of the complete registration information. A permit issued under this section shall be



displayed on the premises of the underground storage facility at all times. Permits shall be valid for a period of 5 years.

Amend RSA 146-C:5 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

146-C:5 Records Required; Inspections.

I. The operator of an underground storage facility shall keep and reconcile accurate stock inventory records for the purpose of detecting leaks. The records shall be maintained and made available for commission inspection and copying for a period of not less than 3 years.

II. The commission may inspect any underground storage facility and any records related to the facility in order to determine compliance with the provisions of this chapter or with rules adopted under this chapter. Inspections shall be made during regular business hours.

Amend RSA 146-C:9 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

146-C:9 Rulemaking. The commission shall adopt rules, under RSA 541-A, relative to:

I. Procedures, forms, and information required for registration of underground storage facilities, as authorized by RSA 146-C:3.

II. Procedures, forms, and criteria for issuing and renewing permits, as authorized by RSA 146-C:4. Criteria for permits shall include, but not be limited to:

- (a) Minimum standards for repairing an underground steel tank.
- (b) Tank replacement schedules.
- (c) Tank testing schedules.
- (d) Minimum standards for new underground tanks.
- (e) Standards for fiberglass, fiberglass clad, and steel tanks.
- (f) Standards for leak monitoring at underground storage

facilities.

(g) Minimum standards for secondary containment for underground storage facilities.

(h) Minimum standards for piping systems at underground storage facilities.

(i) Procedures for the temporary and permanent closure of underground storage facilities.

III. Requirements for recordkeeping, as authorized by RSA 146-C:5, I.

IV. Procedures for conducting inspections, as authorized by RSA 146-C:5, II.

V. Procedures, forms, and criteria for approving plans for new underground storage facility construction and installation, as authorized by RSA 146-C:7.

VI. Criteria for determining what constitutes a facility under this chapter including, but not limited to, tank size and capacity.

Amend RSA 146-C:10 through 146-C:24 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

146-C:10 Penalty. Any person who owns or operates an underground storage facility without a permit as required by this chapter or who fails to comply with a condition of that permit or who violates the rules adopted under this chapter relative to underground storage facilities shall be subject to a civil penalty of not more than \$1,000 for each day of violation. Such a violation may also be enjoined by the superior court upon application of the attorney general. An owner who is not also the operator of the facility shall not be liable for violations relating to recordkeeping and inventory control.

146-C:11 Liability for Cleanup Costs; Municipal Regulations.

I. Any owner or operator or other person who directly or indirectly causes or suffers the discharge of oil into or onto any surface or groundwater of this state, or in a land area where oil has seeped or may or will ultimately seep into any surface or ground water of the state in violation of this chapter, or rules adopted under this chapter, shall be strictly liable for costs directly or indirectly resulting from the violation relating to:

- (a) Containment of the discharged oil;
- (b) Cleanup and restoration of the site and surrounding environment; and
- (c) Removal of the oil.

II. Nothing in this chapter shall be construed to prevent the party strictly liable from instituting a legal action against any party responsible for causing the spillage for costs incurred by the strictly liable party in complying with this chapter.

III. Nothing in this chapter shall be construed to prevent a municipality from adopting ordinances restricting the siting of underground storage facilities.

IV. The commission shall immediately notify the governing body of a municipality of any leaking underground storage tanks either within the municipality or near the local water supply.

146-C:12 Federal Assistance and Private Funds. In carrying out this chapter, the commission is authorized on behalf of the state, with the approval of the governor and council, to apply for and accept any federal assistance which may become available for the purpose of this chapter, whether in the form of loan or grant or otherwise, to accept the provision of any federal legislation therefor, to enter into, act, and carry out contracts in connection therewith, or to act as agent for the federal government in connection therewith. Where federal assistance is made available, the project shall be carried out in accordance with applicable federal law, the regulations thereunder, and the contract or contracts providing for federal assistance, notwithstanding any contrary provision of state law. Subject to the foregoing, any federal funds received for the purpose of this chapter shall be deposited in the capital development bond fund and expended as a part thereof. The commission may also utilize any private funds which may be made available for the purposes of this chapter.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Currently Effective Rules. Rules adopted pursuant to RSA 146-A:11-c, IX and X shall remain in effect, in accordance with RSA 541-A:2, IV, until the commission adopts rules under RSA 146-C:9.

3 Reference Deleted. Amend RSA 146-A:2, V (supp) as inserted by 1971, 266:1 as amended by striking out said paragraph and inserting in place thereof the following:

V. "Operator" shall mean any person owning or operating any oil terminal facility or vessel, whether by lease, contract, or any other form of agreement;

4 Repeal. The following are hereby repealed:

I. RSA 146-A:2, X, relative to underground storage facility.

II. RSA 146-A:3-b, relative to permits for underground storage facilities.

III. RSA 146-A:11-c, IX and X, relative to rulemaking for underground storage facilities.

IV. RSA 146-A:14, III, relative to penalties for nonpermitted underground storage facilities.

5 Effective Date. This act shall take effect January 1, 1987.

HB 111-FN, establishing an academy of science, arts, and technological innovation. Inexpedient to Legislate.

This bill proposed establishing an academy of science, arts, and technological innovation. The Committee determined that support was not available for passage of this bill, as written. Compromise language failed to retain the essential elements and was therefore rejected. Vote 9-0. Rep. M. Arnold Wight, Jr. for Science and Technology.

HB 31-FN, to provide a loss carryforward under the business profits tax. Ought to Pass with Amendment.

The original bill amended the Business Profits Tax to provide for a loss carryforward. The fiscal note stated that the State's revenue loss could be as large as \$10.5 million annually from the fifth year forward. While the concept is worthy of still further consideration, rather than recommending Interim Study again, the Committee has amended the original bill to request the Department of Revenue Administration to conduct a study in order to determine what analytical tools and resources are needed by the Department to estimate the impact upon revenues and whether or not there are problems in making such a tax allowance. Vote 17-0. Rep. Frederick G. Ahrens for Ways and Means.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

directing the department of revenue administration to study allowing business organizations to deduct a net operating loss carryover from the business profits tax.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

#### 1 Study.

I. The department of revenue administration, under the direction and supervision of the commissioner, shall conduct a study in order to determine what analytical tools and resources are needed by the department to estimate the impact upon revenues, and what problems are involved, if any, in allowing business organizations which make a business profits tax return under RSA 77-A to deduct from gross business profits the amount of the net operating loss carryover determined under section 172 of the United States Internal Revenue Code (1954) as amended. The study shall be based upon the assumption that a net operating loss may only be carried forward for the 5 years following the loss year, and shall be restricted to operating losses occurring only in New Hampshire in years when business activity occurred in this state; provided that in the case of a proprietorship or a partnership, such deduction shall be the amount that would be determined under section 172 of the United States Internal Revenue Code (1954) if the proprietorship or partnership were a corporation.

II. The commissioner of revenue administration may utilize such personnel and expend such resources as shall be necessary to assist him in completing the study. The commissioner shall file a report together with any proposed legislation necessary to accomplish identifying business organization locations on or before January 1, 1987, to the speaker of the house and the president of the senate.

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

HB 52-FN, relative to the legacy and succession tax. Ought to Pass with Amendment.



This bill creates a sibling legacy and succession tax credit on all or part of a tax paid in a prior transfer if siblings died within 10 years of each other. The burden of proof is in the legatee. The amendment is to eliminate the necessity for the written authorization of the Department of Revenue Administration for certain property, such as joint bank accounts, trust accounts, annuities, life insurance proceeds, and securities when the transfer is a person or organization exempt from the legacy and succession tax. Vote 16-0. Rep. Beverly T. Rodeschin for Ways and Means.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Credit for Tax Paid on Prior Transfers Between Siblings. Amend RSA 86:6, I (supp) as inserted by 1970, 5:4 as amended by striking out said paragraph and inserting in place thereof the following:

I. All property within the jurisdiction of the state, real or personal, and any interest therein, belonging to domiciliaries of the state; and all real estate within the state, or any interest therein, belonging to persons who are not domiciliaries of the state; which shall pass by will, or by the laws regulating intestate successions, or by deed, grant, bargain, sale or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, to any person, absolutely or in trust, shall be subject to a tax of 15 percent of its value for the use of the state, except as provided in paragraphs II and III and RSA 86:9-a.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Eliminating Written Authorization for Certain Transfers. Amend RSA 86:73 (supp) as amended by striking out said section and inserting in place thereof the following:

86:73 Transfers of Stock or Other Assets. No corporation organized and existing under the laws of this state shall transfer on its books, or issue a new certificate for, any share or shares of its capital stock standing in the name of a decedent, or in trust for a decedent or belonging to or standing in the joint names of a decedent and one or more persons, and no safe deposit company, trust company, corporation, bank or other institution, person or persons having in possession, or under control or custody or partial control or partial custody, securities, deposits, assets or property belonging to or standing in the joint names of such a decedent and one or more persons, or which was received from the decedent for delivery to any other person, or is marked or designated for such delivery, including the shares of capital stock of, or other interest in, said safe deposit company, trust company, corporation, bank or other institution shall, except as hereinafter provided, deliver or transfer the same to any person except a duly appointed executor or administrator of the estate of the decedent without the written consent of the department of revenue administration. However, when the grantee, donee, beneficiary, surviving joint tenant or tenants all stand in relation to the decedent as persons who, under the provisions of RSA 86:6, II are exempt from the tax imposed by this chapter, such prior written consent shall not be required for the delivery or transfer by such safe deposit company, trust company, corporation, bank or other institution of:

I. Any kind of security, deposit, asset, or property which was received from the decedent for delivery to any other person, or is marked or designated for such delivery; or

II. Any kind of account, deposit, security, asset or property standing in the joint names of 2 or more persons and payable to either or to the survivor upon death of one of such persons.

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

HB 79, relative to appeals before the board of tax and land appeals. Inexpedient to Legislate.

The Committee felt that all of a person's property should be used by the Tax and Land Appeals Board when considering a taxpayer's appeal so that all of his taxes would be proportional. Also, the Committee felt that selectmen do have proper notice when they go before the Appeals Board and that this bill will not alleviate local problems that occur when the selectmen go before the Appeals Board. Vote 14-0. Rep. Roland A. Sallada for Ways and Means.

HB 114-FN, relative to the business profits tax. Ought to Pass. This minor technical bill equalizes tax treatment of royalties for proprietorships with that of partnerships and corporations, with the potential for modest increase of revenue (\$100K). Vote 15-0. Rep. Robert C. Hayes for Ways and Means.

HB 136, relative to the recording of the real estate transfer tax. Ought to Pass with Amendment.

This bill states that there must be blanks on every deed filed with the Register of Deeds to be filled out by both the buyer and seller, stating the exact amount the property being recorded was sold for. Vote 14-0. Rep. Roland A. Sallada for Ways and Means.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Attestation to Property Price Required. Amend RSA 78-B:3 (supp) as inserted by 1967, 320:1 as amended by striking out said section and inserting in place thereof the following:

78-B:3 Evidence of Payment; Attestation of Price.

I. The payment of tax imposed by this chapter shall be evidenced by stamps or other indicia as approved by the commissioner of revenue administration attached to the instrument in writing by which any real estate or any interest in real estate is sold, granted, assigned, transferred or otherwise conveyed to or vested in the purchaser or grantee, or in any other person by the purchaser's or grantee's direction.

II. At the same time that stamps or other indicia are attached to the instrument as provided in paragraph I, the purchaser, grantee, assignee or transferee and the seller, grantor, assignor or transferor shall both sign a written statement in a space provided on the instrument to be recorded which shall attest that the amount of stamps attached to the instrument correctly reflects the actual purchase price or consideration paid for the property. The statement and its placement on the instrument to be recorded shall be in a form and manner prescribed by the commissioner of revenue administration.

HB 179-FN, permitting the sale of tax-free cigarettes to the residents of the Glencliff home for the elderly. Inexpedient to Legislate. While the majority is sympathetic to the elderly at Glencliff, it was felt that it might discriminate against other institutions supported by the State now and in the future. Vote 15-0. Rep. Beverly T. Rodeschin for Ways and Means.

HB 370-FN, relative to the rate of the tobacco tax. Ought to Pass with Amendment.

This bill, as amended, corrects an error in the 1985 statute wherein RSA 78:7, as published, imposed a 12 cent tax on cigarettes versus the

17 cents actually debated and voted on. The amendment abolishes conditional language based upon possible 1985 changes in federal tobacco excise taxes, which never occurred. Vote 16-0. Rep. Robert C. Hayes for Ways and Means.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Tax Rate. Amend RSA 78:7 (supp) as amended by striking out said section and inserting in place thereof the following:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of 17 cents for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all tobacco products sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the tobacco products in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

HB 372-FN, exempting transfers of title between certain charitable organizations from the real estate transfer tax. Ought to Pass.

This bill exempts from the real estate transfer tax all transactions between charitable hospital organizations. The total number of transactions will only be hospitals numbering about 25. It will allow a charitable hospital to reorganize and restructure itself. Vote 13-0. Rep. Roland A. Sallada for Ways and Means.

HB 402-FN, relative to state taxation of direct obligations of the United States government. Refer for Interim Study.

New federal regulations and procedures will affect the way bonds are issued, and the subject needs to be addressed. The bill has merit and the Committee would like to study the bill further. Vote 17-0. Rep. Barbara Zeckhausen for Ways and Means.

HB 427-FN, allowing salaries for state liquor store employees to be based upon store profitability and authorizing an employee incentive program. Inexpedient to Legislate.

It is the opinion of the Committee that given the realities of civil servants versus private-sector employees in the business and retail sales, and the opposition of the State Employees Association, it would not be in the best interest of the State to attempt to implement such a proposal. Vote 14-0. Rep. Thomas B. Connolly for Ways and Means.

HB 455-FN, providing tax incentives for New Hampshire business organizations. Inexpedient to Legislate.

House Bill 455 contains some interesting ideas intended to assist and encourage businesses to reinvest in their own operations. Both the sponsor and other proponents agree, however, that their ideas need further development, and it is anticipated that a more thoroughly developed version will be introduced in a future legislative session. Vote 17-0. Rep. Marian R. Harrington for Ways and Means.

HB 462-FN, exempting insurers from the premium tax on programs written for certain public employees. Inexpedient to Legislate.

The Committee could not come up with the net effect on the general State Treasury and the Committee was told that it would be an administrative problem and with no way of enforcing it. Also, the Committee felt there would be no guarantee that the 2 percent would be



reflected in a lowered premium. Vote 14-0. Rep. Roland A. Sallada for Ways and Means.

HB 473-FN, relative to filing returns under the interest and dividends tax. Ought to Pass.

This bill will exempt 19,000 New Hampshire taxpayers from having to file an interest and dividends tax return if their income is derived from New Hampshire banks and they have no excludable interest income. It will relieve unnecessary paper work for the Department of Revenue Administration. Vote 18-0. Rep. Joseph F. Duggan for Ways and Means.

#### SUSPENSION OF RULES

Reps. Rounds and Chambers moved that the rules be so far suspended as to permit consideration at the present time of HR 20, relative to missing Americans in the former Indochina theater of war, HCR 6, in support of Korean War veterans, and HCR 7, relative to the deadline for bills awaiting an opinion of the justices, without public hearing, committee report and the required notice in the Calendar.

Adopted by the necessary two-thirds.

#### HOUSE CONCURRENT RESOLUTION NO. 7

relative to the deadline for bills awaiting  
an opinion of the justices.

WHEREAS, the joint rules of the 1986 general court have established certain deadlines for the passage of bills from one house to the other, and

WHEREAS, the general court has submitted several bills to the Supreme Court for an opinion of the justices and such bills may not be returned in time to be passed to the other house within the deadlines established by the joint rules, and

WHEREAS, any bill so referred to the Supreme Court ought to be considered by the general court during this session, now therefore be it  
RESOLVED, by the House of Representatives, the Senate concurring:

That any bill which has been referred to the Supreme Court for an opinion of the justices be exempt from the deadlines established by the 1986 joint rules for the passage of bills from one house to the other, and

That any bill so referred be considered by the house or senate as soon as possible upon its return from the Supreme Court.

The Clerk read the resolution.

Reps. Rounds and Chambers moved that HCR 7 be adopted.

Ordered to third reading.

Reps. Whitcomb and George Gordon offered the following:

#### HOUSE RESOLUTION NO. 20

relative to missing Americans in the former Indochina theater of war.

WHEREAS, there are more than 2,400 Americans still missing or otherwise unaccounted for in Indochina and their families still suffer untold grief due to uncertainty about their fate, and

WHEREAS, the President of the United States has declared resolution of the prisoners of war and the missing in action issue a matter of highest national priority and has initiated high level dialogue with the governments of Vietnam and Laos on this issue, and

WHEREAS, the house of representatives of the New Hampshire general court fully understands and agrees that the fullest possible accounting can only be achieved through government to government cooperation, and

WHEREAS, the government of Vietnam has agreed in principle to the United States proposal for joint excavation of United States aircraft crashsites in line with their pledge to accelerate cooperation with the United States to resolve the issue within a 2-year time frame, and

WHEREAS, the Laotian government has agreed to continue and increase cooperation with the United States, including a second joint excavation to be conducted in early 1986, now therefore be it

RESOLVED, by the House of Representatives:

That the house of representatives supports the President's pledge of highest national priority to resolve the status of Americans still missing and unaccounted for in Indochina, and

That the house of representatives urges the United States government to accelerate efforts in every possible way to obtain the immediate release of any Americans who may still be held captive in Indochina and the return of American servicemen and civilians who died in Southeast Asia whose remains have not be repatriated, and

That the house of representatives strongly urges the governments of the Socialist Republic of Vietnam and the Peoples' Democratic Republic of Laos to fully cooperate with the United States government in the humanitarian effort to resolve the fates of more than 2,400 American servicemen and civilians still missing in Southeast Asia, and

That copies of this resolution be forwarded to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the New Hampshire congressional delegation.

The Clerk read the resolution.

Rep. George Gordon explained the resolution.

Rep. Warburton spoke in favor of the resolution.

Rep. George Gordon spoke a second time to the resolution.

Ordered to third reading.

Rep. Zis offered the following:

#### HOUSE CONCURRENT RESOLUTION NO. 6

in support of Korean War veterans.

WHEREAS, the general court of New Hampshire recognizes and desires to memorialize the courageous sacrifices of the Korean War veterans during the Korean War, and

WHEREAS, S. 1223, introduced in the United States Congress by Senator William L. Armstrong of Colorado, provides for commemoration of the Korean War veterans, now therefore be it

RESOLVED, by the House of Representatives, the Senate concurring:

That the general court of New Hampshire supports S. 1223 and urges the members of the New Hampshire congressional delegation to do so also, and

That copies of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the New Hampshire congressional delegation.

The Clerk read the resolution.

Rep. Zis explained the resolution.

Ordered to third reading.

#### COMMITTEE REPORTS (Regular Calendar)

HB 109-FN, creating a compensation program for victims of crimes and making an appropriation therefor. Recommended but to be Laid on the Table because not funded.

This bill would reimburse victims for reasonable out-of-pocket expenses directly resulting from a crime committed within the State of New Hampshire. The Committee recognized that this was a fine bill, but due to the uncertainty of future claims and administrative costs, it remains unfunded. Vote 16-3. Rep. Rowland H. Schmidtchen for Appropriations.

Adopted.

HB 135-FN, establishing a teacher mentor and grant pilot program and making an appropriation therefor. Inexpedient to Legislate.

Although the subcommittee recommended passage of this bill, a majority of the full committee felt the policies proposed could be carried out by school districts without an increased expenditure of funds. Vote 10-7. Rep. Andrea A. Scranton for Appropriations.

Resolution adopted.

HB 324-FN, relative to hazardous waste cleanup. Ought to Pass. The Committee was very concerned that this bill was referred to it after the Policy Committee had removed the funding. The vote of 13-3, ought to pass, was based solely on this concern. Rep. Andrea A. Scranton for Appropriations.

Ordered to third reading.

HB 460-FN, relative to a forgivable loan program and making an appropriation therefor. Ought to Pass.

This bill passed the Appropriations Committee last session and passed the House twice. A majority of the Committee felt it should be passed again. The funding request has been cut in half both for the loans and for administrative costs. Vote 9-7. Rep. Andrea A. Scranton for Appropriations.

Ordered to third reading.

HB 501, establishing the salaries for the presidents of the technical institute and the 6 technical colleges. Ought to Pass.

The presidents of the technical colleges and technical institute were inadvertently omitted from HB 53-FN and they have been in limbo since. This places them in Group N- the closest classification to what they were in formerly. Vote 13-5. Rep. Andrea A. Scranton for Appropriations.

Ordered to third reading.

HB 504-FN, relative to a child abuse and neglect prevention program and making an appropriation therefor. Ought to Pass with Amendment.

This bill is an investment in the prevention of child abuse as distinguished from current programs to provide services to abused children. This bill provides an innovative method for attracting grants. The Trust Fund is designed to accept donations, grants and any other monies. The fund will also be eligible for federal funds on a 1 to 3 ratio. The Committee amended the bill by adding a requirement for educational projects in schools and by changing the title of the board as recommended by the Attorney General. Vote 15-1. Rep. John J. Kane for Appropriations.

#### Amendment

Amend RSA 169-C:39-b, V(a) as inserted by section one of the bill by striking out same and inserting in place thereof the following:



(a) Community-based educational programs on prenatal care, prenatal bonding, child development, basic child care, care of children with special needs, coping with family stress, child sexual assault prevention and awareness projects in schools; and

Amend the section heading of RSA 169-C:39-d as inserted by section one of the bill by striking out same and inserting in place thereof the following:

169-C:39-d New Hampshire Child Abuse Trust Fund Board.

Amendment adopted.  
Ordered to third reading.

HB 87-FN, repealing the prohibition against including CWIP charges in public utility's rate base. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: This bill allows the Public Utilities Commission at their discretion to include cost of construction work in progress in a public utility's rate base. However, only such construction costs incurred after January 1, 1987 on existing or future plants could be considered. Also, the Commission may establish a schedule for a phased-in implementation of rate increases over a reasonable period of time. Vote 8-7. Rep. Frederic A. Foss for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: New Hampshire rate payers are currently protected from paying for utility company construction of facilities which do not become used and useful. The amended version of HB 87 will remove this protection after January 1, 1987. The amended bill is unclear as to how Seabrook II will be allowed to be charged to Public Service Company of New Hampshire customers or rate payers. Reps. Elizabeth L. Crory, Bonnie B. Packard, Lawrence J. Guay, George F. Disnard, B. P. Smith, A. Leslie Burns and Tom Longworth for the Minority of Commerce, Small Business and Consumer Affairs.

Rep. Crory moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, spoke to her motion and yielded to questions.

Reps. Christy, Parks and Lindblade spoke against the motion.

Reps. A. Leslie Burns, Leonard Smith, Easton and Chambers spoke in favor of the motion.

Reps. Frederic Foss and Quimby spoke against the motion and yielded to questions.

Rep. Michael King spoke in favor of the motion and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Crory requested a roll call. Sufficiently seconded.

Rep. Gross abstained from voting under Rule 16.

YEAS 168 NAYS 143  
YEAS 168

BELKNAP: Bowler, Brough, Dexter, Golden, Hawkins, Nighswander, Pearson and Zeckhausen.

CARROLL: Ashnault, Russell Chase, Robert Holmes, Hounsell, Olimpio, Powers and Schofield.

CHESHIRE: Burley, Daniel Eaton, Grodin, Matson, Miller, Ramsay, Ridge, William Riley, Russell, Schwartz, William Sullivan and Young.

COOS: Chardon, Coulombe, Guay, Lamontagne, Mayhew, Ottolini and York.

GRAFTON: Arnesen, Chambers, Copenhaver, Crory, Densmore, Easton, Michael King, LaMott, Stewart and Taffe.

HILLSBOROUGH: Barry, Blais, Boisvert, Bourque, Boutwell, Burkush, A. Leslie Burns, Champagne, Charron, Clancy, Cote, Cronin, Duperron, Dupont, Durant, Dykstra, Nancy Ford, Gagnon, Scott Green, Marian Harrington, Holden, Chris Jacobson, Jasper, George Jones, Katsiaficas, Lown, Lozeau, Martin, McGlynn, Messier, Morrissette, Nelson, O'Rourke, Bonnie Packard, Raiche, Ellen-Ann Robinson, B. P. Smith, Leonard Smith, Snow, Mary Sullivan, Van Loan, Vanderlosk, Wagner, Winn and Zis.

MERRIMACK: Anderson, Barberia, Bardsley, Bowes, James Chandler, Daniell, Hager, Alf Jacobson, Jolley, C. William Johnson, Lewis, Pannell, Rehlander, Doris Riley, Walter Robinson, Savaria, Gerald Smith and Wallner.

ROCKINGHAM: Benton, Blaisdell, Patti Blanchette, Butler, Eunice Campbell, Case, Conroy, Flanders, Beverly Gage, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hollingworth, George Katsakiores, Phyllis Katsakiores, Krasker, Longworth, Lovejoy, Joseph MacDonald, Magoon, Malcolm, McKinney, Nagel, Popov, Rosencrantz, Sanderson, Sherburne, Sloan, Sochalski, Stachowske, Titone, Tufts, Vaughn and Walker.

STRAFFORD: Bates, Berkey, Bernard, Bryant, Burton, Callaghan, Albert Dionne, Anita Flynn, Edward Flynn, Hussey, Keans, Laurion, Lussier, Musler, O'Brien, Pelley, Francis Robinson and Henry Sullivan.

SULLIVAN: Brodeur, D'Amante, Disnard, Ingram, Paul Johnson, McKee, Spaulding and Sara Townsend.

NAYS 143

BELKNAP: Birch, Richard Campbell, Hardy, Malcolm Harrington, Holbrook, Jensen and Matthew Locke.

CARROLL: Dickinson, Kenneth MacDonald, McIntire and Saunders.

CHESHIRE: Crane, Jesse Davis, Delano, Irvin Gordon, Elmer Johnson, Morse, Parker, Perry, Scranton, Secord and Thompson.

COOS: Harold Burns, Chappell, Frederic Foss, Horton and Theriault.

GRAFTON: Bean, Christy, Driscoll, Duggan, McAvoy, Rounds, Howard Townsend, Wadsworth, Walter, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Bass, Bourdon, Bridgewater, John Burns, Carragher, Chretien, Cox, Crotty, Clyde Eaton, Joseph M. Eaton, Fields, Healy, Herod, Humphrey, Kelley, Knight, Labombarde, Levesque, Howard Mason, Elizabeth Moore, Robert Murphy, Nute, Pappas, Paradis, Perham, Prestipino, Frances Riley, G. Philip Rodgers, Sallada, Shriver, Steiner, Stiles, Sylvia, Turgeon, Varkas, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Arnold Wight, Wood and Worthen.

MERRIMACK: Bibbo, Laurent Boucher, Connolly, Gilbreth, George E. Gordon, Hayes, Kidder, Arthur Locke, Nichols, Pantzer, Phelps, Linwood Rogers, Stio, West and James Whittemore.

ROCKINGHAM: William Boucher, Marilyn Campbell, Lawrence A. Chase, Jr., Clay, Day, Ellyson, Emanuelson, Thomas Gage, Goss, Robert Johnson, Kane,

Roger King, Robert Mason, Jr., McCain, Newell, Palumbo, Quimby, Raynowska, Norman Rogers, Schmidtchen, Schwaner, Seward, Skinner, Sytek, Warburton, Welch, Wells and Woodward.

STRAFFORD: Appleby, Dingle, Patricia Foss, Frechette, Robert Jones, Kincaid, Meader, Parks, Spear, Ann Torr and Franklin Torr.

SULLIVAN: Call, Domini, Lindblade, Mehegan, Rodeschin and Schotanus, and the motion was adopted.

Resolution adopted.

RECESS

#### COMMITTEE REPORTS (cont.)

HB 216, relative to disclosure of banking information to banking customers. Majority: Inexpedient to Legislate. Minority: Ought to Pass with Amendment.

MAJORITY: The majority felt that posters with fees and charges would clutter financial institution lobbies and would not serve a useful information service not already being performed by financial institutions. Vote 13-4. Rep. Conrad Quimby for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: The minority opinion strongly supports the concept of disclosure of rates and other charges of a financial institution. In no way does this bill dictate the way in which the institution sets its rates or how it conducts its business. It only asks that the institution tell the consumer what the rate is in a way that is easily understood by the average person. Federal deregulation of the banking industry has created confusion for the bank customer. The minority believes that the State of New Hampshire should take steps to encourage disclosure so that the consumer is given the information needed to make an informed decision. The minority encourages the support of an amendment which appears in the House Calendar. Reps. A. Leslie Burns, Tom Longworth, Frederic A. Foss and Patricia H. Foss for the Minority of Commerce, Small Business and Consumer Affairs.

Resolution adopted.

HB 352, relative to consumer credit transactions. Ought to Pass with Amendment.

This bill originally eliminated financial institutions from charging interest for mortgages using the Rule of 78. Under the Rule of 78, a consumer could pay double or triple interest rate charges if the mortgage is paid off before maturity. Included is an amendment to change the title of the bill to allow mortgage and finance companies to have some of the same regulations as banks, such as allowing them to charge prepayment penalties. Vote 13-1. Rep. A. Leslie Burns for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to consumer credit transactions, second mortgage loans, and regulation of mortgage companies.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:



1 Definitions. Amend RSA 358-K:1 by inserting after paragraph XI the following new paragraphs:

XII. "Interest" means the price charged for money loaned or debt deferred, and shall not include other charges as defined in paragraph XIII.

XIII. "Other charges" or "other charge" notwithstanding any other law to the contrary, means any cost or charge, other than interest as defined in paragraph XII, including but not limited to origination fees, loan discount, transaction costs, buydown funds, or other fees or assessments, whether or not expressed as a percentage of the amount of the loan or debt, payable directly or indirectly by the consumer and imposed directly or indirectly by the creditor as an incident to or a condition of the extension of credit.

2 Advance Collection or Prepayment. Amend RSA 358-K:3 as inserted by 1983, 463:1 by striking out said section and inserting in place thereof the following:

358-K:3 Advance Collection of Interest in Consumer Credit Transactions Prohibited After June 30, 1985. Notwithstanding any other law to the contrary, with respect to closed-end consumer credit transactions entered into after June 30, 1985, interest shall be collected only as earned, and no interest on such transactions shall be paid, deducted or added to principal in advance. This section shall not preclude the advance collection or prepayment of other charges to which the transaction is subject. This section shall not apply to the advance collection of interest at the inception of a closed-end consumer credit transaction for origination fees or for a fractional part of a month in order to achieve a common or convenient monthly payment date as provided by 358-K:4-a.

3 Common or Convenient Monthly Payment Date. Amend RSA 358-K by inserting after section 4 the following new section:

358-K:4-a Exception to Achieve a Common or Convenient Monthly Payment Date. Any provision of this chapter to the contrary notwithstanding, interest on any closed-end consumer credit transaction may be collected in advance for origination fees at the inception of such transaction or for a fractional part of a month (less than 30 days) from the inception of such consumer credit transaction to a monthly payment date that the creditor commonly uses in such transactions, or that the creditor considers to be more convenient administratively as a monthly payment date than the transaction inception date, such as the first day of the month.

4 Types of Consumer Credit Transactions. Amend RSA 358-K by inserting after section 5 the following new section:

358-K:6 Application of Chapter to Types of Transactions. The provisions of this chapter shall apply to all consumer credit transactions, both secured and unsecured, including those transactions secured by a real property mortgage.

5 Second Mortgage Home Loans Interest Rates; Prepayment. Amend RSA 398-A:2, III as inserted by 1981, 218:1 by striking out said paragraph and inserting in place thereof the following:

III. The borrower shall have the right to anticipate his debt in whole or in part upon payment of any prepayment penalty agreed upon between borrower and licensee, provided, however, that any penalty shall be clearly set forth in the loan documents. When an open-end loan agreement providing for advances from time to time by the licensee exists between the borrower and the licensee, monthly loan payments shall be selected by the borrower as stated in the note or open-end agreement.

6 Second Mortgage Home Loans; Reference to Interest Rates Deleted. Amend RSA 398-A:2, IV as inserted by 1981, 218:1 by striking out said paragraph and inserting in place thereof the following:

IV. The aggregate of the amount of money or value actually received or held at the time of the loan, plus the sum of all existing indebtedness of the borrower to the lender shall for the purposes of this chapter be deemed the amount of the loan. Unless otherwise provided in the note,

loan payments shall be applied on the scheduled payment dates. Except where the borrower agrees in writing to a different application of his payments, in cases where partial payments are made, the interest shall be calculated to the time of payments, and such payment shall first be applied to interest, and the balance thereafter remaining, if any, shall be applied to principal.

7 Second Mortgage Home Loans; Repayment. Amend RSA 398-A:2, VI as inserted by 1981, 218:1 by striking out said paragraph and inserting in place thereof the following:

VI. The repayment provisions of any loan shall be clearly set forth in the loan documentation. Nothing in this chapter shall be deemed to limit any type of mortgage or repayment plan.

8 Second Mortgage Home Loans; Specification of Payment Terms. Amend RSA 398-A:3 as inserted by 1961, 255:1 as amended by striking out said section and inserting in place thereof the following:

398-A:3 Effect of Failure to Specify Interest Rate. If any note secured by a mortgage, in the case of loans other than open-end loans, does not among its provisions, clearly indicate the principal sums, the rate of interest, the period of the loan and the periodic due dates, if any, of principal and interest or, in the case of open-end loans, if the note does not, among its provisions clearly indicate the maximum amount of credit available, the rate of interest, the selected payment, or its manner of determination, and the related period or periods of repayment and the monthly or periodic due dates, then the lender shall have no right to collect interest.

9 Repeal. The following are hereby repealed:

I. RSA 398-A:10, III, relative to exemptions.

II. RSA 398-A:13, IV, relative to rulemaking authority for insurance requirements for mortgage loans..

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

Amendment adopted.

Rep. Crory offered an amendment.

#### Amendment

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Prepayment Penalties. Amend RSA 398-F:2, III as inserted by 1981 218:1, by striking out said paragraph and inserting in place thereof the following:

III. The borrower shall have the right to anticipate his debt in whole or in part at any time without being required to pay a penalty to the lender therefor. When an open-end loan agreement providing for advances from time to time by the licensee exists between the borrower and the licensee, monthly loan payments shall be selected by the borrower as stated in the note or open-end agreement. First mortgage loans of mortgage companies are exempt from this paragraph and may be subject to prepayment penalties agreed upon between the borrower and lender.

Rep. Crory explained the amendment.

Rep. Quimby spoke against the amendment and yielded to questions.

Rep. Rounds spoke against the amendment.

Amendment lost.

Ordered to third reading.

HB 164, relative to information required on birth, marriage, and death certificates. Inexpedient to Legislate.

The Committee voted 7-2 inexpedient to legislate as the Bureau of Vital Records and Statistics has agreed with the New Hampshire Society of Genealogists to set up a separate file for changes or additions in coordination with the Bureau of Vital Records. Furthermore, the Bureau assured the Committee that the changes described in Section 1, requiring date of birth instead of age, and City or Town as well as State or County of Birth will be included on new forms when the present supply runs out. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

Resolution adopted.

HB 247, allowing persons voting in primaries to change party affiliation by mail. Ought to Pass with Amendment.

This legislation will encourage more independent voters to vote in primary elections. Although they will still have to declare party affiliation in order to vote in a primary, the voter may, by filling out a form immediately after voting, return to an independent status. Vote 9-0. Rep. Mary J. Shriver for Constitutional and Statutory Revision.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

permitting independent voters to vote in a primary and change their registration back to independent on the same day as the primary.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Change of Registration; Independent Voters. Amend RSA 654:34 (supp) as inserted by 1979, 436:1 as amended by striking out said section and inserting in place thereof the following:

654:34 Change of Registration.

I. Change of registration of a voter whose party membership has been previously registered may be effected as follows:

(a) Any legal voter whose party membership has been registered may change such registration by appearing in person before the supervisors of the checklist for his town or ward any time they meet, except as prohibited by paragraph IV, and stating to them under oath or affirmation, if required, that:

(1) He intends to affiliate with and generally supports the candidates of the party with which he offers to register, in which case he shall be registered as a member of such party; or

(2) He does not wish to be registered as a member of any party, in which case his party designation shall be removed from the checklist.

(b) He may also change such registration at any primary if, at such primary, he makes oath or affirmation to the same effect; but, in such case, he shall not be permitted to vote the ballot of any party at such primary.

II. Change of registration of a voter whose party membership has not been previously registered may be effected as follows:

(a) Any legal voter who has not been registered as a member of any party may register as a member of the party of his choice by appearing before the supervisors of the checklist for his town or ward any time they meet, except as prohibited by paragraph IV, and stating to them, under oath or affirmation, if required, that he intends to affiliate with and



generally supports the candidates of the party with which he offers to register, in which case he shall be registered as a member of such party.

(b) He may also register as a member of a party at any primary by requesting and voting the ballot of the party of his choice; and, if challenged, he shall take an oath or affirmation to the effect that he intends to affiliate with and generally supports the candidates of that party. He may also change his registration so that he is registered once again as a member of no party after voting in a primary as a registered member of a party by returning, at the time he hands in his ballot, the card provided for in paragraph V. All such cards shall be in the possession of the supervisors of the checklist at the close of the polls on election day.

III. Notwithstanding any provision of paragraphs I and II to the contrary, no person who has voted in a primary may thereafter on the day of said primary change his party registration, unless, prior to voting in the primary, he was registered as a member of no party, in which case he may once again register as a member of no party, as provided in subparagraph II(b).

IV. No person, who is already registered to vote, whether his party membership has been previously registered or not, shall affiliate with a party or disaffiliate from a party between the first Wednesday in June and the day before the state primary election.

V.(a) At any primary, the supervisors of the checklist shall make available within the polling place a card to enable a voter who was registered as a member of no party but who changed his registration on the day of the primary in order to vote as a registered member of a party to change his registration so that he is registered once again as a member of no party. The card shall be in substantially the following form:

Name \_\_\_\_\_  
(Print)

Date \_\_\_\_\_

Address \_\_\_\_\_

I hereby request that my political party registration be changed to undeclared:

Signed under the pains and penalties of perjury.

\_\_\_\_\_  
(Signature)

(b) The card shall take effect on the day of the primary. The supervisors of the checklist, upon receipt of such a card, shall keep it until their next session for changing party registration at which time the sender's party registration shall be changed as indicated on the card.

(c) The cards shall be printed by the secretary of state and shall be distributed to cities and towns at the same time and in the same manner that state primary ballots are distributed.

Amendment adopted.  
Ordered to third reading.

HB 299, changing the date for observance of Memorial Day. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: The Committee heard conflicting testimony from spokesmen for veterans' organizations, for the AFL-CIO, and for the State Employees Association. A majority of the Committee believes that acceptance of the national day - the last Monday in May - will encourage and increase appropriate patriotic observance of Memorial Day. Vote 6-5. Rep.

Joseph M. Eaton for the Majority of Constitutional and Statutory Revision.

MINORITY: The minority feels that Memorial Day is a day set aside for veterans and should not be altered in any way. The veterans showed up in great numbers at the hearing. Let's not sacrifice tradition for the almighty dollar. Rep. Dennis H. Fields for the Minority of Constitutional and Statutory Revision.

Rep. Fields moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass, and spoke to his motion.

Reps. Joseph Eaton and Matson spoke against the motion.

Rep. Levesque spoke in favor of the motion and yielded to questions.

Reps. Benton, Russell Chase and Boisvert spoke in favor of the motion.

Rep. James Chandler spoke against the motion and yielded to questions.

Rep. Chardon moved the previous question. Sufficiently seconded.

Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 164 NAYS 146  
YEAS 164

BELKNAP: Brough, Golden, Jensen and Matthew Locke.

CARROLL: Russell Chase, Dickinson, Kenneth MacDonald, Olimpio, Saunders and Schofield.

CHESHIRE: Blacketor, Burley, Crane, Irvin Gordon, Grodin, Elmer Johnson, Miller, Morse, Parker, Perry, Secord and Young.

COOS: Brideau, Chappell, Coulombe, Guay, Horton, Lamontagne, Mayhew and Theriault.

GRAFTON: Christy, Crory, Driscoll, Duggan, Easton, LaMott, McAvoy, Howard Townsend, Walter and Whitcomb.

HILLSBOROUGH: Barry, Boisvert, Bourdon, Boutwell, Bridgewater, A. Leslie Burns, John Burns, Carragher, Champagne, Clancy, Cox, Cronin, Dupont, Durant, Clyde Eaton, Fields, Gagnon, Scott Green, Marian Harrington, Healy, Humphrey, Jasper, George Jones, Katsiaficas, Levesque, Lozeau, Martin, McGlynn, Messier, Elizabeth Moore, Morrisette, Robert Murphy, Nute, Bonnie Packard, Paradis, Pariseau, Raiche, Frances Riley, Sallada, Leonard Smith, Steiner, Stiles, Mary Sullivan, Turgeon, Vanderlosk, Harold Watson, Emma Wheeler, Kenneth Wheeler, Worthen and Zis.

MERRIMACK: Anderson, Barberia, Bardsley, Bibbo, Laurent Boucher, Bowes, Daniell, George E. Gordon, Mary Holmes, Alf Jacobson, Jelley, Kidder, Arthur Locke, Millard, Pannell, Savaria, Stio, West and James Whittemore.

ROCKINGHAM: Benton, Blaisdell, Patti Blanchette, William Boucher, Butler, Eunice Campbell, Lawrence A. Chase, Jr., Day, Ellyson, Emanuelson, Felch, Flanders, Hoar, Robert Johnson, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Longworth, Magoon, McCain, Newell, Raynowska, Norman Rogers, Schmidtchen, Seward, Sherburne, Sochalski, Warburton and Welch.

STRAFFORD: Appleby, Bates, Bernard, Burton, Diament, Albert Dionne, Frechette, Hussey, Kincaid, Lussier, Meader, Musler, Parks, Spear and Henry Sullivan.

SULLIVAN: Call, D'Amante, Disnard, Domini, Ingram, Paul Johnson, McKee, Mehegan, Rodeschin and Spaulding.

## NAYS 146

BELKNAP: Birch, Bowler, Richard Campbell, Dexter, Hardy, Malcolm Harrington, Hawkins, Nighswander, Pearson and Zeckhausen.

CARROLL: Ashnault, Robert Holmes, Hounsell, McIntire and Powers.

CHESHIRE: Jesse Davis, Delano, Daniel Eaton, Matson, Ramsay, Ridge, William Riley, Russell, Schwartz, Scranton, William Sullivan and Thompson.

COOS: Harold Burns, Chardon and Frederic Foss.

GRAFTON: Arnesen, Bean, Chambers, Copenhaver, Densmore, Rounds, Stewart, Taffe, Wadsworth and Weymouth.

HILLSBOROUGH: Ahrens, Arnold, Bass, Bourque, Burkush, Charron, Chretien, Cote, Crotty, Duperron, Joseph M. Eaton, Nancy Ford, Grip, Herod, Holden, Chris Jacobson, Kelley, Knight, Labombarde, Lown, Howard Mason, Nelson, O'Rourke, Pappas, Perham, Prestipino, Ellen-Ann Robinson, G. Philip Rodgers, Shriver, B. P. Smith, Snow, Van Loan, Varkas, Wagner, Geraldine Watson, Frank Whittemore, Arnold Wight, Winn and Wood.

MERRIMACK: James Chandler, Connolly, Gilbreth, Gross, Hager, Hayes, C. William Johnson, Lewis, Pantzer, Phelps, Rehlander, Doris Riley, Walter Robinson, Linwood Rogers, Gerald Smith and Wallner.

ROCKINGHAM: Marilyn Campbell, Case, Clay, Conroy, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Hollingworth, Krasker, Lovejoy, Malcolm, Robert Mason, Jr., McKinney, Nagel, Popov, Quimby, Rosencrantz, Sanderson, Schwaner, Skinner, Sloan, Stachowske, Sytek, Titone, Tufts, Vaughn, Walker, Wells and Woodward.

STRAFFORD: Berkey, Bryant, Callaghan, Chamberlin, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Robert Jones, Keans, Laurion, O'Brien, Pelley, Francis Robinson, Ann Torr and Franklin Torr.

SULLIVAN: Brodeur, Lindblade, Schotanus and Sara Townsend, and the motion was adopted.

Resolution adopted.

Rep. Blais notified the Clerk that he wished to be recorded in favor of the substitute motion.

HB 42, making English the official language of the state. Inexpedient to Legislate.

House Bill 42 received considerable opposition at the public hearing. There is no demonstrated need for the bill. Vote 16-2. Rep. Betty Jo Taffe for Education.

Resolution adopted.

HB 46, relative to the discovery and disposition of human skeletal remains. Ought to Pass with Amendment.

This bill, as amended, is the result of much discussion and debate over the last several years. It provides for an orderly process for disposition of human remains discovered in unmarked grave sites. The Committee sees this as a good compromise which has received the support of all parties involved. Vote 18-0. Rep. Karen O. Wadsworth for Education.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:



## AN ACT

relative to the discovery and disposition  
of human remains.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Protection of Unmarked Human Burials and Human Remains. Amend RSA 227-C by inserting after section 1 the following new section:

227-C:1-a Findings and Purpose.

I. The general court finds that:

- (a) Unmarked human burials and human remains are subject to vandalism and inadvertent destruction at an ever-increasing rate;
- (b) Existing state laws do not provide adequate protection to prevent damage to and destruction of these remains;
- (c) There is a great deal of scientific information to be gained from the proper excavation, study, and analysis of human remains recovered from such burials; and
- (d) There has been no procedure for descendants or other interested individuals to make known their concerns regarding disposition of these remains.

II. Some purposes of this chapter are:

- (a) To provide adequate protection from vandalism for unmarked human burials and human remains;
- (b) To provide adequate protection for unmarked human burials and human remains not within the jurisdiction of the county medical examiner that are encountered during archaeological excavation, construction, or other ground disturbing activities, found anywhere within the state except on federal land; and
- (c) To provide for adequate skeletal analysis of remains removed or excavated from unmarked human burials if the analysis would result in valuable scientific information.

2 Definition; Human Remains. Amend RSA 227-C:1 by inserting after paragraph VII the following new paragraph:

VII-a. "Human remains" or "remains" means any part of the body of a deceased human being in any stage of decomposition, together with any artifacts or other materials known or reliably assumed to have been on or interred with the deceased human being.

3 Definition; Skeletal Analyst. Amend RSA 227-C:1 by inserting after paragraph VIII the following new paragraph:

VIII-a. "Skeletal analyst" means the member of the professional staff or another professional person designated by the director of the division of historical resources with the approval of the commissioner having:

- (a) A postgraduate degree in a field involving the study of the human skeleton such as skeletal biology, forensic osteology, or other relevant aspects of physical anthropology or medicine;
- (b) A minimum of one year's experience in conducting laboratory reconstruction and analysis of skeletal remains, including the differentiation of the physical characteristics denoting cultural or biological affinity; and
- (c) Designed and executed a skeletal analysis, and presented the written results and interpretations of such analysis.

4 Definition; Unmarked Human Burial. Amend RSA 227-C:1 by inserting after paragraph IX the following new paragraph:

X. "Unmarked human burial" means any interment of human remains for which there exists no grave marker or any other historical documentation providing information as to the identify of the deceased.

5 Additional Functions. Amend RSA 227-C:4 by inserting after paragraph XVI the following new paragraph:

XVII. The archaeological discovery, investigation, analysis, and disposition of human remains.

6 Additional Rulemaking. Amend RSA 225-C:5 by inserting after paragraph XXIII the following new paragraph:

XXIV. Standards for the conduct of the archaeological discovery, investigation, analysis, and disposition of human remains.

7 Title to Human Remains. Amend the introductory paragraph of RSA 227-C:6 (supp) as inserted by 1985, 345:3 by striking out said paragraph and inserting in place thereof the following:

The state, acting through the commissioner, reserves to itself title of ownership of all historic resources, except for human remains as provided in RSA 227-C:8-a and 8-g, on or from:

8 Discovery of Remains. Amend RSA 227-C:7, III and IV (supp) as inserted by 1985, 345:3 by striking out said paragraphs and inserting in place thereof the following:

III. For purposes of determining proper persons to whom permits may be issued, the original discoverer of a previously unrecorded historic resource shall be conclusively presumed to be an appropriate person to actively participate in all phases of subsequent field investigations and shall be eligible to receive a permit under the rules adopted by the commissioner, except as provided in RSA 227-C:8-a through 8-g relative to the discovery of human remains.

IV. The division shall issue a permit to any person, agency, or institution upon application to conduct field investigations in accordance with the rules adopted by the office, except as provided in RSA 227-C:8-a through 8-g relative to the discovery of human remains.

9 Disposition of Human Remains. Amend RSA 227-C:8, VI (supp) as inserted by 1985, 345:3 by striking out said paragraph and inserting in place thereof the following:

VI. Human remains shall be investigated and disposed of in accordance with the provisions of RSA 227-C:8-a through 8-g, and to the extent that they are inconsistent, the provisions of paragraphs I-V shall not apply to the disposition of human remains. Human remains which qualify as historic resources shall be fully documented before final disposition. Documentation shall include, at a minimum: a description of skeletal material (such as age at death, sex, metrical data, and pathologies); a description of artifacts and other materials (such as the type of stone or fabric, size, and indications of use); age of the remains; and cultural association. Human remains which are subject to reinterment under the provisions of RSA 289 shall be accordingly interred, but those which are not, including prehistoric remains, shall be released for reinterment and shall be disposed of according to the provisions of RSA 227-C:8-g.

10 New Sections. Amend RSA 227-C by inserting after section 8 the following new sections:

227-C:8-a Discovery of Remains and Notification of Authorities.

I. Any person knowing or having reasonable grounds to believe that unmarked human burials or human remains are being disturbed, destroyed, defaced, mutilated, removed, or exposed shall immediately notify the medical examiner of the county in which the remains are encountered.

II. If the unmarked human burials or human remains are encountered as a result of construction or agricultural activities, disturbance of the remains shall cease immediately and shall not resume without authorization from either the county medical examiner or the state archaeologist, as provided in RSA 227-C:8-b, III or IV.

III.(a) If the unmarked human burials or human remains are encountered by a professional archaeologist, as a result of survey or test excavations, the remains may be excavated and other activities may resume after notification, by telephone or certified letter, is provided to the state archaeologist, and immediate notification is given to living descendants or specific living groups known to have affinity with the remains. The treatment, analysis, and disposition of the remains shall be as provided in RSA 227-C:8-c and 8-g.

(b) If a professional archaeologist directing long-term systematic archaeological research, that is, research designed to continue

for one or more field seasons of 4 or more weeks duration, sponsored by any accredited institution, accredited college or university with research interests in New Hampshire, as a part of his research, recovers Native American remains, he may be exempted from the provisions of RSA 227-C:8-b through 8-f and 8-g, III so long as he:

(1) Notifies the state archaeologist within 5 working days of the initial discovery of Native American remains;

(2) Reports to the state archaeologist, at agreed upon intervals, the status of the project;

(3) Curates the remains prior to ultimate disposition; and

(4) Conducts no destructive skeletal analysis without the express permission of the state archaeologist.

Upon completion of the project fieldwork, the professional archaeologist, in consultation with the skeletal analyst and the state archaeologist, shall determine the schedule for the completion of the skeletal analysis. In the event of a disagreement, the time for completion of the skeletal analysis shall not exceed 4 years. The director or his designee, after consultation with the state archaeologist, shall have authority concerning the ultimate disposition of the Native American remains after analysis is completed in accordance with RSA 227-C:8-g, I and 8-h, II and III.

(c) The state archaeologist shall notify the county medical examiner of any reported human skeletal remains discovered by a professional archaeologist.

#### 227-C:8-b Jurisdiction Over Remains.

I. Subsequent to notification of the discovery of an unmarked human burial or human skeletal remains, the medical examiner of the county in which the remains were encountered shall determine as soon as possible whether the remains are subject to the provisions of this chapter.

II. If the county medical examiner determines that the remains are subject to the provisions of this chapter, he shall immediately proceed with his investigation. The county medical examiner shall notify the state archaeologist of the discovery of the human skeletal remains and of his findings. The state archaeologist shall immediately take charge of the remains and associated grave items.

III. Subsequent to taking charge of the human remains, the state archaeologist shall have 48 hours to make arrangements with the landowner for the protection or removal of the unmarked human burial or human remains; provided, however, that in the case of prolonged bad weather or upon the discovery of multiple interments, either of which prohibits the state archaeologist from making arrangements with the landowner for protection or removal within 48 hours, the state archaeologist shall have the authority to arrange with the landowner a longer period of time for such protection or removal which is mutually agreeable to both parties. The state archaeologist shall have no authority over the remains at the end of the 48-hour period and may not prohibit the resumption of the construction or agricultural activities without the permission of the landowner, unless other arrangements have been made with the landowner as provided in this paragraph.

#### 227-C:8-c Archaeological Investigation of Human Remains.

I. If an agreement is reached with the landowner for the excavation of the human remains, the state archaeologist shall either designate a member of his staff or authorize another professional archaeologist to excavate or supervise the excavation.

II. The professional archaeologist excavating human skeletal remains, when in situ preservation is not feasible, shall report to the state archaeologist, by telephone and by certified letters, his opinion on the cultural and biological characteristics of the remains. This report shall be transmitted as soon as possible after the commencement of excavation, but no later than 2 full business days after the removal of a burial.

III. The state archaeologist, in consultation with the professional archaeologist excavating the remains, shall determine where the remains



shall be held subsequent to excavation, pending other arrangements according to RSA 227-C:8-d or 8-e.

227-C:8-d Consultation with Native American Community.

I. If the professional archaeologist determines that the human remains are Native American and the remains are known to have affinity to federally recognized Indian tribes or specific living ethnic groups or other non-federally recognized Indian groups, the state archaeologist shall immediately notify the leaders, officials, or spokespersons for these tribes or groups wherever the appropriate tribes or groups are located, whether in or outside the state of New Hampshire. The state archaeologist shall consult with such persons who respond in a timely fashion in the determination of the most appropriate treatment for the interments.

II. Within 4 weeks of the notification, the appropriate Indian tribe or group shall communicate in writing to the state archaeologist its concerns with regard to the treatment of interment and ultimate disposition of the Native American remains.

III. Within 90 days of the receipt of the concerns, the state archaeologist, with the approval of the principal official or officials of the Indian group or tribe, shall prepare a written agreement concerning the treatment and ultimate disposition of the Native American remains. The written agreement shall include the following:

(a) Designation of a qualified skeletal analyst to work on the skeletal remains;

(b) The type of analysis and the specific period of time to be provided for analysis of the skeletal remains;

(c) The timetable for written progress reports and the final report concerning the analysis to be provided to the state archaeologist by the skeletal analyst and the professional archaeologist; and

(d) A plan for ultimate disposition of Native American remains subsequent to the completion of adequate analysis.

IV. If no agreement is reached within 90 days, the state historic preservation officer and commissioner shall determine the terms of the agreement.

227-C:8-e Consultation with Other Individuals.

I. If the professional archaeologist determines that the human skeletal remains are other than Native American, the state archaeologist shall publish notice that excavation of the remains has occurred, at least once per week for 4 successive weeks in a newspaper of general circulation in the county where the burials or skeletal remains were situated, in an effort to determine the identity or next of kin, or both, of the deceased.

II. If the next of kin are located, within 90 days the state archaeologist in consultation with the next of kin shall prepare a written agreement concerning the treatment and ultimate disposition of the skeletal remains. The written agreement shall include:

(a) Designation of a qualified skeletal analyst to work on the skeletal remains;

(b) The type of analysis and the specific period of time to be provided for analysis of the skeletal remains;

(c) The timetable for written progress reports and the final report concerning the analysis to be provided to the state archaeologist and the next of kin by the skeletal analyst and the professional archaeologist; and

(d) A plan for the ultimate disposition of the skeletal remains subsequent to the completion of adequate analysis.

III. If no agreement is reached, the remains shall be handled according to the wishes of the next of kin.

227-C:8-f Analysis of Remains.

I. Skeletal analysis conducted under the provisions of this section shall only be accomplished by a skeletal analyst, as defined in RSA 227-C:1, VIII-a.

II. Prior to the execution of the written agreements outlined in RSA 227-C:8-d, III and 8-e, II, the state archaeologist shall consult with both the professional archaeologist and the skeletal analyst investigating the remains.

III. The professional archaeologist and the skeletal analyst shall submit a proposal to the state archaeologist within the 90-day period set forth in RSA 227-C:8-d, III and 8-e, II, including:

- (a) Methodology and techniques to be utilized;
- (b) Research objectives;
- (c) Proposed time schedule for completion of the analysis; and
- (d) Proposed time intervals for written progress reports and the

final report to be submitted.

IV. If the terms of the written agreement are not substantially met, the state archaeologist or the next of kin may take possession of the remains. In such cases, the state archaeologist may ensure that appropriate analysis is conducted by another qualified skeletal analyst or professional archaeologist, or by both a professional archaeologist and qualified skeletal analyst, prior to ultimate disposition of the remains.

#### 227-C:8-g Disposition of Human Remains.

I. If the human remains are Native American, the director or his designee, after consultation with an appropriate federally recognized Indian tribe or specific living ethnic group or other non-federally recognized Indian group, shall determine the ultimate disposition of the remains after the analysis.

II. If the skeletal remains are other than Native American and the next of kin have been identified, the next of kin shall have authority concerning the ultimate disposition of the remains after the analysis.

III. If the state archaeologist has received no information or communication concerning the identity or next of kin of the deceased, the remains shall be transferred to the state archaeologist who shall arrange for either permanent curation according to standard museum procedures or for reburial in a public cemetery after adequate analysis.

IV. In the case of remains encountered during the course of long-term research of a professional archaeologist as provided in RSA 227-C:8-a, III(b), the director or his designee, on recommendation of the state archaeologist, may grant permission to a sponsoring institution, which shall include accredited colleges, universities, museums, or professional archaeological organizations, to permanently curate the remains according to standard museum procedures after appropriate analysis is completed.

V. If a determination is made by the director or his designee and the commissioner, in consultation with an appropriate federally recognized Indian tribe or specific living ethnic group or other non-federally recognized Indian group, that Native American remains shall be reinterred following the completion of analysis, an appropriate tribe or group may provide a suitable reburial location and reburial ceremony. If it elects not to do so, it shall be the responsibility of the department to provide a suitable reburial location.

VI. The expense of transportation of Native American remains to the reburial location shall be borne by the party conducting the excavation and removal of the remains. The reburial ceremony may be provided by an appropriate federally recognized Indian tribe or specific living ethnic group or other non-federally recognized Indian group. If such tribe or group elects not to do so, the reburial ceremony shall be the responsibility of the director or his designee and the commissioner.

#### 227-C:8-h Financial Responsibility.

I. The provisions of this chapter shall not require that the owner or leasee of the land on which the unmarked human burials or human remains are found bear the cost of the excavation, removal, analysis, or disposition if the discovery is the result of vandalism, erosion, or non-commercial land-altering activity.

II. The owner or leasee of the land on which unmarked human burials or human remains are found shall bear the cost of the excavation, removal, analysis, and disposition if the discovery is the result of a privately-financed commercial land-altering activity, including the construction of speculative housing.

III. If the discovery is the result of a state-funded land-altering activity, the department providing the funding shall bear the cost of excavation, removal, analysis, disposition, and land restoration and shall be authorized to use project funds for those purposes.

IV. If unmarked human burials or human remains are discovered by a professional archaeologist as a result of survey or long-term systematic research, the sponsoring institution shall bear the cost of the excavation, removal, analysis, and disposition of human remains and of land restoration.

V. If unmarked human burials or human remains are discovered as a result of vandalism, erosion, or non-commercial land-altering activity, or as a result of survey or long-term systematic research funded by the division of historical resources, the division of historical resources shall bear the cost of the excavation, removal, analysis, and disposition of human remains and of land restoration.

227-C:8-i Prohibited Acts. No person shall:

I. Knowingly acquire any human remains removed from unmarked burials in New Hampshire after January 1, 1987, except in accordance with the provisions of this chapter;

II. Knowingly exhibit or sell any human remains acquired from unmarked burials in New Hampshire; or

III. Knowingly retain human remains acquired from unmarked burials in New Hampshire after January 1, 1987, for scientific analysis beyond a period of time provided for such analysis pursuant to the provisions of RSA 227-C:8-d through 8-f, with the exception of those remains curated under the provisions of RSA 227-C:8-g.

227-C:8-j Exceptions. Human skeletal remains acquired from commercial biology supply houses or through medical means are not subject to the provisions of RSA 227-C:8-i, I.

11 Effective Date. This act shall take effect January 1, 1987.

Amendment adopted.

Ordered to third reading.

HB 59-FN, relative to hazardous waste facility siting procedures, the hazardous waste fund, the solid waste management board, and reporting of hazardous waste contamination. Ought to Pass with Amendment.

This bill amends both the Solid and Hazardous Waste Statutes to meet needs that time and experience have shown need to be addressed.

Included are sections relative to so-called "bad actor" provisions, a prohibition of the transfer of a hazardous waste facility permit without prior written approval of the office, a change in the transporter fee allowing a Local Review Committee for hazardous waste storage and treatment facilities as well as disposal facilities, as the law allows. The entire bill is in the amendment section of the Calendar. Vote 12-0. Rep. Barbara B. Bowler for Environment and Agriculture.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Notice by Office to Municipality. Amend RSA 147-A:4 by inserting after paragraph I the following new paragraph:

I-a. The office shall notify the governing body of the municipality in which the facility is or may be located when a completed permit



application is received by the office. A copy of the application shall be included with the notification.

2 Permit Applications; Denial. Amend RSA 147-A:4 by inserting after paragraph II-a the following new paragraphs:

II-b. A decision by the office to issue a permit for a hazardous waste facility shall not be influenced by the fact that the applicant acquired land or an interest therein for the purpose of constructing such facility.

II-c. Applications for permits shall be upon such forms and shall include such information as the office requires by rules adopted under RSA 147-A:3. The application information shall include, but not be limited to, a performance history of the applicant and of its offices and directors relative to the operation, financial security, and ownership of all facilities owned or operated by the applicant. Whenever requested by the office, the attorney general shall conduct a background investigation of the performance history and criminal record of the applicant and of its officers and directors, if any, and make a report to the office.

II-d. The office may deny a permit application under this section to a person if any of the following applies:

(a) The person fails to demonstrate sufficient reliability, expertise, integrity and competence to operate a hazardous waste facility.

(b) The person has been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the 5 years before the date of the permit application.

(c) In the case of a corporation or business entity, if any of its officers, directors, partners, key employees or persons or business entities holding 10 percent or more of its equity or debt liability has been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the 5 years before the date of the permit application.

3 Permit Transfer Prohibited. Amend RSA 147-A:4 by inserting after paragraph IV the following new paragraph:

IV-a. Any permit issued by the office under this section shall not be transferred by the permittee to any person without the prior written approval of the office.

4 Additional Fee for Transporters. Amend RSA 147-A:6, II (supp) as inserted by 1981, 413:2 as amended by striking out said paragraph and inserting in place thereof the following:

II. A permit application fee of \$100 plus \$25 for each vehicle listed in the application form, including trailers, flat beds, and barges, shall accompany each permit and permit renewal application. The office shall refund the individual vehicle fees if the application is denied.

5 Transporter Permit Denial. Amend RSA 147-A:6 by inserting after paragraph VI the following new paragraph:

VII. The office may deny a permit application under this section to a person if any of the following applies:

(a) The person fails to demonstrate sufficient reliability, expertise, integrity and competence to operate a hazardous waste facility.

(b) The person has been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the 5 years before the date of the permit application.

(c) In the case of a corporation or business entity, if any of its officers, directors, partners, key employees or persons or business entities holding 10 percent or more of its equity or debt liability has been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the 5 years before the date of the permit application.

6 Official Investigation. Amend RSA 147-A:8 (supp) as inserted by 191, 413:2 by striking out said section and inserting in place thereof the following:

147-A:8 Official Investigation.

I. The attorney general shall have the power to examine witnesses and documents and to request information for the purpose of enforcing the

provisions of this chapter and the provisions of RSA 174-B.

II. If, during the course of any investigation under this chapter or RSA 147-B, the attorney general believes a person may have information or be in possession, custody or control of any document or other tangible object relevant to the investigation, before the institution of any court proceedings, the attorney general may serve upon the person a written demand for information; or a subpoena to appear and be examined under oath; or a subpoena duces tecum to appear and produce the documents or objects for inspection and copying. A written demand for information may be mailed to the person believed to have such information. A subpoena or subpoena duces tecum of the attorney general may be served by the person designated therein to serve it. The attorney general may administer an oath or affirmation to any person and conduct hearings in aid of any investigation under this chapter. Any testimony given by any person so sworn shall be subject to the pains and penalties of perjury.

III. Any subpoena issued pursuant to this chapter shall:

- (a) Describe the nature of the investigation.
- (b) Describe the documents or objects with sufficient definiteness to permit them to be fairly identified.
- (c) Prescribe a reasonable time at which the person shall appear to testify or within which the documents or objects shall be produced, and advise the person that objections to or reasons for not complying with, the subpoena may be filed with the attorney general on or before that date.
- (d) Specify a place for the taking of testimony or for production and designate a person who shall be custodian of the documents or objects.

IV. A written demand for information issued pursuant to this chapter shall:

- (a) Describe the nature of the investigation.
- (b) Describe the information sought in connection with that investigation.
- (c) Prescribe a reasonable time for complying with the information demand, and advise the person that no objections to or reasons for not complying with the information demand may be filed with the attorney general on or before that date.

V. If a person objects to or fails to comply with the information demand, subpoena or subpoena duces tecum served upon him under this chapter, the attorney general may file in the superior court of the county in which the person resides or maintains his principal place of business or if the person is a nonresident and has no principal place of business within this state, in Merrimack county superior court, a petition for an order of the court to enforce the subpoena or information demand. Notice of hearing and a copy of the petition shall be served upon the person, who may appear in opposition to the petition. If the court finds reasonable cause to believe that there may have been a violation of any provision of this chapter or of RSA 147-B, and that the information, testimony, documents or objects sought are relevant to the investigation, it shall order the person to provide the information, to appear for testimony, or to produce the document or object for inspection and copying as demanded, subject to any modification of the subpoena or information demand the court prescribes.

VI. Any procedure, testimony taken or document or object produced under this chapter shall be kept confidential by the attorney general before the institution against the person of any action brought under this chapter for the violation under investigation, unless confidentiality is waived by the person or disclosure is authorized by the superior court.

7 Definition Inserted. Amend RSA 147-C:1, IV (supp) as inserted by 1981, 567:1 by striking out said paragraph and inserting in place thereof the following:

IV. "Facility" means a location at which hazardous waste is subjected to treatment, storage, or disposal and may include a facility where hazardous waste has been generated.



8 Definitions Inserted. Amend RSA 147-C:1 by inserting after paragraph VII the following new paragraphs:

VIII. "Storage" means the containment of hazardous wastes, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of the hazardous wastes.

IX. "Treatment" means any process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize the waste or render the waste not hazardous, safer for transport, amenable to recovery, amenable to storage, or reduced in volume.

9 Reference Change; Notice Required. Amend RSA 147-C:2 (supp) as inserted by 1981, 567:1 as amended by striking out said section and inserting in place thereof the following:

147-C:2 Notification; Review Committee.

I. When the office receives a completed application for a new hazardous waste facility, the office shall immediately notify the governing body of the town in which the facility is proposed to be located. A copy of the application shall accompany the notification.

II. Upon receipt of this notice, the governing body may appoint a municipal hazardous waste facility review committee. Members of the committee shall be appointed by a majority vote of the governing body.

10 Reference Change. Amend RSA 147-C:4 (supp) as inserted by 1981, 567:1 as amended by striking out said section and inserting in place thereof the following:

147-C:4 Duties of the Committee.

I. The committee shall:

(a) Represent the town in the public hearing process relating to the facility's permit application;

(b) Have access to all information given to and comments made to the office, except that information relative to a facility application obtained by the office which, in the judgment of the federal Environmental Protection Agency or the office, constitutes a trade secret shall not be disclosed to the committee without notice to the owner of the trade secret and an opportunity for hearing. The office may provide information relating to trade secrets to the Environmental Protection Agency, provided that the Environmental Protection Agency guarantees the same degree of confidentiality provided by the office. A "trade secret" means any confidential formula, pattern, device or compilation of information which is used in the employer's business and which gives him an opportunity to obtain an advantage over competitors who do not know or use it. A trade secret is known to the employer and those employees to whom it is necessary to confide it;

(c) Comprehensively study the immediate and long-term effects of proposed facilities on:

(1) The health and welfare of people in the vicinity of the facility;

(2) The environment; and

(3) The economy of the area in which the facility would be located; and

(d) Submit a report to the office within 30 days of the end of the public hearing process containing the committee's recommendations regarding the proposed facility, including a recommendation as to whether or not the permit should be granted.

II. The committee shall hold public hearings regarding the proposed facility.

11 Reference Change. Amend RSA 147-C:5 (supp) as inserted by 1981, 567:1 by striking out in line one the word "board" and inserting in place thereof the following (committee) so that said section as amended shall read as follows:

147-C:5 Funds. The committee may accept private, state or federal funds to pay for independent investigations on proposed sites and for other purposes associated with this chapter.



12 Reference Change. Amend RSA 147-C:7, I (supp) as inserted by 1981, 567:1 as amended by striking out said paragraph and inserting in place thereof the following:

I. If the office issues a permit to a facility which, in the judgment of the committee, does not adequately protect the health and safety of the residents of the town, the committee may appeal to the commissioner of health and human services for review in accordance with rules adopted by the commissioner under RSA 147-A:14, II. A petition for review shall specify the contested issues.

13 Refuse; Definition Inserted. Amend RSA 149-M:1 by inserting after paragraph XVII the following new paragraph:

XVII-a. "Refuse" means and includes any waste product, solid or having the character of a solid rather than a liquid in that it will not flow readily without additional liquid, and which is composed wholly or partly of such materials as garbage, swill, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes or domestic solid wastes; organic wastes or residue of animals sold as meat; fruit or other vegetable or animal matter from kitchens, dining rooms, markets, food establishments or any places dealing in or handling meat, fowl, fruits, grain or vegetables; offal, animal excreta, or the carcasses of animals; tree or shrub trimmings or grass clippings; brick, plaster or other waste matter resulting from the demolition, alteration or construction of buildings or structures; or accumulated waste material, cans, containers, tires, junk, or other such substances which may become an nuisance.

14 Rulemaking. Amend RSA 149-M:8, IV(c) as inserted by 1982, 37:2 by striking out said subparagraph and inserting the following:

(c) Administration of permit systems, including the terms and conditions under which the office shall issue, modify, suspend, revoke, or deny permits required by this chapter. Actions by the office may include, but are not limited to, monitoring, contingency plans, closure, and evidence of financial responsibility;

15 Construction of Solid Waste Facilities; Permit Required. Amend RSA 149-M:10, I (supp) as inserted by 1982, 37:2 as amended by inserting in line one after the word "operate" the following (or construct) so that said paragraph as amended shall read as follows:

I. No person shall operate or construct a public or private facility, or store, transport or dispose of septage without first obtaining a permit from the office. However, no permit shall be required for hauling or storing manure, if used as fertilizer.

16 Permit Denial; Operator Permits. Amend RSA 149-M:10 by inserting after paragraph V the following new paragraphs:

V-a. The office may deny a permit application under this section to a person if any of the following applies:

(a) The person fails to demonstrate sufficient reliability, expertise, integrity and competence to operate a hazardous waste facility.

(b) The person has been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the 5 years before the date of the permit application.

(c) In the case of a corporation or business entity, if any of its officers, directors, partners, key employees or persons or business entities holding 10 percent or more of its equity or debt liability has been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the 5 years before the date of the permit application.

V-b. The office shall not issue a permit to a solid waste facility unless the facility meets the terms and conditions required in rules adopted by the board. these terms and conditions include, but are not limited to, evidence of financial responsibility in the amount set by the board after consultation with the commissioner of insurance. This amount shall be whatever is necessary to:

(a) Protect the public health and welfare and the environment;  
and

(b) Insure that appropriate measures will be taken to prevent present and future damage to the public health and safety or to the environment, in the event that the operations at the facility are abandoned, interrupted, or stopped.

17 Permit Application; Performance History Information Required. Amend RSA 149-M:10, II (supp) as inserted by 1982, 37:2 by striking out said paragraph and inserting in place thereof the following:

II. Applications for permits shall be upon such forms and shall include such information as the board requires by rules adopted under RSA 149-M:8. The application information shall include, but not be limited to, a performance history of the applicant and of its officers and directors relative to the operation, financial security, and ownership of all facilities owned or operated by the applicant. Whenever requested by the office, the attorney general shall conduct a background investigation of the performance history and criminal record of the applicant and of its officers and directors, if any, and make a report to the office. The applicant shall also submit a statement that the proposed facility is consistent with the provisions of a district plan.

18 Repeal. RSA 147-B:3, III, relative to a cap on the hazardous waste fund, is hereby repealed.

19 Effective Date. This act shall take effect January 1, 1987.

Amendment adopted.

Ordered to third reading.

HB 60-FN, establishing a siting board for hazardous waste facility siting and making an appropriation therefor. Ought to Pass with Amendment.

The establishment of a five member siting board to hear testimony and make the final decision relative to hazardous waste facility permitting will result in an improved process and allow the Office of Waste Management to be uncompromised advocates of the technical requirements of the laws and rules of the State. The bill is completely amended and appears in the Calendar in its entirety. Vote 13-0. Rep. Barbara B. Bowler for Environment and Agriculture.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to establishing and authorizing funding for a hazardous waste facility siting board.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Board Established. Amend RSA 147-A by inserting after section 4 the following new section:

147-A:4-a Hazardous Waste Facility Siting Board.

I. There is hereby established a hazardous waste facility siting board consisting of 5 members of the general public. Four members of the board shall be appointed by the governor with the consent of the council and shall serve terms of 4 years. The remaining member shall be chosen by the regional planning commission for the area where the proposed facility is to be located and shall serve for the period during which the facility application is under review. An employee of the office of waste management shall serve as executive secretary to the board. Board members shall receive a per diem of \$25.

II. The board shall review all applications for new hazardous waste facilities received by the office under RSA 147-A:4, I, and, notwithstanding RSA 147-C, shall make the final decision on approval or disapproval of the application. The board shall hold a minimum of 2 public hearings on the application, which shall be held in the town which is the proposed site of the facility. The first hearing shall provide the applicant an opportunity to describe and explain the proposed facility's operation. The second hearing shall provide the public an opportunity for comment and questions. Notice of the hearings shall be posted at least 7 days before the hearing date. If the board approves an application, the office shall issue a permit as set forth in RSA 147-A:4, VI.

2 Funding Authorization. The sum of \$10,000 for the fiscal year ending June 30, 1987, is hereby authorized to the siting board established by this act, to be drawn from the hazardous waste cleanup fund.

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

Amendment adopted.

Ordered to third reading.

HB 61-FN, relative to the state selection of potential hazardous waste facility sites. Ought to Pass with Amendment.

The Committee recognizes that properly-sited hazardous waste facilities are an important part of solving the problem of illegal dumping of hazardous waste. Identification of potential sites which meet the state's rigid siting requirements would be a positive step forward. Vote 13-0. Rep. Barbara B. Bowler for Environment and Agriculture.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the state selection of potential hazardous waste facility sites and authorizing funds for that purpose.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 State Selection of Facility Sites. Amend RSA 147-B:4 by inserting after paragraph II the following new paragraphs:

III. The office of waste management, with the assistance of the office of state planning, shall administer the hazardous waste facility siting program established under paragraph I. The offices shall survey the state to identify potential sites within the state which conform to siting criteria adopted under RSA 147-B:7, II(c).

IV. The office of waste management shall file an annual report on the hazardous waste siting program, on or before January 1 of each year, with the president of the senate and the speaker of the house to be distributed to the appropriate standing committees of the house and senate for review.

2 Rulemaking; Siting Criteria Established. Amend RSA 147-B:7, II (supp) as inserted by 1981, 413:3 as amended by striking out said paragraph and inserting in place thereof the following:

II. The office shall adopt rules, after public hearing and pursuant to RSA 541-A, relative to:

(a) Administration of funds allocated to the siting program under RSA 147-B:4, I.

(b) Purposes for which funds in the siting program may be used, including, but not limited to:



- (1) Obtaining independent investigations of proposed sites;
- (2) Providing financial assistance to local officials, planning groups, or citizen groups for the study and development of sites.
- (3) Obtaining the assistance of an impartial mediator for the voluntary settlement of disputes over the development of sites.

(c) Criteria for determining the suitability of proposed hazardous waste facility sites.

3 Funding Authority. The office of waste management is hereby authorized to expend an amount not to exceed \$25,000 for the purposes of the siting program established in RSA 147-B:4, for each of the fiscal years ending June 30, 1987, and June 30, 1988, said funds to be drawn from the hazardous waste cleanup fund established under RSA 147-B.

4 Office of State Planning; Duties. Amend RSA 4:12-f (supp) as inserted by 1981, 52:3 by striking out said section and inserting in place thereof the following:

4:12-f Duties of Office of State Planning. In addition to such other duties as the governor may assign, the office of state planning shall:

I. Acquire and maintain a current record of all large subdivision developments in the state and keep the governor informed of all such activity and proposed actions.

II. Initiate data coordination procedures as the state agency responsible for coordinating data collection and dissemination among the state, the private sector, and the various political subdivisions.

III. Gather information for storage in a data bank concerning the data which is currently available within all state agencies. This data shall be used to provide information which is useful in measuring growth and its impact and for statewide planning purposes in general. The data available for dissemination shall include, but shall not be limited to, information for determining future demands for state services and demographic and economic statistics. Any other state agency or department which initiates a data collection program shall inform the office of state planning of its efforts so that the office may utilize that information for planning purposes in its dissemination program.

IV. Cooperate with the office of waste management in identifying potential sites for hazardous waste facilities.

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

Amendment adopted.

Ordered to third reading.

HB 113, relative to anatomical gifts. Ought to Pass with Amendment. This bill amends the New Hampshire Anatomical Gift Act to say that each hospital in New Hampshire shall develop a plan to request anatomical gifts. The Committee found that even though the vast majority of people would be willing to donate their organs, they are not asked at the proper time. The amendment adds putting an anatomical gift donation form on driver's licenses and adds a uniform determination of death statement. Vote 18-0. Rep. Elizabeth Hager for Health and Human Services.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to anatomical gifts and relative to the adoption of the uniform determination of death act.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 141-A the following new chapter:

Chapter 141-B  
Uniform Determination of Death Act

141-B:1 Title. This chapter shall be known and may be cited as the "uniform determination of death act."

141-B:2 Determination of Death. An individual who has sustained either (1) irreversible cessation of circulatory and respiratory functions, or (2) irreversible cessation of all functions of the entire brain, including the brain stem, is dead. A determination of death shall be made in accordance with accepted medical standards.

2 Anatomical Gifts. Amend RSA 263:41 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

263:41 Anatomical Gifts.

I. In addition to the information specified in RSA 263:40, a driver's license shall contain a format on the reverse side which the licensee may use to execute an anatomical gift. Such format shall allow the licensee to indicate the gift intended, whether specific organs, any organ, or the entire body, and shall accommodate the signatures of the donor and 2 witnesses. The person issuing the license shall ask the licensee whether he wishes to sign the anatomical gift format before the card is laminated.

II. Upon request in writing from the applicant the director shall, within 60 days, remove such notice from the driver's license, and upon payment of the fee specified in RSA 263:42, V, the director shall issue a duplicate copy without such notice.

3 Request for Anatomical Gift. Amend RSA 291-A by inserting after section 2 the following new section:

291-A:2-a Request for Consent to an Anatomical Gift.

I. When, based on accepted medical standards, a patient in a hospital is a suitable candidate to donate an anatomical gift, any hospital licensed under RSA 151 shall request the gift of all or any part of the decedent's body for any purpose specified in RSA 291-A:3.

II. Each hospital licensed under RSA 151 shall develop a plan to be followed in requesting an anatomical gift. Such plan shall be filed with the director, division of public health services, department of health and human services, and shall be available for inspection by other hospitals during regular business hours.

4 Implementation. Section 2 of this act shall not be implemented until the current supply of drivers' licenses has been depleted.

5 Effective Date. This act shall take effect July 1, 1987.

Amendment adopted.  
Ordered to third reading.

HB 214, relative to the radiological health program. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: This bill is the result of two sessions of work. It updates the radiological health program and provides for surety requirements; criminal and civil penalties for violations and regulations to protect the health and safety of the public. The Division of Public Health Services, Department of Health and Human Services is the primary agency for this program. Vote 17-2. Rep. Audrey A. Carragher for the Majority of Health and Human Services.

MINORITY: The minority felt that this bill goes further than the need indicates. The provision that allows the State to take over a site for a specific sum could leave the State holding the bag. The minority also felt uneasy with federal-state agreements relative to control of sources of radiation. Rep. Marion L. Copenhaver for the Minority of Health and Human Services.

## Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 125-D the following new chapter:

CHAPTER 125-E  
RADIOLOGICAL HEALTH PROGRAM

125-E:1 Policy. It is hereby declared to be the public policy of the state of New Hampshire:

I. To prohibit the mining or milling of uranium, thorium, or other source material within the state of New Hampshire. In this section, milling means any processing of ore including underground solution extraction of unmined ore;

II. To institute and maintain a regulatory program for sources of radiation to provide (a) compatibility and consistency with the standards and regulation within the state, and (b) a system consonant insofar as possible with those of other states; and

III. To institute and maintain a regulatory program to permit development and utilization of sources of radiation for peaceful purposes, consistent with the health and safety of the public.

125-E:2 Purpose. The purpose of this chapter is to effectuate the policy set forth in RSA 125-E:1 by providing:

I. A program of effective regulation of sources of radiation to protect the occupational and public health and safety.

II. A program to promote an orderly regulatory pattern within the state, among the states, and between the federal government and the state, to facilitate intergovernmental cooperation with respect to use and regulation of sources of radiation and to avoid duplication of regulation.

III. A program to establish procedures for assumption and performance of certain regulatory responsibilities with respect to naturally occurring, artificially produced, byproduct, source, and special nuclear materials and radiation equipment.

IV. A program to permit utilization of sources of radiation consistent with the health and safety of the public.

125-E:3 Definitions. As used in this chapter:

I. "Artificially produced radioactive material" means any material made radioactive (emits radiation spontaneously) by a particle accelerator or other means other than those which produce byproduct material.

II. "Byproduct material" means any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

III. "Civil penalty" means any monetary penalty levied on a licensee or registrant because of violations of statutes, rules, licenses, or registration certificates, but does not include criminal penalties.

IV. "Closure" or "site closure" means all activities performed at a waste disposal site, such as stabilization and contouring, to assure that the site is in a stable condition so that only minor custodial care, surveillance, and monitoring are necessary at the site following termination of licensed operation.

V. "Decommissioning" means final operational activities at a facility to dismantle site structures, to decontaminate site surfaces and remaining structures, to stabilize and contain residual radioactive material, and to carry out any other activities to prepare the site for post-operational care.

VI. "Director" means the director of the division of public health services of the department of health and human services.

VII. "Division" means the division of public health services of the department of health and human services.



VIII. "High-level radioactive waste" means (a) irradiated reactor fuel, (b) liquid waste resulting from the operation of the first cycle solvent extraction system or equivalent, and concentrated wastes from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuel, and (c) solids into which such liquid waste have been converted.

IX. "License" general and specific:

(a) "General license" means a license pursuant to rules adopted by the program without the filing of an application with the program, or the issuance of licensing documents to particular persons to transfer, acquire, own, possess or use quantities of or devices or equipment utilizing radioactive material.

(b) "Specific license" means a license issued to a named person upon application filed pursuant to the rules adopted under this chapter, to use, manufacture, produce, transfer, receive, acquire, own or possess quantities of or devices or equipment utilizing radioactive material.

X. "Low-level radioactive waste" means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as defined in RSA 125-E:3, II.

XI. "Naturally occurring radioactive material" means any material of natural origin that emits radiation spontaneously, excluding uranium and thorium.

XII. "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency of this state other than the program, political subdivision of this state, any other state or political subdivision or agency, and any legal successor, representative, or agent of the foregoing, other than federal government agencies.

XIII. "Program" means the radiological health program of the division of public health services, department of health and human services.

XIV. "Radiation" means ionizing radiation and non-ionizing radiation:

(a) "Ionizing radiation" means gamma rays and x-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other nuclear particles, but not sound or radio waves or visible, infrared or ultraviolet light;

(b) "Nonionizing radiation" means:

(1) any electromagnetic radiation other than ionizing radiation which the program determines by rule to present a biological hazard to the occupational or public health and safety; and

(2) any sonic, ultrasonic, or infrasonic wave which the program determines by rule to present a biological hazard to the occupational or public health or safety.

XV. "Radiation equipment" means any manufactured product or device, the component part of such product or device, or any machine or system which during operation is able to generate or emit radiation, except those which emit radiation only from radioactive material.

XVI. "Radioactive material" means any material, whether solid, liquid, or gas, which emits radiation spontaneously. It includes artificially produced, byproduct, naturally occurring, source, and special nuclear materials.

XVII. "Radiation waste management" means receipt, storage, and processing of radioactive wastes prior to disposal or disposal of radioactive wastes.

XVIII. "Registration" means registration in accordance with rules adopted pursuant to this chapter.

XIX. "Source material" means (a) uranium, thorium, or any other material which the governor declares by order to be source material after the United States Nuclear Regulatory Commission or its successor has determined the material to be source material or (b) ores containing one or more of the foregoing materials in such concentration as the governor

declares by order to be source material after the United States Nuclear Regulatory Commission or its successor has determined the material in such concentration to be source material.

XX. "Source of radiation" means collectively, radioactive material and radiation equipment.

XXI. "Special nuclear material" means (a) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the governor declares by order to be special nuclear material after the United States Nuclear Regulatory Commission or its successor has determined the material to be special nuclear material, but does not include source material; or (b) any material artificially enriched by any of the foregoing, but does not include source material.

XXII. "Spent nuclear fuel" means irradiated nuclear fuel that has undergone at least one year's decay since being used as a source of energy in a power reactor. Spent fuel includes the special nuclear material, byproduct material, source material, and other radioactive materials associated with fuel assemblies.

XXIII. "Transuranic waste" means radioactive waste containing alpha emitting transuranic elements, with radioactive half lives greater than 5 years in excess of 100 nanocuries per gram.

125-E:4 Radiological Health Program. There is hereby established a radiological health program in the division of public health services, department of health and human services. The director of the division of public health services shall designate a manager of the program, who shall perform the functions vested in the division under this chapter.

125-E:5 Powers; Duties. For the protection of occupational and public health and safety, the division shall:

I. Develop systems for evaluation and control of hazards associated with the use of sources of radiation.

II. Develop systems described in paragraph I, with due regard for compatibility with federal programs for regulation of byproduct, source, and special nuclear materials.

III. Develop systems described in paragraph I, with due regard for consistency with federal programs for regulation of radiation equipment.

IV. Adopt under RSA 541-A, after public hearing, rules relative to registration of sources of radiation, as necessary to prohibit and prevent unnecessary radiation.

V. Adopt rules, pursuant to RSA 541-A, which provide for licensing or registration relative to control of sources of radiation, including, but not limited to low-level radioactive waste, with due regard to compatibility with the regulatory programs of the federal government and such other rules as are necessary for the administration of this chapter.

VI. Issue such orders or modifications as necessary in connection with licensing and registration of sources of radiation under RSA 125-E:7.

VII. Advise, consult, and cooperate with other agencies of the state, the federal government, other states, interstate agencies, political subdivisions, and with groups concerned with control of sources of radiation.

VIII. Accept and administer loans, grants or other funds or gifts, conditional or otherwise, from the federal government and other sources, public or private.

IX. Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relative to the control of sources of radiation.

X. Collect and disseminate information relative to control of sources of radiation including maintenance of:

(a) A file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions, and revocations.

(b) A file of registrants possessing sources of radiation requiring registration under the provisions of the chapter, and any administrative or judicial action pertaining thereto; and

(c) A file of all rules relative to regulation of sources of radiation, pending or adopted, and proceedings thereon.

125-E:6 State Radiation Advisory Committee.

I. There is hereby established an advisory committee to be known as the state radiation advisory committee which shall consist of 9 members. The committee membership shall at all times be limited to no more than 2 members from any one field or profession representing a physical science, life science, industry, medicine, dentistry, nursing, or other healing arts and one public member. The members shall be residents of the state and shall be appointed by the governor with consent of the council. Each member shall be appointed for a term of 4 years and until his successor shall be appointed. In order to assure the proper balance of technical skills, whenever a vacancy or vacancies occur, the committee shall submit to the governor and council for their consideration the names of up to 3 nominees for each vacancy. The members shall receive no compensation for their services, but shall receive necessary travel and other expenses while engaged in the actual work of the committee. The manager of the program shall act as technical secretary to the committee.

II. The governor shall appoint a chairman from among members of the advisory committee who shall serve for the period of his term. The committee shall hold meetings when the chairman or manager of the program wishes, but at least once per calendar quarter.

III. The committee shall recommend programs and policies to the radiological health program and serve as advisers to the program's manager. They shall keep the governor and council informed, at least annually, on matters relative to radiation issues within the state.

125-E:7 Licensing and Registration of Sources of Radiation.

I. When adopting rules under RSA 541-A, the division, through its program, shall provide for general or specific licensing of naturally occurring, artificially produced, byproduct, source, and special nuclear materials or devices or equipment utilizing such material. The rules shall provide for amendment, suspension, and revocation of licenses.

II. The division, through its program, may require registration of other sources of radiation.

III. The division, through its program, is authorized to exempt certain sources of radiation or kinds of uses or users from the licensing or registration requirements of this section, provided they shall be specifically named in a schedule of such exempt uses, users, or sources of radiation within the context of rules adopted under RSA 541-A.

IV. The rules may provide for recognition of other state or federal licenses as the program may deem desirable, subject to such registration requirements as the division, through its program, may establish.

125-E:8 Radiation User and Laboratory Fees.

I. The division, through its program, shall prescribe and collect such fees as may be established by rule for radiation protection services provided under this chapter. Services for which fees may be established include:

- (a) Registration of radiation equipment and other sources of radiation;
- (b) Issuance, amendment, and renewal of specific licenses for radioactive materials;
- (c) Inspections of registrants or licensees;
- (d) Environmental surveillance activities to assess the radiological impact of activities conducted by licensees;
- (e) Evaluation of products to be distributed to persons generally licensed or persons exempt from licensing; and
- (f) Laboratory radiochemical sample analyses.

II. When a registrant or licensee fails to pay the applicable fee, the program may suspend or revoke the registration or license or may issue an appropriate order.

III. All fees collected under this section shall be forwarded to the state treasurer to be deposited in the general fund.



## 125-E:9 Notification of Significant Events.

I. Each licensee of a nuclear powered reactor shall comply with the reporting requirements for significant events contained in the regulations of the Nuclear Regulatory Commission.

II. As used in this section, "significant event" means any event which must be reported to the Nuclear Regulatory Commission operations center pursuant to 10 C.F.R., section 50.72.

III. Any person who purposely violates the provisions of this section and who is found by the Nuclear Regulatory Commission to have violated its regulations shall be guilty of a class B felony if the severity of the incident is at level I or II and guilty of a misdemeanor if the severity of the incident is at level III, IV, or V as said levels are defined by the Nuclear Regulatory Commission in 10 C.F.R., Part 2.

125-E:10 Authority of the Director in Cases of Emergency. Whenever the director finds that an emergency exists requiring immediate action to protect the public health or welfare, he may issue an order reciting the existence of such an emergency and requiring that such action be taken as necessary to meet the emergency. Such order shall be effective immediately. Any person to whom such order is directed shall comply with the order immediately, but on application to the director, division of public health services, shall be afforded a hearing within 15 days. On the basis of such hearing, the director, division of public health services, shall continue such order in effect, revoke it, or modify it.

## 125-E:11 Surety Requirement.

I. For licensed activities involving low-level radioactive waste, the division through its program shall, and for other classes of licensed activity, the division, through its program, may adopt by rule standards and procedures to ensure that the licensees shall provide an adequate surety or other financial arrangement to permit the completion of all requirements established by the division through its program for the decontamination, decommissioning, closure, and reclamation of sites, structures, and equipment used in conjunction with such licensed activity.

II. All sureties under paragraph I, which are forfeited shall be paid to the division for deposit by the state treasurer in the radiation long term care fund, established by RSA 6:12, I(v). All moneys in this fund are hereby continually appropriated and may be expended by the division as necessary to complete such requirements on which licensees have defaulted. Moneys in the fund shall not be used for normal operating expenses of the program or any other component of the division.

III. For licensed activities which will require surveillance or control after the licensed activity ceases, the division, through its program, shall adopt by rule, standards and procedures to ensure that the licensee, before termination of the license, shall make available such funding arrangements as necessary to provide for long-term site surveillance and control.

IV. All funds collected from licensees under paragraph III shall be paid to the division for deposit by the state treasurer in the radiation long term care fund, established by RSA 6:12, I(v). All funds accrued as interest on moneys deposited in this fund are hereby continually appropriated and may be expended by the division for the continuing long term surveillance, maintenance and other care of facilities from which such funds are collected as necessary for the protection of the public health, safety, and environment. Notwithstanding the provisions of this paragraph, if title to and custody of any radioactive material and its disposal site are transferred to the United States upon termination of any license but for which funds had been collected for such long term care, the collected funds and interest accrued thereon shall be transferred to the United States; provided, however, that such funds do not include moneys held in surety where no default has occurred and a reclamation for other bonded activity has been performed.

V. The sureties or financial arrangements and funds required by paragraphs I and III shall be established in amounts sufficient to ensure

compliance with standards, if any, established by the United States Nuclear Regulatory Commission or successor thereto pertaining to reclamation and long-term site surveillance and control of such facilities and sites.

VI. In order to provide for the proper care and surveillance of sites subject to paragraph III, the state may acquire by gift or transfer from another government agency or private person, any land or appurtenances necessary to fulfill the purposes of this section. Any such gift or transfer is subject to approval and acceptance by the state in accordance with RSA 4:8.

VII. All lands, buildings, and ground acquired by the state under paragraph VI shall be owned in fee simple absolute by the state and dedicated in perpetuity to the purpose of this section. All radioactive material received at the site and located therein, at the time of acquisition of ownership by the state or thereafter, shall become the property of the state.

VIII. The division, through its program, may enter into by contracts, agreements, leases, or licenses with any person, including another state agency, to provide for the decontamination, decommissioning, reclamation, surveillance, or other care of a site subject to this section, as necessary to carry out the purposes of this section.

IX. If a person licensed by any state or federal agency other than by the program desires to transfer a site to the state in accordance with RSA 4:8 for the purpose of administering or providing perpetual care, a lump sum deposit shall be made to the radiation long term care fund. The amount of the deposit shall be determined by the program, taking into account the factors stated in paragraphs III and V of this section.

125-E:12 Inspection and Right of Entry. The program, or its duly authorized representatives, shall have the power to enter at all reasonable times upon any private or public property to determine whether there is compliance with the provisions of this chapter and the rules adopted thereunder, except that entry into areas under the jurisdiction of the federal government shall be effected only with the concurrence of the federal government or its duly designated representative.

125-E:13 Records.

I. The program shall require each person who manufactures, possesses, distributes, sells, installs, repairs, or uses a source of radiation to maintain records relative to its receipt, storage, transfer, or disposal, and such other records as the program may require subject to exemptions as provided by rules.

II. The program shall require each person who possesses or uses a source of ionizing radiation to maintain appropriate records showing the radiation exposure of all individuals for whom personnel monitoring is required by rules of the program. Copies of these records and those required by paragraph I shall be submitted to the program on request. Any person possessing or using a source of ionizing radiation shall furnish to each employee for whom personnel monitoring is required, a copy of such employee's personnel exposure record annually, at any time such employee has received excessive exposure, and upon termination of employment.

125-E:14 Federal-State Agreements.

I. The governor and council, on behalf of this state, are authorized to enter into agreements with the United States Nuclear Regulatory Commission or any successor thereto, pursuant to section 274(b) of the Atomic Energy Act of 1954, as amended, providing for discontinuance of certain of the commission's licensing and related regulatory authority with respect to byproduct, source, and special nuclear materials and the assumption of regulatory authority by this state.

II. Any person who, on the effective date of an agreement under paragraph I, possesses a license issued by the United States Nuclear Regulatory Commission or any successor thereto for radioactive material subject to the agreement, shall be deemed to possess a like license issued under this chapter, which shall expire either 90 days after receipt from



the program of a notice of expiration of such license, or on the date of expiration specified in the Nuclear Regulatory Commission license, whichever is earlier.

125-E:15 Inspection Agreements and Training Programs. In addition to any other contract authority, the division, through its program, is authorized to enter into an agreement or agreements with the federal government pursuant to section 274(i) of the Atomic Energy Act of 1954, as amended, other states, or interstate agencies relative to inspections or other functions relative to control of sources of radiation. The program may institute training programs for the purpose of qualifying the provisions of this chapter and may make such personnel available for participation in any program or programs of the federal government, other states, or interstate agencies in furtherance of the purposes of this chapter.

125-E:16 Conflicting Laws. This chapter shall not be construed as repealing any laws of the state relating to radiation sources, exposures, radiation protection, and professional licensure, but shall be held and construed as auxiliary and supplementary to them, except to the extent that they are in direct conflict, in which case this chapter shall be controlling. Nothing in this chapter or in any rules adopted under it shall preclude the right of any governing body of a municipality to adopt ordinances, regulations, or rules not inconsistent with this chapter.

125-E:17 Administrative Procedure. Procedures for action by the division through its program on license applications, action against licensees, and availability of adjudication proceedings shall be in accordance with RSA 541-A.

125-E:18 Injunctive Relief. A civil action may be instituted in superior court on behalf of the division for injunctive relief to prevent the violation of the provisions of this chapter or rules adopted hereunder. The court may proceed in the action in a summary manner or otherwise and may restrain in all such cases any person in violation of any provisions of this chapter or its rules.

125-E:19 Prohibited Uses. It shall be unlawful for any person to use, manufacture, or produce, distribute, sell, transport, transfer, install, repair, receive, acquire, own or possess any source of radiation unless licensed by or registered with the division in conformance with rules, if any, adopted in accordance with this chapter.

125-E:20 Exceptions. Nothing in this chapter shall be interpreted as limiting reasonable intentional exposure of patients to radiation by members of any legally recognized healing profession as authorized by law.

125-E:21 Criminal Penalties. Any person who violates any of the provisions of this chapter or rule adopted pursuant to this chapter or who violates any order of the program issued under the authority of this chapter, except as provided in RSA 125-E:9, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. In addition to these penalties such person shall be enjoined from continuing such violation. Each day any person neglects or refuses to comply with such order shall constitute a separate offense.

125-E:22 Civil Penalties.

I. Any person who violates any license or registration provision of this chapter or any rule or order issued thereunder, or any term, condition, or limitation of any license or registration certificate issued thereunder, or commits any violation for which a license or registration certificate may be revoked under rules adopted pursuant to this chapter, may be subject to a civil penalty, to be imposed by the division. The division, through its program, shall adopt by rule a schedule of civil penalties graduated by degree of severity of the violation. If any violation is a continuing one, each day of such violation shall constitute a separate violation for the purpose of computing the applicable civil penalty. The division shall have the power to compromise, mitigate, or remit such penalties.



II. Whenever the division through its program proposes to subject a person to the imposition of a civil penalty under the provisions of this section it shall notify such person in writing:

(a) Setting forth the date, facts, and nature of each act or omission for which the person is charged;

(b) Specifically identifying the particular provision or provisions of the law, rule, order, license, or registration certificate involved in the violation; and

(c) Advising the person of each penalty which the division imposes and its amount.

III. The written notice shall be sent by registered or certified mail by the program to the last known address of such person. The person so notified shall be granted an opportunity to show in writing within such reasonable period as the program by rule may prescribe, why such penalty should not be imposed. The notice shall also advise such person that upon failure to pay the civil penalty subsequently determined by the division, if any, the penalty may be collected by civil action.

IV. Upon request of the division, the department of justice is authorized to institute civil action to collect a penalty imposed pursuant to this section. The attorney general shall have the exclusive power to compromise, mitigate, or remit such civil penalties as are referred to him for collection. All civil penalties collected under this section shall be forwarded to the state treasurer. The state treasurer shall deposit all moneys received under this section, and interest received on such money, to the public health services special fund, which shall be non-lapsing.

125-E:23 Existing Remedies Unimpaired. No existing civil or criminal remedy for any wrongful action which is a violation of the rules adopted hereunder shall be excluded or impaired by this chapter.

125-E:24 Protection of Powers. The powers and functions vested in the department of health and human services, division of public health services, under the provisions of this chapter, shall not be construed to affect, in any manner, powers, duties and functions vested in the department of health and human services, division of public health services, under any other provisions of law.

125-E:25 Severability of Provisions. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are severable.

2 Public Health Services Fund. Amend RSA 6:12, I(p) (supp) as inserted by 1982, 42:80 as amended by striking out said subparagraph and inserting in place thereof the following:

(p) Money received under RSA 143:11 and 184:85, which shall be credited to the public health services special fund.

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

(v) Moneys received under RSA 125-E:11, II and IV, which shall be credited to the radiation long term care fund.

4 Repeal. RSA 125:56 through RSA 125:77, relative to the radiation protection and radiation control program, are hereby repealed.

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

Rep. Copenhagen moved that that the words, Refer for Interim Study, be substituted for the report of the Majority, Ought to Pass with Amendment, spoke to her motion and yielded to questions.

Rep. Sochalski spoke against the motion.

Rep. Hollingworth spoke in favor of the motion and yielded to questions.

Reps. Chardon and Carragher spoke against the motion and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 125 NAYS 188  
YEAS 125

**BELKNAP:** Bowler, Brough, Richard Campbell, Matthew Locke, Nighswander and Zeckhausen.

**CARROLL:** Saunders and Schofield.

**CHESHIRE:** Blacketer, Burley, Elmer Johnson, Matson, Morse, Ramsay, William Riley, Russell, Schwartz, William Sullivan and Thompson.

**COOS:** Brideau, Chappell, Mayhew and York.

**GRAFTON:** Arnesen, Chambers, Copenhaver, Crory, Densmore, Duggan, Easton, Michael King, LaMott and Stewart.

**HILLSBOROUGH:** Bourdon, Bourque, Burkush, Champagne, Charron, Chretien, Cote, Cronin, Durant, Dykstra, Clyde Eaton, Fields, Gagnon, Marian Harrington, Herod, Humphrey, George Jones, Katsiaficas, Levesque, Lown, McGlynn, Morrisette, Nelson, O'Rourke, Paradis, Frances Riley, G. Philip Rodgers, B. P. Smith, Snow, Steiner, Mary Sullivan, Vanderlosk, Emma Wheeler, Winn and Zis.

**MERRIMACK:** Anderson, Barberia, Bardsley, Connolly, Daniell, George E. Gordon, Alf Jacobson, Jelley, Millard, Pannell, Savaria, Wallner and James Whittemore.

**ROCKINGHAM:** Patti Blanchette, Eunice Campbell, Case, Lawrence A. Chase, Jr., Ellyson, Emanuelson, Thomas Gage, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, Krasker, Lovejoy, Magoon, Malcolm, McCain, Popov, Norman Rogers, Rosencrantz, Sanderson, Sherburne, Vaughn, Walker, Warburton and Welch.

**STRAFFORD:** Berkey, Bernard, Bryant, Burton, Diament, Keans, Kincaid, Laurion, Lussier, O'Brien and Pelley.

**SULLIVAN:** Brodeur, Call, D'Amante, Disnard, Ingram, Paul Johnson and Schotanus.

NAYS 188

**BELKNAP:** Birch, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Jensen and Pearson.

**CARROLL:** Ashnault, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio and Powers.

**CHESHIRE:** Crane, Jesse Davis, Delano, Daniel Eaton, Irvin Gordon, Grodin, Miller, Parker, Perry, Ridge, Scranton, Secord and Young.

**COOS:** Brungot, Harold Burns, Chardon, Coulombe, Frederic Foss, Guay, Horton, Lamontagne, Ottolini and Theriault.

**GRAFTON:** Bean, Christy, Driscoll, McAvoy, Rounds, Taffe, Howard Townsend, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

**HILLSBOROUGH:** Ahrens, Arnold, Barry, Bass, Blais, Boisvert, Boutwell, Bridgewater, A. Leslie Burns, John Burns, Carragher, Clancy, Cox, Crotty, Duperron, Dupont, Joseph M. Eaton, Nancy Ford, Scott Green, Grip, Healy, Holden, Chris Jacobson, Jasper, Kelley, Knight, Labombarde, Lozeau,

Martin, Howard Mason, Messier, Elizabeth Moore, Robert Murphy, Nute, Bonnie Packard, Pappas, Pariseau, Perham, Prestipino, Ellen-Ann Robinson, Sallada, Shriver, Leonard Smith, Stiles, Turgeon, Van Loan, Varkas, Wagner, Geraldine Watson, Harold Watson, Kenneth Wheeler, Frank Whittemore, Arnold Wight, Wood and Worthen.

MERRIMACK: Bibbo, Laurent Boucher, Bowes, James Chandler, Gross, Hager, Hayes, Mary Holmes, C. William Johnson, Kidder, Lewis, Arthur Locke, Nichols, Pantzer, Phelps, Rehlander, Doris Riley, Walter Robinson, Linwood Rogers, Gerald Smith, Stio and West.

ROCKINGHAM: Blaisdell, William Boucher, Butler, Marilyn Campbell, Clay, Conroy, Day, Flanders, Beverly Gage, Goss, Gourdeau, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Longworth, Robert Mason, Jr., McKinney, Nagel, Newell, Quimby, Raynowska, Schwaner, Seward, Skinner, Sloan, Sochalski, Stachowske, Sytek, Titone, Tufts, Wells and Woodward.

STRAFFORD: Appleby, Bates, Callaghan, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Hussey, Robert Jones, Meader, Musler, Parks, Francis Robinson, Spear, Henry Sullivan, Ann Torr and Franklin Torr.

SULLIVAN: Domini, Lindblade, McKee, Mehegan, Rodeschin, Spaulding and Sara Townsend, and the motion lost.

Question being on the Committee amendment.

Amendment adopted.

Ordered to third reading.

HB 396-FN, relative to peer review organizations and hospital cost containment. Majority: Refer for Interim Study. Minority: Inexpedient to Legislate.

MAJORITY: The title of this bill is a misnomer, as the body of the proposal addresses the issue of Utilization Review Organization who currently operate in the State. The Committee agrees that possibly there does exist a lack of uniformity in systems employed by these organizations in requiring information, and places an undue burden on hospitals in attempting to respond. However, before a positive proposal could be offered to the General Court a great deal more study is needed. Vote 16-1. Rep. Leo W. Fraser, Jr. for the Majority of Health and Human Services.

MINORITY: This bill represents an attempt by one organization to have its competitors operate according to its standards. This body ought to stand aside from this unwarranted intrusion into the marketplace. Rep. Scott E. Green for the Minority of Health and Human Services.

Referred for Interim Study.

HB 470-FN, relative to welfare. Ought to Pass with Amendment. This bill makes minor technical changes in RSA 167 for clarity and compliance with federal law; amends 167:4 providing that public assistance shall not be granted to people who have transferred property within three years. One section was inadvertently omitted in drafting. Another section is a policy statement that funds budgeted to Human Services shall not lapse, but be used to fund unfunded and underfunded programs as approved by the Legislative Fiscal Committee. Vote 16-3. Rep. Marion L. Copenhaver for Health and Human Services.

#### Amendment

Amend the bill by striking out section 6 and inserting in place thereof the following:



6 Federal Changes Regarding Eligibility Incorporated. Amend RSA 167:6, V (supp) as inserted by 1969, 451:4 as amended by striking out said paragraph and inserting in place thereof the following:

V. For purposes hereof, a person shall be eligible for aid to families with dependent children who is a needy child 17 years of age or under or 18 years of age, a full-time student in a secondary school as defined by the director of the division of human services; and reasonably expected to complete the program before reaching 19 years of age; who has been deprived of parental support or care by reason of death, continued absence from the home, or physical or mental incapacity of a parent; and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, first cousin, nephew or niece, uncle, or aunt, (including relatives of half-blood, relatives of preceding generations as denoted by the prefixes of grand, great, or great-great, adoptive parents and their relatives to the same degree as blood relatives and spouses of the above relatives even after the marriage is terminated by death or divorce) in a place of residence in the state maintained by one or more of such relatives as his or their home. For purposes of this section, a child who meets the above requirements shall be eligible, even if the child was removed from the home of a relative as a result of a judicial determination and was placed in a foster home and care, when the care and placement of the child are the responsibility of the division of human services or another public agency which meets federal requirements and the state plan, and when the child received or would have been eligible to receive aid to families with dependent children in the month in which court proceedings were initiated except that such a child need not have lived with a specified relative. No person shall be eligible to receive such aid while receiving old age assistance, aid to the needy blind, or aid to the permanently and totally disabled.

Amend the bill by striking out section 9 and inserting in place thereof the following:

9 Amount of Assistance. Amend RSA 167:7, V (supp) as inserted by 1985, 394:3 by striking out said paragraph and inserting in place thereof the following:

V. Subject to applicable federal regulations, the director may establish criteria to operate a special needs program, or to operate an emergency assistance program only for aid to families with dependent children, subject to the amount of available funds in the budget of the division of human services.

10 Funding Nonlapsing. No funds appropriated to the division of human services, department of health and human services, for the biennium ending June 30, 1987, shall lapse back to the general fund, but shall be used by the director, division of human services to meet unfunded or underfunded services, as determined by the fiscal committee established under RSA 14:30-a.

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

Amendment adopted.

Ordered to third reading.

HB 472-FN, preventing the division of vocational rehabilitation from assuming primary medical costs for transplants and traumatic head injuries. Ought to Pass with Amendment.

This bill transfers the primary responsibility for liver transplants and traumatic head injuries from the Division of Vocational Rehabilitation to the Department of Health and Human Services. The Committee feels strongly that medical expense responsibility should rest with Health and Human Services. The amendment strikes the \$10,000

cap and any additional appropriation for this fiscal year. Vote 16-1.  
Rep. Elizabeth S. Hager for Health and Human Services.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing responsibility for medical costs for  
liver transplants and traumatic head injuries.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Responsibility for Payments. The department of health and human services is hereby charged with primary responsibility for its eligible clients for payments of surgical and medical services for liver transplants and traumatic head injuries.

2 Liver Transplants and Traumatic Head Injuries. Amend RSA 126-A by inserting after section 4-a the following new section:

126-A:4-b Liver Transplants and Traumatic Head Injuries. The division of vocational rehabilitation, department of education, shall have primary responsibility for its eligible clients for all vocational rehabilitation services in accordance with the state and federal laws and regulations and budgetary allocations for that purpose, excluding surgical and medical services relating to liver transplants and traumatic head injuries. The department of health and human services shall, through medicaid or other appropriate channels, have primary responsibility for surgical and medical payments relating to liver transplants and traumatic head injuries, in the event the state becomes liable for such payments. Other expenses including, but not limited to, transportation, related medical costs, and subsequent medication shall be the responsibility of the department of health and human services in accordance with the state and federal laws and regulations and budgetary allocations for that purpose.

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

Amendment adopted.

Ordered to third reading.

HB 508, recodifying the public health statutes. Ought to Pass with Amendment.

This bill updates the medical terminology, deletes obsolete references, and makes other technical changes in the public health statutes. A new communicable disease statute has been formed from the obsolete tuberculosis, isolation, and quarantine statutes. This bill also brings into line the penalties for violating the quarantine rules. Vote 17-0. Rep. Audrey A. Carragher for Health and Human Services.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following

AN ACT

recodifying the public health statutes and establishing a fee  
schedule for laboratory services under RSA 131.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Purpose. Amend RSA 125 by inserting after section 8 the following new section:

125:8-a Purpose. The purpose of this chapter is to provide measures to improve and preserve the health of the citizens of this state.

2 Duties. Amend RSA 125:9 as amended by striking out said section and inserting in place thereof the following:

125:9 Duties. The director, division of public health services, shall:

I. Take cognizance of the interests of health and life among the people.

II. Make investigations and inquiries concerning the causes of epidemics and other diseases, the sources of morbidity and mortality, and the effects of localities, employments, conditions, circumstances, and the environment on the public health.

III. Advise and assist town health officers in making investigations into sanitary matters in their towns.

IV. Take measures to communicate such information as necessary on the improvement and preservation of health.

V. Recommend to the director of motor vehicles the procedures necessary under RSA 125:9-a.

VI. Recognize the public health aspects relating to drugs and food under RSA 125:10.

VII. Verify sanitary conditions of public buildings under RSA 125:11.

VIII. Equip and maintain a first-aid room under RSA 125:13-a.

IX. Develop or designate a statewide program for poison information and treatment under RSA 126-A:61.

3 Reference Changes. Amend RSA 125:10 by striking out said section and inserting in place thereof the following:

125:10 Drugs; Foods. The director, division of public health services, shall take cognizance of the interests of the public health, relating to the sale of drugs and foods and the adulteration of such drugs and foods and shall make all necessary investigations and inquiries in reference to them. For these purposes he may appoint, within available appropriations and subject to rules adopted by the state personnel commission, inspectors, analysts, and chemists, who shall be subject to his supervision and removal.

4 Reference Changes. Amend RSA 125:11 by striking out said section and inserting in place thereof the following:

125:11 Public Buildings. The director, division of public health services, shall take cognizance of the sanitary condition of all public buildings, hospitals, penal institutions, and facilities for the detention of minors, whether state or county.

5 Powers Generally. Amend RSA 125:15 (supp) as amended by striking out said section and inserting in place thereof the following:

125:15 Powers Generally. The director, division of public health services, department of health and human services, shall have authority:

I. To receive and expend all funds made available to the division by the federal government, the state or its political subdivisions, or from other sources for general activities for health promotion, providing adequate facilities for promotion and administrative guidance of local health services, and the training of personnel employed or to be employed in the division of public health services or local health departments.

II. To receive and expend any reimbursements for expenditures previously made for such purposes.

III. To cooperate with the federal government, through its appropriate agencies or instrumentalities, and with other state and local agencies and organizations in developing and administering public health activities as provided for in this section.

6 Rulemaking. Amend RSA 125:15-a (supp) as inserted by 1985, 190:19 by striking out said section and inserting in place thereof the following:



125:15-a Rulemaking. The director of the division of public health services shall adopt rules under RSA 541-A relative to:

I. The administration of the provisions of RSA 125:9 through 125:15.

II. The administration of occupational health programs under RSA 140.

III. The qualifications of the district health officer under RSA 127:6.

IV. The definition of a toxic substance under RSA 277-A:3, V.

V. The methods, procedures, and techniques for the testing of blood, urine, and breath to determine blood alcohol content as described under RSA 265:85, V.

VI. The laboratory services to be provided and fees to be charged under RSA 131:4.

7 Reference Changes. Amend RSA 125:22 as amended by striking out said section and inserting in place thereof the following:

125:22 Prescribing Uniform Records. As far as practicable and after consultation with the professional and trade licensing and registering boards within the department of health and human services, division of public health services, the director of the division shall prescribe uniform procedures for all secretarial and recording activities of the boards.

8 Reference Change. Amend RSA 125:24 as amended by striking out said section and inserting in place thereof the following:

125:24 Assigning Office Space. The director of the division shall provide necessary office space for each professional and trade licensing and registering board within the department of health and human services, division of public health services.

9 Salary of Director, Division of Public Health Services. Amend RSA 125:25 as amended by striking out said section and inserting in place thereof the following:

125:25 Salary of Director of Division of Public Health Services. The salary of the director of the division of public health services, department of health and human services, shall be that prescribed by RSA 94:1-5. Notwithstanding the provisions of any other law, said director shall not be entitled to any other state compensation for official duties as such director and for duties in connection with the board of registration in medicine or any other state board of which he may be an appointive or ex officio member.

10 Fees for Laboratory Services. Amend RSA 131:4 by striking out said section and inserting in place thereof the following:

131:4 Service; Reimbursements; Rulemaking. The director, division of public health services, department of health and human services, shall adopt rules pursuant to RSA 541-A relative to a list of laboratory services to be provided under this chapter and a schedule of fees for such services. The fees may be waived by the director when he determines it is in the best interests of the health of the public to do so. Fees shall not be charged for laboratory services provided under RSA 265 and RSA 611.

11 Purpose. Amend RSA 132:1 as amended by striking out said section and inserting in place thereof the following:

132:1 Purpose; Instruction. The department of health and human services, division of public health services, may provide instruction, advice and such services as the director may deem necessary for crippled children, for children suffering from crippling conditions, and to protect and promote the physical health of women in their child-bearing years and their infants and children.

12 Duties. Amend RSA 132:2 as amended by striking out said section and inserting in place thereof the following:

132:2 Duties. The director, division of public health services, shall:

I. Conduct studies as necessary to carry out the provisions of this chapter.

II. Formulate and administer such plans as are necessary to carry out the provisions of this chapter.

III. Receive and expend, in accordance with plans developed under this chapter, funds made available to the division by the federal government, the state or its political subdivisions, or other sources.

IV. Cooperate with the federal government and with other state and local agencies and organizations in developing, extending, and improving the services provided under this chapter.

V. Supervise those services authorized by this chapter and provided under contract with local agencies.

VI. Employ such persons as necessary to carry out the requirements of this chapter.

VII. Administer the supplemental food program for women, infants, and children in accordance with RSA 132:12-a.

VIII. Assure the prevention of ophthalmia neonatorum in accordance with RSA 132:6.

IX. Assure the screening of newborn children for metabolic disorders in accordance with RSA 132:10-a.

X. Administer services for crippled children as provided for under RSA 132:13.

13 Effect of Aid. Amend RSA 132:4 as amended by striking out said section and inserting in place thereof the following:

132:4 Effect of Aid. No person receiving aid under this chapter shall be affected thereby in any civil or political rights, nor shall their identity be disclosed except upon written order of the director, division of public health services.

14 Ophthalmia. Amend RSA 132:6 (supp) as amended by striking out said section and inserting in place thereof the following:

132:6 Prevention of Ophthalmia in Newborn.

I. The physician, hospital, nurse midwife, lay midwife, or other health care provider attending a newborn child shall, after washing the lids and adjacent tissues immediately following birth, place into each eye of every child a single drop of a one percent solution of nitrate of silver or some equally efficient solution.

II. Should one or both eyes of an infant become inflamed, swollen, and red, and show an unusual discharge at any time within 2 weeks after its birth, a report shall be made in writing, within 6 hours thereafter, to the division of public health services, except if a licensed physician is in attendance he shall report as required by this section within 24 hours.

III. If a physician is not in attendance, the parents, or whoever has charge of such infant, shall immediately place it in the charge of a licensed physician.

IV. The director, division of public health services, may publish such information and instruction and adopt rules as he deems expedient to prevent the development of inflammation in the eyes of newborn babies, or so-called ophthalmia neonatorum.

15 Newborn Screening Tests. Amend RSA 132:10-a as inserted by 1965, 48:1 by striking out said section and inserting in place thereof the following:

132:10-a Newborn Screening Tests Required. The physician, hospital, nurse midwife, lay midwife, or other health care provider attending a newborn child shall test a newborn child for metabolic disorders. Such tests shall include, but not be limited to, phenylketonuria, galactosemia, homocystinuria, maple syrup urine disease, and hypothyroidism.

16 Rulemaking. Amend RSA 132:10-b (supp) as inserted by 1965, 48:1 as amended by striking out said section and inserting in place thereof the following:

132:10-b Rulemaking. The director, division of public health services, shall adopt rules, pursuant to RSA 541-A, relative to:

I. The woman, infants, and children program under RSA 132:12-a.

II. The prevention of ophthalmia in newborn babies under RSA 132:6.



III. Newborn screening tests under RSA 132:10-a.

IV. Services for crippled children as provided under RSA 132:13.

17 WIC. Amend RSA 132:12-a (supp) as inserted by 1981, 307:2 by striking out said section and inserting in place thereof the following:

132:12-a Women, Infants, and Children (WIC) Program. The director, division of public health services, shall develop and administer a women, infants, and children program within the state under the Child Nutrition Act of 1968, in accordance with federal regulations promulgated by the Department of Agriculture and subject to continued funding from the federal Department of Agriculture. In the administration of the program, the director:

I. Shall suspend a vendor from the program for any of the following:

(a) Providing cash, unauthorized food, or other items to participants in lieu of authorized supplemental foods.

(b) Charging the state for food not received by participants.

(c) Charging the program more for supplemental foods than other customers are charged for the same food item.

II. Shall suspend a participant from the program for any of the following:

(a) Knowingly and deliberately misrepresenting circumstances to obtain benefits.

(b) Selling supplemental foods or food instruments to, or exchanging them with, other persons.

(c) Receiving cash or credit towards purchases of unauthorized food or other items of value from food vendors, in lieu of authorized supplemental food.

III. May, upon determination that a person has fraudulently obtained funds under this program, bring an action to recover the funds. Any funds so recovered shall be remitted to the proper federal officials as required under federal law or regulation. Demand and payment of these funds shall not relieve or discharge any person from liability, either civil or criminal, for additional amounts or penalties as may be prescribed under any other applicable law.

18 Services for Crippled Children. Amend RSA 132:13 as amended by striking out said section and inserting in place thereof the following:

132:13 Crippled Children. Services provided for crippled children in accordance with RSA 132:2, X, shall include location, diagnoses, hospitalization, medical, surgical, corrective, and other services and care of such children.

19 Reference Change. Amend RSA 132:14 by striking out said section and inserting in place thereof the following:

132:14 Limitation of Provisions. Nothing in this chapter shall be construed as authorizing any public official, agent, or representative, in carrying out any provision of this chapter, to take charge of any child, or to provide services to any child, over the objection of either the father or the mother of such child, or of the person standing "in loco parentis" to such child, except pursuant to a proper court order. Nothing in this chapter shall affect the operation of RSA 186 or 200 or any other law providing maternal or child health services.

20 Chapter Reference Changes. Amend RSA 140 (supp) as amended by striking out said chapter and inserting in place thereof the following:

#### CHAPTER 140 OCCUPATIONAL HEALTH

140:1 Public Policy. Whereas the use of certain chemical and physical agents can be instrumental in the improvement of health, welfare, and productivity of the public if properly utilized, or may impair the industrial and agricultural potentials of this state and adversely affect the well-being of the citizens of this state if improperly utilized, it is hereby declared to be the public policy of this state:



I. To encourage the constructive use of these chemical and physical agents and to discourage improper uses of these agents.

II. To institute and maintain a consultative program for the use of chemical and physical agents so as to provide for:

- (a) Compatibility with standards of the federal government.
- (b) A single effective system of recommendations within the

state.

(c) A system consonant, insofar as possible, with consultative systems of other states.

140:2 Purpose. It is the purpose of this chapter to implement the policies set forth in RSA 140:1 by providing for:

I. Effective consultative service relative to the use of chemical or physical agents for the protection of the occupational and public health and safety.

II. Promotion of an orderly consultative pattern within the state, among the states, and between the federal government and the state, and the facilitation of intergovernmental cooperation with respect to the use of chemical and physical agents to the end that duplication of effort may be minimized.

III. Maximum utilization of chemical or physical agents consistent with the health and safety of the public.

IV. Collection of information regarding ailments or diseases which may be contracted from occupational exposure to chemical or physical agents.

140:3 Definitions. In this chapter:

I. "Chemical agent" means any element, molecule, compound, or mixture to which persons may be exposed through ingestion, inhalation, or absorption and which, at sufficiently high concentrations, may produce adverse effects.

II. "Director" means the director, division of public health services, department of health and human services.

III. "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state or any other state or political subdivision or agency of this or any other state, or any of their legal successors, representatives, agents, or agencies.

IV. "Physical agent" means forces of a physical nature including, but not limited to, heat stress, lasers, microwaves, noise, or ultraviolet radiation, to which persons may be exposed and which at sufficiently high levels may produce adverse effects.

V. "Threshold limit value" means:

(a) Airborne concentrations of chemical agents which may cause adverse effects to persons who are repeatedly exposed; or

(b) Levels of physical agents which may cause adverse effects to persons repeatedly exposed.

140:4 Duties; Fees. The director shall, for the protection of the occupational and public health and safety:

I. Develop and conduct comprehensive policies and programs for evaluation of hazards associated with the use of chemical or physical agents and for their amelioration.

II. Develop and conduct programs with due regard for compatibility with federal programs for consultation regarding chemical or physical agents.

III. Advise, consult, and cooperate with other agencies of the state, the federal government, other states, interstate agencies, political subdivisions, industries, and groups concerned with control of chemical or physical agents.

IV. Have the authority to accept, spend for the purpose of this chapter, and administer loans, grants, and other funds or gifts, conditional or otherwise, in furtherance of these functions, from the federal government and from other sources, public or private.

V. Encourage, participate in, or conduct studies and demonstrations in training and research relating to the control of chemical or physical agents, the measure of these agents, the effects on health of exposure to these agents, and related problems as necessary or advisable to the discharge of the duties under this chapter.

VI. Collect and disseminate health education information relating to protection from chemical or physical agents.

VII. Develop a schedule of fees by rule, pursuant to RSA 541-A, and assess and collect such fees for services provided under this chapter. The director is authorized to establish a revolving fund into which shall be deposited the fees collected under this paragraph. The director, with approval of the governor and council, shall be authorized to utilize the moneys from the revolving fund so created for the purposes outlined in this chapter.

VIII. Require reports from physicians regarding ailments or diseases which may be contracted from occupational exposures to chemical or physical agents.

140:5 Report.

I. Every physician in this state attending a patient whom he believes to be suffering from poison from lead, phosphorus, arsenic, brass, wood alcohol, mercury, or their compounds, or from anthrax, compressed air illness, or any other ailment or disease contracted as a result of the nature of the patient's employment, shall, within 48 hours, send to the director, division of public health services of the department of health and human services, a report stating the name, address, and occupation of the patient; the name, address, and business of the employer; the nature of the disease; and such other information as may be reasonably required by the director, division of public health services. Posting the report within the time required in a stamped envelope addressed to the director, division of public health services of the department of health and human services, shall be considered to be in compliance with this section.

II. The director, division of public health services, shall adopt by rule the form and contents of blanks for such reports and shall prepare and furnish the same free of cost to physicians. The reports shall be on or in conformity with such blanks.

III. Reports prepared under this section shall not be evidence of the facts in any action arising out of the disease reported.

140:6 Rulemaking. The director, division of public health services, shall adopt rules, pursuant to RSA 541-A, relative to:

I. Any information required on the reports under RSA 140:5, I.

II. Form and content of the blanks for the reports under RSA 140:5, II.

III. The fee schedule under RSA 140:4, VII.

140:7 Copy of Reports to Commissioner of Labor. The director, division of public health services, shall transmit a copy of all reports prepared pursuant to RSA 140:5 to the commissioner of labor.

140:8 Conflicting Laws. This chapter shall not be construed as repealing any laws of the state relating to chemical or physical agents or exposures to them but shall be held and construed as auxiliary and supplementary to them, except to the extent that they are in direct conflict with this chapter, in which case this chapter shall be controlling. Nothing in this chapter shall preclude the right of any governing body of a municipality to adopt ordinances or rules not inconsistent with this chapter.

140:9 Penalty. Any person who does not comply with any of the provisions of RSA 140 or with the rules adopted by the director, division of public health services, under RSA 140 shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

21 New Chapter. Amend RSA by inserting after Chapter 141-B the following new chapter:



CHAPTER 141-C  
COMMUNICABLE DISEASE

141-C:1 Policy. The outbreak and spread of communicable disease cause unnecessary risks to health and life, interfere with the orderly workings of business, industry, government, and the process of education, and disrupt the day-to-day affairs of communities and citizens. Because the control of communicable disease may be attained by personal actions, the timely intervention of medical practices, and cooperation among health care providers, federal, state, and municipal officials, and other groups and agencies, it is hereby declared to be the policy of this state that communicable diseases be prevented, and that such occurrences be identified, controlled, and, when possible, eradicated at the earliest possible time by application of appropriate public health measures and medical practices.

141-C:2 Definitions. In this chapter:

- I. "Agent" means any individual authorized by the director to assist in carrying out the provisions of this chapter.
- II. "Baggage" means the personal belongings of travelers. Such personal belongings need not be in the personal possession of the traveler.
- III. "Care" means the furnishing of necessary services to a person infected with a communicable disease. The term includes provisions for shelter, food, and such other services that the person is unable to provide for himself due to his infection or its physical effects.
- IV. "Cargo" means any animal or animal product, plant or plant product, or inanimate material which has been consigned for transport, which is being transported, or which is otherwise under the control of a business engaged in transport.
- V. "Commodity" means any animal or animal product, plant or plant product, or inanimate material intended to be sold or distributed to the public.
- VI. "Communicable disease" means illness due to an infectious agent or its toxic products, which may be transmitted directly or indirectly to any person from an infected person, animal, or arthropod (including insecta and arachnida) or through the vehicle of an intermediate host, vector or the inanimate environment.
- VII. "Conveyance" means any vessel, aircraft, motor vehicle or other mode of transportation which is engaged in the transport of passengers, baggage, or cargo.
- VIII. "Decontamination" means the act of rendering anything free from the causal agents of communicable disease.
- IX. "Director" means the director, division of public health services, department of health and human services, or his designee.
- X. "Division" means the division of public health services, department of health and human services.
- XI. "Health officer" means any individual appointed under RSA 128:1 or employed under RSA 47:12.
- XII. "Isolation" means the separation, for the period of communicability, of infected persons from others in such places and under such conditions as to prevent or limit the direct or indirect transmission of the infectious agent from those infected to those who are susceptible or who may spread the agent to others.
- XIII. "Quarantine" means the restriction of activities of well persons who have been exposed to a case of communicable disease, during its period of communicability, to prevent disease transmission during the incubation period if infection should occur. It also means the detention of a conveyance, commodity, baggage, or cargo in a separate place for such time as may be necessary and during which decontamination may be carried out.
- XIV. "Treatment" means the provision of medical services to prevent, control, or eliminate the infection of a person by a communicable disease.



141-C:3 Duties of Division. The division shall:

I. Identify, investigate, and test for communicable diseases posing a threat to the citizens of the state and its visitors.

II. Educate the general public, persons who provide health services to the public, and those persons responsible for the health and well-being of other persons relative to measures that will prevent the contraction of communicable disease, minimize its effects, and impede its spread.

III. Coordinate such medical, municipal, and other services as may be necessary to control, and, when possible, eradicate communicable diseases when they occur.

141-C:4 Duties of Director. The director shall:

I. Identify communicable diseases to be reported to the division under RSA 141-C:8.

II. Investigate outbreaks of communicable diseases under RSA 141-C:9.

III. Establish, maintain, and suspend isolation and quarantine to prevent the spread of communicable diseases under RSA 141-C:11.

IV. Order persons who pose a threat to the life and health of the public to receive such treatment and care as necessary to eliminate the threat under RSA 141-C:15.

V. Purchase and distribute such biologicals as may be deemed necessary to prevent the acquisition and spread of communicable disease under RSA 141-C:17.

VI. Provide laboratory services to support the detection and control of communicable disease under RSA 141-C:19.

VII. Educate the public relative to the cause, prevention and treatment of communicable disease and relative to the provisions of this chapter and its rules regarding reporting, investigations, examinations, treatment and care.

VIII. Regulate, in public places, conveyances, and buildings, the use of a common drinking cup under RSA 141-C:6.

IX. Prohibit, in public places, conveyances, or buildings the use of a common towel.

141-C:5 Duties of Health Officers. Health officers shall:

I. Assist the director, when requested to do so, in the establishment and maintenance of isolation and quarantine in their respective cities and towns, and enforce all rules adopted by the director relative to isolation and quarantine.

II. Attend meetings with the director, when requested, for consultation on matters relating to public health, the restriction and prevention of communicable diseases, or the consideration of other important sanitary matters related to preventing or controlling the spread of communicable diseases.

141-C:6 Rulemaking. The director shall adopt rules, pursuant to RSA 541-A, relative to:

I. Identifying communicable diseases to be reported under RSA 141-C:8.

II. The design and content of all forms required under this chapter including forms for reporting communicable diseases under RSA 141-C:8.

III. Reporting communicable diseases under RSA 141-C:7.

IV. The conduct of investigations carried out under RSA 141-C:9, I.

V. The procedure for disclosure of information under RSA 141-C:10.

VI. Establishing, maintaining, and lifting the isolation and quarantine of cases, carriers, or suspected cases or carriers of communicable diseases under RSA 141-C:11.

VII. Decontamination of commodities, conveyances, baggage, and cargo under RSA 141-C:11, IV.

VIII. Issuing and carrying out orders for the treatment and care and for the restriction and control of diseases under RSA 141-C:15.

IX. Distribution of biologicals under RSA 141-C:17.

X. Laboratory testing, fee schedules, and the waiving of fees under RSA 141-C:19.

XI. Regulating use of the common cup under RSA 141-C:4, VIII.

XII. The procedure for written orders under RSA 141-C:12.

141-C:7 Reporting of Communicable Disease. Upon the appearance of any communicable disease listed under RSA 141-C:8, any physician, the superintendent or other person in charge of any hospital, or other health care facility, or any other person having under his care or observation a person affected, or who has reason to believe that a person was or might have been afflicted with a communicable disease at the time of death, shall report the communicable disease immediate to the director, and shall provide such additional information and periodic reports as required under RSA 141-C:9, I.

141-C:8 List of Diseases; Report Forms. The director shall compile a list of reportable communicable diseases necessary to protect the citizenry. The director shall develop and provide a form for the reporting of communicable diseases under this section. The form shall include, at a minimum, the name, age, address, occupation, and place of occupation of the person.

141-C:9 Investigations; Examinations.

I. The director or his designee may investigate the outbreaks of communicable diseases reported under RSA 141-C:7 or which are otherwise brought to his attention as a threat to the health of the public. Such investigations shall include, but not be limited to, requiring additional information and periodic reports from the reporting official, interviews with reporting officials, their patients, and other persons affected with or having information pertaining to the communicable disease, surveys of such individuals, inspections of buildings and conveyances and their contents, and laboratory analysis of samples collected during the course of such inspections. The director shall adopt such rules as are necessary to carry out investigations with due regard for the rights of person and property. The director may call upon health officers, as authorized by RSA 141-C:5, I, to assist in such investigations.

II. Any person having or suspected of having a communicable disease, any person who is a communicable disease carrier or contact or any person who is suspected of being a communicable disease carrier or contact shall, when requested by the director or his designee, submit to a physical examination for the purpose of determining the existence of a communicable disease. Such persons shall submit specimens of body secretions, excretions, body fluids, and discharges for laboratory examinations when so requested by the director or his designee.

141-C:10 Disclosure; Confidentiality.

I. A report provided to the director under RSA 141-C:7, and any information gathered during investigations or examinations carried out under RSA 141-C:9 and RSA 141-C:18 which identifies the individual investigated or examined, shall only be released to persons demonstrating a need which is essential to health related research. Any release of information under this section shall be conditioned upon the personal identities remaining confidential.

II. Analyses and compilations of data which do not disclose the identity of an individual and which cannot be used to identify shall be available to the public under RSA 91-A.

III. The physician-patient privilege shall not apply to information required to be reported or provided to the director under RSA 141-C:7.

141-C:11 Isolation and Quarantine.

I. Whenever it is necessary to prevent the introduction or spread of communicable diseases within this state or from another state, or to restrict such diseases if introduced, and when such communicable diseases pose a substantial threat to the health and life of the citizenry, the director shall establish isolation or quarantine for persons who are cases or carriers, or suspected cases or carriers of communicable diseases, and establish quarantine for commodities, conveyances, baggage and cargo that are carriers or suspected carriers of the communicable diseases by written order prepared in accordance with RSA 141-C:12. Such isolation or

quarantine shall be by the least restrictive means necessary to protect the citizenry. The director shall adopt such rules regarding the establishment, maintenance and lifting of isolation and quarantine as he may deem best for protecting the health of the public.

II. When a conveyance, operator, crew, passenger, baggage, cargo or commodity is placed in isolation or quarantine, the owners, consignees, assignees and operators shall submit to such investigations as authorized by RSA 141-C:9, I, regarding any circumstance or event concerning the health of the operator, crew, passengers and the sanitary condition of the conveyance, baggage, cargo or commodity. The operator, crew and passengers shall submit to such examinations, as authorized by RSA 141-C:9, II, as the director may determine appropriate.

III. The director may, in ordering isolation or quarantine of persons, require that treatment be obtained in accordance with rules adopted under RSA 141-C:15.

IV. The order of quarantine for commodities, conveyances, baggage and cargo may require, as a condition for lifting the quarantine, that decontamination be performed. The director shall adopt such rules pursuant to RSA 541-A as are necessary for the performance of decontamination.

141-C:12 Orders.

I. The director, in imposing isolation and quarantine under RSA 141-C:11, or in requiring treatment under RSA 141-C:15, shall do so by written order. The order shall include the following information:

- (a) The cause of the quarantine or isolation.
- (b) The location of quarantine or isolation.
- (c) When appropriate, that decontamination be performed on commodities, conveyances, baggage and cargo.
- (d) When treatment is required as part of the order, where such treatment is available and, if applicable, what effect the receipt of treatment may have on the conditions or isolation and quarantine.
- (e) The period of duration of isolation or quarantine.
- (f) The director's signature.

II. Orders issued under this section shall be complied with immediately.

III. Any person subject to an order issued under this section may petition the superior court to review such order.

141-C:13 Evading Quarantine; Breaking Quarantine.

I. If, after an order is issued under RSA 141-C:12, any commodity, conveyance, cargo or baggage is not removed to the place of quarantine or is not decontaminated or is brought near any dwelling house, facility, or housing providing services to people, or near any place of business or manufacture without the permission of the director or his designee, the director shall petition the superior court to review the order.

II. If any person ordered to undergo isolation or quarantine leaves such place of quarantine, a place designated by the director for the decontamination of commodities, conveyances, baggage and cargo under quarantine, or a place of treatment and care of persons under isolation or quarantine without the permission of the director or his designee, the director shall petition the superior court for review of the order.

141-C:14 Invading Isolation, Quarantine. If any person shall, without permission of the director, his designee, or a health officer acting on the request of the director, enter a place of isolation or quarantine, board a conveyance under quarantine, enter the limits of a place designated for the decontamination of cargo or baggage under quarantine, or enter a place designated for the treatment of persons placed under isolation or quarantine and such person is not an employee or agent of the facility providing such treatment, he shall be considered infected and ordered to undergo isolation or quarantine under RSA 141-C:11. He shall remain there at his own expense until the director determines that there is no threat to the citizenry by virtue of the exposure to the cause of isolation or quarantine.



## 141-C:15 Treatment, Care of Sick; Costs.

I. Any person infected with a communicable disease, or reasonably suspected of being infected with a communicable disease, and whose continued presence among the citizenry poses a significant threat to health and life, shall be ordered by the director under RSA 141-C:11, to report to a health care provider or health care facility to undergo such treatment and care as the director may deem necessary to eliminate the threat. The director shall adopt rules, pursuant to RSA 541-A, necessary to issue and carry out such orders for treatment and to restrict and control communicable disease through treatment.

II. If the person subject to the order cannot be removed to a health care provider or to a health care facility for treatment without danger to his life or to the citizenry, the director shall impose isolation or quarantine under RSA 141-C:11 and shall arrange for treatment and care as necessary to mitigate the threat.

III. The director shall assist indigent persons who are infected with tuberculosis and supply them with anti-tuberculosis drugs for treatment and preventative therapy, chest x-rays, and such physical examinations as necessary to monitor the course of treatment and therapy.

IV. The cost of treatment and care, except treatment provided under RSA 141-C:15, III, and physical examinations under RSA 141-C:9 and RSA 141-C:18, shall be a cost to the person, or his parent or guardian, or, if such person is indigent, from such public funds available for such purposes. Costs of physical examinations and treatment and care provided to the operator, passengers and crew of conveyances who are, or might have been, infected by means of the conveyance, shall be a cost to the owner, consignee or assignee of the conveyance.

V. The cost for maintenance of quarantine for commodities, conveyances, cargo and baggage, and for the decontamination of commodities, conveyances, cargos and baggage, shall be a cost to the owner, consignee or assignee of the commodity or conveyance.

141-C:16 Mode of Treatment and Care. Nothing in this chapter shall be construed to authorize the director to restrict in any manner a person's right to select the mode of treatment of his choice, or to refuse treatment, when treatment is ordered by the director under RSA 141-C:15, I, or to request any physical examination or treatment of a person who in good faith relies upon spiritual means or prayer for healing. Such reliance or treatment or refusal of treatment shall not be considered a danger or menace to others under any provisions of this chapter; provided, however, that there is compliance with the sanitary, isolation and quarantine laws and rules adopted under this chapter. This section shall not be construed to prevent a parent or guardian from exercising his legal responsibilities.

141-C:17 Purchase; Distribution. The director may purchase antitoxins, serums, vaccines and immunizing agents which he deems advisable in the interest of health, and he may distribute them to the public. The director may adopt such rules as he may deem necessary for the distribution of these biologicals.

## 141-C:18 Sexually Transmitted Disease.

I. The director may request the examination, and order isolation, quarantine, and treatment of any person reasonably suspected of having been exposed to or of exposing another person or persons to a sexually transmitted disease. Any order of treatment issued under this paragraph shall be in accordance with RSA 141-C:11, RSA 141-C:12, and RSA 141-C:15.

II. Any minor 14 years of age or older may voluntarily submit himself to medical diagnosis and treatment for a sexually transmitted disease and a licensed physician may diagnose, treat or prescribe for the treatment of a sexually transmitted disease in a minor 14 years of age or older, without the knowledge or consent of the parent or legal guardian of such minor.

## 141-C:19 Laboratory Support Services; Rules.

I. The director shall make available laboratory tests for the early detection and control of communicable diseases such as acquired immune deficiency syndrome, rubella, herpes virus, legionnaire's disease, eastern equine encephalitis, viral hepatitis, chlamydia, rabies, rotavirus, rubeola, influenza, salmonella, pertussis and toxoplasmosis.

II. The director shall adopt rules, pursuant to RSA 541-A, relative to adding to the list of communicable disease in paragraph I for which testing shall be available and establishing a fee schedule for all tests available under this section. The director may waive such fees when it is in the best interest of the health of the public to do so.

141-C:20 Education. The director or his designee shall prepare and distribute such current public information materials relative to the cause, prevention, and treatment of the various communicable diseases and relative to rules adopted under this chapter as may best instruct health care providers and the public in methods of prevention and control of communicable diseases, including proper treatment methods.

141-C:21 Penalty. Any person who shall violate, disobey, refuse, omit or neglect to comply with any of the provisions of RSA 141-C, or of the rules adopted pursuant to it shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

141-C:22 Penalty for Sale or Use for Personal Gain. Any natural person selling or disposing of any biologicals purchased or distributed under RSA 141-C:17 for personal gain shall be guilty of a misdemeanor. Any other person shall be guilty of a felony.

22 New Section; Hazardous Waste Sites. Amend RSA 147-A by inserting after section 13 the following new section:

147-A:13-a Hazardous Waste Sites.

I. If a hazardous waste site is discovered which poses an imminent threat to the public health, safety, and welfare, the division of public health services may, after court authorization or order, make application to the governor for funds to clean up such wastes under the authority of RSA 9:13-d.

II. Authorization for expenditures for such purpose shall be as prescribed in RSA 9:13-d.

III. The attorney general shall institute legal proceedings to obtain reimbursement for any moneys so expended by the state under this section.

23 Repeals. The following are hereby repealed:

I. RSA 125:1, relative to composition of the health department.

II. RSA 125:2, relative to powers and duties of the health department.

III. RSA 125:3, relative to assistance to the cancer commission.

IV. RSA 125:4, relative to the division on alcoholism.

V. RSA 125:5, relative to registration and examining boards.

VI. RSA 125:12, relative to the destruction of certain records.

VII. RSA 125:12-a, relative to destruction of records.

VIII. RSA 125:13, relative to the office and information.

IX. RSA 125:14, relative to reports.

X. RSA 125:16, relative to public policy.

XI. RSA 125:16-a, relative to the purpose of certain safety programs.

XII. RSA 125:16-b, relative to definitions.

XIII. RSA 125:16-c, relative to the occupational health unit.

XIV. RSA 125:16-d, relative to conflicting laws.

XV. RSA 125:26, relative to notice to the division.

XVI. RSA 125:27, relative to duties of the division.

XVII. RSA 125:28, relative to a sanitary officer.

XVIII. RSA 125:29, relative to a penalty.

XIX. RSA 125:30, relative to purchase and distribution of biologicals.

XX. RSA 125:31, relative to rulemaking.

XXI. RSA 125:32, relative to penalty for sale or use for personal gain.

- XXII. RSA 125:95, relative to hazardous waste.
- XXIII. RSA 126-A:17, relative to the transfer of the state sanatorium.
- XXIV. RSA 126-A:18, relative to the trustees of the state sanatorium.
- XXV. RSA 126-A:19, relative to the powers of the director of public health services in respect to the state sanatorium.
- XXVI. RSA 126-A:20, relative to the charges at the state sanatorium.
- XXVII. RSA 132:5, relative to federal co-operation.
- XXVIII. RSA 132:7, relative to treatment.
- XXIX. RSA 132:8, relative to reports to the local health board.
- XXX. RSA 132:9, relative to further treatment.
- XXXI. RSA 132:10, relative to a report to the division of public health services.
- XXXII. RSA 132:12-b, relative to vendors.
- XXXIII. RSA 132:12-c, relative to participants.
- XXXIV. RSA 132:12-d, relative to recovery by the state.
- XXXV. RSA 132:16, relative to reports required.
- XXXVI. RSA 132:17, relative to information as to schools.
- XXXVII. RSA 132:18, relative to testing for syphilis.
- XXXVIII. RSA 136, relative to the tuberculosis commission.
- XXXIX. RSA 137, relative to tuberculosis.
- XL. RSA 137-A, relative to kidney disease.
- XLI. RSA 137-B, relative to asthma and related chronic lung disease.
- XLII. RSA 141, relative to communicable diseases.
- XLIII. RSA 142, relative to quarantine to prevent introduction of disease.
- XLIV. RSA 152, relative to the hospital survey and construction law.
- XLV. RSA 184:51, relative to peddling oleomargarine.
- XLVI. RSA 457:17, relative to marriage.
- XLVII. RSA 457:18, relative to duty of physicians.
- XLVIII. RSA 457:19, relative to notice to division of public health services.
- XLIX. RSA 457:20, relative to a certificate.
- L. RSA 457:21, relative to a penalty.
- 24 Transition. Any rules adopted under RSA 141 shall remain in effect until 6 months after the effective date of this act.
- 25 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 47, relative to comparative fault, apportionment of damages and contributions among tortfeasors. Ought to Pass with Amendment.

This bill continues to allow an injured plaintiff to sue any or all of the parties involved in the damages, however, this bill would now allow the person sued to bring action against those persons who were responsible for a percentage of the fault, but were not sued in the original action. The basis of contribution is each person's equitable share of a judgment. These claims, if agreeable to all parties, would be settled by a board of arbitration, any defendant who settles with the plaintiff is immune from further action by other defendants, but the plaintiff's claim against other defendants would be reduced by the amount of the settlement. Vote 11-4. Rep. C. William Johnson for Judiciary.



## Amendment

Amend RSA 507:7-f, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. Except as provided in paragraph II, a right of contribution exists between or among 2 or more persons who are jointly and severally liable upon the same indivisible claim, or otherwise liable for the same injury, death or harm, whether or not judgment has been recovered against all or any of them. Except as provided in RSA 507:7-g, I and IV, the right of contribution may be enforced only by a separate action brought for that purpose. The basis for contribution is each person's share of the obligation, including the proportionate share of the claimant at fault as determined in accordance with the provisions of RSA 507:7-e. No right of contribution exists against a person who is immune to the claim which would otherwise give rise to a right of contribution. No right of contribution exists against the claimant at fault.

Rep. Sytek explained the report.

Amendment adopted.

Ordered to third reading.

HB 202-FN, relative to forfeiture of items used in connection with drug offenses. Ought to Pass with Amendment.

This bill sets up a revolving drug forfeiture fund administered by the Attorney General funded from sale of property seized in drug violations. State and local law enforcement agencies may apply to the fund for grants to conduct drug investigations. When a forfeiture is made, 10 percent of the proceeds will go to the arresting agency and 10 percent to the Office of Alcohol and Drug Abuse Prevention. The remainder is deposited in the revolving fund up to \$300,000 with any surplus going to the general fund. Vote 9-6. C. William Johnson for Judiciary.

## Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Forfeiture of Items Used in Connection With Drug Offenses. Amend RSA 318-B:17-b (supp) as inserted by 1981, 166:2 as amended by striking out said section and inserting in place thereof the following:

318-B:17-b Forfeiture of Items Used in Connection with Drug Offense.

I. Interests in the following property, upon petition of the attorney general, shall be subject to forfeiture to the state and said property interest shall be vested in the state:

(a) All materials, products and equipment of any kind which are used, or intended for use, in manufacturing, trafficking or furnishing any controlled drug in felonious violation of this chapter.

(b) Property interest in any conveyance, including aircraft, vehicles or vessels, which is used or intended for use in the manufacturing, compounding, processing, concealing, trafficking, delivery or distribution of a controlled drug in felonious violation of this chapter.

(c) Any moneys knowingly used or intended for use in the procurement, manufacture, compounding, processing, delivery or distribution of a controlled drug in felonious violation of this chapter and all proceeds, including moneys, negotiable instruments, securities, and any real or personal property, traceable thereto. All moneys, coin and currency found in proximity to controlled substances, drug paraphernalia, or records of procurement, manufacture, or distribution of controlled substance are presumed to be forfeitable under this paragraph.

The claimant of the property shall bear the burden of rebutting this presumption.

(d) Any books, records, ledgers and research material, including formulae, microfilm, tapes and any other data which are used or intended for use in felonious violation of this chapter.

(e) Any real property knowingly used or intended for use in the manufacturing, compounding, processing, concealing, trafficking, delivery or distribution of a controlled drug in felonious violation of this chapter. The state may seize any interest in such property by filing in the registry of deeds in the county where the property is located a notice of attachment stating that the state has attached the identified property pursuant to this paragraph.

(f) The state shall have a lien on any property subject to forfeiture under this section upon seizure thereof. Upon forfeiture, the state's title to the property relates back to the date of seizure.

II. Upon the seizure of any items or property interests under paragraph I, the person making or directing such seizure shall inventory the items or property interests and issue a copy of the resulting report to any person or persons having an equitable interest in the item within 7 days of said seizure. Any person making or directing said seizure shall, with 30 days of the seizure, file a petition in the superior court having jurisdiction under this section. If no such petition is filed within 30 days, the items or property interest seized shall be returned to the owners.

III. The court may order forfeiture of all items or property interests subject to the provisions of paragraph I, except as follows:

(a) No items or property interest shall be subject to forfeiture unless it shall appear that the owner or owners thereof were consenting parties to a felonious violation of this chapter and had knowledge thereof.

(b) No items or property interests shall be subject to forfeiture unless involved in an offense which may be charged as a felony.

(c) No item or property interest shall be subject to forfeiture to the extent that the owner thereof establishes that he acquired the interests by legitimate means unrelated to conduct prohibited by this chapter, and unless the property was used or intended for use in the manufacturing, compounding, processing, concealing, trafficking, delivery or distribution of a controlled drug in felonious violation of this chapter. Interests in property, including moneys, negotiable instruments, securities and real or personal property, which are alleged to be proceeds of conduct in felonious violation of this chapter, shall not be forfeitable to the extent that the owner thereof establishes that he acquired such interests by legitimate means unrelated to conduct prohibited by this chapter.

IV. The attorney general may petition the superior court in the name of the state in the nature of a proceeding in rem to order forfeiture of items or property interests subject to forfeiture under the provisions of this section. Such petition shall be filed in the court having jurisdiction over any related criminal proceedings which could be brought under this chapter. Such proceedings shall be deemed a civil suit in equity in which the state shall have the burden of proving all material facts by a preponderance of the evidence and in which the owners or other persons claiming an exception pursuant to paragraph III shall have the burden of proving such exception. The court shall issue orders of notice to all persons who may have an equitable interest in said items or property interests seized under this chapter and shall schedule a hearing on the petition to be held within 30 days of the return date on said petition. At the request of any party to the forfeiture proceeding, the court may grant a continuance until the final resolution of any criminal proceedings which were brought against a party under this chapter and which arose from the transaction which gave rise to the forfeiture proceeding. At the hearing, the court shall hear evidence and make

findings of fact and conclusions of law and shall, thereupon, make a final order, from which all parties shall have a right of appeal. Such final orders shall be implemented by the attorney general and shall provide for disposition of the items or property interests by the state in any manner not prohibited by law, including retention for official use by law enforcement or other public agencies or sale at public auction. The attorney general shall pay the reasonable expenses of the forfeiture proceeding, seizure, storage, maintenance of custody, advertising, court costs and notice of sale from any money forfeited and from the proceeds of any public auction of forfeited items. All outstanding recorded liens on said items or property interest seized shall be paid in full upon conclusion of the court proceedings. Of any balance remaining, the attorney general shall return 10 percent to the fiscal officer of the law enforcement agency or agencies responsible for seizure of the money and auctioned items. These funds shall be used primarily for meeting expenses incurred in connection with drug related investigations. Moneys returned to a state law enforcement agency shall be deposited in a special nonlapsing account established within the office of the state treasurer and shall be in addition to all other state appropriations to such agency. At the same time, the attorney general shall pay 10 percent of the remaining balance into a special nonlapsing account established within the office of the state treasurer for the office of alcohol and drug abuse prevention, except that the total amount of said payments shall at no time exceed \$300,000 in any fiscal year. The remainder shall be deposited in a revolving drug forfeiture fund, administered by the department of justice pursuant to RSA 318-B:17-c, except that said fund shall at no time exceed \$300,000. All sums in the drug forfeiture fund in excess of \$300,000 shall be credited to the general fund.

2 Drug Forfeiture Fund. Amend RSA 318-B:17-c (supp) as inserted by 1985, 327:5 by striking out said section and inserting in place thereof the following:

318-B:17-c Drug Forfeiture Fund.

I. There is hereby established within the office of the state treasurer a special revolving fund to be designated as the drug forfeiture fund. This fund shall be administered by the attorney general and may be used to pay the costs of local, county, and state drug related investigations, as well as drug control law enforcement programs within New Hampshire.

II. Law enforcement agencies may apply to the department of justice for grants from the forfeiture fund. Such grants shall be utilized exclusively for meeting expenses associated with drug related investigations.

III. The attorney general shall adopt rules, pursuant to RSA 541-A, relative to:

- (a) the administration of the drug forfeiture fund.
- (b) the grant application procedures and forms to be used by law enforcement agencies.

3 Drug Forfeiture Fund; Special Accounts. Amend RSA 6:12, I(u) (supp) as inserted by 1985, 327:6 by striking out said subparagraph and inserting in place thereof the following:

(u) Money received under RSA 318-B:17-b, IV, which shall be credited as specified in RSA 318-B:17-b, IV to:

- (1) the drug forfeiture fund;
- (2) the state law enforcement agency account; or
- (3) the office of alcohol and drug abuse prevention account.

4 Effective Date. This act shall take effect July 1, 1986.

Amendment adopted.

Ordered to third reading.

HB 495, relative to the possession of alcohol and controlled substances on premises leased or rented by minors. Refer for Interim Study.



The Committee is willing to study this bill in the hope of finding a way to resolve some of the problems they have with it in its present form. Vote 13-2. Rep. Beverly A. Hollingworth for Judiciary.

Referred for Interim Study.

HB 163, relative to the allocation of state public waters. Ought to Pass with Amendment.

This bill recognizes that the water resources of the State are a public asset necessary for the health safety and welfare of the population and that those resources need to be administered in a manner responsive to public needs. Four sections of the bill address successive stages for achieving this goal: Section 1 provides for an orderly process of assessing the water resources by major basins and identifying the needs of those basins. Section 2 calls for the Water Resources Board to develop a proposal to insure equitable use of the resources. Section 3 provides that the Water Resources Board have interim authority to permit new withdrawals of water in excess of 100,000 gallons per day. That authority will terminate on December 1, 1987. Section 4 provides for a periodic reporting of water usage to keep current the data needed for the inventory-use balance schedule. Vote 12-3. Reps. Douglas R. Woodward and MaryAnn Blanchard for Resources, Recreation and Development.

Rep. Marilyn Campbell moved that the words, Refer for Interim Study, be substituted for the Committee report, Ought to pass with Amendment, and spoke to her motion.

Reps. Woodward, Dickinson and Meader spoke against the motion and yielded to questions.

Rep. Bardsley spoke to the motion and yielded to questions.

Reps. LaMott and Vaughn spoke in favor of the motion and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 170 NAYS 138  
YEAS 170

BELKNAP: Brough, Richard Campbell, Dexter, Golden, Hawkins and Jensen.

CARROLL: Saunders.

CHESHIRE: Blacketer, Burley, Crane, Delano, Daniel Eaton, Irvin Gordon, Elmer Johnson, Matson, Morse, Perry, Ramsay, Ridge, William Riley, Russell, Schwartz and Young.

COOS: Brideau, Brungot, Harold Burns, Chappell, Coulombe, Guay, Horton, Lamontagne, Theriault and York.

GRAFTON: Arnesen, Chambers, Christy, Crory, Densmore, Duggan, Easton, LaMott, McAvoy, Stewart, Howard Townsend, Wadsworth, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Barry, Blais, Boisvert, Bourdon, Bourque, Bridgewater, Burkush, John Burns, Champagne, Charron, Chretien, Cox, Cronin, Crotty, Dupont, Durant, Dykstra, Fields, Gagnon, Scott Green, Healy, Holden, Humphrey, Chris Jacobson, Jasper, George Jones, Katsiaticas, Kelley, Levesque, Lozeau, Martin, Howard Mason, McGlynn, Morrissette, Nelson, Nute, O'Rourke, Paradis, Pariseau, Perham, Frances Riley, G. Philip Rodgers, Sallada, Shriver, B. P. Smith, Snow, Mary Sullivan, Sylvia, Turgeon, Vanderlosk, Varkas, Geraldine Watson, Kenneth Wheeler, Frank Whittemore, Winn, Wood and Worthen.

MERRIMACK: Bibbo, Laurent Boucher, Connolly, George E. Gordon, Hayes, Alf Jacobson, Kidder, Arthur Locke, Millard, Nichols, Pannell, Phelps, Walter Robinson, Savaria, Gerald Smith and Wallner.

ROCKINGHAM: Blaisdell, William Boucher, Eunice Campbell, Marilyn Campbell, Case, Lawrence A. Chase, Jr., Day, Ellyson, Emanuelson, Flanders, Beverly Gage, Goss, Gourdeau, Haynes, Robert Johnson, Kane, Roger King, Krasker, Magoon, Malcolm, Robert Mason, Jr., McKinney, Nagel, Rosencrantz, Sanderson, Stachowske, Titone, Vaughn, Walker, Warburton and Welch.

STRAFFORD: Bernard, Bryant, Diament, Albert Dionne, Patricia Foss, Frechette, Robert Jones, Kincaid, Lussier, Musler and O'Brien.

SULLIVAN: Brodeur, D'Amante, Disnard, Domini, Ingram, Rodeschin and Spaulding.

NAYS 138

BELKNAP: Birch, Bowler, Hardy, Malcolm Harrington, Matthew Locke, Nighswander and Zeckhausen.

CARROLL: Ashnault, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio, Powers and Schofield.

CHESHIRE: Jesse Davis, Grodin, Miller, Parker, Scranton, Secord and Thompson.

COOS: Chardon, Frederic Foss, Mayhew and Ottolini.

GRAFTON: Bean, Copenhaver, Driscoll, Rounds, Taffe, Walter and Ward.

HILLSBOROUGH: Arnold, Bass, Boutwell, A. Leslie Burns, Carragher, Clancy, Cote, Duperron, Joseph M. Eaton, Nancy Ford, Grip, Marian Harrington, Herod, Knight, Lown, Messier, Robert Murphy, Bonnie Packard, Prestipino, Ellen-Ann Robinson, Leonard Smith, Steiner, Stiles, Van Loan, Wagner, Harold Watson, Emma Wheeler, Arnold Wight and Zis.

MERRIMACK: Anderson, Barberia, Bardsley, Bowes, James Chandler, Gross, Hager, Mary Holmes, Jelley, C. William Johnson, Lewis, Pantzer, Rehlander, Doris Riley, Linwood Rogers, Stio, West and James Whittemore.

ROCKINGHAM: Benton, Butler, Clay, Conroy, Felch, Thomas Gage, Elizabeth Greene, Hoar, Hollingworth, George Katsakiores, Phyllis Katsakiores, Longworth, Lovejoy, McCain, Newell, Popov, Quimby, Raynowska, Norman Rogers, Schmidtchen, Schwaner, Seward, Sherburne, Skinner, Sloan, Sochalski, Sytek, Tufts, Wells and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Burton, Callaghan, Chamberlin, Dingle, Anita Flynn, Edward Flynn, Hussey, Keans, Laurion, Meader, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Ann Torr and Franklin Torr.

SULLIVAN: Call, Lindblade, McKee, Mehegan, Schotanus and Sara Townsend, and the motion was adopted.

Referred for Interim Study.

HB 84-FN, relative to the small scale power facility tax exemption.  
Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: This bill revises RSA 362-A:6 to include qualifying cogenerators of electricity with qualifying small power production

facilities for equivalent consideration for taxing purposes. Vote 9-1. Rep. M. Arnold Wight, Jr. for the Majority of Science and Technology.

MINORITY: As presented, HB 84 proposes to shift a tax burden from Limited Electrical Producers Act utilities to individual taxpayers of certain communities, allegedly in support of a State policy, but does not propose to provide State tax reduction incentives nor to reimburse taxpayers in the affected towns. It proposes to classify Limited Electrical Producers Act utilities as general real estate for local property tax treatment, though owners of other real estate do not receive a guaranteed income established by the Public Utilities Commission nor do users of other real estate have the environmental and natural aesthetic impacts of utilities. It fails to provide a mechanism to distribute its proposed payment in lieu of taxes with schools, though the supplanted utility tax is shared by city/town and school units of government. It fails to provide a collection procedure for the proposed payment in lieu of taxes. Finally, HB 84 mandates a property tax reduction without local referendum as now required by the New Hampshire Constitution. Rep. Richard A. Barberia for the Minority of Science and Technology.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the tax exemption for qualifying small power production facilities and qualifying cogeneration facilities.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Tax Exemption for Qualifying Small Power Production Facilities and Qualifying Cogeneration Facilities. Amend RSA 362-A:6 as inserted by 1981, 545:5 as amended by striking out said section and inserting in place thereof the following:

362-A:6 Tax Exemption for Qualifying Small Power Production Facilities and Qualifying Cogeneration Facilities.

I. For purposes of state taxation including, but not limited to, RSA 83-C and RSA 363-A, a qualifying small power production facility and qualifying cogeneration facility shall not be considered public utilities or operating as public utilities.

II. The owners of a qualifying small power production facility or qualifying cogeneration facility and the city or town in which the facility is located may enter into an agreement to make a payment in lieu of taxes.

(a) The property tax which would have been imposed upon the facility under RSA 72, including consideration of RSA 72:8, shall not form the basis for arriving at the appropriate payment in lieu of taxes to be made under this section.

(b) Any payment in lieu of taxes made under this section shall be based upon, but not be limited to, consideration of the following:

- (1) all gross revenues of the facility.
- (2) cost of fuel to the facility.
- (3) the debt service of the facility.
- (4) the variable operation and maintenance costs of the

facility.

(5) the length of term of any payment in lieu of taxation agreement.

(6) the continuing impacts and benefits to the municipality from the facility.



(7) taxation of the facility under RSA 72, excluding consideration of RSA 72:8.

(8) taxation of the facility under RSA 72, including consideration of RSA 72:8.

(c) A payment in lieu of taxes as determined under subparagraph (b) shall not be more than 5 percent of the gross revenues of the facility in the preceding calendar year.

(d) Should the owner of a qualifying small power production facility or qualifying cogeneration facility and the city or town fail to agree, the commission shall determine the amount payable by the owner in lieu of taxes.

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

Rep. M. Arnold Wight explained the amendment and yielded to questions. Reps. Mary Ann Lewis and Hager spoke in favor of the amendment. Amendment adopted.  
Ordered to third reading.

HB 141, relative to exceptions to the energy conservation code for new building construction in the state. Ought to Pass with Amendment.

The changes to the energy code respond to Senate Bill 13 which was passed by the House on January 8, 1986 under suspension of the Rules. After holding numerous meetings among the Committee and public, and revising the energy codes to be fair to all parties concerned, the Committee strongly supports the passage of this bill. Vote 8-1. Rep. Raymond H. Gourdeau for Science and Technology.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Construction Standards. Amend RSA 155-D:3 (supp) as inserted by 1979, 460:1 by striking out said section and inserting in place thereof the following:

155-D:3 Construction Standards.

I. All new buildings and structures or portions thereof and additions to existing buildings that provide facilities or shelter for public assembly, educational, business, mercantile, institutional, and residential occupancy, as well as those portions of factories and industrial occupancies designed primarily for human occupancy, shall conform to standards not less than those established by the "Model Code for Energy Conservation in New Building Construction" and amendments thereto; provided, however, the following exceptions shall be permitted:

(a) Double glazing instead of the triple glazing requirement.

(b) The ceiling insulation requirement of an R-30 factor instead of R-38 for both cathedral and flat ceilings.

(c) The ductwork insulation requirement of an R-3 factor instead of an R-8 factor.

II. The construction standards established by the "Model Code for Energy Conservation in New Building Construction" shall apply to all residential buildings as defined in section 502.2 of the New Hampshire Supplement to the Code for Energy Conservation in New Building Construction. The distinction between Type A-1 and Type A-2 residential buildings established by section 502.2 of the Code is hereby abolished.

2 Geographical Distinction. Amend RSA 155-D:4 by inserting after paragraph VIII the following new paragraph:

IX. For residential construction only, the geographical distinctions established under section 302 of the code shall not apply in the administration of the code.

3 Occupancy Permit; Letter of Compliance. Amend RSA 155-D:6 by inserting after paragraph I the following new paragraphs:

I-a. A building inspector or other designated official shall not issue an occupancy permit or a temporary occupancy permit unless a certificate of compliance form furnished by the public utilities commission is completed and signed by the builder or contractor. Copies of said certificate of compliance shall be filed with the building inspector in any city or town which has adopted a building code and with the public utilities commission.

I-b. Any city or town which has not adopted a building code shall require builders or contractors to complete certificates of compliance obtained from the public utilities commission, and said certificate of compliance shall be filed with the public utilities commissioner.

4 Amendments Authorized by Rulemaking. Amend RSA 155-D by inserting after section 9 the following new section:

155-D:10 Rulemaking. The public utilities commission shall adopt rules, under RSA 541-A, relative to amendments to the New Hampshire supplement to the code for energy conservation in new building construction adopted under RSA 155-D:2, V. In addition, before filing a notice of proposed rule under RSA 541-A:3-a, the commission shall hold an informal consultative pre-hearing with all affected parties for the purpose of securing agreement on the proposed rule.

5 Effective Date. This act shall take effect on June 1, 1986.

Amendment adopted.

Ordered to third reading.

HB 139, requiring approval of the voters by a state referendum before issuing a license for any high-level or low-level radioactive waste disposal facility. Ought to Pass with Amendment.

Testimony by the State Office of Radiological Health convinced the Committee that if HB 139 should become law, currently licensed low-level facilities such as the storage-to-decay facility at Mary Hitchcock Hospital would be subject to a statewide referendum. The result would be a far greater risk to health and welfare than now exists. As for high-level radioactive waste, any referendum would be preempted by federal law, and, in any case, many New Hampshire towns have already included a high-level waste article in their town warrants. The Committee, therefore, decided to replace the original HB 139 with an amendment which would create a presumption of negligence for liability resulting from the transportation, disposal, or storage of radioactive waste. The intent of the bill is to provide protection for the people of the State in the event of a nuclear accident. However, enough legal questions were raised at a hearing on the amendment, that the Committee decided to recommend interim study. After adoption of the amendment by the House according to proper parliamentary procedure, the Committee intends to move to refer it for interim study. Vote 10-1. Rep. Phoebe A. Chardon for State-Federal Relations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

establishing a presumption of negligence for liability resulting from the transportation or storage of radioactive waste.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Subdivision; Presumption of Negligence. Amend RSA 508 by inserting after section 15 the following new subdivision:

Presumption of Negligence for Radioactive Waste Liability

508:16 Definitions. Unless the context clearly indicates otherwise:

I. "Nuclear incident" means any occurrence within this state causing, within or without this state, bodily injury, sickness, disease or death; loss or damage to property; or loss of use of property arising out of the resultant radioactive, toxic, explosive, or other hazardous properties of radioactive wastes being stored in or being transported to or from a waste repository in this state.

II. "Operator" means the entity or entities that have been given responsibility for constructing, operating, or monitoring waste repositories or transporting radioactive waste and may include the United States and its federal agencies, but shall not include state or local governments.

III. "Radioactive waste" includes, but is not limited to, high-level radioactive waste, low-level radioactive waste, transuranic radioactive waste, spent nuclear fuel, and radioactive defense waste. It does not include de minimus radioactive waste.

IV. "Spent nuclear fuel" means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

V. "Waste repository" means any system which is intended or may be used for the disposal or storage of radioactive waste including permanent disposal systems, interim storage systems, monitored retrievable storage systems, defense waste storage systems, test and evaluation facilities, or similar systems.

508:17 Presumption of Negligence.

I. Operators are liable for failure to exercise ordinary and reasonable care to protect persons and property subject to injury in nuclear incidents. In addition, operators are liable for operational expenses and emergency purchases incurred by local or state governments in responding to nuclear incidents.

II. If a nuclear incident occurs, there is a presumption that the operator of a waste repository was negligent in constructing, operating, or monitoring the waste repository, or in transporting radioactive waste, and that the operator was an actual cause of the nuclear incident. The presumption may be rebutted by a clear and convincing showing by the operator that the nuclear incident was not the result of the operator's negligence and that the operator's negligence was not an actual cause of the nuclear incident.

III. This section shall not limit the recovery of parties injured by a nuclear incident against the operators of a waste repository under theories of negligence in selecting contractors, failure to retain adequate controls over the waste repository, vicarious liability for contractors, failure to take reasonable precautionary measures with respect to inherently dangerous activities, and other negligence theories. This section shall not limit the recovery of parties injured by a nuclear incident against parties other than operators of a waste facility.

2 Effective Date. This act shall take effect January 1, 1987.

Rep. Chardon moved that the words, Refer for Interim Study, be substituted for the Committee report, Ought to Pass with Amendment, spoke to her motion and withdrew her motion.

Amendment adopted.

Rep. Chardon moved that the words, Refer for Interim Study, be substituted for the Committee report, Ought to Pass with Amendment and yielded to questions.

Adopted.

Referred for Interim Study.

HB 389-FN, committing the state to the Northern New England Low-Level Radioactive Waste Management Compact. Ought to Pass with Amendment.



In 1980, the federal government gave to the states the responsibility for disposing of low-level radioactive waste. New Hampshire's access to the three currently operating out-of-state waste sites may be cut off on January 1, 1987, if we do not meet a July 1, 1986 deadline by which time we must have joined a compact or passed siting legislation. The bill commits the State to joining the Northern New England Low-Level Radioactive Waste Management Compact, which was developed by a legislative working group from Maine, New Hampshire, and Vermont. The compact directs the member states to exhaust all other alternatives before initiating a siting process within the region. The amendment to the bill releases any state which generates less than 20 percent of the region's waste from its obligation to be a host state, and allows the compact to take effect once it is joined by two states. Vote 11-0. Rep. Phoebe A. Chardon for State-Federal Relations.

#### Amendment

Amend RSA 125-E:1 as inserted by section one of the bill by striking out subsection (a)(2) of Article III and inserting in place thereof the following:

(2) After January 1, 1986, no person shall deposit at a regional facility waste generated outside the region, and further, no regional facility shall accept waste generated outside the region, unless approved by the legislatures of the party states.

Amend RSA 125-E:1 as inserted by section one of the bill by striking out subsections (b)(6) and (b)(7) of Article III and inserting in place thereof the following:

(6) Each party state which, according to reasonable projections made by the commission, is expected to generate 20 percent or more of the low-level radioactive waste generated within the region shall have the capability to host a regional facility in a timely manner and to ensure the post-closure observation and maintenance, and institutional control of any regional facility within its borders.

(7) In the event that costs involved in closure, post-closure observation and maintenance, and institutional control of a regional facility exceed the funds set aside or made available for those purposes, including insurance funds, emergency funds, and funds obtained from generators or the federal government, those costs shall be apportioned as follows:

Liability shall be adjusted proportionately so that a host state shall pay one-half the amount due from a non-host state of equal population, which has disposed of an equal amount of waste, with an equal total radioactivity level. State population, volume of waste, and total radioactivity of waste deposited in the facility shall be given equal weight in determining liability in such an event. The amount due from the non-host state or states may be collected by the host state in federal court in an action for contribution under this compact.

Amend RSA 125-E:1 as inserted by section one of the bill by striking out subsection (h) of Article IV and inserting in place thereof the following:

(h) The commission is a body corporate and politic, separate and distinct from the party states and shall be liable for its own actions. Liabilities of the commission shall not be deemed liabilities of the party states, nor shall members of the commission be personally liable for action taken by them in their official capacity.

Amend RSA 125-E:1 as inserted by section one of the bill by striking out subsection (b)(9) of Article V and inserting in place thereof the following:

(9) From among the areas not excluded under paragraph (8) above, each state shall identify at least one potential site located within its boundaries. In addition, if a potential site exists in a location which crosses the borders of 2 party states, that site shall be identified. In determinations under this paragraph, the primary criteria shall be environmental impact and public health and safety, with particular attention being devoted to protecting the ground and surface water of the region. In addition, this process shall be guided by the following criteria:

- (A) the appropriate use of land, air, and water resources;
- (B) social impact; and
- (C) economic impact.

Amend RSA 125-E:1 as inserted by section one of the bill by striking out all after Article V and inserting in place thereof the following:

#### OTHER LAWS AND REGULATIONS - ARTICLE VI

(a) Nothing in this compact shall be construed to abrogate or limit the regulatory responsibility or authority of the United States Nuclear Regulatory Commission or of an Agreement State under Section 274 of the Atomic Energy Act of 1954, as amended.

(b) Nothing in this compact shall make unlawful the continued development and operation of any facility already licensed for development or operation on the date this compact becomes effective.

(c) No judicial or administrative proceeding pending on the effective date of the compact shall be affected by the compact.

(d) No law or regulation of a party state or subdivision or instrumentality thereof may be applied so as to restrict or make more costly or inconvenient access to any regional facility by the generators of another party state than for the generators of the state where the facility is situated.

#### ELIGIBLE PARTIES; ENTRY INTO FORCE; WITHDRAWAL; TERMINATION - ARTICLE VII

(a) The initially eligible parties to this compact shall be the states of Maine, New Hampshire, and Vermont.

(b) Each state eligible to become a party state to this compact shall be declared a party state upon enactment of this compact into law by the state.

(c) The compact shall become effective upon enactment by the 2 party states and upon receiving the consent of Congress.

(d) The states, upon enactment of this compact, shall request that legislation be introduced in the Congress which grants the consent of the Congress to this compact, and upon receipt of that consent, shall do those things necessary to organize the commission and implement the provisions of this compact.

(e) Any state not expressly declared eligible to become a party state to this compact in subparagraph (a) of this article may petition the governors of the party states to be declared eligible. The governors upon receipt of the approval of the legislatures of the party states may establish such conditions as they deem necessary and appropriate to be met by a state requesting eligibility as a party state to this compact pursuant to the provisions of this article, including a public hearing on the application. Those conditions shall supersede inconsistent terms of this compact which allocate duties and responsibilities among the party states. Upon satisfactorily meeting such conditions and upon the

unanimous affirmative vote of the governors, the petitioning state shall be eligible to become a party state to this compact and may become a party state in the same manner as those states declared eligible in subparagraph (a) of this article.

(f) No party state may withdraw from this compact after its effective date, and prior to its scheduled date of termination. If a state, through litigation, succeeds in withdrawing from this compact, despite the provisions of this subparagraph, that withdrawal shall not affect any liability already incurred by or chargeable to a party state prior to that time. Additionally, no withdrawal shall remove the obligation of the party state to continue to pay an amount equal to the total amount of fees which would have been due had the state continued to use the facility until the termination of the obligations of the host state, as provided in this compact.

(g) This compact may be terminated only by the affirmative action of the Congress or by the repeal of all laws enacting the compact in each party state. Otherwise, it shall terminate 75 years from its effective date, unless reenacted prior to that time by all of the party states in language which clearly evidences legislative intent that reenactment take place.

(1) The consent given to this compact by the Congress shall extend to any future admittance of new party states under subparagraphs (b) and (e) of this article.

(2) Termination of the compact shall not affect any liability already incurred by or chargeable to a party state, prior to that time.

#### PENALTIES - ARTICLE VIII

(a) Each party state, consistent with federal and host state regulations and laws, shall enforce penalties against any person not acting as an official of a party state for violation of this compact in the party state. Each party state acknowledges that the shipment to a host state of waste packaged or transported in violation of applicable laws and regulations may result in the imposition of sanctions by the host state. These sanctions may include, but are not limited to, suspension or revocation of the violator's right of access to the facility in the host state.

(b) Unless specifically approved pursuant to Article IV, it shall be a violation of this compact for:

(1) any person to deposit at a regional facility waste not generated within the region;

(2) any regional facility to accept waste not generated within the region; and

(3) any person to export from the region waste generated within the region, after a regional facility has been established

(c) Responsibility for enforcing violations of the law shall rest with the affected state or states.

#### COMPENSATION - ARTICLE IX

The responsibility for ensuring compensation and clean-up during the operational and post-closure periods rests with the host state, as set forth herein.

(1) The host state shall ensure the availability of funds and procedures for compensation of injured persons, including facility employees, and property damage (except any possible claims for diminution of property values) due to the existence and operation of a regional facility, and for clean-up and restoration of the facility and surrounding areas.

(2) The state may satisfy this obligation by requiring bonds, insurance, compensation funds, or any other means or combination of means, imposed either on the facility operator or assumed by the state itself, or



both. Nothing in this article alters the liability of any person or governmental entity under applicable state and federal laws.

SEVERABILITY AND CONSTRUCTION - ARTICLE X

The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision of this compact is declared by a federal court of competent jurisdiction to be contrary to the Constitution of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person, or circumstances shall not be affected thereby. The provisions of this compact shall be liberally construed to give effect to its purposes.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Compact Void. The provisions of this act shall become null and void if another state, not a party state, enters into an agreement with all party states to accept all party states' waste as the host state.

Amendment adopted.

Rep. Chardon yielded to questions.

Ordered to third reading.

HB 125-FN, relative to the sale and distribution of tobacco products. Ought to Pass.

In the opinion of the majority, the bill has an excellent intent. Its weakness may be in enforcement. It replaces legislation which was inadvertently removed from the books. Similar legislation is on the books in several states. Vote 9-8. Rep. Henry F. Whitcomb for Ways and Means.

Rep. Durant moved that the words, Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass, and spoke to his motion.

Reps. Sallada, Arnold and Robert Jones spoke against the motion.

Rep. Bardsley spoke against the motion and yielded to questions.

The previous question was moved. Sufficiently seconded. Adopted.

Rep. Durant requested a division.

79 members having voted in the affirmative and 195 in the negative the motion lost.

Rep. Mary Sullivan notified the Clerk that she wished to be recorded in favor of the substitute motion.

Ordered to third reading.

HB 74, making a supplemental appropriation for capital improvements to the veterans home; making an appropriation for the house clerk's office; and amending certain existing aeronautics capital appropriations. Ought to Pass with Amendment.

This bill is the supplemental capital budget bill. As amended it covers planning for the expansion of the Veterans' Home, rebuilds 2 dams at federal expense to conform to federal regulations, restores the Spaulding Building for use as State Offices, acquisition of computer equipment for the House Clerk's Office and upgrades the Rochester and Keene Airports and transfers the proceeds of the sale of state prison property to make improvements to the prison farm. Vote 16-0. Rep. John Burns for Appropriations.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

making supplemental capital appropriations; making an appropriation for the house clerk's office; and amending certain existing aeronautics capital appropriations.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. Amend 1985, 409:1, XI, A by striking out said subparagraph and inserting in place thereof the following:

A. Design and construction documents - fifty bed nursing care addition including expansion of ancillary services, and master planning	\$ 250,000
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2 Total Amended. Amend the total state appropriation of paragraph XI by striking out same and inserting in place thereof the following:

Total state appropriation paragraph XI	\$ 300,000
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3 Appropriation. Amend 1985, 409:1, XII by striking out said paragraph and inserting in place thereof the following:

## XII. Water resources board

A. Oliverian resevoir	\$ 1,000,000
Less federal	<u>-1,000,000</u>

Net appropriation paragraph A	- 0 -
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B. Dead River watershed project	1,300,000
Less federal	<u>-1,300,000</u>

Net appropriation paragraph B	- 0 -
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C. Spaulding building (25,000 sq. ft.)	646,000
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design and reconstruction of 5 floors  
of the building including, but not  
limited to, the first floor and  
basement to be assigned to the water  
resources board for office use.

Net appropriation paragraph C	646,000
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Total state appropriation paragraph XII	\$646,000
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4 State Total Appropriation. Amend the total state appropriation for section 1 by striking out same and inserting in place thereof the following:

Total state appropriation section 1	\$18,984,620
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5 Bonds Authorized. Amend 1985, 409:11, I by striking out said paragraph and inserting in place thereof the following:

I. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$23,097,620 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

6 Appropriation. The sum of \$67,110 is hereby appropriated to the general court for the purchase of computer hardware, software, and support in the house clerk's office. This appropriation is in addition to any other funds appropriated to the general court for the biennium ending June 30, 1987. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Aeronautics Appropriation; Skyhaven. Amend 1979, 435:1, III, E as amended by 1983, 423:16 by striking out said paragraph and inserting in place thereof the following:

## E. Rochester

(1) Phase one improvements to include widen existing runway, widen existing taxiway, land acquisition, and addi- tional Av-gas facilities	\$ 1,285,070
Less federal	<u>1,138,563</u>
Net appropriation paragraph (1)	146,507
Net appropriation paragraph E	146,507

8 Bond Total Amended. Amend 1979, 435:12 as amended by 1982, 38:29 by striking out in line 4 the sum "\$25,918,000" and inserting in place thereof the following (\$26,005,840) so that said section as amended shall read as follow:

435:12 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2 and 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$26,005,840 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purpose of paragraphs II C and D, III A, IV C(2), IV D(2), IV E(2), IV F(2), VI B(5), VII A(1) and (2), VII B(1), (2) and (3), (9) and (10), VIII B, IX F and G, XIII G, XV C, XVI and XVII A of section one of this act shall have a maturity of 5 years from the date of issue; provided, further, that the bonds issued for the purpose of paragraphs I, III B(1), IV B(3) and (4), IV C(1), IV C(3) and (4), IV D(1), IV D(3) and (4), IV F(3), (4) and (5), IV G(1), (2) and (3), VI A(4), VI B(6), (7), (8) and (9), VI C(1), VI D, IX A, X A, XI, XIII C of section one of this act shall have a maturity of 10 years from the date of issue; and provided that the bonds issued for the purposes of paragraphs II C, III A and IV in section 2 of this act shall have a maturity of 5 years from the date of issue.

9 Aeronautics; Change of Description; Keene, Dillant-Hopkins Airport. Amend 1978, 49:1 III, A(1) as amended by 1981, 565:14, III and V(c) and 1983, 423:19 by striking out said paragraph and inserting in place thereof the following:

(1) Runway reconstruction and obstruction removal	\$ 570,000
Net appropriation paragraph (1)	<u>513,000</u>
	57,000

10 Aeronautics; Extending Lapse Dates. The appropriations in sections 6 and 8 of this act are hereby extended until June 30, 1989.

11 Proceeds of Sale Appropriated. Amend 1985, 358:1 by striking out said section and inserting in place thereof the following:

358:1 Proceeds of Sale Appropriated. Subject to the provisions of RSA 17-M, the proceeds of the sale of approximately 2.54 acres of state prison farm land on North State Street, Concord, New Hampshire, located between the prison farm house and property owned by Weeks Dairy Foods, Inc., in an amount of not less than \$75,400, are hereby appropriated to the department of corrections for the purpose of making farm improvements. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

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

Amendment adopted.

Rep. LaMott yielded to questions.

Ordered to third reading.

HB 367-FN, relative to state investments in South Africa and Namibia. Ought to Pass with Amendment.

This bill requires the State Treasurer to remove direct and indirect state investments and deposits from banks and financial institutions which also conduct business operations with South Africa or Namibia.



The amendment authorizes the State Treasurer to monitor the effects of United States Treasury Executive Order #12532 dated September 9, 1985, and issue reports semi-annually to the Legislative Fiscal Committee. In the event that any financial institution is in violation of the executive order, the Treasurer can take action.

The divestiture of corporation investments of the Retirement System would be affected, especially if the corporation did not fall within the "Sullivan Principles."

The amendment also orders this to be done by July 1, 1987. Vote 19-1. Rep. Roland H. Schmidtchen for Appropriations.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Divestment. Amend RSA 6 by inserting after section 8-b the following new section:

6:8-c Report; Divestment and Withdrawal of Investments.

I. Notwithstanding RSA 6 or any other provision of law to the contrary, the state treasurer shall publish a report listing banks, financial institutions, companies and their subsidiaries or affiliates doing business in or with the Republic of South Africa or Namibia. This report shall be compiled by utilizing information received from the Investor Responsibility Research Commission or other publicly recognized information agency or any federal information agency. The report shall be updated semi-annually. The state treasurer shall submit this report to the legislative fiscal committee.

II. After July 1, 1987, no public funds or deposits, including those public funds and deposits enumerated in this paragraph, shall remain invested or deposited in any bank or financial institution which directly or through its subsidiaries, affiliates, or corresponding banks makes new loans to or in the Republic of South Africa or Namibia, except as provided by the federal executive order 12532 dated September 9, 1985, and United States Treasury Department regulations adopted pursuant to the executive order. No public assets shall remain invested in the stocks, securities, or other obligations of any company doing business in or with the Republic of South Africa or Namibia that has not adopted the Sullivan principles, including:

- (a) All state trust funds;
- (b) All state retirement funds;
- (c) All general state funds which are temporarily invested;
- (d) All funds being held for safekeeping for departments and agencies;

(e) All deposits held for safekeeping under the provisions of the New Hampshire Revised Statutes Annotated;

- (f) All funds held for safekeeping for individuals.

III. If the treasurer determines that funds have been deposited or invested in a bank, financial institution, company or its subsidiary or affiliate which subsequently comes into noncompliance with this section, he shall require the divestment or withdrawal of funds within 2 years after the date of the determination of noncompliance.

IV. All proceeds of sales required under this section shall be invested as much as reasonably possible in institutions or companies which invest or conduct business operations in New Hampshire so long as the use is consistent with sound investment policy in accordance with RSA 6:8.

V. The provisions of this section relating to the Republic of South Africa are repealed at such time as the United Nations declares that the system of racial discrimination, commonly known as apartheid, is abolished. The provisions of this section relating to Namibia are repealed at such time as the United Nations recognizes Namibia as an independent nation and declares that apartheid is abolished there.

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

Amendment adopted.

Rep. Mehegan moved that the words, Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass with Amendment, and spoke to her motion.

Reps. John Burns, Densmore and LaMott spoke against the motion.

Rep. Morse spoke in favor of the motion.

Rep. Howard Townsend spoke in favor of the motion and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 137 NAYS 164

YEAS 137

BELKNAP: Birch, Brough, Hawkins, Jensen, Matthew Locke and Pearson.

CARROLL: McIntire, Olimpio, Saunders and Schofield.

CHESHIRE: Blacketor, Burley, Crane, Jesse Davis, Delano, Grodin, Elmer Johnson, Morse, Parker, Perry, Ridge, Scranton, Thompson and Young.

COOS: Brungot, Harold Burns and Horton.

GRAFTON: Bean, Christy, Duggan, Easton, Stewart, Howard Townsend, Wadsworth, Walter, Weymouth and Whitcomb.

HILLSBOROUGH: Barry, Blais, Bourdon, Boutwell, Bridgewater, Burkush, A. Leslie Burns, Charron, Chretien, Cox, Cronin, Duperron, Gagnon, Healy, Herod, Holden, Jasper, George Jones, Kelley, Knight, Levesque, Lozeau, Howard Mason, McGlynn, Robert Murphy, Nute, Paradis, Perham, Prestipino, Frances Riley, G. Philip Rodgers, Sallada, B. P. Smith, Sylvia, Vanderlosk, Varkas, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Wood and Worthen.

MERRIMACK: Anderson, Barberia, Bibbo, George E. Gordon, C. William Johnson, Lewis, Millard, Nichols, Pannell, Pantzer, Phelps, Gerald Smith, Stio and James Whittemore.

ROCKINGHAM: Butler, Marilyn Campbell, Lawrence A. Chase, Jr., Clay, Ellyson, Emanuelson, Felch, Flanders, Goss, Gourdeau, Haynes, Hoar, Robert Johnson, Kane, Roger King, Robert Mason, Jr., Newell, Norman Rogers, Schwaner, Seward, Sherburne, Stachowske, Sytek, Walker and Warburton.

STRAFFORD: Appleby, Berkey, Chamberlin, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Kincaid, Lussier, Meader, Parks, Spear and Henry Sullivan.

SULLIVAN: Brodeur, Call, D'Amante, Domini, Ingram and Mehegan.

NAYS 164

BELKNAP: Bowler, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Nighswander and Zeckhausen.

CARROLL: Ashnault, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald and Powers.

CHESHIRE: Daniel Eaton, Irvin Gordon, Matson, Miller, Ramsay, William Riley, Russell and Schwartz.

COOS: Brideau, Chappell, Chardon, Coulombe, Frederic Foss, Guay, Lamontagne, Mayhew, Ottolini, Theriault and York.

GRAFTON: Arnesen, Chambers, Copenhagen, Crory, Densmore, Driscoll, Michael King, LaMott, McAvoy, Rounds, Taffe and Ward.

HILLSBOROUGH: Ahrens, Arnold, Bass, Boisvert, Bourque, John Burns, Carragher, Champagne, Clancy, Cote, Durant, Dykstra, Joseph M. Eaton, Fields, Nancy Ford, Scott Green, Grip, Marian Harrington, Humphrey, Chris Jacobson, Katsiaficas, Lown, Martin, Messier, Elizabeth Moore, Morrisette, Nelson, O'Rourke, Bonnie Packard, Pappas, Pariseau, Raiche, Ellen-Ann Robinson, Shriver, Leonard Smith, Snow, Steiner, Stiles, Mary Sullivan, Turgeon, Van Loan, Wagner, Harold Watson, Arnold Wight, Winn and Zis.

MERRIMACK: Bardsley, Laurent Boucher, Bowes, Connolly, Gross, Hager, Mary Holmes, Jelley, Kidder, Rehlander, Doris Riley, Linwood Rogers, Wallner and West.

ROCKINGHAM: Blaisdell, William Boucher, Eunice Campbell, Case, Conroy, Day, Beverly Gage, Thomas Gage, Elizabeth Greene, Hollingworth, George Katsakiores, Phyllis Katsakiores, Krasker, Longworth, Lovejoy, Magoon, Malcolm, McCain, McKinney, Nagel, Popov, Quimby, Raynowska, Rosencrantz, Sanderson, Schmidtchen, Skinner, Sloan, Sochalski, Tufts, Vaughn, Welch, Wells and Woodward.

STRAFFORD: Bates, Bernard, Bryant, Burton, Callaghan, Diament, Dingle, Hussey, Robert Jones, Keans, Laurion, Musler, O'Brien, Pelley, Francis Robinson, Ann Torrand Franklin Torr.

SULLIVAN: Disnard, Lindblade, McKee, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Ordered to third reading.

HB 443-FN, relative to workers' compensation lump sum payments and state retirement benefits, and judges' retirement benefits. Ought to Pass.

The Appropriations Committee supports the intent of HB 443-FN. It felt that it addressed some personnel problems in state government. Vote 19-0. Rep. Margaret A. Ramsay for Appropriations.

Ordered to third reading.

HB 449-FN, relative to judicial salaries. Ought to Pass.

The Appropriations Committee agreed with the recommendations set forth in HB 449-FN. This is a fair and reasonable compromise for dealing with compensation for judges. Vote 19-0. Rep. Margaret A. Ramsay for Appropriations.

Rep. Lawrence Chase moved that the words, Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass, and spoke to his motion.

Reps. Ramsay and Sytek spoke against the motion.

Rep. George Gordon spoke in favor of the motion and yielded to questions.

Rep. Chagnon moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

Rep. Champagne abstained from voting under Rule 16.



YEAS 96 NAYS 203  
YEAS 96

BELKNAP: Brough, Golden, Jensen and Matthew Locke.

CARROLL: Olimpio and Saunders.

CHESHIRE: Burley, Delano, Elmer Johnson, Morse, Ridge and Young.

COOS: Brungot, Chappell, Lamontagne and Ottolini.

GRAFTON: Christy, McAvoy and Stewart.

HILLSBOROUGH: Barry, Bourdon, Bridgewater, Charron, Clancy, Cox, Cronin, Duperron, Dupont, Durant, Dykstra, Clyde Eaton, Fields, Gagnon, Scott Green, George Jones, Katsiaficas, Levesque, Martin, Howard Mason, Morrissette, Nute, Paradis, Prestipino, Frances Riley, G. Philip Rodgers, B. P. Smith, Snow, Vanderlosk, Varkas, Wagner, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Wood and Worthen.

MERRIMACK: Barberia, George E. Gordon, Lewis, Pannell and Gerald Smith.

ROCKINGHAM: Butler, Eunice Campbell, Lawrence A. Chase, Jr., Clay, Ellyson, Emanuelson, Felch, Flanders, Gourdeau, Haynes, Longworth, McKinney, Newell, Raynowska, Rosencrantz, Seward, Sherburne, Stachowske, Warburton, Welch and Wells.

STRAFFORD: Appleby, Berkey, Albert Dionne, Anita Flynn, Edward Flynn, Lussier, Spear and Henry Sullivan.

SULLIVAN: Brodeur, D'Amante, Domini, Ingram, McKee, Mehegan and Spaulding.

NAYS 203

BELKNAP: Birch, Bowler, Richard Campbell, Dexter, Hardy, Malcolm Harrington, Hawkins, Nighswander, Pearson and Zeckhausen.

CARROLL: Ashnault, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Powers and Schofield.

CHESHIRE: Crane, Jesse Davis, Daniel Eaton, Irvin Gordon, Grodin, Matson, Miller, Parker, Perry, Ramsay, William Riley, Russell, Schwartz, Scranton and Thompson.

COOS: Brideau, Harold Burns, Chardon, Coulombe, Frederic Foss, Guay, Horton, Mayhew, Theriault and York.

GRAFTON: Arnesen, Bean, Chambers, Copenhaver, Crory, Densmore, Driscoll, Duggan, Easton, Michael King, LaMott, Rounds, Taffe, Howard Townsend, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Bass, Blais, Boisvert, Bourque, Boutwell, Burkush, A. Leslie Burns, John Burns, Carragher, Chretien, Cote, Joseph M. Eaton, Nancy Ford, Grip, Herod, Holden, Humphrey, Chris Jacobson, Jasper, Kelley, Knight, Lown, Lozeau, McGlynn, Messier, Elizabeth Moore, Robert Murphy, Nelson, O'Rourke, Bonnie Packard, Pappas, Pariseau, Perham, Raiche, Ellen-Ann Robinson, Shriver, Leonard Smith, Steiner, Stiles, Mary Sullivan, Sylvia, Turgeon, Van Loan, Harold Watson, Arnold Wight, Winn and Zis.

MERRIMACK: Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Connolly, Gross, Hager, Mary Holmes, Jelley, C. William Johnson, Kidder, Millard, Nichols, Pantzer, Phelps, Rehlander, Doris Riley, Linwood Rogers, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: Benton, Blaisdell, William Boucher, Marilyn Campbell, Case, Conroy, Day, Beverly Gage, Thomas Gage, Goss, Elizabeth Greene, Hoar, Hollingworth, Robert Johnson, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Lovejoy, Magoon, Malcolm, Robert Mason, Jr., McCain, Nagel, Popov, Quimby, Norman Rogers, Sanderson, Schmidtchen, Schwaner, Skinner, Sloan, Sochalski, Sytek, Tufts, Vaughn, Walker and Woodward.

STRAFFORD: Bates, Bernard, Bryant, Burton, Callaghan, Chamberlin, Diament, Dingle, Patricia Foss, Frechette, Hussey, Robert Jones, Keans, Kincaid, Laurion, Meader, Musler, O'Brien, Parks, Pelley, Francis Robinson, Ann Torr and Franklin Torr.

SULLIVAN: Call, Disnard, Lindblade, Rodeschin, Schotanus and Sara Townsend, and the motion lost.

Rep. Varkas notified the Clerk that he inadvertently voted yea and meant to vote nay.

Rep. Schwaner notified the Clerk that she inadvertently voted nay and meant to vote yea.

Ordered to third reading.

HB 452-FN, relative to real estate brokers' bond and establishing a real estate recovery fund. Inexpedient to Legislate.

After talking to the Executive Secretary of the Real Estate Commission, the Committee felt that the operating expenses of running this program were too expensive and would have meant increasing charges to real estate brokers and salesmen. Consumers are currently protected by bonds covering brokers and their staff. Vote 19-0. Rep. Margaret A. Ramsay for Appropriations.

Resolution adopted.

HB 142-FN, relative to voting booths in cities. Ought to Pass with Amendment.

This bill, as amended, provides that there shall be one voting machine or device for between 200 and 400 voters, the exact number to be determined by the selectmen of the town or ward. It is not a demand to purchase more voting machines because paper ballots will be furnished when needed. Vote 9-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the number of voting machines for computerized vote casting and counting to be used in cities and towns.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Computerized Voting Machines. Amend RSA 658:9 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

658:9 Arrangement. The selectmen of each town and ward shall provide for a suitable place in which to hold state elections and shall see that the same is warmed, lighted and furnished with proper supplies and conveniences. Such supplies and conveniences shall include a ballot box and a sufficient number of soft black lead pencils and booths with shelves to enable the voter to mark his ballot screened from all observation as to the manner in which he does so. The selectmen of each town and ward shall be charged with the responsibility to see that the flag of the United States is displayed inside and, weather conditions permitting, flown outside the polling place on election day. A guardrail shall be so constructed and placed so that only such persons as are inside such rail can approach within 6 feet of the ballot box and of the voting booths. The arrangements shall be such that the voting booths can be reached only by passing within the guardrail. The voting booths shall be in plain view of the election officers, and both they and the ballot box shall be in plain view of those outside the guardrail. Each of said booths shall have 3 sides enclosed, one side in front to open and shut by a door swinging outward or to be enclosed with a curtain. Each side of the booths shall be not less than 6 feet high. The booth shall be between 28 and 36 inches wide, between 28 and 36 inches deep. The door or curtain shall extend to within 2 feet of the floor and shall be closed while the voter is marking his ballot. Each booth shall be well lighted and shall contain a shelf between 12 and 15 inches wide running the width of the booth at a convenient height for writing. The number of such voting booths shall not be less than one for every 125 voters or fraction thereof registered to vote at such polling places, and there shall not, in any case, be fewer than 2 of these voting booths at any polling place. In cities or towns using voting machines or devices for computerized casting and counting of ballots there shall be one voting machine or device for between 200 and 400 registered voters at each polling place, the exact number to be determined by the selectmen of the town or ward. The selectmen shall provide a sufficient number of machines or devices which, in their judgment, will provide for easy access to voting without substantial delay.

Amendment adopted.

Ordered to third reading.

HB 37-FN, providing additional exemptions under the interest and dividends tax. Inexpedient to Legislate.

It was the consensus of the Committee that individual savings to the elderly group is minimal, and that the indicator of "total income" in the bill was not a fair indicator of determining poverty level status. Vote 17-0. Rep. Joseph F. Duggan for Ways and Means.

Rep. Scott Green moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Duggan and Rodeschin spoke against the motion.

On a voice vote the motion lost.

Resolution adopted.

HB 127-FN, allocating 1/2 of one percent of the meals and rooms tax to the fish and game fund. Inexpedient to Legislate.

While testimony indicated that the Fish and Game fund could use additional funds. The Ways and Means Committee is traditionally opposed to dedicated revenues and recommended the Department should seek assistance through the regular budget procedure. Vote 17-0. Rep. Frederick G. Ahrens for Ways and Means.

Resolution adopted.



HB 493-FN, relative to the business profits tax and maximum compensation. Refer for Interim Study.

The intent of House Bill 493 is to broaden the number of business entities paying the Business Profits Tax. It would tax compensation of individuals in excess of \$100,000 in corporations, partnerships and proprietorships at the business profits tax rates. Problems with definitions of wages and compensation, and the issue of businesses restructuring to avoid the tax, need more work. The unanimous feeling of the Committee was that the concept should be pursued. Vote 14-0. Rep. Barbara Zeckhausen for Ways and Means.

Rep. Zeckhausen explained the report.  
Referred for Interim Study.

Rep. Rounds offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, March 18 at 10:00 a.m.

Adopted.

#### LATE SESSION

#### Third reading and final passage

HCR 6, in support of Korean War veterans.

HR 20, relative to missing Americans in the former Indochina theater of war.

HCR 7, relative to the deadline for bills awaiting an opinion of the justices.

HB 74, making supplemental capital appropriations; making an appropriation for the house clerk's office; and amending certain existing aeronautics capital appropriations.

HB 75-FN, making a supplemental appropriation to the veterans' home for 1986 and 1987 fiscal years.

HB 89-FN, authorizing new positions in the department of fish and game; extending an appropriation in the current budget; and making an appropriation therefor.

HB 112-FN, relative to state support for Alzheimer's disease and related disorders.

HB 171-FN, relative to the governor's staff.

HB 181, relative to lobbyist registration and lobbyist statements, making an appropriation to the joint legislative historical committee and relative to the responsibility of the committee to accept and expend funds.

HB 256-FN, relative to the plumbers' board and making an appropriation therefor and relative to the real estate commission and making an appropriation therefor.

HB 284-FN, relative to water treatment plant operators; authorizing the charging of a fee for water supply systems; authorizing new positions and making an appropriation therefor.

HB 367-FN, relative to state investments in South Africa and Namibia.

HB 408-FN, increasing the travel allowance for members of the general court.

HB 413-FN, relative to purchase of services for state agencies.

HB 416-FN, relative to a workers' personal care assistance program for persons with severe physical disabilities and making an appropriation therefor.

HB 442-FN, authorizing the legislative facilities committee to conduct a study of salaries for unclassified state employees.

HB 443-FN, relative to workers' compensation lump sum payments and state retirement benefits, and judges' retirement benefits.

HB 449-FN, relative to judicial salaries.

HB 457-FN, relative to the eradication of milfoil.

HB 9, relative to least cost supply plan electricity planning.

HB 95, relative to municipal and public utilities.

HB 217, relative to depositors' ratification of certain savings banks conversions.

HB 397-FN, relative to mandatory risk sharing plan surcharges.

HB 496-FN, establishing the position of international trade specialist in the division of economic development of the department of resources and economic development.

HB 134-FN, relative to the Rannie Webster Foundation and allowing the Lake Sunapee Yacht Club to revive its charter.

HB 142-FN, relative to the number of voting machines for computerized vote casting and counting to be used in cities and towns.

HB 228, relative to incompatibility of offices in towns.

HB 464-FN, relative to overseas voters, armed services voters, general election ballots, and eliminating references to electors on the ballot.

HB 354, relative to physical therapy and chiropractic.

HB 182, clarifying penalty provisions for violations of local codes and regulations, relative to district court jurisdiction over such penalties, and enabling district court judges to issue temporary orders enjoining violations of local land use regulations.

HB 184, relative to divorce based on irreconcilable differences.

HJR 3-FN, relative to the selection of guardians ad litem in marital cases.

HB 205, recodifying the workers' compensation law.

HB 298-FN, relative to memorializing the names of deceased legislators and making an appropriation to the joint committee on legislative facilities.

HB 510, providing the legislative budget assistant with access to certain records.

HB 272, relative to county government.

HB 363, relative to conditional approval of plats and applications by planning boards.

HB 364, relative to recording fees.

HB 466-FN, relative to underground storage facilities.

HB 31-FN, directing the department of revenue administration to study allowing business organizations to deduct a net operating loss carryover from the business profits tax.

HB 52-FN, relative to the legacy and succession tax.

HB 114-FN, relative to the business profits tax.

HB 136, relative to the recording of the real estate transfer tax.

HB 370-FN, relative to the rate of the tobacco tax.

HB 372-FN, exempting transfers of title between certain charitable organizations from the real estate transfer tax.

HB 473-FN, relative to filing returns under the interest and dividends tax.

HB 324-FN, relative to hazardous waste cleanup.

HB 460-FN, relative to a forgivable loan program and making an appropriation therefor.

HB 501, establishing the salaries for the presidents of the technical institute and the 6 technical colleges.

HB 504-FN, relative to a child abuse and neglect prevention program and making an appropriation therefor.

HB 352, relative to consumer credit transactions, second mortgage loans, and regulation of mortgage companies.

HB 247, permitting independent voters to vote in a primary and change their registration back to independent on the same day as the primary.

HB 46, relative to the discovery and disposition of human remains.

HB 59-FN, relative to hazardous waste facility siting procedures, the hazardous waste fund, the solid waste management board, and reporting of hazardous waste contamination.

HB 60-FN, relative to establishing and authorizing funding for a hazardous waste facility siting board.

HB 61-FN, relative to the state selection of potential hazardous waste facility sites and authorizing funds for that purpose.

HB 113, relative to anatomical gifts and relative to the adoption of the uniform determination of death act.

HB 214, relative to the radiological health program.

HB 470-FN, relative to welfare.

HB 472-FN, establishing responsibility for medical costs for liver transplants and traumatic head injuries.

HB 508, recodifying the public health statutes and establishing a fee schedule for laboratory services under RSA 131.

HB 47, relative to comparative fault, apportionment of damages and contributions among tortfeasors.

HB 202-FN, relative to forfeiture of items used in connection with drug offenses.

HB 84-FN, relative to the tax exemption for qualifying small power production facilities and qualifying cogeneration facilities.

HB 141, relative to exceptions to the energy conservation code for new building construction in the state.

HB 389-FN, committing the state to the Northern New England Low-Level Radioactive Waste Management Compact.

HB 125-FN, relative to the sale and distribution of tobacco products.

#### PERSONAL PRIVILEGE

Reps. Lawrence Chase and Clancy addressed the House under Personal Privilege.

Rep. Rounds moved that the House stand in recess for the purpose of Enrolling Reports, Senate Messages and Introduction of Senate Bills only. Adopted.

The House recessed at 6:20 p.m.

#### RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn. Adopted.



# HOUSE JOURNAL 8

*Tuesday, 18 Mar 86*

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

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Almighty God, Creator of all and Lover of all You have created, we thank You for the birthdays of our life when we can celebrate with joy the great gift You have given to us, the chance to live.

Kill within us the seeds of envy and ill will, cultivate within us the seeds of respect for self and our neighbors. Like the spring that is bursting about us, may our lives bring forth the fruits of peace and love for all life. We pray in the name of Jesus. Amen.

Rep. Andrea Scranton led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Bert Ford, Daniell, Connors, Pevear, Mann, Mace, Simon, Donnelly, James J. White, Bergeron, Musler, Pevear and Ford, the day, illness.

Reps. Pressly, Lionel Boucher, Ducharme, Marsh, Donovan, Hendrick, Swope, Tamposi, Scamman, Parmenter, Parr, Cate, Joslyn, Winn, Frank Whittemore, Bernard, Fraser, Hogan, Olimpio, Moore, Walter Robinson, Bennett, Duggan and Arnott, the day, important business.

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

Reps. Chris Jacobson and Joseph MacDonald, the day, illness in the family.

## INTRODUCTION OF GUESTS

Dr. George Saunders, guest of Rep. Irvin Gordon; Nancy Bell, wife of the House Chaplain, Rev. Bell.

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

HB 220-FN, relative to Route 16 road improvement and making an appropriation therefor, was removed at the request of Rep. Guay.

HB 458-FN, relative to imposing a water use permit fee and amending the federal boat numbering system, was removed at the request of Rep. Meader.

HB 81, relative to insurers assessing points for speeding, was removed at the request of Rep. Alf Jacobson.

Adopted.

## COMMITTEE REPORTS (Consent Calendar)

HB 43-FN, relative to supervision and control of probationers and parolees and adjusting current appropriations to the department of corrections and making an appropriation therefor. Ought to Pass with Amendment.

The Appropriations Committee reviewed only the financial aspects of this bill. This bill provides for adjusting current appropriations to the Department of Corrections which allows for the reduction of six

correction officers positions at the State Prison and creating six new probation/parole officers. After the transfers occur in the operating budget the supervision fee created by this act will generate approximately \$180,000 new revenue thus creating a net gain of \$93,000.

The amendment changes a transfer which occurred in the original bill during fiscal year '87 to fiscal year '86. Vote 16-1. Rep. Franklin Torr for Appropriations.

#### Amendment

Amend the bill by striking out sections 10 and 11 and inserting in place thereof the following:

10 Department of Corrections; Bureau of Programs and Services. Amend 1985, 406:1.02, 16, 03, 02, 04 by striking out class 23 for fiscal year 1986 and the totals and estimated source of funds for fiscal year 1986 and inserting in place thereof the following:

		Fiscal Year 1986
23 Heating fuel and electricity	D	580,063
Total		1,194,903
Estimated source of funds for maintenance		
General fund		1,194,903
Total		1,194,903

11 Department of Corrections; Bureau of District Affairs. Amend 1985, 406:1.02,16,04,01 by striking out said PAU and inserting in place thereof the following:

02 Administration of justice and public protection

16 Department of corrections

04 Division of field services

01 Bureau of district affairs

10 Personal services - permanent	*	1,097,744	1,239,817
11 Director of field services		40,522	40,522
20 Current expense		122,050	135,550
30 Equipment	F	124,766	
50 Other personal services		7,000	18,720
60 Benefits		216,768	260,501
70 In-state travel		29,000	29,000
80 Out-of-state travel		1,500	7,500
90 Transfer to information svcs	A	60,621	40,621
91 Transfer to general services		2,431	2,494
Total		1,702,402	1,774,725

Estimated source of funds for		
Bureau of district affairs		
05 Private or local funds	4,100	4,200
General fund	1,698,302	1,770,525
Total	1,702,402	1,774,725

\*The funds in the fiscal year 1987 appropriation include 6 new positions of probation/parole officer I, labor grade 19.

HB 85-FN, relative to the Bedford road interchange with the Everett turnpike in the town of Merrimack and making an appropriation therefor. Recommended but to be Laid on the Table because not funded.

This bill is covered by other legislation. The money, effort and description are contained in HB 509-FN. Vote 19-0. Rep. Paul I. LaMott for Appropriations.

HB 119, relative to replacing the Hampton beach seawall and making an appropriation therefor. Ought to Pass with Amendment.

To prevent further damage to our coastline at Hampton, the seawall must be rebuilt. The fees collected from parking meters and parking spaces at Hampton Beach shall cover the payment authorized in paragraph I and the expenses generated by RSA 216:3, I. Vote 17-0. Rep. Lee Anne Steiner for Appropriations.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

#### 3 Payments.

I. The payment of principal and interest of the bonds and notes issued for the project in section 1 of this act shall be made when due from the Hampton parking meter special fund created by RSA 216:3.

II. Pursuant to RSA 216:3, the commissioner of the department of resources and economic development shall adopt rules under RSA 541-A, which set fees in a sufficient amount for all parking spaces and parking meters at Hampton Beach. The fees shall cover the payments authorized in paragraph I and the expenses generated by RSA 216:3, I.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Beach Parking Facilities. Amend RSA 216:3 as amended by striking out said section and inserting in place thereof the following:

216:3 Operation of Beach Parking Facilities. The department of resources and economic development shall operate, maintain and manage the parking facilities at Hampton Beach, and shall be authorized to charge for the use of the parking facilities by meters or fees, whichever is determined most practical. The state treasurer shall establish a special non-lapsing fund for the revenues from this source which shall be expended as follows:

I. The operation and maintenance of the park and beach facilities in this area; as appropriated by general court; and

II. To retire the principal and interest of bonds and notes that are issued for the project of replacing the steel seawall with a concrete seawall in the Hampton Beach area.

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Repeal. 1953; 218, relative to the construction of seawalls on state owned land in the town of Hampton, is hereby repealed.



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

HB 151-FN, establishing a growth planning commission to assist cities and towns. Ought to Pass.

This bill provides for a commission within the Office of the Governor to act as a resource for towns and regional planning commissions. To last only one year, it will help chart the state's growth and recommend priorities. Vote 19-0. Rep. Lee Anne Steiner for Appropriations.

HB 157, relative to the Rye harbor project and making an appropriation therefor. Ought to Pass with Amendment.

This bill will enable dredging projects to commence at Rye Harbor so that commercial and pleasure boats will have easier access in the channel and more moorings will be available. Vote 18-1. Rep. Lee Anne Steiner for Appropriations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to marine repairs and dredging and  
making an appropriation therefor.

Amend the bill by striking out section 8 and inserting in place thereof the following:

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

Amend the bill by striking out sections 1, 2, and 3 and renumbering the original sections 4-8 to read as 1, 2, 3, 4, and 5, respectively.

HB 178-FN, relative to information services at highway rest areas, appropriating fees for these services, and establishing a study committee on specific information signs. Ought to Pass.

This bill will place computerized directories in major roadside rest areas indicating lodging, eating, etc. in the area, and provides a study for further expansion of traveler information. This will all be done at no cost to the state. Vote 18-0. Rep. Lee Anne Steiner for Appropriations.

HB 240-FN, relative to a select commission to study probation and relative to state reimbursement of municipalities for the costs of local probation services and making an appropriation therefor. Ought to Pass with Amendment.

This bill continues the state assumption of court costs by reimbursing cities and towns for part of court mandated probation expenses. The amendment sets the level of reimbursement at approximately 50 percent of FY86 costs with the money to be distributed by January 1987. Vote 16-1. Rep. Caroline L. Gross for Appropriations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to a select commission to study probation and relative to state reimbursement of municipalities for the costs of local probation services and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Reimbursement of Costs of Local Probation Services. By January 1, 1987, the department of corrections shall pay the following municipalities the amounts listed in the schedule below as reimbursement for costs of local probation services during fiscal year 1986:

<u>Municipality</u>	<u>Amount</u>
Concord	\$ 69,025
Derry	\$ 17,399
Dover	\$ 16,265
Durham	\$ 15,342
Franklin	\$ 8,745
Goffstown	\$ 14,881
Hanover	\$ 2,937
Laconia	\$ 37,559
Lebanon	\$ 10,171
Manchester	\$120,500
Nashua	\$124,000
Peterborough	\$ 14,046
Portsmouth	\$ 28,344
Rochester	\$ 500
Salem	\$ 37,206
Somersworth	\$ 19,589

2 Supplemental Appropriation; Department of Corrections. In addition to all other amounts appropriated to the department of corrections for the fiscal year ending June 30, 1987, the sum of \$536,509 is hereby appropriated to the department of corrections for state reimbursement of municipalities for the costs of local probation services during fiscal year 1986. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Select Commission to Study Probation; Advisory Committee on Probation.

I. A select commission is hereby established to study a method of administering and organizing local probation services. The commission shall continue in existence until December 31, 1986, and shall consist of 6 members, of whom 3 shall be appointed by the president of the senate and 3 by the speaker of the house, at least one of whom shall be a member of the house judiciary committee.

II. In addition to the commission, there is hereby established an advisory committee which shall work with the commission and assist it in developing a method of administering and organizing local probation services. The advisory committee shall continue in existence until December 31, 1986, and shall be composed of the following members:

(a) The director of the division for children and youth services, department of health and human services, or his designee.

(b) The commissioner of corrections, or his designee.

(c) The director of the administrative office of the courts, or his designee.

(d) The president of the New Hampshire Judges Association, or his designee.

(e) The president of the New Hampshire District Court Probation Officers Association, or his designee.

4 Meetings and Duties of Advisory Committee. The members of the advisory committee shall meet as often as it deems necessary at such places as the committee shall determine. The advisory committee shall submit specific recommendations to the commission for consideration by September 30, 1986.

5 Commission Meetings; Report. The commission shall meet as often as it deems necessary at such places as it shall determine. The commission shall complete and shall present a report and proposed legislation concerning a method of organizing local probation services, if it deems such legislation advisable, to the governor and the legislature by December 31, 1986, for consideration during the 1987 session of the legislature.

6 Effective Date.

I. Sections 1 and 2 of this act shall take effect July 1, 1986.

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

HB 245-FN, relative to a natural heritage inventory. Ought to Pass. This bill simply allows the Department of Resources and Economic Development to house the inventory of unique and rare animal and plant species in New Hampshire. It also allows DRED to receive private contributions to maintain this program. Vote 19-0. Rep. Lee Anne Steiner for Appropriations.

HB 248-FN, creating a nonlapsing fund to provide handicapped persons with gainful state employment and making an appropriation therefor. Ought to Pass with Amendment.

The amendment changes the effective date to July 1, 1986 and authorizes the Handicapped Persons Employment Fund to accept private funds with Governor and Council approval. Vote 14-0. Rep. Andrea A. Scranton for Appropriations.

#### Amendment

Amend RSA 200-C:10 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

200-C:10 Handicapped Persons' Employment Fund. There is hereby established a nonlapsing fund to be known as the handicapped persons' employment fund to be used solely for the purposes of RSA 200-C:9 and which shall be continually appropriated to the division of vocational rehabilitation for that purpose. The division of vocational rehabilitation, with the approval of governor and council, may accept private donations for deposit in the fund established by this section.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Effective Date. This act shall take effect July 1, 1986.

HB 304, relative to the construction of exit 1 of the central turnpike and making an appropriation therefor. Recommended but to be Laid on the Table because not funded.

The money, effort and description of this bill is contained in other legislation (HB 509-FN). Vote 20-0. Rep. Paul I. LaMott for Appropriations.

HB 327-FN, relative to a study of the highways and bridges in the Hanover-Lebanon area and making an appropriation therefor. Ought to Pass. Continuing growth in the Hanover-Lebanon area cites the need for a study to alleviate traffic problems on certain roadways and bridges. Local communities are involved in contributing monies to the study project. Vote 19-0. Rep. Lee Anne Steiner for Appropriations.

HB 438-FN, relative to New Hampshire retirement system benefits. Ought to Pass with Amendment.

This bill was further amended to establish a minimum floor rate of .88 percent for employers for one year only. This will insure that school



districts remain contributors in the New Hampshire Retirement System. Other changes were technical in nature and provide smooth implementation of this bill. Vote 15-0. Rep. Margaret A. Ramsay for Appropriations.

#### Amendment

Amend RSA 100-A:5, I(b) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

(b) Upon service retirement, an employee member or teacher member of group I shall receive a service retirement allowance which shall consist of: (1) a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of retirement; and (2) a state annuity payable prior to the member's attainment of age 65 which, together with the member annuity, shall be equal to 1/60 of the member's average final compensation multiplied by the number of years of creditable service. After attainment of age 65, the state annuity shall be reduced by 1/120 of the member's average final compensation not in excess of the applicable Social Security breakpoint for each year of creditable service; provided that such reduced retirement allowance, together with the primary insurance amount, shall not be less than the service retirement allowance the member was receiving prior to attainment of age 65; and further provided that no such reduction shall be made in respect to any teacher for years of creditable service between July 1, 1945, and July 1, 1950, and for those years of creditable service between July 1, 1950, and July 1, 1957, with respect to which the teacher did not elect a refund of past contributions under RSA 192:21. For the purposes of the above, Social Security breakpoint shall mean \$4,200 with respect to each year of prior service and shall mean the maximum amount of taxable wages under the Federal Insurance Contributions Act as from time to time in effect with respect to each year of membership service.

Amend the bill by striking out all after section 7 and inserting in place thereof the following:

8 Floor Rate of .88 Percent. Amend RSA 100-A:16, II(i) (supp) as inserted by 1983, 469:146 as amended by striking out said subparagraph and inserting in place thereof the following:

(i) The normal contribution rates of each employer shall not be reduced or adjusted downward to less than .88 percent, regardless of whether or not the earnings of the system exceed the interest assumption used for actuarial valuations during the actuarial valuations. If the employer normal contribution rate calculated by the actuary under the provisions of RSA 100-A:16, II(b) and (c) is less than .88 percent, the difference between the calculated rate and the floor rate established by this subparagraph shall be maintained in the special account as created in subparagraph (h).

9 Additional Allowance. Amend RSA 100-A:42-a (supp) as inserted by 1977, 583:1 by striking out said section and inserting in place thereof the following:

100-A:42-a Additional Allowances in General. Any group I or group II member of the New Hampshire retirement system or any of its predecessor systems shall after retirement be entitled to receive additional allowances if and when enacted by the legislature. Any such additional allowance when granted by the legislature shall become a permanent part of the beneficiary's base retirement allowance. The granting of such additional allowance shall be contingent upon the terminal funding of the total actuarial cost thereof at the time of granting, and shall be paid each year for the life of the beneficiary. Such additional allowance shall be included in the monthly annuity paid to the member or to the member's beneficiary, if the member is deceased and had elected an option

to continue payments under RSA 100-A:13. Additional allowances, when granted, shall be compounded on previously granted additional allowances.

10 Additional Allowances for all Beneficiaries. Amend RSA 100-A:42-b (supp) as inserted by 1977, 528:1 as amended by striking out said section and inserting in place thereof the following:

100-A:42-b Additional Allowances.

I. All beneficiaries of the New Hampshire retirement system or of its predecessor systems who are receiving retirement allowances according to RSA 100-A or to RSA 100, RSA 102, RSA 103, or RSA 192 shall receive additional allowances as shown in the following table according to the date of retirement. The additional allowance shown shall become a permanent part of each beneficiary's base retirement allowance as of July 1, 1986:

Date of Retirement	Percent Additional Allowance
Prior to July 1, 1961	71.00
July 1961 - Dec. 1967	55.45
Jan. 1968 - Sept. 1975	42.62
Oct. 1975 - June 1977	27.34
July 1977 - Sept. 1979	21.28
Oct. 1979 - June 1981	10.25
July 1981 - June 1983	5.00

II. The additional allowances provided in paragraph I shall apply, in the percentage shown, to the retired member's service retirement benefits as provided in RSA 100-A:5, or to disability retirement benefits as provided in RSA 100-A:6, or to the annuity of the beneficiary of a deceased member's death benefit as provided in RSA 100-A:8 or 9, or to vested deferred retirement benefits as provided in RSA 100-A:10, or to any optional retirement allowance that the member may have elected under RSA 100-A:13, or to the annuity of a beneficiary of a deceased retired member who elected an option providing for a survivor annuity under RSA 100-A:13.

III. Any retired permanent police beneficiary whose retirement benefit under RSA 103 is less than \$100 per month and who retired prior to May 1, 1961, shall receive an additional monthly retirement allowance equal to the amount by which the regular monthly retirement benefit is less than \$100.

11 New Section; Authorized Deductions. Amend RSA 100-A by inserting after section 10 the following new section:

100-A:10-a Authorized Deductions. Notwithstanding any other provisions of this chapter, any member who makes application for benefits hereunder and who is at the time a member of a group insurance plan which provides hospitalization, hospital medical care, surgical care, and other medical and surgical benefits may request that the monthly payments for such insurance be deducted from the benefit payments which the member is to receive; and, in such case, said deductions shall be made from the sums due the member.

12 Funding. Funding for the purposes of this act shall be as follows:

I. The total actuarial cost of providing benefit adjustments as provided in sections 2, 3, and 4 of this act for group I members retired before July 1, 1986, shall be funded from the special account created by RSA 100-A:16, II(h) on a terminal basis and shall be paid each year for the life of the beneficiary.

II. The total actuarial cost of providing additional allowances as provided in section 10 of this act shall be funded from the special account created by RSA 100-A:16, II(h) on a terminal basis and shall be paid each year for the life of the beneficiary.

III. The sum of \$16,848 for the biennium ending June 30, 1987, is hereby appropriated to the New Hampshire retirement system from the New Hampshire retirement system administrative account for the purpose of the administration of this act by the board of trustees. This appropriation is in addition to any other funds appropriated to the New Hampshire retirement system.

13 Repeal. The following are hereby repealed:

I. RSA 100-A:16, IV, relative to authorized deductions.

II. 1985, 398:5, which amended RSA 100-A:16, II(d), relative to retirement system financing.

III. 1985, 398:6, which amended RSA 100-A:42-b, II, relative to the retirement allowance rate for group I and group II members.

14 Administration; Transition. The board of trustees of the New Hampshire retirement system shall have until December 31, 1986, to make the administrative, record keeping, and bookkeeping changes which shall be necessary in order to administer the provisions of this act.

15 Application. All benefit adjustments required under sections 2, 3, and 4 of this act shall be granted prospectively beginning July 1, 1986, to all retired group I members, whether retired on, before, or after July 1, 1986.

16 Contingency if Special Fund Initially Insufficient. Notwithstanding the requirement under RSA 100-A:42-a as amended by section 9 of this act that the granting of additional allowances shall be contingent upon the terminal funding of the total actuarial cost thereof at the time of granting, if the special account created by RSA 100-A:16, II(h) is insufficient to fully terminally fund section 10 of this act, the balance of the moneys required for such funding shall be drawn from the special fund as they become available until the total liability has been funded.

17 Intent; One-year Extension of Floor Rate. The one-year extension of the .88 floor rate in effect through June 30, 1986, by section 8 of this act shall not be construed as reflecting a legislative policy in favor of a floor rate or the establishment of a permanent floor rate.

18 Effective Date.

I. Section 12 of this act shall take effect upon its passage.

II. Section 7 of this act shall take effect July 1, 1987.

III. The remainder of this act shall take effect July 1, 1986.

HB 456-FN, relative to minimizing and abating health hazards related to asbestos and making an appropriation therefor. Ought to Pass with Amendment.

The Health and Human Services Committee and the sponsor are in agreement with this amendment which authorizes rulemaking authority to commence January 1, 1987 in time for rules to be adopted and filed on the effective date of Section 1 of this act July 1, 1987. Vote 16-0. Rep. Andrea A. Scranton for Appropriations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to minimizing and abating health hazards related to asbestos.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 141-B the following new chapter:



CHAPTER 141-C  
ASBESTOS MANAGEMENT AND CONTROL

141-C:1 Statement of Policy. The general court finds that exposure to asbestos fibers over time has been linked by medical and scientific authorities to a significant increase in the incidence of diseases, such as asbestosis, bronchogenic carcinoma, mesothelioma, and other malignancies, and that such diseases place unnecessary and preventable burdens on society while depriving the victims of livelihood, well-being, and life. The general court also finds that abatement of asbestos from workplaces, schools, public facilities, and dwellings, which is carried out to reduce the exposure of the public to this health threat, further jeopardizes public health when the abatement is done without adequate safeguards and by unqualified individuals. In order to protect the health of the public from this threat, it shall be the policy of the state to establish and enforce asbestos exposure standards and to control the exposure of the public to asbestos by regulation of asbestos abatement activities. It shall be the responsibility of the division of public health services, department of health and human services, in consultation with the air resources commission, to carry out this policy.

141-C:2 Definitions. In this chapter:

- I. "Asbestos" means amosite, chrysotile, crocidolite, or asbestiform tremolite, actinolite, or anthophyllite.
- II. "Asbestos abatement" means any of the following activities:
  - (a) The wrecking or removal of any load-supporting structural member containing or covered by friable asbestos material;
  - (b) The encapsulation, coating, binding or resurfacing of structural members, walls, ceilings or other building surfaces, or ducts, pipes, boilers, tanks, reactors, furnaces or other vessels containing friable asbestos material for the purpose of minimizing the potential for fiber release;
  - (c) The construction of airtight enclosures by the use of impact resistant materials to isolate surfaces coated or containing friable asbestos material;
  - (d) The removal or stripping of friable asbestos materials from structural members, walls, ceilings, or other building surfaces, or ducts, pipes, boilers, tanks, reactors, furnaces or other vessels; or
  - (e) The repair of friable asbestos materials to minimize the likelihood of fiber release from damaged areas. Repair may include, but shall not be limited to, application of duct tape, rewettable glass cloth, canvas, cement, or other suitable materials to seal exposed areas where asbestos fibers may be released, or repair of damaged, previously encapsulated, friable asbestos-containing materials with non-asbestos substitutes; and re-encapsulation or repair of enclosures around friable asbestos-containing materials.

III. "Commission" means the air resources commission.

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

V. "Contractor" means any partnership, firm, association, corporation, or sole proprietorship which engages in asbestos abatement activities.

VI. "Director" means the director, division of public health services, department of health and human services.

VII. "Division" means the division of public health services, department of health and human services.

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

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

141-C:3 Duties.

- I. The director shall:

(a) License any partnership, firm, association, corporation, or sole proprietorship which engages in asbestos abatement activities.

(b) Test employees of owners or managers of buildings, facilities, or dwellings, and of contractors, who are engaged in asbestos abatement, and provide certificates to those who are found competent to do so.

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

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

(e) Conduct such medical and scientific studies of workers presently or previously exposed to friable asbestos material as necessary to fully understand, define, and describe the actual health consequences of such exposure in their workplaces.

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

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

II. The commission shall:

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

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

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

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

(e) Collect fees for asbestos abatement notification.

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

141-C:4 Rulemaking.

I. The director shall adopt rules, pursuant to RSA 541-A, relative to:

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

(b) The necessary training, licensure, and certification requirements applicable to major and minor asbestos abatement projects.

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

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

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

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

(g) The licensure of owners, managers, and contractors undertaking asbestos abatement under RSA 141-C:10.

(h) The certification and training of employees engaged in asbestos abatement under RSA 141-C:11.

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

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

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

(1) Procedures for exemption from the requirements of RSA 141-C:9 and 141-C:10.

II. The air resources commission shall adopt rules, pursuant to RSA 541-A, relative to work practices and engineering control standards for the abatement of asbestos.

(a) Such rules shall include the following;

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

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

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

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

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

(b) The air resources commission shall also adopt rules, pursuant to RSA 541-A, relative to establishing work practices, engineering control standards and emission standards necessary to control the release of asbestos to the ambient air during processing, transport and disposal activities.

141-C:5 Asbestos Abatement Advisory Committee Established. There is hereby established an asbestos abatement advisory committee for the purpose of coordinating the activities of state agencies responsible for the health, safety, and protection of the public and the environment which are or may be affected by the presence of asbestos. At a minimum the asbestos abatement advisory committee shall consist of:

I. The governor or his designee;

II. The attorney general or his designee; and

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

(a) the department of education;

(b) the department of labor;

(c) the air resources commission; and

(d) the division of public health services, department of health

and human services.

The director of the division of public health services or his designee shall serve as chairman of the committee.

141-C:6 Asbestos Exposure Standards.

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

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

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

I. Except as provided for under RSA 141-C:6, II, no person, whether natural or not natural, owning, controlling, or managing any workplace, public building, facility, school, or rental dwelling containing asbestos levels exceeding 0.01 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods



shall permit exposure of any person to such conditions which are a violation of a provision of this chapter, or of a rule adopted or order issued pursuant to the authority of this chapter.

II. The division may close access to any building or facility or any portion thereof in which there have been found asbestos levels exceeding 0.01 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods.

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

141-C:8 Inspection of Building; Orders.

I. Whenever the director has reason to suspect the presence of friable asbestos material in any public building, facility, school, or rental dwelling, he may cause inspections to be carried out and, if friable asbestos is found or if asbestos levels exceeding 0.01 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods are found, he may order corrective action to abate the risk to the health of the public. The order may, at the discretion of the director, include notice of closure of access under RSA 141-C:7.

II. In the event that asbestos levels exceed the standards set in RSA 141-C:6, I or II, there may be a second test of samples collected over an 8 hour period or as otherwise approved by the division, analyzed by transmission electron microscopy analysis before any order of abatement is issued. The results of the transmission electron microscopy analysis shall prevail. Such tests shall be paid for by the owner of the building or facility being analyzed.

III. The director may, upon request of the owner, inspect private dwellings for the presence of friable asbestos material. If friable asbestos material is found, he shall make recommendations to the owner for its abatement. The director shall charge a fee for such inspections under RSA 141-C:12.

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

141-C:10 Licensure. No owner or manager of any building, facility, school, or rental dwelling, whether public or private, or contractor, unless exempted by rules adopted pursuant to this chapter, shall engage in asbestos abatement without first obtaining a license from the division. The license shall be in writing and shall be valid for a period of 12 months from the date of issuance, be dated when issued, contain an expiration date, and be signed by the director of the division or by his designee. The license shall also include the name and address of the applicant. The license or a certified copy thereof shall be available at the worksite for inspection by representatives of the division, the commission, or the local government.

141-C:11 Certification of Employees; Reciprocity.

I. Employees of owners, managers, or contractors who engage in asbestos abatement shall first obtain a certificate of training from the division. No certificate shall be issued unless the employee has taken a course of training in asbestos control and removal, and passed an examination administered or approved by the division.

II. The certificate shall be in writing, be valid for a period of 12 months from the date of issuance, be dated when issued, contain an expiration date, and be signed by the director or his designee. It shall also include the name and address of the employee to whom it is issued. The certificate or a certified copy thereof shall be readily available at the worksite for inspection by the representatives of the division, the commission, or the local government.

III. The division may accept the course of training approved by other states or federal agencies if it is found to be substantially equivalent to the course of training specified by the division.

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

141-C:12 Fees.

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

II. The commission shall, by rule, set a schedule of fees for the notification of asbestos abatement projects. All such fees shall be deposited in a nonlapsing account, shall be used solely for the administration of the commission's responsibilities under this chapter, and are hereby continually appropriated for said purposes.

141-C:13 Compliance Monitoring. For the purposes of assuring compliance with RSA 141-C:7, I and II; 141-C:8, I and II; 141-C:9; 141-C:10; and 141-C:11, or with any rule adopted by the division or the commission, an authorized representative of the division or commission may, upon presentation of appropriate credentials and at any reasonable time:

I. Enter any asbestos abatement worksite;

II. Inspect and obtain samples from the workplace and the environment for the purposes of ensuring compliance with this chapter;

III. Procure and examine licenses issued under RSA 141-C:10 and certificates issued under RSA 141-C:11; or

IV. Inspect and copy any records, information, or test results relating to the asbestos abatement activity.

Any information, other than asbestos contamination or exposure data, relating to secret processes or methods of manufacture or production obtained in the course of such inspection shall not be disclosed by any representative of the division or commission without permission of the person whose worksite is inspected.

141-C:14 Enforcement. Whenever the director has reason to believe that the provisions of RSA 141-C:7, I or II; 141-C:8, I or II; 141-C:10; or 141-C:11, or any rule adopted under this chapter has been violated, he shall issue a notice of violation and an order of abatement. Whenever the commission has reason to believe that any provision of RSA 141-C:9 or any rule adopted by the commission under this chapter has been violated, the commission shall issue a notice of violation and an order of abatement. The notice of violation shall set forth the facts constituting the violation. The order of abatement shall set forth the measures which shall be taken to eliminate the violation and the time within which those measures shall be performed. The director may request the attorney general to bring a civil action in superior court for appropriate relief, including a temporary or permanent injunction or both, to enforce any provision of this chapter, any rule adopted pursuant to this chapter, or any order issued pursuant to this chapter.

141-C:15 Criminal Penalty; Fine.

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

(a) Violates RSA 141-C:7, I or II; 141-C:8, I or II; 141-C:9; 141-C:10; or 141-C:11;

(b) Violates RSA 141-C:13; or

(c) Makes or certifies a material false statement relative to any information required under RSA 141-C:10, 141-C:11, or 141-C:13.

II. Notwithstanding RSA 651:2, a natural person may, in addition to any sentence of imprisonment, probation, or conditional discharge, be



fined not more than \$25,000 if found guilty of any violation of this chapter or any rule adopted pursuant to this chapter. Each day of violation shall constitute a separate offense.

141-C:16 Civil Forfeiture. Any person who violates RSA 141-C:7, I or II; 141-C:8, I or II; 141-C:9; 141-C:10; 141-C:11; or 141-C:13 shall be subject to a civil forfeiture of up to \$25,000 for each day of a continuing violation, in addition to enforcement by injunctive relief.

141-C:17 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are severable.

141-C:18 Discharge of or Discrimination Against Employees. No employer shall discharge or cause to be discharged or otherwise discipline or in any manner discriminate against any employee, prospective employee, or employee representative because that person has filed any complaint or has instituted or caused to be instituted any proceeding related to the provisions of this chapter.

141-C:19 Federal Preemption. Nothing in this chapter shall be construed to allow the division or the commission to enforce such occupational safety and health standards which have been preempted by the Occupational Safety and Health Act of 1970, 29 USC sec. 651, et seq.

2 Rulemaking Process Authorized. Notwithstanding the effective date of section 1 of this act, the director of the division of public health services, department of health and human services, and the air resources commission are hereby authorized to adopt rules as provided by RSA 141-C:4, as inserted by section 1 of this act. The rulemaking proceedings authorized by this section shall be commenced in sufficient time so that rules may be adopted in final form and filed on the effective date of section 1 of this act.

### 3 Effective Date.

I. Section 1 of this act shall take effect on July 1, 1987.

II. The remainder of this act shall take effect on January 1, 1987.

HB 107, relative to coordinated registration of corporations and limited partnerships. Ought to Pass with Amendment.

House Bill 107, as amended, requires that new corporations and new limited partnerships, at the moment of their being legally brought into existence, must state whether they do issue or propose to issue securities for public sale; and whether the securities are registered or exempt under RSA 421-B. The statement must be on file with the Insurance Department before the Secretary of State can complete registrations. Existing entities not issuing securities are not affected. Furthermore, licensed broker/dealers and others must post surety bonds in a minimal amount of \$25,000. These bonds cannot be waived, regardless of the broker's net worth. Vote 15-0. Rep. Eugene E. Pantzer for Commerce, Small Business and Consumer Affairs.

### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

### An Act

relative to coordinated registration of corporations and limited partnerships and establishing a bond posting requirement for broker-dealers and investment advisors.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:



1 Registration. Amend RSA 421-B:13 by inserting after paragraph I the following new paragraphs:

I-a. Before the secretary of state may accept articles of incorporation for a new corporation under RSA 293-A or a certificate of limited partnership for a new limited partnership under RSA 305, the following requirements shall be met:

(a) A statement has been filed with the commissioner that the capital stock of the corporation or the interests of the limited partnership have been either registered under this chapter or have been exempted from registration under this chapter; and that the articles of incorporation or limited partnership state whether the capital stock or interests in the limited partnership will be sold or offered for sale within the meaning of this chapter. If it is a new corporation, the statement shall be signed by the incorporators, and if it is a new limited partnership, the statement shall be signed by the intended general partner.

(b) The commissioner has certified to the secretary of state that the requirements of subparagraph (a) have been met.

2 Financial Responsibility Licensees. Amend RSA 421-B:7, IV as inserted by 1981, 214:1 by striking out said paragraph and inserting in place thereof the following:

IV. The commissioner shall require licensed broker-dealers, agents, and investment advisors to post surety bonds in a form and amount that he shall determine, but equal to at least \$25,000. Any appropriate deposit of cash or securities shall be accepted in lieu of any bond required. Every bond shall provide for suit thereon by any person who has a cause of action under RSA 421-B:25, and, if the commissioner by rule or order requires, by any person who has a cause of action not arising under this chapter. Every bond shall provide that no suit may be maintained to enforce any liability on the bond unless brought within 6 years after the sale or other act upon which it is based.

3 Articles of Incorporation; Certification. Amend RSA 293-A:54 by inserting after paragraph II the following new paragraph:

III. The secretary of state shall not accept articles of incorporation unless accompanied by the certification required by RSA 421-B:13, I-a(b).

4 Limited Partnerships. Amend RSA 305:2, I(b) by striking out said subparagraph and inserting in place thereof the following:

(b) File for record the certificate in the office of the secretary of state along with the certificate required by RSA 421-B:13, I-a(b).

5 Existing Corporations and Limited Partnerships. The provisions of this act shall not apply to limited partnerships and corporations in existence before the effective date of this act, until they offer for sale securities as defined in RSA 421-B:2, XX.

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

HB 371-FN, relative to mail order address disclosure. Ought to Pass with Amendment.

This bill, as amended, has the support of the Attorney General's Consumer Protection Division. The Consumer Protection Division has received hundreds of complaints against mail order businesses, which listed only Post Office boxes, mail drop addresses and answering services as means of consumer contact. The bill provides for disclosure for consumers when purchasing by mail, by stating that a legal name of the business appear as well as a complete street address from which the business is actually conducted in advertising, promotion and on order blanks and forms. Vote 16-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

## Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Mail Order Address Disclosure Required. Amend RSA 358-A:2 by inserting after paragraph XII the following new paragraph:

XIII. Selling or offering for sale any goods or services, and utilizing a post office box address, a street address representing a site used for the receipt or delivery of mail, or a telephone answering service, without disclosing the legal name under which business is done and a complete street address from which business is actually conducted in all advertising and promotional materials, including order blanks and forms.

2 Effective Date. This act shall take effect July 1, 1986.

HB 390-FN, to permit designation of enterprise zones by the director of economic development, department of resources and economic development. Ought to Pass with Amendment.

The consumer Committee dealing with the issues of small business feels like the President said in his State of the Union Address earlier this year, "Let us place new dream's in millions of hearts and create a new generation of entrepreneurs by passing enterprise zones this year." It provides incentives for business to locate in areas of underemployment to aid indigenous business. Vote 15-0. Rep. Lawrence J. Guay for Commerce, Small Business and Consumer Affairs.

## Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Enterprise Zones. Amend RSA 12-A by inserting after section 22 the following new subdivision:

## Enterprise Zones

12-A:23 Definitions. In this subdivision:

I. "Advisory commission" means the advisory commission to the commissioner of resources and economic development, established by RSA 12-A:5.

II. "Business" means any enterprise, whether corporation, partnership, sole proprietorship, association, business trust, real estate trust or other form of organization, organized for gain or profit, which carries on a business activity with an emphasis on manufacturing, commercial development, or recreation and tourism.

III. "Director" means the director of the division of economic development, department of resources and economic development.

IV. "Employment" means service, including service in interstate commerce, performed for wages or under contract of hire, written or oral, expressed or implied, together with service performed within the state which constitutes "employment" under the provisions of the Federal Unemployment Tax Act. The term "employment" shall include an individual's entire service, performed within or both within and without this state if:

- (a) The service is performed on a permanent full-time basis; and
- (b) The service is localized within the state.

V. "Governing body" means the board of selectmen, the city council, or the board of aldermen.

VI. "Municipality" means any incorporated city or town or unincorporated place.

12-A:24 Designation of Enterprise Zones. The director, with the advice of the advisory commission, may designate any municipality or areas



within a municipality as an enterprise zone upon application by the governing body of the municipality. The director may approve an application for an area smaller or larger than the specific area for which the application is made.

12-A:25 Duration of Enterprise Zone Status; Designation and Renewal.

I. Enterprise zone status shall be granted for a period of 3 years. In considering an application for initial enterprise zone status, the director shall refer to the standards enumerated in RSA 12-A:26 to determine the needs of the area. The advisory commission shall advise the director with regard to an area's compliance with eligibility standards and the location of enterprise zones.

II. Upon application by the governing body of the municipality, the director may renew enterprise zone status for an additional 3 year period. In considering an application for renewal of enterprise zone status, the director shall refer to the standards enumerated in RSA 12-A:26 to determine the unmet needs of the designated area. The advisory commission shall advise the director with regard to the area's compliance with eligibility standards.

III. An area under consideration for initial enterprise zone status shall be deemed eligible if at least 4 out of 6 of the standards enumerated in RSA 12-A:26 are applicable.

IV. An area under consideration for renewal of enterprise zone status shall be deemed eligible if at least 4 out of 6 of the standards enumerated in RSA 12-A:26 are applicable.

V. Businesses expanding to or already located in areas designated as enterprise zones by the director shall be qualified as eligible businesses for a period of 3 years upon receipt by the director of an application under RSA 12-A:27. New Hampshire businesses relocating in their entirety from a non-enterprise zone into a designated zone shall not be eligible for certification for 3 years. Businesses may be requalified by the director for additional 3 year periods only if at the time the application for requalification is made, the enterprise zone enjoys an eligible area designation.

12-A:26 Eligibility Standards for Designation and Redesignation. The director, with the advice of the advisory commission, shall consider the following standards in the evaluation of applications for designation and for redesignation of an enterprise zone:

I. Negative or zero population growth. The director and the commission shall refer to statistics compiled by the United States Bureau of the Census or such state data as is reasonably available.

II. Rate of underemployment. Underemployment shall exist in any area if there exists a higher percentage of seasonably unemployed persons than the most recent annual average of unemployment for that area. Any area with an underemployment rate equal to 25 percent of the most recent annual average for 3 months or more per year shall be deemed to have met this standard. The director and commission shall refer to statistics compiled by the department of employment security.

III. An unemployment rate in the area which is at least 1.5 times as high as the statewide unemployment rate for any 6 of the previous 12 months. The director and commission shall refer to statistics compiled by the department of employment security.

IV. Income.

(a) At least 10 percent of the area's population has income below the poverty level; or

(b) The community per capita income ranks in the bottom 20 percent when compared with all community per capita income as determined by statistics published by the United States Bureau of the Census.

V. The adjusted per capita tax base of the community which shall be in the lowest 10 percent of the state, as ranked by the department of revenue administration.

VI. More than 20 percent of all enclosed manufacturing and commercial floor space is vacant and a significant amount of state or local tax arrearages.



## 12-A:27 Certificate of Qualification.

I. Any business locating in an area after it has been designated an enterprise zone or any business in an enterprise zone which substantially expands after the area has been designated an enterprise zone may make a sworn application to the director for a certificate of qualification. Substantial expansion means a 10 percent increase in employees in each year of the 3 year period of zone status. A business shall submit annually to the director, on forms supplied by the director, substantiation of employee expansion in order to continue to enjoy benefits under this subdivision. A business must have a certificate of qualification before it may receive any benefits under this subdivision. If the director fails either to grant or reject any application for a certificate of qualification within 30 days, the application shall be deemed to be granted.

II. When the director grants a certificate of qualification, the director shall, at the time the certificate is granted, send a copy of the certificate to:

(a) The municipality in which the business receiving the certificate of qualification is located;

(b) The department of revenue administration, returns processing division.

## 12-A:28 Benefits to Businesses.

I. Any business with a certificate of qualification shall receive a 3-year exemption from the business profits tax imposed under RSA 77-A which, if not used, may be carried forward for an additional period not to exceed 3 years. For the purposes of computing the business profits tax due, the definition of gross business profits in RSA 77-A:b, III-a shall apply.

II. Any business with a certificate of qualification may carry forward any net operating losses incurred during the first 3 years of operation in an enterprise zone to each of the 5 years following the loss year. The net operating loss deductions of a corporation, "S" corporation, partnership, proprietorship, trust or estate engaging in business activity, or any other business organization included under RSA 77-A:1-a, shall be limited to losses incurred on or after the business receives a certificate of qualification under this chapter.

III. Any business with a certificate of qualification shall be given highest priority by the industrial development authority for approval of tax exempt bond financing.

IV. Any business that intends to locate in an enterprise zone shall be given highest priority by the industrial development authority for approval of bond financing; provided, however, that such approval shall be conditional upon actual location of the business in the zone and shall be used only in connection with business substantially conducted or which will be substantially conducted in the zone.

V. Any qualified business which bids on a state contract and which is located within a zone shall be given a 10 percent preference by the state.

VI. Any business that sends an employee to a New Hampshire state owned vocational-technical college or institute for training shall receive a full reduction in tuition costs.

VII. At the discretion of the local selectmen or city council, eligible businesses may be offered a reduced assessment on newly acquired or constructed real property, within the following limits:

(a) The first year after acquisition or construction completion, assessment shall be at no less than 25 percent of full value.

(b) The second year after acquisition or construction completion, assessment shall be at no less than 50 percent of full value.

(c) The third year after acquisition or construction completion, assessment shall be at no less than 75 percent of full value.

(d) The fourth year after acquisition or construction completion and all years thereafter, assessment shall be at full value.

12-A:29 Businesses Ineligible for Benefits; Repetition of Benefits Prohibited.

I. Any business or a substantial continuation of a business already located in an area at the time that the area is designated an enterprise zone, unless the business qualifies for benefits by reason of substantial expansion under RSA 12-A:27, I, shall be ineligible to receive benefits under this subdivision either in that zone or in another enterprise zone by reason of relocation.

II. If a business eligible for benefits under this subdivision opens branch extensions in other enterprise zones, this section shall not be construed to make that business or its extensions ineligible for enterprise zone benefits.

12-A:30 Records. Businesses shall file all required forms relating to the business profits tax with the department of revenue administration, returns processing division. The department of revenue administration and the business shall preserve all relevant records for 3 years.

12-A:31 Rulemaking. The director shall adopt rules, pursuant to RSA 541-A, relative to:

I. Application procedures for municipalities seeking enterprise zone status including:

(a) Form of the application.

(b) Information required.

(c) Time within which the director shall act on applications, not to exceed 60 days.

II. Standards used in the evaluation of applications from municipalities for enterprise zone status.

III. Application procedures for businesses applying for certificates of qualification under RSA 12-A:27, and information required under RSA 12-A:27 for continuation of benefits.

IV. Standards used in the evaluation of applications for certificates of qualification.

V. Prohibition of repetition of benefits under RSA 12-A:29.

12-A:32 Penalty. Upon review of an annual statement filed pursuant to RSA 12-A:27, if the director finds that the business did not increase employee levels by at least 10 per cent within the year for which the statement is made, the director shall immediately suspend the business's certificate of qualification and all benefits accruing to that business under this subdivision shall cease.

12-A:33 Appeals.

I. Any municipality denied initial enterprise zone status or renewal of enterprise zone status, and any business denied a certificate of qualification or a renewal of certificate of qualification may appeal, within 30 days of the date of denial, to the director and the advisory commission for a hearing. All appeals shall be made in accordance with RSA 541.

II. Any business whose certificate of qualification is suspended pursuant to RSA 12-A:32 may appeal, within 30 days of the date of suspension, to the director and the advisory commission for a hearing. The director and advisory commission shall hold a hearing to determine whether the business complied with the requirements of RSA 12-A:27. If the director and advisory commission determine that the business knowingly failed to comply with the requirements of RSA 12-A:27, the director shall revoke the certificate of qualification.

HB 382, establishing a department of natural resources. Refer for Interim Study.

It is the feeling of the Committee that this very important piece of legislation, which has been under study for a period of six years, should be kept alive until the effects of federal cutbacks are more fully known. Two sections of this bill are now covered in other legislation; the remaining sections should be kept available for further study. Vote 16-0. Rep. Robert B. Holmes, Jr. for Executive Departments and Administration.

HB 484-FN, creating an office of federal-state financial information in the office of the governor. Ought to Pass with Amendment.

This bill, as amended, adds no new positions to state government, nor will it require additional funding. It does, however, establish an office of federal-state financial information, the sole function of which is to maintain a data base concerning all federal funds subject to the intergovernmental review process, and to file a quarterly report on the status of these funds with the Governor, Speaker of the House, and President of the Senate. The Committee feels this kind of function is critical in these times of federal cutbacks in funding to the states. Vote 15-1. Rep. Dean Dexter for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

creating an office of federal-state financial information in the office of state planning.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Office of Federal-State Financial Information. Amend RSA 4 by inserting after section 43 of the following new subdivision:

#### Office of Federal-State Financial information

4:44 Statement of Intent. It is the intent of the general court that an office of federal-state financial information be created in the office of state planning to inventory and monitor the use of federal funds subject to the intergovernmental review process in New Hampshire. The general court believes that the executive and legislative branches of state government should be aware of all such federal funds received and used in New Hampshire.

4:45 Office of Federal-State Financial Information Established. There is hereby established in the office of state planning an office to be known as the office of federal-state financial information, the functions of which shall include the following:

I. To cooperate with the coordinator of federal funds under RSA 4:12-a in sharing information to increase the availability of information concerning federal funds.

II. To maintain a data base concerning all federal funds subject to the intergovernmental review process available to all state departments and to all municipalities.

III. To report on all such federal funds coming into the state of New Hampshire, whether to public or private agencies, to the executive and legislative branches quarterly each year by a written report submitted to the governor, the president of the senate, and the speaker of the house.

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

HB 186, relative to standards for the awarding of legal and physical custody. Refer for Interim Study.

The Committee feels that the awarding of legal and physical custody is too important a subject to dispatch hastily. New testimony was recently heard on the subject which needs to be examined in-depth. Vote 14-0. Rep. Elizabeth D. Lown for Judiciary.



HB 296, relative to annulments of criminal records. Ought to Pass with Amendment.

House Bill 296, as amended, clarifies the annulment proceedings and provides for an annulment of a not guilty finding. Vote 13-0. Rep. Maureen E. Raiche for Judiciary.

#### Amendment

Amend RSA 651:5 as inserted by section 1 of the bill by striking out all after paragraph IV and inserting in place thereof the following:

V. When an application has been made under paragraph I, II, III, or IV, the court shall require the department of corrections or district court probation officer to report to it concerning any state or federal convictions, arrests or prosecutions of the applicant during the periods specified in those paragraphs and any other information such as the applicant's employment record or the applicant's addresses during the period after his conviction which may aid the court in making a determination on the application.

VI. Notwithstanding the provisions of paragraphs I, II, III, or IV, no person who has had more than one conviction within a 3 year period of time following completion of a sentence may apply for an annulment until 7 years after completion of the terms of his sentence for his last conviction during that 3 year period.

VII. The court shall enter the order applied for under paragraph I, II, III or IV if in the court's opinion the order will assist in the applicant's rehabilitation and will be consistent with the public welfare. Upon entry of the order, the applicant shall be treated in all respects as if he had never been convicted and sentenced, except that, upon conviction of any crime committed after the order of annulment has been entered, the prior conviction may be considered by the court in determining the sentence to be imposed.

VIII. Procedures governing application for an entry of an order annulling a conviction shall be established by rule of court. The application, however, may be made through an attorney or by the department of corrections or district court probation officer if the applicant gives the department written authorization.

IX. Prior to ordering an annulment, the court shall notify the arresting law enforcement agency and permit them to be heard and present any information regarding the interest of justice or the rehabilitative value in support of or in opposition to the petition for annulment.

X. Upon entry of the order of annulment of conviction, the court shall issue to the applicant a certificate stating that his behavior after the conviction has warranted the issuance of the order, and that its effect is to annul the record of conviction and sentence, and shall forthwith notify the state police criminal records unit and the arresting agency.

XI. In any application for employment, license, or other civil right or privilege, or in any appearance as a witness in any proceeding or hearing, a person may be questioned about a previous criminal record only in terms such as "Have you ever been arrested for or convicted of a crime that has not been annulled by a court?"

XII. Nothing in this section shall affect any right of the applicant to appeal from his conviction or sentence or to rely on it in bar of any subsequent proceedings for the same offense, or the right of law enforcement officers to communicate information regarding the prior conviction or arrest to other law enforcement officers for legitimate investigative purposes, in which case such information shall not be disclosed to any other persons.

XIII. Any person whose arrest results in a finding of not guilty, dismissal, or whose case was not prosecuted may at any time apply for an annulment of the arrest record in accordance with the provisions of this section.

XIV. A person is guilty of a misdemeanor if, during the life of another who has had a record of conviction annulled pursuant to this section, he discloses or communicates the existence of such record.

XV. No court shall order an annulment pursuant to this section of any record of conviction for an offense under RSA 639:2, RSA 639:3, III, RSA 649-A, or for an offense against a person under the age of 13 under RSA 632-A until 7 years after the date of conviction.

HB 444-FN, relative to court administration. Ought to Pass with Amendment.

This bill makes a number of changes to improve the administration of the court system. The amendment deletes a section concerning Sullivan County Probate Court which has been incorporated into another bill, centralizes the guardian ad litem fund and makes it self-supporting, permits a designee of the Supreme Court to serve on the Court Accreditation Commission and makes other modifications of a technical nature. Vote 13-0. Rep. Donna P. Sytek for Judiciary.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Guardian ad Litem Compensation Fund. Amend RSA 458 by inserting after section 17-a the following new section:

458:17-b Special Fund Established. The supreme court shall establish a separate fund in which to deposit a percentage amount of the fee paid to each clerk of superior court in each libel and petition in marital cases where guardians ad litem are appointed, pursuant to RSA 458:17-a, for the compensation of the guardians ad litem when the parents are indigent. The supreme court shall determine by rule the percentage amount of the fee for each libel and petition to be deposited into the fund, but at no time shall the percentage amount exceed 50 percent of the fee for each libel and petition. The fund shall be self-supporting and shall compensate all guardians ad litem appointed pursuant to RSA 458:17-a when the parents are indigent.

2 Court Accreditation Commission; Membership. Amend RSA 490:5-a as inserted by 1971, 382:1 by inserting in line 8 after the word "court" the following (or a designee of the supreme court) so that said section as amended shall read as follows:

490:5-a New Hampshire Court Accreditation Commission. There is hereby established the New Hampshire court accreditation commission to be appointed by the supreme court, and to consist of 5 members, one of whom shall be designated by the supreme court as chairman. One such member shall be a layman, one shall be a member of the general court at the time of his appointment, one shall be a lawyer of experience in the trial of cases at all court levels, one shall be a justice of the superior court and one shall be a justice of the supreme court or a designee of the supreme court.

3 Court Accreditation Commission; Terms and Compensation. Amend RSA 490:5-b as inserted by 1971, 382:1 by striking out said section and inserting in place thereof the following:

490:5-b Terms; Compensation. The members of the commission shall each serve for a term of 3 years and shall receive no compensation for the performance of their duties as members of the commission, but they shall be reimbursed for mileage and other reasonable expenses actually incurred by them in visiting any court when attending to business of the commission. Such reimbursement shall be made from the receipts of any court so visited on presentation of an invoice detailing the subject expenses. The mileage allowance shall be the rate then in effect as to other state officials and employees.

4 Duties of New Hampshire Court Accreditation Commission; Reference to Administrative Committee Deleted. Amend RSA 490:5-c, III as inserted by 1971, 382:1 as amended by striking out in lines 4 and 5 the words "the administrative committee of the district and municipal courts," so that said paragraph as amended shall read as follows:

III. Shall periodically report its findings, conclusions, and recommendations for improvements in court facilities and procedures to the chief justices of the supreme and superior courts, the New Hampshire Probate Judges Association, the New Hampshire judicial council and the president of the New Hampshire Bar Association; and

5 Chief Justices. Amend RSA 490-A:2 as inserted by 1971, 459:1 by striking out said section and inserting in place thereof the following:

490-A:2 Chief Justices of the Supreme and Superior Courts. The chief justice of the supreme court, with the advice and consent of the chief justice of the superior court in respect to all matters affecting the superior court, shall be responsible for supervising the efficient operation of all courts in New Hampshire. In meeting this responsibility, the chief justices shall receive the advice and cooperation of all persons and bodies interested in the administration of justice, including, but not limited to, the justices of all courts in New Hampshire, the judicial council, the New Hampshire Probate Judges Association, the New Hampshire Superior Court Clerks Association, New Hampshire Probate Registers Association, the court accreditation commission, the New Hampshire Bar Association, and all county and local bar associations.

6 District Court Sessions in Towns Within District. Amend RSA 502-A:2 by striking out said section and inserting in place thereof the following:

502-A:2 Sessions in Towns Within District. The purpose of the establishment of this system of district courts is to provide the number of courts which will adequately serve the convenience of the public, both transient and permanent residents of this state. To accomplish this purpose, districts must serve certain towns within their district, having regard for the parties, the seasonal influx of population in certain areas, and such other considerations as the expeditious and effective administration of justice may require. In addition to the regular sessions which are required to be held in various districts under the provisions of this chapter, the justice or special justice of each district court shall hold sessions in such localities within their respective district and at such times as may best serve the convenience of the communities within their district. District courts are hereby directed to hold regular sessions in the towns as set forth in the following table, except that a district court shall not be required to hold regular sessions in a town if, upon written request by the town and written agreement between the court and the local governing body of the town, it is determined that such sessions are no longer required for the effective administration of justice. No written agreement under this section shall be valid unless it has been approved by majority vote of the governing body of the town. Sessions once discontinued shall not be reinstated except by agreement of both the court and the local governing body. The following table sets forth the required regular sessions in towns:

District Courts

Exeter  
 Auburn  
 Rochester  
 Laconia  
  
 Nashua  
 Milford

Towns

Newmarket  
 Northwood  
 Farmington  
 Meredith  
 Alton  
 Pelham  
 Wilton



Keene  
 Claremont  
 Lebanon  
 Littleton  
 Plymouth  
 Lancaster  
 Merrimack

Hinsdale  
 Walpole  
 Charlestown  
 Canaan  
 Bethlehem  
 Bristol  
 Northumberland  
 (Groveton)  
 Bedford

7 Appropriation Transfers. Amend RSA 9:17-d (supp) as inserted by 1979, 403:3 by striking out said section and inserting in place thereof the following:

9:17-d Transfers of Appropriation; Supreme Court. The supreme court may transfer funds between line item appropriations within a judicial branch program appropriation unit. The supreme court may transfer funds between judicial branch program appropriation units with the approval of the legislative fiscal committee.

8 Repeal. The following are hereby repealed:

I. RSA 502-A:18, relative to the administrative committee of the district and municipal courts.

II. RSA 502-A:18-a, relative to the executive secretary to the administrative committee.

III. RSA 502-A:19-a, relative to recommendations by the administrative committee.

IV. Laws of 1979, 483:3, relative to special funds for compensation of guardians ad litem.

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

HB 477-FN, relative to employer contributions and an administrative fee for the department of employment security. Ought to Pass with Amendment. This bill is necessary to replace federal cuts that have been made in the operating budget of the Department of Employment Security. It makes a temporary 4 percent assessment on the quarterly contributions of business to be deposited in the contingency fund of the department. When the cumulative temporary assessment reaches \$1,300,000 no further assessment shall be made. The Commissioner shall submit a plan for this fund to the Unemployment Compensation Council before collecting this money and shall submit to them a quarterly report relative to this plan. This assessment is for one year only. Vote 13-0. Rep. Avis B. Nichols for Labor, Industrial and Rehabilitative Services.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to a temporary unemployment compensation  
 crises assessment.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Temporary Unemployment Compensation Crisis Assessment. Every contributing employer subject to RSA 282-A shall pay a temporary assessment equal to 4 percent of the contribution due each calendar quarter beginning with the quarter ending September 30, 1986 and ending with the quarter ending June 30, 1987. The assessment shall be deposited

in the contingent fund created by RSA 282-A:140. Prior to the collection of the temporary assessment the commissioner shall submit a plan describing the use of the temporary assessment to the advisory council created under RSA 282-A:128 for its approval. The commissioner shall report quarterly to the advisory council relative to the approved plan. If the total cumulative temporary assessment reaches or exceeds \$1,300,000 at the end of any calendar quarter then no further assessment shall be made. The assessment shall be collected in the same manner as all other contributions required under this chapter and subject to a 1.5 percent monthly interest charge on amounts past due. The provisions of RSA 282-A:85 shall not apply to amounts due under this act. In the event the fiscal year 1987 federal grants for the administration of the Employment Service bureau required by section 6 of the Wagner-Peyser Act and Unemployment Compensation bureau required by Title III of the Social Security Act exceeds .003 of the previous calendar year's total wages subject to contributions under RSA 282-A, then there shall be no temporary assessment.

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

HB 234-FN, relative to financial disclosure by public officials. Inexpedient to Legislate.

House Bills 6 and 234 both proposed financial disclosure by elected officials. The Committee recommends the passage of House Bill 6, as amended. House Bill 234 is surplus and expendable. Vote 12-0. Rep. James A. Chandler for Legislative Administration.

HB 511, prohibiting the governor and council from nominating and appointing members of the house and senate to salaried positions in state government during the term for which they were elected. Inexpedient to Legislate.

This bill was getting its third appearance in three years. Rejected by the 1984 Constitutional Convention, it was sent to Interim Study by the 1985 House. This year the Committee made a decision and it was unanimous in its opposition. Vote 11-0. Rep. James A. Chandler for Legislative Administration.

HB 206, allowing city councils to establish penalties for the violation of municipal codes. Ought to Pass.

This bill authorizes cities to establish a procedure for issuing citations and warnings for violations of health, planning board, building, zoning and housing codes in addition to fire code violations already by House Bill 86. Vote 14-0. Rep. Robert B. Goss for Municipal and County Government.

HB 288, enabling municipalities to license motels, hotels and other short-term leased property. Inexpedient to Legislate.

1. The aim of the bill is narrow and limited. 2. Such objectives can generally be accomplished under general powers of selectmen and the zoning powers of municipalities. 3. The bill was drawn incorrectly, as it speaks of municipalities, but amends only RSA 47:17 which relates to powers of cities only. 4. The area of municipal regulating powers needs to be reviewed, but that can be done under study already authorized. Vote 14-0 (1 abstention). Rep. Robert B. Goss for Municipal and County Government.

HB 349, relative to the siting of manufactured housing. Ought to Pass with Amendment.

The majority of the Committee feels that the existing law is sound, but that compliance is not uniform throughout the State. Accordingly, the Committee has amended the bill to emphasize the need for compliance. Vote 11-1. Rep. Richard A. Grodin for Municipal and County Government.

## Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Manufactured Housing Regulation; Compliance. Amend RSA 674 by inserting after section 32 the following new section:

674:32-a Compliance. Every municipality which regulates manufactured housing by regulation, zoning ordinance, or by any other exercise of the police power shall be in compliance with the provisions of RSA 674:32 no later than June 1, 1987. In any municipality which is not in compliance with the provisions of RSA 674:32 by June 1, 1987, manufactured housing shall be allowed on individual lots in all residential areas within the municipality in the same manner that conventional single family housing is allowed.

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

HB 426-FN, relative to adopting an optional municipal fiscal year. Ought to Pass with Amendment.

This bill will permit the Concord Regional Solid Waste Resource Recovery Cooperative to strengthen their contract and improve the conditions of the cooperative. Vote 15-0. Rep. George M. West for Municipal and County Government.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to the Concord regional solid waste/resource recover cooperative.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Concord Regional Solid Waste/Resource Recovery Cooperative Agreement Legalized. All actions and proceedings taken by the cities of Concord, Franklin, and Laconia and the towns of Allenstown, Andover, Belmont, Boscawen, Bow, Bradford, Bristol, Canterbury, Deering, Dunbarton, Gilford, Gilmanton, Henniker, Hill, Hillsborough, Hopkinton, Loudon, Northfield, Pembroke, Salisbury, Tilton, Warner, Weare, and Webster, and their respective city managers, boards of selectmen, designated provisional and joint board members (or their respective designated alternate board members), agents, and employees, to adopt a cooperative agreement entitled "Agreement for Formation of Concord Regional Solid Waste/Resource Recovery Cooperative" dated June 12, 1985, and to amend and restate said agreement on December 10, 1985, hereinafter the "cooperative agreement", for the public purpose of joining together said cities and towns in a joint and cooperative undertaking for the disposal of solid waste in a manner which will meet federal and state requirements, including, but not limited to, RSA 149-M, and for the economical and efficient recovery of energy from said solid waste disposal, are hereby legalized, ratified, and confirmed. All of the terms, conditions, and provisions of the cooperative agreement, including, but not limited to, the voting and amendment provisions set forth in the agreement, shall be legal, valid, and binding in all respects on each municipality which is now or which in the future becomes a party to the cooperative agreement. The pledge of each such municipality's full faith and credit to the cooperative to carry out such municipality's obligations under the cooperative agreement, including, but not limited



to, its appropriation of the funds necessary for the performance of such municipality's obligations under the cooperative agreement, is hereby validated.

2 Status of Cooperative. The cooperative is hereby declared to be, from and after the date of its formation on June 12, 1985, a nonprofit voluntary corporation constituting a body politic and corporate and a public instrumentality of the state carrying out a public purpose of this state and an essential governmental function and, as such, is a legal entity for the purposes of undertaking joint and cooperative action under RSA 53-A. Notwithstanding any provisions of RSA 292 or any other law of this state regulating the organization, governance, rights, powers, or privileges of corporations or the relationships between a corporation and its shareholders or members to the contrary, the business affairs and corporate action of the cooperative shall be conducted and governed pursuant to the terms, conditions, and provisions of the cooperative agreement; provided, however, that the provisions of RSA 292 shall be applicable to the extent they are not inconsistent with or superseded by the cooperative agreement. To the extent that federal bankruptcy law requires state authorization to be given to permit the cooperative to be a debtor under federal bankruptcy law, the cooperative may not be a debtor under federal bankruptcy law without additional authorization by the general court of this state.

3 Voting. Notwithstanding any law to the contrary:

I. Any votes required or permitted to be taken by the member municipalities of the cooperative shall mean voting by said member municipalities' respective joint board members or their respective designated alternate board members pursuant to the terms and conditions of the cooperative agreement; and

II. Any action required or permitted to be taken at a meeting of the member municipalities of the cooperative through their respective designated joint board members may be taken without a meeting if a consent in writing, which may be contained in a single document or in more than one document so long as the documents in the aggregate contain the required signatures, setting forth the action so taken, shall be signed by all of the joint board members or their respective designated alternate board members entitled to vote with respect to the subject matter. Any such consent shall have the same effect as a unanimous vote of the joint board members and may be stated as such in any articles or documents filed with the secretary of state or otherwise.

4 Net Indebtedness. RSA 33 shall not apply to the cooperative or to the debts or obligations incurred by the cooperative. No debts or obligations of the member municipalities to the cooperative existing at any time since the formation of the cooperative shall be included in the "net indebtedness," as said term is defined in RSA 33, of any such member municipality.

5 Long Term Solid Waste Disposal Contract. It is hereby confirmed that the cooperative has the power to contract for the provision of solid waste disposal services for the cooperative for any term of years. Any such contract entered into before or after the effective date of this act may provide for the delivery of guaranteed amounts of solid waste, with payments based on such guaranteed amounts whether or not actually delivered or processed, and may contain such other terms and conditions as the cooperative, acting through its joint board, may determine to be in the cooperative's best interest.

6 Antitrust Exemption. It is hereby declared to be the policy of the state of New Hampshire that, in order to promote the safe, clean, and efficient management and disposal of solid waste by the municipalities now or in the future cooperating under the cooperative agreement as it exists on the effective date of this act or as extended from time to time, competition and enterprise may be displaced or limited by said cooperating municipalities, acting alone, together, or through the cooperative, in the exercise of the powers, authorities, and responsibilities granted to them

in the cooperative agreement or by law as necessary to carry out the purposes of the cooperative agreement.

7 Cooperative Budget. Annually, the joint board of the cooperative shall determine the amounts necessary to be raised to maintain and operate the cooperative during its next fiscal year, including all amounts required to be paid by the cooperative under contracts for the provision of solid waste disposal services. The joint board shall prepare and approve a budget providing for the payment of such amounts in accordance with the terms of the cooperative agreement and shall apportion the expenses of the cooperative among its members in the manner prescribed by the cooperative agreement.

8 Prior Obligations. Nothing in this act shall impair any obligation incurred or agreement entered into by the cooperative after the date of its formation and prior to the effective date of this act, and all such obligations and agreements shall be entitled to the benefit of this act. No actions taken or obligations or agreements entered into under 1985, 114:1 shall be impaired by this act.

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

10 Repeal. Laws of 1985, 114, relative to legalizing the agreement establishing the Concord regional solid waste/resource recovery cooperative, is hereby repealed.

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

HB 488-FN, relative to eligibility for financial assistance from towns. Ought to Pass with Amendment.

House Bill 488, as amended, clarifies the procedure for the qualification as a needy person. Vote 13-0. Rep. David M. Perry for Municipal and County Government.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to eligibility for financial assistance  
from towns and cities.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Disqualification from Financial Assistance for Noncompliance with Town or City Guidelines. Amend RSA 165:1-b (supp) as inserted by 1985, 106:1 by striking out said section and inserting in place thereof the following:

165:1-b Disqualification for Noncompliance with Guidelines.

I. Any person otherwise eligible for assistance under this chapter shall become ineligible to receive such assistance if he willfully fails to comply with written guidelines adopted by the town or city and approved by the governing body of the town or city relating to:

- (a) Disclosure of income, resources, or other material financial data;
- (b) Participation in a work program authorized under this chapter;
- (c) Reasonable work search; or
- (d) Applications with other public assistance agencies.

II. Before any person is found ineligible for assistance or is suspended from assistance pursuant to paragraph I, the town or city overseers of public welfare shall provide written notice and an opportunity to comply with guidelines within 7 days. In the written notice, the town or city shall issue a list of the guidelines with which the person presently does not comply, those specific actions deemed necessary for compliance, and a statement of the consequences of noncompliance. If the person does not comply within 7 days, the town or city may issue to the person a written decision that the person is ineligible for assistance or suspended from assistance, along with a fair hearing request form.

III. The period of ineligibility or suspension pursuant to this section shall be 7 days; provided, however, that if upon expiration of the 7 day disqualification period the applicant or recipient continues to fail to carry out the specific action set forth in the notice required by paragraph II, the disqualification shall continue until the applicant or recipient complies.

HB 15-FN, allowing nonprofit charitable organizations, and social and sports clubs to sell lucky 7 tickets. Refer for Interim Study.

This bill allows nonprofit charitable organizations, social clubs and sports clubs to sell Lucky 7 tickets. At present the Sweepstakes Commission does not have the personnel to handle this. The Attorney General's Office opposed this bill in its present form. Study is needed to determine who should sell these tickets and under what circumstances as well as how to enforce. Vote 15-0. Rep. Lynn C. Horton for Regulated Revenues.

HB 22, prohibiting gambling machines on licensed premises. Ought to Pass with Amendment.

This bill, as amended, provides for marketing improvements needed by the State Liquor Commission to maintain its level of support to the general fund. It enables it to open two new stores and to increase rental payments for leased retail store premises by ten percent. It was the unanimous opinion of the Committee that these adjustments were economically beneficial to the State and would improve the marketing capacities of the State Liquor Commission. Vote 14-0. Rep. Peter M. Simon for Regulated Revenues.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

authorizing the state liquor commission to operate 2 new liquor stores and authorizing the state liquor commission to maintain and expand available opportunities for retail store locations.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 State Liquor Stores. Provided there are sufficient funds within the state liquor commission budget, the state liquor commission, in addition to other state liquor stores established by the state liquor commission under RSA 177:1, is authorized to lease, stock, equip and staff in the name of the state 2 state liquor stores. The operation of the stores shall be governed by the provisions of RSA 177.

2 Retail Store Locations. Provided there are sufficient funds within the state liquor commission budget for fiscal year 1987, the liquor commission shall increase rents by 10 percent to maintain and expand



available opportunities for retail store locations for the fiscal year ending June 30, 1987.

3 Effective Date. This act shall take effect July 1, 1986.

HB 66-FN, enabling bingo licensees to obtain a license valid for one year. Ought to Pass with Amendment.

This bill allows Bingo licensees to obtain a one year license. Monthly financial reports are required. The amendment changes maximum total to \$2,100 making New Hampshire competitive with Massachusetts, allows a special bonus game of up to \$3,000. This helps both small and large games. Vote 13-1. Rep. Lynn C. Horton for Regulated Revenues.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to special prizes, license suspension and enabling bingo licensees to obtain a license valid for one year.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Bingo Licenses. Amend RSA 287-E:6 by inserting after paragraph I the following new paragraph:

I-a. The provisions of paragraph I notwithstanding, a license may be issued to a charitable organization per fiscal year, and the license shall permit no more than 5 game dates of bingo in one calendar month and no more than 60 game dates of bingo in one calendar year. The license shall expire on the last game date authorized under the license. Charitable organizations electing to receive an annual license under this paragraph shall be ineligible to receive concurrently a monthly license under paragraph I, and charitable organizations licensed under paragraph I shall be ineligible to receive concurrently an annual license under this paragraph.

2 Operation of Bingo Games. Amend RSA 287-E:7, XI (supp) as inserted by 1983, 417:1 by striking out said paragraph and inserting in place thereof the following:

XI. Except as provided in paragraph XIII, all prizes, tokens, or awards used, given, offered or awarded in connection with any game or series of games conducted on one game date shall not exceed the total value of \$2,100.

3 Special Prizes Authorized. Amend RSA 287-E:7 by inserting after paragraph XIV the following new paragraph:

XV. In not more than one game conducted in accordance with RSA 287-E:7, XIII, during any game or series of games conducted on any one game date by a charitable organization, a bonus prize of not more than \$3,000 may be awarded to any winner covering all 24 numbers on the card in 50 or fewer numbers called. Said bonus shall be awarded in addition to any sum collected and given out pursuant to RSA 287-E:7, XIII. This bonus may be paid on either the first or second coverall, but not on both. The bonus shall not be subject to the state tax under RSA 287-E:8. The bonus shall not be construed as a game, but as a prize given in addition to the announced payout for covering the card in fewer than 50 numbers called.

4 Tax. Amend RSA 287-E:8 (supp) as inserted by 1983, 417:1 by striking out said section and inserting in place thereof the following:

287-E:8 Bingo Tax. Except for bingo games licensed under RSA 287-E:10-13 and for prizes awarded under RSA 287-E:7, XV, the licensee shall pay a tax of 5 percent of the total amount collected from participants in any game conducted in accordance with RSA 287-E:7, XIII.

5 Financial Reports. Amend RSA 287-E:9, I (supp) as inserted by 1983, 417:1 by striking out said paragraph and inserting in place thereof the following:

I. A charitable organization which has been licensed to conduct bingo games shall submit a complete financial report to the commission for each license issued under RSA 287-E:6 within 15 days after the expiration of each license; provided however, a complete monthly financial report shall be submitted in a timely fashion to the commission for each month covered by a license issued under RSA 287-E:6, I-a.

6 Revocation. Amend RSA 287-E:14 (supp) as inserted by 1983, 417:1 by striking out said section and inserting in place thereof the following:

287-E:14 Suspension; Revocation. The commission may suspend or revoke the license of any licensee who violates any provision of this subdivision. Any licensee whose license is revoked shall not be eligible for licensure for a period of up to one year from the date of revocation.

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

HB 158-FN, prohibiting video blackjack and video poker machines in liquor establishments. Refer for Interim Study.

The testimony at the Committee hearing was vague and the distributors of these machines would not give out information as to their financial records and as to how many machines were out in liquor establishments. The Committee feels much more testimony should be taken and more time spent in study to search out information needed for any future bill. These machines are illegal now if they pay off. Vote 14-0. Rep. Robert P. Mason for Regulated Revenues.

HB 279-FN, relative to legalizing betting on a sporting event. Inexpedient to Legislate.

House Bill 279 is reported "Inexpedient to Legislate" by a count of 12-3. The subject of legalizing betting on a sporting event needs more attention and further examination before formalizing action to be presented to the general assemblage. The present bill is not a complete package and the flaws were exposed by hearing in Committee. Rep. Robert N. Kelley for Regulated Revenues.

HB 451-FN, relative to the delivery of wine purchases by a licensee. Ought to Pass with Amendment.

This bill requires the State liquor stores to fill wine orders from licensees if available on the same day that the order is placed. The amendment provides for training of any new special agent for the State Liquor Commission, this grandfathers the present agents, but are subject to special limited training programs. This amendment also clarifies wine pricing on the retail level. Vote 12-2. Rep. Robert P. Mason for Regulated Revenues.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the delivery of wine purchases of a licensee, and price restrictions of wine licenses for restaurants on manufacturers' or wholesalers' premises; and requirements for special agents of the liquor commission.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Purchase of Wine by Licensee. Amend RSA 178-A by inserting after section 15 the following new section:

178-A:15-a Availability of Wine. The state stores shall have available for the retail wine licensee, at the regular retail price, any table wine that is available on location. Said wine shall be made available the same day that the order is placed by the licensee.

2 New Special Agents. Amend RSA 176:8, II (supp) as inserted by 1985, 326:2 by striking out said paragraph and inserting in place thereof the following:

II. Any new special agent appointed by the commission under this section after August 13, 1985, shall, within 6 months of appointment, satisfactorily complete a preparatory police training program as provided by RSA 188-F:27, unless he has already completed such a program.

3 Licenses for Restaurants on Manufacturers' or Wholesalers' Premises. Amend RSA 181:14-a as inserted by 1969, 264:2 by striking out said section and inserting in place thereof the following:

181:14-a Licenses for Restaurants on Manufacturer's or Wholesaler's Premises. The holder of a manufacturer's or wholesaler's permit, or his designee, may be issued licenses and permits pursuant to the provisions of RSA 178:3-a, 178:3-c, 178:5-c, 181:4 and 181:12 in the discretion of the commission. The annual fee for each license and permit issued under this section shall be the same as required from licensees and permittees under RSA 178:3-a, 178:3-c, 178:5-c and 181:16.

4 Prohibition of Employment. Amend RSA 181:22 by inserting after paragraph II the following new paragraph:

III. No holder of an on-sale or off-sale permit shall employ in any capacity any person who is the holder of any permit provided under this chapter, except that the holder of an on-sale permit may employ the holder of an off-sale permit in an entertainment capacity.

5 Grandfathering of Special Agents. Amend RSA 188-F:27 by inserting after paragraph V the following new paragraph:

VI. Any special agent of the state liquor commission who has the power to enforce the criminal laws under RSA title XIII and rules of the state liquor commission and who was serving under a permanent appointment prior to August 13, 1985, shall not be required to meet the requirements of paragraphs I and III; however, any special agent referred to in this paragraph shall complete such limited programs as may be prescribed by rule adopted under RSA 541-A by the police standards and training council under this section within one year of the date said programs are required. Should any special agent exempted from the requirements of paragraphs I and III of this section by this paragraph terminate employment with the state liquor commission and be hired as a police officer by another police department of the state or a political subdivision thereof, his certification shall lapse and may be reinstated upon completion of such necessary additional training courses as the police standards and training council may prescribe by rule adopted under RSA 541-A.

6 Repeal of Prospective Repeal. 1985, 373:3, relative to the prospective repeal of RSA 178-A:4, I, is hereby repealed.

7 Effective Date.

I. Sections 1-5 of this act shall take effect upon its passage.

II. Section 6 of this act shall take effect May 31, 1986.

HB 257, enacting the driver license compact. Ought to Pass.

The Committee feels that granting the Commissioner of the Department of Safety the option of joining the compact is the proper action to take. The bill contains procedures for the State to withdraw from the compact at any time. Vote 11-0. Rep. Irvin H. Gordon for Transportation.

HB 432-FN, requiring the diesel fuel tax to be paid at the pump. Inexpedient to Legislate.

This bill would require the diesel fuel tax to be paid at the pump, however no one spoke in favor of it at its hearing. Testimony was conclusive that House Bill 19 addressed the main concern of this bill



and that passage of House Bill 432 could result in considerable loss of state revenue without significant benefit to anyone. Vote 16-0. Rep. Marian R. Harrington for Ways and Means.

COMMITTEE REPORTS  
(Regular Calendar)

HB 98-FN, making an additional appropriation for foundation aid. Ought to Pass with Amendment.

This bill, as amended, appropriates \$1.3 million of additional sweepstakes revenue that is anticipated to be earned from tri-state lotto. The money will be distributed to school districts through the new foundation aid law. Vote 14-3. Rep. Ellen-Ann Robinson for Appropriations.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Supplemental Appropriation; Foundation Aid. Amend 1985, 406:1.06,03,02,01 by striking out class 96 for fiscal year 1987 and inserting in place thereof the following:

96 Tri-state lotto distribution 4,300,000

2 Totals and Funding Source Adjusted. Amend 1985, 406:1.06,03,02,01 by striking out the totals for fiscal year 1987 and the estimated source of funds for fiscal year 1987 and inserting in place thereof the following:

	Fiscal Year 1987
Total	22,248,067
Estimated source of funds for financial aid to district-state	
08 Revenue	4,300,000
09 Revenue	4,815,500
General fund	13,132,567
Total	22,248,067

3 Totals Adjusted. The legislative budget assistant is authorized to adjust all totals as made necessary by the passage of this act.

4 Effective Date. This act shall take effect July 1, 1986.

Amendment adopted.

Ordered to third reading.

HB 218-FN, relative to the operating expenses of state agencies for fiscal year 1987. Ought to Pass with Amendment.

This supplemental budget bill addresses the need for adjustments to the biennial budget in line with annual sessions' mandate. Vote 18-3.

Rep. William F. Kidder for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

making supplemental appropriations, amending the operating budget, and amending capital appropriations.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Crystalline Rock Project. Amend 1985, 406:1.01,03,01,04,03 by striking out said PAU and inserting in place thereof the following:

01	General government		
03	Executive office		
01	Office of the governor		
04	State planning grants		
03	Crystalline rock project		
20	Current expense	8,475	8,401
30	Equipment	500	510
70	In-state travel	400	400
80	Out-of-state travel	7,500	7,500
90	Other expense	21,814	69,510
96	Audit	200	200
98	Indirect costs	1,500	1,500
99	Salaries/benefits	<u>59,611</u>	<u>61,979</u>
	Total	100,000	150,000
	Estimated source of funds for crystalline rock project		
00	Federal funds	100,000	100,000
	General fund		50,000
	Total	100,000	150,000

2 Additional Appropriation. In addition to any other sums appropriated to PAU 01,02,01,03,01, joint expenses - operations, class 90, the sum of \$30,000 is hereby appropriated for the fiscal year ending June 30, 1986, for actuarial consultant costs incurred by the interim study committee in meeting its obligations under 1985, 398:8. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Increased Appropriation. Amend 1985, 299:5 by striking out said section and inserting in place thereof the following:

299:5 Appropriation. The sum of \$40,000 is hereby appropriated to the New Hampshire bicentennial commission on the United States Constitution established by this act and 1981 senate concurrent resolution 2, for the fiscal year ending June 30, 1986, for the purposes of enabling the commission to prepare an appropriate commemoration of this historic event. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. The appropriation shall be deposited in a separate nonlapsing fund to be known as the United States Constitution bicentennial commission fund which shall be administered by the office of legislative accounting. In addition to the \$40,000 appropriation, all moneys received under section 2, II of this act are also appropriated to the commission for the purposes of this act. The appropriation shall not lapse on June 30, 1986. The commission may expend moneys from the fund for its purposes through the fiscal year ending on June 30, 1988. Any moneys remaining in the fund on June 30, 1988, shall not lapse and shall be deposited in the historical fund established by RSA 177:4-b.

4 Additional Appropriation. In addition to any other sums appropriated to PAU #02,06,22, the following sums are hereby appropriated

to the following classes for the fiscal year ending June 30, 1987. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated:

20	Current expenses	4,520
50	Other personal services	7,000
60	Benefits	600

5 Supplemental Appropriation; Human Rights Commission. Amend 1985, 406:1.02,20 by striking out said PAU and inserting in place thereof the following:

02 Administration of justice and public protection  
 20 Human rights commission

10	Personal Services - Permanent	85,258	132,804
20	Current Expenses	9,500	17,498
30	Equipment	100	900
50	Other Pers Svcs	5,359	0
60	Benefits	16,579	25,897
70	In-state Travel	1,393	1,400
80	Out-of-state Travel	1,500	1,500
90	Indirect Costs	E 10,155	20,051
91	Audit Funds Set Aside	D 224	379
92	Maintenance Contract		2,400
93	Computer Maintenance		1,139
Total		130,068	203,968
Estimated Source of Funds for Human Rights Commission			
00	Federal Funds	55,356	62,082
	General Fund	74,712	141,886
	Other Funds		
Total		130,068	203,968

6 Additional Positions Authorized. The human rights commission is hereby authorized to file 3 additional permanent classified positions as follows: 2 anti-discrimination investigators at salary grade 20 and one secretary at salary grade 7 which is currently a part-time position at salary grade 5.

7 Approval by the Department of Personnel. The expenditure of the funds appropriated in section 5 of this act and the establishment of new classified positions shall be subject to final approval by the department of personnel as to the salary grades.

8 Federal Groundwater Mapping Program; Total Changed. Amend the introductory paragraph of 1985, 77:1 by striking out said paragraph and inserting in place thereof the following:

77:1 Appropriation; Special Account. The sum of \$2,500,000 is hereby appropriated to the water resources board or to its successor agency for participation in the federal groundwater mapping program. Any part of the proceeds from bonds or notes issued by the state treasurer in accordance with section 3 of this act may be reinvested by the state treasurer in accordance with RSA 6-B; provided that, if said proceeds are reinvested:

9 Bonds Authorized. Amend 1985, 77:2 by striking out said section and inserting in place thereof the following:

77:2 Bonds Authorized. To provide funds for the total of the appropriation of state funds made in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state the sum of \$2,500,000 and for said purposes may issue bonds and notes in the



name and on behalf of the state of New Hampshire in accordance with the provision of RSA 6-A.

10 Extension of Winnepesaukee River Basin Program. Balances remaining from appropriations made by 1983, 423:1, IX in the Winnepesaukee river basin program shall not lapse or be transferred or used for any other purposes. Any sums remaining from said appropriation shall lapse upon certification of completion of the construction program of the Winnepesaukee river basin program by the water supply and pollution control commission.

11 Increased Appropriation; Skyhaven. Amend 1981, 565:1, II as amended by 1983, 423:17 by striking out said paragraph and inserting in place thereof the following:

## II. Aeronautics Commission

### A. Rochester

Phase one improvements to include land acquisition, 900' runway extension, Taxiway extension, Electronic and visual Navigation aids

1,337,070

Less federal

1,184,463

Net appropriation paragraph A

152,607

Total paragraph II

152,607

12 Total Amended. Amend the total in 1981, 565:1 as amended by 1982, 38:34 by striking out "\$8,946,288" and inserting in place thereof the following (\$8,957,288).

13 Total Amended; Bonds Authorized. Amend 1981, 565:5 as amended by 1982, 38:18 and 1983, 468:5 by striking out said section and inserting in place thereof the following:

565:5 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1 and 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$14,786,288 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purposes of paragraphs I, B; III, B(1)-(5); III, C(1)-(7); III, D(1)-(3); III, E(1)-(3); III, F(1)-(3); III, G(1)-(4); III, H(1) and (2); V, C; V, F; VI, A(2); X, A; and X, B of section one of this act shall have a maturity of 5 years from the date of issue; and, provided further, that the bonds issued for the purposes of paragraphs I and III of section 2 of this act shall have a maturity of 10 years from the date of issue.

14 Backflow Preventors; General Services. In addition to any other funds appropriated, the sum of \$100,000 is hereby appropriated to the bureau of general services in the department of administrative services for the purposes of installing backflow preventors on 15 state buildings. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

15 Additional Appropriation; Water Resources Board, Lakeport Project. In addition to any other sums appropriated to PAU #03, 04, 01, 03, the following sums are hereby appropriated to the following classes for the fiscal years ending June 30, 1986, and June 30, 1987. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated:

	FY 86	FY 87
10 Permanent Personal Services	9,117	20,144
20 Current Expenses	1,000	500

30 Equipment	900	
60 Benefits	1,824	4,230
70 In State Travel	<u>750</u>	<u>1,250</u>
Total	13,591	26,124
Estimated Source of Funds		
05 Private and local funds	13,591	26,124
General fund	0	0
Total	13,591	26,124

16 Additional Appropriation; Water Resources Board; Maintenance Division. In addition to any other sums appropriated to PAU #03, 04, 02, the following sums are hereby appropriated to the following classes for the fiscal years ending June 30, 1986, and June 30, 1987. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated:

	FY 86	FY 87
10 Permanent Personal Services	11,876	26,282
20 Current Expenses	2,000	
30 Equipment	900	
60 Benefits	2,375	5,520
70 Travel	<u>3,000</u>	<u>3,000</u>
Total	20,151	34,802
Estimated Source of Funds		
01 Transfer from Construction Project	20,151	34,802
General fund	0	0
Total	20,151	34,802

17 Additional Appropriation; Wetlands Board. In addition to any other sums appropriated to PAU #03, 04, 03, the following sums are hereby appropriated to the following classes for the fiscal years ending June 30, 1986, and June 30, 1987. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated:

	FY 86	FY 87
10 Permanent Personal Services	9,117	20,144
60 Benefits	1,824	4,230
70 In State Travel	<u>3,000</u>	<u>3,000</u>
Total	13,941	27,374
Estimated Source of Funds		
General fund	13,941	27,374
Total	13,941	27,374

18 Additional Appropriation. In addition to any other sums appropriated to PAU #03,04,01,01, class 20, current expense, the sum of \$44,894 is hereby appropriated for the fiscal year ending June 30, 1987. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

19 Port Authority Travel Expenses. Amend 1985, 406:20, I by striking out said paragraph and inserting in place thereof the following:

I. Subject to the limitation in paragraph II, the following amounts are hereby appropriated to the New Hampshire port authority for the fiscal

years ending June 30, 1986, and June 30, 1987:

	FY 86	FY 87
10 Personal services - permanent	\$20,806	\$21,937
20 Current expenses	500	500
60 Benefits	3,953	4,278
70 In-state travel	3,750	1,875
80 Out-of-state travel	0	1,875
Total	<u>\$29,009</u>	<u>\$30,465</u>

20 Port Authority Appropriation. Amend 1985, 406:1.04,02 by striking out said PAU and inserting in place thereof the following:

04 Transportation

02 Port authority

10 Personal services - permanent		13,101	13,668
11 Director, port authority		32,440	34,150
20 Current expenses		8,327	10,705
23 Heating fuel and electricity	D	1,420	1,448
30 Equipment		6,303	
50 Other personal services		2,355	7,244
60 Benefits		8,820	9,842
70 In-state travel		670	683
80 Out-of-state travel		670	683
90 Reimbursement to harbor master		16,609	17,115
91 Port marketing brochure			6,000
92 Foreign trade zone brochure			5,750
93 FTZ membership and conference		600	2,600
Total		91,315	109,888
Estimated source of funds for			
Port authority			
08 Mooring fees		52,000	52,000
General fund		39,315	57,888
Total		91,315	109,888

21 Project Development. Amend 1985, 406:1.04,03,03,01,01 by striking out said PAU and inserting in place thereof the following:

04 Transportation

03 Public works and highways

03 Project development

01 Engineering

01 Engineering

10 Personal services			
- permanent	10,518,013		11,030,431
19 Pol/F&G/Hwy	360,617		378,499
20 Current expenses	352,457		378,097
23 Heating fuel			
and electricity	D	8,500	9,300
30 Equipment		1,600	500
50 Other personal			
services	226,340		241,125
60 Benefits	2,083,010		2,241,981
70 In-state travel	218,324		232,074



80	Out-of-state travel		300
90	Transfer to information svcs	A	500
95	Consultants		<u>125,000</u>
			<u>125,000</u>
	Total		13,894,361
	Estimated source of funds for Engineering		14,637,807
	Highway funds		13,894,361
	Total		13,894,361
			14,637,807

22 Appropriation. There is hereby appropriated for the fiscal year ending June 30, 1987, the sum of \$843,222 to the division of human services for the purposes of increasing the housing subsidy for AFDC recipients from \$141 per month to \$196 per month. This sum shall not be used for any other purpose whatsoever. The governor is authorized to draw his warrant for said sum out of any other money in the treasury not otherwise appropriated.

23 Additional Appropriation. In addition to any other sums appropriated to PAU #05,02,02,04,02, class 92, grants, the sum of \$173,000 is hereby appropriated for the fiscal year ending June 30, 1987, for the purposes of increasing the funding for family planning. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

24 Department of Postsecondary Vocational-Technical Education. Notwithstanding the footnote following PAU 06,04,02,05,08 in 1985, 406:1, stating that "position control numbers 116 through 126 shall be available for the industrial manufacturing eng. tech. and computer eng. tech. programs only upon certification by the commissioner of postsecondary to the governor and council that the remodeling of the Earl D. Little bldg. has been completed", the department of postsecondary vocational-technical education is authorized to fill position numbers 17057, 17061, and 17062 upon passage of this act.

25 McAuliffe Sabbatical Fund. Amend 1985, 406:1.06,03,02,03 by striking out line 90 and inserting in place thereof the following:

		FY 86	FY 87
90	Elementary-secondary program initiative	F	4,925,000
91	S. Christa McAuliffe Sabbatical Fund	G	50,000

26 Supplemental Appropriation; School Districts. Amend 1985, 406:1.06,03,02,01 by striking out class 94 and inserting in place thereof the following:

	FY '86	FY '87
94	unorganized districts	145,000
		145,000

27 Totals and Funding Sources Adjusted. Amend 1985, 406:1.06,03,02,01 by striking out the totals and the estimated sources of funds and inserting in place thereof the following:

Total	21,881,411	20,977,567
Estimated source of funds for		
Financial aids to districts-state		
08 Revenue	3,000,000	3,000,000
09 Revenue	4,845,000	4,845,000
General fund	14,036,411	13,132,567
Total	21,881,411	20,977,567

28 Lapse Date. Amend 1985, 406:1.06,03,02,03 by striking out class 90 and inserting in place thereof the following:

FY 86

90 Elementary-secondary program initiatives 4,975,000

The funds under class line 90 Elementary-secondary program initiatives shall not lapse June 30, 1987, nor shall said funds be used for any other purpose than that prescribed in 1985, 317:5-9.

29 Total Adjusted. The legislative budget assistant is authorized to adjust all totals as made necessary by the passage of this act.

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

Reps. Kidder, Ramsay, LaMott and Scranton explained the amendment and yielded to questions.

Rep. Young spoke to the amendment and yielded to questions.

Rep. Densmore spoke in favor of the amendment and yielded to questions.

Reps. Michael King, Spaulding and Rounds spoke in favor of the amendment.

Rep. Rounds requested a roll call. Sufficiently seconded.

YEAS 266 NAYS 39  
YEAS 266

BELKNAP: Birch, Bowler, Brough, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Nighswander, Pearson, Randall and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Kenneth MacDonald, Saunders and Schofield.

CHESHIRE: Blacketer, Crane, Jesse Davis, Delano, Daniel Eaton, Irvin Gordon, Grodin, Elmer Johnson, Morse, Parker, Perry, Ramsay, William Riley, Russell, Schwartz, Scranton and Thompson.

COOS: Brideau, Harold Burns, Chardon, Coulombe, Frederic Foss, Guay, Horton, Lamontagne, Mayhew, Ottolini, Therlault and York.

GRAFTON: Arnesen, Bean, Chambers, Christy, Copenhaver, Crory, Densmore, Driscoll, Easton, Michael King, LaMott, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Weymouth.

HILLSBOROUGH: Ahrens, Arnold, Barry, Bass, Bourdon, Bourque, Bridgewater, Burkush, A. Leslie Burns, Carragher, Chretien, Clancy, Cote, Cox, Cronin, Duperron, Durant, Dwyer, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Gagnon, Scott Green, Grip, Marian Harrington, Healy, Holden, Humphrey, Jasper, Katsiaticas, Keefe, Kelley, Knight, Levesque, Lown, Martin, Howard Mason, McGlynn, Messier, Elizabeth Moore, Morrissette, Robert Murphy, Nelson, Nute, O'Rourke, Bonnie Packard, Pappas, Perham, Prestipino, Raiche, Reardon, Frances Riley, Ellen-Ann Robinson, Sallada, Leonard Smith, Snow, Steiner, Stonner, Mary Sullivan, Sylvia, Turgeon, Van

Loan, Varkas, Wagner, Geraldine Watson, Harold Watson, Arnold Wight, Wood, Worthen and Zis.

MERRIMACK: Anderson, Barberia, Bardsley, Bibbo, Laurent Boucher, Bowes, James Chandler, Connolly, Gilbreth, George E. Gordon, Gross, Hager, Hayes, Mary Holmes, Alf Jacobson, Jelley, C. William Johnson, Kidder, Kinhan, Lewis, Millard, Nichols, Pannell, Pantzer, Rehlander, Linwood Rogers, Savaria, Gerald Smith, Stio, West and James Whittemore.

ROCKINGHAM: Benton, Blaisdell, Blanchard, William Boucher, Butler, Eunice Campbell, Marilyn Campbell, Case, Lawrence A. Chase, Jr., Clay, Conroy, Emanuelson, Felch, Flanagan, Flanders, Beverly Gage, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Hoar, Hollingworth, Robert Johnson, Kane, Roger King, Krasker, Longworth, Lovejoy, Magoon, Robert Mason, Jr., McKinney, Nagel, Newell, Palumbo, Popov, Quimby, Raynowska, Rosencrantz, Sanderson, Schmidtchen, Schwaner, Sherburne, Skinner, Sloan, Sochalski, Sytek, Tufts, Vaughn, Warburton, Wells and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bryant, Burton, Callaghan, Chamberlin, Diament, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Keans, Kincaid, Laurion, Meader, O'Brien, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, Lindblade, McKee, Mehegan, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 39

BELKNAP: Jensen.

CARROLL: None.

CHESHIRE: Burley, Frink, Ridge, Secord and Young.

COOS: Brungot and Chappell.

GRAFTON: McAvoy and Whitcomb.

HILLSBOROUGH: Beaupre, Blais, Boisvert, John Burns, Charron, Fried, Herod, George Jones, Labombarde, Lozeau, Paradis, G. Philip Rodgers, Shriver, B. P. Smith, Stiles, Vanderlosk, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Arthur Locke and Phelps.

ROCKINGHAM: Day, Ellyson, Haynes, Norman Rogers, Seward, Stachowske and Welch.

STRAFFORD: Lussier.

SULLIVAN: Ingram, and the amendment was adopted.  
Ordered to third reading.

HB 405-FN, to provide for the comprehensive study of the SAU structure within the state of New Hampshire and to hire an independent consultant to report to the house education committee and making an appropriation therefor. Ought to Pass with Amendment.

The amendment appropriates the \$25,000 for the fiscal year ending June 30, 1987 and allows the bill to take effect upon passage. The majority of the Committee felt that this problem should receive an independent study. Vote 9-4. Rep. Andrea A. Scranton for Appropriations.



## Amendment

Amend the bill by striking out sections 2 and 3 and inserting in place thereof the following:

2 Appropriation. The sum of \$25,000 is hereby appropriated to the house of representatives for the biennium ending June 30, 1987, for the purposes of hiring a consultant, appointed by the education committee, to study the SAU structure of the state. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

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

Amendment adopted.

Ordered to third reading.

HB 497-FN, relative to retirement benefits for certain legislative and constitutional officers. Ought to Pass with Amendment.

HB 497-FN, as amended, would make the same seven legislative and constitutional officers eligible for the same level of benefits as in the original bill.

The amendment (1) tightens up buy back provisions by requiring that a 4.6 percent contribution be made for each year of past service as an elected official but also permits purchase of credits for previous part-time service as a non-elected legislative employee, (2) permits those officers who are presently members of the New Hampshire Retirement System to withdraw their contributions and, if they wish, to use this money to purchase prior service credits under the new system, and (3) requires that the special retirement study committee recommend a retirement plan for all full-time legislative employees no later than December 1, 1986. Vote 13-3. Rep. Caroline L. Gross for Appropriations.

## Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Retirement Benefits for Certain Legislative and Constitutional Officers. Amend RSA 14 by inserting after section 27-b the following new section:

14:27-c Retirement Benefits; Certain Legislative and Constitutional Officers.

I. Notwithstanding any other provision of law to the contrary, the full-time sergeant at arms, clerk, or assistant clerk of the house of representatives or the senate who is in office on the effective date of this section and the full-time secretary of state, deputy secretary of state, or state treasurer who is in office on the effective date of this section shall be entitled to all the same benefits as provided to members of the New Hampshire retirement system group I, except that after 10 years' service the officer shall be vested at 30 percent of final compensation, and 2 percent more each year thereafter of final year compensation.

II. Such full-time sergeant at arms, clerk, assistant clerk, secretary of state, deputy secretary of state, or state treasurer shall be credited with a year of service credit for each fiscal year during all or part of which the applicant served the state either full or part-time in one or more of the legislative offices listed above or in one or more of the constitutional offices listed above, provided such officer shall pay to the general fund an amount equal to 4.6 percent of the greater of the actual salary received during each such fiscal year or the lowest salary payable pursuant to RSA 99:1-a in that particular year.

III. Such full-time sergeant at arms, clerk, assistant clerk, secretary of state, deputy secretary of state, or state treasurer shall be credited with one month of service credit for each month the applicant served the state either full or part-time as an employee of the New Hampshire senate or the New Hampshire house, provided such officer shall pay to the general fund an amount equal to 4.6 percent of the actual salary received during each such month.

IV. Eligible legislative and constitutional officers in service on the effective date of this section shall exercise their option to buy back service credit under this section at any time prior to but no later than January 1, 1987.

V. Eligible legislative and constitutional officers who exercise their option under paragraph IV shall thereafter pay to the general fund an amount equal to 4.6 percent of their actual salary for each additional year of service.

VI. Administration of the retirement contributions and benefits for the eligible legislative and constitutional officers in this section shall be the responsibility of the commissioner of the department of administrative services.

VII. A sum sufficient to pay any and all benefits pursuant to this section is hereby continually appropriated therefor. The governor is authorized to draw his warrant for the payment thereof out of any money in the treasury not otherwise appropriated.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Current Members of New Hampshire Retirement System. Eligible legislative and constitutional officers who are current members of the New Hampshire retirement system on the effective date of this act may withdraw their contributions in accordance with the provisions of RSA 100-A:11 if they elect to participate under the provisions of RSA 14:27-c as inserted by this act. If an eligible legislative or constitutional officer elects to participate under the provisions of RSA 14:27-c as inserted by this act, the officer shall terminate his participation and membership in the New Hampshire retirement system, and such termination shall become effective on the date upon which his participation under the provisions of RSA 14:27-c as inserted by this act becomes effective.

5 Study. The joint house/senate committee to review the New Hampshire retirement system benefits and funding shall report to the speaker of the house of representatives and the president of the senate no later than December 1, 1986, concerning their recommendations for a retirement plan for the successors to the persons covered by this act and for all other full-time legislative employees.

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

Amendment adopted.

Rep. Richard Campbell spoke against the report and yielded to questions.

Rep. Gross spoke in favor of the report and yielded to questions.

A division was requested.

246 members having voted in the affirmative and 49 in the negative, HB 497 was ordered to third reading.

HB 509, establishing a 10-year state highway construction and reconstruction plan and making an appropriation for certain projects. Ought to Pass with Amendment.

This bill addresses the Governor's 10-year highway program. Vote 19-1. Rep. Paul I. LaMott for Appropriations.

## Amendment

Amend section 4 of the bill by striking out subparagraphs I(a) and (b) and inserting in place thereof the following:

I.(a) Summary of the primary highway program estimated costs over the next 10 years is as follows:		
(1)	New Hampshire 101	\$110,350,000
(2)	New Hampshire 101A	38,000,000
(3)	New Hampshire 51	15,000,000
(4)	US 4	20,301,000
(5)	US 3	5,610,000
(6)	US 302	17,100,000
(7)	US 302	4,800,000**
(8)	New Hampshire 115	8,715,000**
(9)	New Hampshire 25	16,860,000
(10)	New Hampshire 16	22,200,000
(11)	US 2	500,000
(12)	New Hampshire 9	44,100,000
(13)	New Hampshire 11	74,147,000
(14)	New Hampshire 12	4,000,000
(15)	Other primary projects and studies	10,000,000
(16)	Signal and intersection improvement projects	10,000,000
(17)	Miscellaneous	<u>4,400,000*</u>
Total		\$392,568,000

\* Includes: \$500,000 for alignment re Franklin/I-93 Exit 21; \$150,000 for study re Hanover/Lebanon area and pavement markings.

\*\* Total does not include anticipated transfer of Interstate 4R funds to occur upon completion of Interstate System.

(b) Funding for the programs in paragraph I(a) shall be from the following sources:

(1)	State matching funds	\$ 98,142,000
(2)	Federal funds	<u>294,426,000</u>
		\$392,568,000

Amend section 4 of the bill by striking out subparagraph II(1)(1) and inserting in place thereof the following:

(1)	Concord-Durham	91	Safety Improvements to US 4	15.0
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Amend subparagraph II(d)(5) as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

(5)	Jackson - Berlin	87	Study - Jackson/Bartlett	.100
			Study - Route 16 from Milan town line to the city of Berlin compact zone line	



Amend paragraph I as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

I. Summary of the turnpike program estimate costs over the next 10 years is as follows:

(a) Central Turnpike	\$179,350,000
(b) Circumferential - Nashua	130,000,000
(c) Spaulding Turnpike	53,200,000
(d) Blue Star (I-95)	1,600,000
(e) Conway Bypass	34,500,000
Total	<u>\$398,650,000</u>

Amend paragraph II(b) as inserted by section 5 of the bill by inserting after subparagraph (5) the following new subparagraph:

(6) Dover	92	The eastern terminus	30.0
		will originate on the	
		Spaulding turnpike at the	
		proposed exit 10 and head	
		westerly toward I-393	

Amend section 6 of the bill by inserting after paragraph VII the following new paragraph:

VIII. The commissioner of transportation with the approval of governor and council shall adopt rules under RSA 237:9 establishing or raising the tolls in an amount sufficient to maintain an adequate sinking fund balance to provide for the operating expenses and maintenance costs of the systems and to pay for the interest and principal on the bonds issued to finance the system as provided for in this act.

Amend section 7 of the bill by striking out subparagraphs III(a) and (b) and inserting in place thereof the following:

(a) Required state match (25 percent) -	\$ 98,142,000
(b) Federal participation (75 percent) -	\$294,426,000
total costs -	\$392,568,000

Amend paragraph IV as inserted by section 7 of the bill by striking out same and inserting in place thereof the following:

IV. Turnpike program: total costs	\$398,650,000
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Amend the bill by striking out section 10 and inserting in place thereof the following:

10 Appropriation; Study.

I. The sum of \$150,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1987, for a study to include, but not be limited to, whether a link between the cities of Franklin and Laconia should be a toll road and consideration of alternate routes that would serve the economic areas of these 2 cities. This appropriation shall be a charge against the highway fund.

II. The commissioner of transportation shall submit his findings and recommendations based on the study pursuant to paragraph I to the speaker of the house of representatives, the president of the senate, the chairman of the house public works committee, the chairman of the senate

capital budget committee, the chairman of the house appropriations committee, and the chairman of the senate finance committee on or before June 30, 1987.

Amend the bill by striking out sections 12 and 13 and inserting in place thereof the following:

12 Bonds. To provide funds for the appropriations in sections 9 and 11 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$3,500,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

13 Payments. The payment of principal and interest of the bonds and notes issued for the projects in sections 9 and 11 of this act shall be made when due from the highway fund.

Amend RSA 237:2, II as inserted by section 16 of the bill by striking out same and inserting in place thereof the following:

II. Acquire land and make improvements to that portion of the eastern New Hampshire turnpike known as the Spaulding turnpike and extend said turnpike with 2 lanes including the completion of existing interchange number 9, the Dover-Somersworth interchange, and the extension of the turnpike to the 1965 Milton-Wakefield project, the extension of the system by providing connection of the turnpike with an eastern terminus originating on the Spaulding turnpike at the proposed exit 10 and heading westerly toward I-393, the expansion of the Dover toll facility, safety and widening improvements along the turnpike, purchase of access in critical sections, and the extension of the system to include a bypass around Conway.

Amend RSA 237:7, I(b) as inserted by section 19 of the bill by striking out same and inserting in place thereof the following:

(b) Improvements and 2 lane extension of Spaulding turnpike.	106,700,000
RSA 237:2, II	

Amend RSA 237:8 as inserted by section 20 of the bill by striking out same and inserting in place thereof the following:

237:8 Borrowing Power. For the purpose of providing funds necessary for the appropriations made by RSA 237:7 the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding \$500,950,000 and for the purpose may issue bonds and notes in the name and on behalf of the state in accordance with the provisions of RSA 6-A; provided that the bonds may mature up to 30 years from their dates of issue and may be made redeemable before maturity at the option of the governor and council at such price or prices and under such terms and conditions as may be fixed by the governor and council prior to the issue of the bonds. The interest on bond anticipation notes may be funded by the issue of the bonds to the extent of the applicable bond authorization and, to the extent not so funded, may be paid from any source from which interest on the anticipated bonds could be paid, including any of the turnpike reserve accounts identified in RSA 237:15.

Amend the bill by striking out section 21 and inserting in place thereof the following:

21 Bridge Restoration. The sum of \$850,000 is hereby appropriated to the department of transportation for the fiscal year ending June 30, 1987, for the purpose of the restoration of the bridge on New Hampshire Route 12-A over the Connecticut River. This appropriation shall be nonlapsing and in addition to any other appropriations for the department of transportation for the biennium. Competitive bidding on this project is hereby waived.

22 Bonds. To provide funds for the appropriation in section 21 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$850,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

23 Payments. The payment of principal and interest of the bonds and notes issued for the project in section 21 of this act shall be made when due from the highway fund.

24 Study of Cheshire Bridge.

I. The sum of \$40,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1987, to conduct a study of the privately owned Cheshire Bridge between the towns of Charlestown, New Hampshire and Springfield, Vermont. This study is to determine the feasibility of repairing or replacing the existing structure. This appropriation shall be in addition to any other appropriation for the department of transportation for the biennium. The appropriation shall be a charge against the highway fund.

II. The commissioner of transportation shall submit his findings and recommendations based on the study conducted pursuant to paragraph I to the speaker of the house of representatives, the president of the senate, the chairman of house public works committee, the chairman of the senate capital budget committee, the chairman of the house appropriation committee, and the chairman of the senate finance committee on or before June 30, 1987.

25 Appropriation. The sum of \$4,000,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1987, for the purpose of the reconstruction of N.H. Route 25, southerly 2.5 miles from the Warren-Benton town line. This appropriation shall be non-lapsing and in addition to any other appropriation for the department of transportation for the biennium.

26 Bonds. To provide funds for the appropriation in section 25 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$4,000,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

27 Payments. The payment of principal and interest of the bonds and notes issued for the project in section 25 of this act shall be made when due from the highway fund.

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

Rep. LaMott yielded to questions.

Amendment adopted.

Rep. James Whittemore offered an amendment.

#### Amendment

Amend the bill by striking out paragraph II as inserted by section 10 of the bill and inserting in place thereof the following:

II. The commissioner of transportation shall submit his findings and recommendations based on the study pursuant to paragraph I to the speaker of the house of representatives, the president of the senate, the chairman of the house public works committee, the chairman of the senate capital budget committee, the chairman of the house appropriations committee, and the chairman of the senate finance committee on or before December 1, 1986.



Hearing no objection the chair advised the Clerk to dispense with the reading of the amendment.

Rep. James Whittemore explained the amendment.

Reps. Lamott and Dexter spoke in favor of the amendment.

On a voice vote the amendment was adopted.

Rep. Guay offered an amendment.

#### Amendment

Amend subparagraph II(d)(5) as inserted by Section 4 of the bill by striking out same and inserting in place thereof the following:

- |                       |                                                                                                                                                                                                                                               |      |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| (5) Jackson-Berlin 87 | Study - Jackson/Bartlett<br>Study - Route 16 from Milan<br>town line to city of Berlin<br>Compact Zone Line<br>Study - Junction Route 16 and<br>U.S. Route 2 in town of Gorham<br>southerly 2 miles to end of<br>improved section of Route 16 | .100 |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|

The Clerk read the amendment.

Rep. Guay explained the amendment.

Rep. LaMott spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

HB 161, prohibiting the cancellation of leases, contracts, and other agreements by use of minimum and maximum gasoline or diesel fuel volume requirements. Inexpedient to Legislate.

House Bill 161 is an exact duplicate of one which was heard before this Committee last session and which was voted inexpedient to legislate. The intent of this bill is still unclear and its implementation might constitute an unwarranted interference into contractual relationships. Passage of this bill would do nothing but provide artificial, legal protection to a selected business interest and would also upset a distribution network and system which effectively protects the consumer against "missing." House Bill 161 may also violate the federal Petroleum Marketing Practices Act which has created a set of national standards for commercial relationships between suppliers and dealers. House Bill 161 is a piece of special interest legislation, with no public benefit, and major structural problems which may violate federal law and potentially infringe the constitutional right of free contract. Vote 12-2. Rep. Vincent J. Palumbo for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

HB 353, relative to insurance coverage for home health care. Refer for Interim Study.

This bill would have required insurance companies to offer a home health care benefit option. Many current health insurers do not always provide home health care benefits. This bill would have provided a mandated option to subscribers. The Subcommittee, recognizing the importance of this issue and the complexity, wanted to assess the proposed rulemaking as it pertained to definitions of providers. Unfortunately, the final definition was to be proposed after the deadline for Committee deliberations. Feeling that this is an important piece of legislation, the Committee wants the opportunity to

work with it. Vote 14-1. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

Referred for Interim Study.

HB 356, relative to gasoline credit account charges. Inexpedient to Legislate.

House Bill 356 is another piece of special interest legislation. It would single out a specific kind of credit card transaction, gasoline retail credit cards, and would, by law, prohibit recovery of real costs associated with gasoline credit card transactions. Passage of this bill would force cash customers to subsidize these costs enacted by credit customers. Vote 14-1. Rep. Vincent J. Palumbo for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

SB 36, establishing a division of personnel. Ought to Pass with Amendment.

The House passed the Personnel bill in 1985, but it was then placed in interim study by the Senate. During the summer of 1985, members of the House Executive Departments and Administration Committee met jointly with members of the Senate to rework the bill. The result was Senate Bill 36 which was supported by all concerned. However, Senate Bill 36 was subsequently amended by the Senate in several respects. The Committee could not agree with some of the Senate amendments and therefore, changed some aspects back to the original version. Of primary concern was the position of Deputy Director, the length of time of grandfathering the incumbents, and the retroactive pay provisions of those awaiting reclassification action. Vote 10-3. Rep. Harold W. Watson for Executive Departments and Administration.

#### Amendment

Amend section 1 of the bill by striking out RSA 21:42-a.

Amend RSA 21-I:43, II as inserted by section 1 of the bill by inserting after subparagraph (t) the following new subparagraph:

(u) What constitutes a completed request for reclassification.

Amend RSA 21-I:43, IV as inserted by section 1 of the bill by striking out same.

Amend RSA 21-I:44, II, III, and IV by striking out same and inserting in place thereof the following:

II. There is established within the division a bureau of employee relations, under the direction of an unclassified manager of employee relations who shall serve a 4-year term and who shall be responsible for the following functions, in accordance with applicable laws:

(a) Administering employee benefit programs.  
(b) Conducting ongoing studies of alternative financing methods and benefit offerings.

(c) Administering the state employee group insurance program.

(d) Administering all collective bargaining agreements with classified employees.

(e) Providing professional support and assistance to the governor in the conduct of negotiations with representatives of classified employees.

(f) Representing the state, in cooperation with the attorney general, in all grievance actions related to collective bargaining

agreements before the public employee labor relations board.

III. In order to provide for the development and implementation of programs for the training and education of state employees, there shall be an unclassified education and training officer within the division of personnel. The education and training officer shall develop and coordinate the implementation of a training program plan for executive departments. Any training program conducted under this plan in any department shall not be limited to employees of that department. In addition, the education and training officer shall perform such duties as are assigned by the director.

IV. The director of personnel shall nominate the manager of employee relations and the education and training officer who shall be appointed by the governor, with the consent of the council. The manager of employee relations and the education and training officer shall be qualified by reason of education and experience and shall each serve a 4 year term. The salary of the manager of employee relations and the education and training officer shall be as specified in RSA 94:1-a.

Amend RSA 21-I:46, IX as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IX. The board shall issue final decisions on all appeals within 45 days of the date of hearing or upon the receipt of relevant evidence requested by the board as a result of such hearing, whichever is later. If the board determines that it requires additional time for the proper investigation or determination of the facts or issues involved, it shall notify the employee or employees making the appeal in writing of the reasons for the delay and provide an estimate to such employee or employees of the additional time required.

Amend RSA 21-I:54 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

21-I:54 New Positions and Reclassification of Positions.

I. Notwithstanding any provision of law to the contrary, no new position in the classified service for employment of over one calendar year shall be established except upon approval of the governor and council. A request from a department head for additional personnel beyond those considered as line items in the budget as enacted as a budgetary amount, if said employment is for a period in excess of one calendar year, shall be considered a new position requiring the approval as specified in this section. In addition, a request made either to the division of personnel or the governor and council for the reclassification or reallocation of positions to a different class series shall be considered as a request for a new position and shall require the approval of the governor and council.

II. The division of personnel shall submit to the general court on or before January 15 of each legislative year a report containing a list of all new positions created subsequent to the report made to the preceding session of the general court giving the reason for the action taken in each case and stating clearly the effect of such action upon the amounts for personnel services appropriated by the preceding general court. The report shall also include a list of all reclassifications or reallocations of positions allowed during the previous year by either the director or the personnel appeals board. The report shall state how many employees were affected by each reclassification or reallocation and the cost of each reclassification or reallocation.

III. The director shall dispose of requests for reclassification or reallocation from departments or employees within 45 days of receipt of a completed request for reclassification or reallocation, as defined by rules adopted under RSA 21-I:42, II(u). No retroactive pay shall be allowed for any request disposed of within 45 days. If disposition of a



request takes longer than 45 days, retroactive pay shall be paid from the beginning of the next pay period immediately following the date on which the 45-day period ended.

Amend RSA 21-I:56 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

21-I:56 Reclassification of Positions or Increases Beyond Grade 34.

I. Any request for reclassification of position to a different class series as provided in RSA 21-I:54 or request to increase the salaries of a classified position beyond grade 34 as provided in RSA 99:8 shall require the approval of the advisory budget control committee of the general court before it is submitted to the governor and council for its approval.

II. Notwithstanding the provisions of RSA 9:16, 9:17 and 17-a, whenever the director of personnel in consultation with the affected department shall determine that the personal services - permanent line item in any PAU and the salary adjustment fund cannot cover the cost of funding a reclassification and a transfer of funds from other line items is required, the director of personnel shall notify the governor and council and the advisory budget control committee as soon as possible. No such transfer shall be permitted without approval first of the advisory budget control committee and then of governor and council.

Amend paragraph V as inserted by section 2 of the bill by striking out all after subparagraph (c) and inserting in place thereof the following:

(d) Select, retain, and supervise a qualified consultant, subject to approval by the governor, who shall, under the direction of the task force, develop a revised position classification plan and procedure for the classification of positions within the state classified service.

(e) Review and evaluate state procedures regarding designation of the work place of classified personnel.

(f) Review the need for and, if necessary, recommend a procedure for regular independent review of the rules adopted by the director of personnel.

(g) Review the need for management flexibility for department heads in managing their personnel, and make recommendations for any changes in the law or personnel rules it deems necessary to implement management flexibility.

Amend paragraph VI as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

VI. The task force shall prepare and submit a final written report on its efforts to the president of the senate, the speaker of the house, and the governor.

(a) The final report of the task force, including recommendations for changes in the classified personnel system, shall be issued no later than November 1, 1987.

(b) The task force shall also issue an interim report on its efforts by January 1, 1987.

(c) The task force's final recommendations for the structure and implementation of the classification system shall be reviewed by the commissioner of administrative services and director of personnel who shall, within 60 days of receiving them, concur or disagree with each recommendation of the task force in writing and explain their reasons for any disagreement. The commissioner of administrative services and the director of personnel shall forward such written responses to the governor together with recommendations outlining any steps necessary to implement those recommendations for the governor's consideration. The governor shall upon receipt of the written responses and recommendations of the

commissioner of administrative services and the director of personnel forward a copy of these responses and recommendations to the president of the senate and the speaker of the house.

Amend the bill by striking out section 10 and inserting in place thereof the following:

10 Salary. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended by striking out:

- I. In Group M, benefits administrator.
- II. In Group N, state negotiator.
- III. In Group O, deputy director of personnel.

Amend the bill by striking out section 11 and inserting in place thereof the following:

11 Salary. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended by inserting:

- I. In Group K, education and training officer.
- II. In Group N, manager of employee relations.

Amend the bill by striking out section 15 and inserting in place thereof the following:

15 Transition; Incumbents.

I. The director of personnel in office as of the effective date of this act shall become the first director of the division of personnel under RSA 21-I:2 and shall serve an initial term which shall end on January 1, 1987.

II. The deputy director of personnel in office as of the effective date of this act shall remain in office until October 1, 1986, at the salary he is receiving on the effective date of this act and shall perform such duties as are assigned by the director of personnel.

III. The state negotiator in office as of the effective date of this act shall become the first manager of employee relations under RSA 21-I:44, II and shall serve an initial term which shall end on July 1, 1987.

IV. The unclassified personnel affected by paragraphs I, II, and III of this section shall retain all retirement, sick leave and annual leave credit to which they are entitled as of the effective date of this act.

Amend the bill by striking out section 16 and inserting in place thereof the following:

16 Effective Date.

I. Paragraph I of section 10 of this act shall take effect October 1, 1986.

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

Amend the bill by striking out section 3 and renumbering the original sections 4-16 to read as 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, respectively.

Rep. Ward explained the amendment.

Amendment adopted.

Ordered to third reading.

RECESS

## SUSPENSION OF RULES

Reps. Rounds and Krasker moved that the rules be so far suspended as to place SB 36, establishing a division of personnel, on third reading and final passage at the present time.

Adopted by the necessary two-thirds.

Question being shall SB 36 be ordered to third reading.  
Adopted.

## Third reading and final passage

SB 36, establishing a division of personnel.

## COMMITTEE REPORTS (cont.)

HB 391-FN, relative to excess electric generating capacity. Majority: Inexpedient to Legislate. Minority: Ought to Pass with Amendment.

MAJORITY: This bill would not give any consideration to factors existing before or during the construction of any plant. It is not practical to have to plan to precisely meet customers' total needs at one point in time, years in the future. Power needs over a span of years should be addressed. Vote 11-6. Rep. Frederic A. Foss for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: Public Service Company of New Hampshire (PSNH) has submitted to the Public Utilities Commission an analysis of the inclusion of Seabrook I into the rate base for PSNH customers which reveals at least 84 percent of the new plant's capacity will be in excess. The rate base has three components: operating cost, debt allowance, and an equity return (profit to stockholders). House Bill 391 will allow a full allowance to PSNH for the operating cost of Seabrook, the entire debt allowance, but will limit the equity component to power used directly by PSNH customers. The bill will not limit PSNH ability to sell excess power in the New England Power Pool marketplace. If this bill is not passed PSNH customers might subsidize excess power sales by about 14 cents KW. This bill will postpone the expected profit of stockholders which proponents believe is a fairer method to share the excessive costs of Seabrook between ratepayers and stockholders. Reps. Elizabeth L. Crory, Lawrence J. Guay, Lucille T. Wood, George F. Disnard and Tom Longworth for the Minority of Commerce, Small Business and Consumer Affairs.

Rep. Schwartz moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to her motion.

Reps. Frederic Foss and Quimby spoke against the motion and yielded to questions.

Reps. Guay and Crory spoke in favor of the motion and yielded to questions.

Reps. Clyde Eaton, Varkas and Palumbo spoke against the motion.

Reps. Krasker and Chambers spoke in favor of the motion.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Chambers requested a roll call. Sufficiently seconded.

Rep. Gross abstained from voting under Rule 16.

YEAS 117 NAYS 204  
YEAS 117

BELKNAP: Bowler, Hardy, Malcolm Harrington, Hawkins, Nighswander and Zeckhausen.



CHESHIRE: Bracketor, Burley, Daniel Eaton, Frink, Matson, Ramsay, William Riley, Russell, Schwartz, William Sullivan and Young.

COOS: Brideau, Chappell, Coulombe, Guay, Lamontagne, Mayhew, Ottolini, Theriault and York.

GRAFTON: Arnesen, Chambers, Copenhaver, Crory, Densmore, Easton, Michael King, LaMott and Stewart.

HILLSBOROUGH: Boisvert, Bourque, Charron, Cote, Duperron, Dykstra, Marian Harrington, Herod, Katsiaficas, McGlynn, Messier, Morrissette, Nelson, O'Rourke, Bonnie Packard, Pellow, Raiche, Reardon, Ellen-Ann Robinson, Snow, Mary Sullivan, Vanderlosk, Wagner, Wood and Zis.

MERRIMACK: Anderson, Barberia, Bowes, Cailler, Jelley, C. William Johnson, Pannell, Rehlander, Gerald Smith and Wallner.

ROCKINGHAM: Blaisdell, Blanchard, Patti Blanchette, Butler, Eunice Campbell, Case, Lawrence A. Chase, Jr., Conroy, Beverly Gage, Gourdeau, Elizabeth Greene, Hoar, Hollingworth, George Katsakiores, Phyllis Katsakiores, Krasker, Longworth, Magoon, Malcolm, Nagel, Popov, Rosencrantz, Sanderson, Sloan, Tufts, Vaughn and Walker.

STRAFFORD: Bryant, Burton, Callaghan, Diament, Albert Dionne, Anita Flynn, Edward Flynn, Keans, Laurion, O'Brien, Pelley and Henry Sullivan.

SULLIVAN: Brodeur, D'Amante, Disnard, Ingram, Paul Johnson, McKee, Normandin and Spaulding.

#### NAYS 204

BELKNAP: Birch, Bolduc, Brough, Richard Campbell, Dexter, Golden, Holbrook, Jensen, Pearson and Randall.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Powers, Saunders and Schofield.

CHESHIRE: Crane, Jesse Davis, Delano, Irvin Gordon, Grodin, Elmer Johnson, Miller, Morse, Parker, Perry, Ridge, Scranton, Secord and Thompson.

COOS: Brungot, Harold Burns, Chardon, Frederic Foss and Horton.

GRAFTON: Bean, Christy, Driscoll, McAvoy, Rounds, Scanlan, Taffe, Howard Townsend, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Barry, Bass, Beaupre, Blais, Bourdon, Boutwell, Bridgewater, A. Leslie Burns, John Burns, Carragher, Chretien, Cox, Cronin, Crotty, Durant, Dwyer, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Fried, Gagnon, Scott Green, Grip, Healy, Holden, Humphrey, Jasper, George Jones, Keefe, Kelley, Knight, Labombarde, Levesque, Lown, Lozeau, Martin, Howard Mason, Elizabeth Moore, Robert Murphy, Nute, Pappas, Paradis, Pariseau, Perham, Prestipino, Frances Riley, G. Philip Rodgers, Sallada, Shriver, B. P. Smith, Steiner, Stiles, Stonner, Sylvia, Turgeon, Van Loan, Varkas, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Arnold Wight and Worthen.

MERRIMACK: Bardsley, Bibbo, Laurent Boucher, James Chandler, Connolly, Gilbreth, George E. Gordon, Hager, Hayes, Mary Holmes, Alf Jacobson, Kidder, Lewis, Arthur Locke, Millard, Nichols, Pantzer, Phelps, Doris Riley, Linwood Rogers, Savaria, Stio, West and James Whitemore.

ROCKINGHAM: Benton, William Boucher, Marilyn Campbell, Clay, Day, Ellyson, Emanuelson, Felch, Flanagan, Flanders, Thomas Gage, Goss, Haynes, Robert Johnson, Kane, Roger King, Lovejoy, Robert Mason, Jr., McCain, McKinney, Newell, Palumbo, Quimby, Raynowska, Norman Rogers, Schmidtchen, Schwaner, Seward, Sherburne, Skinner, Sochalski, Stachowske, Sytek, Warburton, Welch, Wells and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Chamberlin, Dingle, Patricia Foss, Frechette, Robert Jones, Kincaid, Lussier, Meader, Parks, Francis Robinson, Spear, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Call, Domini, Lindblade, Mehegan, Rodeschin, Schotanus and Sara Townsend, and the motion lost.

Resolution adopted.

HB 412-FN, relative to reporting requirements of corporations and limited partnership. Ought to Pass with Amendment.

The bill, as amended, requires that existing corporations or limited partnerships with already registered securities must annually file independently audited statements with the Insurance Department and Department of State. They must also provide quarterly statements to the commissioner and to their shareholders, although the quarterly statements need not be audited. Vote 15-1. Rep. Eugene Pantzer for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Reports. Amend RSA 421-B:8 by inserting after paragraph II the following new paragraph:

II-a. Every corporation and partnership having securities registered in this state shall, within 90 days after the close of the corporation's or partnership's fiscal year, file with the commissioner and the secretary of state annually a financial statement audited and certified by an independent certified public accountant. The audited statement shall be prepared in accordance with generally accepted accounting principles and such other standards as the commissioner shall adopt by rule. The commissioner shall certify the statement of the corporation or partnership to the secretary of state before the secretary of state may accept the annual report. Issuers of securities registered under this chapter shall also provide financial reports within 60 days of the end of each quarter to their shareholders, partners, and the commissioner. Such quarterly reports need not be independently audited.

2 Annual Report; Financial Statement. Amend RSA 293-A:132, I(c) and (d) as inserted by 1981, 557:1 by striking out said subparagraphs and inserting in place thereof the following:

(c) A brief statement of the character of the business in which the corporation is actually engaged in this state;

(d) The names and respective addresses of the directors and officers of the corporation; and

(e) The certification required by RSA 421-B:8, II-a.

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

Amendment adopted.

Ordered to third reading.

HB 502, imposing a 5 year moratorium on the elimination of automotive service facilities. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: The original draft of this bill was voted inexpedient by the Committee because it would have interfered with basic property rights and existing contracts. Also, testimony at the hearing was overwhelmingly opposed, indicating that no real problem of involuntary conversions exists in New Hampshire and that existing federal and state laws adequately protect dealers against unreasonable conduct by suppliers.

House Bill 502, as amended, provides protection to the buyer of "nonconforming" automobiles (grey market automobiles are those not originally manufactured to meet United States safety and pollution control specifications). The amended bill does not prohibit the sale of these vehicles in any way, rather it provides for complete disclosure to the buyer when a sale is made by a dealer. It also requires the dealer that sells more than 5 in a twelve-month period to purchase a stolen car surety bond that protects the buyer. The amended bill would also require a statement on the title that would alert future buyers that the vehicle is nonconforming. Although federal legislation would be much more effective in providing uniform protection, this does not mean New Hampshire should ignore the problem and wait for some future federal legislation. Vote 9-7. Rep. Vincent J. Palumbo for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: This bill was totally amended and now includes protection for foreign auto dealers to compete with individuals who sell cars purchased abroad outside dealers channels. Congress has been addressing this problem and because of interstate commerce implications the minority believes this issue would be best addressed at the federal level. Reps. C. Dana Christy, Tom Longworth, B. P. Smith, G. Philip Rodgers, Lucille T. Wood, Toni Pappas and A. Leslie Burns for the Minority of Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to dealing in nonconforming  
motor vehicles.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Definition of Dealer. Amend RSA 259:18, I as inserted by 1981, 146:1 by striking out said paragraph and inserting in place thereof the following:

I. For purposes of the requirement of a dealer's bond, a person engaged in the business of buying, selling, or exchanging vehicles. There is a rebuttable presumption that any person who sells more than 5 motor vehicles in a consecutive 12-month period is a dealer for purposes of the requirement of a dealer's bond.

2 Definition of Established Place of Business. Amend RSA 259 by inserting after section 29 the following new section:

259:2-a "Established place of business" shall mean a permanent, enclosed commercial building located within this state, easily accessible and open to the public at all reasonable times, and at which the business of a dealer may be lawfully carried on in accordance with the terms of all applicable building codes, zoning, and other land-use regulatory ordinances.

3 Definition of Nonconforming Motor Vehicle. Amend RSA 259 by inserting after section 66 the following new section:



259:66-a Nonconforming Motor Vehicle. "Nonconforming motor vehicle" shall mean a vehicle not originally manufactured in accordance with the requirements of the United States Motor Vehicle Safety Act and the United States Clean Air Act and the regulations thereunder. A title for any such vehicle when issued by the director or his agent shall contain a legend identifying the vehicle as a "nonconforming motor vehicle."

4 Requiring English Language or Translated Title Documents. Amend RSA 261:4, III as inserted by 1981, 146:1 by striking out said paragraph and inserting in place thereof the following:

III. If the application refers to a vehicle last previously registered in another state or country, the application shall contain or be accompanied by:

(a) Any certificate of title issued by the other state or country. Said certificate shall either be printed in the English language, or a notarized translation of the certificate shall be provided.

(b) Any other information and documents the director reasonably requires to establish the ownership of the vehicle and the existence or nonexistence of security interests in it.

(c) The certificate of a person authorized by the director that the vehicle identification number of the vehicle has been inspected and found to conform to the description given in the application, or any other proof of the identity of the vehicle the director reasonably requires.

5 Requiring English Language Manufacturers Certificates of Origin. Amend RSA 261:13 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

261:13 Certificate of Origin. When a new vehicle is delivered in this state by the manufacturer to his agent or his franchised dealer, the manufacturer shall execute and deliver to his agent or his franchised dealer a certificate of origin written in the English language and in the form prescribed by the director, and no person shall bring into this state any new vehicle unless he has in his possession the certificate of origin as prescribed by law. The certificate of origin shall contain the vehicle identification number of the motor vehicle, the name of the manufacturer, model year, year of manufacture, number of cylinders, a general description of the body, if any, and the type of model. When a new vehicle is sold in this state, the manufacturer, his agent or his franchised dealer shall execute and deliver to the purchaser, in case of an absolute sale, assignment of the certificate of origin, or, if other than absolute sale, assignment of the certificate of origin subject to contract, signed or executed by the manufacturer, his agent or his dealer, with the genuine names and business or residence addresses of both stated thereon, and certified to have been executed with full knowledge of the contents and with the consent of both purchaser and seller. A dealer registered under the provisions of RSA 261 who makes a courtesy delivery shall prepare the title application and supporting documents, but said delivery shall not be construed as a sale by the New Hampshire dealer.

6 Dealer Bond. Amend RSA 261:98 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

261:98 Bond Required. Every dealer of new, used or junk motor vehicles or motorcycles shall have an established place of business within the state of New Hampshire and shall provide a bond in accordance with this subdivision, to secure the dealer's obligation to purchasers who suffer loss by reason of purchase from the dealer of a stolen motor vehicle, title to which is thereby rendered defective. A dealer who principally operates a wholesale motor vehicle business shall not be required to have an established place of business.

7 Definition of Nonconforming Motor Vehicle. Amend RSA 357-C:1 by inserting after paragraph XXI the following new paragraph:

XXII. "Nonconforming motor vehicle" has the same meaning as that of RSA 259:66-a.

8 Unfair and Deceptive Trade Practices; Misrepresentation by Dealer. Amend RSA 357-C:3 by inserting after paragraph I the following new paragraphs:

I-a. Person not a new motor vehicle dealer to represent that he is a new motor vehicle dealer;

I-b. Distributor or motor vehicle dealer, in offering for sale a nonconforming motor vehicle, not to disclose to the prospective buyer in writing the following:

- (a) That the motor vehicle is a nonconforming motor vehicle;
- (b) Whether modifications were performed on the vehicle to comply with federal or state law;
- (c) The names and addresses of the persons who performed such modifications and the dates the modifications were made;
- (d) A list and description of all such modifications;
- (e) Whether and to what extent the manufacturer's original warranty applies to the vehicle; and,
- (f) If such manufacturer's original warranty applies and whether and to what extent New Hampshire's Consumer Motor Vehicle Warranty law, RSA 357-D, applies to the vehicle.

9 Severability. Amend RSA 357 by inserting after section 15 the following new section:

357-C:16 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

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

Amendment adopted.

Rep. Pappas offered an amendment.

#### Amendment

Amend the title of the bill by striking out same and inserting the following:

#### AN ACT

relative to dealing in direct import vehicles.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Definition of Dealer. Amend RSA 259:18, I as inserted by 1981, 146:1 by striking out said paragraph and inserting in place thereof the following:

I. For purposes of the requirement of a dealer's bond, a person engaged in the business of buying, selling, or exchanging vehicles. There is a rebuttable presumption that any person who sells more than 5 motor vehicles in a consecutive 12-month period is a dealer for purposes of the requirement of a dealer's bond.

2 Definition of Established Place of Business. Amend RSA 259 by inserting after section 29 the following new section:

259:29-a "Established place of business" shall mean a permanent, enclosed commercial building located within this state, easily accessible and open to the public at all reasonable times, and at which the business of a dealer may be lawfully carried on in accordance with the terms of all applicable building codes, zoning, and other land-use regulatory ordinances.

3 Definition of Direct Import Vehicle. Amend RSA 259 by inserting after section 19 the following new section:

259:19-a Direct Import Vehicle. "Direct import vehicle" shall mean a vehicle not originally manufactured in accordance with the requirements of the United States Motor Vehicle Safety Act and the United States Clean Air

Act and the regulations thereunder. A title for any such vehicle when issued by the director or his agent shall contain a legend identifying the vehicle as a "direct import vehicle."

4 Requiring English Language or Translated Title Documents. Amend RSA 261:4, III as inserted by 1981, 146:1 by striking out said paragraph and inserting in place thereof the following:

III. If the application refers to a vehicle last previously registered in another state or country, the application shall contain or be accompanied by:

(a) Any certificate of title issued by the other state or country. Said certificate shall either be printed in the English language, or a notarized translation of the certificate shall be provided.

(b) Any other information and documents the director reasonably requires to establish the ownership of the vehicle and the existence or nonexistence of security interests in it.

5 Dealer Bond. Amend RSA 261:98 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

261:98 Bond Required. Every dealer of new, used or junk motor vehicles or motorcycles shall have an established place of business within the state of New Hampshire and shall provide a bond in accordance with this subdivision, to secure the dealer's obligation to purchasers who suffer loss by reason of purchase from the dealer of a stolen motor vehicle, title to which is thereby rendered defective. A dealer who principally operates a wholesale motor vehicle business shall not be required to have an established place of business.

6 Definition of Direct Import Vehicle. Amend RSA 357-C:1 by inserting after paragraph XXI the following new paragraph:

XXII. "Direct import vehicle" has the same meaning as that of RSA 259:19-a.

7 Unfair and Deceptive Trade Practices; Misrepresentation by Dealer. Amend RSA 357-C:3 by inserting after paragraph I the following new paragraphs:

I-a. Person not a new motor vehicle dealer to represent that he is a new motor vehicle dealer;

I-b. Distributor or motor vehicle dealer, in offering for sale a direct import vehicle, not to disclose to the prospective buyer in writing the following:

(a) That the motor vehicle is a direct import vehicle;

(b) Whether modifications were performed on the vehicle to comply with federal or state law;

(c) The names and addresses of the persons who performed such modifications and the dates the modifications were made;

(d) A list and description of all such modifications;

(e) Whether and to what extent the manufacturer's original warranty applies to the vehicle; and,

(f) If such manufacturer's original warranty applies and whether and to what extent New Hampshire's Consumer Motor Vehicle Warranty law, RSA 357-D, applies to the vehicle.

8 Severability. Amend RSA 357-C by inserting after section 15 the following new section:

357-C:16 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

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

Hearing no objection the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Pappas explained the amendment and yielded to questions.

Rep. Quimby spoke in favor of the amendment.

On a voice vote the amendment was adopted.

Ordered to third reading.



HB 24, establishing a department of safety. Ought to Pass with Amendment.

The amendment removes all references to transferring liquor enforcement and licensing to the Department of Safety, and allows those functions to remain with the State Liquor Commission. The Commissioner of Safety is given a four-year term, and the present incumbent is grandfathered until 1987, bringing this department into conformity with the reorganization plan of 1983, as adopted by the General Court. Vote 13-1. Rep. Ada L. Mace for Executive Departments and Administration.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 21-M the following new chapter:

#### CHAPTER 21-N DEPARTMENT OF SAFETY

21-N:1 Purpose. The purpose of this chapter is to improve the administration of state government by consolidating and providing unified direction of procedures, programs, and related functions in the field of public safety, in order to help assure the security and physical safety of the citizens of New Hampshire. It is the intent of the general court that this consolidation result in improved integration of state public safety functions and increased efficiency and effectiveness in the administration of these programs.

21-N:2 Establishment; General Functions.

I. There is established the department of safety, an agency of the state, under the executive direction of a commissioner of safety.

II. The department of safety, through its officials, shall be responsible for the following general functions:

- (a) Enforcing the criminal law.
- (b) Administering and enforcing laws relative to motor vehicles and drivers.
- (c) Assuring fire, building, and equipment safety.
- (d) Promoting vehicle and highway safety.

21-N:3 Commissioner; Directors; Compensation.

I. The commissioner of the department shall be appointed by the governor, with the consent of the council, and shall serve for a term of 4 years, provided that the first term shall expire on March 31, 1987. The commissioner shall be qualified to hold that position by reason of education and experience. A vacancy shall be filled for the unexpired term. II. The commissioner shall nominate each division director for appointment by the governor, with the consent of the council. The division directors shall serve for a term of 4 years. Vacancies shall be filled for the unexpired term. The directors shall be qualified to hold their respective positions by reason of education and experience. The director of state police shall be a citizen of the United States and shall have had experience in the investigation of crime, criminal prosecution, and in the enforcement of traffic laws at the time of his appointment.

III. The salaries of the commissioner and the division directors shall be as specified in RSA 94:1-a.

21-N:4 Duties of Commissioner. In addition to the powers, duties, and functions otherwise vested by law, including but not limited to those enumerated in RSA 21-G:9, the commissioner of the department of safety shall:

- I. Represent the public interest in the administration of the department of safety and be responsible to the governor, the general court, and the public for such administration.

II. Require the director of the division of administration, in consultation with the commissioner of administrative services and the treasurer, to provide for a system of accounts and reports in accordance with generally accepted accounting principles, which will insure the integrity and lawful use of all revenues collected by the department, the use of which is restricted by state or federal law.

III. Have authority to adopt rules, under RSA 541-A, necessary to assure the continuation or granting of federal funds or other assistance not otherwise provided for by law.

IV. Have discretion to grant to safety inspectors within his department certain limited police powers as follows:

(a) Power to serve criminal process.

(b) Power to make arrests for violations of the provisions of the motor vehicle laws and rules presently falling within the jurisdiction of safety inspectors.

(c) Power to inspect motor vehicles transporting hazardous materials in accordance with RSA 21-N:13.

V. Have discretion to grant to the state fire marshal and any deputy fire marshal or fire investigator within the division of public safety the authority to detain and make arrests as a peace officer pursuant to RSA 594, to serve criminal processes, and to enforce the rules adopted under RSA 153:4-a and RSA 153:5, in order to promote the efficient discharge of such persons' lawful duties. The commissioner shall assure in granting the authority provided in this paragraph that any person so designated has received appropriate law enforcement training through a program approved by the police standards and training council. Whenever persons authorized as peace officers under this paragraph are involved in the investigation of felonies or cases involving death due to fires, or whenever an arrest is to be made, such persons shall as soon as practicable notify a law enforcement agency having jurisdiction in the geographical area where the arrest or investigation is to take place.

21-N:5 Assistant Commissioner.

I. The commissioner of safety shall nominate an assistant commissioner for appointment by the governor, with the consent of the council. The assistant commissioner shall serve a term of 4 years, coincident with that of the commissioner, and may be reappointed. The assistant commissioner shall be qualified to hold that position by reason of education and experience.

II. The assistant commissioner shall perform such duties as are assigned by the commissioner. The assistant commissioner shall assume the duties of the commissioner in the event that the commissioner is unable for any reason to perform such duties.

III. The salary of the assistant commissioner shall be as specified in RSA 94:1-a.

21-N:6 Division of Administration. There is established within the department the division of administration under the supervision of an unclassified director of administration who shall, in accordance with applicable laws, be responsible for the following functions:

I. Accounting, purchasing, and budget control.

II. Personnel management.

III. Property, contracts, and grants management.

IV. Data processing.

V. Assistance to the commissioner with short and long range department level planning activities.

VI. Clerical support for the state advisory board of fire control.

21-N:7 Division of State Police.

I. There is established within the department the division of state police under the supervision of an unclassified director of state police who shall be responsible for the following functions, in accordance with applicable laws:

(a) Enforcing state criminal, motor vehicle, hazardous waste, and other public safety laws.

(b) Issuing nonresident pistol permits in accordance with RSA 159:6.

(c) Carrying out the duties specified in RSA 106-B.

II. Notwithstanding any other provision of law, the provisions of RSA 106-B:4 shall continue to apply to the division of state police. The division shall be authorized to continue to use the nomenclature designating the units and personnel of the division in use on the effective date of this chapter.

21-N:8 Division of Motor Vehicles. There is established within the department the division of motor vehicles under the supervision of an unclassified director of motor vehicles who shall be responsible for the following functions, in accordance with applicable law:

I. Motor vehicle and driver regulation, including, but not limited to, driver licensing, vehicle registration, financial responsibility compliance, title issuance, truck weight enforcement, and supervision of motor vehicle inspection stations.

II. Registration of commercial and private boats, as provided in RSA 270.

III. Collection of fuel taxes and administration of the provisions of RSA 260.

IV. Hazardous materials transportation and truck weight enforcement and any other duties performed by safety inspectors. Safety inspectors shall include all individuals granted authority by the commissioner pursuant to RSA 21-N:4, IV.

21-N:9 Division of Safety Services. There is established within the department the division of safety services under the supervision of an unclassified director of safety services who shall be responsible for the following functions, in accordance with applicable law:

I. Regulation of passenger tramways and ski areas, as provided for in RSA 225-A.

II. Regulation of carnival and amusement rides, as provided for in RSA 321-A.

III. Regulation of boilers and elevators, as provided for in RSA 157-A and 157-B.

IV. Watercraft safety regulation, as provided for in RSA 270.

V. Regulation of detective agencies and security services, as provided for by RSA 106-F.

21-N:10 Bureau of Fire Safety.

I. There is established within the division of safety services of the department of safety a bureau of fire safety under the supervision of an unclassified administrator of fire safety, who shall also be known as the state fire marshal.

II. The state fire marshal shall:

(a) Be nominated by the commissioner of safety from a list of not fewer than 3, nor more than 5, candidates submitted by the state advisory board of fire control for appointment by the governor, with the consent of the council, and shall serve a term of 4 years.

(b) Be a citizen of this state or become a citizen of this state within one year of his appointment and be technically qualified.

(c) Devote his entire time to the duties of the bureau of fire safety.

(d) Receive the salary specified in RSA 94:1-a.

III. The state fire marshal shall be generally responsible for the following functions, in accordance with applicable law:

(a) Investigation of the causes and circumstances of fires.

(b) Fire safety regulation and education.

(c) Coordination of state agency response to accidents involving hazardous materials.

IV. With the approval of the governor, the commissioner of safety may transfer the state fire marshal, the bureau of fire safety, and personnel and appropriations relating thereto as well as necessary equipment from the division of safety services and establish a separate division of fire safety reporting directly to the commissioner.



21-N:11 Rulemaking Authority; Commissioner of Safety.

I. The commissioner of safety shall act jointly with the commissioner of education to develop and adopt rules, under RSA 541-A, relating to driver education courses to be given in the secondary schools of the state and motor vehicle drivers' schools licensed under the provisions of RSA 263:44, and relating to the licensing of the schools and of their teachers and instructors, which rules shall cover the subjects of:

- (a) Facilities and equipment.
- (b) The educational background and other qualifications of teachers and instructors.
- (c) Curriculum and hours during which instruction may be given.
- (d) Amounts of insurance with respect to training vehicles and other facilities of the school, which may be in addition to any other insurance coverage required by law.
- (e) Payments to secondary schools or districts.
- (f) Admission and advertising practices, together with terms of enrollment, of schools licensed under the provisions of RSA 263:44.
- (g) Any other subject which in the judgment of the commissioners requires rulemaking to promote the effectiveness of driver education courses.

II. The commissioner of safety shall adopt rules, under RSA 541-A, relative to:

- (a) Regulation of hazardous and low-level radioactive waste, as authorized by RSA 21-N:13, I.
- (b) The administration of the division of state police and fees for criminal record and fingerprint checks, as authorized by RSA 106-B:7.
- (c) Gathering information and maintaining records on criminals, as authorized by RSA 106-B:14, I.
- (d) Licensing detective agencies and security guard services, as authorized by RSA 106-F:3.
- (e) Boilers and pressure vessels, as authorized by RSA 157-A:3.
- (f) Conditions necessary to justify emergency suspensions of elevator inspection certificates, as authorized by RSA 157-B:6, II.
- (g) Elevators, as authorized by RSA 157-B:18.
- (h) The sale, storage, handling and transportation of explosives, as authorized by RSA 158:9-f.
- (i) Nonresident pistol permits, as authorized by RSA 159:6.
- (j) The construction, operation and maintenance of passenger tramways, as authorized by RSA 225-A:8.
- (k) Information required of passenger tramway license applicants and registration fees, as authorized by RSA 225-A:15 and 16.
- (l) Regulation of boats and boaters, as authorized by RSA 270:11.
- (m) Boat engines, speed limits, or prohibition of motor boats on bodies of public water of 35 acres or less, as authorized by RSA 270:12.
- (n) Noise level testing and certification, as authorized by RSA 270:39.
- (o) Regulation of rafting of boats, as authorized by RSA 270:43.
- (p) Regulation of carnival and amusement rides, as authorized by RSA 321-A:2.
- (q) Registration fees for carnival or amusement operators, as authorized by RSA 321-A:5, I.
- (r) Self-dialing alarm systems, as authorized by RSA 370-A:2.
- (s) Railroad police, as authorized by RSA 381:11.

III. The commissioner of safety shall adopt rules, under RSA 541-A and RSA 260:5, relative to motor vehicle registration as follows:

- (a) Application for and issuance of motor vehicle certificates of title, including all necessary forms, as authorized by RSA 261:1, 261:4, and 261:31, I.
- (b) Exemption from the motor vehicle certificate of title requirement, as authorized by RSA 261:3.

- (c) Maintaining records of motor vehicle certificates of title, as authorized by RSA 261:7.
- (d) Requirements for posting bond when motor vehicle ownership is in doubt, as authorized by RSA 261:10, II.
- (e) Certificates of title held by motor vehicle dealers, as authorized by RSA 261:15.
- (f) Voluntary and involuntary transfers of interests in a motor vehicle, as authorized by RSA 261:14, 261:16, and 261:17.
- (g) Certificates of title for salvage vehicles, as authorized by RSA 261:22.
- (h) Issuance of duplicate certificates of title, as authorized by RSA 261:12.
- (i) Perfection, assignment, and release of security interests in motor vehicles, as authorized by RSA 261:24-29.
- (j) Investigations to procure information relative to motor vehicle certificates of title, as authorized by RSA 261:31, II.
- (k) Identification numbers for trailer vehicles, as authorized by RSA 261:31, IV.
- (l) Fees for issuing certificates of title, as authorized by RSA 261:20.
- (m) Application for and issuance of certificates of registration for motor vehicles, including all necessary forms, as authorized by RSA 261:40 and 261:52.
- (n) Registration of motor vehicles owned by nonresidents, as authorized by RSA 261:42-48.
- (o) Maintaining records of certificates of registration, as authorized by RSA 261:58.
- (p) Preparation and distribution of registration listings, as authorized by RSA 261:60.
- (q) Extension of registration expiration, as authorized by RSA 261:63.
- (r) Exemption from the registration requirement for certain highway building equipment, as authorized by RSA 261:64.
- (s) Issuing certificates of registration for vehicles owned by diplomats and certain other officials, as authorized by RSA 261:65.
- (t) Issuing certificates of registration upon transfer of ownership, as authorized by RSA 261:66.
- (u) Procedures for registration by municipal agents, as authorized by RSA 261:74-a-74-g.
- (v) Issuance of number plates for motor vehicles, as authorized by RSA 261:75-97.
- (w) Registration by motor vehicle manufacturers or dealers, including the posting of bond by a dealer, as authorized by RSA 261:97-111.
- (x) Registration by motorcycle and moped manufacturers or dealers, as authorized by RSA 261:112-113.
- (y) Registration by transporters, as authorized by RSA 261:114-118.
- (z) Registration by utility dealers, as authorized by RSA 261:119-122.
- (aa) Registration by motor vehicle junk dealers, as authorized by RSA 261:123-134.
- (bb) Registration by motor vehicle repairers, as authorized by RSA 261:136-139.
- (cc) Classification of motor vehicles for registration fee purposes, as authorized by RSA 261:143.
- (dd) Exemption from registration fees for publicly owned vehicles, as authorized by RSA 261:145, and for emergency vehicles, as authorized by RSA 261:146.
- (ee) Refund of registration fees for members of the armed forces, as authorized by RSA 261:68.
- (ff) Municipal permits for registration, as authorized by RSA 261:148.

(gg) Exemption from municipal permit fees for certain disabled veterans, as authorized by RSA 261:157 and 261:159; and for nonprofit organizations, as authorized by RSA 261:158.

(hh) Suspension of registrations, as authorized by RSA 261:177 and 261:178.

IV. The commissioner of safety shall adopt rules, under RSA 541-A and RSA 260:5, relative to licensing drivers as follows:

(a) Procedures for and information required on driver's license applications, including all necessary forms, as authorized by RSA 263:5.

(b) Driver's license examination and reexamination requirements, as authorized by RSA 263:6 and 263:7.

(c) Restricted licenses, as authorized by RSA 263:13.

(d) Conditions and requirements for a driver's license, as authorized by RSA 263:14-263:33-b.

(e) Intrastate licenses for nonresidents, as authorized by RSA 263:39-a.

(f) Anatomical gift notice, as authorized by RSA 263:41.

(g) Collection of driver's license fees, as authorized by RSA 263:42.

(h) Petitions for refund of fees, as authorized by RSA 263:43.

(i) Application and requirements for issuance of motor vehicle driver's school licenses, as authorized by RSA 263:44-47 and 263:49-51.

(j) Suspension or revocation of a driver's license or driving privilege, as authorized by RSA 263:53-66 and RSA 263:73.

(k) Appeals of driver's license denial, suspension, or revocation, as authorized by RSA 263:75 and 263:76.

(l) Application for and issuance of a vanpooler's permit, as authorized by RSA 376:2, XII.

V. The commissioner of safety shall adopt rules, under RSA 541-A and RSA 260:5, relative to motor vehicle regulation as follows:

(a) Motor vehicle inspection, as authorized by RSA 266:1, I.

(b) School bus inspection, as authorized by RSA 266:7.

(c) School bus design, as authorized by RSA 266:62.

(d) School bus driver certification, as authorized by RSA 263:29.

(e) Proof of financial responsibility, as authorized by RSA 264:1 and 264:2, II.

(f) Forms of security, as authorized by RSA 264:4.

(g) Reports of motor vehicle accidents, as authorized by RSA 264:25.

(h) Licensing of distributor of motor fuels, as authorized by RSA 260:36.

(i) Licensing of transporters of motor fuels, as authorized by RSA 260:42, I.

(j) Reporting requirements for motor fuel distributors and transporters, as authorized by RSA 260:43.

(k) Refunds of road tolls on motor fuels, as authorized by RSA 260:47, 260:48 and 260:49.

(l) Licensing of users of fuels other than motor fuels, as authorized by RSA 260:52, V.

(m) User and motor carrier bonds, as authorized by RSA 260:54.

(n) Use of auxiliary tanks, as authorized by RSA 260:58.

(o) Notification of statutory liens, as authorized by RSA 260:63.

(p) Procedures for motor vehicle hearings, including habitual offender hearings.

#### Transport of Hazardous Materials and Waste.

21-N:12 Definitions. In this subdivision:

I. "Hazardous materials" means those substances or materials in such quantity and form which may pose an unreasonable risk to health and



safety or property when transported in commerce by all modes and which may include, but are not limited to, explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, and compressed gases which are listed by the Materials Transportation Bureau of the United States Department of Transportation in Title 49 of the Code of Federal Regulations and any of its amendments.

II. "Waste" means hazardous waste as defined in RSA 147-B:2, VII. 21-N:13 Duty of Commissioner.

I. The commissioner of the department of safety shall regulate and promote the safe transportation of hazardous materials and wastes by all modes of transportation within this state by:

(a) Adopting as rules, under RSA 541-A, the current version of the regulations promulgated by the Materials Transportation Bureau of the United States Department of Transportation contained in parts 170-189 of Title 49 of the Code of Federal Regulations, the current version of the regulations promulgated by the Bureau of Motor Carrier Safety, Federal Highway Administration of the United States Department of Transportation contained in parts 390-397 of Title 49 of the Code of Federal Regulations, and the current version of the regulations promulgated by the United States Nuclear Regulatory Commission and contained in parts 71 and 73 of Title 10 of the Code of Federal Regulations. Notwithstanding the provisions of RSA 541-A, any amendments or additions by the respective federal agencies or their successor agencies shall also amend or supplement the rules adopted by the commissioner of safety without further action on his part, and these rules shall not expire without specific action by the general court or the commissioner.

(b) Adopting rules, under RSA 541-A, relative to the transportation of hazardous materials or wastes by all modes of transport which shall be no less protective of public safety than the regulations promulgated by the federal government with respect to such transportation, including, but not limited to, the proper packaging, shipping, reporting and brokering of shipments, financial responsibility of shippers, and financial liability for cleanup of transportation accidents.

(c) Adopting rules, under RSA 541-A, relative to the reporting of all incidents involving the transportation of hazardous materials or wastes, the manner in which such incidents were handled, and on-the-spot inspection of vehicles carrying hazardous materials or wastes by any peace officer or other authorized agent of the commissioner of safety. In adopting such rules, the commissioner shall review rules adopted by the division of public health services for the regulation of hazardous wastes under RSA 147-A, 147-B, 147-C, and RSA 147-D and shall, to the extent possible, coordinate the rules of the department with those of the division in order to avoid inconsistency and duplication. In enforcing the provisions of this subdivision and rules adopted under this subdivision, police employees of the division of state police shall not be limited by the provisions of RSA 106-B:15.

(d) Entering into cooperative agreements with agencies of this and other states and of the federal government relative to the enforcement of rules adopted pursuant to this subdivision and regulations promulgated by the federal government or rules adopted by other state agencies which apply to transportation in New Hampshire.

(e) Adopting rules, under RSA 541-A, which shall require shipments of low-level radioactive waste generated within or passing through the state and destined for any disposal facility to conform with the applicable packaging and transportation laws and rules of the state where such regional facility is located, to the extent that such laws and rules do not conflict with federal law.

II. The commissioner of the department of safety or his authorized representative shall be the state designee to receive notification required by Title 10 of the Code of Federal Regulations for shipments of radioactive materials.

21-N:14 Drivers of Retail Fuel Oil Delivery Trucks. Notwithstanding the provisions of any rule adopted under the authority of RSA 21-N:13 pertaining to the qualification of drivers, it shall not be unlawful for a person 18 years of age or older to drive in intrastate commerce any vehicle carrying home heating oil for the purpose of making retail deliveries of such home heating oil, if such person holds a valid driver's license for the class of vehicle being driven and if the driver and vehicle are in compliance with all other applicable laws and rules.

21-N:15 Enforcement. The provisions of this subdivision and any rules adopted under it shall be enforced anywhere in the state by any state trooper, safety inspector, authorized agent of the commissioner of safety, or by any law enforcement officer within his respective jurisdiction. The officers may detain and inspect any sealed or unsealed vehicle, container, or shipment which contains or which they have reason to believe contains hazardous materials or wastes while in transit or in maintenance facilities or terminals or on other public or private property to ascertain if hazardous materials or wastes are being loaded, unloaded, stored, or transported and to inspect the contents, take samples, and to otherwise insure compliance with the provisions of this subdivision and of all rules adopted under this subdivision. If a seal is opened for inspection, the inspecting officer shall reseal any vehicle, container, or shipment prior to further transportation.

21-N:16 Licenses.

I. Every person, including a private carrier or a common or contract carrier, who operates a vehicle on the ways of this state transporting hazardous material or waste in such quantity and under such conditions that he is required to be placarded pursuant to part 172.101 of Title 49 of the Code of Federal Regulations or to meet the manifest requirements set forth by part 262 of Title 40 of the Code of Federal Regulations or to meet the manifest requirements as set forth under the rules of the office of waste management, division of public health services, department of health and human services, shall first procure from the department of safety an annual license or single trip license for each vehicle so driven. This license shall be available for examination and shall be displayed in accordance with rules adopted by the commissioner of safety.

II. The provisions of paragraph I shall not apply to any vehicle owned or operated by the federal government or any of its political subdivisions, nor to properly registered agricultural vehicles used in a bona fide farming operation, nor to any vehicle when used during an emergency with the specific approval of a peace officer, fire chief, designated official of the department of health and human services, or the state fire marshal. The provisions of paragraph I shall not apply to any vehicle which has been issued a permit by the division of public health services for the transportation of wastes within the state under RSA 147-A:6 and rules adopted under RSA 147-A, provided that this exemption shall apply only to those hazardous materials or wastes within the vehicle which are subject to the permit issued by the division of public health services or exempted under federal law. The provisions of paragraph I shall not apply to any person who stores and handles explosives while transporting 50 pounds or less of gunpowder, sporting propellants, or primers from one location to another, nor to any sportsman transporting 50 pounds or less of gunpowder, sporting propellants, or primers for his own use.

III. The commissioner of the department of safety or his designee is authorized to suspend or revoke such license if it is determined that any provision of the license requirement has been violated, or if the driver, owner, lessee, or custodian of said vehicle has been convicted of 2 violations within a calendar year of any combination of statutes or rules relative to hazardous materials or wastes or if the owner's or operator's hazardous waste transporter's permit issued under rules of the office of waste management, division of public health services, has been suspended or revoked.

IV. The fee for an annual license shall be \$25 and the fee for a single-trip license shall be \$15. Annual licenses shall expire on the July 1 following the date of issue.

V. No portion of the annual fee for licensing shall be prorated or reduced. The license shall be in such form as the commissioner of safety shall adopt by rule. No license shall be transferable to another vehicle.

21-N:17 Civil Penalties. Any person who violates any of the provisions of this subdivision, any rule adopted under this subdivision, or any term or condition of a license or permit issued under this subdivision shall be subject to a civil penalty not to exceed \$5,000 for a natural person or \$25,000 for any other person. The sums obtained from the levying of civil penalties or fees under this subdivision shall be distributed annually in the following manner:

I. Sixty-five percent shall be transferred to the state of New Hampshire hazardous waste cleanup fund established by RSA 147-B:3.

II. Fifteen percent shall be credited to the department of safety to be used for state, local or regional emergency response programs identified by the commissioner and deemed appropriate by him to receive such funding.

III. Twenty percent shall be credited to the department of safety to be used for the enforcement of the laws and rules related to the transportation of hazardous materials and wastes.

IV. The department of safety is authorized to establish a revolving fund into which it shall deposit the sums allocated in paragraphs II and III. The department of safety, with approval of the governor and council, shall be authorized to utilize the moneys from the revolving fund so created for the purposes outlined in paragraphs II and III.

21-N:18 Criminal Penalties.

I. Notwithstanding the civil penalties provided in RSA 21-N:17, any shipper, broker, or transporter of any hazardous materials or wastes who violates the provisions of this subdivision or rules adopted under this subdivision shall be guilty of a violation for the first offense and, notwithstanding the provisions of RSA title LXII, may be fined not more than \$500 if a natural person or more than \$1,000 if any other person. Any person convicted of an offense under this subdivision who was convicted of an offense relating to the transportation of hazardous materials or wastes within the 5 years preceding the commission of the offense under this subdivision shall be guilty of a misdemeanor. Any person convicted of an offense under this subdivision who was convicted of 2 or more offenses relating to the transportation of hazardous materials or wastes within 5 years preceding the commission of the offense under this subdivision shall be guilty of a class B felony if a natural person or of a felony if any other person.

II. Notwithstanding the civil penalties provided in RSA 21-N:17, the shipper, broker, or transporter of any hazardous material or waste who transports or causes to be transported a hazardous material or waste on a forged manifest, transporter's license, or license decal shall be guilty of a class B felony if a natural person or of a felony if any other person.

21-N:19 Effect on Other Laws. Nothing contained in this chapter shall be construed to modify, limit, or be inconsistent with the duties and authority conferred upon the division of public health services under RSA 147-A, 147-B, 147-C, and RSA 147-D.

2 Transfer and Termination of Agencies.

I. The department of safety in existence prior to the effective date of this section and the passenger tramway safety board are hereby abolished, and all of the powers, duties, functions, and responsibilities of those agencies and the powers, duties, functions, and responsibilities of the officials of those agencies, except as otherwise provided by this act, are hereby transferred to and vested in the commissioner of safety.

II. The transfers provided for in this section shall become effective on January 1, 1987. Prior to that date, the existing entities,



and the officials of those entities, referred to in this section shall retain their full power and authority.

### 3 Transfer from Department of Labor.

I. All of the functions, powers, duties, and responsibilities of the commissioner and department of labor relative to boiler and elevator inspections, as provided for in RSA 157-A and 157-B, are hereby transferred to the department of safety established by this act.

II. The transfer provided for in this section shall include all of the personnel, equipment, books, papers, records, unexpended appropriations or other funds, actions, and other property or obligations of every kind formerly a part of the inspection division or other organizational units of the department of labor involved with the administration of the duties and responsibilities set out under RSA 157-A and 157-B. The commissioner of safety shall determine, in consultation with the commissioner of labor, and include in the implementation plan required by section 4 of this act, which of the personnel, books, papers, records, equipment, unexpended appropriations or other funds, actions, and other property and obligations are significantly involved in administering the program of inspection of elevators and boilers provided for by RSA 157-A and 157-B.

III. The transfers provided for in this section shall become effective on January 1, 1987. Prior to that date, the existing entities, and the officials of those entities, referred to in this section shall retain their full power and authority.

4 Transition Procedure. Notwithstanding the provisions of RSA 21-G and RSA 17-L, the transition procedure to be followed in implementing the reorganized department of safety established by this act shall be as follows:

I. The commissioner of safety is directed to prepare and submit an implementation plan addressing the reorganization as outlined in this act for review and approval by a joint committee of the legislature consisting of the senate executive departments committee and the house of representatives executive departments and administration committee. The chairmen of those committees shall serve as co-chairmen of the joint committee. The plan shall add no additional employees to the state service and for each new position created by the plan a comparable existing position shall be abolished.

5 Changes in the Implementation Plan. Any changes in the implementation plan established under section 4 of this act and approved by a majority vote of the joint committee shall be adopted by the commissioner of safety, but the plan shall become effective in any event on January 1, 1987, subject to any changes approved by the joint committee.

### 6 Changes in Authority.

I. As of January 1, 1987, the references listed below are hereby changed as follows:

(a) All references to the "director of state police" in RSA 106-F shall be changed to read the "commissioner of safety."

(b) All references to the "commissioner of labor" in RSA 157-A and RSA 157-B shall be changed to read "commissioner of safety", and all references to the "department of labor" in RSA 157-A and RSA 157-B shall be changed to read "department of safety".

(c) All references to the "passenger tramway safety board" in RSA 225-A shall be changed to read "commissioner of safety."

(d) All references to the "director of safety services", all references to the "director of safety services, department of safety" and all references to "director" in RSA 270:1; 270:1-a; 270:11; 270:12; 270:16-b; 270:16-c; 270:31; 270:39; 270:43; and 270:48 shall be changed to read "commissioner of safety."

(e) All references to "director of safety services" in RSA 321-A shall be changed to read "commissioner of safety."

(f) All references to the "state fire marshal" in RSA 323 shall be changed to read "commissioner of safety."

(g) All references to "rules", "rules and regulations" or "regulations", and the accompanying words, if any, directing such rules or rules and regulations or regulations to be made or adopted shall be changed to read "adopt rules under RSA 541-A" in the following statutes:

- (1) RSA 106-B.
- (2) RSA 106-F.
- (3) RSA 159.
- (4) RSA 225.
- (5) RSA title XXI.
- (6) RSA 270.
- (7) RSA 321; 370; 376; 381.

II. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make changes in the printed version of all laws and rules, and all legislation enacted by the 1986 session of the general court that may be necessary for the purpose of conforming the language of such laws, rules, or legislation to the language of this act, provided that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1986 session laws.

7 Division of State Police. Amend RSA 106-B:2 as inserted by 1961, 166:4 by striking out said section and inserting in place thereof the following:

106-B:2 Division of State Police. There shall be a division of state police within the department of safety as provided in RSA 21-N:7.

8 Reference Change. Amend RSA 158:24 as inserted by 1957, 192:1 by striking out said section and inserting in place thereof the following:

158:24 Authority. To carry out the provisions of this chapter, the state fire marshal is authorized to take such actions as he may deem necessary to inform the public of the intent and purposes of this act and to adopt such rules, under RSA 541-A, as may be required for its effective enforcement.

9 State Advisory Board of Fire Control. The state advisory board of fire control, established by RSA 153:2-4 is hereby administratively attached to the office of the commissioner of the department of safety. The board shall have all of the duties, powers and obligations presently assigned to it by statute, this act or future statutes or amendments thereto.

10 State Fire Marshal. Notwithstanding any provision of law to the contrary, the state fire marshal in office on the effective date of this act shall become state fire marshal in the division of safety services, department of safety, and shall serve for a term of 4 years from said date. A vacancy shall be filled pursuant to RSA 21-N:10, for the unexpired term.

11 Change in Citation. Amend RSA 260:1 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

260:1 Division Established. There shall be a division of motor vehicles within the department of safety as provided in RSA 21-N:8.

12 Reference Change. Amend RSA 321-A:1, IV as inserted by 1977, 393:1 by striking out said paragraph and inserting in place thereof the following:

IV. "Division" means the division of safety services in the department of safety.

13 Salaries.

I. Amend RSA 94:1-a, (supp) as inserted by 1975, 505:28 as amended by striking out the following:

(a) In group L, deputy director, crime commission; and director of safety services.

(b) In group N, assistant safety commissioner; and executive director, New Hampshire crime commission.

(c) In group O, deputy safety commissioner.

II. Amend RSA 94:1-a, (supp) as inserted by 1975, 505:28 as amended by inserting the following: In group O, assistant safety commissioner.

14 Retirement Benefits Protected. Any classified or unclassified employee of any agency, the duties, functions, powers, or responsibilities of which are transferred to the department of safety by this act, who is a group II member of the state retirement system with creditable service on the effective date of this section, shall continue to be eligible for such membership despite any change in duties required by reorganization.

15 Appropriations. All realignment of functions, reassignment of personnel, and restructuring of organizational units required by this act shall be accomplished within the existing appropriations transferred from the agencies consolidated by this act to the newly organized department of safety. No additional appropriations shall be made for purposes of implementing this act.

16 Positions of Commissioner, Deputy Commissioner Abolished.

I. The present position of commissioner of safety is hereby abolished and the incumbent occupying that position is transferred to the position of commissioner of safety established by RSA 21-N:3 until March 31, 1987.

II. The present position of deputy commissioner of safety is hereby abolished and the incumbent occupying that position is transferred to the position of assistant commissioner of safety until the end of the term to which he was appointed as deputy commissioner.

17 Repeals. The following are hereby repealed:

I. RSA 7-B, relative to the New Hampshire crime commission.

II. RSA 106-A, relative to the department of safety.

III. RSA 106-B:3, relative to qualifications for the director of the division of state police.

IV. RSA 154-C, relative to training of fire fighters.

V. RSA 157-B:16, relative to conduct of elevator regulation hearings.

VI. RSA 225-A:2, VIII; 225-A:3;

225-A:4; 225-A:5; 225-A:6; and 225-A:7, relative to the passenger tramway safety board.

VII. RSA 260:2 and 260:3, relative to the director of motor vehicles.

VIII. RSA 321-A:1, III, relative to the definition of the director of the division of safety services.

18 Effective Date.

I. Sections 3, II; 4; 5; and 18 of this act shall take effect July 1, 1986.

II. The remainder of this act shall take effect on January 1, 1987.

Amendment adopted.

Rep. Dexter offered an amendment.

#### Amendment

Amend the bill by striking out sections 4 and 5 of the bill and inserting in place thereof the following:

4 Transition Procedure. The transition procedure to be followed in implementing the reorganized department of safety established by this act shall be as follows:

I. The commissioner of safety is directed to prepare and submit an implementation plan addressing the reorganization as outlined in this act for review and approval by the joint committee on reorganization established under RSA 17-L. The plan shall add no additional employees to the state service and for each new position created by the plan a comparable existing position shall be abolished.

5 Changes in the Implementation Plan. Any changes in the implementation plan established under section 4 of this act and approved by the joint committee on reorganization established under RSA 17-L shall be adopted by the commissioner of safety, but the plan shall become effective in any event on January 1, 1987, subject to any changes approved by the joint committee on reorganization.



Hearing no objection the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Dexter explained the amendment.

Amendment adopted.

Ordered to third reading.

HB 440-FN, establishing an office of administration and support and an office of health and human services planning within the department of health and human services. Ought to Pass with Amendment.

This bill establishes two new offices, one for Administration and Support, and one for Planning, in the Department of Health and Human Services, utilizing existing resources and personnel. These two offices will allow the Commissioner to consolidate administrative and planning functions to effect greater efficiencies, but permits flexibility in allowing each division to maintain certain administrative, support and planning operations at their levels for efficient day-to-day operations. Vote 15-1. Rep. Dean Dexter for Executive Departments and Administration.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Department Established. Amend RSA 126-A:3 (supp) as inserted by 1961, 222:1 as amended by striking out said section and inserting in place thereof the following:

126-A:3 Department Established. There shall be a department of health and human services under the executive direction of a commissioner of health and human services, which department shall include the following divisions:

- I. A division of public health services;
- II. A division of mental health and developmental disabilities;
- III. A division of human services; and
- IV. A division for children and youth services.

2 Commissioner of Health and Human Services Established. Amend RSA 126-A:4 (supp) as inserted by 1975, 77:1 as amended by striking out said section and inserting in place thereof the following:

126-A:4 Commissioner of Health and Human Services.

I. Administrative and executive direction of the department of health and human services shall be under the direction of a commissioner of health and human services who shall be an unclassified employee appointed by the governor and council. He shall serve for a term of 4 years and may be reappointed.

II. The commissioner shall supervise and consult with the directors of divisions in the formulation and establishment of policies for their respective divisions, pursuant to RSA 126-A:6.

3 Deputy Commissioner of Health and Human Services. Amend RSA 126-A:4-d (supp) as inserted by 1977, 365:1 by striking out said section and inserting in place thereof the following:

126-A:4-d Deputy Commissioner of Health and Human Services. Subject to the approval of the governor and council, the commissioner of health and human services shall appoint a deputy commissioner who shall serve a term of 4 years, and may be reappointed.

126-A:4-e Qualifications. The deputy commissioner shall be duly qualified by education and experience, with a strong background in business or public administration.

126-A:4-f Administrative Assistant to the Commissioner. The position of administrative assistant to the commissioner is established within the office of the commissioner. The administrative assistant shall have no policy-making functions and shall serve as an administrative aide to the commissioner. The administrative assistant shall be an unclassified

employee, appointed by the commissioner, who shall serve at the pleasure of the commissioner.

4 Office of Administrative Assistant to the Commissioner Abolished. The current classified position of administrative assistant in the office of the commissioner is hereby abolished.

5 Incumbent Deputy Commissioner of Health and Human Services. The person serving as deputy commissioner at the time this act takes effect shall serve until the completion of his term, and may be reappointed.

6 Office of Administration and Support Established. Amend RSA 126-A by inserting after section 5 the following new section:

126-A:5-a Office of Administration and Support.

I. There is hereby established in the office of the commissioner of health and human services the office of administration and support, to be directed by the deputy commissioner of health and human services.

II. All administrative and support functions of the department, including, but not limited to, clerical, data processing, secretarial, financial and accounting, internal auditing, personnel, business management, contracted services, quality assurance, consulting services, management systems, legal and special investigations, projects and programs except those functions essential to the proper day-to-day operation of the division, shall be transferred from the divisions to the office of administration and support.

III. The commissioner of health and human services is hereby authorized to transfer such employees, equipment and funds from the various divisions to the office of administration and support as he deems necessary to carry out the intent of this section.

7 Director of Division for Children and Youth Services Added. Amend RSA 126-A:6 (supp) as inserted by 1981, 156:1 as amended by striking out said section and inserting in place thereof the following:

126-A:6 Directors of Divisions.

I. Each director shall be responsible for the administrative and executive direction of his respective division, subject to the approval of the commissioner. Each shall be an unclassified employee appointed by the governor and council after nomination by the commissioner of health and human services. Each director shall serve for a term of 4 years and may be reappointed. Each may, in his discretion, establish advisory committees to assist him in developing divisional programs and policies. The provisions of RSA 21-G:8 shall apply to appointments under this section.

II. The qualifications of the directors shall be as follows:

(a) The director of public health services shall be a physician licensed or eligible for licensure in New Hampshire, with at least 5 years' administrative experience in public health.

(b) The director of the division of mental health and developmental services either shall be a physician-psychiatrist, licensed or eligible for licensure in New Hampshire, or shall hold a master's degree in public management, public health administration, or the equivalent of one of such degrees, and shall have at least 10 years' experience in the mental health field.

(c) The director of human services shall be duly qualified through training at an accredited school of social services with emphasis in public welfare administration and have at least 5 years' experience in the field of public welfare.

(d) The director of the division for children and youth services shall have at least 5 years' experience in children and youth services and have an advanced degree in human services, public administration, social science, or a related discipline.

8 Salaries of Commissioner, Deputy Commissioner, Division Directors, and Director of Office of Health and Human Services Planning. Amend RSA 126-A:7 as inserted by 1961, 222:1 as amended by striking out said section and inserting in place thereof the following:

126-A:7 Salaries. The annual salaries of the commissioner of health and human services, the deputy commissioner, the directors of the various

divisions of the department, and of the director of the office of health and human services planning shall be as prescribed by RSA 94:1-5.

9 Office of Health and Human Services Planning Established. Amend RSA 126-A by inserting after section 58 the following new sections:

126-A:58-a Office of Health and Human Services Planning.

I. There is hereby established in the office of the commissioner of health and human services the office of health and human services planning. An unclassified director of planning shall be nominated by the commissioner and appointed by the governor and council to a term of 4 years.

II. All planning, research and development functions of the various divisions of the department of health and human services shall be transferred to the office of health and human services planning except those absolutely essential to the day-to-day operation of the respective divisions.

III. The commissioner of health and human services is hereby authorized to transfer such employees, equipment and funds from the various divisions to the office of health and human services planning as he deems necessary to carry out the intent of this section.

126-A:58-b Qualifications. The director of the office of health and human services planning shall hold an advanced degree in social planning and shall have at least 5 years' experience in social planning in the field of health and human services.

10 Office of Planning and Policy Development Abolished; Transfer of Functions. The office of planning and policy development is hereby abolished, and all the duties, functions and responsibilities of that office are hereby transferred to the office of health and human services planning as established by section 9 of this act.

11 Office to Implement and Coordinate the National Health Planning and Resources Development Act of 1974. Amend RSA 126-A:59 (supp) as inserted by 1977, 600:62 by striking out said section and inserting in place thereof the following:

126-A:59 Office to Implement and Coordinate the National Health Planning and Resources Development Act of 1974 (Public Law 93-641). The governor shall designate the department of health and human services to administer the provisions of titles XV and XVI of the United State Public Health Service Act, as amended, as it relates to the office of health and human services planning. The director, with the approval of the commissioner of health and human services, is hereby authorized to receive and expend federal funds under said act in accordance with state administrative procedures. The director shall coordinate the activities of his office with those of the office of state planning and for that purpose shall confer regularly with the director of the office of state planning.

12 Implementation Plan. For purposes of efficiency, economy, and the elimination of duplication, as many administrative, support, and planning functions as possible of the department of health and human services shall be removed from the various divisions and concentrated in the separate offices of administration and support, and health and human services planning, even though the legislature recognizes that a certain minimum amount of administrative, support, and planning services must remain in each division to permit the proper functioning of the divisions. The commissioner of health and human services is, therefore, directed to consult with the division directors and other staff members and to prepare and submit an implementation plan creating an office of administration and support and an office of health and human services planning by September 1, 1986. The plan shall be submitted for review and approval by a joint committee of the legislature consisting of the executive departments committee of the senate and the executive departments and administration committee of the house of representatives. The chairmen of those committees shall serve as co-chairmen of the joint committee. The plan shall add no additional employees to the state service and for each



new position created by the plan a comparable existing position shall be abolished.

13 Changes in Plan. Any changes in the implementation plan approved by a majority vote of the joint committee shall be adopted by the commissioner of health and human services but the plan shall become effective in any event on January 1, 1987, subject to any changes approved by the joint committee.

14 Office of Assistant Commissioner Abolished. At the termination of service of the incumbent assistant commissioner of health and human services, that office shall be abolished. At that time all the duties, functions and responsibilities of the office of assistant commissioner shall be transferred to the deputy commissioner of health and human services.

15 Contingency; Provisions Relating to Divisions, Division Directors. If House Bill 483-FN of the 1986 general session, "An Act establishing a division of elderly and adult services within the department of health and human services," is enacted:

I. RSA 126-A:3 as inserted by section 1 of this act shall read as follows:

126-A:3 Department Established. There shall be a department of health and human services under the executive direction of a commissioner of health and human services, which department shall include the following divisions:

- I. A division of elderly and adult services;
- II. A division of public health services;
- III. A division of mental health and developmental disabilities;
- IV. A division of human services; and
- V. A division of children and youth services.

II. RSA 126-A:6, II as inserted by section 7 of this act shall read as follows:

II. The qualifications of the directors shall be as follows:

(a) The director for the division of elderly and adult services shall have at least 5 years' experience in the field of elderly and adult services and have an advanced degree in human services, public administration, the social sciences, or a related discipline.

(b) The director of public health services shall be a physician licensed or eligible for licensure in New Hampshire, with at least 5 years' administrative experience in public health.

(c) The director of the division of mental health and developmental services either shall be a physician-psychiatrist, licensed or eligible for licensure in New Hampshire, or shall hold a master's degree in public management, public health administration, or the equivalent of such degrees, and shall have at least 10 years' experience in the mental health field.

(d) The director of human services shall be duly qualified through training at an accredited school of social services with emphasis in public welfare administration and have at least 5 years' experience in the field of public welfare.

(e) The director of the division for children and youth services shall have at least 5 years' experience in children and youth services and have an advanced degree in human services, public administration, social science, or a related discipline.

16 Repeal. The following are hereby repealed:

I. RSA 126-A:5, relative to acting commissioner.

II. RSA 126-A:58, relative to the office of health planning.

17 Effective Date. This act shall take effect:

I. Sections 1, 2, 3, 4, 5, 7, and 8 of this act shall take effect 60 days after its passage.

II. Sections 12 and 13 of this act shall take effect on September 1, 1986.

III. The remainder of this act shall take effect January 1, 1987.

Amendment adopted.

Rep. Diament spoke against the report.

Rep. Dexter spoke in favor of the report.

Ordered to third reading.

HB 503-FN, relative to child care licensing. Ought to Pass with Amendment.

House Bill 503 identifies and defines different levels of day care, allows for dual licensure while ensuring safe and beneficial programs and protects employees from retaliation for reporting violations. Vote 15-1. Rep. Ann M. Torr for Executive Departments and Administration.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Definitions. Amend RSA 170-E:1, X as inserted by 1975, 471:2 by striking out said paragraph and inserting in place thereof the following:

X. "Child care agency" means any person, corporation, partnership, voluntary association or other organization either established for profit or otherwise, who regularly receives for care one or more children, unrelated to the operator of the agency, apart from the parents, in any facility as defined in this chapter and maintained for the care of children. The types of child care agencies are defined as follows:

(a) "Family day care home" means an occupied residence in which child care is regularly provided for less than 24 hours per day, except in emergencies, for one to 6 children from one or more unrelated families. The 6 children shall include any foster children residing in the home and all children who are related to the caregiver except children who are 10 years of age or older. In addition to the 6 children, one to 3 children attending a full day school program may also be cared for up to 5 hours per day on school days and all day during school holidays.

(b) "Family group day care home" means an occupied residence in which child care is regularly provided for less than 24 hours per day, except in emergencies, for 7 to 12 children from one or more unrelated families. The 12 children shall include all children related to the caregiver and any foster children residing in the home, except children who are 10 years of age or older. In addition to the 12 children, one to 5 children attending a full day school program may also be cared for up to 5 hours per day on school days and all day during school holidays.

(c) "Group pre-school center" means a facility regularly providing full day or half day child care for 13 or more pre-school children, whether or not the service is known as day nursery, nursery school, kindergarten, cooperative, child development center, day care center, center for the developmentally disabled, progressive school, Montessori school, or by any other name.

(d) "Day care nursery" means a facility in which child care is regularly provided for any part of a day, but less than 24 hours, except in emergencies, for 5 or more children under the age of 3. The 5 children shall include all children present during the period of child care, including those children related to the caregiver, except children related to the caregiver who are 10 years of age or older.

(e) "Foster family home" means a facility for child care in residences in which family care and training are provided on a regular basis for no more than 6 unrelated children, unless all the children are of common parentage. The maximum of 6 children includes the children living in the home and children received for child care who are related to

the residents. The following are types of foster family home care services: boarding home, free home, work-wage home, agency-supervised home, independent home, or foster family home service by any other name.

(f) "Foster family group home" means a facility for child care in residences in which family care and training are provided on a regular basis for no more than 12 unrelated children. The maximum of 12 children includes the children living in the home and children received for child care who are related to the residents.

(g) "Group home" means a child care facility which regularly provides specialized care for at least 5 but no more than 12 children who can benefit from residential living either on a short-term or long-term basis.

(h) "Night care facilities" means centers or family homes in which child care is regularly provided during the evening and night hours, but less than 24 hours, except in emergencies. A facility may be licensed for day care, night care, or both.

(i) "Pre-school program" means a facility regularly providing a structured program up to 5 hours per day for 7 or more children who are 3 years of age and older and who are not attending a full day school program. The number of children shall include all children present during the period of the program, including those children related to the caregiver.

(j) "After school program" means a facility in which child care is regularly provided up to 5 hours per school day, before or after, or before and after, regular school hours, and all day during school holidays, for 6 or more children who are enrolled in a full day school program.

(k) "Dual licensure" means the issuance of 2 licenses by the department of health and human services to operate a private facility which provides both child day care services and family foster care services as provided by RSA 170-E:6, I-a.

2 Exemptions. Amend RSA 170-E:2 (supp) as inserted by 1975, 471:2 as amended by striking out said section and inserting in place thereof the following:

170-E:2 Exemptions. The definitions in RSA 170-E:1, X and XII do not apply to the following:

I. Kindergartens, nursery schools, or any other daytime programs operated by a public or private elementary or secondary school system or institution of higher learning.

II. Facilities operated as a complimentary and limited service for the benefit of the general public in connection with a shopping center, ski area, bowling alley, Sunday school, or other similar facility where children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available.

III. Special activities programs, including athletics, craft instruction, and similar activities conducted on an organized and periodic basis by civic, charitable, and governmental organizations.

IV. Private homes in which children who are related to the resident caregiver and up to 3 unrelated children are cared for regularly for any part of the day, but less than 24 hours, unless the caregiver elects to comply with the provisions of this chapter and be licensed.

V. Families housing exchange students or up to 4 children in summer exchange programs.

VI. Nonresident families visiting the state for purposes of a vacation who have in their care foster children from their home state and have written approval of the out-of-state agency which supervises the foster children.

3 Applications. Amend RSA 170-E:4, III (supp) as inserted by 1975, 471:2 as amended by striking out said paragraph and inserting in place thereof the following:



III. Upon receipt of any application, the department shall in every case examine the state registry of abuse and neglect reports as well as child abuse and neglect file where warranted and the criminal conviction records of the state police to determine whether the applicant is fit for the care of children. The department's files on the applicant shall reflect whether a record exists in either the state police files or the central registry. If the applicant has been convicted of a crime against a child, or of a crime which shows that the person might be reasonably expected to pose a threat to a child such as a violent crime or a sexually related crime, the applicant shall not be issued a license. The commissioner shall adopt rules, under RSA 541-A, relative to the confidentiality of information gathered under this section.

IV. The department shall deny an application if the state registry or law enforcement files indicate that, upon determination of the department, the applicant is unfit for licensure. Information which may result in denial of an application includes, but is not limited to, the applicant, an employee, or resident of the child care agency having a criminal conviction involving crimes against minors or adults or a substantiated or founded complaint of child abuse or neglect.

4 Issuance of License. Amend RSA 170-E:6 by inserting after paragraph I the following new paragraph:

I-a. The department may provide dual licensure to a facility. Such licensure shall be granted only upon application and shall be contingent upon a determination, by the appropriate licensing units consulting with each other, that the standards of both programs have been met without compromising any licensing requirements. If the licensing units are unable to agree the final decision shall be made by the commissioner.

5 Rulemaking; Report. Amend RSA 170-E:9, I(a) by inserting after subparagraph (a)(11) the following new subparagraph:

(12) Provisions to provide for a report of any new staff, paid or unpaid, or resident of the facility which shall include the name, date of birth and previous addresses of the person, or other information as required by rules of the department.

6 Rulemaking; Investigations. Amend RSA 170-E:9, I by inserting after subparagraph (d) the following new subparagraph:

(e) Procedures and policy concerning the investigation of and disciplinary proceedings against licensees.

7 Standards. Amend RSA 170-E:10, II (supp) as inserted by 1975, 471:2 as amended by striking out said paragraph and inserting in place thereof the following:

II. Violates any provisions of this chapter, or consistently fails to maintain standards adopted by the commissioner;

8 Revocation. Amend RSA 170-E:10 by inserting after paragraph X the following new paragraphs:

XI. Retaliates against an employee who in good faith reports a suspected violation of the provisions of this chapter and rules adopted thereunder.

XII. Continues to employ a person who has been determined to be unsuitable or inappropriate to work with children, after receipt of written notification of unsuitability or inappropriateness.

9 Complaints Process. Amend RSA 170-E:15 (supp) as inserted by 1975, 471:2 as amended by striking out said section and inserting in place thereof the following:

170-E:15 Investigation.

I. If the department has reason to believe that state or federal funds solicited and received by a corporation for conduct of a defunct child care facility are not being used for that purpose or are being fraudulently used by the corporation or its members, the department shall report these facts to the attorney general and request an investigation of the corporation to determine if the corporation should be dissolved.

II. The department shall conduct an investigation of any complaint of violations of any licensing or operating standards against permitted or

licensed child care agencies. All investigations shall be conducted at reasonable times, with the cooperation of other state or municipal authorities, if required, and may include unannounced visits. The director shall submit an annual narrative summary of complaints to the commissioner.

10 New Section; Witnesses; Legal Counsel. Amend RSA 170-E by inserting after section 15 the following new section:

170-E:15-a Summons; Oath; Witnesses; Legal Counsel.

I. The department shall have the power to subpoena witnesses and administer oaths in any disciplinary proceedings and to compel, by subpoena duces tecum, the production of papers and records.

II. Witnesses summoned before the department shall be paid the same fees as witnesses summoned to appear before the superior court, and such summons issued by the department shall have the same effect as though issued for appearance before such court.

III. The department shall have the power to obtain legal counsel, investigators, and such other assistance as may be required for the purposes of paragraph I, which shall include making contracts and arrangements for the performance of administrative and similar services and establishing compensation therefor.

IV. With the approval of the attorney general and the governor and council, the department may compensate the department's counsel, investigators and other assistants appointed in connection with their activities under this section, on warrant of the governor out of any money in the treasury not otherwise appropriated; provided, however, that any sums so expended shall be included in the computation of funds established for the subsequent fiscal year.

11 Retaliation; Confidentiality; Investigations. Amend RSA 170-E by inserting after section 20 the following new sections:

170-E:21 Retaliation Prohibited. A child care license holder shall not retaliate, through discharge, harassment, or other discrimination, against an employee who in good faith reports a suspected violation of the provisions in this chapter and rules adopted thereunder. Such retaliation shall constitute grounds for license revocation.

170-E:22 Confidentiality and Investigations. State registry files and all other related confidential information kept by any state agency may be used by the department for the purpose of investigation and licensure. The department shall strictly observe the confidentiality requirements of the agency from which it receives information.

12 Report. The commissioner of health and human services shall submit, by January 1 of each year, a report to the executive departments and administration and the health and human services committees of the house of representatives and the public institutions and health and welfare committee of the senate. The report shall include an evaluation of the process established by this act.

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

Amendment adopted.

Ordered to third reading.

HB 226-FN, consolidating the mental health laws. Ought to Pass with Amendment.

This bill is a major restructuring of the mental health system. The bill was originally introduced in 1985 and was then studied in the interim by a hard-working, broad-based Study Committee. The Health and Human Services Committee then took the bill and the recommendations of the Study Committee and formed its own subcommittees which have been laboring long hours all of this session. The Committee is proud to say that this is an important and well-written revision of the Revised Statutes Annotated. Vote 16-0. Rep. Elizabeth Hager for Health and Human Services.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT  
consolidating the mental health laws  
and continuing a study committee.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 135-B the following new chapter:

CHAPTER 135-C  
NEW HAMPSHIRE MENTAL HEALTH SERVICES SYSTEM

135-C:1 Purpose and Policy.

I. The purpose of this chapter is to enable the division of mental health and developmental services to:

(a) Establish, maintain, and coordinate a comprehensive, effective, and efficient system of services for persons with mental illness.

(b) Reduce the occurrence, severity and duration of mental, emotional, and behavioral disabilities.

(c) Prevent mentally ill persons from harming themselves or others.

II. It is the policy of this state to provide to persons who are severely mentally disabled adequate and humane care which, to the extent possible while meeting the purposes of habilitation and treatment, is:

(a) Within each person's own community.

(b) Least restrictive of the person's freedom of movement and ability to function normally in society while being appropriate to the person's individual capacity.

(c) Directed toward eliminating the need for services and promoting the person's independence.

III. It is the policy of this state that mental illness in and of itself is insufficient to involuntarily admit any person into the mental health services system.

135-C:2 Definitions. As used in this chapter:

I. "Absolute discharge" means the final and complete discharge of a mentally ill patient from any form of treatment by the division.

II. "Administrator" means the superintendent, executive director, or other chief administrative officer of any facility or of any community mental health program operated under the supervision of the director.

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

IV. "Community mental health program" means a program established and administered by the state, city, town, or county, or a nonprofit corporation for the purpose of providing mental health services to the residents of the area and which minimally provides emergency, medical or psychiatric screening and evaluation, case management, and psychotherapy services.

V. "Conditional discharge" means the release of an involuntarily admitted person from a receiving facility on the condition that the person accept treatment in the community or be subject to readmission.

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

VII. "Director" means the director of the division of mental health and developmental services of the department of health and human services.

VIII. "Division" means the division of mental health and developmental services of the department of health and human services.



IX. "Informed decision" means a choice made by a client or person seeking to be admitted who has the ability to make such a choice and who makes it voluntarily after all relevant information necessary to making the decision has been provided, and who understands that he is free to choose or refuse any available alternative, and who clearly indicates or expresses his choice. The choice shall be free from all coercion.

X. "Mental illness" means a substantial impairment of emotional processes, or of the ability to exercise conscious control of one's actions, or of the ability to perceive reality or to reason, when the impairment is manifested by instances of extremely abnormal behavior or extremely faulty perceptions. It does not include impairment primarily caused by: (a) epilepsy; (b) mental retardation; (c) continuous or noncontinuous periods of intoxication caused by substances such as alcohol or drugs; or (d) dependence upon or addiction to any substance such as alcohol or drugs.

XI. "Neglect" means a pattern of conduct rather than action or omission which results in deprivation of services that are necessary to maintain minimum mental and physical health.

XII. "Physician" means a medical doctor licensed to practice in New Hampshire.

XIII. "Psychiatrist" means a physician licensed to practice in New Hampshire who is either board certified or board eligible according to the most recent regulations of the American Board of Psychiatry and Neurology, Inc., or its successor organization.

XIV. "Receiving facility" means a treatment facility which is designated by the director to accept for care, custody, and treatment persons involuntarily admitted to the state mental health services system.

XV. "Severely mentally disabled" means having a mental illness which is either so acute or of such duration as to cause a substantial impairment of a person's ability to care for himself or to function normally in society in accordance with rules authorized by RSA 135-C:61.

XVI. "Treatment" means examination, diagnosis, training, rehabilitation therapy, pharmaceuticals, and other services provided to clients in the mental health services system. Treatment shall not include examination or diagnosis for the purpose of determining the need for involuntary emergency admissions pursuant to RSA 135-C:27-33 or involuntary admission pursuant to RSA 135-C:34-54.

135-C:3 State Services System Established. The division shall establish, maintain, implement, and coordinate a system of mental health services under this chapter and a system of developmental services under RSA 171-A. Both systems shall be supervised by the director. At the discretion of the director, the division may directly operate and administer any program or facility which provides, or which may be established to provide, services to mentally ill or developmentally impaired persons or may enter into a contract with any individual, partnership, association, public or private, for profit or nonprofit, agency or corporation for the operation and administration of any such program or facility.

135-C:4 State Facilities; Rules.

I. The director, under the supervision and direction of the commissioner and the governor and council, shall have charge of the property and concerns of any facility owned by the state which provides, or which may be established to provide, care and treatment to persons who are mentally ill or developmentally impaired. Such facilities include, but are not limited to, facilities established at Glencliff, Laconia, and Concord, respectively known as Glencliff home for the elderly, Laconia state school and training center, and New Hampshire hospital.

II. The director may enter into contracts relative to services to clients, management, and operation of the facilities as he deems appropriate, and may receive, appropriate, control, convey, hold in trust, or invest any funds or real or personal property given or devised to or owned by any facility in any manner as he deems expedient. He may

determine the name of, the services to be provided at, and the clients, whether under RSA 135-C or RSA 171-A, to be served by any facility.

III. The director shall adopt rules, pursuant to RSA 541-A, relative to eligibility criteria and procedures for admission to state facilities.

135-C:5 Regulation of State Services; Site Visits.

I. The director may adopt rules, pursuant to RSA 541-A, relative to the requirements for services within the state mental health services system. Such rules may include, but are not limited to, criteria for:

- (a) Qualifications and state-reimbursable salaries of staff.
- (b) Staff training and development.
- (c) Fee schedules for services.
- (d) Rights of persons applying for or receiving services.
- (e) General composition of a program's board of directors.
- (f) Sites, staffing levels, and quality of treatment and

services.

- (g) Quality assurance activities.
- (h) Fiscal controls and procedures.
- (i) Data collection and reporting.
- (j) Program planning.

II. The director or his designees may conduct site visits and may otherwise audit and monitor all aspects of the administration, fiscal operations, and services of the program providing the service to determine compliance with the rules authorized under RSA 135-C:61. Auditing and monitoring may include review of the individual records of state-funded clients in the state mental health services system, notwithstanding the provisions of RSA 329:26, RSA 330-A:19, or any other law.

III. If evidence of misapplication of state funds or fraud is discovered by a person duly designated by the director under RSA 135-C:5, II, the evidence shall be turned over to the attorney general for appropriate administrative, civil, or criminal action.

IV. Any person duly designated by the director under RSA 135-C:5, II, who willfully discloses confidential information concerning a client in the mental health services system obtained as a result of auditing and monitoring activities authorized under this chapter, except as provided in this section, shall be guilty of a violation.

V. No disclosures of confidential information made by a program in connection with auditing and monitoring activities to a person duly designated by the director under RSA 135-C:5, II, shall be grounds for civil or criminal liability on the part of the program.

135-C:6 Bureaus Established; Staffing.

I. There shall be established within the division the bureau of mental health services, which shall include, but not be limited to, New Hampshire hospital, Glencliff home for the elderly, and community mental health services.

(a) The director shall appoint a superintendent, an assistant superintendent for professional services, and an assistant superintendent of the New Hampshire hospital, and a superintendent of the Glencliff home for the elderly. Such persons shall be, through training and experience, qualified to serve and shall perform such duties as are assigned by the director. All persons appointed to these positions shall serve at the pleasure of the director.

(b) Each person appointed under subparagraph (a) shall serve subject to the following provisions:

(1) The director, at any time, may terminate the appointee from the position. The termination shall be for good cause and shall be made only after written notice to the appointee stating the reasons for the decision.

(2) Within 10 days after receipt of the notice of the termination, the appointee may appeal the termination in writing to the commissioner.

(3) Within 20 days of receiving the notice of appeal, the commissioner shall conduct a hearing in accordance with rules adopted under RSA 541-A.

(4) Within 10 days after completion of the hearing process, the commissioner shall render a written decision either upholding or reversing the decision of the director. If the commissioner reverses the decision of the director, the appointee shall be reinstated to his position and all pay and benefits lost during the time of the appeals process shall be restored to him.

(c) The director may establish one or more positions of unit director and senior physician, psychiatrist, or dentist and shall appoint qualified personnel to these positions. Each appointee shall serve subject to the provisions of RSA 135-C:6, I(b).

II. There shall be established within the division the bureau of developmental services, which shall include, but not be limited to, the Laconia state school and training center, and community developmental services.

(a) The director shall appoint a superintendent, an assistant superintendent for professional services, and an assistant superintendent of the Laconia state school and training center. Such persons shall, through training and experience, be qualified to serve and shall perform such duties as are assigned by the director and shall serve at the pleasure of the director.

(b) Each person appointed under subparagraph (a) shall serve subject to the following provisions:

(1) The director, at any time, may terminate the appointee from the position. Such termination shall be for good cause and shall be made only after written notice to the appointee stating the reasons for the decision.

(2) Within 10 days after receipt of the notice of the termination, the appointee may appeal in writing to the commissioner.

(3) Within 20 days of receiving the notice of appeal, the commissioner shall conduct a hearing in accordance with the rules under RSA 541-A.

(4) Within 10 days after completion of the hearing process, the commissioner shall render a written decision either upholding or reversing the decision of the director. If the commissioner reverses the decision of the director, the appointee shall be reinstated to his position, and all pay and benefits lost during the time of the appeals process shall be restored to him.

(c) The director may establish one or more positions of senior physician, psychiatrist, or dentist and shall appoint qualified personnel to these positions. Each appointee shall serve subject to the provisions of RSA 135-C:6, II(b).

III. There shall be established in the office of the director a medical director, who shall be responsible for providing oversight and advice on the clinical services and treatment within the state mental health services system. The director, after consultation with the commissioner, shall nominate one or more persons duly qualified by training and experience to serve as medical director. From those nominated, the governor and council shall appoint the medical director, who shall serve for a term of 4 years and until his successor is appointed. Any vacancy shall be filled for the full 4 year term in the same manner as the original appointment. The provisions of RSA 21:33-a shall not apply to appointments made under this paragraph.

IV. The annual salary of each person appointed to a position established under this chapter and his right to maintenance shall be in accordance with RSA 94:1-5.

135-C:7 Community Mental Health Programs. Any city, county, town, or nonprofit corporation may establish and administer a community mental health program for the purpose of providing mental health services to individuals and organizations in the area. Every program shall, at a



minimum, provide emergency, medical or psychiatric screening and evaluation, case management, and psychotherapy services. The division may contract with a community mental health program, pursuant to RSA 135-C:3, for the operation and administration of any services which are part of the state mental health services system.

135-C:8 Establishment of Programs by Municipality. Any city, county, or town, upon consultation with the director, may establish a community mental health program and staff it with persons specially trained in psychiatry and related fields. Such programs may be administered by a city, county, or town and the municipality may appropriate the funds for the programs.

135-C:9 Municipal Contributions. Any city, county, or town may raise and appropriate funds to assist a nonprofit corporation administering a community mental health program; provided that the program has been approved by the director.

135-C:10 Eligibility of Programs; Monitoring.

I. The director shall adopt rules, pursuant to RSA 541-A, relative to the criteria and the process of approval by the director of community mental health programs for their eligibility to:

- (a) Receive municipal contributions under RSA 135-C:9.
- (b) Make involuntary commitments under RSA 135-C:27-33 and RSA 135-C:34-54.
- (c) Receive payments for services under RSA 415:18-a, RSA 419:5-a, and RSA 420:5-a.

II. The rules may include criteria for:

- (a) Fiscal controls and procedures.
- (b) Collection and reporting of data on services provided.
- (c) Quality standards for services and treatment provided and quality assurance procedures.

III. The director or his designees may conduct site visits and may otherwise audit and monitor all aspects of the administration, fiscal operations, and services of any approved community mental health program to determine compliance with the rules.

135-C:11 Federal Funds. The commissioner or the director may accept grants or other allocations of funds from the federal government for mental health services and may allocate, distribute, expend, or enter into contracts for the expenditure of such funds in accordance with the terms of the grants or allocations.

135-C:12 Application for Services.

I. Any person seeking services from the state mental health services system may apply to an approved community mental health program or to a receiving facility.

II. Application shall be made by, or with the consent of, the person seeking services. An application for a person 18 years of age or older who has been adjudicated incapacitated in accordance with RSA 464-A shall be made by, or with the consent of, his court appointed guardian. Application for a person under 18 years of age may be made by the person's parent or legal guardian.

III. The program or facility shall determine the eligibility of the applicant, pursuant to RSA 135-C:13, to receive services from the state mental health services system and shall notify the applicant of the eligibility decision within 15 days after receipt of the application.

135-C:13 Discrimination Prohibited; Eligibility for Services. Every severely mentally disabled person shall be eligible for admission to the state mental health services system, and no such person shall be denied services because of race, color, religion, sex, or inability to pay. Eligible persons shall include formerly severely mentally disabled persons who without continued services would probably become severely mentally disabled again. Each client has a right to adequate and humane treatment provided in accordance with generally accepted clinical and professional standards. The treatment shall include such psychological, psychiatric, habilitative, rehabilitative, vocational and case management services

which are necessary and appropriate to address the client's condition and which are available within the state mental health services system. The treatment may include housing and such other services as the division may elect to provide to severely mentally disabled persons. Eligibility for services in the mental health system for persons under 21 years of age shall be determined after consideration of the services provided under RSA 186-C, RSA 169-B, RSA 169-C, RSA 169-D, or any other law. The director shall adopt rules, pursuant to RSA 541-A, relative to the eligibility of severely mentally disabled persons to receive state services and the service guarantees for clients in the state system.

135-C:14 Optional Services. The division may provide services to persons in need of mental health treatment who are not severely mentally disabled and may provide prevention, emergency, information and referral, consultation, education and other services to individuals and organizations without regard to eligibility and shall give special emphasis to children and elderly who need mental health intervention.

135-C:15 Placement Criteria. Except for emergency treatment or involuntary admissions ordered under RSA 135-C:27-54, all placements of clients in the programs and services in the mental health system shall be voluntary and shall require the documented consent of the client or guardian. Placements shall be made into those programs and services which least restrict the client's freedom of movement, ability to make decisions, and participation in his community while achieving the purposes of habilitation and treatment.

135-C:16 Withdrawal From Services; Rules. Subject to RSA 135-C:17, any client receiving service or treatment on a voluntary basis may at any time withdraw from the service or treatment or from any specific form of treatment. The director shall adopt rules, pursuant to RSA 541-A, relative to the rights of minors to withdraw from service or treatment. The director may adopt rules, pursuant to RSA 541-A, which limit the right of a client to withdraw completely from a receiving facility at night or on weekends and holidays. When a withdrawal is made against medical advice, the client shall be notified in writing of that fact and a copy of the notice shall be made a part of the client's record.

135-C:17 Restriction on Withdrawal. If a client admitted to a receiving facility on a voluntary basis informs the facility of his desire to withdraw completely from the facility, the administrator of the facility or his designee may order a mental and physical examination of the client to determine whether the criteria for involuntary emergency admission in RSA 135-C:27-33 are met. In such instances, the withdrawal of the client from the facility may be restricted for a period not to exceed 24 hours. If the physician conducting the examination determines that the criteria for involuntary emergency admission are not met or if no examination has occurred within the 24-hour period, the client shall be released immediately. Otherwise, the client shall be treated in accordance with the provisions of RSA 135-C:27-33.

135-C:18 Termination of Services; Rules. Any program or facility in the mental health services system may at any time terminate or suspend services to the client when the termination or suspension is in the best interests of the client or when the client cannot benefit from the service. Services may also be terminated or suspended if the client endangers or threatens to endanger other clients or staff. A reasonable notice shall be given to the client or guardian, stating the effective date of the termination or suspension, the reasons for the termination or suspension, and the right to appeal the termination or suspension decision. The director shall adopt rules, pursuant to RSA 541-A, relative to termination or suspension criteria and procedures for administrative appeals.

135-C:19 Individual Service Plan; Rules. There shall be an individual service plan for every client in the mental health services system. The program or facility into which the client was placed shall develop the individual service plan which shall be regularly reviewed and modified if

necessary. To the extent feasible, the plan shall be developed with the participation of the client. The director shall adopt rules, pursuant to RSA 541-A, relative to the criteria and process for development of individual service plans.

#### Involuntary Admissions; General

##### 135-C:20 Jurisdiction.

I. For proceedings under RSA 135-C:27-33, jurisdiction is vested in the district court of the city or town where the person is detained.

II. For proceedings under RSA 135-C:34-54, jurisdiction is vested in the probate court in the county where the person sought to be admitted resides or is detained. For a client who is subject to an order for involuntary admission under this chapter, jurisdiction for a hearing held pursuant to this chapter is vested in the probate court for the county where the receiving facility that has been treating the client most recently is located, unless the court making the initial involuntary admission order has specifically retained jurisdiction over such person. The probate court judge who presides at hearings held pursuant to this chapter shall be reimbursed at the same per diem rate as court appointed referees in superior court pursuant to RSA 519:15.

135-C:21 Representation by Attorney General. The attorney general or his designee shall represent the state of New Hampshire in proceedings conducted pursuant to this chapter in which the state is an interested party.

135-C:22 Right to Legal Counsel. The right of a client or a person sought to be admitted to a program or facility to legal counsel prior to and during any judicial hearing conducted under this chapter shall be absolute and unconditional. The right to legal counsel for any client or person sought to be admitted during any judicial proceeding conducted under this chapter shall be waived only if the client or person sought to be admitted makes an informed decision to do so.

135-C:23 Legal Services; Payment; Appointment. The client or person sought to be admitted shall pay the costs of the legal services in connection with hearings held under this chapter. If the client or person sought to be admitted is unable to pay for counsel, the court shall appoint either a member of New Hampshire Legal Assistance, or its successor organization, or another attorney who shall be compensated for his services at the same rate as appointed counsel in a criminal action heard before the superior court.

135-C:24 Notice. Before any judicial hearing commences, the client or the person sought to be admitted shall be given written and oral notice, in a language he understands, of his right to be represented by legal counsel and to have legal counsel appointed for him if he is indigent.

135-C:25 Appeals from Probate Court. Notwithstanding any other provision of law, any person aggrieved by an order or decree of the probate court has a right to a review by the supreme court in the same manner provided for the review of cases heard before the superior court.

##### 135-C:26 Receiving Facility; Rules.

I. New Hampshire hospital and any other facility approved by the director shall be designated as receiving facilities for the care, custody, and treatment of persons subject to involuntary admissions. Any community mental health program, hospital, community residence, nursing home, or other treatment or sheltered care facility may apply to the director for designation. No designation shall occur without the express written consent of the administrator of the facility to be designated.

II. A receiving facility may be designated by the director for one or more of the following purposes:

(a) To receive clients under RSA 135-C:27-33 beginning with initial custody and continuing through the day following the probable cause hearing.

(b) To receive clients under RSA 135-C:27-33 for the period of involuntary emergency admission after the probable cause hearing.



(c) To receive clients for involuntary admission under RSA 135-C:34-54.

III. New Hampshire hospital shall be a receiving facility for purposes of RSA 135-C:26,II. The director shall adopt rules, pursuant to RSA 541-A, relative to the criteria and procedures for designation as a receiving facility.

#### Involuntary Emergency Admissions

135-C:27 Involuntary Emergency Admission; Criteria. A person shall be eligible for involuntary emergency admission if he is in such mental condition as a result of mental illness to pose a likelihood of danger to himself or others.

I. As used in this section "danger to himself" is established by demonstrating that:

(a) Within 40 days of the completion of the petition, the person has inflicted serious bodily injury on himself or has attempted suicide or serious self-injury and there is a likelihood the act or attempted act will recur if admission is not ordered;

(b) Within 40 days of the completion of the petition, the person has threatened to inflict serious bodily injury on himself and there is likelihood that an act or attempt of serious self-injury will occur if admission is not ordered; or

(c) The person's behavior demonstrates that he so lacks the capacity to care for his own welfare that there is a likelihood of death, serious bodily injury, or serious debilitation if admission is not ordered.

II. As used in this section "danger to others" is established by demonstrating that within 40 days of the completion of the petition, the person has inflicted, attempted to inflict, or threatened to inflict serious bodily harm on another.

135-C:28 Involuntary Emergency Admission Examination.

I. The involuntary emergency admission of a person shall be to the state mental health services system under the supervision of the director. The admission may be ordered upon the certificate of a physician who is approved by a community mental health program approved by the director or a receiving facility or a board certified psychiatrist, who, within 3 days of the completion of the petition, has conducted or has caused to be conducted a physical examination, if indicated and circumstances permit, and a mental examination and who finds that the person meets the criteria of RSA 135-C:27. The certificate shall state the time and, in detail, the nature of the examinations conducted. The certificate shall also state a specific act or actions the physician has personally observed or which have been personally reported to him by the petitioner or a reliable witness who shall be identified in the certificate, and which in the physician's opinion satisfy the criteria set forth in RSA 135-C:27. The physician shall identify in the certificate the facility in the state mental health services system to which the person shall be admitted. The admission shall be made to the facility which can best provide the degree of security and treatment required by the person and shall be consistent with the placement principles set forth in RSA 135-C:15. As used in RSA 135-C:27-33, "petitioner" means any individual, including a physician completing a certificate, who has requested that a physician conduct or who has conducted an examination for purposes of involuntary emergency admission. Every certificate shall be accompanied by a written petition signed by a petitioner.

II. Upon request for involuntary emergency admission by a petitioner, if the person sought to be admitted refuses to consent to a mental examination, a petitioner or a law enforcement officer may sign a complaint which shall be sworn to before a justice of the peace. The complaint shall be submitted to the justice of the peace with the petition. The petition shall state in detail the acts or actions of the

person sought to be admitted which the petitioner has personally observed or which have been personally reported to him and in his opinion require a compulsory mental examination. If the justice of the peace finds that a compulsory mental examination is necessary, the justice may order the examination.

135-C:29 Delivery to Receiving Facility. Upon completion of an involuntary emergency admission certificate under RSA 135-C:28, any law enforcement officer shall take custody of the person to be admitted and immediately deliver him to the receiving facility identified in the certificate.

135-C:30 Notice.

I. At the receiving facility, any person sought to be involuntarily admitted for involuntary emergency admission shall be given immediate notice by the facility administrator or his designee in simple language he may understand, and written notice within 12 hours, of the following rights:

- (a) To be represented by legal counsel.
- (b) To have legal counsel appointed for him if he is indigent.
- (c) To apply for admission on a voluntary basis.
- (d) To consult with legal counsel prior to a change in admission

status.

(e) That involuntary emergency admission cannot exceed a period of 10 days unless the period is extended pursuant to RSA 135-C:32.

(f) That no treatment shall be administered during involuntary emergency admission unless he makes an informed decision, as defined in RSA 135-C:2, IX, to consent to treatment, or unless a medical or psychiatric emergency exists in accordance with RSA 135:21-b.

135-C:31 Involuntary Emergency Admission Hearing; Rules.

I. Within 3 days after an involuntary emergency admission, not including Sundays and holidays, and subject to the notice requirements of RSA 135-C:24, there shall be a probable cause hearing in the district court having jurisdiction to determine if there is probable cause for involuntary emergency admission. The burden shall be on the petitioner to show that probable cause exists. The court shall render its written decision as soon as possible after the close of the hearing, but not later than the end of the court's next regular business day.

II. The person sought to be admitted or the petitioner may request a continuance of the probable cause hearing. Such requests shall be granted only for good cause but in no case shall continuance be granted for more than 2 days. Any continuances granted for good cause shall not extend the 10 day period of involuntary emergency admission.

III. The person sought to be admitted may, in writing, waive the probable cause hearing required under this section. Such waiver shall state that the person sought to be admitted has made an informed decision to waive the probable cause hearing and that he understands that such a waiver shall result in his admission on an emergency basis for a period not to exceed 10 days, except as specified in RSA 135-C:32. The waiver shall be executed before a justice of any district or municipal court. If the person sought to be admitted is found by the court to be incapable of making an informed decision to waive probable cause, then the waiver may be executed by that person's attorney subject to the review of the court.

IV. For 48 hours prior to the hearing the person sought to be admitted shall not be given medication or treatment that would adversely affect his judgment or limit his ability to prepare for the hearing unless the person sought to be admitted makes an informed decision to consent to treatment or unless a medical or psychiatric emergency exists. If medication is given to the person sought to be admitted prior to the probable cause hearing, it shall be the affirmative obligation of the physician prescribing the medication to advise the district court of the nature of the medication, the reason for it, and its probable effect upon the person. Such notice may be transmitted to the court in writing prior to the hearing or may be presented by the physician at the hearing. The

jurisdiction for the probable cause hearing shall be in the district court in the city or town where the person is detained. Upon the request of the person sought to be admitted or that person's attorney, a change of venue or transfer may be granted for good cause shown.

V. If a receiving facility has not been designated to receive or to maintain custody following a probable cause hearing of a person admitted under RSA 135-C:27-33, the facility shall, within 24 hours, transfer the person to a receiving facility which has the proper designation. A receiving facility may transfer a person admitted under RSA 135-C:27-33 to another receiving facility if that receiving facility can better provide the degree of security and treatment required for the person. All transfers shall receive prior approval of the director or his designee. The director shall adopt rules, pursuant to RSA 541-A, relative to transfer criteria and procedures for the challenge of transfer decisions by the persons so transferred.

135-C:32 Ten-Day Limitation; Petition for Involuntary Admission. No person shall be admitted for an involuntary emergency admission under RSA 135-C:27-33 for longer than a 10 day period, unless a petition requesting a judicial hearing on the issue of involuntary admission under RSA 135-C:34-54 has been filed with the appropriate probate court within the involuntary admission period. Upon the filing of the petition, the period of involuntary emergency admission may be extended until the issuance of the order of the probate court pursuant to RSA 135-C:45.

135-C:33 Discharge. At any time during the period of involuntary emergency admission the administrator of the receiving facility or his designee in such facility shall discharge the person admitted if the administrator decides that the person no longer meets the criteria established by RSA 135-C:27. If a discharge occurs, under this section or pursuant to a finding of no probable cause by the court, the receiving facility shall, with the consent of the person admitted, return such person to the place where he resided at the time the petition and physician's certificate were completed and signed. The receiving facility shall give notice of the discharge to the community mental health program in the region from which the person was admitted and to the community mental health program in the region to which the person is being discharged. The person discharged or his guardian shall be given written notice of such action taken by the receiving facility. The receiving facility shall either arrange the transportation within 24 hours of such notice or shall be liable for cost of such transportation.

#### Non-Emergency Involuntary Admissions

135-C:34 Involuntary Treatment Standard. The standard to be used by a court, physician, or psychiatrist in determining whether a person should be admitted to a receiving facility for treatment on an involuntary basis shall be whether the person is in such mental condition as a result of mental illness as to create a potentially serious likelihood of danger to himself or to others.

135-C:35 Petition of Responsible Person. Any responsible person may petition for a hearing relative to the need for admission on an involuntary basis of another person due to mental illness under RSA 135-C:36.

135-C:36 Petition.

I. The petition for admission on an involuntary basis shall include:

(a) The name of the person sought to be admitted and his last known address.

(b) The specific acts or actions that the petitioner alleges satisfy RSA 135-C:34.

(c) A certificate from a physician who is approved by a community mental health program approved by the director or a receiving facility or a board certified psychiatrist, who has examined the person



sought to be admitted within 5 days of the date the petition is filed and who agrees that, based on this examination, such person satisfies RSA 135-C:34.

(d) The names and addresses of witnesses who can testify to the occurrence of the specific acts or actions of the person sought to be admitted which the petitioner alleges will satisfy the requirements of RSA 135-C:34.

II. The certificate of the examining physician made upon admission, if the person sought to be admitted is currently voluntarily admitted to a receiving facility, or a certificate of the examining physician made prior to the admission of the person sought to be admitted to involuntary emergency admission in accordance with RSA 135-C:27-33, shall be sufficient as the physician's certificate for the petition for involuntary admission, if made within 5 days of the date of the filing of the petition.

135-C:37 Hearing Date. The probate court judge of original jurisdiction shall, upon receipt of the petition, set a hearing date. The hearing shall be held within 10 days, excluding Saturdays, Sundays, and legal holidays, from the date of receipt of the petition.

135-C:38 Copies of Petition. Subsequent to receipt of the petition for involuntary admission, the register of probate shall, within 2 days of receipt of the petition, forward 2 copies to the person sought to be admitted.

135-C:39 Custody Prior to Hearing. The person sought to be admitted for treatment on an involuntary basis shall be at liberty pending the hearing, unless:

I. He is under the protective custody of the division in accordance with RSA 135-C:27-33;

II. The client has been admitted for voluntary care and wishes to remain so; or

III. The person is already in the custody of the division due to his admission for treatment on an involuntary basis.

135-C:40 Examination by Psychiatrist. Upon receipt of the petition, the court shall order the person sought to be admitted to make himself available for an examination by a psychiatrist designated by the court prior to the date of the hearing. A written report prepared by a psychiatrist shall be filed with the court on or before the day of the hearing. The report shall include the following:

I. Whether, in the opinion of the examining psychiatrist, the person sought to be admitted meets the standard in RSA 135-C:34.

II. Whether, in the opinion of the examining psychiatrist, involuntary admission is necessary for treatment of the person.

III. The form of treatment best suited to the needs of the person, if, in the opinion of the examining psychiatrist, involuntary admission is not necessary.

IV. The receiving facility which can best provide the degree of security and treatment needed for the person.

V. Possible alternatives, including the least restrictive alternative, considered by the examining psychiatrist.

135-C:41 Recommendations; Copy to Person. No later than on the day of the hearing, 2 copies of the report prepared pursuant to RSA 135-C:40 shall be made available to the person sought to be admitted and to his attorney.

135-C:42 Continuance. Either party may apply to the court for a continuance of the hearing on a petition for involuntary admission which the court may grant for good cause shown.

135-C:43 Conduct of Hearing. For hearings held under this chapter, the person sought to be admitted shall have the right to legal counsel, to present evidence on his own behalf, to have a closed hearing unless he requests otherwise, and to cross-examine witnesses. He shall also have the right to summon as a witness the psychiatrist who filed the report pursuant to RSA 135-C:40 and to cross-examine him. A transcript, which

may consist only of any audio recording of the proceedings and at the court's discretion, shall be made of the entire proceeding. The transcript may serve as the basis for an appeal and the costs of the transcript shall be apportioned, within the judge's discretion, between the state and the person sought to be admitted. The transcript or recording shall be retained by the court for 2 years or until official notice is received of discharge, if the person is admitted on an involuntary basis and subsequently discharged.

135-C:44 Change of Venue. In hearings held under this chapter, upon the request of the person sought to be admitted, a change of venue or transfer may be granted at the court's discretion.

135-C:45 Order of Court. In hearings held under this chapter, after hearing all the evidence, the court may order the respondent to be released notwithstanding expert testimony, or it may order the person to submit to some form of treatment other than in-patient treatment on an involuntary basis, which may include treatment at a community mental health program approved by the director. If the examining psychiatrist recommends involuntary admission to a receiving facility as the most desirable form of treatment, the court may so order. If the court determines that involuntary admission to a receiving facility is necessary, but the examining psychiatrist finds otherwise in his report under RSA 135-C:40, the court may overrule the recommendation of the psychiatrist only after the court finds that treatment other than involuntary admission to a receiving facility would not be in the best interests of the person and the community.

135-C:46 Limitation of Order. No order made pursuant to RSA 135-C:45 for involuntary admission or any other type of treatment shall be valid for longer than 5 years. For the order to be renewed, another judicial hearing shall be held pursuant to RSA 135-C:34-54.

135-C:47 Amended Orders. The court issuing an order for treatment, other than in-patient treatment at a receiving facility, shall retain jurisdiction of the case for the duration of the order. At any time during the period of such order, any person may petition the probate court having jurisdiction for a hearing on whether the order should be amended or the person should be involuntarily admitted to a receiving facility.

135-C:48 Transfers; Rules. A receiving facility to which a person is ordered for involuntary admission pursuant to 135-C:34-54 may transfer the person to another receiving facility if the receiving facility to which the person is to be transferred can better provide the degree of security and treatment required by the person. All transfers shall require the prior approval of the director or his designee. The director shall adopt rules, pursuant to RSA 541-A, relative to transfer criteria and procedures for the challenge of transfer decisions by the persons so transferred.

135-C:49 Discharge by Administrator.

I. When any person has been involuntarily admitted to a receiving facility pursuant to RSA 135-C:34-54 or conditionally discharged pursuant to paragraph II of this section, the administrator of the receiving facility most recently providing care to the person may grant an absolute discharge to the person with the consent of the director or his designee who has examined the person to be discharged within 3 days of the absolute discharge order, provided that the person is no longer in need of care. The administrator shall, in writing, immediately notify the court entering the original order of commitment that the person has been given an absolute discharge from the receiving facility. Upon receipt of the notice, the court shall make the notice part of the person's file and shall enter the discharge and the date of discharge upon the docket.

II. The administrator of the facility may grant a person, whose condition is not considered appropriate for absolute discharge under paragraph I of this section, a conditional discharge.

135-C:50 Conditions of Conditional Discharge.

I. The administrator of a receiving facility may grant a conditional discharge under this chapter to any person who consents, by an

informed decision, to participate in continuing treatment on an out-patient basis, who agrees to be subject to any rules adopted by the director relative to conditional discharge, and who understands the conditions of his discharge. The administrator of the facility or his designee shall prepare, deliver a copy of, and read to the person being conditionally discharged a written statement of the conditions of conditional discharge and a warning that violation of those conditions may result in revocation of the conditional discharge pursuant to RSA 135-C:51.

II. A conditional discharge shall not exceed the period of time remaining on the order of involuntary admission and shall become absolute at the end of its term.

III. During the term of conditional discharge, the person conditionally discharged shall be provided with continuing treatment on an out-patient basis by a community mental health program approved by the director.

135-C:51 Revocation of Conditional Discharge.

I. If a psychiatrist at a community mental health program providing continuing treatment on an out-patient basis to a person conditionally discharged pursuant to RSA 135-C:50, reasonably believes that:

(a) The person has violated a condition of the discharge; or  
(b) A condition or circumstance exists which may create a potentially serious likelihood of danger to the person or to others, the psychiatrist may conduct an examination of the person to determine if the conditional discharge should be revoked. The examination may be conducted only after the person has been given written notice of the belief, and the reasons therefor, that a violation of the conditional discharge has occurred or other circumstance or condition exists which may create a potentially serious likelihood of danger to the person or to others.

II. If the person refuses to consent to an examination under paragraph I, the psychiatrist or other representative of the community mental health program may sign a complaint which shall be sworn to before a justice of the peace. The complaint and the written notice required by paragraph I shall be submitted to the justice of the peace, and if the justice finds an examination is necessary, he may order such an examination. Upon issuance of such an order, any law enforcement officer shall take custody of the person and immediately deliver him to the place specified in the order.

III. If the psychiatrist, following personal examination of the person, finds that the person either has violated a condition of the discharge or is in such a mental condition as a result of mental illness as to create a potentially serious likelihood of danger to himself or to others, he may temporarily revoke the conditional discharge. If the conditional discharge is temporarily revoked, the psychiatrist shall inform the person affected in writing giving the reasons for the revocation.

IV. A law enforcement officer shall take custody of the person whose conditional discharge was temporarily revoked under paragraph III and deliver him, together with a copy of the notice and the reasons for the temporary revocation, to the receiving facility from which he was conditionally discharged, where he shall be personally examined by the administrator of the facility or his designee and the reasons for temporary revocation of the discharge shall be reviewed. Following such examination, and review, if the administrator of the facility or his designee finds that the person conditionally discharged has violated a condition of the discharge or is in such a mental condition as a result of mental illness as to create a potentially serious likelihood of danger to himself or to others, he may revoke absolutely the conditional discharge. He shall provide to such person written notice of the reasons for the absolute revocation. The person whose conditional discharge has been absolutely revoked shall be subject to the terms and conditions of the



order of involuntary admission made pursuant to RSA 135-C:34-54 from which conditional discharge was granted as if the conditional discharge had not been granted.

V. If the psychiatrist performing an examination under paragraph III, or the administrator of the facility, or his designee, performing an examination and review pursuant to paragraph IV finds that the person conditionally discharged either has not violated a condition of the discharge or is not in such a condition as a result of mental illness as to create a potentially serious likelihood of danger to himself or others, the person shall be returned by the program or facility which has custody of the person to the location where he was initially taken into custody.

VI. A person conditionally discharged pursuant to RSA 135-C:50 may be admitted to a receiving facility by an involuntary emergency admission under 135-C:27-33. In such cases, the finding of probable cause for involuntary emergency admission by the district court pursuant to 135-C:31, I, shall constitute an absolute revocation of the conditional discharge and the person shall thereafter be subject to the terms and conditions of the order of involuntary admission made pursuant to RSA 135-C:34-54 from which conditional discharge was granted as if the conditional discharge had not been granted. In such cases, no appeal may be made to the director under 135-C:52.

135-C:52 Review by Director; Appeal; Rules. A person whose conditional discharge is revoked, pursuant to RSA 135-C:51, IV, may appeal the decision to the director. The person shall be entitled to a hearing on the appeal, before the director or his designee, within 5 days, excluding weekends and holidays, of admission to the receiving facility in accordance with rules adopted by the director pursuant to RSA 541-A. Such rules shall include provision for legal counsel and for waiver of the hearing.

135-C:53 Action for Discharge. Any person who has been involuntarily admitted to a receiving facility may file at the probate court of the county in which he was originally admitted, or where he resides, a petition setting forth his name, the underlying circumstances and date of the prior order of the court ordering his involuntary admission, a request for discharge from care and custody or admission to a receiving facility, and the reasons for such request. The petition shall be accompanied by the certificate of a psychiatrist stating that the patient is no longer in need of involuntary admission and setting forth the facts upon which such an opinion is based. Upon receipt of the petition and the certificate, the court shall conduct a hearing pursuant to RSA 135-C:34-54.

135-C:54 Habeas Corpus. This chapter shall not be construed to deprive any person of the benefits of the writ of habeas corpus. If the court issuing the writ of habeas corpus grants relief, the court shall enter an order discharging the person and shall transmit a certified copy of it to the probate court entering the original order of involuntary admission. Upon receipt of the certified copy, the probate court shall enter an order finding that such person has been discharged by order of the court.

#### Rights of Clients In The Mental Health Services System

135-C:55 Scope. The rights established in RSA 135-C:56-60 shall only apply to those persons who have been found eligible for services under RSA 135-C:13 and to those persons who have been admitted to receiving facilities.

135-C:56 Fundamental Rights.

I. No person receiving treatment for mental illness shall be deprived of any legal right to which all citizens are entitled, except as provided for by law.

II. No person shall be deemed incompetent to manage his affairs, to contract, to hold professional, occupational, or motor vehicle driver's licenses, to marry or to obtain a divorce, to vote, to make a will or to

exercise any other civil right solely by reason of that person's admission to the mental health services system.

III. No person receiving mental health services shall be subjected to abuse or neglect.

IV. No Person receiving mental health services shall be discriminated against in any manner because of race, color, sex, religion, national origin, age, handicap, or degree of disability.

V. Persons receiving mental health services shall be treated with dignity and respect.

135-C:57 Treatment Rights; Rules. Persons receiving mental health services shall have the right to:

I. An individual service plan developed in accordance with 135-C:19.

II. Be informed of and to give consent before administration of any treatment. All elements of an informed decision as defined in RSA 135-C:2, IX shall be present.

III. Refuse all forms of medication, treatment, or services, except emergency treatment under the terms and conditions prescribed by law or by rules adopted by the director under RSA 541-A.

IV. Treatment in the least restrictive environment necessary to achieve the purposes of the treatment.

V. Freedom from seclusion or physical or pharmacological restraint. Seclusion or restraint shall be administered only with the consent of the person, who has made an informed decision, or as a form of emergency treatment imposed by law or by rules, adopted by the director under RSA 541-A.

135-C:58 Communication Rights for Persons in Receiving Facilities; Rules. Every person admitted to a receiving facility shall have the right to communicate freely and privately by mail and telephone with persons outside the facility, and to receive visitors, unless it is determined that this communication or visitation has harmed or will harm the person or others. The director shall adopt rules, pursuant to RSA 541-A, relative to communication procedures.

135-C:59 Notification of Individual Rights. All persons receiving mental health services shall be informed of the rights guaranteed by this chapter and by the rules it authorizes to be adopted under RSA 541-A by the director, promptly upon admission or upon determination of eligibility for services. All receiving facilities, community mental health programs, and community residences shall post a notice and an explanation of these rights.

135-C:60 Guardianship. Whenever it appears to the director that a client in the mental health services system by reason of mental illness is substantially deprived of his capacity to manage his own affairs and is at risk of substantial harm to person or estate as a result, and the client does not have a legal guardian, the director shall take such steps as are appropriate to safeguard the client as may be consistent with RSA 464-A and RSA 547-B, including the nomination of a guardian when no less restrictive alternative is available.

135-C:61 Rulemaking. The director shall adopt rules, pursuant to RSA 541-A, relative to:

I. A definition of "severely mentally disabled" or "severe mental disability".

II. Eligibility criteria and procedures for admission to the state facilities as required by RSA 135-C:4 and 135-C:13.

III. Regulating state services as authorized by RSA 135-C:5.

IV. Necessary criteria and the process of approval for community mental health programs as required by RSA 135-C:10.

V. Client withdrawal procedures in accordance with RSA 135-C:16.

VI. The termination or suspension of services by a program or facility in accordance with RSA 135-C:18.

VII. Development of individual service plans for clients under RSA 135-C:19.

VIII. Criteria and procedures for designating a facility as a receiving facility as required by RSA 135-C:26.

IX. Transfers by one receiving facility to another and the procedures for challenging that transfer in accordance with RSA 135-C:48.

X. Appeals from revocation of a conditional discharge in accordance with RSA 135-C:52.

XI. Treatment and communication rights of persons receiving mental health services as provided in RSA 135-C:57 and 58.

XII. Any other matter necessary to the administration of this chapter.

135-C:62 Custody and Transportation.

I. Any law enforcement officer shall take custody of persons who are subject to proceedings for involuntary emergency admission, involuntary admission, or temporary revocation of a conditional discharge under RSA 135-C in the following circumstances:

(a) Upon completion of an involuntary emergency admission certificate in accordance with RSA 135-C:28, I;

(b) Upon issuance by a justice of the peace of an order for a compulsory mental examination pursuant to RSA 135-C:28, II;

(c) Upon a finding of probable cause at an involuntary emergency admission hearing held pursuant to RSA 135-C:31;

(d) Upon issuance of an order for involuntary admission pursuant to RSA 135-C:45;

(e) Upon issuance of an order for an examination pursuant to RSA 135-C:51, II;

(f) Upon a determination by a psychiatrist at a community mental health program to revoke a conditional discharge temporarily pursuant to RSA 135-C:51, III; or

(g) As necessary to ensure the presence of the person at hearings or examinations conducted under this chapter, to effect a transfer between receiving facilities, or to carry out any other lawful order of a court.

II. A law enforcement officer shall also transport any persons taken into custody to the appropriate receiving facility, court, place of examination, or other location.

135-C:63 Duty to Transport. Upon request, the office of the sheriff of the county in which any person is located who is to be taken into custody in accordance with RSA 135-C:62 shall take said person into custody and transport that person to the appropriate destination.

2 Confidential Communications. Amend RSA 329:26 as inserted by 1969, 386:1 as amended by inserting in line 16 after the word "proceedings." the following (This section shall not apply to hearings conducted pursuant to RSA 135-C:27-54.) so that said section as amended shall read as follows:

329:26 Confidential Communications. The confidential relations and communications between a physician or surgeon licensed under provisions of this chapter and his patient are placed on the same basis as those provided by law between attorney and client, and, except as otherwise provided by law, no such physician or surgeon shall be required to disclose such privileged communications. Confidential relations and communications between a patient and any person working under the supervision of a physician or surgeon that are customary and necessary for diagnosis and treatment are privileged to the same extent as though those relations or communications were with such supervising physician or surgeon. This section shall not apply to disciplinary proceedings conducted by the board of registration in medicine under RSA 329:17, the board of nursing education and nurse registration under RSA 326-B:12, the board of examiners of nursing home administrators under RSA 151-A:11, or any other statutorily created medical occupational licensing board conducting disciplinary proceedings. This section shall not apply to hearings conducted pursuant to RSA 135-C:27-54.

3 Privileged Communications. Amend RSA 330-A:19 as inserted by 1957, 121:1 as amended by inserting in line 12 after the word "order." the



following (This section shall not apply to hearings conducted pursuant to RSA 135-C:27-54.) so that said section as amended shall read as follows:

330-A:19 Privileged Communications. The confidential relations and communications between all persons certified under provisions of this chapter and his client are placed on the same basis as those provided by law between attorney and client, and nothing in this chapter shall be construed to require any such privileged communications to be disclosed unless such disclosure is required by a court order. Confidential relations and communications between a client and any person working under the supervision of a person certified under this chapter which are necessary and customary for diagnosis and treatment are privileged to the same extent as though those relations or communications were with the supervising person certified under this chapter unless such disclosure is required by a court order. This section shall not apply to hearings conducted pursuant to RSA 135-C:27-54.

4 Repeal. The following are hereby repealed:

- I. RSA 126-A:30, relative to the Laconia state school superintendent.
- II. RSA 126-A:30-a, relative to the duties of the superintendent of Laconia state school.
- III. RSA 126-B, relative to community mental health programs.
- IV. RSA 135:1-14, 16, 18, 27-30-a, 33, 34, 36-40, and 44-48, relative to the New Hampshire hospital.
- V. RSA 135-B, relative to civil procedures relating to the admission and treatment of the mentally ill.
- VI. RSA 138-A, relative to Glencliff home for the elderly.

5 Study Committee Continued. Amend the introductory paragraph of 1985, 194:7 by striking out said paragraph and inserting in place thereof the following:

There is hereby established a committee to study the laws relative to regulation of mental health services and such other matters relative to the state mental health system as the committee deems appropriate. The members of the committee shall be:

6 Committee Members. The current members of the committee established by 1985, 194:7 shall continue to serve on the study committee continued under section 5 of this act.

7 Report. Amend 1985, 194:8 by striking out said section and inserting in place thereof the following:

194:8 Report. The committee established in section 7 of this act shall prepare a report with recommendations on or before January 1, 1987. The committee shall submit this report to the speaker of the house and the president of the senate on or before January 1, 1987.

8 Effective Date. This act shall take effect January 1, 1987.

Amendment adopted.

Ordered to third reading.

HB 7, relative to damages recoverable for bodily injury in civil actions. Ought to Pass with Amendment.

This bill sets standards to protect owners of liquor serving establishments against suits brought against them when they are not reckless or negligent in serving minors or intoxicated persons. Vote 18-0. Rep. Beverly A. Hollingworth for Judiciary.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to alcohol beverage licensee liability.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Alcoholic Beverage Licensee Liability. Amend RSA by inserting after chapter 507:D the following new chapter:

CHAPTER 507-E  
ALCOHOLIC BEVERAGE LICENSEE LIABILITY

507-E:1 Definitions. In this chapter:

I. "Adult" means any person of legal age to purchase alcoholic beverages, or older as defined by RSA 175:6.

II. "Alcoholic beverages" means liquor and beverages as those terms are defined in RSA 175:1.

III. "Intoxicated person" means an individual who is in a state of intoxication as defined by this chapter.

IV. "Intoxication" means an impairment of a person's mental or physical faculties as a result of drug or alcoholic beverage use so as to diminish that person's ability to think and act in a manner in which an ordinary prudent and cautious person, in full possession of his faculties and using reasonable care, would act under like circumstances.

V. "Licensee" means any person who is required to be licensed to serve alcoholic beverages under RSA 175, 176, 177, 178, 178-A, 178-B, 181.

VI. "Minor" means any person under the legal age to purchase alcoholic beverages.

VII. "Person" means any individual, governmental body, corporation or other legal entity.

VIII. "Premises" means any establishment licensed or required to be licensed under RSA 175:3.

IX. "Service of alcoholic beverage" or "service" means any sale, gift, or other furnishing of alcoholic beverages.

507-E:2 Plaintiff.

I. Any person who suffers damage, as provided in RSA 507-E:10, may bring an action under this chapter subject to the limitation found in paragraph II of this section.

II. A person who becomes intoxicated may not bring an action under RSA 507-E:4 against a defendant for serving alcoholic beverages to such person.

507-E:3 Defendants. Any person licensed or required to be licensed under RSA 175:3 and any employee or agent of such person who commits an act giving rise to liability, as provided in RSA 507-E:4 and 5, may be made a defendant to a claim under the provisions of this chapter:

507-E:4 Negligent Service of Alcoholic Beverages.

I. A defendant who negligently serves alcoholic beverages to a minor or to an intoxicated person is liable for resulting damages, subject to the provisions of this chapter.

II. Service of alcoholic beverages to a minor or to an intoxicated person is negligent if the defendant knows or if a reasonably prudent person in like circumstances would know that the person being served is a minor or is intoxicated.

III. Proof of service of alcoholic beverages to a minor without request for proof of age as required by RSA 175:6-b shall be admissible as evidence of negligence.

IV. Service of alcoholic beverages by a defendant to an adult person who subsequently serves a minor off the premises or who is legally permitted to serve a minor does not constitute service to the minor unless a reasonably prudent person in like circumstances would know that such subsequent service is reasonably likely to occur and is illegal.

V. A defendant does not have a duty to investigate whether a person being served alcoholic beverages intends to serve the alcoholic beverages to other persons off the premises.

VI. A defendant is not chargeable with knowledge of a person's consumption of alcoholic beverages or other drugs off the defendant's premises unless the person's appearance and behavior would put a reasonably prudent person on notice of such consumption.

VII. A defendant is not under a duty to recognize signs of a person's intoxication other than those normally associated with the consumption of alcoholic beverages except for intoxication resulting in whole or in part from other drugs consumed on defendant's premises with defendant's actual or constructive knowledge.

507-E:5 Reckless Service of Alcoholic Beverages.

I. A person who becomes intoxicated may bring an action against a defendant for serving alcoholic beverages only when the server of such beverages is reckless. The service of alcoholic beverages is reckless when a defendant intentionally serves alcoholic beverages to a person when the server knows, or a reasonable person in his position should have known, that such service creates an unreasonable risk of physical harm to the drinker or to others that is substantially greater than that which is necessary to make his conduct negligent.

II. A defendant who recklessly provides alcoholic beverages to another is liable for resulting damages.

III. Specific serving practices that are admissible as evidence of reckless conduct include, but are not limited to, the following:

(a) Active encouragement of intoxicated persons to consume substantial amounts of alcoholic beverages.

(b) Service of alcoholic beverages to a person, 16 years of age or under, when the server knows or should reasonably know the patron's age.

(c) Service of alcoholic beverages to a patron that is so continuous and excessive that it creates a substantial risk of death by alcohol poisoning.

(d) The active assistance by a defendant of a patron into a motor vehicle when the patron is so intoxicated that such assistance is required, and the defendant knows or should know that the intoxicated person intends to operate the motor vehicle.

507-E:6 Responsible Business Practices Defense.

I. Service of alcoholic beverages is not negligent or reckless if the defendant, at the time of the service, is adhering to responsible business practices. Responsible business practices are those business policies, procedures, and actions which an ordinarily prudent person would follow in like circumstances.

II. The service of alcoholic beverages to a person with actual knowledge that such person is intoxicated or is a minor is not a responsible business practice. Evidence of responsible business practices pursuant to this section is relevant to determining whether a defendant who does not have such actual knowledge should have known of the person's intoxicated condition or age.

III. With respect to service to intoxicated persons, evidence of responsible business practices may include, but is not limited to, comprehensive training of the defendant and the defendant's employees and agents who are present at the time of service of alcoholic beverages and responsible management policies, procedures, and actions which are in effect at the time of such service.

IV. With respect to service to intoxicated persons, evidence of comprehensive training includes, but is not limited to, the development of knowledge and skills regarding the responsible service of alcoholic beverages and the handling of intoxicated persons. Such training shall be appropriate to the level and kind of responsibility for each employee and agent to be trained.

V. With respect to service to intoxicated persons, evidence of responsible management policies, procedures, and actions may include, but is not limited to, those policies, procedures, and actions which:

(a) Encourage persons not to become intoxicated if they consume alcoholic beverages on the defendant's premises.



(b) Promote availability of nonalcoholic beverages and food.

(c) Promote safe transportation alternatives other than driving while intoxicated.

(d) Prohibit employees and agents of defendant from consuming alcoholic beverages while acting in their capacity as employee or agent.

(e) Establish promotions and marketing efforts which publicize responsible business practices to the defendant's customers and community.

(f) Implement comprehensive training procedures.

(g) Maintain an adequate number of trained employees and agents for the type and size of defendant's business.

VI. With respect to service to minors, evidence of responsible business practices may include, but is not limited to:

(a) Management policies which assure the examination of proof of age as required by RSA 175:6-b, for all persons seeking service of alcoholic beverages who may reasonably be suspected to be minors.

(b) Comprehensive training of employees who are responsible for such examination regarding the detection of false or altered identification.

VII. Proof of responsible business practices shall be based on the totality of the circumstances, including but not limited to: the availability of training programs and alternative public transportation; the defendant's type and size of business; and the nature of the defendant's previous contacts with the intoxicated person or minor who is served. Evidence of the existence or omission of one or more elements of responsible business practices does not conclusively prove or disprove of the responsible business practices defense.

#### 507-E:7 Privileges.

I. No defendant may be held civilly liable for damages resulting from the refusal to serve alcoholic beverages to any person who:

(a) Fails to show proof of age as required by RSA 175:6-b; or

(b) Appears to a reasonable person to be a minor; or

(c) Is refused service of alcoholic beverages by defendant in a good faith effort to prevent that person's intoxication.

II. No defendant may be held civilly liable for retaining documents presented as proof of age, provided such retention is for a reasonable length of time in a good faith effort to determine whether the person is of legal age or to notify law enforcement authorities of a suspected violation of law.

III. No defendant may be held civilly liable for using reasonable force to detain a person who is attempting to operate a motor vehicle while intoxicated for a reasonable period of time, necessary to summon law enforcement officers.

IV. This section does not limit a defendant's right to assert any other defense to a civil liability claim otherwise provided by law.

507-E:8 Exclusive Remedy. This chapter is the exclusive remedy against a defendant for claims by those suffering damages based on the defendant's service of alcoholic beverages.

2 Applicability. This act shall apply to actions arising on or after July 1, 1986.

3 Effective Date. This act shall take effect July 1, 1986.

Amendment adopted.

Ordered to third reading.

HB 53, relative to municipal liability. Ought to Pass with Amendment. This bill, as amended, limits the tort liability of a governmental unit to \$150,000 per person and \$1,000,000 per occurrence. It similarly limits liability for the acts of governmental employees except where they have been grossly negligent. This will help cities, towns and other local governmental units to obtain liability insurance. Vote 19-1. Rep. Thomas U. Gage for Judiciary.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to limitations on liability.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Chapter Title Change. Amend the chapter title of RSA 507-B by striking out said title and inserting in place thereof the following:

CHAPTER 507-B  
PERSONAL ACTIONS AGAINST  
GOVERNMENTAL UNITS

2 Statement of Intent. In enacting RSA 507-B:9, the general court recognizes that employees and officials are necessary and indispensable to the functioning of governmental units. These individuals are inextricably intertwined with the identity of government. Recent developments in the law require a new formulation of the policy of employee and official liability. Therefore, it is necessary to limit the liability of employees and officials as agents of governmental units.

3 Limit of Municipal Liability. Amend RSA 507-B:4 as inserted by 1975, 483:1 as amended by striking out said section and inserting in place thereof the following:

507-B:4 Limit of Liability.

I. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any one person in actions brought under this chapter is limited to \$150,000. Such limit applies in the aggregate to any and all actions to recover for bodily injury, personal injury or property damage arising out of bodily injury, personal injury or property damage sustained by one person in a single incident or occurrence. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any number of persons in a single incident or occurrence is limited to \$1,000,000.

II. The court shall award no punitive damages against a governmental unit for bodily injury, personal injury or property damage.

III. The jury shall not be informed of the limits in paragraph I but the court shall abate any verdict to the extent it exceeds the limits prescribed in this section. In actions consolidated under RSA 507-B:3, in the event the verdicts exceed the limits prescribed in this section, the verdicts shall be abated pro rata. Interest and costs may be recovered as in any civil action, in addition to the limits prescribed in this section.

4 Government Employee Liability. Amend RSA 507-B by inserting after section 8 the following new section:

507-B:9 Employee Liability. If any claim is made or any civil action is commenced against a present or former employee or official of a governmental unit seeking equitable relief or claiming damages, the liability of said employee or official shall be governed by the same principles and provisions of law as those which govern governmental liability, so long as said employee or official was acting within the scope of his official duty and his acts were not wanton or reckless.

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

Amendment adopted.

Rep. Alf Jacobson offered an amendment.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to limitations on liability.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Chapter Title Change. Amend the chapter title of RSA 507-B by striking out said title and inserting in place thereof the following:

CHAPTER 507-B  
PERSONAL ACTIONS AGAINST  
GOVERNMENTAL UNITS

2 Statement of Intent. In enacting RSA 507-B:9, the general court recognizes that employees and officials are necessary and indispensable to the functioning of governmental units. These individuals are inextricably intertwined with the identity of government. Recent developments in the law require a new formulation of the policy of employee and official liability. Therefore, it is necessary to limit the liability of employees and officials as agents of governmental units.

3 Definition; Pollutant Incident. Amend RSA 507-B:1 by inserting after paragraph IV the following new paragraph:

V. "Pollutant incident" means any emission, discharge, release, or escape of any solid, liquid, gaseous, or thermal contaminants, irritants or pollutants into or upon land, the atmosphere, or any watercourse or body of water.

4 Limit of Municipal Liability. Amend RSA 507-B:4 as inserted by 1975, 483:1 as amended by striking out said section and inserting in place thereof the following:

507-B:4 Limit of Liability.

I. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any one person in actions brought under this chapter is limited to \$150,000. Such limit applies in the aggregate to any and all actions to recover for bodily injury, personal injury or property damage arising out of bodily injury, personal injury or property damage sustained by one person in a single incident or occurrence. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any number of persons in a single incident or occurrence is limited to \$1,000,000.

II. The court shall award no punitive damages against a governmental unit for bodily injury, personal injury or property damage.

III. The jury shall not be informed of the limits in paragraph I but the court shall abate any verdict to the extent it exceeds the limits prescribed in this section. In actions consolidated under RSA 507-B:3, in the event the verdicts exceed the limits prescribed in this section, the verdicts shall be abated pro rata. Interest and costs may be recovered as in any civil action, in addition to the limits prescribed in this section.

5 Government Employee Liability and Pollutant Liability Standard.

Amend RSA 507-B by inserting after section 8 the following new sections:

507-B:9 Employee Liability. If any claim is made or any civil action is commenced against a present or former employee or official of a governmental unit seeking equitable relief or claiming damages, the liability of said employee or official shall be governed by the same principles and provisions of law as those which govern governmental liability, so long as said employee or official was acting within the scope of his official duty and his acts were not wanton or reckless.



507-B:10 Pollutant Liability Standard.

I. Notwithstanding any other provision of law, the liability of any governmental unit or public employee for any personal injury, bodily injury, or property damage caused by or resulting from pollutant incidents shall only be based upon a showing by a preponderance of the evidence that the acts or omissions of the governmental unit were unreasonable. The acts or omissions of a governmental unit or public employee shall be conclusively presumed to be reasonable if they are in accord with the generally prevailing state of the art, scientific knowledge, and technology available at the time the acts or omissions were undertaken or made by the governmental unit or public employee.

II. The liability of any governmental unit or public employee arising from a pollutant incident shall be several and not joint. Governmental units or public employees shall be liable only to the extent that their acts or omissions contributed to the causation of the personal injury, bodily injury, or property damage.

III. The doctrines of strict liability or absolute liability shall not be the basis of liability of a governmental unit or public employee for any personal injury, bodily injury, or property damage caused by pollutant incidents.

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

Rep. Alf Jacobson explained the amendment and yielded to questions.

Reps. Thomas Gage and Sytek spoke against the amendment and yielded to questions.

Reps. Perry and Marian Harrington spoke in favor of the amendment and yielded to questions.

Reps. Lund and Bowler spoke against the amendment.

Rep. Matson spoke in favor of the amendment.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Alf Jacobson requested a roll call. Sufficiently seconded.

YEAS 123 NAYS 194  
YEAS 123

BELKNAP: Richard Campbell, Hardy, Malcolm Harrington and Jensen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Hounsell, Kenneth MacDonald, McIntire and Saunders.

CHESHIRE: Burley, Delano, Frink, Grodin, Elmer Johnson, Matson, Miller, Morse, Parker, Perry, William Riley, Russell, Schwartz, Secord and Young.

COOS: Harold Burns, Coulombe, Frederic Foss, Guay, Horton, Ottolini and Theriault.

GRAFTON: Chambers, Copenhaver, Driscoll, LaMott, Stewart, Wadsworth and Weymouth.

HILLSBOROUGH: Boisvert, Bourque, Boutwell, Cronin, Crotty, Duperron, Dwyer, Dykstra, Clyde Eaton, Fields, Nancy Ford, Scott Green, Marian Harrington, Holden, Humphrey, Katsiaficas, Howard Mason, McGlynn, Morrissette, Nelson, O'Rourke, Paradis, G. Philip Rodgers, B. P. Smith, Snow, Steiner, Stiles, Mary Sullivan, Turgeon, Varkas, Arnold Wight and Worthen.

MERRIMACK: Barberia, Laurent Boucher, Connolly, Gilbreth, George E. Gordon, Alf Jacobson, Kidder, Nichols, Pannell, Pantzer, Gerald Smith, Stio and James Whittemore.

ROCKINGHAM: Benton, Eunice Campbell, Lawrence A. Chase, Jr., Ellyson, Flanders, Beverly Gage, Gourdeau, Hoar, Robert Johnson, Roger King,

Malcolm, McCain, Newell, Raynowska, Rosencrantz, Schwaner, Seward, Sloan, Vaughn, Walker, Warburton and Welch.

STRAFFORD: Bates, Bryant, Chamberlin, Patricia Foss, Keans, Kincaid, Lussier and Franklin Torr.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, Lindblade and Normandin.

NAYS 194

BELKNAP: Birch, Bolduc, Bowler, Brough, Dexter, Golden, Hawkins, Holbrook, Nighswander, Pearson, Randall and Zeckhausen.

CARROLL: Robert Holmes, Powers and Schofield.

CHESHIRE: Blacketor, Crane, Jesse Davis, Daniel Eaton, Irvin Gordon, Ramsay, Ridge, Scranton, William Sullivan and Thompson.

COOS: Brideau, Brungot, Chappell, Chardon, Lamontagne, Mayhew and York.

GRAFTON: Arnesen, Bean, Christy, Croy, Densmore, Easton, Michael King, McAvoy, Rounds, Scanlan, Taffe, Howard Townsend, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Barry, Bass, Beaupre, Blais, Bourdon, Bridgewater, A. Leslie Burns, John Burns, Carragher, Charron, Chretien, Cote, Cox, Joseph M. Eaton, Fried, Gagnon, Grip, Healy, Herod, Jasper, George Jones, Keefe, Kelley, Knight, Labombarde, Levesque, Lown, Lozeau, Martin, Messier, Elizabeth Moore, Robert Murphy, Nute, Bonnie Packard, Pappas, Pariseau, Pellow, Perham, Prestipino, Raiche, Reardon, Frances Riley, Ellen-Ann Robinson, Sallada, Shriver, Leonard Smith, Stonner, Sylvia, Van Loan, Vanderlosk, Wagner, Geraldine Watson, Emma Wheeler, Kenneth Wheeler, Wood and Zis.

MERRIMACK: Anderson, Bardsley, Bibbo, Bowes, Cailler, James Chandler, Gross, Hager, Hayes, Mary Holmes, Jelley, C. William Johnson, Kinhan, Lewis, Arthur Locke, Millard, Rehlander, Doris Riley, Linwood Rogers, Savaria, Wallner and West.

ROCKINGHAM: Blaisdell, Blanchard, William Boucher, Butler, Marilyn Campbell, Case, Clay, Conroy, Day, Emanuelson, Felch, Flanagan, Thomas Gage, Goss, Elizabeth Greene, Haynes, Hollingworth, Kane, George Katsakiores, Phyllis Katsakiores, Krasker, Longworth, Lovejoy, Magoon, Robert Mason, Jr., McKinney, Nagel, Popov, Quimby, Norman Rogers, Sanderson, Schmidtchen, Sherburne, Skinner, Sochalski, Stachowske, Sytek, Tufts, Wells and Woodward.

STRAFFORD: Appleby, Berkey, Burton, Callaghan, Diament, Dingle, Anita Flynn, Edward Flynn, Frechette, Robert Jones, Laurion, Meader, O'Brien, Pelley, Francis Robinson, Spear, Henry Sullivan, Ann Torr and Whiting.

SULLIVAN: Ingram, Paul Johnson, McKee, Mehegan, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the amendment lost.

Ordered to third reading.

HB 91, relative to service of civil process. Ought to Pass with Amendment.

This bill has been amended to allow the option of serving civil process by certified mail, return receipt requested, to corporations, state agencies and municipalities. Vote 15-2. Rep. Donnalee M. Lozeau for Judiciary.

## Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Service of Process on State Agencies and Departments. Amend RSA 99-D by inserting after section 7 the following new section:

99-D:8 Service of Process on State Departments or Agencies.

I. For purposes of this section, "agency" means all departments, boards, offices, commissions, institutions, other instrumentalities of state government, and the general court, including any official or employee of same when acting in the scope of his elected or appointed capacity, but excluding political subdivisions of the state.

II. Each agency shall appoint one of its supervisory officials or managerial employees to be its registered agent for purposes of service of process. The agent's name and his residence and business addresses shall be filed with the secretary of state. If the agency for any reason appoints a successor to its registered agent, the new agent's name and his business and residence address shall be filed immediately upon his appointment with the secretary of state.

III. The registered agent so appointed by the agency shall be an agent of the agency upon whom any process, notice or demand required or permitted by law to be served upon the agency may be served. Service of process on a registered agent shall be made at the business or residence address of the registered agent listed with the secretary of state.

IV. Service of writs and other processes against the agency shall be made in the manner specified in RSA 510:2 and may be made upon the department head, commissioner, director, or other such supervisory or managerial employee of the agency, or upon the registered agent.

2 Service of Process on Corporation. Amend RSA 293-A:14 (supp) as inserted by 1981, 557:1 by striking out said section and inserting in place thereof the following:

293-A:14 Service of Process on Corporation.

I. The registered agent so appointed by a corporation shall be an agent of the corporation upon whom any process, notice or demand required or permitted by law to be served upon the corporation may be served. Service of process on a registered agent shall be made at the address of the registered agent listed with the secretary of state as the registered office of the corporation.

II. Nothing contained in this section shall limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon a corporation in any other manner permitted by law.

3 Service of Process on Municipalities and Other Political Subdivisions. Amend RSA 507-B by inserting after section 8 the following new section:

507-B:9 Service of Process.

I. Each governmental unit shall appoint one of its supervisory officials or managerial employees to be its registered agent for purposes of service of process. The agent's name and his residence and business addresses shall be filed with the secretary of state. If the governmental unit for any reason appoints a successor to its registered agent, the new agent's name and his residence and business addresses shall be filed immediately upon his appointment with the secretary of state.

II. The registered agent so appointed by the governmental unit shall be an agent of the governmental unit upon whom any process, notice or demand required or permitted by law to be served upon the governmental unit may be served. Service of process on a registered agent shall be made at the business or residence address of the registered agent listed with the secretary of state.

III. Service of writs and other processes against the governmental unit shall be made in the manner specified in RSA 510:2 and may be made upon any supervisory or managerial employee or official of the



governmental unit, upon the persons listed in RSA 510:10-12, or upon the registered agent.

4 Service of Process; Manner. Amend RSA 510:2 as amended by striking out said section and inserting in place thereof the following:

510:2 Manner. All writs and other processes shall be served by giving to the defendant or leaving at his abode an exact copy thereof or in the case of a corporation, a governmental unit as defined in RSA 507-B, or a state agency as defined in RSA 99-D:8, I, by mailing an exact copy to the mailing address of any person authorized by statute to accept service for the defendant or in the case of an unincorporated business defendant by mailing an exact copy to the business address or the address of its designated business agent, by certified mail, postage prepaid, return receipt requested.

5 Contents of Writs and Processes. Amend RSA 510:2-a as inserted by 1973, 260:1 by striking out said section and inserting in place thereof the following:

510:2-a Contents of Writs and Processes; Service by Person or Mail; Attachments.

I. Whenever service is made by the sheriff, deputy sheriff or other person authorized by law, the person making service shall indicate on all writs and other processes, including the service copy, the time, place, and mode of service made upon the defendant at the time service is made.

II. Whenever service is made by certified mail, the defendant's return receipt and an affidavit of the plaintiff or the plaintiff's attorney in compliance with RSA 510:2 shall be appended to the process and filed in court with the process.

III. All writs and other processes shall at the time they are served upon the defendant indicate any attachments made upon the property of the defendant and the time, place, and method of each attachment.

6 Service of Writs on Corporations. Amend RSA 510:14 by striking out in line 2 the word "clerk" and inserting in place thereof the following (secretary) so that said section as amended shall read as follows:

510:14 Corporations. Service of writs against other corporations may be made upon the secretary, treasurer, cashier, or one of the directors, trustees or managers, if any, in the state, and otherwise upon any principal member or stockholder, or upon any agent, overseer or other person having the care of any of the property or charge of any of the business of the corporation.

7 Effective Date. This act shall take effect July 1, 1986.

Amendment adopted.

Ordered to third reading.

HB 123, amending the right to know law. Ought to Pass with Amendment. This bill clarifies several sections of the Right to Know Law and codifies case law that has developed around some sections. There are provisions affecting chance or social meetings, attorney's fees, availability of and charges for copies of documents, release of confidential information to those whose health or safety is affected, and access to certain computer-stored records. The bill is the product of a collaborative effort over the summer by the Committee and members of the news media, Municipal Association and the Attorney General's Office. Vote 12-1. Rep. Donna P. Sytek for Judiciary.

#### Amendment

Amend RSA 91-A:2, I as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

1. For the purpose of this section, a "meeting" shall mean the convening of a quorum of the membership of a public body, as provided in RSA 91-A:1-a, to discuss or act upon a matter or matters over which the

public body has supervision, control, jurisdiction or advisory power. "Meeting" shall not include:

- (a) Any chance meeting or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business and at which no decisions are made; however, no such chance or social meeting shall be used to circumvent the spirit of this chapter;
- (b) Strategy or negotiations with respect to collective bargaining; or
- (c) Consultation with legal counsel.

Amend RSA 91-A:4, IV as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

IV. Each public body or agency shall, upon request for any public record reasonably described, make available for inspection and copying any such public record within its files when such records are immediately available for such release. If a public body or agency is unable to make a public record available for immediate inspection and copying, it shall, within 5 business days of request, make such record available, deny the request in writing with reasons, or furnish written acknowledgment of the receipt of the request and a statement of the time reasonably necessary to determine whether the request shall be granted or denied. If a photocopying machine or other device maintained for use by a body or agency is used by the body or agency to copy the public record or document requested, the person requesting the copy may be charged the actual cost of providing the copy, which cost may be collected by the body or agency. Nothing in this section shall exempt any person from paying fees otherwise established by law for obtaining copies of public records or documents, but if such fee is established for the copy, no additional costs or fees shall be charged.

Amend RSA 91-A:5, IV as inserted by section 6 of the bill by striking out same and inserting in place thereof the following:

IV. Records pertaining to internal personnel practices; confidential, commercial, or financial information; test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examinations; and personnel, medical, welfare, and other files whose disclosure would constitute invasion of privacy. Without otherwise compromising the confidentiality of the files, nothing in this paragraph shall prohibit a body or agency from releasing information relative to health or safety from investigative files on a limited basis to persons whose health or safety may be affected.

Amend RSA 91-A:8 as inserted by section 7 of the bill by striking out same and inserting in place thereof the following:

91-A:8 Remedies.

I. If any body or agency or employee or member thereof, in violation of the provisions of this chapter, refuses to provide a public record or refuses access to a public proceeding to a person who reasonably requests the same, such body, agency, or person shall be liable for reasonable attorney's fees and costs incurred in a lawsuit under this chapter provided that the court finds that such lawsuit was necessary in order to make the information available or the proceeding open to the public. Fees shall not be awarded unless the court finds that the body, agency or person knew or should have known that the conduct engaged in was a violation of this chapter or where the parties, by agreement, provide that no such fees shall be paid. In any case where fees are awarded under this chapter, upon a finding that an officer, employee, or other official of a public body or agency has acted in bad faith in refusing to allow

access to a public proceeding or to provide a public record, the court may award such fees personally against such officer, employee, or other official.

II. The court may invalidate an action of a public body or agency taken at a meeting held in violation of the provisions of this chapter, if the circumstances justify such invalidation.

III. In addition to any other relief awarded pursuant to this chapter, the court may issue an order to enjoin future violations of this chapter.

Amendment adopted.

Rep. Sytek offered an amendment.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Chance Meetings; Negotiation, Consultation. Amend RSA 91-A:2 (supp) as inserted by 1967, 251:1 as amended by striking out said section and inserting in place thereof the following:

91-A:2 Meetings Open to Public.

I. For the purpose of this section, a "meeting" shall mean the convening of a quorum of the membership of a public body, as provided in RSA 91-A:1-a, to discuss or act upon a matter or matters over which the public body has supervision, control, jurisdiction or advisory power. "Meeting" shall not include:

(a) Any chance meeting or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business and at which no decisions are made; however, no such chance or social meeting shall be used to circumvent the spirit of this chapter;

(b) Strategy or negotiations with respect to collective bargaining; or

(c) Consultation with legal counsel.

II. All public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of those bodies or agencies. Except for town meetings, school district meetings and elections, no vote while in open session may be taken by secret ballot. Any person shall be permitted to use recording devices, including, but not limited to, tape recorders, cameras and videotape equipment, at such meetings. Minutes of all such meetings, including names of members, persons appearing before the bodies or agencies, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection within 144 hours of the public meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any body or agency, or any subordinate body thereof, without exception. Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including an executive session, shall be posted in 2 appropriate places or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate undelayed action is deemed to be imperative by the chairman or presiding officer of the body or agency who shall employ whatever means are available to inform the public that a meeting is to be held. The minutes of the meeting shall clearly spell out the need for the emergency meeting. When a meeting of a legislative committee is held, publication made pursuant to the rules of the house of representatives shall be sufficient notice. If the charter of any city or guidelines or rules of order of any body or agency described in RSA 91-A:1-a require a broader public access to official meetings and records than herein described, such charter provisions or guidelines or rules of order shall take precedence over the requirements of this chapter.



Hearing no objection the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Sytek explained the amendment.

Rep. Grodin spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

HB 160, establishing a collateral source rule for tort liability. Ought to Pass with Amendment.

This amendment strikes the entire bill and substitutes the repeal of four rules of evidence currently in statute that are substantially identical to corresponding rules of evidence promulgated by the court. This amendment results from the conclusion of a special committee created last year to study these and other repeals of statute. Vote 17-1. Rep. Charles F. Bass for Judiciary.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

repealing certain statutory rules of evidence.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

- 1 Repeal. The following are hereby repealed:
  - I. RSA 516:24, relative to cross-examination of adverse parties.
  - II. RSA 517:1, relative to the taking and use of depositions.
  - III. RSA 517:11, relative to the filing and use of depositions.
  - IV. RSA 521, relative to business records as evidence.
- 2 Effective Date. This act shall take effect January 1, 1987.

Amendment adopted.

Ordered to third reading.

HB 185, relative to alimony and property settlements and fault grounds in divorce. Ought to Pass with Amendment.

House Bill 185 codifies the criteria to be considered by a court in a divorce proceeding in the division of property and alimony awards. The bill removes the fault of either party as grounds for divorce, but allows specific instances of misconduct to be considered by a court when distributing property or awarding alimony. Vote 11-4. Rep. Elizabeth D. Lown for Judiciary.

#### Amendment

Amend the bill by striking out sections 1-3 and inserting in place thereof the following:

1 New Sections; Property Settlement. Amend RSA 458 by inserting after section 16 the following new section:

458:16-a Property Settlement.

I. Property shall include all tangible and intangible property and assets, real or personal, belonging to either or both parties, whether title to the property is held in the name of either or both parties. Intangible property includes, but is not limited to, employment benefits, vested and non-vested pension or other retirement benefits, or savings plans.

II. When a dissolution of a marriage is decreed, the court may order an equitable division of property between the parties. The court shall presume that an equal division is an equitable distribution of property, unless the court establishes a trust fund under RSA 458:20 or unless the court decides that an equal division would not be appropriate or equitable after considering the following factors:

- (a) The duration of the marriage.
- (b) The age, health, social or economic status, occupation, vocational skills, employability, separate property, amount and sources of income, needs and liabilities of each party.
- (c) The opportunity of each party for future acquisition of capital assets and income.
- (d) The ability of the custodial parent, if any, to engage in gainful employment without substantially interfering with the interests of any minor children in the custody of said party.
- (e) The need of the custodial parent, if any, to occupy or own the marital residence and to use or own its household effects.
- (f) The actions of either party during the marriage which contributed to the growth or diminution in value of property owned by either or both of the parties.
- (g) Significant disparity between the parties in relation to contributions to the marriage, including contributions to the care and education of the children and the care and management of the home.
- (h) Any direct or indirect contribution made by one party to help educate or develop the career or employability of the other party and any interruption of either party's educational or personal career opportunities for the benefit of the other's career or for the benefit of the parties' marriage or children.
- (i) The expectation of pension or retirement rights acquired prior to or during the marriage.
- (j) The tax consequences for each party.
- (k) The value of property that is allocated by a valid prenuptial contract made in good faith by the parties.
- (l) The misconduct of either party relative to:
  - (1) Adultery.
  - (2) Extreme cruelty of either party to the other.
  - (3) Mistreatment, when one party has treated the other so as to injure health or endanger reason.
  - (4) Conviction, in any state or federal district, of a crime punishable by imprisonment for more than one year when there has actually been imprisonment under such conviction.
  - (5) Abandonment.
  - (6) Habitual drug or alcohol abuse.
- (m) The value of any property acquired prior to the marriage and property acquired in exchange for property acquired prior to the marriage.
- (n) The value of any property acquired by gift, devise, or descent.
- (o) Any other factor that the court deems relevant.

458:16-b Restraining Orders Regarding Property.

I. Upon the filing of an action under this chapter, the court shall issue an order, restraining each party from selling, transferring, encumbering, hypothecating, concealing, or in any manner whatsoever disposing of any property, real or personal, belonging to either or both parties except:

- (a) By written agreement of both parties;
- (b) For reasonable and necessary expenses of living;
- (c) In the ordinary and usual course of business; or
- (d) By order of the court.

II. After the order is served, either party may file a written request with the clerk of the superior court for a hearing thereon. Such a hearing shall be held no later than 5 days after the request is received by the clerk for the county in which the libel for divorce, annulment or decree of nullity is filed.

2 Trust Fund. Amend RSA 458:20 by striking out said section and inserting in place thereof the following:

458:20 Trust Fund. In a proceeding under this chapter, the court may set aside a portion of the property of the parties in a separate fund or trust for the support, maintenance, education and general welfare of either party or of any minor, dependent, or incompetent child of the parties. A separate fund or trust may also be established under this section for a child of the parties, who is 18 years of age or older, if the child is in college, and for an incompetent child of the parties who is 18 years of age or older.

3 Alimony; Criteria. Amend RSA 458:19 as amended by striking out said section and inserting in place thereof the following:

458:19 Alimony.

I. Upon motion of either party for alimony payments, the court shall make orders for the payment of alimony to the party in need of alimony, either temporary or permanent, for a definite or indefinite period of time, if it finds that:

(a) The party in need lacks sufficient income, property, or both, including property apportioned in accordance with RSA 458:16-a, to provide for his reasonable needs, taking into account the style of living to which the parties have become accustomed during the marriage; and

(b) The party from whom alimony is sought is able to meet his reasonable needs while meeting those of the party seeking alimony, taking into account the style of living to which the parties have become accustomed during the marriage; and

(c) The party in need is unable to support himself through appropriate employment at a standard of living that meets his reasonable needs or is the custodian of a child of the parties whose condition or circumstances make it appropriate that the custodian not seek employment outside the home.

II. Upon motion of either party, the court may make orders for the payment of an alimony allowance when such orders would be just and equitable.

III. The court may make orders for alimony in a lump sum, periodic payments, or both. In determining the amount of alimony, the court shall consider the length of the marriage; the age, health, social or economic status, occupation, amount and sources of income, the property awarded under RSA 458:16-a, vocational skills, employability, estate, liabilities, and needs of each of the parties; the opportunity of each for future acquisition of capital assets and income; the misconduct of either party as defined in RSA 458:16-a, II(1); and the federal tax consequences of the order. The court may also consider the contribution of each of the parties in the acquisition, preservation, or appreciation in value of their respective estates and the non-economic contribution of each of the parties to the family unit.

V. The unanticipated consequences of changes in federal tax legislation or regulations may be grounds to modify any alimony order or agreement.

VI. The court shall specify written reasons for the granting or denial of any motion for an alimony allowance.

Amendment adopted.

Ordered to third reading.

HB 269, relative to written policy directives to police officers and to internal investigations by law enforcement agencies. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: This bill provides that where a local police policy is stricter than that required under State law, the local standard will not be admissible as evidence of negligence in a civil suit.

Currently, police administrators are in a Catch-22 situation whereby implementing more stringent local policies turned around and used



against them in a civil suit even though State law is the public policy standard. The second part of the bill provides that proceedings of internal police investigations may not be introduced as evidence in a civil suit other than a disciplinary action. Protection for these files, which will remain confidential under the Right-to-Know law will encourage thorough investigation and discipline of dishonest or abusive police officers. The medical community has in the past been provided with a similar privilege relative to peer review investigations following an incident in which they were involved. The majority of the Committee believes the need to provide this protection to local law enforcement agencies is at least as great as it is for the medical fraternity. Vote 8-5. Rep. Donna P. Sytek for the Majority of Judiciary.

MINORITY: The minority believes that Section II of this bill grants law enforcement agencies privacy and confidentiality of records that no other agency have or should have. It sets up a system that denies victims information that may be necessary in any civil actions dealing with a law enforcement agency. Reps. Peter J. Zis, Maureen E. Raiche, Beverly A. Hollingworth, Donnalee M. Lozeau and Marc Chretien for the Minority of Judiciary.

#### Amendment

Amend RSA 516:36, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. In any civil action against any individual, agency or governmental entity, including the state of New Hampshire, arising out of the conduct of a law enforcement officer having the powers of a peace officer, standards of conduct embodied in policies, procedures, rules, regulations, codes of conduct, orders or other directives of a state, county or local law enforcement agency, shall not be admissible to establish negligence when such standards of conduct are higher than the standard of care which would otherwise have been applicable in such action under state law.

Amendment adopted.

Rep. Sytek offered an amendment.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to written policy directives  
to police officers.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Written Policy Directives to Police Officers and Investigators.  
Amend RSA 516 by inserting after section 35 the following new section:  
516:36 Written Policy Directives to Police Officers. In any civil action against any individual, agency or governmental entity, including the state of New Hampshire, arising out of the conduct of a law enforcement officer having the powers of a peace officer, standards of conduct embodied in policies, procedures, rules, regulations, codes of conduct, orders or other directives of a state, county or local law enforcement agency shall not be admissible to establish negligence when such standards of conduct are higher than the standard of care which would otherwise have been applicable in such action under state law.

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

Hearing no objection the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Sytek explained the amendment.

Rep. Hollingworth spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

HB 283, relative to comparative negligence in calculating damages for loss of consortium claims. Refer for Interim Study.

The Committee determined that this issue is complex, requiring the review of more information and should therefore be sent to interim study. Vote 14-7. Rep. Beverly A. Hollingworth for Judiciary.

Referred for Interim Study.

HB 307, relative to a duty to protect third persons. Ought to Pass with Amendment.

This bill limits the civil liability of certain medical and mental health providers for the violent behavior of mental patients so long as the providers contact the threatened victim, or the police, or seek civil commitment. This bill is in response to recent court cases which have found those providers liable for the violent acts of their patients. Vote 13-0. Rep. Donnalee M. Lozeau for Judiciary.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Subdivision. Amend RSA 329 by inserting after section 30 the following new section:

329:31 Civil Liability; Duty to Warn.

I. A physician licensed under this chapter has a duty to warn or to take reasonable precautions to provide protection to a reasonably identifiable victim or victims from a patient's violent behavior.

II. No monetary liability and no cause of action may arise against any physician licensed under this chapter for failing to warn of or to take precautions to provide protection from a patient's violent behavior unless the patient has communicated to such provider a serious threat of physical violence against a clearly identified or reasonably identifiable victim or victims or property.

III. The duty to warn of or to take reasonable precautions to provide protection from violent behavior arises only under the limited circumstances specified in paragraph II. The duty shall be discharged if the physician makes reasonable efforts to communicate the threat to the victim or seeks civil commitment of the patient under RSA 135 or notifies the police department closest to the patient's or potential victim's residence.

IV. Notwithstanding any provision of law to the contrary, no monetary liability and no cause of action may arise concerning patient privacy or confidentiality against any physician for confidences disclosed to third parties in an effort to discharge a duty under paragraph III.

2 New Subdivision. Amend RSA 330-A by inserting after section 21 the following new subdivision:

#### Duty to Warn of Violent Acts of Patients

330-A:22 Civil Liability; Duty to Warn.

I. A psychologist or service provider licensed under this chapter has a duty to warn or to take reasonable precautions to provide protection

to a reasonably identifiable victim or victims from a patient's violent behavior.

II. No monetary liability and no cause of action may arise against any psychologist or other service provider licensed under this chapter for failing to warn of or to take precautions to provide protection from a patient's violent behavior unless the patient has communicated to such provider a serious threat of physical violence against a clearly identified or reasonably identifiable victim or victims or property.

III. The duty to warn of or to take reasonable precautions to provide protection from violent behavior arises only under the limited circumstances specified in paragraph II. The duty shall be discharged if the service provider makes reasonable efforts to communicate the threat to the victim or seeks civil commitment of the patient under RSA 135 or notifies the police department closest to the patient's or potential victim's residence.

IV. Notwithstanding any provision of law to the contrary, no monetary liability and no cause of action may arise concerning patient privacy or confidentiality against any service provider listed in paragraph I for confidences disclosed to third parties in an effort to discharge a duty under paragraph III.

3 Effective Date. This act shall take effect January 1, 1987.

Amendment adopted.

Ordered to third reading.

HB 329-FN, relative to personal injury actions and medical malpractice litigation. Ought to Pass with Amendment.

The amendment strikes all after the title of the bill and substitutes three proposals which: (1) provides for certain notice requirements before liability insurance policies can be canceled on non-renewed (when premiums increase more than 25 percent); (2) codifies the law as it relates to burden of proof and informed consent in medical liability, and (3) creates a commission to study limitation of legal contingency fees, periodic payments of large awards, use of the doctrine of res ipsa loquitur, availability of expert witnesses, proposals on limitation of pain and suffering awards, measures relative to reducing or controlling medical negligence, and any other proposals which the commission feels may be critical to the availability and cost of liability insurance in New Hampshire. This commission is required to make recommendations for legislative action on the above issues if it deems necessary; such reports or recommendations to be made on December 15, 1986, and on the same day in 1987. Vote 11-2. Rep. Charles F. Bass for Judiciary.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to commercial general liability insurance,  
medical injury actions, and a commission on  
tort law and insurance availability.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Cancellation or Refusal to Renew Commercial General Liability Insurance.



Amend RSA by inserting after RSA 417-B the following new chapter:

CHAPTER 417-C  
CANCELLATION OR REFUSAL TO RENEW  
COMMERCIAL GENERAL LIABILITY INSURANCE.

417-C:1 Cancellation; Refusal to Renew; Notice. No policy of commercial general liability insurance on risks located in New Hampshire shall be non-renewed or cancelled unless the insurer shall deliver or mail, to the named insured at the address shown in the policy, a written notice of the cancellation or refusal to renew. Such notice shall:

I. State the date, not less than 60 days after the date of such mailing or delivery on which such cancellation or refusal to renew shall become effective, except that such effective date may be 10 days from the date of mailing or delivery when:

(a) The policy is being cancelled or not renewed for nonpayment of premium; or

(b) The policy is being cancelled within 90 days of its effective date, provided such policy is not a renewal.

II. State the specific reason or reasons of the insurer for cancellation or refusal to renew or be accompanied by a statement that upon written request of the named insured, mailed or delivered to the insurer not less than 10 days prior to the effective date of cancellation or refusal to renew, the insurer will specify the reason or reasons for such cancellation, or refusal to renew. The insurer shall supply such information within 5 days of receipt by it of such request.

417-C:2 Constructive Non-Renewal. Any premium increase of more than 25 percent shall be considered a constructive non-renewal and the notice provisions of RSA 417-C:1 shall apply.

2 Medical Injury Actions. Amend RSA by inserting after chapter 507-D the following new chapter:

CHAPTER 507-E  
MEDICAL INJURY ACTIONS

507-E:1 Definitions. As used in this chapter:

I. "Action for medical injury" means any action against a medical care provider, whether based in tort, contract or otherwise, to recover damages on account of medical injury.

II. "Medical care provider" means a physician, physician's assistant, registered or licensed practical nurse, hospital, clinic or other health care agency licensed by the state or otherwise lawfully providing medical care or services or an officer, employee or agent thereof acting in the course and scope of employment.

III. "Medical injury" or "injury" means any adverse, untoward or undesired consequences arising out of or sustained in the course of professional services rendered by a medical care provider, whether resulting from negligence, error, or omission in the performance of such services; from rendition of such services without informed consent or in breach of warranty or in violation of contract; from failure to diagnose; from premature abandonment of a patient or of a course of treatment; from failure properly to maintain equipment or appliances necessary to the rendition of such services; or otherwise arising out of or sustained in the course of such services.

507-E:2 Burden of Proof.

I. In any action for medical injury, the plaintiff shall have the burden of proving by affirmative evidence which must include expert testimony of a competent witness or witnesses:

(a) The standard of reasonable professional practice in the medical care provider's profession or specialty thereof, if any, at the time the medical care in question was rendered; and

(b) That the medical care provider failed to act in accordance with such standard; and

(c) That as a proximate result thereof, the injured person suffered injuries which would not otherwise have occurred.

II. Without limiting the applicability of paragraph I of this section, where the plaintiff claims that a medical care provider failed to supply adequate information to obtain the informed consent of the injured person:

(a) The plaintiff shall have the burden of proving by affirmative evidence, which must include expert testimony of a competent witness or witnesses, that the treatment, procedure or surgery was performed in other than an emergency situation and that the medical care provider did not supply that type of information regarding the treatment, procedure or surgery as should reasonably have been given to a patient in the position of the injured person or other persons authorized to give consent for such a patient by other competent medical care providers with similar training and experience at the time of the treatment, procedure or surgery.

(b) In determining whether the plaintiff has satisfied the requirements of subparagraph (a) of this paragraph, the following matters shall also be considered as material issues:

(1) Whether the injured person or person giving consent on his behalf could reasonably be expected to know of the risks or hazards inherent in such treatment, procedure, or surgery;

(2) Whether the injured person or the person giving consent on his behalf knew of the risks or hazards inherent in such treatment, procedure, or surgery;

(3) Whether the injured party would have undergone the treatment, procedure, or surgery regardless of the risk involved or whether he declined to be informed thereof;

(4) Whether it was reasonable for the medical care provider to limit disclosure of information because such disclosure could be expected to adversely and substantially affect the injured person's condition.

3 Commission on Tort Law and Insurance Availability Established. A commission on tort law and insurance availability is hereby established to study and make recommendations on issues in the area of tort law and insurance availability.

4 Commission Members; Appointment. The commission shall consist of 4 representatives to be appointed by the speaker of the house and 3 senators to be appointed by the senate president. Appointments made under this section shall be made within 30 days of the effective date of this act. At its first meeting, the commission shall elect a chairman from among its members.

5 Duties. The commission shall study the following:

I. Contingency fees.

II. Periodic payments of large awards.

III. Use of the doctrine of *res ipsa loquitur*.

IV. Availability of expert witnesses.

V. Proposals on pain and suffering damages and enhanced compensatory damages.

VI. Measures relative to reducing or controlling medical negligence.

VII. Any other issue in the area of tort law and availability of liability insurance.

6 Reports of the Commission. The commission shall report on its findings and make recommendations on matters which it has fully examined in 2 reports to be submitted to the speaker of the house and the president of the senate. The first report shall be submitted by December 15, 1986, and the second report shall be submitted by December 15, 1987. The commission may submit recommendations for proposed legislation to the director of legislative services by December 15, 1986, to be drafted and introduced as legislation for the 1987 legislative session and by December 15, 1987, to be drafted and introduced as legislation for the 1988

legislative session, without requiring any other legislative action including suspension of the joint rules.

7 Cooperation of Insurance Commissioner. The insurance commissioner shall cooperate fully with the tort law and insurance availability commission in its studies and shall supply the commission with any information that it shall require to fulfill its duties.

8 Mileage. The members of the commission shall receive no compensation except for mileage at the legislative rate.

9 Applicability; Medical Injury Actions. Section 2 of this act shall apply to causes of action for medical injury arising on or after the effective date of this act.

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

Amendment adopted.

Ordered to third reading.

HB 330-FN, relative to insanity and to the guilty but mentally ill plea. Ought to Pass with Amendment.

This bill, as amended, raises the standard of proof for persons invoking the insanity defense. The defendant will have the burden of proving he was insane by clear and convincing evidence instead of the current standard, preponderance of the evidence. This change will bring parity into insanity proceedings because at the 5-year recommitment hearing, the State must prove by the same standard that the person is still dangerous and should not be released. The Committee rejected the addition of a new verdict of "guilty but mentally ill" as potentially confusing to the jury and guaranteeing little in the way of treatment for the offenders. Vote 18-1. Rep. Donna P. Sytek for Judiciary.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the insanity defense.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Insanity; Burden of Proof. Amend RSA 628:2, II (supp) as inserted by 1971, 518:1 as amended by striking out said paragraph and inserting in place thereof the following:

II. The defendant shall have the burden of proving the defense of insanity by clear and convincing evidence.

2 Effective Date. This act shall take effect January 1, 1987.

Amendment adopted.

Ordered to third reading.

HB 338, relative to frivolous lawsuits. Ought to Pass with Amendment. This bill is intended to decrease the probability that lawsuits will be brought, or motion made in court, without good reason or merely for the purpose of harassing other parties in tort actions. The amendment makes it clear that the bill would apply to either the plaintiff or the defendant. Vote 16-1. Rep. Francis E. Robinson for Judiciary.



## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

penalizing frivolous lawsuits and  
outlawing punitive damages.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Frivolous Lawsuits and Punitive Damages. Amend RSA 507 by inserting after section 14 the following new subdivision:

## Frivolous Lawsuits and Punitive Damages

507:15 Penalties for Frivolous Actions. If, upon the hearing of any contract or tort action, it clearly appears to the court that the action or any defense is frivolous or intended to harass the prevailing party, then the court, upon motion of the prevailing party or on its own motion, may award against the party who brought such action or raised such defense the amount of costs and attorneys' fees incurred by the prevailing party, provided such costs and fees are reasonable. The trial judge shall also report such conduct to the Supreme Court Committee on Professional Conduct.

507:16 Punitive Damages Outlawed. No punitive damages shall be awarded in any action, unless otherwise provided by statute.

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

Amendment adopted.

Ordered to third reading.

HB 341-FN, abolishing the insanity defense. Refer for Interim Study. This bill's intent is to abolish the insanity defense. The majority of the Committee felt this issue was important enough to merit study. Vote 14-5. Rep. Donnalee M. Lozeau for Judiciary.

Referred for Interim Study.

HB 401-FN, relative to extending committal orders for persons committed for criminal insanity from 5 to 10 years. Ought to Pass with Amendment.

The amendment strikes out the entire original bill and inserts language proposed by the Office of the Attorney General, the Division of Mental Health, and the Department of Corrections to provide closer supervision of persons conditionally released from the forensic unit. Clear lines of responsibility are spelled out, as are procedures to be followed when conditions are violated. This bill, in conjunction with HB 330, constitutes a significant improvement in the way the State handles those who cannot be held criminally responsible for their acts, but who still pose a risk to society. Vote 21-0. Rep. Donna P. Sytek for Judiciary.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to committal orders.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Committal Orders. Amend RSA 651:11-a, IV (supp) as inserted by 1975, 388:4 as amended by striking out said paragraph and inserting in place thereof the following:

IV. The following provisions shall apply after the court renews the order of committal pursuant to paragraph I of this section:

(a) If the court renews the order of committal but finds by clear and convincing evidence that the person's release under certain conditions, including, but not limited to, a prescribed regimen of medical, psychiatric, or psychological care or treatment, would no longer create a substantial risk of bodily injury to himself or another person or serious damage to property of another, the court may:

(1) order that he be conditionally discharged under conditions the court finds appropriate, including any prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, which has been certified to the court as appropriate by the director of the secure psychiatric unit or by the director of such other facility in which he is committed, and which has been found by the court to be appropriate; and

(2) order, as an explicit condition of release, that he comply with the conditions imposed by the court, including any prescribed regimen of medical, psychiatric, or psychological care or treatment.

(b) The court at any time may, after a hearing employing the same criteria as a hearing pursuant to subparagraph (a), modify or eliminate the conditions imposed, including any prescribed regimen of medical, psychiatric, or psychological care or treatment.

(c) The director of the secure psychiatric unit or the director of such other program or facility responsible for administering a condition or regimen imposed on a person conditionally discharged under subparagraph (a) shall notify the attorney general and the court having jurisdiction over the person of any failure of the person to comply with the condition or regimen, or of any other circumstance which creates a reasonable likelihood that it is dangerous for the person to remain conditionally discharged. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the condition or prescribed regimen of medical, psychiatric, or psychological treatment, or that other circumstances exist which create a reasonable likelihood that it is dangerous for the person to remain conditionally discharged, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to the secure psychiatric unit or to another suitable facility on the basis that in light of his failure to comply with the conditions imposed by the court, including any prescribed regimen of medical, psychiatric, or psychological care or treatment, or because of other circumstances, his continued release would create a substantial risk of bodily injury to himself, or another person or serious damage to property of another.

2 Effective Date. This act shall take effect July 1, 1986.

Amendment adopted.

Ordered to third reading.

## SUSPENSION OF RULES

Rep. Sytek moved that the rules be so far suspended as to permit consideration at the present time of HR 19, requesting an opinion of the justices (HB 236), without a public hearing.

Adopted by the necessary two-thirds.

HR 19, requesting an opinion of the justices (HB 236). Ought to Pass. This is a resolution relating to HB 236 which asks the Supreme Court certain questions relating to the constitutionality of the present system of marital masters. It also asks questions concerning the constitutionality of the proposals as set forth in HB 236, which replaces the marital master system with a proposed system of full time marital magistrates that would hear domestic cases. Vote 13-0. Rep. Marc A. Chretien for Judiciary.

## HOUSE RESOLUTION NO. 19

requesting an opinion of the justices.

Whereas, HB 236, an act relative to referees, auditors, and marital masters has been introduced and has been amended by the judiciary committee of the house of representatives and is now pending before the house of representatives for consideration; and

Whereas, HB 236 as amended provides for the appointment of superior court marital magistrates to replace the present marital master system; and

Whereas, Part II, Article 76 of the New Hampshire Constitution allows the general court latitude in establishing court procedures relative to divorce matters; and

Whereas, a question has arisen as to the constitutionality of HB 236 as amended in light of Part II, Article 46 of the New Hampshire Constitution; now, therefore, be it

Resolved by the House of Representatives:

That the Justices of the Supreme Court are respectfully requested to give their opinion and answer the following questions of law:

I. Are presently sitting marital masters judicial officers under Part II, Article 46 of the New Hampshire Constitution?

II. Would marital magistrates as proposed in HB 236 as amended be judicial officers under Part II, Article 46 of the New Hampshire Constitution?

III. If the answer to the second question is yes, is the appointment provision of HB 236 as amended constitutional under Part II, Article 76 of the New Hampshire Constitution?

IV. In all respects other than those to which the preceding questions relate, is HB 236 as amended constitutional on its face?

V. If HB 236 as amended is unconstitutional in any respect, would the deletion or amendment of any provision cure the constitutional defect or defects?

That the clerk of the house of representatives transmit copies of this resolution and copies of HB 236 and the proposed amendment to the justices of the New Hampshire Supreme Court.

Rep. Sytek explained the resolution.

Ordered to third reading.

Rep. Sytek moved that HB 236, referees, auditors and marital masters, be laid upon the table to await the opinion of the Justices.

Adopted.

HB 64, relative to unemployment compensation. Ought to Pass with Amendment.



House Bill 64 clarifies certain sections of RSA 282-A relative to unemployment compensation and includes lump sum payments received from workers' compensation from the term "wages" and "annual earnings" as used for unemployment compensation purposes. The bill also includes language changes that will make the New Hampshire statute conform with federal requirements. The Committee felt this bill, as amended, did clarify this section of the law and voted ought to pass with amendment. Vote 9-4. Rep. Robert S. Hawkins for Labor, Industrial and Rehabilitative Services.

#### Amendment

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Retirement Pay. Amend RSA 282-A:28 (supp) as inserted by 1981, 408:3 as amended by striking out said section and inserting in place thereof the following:

282-A:28 Retirement Pay.

I. The maximum weekly benefit amount of any individual who is receiving a government or other pension, retirement or retired pay, annuity, or any similar periodic payment based on previous work shall be reduced by an amount equal to such pension, retirement or retired pay, annuity or other payment which the commissioner finds can be reasonably said to apply to such week. In the case of such a payment, not made under the Social Security Act or the Railroad Retirement Act of 1974, if the base period employer or chargeable employer under RSA 282-A:74 does not contribute to the fund from which such payments are made, this provision shall not apply.

II. If the employee contributed 50 percent or more to a pension or other retirement pay as described in paragraph I, no portion of said payments shall be deducted from the individual's maximum weekly benefit amount.

4 Reference Change. Amend RSA 282-A:60 (supp) as inserted by 1981, 408:3 as amended by striking out said section and inserting in place thereof the following:

282-A:60 Reopening of Appeal Tribunal Decision; Procedure. The second level of appeal shall be to the commissioner. The commissioner may, upon written request of an interested party or upon his own initiative, in any case in which a decision has been rendered, reopen the case on the basis of fraud, mistake, or newly discovered evidence. Such request shall set forth the facts or argument considered to be the basis for the reopening. The commissioner shall not consider any request for reopening unless it is received in his office within 14 calendar days immediately following the date of the mailing of the appeal tribunal's decision. The commissioner shall promptly notify in writing all interested parties of the request for reopening.

5 Reimbursement of Funds. Amend RSA 282-A:73 (supp) as inserted by 1981, 408:3 by striking out said section and inserting in place thereof the following:

282-A:73 Credit for Other Funds Received.

I. The state and all other employers who have reimbursed the unemployment compensation fund for benefits paid shall be given a credit against future billing, or, in whole or in part, shall be given a refund at the discretion of the commissioner in an amount equal to the amount of such benefits which are repaid to the unemployment compensation fund from any other source.

II. The provisions of RSA 282-A:75 and RSA 282-A:76 shall not apply to an employer electing reimbursement under RSA 282-A:69, II, RSA 282-A:70, RSA 282-A:71, or RSA 282-A:72.

6 Employer May be Relieved of Charges for Overpayments. Amend RSA 282-A:76 (supp) as inserted by 1981, 408:3 by striking out said section and inserting in place thereof the following:

282-A:76 Overpayments Chargeable to Fund. The account of the most recent employer may, at the discretion of the commissioner, be relieved of charges where benefits are determined to be overpayments as a result of the application of any provision of this chapter, and such benefits shall be charged against the fund.

7 Computation Date. Amend RSA 282-A:86 (supp) as inserted by 1981, 408:3 by striking out said section and inserting in place thereof the following:

282-A:86 Computation Date. The computation date shall be January 31. The total for all past years of all benefits charged as of the computation date against an employer's separate account shall be subtracted from the total of all contributions paid on an employer's own behalf and credited as of the computation date to his separate account for all past years. If benefits so charged exceed contributions so credited, the excess shall be computed as a percent of the employer's average annual payroll which percent shall determine his contribution rate as provided in RSA 282-A:87, II. Every employer whose contribution rate is included in RSA 282-A:87, II, and whose separate account has for the 3 years preceding the computation date had an excess of benefits to contributions shall have a contribution rate as provided in RSA 282-A:87, III. If contributions so credited exceed benefits so charged, the excess shall be computed as a percent of the employer's average annual payroll, which percent shall determine his contribution rate as provided in RSA 282-A:87, I.

8 Contribution Rates. Amend RSA 282-A:87, III (supp) as inserted by 1985, 340:11 by striking out said paragraph and inserting in place thereof the following:

III.

Schedule III.

Percent of Average Annual Pay Roll Equals or Exceeds	Contribution Rate
1%	3.8%
2	3.9
3	4.0
4	4.1
5	4.2
6	4.3
7	4.4
8	4.5
9	4.6
10	4.7
11	4.8
12	4.9
15	5.0
18	5.1
21	5.2
23	5.3
26	5.5
29	5.6
31	5.7
33	5.8
35	6.0
36	6.2
37	6.3
38	6.4
40	6.5
46	6.6
50	6.7
50	6.8

70	6.9
80	7.0
100	7.5

9 Effective Date. This act shall take effect July 1, 1986.

Amendment adopted.  
Ordered to third reading.

HB 173-FN, relative to equal treatment for persons seeking employment.  
Refer for Interim Study.

House Bill 173 was recommitted to the Committee on March 5, 1986 to consider a floor amendment introduced by Rep. Michael King which did not have Committee consideration. An additional amendment was presented by the sponsor at the Committee executive session on March 12, all dealing with part-time unemployment benefits. It was felt strongly by the majority of the Committee that a rehearing should be held on two amendments which changed the total intent of the original bill and that interim study would be the best vehicle to explore any such major change in the New Hampshire Unemployment Compensation Law. Vote 9-5. Rep. Robert S. Hawkins for Labor, Industrial and Rehabilitative Services.

Referred for Interim Study.

HB 6-FN, relative to financial disclosure. Ought to Pass with Amendment.

The Committee wrestled with the major question of voluntary disclosure versus mandatory disclosure and came down almost unanimously for the former. The Committee did support overwhelmingly the mandatory requirement for testimonial and honorarium receipts. The amended bill requires NO dollar amounts, no percentages, simply combined sources of the elected official and spouse. Vote 11-1. Rep. James A. Chandler for Legislative Administration.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapters. Amend RSA by inserting after chapter 15 the following new chapters:

#### CHAPTER 15-A FINANCIAL DISCLOSURE

15-A:1 Definitions. In this chapter:

I. "Business" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, or any legal entity organized for profit.

II. "Business with which a person is associated" means any business in which the person or a member of the person's immediate family is a director, officer, owner, trustee, or employee.

III. "Candidate" means any person publicly declared as such and for whom votes are sought in an election for the offices set forth in RSA 15-A:1, IV.

IV. "Elected official" means the governor, members of the executive council, members of the general court, county commissioners, county sheriffs, county treasurers, county attorneys, registers of deeds, and registers of probate.



V. "Gift" means a payment or deposit of money, services, or anything of value, unless consideration of equal or greater value is received. For the purposes of RSA 15-A:3, I(c), each gift includes the aggregate amount of all gifts from any one donor over the entire reporting period. "Gift" shall not include income from testimonials, honorariums, or political contributions otherwise reported as required by law; a commercially reasonable loan made in the ordinary course of business; or a gift received from a member of the person's immediate family or from a person's parent, aunt, uncle, grandparent, great grandparent, sibling, son, or daughter, or from the spouse of any such relative.

VI. "Income" means any money or thing of value received, or to be received as a claim on future services in excess of \$1,000, whether in the form of a fee, salary, expense, allowance, forbearance, forgiveness, royalty, capital gain, or any other form of recompense and includes income from pensions, annuities, and real estate net income in excess of \$5,000. "Income" shall not include an individual's salary when the salary is a matter of public record.

VII. "Person" means a business, individual, corporation, union, association, firm, partnership, committee, club, or other organization or group of persons.

VIII. "Public official" means the house clerk, the senate clerk, the house sergeant-at-arms, the senate sergeant-at-arms, the secretary of state, and the state treasurer.

IX. "Spouse" means a husband or wife residing in the household of a person required to file a statement of financial interests under this chapter.

15-A:2 Optional Financial Disclosure; Candidates; Elected Officials.

I. Each candidate shall file, at the time of filing a declaration of candidacy under RSA 655:17 or a declaration of intent under RSA 655:17-a, a statement of intent to make financial disclosure stating whether or not the candidate shall file a financial disclosure statement as set forth in RSA 15-A:6. Any candidate who agrees to make a financial disclosure and whose name shall appear on a general election ballot shall file the financial disclosure required under this chapter with the secretary of state within 15 days of the candidate's receiving notice that he has been nominated by a party primary or that his name shall be listed on a general election ballot. Any candidate who agreed to file a financial disclosure and who does not file a statement within the required 15-day period shall be guilty of violating RSA 666:6.

II. Each elected official who as a candidate agreed to file a financial disclosure under this section shall also file a statement under RSA 15-A:5 and 7, on or before October 1 of the year following his election.

15-A:3 Optional Financial Disclosure; Candidates in Special Elections; Elected Officials.

I. Each candidate who is nominated for a special election under RSA 655:81 shall file, at the time of filing a declaration of candidacy under RSA 655:17 or a declaration of intent under RSA 655:17-a, a statement of intent to make financial disclosure stating whether or not the candidate shall file a financial disclosure statement as set forth in RSA 15-A:6. Any candidate who agrees to make a financial disclosure and whose name shall appear on a special election ballot shall file the financial disclosure required under this chapter with the secretary of state within 15 days of the candidate's receiving notice that he has been nominated by a party primary or that his name shall be listed on a special election ballot. Any candidate who agreed to file a financial disclosure and who does not file a statement within the required 15-day period shall be guilty of violating RSA 666:6.

II. Each elected official who as a candidate agreed to file a financial disclosure under this section shall file the statement under RSA 15-A:5 and 7, on or before each October 1, provided that no official shall be required to file a financial disclosure under this section more than once in the same calendar year.

15-A:4 Optional Financial Disclosure; Public Officials. Each public official shall have the option of filing a statement of financial interests under RSA 15-A:5 and 7 within 30 days of his election for the official's federal tax year preceding the time of his election.

15-A:5 Statement of Financial Interests; Information Required.

I. The statement of financial interests shall include the following information for the preceding federal tax year with regard to the combined financial interests of the person required to file the statement and the person's spouse:

(a) The name, address, and nature of association in any business with which the person was associated.

(b) The name of any person from whom income was received.

Nothing in this paragraph shall be construed as requiring a person to disclose gross income or individual sources of income in dollar amounts or income from an individual's salary when the salary is a matter of public record.

(c) The donor of gifts as defined in RSA 15-A:1, V exceeding \$100 in value.

(d) The nature of any interest in excess of \$5,000 in stocks, bonds, or other liquid securities. For the purposes of this section, liquid securities means any evidence of a secured indebtedness or a right to participate in profits, such as stock certificates or bonds.

(e) The nature of any unsecured liability in excess of \$5,000. For the purposes of this section, unsecured liabilities are promises to pay which have no real or personal property securing the obligation.

II. A person may comply with this chapter by indicating on the statement that there is no change in financial interests from those listed in a statement filed for the preceding year.

15-A:6 Statement of Intent. Each candidate and each elected official shall file a statement in substantially the following form as set forth in RSA 15-A:2 and 3. No spaces shall be left blank on the form; however, "not applicable" may be entered when appropriate.

#### Declaration of Intent to Make Financial Disclosure

NAME \_\_\_\_\_  
 CANDIDATE FOR (OFFICE) \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 OCCUPATION \_\_\_\_\_  
 EMPLOYER \_\_\_\_\_  
 PRINCIPAL SOURCE OF INCOME \_\_\_\_\_  
 I agree to make a financial disclosure under RSA 15-A:5 \_\_\_\_\_  
 I decline to make a financial disclosure under RSA 15-A:5 \_\_\_\_\_  
 Date \_\_\_\_\_ Signature \_\_\_\_\_

15-A:7 Combined Statement of Financial Interests. Each candidate, elected official and public official agreeing to make a financial disclosure, shall file a statement in substantially the following form. The statement shall list the combined financial interests of the person reporting and that person's spouse. No spaces shall be left blank on the form; however, "not applicable" may be entered when appropriate.

#### STATEMENT OF FINANCIAL INTERESTS (use additional paper as necessary)

Name \_\_\_\_\_  
 Spouse's name \_\_\_\_\_  
 Address \_\_\_\_\_

(1) Business Associations

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Nature of Association \_\_\_\_\_

(2) Income sources (not to include any salary income which is a matter of public record)

Name of Actual Source  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) Sources of gifts in excess of \$100

Donor  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(4) Nature of Liquid Securities exceeding \$5,000

Name of Security  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(5) Unsecured Liabilities in excess of \$5,000

Creditor \_\_\_\_\_

Date \_\_\_\_\_ Signature of candidate or official \_\_\_\_\_

Date \_\_\_\_\_ Signature of spouse \_\_\_\_\_

15-A:8 Forms; Place of Filing. The secretary of state shall furnish all forms required under this chapter. All persons filing a statement under this chapter shall file with the secretary of state.

15-A:9 Implementation Committee. There shall be an implementation committee composed of 4 members of each body of the general court appointed by the presiding officers. At least one person appointed by each presiding officer shall be a member of the minority party. The secretary of state shall also serve as a regular member of the committee. The members of the committee shall select a chairman from among its members. The implementation committee may make nonsubstantive changes in the forms required by this chapter. The implementation committee shall develop an explanatory page of information and instructions for the forms and samples of completed forms which shall be distributed with the forms furnished by the secretary of state.

15-A:10 Penalty. Any person failing to comply with the provisions of this chapter or filing a false statement shall be guilty of a misdemeanor.



CHAPTER 15-B  
MANDATORY DISCLOSURE OF TESTIMONIALS AND HONORARIUMS

15-B:1 Definitions.

I. "Candidate" means any person publicly declared as such and for whom votes are sought in an election for the offices set forth in RSA 15-B:1, II.

II. "Elected official" means the governor, members of the executive council, members of the general court, county commissioners, county sheriffs, county treasurers, county attorneys, registers of deeds, and registers of probate.

III. "Gross income" means all payments or deposits of money, services, or anything of value, unless consideration of equal or greater value is received, as a result of a testimonial or as an honorarium, before the payment of any expenses associated with the event. "Gross income" shall not include income from testimonials, honorariums, or political contributions otherwise reported as required by law; a commercially reasonable loan made in the ordinary course of business; or a gift received from a member of the person's immediate family or from a person's parent, aunt, uncle, grandparent, great grandparent, sibling, son, or daughter, or from the spouse of any such relative.

IV. "Honorarium" means a payment to a candidate, elected official, or public official for services on which no fee is set or legally obtainable.

V. "Public official" means the house clerk, the senate clerk, the house sergeant-at-arms, the senate sergeant-at-arms, the secretary of state, and the state treasurer.

VI. "Spouse" means a husband or wife residing in the household of a person required to file a statement of financial interests under this chapter.

VII. "Testimonial" means an affair of any kind or nature including, but not limited to, cocktail parties, breakfasts, luncheons, dinners, dances, or picnics intended to raise funds on behalf of an elected official or public official.

15-B:2 Mandatory Financial Disclosure; Candidates; Elected Officials.

I. Any candidate who has received any income as a result of a testimonial or honorarium during his preceding federal tax year and whose name shall appear on a general election ballot shall file the financial disclosure required under this chapter with the secretary of state within 15 days of the candidate's receiving notice that he has been nominated by a party primary or that his name shall be listed on a general election ballot. Any candidate who does not file a statement within the required 15-day period shall be guilty of violating RSA 666:6.

II. Each elected official who has received any income as a result of a testimonial or honorarium during his preceding federal tax year shall also file a statement under RSA 15-B:6 on or before October 1 of the year following his election.

15-B:3 Mandatory Financial Disclosure; Candidates in Special Elections; Elected Officials.

I. Any candidate who has received any income as a result of a testimonial or honorarium during his preceding federal tax year and whose name shall appear on a special election ballot shall file the financial disclosure required under this chapter with the secretary of state within 15 days of the candidate's receiving notice that he has been nominated by a party primary or that his name shall be listed on a special election ballot. Any candidate who does not file a statement with the required 15-day period shall be guilty of violating RSA 666:6.

II. Each elected official who has received any income as a result of a testimonial or honorarium during his preceding federal tax year shall file the statement under RSA 15-B:6 on or before each October 1, provided that no official shall be required to file a financial disclosure under this section more than once in the same calendar year.



HB 302, relative to water improvement bonds issued by municipalities. Refer for Interim Study.

The Water Supply and Pollution Control Commission informs that about 75 million dollars of water supply/quality projects are expected within the next five years. The State Treasurer provided data concerning the financial benefit a state guarantee would provide municipalities bonding such projects, and also indicated concern and possible adverse effect on the state's efforts to raise New Hampshire bond rating to AAA if the contingent liability were increased. The Committee believes that state policy should eventually provide for state guarantee of water improvement bonds just as it presently does for pollution control and school construction projects, but not just yet; too many uncertainties. Vote 13-2. Rep. Richard A. Grodin for Municipal and County Government.

Rep. Keans moved that the words, Ought to Pass, be substituted for the Committee report, Refer for Interim Study, spoke to her motion and withdrew her motion.

Referred for Interim Study.

HB 313, relative to probationary licenses for "at risk" drivers. Ought to Pass with Amendment.

This bill provides that any person who applies for reissuance of his driver's license following suspension or revocation of his license for a DWI conviction shall hold a probationary license for 3 years from the date of reissuance. Under current law, such a person would hold a probationary license for life. The amendment deletes the portion of the bill labeling any driver under the age of 21 as an "at risk" driver and placing them under the statutes as a holder of a probationary driver. The Committee felt this group should be presumed innocent until proven guilty. Vote 12-2. Rep. Roger Stewart for Transportation.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Probationary Licenses. Amend RSA 263:14-a, I (supp) as inserted by 1985, 242:2 by striking out said paragraph and inserting in place thereof the following:

I. Any person whose driver's license has been revoked or suspended for an offense under RSA 265:79, RSA 265:82 or RSA 265:82-a shall be considered an "at risk" driver. When such person is eligible for restoration of his driver's license, he shall apply for a new license. Any new license issued to an "at risk" driver shall contain a designation on the license in such form as the director determines, indicating that the person is an "at risk" driver. The license shall be effective for the time period specified in RSA 263:10, after which time the designation shall be removed.

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

Amendment adopted.

Ordered to third reading.

HB 344, establishing state speed limits consistent with the national maximum speed limit. Refer for Interim Study.

The sponsors argued that this bill is important to avoid the loss of federal highway funds for noncompliance with the 55 mph national speed limit. The Committee feels enough concerns were raised to warrant further study of this issue. In particular the Committee would like to



review the legislation in other states to see how they handle this situation. Vote 12-1. Rep. Ralph W. Pearson for Transportation.

Referred for Interim Study.

HB 366, relative to the sale of rail properties in the state. Ought to Pass with Amendment.

House Bill 366, as amended, provides and defines a system and time frame to handle the sale of rail properties in the State. It provides that rail properties be offered to the State in their entirety before being offered to a secondary prospective buyer after the established time allocation. Vote 9-5. Rep. Ralph W. Pearson for Transportation.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the sale of rail properties in the state and providing an option for municipalities to purchase rights of way.

Amend RSA 228:60-b as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

228:60-b Purchase Price for Rail Properties.

I. All rail properties within the state offered for sale by any railway corporation after July 23, 1983, shall be offered for sale in their entirety and without any partial severance to the state of New Hampshire in the first instance. The state shall have 2 years from the date the rail properties are offered for sale to exercise this option to buy, which may be extended for 6 months by the railroad company. The state of New Hampshire, acting through the commissioner with the approval of the governor and council, shall have a right to match any verifiable bona fide offer made for such rail properties within the limits of funds available to the commissioner for this purpose. If the amount of the offer is unsatisfactory to the state, the commissioner may proceed to condemn such properties under RSA 228:59.

II. In the case of abandoned rail properties, if the state does not exercise its option to buy the rail properties pursuant to paragraph I, the municipality in which the rail properties are located shall have the second option to purchase the railroad right of way within that municipality. This option shall be available for a period of one year from the last date the option is available to the state.

Amendment adopted.

Ordered to third reading.

HB 373-FN, providing for a single annual motor vehicle inspection and changing the inspection sticker fee. Inexpedient to Legislate.

The Committee has spent a lot of time investigating the many ramifications of the bill. The feeling is that the bill, as written, has some provisions that will badly weaken a system that is working. There is another bill coming to the Committee that it hopes to present for passage later in this session. Vote 7-4. Rep. Irvin H. Gordon for Transportation.

Rep. Daniel Eaton moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Sara Townsend spoke in favor of the motion and yielded to questions.

Rep. Irvin Gordon spoke against the motion.

Rep. Sara Townsend requested a roll call. Sufficiently seconded.

YEAS 255 NAYS 62

YEAS 255

BELKNAP: Birch, Bolduc, Bowler, Brough, Dexter, Hardy, Malcolm Harrington, Hawkins, Jensen, Nighswander, Pearson and Zeckhausen.

CARROLL: Ashnault, Russell Chase, Robert Holmes, McIntire, Powers and Schofield.

CHESHIRE: Blacketor, Burley, Jesse Davis, Delano, Daniel Eaton, Frink, Grodin, Elmer Johnson, Matson, Miller, Parker, Perry, Ramsay, Ridge, William Riley, Russell, Schwartz, Scranton, William Sullivan, Thompson and Young.

COOS: Brideau, Brungot, Harold Burns, Chappell, Frederic Foss, Guay, Horton, Mayhew, Ottolini and Theriault.

GRAFTON: Bean, Chambers, Christy, Copenhaver, Crory, Densmore, Driscoll, Easton, Michael King, LaMott, Stewart, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Bass, Beaupre, Boisvert, Bourdon, Bourque, Boutwell, Bridgewater, A. Leslie Burns, John Burns, Carragher, Charron, Chretien, Cote, Cox, Cronin, Duperron, Dwyer, Joseph M. Eaton, Nancy Ford, Gagnon, Scott Green, Grip, Healy, Herod, Holden, Humphrey, Jasper, George Jones, Katsiaficas, Kelley, Knight, Lown, Lozeau, Martin, Howard Mason, McGlynn, Messier, Elizabeth Moore, Morrissette, Robert Murphy, Nute, O'Rourke, Bonnie Packard, Pappas, Paradis, Pariseau, Pellow, Perham, Prestipino, Raiche, Reardon, Frances Riley, Ellen-Ann Robinson, G. Philip Rodgers, Sallada, Shriver, B. P. Smith, Snow, Steiner, Stiles, Stonner, Mary Sullivan, Sylvia, Turgeon, Van Loan, Vanderlosk, Varkas, Wagner, Geraldine Watson, Emma Wheeler, Kenneth Wheeler, Arnold Wight, Wood, Worthen and Zis.

MERRIMACK: Anderson, Barberia, Bardsley, Bibbo, Laurent Boucher, Bowes, Connolly, George E. Gordon, Gross, Hayes, Alf Jacobson, Jelley, C. William Johnson, Kidder, Kinhan, Lewis, Arthur Locke, Millard, Nichols, Pannell, Pantzer, Phelps, Rehlander, Doris Riley, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: Benton, Blanchard, William Boucher, Butler, Eunice Campbell, Case, Clay, Conroy, Day, Ellyson, Felch, Flanagan, Flanders, Thomas Gage, Gourdeau, Elizabeth Greene, Hollingworth, Robert Johnson, Kane, George Katsakiores, Roger King, Krasker, Longworth, Magoon, Malcolm, Robert Mason, Jr., McCain, Nagel, Palumbo, Popov, Quimby, Raynowska, Norman Rogers, Rosencrantz, Sanderson, Schmidtchen, Seward, Sherburne, Skinner, Sochalski, Stachowske, Sytek, Tufts, Vaughn, Walker, Welch and Woodward.

STRAFFORD: Bates, Berkey, Bryant, Burton, Callaghan, Chamberlin, Diament, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Robert Jones, Keans, Kincaid, Laurion, Lussier, Meader, O'Brien, Pelley, Spear, Henry Sullivan, Ann Torr and Franklin Torr.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, Paul Johnson, Lindblade, McKee, Mehegan, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend.

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BELKNAP: Richard Campbell, Golden, Holbrook and Randall.

CARROLL: Gene Chandler, Dickinson, Hounsell, Kenneth MacDonald and Saunders.

CHESHIRE: Crane, Irvin Gordon, Morse and Secord.

COOS: Chardon, Coulombe, Lamontagne and York.

GRAFTON: McAvoy, Rounds, Scanlan, Howard Townsend and Wadsworth.

HILLSBOROUGH: Barry, Blais, Crotty, Dykstra, Clyde Eaton, Fields, Fried, Marian Harrington, Keefe, Labombarde, Levesque, Nelson, Leonard Smith and Harold Watson.

MERRIMACK: Gilbreth, Mary Holmes, Linwood Rogers, Savaria and Gerald Smith.

ROCKINGHAM: Blaisdell, Marilyn Campbell, Lawrence A. Chase, Jr., Emanuelson, Beverly Gage, Goss, Haynes, Hoar, Phyllis Katsakiores, Lovejoy, McKinney, Newell, Schwaner, Sloan, Warburton and Wells.

STRAFFORD: Appleby, Frechette, Francis Robinson and Whiting.

SULLIVAN: Ingram, and the motion was adopted.  
Ordered to third reading.

HB 220-FN, relative to Route 16 road improvement and making an appropriation therefor. Recommended but to be Laid on the Table because not funded.

Date for this project is 1987. The money, effort and description of which is in HB 509-FN. Vote 20-0. Rep. Paul I. LaMott for Appropriations.

Adopted.

HB 458-FN, relative to imposing a water use permit fee and amending the federal boat numbering system. Ought to Pass with Amendment. The Appropriations Committee amended HB 458-FN and removed references to a revolving fund. \$65,000 of the new revenue realized from the increase in water use permit fees was appropriated to the 1987 operating budget for current expenses (Class 20) and equipment (Class 30). Any additional revenue from the increased fees will be appropriated in the 1988-1989 operating budget. Vote 15-0. Rep. Margaret A. Ramsay for Appropriations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to imposing a water use permit fee; amending the federal boat numbering system; and making a supplemental appropriation therefor.

Amend the bill by striking out sections 10 and 28 and renumbering sections 11 through 32 as follows:

10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, respectively.

Amend the bill by striking out section 30 and inserting in place thereof the following:

30 Supplemental Appropriation. In addition to any other sums appropriated to PAU 02,15,03,01 the following sums are hereby appropriated



to the following classes for the fiscal year ending June 30, 1987. The governor is authorized to draw his warrant for said sums out any money in the treasury not otherwise appropriated:

20	Current expenses	15,000
30	Equipment	50,000

31 Effective Date. This act shall take effect January 1, 1987.

Amendment adopted.  
Ordered to third reading.

HB 81, relative to insurers assessing points for speeding. Refer for Interim Study.

The Committee is generally dissatisfied with the automobile insurance pricing practices currently in force and wishes to take a comprehensive look at this situation. House Bill 81 deals with only one of many components which determine automobile insurance rates; passage of House Bill 81 would skew the relationship of the other components in the rate setting process and could create many more problems. Vote 12-0. Rep. Vincent J. Palumbo for Commerce, Small Business and Consumer Affairs.

Rep. Alf Jacobson spoke in favor of the report and yielded to questions.

Referred for Interim Study.

#### RECONSIDERATION

Rep. Bryant moved that the House reconsider its action whereby it killed HB 54, relative to nursing home care costs paid by counties, and spoke to her motion.

Reps. Densmore, LaMott, Disnard and Michael King spoke in favor of the motion.

Reps. Kidder and Rounds spoke against the motion.

Rep. Schmidtchen spoke to the motion.

Rep. Kane spoke against the motion and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

The Chair requested a division.

117 members having voted in the affirmative and 197 in the negative, the motion for reconsideration lost.

The Goffstown Delegation offered the following:

#### HOUSE RESOLUTION NO. 21

memorializing former State Representative  
Robert W. Wheeler of Goffstown.

WHEREAS, we have learned with great sorrow of the death of former State Representative Robert W. Wheeler who honorably served in the New Hampshire House of Representatives for five consecutive terms between 1975 and 1984, and

WHEREAS, during his tenure as a loyal public servant, Robert W. Wheeler served his constituents in District Six of Hillsborough County as a hard-working and energetic member of the Standing Committee on Labor, Human Resources and Rehabilitation, and

WHEREAS, having been a citizen of Goffstown, New Hampshire for most of his sixty-seven years, Robert W. Wheeler served his community in a dedicated and caring fashion as a member of the town Budget Committee, and as Moderator of the Grasmere Village Water Precinct, and

WHEREAS, Robert W. Wheeler served in the United States Navy during World War II and then became a member of the George F. Cochrane VFW Post in Goffstown, and

WHEREAS, Robert W. Wheeler was known always to be friendly, down-to-earth and eager to extend a helping hand to all who needed one, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Robert W. Wheeler be publicly lauded for his outstanding legislative record, and abundance of community spirit, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family and that a copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Reps. Blaisdell, Thomas Gage, Kane, Magoon and Tufts offered the following:

HOUSE RESOLUTION NO. 22

memorializing former State Representative  
F. Leroy Junkins of Exeter.

WHEREAS, we have learned with sorrow of the death of F. Leroy Junkins, who for the five consecutive bienniums between 1965 and 1974 was elected to the New Hampshire House of Representatives, and

WHEREAS, being a dedicated public servant, F. Leroy Junkins served with distinction as an esteemed member of the Standing Committee on Resources, Recreation and Development, sitting as Vice Chairman for one term, and

WHEREAS, having lived most of his eighty-seven years in the community of Exeter, F. Leroy Junkins was a civic-minded resident who served forty years as Town Treasurer and ten years as Town Water Commissioner, abundantly giving of his time, energy and leadership, and

WHEREAS, F. Leroy Junkins was a member of the National Society of the Sons of the American Revolution, the Exeter Historical Society, the New Hampshire Funeral Directors Association, the Star in the East Lodge, the Bektash Temple and the Portsmouth Shrine Club, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that F. Leroy Junkins be publicly commended for his exemplary leadership and devoted service to his community and his state, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Rounds offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

LATE SESSION

Third reading and final passage

HB 43-FN, relative to supervision and control of probationers and parolees and adjusting current appropriations to the department of corrections and making an appropriation therefor.

HB 119, relative to replacing the Hampton beach seawall and making an appropriation therefor.

HB 151-FN, establishing a growth planning commission to assist cities and towns.

HB 157, relative to marine repairs and dredging and making an appropriation therefor.

HB 178-FN, relative to information services at highway rest areas, appropriating fees for these services, and establishing a study committee on specific information signs.

HB 240-FN, relative to a select commission to study probation and relative to state reimbursement of municipalities for the costs of local probation services and making an appropriation therefor.

HB 245-FN, relative to a natural heritage inventory.

HB 248-FN, creating a nonlapsing fund to provide handicapped persons with gainful state employment and making an appropriation therefor.

HB 327-FN, relative to a study of the highways and bridges in the Hanover-Lebanon area and making an appropriation therefor.

HB 438-FN, relative to New Hampshire retirement system benefits.

HB 456-FN, relative to minimizing and abating health hazards related to asbestos.

HB 458-FN, relative to imposing a water use permit fee; amending the federal boat numbering system; and making a supplemental appropriation therefor.

HB 107, relative to coordinated registration of corporations and limited partnerships and establishing a bond posting requirement for broker-dealers and investment advisors.

HB 371-FN, relative to mail order address disclosure.

HB 390-FN, to permit designation of enterprise zones by the director of economic development, department of resources and economic development.

HB 484-FN, creating an office of federal-state financial information in the office of state planning.

HB 296, relative to annulments of criminal records.

HB 444-FN, relative to court administration.

HB 477-FN, relative to a temporary unemployment compensation crises assessment.

HB 206, allowing city councils to establish penalties for the violation of municipal codes.

HB 349, relative to the siting of manufactured housing.

HB 426-FN, relative to the Concord regional solid waste/resource recover cooperative.

HB 488-FN, relative to eligibility for financial assistance from towns and cities.

HB 22, authorizing the state liquor commission to operate 2 new liquor stores and authorizing the state liquor commission to maintain and expand available opportunities for retail store locations.

HB 66-FN, relative to special prizes, license suspension and enabling bingo licensees to obtain a license valid for one year.

HB 451-FN, relative to the delivery of wine purchases of a licensee, and price restrictions of wine licenses for restaurants on manufacturers' or wholesalers' premises; and requirements for special agents of the liquor commission.

HB 257, enacting the driver license compact.

HB 98-FN, making an additional appropriation for foundation aid.

HB 218-FN, making supplemental appropriations, amending the operating budget, and amending capital appropriations.

HB 405-FN, to provide for the comprehensive study of the SAU structure within the state of New Hampshire and to hire an independent consultant to report to the house education committee and making an appropriation therefor.

HB 497-FN, relative to retirement benefits for certain legislative and constitutional officers.



HB 509, establishing a 10-year state highway construction and reconstruction plan and making an appropriation for certain projects.

HB 412-FN, relative to reporting requirements of corporations and limited partnership.

HB 502, relative to dealing in direct import vehicles.

HB 24, establishing a department of safety.

HB 440-FN, establishing an office of administration and support and an office of health and human services planning within the department of health and human services.

HB 503-FN, relative to child care licensing.

HB 226-FN, consolidating the mental health laws and continuing a study committee.

HB 7, relative to alcohol beverage licensee liability.

HB 53, relative to limitations on liability.

HB 91, relative to service of civil process.

HB 123, amending the right to know law.

HB 160, repealing certain statutory rules of evidence.

HB 185, relative to alimony and property settlements and fault grounds in divorce.

HB 269, relative to written policy directives to police officers.

HB 307, relative to a duty to protect third persons.

HB 329-FN, relative to commercial general liability insurance, medical injury actions, and a commission on tort law and insurance availability.

HB 330-FN, relative to the insanity defense.

HB 338, penalizing frivolous lawsuits and outlawing punitive damages.

HB 401-FN, relative to committal orders.

HR 19, requesting an opinion of the justices.

HB 64, relative to unemployment compensation.

HB 6-FN, relative to financial disclosure.

HB 313, relative to probationary licenses for "at risk" drivers.

HB 366, relative to the sale of rail properties in the state and providing an option for municipalities to purchase rights of way.

HB 373-FN, providing for a single annual motor vehicle inspection and changing the inspection sticker fee.

Rep. Rounds moved that the House stand in recess for the purpose of Enrolling Reports, Senate Messages and Introduction of Senate Bills only.  
Adopted.

The House recessed at 5:20 p.m.

RECESS

(Rep. Malcolm in the Chair)

SENATE MESSAGES  
CONCURRENCE

HCR 1, relative to enactment of federal legislation implementing a household hazardous waste coding system.

CONCURRENCE WITH AMENDMENT

SB 36, establishing a division of personnel.

REQUESTS CONCURRENCE

SB 132, relative to nursing assistant programs and making an appropriation therefor.

SB 22, establishing a committee to evaluate the foundation aid formula.

SB 59, relative to the consumer advocate and an assistant consumer advocate.

SB 103, relative to utility exemptions from zoning ordinances.

SB 130, relative to state guarantees for municipal pollution control projects, state aid for the town of Newport pollution abatement program, and amending RSA 149 to conform to the federal water pollution control act.

SB 128, relative to the salary and terms of office of the state treasurer and secretary of state and relative to health screening for members of the general court.

SB 81, relative to mooring on certain great ponds in New Hampshire and making an appropriation therefor.

SB 120, relative to the issuance of a building permit.

SB 62, requiring the city of Berlin to hold a referendum relative to consolidating their water and sewer departments.

SB 111-FN, establishing an advisory committee on state economic development and local population growth.

SB 35, relative to the good samaritan statute.

SB 41, increasing the appropriation for the construction of regional vocational education centers.

SB 31, relative to notice to prospective purchasers of land in current use.

SB 24, relative to the vandalism, defacement, or destruction of any part of the "Old Man of the Mountain."

SB 63, relative to embalmers and funeral directors.

SB 124-FN, relative to railroad improvements.

SB 126-FN, relative to reporting of certain income received by elected officials.

SB 140-FN, providing for annual inspections for new motor vehicles and semi-annual inspections for other motor vehicles and appropriating funds for new inspection decals.

SB 109, providing for notice of local land use board hearings to be given to condominium unit owners' associations.

SB 137, creating a committee to evaluate the certificate of need process and providing for the termination of the certificate of need process if the general court fails to act by June 30, 1987.

SB 21, authorizing safety improvements to Route 4 from Concord to Portsmouth and the construction of a bridge between the towns of Plymouth and Holderness and making an appropriation therefor.

SB 34, authorizing a study for spur road between the city of Somersworth and the Spaulding turnpike.

SB 61, establishing a 10-year construction and reconstruction program for the New Hampshire turnpike system and making an appropriation for certain projects.

SB 135, abolishing the insanity defense and providing for a verdict of guilty but mentally ill.

SB 25, creating the Connecticut River Valley resource authority and making an appropriation therefor and relative to block voting on the fiscal committee.

Rep. Thomas Gage offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate bills numbered 132, 22, 59, 103, 130, 128, 81, 120, 62, 111, 35, 41, 31, 24, 63, 124, 126, 140, 109, 137, 21, 34, 61, 135 and 25, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS  
First, second reading and referral

SB 132, relative to nursing assistant programs and making an appropriation therefor. (Health and Human Services)

SB 22, establishing a committee to evaluate the foundation aid formula. (Education)

SB 59, relative to the consumer advocate and an assistant consumer advocate. (Commerce, Small Business and Consumer Affairs)

SB 103, relative to utility exemptions from zoning ordinances. (Commerce, Small Business and Consumer Affairs)

SB 130, relative to state guarantees for municipal pollution control projects, state aid for the town of Newport pollution abatement program, and amending RSA 149 to conform to the federal water pollution control act. (Resources, Recreation and Development)

SB 128, relative to the salary and terms of office of the state treasurer and secretary of state and relative to health screening for members of the general court. (Appropriations)

SB 81, relative to mooring on certain great ponds in New Hampshire and making an appropriation therefor. (Resources, Recreation and Development)

SB 120, relative to the issuance of a building permit. (Municipal and County Government)

SB 62, requiring the city of Berlin to hold a referendum relative to consolidating their water and sewer departments. (Municipal and County Government)

SB 111-FN, establishing an advisory committee on state economic development and local population growth. (Resources, Recreation and Development)

SB 35, relative to the good samaritan statute. (Judiciary)

SB 41, increasing the appropriation for the construction of regional vocational education centers. (Public Works)

SB 31, relative to notice to prospective purchasers of land in current use. (Environment and Agriculture)

SB 24, relative to the vandalism, defacement, or destruction of any part of the "Old Man of the Mountain." (Resources, Recreation and Development)

SB 63, relative to embalmers and funeral directors. (Executive Departments and Administration)

SB 124-FN, relative to railroad improvements. (Appropriations)

SB 126-FN, relative to reporting of certain income received by elected officials. (Legislative Administration)

SB 140-FN, providing for annual inspections for new motor vehicles and semi-annual inspections for other motor vehicles and appropriating funds for new inspection decals. (Transportation)

SB 109, providing for notice of local land use board hearings to be given to condominium unit owners' associations. (Municipal and County Government)

SB 137, creating a committee to evaluate the certificate of need process and providing for the termination of the certificate of need process if the general court fails to act by June 30, 1987. (Health and Human Services)

SB 21, authorizing safety improvements to Route 4 from Concord to Portsmouth and the construction of a bridge between the towns of Plymouth and Holderness and making an appropriation therefor. (Public Works)

SB 34, authorizing a study for spur road between the city of Somersworth and the Spaulding turnpike. (Public Works)

SB 61, establishing a 10-year construction and reconstruction program for the New Hampshire turnpike system and making an appropriation for certain projects. (Public Works)

SB 135, abolishing the insanity defense and providing for a verdict of guilty but mentally ill. (Judiciary)



SB 25, creating the Connecticut River Valley resource authority and making an appropriation therefor and relative to block voting on the fiscal committee. (Resources, Recreation and Development)

RECESS

(Rep. Ramsay in the Chair)

ENROLLED BILLS REPORT

HB 88, relative to resident commercial salt water licenses.

HB 281, relative to county buildings.

HB 156, providing the statute of uses shall not affect trusts.

SB 36, establishing a division of personnel.

HB 224, to establish a fire protection area in the town of Merrimack, to legalize the special water district meeting of the Merrimack village district, to legalize the Goffstown town meeting, to legalize the Greenland school district meeting, and relative to the adoption of an optional fiscal year for the city of Franklin.

Rep. James A. Chandler

Sen. Mark Hounsell

For the Committee.

RECESS

(Rep. Mary Holmes in the Chair)

ENROLLED BILL REPORT

HB 507, relative to the compromise of actions against the state and relative to the appropriation for regional vocational centers.

Rep. Chris Jacobson

Sen. Mark Hounsell

For the Committee.

RECESS

(Rep. Pearson in the Chair)

ENROLLED BILL AMENDMENT

HB 51-FN, relative to fire protection and warning devices in health care facilities.

Amendment

Amend section 1 of the bill by striking out line 2 and inserting in place thereof the following:

497:1 as amended by striking out said paragraph and inserting in place

This amendment corrects an error in the amending language in section 1 of the bill.

Amendment adopted.

RECESS

(Rep. Russell Chase in the Chair)

ENROLLED BILLS AMENDMENTS

HB 29, permitting the election of 5 commissioners in village districts within the towns of Merrimack and Hooksett.

Amendment

Amend RSA 670:2-a, II as inserted by section 1 of the bill by striking out line 6 and inserting in place thereof the following:

at the meeting: "Are you in favor of increasing the number of

This amendment corrects a grammatical error in the bill.

Amendment adopted.

HB 71, relative to associate supervisors in conservation districts and the acquisition of agricultural land development rights.

Amendment

Amend section 1 of the bill by striking out line 2 and inserting in place thereof the following:

72:1 by striking out said section and inserting in place thereof the

Amend RSA 432:22, I as inserted by section 4 of the bill by striking out line 3 and inserting in place thereof the following:

section. Any proposal for designating a site as an agricultural

Amend RSA 432:22, V as inserted by section 4 of the bill by striking out line 2 and inserting in place thereof the following:

preservation restriction not less than once every 2 years to assure that its

This amendment corrects an error in the amending language of section one and corrects 2 typographical errors.

Amendment adopted.

HB 300, relative to educational loan corporations.

Amendment

Amend section 1 of the bill by striking out line 1 and inserting in place thereof the following:

1 Policy; Loans to Parents. Amend RSA 195-E:1 (supp) as inserted by

Amend RSA 195-E:1 as inserted by section one of the bill by striking out line 19 and inserting in place thereof the following:

Hampshire higher education assistance foundation, and on the New Hampshire

This amendment corrects an error in the amending language in section 1 of the bill and also corrects a typographical error.

Amendment adopted.

SENATE MESSAGES  
CONCURRENCE

HB 251, relative to organically grown produce.  
 HB 255-FN, relative to the fee for equine infectious anemia testing.  
 HB 309, relative to agricultural and farm plates.  
 HB 297, relative to removal and release of dead bodies from hospitals.  
 HB 320, permitting registered nurses to pronounce death in certain circumstances.  
 HB 437-FN, relative to the university system of New Hampshire fund.  
 HB 97-FN, relative to the foundation aid formula.  
 HB 227-FN, making a supplemental appropriation for matching funds for vocational rehabilitation.  
 HB 130-FN, providing diesel fuel user permits without a fee to New Hampshire servicemen assigned to posts of duty in another state.  
 HB 506-FN, establishing an optional assessment of the residence tax.  
 HB 177-FN, establishing a revenue stabilization reserve account and requiring reports on debt redemption and revenue estimates.  
 HB 316, relative to the issuance of licenses by agents of the department of fish and game.

## REFERRED FOR INTERIM STUDY

HB 485-FN, relative to the payment of subsequent tax.

## NONCONCURRENCE

HB 27, limiting the frequency of public referendum questions concerning management of the Berlin water works.  
 HB 384-FN, relative to oversight of the state policy on energy and development.

## RECESS

(Rep. Chambers in the Chair)

## ENROLLED BILLS REPORT

HB 29, permitting the election of 5 commissioners in village districts within the towns of Merrimack and Hooksett.  
 HB 51, relative to fire protection and warning devices in health care facilities.  
 HB 71, relative to associate supervisors in conservation districts and the acquisition of agricultural land development rights.  
 HB 97, relative to the foundation aid formula.  
 HB 130, providing diesel fuel user permits without a fee to New Hampshire servicemen assigned to posts of duty in another state.  
 HB 177, establishing a revenue stabilization reserve account and requiring reports on debt redemption and revenue estimates.  
 HB 227, making a supplemental appropriation for matching funds for vocational rehabilitation.  
 HB 251, relative to organically grown produce.  
 HB 255, relative to the fee for equine infectious anemia testing.  
 HB 297, relative to removal and release of dead bodies from hospitals.  
 HB 300, relative to educational loan corporations.  
 HB 309, relative to agricultural and farm plates.  
 HB 316, relative to the issuance of licenses by agents of the department of fish and game.  
 HB 320, permitting registered nurses to pronounce death in certain circumstances.  
 HB 437, relative to the university system of New Hampshire fund.  
 Rep. Natalie S. Flanagan  
 Sen. Mark Hounsell  
 For the Committee.



RECESS

(Rep. Russell Chase in the Chair)

SENATE MESSAGES  
REFERRED FOR INTERIM STUDY

HB 86-FN, relative to fire inspectors issuing citations for violations of fire safety rules.

## CONCURRENCE

HB 213, relative to charter conversions for state credit unions.  
 HJR 2, relative to state tourism policy.  
 HB 159, extending the due process rights of certain teachers.  
 HB 36, relative to minors not under guardianship.  
 HB 168, relative to clarifying the bail jumping statute.  
 HB 198, relative to small claims judgments.  
 HB 250, relative to discharge of mortgages and the validity of tax collectors' deeds.  
 HB 252, relative to administration of small estates.  
 HB 310, relative to driving while intoxicated.  
 HB 183, relative to increasing the number of alternate members on appointed local land use boards.  
 HB 204-FN, relative to payment for cost of services to unincorporated or unorganized places.  
 HB 222, relative to the requirements for notification of abutters for local land use board hearings.  
 HB 364, relative to recording fees.  
 HB 325-FN, relative to acupuncture.

## ENROLLED BILL AMENDMENT

HB 506-FN, establishing an optional assessment of the resident tax.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

establishing an optional assessment of the residence tax.

Amend section 1 of the bill by striking out lines 1-3 and inserting in place thereof the following:

1 Optional Collection of Resident Tax. Amend RSA 72 by inserting after section 1-b the following new section:

72:1-c Optional Collection of Resident Tax.

This amendment changes the term "residence tax" to "resident tax" in conformity with RSA 72.

Amendment adopted.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.  
 Adopted.

# HOUSE JOURNAL 9

*Thursday, 17Apr86*

The House assembled at 10:00 a.m. and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Almighty God, as we pause to thank You for this day in our lives we remember Marcel Martin and Robert Goss who have concluded their earthly lives. We thank You for their lives among us.

Anticipating our Nation's Vice President with us later today we pray for peace. Teach us how to communicate with each other and thereby begin a bonding that can bring shalom to our world.

Guide each member of the House through the decisions they will make today. Where we have doubts, enlighten us; where we have fears, strengthen us; where we see no solutions, expand our vision.

In You we put our trust. Amen.

Rep. Spaulding led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Bergeron, James J. White, Connors, Donnelly, Lawrence Chase, Meader, Daniell, Bourdon and Mann, the day, illness.

Reps. Marsh, Sallada, Parr, Prestipino, Birch, Thomas Gage, William Riley, Francis Robinson, Butler, Bowler, Bennett, Michael Jones and Gagnon, the day, important business.

Reps. Holbrook and Walker, the day, death in the family.

Rep. Joseph MacDonald, the day, illness in the family.

## INTRODUCTION OF GUESTS

Tenth grade students from the Christian Fellowship School in Laconia and their teacher, Mr. Hedges, guests of Rep. Dexter; former Representative, Marjorie Peters, guest of Rep. Van Loan; Allan Chardon, husband of Rep. Chardon; Yollande Guay, wife of Rep. Guay; James Dickinson, son of Rep. Dickinson; Greta and Kimberly Scamman, mother and daughter of Rep. Scamman; Agatha Borys, exchange student from Mexico, guest of Rep. Scamman; Patty Titus, daughter of Rep. Ingram; Lillian Quimby, wife of Rep. Quimby; Ethel Appleby, wife of Rep. Appleby; Blanche Tucker and Laura Allen, mother and guest of Rep. Tucker.

## COMMUNICATIONS

John Tucker, Speaker  
House of Representative  
Concord, New Hampshire

Dear Mr. Speaker:

I am writing to officially inform you that I have moved from my district to accept a legislative staff position with the United States House of Representatives' Education and Labor Subcommittee on Employment Opportunities in Washington, D.C.

Therefore, with deep regret, I am resigning my position as Representative for the towns of Durham, Lee and Madbury. I apologize to my colleagues in the House, particularly to you, Mr. Speaker, the Democratic leadership, and to fellow members of the House Ways and Means Committee, for any inconvenience my absence may have caused.

Although I will be in Washington for an indefinite period, my hope is that sometime in the future I may again serve the people of New Hampshire in elective office. It is indeed an honor.

Sincerely,  
Bruce K. Packard

Dear Representatives:

The Town of Exeter, like many other communities, is experiencing staggering results from the actions of the insurance industry. Currently, the Town is unable to obtain full liability coverage and what insurance coverage we do have is for minimum coverage and at an outrageous fee.

We feel that part of the problem is the trend toward greater awards in civil action which has caused spiraling rates and, in some cases, bankruptcy for insurance companies who are required to make the payments on these settlements.

Tort reform and limits of liability for municipalities are key elements to our recovery from these problems. We urge you to consider the effects of high premiums, excessive and civil awards on the local communities, and to work toward effective legislation to protect your towns and cities.

Two bills are currently in session that will assist this issue and we urge you to vote to pass legislation that would limit the liability of towns and cities to \$500,000 per occurrence or less, and to offer communities liability coverage for pollution incidents.

Your help and assistance in this matter is greatly appreciated.

Sincerely,  
The Board of Selectmen, Exeter

SENATE MESSAGES  
REQUESTS CONCURRENCE WITH AMENDMENTS

HB 69, naming a mountain in Stark, New Hampshire as "Mount Mary" after the first name of its owner. (Amendment printed SJ 4/1)

Rep. Dickinson moved that the House concur.  
Adopted.

HB 315, relative to delinquent trappers' reports. (Amendment printed SJ 4/1)

Rep. Doris Riley moved that the House concur.  
Adopted.

HB 362, relative to health care delivery and financing systems.  
(Amendment printed SJ 3/18)

Rep. Quimby moved that the House concur.  
Adopted.

HB 195, relative to cooperative planning for great ponds and their watersheds. (Amendment printed SJ 4/1)

Rep. Dickinson moved that the House concur.  
Adopted.



HB 336, relative to transfers from the penalty assessment fund.  
(Amendment printed SJ 4/1)

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

Adopted.

The Speaker appointed Reps. LaMott, Matson, Gross and Scranton.

HB 55-FN, relative to insurance trade practices. (Amendment printed SJ 4/15)

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

Adopted.

The Speaker appointed Reps. Harold Burns, B. P. Smith, Patricia Foss and Wood.

HB 351, relative to wiretapping and eavesdropping. (Amendment printed SJ 4/8)

Rep. Sytek moved that the House concur.

Adopted.

HB 423-FN, relative to overtime pay rates. (Amendment printed SJ 4/8)

Rep. Skinner moved that the House concur.

Adopted.

HB 358, establishing a committee to study services to children and families. (Amendment printed SJ 4/1)

Rep. Emma Wheeler moved that the House concur.

Adopted.

HB 209, relative to the statute of limitations for child sexual assault and incest. (Amendment printed SJ 4/8)

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

Adopted.

The Speaker appointed Reps. Chretien, Lozeau, Sylvia and Raiche.

HB 342-FN, eliminating the fuel user's fee exemption for in-state diesel commercial vehicles. (Amendment printed SJ 4/1)

Rep. Irvin Gordon moved that the House concur.

Adopted.

HB 490-FN, repealing the requirement that a person applying for restoration of a revoked driver's license do so as an original applicant. (Amendment printed SJ 4/1)

Rep. Irvin Gordon moved that the House concur.

Adopted.

HB 238, allowing Farmington to separate from school administrative unit number 44. (Amendment printed SJ 4/8)

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

Adopted.

The Speaker appointed Reps. William Boucher, Taffe, Burton and Walker.

HCR 7, relative to the deadline for bills awaiting an opinion of the justices. (Amendment printed SJ 4/15)

Reps. Rounds and Chambers moved that the House concur.  
Adopted.

HJR 3-FN, relative to the selection of guardians ad litem in marital cases. (Amendment printed SJ 4/15)

Rep. Sytek moved that the House concur.  
Adopted.

HB 414-FN, providing for the licensing of insurance consultants. (Amendment printed SJ 4/15)

Rep. Harold Watson moved that the House concur.  
Adopted.

HB 189, relative to the League of New Hampshire Craftsmen. (Amendment printed SJ 4/1)

Rep. Harold Watson moved that the House concur.  
Adopted.

HB 175, establishing a department of education. (Amendment printed SJ 4/15)

Rep. Harold Watson moved that the House concur.  
Adopted.

HB 20-FN, relative to licensure of food service establishments. (Amendment printed SJ 4/15)

Rep. Sochalski moved that the House concur.  
Adopted.

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

SB 26, relative to the integrated bar, was removed at the request of Rep. Mehegan.

SB 130-FN, relative to state guarantees for municipal pollution control projects, state aid for the town of Newport pollution abatement program, and amending RSA 149 to conform to the federal water pollution control act, was removed at the request of Rep. Young.

Adopted.

#### COMMITTEE REPORTS (Consent Calendar)

SB 27, relative to nominations when a candidate does not receive the nomination of his own party in the state primary election. Ought to Pass. This bill adds to the "poor loser law" (RSA 659:91-a), a provision that if a candidate who receives the highest amount of votes is disqualified from accepting the nomination of another party by means of write-in votes because he did not secure the nomination of his own party in the state primary, the nomination shall be given to the candidate who receives the next highest number of write-in votes if he is so qualified. Vote 10-0. Rep. Roger Stewart for Constitutional and Statutory Revision.

SB 106, allowing students in an approved high school vocational electrical program to perform electrical installations in residential buildings. Ought to Pass with Amendment.

The bill amends the original bill to allow electrical and plumbing students in the secondary education system to work on school projects as part of the standard curriculum. It also includes an appropriation to take care of the shortfall of funding which has occurred in the secondary vocational education programs tuition and transportation budgets. Vote 16-0. Reps. William J. Hounsell and Ralph W. Pearson for Education.

Amendment

Proposed by the Committee on  
Education

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

allowing students in approved high school vocational electrical and plumbing programs to perform electrical and plumbing installations in residential buildings and making an appropriation for tuition and transportation costs for regional vocational students.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Exception; Students in Approved High School Programs. Amend RSA 319-C:3 by inserting after paragraph IX the following new paragraph:

IX-a. Any electrical installations in residential buildings performed by students enrolled in a high school vocational electrical program approved by the department of education, provided such work is performed under the supervision of either a teacher holding an electrician's license or by a licensed electrician who is a supervisor of students in cooperative education placements from such programs; and in those cases where the installation is in a new building being constructed as a part of the vocational program, that the installation will be inspected and approved by an individual or group of individuals chosen by the local school districts from persons nominated by the state board of electricians. Any person nominated by the state board shall hold a license issued by the board and shall be a member of the New Hampshire Electrical Contractors' Association.

2 Exception; Students in Approved High School Programs. Amend RSA 329-A:13 by inserting after paragraph V the following new paragraph:

VI. Any plumbing installations in residential buildings performed by students enrolled in a high school vocational plumbing program approved by the department of education, provided such work is performed under the supervision of either a teacher holding a plumber's license or by a licensed plumber who is a supervisor of students in cooperative education placements from such programs; and in those cases where the installation is in a new building being constructed as a part of the vocational program, that the installation will be inspected and approved by an individual or group of individuals chosen by the local school districts from persons nominated by the state board for the licensing and regulation of plumbers. Any person nominated by the state board shall hold a license issued by the board and shall be a member of the New Hampshire Association of Plumbing, Heating, and Cooling Contractors.

3 Appropriation. The sum of \$568,984 is hereby appropriated for the fiscal year ending June 30, 1986, to the department of education for the



purposes of paying the school districts for the tuition and transportation costs of regional vocational students as directed by RSA 188-E:9, I. This appropriation shall be in addition to any sums already appropriated for these purposes for fiscal year 1986. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

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

Referred to Appropriations.

SB 139-FN, relative to special education for children 18 years of age and older. Inexpedient to Legislate.

The Senate had previously rejected changing the definition of an "educationally handicapped child" from age 3-21 to 3-18. The House Education Committee strongly concurred with the position and further found the amended version, passed by the Senate attempting to encourage participation in work programs, is adequately covered by existing law. Vote 20-0. Rep. Wayne M. Burton for Education.

SB 60-FN, appropriating funds for inspection of apiaries and prevention of honeybee swarm contamination. Ought to Pass.

This bill provides funding to reinstitute a very critical Department of Agriculture apiary (bee) inspection program required by RSA 430. The apiary inspection program has not been funded for two bienniums. Vote 19-0. Rep. Merle W. Schotanus for Environment and Agriculture.

Referred to Appropriations.

SB 12-FN, relative to certain withdrawals from the New Hampshire retirement system. Ought to Pass.

This bill reopens a window, permitting municipal chief administrative officers to withdraw accumulated contributions in the New Hampshire Retirement System, for the purpose of contributing instead to the International City Management Retirement Corporation. Vote 14-0. Rep. Richard H. Campbell, Jr. for Executive Departments and Administration.

Referred to Appropriations.

SCR 1, authorizing the formation of a committee to study the establishment of an office of state auditor. Ought to Pass.

This legislation establishes a select committee to review the potential need for a State Auditor, to be elected in a manner like the current offices of Treasurer and Secretary of State. The Committee will report its findings back to the Legislature by means of proposed legislation for the next session. Vote 13-0. Rep. William F. McCain for Executive Departments and Administration.

SB 23, relative to the taking of certain game birds. Inexpedient to Legislate.

The Committee feels this is a personal bill and has no bearing on season opening as it pertains to the average hunter. Vote 12-2. Rep. Lester R. Perham for Fish and Game.

SB 141-FN, relative to off highway recreational vehicles and appropriating a portion of agents' penalties to the OHRV registration office. Ought to Pass.

The Committee agreed to pass Senate Bill 141 without the amendment which would have negated all work, presently being done in Subcommittee on House Bill 418 that is in interim study. Vote 16-0. Rep. Robert D. Hussey for Fish and Game.

Referred to Appropriations.

SB 132-FN, relative to nursing assistant programs and making an appropriation therefor. Ought to Pass with Amendment.

The Committee felt very strongly that an approval course for assistant to nurses should be set up by the Board of Nursing. Up to 90 percent of care in nursing homes is given by these assistants. They must be under the supervision of a registered nurse and must pass the course before performing their assistant's responsibilities. Vote 17-0. Rep. Audrey A. Carragher for Health and Human Services.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to assistants to nurses.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Definition; Assistants to Nurses. Amend RSA 326-B:2 by inserting after paragraph XI the following new paragraph:

XII. "Assistant to Nurses" means a person who has completed a state approved education program which follows the guidelines of the New Hampshire board of nursing, requires a minimum of 100 hours of instruction, and qualifies that person to provide personal nursing care under the supervision of a registered professional nurse or a licensed practical nurse.

2 Rulemaking Authority; Assistants to Nurses. Amend RSA 326-B:4-a, X and XI as inserted by 1982, 20:8 by striking out said paragraphs and inserting in place thereof the following:

X. Functions of the executive director;

XI. Standards for a basic assistant to nurses education program and the issuance of evidence indicating satisfactory completion of such a program, including but not limited to:

- (a) Applicant qualifications.
- (b) Application procedures.
- (c) Content of the training program.
- (d) Duration of the training program.
- (e) Examination.
- (f) Passing grade.
- (g) Approval of instructors for training programs.

3 Provider Compliance. Amend RSA 151:9, I by inserting after subparagraph (j) the following new subparagraph:

(k) Procedures for reviewing documentation of the mandatory completion of a state approved program under RSA 326-B:4-a for assistants to nurses in facilities licensed under RSA 151:2 and who may assume the responsibility of the position of an assistant to nurses prior to completion of the appropriate course required by this chapter.

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

SB 137-FN, creating a committee to evaluate the certificate of need process and providing for the termination of the certificate of need process if the general court fails to act by June 30, 1987. Inexpedient to Legislate.

The bill proposes to monitor a process that has not even come on line yet. The Committee feels that the process should function for an appreciable period of time before we should start to monitor it. Vote 10-0. Rep. Scott E. Green for Health and Human Services.

SB 14-FN, establishing a committee to study presumptive sentencing and sentencing of criminals in New Hampshire. Ought to Pass with Amendment. This bill, as amended, directs the Advisory Commission on the Department of Corrections to study and make recommendations for a system of sentencing guidelines to ensure uniformity in criminal sentencing without removing the discretion of the Court. Vote 14-0. Rep. Donna P. Sytek for Judiciary.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

directing the advisory committee on the department of corrections to study the sentencing of criminals in New Hampshire.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Advisory Committee on the Department of Corrections. The advisory committee on the department of corrections is hereby directed to study and make recommendations for a system of sentencing guidelines consistent with the principle that similar offenders convicted of similar offenses should receive similar sanctions. In making recommendations for sentencing guidelines, the committee shall consider the criminal justice resources of the state. The committee shall submit any proposed legislation it deems necessary to the governor, the speaker of the house of representatives, and the president of the senate by January 1, 1987, for consideration during the 1987 legislative session.

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

SB 39, relative to the human rights commission. Ought to Pass. This bill clarifies the current law by specifying that retirement communities are exempt from the law prohibiting discriminatory practices only for the purpose of age discrimination. Additionally, the bill permits the commissioners to file complaints when they become aware of a suspected violation. Current law permits only aggrieved parties and the Attorney General to file complaints. This bill will foster truth, justice and the American way. Vote 14-0. Rep. Donna P. Sytek for Judiciary.

SB 115, increasing DWI penalties. Refer for Interim Study. This bill would impose a number of new minimum and maximum mandating penalties for violation of DWI laws, and would add a provision under which an offender might be required to undergo a 30-day course of treatment for alcohol or drug abuse. The Committee recommends that the bill be referred for interim study to permit time to work with the State Office of Alcohol and Drug Abuse Prevention which had not been consulted prior to the filing of the bill. Vote 16-0. Rep. Francis E. Robinson for Judiciary.

SB 135-FN, abolishing the insanity defense and providing for a verdict of guilty but mentally ill. Refer for Interim Study. Since this bill presents a totally new concept which has not been the subject of scrutiny in the past, the Committee recommends that it be studied along with HB 341 which is a variation of the same idea. Vote 12-2. Rep. Marc Chretien for Judiciary.

SB 30, requiring notification of late payments by subcontractors to unions. Inexpedient to Legislate.



Senate Bill 30 is unnecessary legislation as it deals with a few isolated situations and would apply to only 5 percent of the subcontractors in New Hampshire. Current law would have enough protection for the employees to request the Labor Department or union to investigate any wage concerns. RSA 275:43 requires that benefits be paid within 30 days. The process works and there have been very few complaints of subcontractors not fulfilling their payment obligations to pension or health and human service trust funds. Vote 12-1. Rep. Merino Romoli, Jr. for Labor, Industrial and Rehabilitative Services.

SB 20, prohibiting the operation of petroleum powered power boats on Spectacle Pond in the towns of Groton and Hebron. Ought to Pass with Amendment.

The bill, as amended, makes permanent a 1985 temporary ban on high horsepower gas powered boats from Spectacle Pond in Groton/Hebron. Exemptions from the ban, granted on application to the Department of Safety, are for handicapped persons and property owners of shorefront property, without access road to their property. Further testing of the water by the Water Supply and Pollution Control Commission is repealed. Vote 13-0. Rep. David A. Welch for Public Protection and Veterans Affairs.

#### Amendment

Amend RSA 486:23, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. The operator of the exempted boat shall present such a permit to anyone who requests to inspect it.

SB 108-FN, relative to establishing a veterans' cemetery in the state. Inexpedient to Legislate.

The concept of a "State Veterans' Cemetery" was discussed in detail, in the light of up-to-date information and statistics presented at the public hearing by the Commandant of the New Hampshire Veterans' Home. There is no doubt that a veterans' cemetery will become a necessity by the turn of the century, based on the mortality rates for the senior veterans, and the space available in existing burial grounds. The guiding factor is the non-availability of Veterans' Administration federal funding, at present and for the foreseeable future. The state-owned lands presently available do not lend themselves to use as a cemetery: (a) the water table is too high, (b) there is excessive ledge, which would require blasting for each grave, (c) lack of a suitable road network to the proposed sites. The only option remaining is for the state to purchase 50 acres of privately-owned land, with proper soil density, in a low water table area, convenient to road networks. The cost of land purchase, land clearing, grading and cemetery layout would be prohibitive, if borne by the state alone. Therefore, the Committee believes that no further action be taken to set up another "site selection committee," but that efforts be made through the New Hampshire Congressional Delegation to secure other sources of federal funding to assist in setting up a state veterans' cemetery. If it appears that federal funding might become a reality, a "site selection committee" could promptly be activated. Vote 13-0. Rep. George T. Musler for Public Protection and Veterans Affairs.

SB 21, authorizing safety improvements to Route 4 from Concord to Portsmouth and the construction of a bridge between the towns of Plymouth and Holderness and making an appropriation therefor. Inexpedient to Legislate.

The features of this bill are covered in House Bill 509 and Senate Bill 61, as amended, and would only be duplication. Vote 14-0. Rep. Paul O. Ashnault for Public Works.

SB 34-FN, authorizing a study for a spur road between the city of Somersworth and the Spaulding turnpike. Ought to Pass with Amendment. This bill is for a study of a spur road connection of the Spaulding Turnpike to Somersworth or Rochester. It requires no appropriation. Vote 14-0. Rep. William K. Kincaid for Public Works.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

Authorizing a study for a spur road between the city of Somersworth or the city of Rochester and the Spaulding turnpike.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Study Authorized. The department of transportation shall conduct a study relative to the construction of a spur road from the Spaulding turnpike into the city of Somersworth or the city of Rochester. The commissioner of the department of transportation shall submit his findings and recommendations to the president of the senate; the speaker of the house of representatives; the chairman of the senate capital budget committee; and the chairman of the house public works committee on or before October 1, 1987.

Referred to Appropriations.

SB 41, increasing the appropriation for the construction of regional vocational education centers. Ought to Pass with Amendment. This bill provides the funding to continue the successful regional vocational education centers that are located throughout the State. An additional \$14,000,000 is appropriated for some renovations and equipment. Operating costs remain the responsibility of the local districts. Vote 14-0. Rep. Sandra B. Keans for Public Works.

#### Amendment

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

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

Referred to Appropriations.

SB 49, appropriating and granting bonding authority for funds to construct a superior courthouse to serve Hillsborough county. Inexpedient to Legislate.

The Committee feels that although this project is worthy of consideration, the fact that a definite site has not been selected as yet, and that working plans contracted for have not been developed, presenting any cost estimates this bill is premature. According to legislation passed with the appropriation for design plans, the site and plans must be approved by the Court Accreditation Commission and the Capital Budget Overview Committee. This step has not been taken. Vote 11-3. Rep. Robert E. Murphy for Public Works.

SB 131-FN, relative to the higher education building corporation. Ought to Pass with Amendment.

This bill will provide for economy in financing student housing by lowered interest rates and thus lower rentals. Vote 11-3. Rep. William K. Kincaid for Public Works.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Governor and Committee Approval. Amend RSA 195-D:5 by inserting after paragraph XVII the following new paragraph:

XVIII. Before the university system of New Hampshire or any of its components may participate in any of the provisions of this chapter, each project must receive the approval of the capital budget overview committee of the general court and the approval of the governor.

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

SB 80-FN, relative to an administrative fine for prohibited liquor sales. Ought to Pass with Amendment.

This bill was amended to strike out the original bill. The subject of administrative fines may be considered in this year's Sunset Review of the Liquor Commission. The amendment changes the definition of alcoholic beverage from 1 percent to 1/2 percent alcoholic content to conform to the federal requirements and avoid the loss of highway funds. Vote 16-0. Rep. James D. Phelps for Regulated Revenues.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the definition of alcoholic beverages.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Alcoholic Beverage Redefined. Amend RSA 175:1, II as amended by striking out said paragraph and inserting in place thereof the following:

II. "Beverage", any beer, lager beer, ale, porter, wine, similar fermented malt or vinous liquors and fruit juices and any other liquid intended for human consumption as a beverage having an alcoholic content of not less than 1/2 of one percent by volume and not more than 6 percent alcohol by volume at 60 degrees Fahrenheit.

2 Cider Redefined. Amend RSA 175:13-a (supp) as inserted by 1955, 179:1 as amended by striking out said section and inserting in place thereof the following:

175:13-a Sale of Cider to Persons under 21. Notwithstanding any other provisions of this chapter, it shall be unlawful for any person to sell or cause or permit or procure to be sold to any person less than 21 years of age, cider containing not less than 1/2 of one percent of alcohol by volume at 60 degrees Fahrenheit, provided that the provisions of this section shall not apply to sales of cider made within 15 days of its manufacture.

3 Effective Date. This act shall take effect July 1, 1986.

SB 107-FN, requiring local approval for Sunday greyhound racing. Ought to Pass with Amendment.



This bill conforms the system for approval of Sunday greyhound racing to the procedures followed for approval of other types of racing. The amendments, added by the Committee, are housekeeping provisions which are supported by the Joint Committee on Administrative Rules, and which will result in more efficient functioning of the Sweepstakes Commission and Pari-mutuel Commission. Vote 16-0. Rep. Patti Blanchette for Regulated Revenues.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

requiring local approval for Sunday greyhound racing, relative to powers and rulemaking of the sweepstakes commission, and changing the time for racing payments.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 New Section. Amend RSA 284 by inserting after section 13 the following new section:

284:13-a Temporary Stay Orders.

I. The commission may issue a temporary stay order to stay any ruling or penalty which would be incurred by the appellant if the ruling, order, or decision of the judges is allowed to stand prior to a decision in such matter by the commission. The granting of a temporary stay order by the commission shall carry no presumption that the decision of the judges is or may be invalid. The commission may dissolve a temporary stay order at any time.

II. A bond of \$100 shall be filed with the commission before consideration shall be given to granting a stay. The bond shall be forfeited if the commission considers the appeal frivolous. If the commission does not find the appeal to be frivolous, then the bond filed with the commission shall be returned to the appellant within a reasonable time.

4 Rules and Requirements; Daily Numbers Game. Amend RSA 284:21-i by inserting after paragraph IV the following new paragraph:

V. (a) The commission shall adopt rules under RSA 541-A and after public hearing relative to daily numbers games, including, but not limited to:

- (1) Rules of the game.
- (2) Types of bets.
- (3) Prize payments for each type of bet.
- (4) Ticket validity, including the appeal process to the commission for decisions made by representatives of the commission appointed by the commission to carry out its rules.
- (5) Requirements of ticket agents.

(b) The commission or its designee may establish the following requirements relative to daily numbers games without adopting rules under RSA 541-A, provided that the commission or its designee gives notice of said requirements in a newspaper or daily statewide publication at least 24 hours in advance of taking any action:

- (1) Limitation on the number of bets.
- (2) Conduct of drawings, including cancellation and rescheduling of drawings.
- (3) Cost of tickets.

5 Change in Time for Payments. Amend RSA 284:24 by striking out said section and inserting in place thereof the following:

284:24 Payment. Payments made under RSA 284:23 shall be made no later than 3 calendar days after each racing day. Failure to make

payments in the time prescribed shall subject the licensee to a civil forfeiture of \$50 for each day the payments are overdue.

6 Exemption from Administrative Procedures Act. Amend RSA 541-A:10, I(k) (supp) as inserted by 1985, 372:7 by striking out said subparagraph and inserting in place thereof the following:

(k) RSA 111, relative to the state guard;

(l) RSA 284:12, IV, relative to the sale of pari-mutuel pools as authorized under RSA 284:22.

7 Commission Authority. Amend 1985, 406:10 by striking out said section and inserting in place thereof the following:

406:10 Sweepstakes Commission; Authority Granted. Notwithstanding any other provision of law, for the biennium ending June 30, 1987, in order to provide sufficient funding to the sweepstakes commission to carry out sweepstakes programs that will provide funds for distribution in accordance with RSA 284:21-j, the commission shall apply to the fiscal committee of the general court for approval of any new sweepstakes programs or for the purchase of any tickets for new or continuing games. The commission is authorized to transfer up to \$50,000 for any sweepstakes current expense item upon subsequent notification within 10 days to the fiscal committee and the governor and council citing the reasons and justification therefor. Additionally, no expenditures for consultants shall be contracted without prior approval by the fiscal committee. If approval of any such new program, purchase of tickets or consulting services is given, the commission may then apply to the governor and council to transfer funds from the sweepstakes revenue special account. The total of such transfers shall not exceed \$2,000,000 for the biennium ending June 30, 1987.

8 Effective Date.

I. Sections 1 and 3 of this act shall take effect 60 days after its passage.

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

SB 24, relative to the vandalism, defacement, or destruction of any part of the "Old Man of the Mountain." Ought to Pass.

This bill makes it a class B felony to purposely vandalize, deface or destroy any part of the "Old Man of the Mountain." Any person found guilty of such criminal mischief will be subject to a \$1000 fine.

Vote 14-0. Rep. Charles H. Dingle for Resources, Recreation and Development.

SB 25-FN, creating the Connecticut River Valley resource authority and making an appropriation therefor and relative to block voting on the fiscal committee. Ought to Pass with Amendment.

In 1985, a bill similar to Senate Bill 25 received overwhelming support in the House, but it was amended in the Senate to strike out all funding. After a Committee of Conference, the Senate failed to act on the conference report until after the House had adjourned. Senate Bill 25, as amended, emphasizes the need to plan for balanced growth, development and promotion of the Connecticut River Valley. The membership of the CRV Resource Authority has been changed to give greater local representation by removing several State agencies and the Authority is administratively attached to the Office of State Planning instead of the Department of Resources and Economic Development. Vote 13-2. Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

creating the Connecticut River Valley resource authority  
and making an appropriation therefor.

Amend RSA 227-E:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

227-E:1 Purpose. The purpose of this chapter is to plan for and guide the development of recreation, tourism, commercial, and residential uses of the Connecticut River Valley region while increasing the recreational potential and enhancing the tourist economy of the region through the protection of the valley's visual, ecological, and agricultural integrity by identifying, protecting, and promoting its natural, recreational, cultural, and historical resources while upgrading the river's water quality.

Amend RSA 227-E:3 and 4 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

227-E:3 Authority Established; Administratively Attached. There is hereby established the Connecticut River Valley resource authority. The authority shall be administratively attached to the office of state planning.

227-E:4 Membership of Authority.

I. The authority shall consist of 22 members as follows:

- (a) A member of the North Country Council, designated by the council;
- (b) A member of the Upper Valley-Lake Sunapee Council, designated by the council;
- (c) A member of the Southwest Regional Planning Commission, designated by the commission;
- (d) A member of the Connecticut River Watershed Council, designated by the council;
- (e) A member of the Connecticut River Flood Control Commission, designated by the commission;
- (f) A representative of a hydro-electric concern within the valley;
- (g) A representative of a recognized statewide conservation organization;
- (h) A representative of the commercial tourism industry;
- (i) A representative of the agricultural industry who shall be actively engaged in farming;
- (j) A representative of the forest product industry or a timberland owner;
- (k) The director of the office of state planning or his designee;
- (l) The commissioner of resources and economic development or his designee;
- (m) The executive director of the department of fish and game or his designee;
- (n) 2 individuals from each of the counties of Coos, Grafton, Sullivan, and Cheshire, the 4 counties adjacent to the river. One individual from each county shall presently hold a position in municipal government in the county he represents.
- (o) A representative of the state of Vermont appointed by the governor of Vermont.

II. The governor and council shall appoint the members designated in subparagraphs I(f) through (j) and (n). These members shall all be residents of the Connecticut River Valley and shall serve 3 year terms, provided that the initial appointments shall be 3 for a term of one



year, 5 for a term of 2 years, and 5 for a term of 3 years. The members appointed under subparagraphs (a), (b), (c), (d) and (o) shall serve 3 year terms.

III. Any vacancy shall be filled in the same manner as the original appointment for the remainder of the unexpired term. Members shall hold office until their successors are appointed and qualified.

IV. The member listed in subparagraph I(o) shall be a nonvoting member.

Amend RSA 227-E:10 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

227-E:10 Staff. There shall be the equivalent of one full-time staff person who shall be hired by the chairman of the authority with the approval of the authority. The staff person shall assist the authority in carrying out the purposes of this chapter and shall report directly to the authority.

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Sunset. There is hereby created a PAU for the Connecticut River Valley resource authority established by section 1 of this act which shall expire on the same date as the PAU for the office of state planning is scheduled for expiration, unless renewed by the general court under RSA 17-G, provided that the first termination date shall be July 1, 1993.

4 Appropriation for Staff. The sum of \$25,000 for the fiscal year ending June 30, 1987, is hereby appropriated to the Connecticut River Valley resource authority for the purposes of hiring one full-time staff person to assist the authority in carrying out the purposes of this act and for the administration of the authority. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July 1, 1986.

SB 113-FN, relative to the creation of distinctive registration plates for businesses which do not engage in the retail sale of motor vehicles to the public. Ought to Pass.

This bill has merit in that it provides persons who purchase cars from dealers and sell them to other dealers to get plates for the sole purpose of moving these cars between dealerships. Provisions of the bill are clear and require that the wholesaler own the car he is moving. The Department of Safety was in support of this legislation. Vote 10-0. Rep. Irvin H. Gordon for Transportation.

SB 33, directing the department of revenue administration to study the problem of requiring business organizations to include on their business profits tax returns the municipality in which they are located. Inexpedient to Legislate.

The Committee was not clear as to the intent of this bill. It also felt that it would be almost impossible to administer. Vote 14-0. Rep. Frederick G. Ahrens for Ways and Means.

SB 92-FN, relative to the tobacco tax. Ought to Pass.

This bill sets the rate of the cigarette tax at 17 cents per package. The bill provides that if the increase or any portion thereof in the Federal Excise Tax on cigarettes is abolished, the rate of New Hampshire's cigarette tax shall be 25 cents, or at a rate between 17 and 25 cents if the federal tax is not completely abolished. This bill is identical to House Bill 370 and supplants the same. Vote 12-0. Rep. Henry F. Whitcomb for Ways and Means.

Referred to Appropriations.

COMMITTEE REPORTS  
(Regular Calendar)

SB 22-FN, establishing a committee to evaluate the foundation aid formula. Ought to Pass with Amendment.

This bill directs that an objective, independent study be made of the effect of the new Foundation Aid Formula upon the participating school districts. It establishes a citizens' committee drawn from organizations and associations interfacing with the public education effort to make that study. Vote 19-2. Rep. Ralph W. Pearson for Education.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing a citizen commission to study  
the foundation aid formula.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Citizen Commission.

I. There is hereby established a commission to be composed of the following 11 persons:

- (a) One member of the senate to be appointed by the president of the senate;
- (b) One member of the house of representatives to be appointed by the speaker of the house;
- (c) One member of the governor's staff to be appointed by the governor;
- (d) 2 persons of the public sector to be appointed by the governor;
- (e) One person from the state board of education to be appointed by the chairman of the board;
- (f) One person from the New Hampshire School Boards Association to be appointed by the president of the association;
- (g) One person from the New Hampshire School Administrators Association to be appointed by the president of the association;
- (h) One person from the New Hampshire Association of School Principals to be appointed by the president of the association;
- (i) One person from the National Education Association, New Hampshire Chapter, to be appointed by the president of the association; and
- (j) One person from the American Federation of Teachers, New Hampshire Chapter, to be appointed by the president of the federation.

II. The commission shall choose a chairman from among its members. The members of the commission shall serve without compensation. The department of education shall provide administrative services as needed by the commission.

III. The commission shall establish the criteria for examining the effectiveness of the foundation aid formula contained in RSA 198:27-33. Upon establishing the criteria, the commission shall hire an independent consultant to review, study, and report on the effectiveness of the foundation aid formula under RSA 198:27-33.

IV. The commission shall submit to the legislature and the governor by December 1, 1986, a report containing the criteria for the study. The consultant shall begin the study by March 1, 1987, and shall submit a report by October 1, 1989, to the governor, the executive

council, the speaker of the house of representatives, and the president of the senate.

2 Funding for the Study. There is hereby appropriated to the commission established in section 1 of this act the sum of \$50,000 for the purposes of this act. The governor is authorized to draw his warrant for said sum from any money in the treasury not otherwise appropriated. These funds shall not lapse until July 1, 1990.

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

Amendment adopted.

Referred to Appropriations.

SB 46-FN, establishing a printed materials revolving fund at the department of education. Ought to Pass with Amendment.

This bill is needed by the Department of Education. Its printing funds are regularly exhausted requiring transfer of funds from other sources. The bill permits the charging, primarily of out-of-state purchasers, for printed documents, with a \$10,000 revolving fund to be replenished only by those required to pay for such documents. Vote 15-1. Rep. William A. Riley for Education.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Fund Established; Education; Printing. Amend RSA 186:13 by inserting after paragraph XI the following new paragraph:

XII. Revolving Fund. For a revolving fund to be known as the printed materials revolving fund which is hereby established to be administered by the department of education. The moneys in said fund shall be used for the purpose of printing materials for distribution. Charges made per copy of a document shall be only in the amount necessary to pay the cost of printing the document. Funds received from the sale of any documents shall be credited to the fund established in this paragraph. The receipts from such charges shall be used for no other purpose than the subsequent printing of documents of the department of education. The following persons shall not be charged for printed materials which are paid for by the fund: legislative committees, legislators who request printed materials, local school board members, school district administrators, and departments of education of colleges located in the state. The department of education may adopt rules under RSA 541-A to include others who shall not be charged for printed materials from the fund. The amount in the printed materials revolving fund shall not exceed \$10,000 and any amounts in excess of \$10,000 shall be deposited in the general fund as unrestricted revenue. Any moneys in the fund not in excess of \$10,000 shall not lapse. The department of education shall provide to the advisory budget control committee of the general court and to the governor a report on the activity of the revolving fund, within 30 days following the close of each quarter.

Amendment adopted.

Referred to Appropriations.

SB 7, establishing a fire standards and training council within the department of postsecondary vocational-technical education. Ought to Pass with Amendment.

This bill places the Fire Standards and Training Council in the Department of Vocational-Technical Education, and appropriates \$50,000 to fund the Council's training programs. Vote 15-0. Rep. Dean Dexter for Executive Departments and Administration.



## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

establishing a fire standards and training council within the department of postsecondary vocational-technical education and making an appropriation therefor.

Amend the bill by striking out section 10 and inserting in place thereof the following:

10 Appropriation. The sum of \$50,000 is hereby appropriated for the fiscal year ending June 30, 1987, to the fire standards and training council for the purposes of training programs required by this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

11 Effective Date. This act shall take effect July 1, 1986.

Amendment adopted.

Referred to Appropriations.

SB 44-FN, increasing rates for shared homes and certain residents of community living homes and making an appropriation therefor. Ought to Pass with Amendment.

Testimony more than adequately supported the need for additional funding for clients of shared homes. Currently, they are reimbursed \$500 a month; with this additional funding it will increase the monthly allotment by \$45 to a total of \$545. There was ample evidence that the actual cost to providers of shared homes is around \$700 per month. Vote 16-1. Rep. Leo W. Fraser, Jr. for Health and Human Services.

## Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Appropriation. The sum of \$250,000 for the fiscal year ending June 30, 1987, is hereby appropriated to the division of human services, department of health and human services, for the purpose of increasing the standard of need under RSA 167:7, I-a, for residents of shared homes and for certain residents of community living homes who do not receive subsidies from the division of mental health and developmental services. Notwithstanding RSA 167:18-a, the sum appropriated under this section shall be solely the responsibility of the state; however, such amount shall be reduced by the amount of any federal funds received. This appropriation is in addition to any other funds appropriated to the division of human services. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

SB 58, providing a supplemental appropriation for safety services in the department of safety. Ought to Pass with Amendment.

The Committee felt that the Safety Department has long neglected the upkeep of the property and replacement of boats. But because of the

valuable location of the building which is an eyesore for the state and better enforcement is requested by the public, the Committee requests approval of this request. The bill was amended to remove \$32,000 for building repair voted in the last session and has not been spent to date. Vote 13-1. Rep. Maurice J. Levesque for Public Works.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appropriation. The sum of \$393,000 is hereby appropriated to the department of safety, division of safety services, for the biennium ending June 30, 1987, to be expended in the following manner:

I. Replacement of the following boats:	
(a) DS-1 - 1949 Steelcraft.	\$ 20,000
(b) DS-2 - 1957 Inland Seas.	\$ 20,000
(c) DS-8 - Century.	\$ 20,000
(d) DS-25 - Century.	\$ 20,000
(e) DS-12 - Century.	\$ 20,000
(f) DS-13.	\$ 15,000
(g) DS-37 - Century.	\$ 15,000
Total paragraph I	\$130,000
II. Repairs and renovations to the boathouse.	\$ 75,000
III. Install new flooring in the second floor area.	\$ 45,000
IV. Build new offices in the first floor area and rebuild the toilet facilities.	\$113,000
V. Repair to docks.	\$ 30,000
Total Section 1	\$393,000

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Bonds. To provide funds for the appropriation in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$393,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

Amendment adopted.

Referred to Appropriations.

SB 61, establishing a 10-year construction and reconstruction program for the New Hampshire turnpike system and making an appropriation for certain projects. Ought to Pass with Amendment.

Senate Bill 61, as amended, contained that portion of the highway construction program funded by turnpike tolls. The Committee's position, on an 11-6 vote, reaffirms its position of inserting into statute a comprehensive plan including the Interstate System and the Primary System.

The Committee amendment is identical - with two major changes - to the one it proposed and the House concurred on HB 509. The two changes were deletions that the House had made on HB 509, the gas tax increase and the insertion of the Secondary System projects.

Additions were the sections on the Cornish and Cheshire bridges as approved by the House in HB 509.

Highlights of the Committee's plan are as follows:

INTERSTATE SYSTEM - Inclusion of Exit 21 (the Franklin-Laonia interchange). Failure to include this project means the loss forever of the \$20 million in Federal Funds already allocated for this project.

PRIMARY SYSTEM - Inclusion of the necessary funds to connect the Franklin-Laconia interchange to the present highway network.

In the belief that present traffic conditions on Route 4 demand attention, the Committee proposes \$16 million for a bypass of Northwood.

TURNPIKE SYSTEM - The most controversial item in all of the highway planning has been the location of the eastern terminus on the Spaulding Turnpike of a link to Route 4. The Committee had strong sympathy for those residents of Durham and Madbury who oppose the "southern route" across the Bellamy River and intersecting Route 4 at its intersection with 108; and yet the Committee could not ignore the concerns of the residents of Route 4 and Boston Harbor Road. There was also recognition of the desire of the Tri-City communities of Dover, Somersworth and Rochester that the eastern terminus lie somewhere above Exit 9. The Committee's position is that it is too early to rule out any location and that additional information in the form of an environmental impact study covering all possible locations is the most responsible alternative at the present time. NO CONSTRUCTION FUNDS ARE PROPOSED FOR THIS PROJECT. Rep. James A. Chandler for Public Works.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

establishing a 10-year state highway construction program and making an appropriation for certain projects.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Legislative Intent. In this act, the general court is adopting a 10-year construction and reconstruction plan for the highway system of the state. This plan is predicated on the report submitted to the governor by the governor's advisory commission on highways, and is intended to serve as guidelines for highway development in the state for the next decade. The plan shall be revised and updated as required based on an annual report from the commissioner of the department of transportation and as the wisdom of the general court may from time to time dictate.

2 Interstate Highway Construction and Reconstruction Plan for 10 Years.

I. (a) Summary of the program estimated costs over the next 10 years is as follows:

(1) Route I-93	\$34,062,750
(2) Route I-393	21,100,000
(3) Route I-89	<u>8,750,000</u>
Total	\$63,912,750

(b) Funding for the programs in paragraph I'a) shall be from the following sources:

(1) Required state match	\$ 6,391,275
(2) Federal funds	<u>57,521,475</u>
Total	\$63,912,750

II. The specific projects for the program estimated costs summarized in paragraph I are as follows:



## (a) Route I-93:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Hooksett	88	Safety and overlay from Merrimack River north 0.63 mi.	1.76225 (.4875 4R) (1.27475 Interstate)
(2) Lincoln	86	Landscaping from park boundary to Pemi Trail	.200
(3) Lincoln	86	Landscaping from Harvard Brook to park boundary	.160
(4) Lincoln	86	Landscaping from Pemi Trail to Whitehouse Bridge	.200
(5) Lincoln	86	Landscaping from US 3 to Harvard Brook	.140
(6) Lincoln	88	Bridge construction Pemigewasset River - 4 bridges	3.488
(7) Lincoln-Franconia	86	Landscaping parkway section	.100
(8) Lincoln-Franconia	87	Landscaping parkway section	.100
(9) Franconia	86	Sewer system at interpretive shelter	.250
TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(10) Franconia	86	Structures - 4 bridges over Skoocumchuck and Lafayette Brooks	5.25
(11) Franconia	87	Landscaping Profile Lake parking area	.200
(12) Franconia	87	Landscaping Profile Lake to park boundry	.200
(13) Franconia	87	Landscaping tramway area and Echo Lake	.200
(14) Franconia	87	Landscaping Echo Lake to park boundry	.200
(15) Franconia	88	Landscaping Echo Lake to I-93	.100

(16) Franklin	89	Interchange I-93 Exit 21	22.00
		Total I-93	<u>\$34.06275</u>

## (b) Route I-393:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Concord	86	US 4 over I-393 bridges	2.0
(2) Concord	86	New Hampshire 106 over I-393 bridges	1.80
(3) Concord	87	Reconstruction along Suncook River 1.6 mi.	7.70
(4) Concord-Pembroke	87	I-393 over Suncook River bridges	4.10
(5) Pembroke-Chichester	86	Suncook River easterly including bridges over Horse Corner Road and I-393 over local roads	5.50
		Total I-393	<u>\$21.10</u>

## (c) Route I-89:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Concord	88	Clinton Street interchange	2.50
(2) Warner	87	Safety and overlay/resur- facing 0.5 mi. north of New Hampshire 103 northerly 1.5 mi.	1.85 (.900 4R) (.950 Interstate)
(3) Sutton-New London	88	Safety and overlay/resur- facing from Exit 11 south- erly 2.58 mi.	4.105 (2.105 4R) (2.00 Interstate)
(4) New London	86	Safety and overlay/resur- facing - Exit 11	.970 (.495 4R) (.475 Interstate)
(5) New London	88	Safety and overlay/resur- facing Exit 11 north to Sunapee	5.575 (2.750 4R) (2.825 Interstate)
		Total I-89	<u>\$8.750</u>

## 3 Interstate 4R Program.

I. (a) Summary of the interstate 4R program estimated costs over the next 10 years is as follows:

(1) Route I-89	\$13,176,000
(2) Route I-93	69,778,500
(3) Route I-95	310,000
(4) Route I-293	18,600,000
(5) Miscellaneous	<u>2,250,000</u>
Total	\$104,114,500

(b) Funding for the programs in paragraph I(a) shall be from the following sources:

(1) State Matching Fund	\$ 10,411,450
(2) Federal Funds	<u>93,703,050</u>
Total	\$104,114,500

(c) For purposes of the 10-year plan, estimated available federal interstate 4R funds are \$15,000,000, to \$18,000,000 yearly.

II. The specific projects for the program estimated costs summarized in paragraph I are as follows:

## (a) Route I-89:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Bow	87	Bridge replacement from I-89 to I-93	.851
(2) Warner	87	Safety and overlay, resurfacing 1.5 mi.	1.850 (.900 4R) (.950 Interstate)
(3) Sutton-New London	88	Safety and overlay, resurfacing 2.58 mi.	4.105 (2.0 Interstate) (2.105 4R)
(4) New London	86	Safety and overlay Exit 11	.97 (.475 Interstate) (.495 4R)
(5) New London	88	Safety and overlay Exit 11N to Sunapee toll	5.575 (2.825 Interstate) (2.750 4R)
(6) Enfield	89	Rehabilitation Exit 15 to Exit 16	2.020
(7) Enfield-Lebanon	86	Resurfacing Exit 15 to Exit 16	.555
(8) Lebanon	86	US 4 interchange Rehabilitation - 6 bridges	3.50
		Total I-89	<u>\$13.176</u>



## (b) Route I-93:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Salem-Manchester		Major Widening to 6 lanes	
	91	Exit 1 to Exit 3	10.0 35.0
	93	Exit 3 to Exit 4	12.0
	95	Exit 4 to I-293	13.0
(2) Londonderry	88	Exit 4 (I-93 and New Hampshire 102) safety, signals and widening	6.0
(3) Manchester	88	Widen from 4 lanes to 6 from Cohas to Candia Road	5.255
(4) Manchester	90	Study - I-93 & I-293 interchange	.10
(5) Hooksett	88	Reconstruction pavement - overlay from Merrimack River north	1.7622 (1.274750 Interstate) (.4875 4R)
(6) Bow-Concord	86	Landscaping from Merrimack River north 0.63 miles	.15
(7) Concord	87	Merrimack River bridge rehabilitation (2 bridges)	3.801
(8) Concord	87	Bridge rehabilitation over B&M RR and Hall Street (4 bridges), and northbound exit ramp replacement (Bridge Street)	6.7
(9) Concord	87	Landscaping - Exit 12 to Exit 14	.1
(10) Concord	88	Landscaping from Exit 14 to Exit 16	.150
TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(11) Concord Manchester St. Br. relocated	89	Bridge replacement over Manchester Street	4.0
(12) Sanbornton - Meredith-New Hampton	86	Bridge rehabilitation decks - 10 bridges	2.220
(13) Woodstock-Lincoln 6 mi. on Rt. 3 -	86	Resurfacing Exit 30 north 6 miles	2.10

	I-93		safety and overlay	
(14)	Bethlehem	87	Bridge rehabilitation US 302 over I-93	.600
(15)	Littleton	86	Landscaping from New Hampshire 135 north 6 miles	.160
(16)	Littleton	86	Rest area	.935
(17)	Littleton	87	Landscaping US 302 north 6 miles	.150
(18)	Littleton	87	Bridge rehabilitation	1.650
(19)	Littleton	86	Signing and lighting from Vermont to US 302	.220
			Total I-93	<u>\$69.7785</u>

## (c) Route I-95:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Portsmouth-Kittery	86	Bridge rehabilitation	<u>.310</u>
		Total I-95	\$ .310

## (d) Route I-293:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Manchester-Bedford	89	Bridge rehabilitation (2) Manchester - Bedford	11.5
TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(2) Manchester-Bedford	90	Safety and overlay Queen City Bridge to Merrimack River	7.1
		Total I-293	<u>\$18.6</u>

## (e) Miscellaneous Improvements

PROJECT	FY	EST. COST (\$ millions)
(1) Pavement markings	86-95	1.25
(2) Weighing in motion scales -		1.00
		<u>plus truck fees</u>
	Total Miscellaneous	\$2.25

4 New Hampshire Primary Highway Program.

I. (a) Summary of the primary highway program estimated costs over the next 10 years is as follows:

(1) New Hampshire 101	\$110,350,000
(2) New Hampshire 101A	38,000,000
(3) New Hampshire 51	15,000,000
(4) US 4	21,301,000
(5) US 3	5,610,000
(6) US 302	17,100,000
(7) US 302	4,800,000**
(8) New Hampshire 115	8,715,000**
(9) New Hampshire 25	16,860,000
(10) New Hampshire 16	22,200,000
(11) US 2	500,000
(12) New Hampshire 9	44,100,000
(13) New Hampshire 11	74,147,000
(14) New Hampshire 12	4,000,000
(15) Other primary projects and studies	10,000,000
(16) Signal and intersection improvement projects	10,000,000
(17) Miscellaneous	<u>4,400,000*</u>
Total	\$393,568,000

\* Includes: \$500,000 for alignment re Franklin/I-93 Exit 21; \$150,000 for study re Hanover/Lebanon area and pavement markings.

\*\* Total does not include anticipated transfer of Interstate 4R funds to occur upon completion of Interstate System.

(b) Funding for the programs in paragraph I(a) shall be from the following sources:

(1) State matching funds	\$ 98,392,000
(2) Federal funds	<u>295,176,000</u>
	\$393,568,000

(c) For purposes of the 10-year plan, estimated available federal primary highway funds are:

(1) First 5 years at \$12,000,000 yearly, for a total of \$60,000,000.

(2) Second 5 years at \$20,000,000 - 24,000,000 yearly, for a total of \$100,000,000 - 120,000,000.

(3) Total estimated available federal funds for the decade are \$160,000,000 - 180,000,000.

II. The specific projects for the program estimated costs summarized in paragraph I are as follows:

(a) New Hampshire Route 9:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Roxbury-Sullivan	95	Reconstruction from east Sullivan south 2.04 mi.	3.0



(2) Nelson-Stoddard	91	New location bypass around Granite Lake	11.1
(3) Hillsborough	95	Reconstruction bypass	30.0

## (b) New Hampshire Route 11:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
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(1) Claremont	86	Reconstruction from Winter Street east 1.6 mi.	3.225
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TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
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(2) Claremont-Newport	94	Reconstruction from compact to Kelleyville bridge	8.0
(3) Newport	86	Landscaping Sugar River bridge	.022

(4) Franklin-Laconia	89	New Hampshire 11 east to New Hampshire 127	60.4
	91	New Hampshire 127 east to Interchange 21	
	93	Interchange 21 east to Lochmere	
	94	Lochmere to Laconia bypass (US 3 and Route 11)	

(5) Alton	89	Relocate - preliminary engineering and right of way acquisition	2.5
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## (c) New Hampshire Route 12:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
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(1) Troy-Marlborough	94	Reconstruction from B&M bridge north 2.02 mi.	4.0
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## (d) New Hampshire Route 16:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
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(1) Ossipee	94	Reconstruction	6.70
(2) Ossipee	94	Reconstruction	5.60
(3) Albany	95	Reconstruction	7.60
(4) Gorham	95	Reconstruction	2.2
(5) Jackson	87	Study - Jackson/Bartlett	.100

## (e) New Hampshire Route 25:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Meredith	93	Reconstruction from US 3 easterly to New Hampshire 25	2.50
(2) Meredith	94	Reconstruction from Center Harbor south 3.24 mi.	6.0
(3) Moultonborough	87	Rehabilitation from Sandwich south 1 mi.	.860
(4) Effingham-Freedom	87	New location of Route 25 to Maine	3.50
(5) Warren-Glencliff	88	Reconstruction 2.5 miles	4.0

## (f) New Hampshire Route 51:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Exeter-Hampton	91	Reconstruction from New Hampshire 101 east to I-95 along New Hampshire 51	15.0

## (g) New Hampshire Route 101:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Marlborough	86	Landscaping Main Street project	.050
(2) Dublin	94	Bypass	30.0
(3) Bedford	88	Reconstruction New Hampshire 101 - New Hampshire 114 intersection	3.25
(4) Raymond-Epping	86	Landscaping from Auburn to Epping	.150
TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(5) Epping-Brentwood	89	Reconstruction - major widening	18.0
(6) Brentwood-Exeter	88	Reconstruction - major widening	18.40
(7) Exeter	90	Reconstruction New Hampshire 101- New Hampshire 51 inter- change (cloverleaf)	15.0

(8)	Keene-Dublin (complete link)	93	Reconstruction Optical Avenue east 7 mi. to Chesham Road	15.5
(9)	Exeter-Stratham	90	Reconstruction and widening Newfield interchange	10.0
(h) New Hampshire Route 101A:				
	TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1)	Milford-Nashua	92	New location	38.0
(i) New Hampshire Route 115:				
	TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1)	Carroll	88	Reconstruction funds diverted from Notch/Interstate	2.605
(2)	Carroll	88	Reconstruction funds diverted from Notch/Interstate	3.405
(3)	Carroll-Jefferson	87	Reconstruction funds diverted from Notch/Interstate	2.705
(j) United States Route 2:				
	TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1)	Randolph	92	Reconstruction 3 mi. from intersection of New Hampshire 115 - .3 mi.	.50
(k) United States Route 3:				
	TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1)	Gilford	86	Signals at end of Laconia bypass	.110
(2)	Whitefield	90	Reconstruction	3.10
(3)	Lancaster	87	Reconstruction Weeks State Park	1.50
(4)	Lancaster	95	Reconstruction US 2 south	.90
(l) United States Route 4:				



TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Concord-Durham	91	Northwood bypass from New Hampshire 107 - US 202/202A	16.0
(2) Pembroke-Chichester	89	Reconstruction exiting Route 4 to I-393	4.750
(3) Durham	88	Safety improvement	.551
(m) United States Route 302:			

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Haverhill	95	Reconstruction from Vermont to New Hampshire 10	1.8

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(2) Bath-Lisbon	92	Reconstruction from New Hampshire 112 north 8.89 mi. to Lisbon	15.3
(3) Bath	88	Relocation project - funds diverted from Notch/Interstate	4.8

(n) Other Primary Projects.

	EST. COST (\$ millions)
(1) Studies and miscellaneous projects	10.0
(2) Signal and intersection improvement projects	10.0

(o) Miscellaneous.

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Statewide	86-95		Pavement
(2) Hanover-Lebanon	87	Study	.150
(3) Franklin/I-93	87-88		Alignment
Exit 21			

5 New Hampshire Turnpike Program.

I. Summary of the turnpike program estimated costs over the next 10 years is as follows:

(a) Central Turnpike	\$179,350,000
(b) Circumferential - Nashua	130,000,000

(c) Spaulding Turnpike	23,200,000
(d) Blue Star (I-95)	1,600,000
(e) Conway Bypass	<u>34,500,000</u>
Total	\$368,650,000

II. The specific projects for the program estimated costs summarized in paragraph I are as follows:

(a) Central Turnpike:

TOWN/PROJECT	FY ESTIMATED	IMPROVEMENT COMPLETION DATE	EST. COST (\$ millions)
(1) Nashua-Merrimack	90	Preliminary engineering and right of way acquisition Exits 7W and 8 ramp toll facilities	2.0
(2) Nashua	87	Exit 7W - Tinker Road new location	8.50
(3) Nashua	88	Exit 2 - Preliminary engineering construction Exit 1 and Sanders ramp	15.0
(4) Merrimack	91	Exit 8 interchange and ramp toll facilities	8.40
(5) Bedford	88	Barrier toll facilities	5.0
(6) Merrimack	88	Complete industrial interchange ramp toll facilities	21.75
(7) Merrimack/Camp Sargent Road	88	Complete connection to Merrimack industrial interchange	3.0
(8) Nashua	91	Preliminary engineering and right of way for interchanges 3 - 7	3.20
(9) Manchester	91	Reconstruction Exit 5 southbound on-ramp to Granite Street	1.80
(10) Nashua	89	Circumferential highway southern segment only with one toll barrier	60.0
(11) Nashua	92	Circumferential highway northern segment only with one toll barrier	70.0
TOWN/PROJECT	FY ESTIMATED	IMPROVEMENT COMPLETION DATE	EST. COST (\$ millions)
(12) Nashua/D.W. Highway	89	Interchange construction Exit 2 to Exit 3	19.50

(13)	Nashua	94	Central widening between interchanges 3 - 7	60.0
(14)	Merrimack/ Bedford Rd.	88	2 ramp tolls	6.6
(15)	Bedford - Manchester	94	Widening - Route 101 to Amoskeag interchange	20.0
(16)	Bow-Concord	91	Central widening between I-89 and I-393 interchanges (study)	.10
(17)	Nashua	89	Toll barrier north of Massachusetts state line on central turnpike - southbound	4.50

## (b) Spaulding Turnpike:

	TOWN/PROJECT	FY	IMPROVEMENT	EST. COST
		ESTIMATED	COMPLETION DATE	(\$ millions)
(1)	Portsmouth - Newington	90	Gosling Road interchange and approaches	11.0
(2)	Dover-Rochester	93	Safety improvements to Spaulding Turnpike 16.4 mi.	8.0
(3)	Dover	90	Toll - expand to 8 lanes	1.20
(4)	Newington	91	Right of way acquisition for access south of Newington Bridge	3.0
(5)	Conway	92	Conway bypass including toll barrier (7 mi.)	34.50

## (c) Blue Star (Route I-95):

	TOWN/PROJECT	FY	IMPROVEMENT	EST. COST
		ESTIMATED	COMPLETION DATE	(\$ millions)
(1)	Hampton - North Hampton	95	Toll - expand to 16 lanes	1.60

## 6 Proposed Turnpike Tolls.

I. The 10-year plan anticipates the following general toll rate increases:

- (a) Blue Star (Route I-95) in fiscal year 1988;
- (b) Central Turnpike in fiscal year 1990; and
- (c) Blue Star (Route I-95) in fiscal year 1991.

II. The Hampton ramp toll barrier on Route 51 to Route I-95 shall not be closed.

III. The toll rate increase on the Spaulding Turnpike from the city of Dover to the city of Rochester in fiscal year 1987 shall include location review.

IV. A toll shall be established on the opening of the southern segment of the Nashua - Hudson circumferential highway in fiscal year 1990.



V. A toll shall be established on the opening of the Conway bypass in fiscal year 1993.

VI. On the opening of the northern segment of the Nashua - Hudson circumferential highway in fiscal year 1993, the circumferential tolls and the central turnpike tolls shall be revised.

VII. A new toll barrier shall be opened just north of the Massachusetts state line, for the collection of a toll from southbound vehicles only.

7 Overall Summary of the Estimated Costs of the 10-Year Highway Construction and Reconstruction Plan.

I. The source of funding for the Interstate program is as follows:

(a) Required state match (10 percent) -	\$ 6,391,275
(b) Federal participation (90 percent) -	\$ 57,521,475
Total costs -	\$ 63,912,750

II. The source of funding for the Interstate 4R program is as follows:

(a) Required state match (10 percent) -	\$ 10,411,450
(b) Federal participation (90 percent) -	\$ 93,703,050
Total costs -	\$104,114,500

(c) The estimated total available federal Interstate 4R funds are \$15,000,000 to \$18,000,000 yearly, to total \$150,000,000 to \$180,000,000 for the decade.

III. The source of funding for the Primary program is as follows:

(a) Required state match (25 percent) -	\$ 98,392,000
(b) Federal participation (75 percent) -	\$295,176,000
Total costs -	\$393,568,000*

\*This total does not include anticipated Interstate 4R transfers to be made upon completion of Interstate system.

(c) Estimated available federal primary funds:

- (1) First 5 years at \$12,000,000 yearly, to total \$60,000,000.
- (2) Second 5 years at \$20,000,000-24,000,000 yearly, to total \$100,000,000-120,000,000.
- (3) The estimated total available federal funds for the decade are \$160,000,000 - \$180,000,000.

IV. Turnpike program: total costs - \$368,650,000.

8 Commissioner's Annual Report.

I. The commissioner of the department of transportation shall submit to the general court an annual report on the status of the highway projects which are stipulated in this act.

II. The report shall include a detailed summary of funds expended to date and the extent of the work accomplished on each specific project. The commissioner shall also submit recommendations with specific emphasis on critical areas in the state highway system, which may or may not be included in the programs outlined in this act.

III. The report shall be submitted to the speaker of the house of representatives, the president of the senate, the governor and council, members of the house public works committee, members of the senate capital budget committee, and members of the long range capital planning and utilization committee, on or before December 1 each year.

9 Appropriation. The sum of \$1,000,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1987, for the purpose of an environmental impact study and preliminary design plans for a 4-lane east-west highway from route I-393 in Concord to the Spaulding turnpike at a terminus to be determined by the governor and council. This shall be a non-lapsing appropriation and in addition to any other appropriation for the department of transportation for the biennium.

10 Appropriation. The sum of \$60,400,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1987, for the alteration to U.S. route 3 and New Hampshire route 11 in the city of Franklin and the towns of Belmont and Tilton. The construction shall begin at a point in the travelled way of New Hampshire route 11 in the city of Franklin about 0.6 miles west of New Hampshire route 3-A, thence running easterly around the north side of Franklin and Tilton to Lochmere where it crosses the Winnepesaukee River; thence running northerly around the southerly side of Lake Winnisquam to a point in the travelled way of the existing Laconia bypass at its terminus in the town of Belmont. This appropriation shall be non-lapsing.

11 Appropriation. The sum of \$2,500,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1987, for land acquisition, engineering design and planning, to relocate a portion of Route 11 at West Alton and to close the gap of approximately 4.75 miles between the 2 highway projects which reconstructed Route 11. The land to be acquired for this project shall be approved by the governor and council. This appropriation shall be in addition to any other for the department of transportation for the biennium and shall be non-lapsing.

12 Bonds. To provide funds for the appropriations in sections 9, 10, and 11 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$63,900,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

13 Payments. The payment of principal and interest of the bonds and notes issued for the projects in sections 9, 10, and 11 of this act shall be made when due from the highway fund.

14 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes of sections 9 through 11 of this act.

II. To accept any federal funds which are, or become available for any project under sections 9 through 11 of this act beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 12 of this act shall be reduced by the same amount.

15 New Toll Booth on Central Turnpike Study. The commissioner of transportation shall make a study analyzing the impact of a new toll booth being installed south of exit 1 in the city of Nashua, relative to the diversion of traffic to local streets and the impedance to the flow of traffic on the turnpike. The findings of this study shall be reported to the governor and council on or before October 15, 1986.

16 Authority Granted. Amend RSA 237:2, II (supp) as inserted by 1981, 87:1 as amended by striking out said paragraph and inserting in place thereof the following:

II. Acquire land and make improvements to that portion of the eastern New Hampshire turnpike known as the Spaulding turnpike and extend said turnpike with 2 lanes including the completion of existing interchange number 9, the Dover-Somersworth interchange, and the extension of the turnpike to the 1965 Milton-Wakefield project, the expansion of the Dover toll facility, safety and widening improvements along the turnpike, purchase of access in critical sections, and the extension of the system to include a bypass around Conway.

17 Authority Granted. Amend RSA 237:2, IV (supp) as inserted by 1983, 427:1 as amended by striking out said paragraph and inserting in place thereof the following:

IV. Make improvements to the central New Hampshire turnpike, including, but not limited to:

(a) The design, right of way acquisition and construction for the improvement of the central New Hampshire turnpike in Nashua between

the Massachusetts line and exit 3 to include reconstruction of exit 1, also including associated widening and the construction of a new northbound on-ramp from Daniel E. Webster highway to the central turnpike, and the design and land acquisition for a new interchange at exit 2 which connects to a new interchange at the Daniel E. Webster highway and for additional lanes on the turnpike between the state line and exit 3. The commissioner of the department of transportation is hereby directed to make this project a priority and to begin construction within the biennium ending June 30, 1987.

(b) Construction of a new exit 7W in Nashua. The commissioner of the department of transportation is hereby directed to prioritize this project and to begin construction within the biennium ending December 1, 1985.

(c) Reconstruction of exit 8 in Merrimack to remove the current toll plaza providing toll collection equipment on the on and off ramps.

(d) Construction of the main line toll plaza in Bedford.

(e) For the construction of a north-bound off ramp and a south-bound on ramp to the Everett turnpike at the Bedford road in the town of Merrimack; the widening and lengthening of the overpass bridge at Bedford road, and the installation of toll booths for both ramps.

(f) Continue design and engineering of the modernization of the central turnpike.

18 Authority Granted. Amend RSA 237:2 by inserting after paragraph VI the following new paragraph:

VII. Acquire land as required and make improvements to the central New Hampshire turnpike, including but not limited to, completion of the connection to the Merrimack industrial interchange, improvements to interchanges 3 through 7 as required, the extension of the system to include an easterly circumferential beltway around Nashua extending from exit 2 and running easterly through the city of Nashua and the towns of Hudson and Merrimack to an intersection with the existing turnpike in the vicinity of Tinker Road, improvements and widening between interchanges 2 and 7, widening between the route 101 intersection and the Amoskeag interchange in Manchester, coordination of a study of widening between the I-89 and I-393 interchanges, and the establishment of a toll station southbound in the vicinity of Nashua and the Massachusetts state line.

19 Funds Provided. Amend RSA 237:7, I (supp) as inserted by 1981, 87:1 as amended by striking out said paragraph and inserting in place thereof the following:

I. The following sums are appropriated for the purpose of carrying out the projects authorized by RSA 237:2:

Projects      Amounts

- |     |                                                                                                 |               |
|-----|-------------------------------------------------------------------------------------------------|---------------|
| (a) | Improvements to the Blue Star memorial highway.<br>RSA 237:2, I.                                | \$ 42,600,000 |
| (b) | Improvements and 2 lane extension of Spaulding turnpike.<br>RSA 237:2, II                       | 76,700,000    |
| (c) | Improvements to central New Hampshire turnpike.<br>RSA 237:2, III.                              | 28,500,000    |
| (d) | Construction of Dover-Somersworth interchange number 9 of Spaulding turnpike.<br>RSA 273:2, II. | 1,700,000     |



- (e) Construction and improvements 64,400,000  
to the central New Hampshire  
turnpike.  
RSA 237:2, IV.
- (f) Improvements to central 21,750,000  
New Hampshire turnpike.  
RSA 237:2, V.
- (g) Improvements to eastern 7,000,000  
New Hampshire turnpike.  
RSA 237:2, VI.

Federal

\$3,500,000

State

\$3,500,000

- (h) Improvements to central 220,800,000  
New Hampshire turnpike.  
RSA 237:2, VII.
- (i) Improvements to the 11,000,000  
Spaulding turnpike  
Gosling Road interchange.  
RSA 237:2, VI.

20 Borrowing Power. Amend RSA 237:8 (supp) as inserted by 1981, 87:1 as amended by striking out same and inserting in place thereof the following:

237:8 Borrowing Power. For the purpose of providing funds necessary for the appropriations made by RSA 237:7 the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding \$470,950,000 and for the purpose may issue bonds and notes in the name and on behalf of the state in accordance with the provisions of RSA 6-A; provided that the bonds may mature up to 30 years from their dates of issue and may be made redeemable before maturity at the option of the governor and council at such price or prices and under such terms and conditions as may be fixed by the governor and council prior to the issue of the bonds. The interest on bond anticipation notes may be funded by the issue of the bonds to the extent of the applicable bond authorization and, to the extent not so funded, may be paid from any source from which interest on the anticipated bonds could be paid, including any of the turnpike reserve accounts identified in RSA 237:15.

21 Bridge Restoration. The sum of \$850,000 is hereby appropriated to the department of transportation for the fiscal year ending June 30, 1987, for the purpose of the restoration of the bridge on New Hampshire Route 12-A over the Connecticut River. This appropriation shall be nonlapsing and in addition to any other appropriations for the department of transportation for the biennium. Competitive bidding on this project is hereby waived.

22 Bonds. To provide funds for the appropriation in section 21 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$850,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

23 Payments. The payment of principal and interest of the bonds and notes issued for the project in section 21 of this act shall be made when due from the highway fund.

24 Study of Cheshire Bridge.

1. The sum of \$40,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1987, to conduct a study of the privately owned Cheshire Bridge between the towns of Charlestown New Hampshire and Springfield, Vermont. This study is to determine the

feasibility of repairing or replacing the existing structure. This appropriation shall be in addition to any other appropriation for the department of transportation for the biennium. The appropriation shall be a charge against the highway fund.

II. The commissioner of transportation shall submit his findings and recommendations based on the study conducted pursuant to paragraph I to the speaker of the house of representatives, the president of the senate, the chairman of house public works committee, the chairman of the senate capital budget committee, the chairman of the house appropriation committee, and the chairman of the senate finance committee on or before June 30, 1987.

25 Appropriation. The sum of \$4,000,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1987, for the purpose of the reconstruction of N.H. Route 25, southerly 2.5 miles from the Warren-Benton town line. This appropriation shall be non-lapsing and in addition to any other appropriation for the department of transportation for the biennium.

26 Bonds. To provide funds for the appropriation in section 25 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$4,000,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

27 Payments. The payment of principal and interest of the bonds and notes issued for the project in section 25 of this act shall be made when due from the highway fund.

28 Study Committee. There is hereby established a joint committee consisting of 3 members of the senate transportation committee appointed by the president of the senate and 3 members of the house committee on public works appointed by the speaker of the house of representatives. The committee shall study the bridges of the state relative to maintenance required and necessary repairs or replacement, and shall recommend a list of priorities for maintenance, repairs or replacement according to the committee's findings. The committee shall select a chairman and hold meetings as required. The committee members shall be entitled to legislative mileage when attending committee meetings or attending to other committee business. The committee shall submit its findings and recommendations to the president of the senate, the speaker of the house of representatives, and the governor and council on or before December 31, 1986.

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

Amendment adopted.

Referred to Appropriations.

SB 50, permitting public television and public radio, as part of their fund raising programs, to auction wine and liquor donated for that purpose, relative to liquor licenses, and relative to social clubs within national guard armories. Majority: Ought to Pass with Amendment. Minority: Ought to Pass.

MAJORITY: This bill allows public television stations to auction donated wine and liquor; the amendment provides monies for an increase in liquor store rental fees, renovations to two stores and establishing two new liquor stores. Additional amendment provides for licensing for existing National Guard social clubs. Vote 10-6. Rep. Betsy McKinney for the Majority of Regulated Revenues.

MINORITY: The minority of the Committee feels that it is not proper to license the sale of alcoholic beverages at the National Guard Armories. The minority supports the other two subjects of the bill and will offer a floor amendment to that effect. Reps. James D. Phelps, Robert N. Kelley, Howard S. Humphrey, Robert P. Mason, Carmine F. D'Amante and William G. Dion for the Minority of Regulated Revenues.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to public television and public radio fund raising auctions of wine and liquor, to liquor licenses, to social clubs within national guard armories, and making an appropriation to the liquor commission.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 State Liquor Stores. In addition to other state liquor stores established by the state liquor commission under RSA 177:1, the commission is authorized to lease, stock, equip and staff in the name of the state 2 state liquor stores. The operation of the stores shall be governed by the provisions of RSA 177.

6 Appropriation. In addition to any other sums appropriated to the state liquor commission for fiscal year 1987, the sum of \$305,600 is hereby appropriated for the fiscal year ending June 30, 1987, to the state liquor commission for the purposes of section 5 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Appropriation. In addition to any other sums appropriated to the state liquor commission for fiscal year 1987, the sum of \$128,000 is hereby appropriated to the state liquor commission to maintain and expand available opportunities for retail store locations for the fiscal year ending June 30, 1987. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

8 State Liquor Stores. The state liquor commission is authorized to relocate store #50 and store #49 and to lease, stock, equip and staff in the name of the state these relocated stores. The operation of these relocated stores shall be governed by the provisions of RSA 177. The state liquor commission is further authorized to improve the lighting conditions in store #27 and store #69.

9 Appropriation. In addition to any other sums appropriated to the state liquor commission for fiscal year 1987, the sum of \$212,000 is hereby appropriated for the fiscal year ending June 30, 1987, to the state liquor commission for the purposes of section 8 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

## 10 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect July 1, 1986.

Amendment adopted.

Rep. Burley spoke in favor of the Committee report.

Rep. Phelps offered an amendment.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to public television and public radio fund raising auctions of wine and liquor, relative to the leasing of 2 liquor stores, and making appropriations to the liquor commission.



Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 State Liquor Stores. In addition to other state liquor stores established by the state liquor commission under RSA 177:1, the commission is authorized to lease, stock, equip and staff in the name of the state 2 state liquor stores. The operation of the stores shall be governed by the provisions of RSA 177.

3 Appropriation. In addition to any other sums appropriated to the state liquor commission for fiscal year 1987, the sum of \$305,600 is hereby appropriated for the fiscal year ending June 30, 1987, to the state liquor commission for the purposes of section 2 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Appropriation. In addition to any other sums appropriated to the state liquor commission for fiscal year 1987, the sum of \$128,000 is hereby appropriated to the state liquor commission to maintain and expand available opportunities for retail store locations for the fiscal year ending June 30, 1987. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 State Liquor Stores. The state liquor commission is authorized to relocate store #50 and store #49 and to lease, stock, equip and staff in the name of the state these relocated stores. The operation of these relocated stores shall be governed by the provisions of RSA 177. The state liquor commission is further authorized to improve the lighting conditions in store #27 and store #69.

6 Appropriation. In addition to any other sums appropriated to the state liquor commission for fiscal year 1987, the sum of \$212,000 is hereby appropriated for the fiscal year ending June 30, 1987, to the state liquor commission for the purposes of section 5 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect July 1, 1986.

Hearing no objection the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Phelps explained the amendment.

Reps. Powers, D'Amante and Patti Blanchette spoke to the amendment and yielded to questions.

Rep. Matson spoke against the amendment.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

A division was requested.

Rep. Hayes abstained from voting under Rule 16.

69 members having voted in the affirmative and 234 in the negative the amendment lost.

Referred to Appropriations.

Reps. Raiche and Morse notified the Clerk that they wished to be recorded against the amendment.

SB 140-FN, providing for annual inspections for new motor vehicles and semi-annual inspections for other motor vehicles and appropriating funds for new inspection decals. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The Committee weighed the testimony taken on SB 140 and the majority felt the chances of its passing in its present form were not good. This was a difficult decision to make because the bill contained provisions to take care of checking and replacement of parts on many of the older vehicles using our highways. Hopefully, later action, this

session, will result in legislation related to HB 373 that will work toward continuing existing safety practices on the highway. Vote 7-5. Rep. Milton A. Cate for the Majority of Transportation.

MINORITY: The minority, having in good faith voted HB 373 inexpedient with the promise to work with SB 140 in the hope of producing a compromise which could address the concerns of the proponents of HB 373 while maintaining provisions to address the safety concerns of those opposed to eliminating the protection of semi-annual inspections, felt that SB 140 ought to pass. Senate Bill 140 has the advantage of including provisions to improve the current inspection procedures by attempting to curb some of the abuses which have been reported. Reps. Stephen Sloan, John Hoar, Jr., Donald F. Lamontagne, Edward J. Crotty and Victor E. Emanuelson for the Minority of Transportation.

Rep. Daniel Eaton moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Reps. Cate, Boisvert and Rounds spoke in favor of the motion.

On a voice vote the motion was adopted.

Rep. Daniel Eaton offered an amendment.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

providing for a single annual motor vehicle inspection and changing the inspection sticker fee.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Annual Inspection. Amend RSA 266:1, II as inserted by 1981, 146:1 by striking out said paragraph and inserting in place thereof the following:

II. All vehicles, except OHRV's, snow traveling vehicles and mopeds, registered under this title shall be inspected once every year during the month in which the birth date of the owner is observed, if the owner is a natural person. If the owner is a company or corporation or other than a natural person the inspection shall be made during the month designated by the director as the registration month for the corporation, partnership, or other legal entity.

2 Annual Inspection: Motorcycles and Antique Cars. Amend RSA 266:1, III as inserted by 1981, 146:1 by striking out said paragraph and inserting in place thereof the following:

III. Notwithstanding paragraph II, motorcycles and antique motor cars shall be inspected once a year during the month designated by the director.

3 Inspection Stickers. Amend RSA 266:1 by inserting after paragraph V the following new paragraph:

VI. An inspection sticker indicating the month of expiration shall be displayed on each inspected vehicle. The director shall designate the size and color for vehicle inspection stickers.

4 Fee. Amend RSA 266:2 as inserted by 1981, 146:1 as amended by striking out said section and inserting in place thereof the following:

266:2 Fees. The fee for inspection stickers shall be \$1.50 for each sticker furnished an approved inspection station. All unused stickers returned by the approved inspection station to the division shall be refundable at the rate of \$1.50 each, except that unused stickers purchased from the division for a fee of \$.65 shall be refundable at the rate of \$.65 each.

5 Effective Date. This act shall take effect July 1, 1986.

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Daniel Eaton explained the amendment.

Amendment adopted.

Referred to Appropriations.

SB 130-FN, relative to state guarantees for municipal pollution control projects, state aid for the town of Newport pollution abatement program, and amending RSA 149 to conform to the federal water pollution control act. Ought to Pass with Amendment.

The body of the bill was drafted by the Water Supply and Pollution Control Commission in consultation with the Attorney General's Office to bring New Hampshire Statutes into conformity with the Federal Water Pollution Control Act. Conformity with federal statutes is a necessity if New Hampshire is to receive a delegation of authority to administer the National Pollution Discharge Elimination System, currently administered in New Hampshire by the Federal Environmental Protection Agency. State administration will result in substantial financial benefits to the State's cities and towns.

The bill was amended in the Senate to include increased financial aid for the town of Newport. Newport is the only municipality in New Hampshire with an ongoing pollution abatement program which will not be grandfathered in for 75 percent Federal Funding of its sewage treatment facilities. The bill authorizes the State to pay an additional 20 percent of yearly amortization charges to the town, but the total amount to be given is capped at \$1,000,000.

The Committee amendment eliminates Section 1 of the bill. Section 1 removed the 25 percent limit on State guarantees of construction bonds for sewage disposal facilities. The decision to eliminate Section 1 of the bill was based on testimony from the State Treasurer which indicated that the provision could adversely affect the State bond rating. Vote 14-1. Rep. Phoebe A. Chardon for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to state aid for the town of Newport pollution abatement program and amending RSA 149 to conform to the federal water pollution control act.

Amend the bill by striking section 1 and renumbering sections 2 through 8 to read as follows:

1, 2, 3, 4, 5, 6, and 7, respectively.

Rep. Dickinson explained the Committee report.

Amendment adopted.

Referred to Appropriations.



CACR 11, relating to meetings of the General Court. Providing that the General Court shall meet biennially and receive mileage for not more than 90 legislative days during the session, but not after the first day of July following the biennial assembly of the Legislature. Inexpedient to Legislate.

CACR 11 deals with the same subject matter as CACR 8 - meetings of the General Court. CACR 8 was reported out of Committee by a vote of 10-0 as Inexpedient to Legislate and the Committee report was accepted by the House. In 1984, 74 percent of the voters supported annual sessions. The majority of the Committee believes that the Legislature should honor the mandate of the voters and give annual sessions a chance to work. Vote 11-2. Rep. Carol H. Holden for Constitutional and Statutory Revision.

Rep. Warburton moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Sloan spoke in favor of the motion.

Reps. Joseph Eaton, Flanagan, Boisvert, Chambers and Rounds spoke against the motion.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

YEAS 88 NAYS 245  
YEAS 88

BELKNAP: Jensen and Matthew Locke.

CARROLL: Gene Chandler, Russell Chase, Hounsell and Powers.

CHESHIRE: Elmer Johnson, Morse, Ridge, Secord and Thompson.

COOS: Brungot, Horton and Ottolini.

GRAFTON: Christy, McAvoy and Weymouth.

HILLSBOROUGH: Robert Blanchette, Bourque, Boutwell, Burkush, A. Leslie Burns, John Burns, Chagnon, Charron, Cronin, William Dion, Donovan, Duperron, Dykstra, Clyde Eaton, Healy, Herod, Hogan, Humphrey, Chris Jacobson, Kelley, Labombarde, Levesque, Howard Mason, McCue, Elizabeth Moore, Nute, Paradis, Pellow, B. P. Smith, Stonner, Tamposi, Vanderlosk, Harold Watson, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Laurent Boucher, George E. Gordon, Hayes, Arthur Locke, Phelps, Doris Riley, Shepard and Gerald Smith.

ROCKINGHAM: Clay, Flanders, Haynes, Robert Johnson, Joslyn, Longworth, Robert Mason, Jr., McKinney, Palumbo, Scamman, Schwaner, Simon, Sloan, Sytek, Tufts, Warburton and Welch.

STRAFFORD: Burton, Patricia Foss, Laurion, Musler, Pelley, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: D'Amante, Rodeschin and Spaulding.

NAYS 245

BELKNAP: Bolduc, Brough, Brown, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Pearson, Randall and Zeckhausen.

CARROLL: Ashnault, Dickinson, Robert Holmes, Kenneth MacDonald, Olimpio, Saunders and Schofield.

CHESHIRE: Arnott, Blacketor, Burley, Crane, Jesse Davis, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Matson, Miller, Perry, Ramsay, Russell, Schwartz, Scranton and Young.

COOS: Brideau, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Guay, Lamontagne, Mayhew, Theriault and York.

GRAFTON: Arnesen, Bean, Blair, Chambers, Copenhaver, Densmore, Driscoll, Duggan, Easton, Michael King, Wayne King, LaMott, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth, Walter and Ward.

HILLSBOROUGH: Ahrens, Arnold, August, Barry, Bass, Beaupre, Blais, Boisvert, Lionel Boucher, Bridgewater, Carragher, Champagne, Chretien, Clancy, Cote, Cox, Crotty, Ducharme, Dwyer, Joseph M. Eaton, Fields, Nancy Ford, Fried, Scott Green, Grip, Hendrick, Holden, Jasper, George Jones, Katsiaficas, Keefe, Knight, Lown, Lozeau, McGlynn, Messier, Morrissette, Robert Murphy, Nelson, O'Rourke, Bonnie Packard, Parmenter, Perham, Pressly, Raiche, Reardon, Reidy, Frances Riley, Ellen-Ann Robinson, Shriver, Leonard Smith, Snow, Steiner, Stiles, Mary Sullivan, Sylvia, Turgeon, Van Loan, Varkas, Wagner, Geraldine Watson, Frank Whittemore, Arnold Wight, Winn, Wood, Worthen and Zis.

MERRIMACK: Allgeyer, Anderson, Barberia, Bardsley, Bibbo, Bowes, Cailler, Cate, James Chandler, Connolly, Fraser, Gilbreth, Gross, Hager, Mary Holmes, Jelley, C. William Johnson, Kidder, Lewis, Millard, Pannell, Pantzer, Rehlander, Walter Robinson, Linwood Rogers, Savaria, Stio, West and James Whittemore.

ROCKINGHAM: Benton, Blaisdell, Blanchard, William Boucher, Eunice Campbell, Marilyn Campbell, Case, Champoux, Conroy, Day, Ellyson, Emanuelson, Felch, Flanagan, Bert Ford, Elizabeth Greene, Hoar, Hollingworth, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Mace, Malcolm, McCain, Benjamin Moore, Nagel, Newell, Pantelakos, Pevear, Popov, Quimby, Raynowska, Norman Rogers, Romoli, Rosencrantz, Sanderson, Seward, Sherburne, Skinner, Sochalski, Splaine, Stachowske, Vartanian, Vaughn, Wells and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Bryant, Callaghan, Chamberlin, Diamant, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Frechette, Hussey, Robert Jones, Kincaid, Lussier, O'Brien, Parks, Spear and Henry Sullivan.

SULLIVAN: Brodeur, Call, Disnard, Domini, Ingram, Paul Johnson, Lindblade, McKee, Mehegan, Normandin, Schotanus and Sara Townsend, and the motion lost lacking the necessary three-fifths.

Report adopted.

CACR 12, relative to rulemaking authority of the supreme court. Providing that supreme court rules are effective only when not inconsistent with statute. Inexpedient to Legislate.

This proposal was defeated in the 1985 session, and the 1984 Constitutional Convention. It does not address any problems that have arisen with regard to the administrative rulemaking authority of the courts. It would interfere with the Court's authority to make its own internal rules. Vote 9-3. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

Rep. George Gordon spoke to the Committee report.  
Report adopted.

## SUSPENSION OF RULES

Rep. Sytek moved that the rules be so far suspended as to permit consideration at the present time of HR 24, requesting an opinion of the justices concerning the constitutionality of SB 53, without introduction, public hearing and the required notice in the Calendar.

Adopted by the necessary two-thirds.

HR 24, requesting an opinion of the justices concerning the constitutionality of SB 53. Ought to Pass.

It was the unanimous feeling of the Committee that the opinion of the Supreme Court should be solicited regarding the constitutionality of SB 53 with proposed amendment, which limits municipal liability to \$500,000. The concern of the Committee is that the amount would be ruled as unconstitutionally low in a mass casualty situation. For this reason it would be prudent to know in advance that a limit of \$500,000 would be upheld by the court. A great disservice would be done to towns and municipalities by passing a bill of questionable constitutionality that could be struck down by the court. Because the legislative session is rapidly drawing to a close and it is in the public interest to obtain a quick answer, a suspension of the rules to consider this bill and its accompanying resolution is needed. Vote 15-0. Rep. Marc Chretien for Judiciary.

## HOUSE RESOLUTION NO. 24

requesting an opinion of the justices  
concerning the constitutionality of SB 53.

Whereas, an amendment to SB 53 has been proposed by the judiciary committee of the house of representatives and is entitled "An Act relative to limitations on liability" in the proposed amendment, and is now pending before the house of representatives; and

Whereas, SB 53, as amended, establishes a \$500,000 per incident limit on the liability of the state's political subdivisions; and

Whereas, in 1974 the New Hampshire Supreme Court stated that "the legislature has authority to specify the terms and conditions of suit against cities and towns, limit the amount of recovery, or take any other action which in its wisdom it may deem proper." Merrill v. Manchester, 114 NH 722, 730 (1974); and

Whereas, in 1979 the New Hampshire Supreme Court recognized that "there are real and vital differences between the situation of governmental units and of private parties as potential tort defendants." Estate of Cargill v. City of Rochester, 119 NH 661, 666 (1979); and

Whereas, since the 1979 decision, the New Hampshire Supreme Court has held that under the New Hampshire Constitution "the right to recover for personal injuries is . . . an important substantive right." Carson v. Maurer, 120 N.H. 925, 931-32 (1980); and

Whereas, in opining that a statutory limit on tort recoveries against the state in the amount of \$250,000 per claimant and \$2,000,000 per any single incident would not be unconstitutional, the New Hampshire Supreme Court stated that the "'continued existence of any application of the doctrine of sovereign immunity depends upon whether the restrictions it places on an injured person's right to recover be not so serious that [they] outweigh[] the benefits sought to be conferred upon the general public.'" Opinion of the Justices, 126 N.H. 554, 559 (1985); and

Whereas, the intention of SB 53 as amended, is to balance the relationship between the government-tortfeasor and citizen plaintiff; and

Whereas, questions have been raised concerning whether a \$500,000 per incident limit on the liability of the state's political subdivisions as set forth in SB 53 as amended is permissible under the New Hampshire constitution; and



Whereas, the legislative session is nearing adjournment; now, therefore, be it

Resolved by the House of Representatives:

That the Justices of the Supreme Court are respectfully requested to give, as expeditiously as possible, their opinion upon the following questions of law:

1. Is the \$500,000 limitation on recovery per incident set forth in SB 53, as amended by the house judiciary committee, permissible under Part I, Article 14 of the New Hampshire constitution?

2. If the answer to question 1 is in the affirmative, and in the light of the limitations applicable to the state under RSA 541-B:14, is the \$500,000 limitation on recovery set forth in SB 53, as amended by the house judiciary committee, permissible under the equal protection provisions of the New Hampshire constitution?

That the clerk of the house of representatives transmit copies of this resolution and SB 53 and the proposed amendment to the justices of the New Hampshire Supreme Court.

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the resolution.

Rep. Sytek explained the resolution.

Adopted.

Ordered to third reading.

Rep. Sytek moved that SB 53, relative to valid marriages, be laid upon the table to await the opinion of the justices.

Adopted.

#### SUSPENSION OF RULES

Rep. Dickinson moved that the rules be so far suspended as to permit consideration at the present time of HR 23, requesting an opinion of the justices on SB 81 as amended in the Senate and a proposed committee amendment, without introduction, public hearing and the required notice in the Calendar.

Adopted by the necessary two-thirds.

HR 23, requesting an opinion of the justices on SB 81 as amended in the Senate and a proposed committee amendment. Ought to Pass.

The resolution addresses the much debated mooring issue. The Committee has considered both SB 81 as amended in the Senate and a House Committee amendment, which pose certain constitutional questions. The Resources, Recreation and Development Committee recommends to the House that this resolution be adopted requesting an opinion from the justices on both SB 81 as amended and the proposed Committee amendment. Vote 13-0. Reps. Elizabeth S. Bardsley, Howard C. Dickinson, Jr. and Mary Ann Lewis for Resources, Recreation and Development.

#### HOUSE RESOLUTION NO. 23

requesting an opinion of the justices.

Whereas, there is pending in the house, SB 81-FN, "An Act relative to mooring on certain great ponds in New Hampshire and making an appropriation therefor"; and

Whereas, a house amendment has been proposed to SB 81-FN; and

Whereas, doubt has arisen as to the constitutionality of the provisions of said bill as amended in the senate and as proposed to be amended in the house; and

Whereas, it is important that the question of the constitutionality of said provisions should be settled in advance of any final enactment; now, therefore, be it

Resolved by the House:

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

1. Would any provision of the constitution of the United States or this state be violated by SB 81-FN insofar as SB 81-FN as amended by the senate does not recognize any right of a shorefront property owner or any other person to keep existing moorings or to place new moorings in public waters of the state?

2. Would any provision of the constitution of the United States or this state be violated by the proposed house amendment or by SB 81-FN as amended by the senate insofar as they do not require compensation to be paid to shorefront property owners or other owners of moorings which could be required to be removed or the placement of which could be prohibited to comply with the state's regulatory plan?

3. Would any provision of the constitution of the United States or this state be violated by RSA 270:59 as inserted by SB 81-FN as amended by the senate which limits state regulation of moorings to certain great ponds?

4. Would any provision of the constitution of the United States or this state be violated by RSA 270:60, II(e) as inserted by SB 81-FN as amended by the senate which lists criteria to be followed by a harbormaster in the assignment of mooring sites, including RSA 270:60, II(e)(3) which requires that preference be given state residents over nonresident landowners?

5. Would any provision of the constitution of the United States or this state be violated by either the provision inserted by section 2, paragraph III of the proposed house amendment or by RSA 270:62, II(e) as inserted by SB 81-FN as amended by the senate which prohibits the transfer, including sale or lease, of mooring sites?

6. Would any provision of the constitution of the United States or this state be violated by a continuation of the moratorium as provided in section 2 of the proposed house amendment?

7. Would any provision of the constitution of the United States or this state be violated by the procedure for establishing the mooring policy as inserted by section 3 of the proposed house amendment?

8. Would any provision of the constitution of the United States or this state be violated by any other provision of SB 81-FN as amended by the senate or the proposed house amendment?

That the clerk of the house of representatives transmit copies of this resolution, SB 81-FN as amended by the senate, and the proposed house amendment to the Justices of the New Hampshire Supreme Court.

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the resolution.

Rep. Dickinson explained the resolution.

Adopted.

Ordered to third reading.

Rep. Dickinson moved that SB 81, relative to mooring on certain great ponds in New Hampshire and making an appropriation therefor, be laid upon the table to await the opinion of the justices.

Adopted.

SB 56, relative to the current use advisory board. Ought to Pass. This bill was requested by the Current Use Advisory Board and will change the Board's program to be more convenient and appropriate for both the Board and the public. Vote 18-0. Rep. Elizabeth A. Greene for Environment and Agriculture.

Ordered to third reading.

SB 47, prohibiting the sale of products containing human collagen.  
Majority: Inexpedient to Legislate. Minority: Refer for Interim Study.

MAJORITY: The Committee heard no evidence that there is a collagen problem in New Hampshire. If there is concern at the federal level, it should be addressed by the federal government. Vote 14-4. Rep. Alice Tirrell Knight for the Majority of Health and Human Services.

MINORITY: The idea behind the bill has merit, but in its present form, it does not adequately address the sponsors' concerns especially in the area of enforcement. The minority feels that this bill should go to interim study. Reps. Scott E. Green, Joan A. Wagner, Alberta Z. Clay and Lawrence S. Chase for the Minority of Health and Human Services.

Resolution adopted.

SB 99-FN, relative to disposal of human body parts. Inexpedient to Legislate.

By a majority vote of 17-1, the Committee felt that Senate Bill 99, though well-intended, was currently covered by Public Health Statutes and the New Hampshire Code of Administrative Rules. Rep. Lawrence A. Chase for Health and Human Services.

Resolution adopted.

SB 125, prohibiting abortions in the second and third trimester of pregnancy. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: After much discussion, the Committee felt that this bill is unconstitutional. The United States Supreme Court has guaranteed the right of a woman to have an abortion. This bill could jeopardize \$70 million in medicaid funds. Many Committee members find abortion deplorable, but this bill solves no problems. Vote 14-5. Rep. Robert M. Gilbreth for the Majority of Health and Human Services.

MINORITY: The minority of the Committee, after listening to all the testimony on the bill, both for and against, decided that this bill should pass. Everyone who testified for this bill spoke with sincerity and we believed them. Under the modern techniques of ultrasound and the use of a stethoscope there are definite signs of life in the second and third trimesters. Reps. Mary J. Sullivan, Alberta Z. Clay and Gladys M. Cox for the Minority of Health and Human Services.

Rep. Mary Sullivan moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to her motion.

Reps. Joslyn and Hager spoke against the motion and yielded to questions.

Rep. Clay spoke in favor of the motion.

Rep. Daniel Eaton moved that SB 125 be laid upon the table.

A roll call was requested. Sufficiently seconded.

YEAS 108 NAYS 229  
YEAS 108

BELKNAP: Brough.

CARROLL: Ashnault, Russell Chase, Dickinson, Hounsell, Kenneth MacDonald, Powers and Saunders.

CHESHIRE: Arnott, Blacketor, Burley, Jesse Davis, Delano, Daniel Eaton, Irvin Gordon, Matson, Miller, Ridge and Russell.

COOS: Brideau, Harold Burns, Chardon and Theriault.



GRAFTON: Blair, Chambers, Densmore, Driscoll, Easton, Michael King, LaMott, McAvoy, Rounds, Walter, Ward and Weymouth.

HILLSBOROUGH: Bass, Beaupre, Boisvert, Burkush, Carragher, Chagnon, Charron, William Dion, Donovan, Scott Green, Grip, Herod, George Jones, Keefe, Knight, Howard Mason, McGlynn, O'Rourke, Perham, Reidy, Varkas, Arnold Wight, Winn and Wood.

MERRIMACK: Anderson, Laurent Boucher, Bowes, Cate, C. William Johnson, Kidder, Lewis, Pannell, Pantzer, Rehlander, Doris Riley, Walter Robinson, Linwood Rogers, Shepard, Gerald Smith, Stio and West.

ROCKINGHAM: Benton, Patti Blanchette, William Boucher, Conroy, Day, Bert Ford, Beverly Gage, Haynes, Kane, George Katsakiores, Roger King, Malcolm, Robert Mason, Jr., Pevear, Popov, Quimby, Raynowska, Rosencrantz, Scamman, Schmidtchen, Skinner, Sloan, Stachowske, Tufts and Vartanian.

STRAFFORD: Bates, Berkey, Albert Dionne, Robert Jones and Ann Torr.

SULLIVAN: Mehegan and Sara Townsend.

NAYS 229

BELKNAP: Bolduc, Brown, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Jensen, Matthew Locke, Pearson, Randall and Zeckhausen.

CARROLL: Gene Chandler, Robert Holmes, Olimpio and Schofield.

CHESHIRE: Crane, Frink, Grodin, Elmer Johnson, Morse, Parker, Perry, Ramsay, Schwartz, Scranton, Secord, Thompson and Young.

COOS: Brungot, Chappell, Coulombe, Frederic Foss, Guay, Horton, Lamontagne, Mayhew, Ottolini and York.

GRAFTON: Arnesen, Bean, Christy, Copenhaver, Crory, Duggan, Wayne King, Scanlan, Stewart, Taffe, Howard Townsend and Wadsworth.

HILLSBOROUGH: Ahrens, Arnold, August, Barry, Blais, Robert Blanchette, Lionel Boucher, Bourque, Boutwell, Bridgewater, A. Leslie Burns, John Burns, Champagne, Chretien, Clancy, Cote, Cox, Cronin, Crotty, Ducharme, Duperron, Dwyer, Dykstra, Joseph M. Eaton, Fields, Nancy Ford, Fried, Marian Harrington, Healy, Hendrick, Hogan, Holden, Humphrey, Chris Jacobson, Jasper, Katsiaticas, Kelley, Labombarde, Levesque, Lown, Lozeau, McCue, Messier, Elizabeth Moore, Morrissette, Robert Murphy, Nelson, Nute, Bonnie Packard, Parmenter, Pellow, Pressly, Raiche, Reardon, Frances Riley, Ellen-Ann Robinson, Shriver, B. P. Smith, Leonard Smith, Snow, Steiner, Stiles, Stonner, Mary Sullivan, Sylvia, Tamposi, Turgeon, Van Loan, Vanderlosk, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Worthen and Zis.

MERRIMACK: Allgeyer, Barberia, Bardsley, Bibbo, Cailler, James Chandler, Connolly, Fraser, Gilbreth, George E. Gordon, Gross, Hager, Hayes, Mary Holmes, Jelley, Arthur Locke, Millard, Nichols, Savaria and James Whittemore.

ROCKINGHAM: Blaisdell, Eunice Campbell, Marilyn Campbell, Case, Champoux, Clay, Ellyson, Emanuelson, Felch, Flanagan, Flanders, Elizabeth Greene, Hoar, Hollingworth, Robert Johnson, Joslyn, Phyllis Katsakiores, Longworth, Lovejoy, Mace, McCain, McKinney, Benjamin Moore, Nagel, Newell, Pantelakos, Norman Rogers, Romoli, Sanderson, Schwaner, Seward, Sherburne, Simon, Sochalski, Splaine, Sytek, Vaughn, Warburton, Welch, Wells and Woodward.

STRAFFORD: Appleby, Bernard, Bryant, Burton, Callaghan, Chamberlin, Diament, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Hussey, Keans, Kincaid, Laurion, Lussier, Musler, O'Brien, Parks, Pelley, Spear, Henry Sullivan, Swope, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, Ingram, Paul Johnson, Lindblade, McKee, Normandin, Rodeschin, Schotanus and Spaulding, and the motion lost.

Question being on the motion to substitute Ought to Pass.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Hager requested a roll call. Sufficiently seconded.

YEAS 84 NAYS 254  
YEAS 84

BELKNAP: Bolduc, Dexter, Golden, Matthew Locke and Pearson.

CARROLL: Gene Chandler.

CHESHIRE: Delano, Elmer Johnson and Ridge.

COOS: Brungot, Coulombe, Guay, Lamontagne and Theriault.

GRAFTON: McAvoy and Howard Townsend.

HILLSBOROUGH: August, Beaupre, Boisvert, Bourque, Burkush, A. Leslie Burns, John Burns, Carragher, Chagnon, Champagne, Charron, Chretien, Clancy, Cox, Cronin, Duperron, Dwyer, Fields, Fried, Grip, Healy, Herod, Hogan, Chris Jacobson, Kelley, Labombarde, Levesque, McCue, McGlynn, Nelson, O'Rourke, Reidy, Frances Riley, Shriver, Mary Sullivan, Sylvia, Tamposi, Vanderlosk, Emma Wheeler, Kenneth Wheeler, Winn and Worthen.

MERRIMACK: Barberia, Bibbo, George E. Gordon, Arthur Locke, Pantzer and James Whittemore.

ROCKINGHAM: Clay, Ellyson, Emanuelson, Felch, Benjamin Moore, Norman Rogers, Schwaner, Sytek, Warburton and Welch.

STRAFFORD: Berkey, Bernard, Callaghan, Frechette, Kincaid and Lussier.

SULLIVAN: D'Amante, Domini, Ingram and Mehegan.

NAYS 254

BELKNAP: Brough, Brown, Richard Campbell, Hardy, Malcolm Harrington, Hawkins, Jensen, Randall and Zeckhausen.

CARROLL: Ashnault, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Arnott, Blacketor, Burley, Crane, Jesse Davis, Daniel Eaton, Frink, Irvin Gordon, Grodin, Matson, Miller, Morse, Parker, Perry, Ramsay, Russell, Schwartz, Scranton, Secord, Thompson and Young.

COOS: Brideau, Harold Burns, Chappell, Chardon, Frederic Foss, Horton, Mayhew, Ottolini and York.

GRAFTON: Arnesen, Bean, Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Driscoll, Duggan, Easton, Michael King, Wayne King, LaMott, Rounds, Scanlan, Stewart, Taffe, Wadsworth, Walter, Waid and Weymouth

HILLSBOROUGH: Ahrens, Arnold, Barry, Bass, Blais, Robert Blanchette, Lionel Boucher, Boutwell, Bridgewater, Cote, Crotty, William Dion, Donovan, Ducharme, Dykstra, Joseph M. Eaton, Nancy Ford, Scott Green, Marian Harrington, Hendrick, Holden, Humphrey, Jasper, George Jones, Katsiaficas, Keefe, Knight, Lown, Lozeau, Howard Mason, Messier, Elizabeth Moore, Morrissette, Robert Murphy, Nute, Bonnie Packard, Parmenter, Pellow, Perham, Pressly, Raiche, Reardon, Ellen-Ann Robinson, B. P. Smith, Leonard Smith, Snow, Steiner, Stiles, Stonner, Turgeon, Van Loan, Varkas, Wagner, Geraldine Watson, Harold Watson, Frank Whittemore, Arnold Wight, Wood and Zis.

MERRIMACK: Allgeyer, Anderson, Bardsley, Laurent Boucher, Bowes, Cailier, Cate, James Chandler, Connolly, Fraser, Gilbreth, Gross, Hager, Hayes, Mary Holmes, Jelley, C. William Johnson, Kidder, Lewis, Millard, Nichols, Pannell, Rehlander, Doris Riley, Walter Robinson, Linwood Rogers, Savaria, Shepard, Gerald Smith, Stio and West.

ROCKINGHAM: Benton, Blaisdell, Blanchard, Patti Blanchette, William Boucher, Eunice Campbell, Marilyn Campbell, Case, Champoux, Conroy, Day, Flanagan, Flanders, Bert Ford, Beverly Gage, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, Jr., McCain, McKinney, Nagel, Newell, Pantelakos, Pevear, Popov, Quimby, Raynowska, Romoli, Rosencrantz, Sanderson, Scamman, Schmidtchen, Seward, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Stachowske, Tufts, Vartanian, Vaughn, Wells and Woodward.

STRAFFORD: Appleby, Bates, Bryant, Burton, Chamberlin, Diament, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Hussey, Robert Jones, Keans, Laurion, Musler, O'Brien, Parks, Pelley, Spear, Henry Sullivan, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Call, Disnard, Paul Johnson, Lindblade, McKee, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Resolution adopted.

SCR 2, relative to the disposal of high-level radioactive waste in New Hampshire. Ought to Pass with Amendment.

On January 8, 1986, the House and the Senate passed HCR 4 in which the General Court took a position of opposition to the siting of a high-level radioactive waste repository in the State of New Hampshire. The Committee unanimously supports SCR 2 as another means of voicing its opposition. The resolution requests the President of the United States (1) to require the Department of Energy to start the site selection process from scratch, using factors particular to New Hampshire and other like-situated states, and (2) to reject New Hampshire as a site. If New Hampshire is chosen as a site, the Concurrent Resolution calls upon the Governor and the Legislature of New Hampshire to exercise their right of veto under the Federal Nuclear Waste Policy Act, and urges the Congress of the United States not to override the veto. The four members of New Hampshire's Congressional Delegation are asked to help in carrying out the requests contained in the resolution to the end that New Hampshire not be chosen as a repository site. Vote 11-0. Rep. Phbebe A. Chardon for State-Federal Relations.

#### Amendment

Amend the resolution by striking out all after the title and inserting in place thereof the following:



Whereas, it is not in the best interest of the health, welfare, and safety of residents of the state of New Hampshire and the public at large to locate a high-level radioactive waste disposal facility in New Hampshire; and

Whereas, the location of such a radioactive waste disposal facility in New Hampshire would have catastrophic social, economic, and environmental effects on the state of New Hampshire; and

Whereas, the siting of such a radioactive waste disposal facility in New Hampshire would have a tremendous negative effect on New Hampshire's tourist industry; and

Whereas, the siting of such a radioactive waste disposal facility in New Hampshire would virtually destroy the quality of life of residents of the state; and

Whereas, in addition to the inherent dangers that a siting of this nature would create in the state, the transportation of high-level nuclear waste would cause unnecessary high level risk of danger to residents of the state and to residents of the New England region; and

Whereas, the United States Department of Energy has neglected to be vigilant in its development of a plan to select sites for the location of high-level radioactive waste disposal facilities; and

Whereas, such factors particular to New Hampshire as groundwater protection, seasonal population density, preservation of various state lands, and transportation-related issues were not considered in the Department of Energy's review of potential sites; and

Whereas, the Department of Energy's decision in this site selection appears to have been pre-determined; and

Whereas, the President has the authority to choose the final site from among the candidate sites presented to him by the Department of Energy; and

Whereas, the governor and the legislature of each state have been granted the power to veto the disposal facility from being in their state, subject to congressional override; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That the general court requests:

1. That the President of the United States exercise his authority over the Department of Energy and require them to re-establish a site selection plan and process including some of the factors that are particular to New Hampshire and other like-situated states; and
2. That the President require the Department of Energy to start the site selection process over again under the aforementioned plan and process; and
3. That the President, in the exercise of his authority to choose the final site for a high-level radioactive waste disposal facility, specifically reject New Hampshire as a site; and
4. That, in the event that the President, contrary to the wishes of the people of New Hampshire and contrary to the interest of the health and welfare of the public at large, does select a site in New Hampshire, the governor and the legislature then exercise the power granted to them by the federal government to veto any proposed high-level radioactive waste disposal facility in New Hampshire; and
5. That, in the event the governor and/or the legislature is forced to exercise the aforementioned power of veto, the Congress of the United States should then support the governor's and/or the legislature's veto and not vote to override the veto; and
6. That all 4 members of the New Hampshire congressional delegation do all within their power to carry out the requests contained in this resolution to the end that New Hampshire not be selected as a site for high-level radioactive waste disposal facility.

Amendment adopted.

Rep. M. Arnold Wight spoke to the Committee report.  
Rep. Chardon spoke in favor of the Committee report.  
Ordered to third reading.

Rep. Rounds moved that SB 26, relative to the integrated bar, be made a Special Order for Tuesday, April 29.  
Adopted.

SENATE MESSAGES  
REQUESTS CONCURRENCE WITH AMENDMENTS

HB 295, relative to Mirror Lake in the town of Woodstock. (Amendment printed SJ 4/15)

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

Adopted.

The Speaker appointed Reps. Dickinson, Blanchard, Conroy and Dingle.

HB 117-FN, relative to the Sullivan county probate court and prohibiting the Sullivan county attorney from engaging in the private practice of law. (Amendment printed SJ 4/15)

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

Adopted.

The Speaker appointed Reps. Lown, Paul Johnson, Perry and Hollingworth.

Rep. Rounds offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 29 at 10:00 a.m.

Adopted.

LATE SESSION  
Third reading and final passage

SB 27, relative to nominations when a candidate does not receive the nomination of his own party in the state primary election.

SCR 1, authorizing the formation of a committee to study the establishment of an office of state auditor.

SB 132-FN, relative to nursing assistant programs and making an appropriation therefor.

SB 14-FN, establishing a committee to study presumptive sentencing and sentencing of criminals in New Hampshire.

SB 39, relative to the human rights commission.

SB 20, prohibiting the operation of petroleum powered power boats on Spectacle Pond in the towns of Groton and Hebron.

SB 131-FN, relative to the higher education building corporation.

SB 80-FN, relative to an administrative fine for prohibited liquor sales.

SB 107-FN, requiring local approval for Sunday greyhound racing.

SB 24, relative to the vandalism, defacement, or destruction of any part of the "Old Man of the Mountain."

SB 25-FN, creating the Connecticut River Valley resource authority and making an appropriation therefor and relative to block voting on the fiscal committee.

SB 113-FN, relative to the creation of distinctive registration plates for businesses which do not engage in the retail sale of motor vehicles to the public.

SB 56, relative to the current use advisory board.

HR 24, requesting an opinion of the justices concerning the constitutionality of SB 53.

HR 23, requesting an opinion of the justices on SB 81 as amended in the Senate and a proposed committee amendment.

SCR 2, relative to the disposal of high-level radioactive waste in New Hampshire.

RECESS

(Speaker in the Chair)

Reps. Rounds and Chambers moved that the Honorable Senate be notified that the House of Representatives will be ready to meet in Joint Convention at 3:30 p.m. for the purpose of hearing an address by the Vice President of the United States.

Adopted.

JOINT CONVENTION

(Speaker presiding)

Reps. Rounds and Chambers and Sens. Stabile and Lessard offered the following:

WHEREAS, the Vice President, George Bush, has come to New Hampshire today to address a Joint Convention of the New Hampshire General Court, now therefore be it

RESOLVED, that the Joint Convention welcomes Vice President George Bush on behalf of all the citizens of New Hampshire.

Adopted.

The Speaker introduced Vice President George Bush, who addressed the Joint Convention.

Thank you all very, very much. Good Afternoon, Governor Sununu, Mr. Speaker, Madam President, members of the Legislature.

New Hampshire is a special place for me for many reasons. New Hampshire has always been ahead of other states in some respects -- like back in 1776. Other colonies were doing a lot of talking about declaring their independence. New Hampshire established its place as first in the nation by going ahead on its own... six months before the Declaration of Independence.

New Hampshire has always produced its share of political leaders. My father served in Washington with two of the greatest in modern times --- Sherman Adams and Norris Cotton. When I look around this chamber, I can't help but think of New Hampshire's great gift to the Federal Government, Daniel Webster. His vigor in debate was such that he was called a "steam engine" in a suit.

Webster was a jewel in the democratic crown, he was a statesman, he was farsighted. He knew for instance that compromise is reasonable, and that you can compromise on your demands and desires but not on your principles. People like Webster thrive in the democratic system, a system of balances, counterweights, and well-reasoned argument. And speaking of democracy and action, and speaking of well-reasoned arguments at the outset of my comments, I just want you to know that I've been made very much aware of the nuclear waste in this state. First of all, I'd like to say to everyone that you need not worry about your quality of



representation on this issue. I met with all four members of the New Hampshire Congressional Delegation in my office up there in the United States Senate, plugged in by telephone to the Governor, and he gave us an excellent summary of the issue, made some detailed and persuasive arguments. He's an expert on this subject, as we all know, and it shows. I'm also impressed by the impact of citizens groups. It's not just the Congressmen, it's not just the Governor, it's not just the members of the Legislature. Citizens groups like the Hillsborough Citizens Task Force and others that are vigorously participating in the democratic process. I believe that some very valid questions have been raised. I am not in a position as Vice President to prejudge the outcome of the Energy Department's administrative review, but it is essential that they have before them, in that the facts that your Governor and your very able Congressional Representatives have gathered. You are right to express your concerns about recreational areas, about population levels, water table, transportation. All of these, every one of them and more need to be exhaustibly evaluated. And talking over the issue with the group, I got the sense that it may well be a matter that needs action by both the Congress and the Executive branch. It really is a national issue affecting many states. You can be certain that it is going to get the attention it deserves. We can't afford to make one single mistake in dealing with an issue of this sensitivity.

I mentioned the system of balances. What I want to talk to you today about is a world that is not always such a balanced place. There is chaos in the world, there is drama; there are saints and sinners in the world doing the work of God and, yes, the devil. It is a world of great joy and sadness.

As Vice President, I have been these past five years in a position to see more than my share of both.

Last June I stood on the hard earth at Andrews Air Force Base and I received, in the name of all in this country, the body of a young man named Robert Dean Stethem. You remember the name. He was the Navy enlisted man who was shot to death by terrorists on TWA Flight 847. They shot him in the head in cold blood at close range. They killed him because he was an American.

A few months later, the Achille Lauro was hijacked by another gang of terrorists. Leon Klinghoffer was on board taking a last holiday cruise with his dying wife. The terrorists singled him out, a sick old man in a wheelchair, and they put him to death. They killed him because he was an American.

Last month the four American terrorist victims included a mother and the baby she held in her arms. And two weeks ago there was the American soldier killed in the bombing of the West Berlin nightclub. A nightclub targeted because it entertained Americans.

Who would do this? Who is so vicious as to target the innocent, so cruel as to revel in their deaths?

We know, of course. We know all about Muammar Qadhafi and what he does and why he does it.

Colonel Muammar Qadhafi applauded each one of these murders from his command post in Libya. He called the Rome and Vienna airport massacres "heroic acts." His embassy in Berlin was so proud of their work in the bombing there that they sent a message to Tripoli boasting that their "operation" had been successful.

Qadhafi never tried to deny his involvement in terrorism. He could barely contain his pride in his exploits. In September he commemorated the 16th anniversary of his coming to power by saying "we have the right to export terrorism."

Despite the overwhelming evidence of his involvement in terrorist activities, we did not respond with force initially.

As President Reagan said on Monday night, we tried every peaceful and diplomatic means of convincing Qadhafi that his support of international terrorism is unacceptable.

We gave Qadhafi these opportunities to end his support of terrorism because it was the right thing to do, because it was moral, and because we do not look for fights. We do not take pleasure in confrontation or bloodshed. Military solutions should never be our first choice. But a time comes when the United States of America must act to protect ourselves around the world.

Make no mistake: Qadhafi is a terrorist. He doesn't pull the trigger, he doesn't pack the bomb into the suitcase. He wants to be sure he can come back to kill again and again, so he sends others to do his work. But he provides the inspiration. He provides the money, the weapons, the training, the false passports, and he picks the targets. And if his hit men live through their assignments, he showers them with rewards.

In addition to his responsibility for the Berlin bombing, we have hard evidence linking him to terrorist actions in all parts of the globe. He is the backer of Abu Nidal, the radical Palestinian who was responsible for the Rome and Vienna airport massacres. Abu Nidal works out of Libya with Qadhafi's blessing.

Qadhafi has an active campaign to destabilize the governments of other Arab countries. He sends his agents and assassinates leaders and he gives weapons to radical elements.

Qadhafi tolerates no dissent in Libya. He murders his opponents by the score. He sends hit men to kill them even after they flee his country. Last year, the United States Government foiled a Qadhafi plot to murder dissident Libyan students living in our country.

At the time of the air strike on Monday, we had documented no fewer than 30 planned terrorist actions on Qadhafi's calendar of death for the months ahead.

I think it's important to keep Qadhafi in perspective and put him in the context of history.

He is, first of all, nothing new in the history of man. His type is nothing new under the sun.

History occasionally -- maybe more than occasionally -- yields those who want to cause dislocation, to turn things upside down and cause trouble in the world.

Rasputin -- Hitler -- Stalin. These are three names -- three tyrants. We know their work, we know what they reaped. They are great distorters of history, great dislocators. Cruel, angry, obsessed with the rightness of their vision and the efficacy of their cause, convinced that their actions are justified.

Is it too much to put Qadhafi's name among these monsters? We can debate degrees of evil. But my own feeling is that Qadhafi is an incipient monster.

We know, through intelligence sources, through psychological profiles, through the very simple record of what he's done and what he's said that Qadhafi has the real potential to become one of the monsters of history. And we have to face this, and watch closely what he does, and when we have to, meet the challenge he poses.

We can be confident. History always handles the monsters, they always disappear eventually from the state, and here's a corny line but it's true: the good guys triumph in the end. But they triumph in part because they fight for what's right.

Qadhafi has long used, and uses still, a single weapon against the West and against our nation. Terrorism. The threat of mindless and bloody violence against the innocent, often when they least expect it. The aim of terrorists: to wear us down through anxiety and fear and tension -- to tear us apart from each other as our anger and frustration increase because we can't hit back at who is hurting us and so we hit at each other. Qadhafi has tried to do this with the Atlantic Alliance -- and let's be frank, he has, to an extent, made some headway.

Terrorism is a tactic of the modern criminal state, usually a small and not inherently powerful state. And it's not surprising that they almost always target the free nations of the world. The Soviet Union is rarely

their target. But America is, and Europe is. The free states are vulnerable, the police states are havens of safety. That's another thing the Qadhafis like.

The objective of these criminal terrorist states is to demoralize us -- to create so much fear that we will yield to their demands just to escape the tension.

This is a kind of moral disarmament I'm talking about.

It's the kind of thing that has frankly infected our allies to a degree.

We work closely in our common defense against the Soviet threat. We trade with them extensively -- our histories are such that they will never morally or emotionally abandon our ties with them.

But let's be frank. The American people will not understand having to fight the battle of terrorism alone. They do not understand why a pariah like Qadhafi cannot be more effectively isolated by our friends. They have to wonder when our pilots are forced to fly hours out of their way to strike back in defense against indiscriminate terror. And they have to ask why more has not been done -- after all this time -- to "button up" the terrorism being fomented out of Libya's Peoples' Bureaus around the world. We're not alone. Look at the United Kingdom and its brave leader, Margaret Thatcher. The iron lady backed us up and not because she had the backing on the streets of London. She didn't have to go out and ask public opinion. She just cared about what's right and she came through for us. And she has taken a lot of heat, a lot of criticism. One of her critics in the Parliament yesterday called her a poodle of America. Poodle, much more, it seems to me, like a bull dog, tenaciously having the guts to stand up for what's right. Prime Minister Mulroney, our neighbor in Canada; Lee Kuan Yew, half way around the world, the brilliant Prime Minister of Singapore; and yes, our friend Simone Peres in Israel -- They told the world that they support the United States; they support United States' action. And we are grateful to these friends.

In the days and weeks ahead, I am certain that we will see a debate in this country on the wisdom of the action we took in defending ourselves against the Libyan terrorist threat.

Some will say our action was ineffective. Others will say that we only made matters worse; that we will unleash a flood of new terrorist attacks on Americans. Some will ask how it is that a mighty military superpower like the United States has to use its military forces against a country of four million. And yes, some will look at the innocent people who died and say that we are no better than terrorists ourselves.

I sat with our President as he faced this difficult decision. We looked at the risks of striking out to defend our country. They are real. We have not ended the threat of terrorism through this single action.

But we knew that in the end we must make a world in which terrorism has no place. A terrorist who murders an innocent child, who shoots an American diplomat, who blows up an airliner in flight -- that terrorist must face the certainty of death and the failure of his cause. We must make the price so high for the terrorists and those who give them comfort that they will abandon this cruelest of warfare.

As the President said the other night, we didn't like doing what we did in Libya, but we will do it again if we have to.

I talked about Robert Dean Stethem earlier. I want to share with you what I told his parents that day.

I said that we'll not forget him, that his death has meaning. I told them we understand the lesson of his death.

It's that we have to stand up, and keep standing up against terrorism. And then we'll stop it, and the Robert Dean Stethems will be allowed to grow old and have families and tell their children stories about their youth.

His death -- and the deaths of the other American victims of terrorism -- had meaning. We forget it at our peril. It is our job, it is the



sacred duty of the United States of America to defend freedom and to protect the lives of Americans around the world and to protect the innocent.

It is our job to protect our people and our great country -- and we are going to do it.

Thank you and God bless you.

Rep. Rounds and Sen. Stabile moved that the Joint Convention arise.  
Adopted.

#### HOUSE

(Speaker in the Chair)

Rep. Rounds moved that the House stand in recess for the purpose of Senate Messages, Enrolled Amendments and Enrolled Bills Reports only.

Adopted.

#### RECESS

(Rep. Daniel Eaton in the Chair)

#### SENATE MESSAGES CONCURRENCE

HB 154, relative to intestate descent and distribution among collateral heirs.

HB 249, prohibiting the use of certain containers for use as flotation devices in the public waters of the state.

HB 357, restricting boating on Iona Lake in the town of Albany and Middle Pea Porridge Pond in the town of Madison, and Big Pea Porridge Pond in the towns of Madison and Conway.

HB 239, allowing students in an approved high school vocational electrical program to perform electrical installations in residential buildings.

HB 424-FN, increasing the minimum hourly wage.

HB 479, requiring notification to consumers of surplus lines insurance coverage.

HCR 3, relative to the movie industry.

HB 46, relative to the discovery and disposition of human remains.

HB 363, relative to conditional approval of plats and applications by planning boards.

HB 208, relative to electronic defense weapons.

HB 290, relative to the representation of state officials by the attorney general.

HB 296, relative to annulments of criminal records.

HB 322, correcting a statutory reference to the appointment of guardians and conservators by probate courts.

#### NONCONCURRENCE

HB 26, relative to mental health group homes.

HB 354, relative to physical therapy and chiropractic.

HB 388-FN, relative to a study of the procurement of computer equipment by the state.

HB 460-FN, relative to a forgivable loan program and making an appropriation therefor.

#### REFERRED FOR INTERIM STUDY

HB 142-FN, relative to the number of voting machines for computerized vote casting and counting to be used in cities and towns.

## ENROLLED BILLS REPORT

HB 159, extending the due process rights of certain teachers.  
 HB 198, relative to small claims judgments.  
 HB 204, relative to payment for cost of services to unincorporated or unorganized places.  
 HB 213, relative to charter conversions for state credit unions.  
 HB 222, relative to the requirements for notification of abutters for local land use board meetings.  
 HB 364, relative to recording fees.  
 HB 325, relative to acupuncture.  
 HB 506, establishing an optional assessment of the resident tax.  
 HB 36, relative to minors not under guardianship.  
 HB 168, relative to clarifying the bail jumping statute.  
 HB 183, relative to increasing the number of alternate members on appointed local land use boards.  
 HB 252, relative to the administration of small estates.  
 HB 310, relative to driving while intoxicated.  
 HJR 2, relative to state tourism policy.  
 Rep. Natalie S. Flanagan  
 Sen. Mark Hounsell  
 For the Committee.

## RECESS

(Rep. Sara Townsend in the Chair)

 SENATE MESSAGES  
 CONCURRENCE

HB 464-FN, relative to overseas voters, armed services voters, general election ballots, and eliminating references to electors on the ballot.  
 HB 413-FN, relative to purchase of services for state agencies.  
 HB 497-FN, relative to retirement benefits for certain legislative and constitutional officers.  
 HB 95, relative to municipal and public utilities.  
 HB 426-FN, relative to the Concord regional solid waste/resource recover cooperative.  
 HB 285, relative to the deadline for planning and zoning recodification.  
 HB 263, relative to payment of police officers at public meetings or functions.  
 HB 169, relative to acknowledgments and administration of oaths by military officers.  
 HB 308, requiring libraries to make annual reports of trust funds to the attorney general.  
 HB 370-FN, relative to the rate of the tobacco tax.  
 HB 372-FN, exempting transfers of title between certain charitable organizations from the real estate transfer tax.

## NONCONCURRENCE

HB 435-FN, determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an appropriation therefor.  
 HB 496-FN, establishing the position of international trade specialist in the division of economic development of the department of resources and economic development.  
 HB 247, permitting independent voters to vote in a primary and change their registration back to independent on the same day as the primary.  
 HB 151-FN, establishing a growth planning commission to assist cities and towns.

HB 273-FN, relative to the revocation of town manager plans.

HB 386-FN, establishing a study committee to evaluate microwave asphalt concrete road repair.

HB 366, relative to the sale of rail properties in the state and providing an option for municipalities to purchase rights of way.

HB 82, relative to the driver's license suspension period for motor vehicle habitual offenders.

HB 136, relative to the recording of the real estate transfer tax.

#### REFERRED FOR INTERIM STUDY

HB 440-FN, establishing an office of administration and support and an office of health and human services planning within the department of health and human services.

HB 494-FN, relative to the return of state tax revenue to cities and towns.

#### ENROLLED BILL REPORT

HB 175, establishing a department of education, relative to rules of reorganized departments, and making a technical correction in chapter 12 of the laws of 1986.

Rep. James A. Chandler  
Sen. Mark Hounsell  
For the Committee

#### ENROLLED BILL AMENDMENT

HB 250, relative to the discharge of mortgages and the validity of tax collectors' deeds.

#### Amendment

Amend RSA 479:7, I as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

shall give the mortgagor a discharge thereof. Said discharge shall be in

This amendment corrects a typographical error in section 1 of the bill.

Adopted.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.

Adopted.



# HOUSE JOURNAL 10

*Tuesday, 29 Apr 86*

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

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Almighty God, creator of all life, we thank You that You have created us males and females in Your image and have given to us the ability to unite with You in bringing new life upon the earth. Guide us as we think about our families and of the importance of each individual member. Let peace rule in our homes. Keep self-conceit, rivalry and pride from pulling our families apart. And likewise the family of our State, Nation and World. Amen.

Rep. Berkey led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Bergeron, James J. White, Donnelly, Lawrence Chase, Barry, Wood, Lindblade, Connors, Bert Ford and Mann, the day, illness.

Reps. Marsh, Prestipino, Albert Dionne, Hogan, Bates, M. Arnold Wight, Meader, Olimpio, Vartanian, Krasker, Emma Wheeler, Lown, Shepard, Chretien, Wallner, Mace, Bean, Champoux, Joslyn, Benjamin Moore, Blais, Dwyer and Paquette, the day, important business.

Rep. Mary Holmes, the day, illness in the family.

## INTRODUCTION OF GUESTS

Jeff Neil and Debbie White, guests of the Speaker; Fred Towle, Executive Director of the New Hampshire Special Olympics, guest of Rep. Burton; Jim Robinson, son of Rep. Ellen-Ann Robinson.

## SUSPENSION OF RULES

Reps. Rounds and Chambers moved that the rules be so far suspended as to permit consideration at the present time of HCR 8, commending New Hampshire's special olympians, without introduction, public hearing, committee report and the required notice in the Calendar.

Adopted by the necessary two-thirds.

## HOUSE CONCURRENT RESOLUTION NO. 8

commending New Hampshire's special olympians.

Whereas, in the mid-1960s, the concept of Special Olympics was championed by Eunice Kennedy Shriver, who recognized that physical education and athletic competition enhances the emotional and intellectual growth of developmentally disabled persons, greatly improving their self confidence and self-esteem; and

Whereas, in 1968, 6 athletes from Laconia State School represented New Hampshire at the first International Special Olympics games at Soldiers Field in Chicago, Illinois; and

Whereas, in the 18 years that have followed, the growth of Special Olympics throughout the country and the world has been dramatic, with New Hampshire's representation at international competitions increasing from 6 athletes to more than 1,200 athletes of all ages; and

Whereas, special olympians in New Hampshire now participate in more than 40 competitive contests, skills contests and clinics at area and state meets and at the annual New Hampshire Summer Games instituted in 1973 and the annual New Hampshire Winter Games inaugurated in 1978; and

Whereas, the Special Olympics have provided an arena for hundreds of New Hampshire's special olympians to demonstrate their courage, spirit and determination, and for organizers and volunteers to demonstrate their dedication and altruism; and

Whereas, because of the opportunities made available by the statewide program, New Hampshire's special olympians have experienced great joy for being able to share their talents, skills and friendships; now therefore be it

Resolved by the House of Representatives, the Senate concurring:

That all special olympians, past and present, in the state of New Hampshire be recognized and respectfully saluted for the commitment and dedication to and participation in Special Olympics; and

That New Hampshire Special Olympics, Incorporated and its entire staff be paid the highest tribute and honor for making available, through hard work and devotion, year-round competitive, recreational and instructional athletic programs of top quality.

The Clerk read the resolution.

Adopted.

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

SB 103, relative to utility exemptions from zoning ordinances, was removed at the request of Rep. Leonard Smith.

SB 62, requiring the city of Berlin to hold a referendum relative to consolidating their water and sewer departments, was removed at the request of Rep. Rodeschin.

SB 17, restricting the size of motors to be used on Iona Lake, was removed at the request of Rep. Pearson.

Adopted.

#### COMMITTEE REPORTS (Consent Calendar)

SB 1-FN, relative to abandoned property and depositing public moneys in New Hampshire savings banks. Ought to Pass with Amendment.

This bill shortens the time to seven years, from 15, that abandoned property would be turned over to the Treasurer under the Uniform Unclaimed Property Act of 1981. It also gives the Treasurer rulemaking authority. Vote 16-0. Rep. G. Philip Rodgers for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to abandoned property and the  
treasurer's rulemaking authority.

Amend RSA 471-C:1, XI(e) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(e) Amounts due and payable under the terms of insurance policies, except amounts due under claims instruments which require acceptance by the claimant or which, by their terms, are void if not presented within a definite time; and

Amend RSA 471-C:30, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. At the time such action is commenced, the administrator shall cause notice thereof to be published once each week for 2 successive weeks in a newspaper having general circulation in the county in which is situated the last known address of the owner according to the records of the administrator, except, however, that such notice shall be limited to those items having a fair market value, on the date of the action, of more than \$25. If no address is listed, the notice shall be published in the county in which the holder of the abandoned property has his principal place of business within the state. Such notice shall be entitled "Notice of Proceedings to Declare Certain Abandoned Property Escheated to the State of New Hampshire" and shall include the following matters:

(a) The name and last known address of the owner, if previously reported;

(b) A statement that the property was unclaimed for 7 years while in the possession of the prior holder or holders and was unclaimed for 90 days after the close of the calendar year in which it was paid or delivered to the administrator pursuant to this chapter;

(c) A statement that a complaint has been filed in the action for escheat;

(d) The place, time, and date of the hearing; and

(e) A direction that unless any person claiming to be entitled to the property, or his representative, makes claim for the property in the manner provided in RSA 471-C:21 before the hearing, or appears at the hearing to substantiate his claim, the property shall escheat to the state, prior to the payment or delivery of the property to the appropriate county treasurer, and that all right, title or interest in the property of the owners shall be terminated and all claims of the owners to the property shall be forever barred.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Treasurer's Rulemaking Authority Until January 1, 1987. Amend RSA 6:3-a (supp) as inserted by 1983, 419:13 by striking out said section and inserting in place thereof the following:

6:3-a Rulemaking. The treasurer shall adopt rules under RSA 541-A and after a public hearing pursuant to:

I. Payments to the treasurer.

II. Deposits and investments.

III. Disbursements.

IV. Custodial duties.

V. Administration of RSA 471-A.

VI. Notifications required under RSA 6-B:3.

VII. Access to confidential records.

5 Treasurer's Rulemaking Authority after January 1, 1987. Amend RSA 6:3-a (supp) as inserted by 1983, 419:13 as amended by striking out said section and inserting in place thereof the following:

6:3-a Rulemaking. The treasurer shall adopt rules under RSA 541-A and after a public hearing pursuant to:

I. Payments to the treasurer.

II. Deposits and investments.



- III. Disbursements.
- IV. Custodial duties.
- V. Administration of RSA 471-C.
- VI. Notifications required under RSA 6-B:3.
- VII. Access to confidential records.

6 Effective Date.

I. Sections 1, 2 and 5 of this act shall take effect January 1, 1987.

II. Sections 3 and 4 of this act shall take effect upon its passage.

SB 43, relative to a systematic review of health coverage proposals. Ought to Pass with Amendment.

The cost ramifications of expanding health coverage is a growing concern. To address this concern, the Legislature finds that a systematic review of health coverage proposals is in the public interest. The amendment prevents the unavailability of information from interfering with the legislative process. It also recommends that an assessment of this process be reported to the General Court regarding its repeal, reenactment or expansion. Vote 15-1. Reps. Toni Pappas and Lawrence J. Guay for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Statement of Intent.

I. The legislature notes the increasing number of proposals for changes in health coverages or offering of health coverages by insurance carriers, health care service contractors, and health maintenance organizations as a component of individual or group policies and that improved access to these health care services to segments of the population which desire them can provide beneficial social and health consequences which may be in the public interest.

II. The cost ramifications of expanding health coverages is resulting in a growing concern because the structure of such coverages and the steps taken to create incentives to provide cost-effective services can significantly influence the cost impact of changes affecting particular coverages. The legislature further notes that the merits of a particular coverage must be balanced against a variety of consequences which may go far beyond the immediate impact upon the cost of insurance coverage.

2 Guidelines.

I. To address the concerns mentioned in section 1 of this act, the legislature hereby finds and declares that a systematic review of proposed changes, including proposed legislation, affecting health coverage, which explores all the ramifications of such proposed legislation, will assist the legislature in determining whether enacting a particular coverage or offering is in the public interest. Every legislator who sponsors a legislative proposal which would change a health coverage or offering of a health coverage by an insurance carrier, health care service contractor, or health maintenance organization as a component of individual or group policies shall submit a report to the legislative committees having jurisdiction, assessing both the social and financial impacts of such coverage, including the efficacy of the treatment or service proposed, according to the guidelines enumerated in paragraph II of this section.

II. The guidelines for assessing the impact of said changes affecting health coverage, to the extent that information is available, shall include, but not be limited to, the following:

## (a) The social impact:

(1) To what extent is the treatment or service generally utilized by a significant portion of the population?  
 (2) To what extent is the insurance coverage already generally available?

(3) If coverage is not generally available, to what extent does the lack of coverage result in persons avoiding necessary health care treatments?

(4) If the coverage is not generally available, to what extent does the lack of coverage result in unreasonable financial hardship?

(5) What is the level of public demand for the treatment or service?

(6) What is the level of public demand for insurance coverage of treatment or service?

(7) What is the level of interest of collective bargaining agents in negotiating privately for inclusion of this coverage in group contracts?

## (b) The economic impact:

(1) To what extent will the coverage increase or decrease the cost of treatment or service?

(2) To what extent will the coverage increase the appropriate use of the treatment or service?

(3) To what extent will the treatment or service be a substitute for more expensive treatment or service?

(4) To what extent will the coverage increase or decrease the administrative expenses of insurance companies and the premium and administrative expenses of policyholders?

(5) What will be the impact of this coverage on the total cost of health care?

III. The inability of a standing committee of either the house or the senate, due to the inavailability of information, to assess proposed changes affecting health coverage as required by paragraph II of this section, shall not interfere with either the legislative process, further consideration of such proposed changes, or the deadlines established by house, senate, or joint rules.

3 Periodic Review of Legislation. Any legislation subject to the provisions and guidelines of paragraph II of section 2 of this act shall be reviewed and reassessed using said guidelines 2 years after the passage of said legislation. Said review shall be done by the standing committee which originally reported on the subject legislation. Any reports under this paragraph shall be made to the presiding officer of the appropriate body no later than December 1, 1988.

4 Recommendation. On or before December 1, 1988, any standing committee which has utilized the assessment process of this act shall make a recommendation to the presiding officers of the general court regarding the reenactment or expansion of sections 1, 2, and 3 of this act.

5 Repeal. Sections 1, 2, and 3 of this act are hereby repealed.

6 Effective Date.

I. Section 5 of this act shall take effect December 1, 1988.

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

SB 59, relative to the consumer advocate and an assistant consumer advocate. Ought to Pass with Amendment.

The amendment is the bill; what it does is add an assistant consumer advocate who will be appointed by the Attorney General. All other language is the same intent as RSA 363:28 now in the statutes. Vote 15-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

## Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Independence of Consumer Advocate. Amend RSA 363:28 (supp) as inserted by 1981, 220:7 as amended by striking out said section and inserting in place thereof the following:

363:28 Consumer Advocate. A consumer advocate and an assistant consumer advocate, who shall be full-time classified employees and qualified attorneys admitted to practice in this state, shall be appointed by the attorney general. The consumer advocate shall be an integral part of the commission and shall serve as director of a consumer protection department. The commission shall encourage independence of action and diligence for the consumer by the consumer advocate.

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

SB 31, relative to notice to prospective purchasers of land in current usc. Inexpedient to Legislate.

Due to no support on the part of the sponsors, the Committee felt it necessary to find the bill Inexpedient. It appears that there are adequate administrative procedures in place to take care of the problem. Vote 10-0. Rep. Elizabeth S. Millard for Environment and Agriculture.

SB 75, requiring reciprocity before nonresidents may train dogs in this state. Ought to Pass.

This bill prohibits nonresident training of dogs in New Hampshire during such times the same privilege is not given to New Hampshire residents in other states and provinces. Vote 13-0. Rep. David M. Scanlan for Fish and Game.

SB 66, relative to annulments of arrest records. Ought to Pass with Amendment.

The amendment to this bill substitutes the language of House Bill 296, which clarifies annulment proceedings and provides for annulment of a not guilty finding. Vote 16-0. Rep. Charles F. Bass for Judiciary.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to annulments of criminal records.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Criminal Annulments. Amend RSA 651:5 as inserted by 1971, 518:1 as amended by striking out said section and inserting in place thereof the following:

651:5 Disposition of Certain Records.

I. If a person who has been sentenced to probation, conditional discharge, or a fine has complied with the conditions of his sentence, he may, at any time after one year following completion of the terms of his sentence, apply to the court in which the original sentence was entered for an order to annul the record of conviction and sentence.

II. If a person who has been sentenced to unconditional discharge has been convicted of no other crime except a traffic offense during a 2 year period following such sentence, he may, at any time after



such 2 year period, apply to the court in which the original sentence was entered for an order to annul the record of conviction and sentence.

III. If a person has been sentenced to a suspended sentence and has not been imprisoned under that sentence and has been convicted of no other crime except a traffic offense during a 5 year period following the completion of his suspended sentence, he may at any time after such 5 year period apply to the court in which the original sentence was entered for an order to annul the record of conviction and sentence.

IV. If a person under 21 years of age at the time of his criminal act is sentenced to imprisonment and in any 3 year period following his release has been convicted of no other offense except a traffic offense, he may, at any time after such 3 year period, apply to the court in which the original sentence was entered for an order to annul the record of conviction and sentence.

V. When an application has been made under paragraph I, II, III, or IV, the court shall require the department of corrections or district court probation officer to report to it concerning any state or federal convictions, arrests or prosecutions of the applicant during the periods specified in those paragraphs and any other information such as the applicant's employment record or the applicant's addresses during the period after his conviction which may aid the court in making a determination on the application.

VI. Notwithstanding the provisions of paragraphs I, II, III, or IV, no person who has had more than one conviction within a 3 year period of time following completion of a sentence may apply for an annulment until 7 years after completion of the terms of his sentence for his last conviction during that 3 year period.

VII. The court shall enter the order applied for under paragraph I, II, III or IV if in the court's opinion the order will assist in the applicant's rehabilitation and will be consistent with the public welfare. Upon entry of the order, the applicant shall be treated in all respects as if he had never been convicted and sentenced, except that, upon conviction of any crime committed after the order of annulment has been entered, the prior conviction may be considered by the court in determining the sentence to be imposed.

VIII. Procedures governing application for an entry of an order annulling a conviction shall be established by rule of court. The application, however, may be made through an attorney or by the department of corrections or district court probation officer if the applicant gives the department written authorization.

IX. Prior to ordering an annulment, the court shall notify the arresting law enforcement agency and permit them to be heard and present any information regarding the interest of justice or the rehabilitative value in support of or in opposition to the petition for annulment.

X. Upon entry of the order of annulment of conviction, the court shall issue to the applicant a certificate stating that his behavior after the conviction has warranted the issuance of the order, and that its effect is to annul the record of conviction and sentence, and shall forthwith notify the state police criminal records unit and the arresting agency.

XI. In any application for employment, license, or other civil right or privilege, or in any appearance as a witness in any proceeding or hearing, a person may be questioned about a previous criminal record only in terms such as "Have you ever been arrested for or convicted of a crime that has not been annulled by a court?"

XII. Nothing in this section shall affect any right of the applicant to appeal from his conviction or sentence or to rely on it in bar of any subsequent proceedings for the same offense, or the right of law enforcement officers to communicate information regarding the prior conviction or arrest to other law enforcement officers for legitimate investigative purposes, in which case such information shall not be disclosed to any other persons.

XIII. Any person whose arrest results in a finding of not guilty, dismissal, or whose case was not prosecuted may at any time apply for an annulment of the arrest record in accordance with the provisions of this section.

XIV. A person is guilty of a misdemeanor if, during the life of another who has had a record of conviction annulled pursuant to this section, he discloses or communicates the existence of such record.

XV. No court shall order an annulment pursuant to this section of any record of conviction for an offense under RSA 639:2, RSA 639:3, III, RSA 649-A, or for an offense against a person under the age of 13 under RSA 632-A until 7 years after the date of conviction.

2 Effective Date. This act shall take effect January 1, 1987.

SB 109, providing for notice of local land use board hearings to be given to condominium unit owners' associations. Inexpedient to Legislate. Subject matter covered by House Bill 222. Vote 17-0. Rep. Roger C. King for Municipal and County Government.

SB 119, relative to building permits. Ought to Pass with Amendment. Senate Bill 119 places a time limit when a building inspector must either issue or deny a building permit. This bill has the approval of the Builders' Association and the Municipal Association. Vote 17-0. Rep. David M. Perry for Municipal and County Government.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Time Limit. Amend RSA 676:13 by inserting after paragraph II the following new paragraph:

III. The building inspector shall adopt a form or set of standards specifying the minimum contents of a completed application for any building permit. Upon the submission of a completed application, the building inspector shall act to approve or deny a building permit within 30 days; provided, however, that nonresidential applications or residential applications encompassing more than 10 dwelling units shall be approved or denied within 60 days.

SB 120, relative to the issuance of a building permit. Ought to Pass with Amendment.

Senate Bill 120 is in effect a new bill covering the financial guarantees that may be required by the municipalities for the installation of improvements in subdivisions. This bill has the approval of the Builders' Association and the Municipal Association. Vote 17-0. Rep. David M. Perry for Municipal and County Government.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Security Posted. Amend RSA 676:12 by inserting after paragraph III the following new paragraph:

IV. No building permit shall be denied on the grounds of uncompleted streets or utilities when the construction of such streets or utilities has been secured to the municipality by a bond or other security approved by the planning board pursuant to RSA 674:36, III or RSA 674:44, IV; provided, however, that on land which is part of a subdivision plat or site plan, no building shall be used or occupied prior to the completion of required streets and utilities, except upon such terms as the planning board may have authorized as part of its decision approving the plat or site plan.

2 Required Acceptance of Security. Amend RSA 674:36, III (supp) as inserted by 1983, 447:1 by striking out said paragraph and inserting in place thereof the following:

III. The subdivision regulations of the planning board may stipulate, as a condition precedent to the approval of the plat, the extent to which and the manner in which streets shall be graded and improved and to which water, sewer, and other utility mains, piping, connections, or other facilities shall be installed. The regulations or practice of the planning board:

(a) May provide for the conditional approval of the plat before such improvements and installations have been constructed, but any such conditional approval shall not be entered upon the plat.

(b) Shall provide that, in lieu of the completion of street work and utility installations prior to the final approval of a plat, the planning board shall accept a performance bond, irrevocable letter of credit, or other type or types of security as shall be specified in the subdivision regulations. The planning board shall have the discretion to prescribe the type and amount of the bond or other security, require satisfactory evidence of the financial ability of any surety or financial institution to pay such bond or other type of security, and specify a period for completion of the improvements and utilities to be expressed in the bond or other security, in order to secure to the municipality the actual construction and installation of such improvements and utilities. The municipality shall have the power to enforce such bonds or other securities by all appropriate legal and equitable remedies.

(c) May provide that in lieu of the completion of street work and utility installations prior to the final approval of the plat, the subdivision regulations may provide for an assessment or other method by which the municipality is put in an assured position to do said work and to make said alterations at the cost of the owners of the property within the subdivision.

3 Required Acceptance of Security. Amend RSA 674:44, IV (supp) as inserted by 1983, 447:1 as amended by striking out said paragraph and inserting in place thereof the following:

IV. The site plan review regulations of the planning board may stipulate, as a condition precedent to the approval of the plat, the extent to which and the manner in which streets shall be graded and improved and to which water, sewer, and other utility mains, piping, connections, or other facilities shall be installed. The regulations or practice of the planning board:

(a) May provide for the conditional approval of the plat before such improvements and installations have been constructed, but any such conditional approval shall not be entered upon that plat.

(b) Shall provide that, in lieu of the completion of street work and utility installations prior to the final approval of a plat, the planning board shall accept a performance bond, irrevocable letter of credit, or other type or types of security as shall be specified in the site plan review regulations. The planning board shall have the discretion to prescribe the type and amount of the bond or other security, require satisfactory evidence of the financial ability of any surety or financial institution to pay such bond or other type of security, and specify a period for completion of the improvements and utilities to be expressed in the bond or other security, in order to secure to the municipality the actual construction and installation of such improvements and utilities. The municipality shall have the power to enforce such bonds or other securities by all appropriate legal and equitable remedies.

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

SB 121, relative to planning board procedures on plats. Ought to Pass with Amendment.



Sections 1 and 2 respond to the Sklar decision. Section 3 (effective January 1, 1987) introduces a new phase in the subdivision process which permits substantive discussion at meetings prior to the formal hearing. The amendment deletes Section 4; time did not permit finding acceptable language. Vote 17-0. Rep. George M. West for Municipal and County Government.

#### Amendment

Amend RSA 676:4, I(i)(1) and (2) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

- (1) Minor plan changes whether or not imposed by the board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or
- (2) Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the board; or

Amend RSA 676:4, II(b) as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

(b) Design review phase. The board or its designee may engage in non-binding discussions with the applicant beyond conceptual and general discussions which involve more specific design and engineering details; provided, however, that the design review phase may proceed only after identification of and notice to abutters and the general public as required by paragraph I(d). Statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken.

Amend the bill by striking out sections 4 and 5 and inserting in place thereof the following:

#### 4 Effective Date.

- I. Sections 1 and 2 of this act shall take effect 60 days after its passage.
- II. The remainder of this act shall take effect January 1, 1987.

SB 123, conforming local growth limitations to not less than the local growth percentage. Refer for Interim Study.

It was the unanimous decision of the Subcommittee and the full Committee on Municipal and County Government that SB 123 be referred for interim study. Interim study will permit time to work with the State Planning Board, New Hampshire Municipal Association, County Planning Commission, Home Builders' Association and other interested parties to study current laws pertinent to population growth, the demand for housing and the legislative changes needed to address all the issues raised at the hearings. Vote 17-0. Rep. Paul A. Golden for Municipal and County Government.

SB 70, establishing a committee to study critical lakes and river protection. Ought to Pass with Amendment.

Senate Bill 70 sets up a process through which lakes, sub-areas of lakes, or river stretches can be designated as water areas deserving protection. The Council on Resources and Development (CORD) is required to hold hearings at which any New Hampshire organization or resident may nominate appropriate lakes or rivers for consideration. The Council on Resources and Development must make recommendations to the General Court regarding water areas deserving protection and allowable uses of such water areas. The amendment sets up an advisory committee to the Council on Resources and Development. The

committee's duties include (1) studying water uses and how these uses affect each other, and (2) developing criteria for use in judging whether or not lakes, sub-areas of lakes, and river stretches are deserving of protection. Vote 13-0. Rep. Phoebe A. Chardon for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to lakes and rivers deserving protection.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Statement of Intent. The intent of this act is to set up a process through which lakes and rivers can be designated as water areas deserving protection.

2 Water Areas Deserving Protection. The council on resources and development, established under RSA 162-C:1, is hereby authorized to establish a process for designating lakes and rivers as water areas deserving protection.

#### 3 Duties.

I. The council on resources and development, in consultation with the advisory committee established under section 4 of this act, shall establish criteria and procedures to designate lakes, sub-areas of lakes or river stretches as water areas deserving protection.

II. Using the criteria established under paragraph I as a guide, any New Hampshire organization or resident may nominate an area as a water area deserving protection to the council on resources and development. The council on resources and development shall hold hearings and make recommendations to the general court identifying the lake, sub-area of a lake, or river stretch, the criteria for designating the area as a water area deserving protection, and any restrictions on use of the area. Recommendations to the general court shall also include any necessary rulemaking authority for the office of state planning relative to allowable use of such water areas. The council on resources and development shall report annually to the general court on the progress of the designation process established under this act, the first report to be submitted no later than July 1, 1987.

#### 4 Advisory Committee Established.

I. There is hereby established an advisory committee consisting of 13 members: 2 members of the house of representatives appointed by the speaker of the house; 2 members of the senate, appointed by the president of the senate; 3 members from the general public who live in cities or towns abutting rivers or lakes, appointed by the governor; 3 members who represent industries which use water, appointed by the Business and Industry Association of New Hampshire; and 3 members who represent environmental interests appointed by the governor. The committee shall elect a chairman and a committee clerk from among its members.

#### 5 Duties of the Committee.

I. The advisory committee shall study existing lake and river uses, and how these uses affect each other. Uses to be studied include, but are not limited to, the following:

- (a) Water supply.
- (b) Flood protection.
- (c) Fisheries and wildlife.
- (d) Hydroelectric production.

- (e) Waste assimilation.
- (f) Recreation.
- (g) Interstate issues.

II. The advisory committee shall develop criteria, based on the lake and river use study and in consultation with the council on resources and development, for the designation of lakes, sub-areas of lakes and river stretches as water areas deserving protection.

III. The advisory committee shall report its findings annually to the council on resources and development and make recommendations for proposed legislation, the first report to be submitted no later than January 1, 1987.

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

SB 111-FN, establishing an advisory committee on state economic development and local population growth. Ought to Pass with Amendment. This bill, as amended, establishes an advisory committee which will: (1) study current laws and court decisions relative to growth; (2) review the development of the Comprehensive Development Plan (Chapter 270, Laws of 1985); (3) analyze and recommend changes to aid local governments in their efforts to plan and provide for balanced, responsible growth. The Office of State Planning will provide staff assistance as necessary for the purpose of this act. Legislative recommendations shall be submitted to legislative services by December 15, 1986. Vote 14-1. Rep. MaryAnn N. Blanchard for Resources, Recreation and Development.

#### Amendment

Amend the bill by striking out sections 1 and 2 and inserting in place thereof the following:

1 Purpose. The general court finds that it is in the best interests of the citizens of this state to coordinate its legislative actions relating to housing development and the need for a reassessment of the legal structure necessary to preserve the quality of our life while being consistent with the economic growth and population expansion of our state. Legislative action is necessary to determine the proper role of state and regional agencies and their actions and policies as they interact with local actions and policies. It is the intent of the general court in establishing the advisory committee on housing growth and planning to provide an enhanced capability for and initial step in fulfilling the mandate for comprehensive economic development planning as outlined in chapter 270 of the laws of 1985.

2 Committee Established. There is hereby established the advisory committee on housing growth and planning. The members of the committee shall be:

I. One member of the house resources, recreation and development committee appointed by the speaker.

II. One member of the house municipal and county government committee appointed by the speaker.

III. Two members of the senate development, recreation and environment committee appointed by the president.

IV. One member appointed by the New Hampshire Municipal Association.

V. One member appointed by the Home Builders' Association of New Hampshire.

VI. One member appointed by the Business and Industry Association of New Hampshire.

VII. The director of the office of state planning or his designee.



VIII. The director of the economic development division of the department of resources and economic development or his designee.

IX. One member appointed by the New Hampshire Association of Realtors.

X. One member appointed by the Society for Protection of New Hampshire Forests.

XI. One member appointed by the New Hampshire Association of Conservation Commissions.

XII. One member appointed by the governor who is a present or past member of a municipal planning board.

XIII. One member appointed by the governor who is a member of a regional planning commission.

Amend the bill by striking out sections 4 and 5 and inserting in place thereof the following:

4 Officers. The members of the committee shall choose from their number a chairman, a vice-chairman, and a clerk.

5 Duties. The committee shall study current laws and court decisions, examine the policy of state economic development, and determine what legislative changes are needed in light of population growth, limited natural resources, the demand for housing, and the role that local government should play in a process of balanced, responsible growth for our state. The office of state planning shall provide such staff assistance as the committee shall deem necessary for the purposes of this act. The committee shall make recommendations for proposed legislation, which shall be submitted to the director of legislative services by December 15, 1986, to be drafted and introduced as legislation for the 1987 legislative session.

Amend the bill by striking out section 7 and inserting in place thereof the following:

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

#### SENATE MESSAGES REQUESTS CONCURRENCE WITH AMENDMENTS

HB 143, relative to declarations of candidacy. (Amendment printed SJ 4/15)

Rep. Joseph Eaton moved that the House concur.  
Adopted.

HB 467-FN, requiring the referral of child abuse cases to the police for criminal investigation. (Amendment printed SJ 4/15)

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

The Speaker appointed Reps. Bean, Wallner, Stachowske and Lionel Boucher.

HB 178-FN, relative to information services at highway rest areas, appropriating fees for these services, and establishing a study committee on specific information signs. (Amendment printed SJ 4/22)

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

The Speaker appointed Reps. Dickinson, Dingle, Vaughn and Conroy.

HB 502, relative to dealing in direct import vehicles. (Amendment printed SJ 4/22)

Rep. Quimby moved that the House concur.  
Adopted.

HB 463-FN, establishing a task force to study utilization review and other matters relative to mental health services. (Amendment printed SJ 4/24)

Rep. Quimby moved that the House concur.  
Adopted.

HB 412-FN, relative to reporting requirements of corporations and limited partnership. (Amendment printed SJ 4/24)

Rep. Quimby moved that the House concur.  
Adopted.

HB 393-FN, relative to health insurance benefits for part-time employees. (Amendment printed SJ 4/24)

Rep. Quimby moved that the House concur.  
Adopted.

HB 361, relative to termination of group insurance benefits. (Amendment printed SJ 4/24)

Rep. Quimby moved that the House concur.  
Adopted

HB 352, relative to consumer credit transactions, second mortgage loans, and regulation of mortgage companies. (Amendment printed SJ 4/24)

Rep. Quimby moved that the House concur.  
Adopted.

HB 155-FN, providing for continuation of certain insurance benefits for divorced or separated spouses. (Amendment printed SJ 4/24)

Rep. Quimby moved that the House concur.  
Adopted.

CACR 2, relating to size of the senate. Providing that the senate shall consist of 48 members. (Amendment printed SJ 4/15)

Rep. Joseph Eaton moved that the House nonconcur.  
Adopted.

HB 122, relative to the aggravated felonious sexual assault law. (Amendment printed SJ 4/24)

Rep. Sytek moved that the House concur.  
Adopted.

HB 6-FN, relative to financial disclosure. (Amendment printed SJ 4/24)

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

Adopted.

The Speaker appointed Reps. Taffe, Rounds, Ahrens and Raiche.

HB 107, relative to coordinated registration of corporations and limited partnerships and establishing a bond posting requirement for broker-dealers and investment advisors. (Amendment printed SJ 4/24)

Rep. Quimby moved that the House concur.  
Adopted.

HB 269, relative to written policy directives to police officers. (Amendment printed SJ 4/24)

Rep. Sytek moved that the House concur.  
Adopted.

HB 133, relative to smoking in the workplace. (Amendment printed SJ 4/24)

Rep. Sochalski moved that the House concur.  
Adopted.

HB 123, amending the right to know law. (Amendment printed SJ 4/24)

Rep. Sytek moved that the House concur.  
Adopted.

HB 9, relative to least cost supply plan electricity planning.  
(Amendment printed SJ 4/22)

Rep. Quimby moved that the House concur.

Reps. Crory, Leslie Burns, Pevear, Rehlander, Bowler, Daniell, Reidy, Easton, Parr and Chambers spoke against the motion.

Reps. Hawkins, Frederic Foss, Tamposi, Scamman and Quimby spoke in favor of the motion.

Rep. John Burns spoke in favor of the motion and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Chambers requested a roll call.

Rep. Marilyn Campbell and Gross abstained from voting under Rule 16.

YEAS 148 NAYS 175

YEAS 148

BELKNAP: Richard Campbell, Dexter, Hardy, Hawkins, Holbrook, Jensen and Matthew Locke.

CARROLL: Ashnault, Gene Chandler, Dickinson, Kenneth MacDonald, McIntire and Schofield.

CHESHIRE: Delano, Irvin Gordon, Grodin, Morse, Parker, Perry, Scranton and Thompson.

COOS: Harold Burns, Frederic Foss and Horton.

GRAFTON: Bennett, Blair, Christy, Driscoll, McAvoy, Rounds, Scanlan, Howard Townsend, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Bass, Bourdon, John Burns, Carragher, Chagnon, Crotty, Donovan, Ducharme, Clyde Eaton, Fields, Fried, Grip, Healy, Herod, Humphrey, Keefe, Kelley, Knight, Labombarde, Levesque, Lozeau, Howard Mason, McCue, Elizabeth Moore, Nute, Pappas, Paradis, Pellow, Perham, Frances Riley, G. Philip Rodgers, Sallada, Shriver, B. P. Smith, Steiner, Stiles, Stonner, Sylvia, Tamposi, Turgeon, Varkas, Geraldine Watson, Harold Watson, Kenneth Wheeler, Frank Whittemore and Worthen.

MERRIMACK: Allgeyer, Bibbo, Laurent Boucher, Connolly, Fraser, Gilbreth, George E. Gordon, Hayes, Kidder, Arthur Locke, Millard, Nichols, Pantzer, Phelps, Linwood Rogers, Stio and James Whittemore.

ROCKINGHAM: Benton, William Boucher, Eunice Campbell, Clay, Ellyson, Emanuelson, Felch, Flanders, Thomas Gage, Robert Johnson, Kane, Roger King, Robert Mason, Jr., McCain, Newell, Palumbo, Quimby, Raynowska, Romoli, Scamman, Schmidtchen, Schwaner, Skinner, Sochalski, Stachowske, Sytek, Warburton, Welch, Wells and Woodward.

STRAFFORD: Appleby, Chamberlin, Dingle, Patricia Foss, Robert Jones, Kincaid, Lussier, Parks, Swope, Ann Torr and Franklin Torr.

SULLIVAN: Call, Domini, Mehegan, Rodeschin and Schotanus.



## NAYS 175

**BELKNAP:** Bolduc, Bowler, Brough, Brown, Golden, Malcolm Harrington, Pearson, Randall and Zeckhausen.

**CARROLL:** Russell Chase, Robert Holmes, Hounsell and Powers.

**CHESHIRE:** Arnott, Blacketor, Burley, Jesse Davis, Daniel Eaton, Frink, Matson, Miller, Ramsay, Ridge, William Riley, Russell, Schwartz, William Sullivan and Young.

**COOS:** Brideau, Brungot, Chappell, Chardon, Coulombe, Guay, Lamontagne, Mayhew, Ottolini and Theriault.

**GRAFTON:** Arnesen, Chambers, Copenhaver, Crory, Densmore, Duggan, Easton, Michael King, Wayne King, LaMott, Stewart and Taffe.

**HILLSBOROUGH:** Boisvert, Lionel Boucher, Bourque, Bridgewater, Burkush, A. Leslie Burns, Champagne, Charron, Clancy, Cote, Cox, Cronin, William Dion, Duperron, Dykstra, Joseph M. Eaton, Nancy Ford, Gagnon, Scott Green, Marian Harrington, Hendrick, Holden, Chris Jacobson, Jasper, George Jones, Michael Jones, Katsiaficas, McGlynn, Messier, Morrisette, Robert Murphy, Nelson, O'Rourke, Bonnie Packard, Parmenter, Pressly, Raiche, Reardon, Reidy, Ellen-Ann Robinson, Leonard Smith, Snow, Mary Sullivan, Van Loan, Vanderlosk, Wagner, Winn and Zis.

**MERRIMACK:** Anderson, Barberia, Bardsley, Bowes, Cailler, Cate, James Chandler, Daniell, Jelley, C. William Johnson, Kinhan, Lewis, Pannell, Rehlander, Walter Robinson, Savaria, Gerald Smith and West.

**ROCKINGHAM:** Blaisdell, Blanchard, Patti Blanchette, Butler, Case, Conroy, Flanagan, Beverly Gage, Elizabeth Greene, Haynes, Hoar, Hollingworth, George Katsakiores, Phyllis Katsakiores, Longworth, Lovejoy, Magoon, Malcolm, McKinney, Nagel, Pantelakos, Parr, Pevear, Popov, Rosencrantz, Sanderson, Seward, Sherburne, Simon, Sloan, Splaine, Titone, Tufts, Vaughn and Walker.

**STRAFFORD:** Berkey, Bernard, Bryant, Burton, Callaghan, Diament, Anita Flynn, Edward Flynn, Frechette, Hussey, Laurion, Musler, O'Brien, Pelley, Spear and Henry Sullivan.

**SULLIVAN:** Brodeur, Disnard, Ingram, Paul Johnson, McKee, Normandin, Spaulding and Sara Townsend, and the motion lost.

Rep. Chretien notified the Clerk that he wished to be recorded in favor of the motion.

Rep. Chambers moved that the House nonconcur with the senate amendment to HB 9, relative to least cost supply plan electricity planning.

Adopted.

## RECONSIDERATION

Rep. Dickinson moved that the House reconsider its action whereby it nonconcurrred and requested a Committee of Conference on HB 295, relative to Mirror Lake in the town of Woodstock.

Rep. Taffe spoke in favor of the motion.

Motion adopted.

Rep. Dickinson moved that the House concur with the Senate amendment to HB 295.

Adopted.

## RECONSIDERATION

Rep. Chambers moved that the House reconsider its action whereby it nonconcurrred with the Senate amendment to HB 9.  
Motion lost.

## PERSONAL PRIVILEGE

Reps. Chambers and Quimby addressed the House under personal privilege.

Rep. Rounds moved that the House stand in recess for the purpose of Enrolling Reports and Senate messages.  
Adopted.

(Rep. Hollingworth in the Chair)

SENATE MESSAGES  
CONCURRENCE

HCR 6, in support of Korean War veterans.

HB 217, relative to depositors' ratification of certain savings banks conversions.

HB 389-FN, committing the state to the Northern New England Low-Level Radioactive Waste Management Compact.

HB 395-FN, relative to materials salvaged under the authority of the historic preservation office.

HB 68, relative to requiring notice of hydro-energy generation projects.

HB 200, repealing the task force on low-level radioactive waste management.

HB 261, prohibiting the sale of moose meat.

HB 58-FN, relative to strict liability for hazardous waste cleanup and priority of state liens on certain property.

HB 483-FN, establishing a division of elderly and adult services within the department of health and human services.

HB 77, relative to the New Hampshire Veterans' home.

HB 477-FN, relative to a temporary unemployment compensation crises assessment.

HB 75-FN, making a supplemental appropriation to the veterans' home for 1986 and 1987 fiscal years.

HB 272, relative to county government.

HB 191, relative to employee removal powers of county commissioners.

HB 257, enacting the driver license compact.

## NONCONCURRENCE

HB 305, relative to coercing county employees to make political contributions.

HB 228, relative to incompatibility of offices in towns.

HB 475, establishing a study committee to develop a state policy for information technology.

HB 98-FN, making an additional appropriation for foundation aid.

HB 218-FN, making supplemental appropriations, amending the operating budget, and amending capital appropriations.

HB 32-FN, establishing the salaries for certain employees of the department of postsecondary technical education.

HB 106, relative to the death penalty.

HB 365, to prevent marine pollution by requiring the sealing of all boat plumbing facilities.

HB 387-FN, establishing a committee to study the feasibility of a fee at the state seacoast beaches.

## REFERRED FOR INTERIM STUDY

HB 390-FN, to permit designation of enterprise zones by the director of economic development, department of resources and economic development.

HB 324-FN, relative to hazardous waste cleanup.

HB 182, clarifying penalty provisions for violations of local codes and regulations, relative to district court jurisdiction over such penalties, and enabling district court judges to issue temporary orders enjoining violations of local land use regulations.

HB 397-FN, relative to mandatory risk sharing plan surcharges.

HB 50-FN, establishing the arts development program and making an appropriation therefor.

## ENROLLED BILLS REPORT

HB 69, naming a mountain in Stark, New Hampshire as "Mount Mary" after the first name of its owner and naming a mountain in Jefferson, New Hampshire "Mount Joseph Whipple."

HB 154, relative to intestate descent and distribution among collateral heirs.

HB 189, relative to the League of New Hampshire Craftsmen and reinstating the First Congregational Society of Dublin.

HB 195, relative to cooperative planning for great ponds and their watersheds.

HB 208, relative to electronic defense weapons.

HB 239, allowing students in an approved high school vocational electrical program to perform electrical installations in residential buildings.

HB 250, relative to the discharge of mortgages and the validity of tax collectors' deeds.

HB 296, relative to annulments of criminal records.

HB 315, relative to delinquent trappers' reports.

HB 322, correcting a statutory reference to the appointment of guardians and conservators by probate courts.

HB 342, eliminating the fuel user's fee exemption for in-state diesel commercial vehicles.

HB 351, relative to wiretapping and eavesdropping.

HB 357, restricting boating on Iona Lake in the town of Albany and Middle Pea Porridge Pond in the town of Madison, and Big Pea Porridge Pond in the towns of Madison and Conway.

HB 358, establishing a committee to study services to children and families.

HB 362, relative to health care delivery and financing systems and legalizing a union school district meeting.

HB 363, relative to conditional approval of plats and applications by planning boards.

HB 414, providing for the licensing of insurance consultants.

HB 423, relative to overtime pay rates.

HB 424, increasing the minimum hourly wage.

HB 479, requiring notification to consumers of surplus lines insurance coverage.

HB 490, repealing the requirement that a person applying for restoration of a revoked driver's license do so as an original applicant.

HB 497, relative to retirement benefits for certain legislative and constitutional officers.

SB 27, relative to nomination when a candidate does not receive the nomination of his own party in the state primary election.

SB 56, relative to the current use advisory board.

SB 113, relative to the creation of distinctive registration plates for businesses which do not engage in the retail sale of motor vehicles to the public.

Rep. Chris Jacobson  
For the Committee.



## ENROLLED BILLS AMENDMENTS

SB 24, relative to the vandalism, defacement, or destruction of any part of the "Old Man of the Mountain".

## Amendment

Amend section 1 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

inserting after paragraph V the following new paragraph:

VI. Any person who is found guilty of criminal mischief under

This amendment renumbers a new paragraph of RSA 634:2 to avoid using the same number as an existing paragraph.

Adopted.

SB 39, relative to the human rights commission.

## Amendment

Amend section 1 of the bill by striking out line 2 and inserting in place thereof the following:

by 1973, 97:2 by striking out said subparagraph and inserting in place

This amendment corrects an error in the amending language of the bill.

Adopted.

HB 20-FN, relative to licensure of food service establishments.

## Amendment

Amend section 3 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

3 Public Notification. Amend RSA 143:6, I (supp) as inserted by 1985, 190:74 by striking out said paragraph and inserting in place thereof the

This amendment corrects an error in the amending language.

Adopted.

HJR 3-FN, relative to selection of guardians ad litem in marital cases.

## Amendment

Amend the resolution by striking out line 8 and inserting in place thereof the following:

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

Amend the resolution by striking out line 13 and inserting in place thereof the following:

conduct training and education programs for guardians ad litem in marital

This amendment corrects a technical error in the resolving clause and a grammatical error in the joint resolution.

Adopted.

COMMITTEE REPORTS  
(Regular Calendar)

SB 18, allowing persons to receive, collect or transmit premiums to or for any insurer through a credit card facility. Ought to Pass with Amendment.

This bill simply permits the payment for insurance coverage to be made by a credit card if the agent, the carrier, and the consumer wish to do so. Vote 11-6. Rep. Joseph Diament for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Credit Card Facilities. Amend RSA 402:15-a, I as inserted by 1965, 288:1 by striking out said paragraph and inserting in place thereof the following:

I. No person may knowingly solicit or negotiate any insurance, seek or accept applications for insurance, issue or deliver any policy to or for any insurer or relative to a subject of insurance resident, located or to be performed in this state, through the arrangement or facilities of a credit card facility or organization, for the purpose of insuring credit card holders or prospective credit card holders. Credit card holders as used in this section means any person who may pay the charge for purchases or other transactions through the credit card facility or organization, and whose credit with such facility or organization is evidenced by a credit card, identifying such person as being one whose charges the credit card facility or organization will pay, and who is identified as such upon the credit card either by name, account number, symbol, insignia, or any other method or device of identification.

I-a. Any premiums returned as a result of cancellation on any policy paid with a credit card, or financed through a credit card facility or organization, shall be paid directly to the credit card holder. The commissioner may issue rules for the proper administration of this paragraph pursuant to RSA 400-A:15.

Amendment adopted.

Ordered to third reading.

SB 73, relative to uninsured motorist property damage insurance. Inexpedient to Legislate.

This bill would require insurance companies doing business in the State of New Hampshire to offer a form of uninsured motorists' coverage under which policyholders would be insured against physical damage to the insured vehicle arising out of the negligence of an uninsured motorist. The Committee felt that the availability of this coverage should not be mandated by the State, that coverage against physical damage to a vehicle is currently available as collision insurance, and that there was some confusion about how such coverage would apply. Vote 10-5. Rep. B. P. Smith for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

SB 79, relative to third party payments for certain licensed psychologists. Ought to Pass.

This bill provides that 12 psychologists not listed in the National Registry be eligible for third party payments because of their education and experience. Vote 14-1. Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs.

Ordered to third reading.

SB 63, relative to embalmers and funeral directors. Ought to Pass with Amendment.

This bill amends RSA 325:48 to allow licensed embalmers and funeral directors to own or be employed by a crematorium. It further states regulatory boards and commissions shall not circumvent any law enacted by the Legislature. Vote 13-0. Rep. Ann M. Torr for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to embalmers and funeral directors  
and relative to rulemaking by the regulatory boards.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Crematory Omitted. Amend RSA 325:48 as inserted by 1971, 332:1 by striking out said section and inserting in place thereof the following:

325:48 Employment Prohibited. No person holding a license under this chapter shall be employed as a funeral home, funeral establishment, funeral director or embalmer by a cemetery, cemetery association, or cemetery corporation, nor shall such person own or control a cemetery, cemetery association, or cemetery corporation. This section shall not prohibit such person from (1) serving as an officer, director, or trustee of a cemetery, cemetery association or cemetery corporation without pay or for a salary not exceeding \$500 per year or (2) employment by a cemetery, cemetery association or cemetery corporation in capacities other than that of a funeral home, funeral establishment, funeral director or embalmer, or (3) taking bodies out of a grave or transferring such bodies to other graves.

2 Rulemaking Standard. Amend RSA 332-G by inserting after section 2 the following new section:

332-G:3 Rulemaking Standard. Boards or commissions shall not, by rule or administrative act, change or circumvent any law enacted by the legislature.

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

Amendment adopted.

Ordered to third reading.

SB 35, relative to the good samaritan statute. Ought to Pass with Amendment.

The amendment substitutes the language of HB 7 which defines limits on the liability of servers of alcoholic beverages. HB 7 was previously passed by the House with the other tort law reform bills, but it was the feeling of the Committee that this particular issue be separated from the other tort law bills. Vote 13-0. Rep. Charles F. Bass for Judiciary.



## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to alcohol beverage licensee liability.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Alcoholic Beverage Licensee Liability. Amend RSA by inserting after chapter 507:D the following new chapter:

## CHAPTER 507-E

## ALCOHOLIC BEVERAGE LICENSEE LIABILITY

507-E:1 Definitions. In this chapter:

- I. "Adult" means any person of legal age to purchase alcoholic beverages, or older as defined by RSA 175:6.
- II. "Alcoholic beverages" means liquor and beverages as those terms are defined in RSA 175:1.
- III. "Intoxicated person" means an individual who is in a state of intoxication as defined by this chapter.
- IV. "Intoxication" means an impairment of a person's mental or physical faculties as a result of drug or alcoholic beverage use so as to diminish that person's ability to think and act in a manner in which an ordinary prudent and cautious person, in full possession of his faculties and using reasonable care, would act under like circumstances.
- V. "Licensee" means any person who is required to be licensed to serve alcoholic beverages under RSA 175, 176, 177, 178, 178-A, 178-B, 181.
- VI. "Minor" means any person under the legal age to purchase alcoholic beverages.
- VII. "Person" means any individual, governmental body, corporation or other legal entity.
- VIII. "Premises" means any establishment licensed or required to be licensed under RSA 175:3.
- IX. "Service of alcoholic beverage" or "service" means any sale, gift, or other furnishing of alcoholic beverages.

507-E:2 Plaintiff.

- I. Any person who suffers damage, as provided in RSA 507-E:10, may bring an action under this chapter subject to the limitation found in paragraph II of this section.
- II. A person who becomes intoxicated may not bring an action under RSA 507-E:4 against a defendant for serving alcoholic beverages to such person.

507-E:3 Defendants. Any person licensed or required to be licensed under RSA 175:3 and any employee or agent of such person who commits an act giving rise to liability, as provided in RSA 507-E:4 and 5, may be made a defendant to a claim under the provisions of this chapter:

507-E:4 Negligent Service of Alcoholic Beverages.

- I. A defendant who negligently serves alcoholic beverages to a minor or to an intoxicated person is liable for resulting damages, subject to the provisions of this chapter.
- II. Service of alcoholic beverages to a minor or to an intoxicated person is negligent if the defendant knows or if a reasonably prudent person in like circumstances would know that the person being served is a minor or is intoxicated.
- III. Proof of service of alcoholic beverages to a minor without request for proof of age as required by RSA 175:6-b shall be admissible as evidence of negligence.

IV. Service of alcoholic beverages by a defendant to an adult person who subsequently serves a minor off the premises or who is legally permitted to serve a minor does not constitute service to the minor unless a reasonably prudent person in like circumstances would know that such subsequent service is reasonably likely to occur and is illegal.

V. A defendant does not have a duty to investigate whether a person being served alcoholic beverages intends to serve the alcoholic beverages to other persons off the premises.

VI. A defendant is not chargeable with knowledge of a person's consumption of alcoholic beverages or other drugs off the defendant's premises unless the person's appearance and behavior would put a reasonably prudent person on notice of such consumption.

VII. A defendant is not under a duty to recognize signs of a person's intoxication other than those normally associated with the consumption of alcoholic beverages except for intoxication resulting in whole or in part from other drugs consumed on defendant's premises with defendant's actual or constructive knowledge.

#### 507-E:5 Reckless Service of Alcoholic Beverages.

I. A person who becomes intoxicated may bring an action against a defendant for serving alcoholic beverages only when the server of such beverages is reckless. The service of alcoholic beverages is reckless when a defendant intentionally serves alcoholic beverages to a person when the server knows, or a reasonable person in his position should have known, that such service creates an unreasonable risk of physical harm to the drinker or to others that is substantially greater than that which is necessary to make his conduct negligent.

II. A defendant who recklessly provides alcoholic beverages to another is liable for resulting damages.

III. Specific serving practices that are admissible as evidence of reckless conduct include, but are not limited to, the following:

(a) Active encouragement of intoxicated persons to consume substantial amounts of alcoholic beverages.

(b) Service of alcoholic beverages to a person, 16 years of age or under, when the server knows or should reasonably know the patron's age.

(c) Service of alcoholic beverages to a patron that is so continuous and excessive that it creates a substantial risk of death by alcohol poisoning.

(d) The active assistance by a defendant of a patron into a motor vehicle when the patron is so intoxicated that such assistance is required, and the defendant knows or should know that the intoxicated person intends to operate the motor vehicle.

#### 507-E:6 Responsible Business Practices Defense.

I. Service of alcoholic beverages is not negligent or reckless if the defendant, at the time of the service, is adhering to responsible business practices. Responsible business practices are those business policies, procedures, and actions which an ordinarily prudent person would follow in like circumstances.

II. The service of alcoholic beverages to a person with actual knowledge that such person is intoxicated or is a minor is not a responsible business practice. Evidence of responsible business practices pursuant to this section is relevant to determining whether a defendant who does not have such actual knowledge should have known of the person's intoxicated condition or age.

III. With respect to service to intoxicated persons, evidence of responsible business practices may include, but is not limited to, comprehensive training of the defendant and the defendant's employees and agents who are present at the time of service of alcoholic beverages and responsible management policies, procedures, and actions which are in effect at the time of such service.

IV. With respect to service to intoxicated persons, evidence of comprehensive training includes, but is not limited to, the development of

knowledge and skills regarding the responsible service of alcoholic beverages and the handling of intoxicated persons. Such training shall be appropriate to the level and kind of responsibility for each employee and agent to be trained.

V. With respect to service to intoxicated persons, evidence of responsible management policies, procedures, and actions may include, but is not limited to, those policies, procedures, and actions which:

(a) Encourage persons not to become intoxicated if they consume alcoholic beverages on the defendant's premises.

(b) Promote availability of nonalcoholic beverages and food.

(c) Promote safe transportation alternatives other than driving while intoxicated.

(d) Prohibit employees and agents of defendant from consuming alcoholic beverages while acting in their capacity as employee or agent.

(e) Establish promotions and marketing efforts which publicize responsible business practices to the defendant's customers and community.

(f) Implement comprehensive training procedures.

(g) Maintain an adequate number of trained employees and agents for the type and size of defendant's business.

VI. With respect to service to minors, evidence of responsible business practices may include, but is not limited to:

(a) Management policies which assure the examination of proof of age as required by RSA 175:6-b, for all persons seeking service of alcoholic beverages who may reasonably be suspected to be minors.

(b) Comprehensive training of employees who are responsible for such examination regarding the detection of false or altered identification.

VII. Proof of responsible business practices shall be based on the totality of the circumstances, including but not limited to: the availability of training programs and alternative public transportation; the defendant's type and size of business; and the nature of the defendant's previous contacts with the intoxicated person or minor who is served. Evidence of the existence or omission of one or more elements of responsible business practices does not conclusively prove or disprove of the responsible business practices defense.

#### 507-E:7 Privileges.

I. No defendant may be held civilly liable for damages resulting from the refusal to serve alcoholic beverages to any person who:

(a) Fails to show proof of age as required by RSA 175:6-b;

or

(b) Appears to a reasonable person to be a minor; or

(c) Is refused service of alcoholic beverages by defendant in a good faith effort to prevent that person's intoxication.

II. No defendant may be held civilly liable for retaining documents presented as proof of age, provided such retention is for a reasonable length of time in a good faith effort to determine whether the person is of legal age or to notify law enforcement authorities of a suspected violation of law.

III. No defendant may be held civilly liable for using reasonable force to detain a person who is attempting to operate a motor vehicle while intoxicated for a reasonable period of time, necessary to summon law enforcement officers.

IV. This section does not limit a defendant's right to assert any other defense to a civil liability claim otherwise provided by law.

507-E:8 Exclusive Remedy. This chapter is the exclusive remedy against a defendant for claims by those suffering damages based on the defendant's service of alcoholic beverages.

2 Applicability. This act shall apply to actions arising on or after July 1, 1986.



3 Effective Date. This act shall take effect July 1, 1986.

Amendment adopted.  
Ordered to third reading.

SB 64-FN, relative to marriage. Ought to Pass with Amendment. This bill makes several changes in laws regarding marriages, including expansion of jurisdiction to the District Court for granting of marriage waivers to minors. It also allows fees for waivers to be set by the Supreme Court rather than by statute. The amendment outlines relationships prohibited for marriage, including marriages of the same sex, and prohibits proxy marriages. Vote 10-5. Rep. Charles F. Bass for Judiciary.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Degrees Prohibited, Men. Amend RSA 457:1 by striking out said section and inserting in place thereof the following:

457:1 Degrees Prohibited, Men. No man shall marry his mother, his father's sister, mother's sister, daughter, sister, son's daughter, daughter's daughter, brother's daughter, sister's daughter, father's brother's daughter, father's sister's daughter, mother's sister's daughter, mother's brother's daughter, or any other man.

2 Degrees Prohibited, Women. Amend RSA 457:2 as amended by striking out said section and inserting in place thereof the following:

457:2 Degrees Prohibited, Women. No woman shall marry her father, her father's brother, mother's brother, son, brother, son's son, daughter's son, brother's son, sister's son, father's brother's son, mother's brother's son, father's sister's son, mother's sister's son, or any other woman.

3 Petition to Marry by Minor. Amend RSA 457:6 as amended by striking out said section and inserting in place thereof the following:

457:6 Petition by Party Under Age. If special cause exists rendering desirable the marriage of a person resident in this state, or the marriage of a person who is a nonresident in this state who applies for permission to marry a resident in this state, either person being below the age of consent and above the ages specified in RSA 457:4, the parties desiring to contract such marriage, with the parent or guardian having the custody of such party below such age, if there be such parent or guardian, may apply in writing to the judge of probate or to a district court judge, within the district in which one of them resides, for permission to contract such marriage. No waiver shall be granted to persons below the age of consent if both parties are non-residents.

4 No Marriages by Proxy. Amend RSA 457:8 by striking out said section and inserting in place thereof the following:

457:8 Prohibitions. No town clerk shall issue any certificate for the marriage of any person below the age of consent, and no magistrate or minister of religion shall solemnize the marriage of any such person, if such clerk, magistrate or minister knows or has reasonable cause to believe that such person is below such age, unless permission for such marriage has been given under this subdivision. No magistrate or minister of religion shall solemnize any marriage by proxy.

5 Shortening Waiting Period for Marriage. Amend RSA 457:27 as amended by striking out said section and inserting in place thereof the following:

457:27 Shortening Period. On application to a judge of probate or to a district court judge, within the district where the proposed marriage is to be solemnized, the court for good cause shown may order that the period of 3 days provided in RSA 457:26 be shortened.

6 Waiver Fees and Copy Costs. Amend RSA 457 by inserting after section 29 the following new section:

457:29-a Waiver Fees and Copy Costs. The fee schedule for waivers and copies shall be set by the supreme court, pursuant to RSA 490:26-a.

7 Repeal. RSA 457:6-a, relative to fees for certificates of marriage waivers, is hereby repealed.

8 Effective date. This act shall take effect January 1, 1987.

Amendment adopted.

Ordered to third reading.

SB 126-FN, relative to reporting of certain income received by elected officials. Ought to Pass with Amendment.

Senate Bill 126, as passed by the Senate, mandated the disclosure of income from testimonials, gifts, honorariums, donations or any other source by every elected state and county official. The same subject is contained in House Bill 6, the House-passed ethics bill. The Committee believes the House version is more comprehensive and covers candidates as well as incumbents. The Senate Internal Affairs Committee is recommending that House Bill 6 pass in an amended form. To protect the House position, the Committee is recommending the complete ethics bill be substituted for the Senate proposal. Vote 12-0. Rep. James A. Chandler for Legislative Administration.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to financial disclosure.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapters. Amend RSA by inserting after chapter 15 the following new chapters:

#### CHAPTER 15-A

#### FINANCIAL DISCLOSURE

15-A:1 Definitions. In this chapter:

I. "Business" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, or any legal entity organized for profit.

II. "Business with which a person is associated" means any business in which the person or a member of the person's immediate family is a director, officer, owner, trustee, or employee.

III. "Candidate" means any person publicly declared as such and for whom votes are sought in an election for the offices set forth in RSA 15-A:1, IV.

IV. "Elected official" means the governor, members of the executive council, members of the general court, county commissioners, county sheriffs, county treasurers, county attorneys, registers of deeds, and registers of probate.

V. "Gift" means a payment or deposit of money, services, or anything of value, unless consideration of equal or greater value is received. For the purposes of RSA 15-A:3, I(c), each gift includes the aggregate amount of all gifts from any one donor over the entire reporting

period. "Gift" shall not include income from testimonials, honorariums, or political contributions otherwise reported as required by law; a commercially reasonable loan made in the ordinary course of business; or a gift received from a member of the person's immediate family or from a person's parent, aunt, uncle, grandparent, great grandparent, sibling, son, or daughter, or from the spouse of any such relative.

VI. "Income" means any money or thing of value received, or to be received as a claim on future services in excess of \$1,000, whether in the form of a fee, salary, expense, allowance, forbearance, forgiveness, royalty, capital gain, or any other form of recompense and includes income from pensions, annuities, and real estate net income in excess of \$5,000. "Income" shall not include an individual's salary when the salary is a matter of public record.

VII. "Person" means a business, individual, corporation, union, association, firm, partnership, committee, club, or other organization or group of persons.

VIII. "Public official" means the house clerk, the senate clerk, the house sergeant-at-arms, the senate sergeant-at-arms, the secretary of state, and the state treasurer.

IX. "Spouse" means a husband or wife residing in the household of a person required to file a statement of financial interests under this chapter.

15-A:2 Optional Financial Disclosure; Candidates; Elected Officials.

I. Each candidate shall file, at the time of filing a declaration of candidacy under RSA 655:17 or a declaration of intent under RSA 655:17-a, a statement of intent to make financial disclosure stating whether or not the candidate shall file a financial disclosure statement as set forth in RSA 15-A:6. Any candidate who agrees to make a financial disclosure and whose name shall appear on a general election ballot shall file the financial disclosure required under this chapter with the secretary of state within 15 days of the candidate's receiving notice that he has been nominated by a party primary or that his name shall be listed on a general election ballot. Any candidate who agreed to file a financial disclosure and who does not file a statement within the required 15-day period shall be guilty of violating RSA 666:6.

II. Each elected official who as a candidate agreed to file a financial disclosure under this section shall also file a statement under RSA 15-A:5 and 7, on or before October 1 of the year following his election.

15-A:3 Optional Financial Disclosure; Candidates in Special Elections; Elected Officials.

I. Each candidate who is nominated for a special election under RSA 655:81 shall file, at the time of filing a declaration of candidacy under RSA 655:17 or a declaration of intent under RSA 655:17-a, a statement of intent to make financial disclosure stating whether or not the candidate shall file a financial disclosure statement as set forth in RSA 15-A:6. Any candidate who agrees to make a financial disclosure and whose name shall appear on a special election ballot shall file the financial disclosure required under this chapter with the secretary of state within 15 days of the candidate's receiving notice that he has been nominated by a party primary or that his name shall be listed on a special election ballot. Any candidate who agreed to file a financial disclosure and who does not file a statement within the required 15-day period shall be guilty of violating RSA 666:6.

II. Each elected official who as a candidate agreed to file a financial disclosure under this section shall file the statement under RSA 15-A:5 and 7, on or before each October 1, provided that no official shall be required to file a financial disclosure under this section more than once in the same calendar year.

15-A:4 Optional Financial Disclosure; Public Officials. Each public official shall have the option of filing a statement of financial interests under RSA 15-A:5 and 7 within 30 days of his election for the official's federal tax year preceding the time of his election.



15-A:5 Statement of Financial Interests; Information Required.

I. The statement of financial interests shall include the following information for the preceding federal tax year with regard to the combined financial interests of the person required to file the statement and the person's spouse:

(a) The name, address, and nature of association in any business with which the person was associated.

(b) The name of any person from whom income was received. Nothing in this paragraph shall be construed as requiring a person to disclose gross income or individual sources of income in dollar amounts or income from an individual's salary when the salary is a matter of public record.

(c) The donor of gifts as defined in RSA 15-A:1, V exceeding \$100 in value.

(d) The nature of any interest in excess of \$5,000 in stocks, bonds, or other liquid securities. For the purposes of this section, liquid securities means any evidence of a secured indebtedness or a right to participate in profits, such as stock certificates or bonds.

(e) The nature of any unsecured liability in excess of \$5,000. For the purposes of this section, unsecured liabilities are promises to pay which have no real or personal property securing the obligation.

II. A person may comply with this chapter by indicating on the statement that there is no change in financial interests from those listed in a statement filed for the preceding year.

15-A:6 Statement of Intent. Each candidate and each elected official shall file a statement in substantially the following form as set forth in RSA 15-A:2 and 3. No spaces shall be left blank on the form; however, "not applicable" may be entered when appropriate.

Declaration of Intent to Make Financial Disclosure

NAME \_\_\_\_\_  
CANDIDATE FOR (OFFICE) \_\_\_\_\_  
ADDRESS \_\_\_\_\_

OCCUPATION \_\_\_\_\_  
EMPLOYER \_\_\_\_\_  
PRINCIPAL SOURCE OF INCOME \_\_\_\_\_

I agree to make a financial disclosure under RSA 15-A:5 \_\_\_\_\_  
I decline to make a financial disclosure under RSA 15-A:5 \_\_\_\_\_  
Date \_\_\_\_\_ Signature \_\_\_\_\_

15-A:7 Combined Statement of Financial Interests. Each candidate, elected official and public official agreeing to make a financial disclosure, shall file a statement in substantially the following form. The statement shall list the combined financial interests of the person reporting and that person's spouse. No spaces shall be left blank on the form; however, "not applicable" may be entered when appropriate.

STATEMENT OF FINANCIAL INTERESTS  
(use additional paper as necessary)

Name \_\_\_\_\_  
Spouse's name \_\_\_\_\_  
Address \_\_\_\_\_

(1) Business Associations

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Nature of Association \_\_\_\_\_  
\_\_\_\_\_

(2) Income sources (not to include any salary income which is a matter of public record)

Name of Actual Source  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) Sources of gifts in excess of \$100

Donor  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(4) Nature of Liquid Securities exceeding \$5,000

Name of Security  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(5) Unsecured Liabilities in excess of \$5,000

Creditor \_\_\_\_\_

Date \_\_\_\_\_ Signature of candidate or official \_\_\_\_\_  
Date \_\_\_\_\_ Signature of spouse \_\_\_\_\_

15-A:8 Forms; Place of Filing. The secretary of state shall furnish all forms required under this chapter. All persons filing a statement under this chapter shall file with the secretary of state.

15-A:9 Implementation Committee. There shall be an implementation committee composed of 4 members of each body of the general court appointed by the presiding officers. At least one person appointed by each presiding officer shall be a member of the minority party. The secretary of state shall also serve as a regular member of the committee. The members of the committee shall select a chairman from among its members. The implementation committee may make nonsubstantive changes in the forms required by this chapter. The implementation committee shall develop an explanatory page of information and instructions for the forms and samples of completed forms which shall be distributed with the forms furnished by the secretary of state.

15-A:10 Penalty. Any person failing to comply with the provisions of this chapter or filing a false statement shall be guilty of a misdemeanor.

CHAPTER 15-B

MANDATORY DISCLOSURE OF TESTIMONIALS AND HONORARIUMS

## 15-B:1 Definitions.

I. "Candidate" means any person publicly declared as such and for whom votes are sought in an election for the offices set forth in RSA 15-B:1, II.

II. "Elected official" means the governor, members of the executive council, members of the general court, county commissioners, county sheriffs, county treasurers, county attorneys, registers of deeds, and registers of probate.

III. "Gross income" means all payments or deposits of money, services, or anything of value, unless consideration of equal or greater value is received, as a result of a testimonial or as an honorarium, before the payment of any expenses associated with the event. "Gross income" shall not include income from testimonials, honorariums, or political contributions otherwise reported as required by law; a commercially reasonable loan made in the ordinary course of business; or a gift received from a member of the person's immediate family or from a person's parent, aunt, uncle, grandparent, great grandparent, sibling, son, or daughter, or from the spouse of any such relative.

IV. "Honorarium" means a payment to a candidate, elected official, or public official for services on which no fee is set or legally obtainable.

V. "Public official" means the house clerk, the senate clerk, the house sergeant-at-arms, the senate sergeant-at-arms, the secretary of state, and the state treasurer.

VI. "Spouse" means a husband or wife residing in the household of a person required to file a statement of financial interests under this chapter.

VII. "Testimonial" means an affair of any kind or nature including, but not limited to, cocktail parties, breakfasts, luncheons, dinners, dances, or picnics intended to raise funds on behalf of an elected official or public official.

## 15-B:2 Mandatory Financial Disclosure; Candidates; Elected Officials.

I. Any candidate who has received any income as a result of a testimonial or honorarium during his preceding federal tax year and whose name shall appear on a general election ballot shall file the financial disclosure required under this chapter with the secretary of state within 15 days of the candidate's receiving notice that he has been nominated by a party primary or that his name shall be listed on a general election ballot. Any candidate who does not file a statement within the required 15-day period shall be guilty of violating RSA 666:6.

II. Each elected official who has received any income as a result of a testimonial or honorarium during his preceding federal tax year shall also file a statement under RSA 15-B:6 on or before October 1 of the year following his election.

## 15-B:3 Mandatory Financial Disclosure; Candidates in Special Elections; Elected Officials.

I. Any candidate who has received any income as a result of a testimonial or honorarium during his preceding federal tax year and whose name shall appear on a special election ballot shall file the financial disclosure required under this chapter with the secretary of state within 15 days of the candidate's receiving notice that he has been nominated by a party primary or that his name shall be listed on a special election ballot. Any candidate who does not file a statement with the required 15-day period shall be guilty of violating RSA 666:6.

II. Each elected official who has received any income as a result of a testimonial or honorarium during his preceding federal tax year shall file the statement under RSA 15-B:6 on or before each October 1, provided that no official shall be required to file a financial disclosure under this section more than once in the same calendar year.

15-B:4 Mandatory Financial Disclosure; Public Officials. Each public official who has received any income as a result of a testimonial or honorarium during his preceding federal tax year shall file a statement of



financial interests under RSA 15-B:6 within 30 days of his election for his federal tax year preceding the time of his election.

15-B:5 Mandatory Statement of Financial Interests for Testimonials and Honorariums; Information Required. The statement of financial interests shall include the gross income as defined in RSA 15-B:1, III and the name of the source of the income when that source contributed or donated in excess of \$100 during the reporting period. The statement shall apply to the individual's preceding federal tax year.

15-B:6 Statement of Financial Interests. Each candidate, elected official and public official required to file a statement under this chapter shall file a statement in substantially the following form. No spaces shall be left blank on the form; however, "not applicable" may be entered when appropriate. No candidate, elected official, or public official who has not received any income from a testimonial or honorarium during the reporting period shall be required to file a statement under this chapter.

STATEMENT OF FINANCIAL INTERESTS FOR TESTIMONIALS AND HONORARIUMS

(use additional paper as necessary)

Total Amount Received from all Testimonials and Honorariums

Source	Sources in excess of \$100	Total Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Date \_\_\_\_\_ Signature of Candidate of Official \_\_\_\_\_

15-B:7 Forms; Place of Filing. The secretary of state shall furnish all forms required under this chapter. All persons filing a statement under this chapter shall file with the secretary of state.

15-B:8 Implementation Committee. The implementation committee established under RSA 15-A:9 may make nonsubstantive changes in the form required by this chapter. The implementation committee shall develop an explanatory page of information and instructions for the form and samples of completed forms which shall be distributed with the forms furnished by the secretary of state.

15-B:9 Penalty. Any person failing to comply with the provisions of this chapter or filing a false statement shall be guilty of a misdemeanor.

2 Effective Date. This act shall take effect January 1, 1987.

Amendment adopted.  
Ordered to third reading.

SB 2, relative to driver's license suspensions and revocations and to arrests by law enforcement officers in interstate fresh pursuit.

Majority: Ought to Pass with Amendment. Minority: Ought to Pass.

MAJORITY: The Supreme Court declared the Motor Vehicle Director's statutory authority to revoke licenses in certain cases under RSA 263:56 unconstitutional. This bill, as amended, will make the statutes more concrete. One of the provisions gives the Motor Vehicle Director authority to adopt rules to establish a uniform system assigning demerit points for identifying habitually reckless or negligent drivers, who when having accumulated a sufficient number of demerits, be ordered to attend an improvement interview and with further accumulation of demerits a loss of license for up to one year. The second part of SB 2 provides that in any hearing conducted under the provisions of this section regarding a fatality, the decedent's next of kin shall receive notice of the hearing, shall have the right to be present at the hearing, and shall be permitted to testify at the hearing.

The last section of SB 2, adds to the present interstate fresh pursuit statute permission to use this statute of fresh pursuit in the case of a person driving a motor vehicle while under the influence of intoxicating liquors. A second part of this section makes this addition applicable only with a state that has a reciprocal agreement. Vote 7-3. Rep. Roger Stewart for the Majority of Transportation.

MINORITY: The minority agrees with the intent of SB 2, as amended, however, finds that further amendment is necessary. The amended version of SB 2 allows the Department of Safety to suspend a driver's license for "moral impairment." No definition of moral impairment is given. It is left to the discretion of a hearings officer to determine what that is.

Secondly, the bill requires the Department of Safety to adopt rules relative to a point system to be used in determining when a driver should be considered an habitual offender. Other states have adopted the point system by statute. It is the role of the Legislature to adopt policy. Therefore, the point system better belongs in statute. Finally, the bill adds to the definition of fresh pursuit to allow drivers suspected of DWI to be stopped in New Hampshire by out-of-state police officers. The definition of fresh pursuit needs to be clarified to avoid a potential situation where a New Hampshire driver could be stopped for DWI in New Hampshire and not receive the protection of the New Hampshire Constitution. Rep. Stephen Sloan for the Minority of Transportation.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Next of Kin Defined. Amend RSA 259 by inserting after section 66 the following new section:

259:66-a Next of Kin. "Next of kin" shall mean the spouse, child, parent, step-parent, sibling, or legal guardian of the individual in question.

2 Authority for License Suspension or Revocation. Amend RSA 263:56 by striking out said section and inserting in place thereof the following:  
263:56 Authority to Suspend or Revoke License.

I. In addition to any other authority provided by law, the director is hereby authorized to revoke or suspend any license, permit or certificate issued under this title after a hearing upon a showing by its records or other sufficient evidence that the driver:

(a) Has committed an offense for which mandatory revocation of license is required upon conviction.

(b) Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(c) Is an habitually reckless or negligent driver of a motor vehicle, as established by the point system set up pursuant to paragraph II, by a record of accidents, or by other evidence;

(d) Is incompetent to drive a motor vehicle by reason of physical, mental or moral impairment;

(e) Has permitted an unlawful or fraudulent use of such license;

(f) Has violated his written promise to appear given to an officer upon the issuance of a traffic citation in this or any other state or has failed to appear in court in this or any other state at the time specified by the court;

(g) Was the driver of a vehicle involved in a fatal accident and materially contributed to the death of another; or

(h) Is a hazard to the public safety as evidenced by proper evidence or information received from a law enforcement agency of misconduct or misuse or abuse of driving privileges.

II. For the purpose of identifying habitually reckless or negligent drivers and habitual or frequent violators of traffic regulations governing the movement of vehicles, the director shall adopt rules pursuant to RSA 260:5 establishing a uniform system assigning demerit points for convictions of violations of this title. The rules shall include a designated level of point accumulation which so identifies drivers. The director may assess points for convictions in other states of offenses which, if committed in this state, would be grounds for such assessment. Notice of the assessment of points may be given in accordance with rules adopted by the director. No points shall be assessed for violating a provision of this title regulating standing, parking, equipment, size or weight. In case of the conviction of a licensee of 2 or more traffic violations committed on a single occasion, such licensee shall be assessed points for one offense only and if the offenses involved have different point values, such licensee shall be assessed for the offense having the greater point value. The director is authorized to suspend or revoke the license of a driver when his driving record identifies him as an habitually reckless or negligent driver or an habitual or frequent violator under this section. The director may, in accordance with rules adopted pursuant to this section, order the licensee to attend a group or private driver improvement interview regarding his driving ability and record.

III. The director shall not revoke or suspend a driver's license under the provisions of this section for a period in excess of one year.

IV. In proceedings concerning accidents involving motor vehicle fatalities, the director shall not give weight to the lack of a criminal prosecution relative to the accident in making his decision concerning license suspension or revocation. In any hearing conducted under the provisions of this section regarding a fatality, the decedent's next of kin shall receive notice of the hearing, shall have the right to be present at the hearing, and shall be permitted to testify at the hearing. The decedent's next of kin, if aggrieved by the director's order, shall have standing under RSA 263:76 to file a petition of review in the superior court for review of the questions of law in the director's order. If an appeal is made under RSA 263:76 concerning an accident involving a motor vehicle fatality, the decedent's next of kin shall be notified of the filing of the appeal and the date of the appeal hearing and shall have the right to make a written statement to the court at the time of the hearing. The director shall be deemed to have complied with this paragraph provided that he has notified by certified mail with return receipt requested at least one of the next of kin who is, if possible, of the age of majority and listed in RSA 259:66-a and who has been identified as a result of a review of division records or of information made known to the division.



3 Appeals From Suspension or Revocation. Amend RSA 263:76 (supp) as inserted by 1981, 146:1 as amended by striking out said section and inserting in place thereof the following:

263:76 Appeal from Suspension or Revocation. Any person whose license has been suspended or revoked, except where such suspension or revocation is mandatory, or any person who has been denied a license, may petition, within 30 days thereafter, the superior court in the county where such person resides. The court, upon 14 days' written notice to the director, shall determine, after hearing, whether the decision of the director is unreasonable or unlawful. The burden of proof shall be upon the petitioner. All findings of the director upon all questions of fact properly before it shall be deemed prima facie lawful and reasonable. The decision appealed from shall not be set aside or vacated except for errors of law, unless the court is satisfied by a clear preponderance of the evidence before it, that such order is unjust or unreasonable. The provisions of RSA 263:56, IV shall apply in appeals concerning accidents involving motor vehicle fatalities.

4 Uniform Police Investigation Report; Next of Kin. Amend RSA 264:26 by inserting after paragraph II the following new paragraph:

III. The department of safety investigation officer reviewing a report relative to an accident involving a motor vehicle fatality shall contact the victim's next of kin as to knowledge of the circumstances of the accident and shall include a statement concerning the results of such contact as a part of any written report made as a result of such review.

5 Arrest Authority; Interstate Fresh Pursuit. Amend RSA 614:1 by striking out said section and inserting in place thereof the following:

614:1 Authority Granted to Make Arrest. Except as provided in RSA 614:1-a, any member of a duly organized state, county, or municipal peace unit of another state of the United States who enters this state in fresh pursuit, and continues within this state in such fresh pursuit, of a person in order to arrest him on the ground that he is believed to have committed a felony or to have driven a motor vehicle while under the influence of intoxicating liquor in such other state, shall have the same authority to arrest and hold such person in custody, as has any member of any duly organized state, county, or municipal peace unit of this state, to arrest and hold in custody a person on the ground that he is believed to have committed a felony or to have driven a motor vehicle in this state while under the influence of intoxicating liquor.

614:1-a Reciprocity Requirement. The provisions of RSA 614 shall not authorize members of state, county or local peace units from other states to pursue persons driving or suspected of driving under the influence of intoxicating liquor into New Hampshire unless the state of origin of such peace unit accords reciprocal authority to pursue such persons to members of duly authorized New Hampshire state, county or local peace units.

6 Definition; Interstate Fresh Pursuit. Amend RSA 614:5 by striking out said section and inserting in place thereof the following:

614:5 What Constitutes Fresh Pursuit. The term "fresh pursuit" as used in this subdivision shall include fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony or who is reasonably suspected of driving a motor vehicle while under the influence of intoxicating liquor. It shall also include the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed. Fresh pursuit as used herein shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

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

Rep. Stewart explained the amendment.

Amendment adopted.

Rep. Sloan offered an amendment.

## Amendment

Amend RSA 263:56, I(d) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

(d) Is incompetent to drive a motor vehicle by reason of physical, mental or moral impairment. For purposes of this paragraph, a license suspension or revocation on the basis of moral impairment shall be predicated only upon a conviction of a crime involving moral turpitude.

Amend the bill by striking out section 7 and inserting in place thereof the following:

7 Commissioner's Duty to Propose Legislation for the Establishment of a Point System. Prior to January 1, 1987, the commissioner of safety shall present proposed legislation to codify a point system designed to identify habitually reckless or habitually negligent drivers of motor vehicles for the purpose of suspending or revoking said drivers' operating licenses. Said proposed legislation shall be presented to the senate president and the speaker of the house of representatives, who may refer such proposed legislation to the appropriate standing committees. Notwithstanding the provisions of the joint rules of the house and senate, legislation prepared under this section shall be permitted to be introduced as a bill into the 1988 regular session of the general court.

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

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Sloan explained the amendment.

Rep. Irvin Gordon spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

SB 32, relative to motor vehicle inspections. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: Senate Bill 32 requires that the emissions equipment of motor vehicles be carefully checked at the time of regular inspection. If there is evidence that there has been removal of parts or alterations of something such as the access spout to the gasoline tank the car cannot be approved for use until these conditions have been corrected. Vote 7-4. Rep. Irvin H. Gordon for the Majority of Transportation.

MINORITY: The minority of the Committee does not believe that each and every problem should become a statute. We will be no better off with a statute that does nothing but require a visual check. Rules at the present time cover this situation through the present inspection system. Reps. Donald F. Lamontagne, Elmer H. York and John Hoar, Jr. for the Minority of Transportation.

Rep. Boisvert moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, and spoke to his motion.

Rep. Irvin Gordon spoke against the motion.

Reps. Daniel Eaton, Sloan and Hoar spoke in favor of the motion.

On a voice vote the Chair was in doubt and requested a division.

169 members having voted in the affirmative and 95 in the negative the substitute motion was adopted.

Rep. Parr notified the Clerk that she wished to be recorded in favor of the substitute motion.

Resolution adopted.

SB 52, prohibiting operators of motor vehicles from cutting across private or public land at intersections to avoid traffic signals or signs and amending the penalties for overtaking and passing a school bus. Ought to Pass with Amendment.

This bill prohibits operators of motor vehicles from cutting across private or public land at intersections to avoid traffic signals or signs. It also amends RSA 265:54, I-b, by increasing the fines for passing a stopped school bus from \$50 for a first offense to \$100 nor more than \$250. The fine for a subsequent offense is \$100. The passage of this bill would increase that to \$200 nor more than \$500. Vote 8-3. Rep. Roger Stewart for Transportation.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

prohibiting operators of motor vehicles from cutting across private or public land at traffic control signals or signs to avoid traffic signals or signs and amending the penalties for overtaking and passing a school bus.

Amend RSA 265:11-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

265:11-a Prohibiting Avoidance of Traffic Signals. At any traffic control signal or sign, it shall be unlawful for the driver of a motor vehicle to cut across public or private property at or near the intersection which is not a roadway to avoid the traffic control signal or sign. Any person who violates the provisions of this section shall be guilty of a violation.

Amendment adopted.  
Ordered to third reading.

SB 65, relative to the eviction of tenants in certain rental property. Ought to Pass with Amendment.

This bill provides that hotel keepers and keepers of lodging houses, tourist camps, campgrounds and cabins may have removed by a law enforcement officer any guest who willfully denies others their right to quiet enjoyment or who violates local or state laws. The bill further requires the keepers of those establishments to refund to the evicted person the unused portion of the prepaid rental fee less damages. The amendment includes campgrounds and makes the effective date on passage. Vote 13-4. Rep. Beverly A. Hollingworth for Judiciary.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Rental Units used for Vacation Purposes. Amend RSA 353:3-c as inserted by 1981, 433:1 by striking out said section and inserting in place thereof the following:

353:3-c Ejection of Guests.

I. All hotel keepers and all persons keeping public lodging houses, tourist camps, campgrounds or cabins may remove or cause to be removed from such establishment any guest remaining in a rental unit in violation of RSA 353:3-b by notifying such guest that the establishment no longer



desires to entertain him and requesting that he immediately leave. Any guest who remains or attempts to remain in a rental unit or on a campsite after being so requested to leave shall be guilty of a violation. For the purpose of this section, the term "rental unit" shall include residential property rented for one month or less.

II. All hotel keepers and persons keeping public lodging houses, tourist camps, campgrounds, or cabins may immediately remove or cause to be immediately removed by any law enforcement officer of this state, any guest who willfully denies other guests their right to quiet enjoyment of their tenancies, or who violates any local or state law. Said right to remove, or cause to be removed, shall arise after the hotel keeper or person keeping a public lodging house, tourist camp, campground, or cabin, or their agents makes a reasonable attempt to verbally warn said guest to cease and desist said breach of guest enjoyment or violation of local or state law. Upon such immediate eviction, the guest shall be refunded the unused portion of his pre-paid rental fee less damage charges for his actions.

III. Any law enforcement officer of this state, upon request of a hotel keeper, or person keeping a public lodging house, tourist camp, campground or cabin, shall place under arrest and take into custody any guest who violates this section in the presence of the officer. Upon arrest, the guest shall be deemed to have abandoned his right of occupancy of the rental unit or campsite and the operator of the establishment may then make such unit or campsite available to other guests. The operator of said establishment shall employ all reasonable means to protect any personal property left on the premises by such guest.

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

Amendment adopted.

Rep. Sytek offered an amendment.

#### Amendment

Amend RSA 353:3-c, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. All hotel keepers and persons keeping public lodging houses, tourist camps, campgrounds, cabins or any rental unit may immediately remove or cause to be immediately removed by any law enforcement officer of this state, any guest who willfully denies other guests their right to quiet enjoyment of their tenancies, or who violates any local or state law. Said right to remove, or cause to be removed, shall arise after the hotel keeper or person keeping a public lodging house, tourist camp, campground, or cabin, or their agents makes a reasonable attempt to verbally warn said guest to cease and desist said breach of quiet enjoyment or violation of local or state law. Upon such immediate eviction, the guest shall be refunded the unused portion of his pre-paid rental fee less damage charges for his actions. For the purpose of this section, the term "rental unit" shall include residential property rented for one month or less.

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Sytek explained the amendment.

Amendment adopted.

Ordered to third reading.

The Speaker called for the Special Order.

SB 26, relative to the integrated bar. Inexpedient to Legislate. In 1985, the House spoke clearly to this issue and no evidence was presented this time that would indicate a change in the mood of the

House on this issue. Furthermore, testimony elicited that the proponents of this legislation have not exhausted non-legislative remedies to cure problems they may have with a unified bar. Vote 10-2 (1-Rule 16). Rep. Alf E. Jacobson for Judiciary.

Rep. Mehegan moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to her motion.

Reps. Michael Jones and Bass spoke against the motion and yielded to questions.

Reps. Chretien and Murphy spoke against the motion.

Rep. Sylvia spoke in favor of the motion and yielded to questions.

Rep. Chardon moved the previous question. Sufficiently seconded.

Adopted.

A roll call was requested. Sufficiently seconded.

Rep. Michael Jones abstained from voting under Rule 16.

YEAS 115 NAYS 207  
YEAS 115

BELKNAP: Brough, Richard Campbell, Golden, Holbrook and Jensen.

CARROLL: Ashnault, Gene Chandler, Dickinson, Hounsell and Schofield.

CHESHIRE: Arnott, Blacketor, Burley, Jesse Davis, Delano, Frink, Irvin Gordon, Grodin, Elmer Johnson, Parker, Perry, Ridge and Young.

COOS: Brungot, Harold Burns, Chappell and Guay.

GRAFTON: Bennett, Blair, Christy, Driscoll, Duggan, Easton, McAvoy, Stewart, Howard Townsend and Ward.

HILLSBOROUGH: Ahrens, Beaupre, Boisvert, Lionel Boucher, Bourdon, John Burns, Carragher, Chagnon, Cote, Donovan, Ducharme, Duperron, Dykstra, Fields, Scott Green, Herod, Holden, Katsiaficas, Knight, Labombarde, McCue, Elizabeth Moore, Nute, Paradis, Pellow, Perham, Reidy, Frances Riley, G. Philip Rodgers, B. P. Smith, Mary Sullivan, Sylvia, Geraldine Watson, Worthen and Zis.

MERRIMACK: Anderson, Barberia, Laurent Boucher, Connolly, George E. Gordon, Millard, Pantzer, Phelps and James Whittemore.

ROCKINGHAM: Clay, Conroy, Ellyson, Flanagan, Hoar, Roger King, McKinney, Newell, Parr, Quimby, Rosencrantz, Scamman, Schwaner, Seward, Sherburne, Simon, Tufts, Walker, Welch and Wells.

STRAFFORD: Edward Flynn, Kincaid, Lussier, Musler, Spear, Henry Sullivan and Swope.

SULLIVAN: Brodeur, Call, D'Amante, Domini, Ingram, Mehegan and Rodeschin.

NAYS 207

BELKNAP: Bolduc, Bowler, Brown, Dexter, Hardy, Malcolm Harrington, Hawkins, Pearson, Randall and Zeckhausen.

CARROLL: Russell Chase, Kenneth MacDonald, McIntire, Powers and Saunders.

CHESHIRE: Daniel Eaton, Matson, Miller, Morse, Ramsay, William Riley, Russell, Schwartz, Scranton, William Sullivan and Thompson.

COOS: Brideau, Chardon, Coulombe, Frederic Foss, Horton, Lamontagne, Mayhew, Ottolini, Theriault and York.

GRAFTON: Arnesen, Chambers, Copenhaver, Crory, Densmore, Michael King, Wayne King, LaMott, Rounds, Scanlan, Taffe, Wadsworth, Walter, Weymouth and Whitcomb.

HILLSBOROUGH: Arnold, Bass, Bourque, Boutwell, Bridgewater, Burkush, A. Leslie Burns, Champagne, Charron, Chretien, Clancy, Cox, Cronin, Crotty, William Dion, Clyde Eaton, Joseph M. Eaton, Nancy Ford, Fried, Gagnon, Grip, Marian Harrington, Hendrick, Humphrey, Chris Jacobson, Jasper, George Jones, Keefe, Kelley, Levesque, Lozeau, Howard Mason, McGlynn, Messier, Morrissette, Robert Murphy, Nelson, O'Rourke, Bonnie Packard, Pappas, Pariseau, Parmenter, Pressly, Raiche, Reardon, Ellen-Ann Robinson, Sallada, Shriver, Leonard Smith, Snow, Steiner, Stiles, Stonner, Turgeon, Van Loan, Vanderlosk, Varkas, Wagner, Harold Watson, Kenneth Wheeler and Winn.

MERRIMACK: Allgeyer, Bardsley, Bibbo, Bowes, Cate, James Chandler, Daniell, Fraser, Gilbreth, Hager, Jelley, C. William Johnson, Kinhan, Lewis, Arthur Locke, Nichols, Pannell, Rehlander, Walter Robinson, Linwood Rogers, Savaria, Gerald Smith, Stio and West.

ROCKINGHAM: Benton, Blaisdell, Blanchard, Patti Blanchette, William Boucher, Butler, Eunice Campbell, Marilyn Campbell, Case, Emanuelson, Felch, Flanders, Beverly Gage, Thomas Gage, Elizabeth Greene, Haynes, Hollingworth, Robert Johnson, Kane, George Katsakiores, Phyllis Katsakiores, Longworth, Lovejoy, Magoon, Malcolm, Robert Mason, Jr., McCain, Nagel, Palumbo, Pantelakos, Pevear, Popov, Raynowska, Romoli, Sanderson, Schmidtchen, Skinner, Sloan, Sochalski, Splaine, Stachowske, Sytek, Vaughn, Warburton and Woodward.

STRAFFORD: Appleby, Berkey, Bernard, Bryant, Callaghan, Chamberlin, Diament, Dingle, Anita Flynn, Patricia Foss, Frechette, Hussey, Robert Jones, Laurion, O'Brien, Parks, Pelley, Ann Torr and Franklin Torr.

SULLIVAN: Disnard, Paul Johnson, McKee, Normandin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Question now being on the Committee report, Inexpedient to Legislate.  
Resolution adopted.

Reps. Rounds and Chambers moved that SB 103, relative to utility exemptions from zoning ordinances, SB 62, requiring the city of Berlin to hold a referendum relative to consolidating their water and sewer departments, and SB 17, restricting the size of motors to be used on Iona Lake, be made Special Orders for Wednesday, April 30 at 10:01 a.m.  
Adopted.

#### SENATE MESSAGES REQUESTS CONCURRENCE WITH AMENDMENTS

HB 73-FN, relative to the office of ombudsman within the state council on aging. (Amendment printed SJ 4/24)  
Rep. Scamman moved that the House concur.  
Adopted.

HB 206, allowing city councils to establish penalties for the violation of municipal codes. (Amendment printed SJ 4/24)  
Rep. Beverly Gage moved that the House concur.  
Adopted.

HB 141, relative to exceptions to the energy conservation code for new building construction in the state. (Amendment printed SJ 4/24)  
Rep. Randall moved that the House concur.  
Adopted.



HB 349, relative to the siting of manufactured housing. (Amendment printed SJ 4/24)

Rep. Beverly Gage moved that the House concur.  
Adopted.

HB 484-FN, creating an office of federal-state financial information in the office of state planning. (Amendment printed SJ 4/22)

Rep. Harold Watson moved that the House concur.  
Adopted.

HB 171-FN, relative to the governor's staff. (Amendment printed SJ 4/22)

Rep. Harold Watson moved that the House concur.  
Adopted.

HB 400-FN, requiring licensing boards to provide copies of certain publications to applicants and licensees. (Amendment printed SJ 4/22)

Rep. Harold Watson moved that the House concur.  
Adopted.

HB 371-FN, relative to mail order address disclosure. (Amendment printed SJ 4/22)

Rep. Quimby moved that the House concur.  
Adopted.

HB 259, relative to boats powered by motors of less than 10 horsepower. (Amendment printed SJ 4/24)

Rep. Dickinson moved that the House concur.  
Adopted.

HB 125-FN, relative to the sale and distribution of tobacco products. (Amendment printed SJ 4/22)

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

Adopted.

The Speaker appointed Reps. Robert Jones, Arnold, Whitcomb and Pressly.

HB 268, relative to the use of snares under certain conditions. (Amendment printed SJ 4/24)

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

Adopted.

The Speaker appointed Reps. Hussey, Perham, Albert Dionne and Call.

HB 17-FN, appropriating funds for a fire exit stairway and a library classroom and roof repairs at the youth development center. (Amendment printed SJ 4/24)

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

Adopted.

The Speaker appointed Reps. Parker, Gross, Arnold and Ramsay.

HB 448-FN, relative to the disposal of state owned real property. (Amendment printed SJ 4/24)

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

Adopted.

The Speaker appointed Reps. Arnold, Bibbo, LaMott and Matson.

HB 488-FN, relative to eligibility for financial assistance from towns and cities. (Amendment printed SJ 4/24)

Rep. Beverly Gage moved that the House concur.  
Adopted.

Rep. Tucker, for the entire House, offered the following:

HOUSE RESOLUTION NO. 25

memorializing Representative Marcel J. Martin of Goffstown.

WHEREAS, we have learned with great sorrow of the death of Representative Marcel J. Martin who was serving his first term as an elected member of the New Hampshire House, and

WHEREAS, having been an attentive and diligent legislator, Marcel J. Martin served as a hardworking member of the Standing Committee on State Institutions and Housing, and

WHEREAS, having been a civic-minded citizen possessed of strong leadership ability, Marcel J. Martin served his community faithfully as a member of the Goffstown Budget Committee, Planning Board and Board of Adjustment, and

WHEREAS, having been a respected contractor, Marcel J. Martin served as President of the Manchester Home Builders Association, President of the State Home Builders Association and as a Director of the National Home Builders Association, and

WHEREAS, having been a native of Granby, Quebec, Canada, Marcel J. Martin served in the United States Army from 1956 until 1959 and also was a member of Hillsborough County Selective Service Board, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Marcel J. Martin be publicly commended for his exemplary leadership and outstanding service to his community, his state and his country, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adoptd by a rising vote of silent prayer.

Rep. Tucker, for the entire House, offered the following:

HOUSE RESOLUTION NO. 26

memorializing former State Representative Joseph M. Silva.

WHEREAS, we have learned with great sorrow of the passing of Joseph M. Silva who for three consecutive bienniums, between 1979 and 1984, was elected to the New Hampshire House of Representatives, and

WHEREAS, having been a dedicated public servant, Joseph M. Silva served the voters of District 10 in Hillsborough County as an esteemed member of the Standing Committees on Fish and Game, and Public Works, and

WHEREAS, having lived his entire seventy-five years in Milford, Joseph M. Silva served his community as a Selectman, as a member of the Planning Board, and as a board director of the Souhegan Nursing Association, and

WHEREAS, having had a keen interest in youngsters and in Boy Scouting, Joseph M. Silva served ten years as a Scoutmaster, setting a quiet example for the many boys who came under his tutelage, and

WHEREAS, having been known widely for his knowledge and expertise of the granite industry, Joseph M. Silva was affectionately called Mister Granite and his lectures were heard by scores of listeners throughout New England, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Joseph M. Silva be saluted publicly and recognized for his accomplished legislative record and for his service to the Town of Milford, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Tucker, for the entire House, offered the following:

HOUSE RESOLUTION NO. 27

memorializing Representative Robert B. Goss of Rye.

WHEREAS, it is with great sorrow that we have received news of the death of our respected colleague, Robert B. Goss, a first-term member of the New Hampshire House who loyally served his constituents in Rye, New Castle and North Hampton, and

WHEREAS, during his brief tenure as an elected Representative, Robert B. Goss was a dedicated, energetic member of the Standing Committee on Municipal and County Government, and

WHEREAS, having been a lifelong resident of Rye, Robert B. Goss was a community leader, having served thirty-three years on the Planning Board, twenty-eight years as a Selectman, and several years on the Municipal Budget Committee, sitting at various times as Chairman of all three bodies, and

WHEREAS, fire prevention and fire fighting were among his many community concerns, Robert B. Goss for many years served with the Rye Fire Department, as well as a Deputy Forest Fire Warden and as a member of the Fire Warden's Association, and

WHEREAS, he freely and generously gave of his time to numerous civic groups, Robert B. Goss was a member of the Rockingham County Law Enforcement Association, First Vice President of the Locke Family Association and Chairman of the Board of the Rannie Webster Foundation, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Robert B. Goss be accorded highest praise and recognition for his service and fidelity to his State and his community, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Rounds offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 30 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HCR 8, commending New Hampshire's special olympians.

SB 1-FN, relative to abandoned property and depositing public moneys in New Hampshire savings banks.

SB 43, relative to a systematic review of health coverage proposals.

SB 59, relative to the consumer advocate and an assistant consumer advocate.



SB 75, requiring reciprocity before nonresidents may train dogs in this state.

SB 66, relative to annulments of arrest records.

SB 119, relative to building permits.

SB 120, relative to the issuance of a building permit.

SB 121, relative to planning board procedures on plats.

SB 70, establishing a committee to study critical lakes and river protection.

SB 111-FN, establishing an advisory committee on state economic development and local population growth.

SB 18, allowing persons to receive, collect or transmit premiums to or for any insurer through a credit card facility.

SB 79, relative to third party payments for certain licensed psychologists.

SB 63, relative to embalmers and funeral directors.

SB 35, relative to the good samaritan statute.

SB 64-FN, relative to marriage.

SB 65, relative to the eviction of tenants in certain rental property.

SB 126-FN, relative to reporting of certain income received by elected officials.

SB 2, relative to driver's license suspensions and revocations and to arrests by law enforcement officers in interstate fresh pursuit.

SB 52, prohibiting operators of motor vehicles from cutting across private or public land at intersections to avoid traffic signals or signs and amending the penalties for overtaking and passing a school bus.

Rep. Rounds moved that the House stand in recess for the purpose of Senate Messages and Enrolling Reports only.

Adopted.

The House recessed at 3:30 p.m.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 11

*Wednesday, 30 Apr 86*

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

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Our World seems smaller this morning. How closely we are tied together. The winds of disaster can blow in our direction as well. Forgive us, dear God, for feeling different and set apart. Help us deal with the fear that creeps in upon us. Renew a spirit of love and concern within us so that we can go about the work that we are called upon to do today. Let no one make us feel guilty for doing the right thing. Amen.

Rep. Easton led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Lawrence Chase, Donnelly, James J. White, Bergeron, Cote, Wood, Blais, Connors, Paquette and Day, the day, illness.

Reps. Krasker, Vartanian, Joslyn, Olimpio, Meader, M. Arnold Wight, Bates, Sallada, Albert Dionne, Prestipino, Marsh, Champoux, Mace, Dwyer, Donovan, Frank Whittemore, Horton, Brough, William Riley, Ducharme, Burton, Humphrey, Michael Jones, Bolduc, Norman Rogers and Stachowske, the day, important business.

Reps. Joseph MacDonald and Nagel, the day, illness in the family.

## INTRODUCTION OF GUESTS

Tony DeCosta and his son, Adam, guests of the Nashua Delegation; Bill Arnott, son of Rep. Arnott; Sarah Bush, guest of Rep. Sherburne; Pittsburg High School Basketball Champions and their coach, Richard Judd, guests of Rep. Chappell; Lois Irene Pantzer and Mrs. E. J. McElwain, guests of Rep. Pantzer.

## SENATE MESSAGES

### REQUESTS CONCURRENCE WITH AMENDMENTS

HB 108, relative to the transfer of registration of a motor vehicle. (Amendment printed SJ 4/22)

Rep. Irvin Gordon moved that the House concur.

Adopted

HB 326, relative to high-level radioactive waste. (Amendment printed SJ 4/24)

Rep. Parr moved that the House concur.

Adopted.

The Speaker called for the Special Orders.

SB 103, relative to utility exemptions from zoning ordinances. Ought to Pass with Amendment.

Small power production facilities and cogeneration facilities shall not be considered to be public utilities and may not petition the Public Utilities Commission for exemption from operation of any regulation under this statute. The local governing body will have

authority over these types of facilities. Vote 15-0. Rep. Frederic A. Foss for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect January 1, 1987.

Amendment adopted.  
Ordered to third reading.

SB 62, requiring the city of Berlin to hold a referendum relative to consolidating their water and sewer departments. Ought to Pass with Amendment.

The amendment, which is acceptable to the sponsor, changes Senate Bill 62 from requiring a referendum to authorizing one. As the Berlin Water Works was originally set up by special legislation of 1925, this bill is necessary for them to use the provisions of RSA 49-B. Vote 17-0. Rep. Richard A. Grodin for Municipal and County Government.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

authorizing the city of Berlin to establish a charter commission to consider consolidating the water and sewer departments.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Commission Authorized. The city of Berlin is hereby authorized and empowered to utilize the provisions of RSA 49-B for the purpose of establishing a commission to consider all issues related to the following question: "Shall the city water and sewer departments be consolidated under the control of the board of water commissioners?" Said commission shall report to the city of Berlin within one year after its formation.

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

Amendment adopted.  
Rep. Rodeschin offered an amendment.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

authorizing the city of Berlin to establish a charter commission to consider consolidating the water and sewer departments and relative to state aid for the town of Newport pollution abatement program, and amending RSA 149 to conform to the federal water pollution control act.

Amend the bill by striking out section 2 and inserting in place thereof the following:



2 Legislative Intent. The town of Newport is the only New Hampshire community with an ongoing pollution abatement program which will not be grandfathered in for the 75 percent federal funding, since the town began its program prior to the passage of the Clean Water Act in October 1972 and has had no construction since 1972 that would have qualified the town to be grandfathered in and the town must comply with the Clean Water Act by July 1, 1988.

3 Increased State Aid for the Town of Newport Pollution Abatement Program. For the reasons stated in section 2 of this act the town of Newport is hereby declared to be entitled to additional state aid for pollution control purposes. The town shall be paid annually by the state of New Hampshire, in addition to any payments received under the provisions of RSA 149-B:1, 20 percent of the yearly amortization charges, meaning principal and interest on the original costs resulting from the construction of secondary sewage treatment facilities. The word "costs" and the term "original costs" shall have the same meaning for the purposes of this section as they have for the purposes of RSA 149-B:1. The intent of this section is to provide a total of not more than 95 percent financial assistance, inclusive of a 55 percent federal grant under the Federal Water Pollution Control Act, as amended (33 U.S. 466 et seq.) to the town of Newport. It is further intended and provided that the additional state assistance authorized herein shall not exceed the principal sum of \$1,000,000.

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

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Rodeschin explained the amendment.

Reps. Kidder, Gross, LaMott, Michael King and Sara Townsend spoke against the amendment.

Reps. Disnard and Young spoke in favor of the amendment.

Rep. Schotanus spoke to the amendment and yielded to questions.

Rep. Chardon moved the previous question. Sufficiently seconded.

Adopted.

Rep. Kidder requested a roll call. Sufficiently seconded.

YEAS 97 NAYS 217

YEAS 97

BELKNAP: Golden, Jensen and Pearson.

CARROLL: Ashnault, Dickinson and Hounsell.

CHESHIRE: Arnott, Delano, Elmer Johnson and Young.

COOS: Brungot, Harold Burns, Guay and Ottolini.

GRAFTON: Bennett, Duggan, Easton, LaMott, Mann, McAvoy, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, John Burns, Chagnon, Clancy, Cox, Duperron, Dykstra, Fields, Scott Green, Hendrick, Holden, George Jones, Labombarde, Lozeau, McCue, Messier, Elizabeth Moore, Paradis, Perham, G. Philip Rodgers, B. P. Smith, Tamposi, Emma Wheeler, Kenneth Wheeler and Worthen.

MERRIMACK: Bibbo, Connolly, Daniell, Hayes, Arthur Locke, Nichols, Phelps, Walter Robinson and Shepard.

ROCKINGHAM: Patti Blanchette, Clay, Conroy, Ellyson, Emanuelson, Felch, Beverly Gage, Thomas Gage, Elizabeth Greene, Roger King, Malcolm, McKinney, Benjamin Moore, Newell, Palumbo, Raynowska, Romoli, Scamman, Schmidtchen, Sloan, Titone, Tufts, Warburton, Welch and Woodward.

STRAFFORD: Berkey, Frechette, Lussier and Musler.

SULLIVAN: Brodeur, Call, Disnard, Domini, Ingram, Paul Johnson, McKee, Mehegan, Normandin, Rodeschin, Schotanus and Spaulding.

NAYS 217

BELKNAP: Bowler, Brown, Richard Campbell, Dexter, Hardy, Malcolm Harrington, Hawkins, Holbrook, Randall and Zeckhausen.

CARROLL: Gene Chandler, Russell Chase, Robert Holmes, McIntire, Powers, Saunders and Schofield.

CHESHIRE: Blacketor, Burley, Crane, Jesse Davis, Daniel Eaton, Frink, Irvin Gordon, Grodin, Matson, Miller, Morse, Parker, Perry, Ramsay, Ridge, Russell, Schwartz, Scranton, William Sullivan and Thompson.

COOS: Brideau, Chappell, Chardon, Coulombe, Frederic Foss, Lamontagne, Mayhew, Theriault and York.

GRAFTON: Arnesen, Bean, Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Driscoll, Michael King, Wayne King, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth, Walter and Ward.

HILLSBOROUGH: Arnold, Barry, Bass, Boisvert, Lionel Boucher, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, A. Leslie Burns, Carragher, Champagne, Charron, Chretien, Cronin, Crotty, William Dion, Joseph M. Eaton, Nancy Ford, Fried, Gagnon, Grip, Marian Harrington, Herod, Chris Jacobson, Jasper, Katsiaficas, Keefe, Kelley, Knight, Levesque, Lown, McGlynn, Morrissette, Robert Murphy, Nelson, Nute, O'Rourke, Bonnie Packard, Pappas, Parmenter, Pellow, Pressly, Reardon, Frances Riley, Ellen-Ann Robinson, Shriver, Leonard Smith, Snow, Stiles, Mary Sullivan, Sylvia, Turgeon, Van Loan, Vanderlosk, Wagner, Geraldine Watson, Harold Watson, Winn and Zis.

MERRIMACK: Anderson, Barberia, Bardsley, Laurent Boucher, Bowes, Cate, James Chandler, Fraser, Gilbreth, Gross, Mary Holmes, Jelley, C. William Johnson, Kidder, Kinhan, Lewis, Millard, Pannell, Pantzer, Rehlander, Linwood Rogers, Savaria, Gerald Smith, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: Benton, Blaisdell, Blanchard, William Boucher, Butler, Eunice Campbell, Marilyn Campbell, Case, Flanagan, Flanders, Bert Ford, Haynes, Hoar, Hollingworth, Robert Johnson, Kane, George Katsakiores, Phyllis Katsakiores, Longworth, Lovejoy, Magoon, Robert Mason, Jr., McCain, Pantelakos, Parr, Pevear, Popov, Quimby, Rosencrantz, Sanderson, Schwaner, Seward, Sherburne, Simon, Skinner, Sochalski, Splaine, Sytek, Vaughn, Walker and Wells.

STRAFFORD: Appleby, Bernard, Bryant, Callaghan, Chamberlin, Diament, Dingle, Anita Flynn, Edward Flynn, Robert Jones, Kincaid, Laurion, O'Brien, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr and Franklin Torr.

SULLIVAN: Lindblade and Sara Townsend, and the amendment lost.  
Ordered to third reading.

SB 17, restricting the size of motors to be used on Iona Lake. Ought to Pass with Amendment.

Senate Bill 17, as amended, replaces the original bill, the subject of which is covered in HB 357, with legislation concerning moorings.

This amendment institutes a moratorium along with certain conditions to be included in emergency rules. Both the moratorium and rules will remain in effect until legislation is passed in the 1987 Session. The amendment is drafted in such a way as to avoid constitutional conflict and to allow the Office of State Planning and Safety Services to provide the relevant House and Senate Committees with information necessary to develop equitable and comprehensive legislation in the next session. Vote 14-0. Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to moorings on great ponds in New Hampshire.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

#### 1 Statement of Intent.

##### I. The general court finds that:

(a) Water is a public resource held in trust by the state and that the state maintains jurisdiction to control the use of public waters for the greatest public benefit;

(b) The great ponds as defined in RSA 271:20 are a significant asset which benefit the state's substantial tourist industry and the environment, are a habitat for many fish and wildlife, and enhance the well-being and lifestyle of its citizens;

(c) Activities by certain lake users pose serious threats to water quality, navigational safety, the environment, individual privacy, and the state's tourist industry; and

(d) The establishment of a factually sound and an administratively effective policy for great pond management is long overdue.

II. The general court intends to establish, with a minimum of disruption, a policy for regulating, in a manner fair for all lake users and lakeshore property owners, the placement, distribution, and usage of moorings. Developing the proposed policy requires:

(a) Assembling of data pertinent to the development of standards applicable to mooring problems occurring in the state;

(b) Assembling data on Lake Winnepesaukee by the office of state planning during the height of the summer 1986 boating season;

(c) Submitting a report with recommended policy and standards by the office of state planning on or before October 1, 1986, to the governor and council and to the senate committee on development, recreation and environment, and the house committee on resources, recreation and development for evaluation and public hearings; and

(d) Introducing in the 1987 session appropriate legislation.

#### 2 Moratorium.

I. The general court declares that a moratorium on moorings shall be instituted and remain in effect until appropriate legislation is enacted in accordance with the policy and standards developed under section 3 of this act. The director, division of safety services, shall have the authority to enforce the moratorium and adopt emergency rules pursuant to RSA 541-A. Such emergency rules shall remain in effect for the duration of the moratorium notwithstanding RSA 541-A:3-g.

II. During the moratorium, any person aggrieved by a decision of the director, division of safety services, department of safety, may appeal the decision in accordance with RSA 541-A:16-21.



III. Any person who violates this section or any rule adopted under this section shall be guilty of a violation. Any owner of a mooring shall be assessed a \$100 civil penalty plus \$25 for each day for which a mooring remains in violation of this section or any rule adopted under this section if the person has been properly notified to remove it and has not done so within 24 hours.

IV. The director of safety services may issue temporary emergency mooring permits if a situation arises that endangers life or property, including damage to boats. Nothing in this act shall prohibit the director of safety services from designating a temporary emergency mooring which may be used for emergencies and which lies upon the bottom of the lake without a float until such emergencies arise.

### 3 Development of Mooring Policy.

I. The office of state planning shall, during the height of the summer 1986 boating season, circumnavigate the shoreline of Lake Winnepesaukee to chart the existence and location of all observed moorings. Special note shall be made of specific problems encountered with current mooring placements, areas, situations where future problems may be anticipated, and such special conditions as listed in subparagraphs II(a)-(d). The office of state planning shall, whenever reasonable and possible, draw upon its knowledge and expertise, and take into consideration the concerns of lake users or other affected persons when defining mooring problems and special conditions. The office shall solicit recommendations for appropriate mooring controls. Pursuant to such data, the office of state planning shall develop, in consultation with the director of safety services and the council on resources and development, a statewide comprehensive policy setting forth a system of priorities for granting mooring permits and the standards and criteria relative to the distribution, density, number, use, and placement of moorings. The policy and standards shall be submitted to the governor and council, the director of safety services, and the appropriate committees of the house of representatives and the senate, together with recommendations on or before October 1, 1986, for legislative action in the 1987 session.

II. In developing the policy and standards, the office of state planning shall consider, but not be limited to, the following factors regarding the location of moorings:

(a) The traditional use of an area for such functions as boating, swimming, moorings, fishing and wildlife habitats, or natural areas.

(b) Navigation.

(c) Impact on adjacent property owners and on neighboring boaters.

(d) Type of shoreline use, such as commercial, industrial, residential, recreational camps licensed under RSA 149:20, marinas, or yacht clubs.

(e) Environmental and aesthetic considerations.

(f) Density of moorings.

(g) Land access to mooring locations.

### 4 Implementation of Policy.

I. The director of safety services shall, after receiving recommendations from the affected municipalities, develop a specific plan with appropriate procedures to implement the policy and standards as proposed by the office of state planning under section 3 of this act and shall forward such plan to the governor and council and the appropriate committees of the house of representatives and the senate on or before December 1, 1986.

II. Such plan and procedures shall include, but not be limited to, the following:

(a) Specific mooring location assignments to specific persons, subject to rules to be adopted by the director in accordance with the proposed legislation, relative to the application process.

(b) Removal of any mooring which is illegally placed, hazardous to navigation, or not in compliance with the proposed standards developed under section 3 of this act.

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

Rep. Pearson spoke to the amendment.

Reps. Dickinson and Dingle spoke in favor of the amendment and yielded to questions.

Rep. Rehlander moved that SB 17 be laid upon the table.

The Chair requested a division.

96 members having voted in the affirmative and 165 in the negative, the motion lost.

Amendment adopted.

Rep. Dickinson offered an amendment.

#### Amendment

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Assistance by Safety Services. The director of safety services shall assist the office of state planning in collecting data and information under section 3 of this act in order to develop recommendations on moorings for legislative action in the 1987 session.

The Clerk read the amendment.

Rep. Dickinson explained the amendment.

Amendment adopted.

Rep. Nichols moved that SB 17 be Referred for Interim Study.

Rep. Felch spoke in favor of the motion and yielded to questions.

Reps. Hawkins, Blair, Dickinson and Chardon spoke against the motion and yielded to questions.

Rep. Scamman spoke to the motion and yielded to questions.

Rep. Blacketor spoke in favor of the motion.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Pearson requested a roll call. Sufficiently seconded.

YEAS 145 NAYS 174  
YEAS 145

BELKNAP: Richard Campbell, Golden, Hardy, Hawkins, Jensen, Pearson and Randall.

CARROLL: Ashnault, Gene Chandler, Hounsell, McIntire and Saunders.

CHESHIRE: Arnott, Blacketor, Burley, Crane, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Elmer Johnson, Morse, Parker, Perry, Ridge, Scranton and Thompson.

COOS: Brungot, Harold Burns, Guay, Lamontagne, Theriault and York.

GRAFTON: Driscoll, Duggan, Easton, Stewart, Wadsworth, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Barry, Bourdon, Burkush, John Burns, Charron, Clancy, Crotty, Duperron, Dykstra, Clyde Eaton, Fields, Fried, Gagnon, Healy, Hendrick, Herod, Chris Jacobson, George Jones, Labombarde, Lozeau, McGlynn, Elizabeth Moore, Morrisette, Robert Murphy, O'Rourke, Pappas, Raiche, Ellen-Ann Robinson, G. Philip Rodgers, Stiles, Sylvia, Turgeon, Van Loan, Vanderlosk, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Worthen and Zis.

MERRIMACK: Anderson, Laurent Boucher, Cate, Connolly, Daniell, Fraser, Gilbreth, Hayes, Mary Holmes, Jelley, Kidder, Nichols, Pannell, Savaria, Shepard and Gerald Smith.

ROCKINGHAM: Blaisdell, Patti Blanchette, William Boucher, Eunice Campbell, Marilyn Campbell, Clay, Ellyson, Emanuelson, Felch, Flanagan, Bert Ford, Beverly Gage, Haynes, Robert Johnson, Magoon, Malcolm, Robert Mason, Jr., Benjamin Moore, Palumbo, Pantelakos, Pevear, Romoli, Scamman, Schmidtchen, Simon, Sloan, Splaine, Titone, Tufts, Walker, Warburton and Welch.

STRAFFORD: Bryant, Chamberlin, Frechette, Kincaid, Lussier, Musler and Parks.

SULLIVAN: Brodeur, Call, Disnard, Ingram, Paul Johnson, Normandin and Rodeschin.

NAYS 174

BELKNAP: Bowler, Dexter, Malcolm Harrington, Holbrook and Zeckhausen.

CARROLL: Russell Chase, Dickinson, Robert Holmes, Kenneth MacDonald, Powers and Schofield.

CHESHIRE: Jesse Davis, Matson, Miller, Ramsay, Russell, Schwartz, William Sullivan and Young.

COOS: Brideau, Chappell, Chardon, Coulombe, Frederic Foss, Mayhew and Ottolini.

GRAFTON: Arnesen, Bean, Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Michael King, Wayne King, Mann, McAvoy, Rounds, Scanlan, Taffe, Howard Townsend, Walter and Ward.

HILLSBOROUGH: Arnold, Bass, Beaupre, Boisvert, Lionel Boucher, Bourque, Boutwell, Bridgewater, A. Leslie Burns, Carragher, Chagnon, Champagne, Chretien, Cox, Cronin, William Dion, Joseph M. Eaton, Nancy Ford, Scott Green, Grip, Marian Harrington, Holden, Jasper, Katsiaficas, Keefe, Kelley, Knight, Levesque, Lown, Howard Mason, McCue, Messier, Nelson, Nute, Bonnie Packard, Paradis, Parmenter, Pellow, Perham, Pressly, Reardon, Frances Riley, Shriver, B. P. Smith, Leonard Smith, Snow, Stonner, Mary Sullivan, Tamposi, Varkas and Winn.

MERRIMACK: Barberia, Bardsley, Bowes, James Chandler, Gross, Hager, C. William Johnson, Kinhan, Lewis, Arthur Locke, Millard, Pantzer, Phelps, Rehlander, Linwood Rogers, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: Benton, Blanchard, Butler, Case, Conroy, Flanders, Thomas Gage, Elizabeth Greene, Hoar, Hollingworth, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Longworth, Lovejoy, McCain, McKinney, Newell, Parr, Popov, Quimby, Raynowska, Rosencrantz, Sanderson, Schwaner, Seward, Sherburne, Skinner, Sochalski, Sytek, Vaughn, Wells and Woodward.

STRAFFORD: Appleby, Berkey, Bernard, Callaghan, Diament, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Robert Jones, Laurion, O'Brien, Pelley, Spear, Henry Sullivan, Swope, Ann Torr and Franklin Torr.

SULLIVAN: D'Amante, Domini, Lindblade, McKee, Mehegan, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Ordered to third reading.



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

SB 41, increasing the appropriation for the construction of regional vocational education centers, was removed at the request of Rep. Young.

SB 100, authorizing the director of the division of parks and recreation to make certain emergency expenditures, was removed at the request of Rep. Kidder.

SB 130-FN, relative to state guarantees for municipal pollution control, state aid for the town of Newport pollution abatement program and amending RSA 149 to conform to the federal water pollution control act, was removed at the request of Rep. Paul Johnson.

Adopted.

COMMITTEE REPORTS  
(Consent Calendar)

SB 7, establishing a fire standards and training council within the department of postsecondary vocational-technical education and making an appropriation therefor. Ought to Pass with Amendment.

This bill has been amended to include the language from HB 33, HB 34-FN, HB 336 and HB 501, pertaining to the Postsecondary Vocational-Technical College System and keeps the Penalty Assessment Fund available for Police Standards and Training Council only. Vote 21-0. Rep. Joanne A. O'Rourke for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

changing the operation and name of the department of postsecondary vocational-technical education; establishing a fire standards and training council within the department of postsecondary technical education and making an appropriation therefor; establishing the salaries of classified state employees in academic positions; establishing the salaries for the president of the technical institute and the 6 technical colleges; and relative to transfers from the penalty assessment fund and the police standards and training council.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Name of Chapter. Amend the chapter title for RSA 188-F by striking out said title and inserting in place thereof the following:

POSTSECONDARY TECHNICAL EDUCATION

2 Postsecondary Technical Education; Purpose. Amend RSA 188-F:1 (supp) as inserted by 1983, 379:2 by striking out said section and inserting in place thereof the following:

188-F:1 Declaration of Purpose. It is hereby declared to be the policy of the state of New Hampshire to provide for, within its ability to finance facilities, the preparation of youths and adults for productive employment as technicians and skilled workers to the mutual benefit of those persons, business and industry, and the general economy of the state.

3 Postsecondary Technical Education; Department. Amend RSA 188-F:2 (supp) as inserted by 1983, 379:2 as amended by striking out said section and inserting in place thereof the following:

188-F:2 Department Established. There shall be a department of postsecondary technical education which shall be governed by a board of governors. The department shall be a state agency and shall consist of the office of the commissioner, the New Hampshire technical institute, the 6 technical colleges, the police standards and training council, and the fire standards and training council.

4 Board of Governors. Amend RSA 188-F:3 (supp) as inserted by 1983, 379:2 by striking out said section and inserting in place thereof the following:

188-F:3 Board of Governors. The board of governors shall consist of 7 members, 3 from the field of business and industry, 2 from the field of education, one from the field of health service, and one from the field of labor, appointed by the governor and council for staggered 4-year terms. Members shall serve without compensation but may be reimbursed for their expenses. No classified or unclassified employee of the state or person who holds elected state office shall serve on the board. The board shall annually elect one of its members to serve as chairman. Vacancies on the board of governors shall be filled for the unexpired term only.

5 Duties of Board. Amend RSA 188-F:4 (supp) as inserted by 1983, 379:2 as amended by striking out said section and inserting in place thereof the following:

188-F:4 Duties. The duties of the board of governors shall be to:

I. Develop and adopt policy for the department and its institutions.

II. Oversee the administration of the department and its institutions.

III. Apply for and receive, in the same manner as other state agencies, federal or other funds for the operation of the department and its institutions. The board may accept gifts of money and property, other than real property, for use in institutional programs on its own authority. Upon acceptance of these gifts, the board shall establish one or more trust funds at the applicable institution of the department or at the department office, and the trust funds shall be used as specified by the donor.

IV. Adopt rules, under RSA 541-A, regulating the operations of the department and its institutions, including the rights and responsibilities of students.

V. Notwithstanding any other provision of law, with prior approval of the governor and council, lease to private parties portions of lands owned by the technical college at Berlin. Income derived from any such lease is hereby appropriated and shall be deposited in a nonlapsing account at the institution which owns or owned the land, to be used for maintenance of physical facilities or the acquisition of instructional equipment. The board is specifically authorized with prior approval of the governor and council to lease such land to private parties for the purposes of construction and operation of residential facilities for students and faculty. Said sums shall not be transferred to any other state fund.

6 Department Office; Other Agencies. Amend RSA 188-F:5 and 6 (supp) as inserted by 1983, 379:2 by striking out said sections and inserting in place thereof the following:

188-F:5 Department Office.

I. The governor and council shall appoint a commissioner of postsecondary technical education, who shall be the chief executive officer of the department. The commissioner shall be qualified by education and experience and shall have a 4-year term. The salary of the commissioner shall be that established in RSA 94.

II. The commissioner shall appoint a deputy commissioner with the approval of the board of governors. The deputy commissioner shall serve at the pleasure of the board of governors.

188-F:6 Cooperation with Other Agencies. The commissioner shall be responsible for promoting cooperation and communication between the

department of postsecondary technical education and the board and the department of education and between the department of postsecondary technical education and the university system of New Hampshire.

7 Administrative Board. Amend RSA 188-F:7 (supp) as inserted by 1983, 379:2 as amended by striking out said section and inserting in place thereof the following:

188-F:7 Administrative Board. The commissioner shall establish an administrative board composed of the president of the technical institute, the presidents of the 6 technical colleges, the director of the police standards and training council, and the chief of fire service training. The commissioner shall serve as chairman of the administrative board which shall advise and assist him in the performance of his duties under this chapter.

8 Personnel; Construction Limits; Federal Funds. Amend RSA 188-F:8-21 (supp) as inserted by 1983, 379:2 by striking out said sections and inserting in place thereof the following:

188-F:8 Presidents of the Institute and Colleges. The commissioner shall, subject to approval by the board of governors, appoint a president of the technical institute and presidents of the 6 technical colleges. Presidents shall be qualified by education and experience and shall serve at the pleasure of the board of governors.

188-F:9 Deans. Deans at any of the institutions of the department shall be classified state employees.

188-F:10 Name and Program of the Technical Institute. The program of the technical institute shall be designed to prepare qualified high school graduates or the equivalent as technicians. The name of the technical institute shall be: New Hampshire technical institute at Concord.

188-F:11 Name and Program of the Technical Colleges. The program of the technical colleges shall be designed to prepare qualified high school graduates or the equivalent as technicians and skilled workers. The names of the technical colleges shall be:

- I. New Hampshire technical college at Berlin.
- II. New Hampshire technical college at Claremont.
- III. New Hampshire technical college at Laconia.
- IV. New Hampshire technical college at Manchester.
- V. New Hampshire technical college at Nashua.
- VI. New Hampshire technical college at Stratham.

188-F:12 Accreditation. The technical institute and technical colleges are authorized to seek accreditation and maintain membership in the regional accrediting association, to satisfy the requirements necessary to achieve and maintain regional accreditation as a technical institute or as technical colleges only, and in order to meet the requirements necessary for federal aid. Each individual program of study offered shall be such as to meet all of the requirements for professional accreditation or licensing, or both, of the particular specialty as a technical institute or a technical college.

188-F:13 Personnel. The commissioner, after consultation with the institute or college president, shall have authority to designate the number of hours in the workweek that full-time faculty must spend on the campus of the college to which assigned.

188-F:14 Budgeting. The department shall submit an operating budget based on program appropriation units or other budgetary units required by the general court. Each institution of the department and the commissioner's office shall be considered a separate budgetary unit. The department shall submit its budget in the same format and at the same time as other state agencies. The board of governors shall not make transfer of funds between line items within any budgetary unit without first making a recommendation to the governor and council and obtaining their approval. By October 31 of each fiscal year, the department shall submit a report to the joint fiscal committee detailing all transfers made during the last fiscal year and the reasons for them. Transfers of funds between budgetary units shall be made in accordance with procedures and restrictions applying to all other agencies.



188-F:15 Tuition. The board of governors shall, by rules adopted in accordance with RSA 541-A, establish tuition rates at the technical institute and the 6 technical colleges for both resident and nonresident students. Tuition received from the technical institute and the technical colleges shall be paid to the state treasurer who shall keep it in a separate account. If, in the opinion of the governor and council, additional funds are necessary to carry out the purposes of this chapter, such tuition funds may be used for that purpose; and the state treasurer is authorized to pay out the same on the governor's warrant. Any balance in the fund at the close of each fiscal year shall be transferred to the general funds of the state, and the appropriations made for postsecondary technical education shall be reduced by such amount.

188-F:16 Tuition Waived.

I. If a person is domiciled in this state while serving in or with the armed forces of the United States and is, after February 28, 1961, reported or listed as missing, or missing in action, or interned in a neutral country, or beleaguered, besieged or captured by the enemy during the Southeast Asian conflict, any child of such person, enrolled after March 23, 1972, in a technical institute or a technical college shall, so long as said person is so reported, listed, interned, beleaguered, besieged or captured, not be required to pay tuition for attendance at such school. Any person entitled to free tuition under this section shall apply to the commissioner who may require such proof as he deems necessary in order for a person to qualify for free tuition under this section.

II. The board of governors shall have the authority to grant tuition adjustments for full-time employees who have one year of previous service at the New Hampshire technical institute, technical colleges, or the department of postsecondary technical education, and their immediate families, for the 7 institutions of the department.

188-F:17 Loan Fund Revolving Accounts. The board of governors is authorized, within the limits of federal grants and the appropriations made, to establish and administer such loan fund revolving accounts as may be approved by the governor and council to completely comply with all federal regulations and to effectively and efficiently operate the loan programs within the technical institute and technical colleges. The board shall adopt rules, pursuant to RSA 541-A, for the giving of loans to students and other requirements relative to the loans. Each loan fund revolving account authorized and the specific funds associated with it shall be kept in a separate special account by the state treasurer, and any repayment of loans made from one of these separate special accounts shall be credited to that separate special account for continued use as a loan fund.

188-F:18 Building Projects Revolving Fund. The state department of postsecondary technical education shall administer a building projects revolving fund to aid instruction in the building construction trades at state technical colleges. The fund shall be used to pay necessary costs of construction projects which are carried out as part of the instructional program, including the purchase of real estate. No project shall be undertaken unless the fund contains enough money to cover the proposed budget. When a building is completed, it shall be sold by the commissioner of postsecondary technical education by means of sealed bids or at auction. The money received shall be put into the fund, shall be continually appropriated for use in another construction project, and shall not lapse. However, the total money in the fund shall not exceed \$70,000 in fiscal year 1985. Thereafter, the limit on the money in the fund for each fiscal year shall fluctuate at the same rate as the annual average percentage increase or decrease in the consumer price index as published by the United States Bureau of Labor Statistics for the calendar year which ended on December 31 prior to the beginning of that fiscal year. Any excess shall be paid into the general funds of the state.

## 188-F:19 Bookstore Operation.

I. The board of governors may operate bookstores at department institutions directly or through use of contracts with private vendors. Any such contracts shall be subject to review under normal state procedures and shall be approved by the governor and council.

II. The commissioner of postsecondary technical education may purchase such merchandise for resale in bookstores at the technical institute and technical colleges as may be necessary for the efficient operation of the postsecondary technical education programs. The purchases shall be for instructional books, supplies and materials. The commissioner shall establish a bookstore account and purchases under this section shall be a charge upon that account. The price to be charged for instructional books, supplies and materials shall be sufficient to pay for the cost of the items purchased plus an additional service charge.

III. Net revenue derived from bookstore operations shall be paid into the student activity fund at that institution.

188-F:20 Federal Funds. The state board of education, acting as the state board for vocational technical education, shall be the primary recipient of federal funds provided under the Carl Perkins vocational education act of 1984. The state board shall, each year, provide the department of postsecondary technical education with funds available under the Titles I-IV of the act and subsequent amendments to the act. The department of postsecondary technical education shall jointly plan with the department of education for the expenditure of funds in the New Hampshire state plan for vocational education. The commissioner of postsecondary technical education and the commissioner of education shall cooperate in the development of applications for such funds.

## 188-F:21 Advisory Committees.

I. The board of governors may appoint a technical committee to advise the board and, with the recommendations of the presidents, advisory committees at each college and the institute to advise the presidents, the commissioner and the board of governors on the operation of the technical institute and the technical colleges.

II. Each of the presidents may appoint ad hoc advisory committees to advise them on the development and operation of specific academic programs. Said ad hoc committee shall include members from the field of business and industry.

9 Fire Standards and Training Council. Amend RSA 188-F by inserting after section 32 the following new subdivision:

## Fire Standards and Training Council

188-F:33 Findings and Policy. The legislature finds that the fire prevention, public fire education, fighting, protection, rescue, fire safety and research services of New Hampshire are of the utmost importance to its citizens and their property; that such services require education and training of a professional character; and that it is in the public interest of the citizens of and the visitors to New Hampshire that such education and training be made available to all fire service personnel, as defined in RSA 188-F:34, II(b), and to all persons who seek to become fire service personnel.

## 188-F:34 Program Authorized; Definitions.

I. The New Hampshire fire standards and training council is hereby established and directed to administer and supervise a fire service training, education, and research program throughout the state. The program shall offer instruction in methods of determining and dealing with the causes of fire, the prevention of fire, techniques of firefighting and rescue, research techniques in firefighting and fire protection, and the administration and management of fire departments. The program shall be open to all fire service personnel within the state.

II. As used in this subdivision:

(a) "Council" means the fire standards and training council.

(b) "Fire service personnel" means firefighters, fire officers, rescue personnel connected with fire departments, fire

prevention officers, inspectors, investigators, fire instructors, public education specialists, fire alarm personnel, or any other personnel who are members of fire departments or fire related state agencies, whether full or part-time.

188-F:35 Council.

I. There shall be a fire standards and training council consisting of 13 members, including the commissioner of postsecondary technical education or his designee, the attorney general or his designee, the chief of the forest fire service, and the state fire marshal, who shall each serve during their continuance in such offices, and one active member of each of the following associations or groups chosen by the governor, with the approval of the council, from a list of 3 qualified members submitted by each association or group:

(a) The New Hampshire Fire Chiefs Association as represented by a full-time career fire chief.

(b) The New Hampshire Fire Chiefs Association as represented by a volunteer fire chief.

(c) The Associated Firefighters of New Hampshire--International Association of Firefighters.

(d) The Fire Instructors and Officers Association of New Hampshire.

(e) The Federation of Fire Mutual Aid Associations.

(f) The State Firemen's Association.

(g) The insurance industry of New Hampshire, which members shall be recommended by the New Hampshire Association of Domestic Insurance Companies.

(h) The New Hampshire Municipal Association.

(i) The New Hampshire Permanent Firemen's Association.

II. Appointed members shall serve terms of 3 years, provided that no such members shall serve beyond the time they cease to hold the membership which qualified them for appointment to the council.

III. Members shall serve without compensation except that they shall be reimbursed for their regular and necessary expenses in the performance of their duties as members.

IV. The members shall annually elect from among themselves a person to serve as council chairman and another to serve as council vice-chairman. The chief of fire service training shall serve as the council's executive officer, although he shall not vote in the council's determinations. The council shall hold no fewer than 4 regular meetings a year at such times and places as the chairman shall fix, either on his own motion or upon written request of any 4 members.

V. The council shall report biennially to the governor and general court on its activities, and may make such other reports as it deems desirable.

188-F:36 Rulemaking. The council, notwithstanding the provisions of RSA 21-G:9, shall adopt rules, under RSA 541-A, relative to:

I. The conduct of its meetings.

II. The establishment of minimum selection, educational, and training standards for fire service personnel, other than fire officials employed by the forest fire control division of the department of resources and economic development.

III. Evidentiary standards for the satisfaction of minimum educational and training standards adopted under paragraph II.

IV. The establishment of minimum curriculum requirements for preparatory, in service, and advanced courses and programs for schools operated by or for the state or any of its political subdivisions for the specific purpose of training fire service personnel.

V. What constitutes a full-time career firefighter for purposes of RSA 188-F:38, I.

VI. Procedures for the conduct of investigations authorized under this subdivision.

VII. The issuance of certificates evidencing the satisfaction of educational and training requirements.



188-F:37 Powers and Duties. Notwithstanding the provisions of RSA 21-G:9:

I. The council, within budgetary and staff limitations, shall:

(a) Certify fire service personnel as meeting minimum education and training standards.

(b) Establish, maintain, approve and certify programs, courses, institutions, and facilities for study for all fire service personnel, and recruits.

(c) Act as the advisory committee to the board of governors and the state board of education concerning any fire educational program.

(d) Nominate a chief of fire service training and employ such other personnel as may be necessary to perform its duties. All permanent personnel hired by the council shall be classified state employees, except that the chief of fire service training shall be nominated by the council and appointed by the commissioner for a term of 4 years. He shall be an unclassified employee whose salary shall be established by RSA 94:1-a.

(e) Provide all fire service personnel with professional instruction and training.

(f) Develop and promote new methods and practices of firefighting, rescue operations, fire prevention, and fire administration.

(g) Provide facilities for the training of fire service personnel and testing of firefighting and rescue equipment and operations.

(h) Disseminate information relative to fires and rescues, techniques of firefighting and rescuing, fire prevention, fire administration, and other related subjects to all interested agencies and individuals throughout the state.

(i) Employ part-time instructors or assistants and compensate them for organizing, developing, and conducting approved fire training and rescue courses or other work as directed at an hourly rate established by the council and for mileage and expenses incurred in performing their official duties.

(j) Require submission of reports and information from fire departments within this state that may be pertinent to the effective functioning of the commission.

(k) Make such investigations as may be necessary to determine whether governmental units are complying with the provisions of this subdivision.

II. The council may:

(a) Make or cause to be made studies of any aspect of fire service, education, operations, training, research, or recruitment.

(b) Enter into contracts or do such things as may be necessary and incidental to the administration of its authority pursuant to this subdivision.

(c) Undertake any project and engage in any activity which will serve to improve public fire safety or public safety.

(d) Accept in the name of the state any and all fees for tuition or services, donations and grants from any governmental unit, public agency, institution, person, firm, or corporation and receive, use, and dispose of the same, subject to budgetary provisions and consistent with the rule of the council and the purposes or conditions of the donation or grant. The receipt of a donation or grant shall be noted in the annual report of the council, which shall also identify the nature of the donation or grant, and the conditions of the donation or grant, if any. Any moneys received by the council pursuant to this paragraph shall be deposited in the state treasury to the account of the council and shall not lapse. In addition, the council may receive, hold, and use gifts, bequests, and devices either outright or in trust for purposes consistent with this subdivision.

188-F:38 Educational and Training Requirements; Certification.

I. No person shall be appointed as a full-time career firefighter, except on a temporary or probationary basis, unless such person has satisfactorily completed a preparatory program of fire training

approved by the council. From time to time, as it deems advisable, the council may adopt additional educational and training standards, as authorized under RSA 188-F:36, II, to be met by full-time career firefighters subject to that paragraph, provided that no person shall be excluded from such employment on the basis of any rule adopted under RSA 188-F:36, II until such rule has been in effect for at least one year. No firefighter who lacks the educational and training qualifications required by this paragraph may have his temporary or probationary employment extended beyond 2 years.

II. The council shall issue a certificate evidencing satisfaction of the educational and training requirements established under RSA 188-F:36, II to any person presenting the council with satisfactory evidence of the completion of such requirements, whether in this jurisdiction or any other.

188-F:39 Reimbursement of Expenses. The council may reimburse fire departments or fire-related state agencies for expenses incurred in the training of their fire personnel in attendance at approved training programs to the extent it considers reasonable given the amount of available funds, provided that any such department or agency adheres to the selection and training standards adopted by the council.

188-F:40 Funding. All sums appropriated by the state for the program established under this subdivision, together with any federal funds received, shall be expended by the fire standards and training council.

188-F:41 Facilities. In order to promote the effectiveness and efficiency of the fire service training and research program, the council is encouraged to use such personnel and equipment from other state agencies, federal agencies, district fire mutual aid associations, and public and private fire departments, as may be made available to them by the heads or appropriate authorities of such agencies, including but not limited to the use of radio and other communications facilities, including computer systems.

188-F:42 Unit of Department of Postsecondary Technical Education. The fire standards and training council is a unit of the department of postsecondary technical education and training council.

10 Program Appropriation Unit; Fire Standards and Training Council. The PAU assigned to the fire standards and training council shall remain separate and apart from the department of postsecondary technical education. The department may, however, assess the council for any services accepted, supplies furnished, or space used. The council's budget shall be presented to the commissioner and board of governors for review and shall be forwarded by them to the governor to be explained during presentation to the governor by the chairman of the council and the commissioner of postsecondary technical education.

11 Cooperation. The board of governors of the department of postsecondary technical education and the commissioner, with the assistance of the fire standards and training council and its chief, and all other affected officers and employees are hereby directed to:

I. Coordinate the efforts of the department and the council.

II. Improve the quality and scope of courses offered by the council.

III. Obtain accreditation for as many fire standards and training council courses as possible so that they may be accepted for academic credit by higher educational institutions.

IV. Offer as many fire service training courses as the board of governors deems appropriate in as many areas of the state as possible.

12 State Advisory Board of Fire Control. The state advisory board of fire control, established by RSA 153:2-4 is hereby administratively attached to the office of the commissioner of the department of safety. The board shall have all of the duties, powers, and obligations presently assigned to it by statute, this act, or future statutes or amendments thereto.

13 Terms of Service. Members of the present fire standards and training commission, established pursuant to RSA 154-C:2, shall serve on

the fire standards and training council, established by RSA 188-F:34 and RSA 188-F:35, in accordance with the terms of their appointment under previous law.

14 Salary. Amend RSA 94:1-a, I (supp) as amended by inserting under group K the position of chief of fire service training.

15 Appropriation. The sum of \$50,000 is hereby appropriated for the fiscal year ending June 30, 1987, to the fire standards and training council for the purposes of training programs required by sections 9-14 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

16 Salaries Established; Academic Employees. Amend RSA 99:1-a (supp) as inserted by 1975, 505:32 as amended by striking out said section and inserting in place thereof the following:

99:1-a Salaries Established. The salary ranges for all classified state employees commencing June 6, 1986, shall be established as follows:

Salary Grade	Minimum	Step 1	Step 2	Step 3	Maximum
1	10,179.00	10,393.50	10,608.00	10,822.50	11,076.00
2	10,393.50	10,608.00	10,822.50	11,076.00	11,310.00
3	10,608.00	10,822.50	11,076.00	11,310.00	11,505.00
4	10,764.00	11,056.50	11,349.00	11,700.00	12,090.00
5	11,076.00	11,427.00	11,856.00	12,304.50	12,694.50
6	11,427.00	11,836.50	12,265.50	12,694.50	13,162.50
7	11,895.00	12,382.50	12,870.00	13,357.50	13,845.00
8	12,304.50	12,811.50	13,279.50	13,786.50	14,274.00
9	12,714.00	13,221.00	13,728.00	14,176.50	14,683.50
10	13,162.50	13,611.00	14,098.50	14,644.50	15,268.50
11	13,552.50	14,157.00	14,781.00	15,405.00	15,990.00
12	14,137.50	14,800.50	15,522.00	16,224.00	16,867.50
13	14,508.00	15,288.00	16,048.50	16,828.50	17,628.00
14	15,288.00	16,087.50	16,906.50	17,725.50	18,525.00
15	16,009.50	16,848.00	17,706.00	18,544.50	19,363.50
16	16,516.50	17,374.50	18,252.00	19,110.00	19,968.00
17	17,043.00	17,901.00	18,778.50	19,714.50	20,592.00
18	17,706.00	18,661.50	19,617.00	20,572.50	21,547.50
19	18,408.00	19,402.50	20,436.00	21,430.50	22,444.50
20	19,149.00	20,143.50	21,177.00	22,171.50	23,205.00
21	19,870.50	20,884.50	21,918.00	22,912.50	23,965.50
22	20,787.00	21,996.00	23,166.00	24,336.00	25,486.50
23	21,742.50	22,932.00	24,180.00	25,389.00	26,598.00
24	22,659.00	23,965.50	25,213.50	26,500.50	27,709.50
25	24,180.00	25,545.00	26,910.00	28,314.00	29,698.50
26	24,940.50	26,286.00	27,709.50	29,152.50	30,556.50
27	25,681.50	27,085.50	28,528.50	29,991.00	31,414.50
28	26,481.00	27,963.00	29,503.50	30,985.50	32,506.50
29	27,280.50	28,821.00	30,400.50	31,980.00	33,579.00
30	28,060.50	29,718.00	31,375.50	33,033.00	34,671.00
31	29,991.00	31,668.00	33,423.00	35,119.50	36,835.50
32	31,902.00	33,676.50	35,431.50	37,245.00	39,039.00
33	34,222.50	36,153.00	38,142.00	40,092.00	42,081.00
34	36,504.00	38,727.00	40,852.50	42,978.00	45,142.50

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. For purposes of this section, what has heretofore been called an 11 month



schedule shall be deemed to include 220 working days and what has heretofore been called a full year schedule shall be deemed to include 235 working days.

17 Salaries Established; Academic Employees. Amend RSA 99:1-a (supp) as inserted by 1975, 505:32 as amended by striking out said section and inserting in place thereof the following:

99:1-a Salaries Established. The salary ranges for all classified state employees commencing March 13, 1987, shall be established as follows:

Salary Grade	Minimum	Step 1	Step 2	Step 3	Maximum
1	10,179.00	10,491.00	10,803.00	11,134.50	11,466.00
2	10,491.00	10,803.00	11,134.50	11,466.00	11,817.00
3	10,803.00	11,134.50	11,466.00	11,817.00	12,168.00
4	11,134.50	11,466.00	11,817.00	12,168.00	12,538.50
5	11,466.00	11,817.00	12,168.00	12,538.50	12,909.00
6	11,817.00	12,168.00	12,538.50	12,909.00	13,299.00
7	12,168.00	12,655.50	13,162.50	13,689.00	14,235.00
8	12,655.50	13,162.50	13,689.00	14,235.00	14,800.50
9	13,162.50	13,689.00	14,235.00	14,800.50	15,385.50
10	13,689.00	14,235.00	14,800.50	15,385.50	16,009.50
11	14,235.00	14,800.50	15,385.50	16,009.50	16,653.00
12	14,800.50	15,385.50	16,009.50	16,653.00	17,316.00
13	15,385.50	16,009.50	16,653.00	17,316.00	18,018.00
14	16,009.50	16,653.00	17,316.00	18,018.00	18,739.50
15	16,653.00	17,355.00	18,096.00	18,856.50	19,656.00
16	17,355.00	18,096.00	18,856.50	19,656.00	20,494.50
17	18,096.00	18,856.50	19,656.00	20,494.50	21,372.00
18	18,856.50	19,656.00	20,494.50	21,372.00	22,288.50
19	19,656.00	20,494.50	21,372.00	22,288.50	23,244.00
20	20,494.50	21,372.00	22,288.50	23,244.00	24,238.50
21	21,372.00	22,288.50	23,244.00	24,238.50	25,272.00
22	22,288.50	23,244.00	24,238.50	25,272.00	26,344.50
23	23,244.00	24,297.00	25,389.00	26,539.50	27,729.00
24	24,297.00	25,389.00	26,539.50	27,729.00	28,977.00
25	25,389.00	26,539.50	27,729.00	28,977.00	30,283.50
26	26,539.50	27,729.00	28,977.00	30,283.50	31,648.50
27	27,729.00	28,977.00	30,283.50	31,648.50	33,072.00
28	28,977.00	30,283.50	31,648.50	33,072.00	34,554.00
29	30,283.50	31,648.50	33,072.00	34,554.00	36,114.00
30	31,648.50	33,072.00	34,554.00	36,114.00	37,732.50
31	33,072.00	34,651.50	36,289.50	38,005.50	39,819.00
32	34,651.50	36,289.50	38,005.50	39,819.00	41,710.50
33	36,289.50	38,005.50	39,819.00	41,710.50	43,699.50
34	38,005.50	39,819.00	41,710.50	43,699.50	45,766.50

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. For purposes of this section, what has heretofore been called an 11 month schedule shall be deemed to include 220 working days and what has heretofore been called a full year schedule shall be deemed to include 235 working days.

18 Transition.

I. All state employees in academic positions on June 6, 1986, at 12:01 a.m. shall be placed within the schedule established by section 16 at the same salary grade in which the employee was placed prior to the

effective date of section 16 of this act. Within the salary grade, each employee shall be placed at the lowest step which provides an increase in the employee's salary.

II. Each state employee in an academic position on June 6, 1986, at 12:01 a.m. whose salary prior to the effective date of section 16 of this act exceeds the maximum step in the salary grade for that employee within the schedule established by section 16 of this act shall be placed in the maximum step. Such employees shall be paid a one-time lump-sum adjustment equal to twice the difference between the employee's prior annual pay and the employee's annual pay as established by section 16 of this act.

19 Presidents, Salaries Established. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended by inserting in group N the following:

President of the technical institute and presidents of the technical colleges.

20 Training Fund. Amend RSA 188-F:30 (supp) as inserted by 1985, 152:1 by striking out said section and inserting in place thereof the following:

188-F:30 Police Standards and Training Council Training Fund. There is established in the state treasury a separate nonlapsing fund to be known as the police standards and training council training fund from which the state treasurer shall pay expenses incurred in the administration of this subdivision.

21 Repeal. The following sections are hereby repealed.

I. RSA 154-C, relative to firefighter training.

II. 1981, 568:94 as amended by 1982, 1:10, relative to the penalty assessment fund.

22 Effective Date.

I. Sections 16 and 18 of this act shall take effect on June 6, 1986, at 12:01 a.m.

II. Section 17 of this act shall take effect on March 13, 1987, at 12:01 a.m.

III. Section 19 of this act shall take effect June 6, 1986.

IV. The remainder of this act shall take effect July 1, 1986.

SB 12-FN, relative to certain withdrawals from the New Hampshire retirement system. Ought to Pass.

The Appropriations Committee supports this bill. Vote 21-0. Rep. Margaret A. Ramsay for Appropriations.

SB 34-FN, authorizing a study for a spur road between the city of Somersworth or the city of Rochester and the Spaulding turnpike. (A) Ought to Pass.

This bill authorizes the Department of Transportation to study the needs of a spur road. No money is required. Vote 18-0. Rep. Paul I. LaMott for Appropriations.

SB 46-FN, establishing a printed materials revolving fund at the department of education. Ought to Pass.

This bill directs the Commissioner of Education to transfer from funds appropriated to his Department the sum of \$10,000 to the printed materials revolving fund. Vote 19-1. Rep. Andrea A. Scranton for Appropriations.

SB 50, relative to public television and public radio fund raising auctions of wine and liquor, to liquor licenses, to social clubs within national guard armories, and making an appropriation to the liquor commission. Ought to Pass with Amendment.

The amendment removes the appropriations to the Liquor Commission in SB 50 and amended SB 100 to include funds to increase rent rates and establish three new liquor stores. The rest of the bill stayed intact. Vote 17-2. Rep. Margaret A. Ramsay for Appropriations.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to public television and public radio fund raising auctions of wine and liquor, to liquor licenses, and to social clubs within national guard armories.

Amend the bill by striking out all after section 4 and inserting in place thereof the following:

5 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect July 1, 1986.

SB 58, providing a supplemental appropriation for safety services in the department of safety. Inexpedient to Legislate.

The Appropriations Committee amended SB 100 to include money for boat safety services. \$105,000 was appropriated to repair docks and a boat house. The section in SB 58 dealing with reflectorized plate inventory fund was also added to SB 100. Vote 18-1. Rep. Margaret A. Ramsay for Appropriations.

SB 60-FN, appropriating funds for inspection of apiaries and prevention of honeybee swarm contamination. Inexpedient to Legislate.

The Appropriations Committee supports this program and appropriated the \$10,500 needed by amending SB 100. Vote 19-0. Rep. Margaret A. Ramsay for Appropriations.

SB 92-FN, relative to the tobacco tax. Inexpedient to Legislate.

The Committee voted inexpedient to legislate because the bill is no longer relevant. Voice vote. Rep. Margaret A. Ramsay for Appropriations.

SB 106, allowing students in approved high school vocational electrical and plumbing programs to perform electrical and plumbing installations in residential buildings and making an appropriation for tuition and transportation costs for regional vocational students. Ought to Pass with Amendment.

The amendment defeated the appropriation for tuition and transportation for regional vocational students which was underfunded for 1985. Vote 20-0. Rep. Andrea A. Scranton for Appropriations.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

allowing students in approved high school vocational electrical and plumbing programs to perform electrical and plumbing installations in residential buildings.

Amend RSA 319-C:3, IX-a as inserted by section one of the bill by striking out same and inserting in place thereof the following:

IX-a. Any electrical installations in residential buildings performed by students enrolled in a high school vocational electrical



program approved by the department of education, provided such work is performed under the supervision of either a teacher holding an electrician's license or by a licensed electrician who is a supervisor of students in cooperative education placements from such programs; and in those cases where the installation is in a new building being constructed as a part of the vocational program, that the installation will be inspected and approved by an individual or group of individuals chosen by the local school districts from persons nominated by the state board of electricians. Any person nominated by the state board shall hold a Master's license issued by the board.

Amend RSA 329-A:13, VI as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

VI. Any plumbing installations in residential buildings performed by students enrolled in a high school vocational plumbing program approved by the department of education, provided such work is performed under the supervision of either a teacher holding a plumber's license or by a licensed plumber who is a supervisor of students in cooperative education placements from such programs; and in those cases where the installation is in a new building being constructed as a part of the vocational program, that the installation will be inspected and approved by an individual or group of individuals chosen by the local school districts from persons nominated by the state board for the licensing and regulation of plumbers. Any person nominated by the state board shall hold a Master's license issued by the board.

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

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

SB 128-FN, relative to the salary and terms of office of the state treasurer and secretary of state and relative to health screening for members of the general court. Inexpedient to Legislate.

The contents of this bill were placed in SB 100. Unanimous voice vote. Rep. Lee Anne S. Steiner for Appropriations.

SB 140-FN, providing for a single annual motor vehicle inspection and changing the inspection sticker fee. Inexpedient to Legislate.

The total contents of SB 140 were amended into SB 100. Vote 17-4. Rep. Margaret A. Ramsay for Appropriations.

SB 141-FN, relative to off highway recreational vehicles and appropriating a portion of agents' penalties to the OHRV registration office. Inexpedient to Legislate.

The contents of SB 141 were placed in SB 100. Unanimous voice vote. Rep. Lee Anne S. Steiner for Appropriations.

RECESS

(Speaker in the Chair)

COMMITTEE REPORTS  
(Regular Calendar)

SB 22-FN, establishing a citizen commission to study the foundation aid formula. Ought to Pass.

This bill creates a citizen commission which is directed to develop criteria to examine the effectiveness of the new foundation aid formula. The commission will hire an independent consultant to study

the formula based on the criteria established by the commission. Vote 13-7. Rep. Ellen-Ann Robinson for Appropriations.

Ordered to third reading.

SB 44-FN, increasing rates for shared homes and certain residents of community living homes and making an appropriation therefor. Ought to Pass.

This bill allows the Department of Health and Human Services to increase the standard of need for residents of shared homes. The sum of \$250,000 is appropriated for the fiscal year ending June 30, 1987. RSA 473:1 is repealed on request of the department. The cited RSA conflicts with another RSA which provides for better management by the departments. Vote 16-3. Rep. John J. Kane for Appropriations.

Ordered to third reading.

#### INTRODUCTION OF GUESTS

Sen. Carmen A. Orechio, Senate President Pro Tem of New Jersey, Vice Chairman of the Eastern Regional Conference, Council of State Governments and Alan Sokolow, Director, Eastern Office of the Council of State Governments, guests of the Speaker.

#### COMMITTEE REPORTS (cont.)

SB 61, establishing a 10-year state highway construction program and making an appropriation for certain projects. Ought to Pass with Amendment.

This bill is the same legislation as passed the House as HB 509 with the exception of the eastern terminus which is now north of Exit 9 on the Spaulding Turnpike. Vote 19-1. Rep. Paul I. LaMott for Appropriations.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Legislative Intent. In this act, the general court is adopting a 10-year construction and reconstruction plan for the highway system of the state. This plan is predicated on the report submitted to the governor by the governor's advisory commission on highways, and is intended to serve as guidelines for highway development in the state for the next decade. The plan shall be revised and updated as required based on an annual report from the commissioner of the department of transportation and as the wisdom of the general court may from time to time dictate.

2 Interstate Highway Construction and Reconstruction Plan for 10 Years.

I. (a) Summary of the program estimated costs over the next 10 years is as follows:

(1) Route I-93	\$34,062,750
(2) Route I-393	21,100,000
(3) Route I-89	<u>8,750,000</u>
Total	\$63,912,750

(b) Funding for the programs in paragraph I(a) shall be from the following sources:

(1) Required state match	\$ 6,391,275
(2) Federal funds	<u>57,521,475</u>
Total	\$63,912,750

II. The specific projects for the program estimated costs summarized in paragraph I are as follows:

(a) Route I-93:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Hooksett	88	Safety and overlay from Merrimack River north 0.63 mi.	1.76225 (.4875 4R) (1.27475 Interstate)
(2) Lincoln	86	Landscaping from park boundary to Pemi Trail	.200
(3) Lincoln	86	Landscaping from Harvard Brook to park boundary	.160
(4) Lincoln	86	Landscaping from Pemi Trail to Whitehouse Bridge	.200
(5) Lincoln	86	Landscaping from US 3 to Harvard Brook	.140
(6) Lincoln	88	Bridge construction Pemigewasset River - 4 bridges	3.488
(7) Lincoln-Franconia	86	Landscaping parkway section	.100
(8) Lincoln-Franconia	87	Landscaping parkway section	.100
(9) Franconia	86	Sewer system at interpretive shelter	.250
(10) Franconia	86	Structures - 4 bridges over Skoocumchuck and Lafayette Brooks	5.25
(11) Franconia	87	Landscaping Profile Lake parking area	.200
(12) Franconia	87	Landscaping Profile Lake to park boundry	.200
(13) Franconia	87	Landscaping tramway area and Echo Lake	.200
(14) Franconia	87	Landscaping Echo Lake to park boundry	.200
(15) Franconia	88	Landscaping Echo Lake to I-93	.100



(16) Franklin	89	Interchange I-93 Exit 21	22.00
		Total I-93	<u>\$34.06275</u>

## (b) Route I-393:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Concord	86	US 4 over I-393 bridges	2.0
(2) Concord	86	New Hampshire 106 over I-393 bridges	1.80
(3) Concord	87	Reconstruction along Suncook River 1.6 mi.	7.70
(4) Concord-Pembroke	87	I-393 over Suncook River bridges	4.10
(5) Pembroke-Chichester	86	Suncook River easterly including bridges over Horse Corner Road and I-393 over local roads	5.50
		Total I-393	<u>\$21.10</u>

## (c) Route I-89:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Concord	88	Clinton Street interchange	2.50
(2) Warner	87	Safety and overlay/resur- facing 0.5 mi. north of New Hampshire 103 northerly 1.5 mi.	1.85 (.900 4R) (.950 Interstate)
(3) Sutton-New London	88	Safety and overlay/resur- facing from Exit 11 south- erly 2.58 mi.	4.105 (2.105 4R) (2.00 Interstate)
(4) New London	86	Safety and overlay/resur- facing - Exit 11	.970 (.495 4R) (.475 Interstate)
(5) New London	88	Safety and overlay/resur- facing Exit 11 north to Sunapee	5.575 (2.750 4R) (2.825 <u>Interstate</u> )
		Total I-89	<u>\$8.750</u>

## 3 Interstate 4R Program.

I. (a) Summary of the interstate 4R program estimated costs over the next 10 years is as follows:

(1) Route I-89	\$13,176,000
(2) Route I-93	69,778,500
(3) Route I-95	310,000
(4) Route I-293	18,600,000
(5) Miscellaneous	2,250,000
Total	<u>\$104,114,500</u>

(b) Funding for the programs in paragraph I(a) shall be from the following sources:

(1) State Matching Fund	\$ 10,411,450
(2) Federal Funds	93,703,050
Total	<u>\$104,114,500</u>

(c) For purposes of the 10-year plan, estimated available federal interstate 4R funds are \$15,000,000, to \$18,000,000 yearly.

II. The specific projects for the program estimated costs summarized in paragraph I are as follows:

## (a) Route I-89:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Bow	87	Bridge replacement from I-89 to I-93	.851
(2) Warner	87	Safety and overlay, resurfacing 1.5 mi.	1.850 (.900 4R) (.950 Interstate)
(3) Sutton-New London	88	Safety and overlay, resurfacing 2.58 mi.	4.105 (2.0 Interstate) (2.105 4R)
(4) New London	86	Safety and overlay Exit 11	.97 (.475 Interstate) (.495 4R)
(5) New London	88	Safety and overlay Exit 11N to Sunapee toll	5.575 (2.825 Interstate) (2.750 4R)
(6) Enfield	89	Rehabilitation Exit 15 to Exit 16	2.020
(7) Enfield-Lebanon	86	Resurfacing Exit 15 to Exit 16	.555
(8) Lebanon	86	US 4 interchange Rehabilitation - 6 bridges	3.50
		Total I-89	<u>\$13.176</u>

## (b) Route I-93:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Salem-Manchester		Major Widening to 6 lanes	
	91	Exit 1 to Exit 3	10.0
	93	Exit 3 to Exit 4	12.0
	95	Exit 4 to I-293	13.0
(2) Londonderry	88	Exit 4 (I-93 and New Hampshire 102) safety, signals and widening	6.0
(3) Manchester	88	Widen from 4 lanes to 6 from Cohas to Candia Road	5.255
(4) Manchester	90	Study - I-93 & I-293 interchange	.10
(5) Hooksett	88	Reconstruction pavement - overlay from Merrimack River north	1.7622 (1.274750 Interstate) (.4875 4R)
(6) Bow-Concord	86	Landscaping from Merrimack River north 0.63 miles	.15
(7) Concord	87	Merrimack River bridge rehabilitation (2 bridges)	3.801
(8) Concord	87	Bridge rehabilitation over B&M RR and Hall Street (4 bridges), and northbound exit ramp replacement (Bridge Street)	6.7
(9) Concord	87	Landscaping - Exit 12 to Exit 14	.1
(10) Concord	88	Landscaping from Exit 14 to Exit 16	.150
(11) Concord Manchester St. Br. relocated	89	Bridge replacement over Manchester Street	4.0
(12) Sanbornton - Meredith-New Hampton	86	Bridge rehabilitation decks - 10 bridges	2.220
(13) Woodstock-Lincoln 6 mi. on Rt. 3 - I-93	86	Resurfacing Exit 30 north 6 miles safety and overlay	2.10



(14)	Bethlehem	87	Bridge rehabilitation US 302 over I-93	.600
(15)	Littleton	86	Landscaping from New Hampshire 135 north 6 miles	.160
(16)	Littleton	86	Rest area	.935
(17)	Littleton	87	Landscaping US 302 north 6 miles	.150
(18)	Littleton	87	Bridge rehabilitation	1.650
(19)	Littleton	86	Signing and lighting from Vermont to US 302	.220
			Total I-93	<u>\$69.7785</u>

## (c) Route I-95:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Portsmouth-Kittery	86	Bridge rehabilitation	<u>.310</u>
		Total I-95	\$ .310

## (d) Route I-293:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Manchester-Bedford	89	Bridge rehabilitation (2) Manchester - Bedford	11.5
(2) Manchester-Bedford	90	Safety and overlay Queen City Bridge to Merrimack River	7.1
		Total I-293	<u>\$18.6</u>

## (e) Miscellaneous Improvements

PROJECT	FY	EST. COST (\$ millions)
(1) Pavement markings	86-95	1.25
(2) Weighing in motion scales -		1.00
		<u>plus truck fees</u>
	Total Miscellaneous	\$2.25

4 New Hampshire Primary Highway Program.

I.(a) Summary of the primary highway program estimated costs over the next 10 years is as follows:

(1) New Hampshire 101	\$110,350,000
(2) New Hampshire 101A	38,000,000
(3) New Hampshire 51	15,000,000
(4) US 4	20,301,000
(5) US 3	5,610,000
(6) US 302	17,100,000
(7) US 302	4,800,000**
(8) New Hampshire 115	8,715,000**
(9) New Hampshire 25	16,860,000
(10) New Hampshire 16	22,200,000
(11) US 2	500,000
(12) New Hampshire 9	44,100,000
(13) New Hampshire 11	74,147,000
(14) New Hampshire 12	4,000,000
(15) Other primary projects and studies	10,000,000
(16) Signal and intersection improvement projects	10,000,000
(17) Miscellaneous	<u>4,400,000*</u>
Total	\$392,568,000

\* Includes: \$500,000 for alignment re Franklin/I-93 Exit 21; \$150,000 for study re Hanover/Lebanon area and pavement markings.

\*\* Total does not include anticipated transfer of Interstate 4R funds to occur upon completion of Interstate System.

(b) Funding for the programs in paragraph I(a) shall be from the following sources:

(1) State matching funds	\$ 98,142,000
(2) Federal funds	<u>294,426,000</u>
	\$392,568,000

(c) For purposes of the 10-year plan, estimated available federal primary highway funds are:

- (1) First 5 years at \$12,000,000 yearly, for a total of \$60,000,000.
- (2) Second 5 years at \$20,000,000 - 24,000,000 yearly, for a total of \$100,000,000 - 120,000,000.
- (3) Total estimated available federal funds for the decade are \$160,000,000 - 180,000,000.

II. The specific projects for the program estimated costs summarized in paragraph I are as follows:

(a) New Hampshire Route 9:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Roxbury-Sullivan	95	Reconstruction from east Sullivan south 2.04 mi.	3.0
(2) Nelson-Stoddard	91	New location bypass around Granite Lake	11.1

(3) Hillsborough	95	Reconstruction bypass	30.0
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## (b) New Hampshire Route 11:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Claremont	86	Reconstruction from Winter Street east 1.6 mi.	3.225
(2) Claremont-Newport	94	Reconsturction from compact to Kelleyville bridge	8.0
(3) Newport	86	Landscaping Sugar River bridge	.022
(4) Franklin-Laconia	89	New Hampshire 11 east to New Hampshire 127	60.4
	91	New Hampshire 127 east to Interchange 21	
	93	Interchange 21 east to Lochmere	
	94	Lochmere to Laconia bypass (U.S. 3 and Route 11)	
(5) Alton	89	Relocate - preliminary engineering and right of way acquisition	2.5

## (c) New Hampshire Route 12:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Troy-Marlborough	94	Reconstruction from B&M bridge north 2.02 mi.	4.0

## (d) New Hampshire Route 16:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Ossipee	94	Reconstruction	6.70
(2) Ossippee	94	Reconstruction	5.60
(3) Albany	95	Reconstruction	7.60
(4) Gorham	95	Reconstruction	2.2
(5) Jackson-Berlin	87	Study - Jackson/Bartlett Study - Route 16 from Milan town line to city of Berlin compact zone line Engineering Design - Junction Route 16 and U.S. Route 2 in town of Gorham southerly 2 miles to end of improved section of Route 16	.100



## (e) New Hampshire Route 25:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Meredith	93	Reconstruction from US 3 easterly to New Hampshire 25	2.50
(2) Meredith	94	Reconstruction from Center Harbor south 3.24 mi.	6.0
(3) Moultonborough	87	Rehabilitation from Sandwich south 1 mi.	.860
(4) Effingham-Freedom	87	New location of Route 25 to Maine	3.50
(5) Warren-Glencliff	88	Reconstruction 2.5 miles	4.0

## (f) New Hampshire Route 51:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Exeter-Hampton	91	Reconstruction from New Hampshire 101 east to I-95 along New Hampshire 51	15.0

## (g) New Hampshire Route 101:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Marlborough	86	Landscaping Main Street project	.050
(2) Dublin	94	Bypass	30.0
(3) Bedford	88	Reconstruction New Hampshire 101 - New Hampshire 114 intersection	3.25
(4) Raymond-Epping	86	Landscaping from Auburn to Epping	.150
(5) Epping-Brentwood	89	Reconstruction - major widening	18.0
(6) Brentwood-Exeter	88	Reconstruction - major widening	18.40
(7) Exeter	90	Reconstruction New Hampshire 101- New Hampshire 51 inter- change (cloverleaf)	15.0

(8)	Keene-Dublin (complete link)	93	Reconstruction Optical Avenue east 7 mi. to Chesham Road	15.5
(9)	Exeter-Stratham	90	Reconstruction and widening Newfield interchange	10.0
(h) New Hampshire Route 101A:				
	TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1)	Milford-Nashua	92	New location	38.0
(i) New Hampshire Route 115:				
	TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1)	Carroll	88	Reconstruction funds diverted from Notch/Interstate	2.605
(2)	Carroll	88	Reconstruction funds diverted from Notch/Interstate	3.405
(3)	Carroll-Jefferson	87	Reconstruction funds diverted from Notch/Interstate	2.705
(j) United States Route 2:				
	TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1)	Randolph	92	Reconstruction 3 mi. from intersection of New Hampshire 115 - .3 mi.	.50
(k) United States Route 3:				
	TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1)	Gilford	86	Signals at end of Laconia bypass	.110
(2)	Whitefield	90	Reconstruction	3.10
(3)	Lancaster	87	Reconstruction Weeks State Park	1.50
(4)	Lancaster	95	Reconstruction US 2 south	.90
(l) United States Route 4:				
	TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)

(1) Concord-Durham	91	Safety Improvements to US 4	15.0
(2) Pembroke-Chichester	89	Reconstruction exiting Route 4 to 393	4.750
(3) Durham	88	Safety improvement	.551

(m) United States Route 302:

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Haverhill	95	Reconstruction from Vermont to New Hampshire 10	1.8
(2) Bath-Lisbon	92	Reconstruction from New Hampshire 112 north 8.89 mi. to Lisbon	15.3
(3) Bath	88	Relocation project - funds diverted from Notch/Interstate	4.8

(n) Other Primary Projects.

	EST. COST (\$ millions)
(1) Studies and miscellaneous projects	10.0
(2) Signal and intersection improvement projects	10.0

(o) Miscellaneous.

TOWN/PROJECT	FY	IMPROVEMENT	EST. COST (\$ millions)
(1) Statewide	86-95		Pavement
markings 3.750			
(2) Hanover-Lebanon	87	Study	.150
(3) Franklin/I-93	87-88		Alignment
.500			
Exit 21			

5 New Hampshire Turnpike Program.

I. Summary of the turnpike program estimate costs over the next 10 years is as follows:

(a) Central Turnpike	\$179,350,000
(b) Circumferential - Nashua	130,000,000
(c) Spaulding Turnpike	53,200,000
(d) Blue Star (I-95)	1,600,000
(e) Conway Bypass	34,500,000
Total	\$398,650,000

II. The specific projects for the program estimated costs summarized in paragraph I are as follows:

(a) Central Turnpike:



TOWN/PROJECT	FY ESTIMATED	IMPROVEMENT COMPLETION DATE	EST. COST (\$ millions)
(1) Nashua-Merrimack	90	Preliminary engineering and right of way acquisition Exits 7W and 8 ramp toll facilities	2.0
(2) Nashua	87	Exit 7W - Tinker Road new location	8.50
(3) Nashua	88	Exit 2 - Preliminary engineering construction Exit 1 and Sanders ramp	15.0
(4) Merrimack	91	Exit 8 interchange and ramp toll facilities	8.40
(5) Bedford	88	Barrier toll facilities	5.0
(6) Merrimack	88	Complete industrial interchange ramp toll facilities	21.75
(7) Merrimack/Camp Sargent Road	88	Complete connection to Merrimack industrial interchange	3.0
(8) Nashua	91	Preliminary engineering and right of way for interchanges 3 - 7	3.20
(9) Manchester	91	Reconstruction Exit 5 southbound on-ramp to Granite Street	1.80
(10) Nashua	89	Circumferential highway southern segment only with one toll barrier	60.0
(11) Nashua	92	Circumferential highway northern segment only with one toll barrier	70.0
(12) Nashua/D.W. Highway	89	Interchange construction Exit 2 to Exit 3	19.50
(13) Nashua	94	Central widening between interchanges 3 - 7	60.0
(14) Merrimack/Bedford Rd.	88	2 ramp tolls	6.6
(15) Bedford - Manchester	94	Widening - Route 101 to Amoskeag interchange	20.0
(16) Bow-Concord	91	Central widening between I-89 and I-393 interchanges (study)	.10

(17)	Nashua	89	Toll barrier north of Massachusetts state line on central turnpike - southbound	4.50
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## (b) Spaulding Turnpike:

	TOWN/PROJECT	FY	IMPROVEMENT	EST. COST
			ESTIMATED COMPLETION DATE	(\$ millions)
(1)	Portsmouth - Newington	90	Gosling Road inter- change and approaches	11.0
(2)	Dover-Rochester	93	Safety improvements to Spaulding Turnpike 16.4 mi.	8.0
(3)	Dover	90	Toll - expand to 8 lanes	1.20
(4)	Newington	91	Right of way acquisi- tion for access south of Newington Bridge	3.0
(5)	Conway	92	Conway bypass including toll barrier (7 mi.)	34.50
(6)	Dover	92	The eastern terminus will originate on the Spaulding turnpike north of exit 9 and head westerly.	30.0

## (c) Blue Star (Route I-95):

	TOWN/PROJECT	FY	IMPROVEMENT	EST. COST
			ESTIMATED COMPLETION DATE	(\$ millions)
(1)	Hampton - North Hampton	95	Toll - expand to 16 lanes	1.60

## 6 Proposed Turnpike Tolls.

I. The 10-year plan anticipates the following general toll rate increases:

- (a) Blue Star (Route I-95) in fiscal year 1988;
- (b) Central Turnpike in fiscal year 1990; and
- (c) Blue Star (Route I-95) in fiscal year 1991.

II. The Hampton ramp toll barrier on Route 51 to Route I-95 shall not be closed.

III. The toll rate increase on the Spaulding Turnpike from the city of Dover to the city of Rochester in fiscal year 1987 shall include location review.

IV. A toll shall be established on the opening of the southern segment of the Nashua - Hudson circumferential highway in fiscal year 1990.

V. A toll shall be established on the opening of the Conway bypass in fiscal year 1993.

VI. On the opening of the northern segment of the Nashua - Hudson circumferential highway in fiscal year 1993 the circumferential tolls and the central turnpike tolls shall be revised.

VII. A new toll barrier shall be opened just north of the Massachusetts state line, for the collection of a toll from southbound vehicles only.

VIII. The commissioner of transportation with the approval of governor and council shall adopt rules under RSA 237:9 establishing or raising the tolls in an amount sufficient to maintain an adequate sinking fund balance to provide for the operating expenses and maintenance costs of the systems and to pay for the interest and principal on the bonds issued to finance the system as provided for in this act.

7 Overall Summary of the Estimated Costs of the 10-Year Highway Construction and Reconstruction Plan.

- I. The source of funding for the Interstate program is as follows:
- |                                          |               |
|------------------------------------------|---------------|
| (a) Required state match (10 percent) -  | \$ 6,391,275  |
| (b) Federal participation (90 percent) - | \$ 57,521,475 |
| total costs -                            | \$ 63,912,750 |
- II. The source of funding for the Interstate 4R program is as follows:
- |                                                      |               |
|------------------------------------------------------|---------------|
| (a) Required state match (10 percent) -              | \$ 10,411,450 |
| (b) Federal participation (90 percent) -             | \$ 93,703,050 |
| total costs -                                        | \$104,114,500 |
| (c) Estimated available federal Interstate 4R funds: |               |
| \$ 15,000,000 to \$18,000,000 yearly, to total       |               |
| \$150,000,000 to \$180,000,000 for the decade.       |               |
- III. The source of funding for the Primary program is as follows:
- |                                                                                                                       |                            |
|-----------------------------------------------------------------------------------------------------------------------|----------------------------|
| (a) Required state match (25 percent) -                                                                               | \$ 98,142,000              |
| (b) Federal participation (75 percent) -                                                                              | \$294,426,000              |
| total costs -                                                                                                         | \$392,568,000              |
| (c) Estimated available federal primary funds:                                                                        |                            |
| (1) First 5 years at \$12,000,000 yearly, to total                                                                    | \$60,000,000.              |
| (2) Second 5 years at \$20,000,000-24,000,000 yearly, to total                                                        | \$100,000,000-120,000,000. |
| (3) The estimated total available federal funds for the decade are \$160,000,000 - \$180,000,000.                     |                            |
| (d) *This total does not include anticipated Interstate 4R transfers to be made upon completion of Interstate system. |                            |

IV. Turnpike program: total costs - \$398,650,000.

8 Commissioner's Annual Report.

I. The commissioner of the department of transportation shall submit to the general court an annual report on the status of the highway projects which are stipulated in this act.

II. The report shall include a detailed summary of funds expended to date and the extent of the work accomplished on each specific project. The commissioner shall also submit recommendations with specific emphasis on critical areas in the state highway system, which may or may not be included in the programs outlined in this act.

III. The report shall be submitted to the speaker of the house of representatives, the president of the senate, the governor and council, members of the house public works committee, members of the senate capital budget committee, and members of the long range capital planning and utilization committee, on or before December 1 each year.

9 Appropriation. The sum of \$1,000,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1987, for the purpose of an environmental impact study and preliminary design plans for a 4-lane east-west highway from route 1-393 in Concord to the Spaulding turnpike at a terminus to be determined by the governor and council. This shall be a non-lapsing appropriation and in addition to any other appropriation for the department of transportation for the biennium.

10 Appropriation; Study.

I. The sum of \$150,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1987, for a study to include, but not be limited to, whether a link between the cities of Franklin and Laconia should be a toll road and consideration of alternate routes that would serve the economic areas of these 2 cities. This appropriation shall be a charge against the highway fund.



II. The commissioner of transportation shall submit his findings and recommendations based on the study pursuant to paragraph I to the speaker of the house of representatives, the president of the senate, the chairman of the house public works committee, the chairman of the senate capital budget committee, the chairman of the house appropriations committee, and the chairman of the senate finance committee on or before December 1, 1986.

11 Appropriation. The sum of \$2,500,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1987, for land acquisition, engineering design and planning, to relocate a portion of Route 11 at West Alton and to close the gap of approximately 4.75 miles between the 2 highway projects which reconstructed Route 11. The land to be acquired for this project shall be approved by the governor and council. This appropriation shall be in addition to any other for the department of transportation for the biennium and shall be non-lapsing.

12 Bonds. To provide funds for the appropriations in sections 9 and 11 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$3,500,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

13 Payments. The payment of principal and interest of the bonds and notes issued for the projects in sections 9 and 11 of this act shall be made when due from the highway fund.

14 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes of sections 9 through 11 of this act.

II. To accept any federal funds which are, or become available for any project under sections 9 through 11 of this act beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 12 of this act shall be reduced by the same amount.

15 New Toll Booth on Central Turnpike Study. The commissioner of transportation shall make a study analyzing the impact of a new toll booth being installed south of exit 1 in the city of Nashua, relative to the diversion of traffic to local streets and the impedance to the flow of traffic on the turnpike. The findings of this study shall be reported to the governor and council on or before October 15, 1986.

16 Authority Granted. Amend RSA 237:2, II (supp) as inserted by 1981, 87:1 as amended by striking out said paragraph and inserting in place thereof the following:

II. Acquire land and make improvements to that portion of the eastern New Hampshire turnpike known as the Spaulding turnpike and extend said turnpike with 2 lanes including the completion of existing interchange number 9, the Dover-Somersworth interchange, and the extension of the turnpike to the 1965 Milton-Wakefield project, the extension of the system by providing connection of the turnpike with the eastern terminus originating on the Spaulding turnpike north of exit 9 and heading westerly, the expansion of the Dover toll facility, safety and widening improvements along the turnpike, purchase of access in critical sections, and the extension of the system to include a bypass around Conway.

17 Authority Granted. Amend RSA 237:2, IV (supp) as inserted by 1983, 427:1 as amended by striking out said paragraph and inserting in place thereof the following:

IV. Make improvements to the central New Hampshire turnpike, including, but not limited to:

(a) The design, right of way acquisition and construction for the improvement of the central New Hampshire turnpike in Nashua between the Massachusetts line and exit 3 to include reconstruction of exit 1,

also including associated widening and the construction of a new northbound on-ramp from Daniel E. Webster highway to the central turnpike, and the design and land acquisition for a new interchange at exit 2 which connects to a new interchange at the Daniel E. Webster highway and for additional lanes on the turnpike between the state line and exit 3. The commissioner of the department of transportation is hereby directed to make this project a priority and to begin construction within the biennium ending June 30, 1987.

(b) Construction of a new exit 7W in Nashua. The commissioner of the department of transportation is hereby directed to prioritize this project and to begin construction within the biennium ending December 1, 1985.

(c) Reconstruction of exit 8 in Merrimack to remove the current toll plaza providing toll collection equipment on the on and off ramps.

(d) Construction of the main line toll plaza in Bedford.

(e) For the construction of a north-bound off ramp and a south-bound on ramp to the Everett turnpike at the Bedford road in the town of Merrimack; the widening and lengthening of the overpass bridge at Bedford road, and the installation of toll booths for both ramps.

(f) Continue design and engineering of the modernization of the central turnpike.

18 Authority Granted. Amend RSA 237:2 by inserting after paragraph VI the following new paragraph:

VII. Acquire land as required and move improvements to the central New Hampshire turnpike included but not limited to complete the connection to the Merrimack industrial interchange, improvements to interchanges 3 through 7 as required, the extension of the system to include an easterly circumferential beltway around Nashua extending from exit 2, and running easterly through the city of Nashua and the towns of Hudson and Merrimack to an intersection with the existing turnpike in the vicinity of Tinker Road, improvements and widening between interchanges 2 and 7, widening between the route 101 intersection and the Amoskeag interchange in Manchester, coordinating a study of widening between I-89 and I-393 interchange, and the establishment of a toll station southbound in the vicinity of Nashua and the Massachusetts state line.

19 Funds Provided. Amend RSA 237:7, I (supp) as inserted by 1981, 87:1 as amended by striking out said paragraph and inserting in place thereof the following:

I. The following sums are appropriated for the purpose of carrying out the projects authorized by RSA 237:2:

<u>Projects</u>	<u>Amounts</u>
(a) Improvements to the Blue Star memorial highway. RSA 237:2, I.	\$ 42,600,000
(b) Improvements and 2 lane extension of Spaulding turnpike. RSA 237:2, II	106,700,000
(c) Improvements to central New Hampshire turnpike. RSA 237:2, III.	28,500,000
(d) Construction of Dover-Somersworth interchange number 9 of Spaulding turnpike. RSA 273:2, II.	1,700,000

(e)	Construction and improvements to the central New Hampshire turnpike. RSA 237:2, IV.	64,400,000		
(f)	Improvements to central New Hampshire turnpike. RSA 237:2, V.	21,750,000		
(g)	Improvements to eastern New Hampshire turnpike. RSA 237:2, VI.	7,000,000		
			Federal State	\$3,500,000 \$3,500,000
(n)	Improvements to central New Hampshire turnpike. RSA 237:2, VII.	220,800,000		
(i)	Improvements to the Spaulding turnpike Gosling Road interchange. RSA 237:2, VI.	11,000,000		

237:8 Borrowing Power. For the purpose of providing funds necessary for the appropriations made by RSA 237:7 the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding \$500,950,000 and for the purpose may issue bonds and notes in the name and on behalf of the state in accordance with the provisions of RSA 6-A; provided that the bonds may mature up to 30 years from their dates of issue and may be made redeemable before maturity at the option of the governor and council at such price or prices and under such terms and conditions as may be fixed by the governor and council prior to the issue of the bonds. The interest on bond anticipation notes may be funded by the issue of the bonds to the extent of the applicable bond authorization and, to the extent not so funded, may be paid from any source from which interest on the anticipated bonds could be paid, including any of the turnpike reserve accounts identified in RSA 237:15.

21 Bridge Restoration. The sum of \$850,000 is hereby appropriated to the department of transportation for the fiscal year ending June 30, 1987, for the purpose of the restoration of the bridge on New Hampshire Route 12-A over the Connecticut River. This appropriation shall be nonlapsing and in addition to any other appropriations for the department of transportation for the biennium. Competitive bidding on this project is hereby waived.

22 Bonds. To provide funds for the appropriation in section 21 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$850,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

23 Payments. The payment of principal and interest of the bonds and notes issued for the project in section 21 of this act shall be made when due from the highway fund.

24 Study of Cheshire Bridge.

I. The sum of \$40,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1987, to conduct a study of the privately owned Cheshire Bridge between the towns of Charlestown, New Hampshire and Springfield, Vermont. This study is to determine the feasibility of repairing or replacing the existing structure. This appropriation shall be in addition to any other appropriation for the department of transportation for the biennium. The appropriation shall be a charge against the highway fund



II. The commissioner of transportation shall submit his findings and recommendations based on the study conducted pursuant to paragraph I to the speaker of the house of representatives, the president of the senate, the chairman of house public works committee, the chairman of the senate capital budget committee, the chairman of the house appropriation committee, and the chairman of the senate finance committee on or before June 30, 1987.

25 Appropriation. The sum of \$4,000,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1987, for the purpose of the reconstruction of N.H. Route 25, southerly 2.5 miles from the Warren-Benton town line. This appropriation shall be non-lapsing and in addition to any other appropriation for the department of transportation for the biennium.

26 Bonds. To provide funds for the appropriation in section 25 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$4,000,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

27 Payments. The payment of principal and interest of the bonds and notes issued for the project in section 25 of this act shall be made when due from the highway fund.

28 Appropriation. Amend 1983, 423:27 as amended by 1985, 234:1 by striking out said section and inserting in place thereof the following:

423:27 Appropriation. The sum of \$3,000,000 is hereby appropriated to the department of transportation for the design, engineering, land acquisition, relocation, and demolition within and for the approved project right-of-way and for the construction and related costs of a southbound ramp only in the city of Manchester. This appropriation is in addition to any other appropriation for the department of transportation for the biennium ending June 30, 1985, and shall be nonlapsing. The appropriation shall be made from the central New Hampshire turnpike sinking fund.

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

Amendment adopted.

Rep. Walter offered an amendment.

#### Amendment

Amend the bill by striking out section 29 and inserting in place thereof the following:

29 Hanover-Lebanon Study. The study and recommendations authorized by subparagraph II, (0)(2) as inserted by section 4 of this act, shall include the following highways and bridges in Hanover-Lebanon area:

I. New Hampshire Route 120 from I-89 to the Hanover line, as it relates to projected cross traffic from development to the west.

II. The Ledyard bridge, its approaches, and the sufficiency of its connector to I-91 in Vermont.

III. The sufficiency of I-91 in Vermont and New Hampshire Routes 10 and 12A as development takes place in the northwest quadrant of Lebanon.

IV. The feasibility of a connector road between New Hampshire Routes 120 and 10 to accommodate growth on New Hampshire Route 120, and also in the northwest quadrant of Lebanon, including an interstate bridge to relieve traffic in West Lebanon and Hanover, which would be a continuation of the Route 10 - Route 120 connector, linking up with I-91 in Wilder, Vermont.

V. The intersection of New Hampshire Interstate 89 and New Hampshire Route 12 in West Lebanon, including the feasibility of a half-cloverleaf to alleviate congestion northbound on Route 12A at Exit 20 by means of a free right turn onto I-89.

VI. The sufficiency of the US Route 4 bridge over the Connecticut River.

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

The Clerk read the amendment.

Rep. Walter explained the amendment.

Reps. Chambers and LaMott spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

SB 124-FN, relative to railroad improvements. Ought to Pass with Amendment.

This bill, as amended, incorporates the contents of SB 25, the Connecticut River Valley bill, as passed by the House. Vote 16-3.

Rep. Paul I. LaMott for Appropriations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to railroad improvements and creating the Connecticut River Valley resource authority and making an appropriation therefor.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 New Chapter. Amend RSA by inserting after chapter 227-D the following new chapter:

#### CHAPTER 227-E

##### CONNECTICUT RIVER VALLEY RESOURCE AUTHORITY

227-E:1 Purpose. The purpose of this chapter is to plan for and guide the development of recreation, tourism, commercial, and residential uses of the Connecticut River Valley region while increasing the recreational potential and enhancing the tourist economy of the region through the protection of the valley's visual, ecological, and agricultural integrity by identifying, protecting, and promoting its natural, recreational, cultural, and historical resources while upgrading the river's water quality.

227-E:2 Definitions. In this chapter:

I. "Authority" means the Connecticut River Valley resource authority.

II. "Conservation easement" means a less than fee interest in property acquired for the purpose of permanently protecting a natural, cultural or historical resource or its scenic or recreational values.

III. "Development rights" means the rights of a fee simple owner of property to improve such property, including the right to change the terrain, remove natural vegetation and construct buildings on it. Development rights may be severed from the fee simple to constitute a restriction on the property.

227-E:3 Authority Established; Administratively Attached. There is hereby established the Connecticut River Valley resource authority. The authority shall be administratively attached to the office of state planning.

227-E:4 Membership of Authority.

I. The authority shall consist of 22 members as follows:

(a) A member of the North Country Council, designated by the council;

- (b) A member of the Upper Valley-Lake Sunapee Council, designated by the council;
- (c) A member of the Southwest Regional Planning Commission, designated by the commission;
- (d) A member of the Connecticut River Watershed Council, designated by the council;
- (e) A member of the Connecticut River Flood Control Commission, designated by the commission;
- (f) A representative of a hydro-electric concern within the valley;
- (g) A representative of a recognized statewide conservation organization;
- (h) A representative of the commercial tourism industry;
- (i) A representative of the agricultural industry who shall be actively engaged in farming;
- (j) A representative of the forest product industry or a timberland owner;
- (k) The director of the office of state planning or his designee;
- (l) The commissioner of resources and economic development or his designee;
- (m) The executive director of the department of fish and game or his designee;
- (n) 2 individuals from each of the counties of Coos, Grafton, Sullivan, and Cheshire, the 4 counties adjacent to the river. One individual from each county shall presently hold a position in municipal government in the county he represents.
- (o) A representative of the state of Vermont appointed by the governor of Vermont.

II. The governor and council shall appoint the members designated in subparagraphs I(f) through (j) and (n). These members shall all be residents of the Connecticut River Valley and shall serve 3 year terms, provided that the initial appointments shall be 3 for a term of one year, 5 for a term of 2 years, and 5 for a term of 3 years. The members appointed under subparagraphs (a), (b), (c), (d) and (o) shall serve 3 year terms.

III. Any vacancy shall be filled in the same manner as the original appointment for the remainder of the unexpired term. Members shall hold office until their successors are appointed and qualified.

IV. The member listed in subparagraph I(o) shall be a nonvoting member.

227-E:5 Chairman; Meetings.

I. The authority shall elect a chairman from among its members.

II. The authority shall meet at least once a month and at the call of the chairman.

227-E:6 Power and Duties. In performing its duties, the authority shall cooperate with the office of state planning and shall conform its activities to be in harmony with any state comprehensive plan for water management. The authority shall:

I. Conduct a comprehensive inventory and assessment of all private and public recreational facilities, historical and cultural resources, agricultural lands, and other natural resource areas which serve to preserve and protect the visual and ecological integrity of the Connecticut River Valley.

II. Coordinate the development of regional promotional programs and other incentive programs for established and future recreational facilities, resources, and services using existing public and private mechanisms.

III. Initiate and encourage interstate cooperation and participation with the state of Vermont for the promotion and protection of the Connecticut River Valley as a recreational and cultural resource.

IV. Cooperate with local communities and regional planning commissions to:



(a) Protect and enhance the Connecticut River Valley's unique natural character.

(b) Identify priority recreational facilities and land in accordance with local and regional recreational needs.

(c) Identify issues of concern.

V. Provide suggested guidelines to local communities and regional planning commissions which will protect the scenic character of the Connecticut River Valley.

VI. Review and evaluate similar river and watershed protection efforts and regional promotion programs.

VII. Investigate, identify, accept and expend additional public and private funds for the:

(a) Purpose of establishing incentives for the expansion of recreational facilities.

(b) Development of recreational opportunities and providing additional public access to recreational areas in the Connecticut River Valley.

(c) Effective administration of the authority in fulfilling its statutory responsibilities.

(d) Protection of the agricultural, historical and natural resources of the Connecticut River Valley.

VIII. Purchase or accept gifts or grants of development rights, conservation easements, and titles to or other interests in land having important recreational, historical, natural, and cultural qualities. The authority shall by rule establish criteria for the acquisition and management of interests in land after consultation with appropriate private and public organizations and agencies.

IX. Evaluate applications from local communities for funding for the purchase by such communities of development rights, conservation easements, and titles to or other interests in land having important recreational, historical, natural, and cultural qualities. The authority may award grants of up to 50 percent of the cost for such purchases from funds appropriated to the authority for the purchase of such interests in land. The authority shall evaluate the applications in accordance with criteria adopted under RSA 227-E:7, I.

227-E:7 Rulemaking. The authority shall adopt rules, after public hearing and pursuant to RSA 541-A, relative to:

I. Criteria and methods for the acquisition and management of interests in land.

II. Regional promotional programs and other incentive programs for recreational facilities, resources and services.

III. Criteria for the identification of priority recreational facilities and land.

IV. The administration of the authority.

V. The format of the annual report.

227-E:8 Reports; Committee Recommendations.

I. The authority shall annually on or before September 1 submit a report of its activities and expenditures to the speaker of the house of representatives and the president of the senate, to be forwarded by each of them to the appropriate house or senate standing committee.

II. The house and senate committees receiving the report shall each, on or before December 1, review the report and submit recommendations, including recommendations for legislation, if appropriate, to the speaker of the house or the senate president, respectively.

227-E:9 Administration of Interests in Land. Any interests in land acquired by the authority shall be held in the name of the state of New Hampshire and shall be administered by the department of administrative services. The department of administrative services may designate another public or private entity to be responsible for monitoring the interests in land.

227-E:10 Staff. There shall be the equivalent of one full-time staff person who shall be hired by the chairman of the authority with the approval of the authority. The staff person shall assist the authority in carrying out the purposes of this chapter and shall report directly to the authority.

4 Initial Appointments. All persons to be initially designated or appointed to serve on the Connecticut River Valley resource authority shall be so designated or appointed no later than November 1, 1986.

5 Sunset. There is hereby created a PAU for the Connecticut River Valley resource authority established by section 3 of this act which shall expire on the same date as the PAU for the office of state planning is scheduled for expiration, unless renewed by the general court under RSA 17-G, provided that the first termination date shall be July 1, 1993.

6 Appropriation for Staff. The sum of \$25,000 for the fiscal year ending June 30, 1987, is hereby appropriated to the Connecticut River Valley resource authority for the purposes of hiring one full-time staff person to assist the authority in carrying out the purposes of section 3 of this act and for the administration of the authority. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Effective Date.

I. Sections 3-6 of this act shall take effect July 1, 1986.

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

Amendment adopted.

Rep. Hoar requested the Chair to declare if the question was divisible. The Chair declared the question divisible.

Rep. Hoar moved that the Section having to do with railroads be reported Inexpedient to Legislate and spoke to his motion.

Reps. Matson, Guay and Miller spoke against the motion.

Rep. LaMott spoke against the motion and yielded to questions.

Rep. Russell Chase spoke in favor of the motion.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Hoar requested a roll call. Sufficiently seconded.

YEAS 119 NAYS 190  
YEAS 119

BELKNAP: Richard Campbell, Golden and Jensen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Hounsell and Powers.

CHESHIRE: Arnott, Blacketor, Burley, Crane, Delano, Elmer Johnson and Young.

COOS: Chappell, Coulombe, Frederic Foss, Lamontagne and Theriault.

GRAFTON: Bennett, Blair, Driscoll, Duggan, Easton, Stewart and Howard Townsend.

HILLSBOROUGH: Barry, Beaupre, Boisvert, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, A. Leslie Burns, Champagne, Charron, Chretien, Cox, Crotty, Duperron, Dykstra, Clyde Eaton, Fried, Gagnon, George Jones, Katsiaficas, Labombarde, Levesque, Lozeau, Howard Mason, Messier, Pariseau, Parmenter, Perham, Leonard Smith, Stiles, Stonner, Turgeon, Varkas, Wagner, Geraldine Watson, Harold Watson, Kenneth Wheeler and Worthen.

MERRIMACK: Barberia, Laurent Boucher, James Chandler, Daniell, Hayes, Lewis, Millard, Pantzer, Rehlander, Savaria, Shepard, Gerald Smith and James Whittemore.

ROCKINGHAM: Benton, Blaisdell, Blanchard, Butler, Clay, Emanuelson, Flanagan, Flanders, Bert Ford, Haynes, Hoar, Longworth, Malcolm, McKinney, Benjamin Moore, Pantelakos, Pevear, Popov, Rosencrantz, Schmidtchen, Sherburne, Simon, Sloan, Tufts, Vaughn, Warburton, Welch, Wells and Woodward.

STRAFFORD: Berkey, Bryant, Frechette, Lussier, Parks, Spear and Henry Sullivan.

SULLIVAN: Call, D'Amante and Domini.

NAYS 190

BELKNAP: Bowler, Brown, Dexter, Hardy, Malcolm Harrington, Hawkins, Holbrook and Pearson.

CARROLL: Kenneth MacDonald, McIntire, Saunders and Schofield.

CHESHIRE: Jesse Davis, Daniel Eaton, Frink, Irvin Gordon, Grodin, Matson, Miller, Morse, Parker, Perry, Ramsay, Russell, Schwartz, Scranton, William Sullivan and Thompson.

COOS: Brideau, Brungot, Harold Burns, Chardon, Guay, Mayhew, Ottolini and York.

GRAFTON: Arnesen, Bean, Chambers, Christy, Copenhaver, Crory, Densmore, Michael King, Wayne King, LaMott, Mann, McAvoy, Rounds, Scanlan, Taffe, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Bass, Lionel Boucher, Carragher, Chagnon, Cronin, William Dion, Joseph M. Eaton, Fields, Nancy Ford, Scott Green, Grip, Marian Harrington, Hendrick, Herod, Holden, Chris Jacobson, Jasper, Keefe, Kelley, Knight, Lown, McGlynn, Elizabeth Moore, Morrisette, Robert Murphy, Nelson, Nute, O'Rourke, Bonnie Packard, Pappas, Paradis, Pellow, Pressly, Raiche, Reardon, Frances Riley, Ellen-Ann Robinson, G. Philip Rodgers, Shriver, B. P. Smith, Snow, Mary Sullivan, Sylvia, Tamposi, Van Loan, Vanderlosk, Emma Wheeler, Winn and Zis.

MERRIMACK: Anderson, Bardsley, Bowes, Cate, Connolly, Fraser, Gilbreth, Gross, Mary Holmes, Jelley, C. William Johnson, Kidder, Kinhan, Arthur Locke, Pannell, Phelps, Linwood Rogers, Stio and West.

ROCKINGHAM: Patti Blanchette, William Boucher, Eunice Campbell, Marilyn Campbell, Case, Conroy, Ellyson, Beverly Gage, Thomas Gage, Elizabeth Greene, Hollingworth, Robert Johnson, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Magoon, Robert Mason, Jr., McCain, Newell, Parr, Quimby, Raynowska, Romoli, Sanderson, Scamman, Schwaner, Seward, Skinner, Sochalski, Splaine, Sytek and Walker.

STRAFFORD: Appleby, Bernard, Callaghan, Chamberlin, Diament, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Robert Jones, Kincaid, Laurion, O'Brien, Pelley, Francis Robinson, Swope, Ann Torr and Franklin Torr.

SULLIVAN: Brodeur, Disnard, Ingram, Paul Johnson, Lindblade, McKee, Mehegan, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Question now being on the Committee report, Ought to Pass as amended.  
Adopted.

Ordered to third reading.



SB 78, relative to comprehensive tort reform. Ought to Pass with Amendment.

The Judiciary Committee substituted for the original text of SB 78, the four tort law reform bills, which the House has already approved and sent to the Senate. Additionally, the Committee adopted amendments providing for protection from civil liability for volunteer directors and officers of charitable organizations along with language clarifying the applicability and effective date of the entire reform package. The Committee spent considerable time gathering information, studying this material, and reviewing testimony from the proponents of SB 78. As a result of this extensive investigation, the Committee moved forward on those proposals that would clearly affect the availability and cost of liability insurance. On those issues where information was either unavailable or unreliable, the Committee elected to create a legislative commission to study these proposals and come back to the Legislature with specific recommendations in January. Vote 12-3. Rep. Charles F. Bass for Judiciary.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT  
relative to tort law and insurance.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Cancellation or Refusal to Renew Commercial General Liability Insurance. Amend RSA by inserting after RSA 417-B the following new chapter:

#### CHAPTER 417-C

#### CANCELLATION OR REFUSAL TO RENEW

#### COMMERCIAL GENERAL LIABILITY INSURANCE.

417-C:1 Cancellation; Refusal to Renew; Notice. No policy of commercial general liability insurance on risks located in New Hampshire shall be non-renewed or cancelled unless the insurer shall deliver or mail, to the named insured at the address shown in the policy, a written notice of the cancellation or refusal to renew. Such notice shall:

I. State the date, not less than 60 days after the date of such mailing or delivery on which such cancellation or refusal to renew shall become effective, except that such effective date may be 10 days from the date of mailing or delivery when:

(a) The policy is being cancelled or not renewed for nonpayment of premium; or

(b) The policy is being cancelled within 90 days of its effective date, provided such policy is not a renewal.

II. State the specific reason or reasons of the insurer for cancellation or refusal to renew or be accompanied by a statement that upon written request of the named insured, mailed or delivered to the insurer not less than 10 days prior to the effective date of cancellation or refusal to renew, the insurer will specify the reason or reasons for such cancellation, or refusal to renew. The insurer shall supply such information within 5 days of receipt by it of such request.

417-C:2 Constructive Non-Renewal. Any premium increase of more than 25 percent shall be considered a constructive non-renewal and the notice provisions of RSA 417-C:1 shall apply.

2 New Subdivision. Amend RSA 507 by inserting after section 7-c the following new subdivision:

Comparative Fault, Apportionment of Damages  
and Contribution Among Tortfeasors

507:7-d Comparative Fault. Contributory fault shall not bar recovery in an action by any plaintiff of plaintiff's legal representative, to recover damages in tort for death, personal injury or property damage, if such fault was not greater than the fault of the defendant, or the defendants in the aggregate if recovery is allowed against more than one defendant, but the damages awarded shall be diminished in proportion to the amount of fault attributed to the plaintiff by general verdict. The burden of proof as to the existence or amount of fault attributable to a party shall rest upon the party making such allegation.

507:7-e Apportionment of Damages.

I. In all actions, the court shall:

(a) Instruct the jury to determine, or if there is no jury shall find, the amount of damages to be awarded to each claimant and against each defendant in accordance with the proportionate fault of each of the parties; and

(b) Enter judgment against each party liable on the basis of the rules of joint and several liability.

II. In all actions, the damages attributable to each party shall be determined by general verdict, unless the parties agree otherwise or, due to the presence of multiple parties or complex issues the court finds the use of special questions necessary to the determination. In any event, the questions submitted to the jury shall be clear, concise, and as few in number as practicable, and shall not prejudice the rights of any party to a fair trial.

III. For purposes of contribution under RSA 507:7-f and RSA 507:7-g, the court shall also determine each defendant's proportionate share of the obligation to each claimant in accordance with the verdict and subject to any reduction under RSA 507:7-i. Upon motion filed not later than 60 days after final judgment is entered, the court shall determine whether all or part of a defendant's proportionate share of the obligation is uncollectible from that defendant and shall reallocate any uncollectible amount among the other defendants according to their proportionate shares. The party whose liability is reallocated is nonetheless subject to contribution and to any continuing liability to the claimant on the judgment.

507:7-f Contribution Among Tortfeasors.

I. Except as provided in paragraph II, a right of contribution exists between or among 2 or more persons who are jointly and severally liable upon the same indivisible claim, or otherwise liable for the same injury, death or harm, whether or not judgment has been recovered against all or any of them. Except as provided in RSA 507:7-g, I and IV, the right of contribution may be enforced only by a separate action brought for that purpose. The basis for contribution is each person's share of the obligation, including the proportionate share of the claimant at fault as determined in accordance with the provisions of RSA 507:7-e. No right of contribution exists against a person who is immune to the claim which would otherwise give rise to a right of contribution. No right of contribution exists against the claimant at fault.

II. Contribution is not available to a person who enters into a settlement with a claimant unless the settlement extinguishes the liability of the person from whom contribution is sought, and then only to the extent that the amount paid in settlement was reasonable.

507:7-g Enforcement of Contribution.

I. If the proportionate fault of the parties to a claim for contribution has been established as provided in RSA 507:7-e, a party paying more than its proportionate share of the obligation may recover

judgment for contribution upon motion in the same action, or by separate action.

II. If the proportionate fault of the parties to the claim for contribution has not been established, contribution may be enforced in a separate action, whether or not a judgment has been rendered against either the person seeking contribution or the person from whom contribution is being sought.

III. If a judgment has been rendered, the action for contribution must be commenced within one year after the judgment becomes final. If no judgment has been rendered, the person bringing the action for contribution must have either (a) discharged by payment the common liability within the period of the statute of limitations applicable to the claimant's right of action against that person and commenced the action for contribution within one year after payment, or (b) agreed while action was pending to discharge the common liability and, within one year after the agreement, have paid the liability and commenced an action for contribution.

IV. All such claims for contribution shall be resolved by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof except as follows:

(a) A party seeking contribution by separate action may at the outset elect to have the contribution action heard in a court of competent jurisdiction by filing an action in court; or

(b) A party against whom contribution is sought in a separate action may, within 60 days of receiving notice by certified mail of a demand for arbitration, elect to have the contribution action heard by a court of competent jurisdiction. Such election shall be made by notice by regular mail to the party seeking contribution or his counsel.

(c) Notwithstanding the foregoing, if and only if the plaintiff in the principal action agrees, a defendant seeking contribution may bring an action in contribution prior to the resolution of the plaintiff's principal action, and such action shall be consolidated for all purposes with the principal action.

507:7-h Effect of Release or Covenant Not to Sue. A release or covenant not to sue given in good faith to one of 2 or more persons liable in tort for the same injury discharges that person in accordance with its terms and from all liability for contribution, but it does not discharge any other person liable upon the same claim unless its terms expressly so provide. However, it reduces the claim of the releasing person against other persons by the amount of the consideration paid for the release.

507:7-i Inadmissible Evidence; Post Verdict Procedure. Evidence of a settlement with, or the giving of a release or covenant not to sue to, one or more persons liable for the same injury shall not be introduced in evidence in a trial by jury of an action against another person to recover damages for the same injury. However, upon return of a verdict for the plaintiff by the jury in any such trial, the court shall inquire of counsel the amount of consideration paid for any such settlement, release, or covenant not to sue, and shall reduce the plaintiff's verdict by that amount.

3 Severability. If any provision of section 2 of this act or application of section 2 of this act to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of section 2 of this act that can be given effect without the invalid provision or applications, and to this end the provisions of section 2 of this act are severable.

4 Frivolous Lawsuits and Punitive Damages. Amend RSA 507 by inserting after section 14 the following new subdivision:

#### Frivolous Lawsuits and Punitive Damages

507:15 Penalties for Frivolous Actions. If, upon the hearing of any contract or tort action, it clearly appears to the court that the action



or any defense is frivolous or intended to harass the prevailing party, then the court, upon motion of the prevailing party or on its own motion, may award against the party who brought such action or raised such defense the amount of costs and attorneys' fees incurred by the prevailing party, provided such costs and fees are reasonable. The trial judge shall also report such conduct to the Supreme Court Committee on Professional Conduct.

507:16 Punitive Damages Outlawed. No punitive damages shall be awarded in any action, unless otherwise provided by statute.

5 Medical Injury Actions. Amend RSA by inserting after chapter 507-D the following new chapter:

#### CHAPTER 507-E

##### MEDICAL INJURY ACTIONS

507-E:1 Definitions. As used in this chapter:

I. "Action for medical injury" means any action against a medical care provider, whether based in tort, contract or otherwise, to recover damages on account of medical injury.

II. "Medical care provider" means a physician, physician's assistant, registered or licensed practical nurse, hospital, clinic or other health care agency licensed by the state or otherwise lawfully providing medical care or services or an officer, employee or agent thereof acting in the course and scope of employment.

III. "Medical injury" or "injury" means any adverse, untoward or undesired consequences arising out of or sustained in the course of professional services rendered by a medical care provider, whether resulting from negligence, error, or omission in the performance of such services; from rendition of such services without informed consent or in breach of warranty or in violation of contract; from failure to diagnose; from premature abandonment of a patient or of a course of treatment; from failure properly to maintain equipment or appliances necessary to the rendition of such services; or otherwise arising out of or sustained in the course of such services.

507-E:2 Burden of Proof.

I. In any action for medical injury, the plaintiff shall have the burden of proving by affirmative evidence which must include expert testimony of a competent witness or witnesses:

(a) The standard of reasonable professional practice in the medical care provider's profession or specialty thereof, if any, at the time the medical care in question was rendered; and

(b) That the medical care provider failed to act in accordance with such standard; and

(c) That as a proximate result thereof, the injured person suffered injuries which would not otherwise have occurred.

II. Without limiting the applicability of paragraph I of this section, where the plaintiff claims that a medical care provider failed to supply adequate information to obtain the informed consent of the injured person:

(a) The plaintiff shall have the burden of proving by affirmative evidence, which must include expert testimony of a competent witness or witnesses, that the treatment, procedure or surgery was performed in other than an emergency situation and that the medical care provider did not supply that type of information regarding the treatment, procedure or surgery as should reasonably have been given to a patient in the position of the injured person or other persons authorized to give consent for such a patient by other competent medical care providers with similar training and experience at the time of the treatment, procedure or surgery.

(b) In determining whether the plaintiff has satisfied the requirements of subparagraph (a) of this paragraph, the following matters shall also be considered as material issues:

(1) Whether the injured person or person giving consent on his behalf could reasonably be expected to know of the risks or hazards inherent in such treatment, procedure, or surgery;

(2) Whether the injured person or the person giving consent on his behalf knew of the risks or hazards inherent in such treatment, procedure, or surgery;

(3) Whether the injured party would have undergone the treatment, procedure, or surgery regardless of the risk involved or whether he declined to be informed thereof;

(4) Whether it was reasonable for the medical care provider to limit disclosure of information because such disclosure could be expected to adversely and substantially affect the injured person's condition.

6 Directors and Officers of Charitable Corporations; Liability Limited. Amend RSA 508 by inserting after section 15 the following new section:

508:16 Directors and Officers of Charitable Organizations or Societies; Liability Limited.

I. For the purposes of this section, "director" means a person who serves without compensation on the board of trustees or board of directors of a charitable organization or society organized or incorporated in this state or having a principal place of business in this state. For the purposes of this section, "officer" means a person who serves without compensation as an officer of such an organization or society.

II. Directors and officers shall not be liable for damages for bodily injury, personal injury or property damage if the claim for such damages arises from an act committed in good faith and without willful and wanton negligence in the course of an activity carried on to accomplish the charitable purposes of the organization or society.

7 Commission on Tort Law and Insurance Availability Established. A commission on tort law and insurance availability is hereby established to study and make recommendations on issues in the area of tort law and insurance availability.

8 Commission Members; Appointment. The commission shall consist of 4 representatives to be appointed by the speaker of the house and 3 senators to be appointed by the senate president. Appointments made under this section shall be made within 30 days of the effective date of this act. At its first meeting, the commission shall elect a chairman from among its members.

9 Duties. The commission shall study the following:

I. Contingency fees.

II. Periodic payments of large awards.

III. Use of the doctrine of res ipsa loquitur.

IV. Availability of expert witnesses.

V. Proposals on pain and suffering damages and enhanced compensatory damages.

VI. Measures relative to reducing or controlling medical negligence.

VII. Joint and several liability.

VIII. Any other issue in the area of tort law and availability of liability insurance.

10 Reports of the Commission. The commission shall report on its findings and make recommendations on matters which it has fully examined in 2 reports to be submitted to the speaker of the house and the president of the senate. The first report shall be submitted by December 15, 1986, and the second report shall be submitted by December 15, 1987. The commission may submit recommendations for proposed legislation to the director of legislative services by December 15, 1986, to be drafted and introduced as legislation for the 1987 legislative session and by December 15, 1987, to be drafted and introduced as legislation for the 1988 legislative session, without requiring any other legislative action including suspension of the joint rules.

11 Cooperation of Insurance Commissioner. The insurance commissioner shall cooperate fully with the tort law and insurance availability commission and shall obtain from insurers and supply to the commission any information it shall require to fulfill its duties. Insurance companies licensed in the state of New Hampshire shall provide such information as the commission shall request within such time period as the commission may establish.

12 Mileage. The members of the commission shall receive no compensation except for mileage at the legislative rate.

13 Applicability. This act shall apply to causes of action arising on or after July 1, 1986.

14 Repeal. RSA 507:7-a, 7-b, and 7-c, relative to comparative negligence and joint tortfeasors, are hereby repealed.

15 Effective Date.

I. Section 6 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1986.

Amendment adopted.

Rep. Sytek explained the report and yielded to questions.

Reps. Harold Burns, Francis Robinson and Guay spoke to the report.

Reps. Hollingworth, Scamman and Bass spoke in favor of the report.

Rep. Fraser spoke to the report and yielded to questions.

Reps. B. P. Smith and Foss spoke against the report.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

Rep. Gross abstained from voting under Rule 16.

YEAS 301 NAYS 10  
YEAS 301

BELKNAP: Bowler, Brown, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Pearson and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Powers, Saunders and Schofield.

CHESHIRE: Arnott, Blacketer, Burley, Crane, Jesse Davis, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Elmer Johnson, Matson, Miller, Morse, Parker, Perry, Ramsay, Ridge, Russell, Schwartz, William Sullivan, Thompson and Young.

COOS: Brideau, Brungot, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Guay, Lamontagne, Mayhew, Ottolini and York.

GRAFTON: Arnesen, Bean, Bennett, Blair, Chambers, Christy, Copenhaver, Crory, Driscoll, Duggan, Easton, Michael King, Wayne King, LaMott, McAvoy, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Barry, Bass, Beaupre, Boisvert, Lionel Boucher, Bourque, Boutwell, Bridgewater, Burkush, A. Leslie Burns, John Burns, Carragher, Chagnon, Champagne, Charron, Chretien, Cox, Cronin, Crotty, William Dion, Duperron, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Fried, Gagnon, Scott Green, Grip, Marian Harrington, Healy, Hendrick, Herod, Holden, Chris Jacobson, Jasper, George Jones, Katsiaficas, Keefe, Kelley, Knight, Labombarde, Levesque, Lown, Lozeau, Howard Mason, McCue, McGlynn, Messier, Elizabeth Moore, Morrissette, Robert Murphy, Nelson, Nute, O'Rourke, Bonnie Packard, Pappas, Paradis, Pariseau, Parmenter, Perham, Pressly, Raiche, Reardon, Frances Riley, Ellen-Ann Robinson, G. Philip Rodgers, Shriver, B. P. Smith, Leonard



Smith, Stiles, Stonner, Mary Sullivan, Sylvia, Tamposi, Turgeon, Van Loan, Vanderlosk, Varkas, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Winn, Worthen and Zis.

MERRIMACK: Anderson, Barberia, Bardsley, Laurent Boucher, Bowes, Cate, James Chandler, Connolly, Gilbreth, Hager, Hayes, Mary Holmes, Jelley, C. William Johnson, Kidder, Kinhan, Lewis, Arthur Locke, Millard, Nichols, Pannell, Pantzer, Phelps, Rehlander, Linwood Rogers, Savaria, Shepard, Gerald Smith, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: Benton, Blaisdell, Blanchard, Patti Blanchette, William Boucher, Butler, Marilyn Campbell, Case, Clay, Conroy, Ellyson, Emanuelson, Flanagan, Flanders, Beverly Gage, Thomas Gage, Elizabeth Greene, Hoar, Hollingworth, Robert Johnson, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Longworth, Lovejoy, Magoon, Malcolm, Robert Mason, Jr., McKinney, Benjamin Moore, Pantelakos, Parr, Pevear, Popov, Quimby, Raynowska, Romoli, Rosencrantz, Sanderson, Scamman, Schmidtchen, Schwaner, Seward, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Sytek, Tufts, Vaughn, Walker, Warburton, Welch, Wells and Woodward.

STRAFFORD: Appleby, Berkey, Bernard, Bryant, Callaghan, Chamberlin, Diament, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Kincaid, Laurion, Lussier, O'Brien, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr and Franklin Torr.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, Paul Johnson, McKee, Mehegan, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 10

BELKNAP: None.

CARROLL: None.

CHESHIRE: Scranton.

COOS: Theriault.

GRAFTON: None.

HILLSBOROUGH: Bourdon.

MERRIMACK: Daniell and Fraser.

ROCKINGHAM: Eunice Campbell, McCain and Newell.

STRAFFORD: None.

SULLIVAN: Ingram and Lindblade, and SB 78 was ordered to third reading. Rep. Densmore notified the Clerk that he wished to be recorded in favor of the Committee report on SB 78.

SB 41, increasing the appropriation for the construction of regional vocational education centers. Ought to Pass with Amendment. This bill would allow for the continuation of the 20 center concept for secondary regional vocational education. Bonding of an additional \$14 million will allow construction of skill centers in Salem, Colebrook, Rochester, Somersworth and Dover. The bill was amended to delete a policy statement as this bill was not heard in the Education policy committees of the House or Senate. Also, an amendment was added creating a new program at the Berlin VocTech in Pulp and Paper Technology. Vote 20-0. Rep. Ellen-Ann Robinson for Appropriations.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

increasing the appropriation for the construction of regional vocational education centers and amending the appropriations at the vocational-technical colleges at Berlin and Concord.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Statement of Intent. It is the intent of the general court to continue with a 20-school plan of regional vocational education centers. The additional appropriation contained in this act is for the purposes of developing skills centers at Salem, Colebrook, Rochester, Somersworth and Dover.

2 Construction Appropriation Raised. Amend RSA 188-E:10 (supp) as inserted by 1973, 567:1 as amended by striking out said section and inserting in place thereof the following:

188-E:10 Construction Appropriation. The treasurer of the state of New Hampshire is hereby authorized to make available to the state board of education for purposes of constructing regional vocational education centers an amount not to exceed \$51,500,000. Authorization for expenditures of such funds shall be made by the state department of education to the treasurer in accordance with this chapter. The treasurer is authorized to issue bonds in accordance with the provisions of RSA 6-A for the purpose of funding this appropriation.

3 Berlin and Concord Appropriations Changed. Amend 1983, 423:1, III, A and B by striking out said subparagraphs and inserting in place thereof the following:

A. New Hampshire technical institute, Concord	
(1) Multi-purpose classroom building	5,092,500
(2) Architecture and engineering - preparation of construction documents - Earl H. Little building	<u>65,000</u>
Total paragraph A	5,157,500
B. Berlin vocational-technical college	
(1) Machine tool process instructional equipment	26,000*
(2) Reference books	20,000*
(3) Pulp and paper technology program	
(a) Controlled environment laboratory facilities	100,000
(b) General sciences laboratory	100,000
(c) General sciences lab equipment	150,000**
(d) Renovation of existing science lab	100,000

\*\*Appropriation to be reduced by amount of donations received or value of equipment donated.

Total paragraph B 496,000

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

Amendment adopted.  
Ordered to third reading.

SB 100, authorizing the director of the division of parks and recreation to make certain emergency expenditures. Ought to Pass with Amendment.

In March, the House of Representatives gave approval to the concept and the content of a supplemental budget by a vote of 266 to 39. HB 218 was passed to the Senate. At this time HB 218, has been fragmented by that body to the point where it is no longer a supplemental budget. The Appropriations Committee has developed a new supplemental budget amended to SB 100.

The Committee proceeded on the premise that the supplemental budget items should be considered by one committee of conference rather than to fragment legitimate house interests among several committees of conference. A letter outlining specific bills which have been combined in SB 100 is in each member's seat pocket. Vote 19-1. Rep. William F. Kidder for Appropriations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

making supplemental appropriations, amending the operating and capital budgets, and relative to foundation aid, annual motor vehicle inspections, water pollution, the state treasurer and secretary of state, health screening, and OHRVs.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Pretreatment Standards. Amend RSA 149:4-a, II as inserted by 1973, 590:7 by striking out said paragraph and inserting in place thereof the following:

II. In setting a date for conformance to pretreatment standards, the commission may establish compliance schedules providing a reasonable time for compliance and may give due consideration to expected in-service dates of public sewage and waste treatment facilities not in existence at the time of establishment of pretreatment standards thereto. Any such compliance schedule shall be consistent with the purposes and requirements of federal law.

2 Enforcement Classification. Amend RSA 149:8, II as amended by striking out said paragraph and inserting in place thereof the following:

II. If, after adoption of a classification of any stream, lake, pond, or tidal water, or section thereof, including those classified by RSA 149:11, it is found that there is a source or sources of pollution which lowers the quality of the waters in question below the minimum requirements of the classification so established, the person or persons responsible for the discharging of such pollution shall be required to abate such pollution, within a time to be fixed by the commission. Any determination by the commission under this paragraph shall be subject to appeal as provided for in RSA 149:14.

3 Enforcement Classification. Amend RSA 149:8, III(a) as amended by striking out said subparagraph and inserting in place thereof the following:

(a) It shall be unlawful for any person or persons to discharge or dispose of any sewage or waste to the surface water or ground water of



the state without first obtaining a written permit from the commission. Applications for permits shall be made upon forms prescribed by the commission and shall contain such relevant information as the commission may require. The commission shall include in such permits effluent limitations, which may be based upon economic and technological factors, upon the classification enacted by the legislature, upon the projected best use of the surface water downstream or upon the requirements of the Federal Water Pollution Control Act as amended from time to time, and all regulations, guidelines and standards promulgated thereunder, whichever provides the most effective means to abate pollution. The commission may also prescribe such other reasonable conditions as may be necessary or desirable in order to fulfill the purposes of this chapter or applicable federal law. Such permits may contain, in the case of sources not in compliance with such effluent limitations at the time the permit is issued, compliance schedules, including interim requirements necessary or desirable in order to fulfill the purposes or requirements of this chapter, and any such compliance schedules may be imposed without regard to the time limits for abatement of pollution referred to in paragraph II of this section and shall be consistent with the purposes and requirements of applicable federal law. The commission may prescribe a monitoring program to be performed by the applicant with periodic reports to the commission, including, where appropriate in terms of the nature of the effluent, continuous monitoring. Permits shall be issued for a fixed term, not to exceed 5 years. The commission may revise, modify or suspend in whole or in part or terminate any permit, following hearing, upon a finding that just cause exists for such action. Further, whenever in its judgment the purposes of this chapter will be best served, the commission may require as a condition to the granting of such permits that either the ownership and operation of the collection and treatment facilities involved be vested in the municipality or any subdivision thereof in which the system is located, if said municipality by legal action agrees thereto, or such other reasonable conditions as will ensure continuous and continuing operation and maintenance of the facilities. No permit shall be granted to utilize the entire assets of the surface water, or in any other case in which the commission determines that the grant of a permit would be inconsistent with the purposes of this chapter. Any determination by the commission under this paragraph shall be subject to appeal as provided for in RSA 149:14.

4 Repeal. RSA 149:17, relative to testimonial privilege, is hereby repealed.

5 Legislative Intent. The town of Newport is the only New Hampshire community with an ongoing pollution abatement program which will not be grandfathered in for the 75 percent federal funding, since the town began its program prior to the passage of the Clean Water Act in October 1972 and has had no construction since 1972 that would have qualified the town to be grandfathered in and the town must comply with the Clean Water Act by July 1, 1988.

6 Increased State Aid for the Town of Newport Pollution Abatement Program. For the reasons stated in section 6 of this act the town of Newport is hereby declared to be entitled to additional state aid for pollution control purposes. The town shall be paid annually by the state of New Hampshire, in addition to any payments received under the provisions of RSA 149-B:1, 20 percent of the yearly amortization charges, meaning principal and interest on the original costs resulting from the construction of secondary sewage treatment facilities. The word "costs" and the term "original costs" shall have the same meaning for the purposes of this section as they have for the purposes of RSA 149-B:1. The intent of this subsection is to provide a total of not more than 95 percent financial assistance, inclusive of a 55 percent federal grant under the Federal Water Pollution Control Act, as amended (33 U.S. 466 et seq.) to the town of Newport. It is further intended and provided that the additional state assistance authorized herein shall not exceed the principal sum of \$1,000,000.

7 Salary of Secretary of State. Amend RSA 5:2 by striking out said section and inserting in place thereof the following:

5:2 Salary of Secretary. The annual salary of the secretary of state shall be the maximum as prescribed by RSA 94:1-a.

8 Salary of State Treasurer. Amend RSA 6:2 by striking out said section and inserting in place thereof the following:

6:2 Salary. The annual salary of the state treasurer shall be the maximum as prescribed by RSA 94:1-a.

9 Transition Period for Secretary of State. Amend RSA 5 by inserting after section 1 the following new section:

5:1-a Transfer of Power to Secretary of State-Elect.

I. In this section, "secretary of state-elect" means the successful candidate for the office of secretary of state, as ascertained after the election in accordance with RSA 5:1. The term secretary of state-elect shall apply to such candidate from the day of election until his term of office commences in accordance with paragraph II of this section.

II. The term of office for the secretary of state shall begin at 12:01 a.m. on the first Wednesday following the first Tuesday in January.

III. The outgoing secretary of state shall provide, upon request, to the secretary of state-elect for use in his preparation for the assumption of official duties as secretary of state, suitable office space.

IV. It shall be the duty of the outgoing secretary of state to make available to the secretary of state-elect all official documents and vital information necessary for a full and complete understanding of the operation of the department of state.

10 Election. Amend RSA 6:1 (supp) as amended by striking out said section and inserting in place thereof the following:

6:1 Election. The state treasurer shall be chosen biennially in the manner directed in the constitution and in accordance with RSA 14:2-b and shall hold office until a successor is elected and assumes the duties of the office.

11 Transition Period for State Treasurer. Amend RSA 6 by inserting after section 1 the following new section:

6:1-a Transfer of Power to Treasurer-Elect.

I. In this section, "treasurer-elect" means the successful candidate for the office of state treasurer, as ascertained after the election in accordance with RSA 6:1. The term treasurer-elect shall apply to such candidate from the day of election until his term of office commences in accordance with paragraph II of this section.

II. The term of office for the state treasurer shall begin at 12:01 a.m. on the first Wednesday following the first Tuesday in January.

III. The outgoing state treasurer shall provide, upon request, to the treasurer-elect for use in his preparation for the assumption of official duties as state treasurer, suitable office space.

IV. It shall be the duty of the outgoing state treasurer to make available to the treasurer-elect all official documents and vital information necessary for a full and complete understanding of the operation of the office of state treasurer.

12 Health Screening. Amend RSA 14-A:4 (supp) as inserted by 1979, 84:1 by striking out said section and inserting in place thereof the following:

14-A:4 Members Entitled to Health Screening. As early as feasible during the regular legislative session of each odd numbered year, the division of public health services of the department of health and human services shall provide, at no charge, health screening to be conducted at the state house for each member of the general court who chooses to receive it. Such screening shall include oral cancer, diabetes, glaucoma, hypertension and nutritional counseling. The speaker of the house and the president of the senate shall arrange the time and place for administering these examinations.



13 Appropriation. The sum of \$10,500 is hereby appropriated to the department of agriculture for the biennium ending June 30, 1987, for the purpose of conducting inspection of apiaries for the presence of the honeybee tracheal mite, varroa mite, and Africanized bee, and for the prevention of honeybee swarm contamination by these pests in accordance with RSA 430. This appropriation is in addition to any other appropriation for the department for the biennium. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

14 State Liquor Stores.

I. In addition to other state liquor stores established by the state liquor commission under RSA 177:1, the commission is authorized to lease, stock, equip and staff in the name of the state 3 state liquor stores. One of the 3 stores shall be the reactivation of state liquor store number 33 in the North Side Plaza area. The operation of the stores shall be governed by the provisions of RSA 177.

II. The state liquor commission is authorized to relocate store #50 and store #49 and to lease, stock, equip and staff in the name of the state these relocated stores. The operation of these relocated stores shall be governed by the provisions of RSA 177. The state liquor commission is further authorized to improve the lighting conditions in store #27 and store #69.

15 Appropriations to State Liquor Commission.

I. In addition to any other sums appropriated to the state liquor commission for fiscal year 1987, the sum of \$380,600 is hereby appropriated for the fiscal year ending June 30, 1987, to the state liquor commission for the purposes of paragraph I of section 14 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

II. In addition to any other sums appropriated to the state liquor commission for fiscal year 1987, the sum of \$212,000 is hereby appropriated for the fiscal year ending June 30, 1987, to the state liquor commission for the purposes of paragraph II of section 14 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

16 Appropriation. In addition to any other sums appropriated to the state liquor commission for fiscal year 1987, the sum of \$448,000 is hereby appropriated to the state liquor commission to maintain and expand available opportunities for retail store locations for the fiscal year ending June 30, 1987. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

17 Appropriation. The sum of \$67,110 is hereby appropriated to the general court for the purchase of computer hardware, software, and support in the house clerk's office. This appropriation is in addition to any other funds appropriated to the general court for the biennium ending June 30, 1987. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

18 Reflectorized Plate Inventory Fund. Amend RSA 228:25 by inserting after paragraph IV the following new paragraph:

V. The commissioner of safety may charge the necessary expenses for the manufacture, storage, handling and distribution of reflectorized motor vehicle number plates against the inventory fund provided under this section.

19 Wholesaler Plates. Amend RSA 261:141, III(u)(1) as inserted by 1981, 146:1 by striking out said subparagraph and inserting in place thereof the following:

(u)(1) For each vehicle owned by or under the control of a manufacturer, wholesaler or dealer - \$48 per set for the first 3 plates.

20 Annual Inspection. Amend RSA 266:1, II as inserted by 1981, 146:1 by striking out said paragraph and inserting in place thereof the following:



II. All vehicles, except OHRV's, snow traveling vehicles and mopeds, registered under this title shall be inspected once every year during the month in which the birth date of the owner is observed, if the owner is a natural person. If the owner is a company or corporation or other than a natural person the inspection shall be made during the month designated by the director as the registration month for the corporation, partnership, or other legal entity.

21 Annual Inspection: Motorcycles and Antique Cars. Amend RSA 266:1, III as inserted by 1981, 146:1 by striking out said paragraph and inserting in place thereof the following:

III. Notwithstanding paragraph II, motorcycles and antique motor cars shall be inspected once a year during the month designated by the director.

22 Inspection Stickers. Amend RSA 266:1 by inserting after paragraph V the following new paragraph:

VI. An inspection sticker indicating the month of expiration shall be displayed on each inspected vehicle. The director shall designate the size and color for vehicle inspection stickers.

23 Fee. Amend RSA 266:2 as inserted by 1981, 146:1 as amended by striking out said section and inserting in place thereof the following:

266:2 Fees. The fee for inspection stickers shall be \$1.50 for each sticker furnished an approved inspection station. All unused stickers returned by the approved inspection station to the division shall be refundable at the rate of \$1.50 each, except that unused stickers purchased from the division for a fee of \$.65 shall be refundable at the rate of \$.65 each.

24 Crystalline Rock Project. Amend 1985, 406:1.01,03,01,04,03 by striking out said PAU and inserting in place thereof the following:

01 General government

03 Executive office

01 Office of the governor

04 State planning grants

03 Crystalline rock project

20 Current expense	8,475	8,401
30 Equipment	500	510
70 In-state travel	400	400
80 Out-of-state travel	7,500	7,500
90 Other expense	21,814	69,510
96 Audit	200	200
98 Indirect costs	1,500	1,500
99 Salaries/benefits	<u>59,611</u>	<u>61,979</u>
Total	100,000	150,000
Estimated source of funds for crystalline rock project		
00 Federal funds	100,000	100,000
General fund		50,000
Total	100,000	150,000

25 Additional Appropriation. In addition to any other sums appropriated to PAU 01,02,01,03,01, joint expenses - operations, class 90, the sum of \$30,000 is hereby appropriated for the fiscal year ending June 30, 1986, for actuarial consultant costs incurred by the interim study committee in meeting its obligations under 1985, 398:8. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

26 Increased Appropriation. Amend 1985, 299:5 by striking out said section and inserting in place thereof the following:

299:5 Appropriation. The sum of \$40,000 is hereby appropriated to the New Hampshire bicentennial commission on the United States Constitution established by this act and 1981 senate concurrent resolution 2, for the fiscal year ending June 30, 1986, for the purposes of enabling the commission to prepare an appropriate commemoration of this historic event. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. The appropriation shall be deposited in a separate nonlapsing fund to be known as the United States Constitution bicentennial commission fund which shall be administered by the office of legislative accounting. In addition to the \$40,000 appropriation, all moneys received under section 2, II of this act are also appropriated to the commission for the purposes of this act. The appropriation shall not lapse on June 30, 1986. The commission may expend moneys from the fund for its purposes through the fiscal year ending on June 30, 1988. Any moneys remaining in the fund on June 30, 1988, shall not lapse and shall be deposited in the historical fund established by RSA 177:4-b.

27 Additional Appropriation. In addition to any other sums appropriated to PAU \$02,06,22, the following sums are hereby appropriated to the following classes for the fiscal year ending June 30, 1987. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated:

20	Current expenses	4,520
50	Other personal services	7,000
60	Benefits	600

28 Supplemental Appropriation; Human Rights Commission. Amend 1985, 406:1.02,20 by striking out said PAU and inserting in place thereof the following:

02 Administration of justice and public protection  
20 Human rights commission

10	Personal Services - Permanent	85,258	132,804
20	Current Expenses	9,500	17,498
30	Equipment	100	900
50	Other Pers Svcs	5,359	0
60	Benefits	16,579	25,897
70	In-state Travel	1,393	1,400
80	Out-of-state Travel	1,500	1,500
90	Indirect Costs	10,155	20,051
91	Audit Funds Set Aside	E 224	379
92	Maintenance Contract		2,400
93	Computer Maintenance		1,139
Total		130,068	203,968
Estimated Source of Funds for Human Rights Commission			
00	Federal Funds	55,356	62,082
General Fund		74,712	141,886
Other Funds			
Total		130,068	203,968

29 Additional Positions Authorized. The human rights commission is hereby authorized to fill 3 additional permanent classified positions as follows: 2 anti-discrimination investigators at salary grade 20 and one secretary at salary grade 7 which is currently a part-time position at salary grade 5.

30 Approval by the Department of Personnel. The expenditure of the funds appropriated in section 28 of this act and the establishment of new classified positions shall be subject to final approval by the division of personnel as to the salary grades.

31 Federal Groundwater Mapping Program; Total Changed. Amend the introductory paragraph of 1985, 77:1 by striking out said paragraph and inserting in place thereof the following:

77:1 Appropriation; Special Account. The sum of \$2,500,000 is hereby appropriated to the water resources board or to its successor agency for participation in the federal groundwater mapping program. Any part of the proceeds from bonds or notes issued by the state treasurer in accordance with section 3 of this act may be reinvested by the state treasurer in accordance with RSA 6-B; provided that, if said proceeds are reinvested:

32 Bonds Authorized. Amend 1985, 77:2 by striking out said section and inserting in place thereof the following:

77:2 Bonds Authorized. To provide funds for the total of the appropriation of state funds made in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state the sum of \$2,500,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provision of RSA 6-A.

33 Extension of Winnepesaukee River Basin Program. Balances remaining from appropriations made by 1983, 423:1, IX in the Winnepesaukee river basin program shall not lapse or be transferred or used for any other purposes. Any sums remaining from said appropriation shall lapse upon certification of completion of the construction program of the Winnepesaukee river basin program by the water supply and pollution control commission.

34 Increased Appropriation; Skyhaven. Amend 1981, 565:1, II as amended by 1983, 423:17 by striking out said paragraph and inserting in place thereof the following:

II. Aeronautics Commission

A. Rochester

Phase one improvements to include land acquisition, 900' runway extension, Taxiway extension, Electronic and visual Navigation aids  
Less federal

1,337,070  
1,184,463

Net appropriation paragraph A

152,607

Total paragraph II

152,607

35 Total Amended. Amend the total in 1981, 565:1 as amended by 1982, 38:34 by striking out "\$8,946,288" and inserting in place thereof the following (\$8,957,288).

36 Total Amended; Bonds Authorized. Amend 1981, 565:5 as amended by 1982, 38:18 and 1983, 468:5 by striking out said section and inserting in place thereof the following:

565:5 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1 and 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$14,786,288 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purposes of paragraphs I, B; III, B(1)-(5); III, C(1)-(7); III, D(1)-(3); III, E(1)-(3); III, F(1)-(3); III, G(1)-(4); III, H(1) and (2); V, C; V, F; VI, A(2); X, A; and X, B of section one of this act shall have a maturity of 5 years from the date of issue; and, provided further, that the bonds issued for the purposes of paragraphs I and III of section 2 of this act shall have a maturity of 10 years from the date of issue.



37 Backflow Preventors; General Services. In addition to any other funds appropriated, the sum of \$100,000 is hereby appropriated to the bureau of general services in the department of administrative services for the purposes of installing backflow preventors on 15 state buildings. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

38 Additional Appropriation; Water Resources Board, Lakeport Project. In addition to any other sums appropriated to PAU #03, 04, 01, 03, the following sums are hereby appropriated to the following classes for the fiscal years ending June 30, 1986, and June 30, 1987. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated:

	FY 86	FY 87
10 Permanent Personal Services	9,117	20,144
20 Current Expenses	1,000	500
30 Equipment	900	
60 Benefits	1,824	4,230
70 In State Travel	<u>750</u>	<u>1,250</u>
Total	13,591	26,124
Estimated Source of Funds		
05 Private and local funds	13,591	26,124
General fund	0	0
Total	13,591	26,124

39 Additional Appropriation; Water Resources Board; Maintenance Division. In addition to any other sums appropriated to PAU #03, 04, 02, the following sums are hereby appropriated to the following classes for the fiscal years ending June 30, 1986, and June 30, 1987. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated:

	FY 86	FY 87
10 Permanent Personal Services	11,876	26,282
20 Current Expenses	2,000	
30 Equipment	900	
60 Benefits	2,375	5,520
70 Travel	<u>3,000</u>	<u>3,000</u>
Total	20,151	34,802
Estimated Source of Funds		
01 Transfer from Construction Project	20,151	34,802
General fund	0	0
Total	20,151	34,802

40 Additional Appropriation; Wetlands Board. In addition to any other sums appropriated to PAU #03, 04, 03, the following sums are hereby appropriated to the following classes for the fiscal years ending June 30, 1986, and June 30, 1987. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated:

	FY 86	FY 87
10 Permanent Personal Services	9,117	20,144
60 Benefits	1,824	4,230
70 In State Travel	<u>3,000</u>	<u>3,000</u>
Total	13,941	27,374
Estimated Source of Funds		
General fund	13,941	27,374
Total	13,941	27,374

41 Additional Appropriation. In addition to any other sums appropriated to PAU #03,04,01,01, class 20, current expense, the sum of \$44,894 is hereby appropriated for the fiscal year ending June 30, 1987. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

42 Port Authority Travel Expenses. Amend 1985, 406:20, I by striking out said paragraph and inserting in place thereof the following:

I. Subject to the limitation in paragraph II, the following amounts are hereby appropriated to the New Hampshire port authority for the fiscal years ending June 30, 1986, and June 30, 1987:

	FY 86	FY 87
10 Personal services - permanent	\$20,806	\$21,937
20 Current expenses	500	500
60 Benefits	3,953	4,278
70 In-state travel	3,750	1,875
80 Out-of-state travel	0	1,875
Total	<u>\$29,009</u>	<u>\$30,465</u>

43 Port Authority Appropriation. Amend 1985, 406:1.04,02 by striking out said PAU and inserting in place thereof the following:

04 Transportation

02 Port authority

10 Personal services - permanent		13,101	13,668
11 Director, port authority		32,440	34,150
20 Current expenses		8,327	10,705
23 Heating fuel and electricity	D	1,420	1,448
30 Equipment		6,303	
50 Other personal services		2,355	7,244
60 Benefits		8,820	9,842
70 In-state travel		670	683
80 Out-of-state travel		670	683
90 Reimbursement to harbor master		16,609	17,115
91 Port marketing brochure			6,000
92 Foreign trade zone brochure			5,750
93 FTZ membership and conference		<u>600</u>	<u>2,600</u>

Total		91,315	109,888
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Estimated source of funds for  
Port authority

08 Mooring fees		52,000	52,000
General fund		39,315	57,888
Total		91,315	109,888

44 Project Development. Amend 1985, 406:1.04,03,03,01,01 by striking out said PAU and inserting in place thereof the following:

04 Transportation

03 Public works and highways

03 Project development

01 Engineering

01 Engineering

10 Personal services			
- permanent		10,518,013	11,030,431

19	Pol/P&G/Hwy		360,617	378,499
20	Current expenses		352,457	378,097
23	Heating fuel			
	and electricity	D	8,500	9,300
30	Equipment		1,600	500
50	Other personal			
	services		226,340	241,125
60	Benefits		2,083,010	2,241,981
70	In-state travel		218,324	232,074
80	Out-of-state travel			300
90	Transfer to			
	information svcs	A	500	500
95	Consultants		<u>125,000</u>	<u>125,000</u>
	Total		13,894,361	14,637,807
	Estimated source of			
	funds for			
	Engineering			
	Highway funds		13,894,361	14,637,807
	Total		13,894,361	14,637,807

45 Appropriation. There is hereby appropriated for the fiscal year ending June 30, 1987, the sum of \$843,222 to the division of human services for the purposes of increasing the housing subsidy for AFDC recipients from \$141 per month to \$196 per month. This sum shall not be used for any other purpose whatsoever. The governor is authorized to draw his warrant for said sum out of any other money in the treasury not otherwise appropriated.

46 Additional Appropriation. In addition to any other sums appropriated to PAU #05,02,02,04,02, class 92, grants, the sum of \$173,000 is hereby appropriated for the fiscal year ending June 30, 1987, for the purposes of increasing the funding for family planning. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

47 Department of Postsecondary Vocational-Technical Education. Notwithstanding the footnote following PAU 06,04,02,05,08 in 1985, 406:1, stating that "position control numbers 116 through 126 shall be available for the industrial manufacturing eng. tech. and computer eng. tech. programs only upon certification by the commissioner of postsecondary to the governor and council that the remodeling of the Earl D. Little bldg. has been completed", the department of postsecondary vocational-technical education is authorized to fill position numbers 17057, 17061, and 17062 upon passage of this act.

48 McAuliffe Sabbatical Fund. Amend 1985, 406:1.06,03,02,03 by striking out line 90 and inserting in place thereof the following:

	FY 86	FY 87
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90	Elementary-secondary		
	program initiatives	F	4,925,000
91	S. Christa McAuliffe		
	Sabbatical Fund	G	50,000

The funds under class line 90 Elementary-secondary program initiatives shall not lapse June 30, 1987, nor shall said funds be used for any other purpose than that prescribed in 1985, 317:5-9.

49 Supplemental Appropriation; School Districts. Amend 1985, 406:1.06,03,02,01 by striking out class 94 and inserting in place thereof the following:



	FY '86	FY '87
94 Unorganized districts	145,000	145,000
50 Totals and Funding Sources Adjusted.	Amend 1985, 406:1.06,03,02,01	
by striking out the totals and the estimated sources of funds and inserting in place thereof the following:		
Total	21,881,411	20,977,567
Estimated source of funds for		
Financial aids to districts-state		
08 Revenue	3,000,000	3,000,000
09 Revenue	4,845,000	4,845,000
General fund	14,036,411	13,132,567
Total	21,881,411	20,977,567

51 Supplemental Appropriation; Foundation Aid. Amend 1985, 406:1.06,03,02,01 by striking out class 96 for fiscal year 1987 and inserting in place thereof the following:

96 Tri-state lotto distribution 4,300,000

52 Totals and Funding Source Adjusted. Amend 1985, 406:1.06,03,02,01 by striking out the totals for fiscal year 1987 and the estimated source of funds for fiscal year 1987 and inserting in place thereof the following:

	Fiscal Year 1987
Total	22,248,067
Estimated source of funds for	
financial aid to district-state	
08 Revenue	4,300,000
09 Revenue	4,815,500
General fund	13,132,567
Total	22,248,067

53 Totals Adjusted. The legislative budget assistant is authorized to adjust all totals as made necessary by the passage of this act.

54 Appropriation. The sum of \$105,000 is hereby appropriated to the department of safety, division of safety services, for the biennium ending June 30, 1987, to be expended in the following manner:

I. Repairs and renovations to the boathouse.	\$ 75,000
II. Repair to docks.	\$ 30,000

Total Section 1 \$105,000

55 Bonds. To provide funds for the appropriation in section 54 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$105,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

56 Payments. The payment of principal and interest of the bonds and notes issued for the projects in section 54 of this act shall be made when due from the general fund.

57 Restriction on Expenditure. The appropriation made in section 54, paragraph I of this act to the division of safety services, department of safety, shall not be expended, encumbered, or obligated in any way without the approval of the capital budget overview committee.

58 Definition. Amend RSA 215-A:1, I-a (supp) as inserted by 1985, 137:1 by striking out said paragraph and inserting in place thereof the following:

I-a. "Antique snow traveling vehicle" means any snow traveling vehicle manufactured prior to the year 1969 or 20 or more years old owned by a resident of the state which is maintained solely for use in exhibitions, club activities, parades, and other functions of public interest, and which is not used primarily for the transportation of passengers and goods or for general off highway recreational use. For the purposes of this chapter, all vehicles within this definition shall be classified as off highway recreational vehicles.

59 Definition. Amend RSA 215-A:1, I-b (supp) as inserted by 1985, 261:1 by striking out said paragraph and inserting in place thereof the following:

I-b. "All terrain vehicle (ATV)" means any motor-driven vehicle which is designed or adapted for travel over surfaces other than maintained roads with one or more tires designed to hold not more than 10 pounds per square inch of air pressure, having capacity for passengers or other payloads, not to exceed 1,000 pounds net vehicle weight, and not to exceed 50 inches in width. For the purposes of this chapter, all vehicles within this definition shall be classified as off highway recreational vehicles.

60 Definition. Amend RSA 215-A:1, XIII (supp) as inserted by 1981, 538:3 as amended by striking out said paragraph and inserting in place thereof the following:

XIII. "Snow traveling vehicle" means any vehicle propelled by mechanical power that is designed to travel over ice or snow supported in part by skis, belts or cleats. For the purposes of this chapter, all vehicles within this definition shall be classified as off highway recreational vehicles.

61 Definition. Amend RSA 215-A:1, XIV (supp) as inserted by 1981, 538:3 as amended by striking out said paragraph and inserting in place thereof the following:

XIV. "Trail bike" means any motor-driven wheeled vehicle on which there is a saddle or seat for the operator or passenger or both and which is designed or adapted for travel over surfaces other than maintained roads, whether covered by ice or snow or not. For the purposes of this chapter, all vehicles within this definition shall be classified as off highway recreational vehicles.

62 Definition. Amend RSA 215-A:1, XV (supp) as inserted by 1981, 538:3 as amended by striking out said paragraph and inserting in place thereof the following:

XV. "Registered for highway use" means any OHRV as defined in RSA 215-A:1, VI or trail bike as defined in RSA 215-A:1, XIV which is registered for use on the highways of the state under the provisions of RSA 261. Said registered vehicles shall comply with the provisions of RSA 215-A:35-39.

63 Bureau Responsibilities. Amend RSA 215-A:3, III (supp) as inserted by 1981, 538:3 by striking out said paragraph and inserting in place thereof the following:

III. The bureau shall be further responsible for coordinating efforts in obtaining easements and rights-of-way, in establishing trails and trail facilities, and any other similarly related tasks that may be required as a responsibility of the department of resources and economic development in relation to OHRVs. The bureau may with governor and council approval acquire by purchase, gift or devise any land for OHRV trails or facilities.

64 Limitations of OHRV Operations. Amend the introductory paragraph of RSA 215-A:9 (supp) as inserted by 1981, 538:3 by striking out said paragraph and inserting in place thereof the following:  
The provisions of RSA 236:56 shall apply to all OHRVs as herein defined with the following exceptions:

65 Limitations of Snow Traveling Vehicles. Amend RSA 215-A:10, III (supp) as inserted by 1981, 538:3 by striking out said paragraph and inserting in place thereof the following:

III. Notwithstanding any provisions of the law to the contrary, a person may operate an OHRV on a class I, class II or class III highway that is not maintained for winter use by conventional motor vehicles; provided, however, that if a class I, class II or class III highway is not maintained for winter use by conventional motor vehicles and said highway is opened for an OHRV trail, said highway shall be so posted and conventional motor vehicle traffic prohibited. The commissioner of the department of transportation upon notification to the supervisor of the bureau may open at any time a class I, class II or class III highway which has been closed for conventional motor vehicle use.

66 Operating an OHRV While Intoxicated. Amend RSA 215-A:11 (supp) by inserting after paragraph II the following new paragraphs:

III. Any person who is convicted of a violation of this section shall not operate an OHRV within this state for a period of one year from the date of his conviction, whether or not such conviction is appealed. Any person operating an OHRV during such period shall be guilty of a misdemeanor.

IV. Upon complaint, information, indictment or trial of any person charged with a violation of this section, the court may admit evidence obtained under RSA 215-A:11-a, III of the amount of alcohol or drugs in the defendant's blood at the time alleged, as shown by a chemical, infrared molecular absorption or gas chromatograph test or tests of his breath, urine or other bodily substance.

67 Implied Consent. Amend RSA 215-A by inserting after section 11 the following new sections:

215-A:11-a Implied Consent for Chemical Testing.

I. In sections RSA 215-A:11-a through 11-h "peace officer" means "peace officer" as defined in RSA 594:1 and includes those officers listed in RSA 215-A:16 and RSA 215-A:17.

II. Any person who operates an OHRV shall be deemed to have given his consent to a chemical, infrared molecular absorption, or gas chromatograph test or tests or any combination of his blood, urine, or breath, for the purpose of determining the alcoholic or controlled drug content of his blood, if arrested for any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of an OHRV while under the influence of intoxicating liquor or controlled drugs.

III. The test or tests shall be administered at the direction of any peace officer having reasonable grounds to believe the person has been operating or was in actual physical control of an OHRV while under the influence of intoxicating liquor or controlled drugs or any combination of intoxicating liquor or controlled drugs.

IV. A copy of the report of any such test shall be furnished by registered or certified mail by the supervising agency of the peace officer to the person tested within 48 hours of receipt of the report, except that results of a test of the breath shall be furnished immediately in writing by the person conducting the test to the person tested.

215-A:11-b Refusal of Consent. If a person under arrest refuses upon the request of any peace officer to submit to a chemical test designated by the officer or authorized agent as provided in RSA 215-A:11-a, III, such person shall be subject to the penalty imposed under RSA 215-A:11-i upon satisfactory proof of the following:

I. That the peace officer had reasonable grounds to believe the arrested person had been operating or was in actual physical control of an OHRV while under the influence of intoxicating liquor or controlled drugs or any combination thereof;

II. That the person has been arrested;

III. That the person refused to submit to the test upon request of the peace officer;

IV. That the officer informed the person arrested that his refusal to submit to such a test would constitute a violation; and

V. That the officer informed the arrested person of his right to have a similar test or tests conducted by a person of his own choosing.



215-A:11-c Evidence. Upon complaint, information, indictment or trial of any person charged with a violation of the provisions of RSA 215-A relative to the operation of off highway recreational vehicles by a person under the influence of intoxicating liquor or a controlled drug, the court may admit evidence of the amount of alcohol in the defendant's blood at the time alleged, as shown by a chemical, infrared molecular absorption or gas chromatograph test or tests of his breath, urine, or other bodily substance. Evidence that there was, at the time alleged, 10/100 percent or more by weight of alcohol in the defendant's blood, is prima facie evidence that the defendant was under the influence of intoxicating liquor. Evidence that there was, at the time alleged, more than 5/100 percent and less than 10/100 percent by weight of alcohol in his blood is relevant evidence and may be considered with other competent evidence in determining whether or not the defendant was under the influence of intoxicating liquor. Evidence that there was, at the time alleged, 5/100 percent or less by weight of alcohol in his blood is prima facie evidence that the defendant was not under the influence of intoxicating liquor.

215-A:11-d Administration of Blood Alcohol Content Tests.

I. Only a duly licensed physician, physician's assistant, registered nurse, or qualified medical technician acting at the request of a peace officer may withdraw blood for the purposes of a test required by RSA 215-A:11-a, III. Such physician, physician's assistant, registered nurse, or qualified medical laboratory technician shall not be liable for damages or otherwise to the person from whom blood is withdrawn for an act performed in connection with such withdrawal provided the physician, physician's assistant, registered nurse, or qualified medical laboratory technician acts with ordinary care.

II. All such blood and urine tests made under the direction of a peace officer shall be conducted in the laboratory of the division of public health services.

III. Tests of the arrested person's breath, to be considered valid under the provisions of this chapter, shall have been performed by a person certified for this purpose by the director of the division of public health services according to methods approved by the director of the division of public health services.

IV. No tests authorized by RSA 215-A:11-a, III shall be considered as evidence in any proceeding before any administrative officer or court unless such test is performed in accordance with methods prescribed by the director of the division of public health services.

V. The rules adopted by the director of public health services pursuant to RSA 541-A and RSA 265:85 relative to blood, urine and breath tests shall apply to such tests administered under this chapter.

215-A:11-e Additional Tests. Any person to whom RSA 215-A:11-a, III is applicable shall have the right at his own expense to have a similar test made by any person of his own choosing and shall be so informed by the peace officer at the same time as the person is requested to permit a test under the provisions of RSA 215-A:11-a, III. The failure or inability of an arrested person to obtain an additional test shall not preclude the admission of any test taken at the direction of an officer. Nothing herein shall require the release from custody of the arrested person for the purpose of having such additional tests made. For the purpose of this section, the sample of blood taken pursuant to RSA 215-A:11-a, III shall be sufficient quantity to allow 2 tests, and the testing laboratory shall retain for a period of 30 days subsequent to the test conducted pursuant to RSA 215-A:11-a, III a quantity of said sample sufficient for another test, which quantity shall be made available to the respondent or his counsel immediately upon request.

215-A:11-f Effect of Evidence of Blood Alcohol Content Test. The provisions of this chapter shall not limit the introduction of any other competent evidence bearing on the question of whether a person charged with the violation of RSA 215-A:11 was under the influence of intoxicating liquor or controlled drugs.

215-A:11-g Evidence of Refusal to Take Blood Alcohol Content Test. If a person refuses to submit to a test as provided in RSA 215-A:11-a, III, such refusal may be admissible into evidence in a civil or criminal action or proceeding arising out of an act alleged to have been committed by that person while operating or attempting to operate an OHRV while under the influence of intoxicating liquor or any controlled drug or any combination of intoxicating liquor or controlled drug.

215-A:11-h Official Record of Tests.

I. Any person who is arraigned on a charge arising under RSA 215-A:11 shall file notice in the court, within 10 days immediately following the receipt by said person of the results of any blood alcohol test administered to him, requiring the attendance of the person who took the sample for said test or of the person who conducted said test, or both. Failure to file notice shall be deemed a waiver to require their attendance at the trial. The official report of the test issued pursuant to RSA 215-A:11-a, III shall be deemed conclusive evidence of the conduct and result of said test.

II. A copy of the preventive maintenance check form filled out by the forensic breath testing supervisor who performed the last preventive maintenance check on the breath testing machine in question prior to the time of the test at issue shall be admissible evidence of the performance and successful completion of such check. Such check shall have been performed according to the schedule required in the rules adopted by the director of the division of public health services under RSA 541-A.

III. A copy of the external standard calibration test form filled out by the person who performed the last external standard calibration test on the breath testing machine in question prior to the time of the test at issue shall be admissible evidence that the machine was properly calibrated at the time of the test. The external calibration test shall have been performed according to the schedule required in the rules adopted by the director of the division of public health services.

215-A:11-i Preliminary Breath Tests.

I. Any peace officer who has been trained and certified according to standards for such training and certification set by the police standards and training council and contained in rules adopted by the said council pursuant to RSA 541-A, having reasonable grounds to believe that a person has been operating or was in control of an OHRV while under the influence of intoxicating liquor or controlled drugs or any combination of intoxicating liquor or controlled drugs may, without making an arrest, request that such person submit to a preliminary breath test to be administered by the officer. The results of this test shall not be admissible in evidence by the prosecution, and failure to submit to the test shall not constitute a violation of this chapter. Nothing contained in this section shall be construed to prevent or require a subsequent test pursuant to RSA 215-A:11-a, III. The officer requesting the test shall advise the person to be tested that his failure to take the test or his taking of the test shall not be construed to prevent or require a subsequent test pursuant to RSA 215-A:11-a, III. The results of the test shall be furnished forthwith to the person tested by the officer administering the test.

II. No device shall be used to give a chemical test under this chapter unless it has been approved as to type and make by the division of public health services of the department of health and human services.

215-A:11-j Penalty. Notwithstanding the provisions of title LXVIII and in addition to any other penalty imposed under RSA 215-A, any person who violates RSA 215-A:11-b shall be fined not less than \$50 or more than \$500.

68 OHRV Equipment. Amend RSA 215-A:14 (supp) as inserted by 1981, 538:3 as amended by striking out said section and inserting in place thereof the following:

215-A:14 OHRV Required Equipment.

I. No person shall operate an OHRV unless it is equipped with:

(a) At least one, but not more than 2 headlights, all in working order, when operating at any time during the period from 1/2 hour after sunset to 1/2 hour before sunrise.

(b) One or more rear tail lights, all in working order, when operating at any time during the period from 1/2 hour after sunset to 1/2 hour before sunrise.

(c) Adequate brakes in good working order sufficient to control the vehicle at all time. The brakes must be capable of stopping the vehicle within 40 feet at 20 miles per hour, or locking the wheels or track to a standstill.

(d) The current registration decal affixed to the OHRV as required by this chapter.

(e) Mufflers and an exhaust system which complies with the requirements of RSA 215-A:12.

II. Any sled or trailer towed behind an OHRV shall be equipped with reflectors and a rigid hitch such as a tow bar.

III. Any police officer or person authorized to make criminal arrests may stop and check any OHRV in regard to any safety equipment, mufflers, brakes, lights and appropriate inspections pursuant to RSA 215-A:13.

69 Penalties and Owner Responsibilities. Amend RSA 215-A:19, II (supp) as inserted by 1981, 538:3 by striking out said paragraph and inserting in place thereof the following:

II. Any person who, while operating or in charge of an OHRV, shall refuse when requested by a police officer or person authorized to make criminal arrests to give his name and address or the name and address of the owner of such OHRV or who shall give a false name or address, or who shall refuse or neglect to stop when signaled to stop by any police officer or any person authorized to make criminal arrests who is in uniform or who displays his badge conspicuously on the outside of his outer coat or garment, or who refuses on demand of such officer or person to produce his license to operate such vehicle or his certificate of registration, or to permit such officer or person to take the license or certificate in hand for the purpose of examination, or who refuses on demand of such officer or person to sign his name in the presence of such officer, or who refuses to surrender to the executive director or his duly authorized representative any license, registration certificate or number decal upon demand after suspension or revocation of the same, shall be guilty of a misdemeanor.

70 Unattended OHRV. Amend RSA 215-A:19 by inserting after paragraph IV the following new paragraphs:

V. A police officer may cause the removal and storage of an OHRV if he has reason to believe any of the following:

(a) The OHRV has been left unattended on any public property for a period of greater than 48 hours.

(b) The owner or legal occupant of private property has complained that an OHRV has been abandoned on said private property for a period of greater than 24 hours.

(c) The OHRV is reported stolen, is apparently abandoned, is without proper registration, or is apparently unsafe to be driven.

(d) The owner or custodian of the OHRV is under arrest or otherwise incapacitated.

(e) The OHRV has been used in connection with a criminal offense.

VI. No custodian or police officer shall be liable for damages to an OHRV while it is in his custody under paragraph V, provided he exercises due care.

71 Registration. Amend RSA 215-A:21, III (supp) as inserted by 1981, 538:3 by striking out said paragraph and inserting in place thereof the following:

III. No person under the age of 18 shall register an OHRV.



72 Registering Snow Traveling Vehicles; Expiration of Number Decal. Amend RSA 215-A:21, IV (supp) as inserted by 1981, 538:3 by striking out said paragraph and inserting in place thereof the following:

IV. All snow traveling vehicles shall be registered with a number to be placed on both sides of the front cowl in a location designated by the executive director for the purpose of placing identification numbers. The registration number shall be contained on a decal of a type and size designated by the executive director. The number for said vehicle shall be assigned by the executive director or one of his agents. In case of a transfer, the number shall expire and become invalid. If a new machine is obtained a new number shall be assigned, unless otherwise authorized by the executive director.

73 Registering OHRV. Amend RSA 215-A:21, V (supp) as inserted by 1981, 538:3 as amended by striking out said paragraph and inserting in place thereof the following:

V. All OHRVs except conventional motor vehicles registered for highway use and those registered pursuant to paragraph IV shall be registered at the fee provided in RSA 215-A:23, and shall be furnished a registration plate or decals of a design and color as chosen by the executive director. Said registration plate or decals shall be attached securely on the front and rear of the vehicle, in an unobstructed manner, as high as possible or at a location designed by the manufacturer.

74 Placement of Registration Indicia. Amend RSA 215-A:21, VI (supp) as inserted by 1981, 538:3 by striking out said paragraph and inserting in place thereof the following:

VI. No person shall operate any OHRV unless the assigned OHRV registration numbers, plates, or decals are placed on the OHRV as required by this chapter.

75 Transfer of Registration. Amend RSA 215-A:22 (supp) as inserted by 1981, 538:3 by striking out said section and inserting in place thereof the following:

215-A:22 Transfer of Registration.

I. A person who conveys to another the ownership of his registered OHRV may register in his name another OHRV for the remainder of that registration year, at a reduced rate of \$4, provided that the reverse side of the registration form is completely filled out and submitted to a registration agent upon request for transfer.

II. Only a registration agent may transfer a registration under paragraph I. The agent shall issue a new registration certificate and decals. The originally issued decals shall not be transferred, and shall become invalid for further use. The agent shall return the previous white registration certificate to the OHRV registry attached to the new registration certificate office copy.

III. A new owner of any OHRV shall purchase a new registration certificate and decals at full price if he does not have a current registration for an OHRV of which he has relinquished ownership.

76 Missing Decals or Plates. Amend RSA 215-A by inserting after section 22 the following new section.

215-A:22-a Missing or Damaged Decals or Plates. The original white registration certificate shall be returned to an OHRV registration agent completed on the reverse side with the probable date lost; the reason the decals or plates are missing, specifying, for example, lost, destroyed, or stolen; and the signature of the owner. The OHRV registration agent shall issue new registration decals and certificate in accordance with RSA 215-A:22.

77 OHRV Agents Accounting. Amend RSA 215-A by inserting after section 24 the following new sections:

215-A:24-a OHRV Agent's Accounting.

I. The agent shall collect from the applicant a fee of \$1 for each OHRV registration issued and shall account to the executive director for the full face value of the registration decals. He shall pay to the executive director no later than the fourteenth of each month the full

face value of all registrations sold up to the first of the same month and shall report the names and addresses of all persons to whom registration decals have been sold and such other information as may be requested on blanks to be furnished by the OHRV registration office.

II. When the fourteenth of any month falls on a Saturday, Sunday or legal holiday, the accounting and payment due date shall be advanced to the next succeeding day that is not a Saturday, Sunday or holiday.

III. If the accounting and payment required by paragraphs I and II of this section are mailed, they shall be considered to have been reported or paid on time if they are properly addressed and postmarked by a United States post office no later than the fourteenth of the month in which they are due.

IV. If the accounting and payment required by paragraphs I and II of this section are delinquent, the agent shall be assessed and pay a penalty equal to 10 percent of the amount due or \$10, whichever is greater. Penalties collected under this paragraph shall be credited to the fish and game fund. Fifty percent of these agent penalties are hereby continually appropriated to the OHRV registration office.

V. If the accounting and payment remain delinquent 30 days after the due date required by paragraphs I and II of this section, the agency status shall be terminated.

VI. If the penalty required by paragraph IV of this section remains delinquent 30 days after notification of such delinquency, the agency shall be terminated and all penalties shall be deferred.

VII. The executive director shall have the authority to waive the requirements of paragraphs IV, V and VI when in his judgment there is just cause to do so.

VIII. The executive director shall adopt rules and establish fees pursuant to RSA 541-A for all agents who issue OHRV registrations.

215-A:24-b Unused OHRV Decals. Agents shall return to the executive director, within 10 days after the close of the current year, all unused OHRV decals. Agents shall be held responsible to the state for the full face value of all OHRV decals for which they are chargeable until settlement has been made as above provided.

78 Operation and License. Amend RSA 215-A:29, VIII (supp) as inserted by 1981, 538:3 as amended by striking out said paragraph and inserting in place thereof the following:

VIII. A person registered as owner of a snow traveling vehicle or OHRV may be fined not less than \$50 or more than \$500 if a snow traveling vehicle or OHRV bearing his registration number is operated contrary to the provisions of this chapter. The registered owner may not be so fined if:

(a) The snow traveling vehicle or OHRV was reported as stolen to a law enforcement agency at the time of the alleged unlawful act, or

(b) The registered owner demonstrates that the snow traveling vehicle or OHRV either was stolen or was not in use at the time of the alleged unlawful act, or

(c) The registered owner furnishes to law enforcement officers upon request the identity of the person in actual physical control of the snow traveling vehicle or OHRV at the time of such violation.

79 Helmets Required. Amend RSA 215-A:29 by inserting after paragraph XIV the following new paragraphs:

XV. No person under the age of 18 shall operate any OHRV within this state without wearing a protective helmet and eye protection.

XVI. No person shall operate any OHRV within this state carrying passengers under the age of 18 unless each passenger is wearing a protective helmet.

80 Headlights. Amend RSA 215-A by inserting after section 37 the following new sections:

215-A:38 Headlights. For trail bikes registered for use on the highways, high and low beam headlight shall not be required unless said vehicle had this equipment installed as original equipment by the manufacturer. This section shall not affect the requirements of RSA 215-A:14, I(a).

215-A:39 Speedometer and Odometer. For trail bikes registered for use on highways, a speedometer and odometer shall not be required unless said vehicle had this equipment installed as original equipment by the manufacturer.

81 Effective Date.

I. Sections 14, 15, 16, 20, 21, 22, 23, 51, 52 and 53 of this act shall take effect July 1, 1986.

II. Section 58-80 of this act shall take effect October 1, 1986.

III. Section 19 of this act shall take effect January 1, 1987.

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

Reps. Kidder, LaMott and Scranton explained the Committee report.

Rep. Ramsay explained the Committee report and yielded to questions.

Amendment adopted.

The Chair requested a division.

266 members having voted in the affirmative and 25 in the negative, SB 100 was ordered to third reading.

Rep. Kinhan notified the Clerk that he wished to be recorded in favor of the Committee report on SB 100.

SB 130-FN, relative to state aid for the town of Newport pollution abatement program and amending RSA 149 to conform to the federal water pollution control act. Inexpedient to Legislate.

This bill is amended to SB 100. Vote 20-0. Rep. Franklin G. Torr for Appropriations.

Rep. Rodeschin moved that SB 130 be laid upon the table.

Adopted.

RECONSIDERATION

Rep. Dickinson moved that the House reconsider its action whereby it adopted SB 17, and spoke to his motion.

Rep. Conroy spoke to the motion.

Motion lost.

RECONSIDERATION

Rep. Ward moved that the House reconsider its action whereby it ordered to third reading SB 63, relative to embalmers and funeral directors, and spoke to her motion.

Motion adopted.

Question now being on the adoption of SB 63, relative to embalmers.

Rep. Ward offered an amendment.

Amendment to SB 63

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to embalmers and funeral directors and relative to rulemaking by the board of chiropractic examiners.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Crematory Omitted. Amend RSA 325:48 as inserted by 1971, 332:1 by striking out said section and inserting in place thereof the following:

325:48 Employment Prohibited. No person holding a license under this chapter shall be employed as a funeral home, funeral establishment, funeral director or embalmer by a cemetery, cemetery association, or



cemetery corporation, nor shall such person own or control a cemetery, cemetery association, or cemetery corporation. This section shall not prohibit such person from (1) serving as an officer, director, or trustee of a cemetery, cemetery association or cemetery corporation without pay or for a salary not exceeding \$500 per year or (2) employment by a cemetery, cemetery association or cemetery corporation in capacities other than that of a funeral home, funeral establishment, funeral director or embalmer, or (3) taking bodies out of a grave or transferring such bodies to other graves.

2 Repeals. The following are hereby repealed:

I. RSA 316:2-a, II and VII, relative to rulemaking by the board of chiropractic examiners.

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

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Ward explained the amendment.

Amendment adopted.

Ordered to third reading.

#### SENATE MESSAGES REQUESTS CONCURRENCE WITH AMENDMENTS

HB 473-FN, relative to filing returns under the interest and dividends tax. (Amendment printed SJ 4/29)

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

Adopted.

The Speaker appointed Reps. Robert Jones, Ahrens, Hayes and Blacketer.

HCR 2, relative to federal tax reform. (Amendment printed SJ 4/29)

Rep. Parr moved that the House concur.

Adopted.

HB 373-FN, providing for a single annual motor vehicle inspection and changing the inspection sticker fee. (Amendment printed SJ 4/24)

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

Adopted.

The Speaker appointed Reps. Irvin Gordon, Sara Townsend, Sloan and York.

HB 445-FN, relative to the salary of the executive director of the postsecondary education commission.

Rep. William Boucher moved that the House concur.

Adopted.

HB 451-FN, relative to the delivery of wine purchases of a licensee, and price restrictions of wine licenses for restaurants on manufacturers' or wholesalers' premises; and requirements for special agents of the liquor commission. (Amendment printed SJ 4/29)

Rep. Kenneth MacDonald moved that the House concur.

Adopted.

HB 66-FN, enabling bingo licensees to obtain a license valid for one year. (Amendment printed SJ 4/29)

Rep. Kenneth MacDonald moved that the House concur.

Adopted.

HB 146, relative to special prizes, licensing suspension and enabling bingo licensees to obtain a license valid for one year. (Amendment printed SJ 4/29)

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

Adopted.

The Speaker appointed Reps. Kenneth MacDonald, Ramsay, Howard Townsend and Robert Mason.

HB 438-FN, relative to New Hampshire retirement system benefits.  
(Amendment printed SJ 4/29)

Rep. Ward moved that the House concur.

Adopted.

HB 214, relative to the radiological health program. (Amendment printed SJ 4/29)

Rep. Sochalski moved that the House concur.

Adopted.

HB 286-FN, relative to the Winnepesaukee River basin control.  
(Amendment printed SJ 4/22)

Rep. Dickinson moved that the House concur.

Adopted.

HB 401-FN, relative to committal orders. (Amendment printed SJ 4/29)  
Rep. Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sytek, Lozeau, Chretien and Raiche.

HB 439-FN, relative to the division of children and youth services.  
(Amendment printed SJ 4/29)

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

Adopted.

The Speaker appointed Reps. William Boucher, Scamman, Taffe and Densmore.

HB 134-FN, relative to the Rannie Webster Foundation and allowing the Lake Sunapee Yacht Club to revive its charter. (Amendment printed SJ 4/29)

Rep. Joseph Eaton moved that the House concur.

Adopted.

HB 132, relative to the port authority. (Amendment printed SJ 4/22)

Rep. Irvin Gordon moved that the House concur.

Adopted.

HB 416-FN, relative to a workers' personal care assistance program for persons with severe physical disabilities and making an appropriation therefor. (Amendment printed SJ 4/29)

Rep. William Boucher moved that the House concur.

Adopted.

HB 100-FN, making an appropriation to pay moneys owed to the education commission of the states. (Amendment printed SJ 4/24)

Rep. William Boucher moved that the House concur.

Adopted.

HB 405-FN, to provide for the comprehensive study of the SAU structure within the state of New Hampshire and to hire an independent consultant to report to the house education committee and making an appropriation therefor. (Amendment printed SJ 4/29)

Rep. William Boucher moved that the House concur.

Adopted.

HB 84-FN, relative to the tax exemption for qualifying small power production facilities and qualifying cogeneration facilities. (Amendment printed SJ 4/29)

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

Adopted.

The Speaker appointed Reps. M. Arnold Wight, Frechette, Leonard Smith and Easton.

HB 181, relative to lobbyist registration and lobbyist statements, making an appropriation to the joint legislative historical committee and relative to the responsibility of the committee to accept and expend funds. (Amendment printed SJ 4/29)

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

The Speaker appointed Reps. Rounds, Ahrens, Sallada and Chris Jacobson.

HB 260, relative to the powers of the executive director of the department of fish and game and the appointment of an acting director. (Amendment printed SJ 4/29)

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

Adopted.

The Speaker appointed Reps. Gerald Smith, Felch, Pantelakos and Call.

HB 417-FN, relative to off highway recreational vehicles and appropriating a portion of agents' penalties to the OHRV bureau. (Amendment printed SJ 4/29)

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

Adopted.

The Speaker appointed Reps. Hussey, Scanlan, Perham and Brodeur.

HB 256-FN, relative to the plumbers' board and making an appropriation therefor and relative to the real estate commission and making an appropriation therefor. (Amendment printed SJ 4/29)

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

Adopted.

The Speaker appointed Reps. Harold Watson, McCain, Ann Torr and Patricia Russell.

HB 65, authorizing police officers and certified emergency medical technicians to order removal of motor vehicle fatalities. (Amendment printed SJ 4/29)

Rep. Sytek moved that the House concur.

Adopted.

HB 444-FN, relative to court administration. (Amendment printed SJ 4/29)

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

Adopted.

The Speaker appointed Reps. Sytek, Francis Robinson, Daniel Eaton and William Johnson.

HB 47, relative to comparative fault, apportionment of damages and contributions among tortfeasors. (Amendment printed SJ 4/29)

Rep. Sytek moved that the House nonconcur.

Adopted.

HB 24, establishing a department of safety. (Amendment printed SJ 4/29)

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

Adopted.



The Speaker appointed Reps. Ward, Dexter, Ann Torr and Pelley.

HB 229-FN, relative to the licensing of dogs. (Amendment printed SJ 4/29)

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

Adopted.

The Speaker appointed Reps. Beverly Gage, Sochalski, Golden and Normandin.

#### CONCURRENCE

HB 106, relative to the death penalty.

HB 129, relative to truck weights and increasing penalties for overweight vehicles.

#### REFERRED FOR INTERIM STUDY

HB 184, relative to divorce based on irreconcilable differences.

HB 185, relative to alimony and property settlements and fault grounds in divorce.

HB 510, providing the legislative budget assistant with access to certain records.

HB 298-FN, relative to memorializing the names of deceased legislators and making an appropriation to the joint committee on legislative facilities.

HB 114-FN, relative to the business profits tax.

#### NONCONCURRENCE

HB 219, relative to municipal industrial development authorities.

HB 408-FN, increasing the travel allowance for members of the general court.

HB 90-FN, relative to improvement of the state boat launch on Crystal Lake in the town of Enfield and making an appropriation therefor.

HB 327-FN, relative to a study of the highways and bridges in the Hanover-Lebanon area and making an appropriation therefor.

HB 346-FN, relative to the state aid construction and state aid reconstruction programs.

HB 240-FN, relative to a select commission to study probation and relative to state reimbursement of municipalities for the costs of local probation services and making an appropriation therefor.

HB 212, relative to chiropractic and requiring that academic standards for professions be established only by statute.

HB 91, relative to service of civil process.

HB 367-FN, relative to state investments in South Africa and Namibia.

HB 138, relative to insurance coverage for the services of certified clinical social workers.

Rep. Rounds offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, May 6 at 10:00 a.m.

Adopted.

## LATE SESSION

## Third reading and final passage

SB 103, relative to utility exemptions from zoning ordinances.

SB 62, requiring the city of Berlin to hold a referendum relative to consolidating their water and sewer departments.

SB 17, restricting the size of motors to be used on Iona Lake.

SB 7, establishing a fire standards and training council within the department of postsecondary vocational-technical education.

SB 12-FN, relative to certain withdrawals from the New Hampshire retirement system.

SB 34-FN, authorizing a study for a spur road between the city of Somersworth and the Spaulding turnpike.

SB 41, increasing the appropriation for the construction of regional vocational education centers.

SB 46-FN, establishing a printed materials revolving fund at the department of education.

SB 50, permitting public television and public radio as part of their fund raising programs, to auction wine and liquor donated for that purpose, relative to liquor licensees, and relative to social clubs within national guard armories.

SB 100, authorizing the director of the division of parks and recreation to make certain emergency expenditures.

SB 106, allowing students in an approved high school vocational electrical program to perform electrical installations in residential buildings.

SB 22-FN, establishing a committee to evaluate the foundation aid formula.

SB 44-FN, increasing rates for shared homes and certain residents of community living homes and making an appropriation therefor.

SB 61, establishing a 10-year construction and reconstruction program for the New Hampshire turnpike system and making an appropriation for certain projects.

SB 124-FN, relative to railroad improvements.

SB 78, relative to comprehensive tort reform.

SB 63, relative to embalmers and funeral directors.

## SENATE MESSAGE

## REQUESTS CONCURRENCE WITH AMENDMENT

HB 253-FN, increasing the limit on the state guarantee of bonds and notes of school districts and relative to legalizing certain school district meetings. (Amendment printed SJ 4/24)

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

Adopted.

The Speaker appointed Reps. William Boucher, Ellen-Ann Robinson, Nelson and Wadsworth.

Rep. Rounds moved that the House stand in recess for the purpose of Senate Messages and Enrolling Reports only.

Adopted.

The House recessed at 4:25 p.m.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 12

*Tuesday, 6 May 86*

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

Prayer was offered by guest Chaplain, Rev. Thomas E. Mabie of the United Methodist Church in Chichester.

Sovereign Lord God, who rules over and orders all things, we approach You this day on behalf of those who represent us in our state. We thank You for the authority and responsibility which You have bestowed upon them, for there is no authority on earth except which You have established.

I beseech You on their behalf for great wisdom in all decisions which must be made today. Help them to act and govern wisely, justly and with Your tender mercy. May all who are here experience Your presence, Your guiding presence. Guide the thoughts, words and actions of all who are present today. Forgive the petty, sometimes selfish decisions and arguments that occur, and help that decisions would be made for the greater and common good of all concerned. Enable decisions to be made in accordance with Your will for us.

We thank You for this opportunity and privilege of approaching You this day, as deliberations begin afresh, and for the reminder You have given in Your word to pray for those who are in authority over us. We would now lift these things to You and pray that You would hear our prayer and answer, for we ask in Jesus' name. Amen.

Rep. Howard Mason led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Day, Lawrence Chase, James J. White, Donnelly, Bergeron, Nagel, Emanuelson, Elizabeth Moore, Barry, Lucille Wood, Cote, Simon and Connors, the day, illness.

Reps. Kane, West, Jelley, Meader, Marsh, Mace, James Chandler, Patti Blanchette, Cailler, Olimpio, Hardy, McKee, Wagner, Phelps, Brough, Fraser, Zis, Crory, Arnott, Newell, Palumbo, Kinhan, Matthew Locke, August, Bert Ford and Pellow, the day, important business.

Rep. Gerald Smith, the day, illness in the family.

## INTRODUCTION OF GUESTS

Matilde Santini Toro and Carmen Santini Colon from Puerto Rico, guests of Rep. Chagnon; Patricia Titus and Wilbur Ingram, daughter and son of Rep. Ingram.

## SUSPENSION OF RULES

Reps. Rounds and Chambers moved that the rules be so far suspended as to permit consideration at the present time of HCR 9, honoring the Anna Stickney Chapter of the Daughters of the American Revolution, and HCR 10, requesting the attorney general to investigate Maine's income tax scheme for nonresidents, without introduction, referral, public hearing, committee report and the required notice in the Calendar.

Adopted by the necessary two-thirds.



## HOUSE CONCURRENT RESOLUTION NO. 9

honoring the Anna Stickney Chapter of the Daughters  
of the American Revolution.

Whereas, the Anna Stickney Chapter of the Daughters of the American Revolution was founded in 1896, and for 90 years has promoted patriotic, educational and historical ideals; and

Whereas, the Anna Stickney Chapter of the Daughters of the American Revolution has nurtured better understanding of American heritage by supporting U.S. Constitution Week observances and the American History Month essay contest, by commemorating historic sites and buildings, and by collecting and preserving historic documents; and

Whereas, the Anna Stickney Chapter of the Daughters of the American Revolution through its Good Citizens Program and its student scholarships serves to support, encourage and educate the youth of the area; and

Whereas, the Anna Stickney Chapter of the Daughters of the American Revolution continues to perpetuate the principles of patriotism that brought victory in the American war for independence and those principles have become the cornerstones of the American way of life; now, therefore, be it

Resolved, by the House of Representatives, the Senate concurring:

That on this occasion of its ninetieth birthday, the Anna Stickney Chapter of the Daughters of the American Revolution be saluted for fostering the patriotic principles that have made our country strong; and

That a suitable copy of this resolution be prepared for presentation to the leaders of the Anna Stickney Chapter of the Daughters of the American Revolution.

The Clerk read the resolution.

Rep. Dickinson explained the resolution.

Adopted.

Ordered to third reading.

## HOUSE CONCURRENT RESOLUTION NO. 10

requesting the attorney general to investigate Maine's  
income tax scheme for nonresidents.

Whereas, Legislative Document 2315 has passed both houses of the legislature of the state of Maine and has been signed by the governor of Maine; and

Whereas, such legislation includes a new tax scheme which allows income earned by New Hampshire residents within the state of New Hampshire to be included as a factor to arrive at a higher rate of taxation than would be payable based on the Maine-source income alone;

Whereas, the general court of New Hampshire questions the constitutionality and fairness of this tax to New Hampshire residents; and

Whereas, RSA 7:7 allows the general court to ask the attorney general to give his opinion upon a question of law; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the general court of New Hampshire hereby requests that the attorney general investigate the constitutionality of the tax scheme set forth in Legislative Document 2315; and

That, if the attorney general finds fault with such tax scheme, he pursue appropriate action against the state of Maine; and

That he make a report to the general court for the 1987 legislative session with appropriate recommendations; and

That copies of this resolution, signed by the speaker of the house and the president of the senate, be by them forwarded to the attorney general of New Hampshire and the governors of New Hampshire and Maine.

Reps. Laurion and Pelley moved that HCR 10 be adopted.  
 The Clerk read the resolution.  
 Reps. Laurion and Pelley explained the resolution.  
 Adopted.  
 Ordered to third reading.

#### CONFEREE CHANGES

HB 373 - Irvin Gordon, Sara Townsend, Stewart and Daniel Eaton.

#### SENATE MESSAGES REQUESTS CONCURRENCE WITH AMENDMENTS

HB 22, authorizing the state liquor commission to operate 2 new liquor stores and authorizing the state liquor commission to maintain and expand available opportunities for retail store locations. (Amendment printed 5/1/86)

Rep. Kenneth MacDonald moved that the House concur.  
 Adopted.

HB 119, relative to replacing the Hampton beach seawall and making an appropriation therefor. (Amendment printed SJ 5/1)

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

Adopted.

The Speaker appointed Reps. Bibbo, Chamberlin, James Chandler and Levesque.

HB 157, relative to marine repairs and dredging and making an appropriation therefor. (Amendment printed SJ 5/1)

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

Adopted.

The Speaker appointed Reps. Bibbo, Keans, Berkey and Disnard.

HB 210, relative to the location of the Concord headquarters facility for fish and game. (Amendment printed SJ 5/1)

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

Adopted.

The Speaker appointed Reps. Bibbo, Walter, Hollingworth and Gross.

HB 380-FN, establishing the governor's scholars awards. (Amendment printed SJ 5/1)

Rep. William Boucher moved that the House nonconcur.

Adopted.

HB 334, clarifying a construction authorization bill. (Amendment printed SJ 5/1)

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

Adopted.

The Speaker appointed Reps. Bibbo, Murphy, Swope and Gene Chandler.

HB 343-FN, making the debt service on railroad improvement bonds a charge against the general fund and authorizing an appropriation and use of the special railroad fund. (Amendment printed SJ 5/1)

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

Adopted.

The Speaker appointed Reps. Holbrook, Matson, LaMott and Howard Townsend.

HB 284-FN, relative to water treatment plant operators; authorizing the charging of a fee for water supply systems; authorizing new positions and making an appropriation therefor. (Amendment printed SJ 5/1)

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

Adopted.

The Speaker appointed Reps. Woodward, Dingle, Chardon and Vaughn.

HB 457-FN, relative to the eradication of milfoil. (Amendment printed SJ 5/1)

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

Adopted.

The Speaker appointed Reps. Blair, Blanchard, Dingle and Spear.

HB 466-FN, relative to underground storage facilities. (Amendment printed SJ 4/24)

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

Adopted.

The Speaker appointed Reps. Chardon, Schwartz, Bardsley and Dingle.

HB 113, relative to anatomical gifts and relative to the adoption of the uniform determination death act. (Amendment printed SJ 5/1)

Rep. Sochalski moved that the House concur.

Adopted.

HB 197-FN, relative to agricultural promotion and making an appropriation therefor. (Amendment printed SJ 5/1)

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

Adopted.

The Speaker appointed Reps. Elizabeth Greene, Marilyn Campbell, Bowler and Popov.

HB 369-FN, relative to indemnifying state park volunteers from civil suits and authorizing the New Hampshire Outdoor Council to raise funds for certain purposes. (Amendment printed SJ 5/1)

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

Adopted.

The Speaker appointed Reps. Conroy, Dickinson, Vaughn and Blanchard.

HB 248-FN, creating a nonlapsing fund to provide handicapped persons with gainful state employment and making an appropriation therefor.

(Amendment printed SJ 5/1)

Rep. William Boucher moved that the House concur.

Adopted.

HB 59-FN, relative to hazardous waste facility siting procedures, the hazardous waste fund, the solid waste management board, and reporting of hazardous waste contamination. (Amendment printed SJ 5/1)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

HB 61-FN, relative to the state selection of potential hazardous waste facility sites and authorizing funds for that purpose. (Amendment printed SJ 5/1)

Rep. Elizabeth Greene moved that the House concur.

Adopted.



HB 60-FN, relative to establishing and authorizing funding for a hazardous waste facility siting board. (Amendment printed SJ 5/1)

Rep. Elizabeth Greene moved that the House nonconcur.  
Adopted.

HB 442-FN, authorizing the legislative facilities committee to conduct a study of salaries for unclassified state employees. (Amendment printed SJ 5/1)

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

Adopted.

The Speaker appointed Reps. Gross, Ramsay, Robert Johnson and Miller.

HB 509, establishing a 10-year state highway construction and reconstruction plan and making an appropriation for certain projects. (Amendment printed SJ 5/1)

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

Adopted.

The Speaker appointed Reps. Bibbo, Walter, LaMott and Matson.

HB 193-FN, establishing a local water protection assistance program and making an appropriation therefor. (Amendment printed SJ 5/1)

Rep. Dickinson moved that the House concur.

Adopted.

HB 501, establishing the salaries for the presidents of the technical institute and the 6 technical colleges. (Amendment printed SJ 5/1)

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

Adopted.

The Speaker appointed Reps. Keefe, Pearson, O'Rourke and Taffe.

HB 245-FN, relative to a natural heritage inventory. (Amendment printed 5/1)

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

Adopted.

The Speaker appointed Reps. Dickinson, Woodward, Chardon and Blanchard.

HB 258-FN, increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs. (Amendment printed SJ 5/1)

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

Adopted.

The Speaker appointed Reps. Marilyn Campbell, James Chandler, Dexter and Matson.

HB 430-FN, establishing a department of environmental services. (Amendment printed SJ 4/29)

Rep. Ward moved that the House concur.

Adopted.

HB 64, relative to unemployment compensation. (Amendment printed SJ 5/1)

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

Adopted.

The Speaker appointed Reps. Nichols, Skinner, Young and Splaine.

HB 307, relative to a duty to protect third persons. (Amendment printed SJ 5/1)

Rep. Sytek moved that the House concur.

Adopted.

HB 205, recodifying the workers' compensation law. (Amendment printed SJ 4/29)

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

Adopted.

The Speaker appointed Reps. Warburton, Skinner, Nichols and Burkush.

#### RECONSIDERATION

Rep. Rounds and Chambers moved that the House reconsider its action whereby it concurred with the Senate amendment to HB 22.

Adopted.

Rep. Kenneth MacDonald moved that the House nonconcur with the Senate amendment to HB 22.

Adopted.

#### SENATE MESSAGES REQUESTS CONCURRENCE WITH AMENDMENTS

HB 340, relative to highway construction zones. (Amendment printed SJ 4/24)

Rep. Irvin Gordon moved that the House concur.

Adopted.

HB 202-FN, relative to forfeiture of items used in connection with drug offenses. (Amendment printed SJ 5/1)

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

Adopted.

The Speaker appointed Reps. Sytek, William Johnson, Daniel Eaton and Thomas Gage.

HB 337-FN, to repeal certain statutes relative to state employees. (Amendment printed SJ 4/29)

Rep. Skinner moved that the House concur.

Adopted.

HB 449-FN, relative to judicial salaries. (Amendment printed SJ 5/1)

Rep. Sytek moved that the House concur.

Adopted.

HB 270, relative to guardianship laws. (Amendment printed SJ 5/1)

Rep. Sytek moved that the House concur.

Adopted.

HB 185, relative to alimony and property settlements and fault grounds in divorce. (Amendment printed SJ 5/1)

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

Adopted.

The Speaker appointed Reps. Lozeau, Raiche, Hollingworth and Lown.

#### NONCONCURS WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

SB 43, relative to a systematic review of health coverage proposals. The President appointed Sens. Freese, Blaisdell and Bond.

Rep. Quimby moved that the House accede.

Adopted.

The Speaker appointed Reps. Pappas, Guay, Bonnie Packard and Quimby.

#### REQUESTS CONCURRENCE WITH AMENDMENTS

HB 34-FN, establishing the salaries of classified state employees in academic positions. (Amendment printed SJ 4/24)

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

Adopted.

The Speaker appointed Reps. Walker, Pearson, Wadsworth and O'Rourke.

HB 33, to change the operation and name of the department of postsecondary vocational-technical education. (Amendment printed SJ 4/24)

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

Adopted.

The Speaker appointed Reps. Walker, Burton, Hounsell and Van Loan.

#### CONFEREES CHANGE

HB 181 - Reps. Sallada, Rounds, Ahrens and Chris Jacobson.

#### SENATE MESSAGE

#### REQUESTS CONCURRENCE WITH AMENDMENTS

HB 503-FN, relative to child care licensing. (Amendment printed SJ 5/1)

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

Adopted.

The Speaker appointed Reps. Ann Torr, Burley, McCain and Harold Watson.

HB 431-FN, relative to the crime of theft. (Amendment printed SJ 5/1)

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

Adopted.

The Speaker appointed Reps. Geraldine Watson, Daniel Eaton, Jasper and Raiche.

HB 392-FN, relative to the board of registration in medicine and making an appropriation therefor and relative to the board of dental examiners. (Amendment printed SJ 4/29)

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

Adopted.

The Speaker appointed Reps. Ward, Sytek, McCain and Dexter.

HB 160, repealing certain statutory rules of evidence. (Amendment printed SJ 4/29)

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

Adopted.

The Speaker appointed Reps. Bass, Paul Johnson, Raiche and Sara Townsend.

HB 504-FN, relative to a child abuse and neglect prevention program and making an appropriation therefor. (Amendment printed SJ 5/1)

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

Adopted.

The Speaker appointed Reps. Bean, Wallner, Scamman and Scranton.



Rep. Sytek moved that HB 196, relative to judicial authorization for the conduct of sobriety checkpoints to detect, apprehend, and deter impaired motorists, be removed from the Table.

Adopted.

Rep. Sytek moved that HB 196 be recommitted to the Committee on Judiciary.

Adopted.

Rep. Sytek moved that HB 236, relative to referees, auditors, and marital masters, be removed from the Table.

Adopted.

Rep. Sytek moved that HB 236 be recommitted to the Committee on Judiciary.

Adopted.

Rep. Tamposi moved that HB 30, amending the business profits tax, be removed from the Table.

Adopted.

#### SUPREME COURT OPINION

The following resolution was adopted by the House of Representatives on March 5, 1986, and filed with the Supreme Court on March 6, 1986:

Whereas, there is pending in the House, House Bill 30, "An act amending the business profits tax"; and

Whereas, an amendment has been proposed to HB 30; and

Whereas, doubt has arisen as to the constitutionality of the provisions of said bill as amended; and

Whereas, it is important that the question of the constitutionality of said provisions should be settled in advance of its enactment; now, therefore, be it

Resolved by the House:

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

1. Would any provision of the constitution of New Hampshire be violated by defining business organizations as members of a "unitary business" as provided in section 3 of HB 30?

2. Would any provision of the constitution of the United States or this state be violated by the provision of section 3 which excludes certain corporations from the definition of "water's edge combined group" contingent upon the taxpayer's agreement to certain conditions?

3. Would any provision of the constitution of New Hampshire be violated by the provision of section 4 of HB 30, which provides that the application of the "water's edge method" or "water's edge formula" is conditioned upon the taxpayer's compliance with rules adopted by the department of revenue administration or procedural requirements of RSA 77-A?

4. Would any provision of the constitution of the United States or this state be violated by the provisions of HB 30 insofar as they would include within the definition of income subject to apportionment dividends received by a business organization which is part of a water's edge combined group from sources outside of New Hampshire?

5. Would any provision of the constitution of the United States or this state be violated by the provisions of HB 30 which would require, or give the discretion to, the commissioner of the department of revenue administration to include in income subject to apportionment, income from sources outside of the 50 states and the District of Columbia?

6. Would any provision of the constitution of the United States or this state be violated by the provision of section 6 of HB 30 which provides that the commissioner "may require or permit" a return containing the combined net income of a water's edge combined group?

7. Would any provision of the constitution of New Hampshire be violated by sections 5 and 6 of HB 30?

8. Would any provision of the constitution of the United States or this state be violated by any other provisions of HB 30?

That the clerk of the house of representatives transmit copies of this resolution and HB 30 and the proposed amendment to the Justices of the New Hampshire Supreme Court.

The following answers were returned:

To The Honorable House of Representatives:

The undersigned justices of the Supreme Court submit the following answers to the questions contained in your resolution submitted to this court on March 6, 1986. Interested parties were permitted to file memoranda with the court until March 20, 1986.

I. Introduction

The stated purpose of House Bill 30-FN is to amend "existing law by limiting the application of the business profits tax to the water's edge by eliminating overseas corporations from subjection to this tax." Enactment of this bill would curtail the State's ability to use the worldwide unitary method of taxation, and implement the water's edge method of taxation. The term "water's edge," with its obvious geographical connotation, refers to the fifty States and the District of Columbia.

Presently, RSA chapter 77-A authorizes taxation of the taxable business profits of business organizations carrying on "business activity both within and without this state." RSA 77-A:3, I (Supp. 1985). This method of taxation enables the State to apportion a "unitary" business's in-state and out-of-state income in an effort "to allocate to this state a fair and equitable proportion of such business profits." Id. The apportionment formula allows the State to determine the ratio of a business organization's in-state property, payroll, and sales to its total or worldwide property, payroll, and sales, and to tax the total based on the in-state percentage.

State use of the three-factor apportionment method to accomplish worldwide unitary taxation has withstood constitutional challenge in several United States Supreme Court cases. See, e.g. Container Corp. v. Franchise Tax Bd., 463 U.S. 159 (1983) (due process, commerce and foreign commerce clauses challenge); Exxon Corp. v. Wisconsin Dept. of Revenue, 447 U.S. 207 (1980); Mobile Oil Corp. v. Commissioner of Taxes, 445 U.S. 425 (1980). Accord Opinion of the Justices, 123 N.H. 296, 306, 460 A.2d 93, 100 (1983) (the apportionment method "appears to be a reasonable means of allocating business income earned within and without New Hampshire"). In addition, this court has upheld the State's use of the apportionment method to tax out-of-state business profits, see Scott & Williams, Inc. v. Board of Taxation, 117 N.H. 189, 372 A.2d 1305 (1977), as well as the State's characterization of a business as a "unitary" one, see Johns-Manville Prods. Corp. v. Commissioner of Revenue Adm'n, 115 N.H. 428, 343 A.2d 221 (1975), appeal dismissed, 423 U.S. 1069 (1976).

The questions now before us concern the constitutionality of the various amendments to the business profits tax which would implement the water's edge method of taxation. We will address the questions sequentially and, to the extent necessary, separately.

II. Questions Presented

Question one inquires whether "defining business organizations as members of a 'unitary business'" would violate any provision of the New Hampshire Constitution. Section 3 of House Bill 30-FN defines a "unitary

business" as "one or more related business organizations engaged in business activity both within and without this state among which there exists a unity of ownership, operation, and use; or an interdependence of their functions."

Two standards are set out in section 3 to determine whether related business organizations comprise a unitary business. The first test, which requires a unity of ownership, operation, and use, was sanctioned by the United States Supreme Court in Butler Bros. v. McColgan, 315 U.S. 501, 508 (1942). Accord Silent Hoist & Crane v. Taxation Div. Director, 100 N.J. 1, 18, 494 A.2d 775, 784 (1985):

"Unity of ownership means that the activities outside the tax jurisdiction, together with the in-state activities [,] are owned by the same taxpayer; unity of operation means that there is a centralized executive structure with central purchasing, advertising, accounting and management; and unity of use is found in a centralized executive force and a general system of operations."

The second test, which requires an interdependence of business function, is also derived from federal common law. See e.g., Mobil, 445 U.S. at 438, 440 (referring to "functional integration, centralization of management, and economies of scale." and characterizing Mobil Oil Corporation as a "functionally integrated enterprise").

These tests have withstood repeated federal constitutional scrutiny, and we think they are sufficient for purposes of the State Constitution. Application of these standards will not illegally classify unitary and non-unitary businesses. See opinion of the Justices, 106 N.H. 202, 205-06, 208 A.2d 458, 461 (1965). Rather than creating an impermissible classification, these standards provide general principles for determining whether a business is unitary; the decision in each case depends on the particular facts.

Moreover, these standards are not unconstitutionally vague or indefinite. Numerous federal and State decisions explicate the factors to be considered in determining the existence of a unitary business. See e.g., Container Corp., 463 U.S. at 166, 177-79; ASARCO Inc. v. Idaho State Tax Comm'n, 458 U.S. 307, 312-13, 320-22 (1982); F.W. Woolworth Co. v. Taxation & Revenue Dept., 458 U.S. 354, 362, 364-72 (1982); Exxon, 447 U.S. at 224-26; Mobil, 445 U.S. at 428, 438-42; Silent Hoist, supra at 17-25, 494 A.2d at 783-87; Johns-Manville, 115 N.H. at 430, 343 A.2d at 222-23.

In a memorandum filed with the court, the New Hampshire Association of Commerce and Industry (the association) argues that section 3 will provide the department of revenue administration with unfettered discretion in determining whether a business is unitary. We disagree. The statutory and common law standards mentioned above, coupled with the right of a business organization to administrative and judicial review, ensure that the department's unitary business determinations will be fair and equitable. See Scott & Williams, 117 N.H. at 196, 372 A.2d at 1310. Accordingly, we answer question one in the negative.

Question two inquires whether the provision of section 3 excluding certain corporations from the definition of "water's edge combined group," contingent upon the taxpayer's agreement to certain conditions, violates the State or Federal Constitution. A "water's edge combined group" is defined as "a group of business organizations operating a unitary business." House Bill 30-FN, S 3, XV. Included within the group are (a) United States corporations included in a consolidated return for federal corporate tax purposes (with certain exceptions); (b) domestic international sales corporations; (c) foreign sales corporations; (d) United States corporations not included in (a) "with more than 50 percent



of their voting stock owned or controlled directly or indirectly by another United States corporation," id. S 3, XV(d); and (e) any other business organization, as defined in the statute, "which owns or controls more than 50 percent of another business organization or is owned or controlled more than 50 percent by another business organization." Id. S 3, XV(e). The exceptions to the first category are those United States corporations "deriving 80 percent or more of their gross income from sources outside the 50 states and the District of Columbia," provided that the taxpayer agrees to certain conditions. Id. S 3, XV(a) (the so-called 80/20 corporations).

Several issues are presented by these provisions. First, the conditions to which an 80/20 corporation must agree are in no way improper. Section 3, XV(a)(1) requires the taxpayer to certify "that transactions conducted between such corporations and other members of the group are on a comparable basis to transactions between other corporations owned or controlled by the taxpayer and any members of the water's edge combined group." States tax interstate and international income because of the difficulty in ascertaining the amount of business income attributable to a given State. The bill's certification requirement attempts to ensure that taxpayers will not be able to avoid State taxation by engaging in non-arm's-length transactions, income shifting or favorable pricing among related business organizations. Such a purpose is reasonable. Section 3, XV(a)(2), which requires the taxpayer to report any adjustments as determined by the United States Internal Revenue Service, is also a permissible and necessary mechanism to ensure proper compliance with the State business profits tax law.

The next issue raised by question two is whether the provisions of section 3 excluding 80/20 corporations create an impermissible classification of taxpayers under the State Constitution. N.H. CONST. pt. I, art. 12; pt. II, art. 5; Opinion of the Justices, 123 N.H. at 301, 460 A.2d at 97. In effect, we must decide whether a United States corporation deriving seventy-nine percent of its income from overseas sources may be treated differently than a United States corporation deriving eighty percent of its income from overseas sources.

The exclusion of 80/20 corporations from a water's edge combined group results from a policy determination that businesses engaged primarily in international commerce and receiving a predominant amount of income from sources outside the fifty States and the District of Columbia should not be subject to State taxation. The choice of eighty percent rather than seventy-five percent involves an exercise of legislative judgment which critics might consider arbitrary, but we do not think the exclusion is unreasonable. The legislature has broad power to create exemptions from State taxation on a uniform basis, see Opinion of the Justices, 123 N.H. at 300, 460 A.2d at 96, and we think this exclusion is such a reasonable exemption. Thus, the exclusion constitutes a permissible exercise of legislative discretion and does not impermissibly distinguish a 90/10 corporation from a 70/30 corporation.

Another issue raised by section 3, XV(a) is whether the exclusion of 80/20 corporations, without a like exclusion for other forms of business organizations -- e.g., proprietorships, partnerships, business trusts, etc. -- with similar overseas income, violates the State Constitution's rule against disproportionate and unreasonable treatment of taxpayers. We have stated that the legislature "must substantially treat all business entities uniformly and equally." Opinion of the Justices, 123 N.H. at 302, 460 A.2d at 97; see also id. at 307, 460 A.2d at 101; Opinion of the Justices, 88 N.H. 500, 506, 190 A. 801, 806 (1937) (stating, in regard to a provision on corporate income, that "unincorporated bodies should be ... treated in the same manner"). The effect of granting an exclusion for

80/20 corporations while including other 80/20 business organizations violates the uniform and equal treatment requirement just mentioned. Therefore, section 3, XV of House Bill 30-FN violates part I, article 12 and part II, article 5 of the New Hampshire Constitution.

A further aspect of section 3 which has provoked constitutional challenge is the fifty percent ownership rule in subparagraphs XV(d) & (e). In its comments, the association argues that

"[t]he definition of 'water's edge combined group' further expands the definition of unitary business to include corporations included in a consolidated return and corporations which have more than a 50 percent stock ownership in another corporation or are owned more than 50 percent by another corporation. The inclusion of an entity and any portion of its income or property within the definition of unitary business solely based upon ownership is clearly violative of the Due Process clause of the United States Constitution."

The association thus claims that section 3, XV(d) & (e) establishes a per se ownership rule for determining whether a business organization should be included in a water's edge combined group.

Section 3, XV states that a water's edge combined group "means a group of business organizations operating a unitary business. The group shall include any of the following business organizations." Section 3, XV(d) & (e) includes the so-called fifty percent business organizations. In our view, section 3 requires an initial determination of whether a unitary business exists; it then requires automatic inclusion in "the group" of, among others, the fifty percent business organizations. The creation of a per se ownership rule would violate federal and State due process requirements. See F. W. Woolworth, 458 U.S. at 362. Accordingly, we agree with the association that the fifty percent ownership provisions are unconstitutional.

The constitutional infirmities in section 3, XV of House Bill 30-FN are the result of an attempt to include certain business organizations within the definition of a water's edge combined group, while excluding others, without conforming to due process or equal protection requirements. The determination of whether a business is unitary must be made on a case by case basis; it is not susceptible to per se rules. Moreover, any exemptions from a unitary business must be uniform and not result in unreasonable classifications of business organizations.

The list in section 3, XV of included business organizations is a shortened version of the list produced by President Reagan's unitary taxation working group. See Dept. of the Treas., The Final Report of the Worldwide Unitary Taxation Working Group: Chairman's Report and Supplemental Views (Aug. 1984). The report's list is comprised of the section 3, XV business organizations and, in addition, (1) "[United States] possessions corporations," (2) "companies incorporated in [United States] possessions or territories," (3) "certain tax haven corporations presumed to be part of the unitary business," and (4) "foreign corporations with at least a threshold level of business activity in the United States." Id. at 30.

In view of the bill's stated purpose, i.e., to eliminate "overseas corporations from subjection to [the] tax," its attempt to exclude these additional companies from the definition of a water's edge combined group is flawed. The bill, as written, violates both due process and equal protection requirements under the State Constitution. As previously stated, due process of law prohibits per se rules for inclusion in a unitary business, and State equal protection doctrine prohibits

unreasonable classifications of taxpayers. The bill fails to clearly identify those business organizations it wishes to exempt; moreover, it includes in section 3, XV(e) business organizations which it presumably meant to exclude, e.g., foreign corporations with at least a threshold level of business activity in the United States," if they are fifty percent business organizations. A bill which excludes 80/20 United States business organizations, but does not exclude 80/20 non-United States, fifty percent business organizations unreasonably classifies business organizations in violation of the State Constitution. We answer question two in the affirmative.

We assume, for purposes of answering the remaining questions, that a constitutionally acceptable definition of water's edge combined group -- consistent with the purpose of eliminating overseas business organizations from subjection to the tax -- could be crafted.

Question three inquires whether any provision of the New Hampshire Constitution would be violated by section 4 of House Bill 30-FN, which provides that the application of the water's edge formula is conditioned upon the taxpayer's compliance with rules adopted by the department of revenue administration or procedural requirements of RSA chapter 77-A. As previously stated, both worldwide unitary taxation and the water's edge method of taxation are constitutionally permissible. Therefore, there is nothing improper in the commissioner's application of either method provided that the standards and procedures he employs comport with constitutional due process and equal protection standards. We see no reason why taxpayer noncompliance which makes it impossible to use the water's edge method cannot lead to application of the worldwide unitary method of taxation. The purpose of this provision is to provide the commissioner with an alternative method of taxation in the absence of taxpayer compliance with the reporting requirements necessary to apply the water's edge method. Such a purpose is reasonable.

The association argues that the fact that the commissioner "shall not be compelled to apply the water's edge [method]" in the event of taxpayer noncompliance is the sort of unfettered discretionary authority which would violate part I, article 37 of the New Hampshire Constitution. The association's reliance on Guillou v. N.H. Div. of Motor Vehicles, 127 N.H. \_\_\_, 503 A.2d 838 (1986), however, is misplaced. In Guillou, we invalidated a statute which granted power to an administrator without any guidance or standards. Id. at \_\_\_, 503 A.2d at 840. Section 4 of House Bill 30-FN is in no way analogous; it merely grants to the commissioner the authority to employ one constitutional method of taxation if a taxpayer's noncompliance makes employment of another constitutional method impossible. This grant of authority does not vest unbridled discretion in the commissioner. We answer question three in the negative.

Question four inquires whether any provision of the New Hampshire or Federal Constitution would be violated by the provisions of House Bill 30-FN "insofar as they would include within the definition of income subject to apportionment dividends received by a business organization which is part of a water's edge combined group from sources outside of New Hampshire." As we stated in section I of this opinion, formula apportionment and worldwide unitary taxation are constitutional. In Mobil, the United States Supreme Court approved the apportionability of "foreign source" dividend income. Mobil, 445 U.S. at 435-42. We think the Mobil analysis is applicable to apportionment of both "foreign source" and interstate dividends under the State Constitution. Therefore, State taxation of business income in the form of dividends received from out-of-state sources is constitutionally permissible. We answer question four in the negative.



Question five inquires whether the provisions of House Bill 30-FN which would require, or give discretion to, the commissioner to tax "income from sources outside of the 50 states and the District of Columbia," violate the State or Federal Constitution. Since the inclusion of overseas income in the calculation of a unitary business's State Tax is constitutionally permissible, see Container Corp., 463 U.S. at 159; Mobil 445 U.S. at 425, a legislative grant of power authorizing the commissioner to include such income in the business profits tax is constitutionally permissible. We therefore answer question five in the negative.

Question six inquires whether the State or National Constitutions would be violated by the provision of section 6 which states that the commissioner "may require or permit" a return containing the combined net income of a water's edge combined group. Because the bill seeks to make the water's edge method of State taxation of multijurisdictional income the preferred method of taxation, and because section 4 of the bill states that "the commissioner shall determine" a business's tax liability by the water's edge method (absent taxpayer noncompliance with reporting requirements), we think this grant of authority to the commissioner is improper. See Scott & Williams, 117 N.H. at 196, 372 A.2d at 1310. We see no reason, consistent with other provisions of the bill, why the commissioner should be able to refuse to permit a return from a taxpayer seeking to comply with the reporting provisions. Thus, the provision "constitutes an excessive delegation of authority to the commissioner of revenue administration." Id. Question six is answered in the affirmative.

Question seven concerns the State constitutional validity of sections 5 and 6 of House Bill 30-FN, which amend the apportionment statute, RSA 77-A:3, (Supp. 1985). Section 5, II(a) of the bill would amend RSA 77-A:3, II by subtracting "foreign dividends" from the total gross profits of a business organization, and section 5, II(b) of the bill would amend the apportionment statute by enacting a formula to modify factors relating to included "foreign dividends" from unitary sources.

As a preliminary matter, we note that the bill does not define the term "foreign" as it is used in relation to dividends, property, payroll, or sales. This omission results in a provision -- section 5, II -- that is vague and indefinite in violation of the State Constitution's due process protections. N.H. CONST. pt. I, art. 15. In the present form of the bill, therefore, we must answer question seven in the affirmative. We note, however, that defining "foreign dividends" is not a difficult task. See, e.g., Mobil, 445 U.S. at 435. For purposes of this advisory opinion, we assume the House intended "foreign" to mean "beyond the water's edge."

Section 5 of House Bill 30-FN attempts to tax "foreign dividends" under a different formula than the one used for other sources of business income. The formula requires (1) determining a percentage for each dividend payor consisting of dividends paid divided by taxable income which has been computed using United States standards; (2) applying this percentage to the dividend payor's foreign property, payroll, and sales; (3) summing the results in (2) for all dividend payors; (4) adding the result in (3) to the denominators of the combined water's edge group (the numerator will remain the New Hampshire numerator); (5) applying the resulting percentage to the foreign dividends; and (6) adding this amount to the amount of New Hampshire taxable business profits computed pursuant to RSA 77-A:3, I and II(a).

This formula attempts to create a partial exemption for foreign dividends. The General Court has the power to create reasonable exemptions from State taxation. Opinion of the Justices, 123 N.H. at 300,

460 A.2d at 96. Since the exemption is uniform and applies equally to all unitary businesses with foreign dividends, it does not violate the State Constitution.

Section 5, III of House Bill 30-FN provides that when two or more related business organizations are engaged in a unitary business, a part of which is conducted in this State by one or more members of the group, the income attributable to this State shall be determined by means of the combined apportionment factors of the unitary business group in accordance with paragraphs I and II of RSA 77-A:3. This provision would ensure that a fair apportionment of interstate and international income occurs, and is constitutionally proper.

Section 6 of House Bill 30-FN provides for combined reporting by a business organization which is part of a water's edge combined group. The return would contain the combined net income of the water's edge group. This reporting requirement is entirely permissible in view of our approval of the water's edge method, provided that the commissioner's authority to "require or permit" a return is curtailed in accordance with our answer to question six.

Further, the section grants the commissioner the authority to adjust the tax or income of a water's edge group to reach an equitable State tax. This grant of authority is similar to the commissioner's authority under RSA 77-A:3, II, which provides that the commissioner may adjust the apportionment factors or employ a different method "to effect an equitable apportionment of the business organization's business activity in the state." As we held in Johns-Manville, 115 N.H. at 428, 343 A.2d at 221, New Hampshire's apportionment method of taxation is constitutionally acceptable. Therefore, we see no constitutional infirmity with this aspect of section 6, IV of House Bill 30-FN, which provides for an almost identical grant of authority to the commissioner.

We respectfully decline to address question eight, which inquires whether any other provision of the bill violates either the State or Federal Constitution, in view of the time constraints imposed by the impending conclusion of the legislative session and our desire to provide expedited answers to your specific questions.

### III. Summary

In summary, and for the reasons stated above, we answer questions one, three, four, and five in the negative, and questions two, six and seven in the affirmative. The following provisions of House Bill 30-FN are constitutionally infirm: section 3, XV; section 5, II; and section 6.

John W. King, David A. Brock, William F. Batchelder, David H. Souter and William R. Johnson

Stephen E. Merrill, attorney general, by David S. Peck and Larry M. Smukler, assistant attorneys general, filed a memorandum on behalf of the State in support of the constitutionality of House Bill 30-FN.

Hamblett & Kerrigan P.A., by J. Michael Deasy and Wendy B. Davis, filed a memorandum on behalf of the New Hampshire Association of Commerce and Industry in opposition to the constitutionality of House Bill 30-FN.

Rep. Tamposi moved that HB 30 be recommitted to the Committee on Ways and Means.

Adopted.

SENATE MESSAGES  
REQUESTS CONCURRENCE WITH AMENDMENTS

HB 226-FN, consolidating the mental health laws and continuing a study committee. (Amendment printed SJ 5/1)

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

Adopted.

The Speaker appointed Reps. Sochalski, Carragher, Densmore and Parker.

HB 35, prohibiting smoking in grocery stores. (Amendment printed SJ 5/1)

Rep. Sochalski moved that the House concur.

Adopted.

HB 456-FN, relative to minimizing and abating health hazards related to asbestos. (Amendment printed SJ 5/1)

Rep. Sochalski moved that the House concur.

Adopted.

RECESS

(Speaker in the Chair)

SENATE MESSAGES  
REQUESTS CONCURRENCE WITH AMENDMENTS

HB 458-FN, relative to imposing a water use permit fee; amending the federal boat numbering system; and making a supplemental appropriation therefor. (Amendment printed SJ 5/1)

Rep. Dickinson moved that the House nonconcur.

Adopted.

HB 89-FN, authorizing new positions in the department of fish and game; extending an appropriation in the current budget; and making an appropriation therefor. (Amendment printed SJ 4/24)

Rep. Powers moved that the House nonconcur.

Adopted.

HB 433-FN, relative to engineering services to municipalities in the field of water pollution abatement and providing for additional staff to implement the provisions of RSA 149-E and making an appropriation therefor. (Amendment printed SJ 5/1)

Rep. Dickinson moved that the House nonconcur.

Adopted.

HB 162-FN, relative to the New Hampshire tourism policy. (Amendment printed SJ 5/1)

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

Adopted.

The Speaker appointed Reps. Dickinson, Blanchard, Conroy and James Whittemore.

HB 500-FN, permitting group II members who reach age 65 to make an election for retirement benefits. (Amendment printed SJ 4/29)

Rep. Ward moved that the House nonconcur.

Adopted.

Rep. Sytek moved that SB 53, relative to valid marriages, be removed from the Table.

Adopted.



SB 53, relative to valid marriages. Ought to Pass with Amendment.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to limitations on liability.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Chapter Title Change. Amend the chapter title of RSA 507-B by striking out said title and inserting in place thereof the following:

CHAPTER 507-B

PERSONAL ACTIONS AGAINST GOVERNMENTAL UNITS

2 Statement of Intent. In enacting RSA 507-B:9, the general court recognizes that employees and officials are necessary and indispensable to the functioning of governmental units. These individuals are inextricably intertwined with the identity of government. Recent developments in the law require a new formulation of the policy of employee and official liability. Therefore, it is necessary to limit the liability of employees and officials as agents of governmental units.

3 Definition; Pollutant Incident. Amend RSA 507-B:1 by inserting after paragraph IV the following new paragraph:

V. "Pollutant incident" means any emission, discharge, release, or escape of any irritants, noxious substances or radioactive materials, in any physical state, into or upon land, the atmosphere, or any watercourse or body of water, including but not limited to all wastes and materials as defined in RSA 146-A, 147-A, 147-B and 149-M.

4 Limit of Municipal Liability. Amend RSA 507-B:4 as inserted by 1975, 483:1 as amended by striking out said section and inserting in place thereof the following:

507-B:4 Limit of Liability.

I. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any one person in actions brought under this chapter is limited to \$150,000. Such limit applies in the aggregate to any and all actions to recover for bodily injury, personal injury or property damage arising out of bodily injury, personal injury or property damage sustained by one person in a single incident or occurrence. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any number of persons in a single incident or occurrence is limited to \$500,000.

II. The court shall award no punitive damages against a governmental unit for bodily injury, personal injury or property damage.

III. The jury shall not be informed of the limits in paragraph I but the court shall abate any verdict to the extent it exceeds the limits prescribed in this section. In actions consolidated under RSA 507-B:3, in the event the verdicts exceed the limits prescribed in this section, the verdicts shall be abated pro rata. Interest and costs may be recovered as in any civil action, in addition to the limits prescribed in this section.

5 Government Employee Liability and Pollutant Liability Standard. Amend RSA 507-B by inserting after section 8 the following new sections:

507-B:9 Employee Liability. If any claim is made or any civil action is commenced against a present or former employee or official of a governmental unit seeking equitable relief or claiming damages, the liability of said employee or official shall be governed by the same

principles and provisions of law as those which govern governmental liability, so long as said employee or official was acting within the scope of his official duty and his acts were not wanton or reckless.

507-B:10 Pollutant Liability Standard.

I. Notwithstanding any other provision of law, the liability of any governmental unit or public employee for any personal injury, bodily injury, or property damage caused by or resulting from pollutant incidents shall only be based upon a showing by a preponderance of the evidence that the acts or omissions of the governmental unit were unreasonable. The acts or omissions of a governmental unit or public employee shall be conclusively presumed to be reasonable if they are in accord with the generally prevailing state of the art, scientific knowledge, and technology available to the governmental unit at the time the acts or omissions were undertaken or made by the governmental unit or public employee.

II. If the fault of the governmental unit or public employee arising from a pollutant incident is 50 percent or greater, liability shall be joint and several. Otherwise, governmental units or public employees shall be liable only to the extent that their acts or omissions contributed to the causation of the personal injury, bodily injury, or property damage.

III. The doctrines of strict liability or absolute liability shall not be the basis of liability of a governmental unit or public employee for any personal injury, bodily injury, or property damage caused by pollutant incidents.

507-B:11 Statutory Construction. Nothing contained in this chapter shall be construed to modify or limit the duties, responsibilities or liabilities of government units or their agents owed to the state for pollutant containment, cleanup, removal and restoration as established under state public health and environmental statutes, including but not limited to the following:

- I. RSA 125-C, relative to air pollution control.
- II. RSA 146-A, relative to oil spillage in public waters.
- III. RSA 147, relative to sanitation.
- IV. RSA 147-A, relative to hazardous waste management.
- V. RSA 147-B, relative to the hazardous waste cleanup fund.
- VI. RSA 148, relative to protection of sources of water and ice.
- VII. RSA 148-B, relative to the safe drinking water act.
- VIII. RSA 149, relative to water pollution and disposal of

wastes.

IX. RSA 149-E, relative to sewage disposal systems.

X. RSA 149-M, relative to solid waste management.

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

Rep. Sytek spoke in favor of the Committee report.

Amendment adopted.

Ordered to third reading.

SENATE MESSAGES  
REQUESTS CONCURRENCE WITH AMENDMENTS

HB 313, relative to probationary licenses for "at risk" drivers.  
(Amendment printed SJ 5/1)

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

Adopted.

The Speaker appointed Reps. Sloan, Emanuelson, Haynes and Lamontagne.

HB 470-FN, relative to welfare. (Amendment printed SJ 5/1)

Rep. Sochalski moved that the House concur.

Adopted.

HB 264-FN, increasing fees for certain fish and game licenses and relative to certain fish and game statutes. (Amendment printed SJ 5/1)

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

Adopted.

The Speaker appointed Reps. Powers, Albert Dionne, Cate and Jensen.

HB 112-FN, relative to state support for Alzheimer's disease and related disorders. (Amendment printed SJ 5/1)

Rep. Sochalski moved that the House nonconcur.

Adopted.

#### RECONSIDERATION

Reps. Rounds and Chambers moved that the House reconsider its action whereby it nonconcurred with the Senate amendment and requested a Committee of Conference on HB 197, relative to agricultural promotion and making an appropriation therefor.

Adopted.

Rep. Elizabeth Greene moved that the House nonconcur with the Senate amendment to HB 197.

Adopted.

#### SUPREME COURT OPINION

On March 18, 1986, the House of Representatives adopted House Resolution No. 19 requesting an opinion of the justices:

Whereas, HB 236, an act relative to referees, auditors, and marital masters has been introduced and has been amended by the judiciary committee of the house of representatives and is now pending before the house of representatives for consideration; and

Whereas, HB 236 as amended provides for the appointment of superior court marital magistrates to replace the present marital master system; and

Whereas, Part II, Article 76 of the New Hampshire Constitution allows the general court latitude in establishing court procedures relative to divorce matters; and

Whereas, a question has arisen as to the constitutionality of HB 236 as amended in light of Part II, Article 46 of the New Hampshire Constitution; now, therefore, be it

Resolved by the House of Representatives:

That the Justices of the Supreme Court are respectfully requested to give their opinion and answer the following questions of law:

I. Are presently sitting marital masters judicial officers under Part II, Article 46 of the New Hampshire Constitution?

II. Would marital magistrates as proposed in HB 236 as amended be judicial officers under Part II, Article 46 of the New Hampshire Constitution?

III. If the answer to the second question is yes, is the appointment provision of HB 236 as amended constitutional under Part II, Article 76 of the New Hampshire Constitution?

IV. In all respects other than those to which the preceding questions relate, is HB 236 as amended constitutional on its face?

V. If HB 236 as amended is unconstitutional in any respect, would the deletion or amendment of any provision cure the constitutional defect or defects?

That the clerk of the house of representatives transmit copies of this resolution and copies of HB 236 and the proposed amendment to the justices of the New Hampshire Supreme Court.



The court received the resolution on March 20, 1986, and invited interested legislators, other officials and citizens to file memoranda on the subject by April 7, 1986.

The undersigned justices respectfully return the following reply:

To The House of Representatives:

I. Presently appointed marital masters of the superior court are not judicial officers within the meaning of part II, article 46 (Supp. 1985) of the Constitution of New Hampshire, and we accordingly answer no to your first question.

A necessary characteristic of a judicial officer is the authority to render judgment to determine issues that are properly raised before the judicial branch. See The State of Rhode Island v. The State of Massachusetts, 37 U.S. 657, 718 (12 Pet. 657, 718) (1838); N.H. CONST. pt. I, art. 37, pt. II, art. 72-a. That final authority may be exercised only by an officer appointed in accordance with the State Constitution and invested with the constitutional incidents of judicial office. Thus, a judicial officer within the meaning of part II, article 46 (Supp. 1985) must, by definition, be "nominated and appointed by the governor and council," *id.*, and must be commissioned to hold office during good behavior, N.H. CONST. pt. II art. 73, except where the constitution otherwise provides. See N.H. CONST. pt. II, art. 75 (five year term for justices of the peace); see also Northern Pipeline Co. v. Marathon Pipe Line Co., 458 U.S. 50 (1982).

Marital and other masters are not so appointed, tenured or empowered. See generally R. Wiebusch, 5 New Hampshire Practice, Civil Practice and Procedure chap. 39 (1984). They are appointed by the superior court, and although their appointments are made and reviewed on a periodic basis, they have no tenure and are removable by the court at will. At most, such masters are authorized to make recommendations, which, though normally approved, have no binding force upon the court. But see Cornforth v. Cornforth, 123 N.H. 61, \_\_\_ A.2d \_\_\_ (1983) (in absence of record, court may not alter master's recommended award without hearing or presentation of evidence).

II. The answer to the preceding question indicates that marital magistrates appointed in accordance with the provisions of HB 236 would not be judicial officers within the meaning of part II, article 46 (Supp. 1985), and we answer no to your second question.

The terms of section 1 of the bill as amended would invest the superior court with the same authority and discretion to appoint marital magistrates that the court now exercises in appointing marital masters, subject only to the provision that the number of marital magistrates would be limited to eight. By definition, such a magistrate would not be a judicial officer as part II, article 46 (Supp. 1985) uses that term. We discuss the implications of this answer in response to your fourth and fifth questions.

III. Your third question seeks a response only if the answer to the second question is affirmative, and we therefore return no answer.

IV. We infer that your fourth question reflects concern about the constitutional authority of marital magistrates to exercise the authority that the act would purport to confer upon them. We respectfully limit our consideration to that issue, and we advise that marital magistrates appointed in accordance with HB 236 could not constitutionally exercise the authority that would be provided to them by the provisions of the bill

in its presently amended form. We therefore answer no to your fourth question.

Three separate provisions of HB 236 would purport to provide powers to marital magistrates beyond the traditional authority exercised by marital and other masters. Section 1 would authorize marital magistrates to "exercise the powers of the court" on matters within their subject matter jurisdiction. Section 5 would obligate a master to "give his decision" in a certain form upon request, thus suggesting that the magistrate would have the power to decide, rather than merely to recommend. And section 7 would empower a marital magistrate to "make orders and impose penalties" for the purposes of enforcing summonses of boards and officials lacking such enforcement authority.

There is no question, therefore, that marital magistrates under HB 236 would ostensibly be granted the authority of judicial officers, even though they would not be appointed or tenured as such. This would clearly violate part II, article 46 (Supp. 1985), and the orders and decrees of such magistrates would have no legal effect, without approval and adoption by a superior court justice.

Since the preamble to your questions mentions part II, article 76 of the State Constitution, we should note specifically that the foregoing answer is consistent with that article. Part II, article 76 provides in part that "All causes of marriage, divorce and alimony ... shall be heard and tried by the superior court until the legislature shall by law make other provision."

Part II, article 76 was included in the Constitution of 1784 in order to invest the judicial branch with jurisdiction over separation and divorce. Clough v. Clough, 80 N.H. 462, 466, 119 A. 327, 329 (1922). In England, prior to our Revolution, the civil courts of common law and equity possessed no marital jurisdiction; what we would now regard as jurisdiction over separation and annulment was vested in the ecclesiastical courts, 1 W. Holdworth's A History of English Law 621 (3d. ed. 1922), and jurisdiction to grant divorce following a valid marriage resided in Parliament. Id. at 623. See Chase's Blackstone, 141-42 (4th ed. 1914). During New Hampshire's provincial and revolutionary periods preceding the adoption of the 1784 Constitution, the legislature granted divorces. See Clough v. Clough, supra at 466, 119 A. at 329 and cases there cited.

As a consequence, no judicial jurisdiction over marital cases would have been implied merely by the recognition of the judicial power under part I, article 37, or by the provision for the appointment of judicial officers under part II, article 46 (Supp. 1985). Part II, article 76 did confer such judicial power, however, as this court recognized in Clark v. Clark, 10 N.H. 380, 385 (1839); see Clough v. Clough, supra at 466, 119 A. at 329. It follows that the legislature may not constitutionally empower any but a judicial officer to exercise marital jurisdiction, although the legislature has authority to determine which judicial officers should exercise that jurisdiction, N.H. CONST. pt. II, art. 76, or to create special judicial positions for that purpose, N.H. CONST. pt. II, arts. 4 and 72-a.

V. Your fifth question asks us to identify any amendments that would cure the constitutional defects noted in response to the fourth question. We answer by stating that the legislature has a choice of amendments to the present HB 236 that would cure the constitutional defect of granting judicial power to non-judicial officers. Under one alternative, an amendment could provide for the appointment and tenure of marital magistrates during good behavior in the manner generally necessary for

judicial officers, as we have described above. We note that the appointment of a justice of the peace as a marital magistrate would probably not solve the constitutional problem, because the civil jurisdiction of such justices is specifically limited by N.H. CONST. pt. II, art. 77. Another alternative would be an amendment that would restrict the powers of marital magistrates so that they would function as marital masters now do, in an administrative but essentially advisory capacity to judicial officers, who would retain plenary authority over the appointment and assignment of the magistrates and the disposition of their recommendations. Our answers should not be taken as implying support for either of these alternatives, however, or as suggesting that we believe that the second alternative would be practical, in view of section 1 of the bill.

John W. King, David A. Brock, William F. Batchelder, David H. Souter and William R. Johnson

Bruce P. Witte filed a memorandum in support of affirmative answers to questions I, II and III, and a negative answer to question V.

#### COMMITTEE REPORT

HB 236, relative to referees, auditors, and marital masters. Refer for Interim Study.

Rep. Sytek explained the report.

Adopted.

HB 236 was Referred for Interim Study.

#### ENROLLED BILL AMENDMENT

HB 66-FN, relative to bingo prizes and licenses and transferring bingo and lucky 7 enforcement to the department of safety and authorizing the sweepstakes commission to enter into multi-state agreements relating to multi-state lottos.

#### Amendment

Amend RSA 188-F:27, VI as inserted by section 17 of the bill by striking out line 2 and inserting in place thereof the following:

criminal laws under RSA 106-A and RSA 287-E and rules of the sweepstakes

Amend Paragraph I of section 18 of the bill by striking out line 3 and inserting in place thereof the following:

lucky 7, as provided for in RSA 287-E, are hereby transferred to the

Amend paragraph III of section 18 of the bill by striking out line 1 and inserting in place thereof the following:

III. The transfers provided for in this section shall become

Amend section 19 of the bill by striking out line 2 and inserting in place thereof the following:

court, an act establishing a department of safety, becomes law, sections

Amend section 21 of the bill by striking out line 2 and inserting in place thereof the following:

regarding enforcement and inspection of bingo, is hereby



This amendment makes a cross-reference change in section 17 of the bill, corrects typographical errors in section 18 of the bill, and corrects a reference in section 21 of the bill.

Adopted.

SENATE MESSAGES  
ACCEDES REQUEST FOR COMMITTEES OF CONFERENCE

HB 268, relative to the use of snares under certain conditions.  
The President appointed Sens. Hounsell, Heath and Preston.

HB 178-FN, relative to information services at highway rest areas, appropriating fees for these services, and establishing a study committee on specific information signs.

The President appointed Sens. Bond, Hounsell and Preston.

HB 6-FN, relative to financial disclosure.

The President appointed Sens. Griffin, White and Roberge.

HB 17-FN, appropriating funds for a fire exit stairway and a library classroom and roof repairs at the youth development center.

The President appointed Sens. Stabile, White and Heath.

HB 84-FN, relative to the tax exemption for qualifying small power production facilities and qualifying cogeneration facilities.

The President appointed Sens. Heath, Hounsell and Hough.

HB 417-FN, relative to off highway recreational vehicles and appropriating a portion of agents' penalties to the OHRV bureau.

The President appointed Sens. Wiggins, Hounsell and Heath.

HB 439-FN, relative to the division for children and youth services.

The President appointed Sens. Bartlett, Roy and Chandler.

HB 444-FN, relative to court administration.

The President appointed Sens. Boyer, Roberge and Charbonneau.

HB 448-FN, relative to the disposal of state owned real property.

The President appointed Sens. Griffin, Stabile and White.

HB 467-FN, requiring the referral of child abuse cases to the police for criminal investigation.

The President appointed Sens. Podles, Charbonneau and Boyer.

HB 473-FN, relative to filing returns under the interest and dividends tax.

The President appointed Sens. Blaisdell, McLane and Heath.

HB 401-FN, relative to committal orders.

The President appointed Sens. Bartlett, Roberge and Boyer.

HB 373-FN, providing for a single annual motor vehicle inspection and changing the inspection sticker fee.

The President appointed Sens. Blaisdell, Charbonneau and Bond.

HB 336, relative to transfers from the penalty assessment fund.

The President appointed Sens. White, Bartlett and Blaisdell.

HB 260, relative to the powers of the executive director of the department of fish and game and the appointment of an acting director.

The President appointed Sens. Heath, Hounsell and Preston.

HB 256-FN, relative to the plumbers' board and making an appropriation therefor and relative to the real estate commission and making an appropriation therefor.

The President appointed Sens. White, Bartlett and Chandler.

HB 209, relative to the statute of limitations for sexual assault and incest.

The President appointed Sens. Roberge, Charbonneau and Lessard.

HB 229-FN, relative to the licensing of dogs.

The President appointed Sens. Dupont, Heath and Podles.

HB 238, allowing Farmington to separate from school administrative unit number 44.

The President appointed Sens. Johnson, Dupont and Blaisdell.

HB 253-FN, increasing the limit on the state guarantee of bonds and notes of school districts and relative to legalizing certain school district meetings.

The President appointed Sens. Johnson, Chandler and Hounsell.

HB 181, relative to lobbyist registration and lobbyist statements, making an appropriation to the joint legislative historical committee and relative to the responsibility of the committee to accept and expend funds.

The President appointed Sens. White, Freese and Heath.

HB 146, relative to the pari-mutuel commission.

The President appointed Sens. Heath, Blaisdell and McLane.

HB 125-FN, relative to the sale and distribution of tobacco products.

The President appointed Sens. Johnson, Griffin and Blaisdell.

HB 117-FN, relative to the Sullivan county probate court and prohibiting the Sullivan county attorney from engaging in private practice of law.

The President appointed Sens. Podles, Bartlett and Stephen.

HB 55-FN, relative to insurance trade practices.

The President appointed Sens. Freese, Bond and Blaisdell.

HB 24, establishing a department of safety.

The President appointed Sens. Dupont, Bond and Chandler.

SENATE MESSAGE  
REQUESTS CONCURRENCE WITH AMENDMENT

HB 53, relative to limitations on liability. (Amendment printed SJ 5/1)

Rep. Sytek moved that the House nonconcur.

Reps. Scamman and Hawkins spoke against the motion and yielded to questions.

Rep. Sytek explained her motion.

Reps. McCain, Raiche and Bass spoke in favor of the motion.

Reps. Thomas Gage, Chretien and Hollingworth spoke in favor of the motion and yielded to questions.

Reps. Harold Burns, Horton and Rodeschin spoke against the motion.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Sytek requested a roll call. Sufficiently seconded.

Rep. Gross abstained from voting under Rule 16.

YEAS 235 NAYS 74  
YEAS 235

**BELKNAP:** Bolduc, Bowler, Brown, Richard Campbell, Dexter, Golden, Malcolm Harrington, Holbrook, Pearson, Randall and Zeckhausen.

**CARROLL:** Ashnault, Russell Chase, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire and Schofield.

**CHESHIRE:** Blacketer, Crane, Jesse Davis, Delano, Daniel Eaton, Frink, Grodin, Elmer Johnson, Matson, Morse, Perry, Ramsay, William Riley, Schwartz, Secord and William Sullivan.

**COOS:** Brideau, Chappell, Chardon, Coulombe, Lamontagne, Mayhew, Ottolini and York.

**GRAFTON:** Arnesen, Bean, Bennett, Blair, Chambers, Christy, Copenhaver, Densmore, Driscoll, Easton, Michael King, Wayne King, LaMott, Mann, Rounds, Scanlan, Wadsworth, Walter and Whitcomb.

**HILLSBOROUGH:** Bass, Blais, Boisvert, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, A. Leslie Burns, John Burns, Carragher, Champagne, Charron, Chretien, Clancy, Cox, William Dion, Ducharme, Duperron, Joseph M. Eaton, Nancy Ford, Fried, Gagnon, Scott Green, Marian Harrington, Healy, Herod, Hogan, Humphrey, Chris Jacobson, Jasper, George Jones, Katsiaticas, Keefe, Kelley, Knight, Levesque, Lozeau, Howard Mason, McGlynn, Messier, Robert Murphy, Nelson, Nute, O'Rourke, Bonnie Packard, Pariseau, Parmenter, Raiche, Reardon, Frances Riley, Ellen-Ann Robinson, Shriver, Leonard Smith, Snow, Stiles, Stonner, Mary Sullivan, Sylvia, Turgeon, Van Loan, Geraldine Watson, Harold Watson, Frank Whittemore, Arnold Wight, Winn and Worthen.

**MERRIMACK:** Anderson, Barberia, Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, Gilbreth, Hayes, Mary Holmes, C. William Johnson, Lewis, Millard, Pantzer, Rehlander, Linwood Rogers, Savaria, Shepard, Stio, Wallner and James Whittemore.

**ROCKINGHAM:** Benton, Blaisdell, Blanchard, William Boucher, Eunice Campbell, Marilyn Campbell, Case, Clay, Conroy, Ellyson, Felch, Flanagan, Flanders, Thomas Gage, Gourdeau, Elizabeth Greene, Haynes, Hollingworth, George Katsakiores, Phyllis Katsakiores, Krasker, Longworth, Lovejoy, Robert Mason, Jr., McKinney, Benjamin Moore, Pantelakos, Parr, Pevear, Popov, Quimby, Raynowska, Norman Rogers, Romoli, Rosencrantz, Sanderson, Schwaner, Seward, Sherburne, Skinner, Sloan, Sochalski, Splaine, Stachowske, Sytek, Tufts, Vaughn, Walker, Warburton, Wells and Woodward.

**STRAFFORD:** Appleby, Bates, Berkey, Bernard, Bryant, Callaghan, Chamberlin, Diament, Dingle, Anita Flynn, Edward Flynn, Frechette, Hussey, Keans, Lussier, Musler, O'Brien, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr and Whiting.

**SULLIVAN:** Brodeur, Call, D'Amante, Domini, Paul Johnson, Lindblade, Mehegan, Normandin, Schotanus and Sara Townsend.

NAYS 74

**BELKNAP:** Hawkins, Jensen and Nighswander.

**CARROLL:** Gene Chandler, Dickinson, Powers and Saunders.

**CHESHIRE:** Burley, Irvin Gordon, Parker, Ridge, Scranton, Thompson and Young.



COOS: Brungot, Harold Burns, Frederic Foss, Guay, Horton and Theriault.

GRAFTON: Duggan, McAvoy, Stewart, Howard Townsend, Ward and Weymouth.

HILLSBOROUGH: Ahrens, Lionel Boucher, Chagnon, Cronin, Donovan, Fields, Grip, Holden, Labombarde, Lown, Morrissette, Paradis, Perham, Prestipino, G. Philip Rodgers, Sallada, B. P. Smith, Steiner, Tamposi, Vanderlosk, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Connolly, Daniell, Hager, Kidder, Arthur Locke and Nichols.

ROCKINGHAM: Butler, Hoar, Robert Johnson, Roger King, Malcolm, McCain, Scamman, Schmidtchen, Vartanian and Welch.

STRAFFORD: Albert Dionne, Patricia Foss, Robert Jones, Kincaid, Laurion and Franklin Torr.

SULLIVAN: Disnard, Ingram, Rodeschin and Spaulding, and the motion to nonconcur with the Senate amendment was adopted.

#### RECONSIDERATION

Rep. Rounds moved that the House reconsider its action whereby it nonconcurred with the Senate amendment to HB 53.

Motion lost.

#### SENATE MESSAGES REQUESTS CONCURRENCE WITH AMENDMENTS

HB 19-FN, relative to users of fuel other than motor fuel in vehicles of the pleasure type. (Amendment printed SJ 5/1)

Rep. Irvin Gordon moved that the House concur.

Adopted.

HB 43-FN, relative to supervision and control of probationers and parolees and adjusting current appropriations to the department of corrections and making an appropriation therefor. (Amendment printed SJ 5/1)

Rep. Sytek moved that the House concur.

Adopted.

#### NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 64-FN, relative to marriage.

The President appointed Sens. Boyer, Roberge and Charbonneau.

Rep. Sytek moved that the House accede.

Adopted.

The Speaker appointed Reps. Jasper, Raiche, Thomas Gage and Paul Johnson.

SB 34-FN, authorizing a study for a spur road between the city of Somersworth and the Spaulding turnpike.

The President appointed Sens. Stabile, Stephen and Freese.

Rep. Bibbo moved that the House accede.

Adopted.

The Speaker appointed Reps. Bibbo, Ashnault, Norman Rogers and Chris Jacobson.

SB 22-FN, establishing a committee to evaluate the foundation aid formula.

The President appointed Sens. Heath, Johnson and Blaisdell.

Rep. William Boucher moved that the House accede.

Adopted.

The Speaker appointed Reps. Hounsell, Domini, Nelson and Bolduc.

SB 17, restricting the size of motors to be used on Iona Lake.

The President appointed Sens. Heath, Freese and Blaisdell.

Rep. Dickinson moved that the House accede.

Adopted.

The Speaker appointed Reps. Dickinson, James Whittemore, Bardsley and Schwartz.

SB 41, increasing the appropriation for the construction of regional vocational education centers.

The President appointed Sens. Dupont, White and Stephen.

Rep. Bibbo moved that the House accede.

Adopted.

The Speaker appointed Reps. Bibbo, Kincaid, Nute and Ellen-Ann Robinson.

SB 44-FN, increasing rates for shared homes and certain residents of community living homes and making an appropriation therefor.

The President appointed Sens. White, Freese and Chandler.

Rep. Sochalski moved that the House accede.

Adopted.

The Speaker appointed Reps. Sochalski, Fraser, Scott Green and Copenhaver.

SB 50, permitting public television and public radio, as part of their fund raising programs, to auction wine and liquor donated for that purpose, relative to liquor licenses, and relative to social clubs within national guard armories.

The President appointed Sens. Heath, Bond and Blaisdell.

Rep. Kenneth MacDonald moved that the House accede.

Adopted.

The Speaker appointed Reps. Kenneth MacDonald, Kelley, Thompson and Ramsay.

SB 61, establishing a 10-year construction and reconstruction program for the New Hampshire turnpike system and making an appropriation for certain projects.

The President appointed Sens. Stabile, Boyer and Griffin.

Rep. Bibbo moved that the House accede.

Adopted.

The Speaker appointed Reps. Bibbo, Walter, LaMott and Matson.

SB 70, establishing a committee to study critical lakes and river protection.

The President appointed Sens. Heath, Hounsell and Preston.

Rep. Dickinson moved that the House accede.

Adopted.

The Speaker appointed Reps. Chardon, Woodward, Schwartz and Spear.

SB 121, relative to planning board procedures on plats.

The President appointed Sens. Dupont, Stabile and Stephen.

Rep. Mann moved that the House accede.

Adopted.

The Speaker appointed Reps. Grodin, Perry, Normandin and Cronin.

SB 124, relative to railroad improvements.

The President appointed Sens. White, Roy and Chandler.

Rep. Kidder moved that the House accede.

Adopted.

The Speaker appointed Reps. Miller, Holbrook, LaMott and Matson.

#### REQUESTS CONCURRENCE WITH AMENDMENT

HB 31-FN, directing the department of revenue administration to study allowing business organizations to deduct a net operating loss carryover from the business profits tax. (Amendment printed SJ 4/22)

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

Adopted.

The Speaker appointed Reps. Robert Jones, Zeckhausen, Marian Harrington and Blacketer.

#### SUPREME COURT OPINION

The following resolution, adopted by the House of Representatives on March 4, 1986, was filed in this court on March 6, 1986:

Whereas, HB 196, an act relative to judicial authorization for the conduct of sobriety checkpoints to detect, apprehend and deter impaired motorists, has been introduced and has been amended by the judiciary committee of the house of representatives and is now pending before the house of representatives for consideration; and

Whereas, HB 196 as amended provides that a judicial warrant authorizing the conduct of a sobriety checkpoint shall be issued upon application to any justice of a district, municipal, or superior court upon a finding by such justice that the checkpoint is a reasonable means of detecting, apprehending, and deterring impaired motorists, and that the interest of the state in maintaining such a checkpoint outweighs the intrusion upon individual rights; and

Whereas, the New Hampshire Supreme Court has found constitutionally defective, under Part I, Article 19 of the New Hampshire Constitution, a sobriety checkpoint program, on the basis that there was no showing that no other, less intrusive, means exist to effectively combat drunk driving, State v. Koppel, 126 N.H. (decided August 16, 1985); and

Whereas, HB 196 as amended provides for independent review by a neutral and detached magistrate of a variety of both objective and subjective factors, upon which a determination as to the reasonableness and relative effectiveness of the sobriety checkpoint as a DWI enforcement tool is to be made; and

Whereas, HB 196 as amended requires that a neutral and detached magistrate, prior to authorizing the implementation of a sobriety checkpoint, make an affirmative finding, in consideration of a number of objective and subjective factors addressed by this court and courts in other jurisdictions, that the intrusion upon individual rights of privacy is outweighed by the public interest in maintaining a sobriety checkpoint; and

Whereas, HB 196 as amended incorporates a requirement for notice at least 7 days prior to implementation of a sobriety checkpoint; and

Whereas, a question has arisen as to the constitutionality of HB 196 as amended in light of the court's opinion in State v. Koppel; now, therefore, be it

Resolved by the House of Representatives:

That the Justices of the Supreme Court are respectfully requested to give their opinion and answer the following questions of law:

I. In view of the proposed system of independent review of a sobriety checkpoint program by a neutral and detached magistrate, who shall consider a series of objective and subjective factors related to reasonableness, relative effectiveness, and deterrence, does HB 196 as amended, violate Part I, Article 19 of the New Hampshire Constitution?



II. In all respects other than those to which the preceding question relates, is HB 196 as amended, constitutional on its face?

That the clerk of the house of representatives transmit copies of this resolution and copies of HB 196 and the proposed amendment to the justices of the New Hampshire Supreme Court.

The following answer was returned:

To the House of Representatives:

Pursuant to House Resolution 15, the New Hampshire House of Representatives has requested an Opinion of the Justices on the constitutionality of House Bill 196, as amended, an act relative to judicial authorization for the conduct of sobriety checkpoints to detect, apprehend and deter impaired motorists, in light of this court's opinion in State v. Koppel, 127 N.H. \_\_\_, 499 A.2d 977 (1985). This court, by its notice of March 10, 1986, invited interested parties to submit memoranda on the issue of the constitutionality of House Bill 196.

House Bill 196, as amended, would insert, as RSA 595-C, a provision by which law enforcement agencies could obtain prior judicial authorization to implement a sobriety checkpoint as a means of detecting and apprehending impaired drivers, and of deterring those who might otherwise drive while under the influence of intoxicating liquor or controlled drugs. Law enforcement agencies would apply for a judicial warrant for a sobriety checkpoint in a manner similar to application for a search warrant or administrative inspection warrant. The issuing municipal, district, or superior court justice would consider a variety of factors, to include the degree of intrusiveness of the proposed checkpoint, safety provisions, the relative effectiveness of such a checkpoint, the anticipated deterrent effect, and factors such as accident and DWI arrest statistics in the area in which the checkpoint would be conducted. The issuing justice would be required to make an express finding that the proposed checkpoint would be a reasonable effective means of detecting and apprehending impaired motorists, and that the public interest in DWI enforcement through this means would outweigh the intrusion visited upon the individual motorist. The bill incorporates a general notice requirement, calculated to achieve the maximum deterrent effect while not compromising the effectiveness of the checkpoint through disclosure of the precise location(s). The notice requirement would also have the salutary effect of minimizing apprehension on the part of motorists who are detained at the sobriety checkpoint. Also contained in the bill is the requirement of a return upon the warrant, as a means of recording the activity and productiveness of the sobriety checkpoint.

Having considered the memoranda of interested parties and the provisions of House Bill 196, as amended, the Justices determine that their response to the questions presented requires neither detailed analysis nor an extended opinion. The undersigned conclude that checkpoint stops authorized in accordance with the provisions of House Bill 196, as amended, would not violate part I, article 19 of the New Hampshire Constitution and that the provisions of the Bill are consistent with the constitutional analysis contained in Koppel supra, and accordingly answer the first question submitted in the negative.

In response to the second question submitted, it is the opinion of the undersigned that House Bill 196, as amended, is otherwise constitutional.

However, our response to the second question presented reflects the best review of the general law that we have been able to make in the time available to us. We therefore cannot guarantee that we have been able to address every possible issue that may be raised under article 19.

John W. King, David A. Brock, William  
F. Batchelder, David H. Souter and  
William R. Johnson

## COMMITTEE REPORT

HB 196, relative to judicial authorization for the conduct of sobriety checkpoints to detect, apprehend, and deter impaired motorists. Ought to Pass with Amendment.

## Amendment

Amend the introductory paragraph of RSA 595-C:2 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

595-C:2 Requirements for Issue. A judicial warrant authorizing the conduct of a sobriety checkpoint shall be issued to a law enforcement agency upon application to any justice, associate justice, or special justice of a district, municipal, or superior court upon a finding by such justice that the checkpoint proposed is a reasonable and effective means of detecting, apprehending, and deterring impaired motorists, and that the interest of the state in maintaining such a checkpoint outweighs the intrusion upon individual rights. "Effectiveness" shall encompass relative effectiveness as a deterrent, effectiveness in terms of the expenditure of manpower, and the effectiveness of the sobriety checkpoint in detecting impaired motorists who might escape detection through traditional patrol methods. In making this determination, the following factors shall be considered:

Amend RSA 595-C:3 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

595-C:3 Notice. Law enforcement agencies shall apply for and receive judicial approval for sobriety checkpoints sufficiently in advance to permit publication of notice of the implementation of such sobriety checkpoints at least 7 days prior to their implementation, in a newspaper of general circulation in the area, and through such other means of notice as the issuing magistrate may direct. Notice of location of such sobriety checkpoints may consist solely of the city, town, or general geographic area in which such sobriety checkpoints shall be located.

Amend section 2 of the bill by inserting after RSA 595-C:4 the following new section:

595-C:5 Procedures. The attorney general shall adopt rules pursuant to RSA 541-A for the conduct of sobriety checkpoints, and shall prepare standardized application procedures and forms for dissemination to law enforcement agencies.

Rep. Welch moved that the words, Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass with Amendment, and spoke to his motion.

Reps. Francis Robinson, Thomas Gage and Rounds spoke against the motion.

Rep. Blais spoke in favor of the motion.

Rep. Welch requested a division.

68 members having voted in the affirmative and 197 in the negative, the motion lost.

Rep. Hollingworth notified the Clerk that she wished to be recorded against the substitute motion, Inexpedient to Legislate.

Question now being on the Committee amendment.

Amendment adopted.

Ordered to third reading.

SENATE MESSAGES  
NONCONCURRENCE WITH AMENDMENTS

SB 35, relative to the good samaritan statute.

SB 126-FN, relative to reporting of certain income received by elected officials.

SB 63, relative to embalmers and funeral directors.

SB 100, authorizing the director of the division of parks and recreation to make certain emergency expenditures.

ENROLLED BILLS AMENDMENTS

HB 169, relative to acknowledgments and administration of oaths by military officers.

Amendment

Amend section 3 of the bill by striking out line 10 and inserting in place thereof the following:

commissioner appointed under RSA 455 before the effective date of this

Amend section 3 of the bill by striking out line 12 and inserting in place thereof the following:

commissioner appointed under RSA 455 before the effective date of this

This amendment corrects a cross reference.

HB 257, enacting the driver license compact.

Amendment

Amend RSA 263:79 as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

compensation on account of his service as such administrator, but shall be

This amendment corrects a typographical error in section 1 of the bill.

Adopted.

HB 272, relative to county government.

Amendment

Amend RSA 28-A:4, I as inserted by section 1 of the bill by striking out line 5 and inserting in place thereof the following:

deems desirable, and shall cause such report to be printed and circulated to

Amend RSA 28-A:4, II(c) as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

voters voting on the question must vote "yes" on the charter question. The

Amend RSA 28-A:4, II(c) as inserted by section 1 of the bill by striking out line 5 and inserting in place thereof the following:

balloting are reported.



This amendment corrects 3 punctuation and grammatical errors.

Adopted.

HB 389-FN, committing the state to the Northern New England Low-Level Radioactive Waste Management Compact.

Amendment

Amend RSA 125-E:1, Article VII(c) by striking out line 1 and inserting in place thereof the following:

(c) The compact shall become effective upon enactment by 2 party

This enrolled bill amendment corrects a grammatical error in the bill.

Adopted.

HB 477-FN, relative to a temporary unemployment compensation crises assessment.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to a temporary unemployment compensation crisis assessment.

This corrects a typographical error in the title of the bill.

Adopted.

HB 77, relative to the New Hampshire veterans' home.

Amendment

Amend RSA 119:6 as inserted by section 3 of the bill by striking out line 4 and inserting in place thereof the following:

the home if qualified by the New Hampshire division of personnel.

Amend RSA 119:9 as inserted by section 5 of the bill by striking out line 3 and inserting in place thereof the following:

or rejection of an applicant, including an appeal process, shall be adopted.

This amendment corrects an agency name, changed by the provisions of SB 36, (1986, 12) in section 3 and a typographical error in section 5.

Adopted.

HB 249, prohibiting the use of certain containers for use as flotation devices in the public waters of the state.

Amendment

Amend RSA 270:26-b, III as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

January 1, 1987, shall be exempt from this prohibition.

This amendment clarifies an internal reference to the bill's effective date.

Adopted.

HB 46, relative to the discovery and disposition of human remains.

#### Amendment

Amend RSA 227-C:1, X as inserted by section 4 of the bill by striking out line 3 and inserting in place thereof the following:

providing information as to the identity of the deceased.

Amend RSA 227-C:8-c, II as inserted by section 10 of the bill by striking out line 3 and inserting in place thereof the following:

state archaeologist, by telephone and by certified letter, his opinion on

Amend RSA 227-C:8-h, I as inserted by section 10 of the bill by striking out line 2 and inserting in place thereof the following:

or lessee of the land on which the unmarked human burials or human remains

Amend RSA 227-C:8-h, II as inserted by section 10 of the bill by striking out line 1 and inserting in place thereof the following:

II. The owner or lessee of the land on which unmarked human burials

This amendment corrects typographical errors in section 4 and section 10 of the bill.

Adopted.

HB 290, relative to the representation of state officials by the attorney general.

#### Amendment

Amend RSA 99-D:2 as inserted by section 1 of the bill by striking out lines 28 and 29 and inserting in place thereof the following:

the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in

Amend RSA 99-D:2 as inserted by section 1 of the bill by striking out line 35 and inserting in place thereof the following:

payment out of any money in the treasury not otherwise appropriated, and

This amendment corrects 3 typographical errors in RSA 99-D:2 as inserted by section 1 of the bill.

Adopted.

Rep. Rounds offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the

reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 8, at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 196, relative to judicial authorization for the conduct of sobriety checkpoints to detect, apprehend, and deter impaired motorists.

SB 53, relative to valid marriages.

HCR 9, honoring the Anna Stickney Chapter of the Daughters of the American Revolution.

HCR 10, requesting the attorney general to investigate Maine's income tax scheme for nonresidents.

Rep. Rounds moved that the House stand in recess for the purpose of Senate Messages and Enrolling Reports only.

Adopted.

The House recessed at 5:00 p.m.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.

Adopted.



# HOUSE JOURNAL 13

*Thursday, 8 May 86*

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

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Eternal God, author of all perfect and lasting laws, guide each member of the House through these days of compromise. Remind us of our purpose to bring justice, remind us of our duty to represent our towns, remind us of our oath of office to support our State. May the work we are able to do this day add to the firm foundation required by our State for it to continue to be a place of liberty and justice for all. Amen.

Rep. Russell Chase led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Mann, Day, Connors, Lawrence Chase, James J. White, Donnelly, Bergeron, Emanuelson, Hendrick, Cox, Michael Jones, Nagel, Parks and Hogan, the day, illness.

Reps. Wagner, West, Olimpio, Musler, Diament, Keefe, Pevear, Joslyn, Mayhew, Schofield, Kane, Jelley, Raynowska, Meader, Marsh, Mace, James Chandler, Skinner, Hardy, Taffe, Gene Chandler, Whiting, Marilyn Campbell, Patti Blanchette, Savaria, Laurion, Stachowske, Grip, Randall, Crotty, Stonner, Zis, Bennett, Pelley and Blais, the day, important business.

Reps. Joseph MacDonald and Gerald Smith, the day, illness in the family.

## INTRODUCTION OF GUESTS

Mr. and Mrs. Harold Garver and Mr. and Mrs. Bill McGowan, guests of Reps. Dexter and Whittemore.

## CONFEREE CHANGES

HB 260 - Rep. Gerald Smith off, Rep. Magoon on.  
HB 503 - Rep. Burley off, Rep. Pelley on.

## SENATE MESSAGES CONCURRENCE

HB 508, recodifying the public health statutes and establishing a fee schedule for laboratory services under RSA 131.

HB 52-FN, relative to the legacy and succession tax.

HB 443-FN, relative to workers' compensation lump sum payments and state retirement benefits, and judges' retirement benefits.

HB 360, relative to credit for reinsurance.

## NONCONCURRENCE

HB 223, relative to the county commissioner districts in Hillsborough county.

HB 472-FN, establishing responsibility for medical costs for liver transplants and traumatic head injuries.

HB 74, making supplemental capital appropriations; making an appropriation for the house clerk's office; and amending certain existing aeronautics capital appropriations.

HB 333, making an appropriation to the voc-tech college in Claremont and increasing the funds for repairs to the legislative office building.

HB 329-FN, relative to commercial general liability insurance, medical injury actions, and a commission on tort law and insurance availability.

HB 338, penalizing frivolous lawsuits and outlawing punitive damages.

HB 7, relative to alcohol beverage licensee liability.

#### REFERRED FOR INTERIM STUDY

HB 103, relative to access to New Hampshire rivers and operating restrictions on certain bodies of water.

HB 150-FN, establishing a natural heritage program in the department of resources and economic development.

#### NONCONCURRENCE WITH AMENDMENT

SB 7, establishing a fire standards and training council within the department of postsecondary vocational-technical education.

#### CONCURRENCE WITH AMENDMENTS

SB 1, relative to abandoned property and the treasurer's rulemaking authority.

SB 2, relative to driver's license suspensions and revocations and to arrests by law enforcement officers in interstate fresh pursuit.

SB 18, allowing persons to receive, collect or transmit premiums to or for any insurer through a credit card facility.

SB 52, prohibiting operators of motor vehicles from cutting across private or public land at traffic control signals or signs to avoid traffic signals or signs and amending the penalties for overtaking and passing a school bus.

SB 46-FN, establishing a printed materials revolving fund at the department of education.

SB 20, prohibiting the operation of petroleum powered power boats on Spectacle pond in the towns of Groton and Hebron.

SB 14-FN, directing the advisory committee on the department of corrections to study the sentencing of criminals in New Hampshire.

SB 107, requiring local approval for Sunday greyhound racing; relative to powers and rulemaking of the sweepstakes commission and changing the time for racing payments.

SB 111-FN, establishing an advisory committee on state economic development and local population growth.

SB 119, relative to building permits.

SB 120, relative to the issuance of a building permit.

SB 131-FN, relative to the higher education building corporation.

SB 132-FN, relative to assistants to nurses.

SB 80, relative to the definition of alcoholic beverages.

SB 66, relative to annulments of criminal records.

SB 65, relative to the eviction of tenants in certain rental property.

SB 103, relative to utility exemptions from zoning ordinances.

SB 106, allowing students in approved high school vocational electrical and plumbing programs to perform electrical and plumbing installations in residential buildings.

SB 62, authorizing the city of Berlin to establish a charter commission to consider consolidating the water and sewer departments.

SB 59, relative to the consumer advocate and an assistant consumer advocate.

ACCEDES TO REQUEST FOR COMMITTEES OF CONFERENCE

HB 343-FN, making the debt service on railroad improvement bonds a charge against the general fund and authorizing an appropriation and use of the special railroad fund.

The President appointed Sens. Chandler, White and Roy.

HB 509, establishing a 10-year state highway construction and reconstruction plan and making an appropriation for certain projects.

The President appointed Sens. Stabile, McLane and Boyer.

HB 504-FN, relative to a child abuse and neglect prevention program and making an appropriation therefor.

The President appointed Sens. White, Chandler and Podles.

HB 503-FN, relative to child care licensing.

The President appointed Sens. White, Chandler, Charbonneau.

HB 501, establishing the salaries for the presidents of the technical institute and the 6 technical colleges.

The President appointed Sens. Johnson, White and Blaisdell.

HB 466-FN, relative to underground storage facilities.

The President appointed Sens. Wiggins, Hounsell and Preston.

HB 457-FN, relative to the eradication of milfoil.

The President appointed Sens. Hounsell, Heath and Hough.

HB 442, authorizing the legislative facilities committee to conduct a study of salaries for unclassified state employees.

The President appointed Sens. White, Bartlett and Blaisdell.

HB 431, relative to the crime of theft.

The President appointed Sens. Boyer, Podles and Charbonneau.

HB 392-FN, relative to the board of registration in medicine and making an appropriation therefor and relative to the board of dental examiners.

The President appointed Sens. Dupont, Roberge and St. Jean.

HB 369-FN, relative to indemnifying state park volunteers from civil suits and authorizing the New Hampshire Outdoor Council to raise funds for certain purposes.

The President appointed Sens. Bond, Hough and Bartlett.

HB 334, clarifying a construction authorization bill.

The President appointed Sens. Stabile, Griffin and Stephen.

HB 284-FN, relative to water treatment plant operators; authorizing the charging of a fee for water supply systems; authorizing new positions and making an appropriation therefor.

The President appointed Sens. Wiggins, Freese and Heath.

HB 258-FN, increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs.

The President appointed Sens. Bond, White and Freese.

HB 245-FN, relative to a natural heritage inventory.

The President appointed Sens. Bartlett, Chandler and Blaisdell.

HB 226-FN, consolidating the mental health laws and continuing a study committee.

The President appointed Sens. Bond, Podles and McLane.

HB 210, relative to the location of the Concord headquarters facility for fish and game.

The President appointed Sens. Stabile, Hounsell and McLane.

HB 205, recodifying the workers' compensation law.

The President appointed Sens. Freese, Stabile and Preston.

HB 202-FN, relative to forfeiture of items used in connection with drug offenses.

The President appointed Sens. Boyer, White and Freese.

HB 160, repealing certain statutory rules of evidence.

The President appointed Sens. Boyer, Wiggins and Roberge.

HB 157, relative to marine repairs and dredging and making an appropriation therefor.



The President appointed Sens. Stabile, Griffin and McLane.  
HB 119, relative to replacing the Hampton beach seawall and making an appropriation therefor.

The President appointed Sens. Stabile, Preston and Griffin.  
HB 64, relative to unemployment compensation.

The President appointed Sens. Freese, Bond and White.  
HB 34, establishing the salaries of classified state employees in academic positions.

The President appointed Sens. Blaisdell, Bartlett and White.  
HB 33, to change the operation and name of the department of postsecondary vocational-technical education.

The President appointed Sens. Bartlett, White and Chandler.

#### SUSPENSION OF RULES

Reps. Rounds and Chambers moved that the rules be so far suspended as to permit consideration at the present time of HB 1, increasing the senate membership of the fiscal committee and requiring ratification of budget appropriations in the second year of a biennium, HB 2-FN, making supplemental appropriations and amending the operating and capital budgets, and HB 3-FN, relative to water pollution, the secretary of state and state treasurer, health screening, motor vehicle plates, annual motor vehicle inspections, OHRV's, personnel, retirement, governor's scholars awards, water use permits, the federal boat numbering system, fire standards and training, Alzheimer's disease, hazardous waste siting, and unclassified employees, without introduction, referral, public hearing, committee report and the required notice in the Calendar, after the deadlines.

(Rep. Rounds in the Chair)

REP. TUCKER: I take the floor of the House, this morning, as really, the only opportunity that we, in this chamber have to sit and jointly discuss what it is that we, as an institution, as a body, are doing. I love this House but it does have one drawback, my office has never been constructed in such a manner as to accommodate 399 other people for a nice quiet round table strategy session. I know that it is difficult, in the waning days of any session, for every member, of this House, to be absolutely certain precisely what it is that's happening on every single issue. That is one of the intrinsic natures of this body of 400 people. Nevertheless, in spite of that apparent infirmity, as it relates to our ability to all communicate with one another instantaneously, all the time, on every issue, the body itself is still fundamentally sound and does do the right thing. We, who have been chosen to serve as your leaders do our best to be sure that we never break your trust, that we are operating and acting in the best interest of this institution and we have been attempting to do that in the last few days. This morning a motion is before you to suspend the rules for purposes of introduction of three bills. Those bills, essentially, do the following, one, it takes the issue of the Fiscal Committee in HB 1 as a separate issue, of which the Senate has a great deal of interest and sits that out there as an issue for legitimate discussion, but not attached to the operating budget for the State of New Hampshire or a whole host of other policy issues, but to be discussed as an issue in, and of, itself. Secondly, HB 2 is a re-creation again of the supplemental budget that this House has acted upon twice; first, in the form of HB 218 and then secondly, in the form of SB 100. Thirdly, HB 3 is a composite of House and Senate agreed upon policy measures, absent the appropriating measures that were attached, by the Senate, on to each one of these separate bills. What we have done here is to put apples with apples, oranges with oranges and grapefruit with grapefruit. I don't know if that is perhaps the best analogy but it's the best I could come up with, off the top of my head. This is an annual session of the New

Hampshire General Court, as called for by the people of this State. Now, whether we, personally, agree with annual sessions or whether we don't the fact is, we are in one. The further fact is, that this House, through its Appropriations Committee and by action of this body, passed the supplemental budget bill. Now, whether the Senate agrees with all the items in that budget, of course, is their prerogative and we certainly would expect that there would be disagreement. That isn't the question. The question is whether we, as an institution, as a House, have an opportunity to sit down at a table and discuss the differences in the appropriations between the House and the Senate, not the process that the Senate adopted, which was to simply kill the appropriating bill, then select those items in which they have an interest and then tack one at a time onto a whole series of bills, which then leaves the House with no opportunity for discussion of the entire fabric. That is a destruction of a legitimate legislative process. That process is more important than any single issue, that process is more important, to this House, than any single issue, for the long-term integrity of this institution. I don't come before you as an unwounded veteran of the war. In the last session, there was a piece of legislation in which I had some interest, along with a hundred or so other co-sponsors, as it related to the preservation and development of our western border with the State of Vermont, in terms of the Connecticut River Valley. That piece of legislation was singled out as a hostage for the purposes of trying to make a fundamental change in relationship between the House and the Senate, as it relates to the Fiscal Committee. I recognize that the integrity of this institution and the importance of our relationship with the Senate and this process, is more important than any single bill that I might have an interest in, so we bit the bullet and went down, and I am prepared to do so again. We cannot operate this House on the basis that every man and woman for himself. We'll all scramble to make the best deal we can with thirteen people in the Senate, and then we'll do what we want to do. We're going to survive as an equal partner in the legislative process. If we are going to survive as an equal partner with the executive branch of government, this House has got to operate, as a unit, with some solidarity and unanimity of opinion when it comes to preserving the position of the House. I am not so concerned, at this moment, precisely what the minute details are that make up the position of this House as to insure that the House, as an institution, is going to be an equal partner in the process. The people of the State of New Hampshire's interest is at stake. If their 400 member House is not going to be a truly representative body, playing equally with the others in our Constitutional framework, then the people in this state are in trouble, not the Speaker of the House, not you as Committee chairmen, not you as sponsors of bills, but the people of this state are in trouble. We have a Constitutional responsibility; we are trying our best to meet that responsibility. These three bills have been drafted to simply reflect what it is that the House has already agreed on and to put them back in a responsible package; budget, appropriations measures in one package, policies in another package, and to take the issue of the Fiscal Committee and set that out there to be discussed as a separate issue. We take the responsible action today, I am hopeful that we can then proceed to work with the Senate, in a very positive and a very constructive manner, to reach agreement on those things upon which we can agree and, on those things upon which we cannot agree, that will be it. It will be over. We are trying to move a step forward. There are appropriations, there are policies, there's an issue in which you have an interest, let's discuss them. Let's discuss them constructively and, let's do for the people of this state that which it is they sent us here to do. We were sent here to formulate public policy and to legislate. That's our responsibility and I, for one, am not going to walk away from it. Mr. Speaker, I urge the membership of this chamber to support the motion to suspend the rules for the introduction of House Bills 1, 2 and 3. Thank you.

(Speaker in the Chair)

Rep. Sara Townsend moved that Rep. Tucker's remarks be printed in the Journal.

Adopted.

Question being on the motion to suspend the rules.

Adopted by the necessary two-thirds.

HB 1, increasing the senate membership of the fiscal committee and requiring ratification of budget appropriations in the second year of a biennium.

Rep. Rounds moved that HB 1 be reported, Ought to Pass.

Reps. Chambers spoke in favor of the motion.

REP. CHAMBERS: Mr. Speaker, last November the voters of our state made a decision when they read about a Constitutional amendment that established annual sessions. We are now in a process where there is some question about the commitment that some of the elected representatives of this state have to following the decision made by the voters in November. We are in a time when it appears that the entire process is now being used for political advantage. We are in the most critical time that we could be. Individual issues must become secondary and we must deal with the more important issues that we, as elected representatives of the people of this state have an obligation and a duty to perform. Our first obligation is to uphold the Constitution. If we neglect that obligation for a lesser issue, we neglect that primary responsibility that each one of us has. That delicate balance that was struck, long ago, when our Constitution was first formulated, is indeed a delicate balance and demands that each one of us work always for the protection of that balance and the preservation of that Constitution. It is indeed difficult not to be impatient, at times, with the process, particularly when one gets caught up in the political maneuverings that can go on. But impatience leads to rash decisions, and rash decisions set a precedent for the future and we here, in this House spoke strongly about our commitment to annual sessions, and an annual budget process when we passed our last budget and felt that the ratification process for the second year was extremely important, that indeed we were only doing the will of the people, and here we are caught again with the same question unresolved, perhaps setting a precedent for the future, and perhaps establishing the way this body will operate for many, many years to come. Every one of us have the issues we care about, but we must never forget that our major commitment is to a far larger question. That far larger question is the very capacity to act, and act responsibly, independently and with a real commitment to do only the duty that we have been sent here to do. The protection of this institution comes first, never forget it, never allow a single little issue to so overwhelm you that, that vision that our forefathers felt we should have is clouded over. As an elected leader, my first obligation to you and to the people of the state, is not on any single issue, it is not on any budget, it's not for my local district, it's not for my political party, it is for this institution. For that reason I urge you today, to pass HB 1, to again reaffirm our commitment to listening to the voters of this state and to try, the best we can, to fulfill the obligation that they sent us here to fulfill.

Rep. Parr moved that Rep. Chamber's remarks be printed in the Journal.

Adopted.

Rep. Rounds spoke in favor of his motion.

Motion adopted.

Ordered to third reading.

Reps. Tamposi, Young, Donovan and Welch notified the Clerk that they wished to be recorded opposed to HB 1.



Rep. Scamman notified the Clerk that he wished to be recorded opposed to HB 1 (Reason: annual budgets).

HB 2-FN, making supplemental appropriations and amending the operating and capital budgets.

Rep. Kidder moved that HB 2 be reported, Ought to Pass, and spoke to his motion.

Adopted.

Ordered to third reading.

HB 3-FN, relative to water pollution, the secretary of state and state treasurer, health screening, motor vehicle plates, annual motor vehicle inspections, OHRV's, personnel, retirement, governor's scholars awards, water use permits, the federal boat numbering system, fire standards and training, Alzheimer's disease, hazardous waste siting, and unclassified employees.

Rep. Kidder moved that HB 3-FN be reported, Ought to Pass.

Rep. Ramsay spoke in favor of the motion and yielded to questions.

Reps. William Boucher, Sochalski, Bowler and Matson spoke in favor of the motion.

Motion adopted.

Ordered to third reading.

#### SUSPENSION OF RULES

Reps. Rounds and Chambers moved that the rules be so far suspended as to place HB 1, increasing the senate membership of the fiscal committee and requiring ratification of budget appropriations in the second year of a biennium, HB 2-FN, making supplemental appropriations and amending the operating and capital budgets, and HB 3-FN, relative to water pollution, the secretary of state and state treasurer, health screening, motor vehicle plates, annual motor vehicle inspections, OHRV's, personnel, retirement, governor's scholars awards, water use permits, the federal boat numbering system, fire standards and training, Alzheimer's disease, hazardous waste siting, and unclassified employees, on third reading and final passage at the present time.

Adopted by the necessary two-thirds.

Question being shall HB 1, increasing the senate membership of the fiscal committee and requiring ratification of budget appropriations in the second year of a biennium, HB 2-FN, making supplemental appropriations and amending the operating and capital budgets, and HB 3-FN, relative to water pollution, the secretary of state and state treasurer, health screening, motor vehicle plates, annual motor vehicle inspections, OHRV's, personnel, retirement, governor's scholars awards, water use permits, the federal boat numbering system, fire standards and training, Alzheimer's disease, hazardous waste siting, and unclassified employees, be ordered to third reading.

Adopted.

#### Third reading and final passage

HB 1, increasing the senate membership of the fiscal committee and requiring ratification of budget appropriations in the second year of a biennium.

HB 2-FN, making supplemental appropriations and amending the operating and capital budgets.

HB 3-FN, relative to water pollution, the secretary of state and state treasurer, health screening, motor vehicle plates, annual motor vehicle inspections, OHRV's, personnel, retirement, governor's scholars awards,

water use permits, the federal boat numbering system, fire standards and training, Alzheimer's disease, hazardous waste siting, and unclassified employees.

COMMUNICATION FROM THE SUPREME COURT

Response to the Honorable House of Representatives

On April 21, 1986, this court received two resolutions from the House of Representatives requesting Opinions of the Justices. The first resolution requests an opinion on the constitutionality of an amendment to SB 53, which would place a limit of \$500 thousand per occurrence on the liability of a governmental subdivision recognized in RSA chapter 507-B. The second resolution requests an opinion on eight questions about the constitutionality of SB 81-FN as amended and as proposed to be amended further, which would affect public and private mooring interests on great ponds and other public waters. The court understands that the General Court may conclude the business of the present session by mid-May, with the result that the justices' opinions must be issued before that time in order to be helpful.

Each of the resolutions raises one or more constitutional issues of far-reaching significance. Because of concern for important personal property interests and for the implications of the justices' opinions for the decision of other related questions, the justices in each instance would at the least seek the submission of memoranda from interested officials and citizens before responding to these questions. Moreover, the significance of the questions is such that the court would offer the extraordinary opportunity for oral argument by interested persons. Otherwise the justices would be taking significant steps toward the resolution of unusually important constitutional issues without adequate opportunity for public comment and without due concern for persons whose property and other interests would in fact be affected by the justices' answers.

It is clear that the time remaining before the anticipated termination of the General Court's current session would be insufficient to provide interested persons with a reasonable opportunity to address the justices or to allow the justices an adequate opportunity to consider the questions with the thoroughness their importance demands. The undersigned justices therefore respectfully request to be excused from the duty to return answers under these circumstances, which render it impossible for the justices to discharge their constitutional obligations responsibly.

John W. King, David A. Brock, William F.  
Batchelder, David H. Souter and William R.  
Johnson

COMMUNICATION TO THE CHIEF JUSTICE FROM THE SPEAKER

Hon. John W. King, Chief Justice  
New Hampshire Supreme Court  
Supreme Court Building  
Concord, New Hampshire 03301

Dear Mr. Chief Justice:

The House of Representatives has received the Supreme Court's response to the Request of the House for advisory opinions on both the amendment to SB 53, placing a limit of \$500 thousand per occurrence on the liability of a governmental subdivision, and on SB 81-FN as amended and as proposed to be amended further, which would affect public and private mooring interests on great ponds and other public waters (No. 86-153 and 86-154)

In its response the Court has requested to be excused from the duty to return answers on these questions because of the magnitude of the issues involved and their far-reaching consequences; the objectives of the Court in seeking not only memoranda from interested officials and citizens but also the extraordinary step of giving opportunity for presentation of oral arguments on these important issues and; the admittedly tight time frame of accomplishing all this by our projected mid-May conclusion of business.

I can fully appreciate the difficult situation that this creates for the Court and I commend you for insisting on a thorough and deliberative system whereby you responsibly discharge your duties.

I believe, however, that these issues should be legislatively resolved in a manner that is constitutionally sound, whether it be in this session or the next, as I am certain they are not going to disappear.

It is in this spirit that I respectfully request that the Court proceed to return answers to these questions without regard to the date on which we conclude our business in this session. The answers are going to provide invaluable assistance in the formulation of a legislative address to the problems presented in these two bills whenever they are finally adopted and in whatever form.

In the event that legislative action results in the enactment of a relevant statute in either issue area which would cause the Court to be put in the position of having to issue an advisory opinion on an existing statute, I would ask the House to so notify the Court and to withdraw that specific question or resolution, as the case may be.

I hope that this process will effectively serve the needs of both the Judicial and Legislative branches in the carrying out of their respective duties.

Sincerely,  
John B. Tucker  
Speaker of the House

Rep. Rounds moved that the communication be printed in the Journal and that copies be sent to the Justices.

Adopted.

#### SUSPENSION OF RULES

Reps. Robert Holmes, Dickinson and Ashnault moved that the rules be so far suspended as to permit consideration at the present time of HJR 4, relative to the town of Madison and the village district of Eidelweiss, without introduction, referral, public hearing, committee report and the required notice in the Calendar, after the deadlines.

Rep. Robert Holmes spoke to his motion.  
Adopted by the necessary two-thirds.

#### HOUSE JOINT RESOLUTION NO. 4

relative to the town of Madison and the village  
district of Eidelweiss.

WHEREAS, the village district of Eidelweiss is petitioning its delegation to the New Hampshire general court to be allowed to form their own town and separate from the town of Madison, and

WHEREAS, the town of Madison is petitioning its delegation to the New Hampshire general court to dissolve the village district of Eidelweiss, and



WHEREAS, the town of Madison and the village district of Eidelweiss are unable to come to an agreement as to their respective duties and responsibilities, and

WHEREAS, the attorney general and secretary of state have agreed to meet with the parties for the purpose of laying down ground rules, establishing issues to be discussed, interpreting any applicable law, and facilitating negotiations, and

WHEREAS, the town selectmen and the village district commissioners have agreed to negotiate and attempt to settle their differences internally so as to avoid creating a lack of confidence on the part of the residents and the taxpayers in their local elected officials, and

WHEREAS, a failure of the parties to come together in meaningful negotiation in order to resolve their differences without recourse to the state will cause extensive debate in the general court and unnecessary litigation in the court system, thus causing an undue financial burden upon the taxpayers, now, therefore be it

RESOLVED, by the House of Representatives, the Senate concurring, that the selectmen of the town of Madison and the commissioners of the village district of Eidelweiss shall meet with the attorney general and the secretary of state in the city of Concord not later than June 1, 1986, for the purpose of negotiating a settlement of their disagreements as to the respective rights and duties of the town of Madison and the village district of Eidelweiss.

Rep. Robert Holmes moved that HJR 4 be adopted.  
Motion adopted.  
Ordered to third reading.

#### SUSPENSION OF RULES

Rep. Robert Holmes moved that the rules be so far suspended as to place HJR 4, relative to the town of Madison and the village district of Eidelweiss, on third reading and final passage at the present time.  
Adopted by the necessary two-thirds.

Question being shall HJR 4, relative to the town of Madison and the village district of Eidelweiss be ordered to third reading.  
Adopted.

#### Third reading and final passage

HJR 4, relative to the town of Madison and the village district of Eidelweiss.

Rep. Rounds offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, May 13 at 1:00 p.m.

Adopted.

#### LATE SESSION

Rep. Rounds moved that the House stand in recess for the purpose of Senate messages and Enrolling Reports only.  
Adopted.

The House recessed at 12:01 p.m.

RECESS

(Rep. Fields in the Chair)

ENROLLED BILLS REPORT

HB 68, relative to requiring notice of hydro-energy generation projects.

HB 75, making a supplemental appropriation to the veterans' home for the 1986 and 1987 fiscal years.

HB 95, relative to municipal and public utilities.

HB 191, relative to employee removal powers of county commissioners.

HB 200, repealing the task force on low-level radioactive waste management.

HB 261, prohibiting the sale of moose meat.

HB 263, relative to payment of police officers at public meetings or functions.

HB 285, relative to the deadline for planning and zoning recodification.

HB 308, requiring libraries to make annual reports of trust funds to the attorney general.

HB 370, relative to the rate of the tobacco tax.

HB 395, relative to materials salvaged under the authority of the historic preservation office.

HB 413, relative to purchase of services for state agencies.

Rep. Chris Jacobson  
For the Committee.

ENROLLED BILL REPORT

HB 66, relative to bingo prizes and licenses and transferring bingo and lucky 7 enforcement to the department of safety and authorizing the sweepstakes commission to enter into multi-state agreements relating to multi-state lottos.

Rep. James A. Chandler  
Sen. Mark Hounsell  
For the Committee.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 14

*Tuesday, 13 May 86*

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Heavenly Father, God Almighty, I know You are aware of my problems and my fears. You are aware of my doubts as well. But my doubts do not shake Your foundations nor cause You to turn against me. Let me live this day assured by Your love. Hear my prayers for peace in our world. Hear my prayers for my loved ones. When my work is finished may I return in honor to my family with the satisfaction of having done my best this day to serve others above self. Amen.

Rep. Henry Sullivan led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Lawrence Chase, Connors, James J. White, Donnelly, Bergeron, Barberia, Emanuelson, Hendrick and Nagel, the day, illness.

Reps. Bass, Nancy Ford, Bourdon, Wagner, Marsh, Woodward, Joslyn, Musler, M. Arnold Wight, Crory, Champoux, Swope, Lionel Boucher, Zis, Boutwell, Michael Jones, Dwyer, Arnott, Blais, Chretien and Palumbo, the day, important business.

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

Reps. Ashnault and Ducharme, the day, illness in the family.

## INTRODUCTION OF GUESTS

Fourth Grade students of the George B. White School in Deerfield with their teachers and parents, guests of Reps. Roger King and Sherburne; Plymouth Junior High School Student Council and their teachers, Denzil Smith and Wallace Cushing, guests of Reps. Blair and Driscoll; Eighth Grade Social Studies class and their teacher, Julie Heon, from Oyster River Middle School in Durham, guests of Reps. Bryant and Burton; Christopher Cameron, 2nd place winner for the State of New Hampshire History Day and Michelle Regan and Alfred Casavant, mother and grandfather of Larry Gross, 1st place winner for the State of New Hampshire History Day, guests of Rep. Malcolm.

## COMMITTEE REPORT

HB 30, amending the business profits tax. Ought to Pass with Amendment.

The bill before you is the result of over a year of work by the Ways and Means Committee, the Department of Revenue Administration and numerous representatives of the business community. In essence, it changes the application of the Business Profits Tax from a "worldwide" to a "water's edge" basis. It further specifies both which business operations and revenues shall be taxable and the role and latitude of the Department of Administration. After receiving the Supreme Court opinion, the House Ways and Means Committee, in conjunction with the Senate Ways and Means Committee, reopened the bill to public hearing



in order to allow all parties full participation in developing remedies for the court objections. The amended bill before you is again the result of a broad collaboration. Vote 11-1. Rep. Marian R. Harrington for Ways and Means.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Statement of Purpose. This act amends existing law by limiting the application of the business profits tax to the water's edge by eliminating overseas business organizations from subjection to this tax. However, it is not the intent of this legislation to alter those basic premises of New Hampshire taxation policies which follow the federal method of calculating taxable income, particularly when such policies or procedures are intended to further New Hampshire concerns with equal and proportional treatment of taxpayers.

2 Organization Part of Unitary Business Group. Amend RSA 77-A:1, III by inserting after subparagraph (e) the following new subparagraph:

(f) In the case of any business organization which is part of a water's edge combined group and which does not make or file a United States income tax return or schedule under subparagraphs (a)-(d), the amount of net income as would be determinable under the provisions of the United States Internal Revenue Code (1954) as amended and applied within the concepts of RSA 77-A for such business organizations.

3 New Definitions. Amend RSA 77-A:1 by inserting after paragraph XIV the following new paragraphs:

XV. "Water's edge combined group" means a group of business organizations as defined in RSA 77-A:1, I operating a unitary business, except for overseas business organizations, as defined in paragraph XIX; provided, however, overseas business organizations shall only be excluded from the definition of "water's edge combined group" if the following criteria are met:

(a) The taxpayer certifies that transactions conducted between such business organizations and other members of the group are on a comparable basis to transactions between other business organizations owned or controlled by the taxpayer and any members of the water's edge combined group; and

(b) The taxpayer agrees to report to the commissioner any adjustments as finally determined by the United States Internal Revenue Service with respect to such transactions between any related business organizations as may have a bearing on the comparability of transactions referred to in subparagraph (a). These adjustments shall be made to the 80/20 business organizations so that a comparable basis shall be maintained for New Hampshire tax purposes. Such report shall be made in the manner and within the time limits as provided in RSA 77-A:10. Nothing in this paragraph shall exclude from taxation any business organization carrying on business activity within the state.

XVI. "Water's edge method" means the determination of taxable business profits for a group of business organizations conducting a unitary business by adding their combined net income, the additions and deductions provided in RSA 77-A:4 for the members of the group, and apportioning the result as provided in RSA 77-A:3.

XVII. "Foreign dividends" as used in RSA 77-A:3, II means dividend income received from affiliated business organizations which are organized and operate outside the 50 states and the District of Columbia.

XVIII. "Foreign property, payroll and sales" as used in RSA 77-A:3, II means the property, payroll and sales data of affiliated business organizations, which are organized and operating outside the 50 states and the District of Columbia, and which have paid dividends to a member of the water's edge combined group.

XIX. "Overseas business organizations" means business organizations with 80 percent or more of the average of their payroll and property assignable to a location outside the 50 states and the District of Columbia.

4 Water's Edge Combination. Amend RSA 77-A by inserting after section 2-a the following new section:

77-A:2-b Conditions for Employment of Only Water's Edge Combination.

I. The commissioner shall determine liability for any business organization subject to the tax imposed under RSA 77-A:2 for the elements of both tax base and apportionment by the water's edge method except as provided in paragraph II.

II. The commissioner shall not be compelled to apply the water's edge method if the taxpayer fails to comply with the rules adopted by the department of revenue administration or the procedural requirements of RSA 77-A.

5 Apportionment. Amend RSA 77-A:3, II and III (supp) as inserted by 1970, 5:1 as amended by striking out said paragraphs and inserting in place thereof the following:

II.(a) The average of the 3 percentages in paragraph I shall be applied to the total gross business profits (less foreign dividends) of the business organization to ascertain its gross business profits in this state. If this method of apportionment does not fairly represent the business organization's business activity in this state, the business organization may petition for, or the commissioner may require, in respect to all or any part of the business organization's business activity, if reasonable:

(1) The exclusion of any one or more of the apportionment factors;

(2) The inclusion of one or more additional apportionment factors which will fairly represent the business organization's business activity in the state; or

(3) The employment of any other method to effect an equitable apportionment of the business organization's gross business profits.

(b) For foreign dividends from unitary sources, the following formula shall be used to modify factors relating to included dividends:

(1) Determine a percentage for each dividend payor consisting of dividends paid divided by taxable income which has been computed using United States standards.

(2) Apply this percentage to the dividend payor's foreign property, payroll, and sales.

(3) Sum the results in subparagraph (2) for all dividend payors.

(4) Add the result in subparagraph (3) to the denominators of the combined water's edge group. The numerator will remain the New Hampshire numerator.

(5) Apply the resulting percentage to the foreign dividends.

(6) Add this amount to the amount of New Hampshire taxable business profits computed pursuant to RSA 77-A:3, I and II(a).

III. When 2 or more related business organizations are engaged in a unitary business, as defined in RSA 77-A:1, XIV, a part of which is conducted in this state by one or more members of the group, the income attributable to this state shall be determined by means of the combined apportionment factors of the unitary business group in accordance with paragraphs I and II.

IV. The business organization is entitled to a hearing by the commissioner on request in connection with any change in its apportionment procedure and has the right of appeal from the commissioner's determination as provided in RSA 77-A:14.

6 Combined Reporting. Amend RSA 77-A:6, IV (supp) as inserted by 1973, 579:5 as amended by striking out said paragraph and inserting in place thereof the following:

IV. A business organization which is part of a water's edge combined group and required to report under this chapter shall file a return containing the combined net income of the water's edge combined group and such other informational returns as the commissioner shall require by rules adopted under RSA 541-A. The commissioner is authorized to impose the tax as though the entire combined net income of the water's edge combined group was that of one business organization or he may adjust the tax or income in such other manner as he shall determine to be equitable if he determines it to be necessary in order to clearly reflect the net income earned by such organizations from business done in this state. This provision shall not authorize the application of worldwide combined reporting except as provided in RSA 77-A:2-b, II.

7 Contingency; Portions of Act Nonseverable; Severability.

I. If RSA 77-A:1, XV as inserted by section 3 of this act or the application thereof to any person or circumstance is found invalid, then RSA 77-A:1, XV shall read as follows and RSA 77-A:1, XIX shall be deemed repealed:

XV. "Water's edge combined group" means a group of business organizations, as defined in RSA 77-A:1, operating as a unitary business either entirely within the United States, the District of Columbia, and United States possessions or territories, or within and without the 50 states, the District of Columbia, and United States possessions or territories.

II. If the provisions of paragraph I become operative because RSA 77-A:1, XV as inserted by section 3 of this act is invalid, and if RSA 77-A:1, XV as amended in paragraph I is also found invalid, then it is the intent of the legislature that sections 2-6 of this act be considered as a unit and that the provisions of sections 2-6 of this act be inseparable. If any provision of sections 2-6 of this act is declared unconstitutional, all of the provisions of sections 2-6 of this act shall be invalid, and the provisions of RSA 77-A as they existed prior to the enactment of this act shall apply.

III. If any provision of this act or the application thereof to any person or circumstance is held invalid, it is the intent of the legislature that the invalidity shall not affect section 8 of the act, and to this end the provisions of section 8 of this act are severable.

8 New Definitions. Amend RSA 77-A:1 by inserting after paragraph XI the following new paragraphs:

XII. "Business activity" means a group of actions performed by a business organization for the purpose of earning income or profit from such actions and includes every operation which forms a part of, or a step in, the process of earning income or profit from such group of actions. The actions ordinarily include, but are not limited to, the receipt of money, property, or other items of value and the incurring or payment of expenses.

XIII. "Combined net income" means the revenues less expenses as would be determinable under the provisions of the Internal Revenue Code (1954) as amended and applied within the concepts of RSA 77-A for all business organizations conducting a unitary business regardless of whether such business organizations are required to file a federal income tax return.

XIV. "Unitary business" means one or more related business organizations engaged in business activity both within and without this state among which there exists a unity of ownership, operation, and use; or an interdependence in their functions.

9 Effective Date. This act shall take effect July 1, 1986, and shall apply to returns and taxes due on account of taxable periods beginning after June 30, 1986.



Rep. Tamposi explained the amendment.

Amendment adopted.

Rep. Tamposi offered an amendment.

Amendment [5967D]

Amend RSA 77-A:1, XVII and XVIII as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

XVII. "Foreign dividends" as used in RSA 77-A:3, II means dividend income received from affiliated business organizations which have 80 percent or more of the average of their payroll and property assignable to a location outside the 50 states and the District of Columbia.

XVIII. "Foreign property, payroll and sales" as used in RSA 77-A:3, II means the property, payroll and sales data of affiliated business organizations, which have 80 percent or more of the average of their payroll and property assignable to a location outside the 50 states and the District of Columbia, and which have paid dividends to a member of the water's edge combined group.

The Clerk read the amendment.

Rep. Tamposi explained the amendment and yielded to questions.

Amendment adopted.

Ordered to third reading.

SUSPENSION OF RULES

Rep. Rounds moved that the rules be so far suspended as to place HB 30, amending the business profits tax, on third reading and final passage at the present time.

Adopted by the necessary two-thirds.

Question being shall HB 30, amending the business profits tax, be ordered to third reading.

Adopted.

Third reading and final passage

HB 30, amending the business profits tax.

SENATE MESSAGES  
CONCURRENCE WITH AMENDMENT

SCR 2, relative to the disposal of high level radioactive waste in New Hampshire.

NONCONCURRENCE WITH AMENDMENT

SB 53, relative to valid marriages.

ACCEDES REQUEST FOR COMMITTEES OF CONFERENCE

HB 313, relative to probationary licenses for "at work" drivers.

The President appointed Sens. Hounsell, Johnson and Preston.

HB 264-FN, increasing the fees for certain fish and game licenses and relative to certain fish and game statutes.

The President appointed Sens. Wiggins, Griffin and Preston.

HB 31-FN, directing the department of revenue administration to study allowing business organizations to deduct a new operation loss carryover from the business profits tax.

The President appointed Sens. Bond, Freese and McLane.

HB 162-FN, relative to the New Hampshire tourism policy.  
The President appointed Sens. Heath, Freese and Preston.

NONCONCURS WITH AMENDMENT  
REQUESTS COMMITTEE OF CONFERENCE

SB 78, relative to comprehensive tort reform.  
The President appointed Sens. Freese, Blaisdell and Bond.  
Rep. Sytek moved that the House accede.  
Adopted.

The Speaker appointed Reps. Bass, Francis Robinson, Thomas Gage and Hollingworth.

COMMITTEE OF CONFERENCE REPORT ON SB 70

The Committee of conference to which was referred Senate Bill 70, An Act relative to lakes and rivers deserving protection having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend paragraph I of section 4 of the bill by striking out same and inserting in place thereof the following:

I. There is hereby established an advisory committee consisting of 13 members: 2 members of the house of representatives who shall be members of the resources, recreation and development committee appointed by the speaker of the house; 2 members of the senate who shall be members of the development, recreation and environment committee appointed by the president of the senate; and 3 members from the general public who live in cities or towns abutting rivers or lakes, 3 members who represent industries which use water, and 3 members who represent environmental interests, all of whom shall be appointed by the governor. The committee shall elect a chairman and a committee clerk from among its members.

Amend paragraph I of section 5 of the bill by inserting after subparagraph (g) the following new subparagraph:

(h) Preservation for historical and aesthetic purposes.

Conferees on the Part of the Senate: Sens. Heath, Dist. 3, Hounsell, Dist. 2 and Preston, Dist. 23

Conferees on the Part of the House: Reps. Chardon, Coos 6, Woodward, Rock 18, Schwartz, Ches. 13 and Spear, Straf. 2

Rep. Chardon moved that the report be adopted.  
Adopted.

ENROLLED BILLS AMENDMENTS

HB 483-FN, establishing a division of elderly and adult services within the department of health and human services.

Amendment

Amend RSA 126-A:3, III as inserted by section 1 of the bill by striking out line 1 and inserting in place thereof the following:

III. A division of mental health and developmental services;

Amend RSA 126-A:7 as inserted by section 3 of the bill by striking out line 6 and inserting in place thereof the following:

developmental services, the director of the division of human services,

Amend paragraph II of section 6 of the bill by striking out line 3 and inserting in place thereof the following:

procedures and rules of the division of personnel for the purposes of

Amend RSA 126-A:67, I as inserted by section 8 of the bill by striking out line 4 and inserting in place thereof the following:

under RSA 662:2. Each of the members shall serve for a term of 3 years.

Amend RSA 126-A:83, III as inserted by section 8 of the bill by striking out line 2 and inserting in place thereof the following:

companion animal whether within the owner's building, on the building grounds,

Amend RSA 126-A:11-c as inserted by section 9 of the bill by striking out line 9 and inserting in place thereof the following:

determined by the division of personnel.

Amend RSA 126-A:11-e, II as inserted by section 9 of the bill by striking out line 4 and inserting in place thereof the following:

provided in subparagraph I(b).

This amendment corrects 2 references to the division of mental health and developmental services, changes 2 references to the department of personnel to the division of personnel, corrects a cross reference to councilor districts, corrects a grammatical error in RSA 126-A:83, III as inserted by section 8 of the bill, and changes "paragraph" to "subparagraph" in section 9 of the bill.

Adopted.

HB 129, relative to truck weights and increasing penalties for overweight vehicles.

#### Amendment

Amend RSA 266:18-d, IV as inserted by section 3 of the bill by striking out line 3 and inserting in place thereof the following:

weight limit designated in RSA 266:18-b or the weight limit for which

This amendment corrects a grammatical error in section 3.

Adopted.

#### SENATE MESSAGE ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

HB 55, relative to insurance trade practices.

HB 238, allowing Farmington to separate from school administrative unit number 44.



HB 369, relative to indemnifying state park volunteers from civil suits and authorizing the New Hampshire Outdoor Council to raise funds for certain purposes.

HB 466, relative to underground storage facilities.

HB 504, relative to a child abuse and neglect prevention program and making an appropriation therefor.

#### COMMITTEE OF CONFERENCE REPORTS

HB 55, relative to insurance trade practices. (report printed SJ 5/13)

Rep. Harold Burns moved that the report be adopted.  
Adopted.

HB 238, allowing Farmington to separate from school administrative unit number 44. (report printed SJ 5/13)

Rep. William Boucher moved that the report be adopted.  
Adopted.

HB 369, relative to indemnifying state park volunteers from civil suits and authorizing the New Hampshire Outdoor Council to raise funds for certain purposes. (report printed SJ 5/13)

Rep. Conroy moved that the report be adopted.  
Adopted.

HB 466, relative to underground storage facilities. (report printed SJ 5/13)

Rep. Chardon moved that the report be adopted.  
Adopted.

HB 504, relative to a child abuse and neglect prevention program and making an appropriation therefor. (report printed SJ 5/13)

Rep. Bean moved that the report be adopted.  
Adopted.

#### SENATE MESSAGE

#### ACCEDES REQUEST FOR COMMITTEE OF CONFERENCE

HB 185, relative to alimony and property settlements and fault grounds in divorce.

The President appointed Sens. Charbonneau, Roberge and Boyer.

#### ENROLLED BILLS AMENDMENTS

HB 58-FN, relative to strict liability for hazardous waste cleanup and priority of state liens on certain property.

#### Amendment

Amend RSA 147-B:2, VIII-b as inserted by section 3 of the bill by striking out line 26 and inserting in place thereof the following:

#### Division of Public Health Services

Amend RSA 147-B:10, I as inserted by section 6 of the bill by striking out line 2 and inserting in place thereof the following:

person who:

Amend RSA 147-B:10, I(d) as inserted by section 6 of the bill by striking out line 1 and inserting in place thereof the following:

(d) Accepts or accepted any hazardous waste or hazardous material

Amend RSA 147-B:10, I(d) as inserted by section 6 of the bill by striking out lines 3-5 and inserting in place thereof the following:

person; shall be strictly liable for all costs incurred by the state in responding to a release or threatened release of hazardous waste or or hazardous material at or from the facility as specified in paragraph II.

Amend RSA 147-B:10-b, II as inserted by section 6 of the bill by striking out line 3 and inserting in place thereof the following:

I, the office shall record the notice of lien in the

This amendment corrects a reference in RSA 147-B:2, VIII-b as inserted by section 3 of the bill, format and typographical errors in RSA 147-B:10, I as inserted by section 6 of the bill, and a typographical error in RSA 147-B:10-b, II as inserted by section 6 of the bill.

Adopted.

HB 217, relative to depositors' ratification of certain savings banks conversions.

#### Amendment

Amend RSA 386:10, II(a)(3) as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

board of trust company incorporation of an application to convert prior

This amendment corrects a technical error in RSA 386:10, II(a)(3) as inserted by section 1 of the bill.

Adopted.

#### SENATE MESSAGE CONCURRENCE

HCR 9, honoring the Anna Stickney Chapter of the Daughters of the American Revolution.

HCR 10, requesting the attorney general to investigate Maine's income tax scheme for nonresidents.

#### ENROLLED BILLS AMENDMENTS

HB 464-FN, relative to overseas voters, armed services voters general election ballots, and eliminating references to electors on the ballot.

#### Amendment

Amend RSA 659:18, II as inserted by section 10 of the bill by striking out line 4 and inserting in place thereof the following:

opposite the names of the candidates for whom you wish to vote.

This amendment corrects a grammatical error.

Adopted.

HB 426-FN, relative to the Concord regional solid waste/resource recover cooperative.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to the Concord regional solid waste/resource recovery cooperative.

This amendment corrects a typographical error in the title of the bill.

Adopted.

HB 65, authorizing police officers to order removal of motor vehicle fatalities.

## Amendment

Amend RSA 611:7, II as inserted by section 1 of the bill by striking out line 7 and inserting in place thereof the following:

body when he:

Amend the bill by inserting after section 2 the following new section:

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

This enrolled bill amendment corrects a typographical and a grammatical error in RSA 611:7, II as inserted by section 1 of the bill. The bill also reinserts the effective date.

Adopted.

HB 340, relative to the highway construction zones, relative to the rulemaking procedures and duties of the commissioner of transportation, and relative to axle weights on the non-interstate and general highway system.

## Amendment

Amend RSA 21-L:12, I as inserted by section 3 of the bill by striking out line 2 and inserting in place thereof the following:

I; 228:4-a; and 228:5.

This amendment corrects a grammatical error in section 3 of the bill.

Adopted.

HB 107, relative to coordinated registration of corporations and limited partnerships and establishing a bond posting requirement for broker-dealers and investment advisors.

## Amendment

Amend section 1 of the bill by striking out line 2 and inserting in place thereof the following:

following new paragraph:



This amendment corrects a typographical error in section 1.

Adopted.

HB 108, relative to the transfer of registration of a motor vehicle and naming a bridge in the Town of Bethlehem, the Sargent Charles A. Wolcott Bridge.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the transfer of registration of a motor vehicle and naming a bridge in the town of Bethlehem, the Sergeant Charles A. Wolcott Bridge.

Amend section 2 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

2 Transfer Credits. Amend RSA 261:150 (supp) as inserted by 1981, 146:1 as amended by striking out said section and inserting in place thereof the following:

Amend section 3 of the bill by striking out lines 1-3 and inserting in place thereof the following:

3 Sergeant Charles A. Wolcott Bridge. Pursuant to RSA 4:43, the bridge for vehicular traffic over the Ammonoosuc River on New Hampshire Route 302 in the town of Bethlehem is hereby named the Sergeant Charles A. Wolcott

This enrolled bill amendment corrects a spelling error and corrects an error in the amending language of section 2 of the bill.

Adopted.

HB 122, relative to aggravated felonious sexual assault and to first degree murder.

Amendment

Amend section 3 of the bill by striking out line 4.

Amend RSA 630:1-a, I(b)(1) as inserted by section 3 of the bill by striking out line 4 and inserting in place thereof the following:

632-A:3:

This enrolled bill amendment corrects a reference and deletes an unnecessary line to conform with the amending language.

Adopted.

HB 132, relative to the port authority.

Amendment

Amend section 1 of the bill by striking out line 3 and inserting in place thereof the following:

298:1 Sunset; Port Authority Renewed. Port authority, PAU 0402, is hereby

This amendment clarifies which session law is amended by this bill.

Adopted.

HB 295, relative to Mirror Lake in the town of Woodstock and Jericho Pond in the city of Berlin.

#### Amendment

Amend RSA 486:13 as inserted by section 2 of the bill by striking out lines 4 and 5 and inserting in place thereof the following:

manufacturer's rated capacity not to exceed 3 horsepower, and no person shall exceed a headway speed of 5 miles per hour on Jericho Pond. Whoever

This amendment corrects a grammatical error.

Adopted.

#### UNANIMOUS CONSENT

Rep. Russell Chase addressed the House by unanimous consent.

#### ENROLLED BILLS AMENDMENTS

HB 371-FN, relative to mail order address disclosure and making RSA 361-B subject to the consumer protection act under RSA 358-A.

#### Amendment

Amend RSA 361-B:3, I as inserted by section 3 of the bill by striking out line 2 and inserting in place thereof the following:

an unfair or deceptive act or practice within the meaning of RSA 358-A:2.

This amendment corrects a typographical error in section 3.

Adopted.

HB 416-FN, relative to a workers' personal care assistance program for persons with severe physical disabilities.

#### Amendment

Amend RSA 200-C:12 as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

this subdivision. Appeals shall be governed by the provisions of RSA 541.

This amendment corrects a cross-reference in the bill.

Adopted.

HB 484-FN, creating the position of administrator of federal-state financial information in the office of state planning.

#### Amendment

Amend section 1 of the bill by striking out line 1 and inserting in place thereof the following:

1 Administrator of Federal-State Financial Information. Amend RSA 4

Amend section 3 of the bill by striking out line 1 and inserting in place thereof the following:

3 Deletion of Unclassified Salary. Amend RSA 94:1-a I (supp) as inserted

This amendment corrects 2 citations in the amending language in sections 1 and 3 of the bill.

Adopted.

HB 488-FN, relative to eligibility for financial assistance from towns and cities.

#### Amendment

Amend the bill by inserting after section 1 the following new section:

2 Effective Date. This act shall take effect January 1, 1987.

This amendment reinserts the effective date.

Adopted.

HB 451-FN, relative to the delivery of wine purchases of a licensee, and price restrictions of wine licenses for restaurants on manufacturers' or wholesalers' premises; and requirements for special agents of the liquor commission.

#### Amendment

Amend section 5 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

after paragraph VI the following new paragraph:

VII. Any special agent of the state liquor commission who has the

This amendment renumbers a paragraph to avoid duplicating the number of a paragraph already inserted by HB 66.

Adopted.

#### ENROLLED BILLS REPORT

SB 12, relative to certain withdrawals from the New Hampshire retirement system.

SB 75, requiring reciprocity before nonresidents may train dogs in this state.

SB 79, relative to third party payments for certain licensed psychologists.

HB 259, relative to boats powered by motors of less than 10 horsepower and the federal numbering system.

HB 269, relative to written policy directives to police officers and to internal investigations by law enforcement agencies.

HB 286, relative to the Winnepesaukee River basin control.

HB 349, relative to the siting of manufactured housing.

HB 352, relative to consumer credit transactions, second mortgage loans, and regulation of mortgage companies.

HB 361, relative to termination of group insurance benefits and relative to certain insurance terms.



HB 393, relative to health insurance benefits for part-time employees.

HB 400, requiring licensing boards to provide copies of certain publications to applicants and licensees.

HB 412, relative to reporting requirements of corporations and limited partnership.

HB 438, relative to New Hampshire retirement system benefits.

HB 445, relative to the salary of the executive director of the postsecondary education commission and relative to the out-of-state students incentive committee.

HB 463, establishing a task force to study utilization review and other matters relative to mental health services.

HB 502, relative to dealing in direct import vehicles.

HB 206, allowing city councils to establish penalties for the violation of municipal codes and relative to fire safety violations.

SB 24, relative to the vandalism, defacement, or destruction of any part of the "Old Man of the Mountain."

'SB 39, relative to the human rights commission.

HJR 3, relative to selection of guardians ad litem in marital cases.

HB 20, relative to licensure of food service establishments.

HB 46, relative to the discovery and disposition of human remains.

HB 77, relative to the New Hampshire veterans' home.

HB 100, relative to moneys owed to the education commission of the states.

HB 106, relative to the death penalty.

HB 123, amending the right to know law.

HB 133, relative to smoking in the workplace.

HB 134, relative to the Rannie Webster Foundation, allowing the Lake Sunapee Yacht Club to revive its charter, and relative to the reinstatement of Tri-State Medical Services, Inc.

HB 141, relative to exceptions to the energy conservation code for new building construction in the state.

HB 143, relative to declarations of candidacy.

HB 169, relative to acknowledgements and administration of oaths by military officers.

HB 171, relative to the governor's staff and the senate staff.

HB 249, prohibiting the use of certain containers for use as flotation devices in the public waters of the state.

HB 257, enacting the driver license compact.

HB 272, relative to county government.

HB 290, relative to the representation of state officials by the attorney general.

HB 389, committing the state to the Northern New England Low-Level Radioactive Waste Management Compact.

HB 477, relative to a temporary unemployment compensation crisis assessment.

Rep. Chris Jacobson  
Sen. Rhona Charbonneau  
For the Committee.

#### UNANIMOUS CONSENT

Reps. Benton and Rounds addressed the House by unanimous consent.

#### SENATE MESSAGE ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

HB 117, relative to Sullivan county probate court and prohibiting the Sullivan County attorney from engaging in the private practice of law.

HB 457, relative to the eradication of milfoil.

HB 31, directing the department of revenue administration to study allowing business organizations to deduct a net operating loss carryover from the business profits tax.

HB 226, consolidating the mental health laws and continuing a study committee.

HB 84, relative to the tax exemption for qualifying small power production facilities and qualifying cogeneration facilities.

HB 162, relative to the New Hampshire tourism policy.

HB 125, relative to the sale and distribution of tobacco products.

#### COMMITTEE OF CONFERENCE REPORTS

HB 125, relative to the sale and distribution of tobacco products. (report printed SJ 5/13)

Rep. Robert Jones moved that the report be adopted.  
Adopted.

HB 162, relative to the New Hampshire tourism policy. (report printed SJ 5/13)

Rep. Dickinson moved that the report be adopted.  
Adopted.

HB 457, relative to the eradication of milfoil. (report printed SJ 5/13)

Rep. Blair moved that the report be adopted.  
Adopted.

Rep. Tucker, for the entire membership offered the following:

#### HOUSE RESOLUTION NO. 28

memorializing Representative Robert H. Day of Londonderry.

WHEREAS, we have learned with great sorrow of the death of Representative Robert H. Day who was serving his fifth consecutive term as an honorable member of the New Hampshire House, and

WHEREAS, during his tenure as a servant of the people in District twenty-three of Rockingham County, Robert H. Day was a hard-working, diligent member of the Standing Committees on Municipal and County Government, and Statutory Revision, and

WHEREAS, having lived eighteen years in Londonderry, Robert H. Day consistently and energetically demonstrated an abundance of community spirit through his active leadership in town affairs, having served nine years on the Board of Selectmen and five years on the Planning Board, and

WHEREAS, having been a respected citizen who enjoyed the confidence of the residents of Londonderry, Robert H. Day was a member of the local Chamber of Commerce and in 1983 was named the town's Citizen of the Year, and

WHEREAS, having been born in Salem, Massachusetts, Robert H. Day was a United States Army veteran who served his country during World War II, and in 1946 began a thirty-year career with American Telephone and Telegraph Company, faithfully carrying out the duties and responsibilities entrusted to him, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Robert H. Day be accorded highest praise and recognition for his service and fidelity to his Town, his State and his Country, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family and that a suitable copy of this Resolution be prepared to presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

SENATE MESSAGE  
ADOPTION OF COMMITTEE OF CONFERENCE REPORT

SB 70, relative to lakes and rivers deserving protection.

CONFERENCE CHANGE

HB 313 - Rep. Emanuelson, off. Rep. Whiting, on

Rep. Rounds offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 15 at 10:00 a.m.

Adopted.

LATE SESSION

Rep. Rounds moved that the House stand in recess for the purpose of Enrolling Reports and Senate Messages only.

Adopted.

The House recessed at 3:29 p.m.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.

Adopted.



# HOUSE JOURNAL 15

*Thursday, 15 May 86*

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

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Dear God, You brought confusion to Babel when its builders sought to make a name for themselves. Let Your Spirit breathe a clean breeze through the confusion of our day that we may reach accord to help the people of New Hampshire. Amen.

Rep. Connolly led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Hendrick, Connors, Lawrence Chase, James J. White, Donnelly, Bergeron, Barberia, Emanuelson, Schmidtchen and Nagel, the day, illness.

Reps. Dwyer, Geraldine Watson, Michael Jones, Wagner, Marsh, Pantzer, Walter Robinson, Nancy Ford, Crory, Swope, Spaulding, Ahrens, B. P. Smith, Wells, Pevear, Olimpio, Splaine, Champoux, Hounsell, Bass and McGlynn, the day, important business.

Reps. Saunders and Ashnault, the day, death in the family.

Reps. Joseph MacDonald and Ducharme, the day, illness in the family.

## INTRODUCTION OF GUESTS

Dr. and Mrs. Francis J. Keneally and Ruth Bibbo, guests of Rep. Bibbo; William Manning, guest of Rep. Fraser; Eleanor Benson, Nashua City Clerk, guest of Rep. Chris Jacobson; Otto Meyer, guest of Rep. Raynowska; Seventh Grade students of the Henry Morse School in Candia and their teacher, Jim Hamilton, guests of Reps. Roger King and Seward.

## COMMUNICATION

Supreme Court of the United States  
Chambers of The Chief Justice  
Washington, D.C. 20543

Dear Mr. Speaker:

As chairman of the national Commission on the Bicentennial of the United States Constitution, I am pleased to advise you that, on April 14, the Commission officially recognized your State's Bicentennial Commission.

It is encouraging that a growing number of States have established commissions. A united effort by federal, State and local commissions should produce an unprecedented "history and civics" lesson for all of us and a renewed appreciation of our Constitution.

Please let me know if I can be of any help.

Cordially,  
Warren E. Burger

## SUPREME COURT OPINION ON HB 148

The following request of the House of Representatives for an opinion of the justices was adopted on March 5, 1986, and filed with the Supreme Court on March 6, 1986:

Whereas, there is pending in the house, HB number 148 "An Act prohibiting the harrassment of hunters, trappers and fishermen"; and whereas, doubt has been expressed as to the constitutionality of the provisions of said bill; now, therefore be it

Resolved, by the House of Representatives:

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

1. May the general court within the provisions of the New Hampshire Constitution enact a statute as proposed in HB 148, which would enable the state to use its police powers to protect licensed hunters, trappers and fishermen from any harrassment while engaged in pursuit of a lawful activity?

2. Would any provision of the Constitution of the United States, with particular reference to Article I or the amendments to the Constitution relative to the freedom of religion, of speech and of the press, be violated by the provision of the bill that prohibits any person from physically or verbally provoking a licensed hunter, trapper or fisherman while engaged in pursuit of a lawful activity?

That the clerk of the house be instructed to transmit to the clerk of the supreme court 6 copies of this resolution and 6 copies of HB 148.

The following answers were returned:

To The Honorable House of Representatives:

The undersigned justices of the Supreme Court make the following reply to your request for an opinion as to the constitutionality of House bill 148. Interested parties were invited to file memoranda with the court until March 20, 1986.

House Bill 148 would amend RSA chapter 207 by adding a subdivision entitled "Harassment Prohibited," containing five new sections. The first section defines what is meant by "process of taking" and "wild animal" as used in the bill's succeeding sections. The second section would prohibit "interfer[ing]" with the taking or process of taking wild animals with intent to prevent the taking. It would also forbid "disturb[ing]" wild animals in order to "prevent or hinder" the taking. In addition, it would be illegal physically or verbally to provoke "another person who is engaged in the lawful taking of a wild animal on land or water in this state, or who has engaged in the process of taking, with the intent to dissuade or otherwise with provocative action prevent the taking, or to prevent by verbal harassment or physical action such person's enjoyment of the outdoors when that person is lawfully engaged in any hunting, fishing or trapping activities in this state," as would entering or staying on public land or trespassing on private land "with intent to violate this section." The third section would prohibit the failure to obey certain officials who order desistance from the forbidden conduct where they observe such conduct or have "reasonable grounds to believe" that such conduct has occurred or will occur on a given day on specific premises. The fourth section provides for injunctive relief and damages, including damages for economic loss and punitive damages. Under the fifth section, violating any prohibition in the statute would be a violation.

We interpret the first submitted questions as being intended to encompass an inquiry into whether the proposed legislation would violate any provision of the New Hampshire Constitution, and not merely whether it

would be permitted under the police power, N.H. CONST. pt. II, art. 5, taken in isolation.

The answer to the first question is no. House Bill 148, while ostensibly involving only the exercise of the police power, necessarily implicates the State Constitution's free speech guarantee, N.H. CONST. pt. I, art. 22 (Supp. 1985), and would constitute a violation thereof. We recognize generally that "[t]he police power of the state extends to the protection of the lives, health, comfort, and quiet of all persons, and the protection of all property, within the state; and persons and property are subjected to such restraints and burdens as are reasonably necessary to secure the general comfort, health, and prosperity[,]" State v. White, 64 N.H. 48, 50, 5 A. 828, 830 (1886); see Carter v. Craig, 77 N.H. 200, 205, 90 A. 598, 600 (1914) (the general court's power to make "reasonable and wholesome laws" gives it the power to impose "reasonable and wholesome restrictions" on the rights of individuals); N.H. CONST. pt. II, art. 5.

We likewise note that the right of individuals to hunt, trap, and fish in a lawful manner is clearly a proper subject of police power protection. See State v. Company, 49 N.H. 240, 250 (1870) (obstruction of the public right of fishing is a public nuisance, punishable at common law by indictments).

Nevertheless, the State's exercise of its police power may not unreasonably interfere with an individual's right to free speech. Part I, article 22 (Supp. 1985) of the New Hampshire Constitution provides that, "[f]ree speech and liberty of the press are essential to the security of freedom in a state: They ought, therefore, to be inviolably preserved." As we noted in State v. Derrickson, 97 N.H. 91, 93, 81 A.2d 312, 313 (1951), the right to free speech guaranteed by the New Hampshire Constitution may not be prohibited, though it may be subjected to "reasonable and nondiscriminatory regulation." The regulation of free speech contained in House bill 148 is constitutionally objectionable because its language sweeps too broadly. It would prohibit not only speech likely to interfere with lawful activity or to provoke breaches of the peace, see Brandenburg v. Ohio, 395 U.S. 444 (1969) (state statute failing to draw a distinction between abstract advocacy of violence and advocacy directed to inciting or producing imminent lawless action violates first and fourteenth amendments); Chaplinsky v. New Hampshire, 315 U.S. 568 (1942) (state law which, as construed by highest state court, prohibited addressing words to another which would tend to cause violent responses is not unconstitutional), but also mere expressions of a particular point of view raising no such risks. See Opinion of the Justices, 121 N.H. 542, 546, 431 A.2d 152, 155 (1981).

The right of free speech as guaranteed by our State Constitution may be subject to "reasonable time, place, or manner regulations that serve a significant governmental interest and leave ample alternative channels for communication." Consolidated Edison Co. v. Public Serv. Comm'n, 447 U.S. 530, 535 (1980); see Cox v. New Hampshire, 312 U.S. 569 (1941). However, such time, place, or manner controls may only be as broad as is required to further a significant government interest, and they may not be related to the content and subject matter of the message being communicated. See Police Department of Chicago v. Mosley, 408 U.S. 92 (1972). "[A]bove all else," part I, article 22 (Supp. 1985) of the State Constitution, like the first amendment to the Federal Constitution, "means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content." Id. at 95.

The bill at issue here is not a valid time, place, or manner regulation because it discriminates among points of view. See id. at 95-96. For example, the second section of the proposed statute would



prohibit anti-hunting advocates from verbally "provok[ing]" hunters with intent to dissuade them from taking animals. However, the bill could be read broadly enough to prohibit conservationists from addressing pro-conservation statements to those same hunters on public lands. Such comprehensive content-based restrictions are not permissible under the State Constitution.

In addition, the bill is so vague as to provide little or no notice to an individual of ordinary intelligence as to what activity would come within its proscriptions. See Opinion of the Justices, 121 N.H. at 545, 431 A.2d at 154. Further, the language in the bill is overbroad in that critical terms in the bill are left undefined and could therefore be used to sweep whole categories of protected speech into its ambit. See State v. Nickerson, 120 N.H. 821, 824, 424 A.2d 190, 192 (1980); State v. Albers, 113 N.H. 132, 134, 303 A.2d 197, 199 (1973). The potential chilling effect on free speech would be substantial.

Moreover, the statute potentially violates a landowner's right to the otherwise lawful and reasonable use of his or her property. For example, the proposed second section of the bill would prohibit, inter alia, any person from "engag[ing] in an activity" or "plac[ing] any ... substance that would tend to ... affect the behavior of a wild animal, with intent to prevent or hinder its lawful taking." This is so broad, that it would appear to prohibit a landowner from posting property and using food to attract wild animals with the purpose of providing a refuge from hunters.

Since we have answered the first question posed in the negative, we do not reach the second. We have not, in the limited time available to us, examined all possible issues which could be raised in respect of the proposed bill.

John W. King, David A. Brock, William F. Batchelder, David H. Souter and William R. Johnson

Backus, Meyer & Solomon, of Manchester (Jon Meyer) filed a memorandum on behalf of the New Hampshire Civil Liberties Union in opposition to the constitutionality of House bill 148.

Rep. Doris J. Riley, Chairman of the House Committee on Fish and Game, filed materials in support of House bill 148.

SENATE MESSAGE  
ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 448-FN, relative to the disposal of state owned real property.

COMMITTEE OF CONFERENCE REPORTS

HB 31, directing the department of revenue administration to study allowing business organizations to deduct a new operating loss carryover from the business profits tax. (report printed SJ 5/13)

Rep. Robert Jones moved that the report be adopted.  
Adopted.

HB 84-FN, relative to the tax exemption for qualifying small power production facilities and qualifying cogeneration facilities. (report printed SJ 5/13)

Rep. M. Arnold Wight moved that the report be adopted.  
Adopted.

HB 117, relative to Sullivan county probate court and prohibiting the Sullivan County attorney from engaging in the private practice of law. (report printed SJ 5/13)

Rep. Lown moved that the report be adopted.  
Adopted.

HB 226-FN, consolidating the mental health laws and continuing a study committee. (report printed SJ 5/13)  
Rep. Sochalski moved that the report be adopted.  
Adopted.

HB 448-FN, relative to the disposal of state owned real property.  
(report printed SJ 5/13)  
Rep. Arnold moved that the report be adopted.  
Adopted.

#### PERSONAL PRIVILEGE

Rep. Coulombe addressed the House under Personal Privilege.

To House Chaplain Rev. David W. Bell. Thank you.

Would you believe the letters in your name relate to the following to me:

- D is for Deliberation in which you start our House Session.
- A is for Agenda.
- V is for Variety of prayers you have given us.
- I is for Invitation you give to offer our work here to the Lord.
- D is for Decisions made here that affect other people's lives.
  
- W is for Wisdom we all need to do what is right.
  
- B is for the Bible readings you have presented.
- E is the Effort you have made.
- L is for the Life you give our prayer.
- L is for Love you have for New Hampshire people.

Hearing no objection, the Chair advised the Clerk to print Rep. Coulombe's remarks in the Journal and a suitable copy sent to Rev. David Bell.

#### PERSONAL PRIVILEGE

Rep. Parks addressed the House under Personal Privilege.

#### CONFEREE CHANGES

HB 431 - Rep. Geraldine Watson off; Rep. William Johnson on  
SB 78 - Rep. Bass off; Rep. Sytek on

RECESS

(Speaker in the Chair)

#### COMMITTEE OF CONFERENCE REPORT ON SB 44

The committee of conference to which was referred Senate Bill 44-FN, An Act increasing rates for shared homes and certain residents of community living homes and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sum of \$125,000 for the fiscal year ending June 30, 1987, is hereby appropriated to the division of human services, department of health and human services, for the purpose of increasing the standard of need under RSA 167:7, I-a, for residents of shared homes and for certain residents of community living homes who do not receive subsidies from the division of mental health and developmental services. Notwithstanding RSA 167:18-a, the sum appropriated under this section shall be solely the responsibility of the state; however, such amount shall be reduced by the amount of any federal funds received. This appropriation is in addition to any other funds appropriated to the division of human services. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Appropriation. The department of health and human services is hereby directed to transfer from funds appropriated the sum of \$250,000 for the fiscal year ending June 30, 1987 to PAU 05, 02, 04, 05, 01 for the purpose of increasing the standard of need under RSA 167:7, I-a, for residents of shared homes and for certain residents of community living homes who do not receive subsidies from the division of mental health and developmental services. The commissioner of the department of health and human services shall designate the appropriation classification and the amount from the designated classification which shall be the source for the transfer authorized in this section.

3 Repeal. 1979, 473:1, relative to standardization of state supplement grants to residents of shared homes and community living homes is hereby repealed.

4 Effective Date. This act shall take effect July 1, 1986.

Conferees on the Part of the Senate: Sens. White, Dist. 11, Freese, Dist. 4 and Chandler, Dist. 7

Conferees on the Part of the House: Reps. Sochalski, Rock. 23, Fraser, Merr. 6, Green, Hills. 36 and Copenhaver, Graf. 12

Rep. Sochalski moved that the report be adopted.  
Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 50

The committee of conference to which was referred Senate Bill 50, An Act permitting public television and public radio, as part of their fund raising programs, to auction wine and liquor donated for that purpose, relative to liquor licenses, and relative to social clubs within national guard armories having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by striking out section 5 and inserting in place thereof the following:



## 5 Study Committee on Wine Price Restrictions Established.

I. There is hereby established a study committee of 5 members to review the provisions of RSA 178-A:4, I relative to the retail prices of wines. The committee shall convene no later than June 1, 1987, in order to review the commercial success or failure of the provisions of RSA 178-A:4, I in selling wines without retail price restricting, and shall make recommendations concerning whether or not price restrictions or a lack of such restrictions on the retail prices of wines sold under the provisions of RSA 178-A are beneficial to the state's consumers and the state's liquor stores.

II. The committee shall have full power and authority to require from the several departments, agencies and officials of the state and the political subdivisions of the state, such information and assistance as it may deem necessary for the purposes of the study.

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

- (a) 1 member of the state liquor commission appointed by the governor;
- (b) 1 in-state wholesale wine dealer appointed by the governor;
- (c) 1 person representing state retail grocers appointed by the governor;
- (d) The chairman of the house regulated revenues committee; and
- (e) The chairman of the senate ways and means committee.

IV. Members of the committee shall select a chairman and vice-chairman from among their members at their first meeting. Members shall receive no compensation for their services.

V. On or before August 1, 1987, the committee shall file a report together with proposed legislation incorporating its recommendations and shall submit its recommendations to the governor and to the speaker of the house, and the president of the senate for the next regular session of the general court.

6 Repeal of Prospective Repeal. 1985, 373:3, relative to the prospective repeal of RSA 178-A:4, I, is hereby repealed.

7 Repeal. RSA 178-A:4, I, relative to retail prices of wine, is hereby repealed.

8 Effective Date.

I. Sections 1 and 5 of this act shall take effect 60 days after its passage.

II. Section 6 of this act shall take effect May 31, 1986.

III. Section 7 of this act shall take effect May 31, 1987.

IV. The remainder of this act shall take effect July 1, 1986.

Conferees on the Part of the Senate: Sens. Heath, Dist. 3, Bond, Dist. 1 and Blaisdell, Dist. 10

Conferees on the Part of the House: Reps. MacDonald, Carr. 6, Kelley, Hills. 13, Thompson, Ches. 9 and Ramsay, Ches. 10

Rep. Kenneth MacDonald moved that the report be adopted.  
Adopted.

## COMMITTEE OF CONFERENCE REPORT ON SB 121

The committee of conference to which was referred Senate Bill 121, An Act relative to planning board procedures on plats having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Applicability of Section to Plats. Amend RSA 676:12 by inserting after paragraph III the following new paragraph:

IV. The provisions of paragraph I shall not apply to any plat or application which has been formally accepted by the planning board pursuant to RSA 676:4, I(b) prior to the first legal notice of a proposed change in a building code or zoning ordinance or any amendment thereto. No proposed subdivision or site plan review regulation or amendment thereto shall affect a plat or application formally accepted by the planning board pursuant to RSA 676:4, I(b) so long as said plat or application was accepted prior to the first legal notice of said change or amendment.

5 Effective Date.

I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect January 1, 1987.

Conferees on the Part of the Senate: Sens. Dupont, Dist. 6, Stabile, Dist. 12 and Stephen, Dist. 18

Conferees on the Part of the House: Reps. Grodin, Ches. 6, Perry, Ches. 10, Normandin, Sull. 8 and Cronin, Hills. 38

Rep. Grodin moved that the report be adopted.  
Adopted.

#### SENATE MESSAGE ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

HB 6-FN, relative to financial disclosure.

HB 160, repealing certain statutory rules of evidence.

HB 245-FN, relative to a natural heritage inventory.

HB 205-FN, recodifying the workers' compensation law.

HB 284-FN, relative to water treatment plant operators; authorizing the charging of a fee for water supply systems; authorizing new positions and making an appropriation therefor.

HB 503-FN, relative to child care licensing.

HB 181, relative to lobbyist registration and lobbyist statements, making an appropriation to the joint legislative historical committee and relative to the responsibility of the committee to accept and expend funds.

HB 253-FN, increasing the limit on the state guarantee of bonds and notes of school districts and relative to legalizing certain school district meetings.

#### COMMITTEE OF CONFERENCE REPORTS

HB 6-FN, relative to financial disclosure. (report printed SJ 5/15)  
Rep. Taffe moved that the report be adopted.  
Adopted.

HB 160, repealing certain statutory rules of evidence. (report printed SJ 5/15)  
Rep. Sara Townsend moved that the report be adopted.  
Adopted.

HB 181, relative to lobbyist registration and lobbyist statements, making an appropriation to the joint legislative historical committee and relative to the responsibility of the committee to accept and expend funds. (report printed SJ 5/15)

Rep. Rounds moved that the report be adopted.  
Adopted.

HB 205-FN, recodifying the workers' compensation law. (report printed SJ 5/15)  
Rep. Skinner moved that the report be adopted.  
Adopted.

HB 245-FN, relative to a natural heritage inventory. (report printed SJ 5/15)  
Rep. Dickinson moved that the report be adopted.  
Adopted.

HB 253-FN, increasing the limit on the state guarantee of bonds and notes of school districts and relative to legalizing certain school district meetings. (report printed SJ 5/15)  
Rep. William Boucher moved that the report be adopted.  
Adopted.

HB 284-FN, relative to water treatment plant operators; authorizing the charging of a fee for water supply systems; authorizing new positions and making an appropriation therefor. (report printed SJ 5/15)  
Rep. Woodward moved that the report be adopted.  
Adopted.

HB 503-FN, relative to child care licensing. (report printed SJ 5/15)  
Rep. Ann Torr moved that the report be adopted.  
Adopted.

#### ENROLLED BILLS REPORT

SB 52, prohibiting operators of motor vehicles from cutting across private or public land at traffic control signals or signs to avoid traffic signals or signs and amending the penalties for overtaking and passing a school bus.

SB 80, relative to the definition of alcoholic beverages.

HB 52, relative to the legacy and succession tax.

HB 58, relative to strict liability for hazardous waste cleanup and priority of state liens on certain property.

HB 61, relative to the state selection of potential hazardous waste facility sites.

HB 129, relative to truck weights and increasing penalties for overweight vehicles.

HB 217, relative to depositor's ratification of certain savings banks conversions.

HB 270, relative to the guardianship law.

HB 372, exempting transfers of title between certain charitable organizations from the real estate transfer tax.

HB 405, to provide for the comprehensive study of the SAU structure within the state of New Hampshire and declaring a moratorium on changes in the SAU structure.

HB 443, relative to workers' compensation lump sum payments and state retirement benefits, and judges' retirement benefits.

HB 464, relative to overseas voters, armed services voters, general election ballots, and eliminating references to electors on the ballot.

HB 483, establishing a division of elderly and adult services within the department of health and human services.

Rep. Natalie S. Flanagan  
For the Committee.



## UNANIMOUS CONSENT

Rep. Randall addressed the House by unanimous consent.

## RECESS

(Speaker in the Chair)

## CONFEREES CHANGE

HB 373 - Rep. York on; Rep. Daniel Eaton off

## SENATE MESSAGE

## ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

HB 467-FN, requiring the referral of child abuse cases to the police for criminal investigation.

HB 268, relative to the use of snares under certain conditions.

HB 431-FN, relative to the crime of theft.

HB 473-FN, relative to filing returns under the interest and dividends tax.

HB 119, relative to replacing the Hampton beach seawall and making an appropriation therefor.

## COMMITTEE OF CONFERENCE REPORTS

HB 119, relative to replacing the Hampton beach seawall and making an appropriation therefor. (report printed SJ 5/15)

Rep. Chamberlin moved that the report be adopted.  
Adopted.

HB 268, relative to the use of snares under certain conditions.  
(report printed SJ 5/15)

Rep. Hussey moved that the report be adopted.  
Adopted.

HB 431-FN, relative to the crime of theft. (report printed SJ 5/15)

Rep. Daniel Eaton moved that the report be adopted.  
Adopted.

HB 467-FN, requiring the referral of child abuse cases to the police for criminal investigation. (report printed SJ 5/15)

Rep. Bean moved that the report be adopted.  
Adopted.

HB 473-FN, relative to filing returns under the interest and dividends tax. (report printed SJ 5/15)

Rep. Robert Jones moved that the report be adopted.  
Adopted.

## ENROLLED BILL REPORT

HB 426, relative to the Concord regional solid waste/resource recovery cooperative.

Rep. Chris Jacobson  
Sen. Rhona Charbonneau  
For the Committee.

## CONFEREES CHANGE

HB 64 - Rep. Splaine off, Rep. Burkush on

Rep. Gross addressed the House briefly.

This is the first time I have ever stood here and spoken to you for more than ten sentences without having everything carefully written down in case I got stuck or got lost and had to go back and find out what I was talking about. When I was getting ready for the possibility that I might do this today I came to the conclusion that I could not write very much down and because no one really knew how things were going to turn out. I would like to report to you, today, on the status of the work the House has been involved in, involving the supplemental budget and the policy bill accompanying it. You will recall that the first version of the supplemental budget, HB 218, was sent to the Senate, quite some time ago, and the Senate killed it. Some, but by no means all, of the items in HB 218 reappeared as Senate amendments to House policy bills with which they had nothing in common, and in this way, non-money bills became hostages to the whole budget discussion between the House and the Senate. The response of the House, at that point, was to try again. You may recall SB 100, this was our second attempt at developing a supplemental budget and we took everything that had been in HB 218 and added a few Senate bills, with appropriations, and combined them into SB 100, which we sent to the Senate, some time ago, and the Senate killed it. Only at this stage did we respond, as we had to, to protect the House position. You will recall, that, one terrible Tuesday, we killed, at least for the time being, some of our own policy bills that had Senate amendments with appropriations in them. Two days later, last Thursday, under suspension of the rules, this House admitted for introduction and passed on a voice vote, with no dissenting votes, and no dissenting discussion, three new House bills that summarized the outstanding issues, between the House and Senate in this area, as we understood them. HB 1 was a bill that combined the Senate's desire for equal membership on the Fiscal Committee with the House's desire for ratification of the budget in the second year. HB 2 was an updated version of the supplemental budget bill, that was in SB 100, plus the money from our own bills that we had killed, and HB 3 was the companion policy bill that would go along with the budget and contained the authorizations for the spending money in HB 2 plus the House policy bills that we had been forced to kill on the terrible Tuesday. On the surface nothing has happened since that time. We've sent these three bills to the Senate. The Senate has not accepted them for introduction, nor have they passed them. On the other hand, although it is not visible, a certain amount of progress has been made since last Thursday. Passing House bills 1, 2 and 3 have led to meaningful discussions with the Senate in some areas. At the present time, consideration of the budget bills by the Senate is still dependent on the whole Fiscal Committee question, but should there be a break, I am happy to tell you that we are in a much better position, in terms of the supplemental budget bill and in terms of the companion policy bill than we were a week ago. There exists a vehicle, that has been worked out between a member of Senate Finance and a member of House Appropriations on behalf of their groups, that contains a draft Committee of Conference report on the supplemental budget. Ninety-two percent of the things in here have been agreed to. There also exists a draft of the companion policy bill that goes along with the supplemental budget, and one hundred percent of the things in this bill have, tentatively, been agreed to. So I want to tell you that what is in, or is not in, the supplemental budget and the companion policy bill is not the problem. If things were to break right you could have a Committee of Conference on both bills and have them out in an hour. You should know that we have been most fortunate, in working this out, to have available to us the active cooperation of Senator Jean White, and where there were differences between the House and the Senate, in a tentative way, because that is the only way we can act in a situation like this, we have done what normally would be done under any civilized budget process, and worked out tentative agreement between the House and Senate so that the final

product, if we ever got it, would be like any normal budget. We get some of what we want and they get some of what they want and everybody says we did the best we could and goes home. We thought, for a while, that the problem was that the Senate did not want expenditures in a single supplemental budget bill and that, if it ever was true, is no longer the case. We thought we might have problems by having a policy bill and that, if it ever was true, is no longer the case. The problem, at this point, is the Senate's refusal to budge on the issue of the Fiscal Committee and the first move has to be on behalf of the Senate because they have all the marbles, they are the only one with any vehicle. They have HB 1. They have HB 2. They have HB 3 which they can amend by majority vote to whatever they like. They have SB 100 on which reconsideration has been served which they can bring back if they wanted to. We have no vehicles to permit us to make the first move. The only thing we can do is what we have already done. We can suspend the rules and send them HB 4, HB 5 and HB 6 which makes no sense. It is possible that there will still be a breakthrough and this can be worked out. It is possible there will be no breakthrough and this will not be worked out, but I would like to tell you, this afternoon, that in this story that begins "Once upon a time" and we don't know whether it ends "happily ever after" or not, we in the House are the good guys. We have done everything reasonable we can and we are willing to keep doing it. The House leadership has been united and more than reasonable in making concessions whenever possible. Speaker Tucker, Rep. Rounds, Rep. Chambers, the House Appropriations Committee, there has been no difficulty with the House position on any of this and no refusal to discuss anything that came up anywhere at all. We are ready to move but they've got the marbles, so unless and until they want to play there really isn't much more that we can think of to do except maybe to talk to Senators. So if you see one or two or twenty-four I hope you will. Thank you.

Rep. Dickinson moved that Rep. Gross's remarks be printed in the Journal.

Adopted.

#### INTRODUCTION OF GUEST

The Speaker introduced Admiral Grace Hopper, who is on active duty with the United States Navy Reserve, who addressed the House briefly.

The reason I like to be introduced as the third programmer on the first computer in the United States is, that it enables me to remind all of you, that the first large scale digital computer, in the United States, was a Navy computer operated by Navy crew during World War II, and lately, I have been finding that I have to remind people of that because there has been a tendency, on the part of a certain junior service, to try and claim credit for this early computer and, of course, they didn't exist then. I would like to ask, from all of you, one thing. I have been visiting schools, colleges, also our young people coming into the Navy. I find our media being rather unfair to our young people. I think they are the finest, the healthiest, and the most eager to learn we have ever had in the history of this country, yet the media tells us only about the twenty percent that are no good. They never tell us about the eighty percent that are the brightest we have ever had. I find that those young people are looking for something. Those young people are looking for positive leadership, I mean the old fashioned kind, the two way street, loyalty up and loyalty down, respect for your superior, keep him informed, make suggestions; superior take care of your crew and probably, the most important job, that any of you have, is to provide that leadership for our young people. We lost it at the end of World War II and went overboard for management. We thought everything could be done by management. We listened to McNamara and his MBAs and his systems analysts and forgot



leadership. One outfit never forgot it and that was the Marines, and if I had a Marine standing beside me what I think he would say would be when the going gets rough you cannot manage a man into combat you must lead him and he would add, you manage things, we lead people. I find all across the country our young people are looking for that positive leadership. I'm immensely grateful for the privileges I've had. I've received most of the honors that are given to any one in the computer industry and each time I have received one I've thanked them and I've told them something I'd like to repeat to you. I have already received the highest reward I will ever receive, no matter how long I live, no matter how many more jobs I may have, and that has been the privilege and the responsibility of serving, with true faith and allegiance, very proudly, the United States Navy. Thank you.

Hearing no objection, the Chair advised the Clerk to have Admiral Hopper's remarks printed in the Journal.

SENATE MESSAGE  
ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

HB 17-FN, appropriating funds for a fire exit stairway and a library classroom and roof repairs at the youth development center.

HB 178-FN, relative to information services at highway rest areas, appropriating fees for these services, and establishing a study committee on specific information signs.

HB 229-FN, relative to the licensing of dogs.

HB 313, relative to probationary licenses for "at risk" drivers.

HB 334, clarifying a construction authorization bill.

COMMITTEE OF CONFERENCE REPORT

HB 229-FN, relative to the licensing of dogs. (report printed SJ 5/15)

Rep. Beverly Gage moved that the report be adopted.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 41

The committee of conference to which was referred Senate Bill 41, An Act increasing the appropriation for the construction of regional vocational education centers having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

Conferees on the Part of the Senate: Sens. Dupont, Dist. 6, White, Dist. 11 and Stephen, Dist. 18

Conferees on the Part of the House: Reps. Bibbo, Merr. 3, Kincaid, Straf. 7, Nute, Hills 13 and Robinson, Hills. 14

Rep. Bibbo moved that the report be adopted.

Adopted.

COMMITTEE OF CONFERENCE REPORTS

HB 313, relative to probationary licenses for "at risk" drivers. (report printed SJ 5/15)

Rep. Sloan moved that the report be adopted.  
Adopted.

HB 334, clarifying a construction authorization bill. (report printed SJ 5/15)  
Rep. Bibbo moved that the report be adopted.  
Adopted.

HB 178-FN, relative to information services at highway rest areas, appropriating fees for these services, and establishing a study committee on specific information signs. (report printed SJ 5/15)  
Rep. Dickinson moved that the report be adopted.  
Adopted.

#### CONFERE CHANGE

HB 210 - Gross off, Chamberlin on

#### SENATE MESSAGE CONCURRENCE

HJR 4, relative to the town of Madison and the village district of Edelweiss.

#### COMMITTEE OF CONFERENCE REPORT

HB 17-FN, appropriating funds for a fire exit stairway and a library classroom and roof repairs at the youth development center. (report printed SJ 5/15)  
Rep. Parker moved that the report be adopted.  
Adopted.

#### RECESS

(Speaker in the Chair)

Reps. Rounds and Chambers moved that SB 130-FN, relative to state guarantees for municipal pollution control projects, state aid for the town of Newport pollution abatement program, and amending RSA 149 to conform to the federal water pollution control act, be removed from the table.  
Adopted.

SB 130-FN, relative to state guarantees for municipal pollution control projects, state aid for the town of Newport pollution abatement program, and amending RSA 149 to conform to the federal water pollution control act.

Question being, the Committee report, Inexpedient to Legislate.  
Reps. Rounds and Chambers moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate.  
Rep. Rodeschin spoke in favor of the motion.  
Motion adopted.  
Ordered to third reading.

#### SUSPENSION OF RULES

Reps. Rounds and Chambers moved that the rules be so far suspended as to place SB 130-FN, relative to state guarantees for municipal pollution control projects, state aid for the town of Newport pollution abatement

program, and amending RSA 149 to conform to the federal water pollution control act, on third reading and final passage at the present time.

Adopted by the necessary two-thirds.

Question being shall SB 130-FN, relative to state guarantees for municipal pollution control projects, state aid for the town of Newport pollution abatement program, and amending RSA 149 to conform to the federal water pollution control act, be ordered to third reading.

Adopted.

#### Third reading and final passage

SB 130-FN, relative to state guarantees for municipal pollution control projects, state aid for the town of Newport pollution abatement program, and amending RSA 149 to conform to the federal water pollution control act.

#### COMMITTEE OF CONFERENCE REPORT ON SB 34

The committee of conference to which was referred Senate Bill 34, An Act authorizing a study for a spur road between the city of Somersworth and the Spaulding turnpike having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and  
That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate: Sens. Stabile, Dist. 12,  
Stephen, Dist. 18 and Freese, Dist. 4

Conferees on the Part of the House: Reps. Bibbo, Merr. 3, Walter,  
Graf. 13, Rogers, Rock. 28 and Jacobson, Hills. 26

Rep. Bibbo moved that the report be adopted.

Adopted.

#### SENATE MESSAGE CONCURRENCE

HB 30, amending the business profits tax.

#### ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

HB 209, relative to the statute of limitations for child sexual assault and incest.

HB 258-FN, increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs.

#### COMMITTEE OF CONFERENCE REPORTS

HB 209, relative to the statute of limitations for child sexual assault and incest. (report printed SJ 5/15)

Rep. Chretien moved that the report be adopted.

Adopted.

HB 258-FN, increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs. (report printed SJ 5/15)

Rep. Marilyn Campbell moved that the report be adopted.

Adopted.



SENATE MESSAGES  
REQUESTS CONCURRENCE WITH AMENDMENT

HB 196, relative to judicial authorization for the conduct of sobriety checkpoints to detect, apprehend, and deter impaired motorists.  
(amendment printed SJ 5/15)

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

Adopted.

The Speaker appointed Reps. Francis Robinson, William Johnson, Raiche and Thomas Gage.

REFUSED TO ADOPT COMMITTEE OF CONFERENCE REPORT

HB 64, relative to unemployment compensation.

ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

HB 509, establishing a 10-year state highway construction and reconstruction plan and making an appropriation for certain projects.

HB 157, relative to marine repairs and dredging and making an appropriation therefor.

HB 256-FN, relative to the plumbers' board and making an appropriation therefor and relative to the real estate commission and making an appropriation therefor.

COMMITTEE OF CONFERENCE REPORTS

HB 256-FN, relative to the plumbers' board and making an appropriation therefor and relative to the real estate commission and making an appropriation therefor. (report printed SJ 5/15)

Rep. McCain moved that the report be adopted.

Adopted.

HB 157, relative to marine repairs and dredging and making an appropriation therefor. (report printed SJ 5/15)

Rep. Bibbo moved that the report be adopted.

Adopted.

HB 509, establishing a 10-year state highway construction and reconstruction plan and making an appropriation for certain projects.  
(report printed SJ 5/15)

Rep. Bibbo moved that the report be adopted.

Adopted.

SENATE MESSAGE  
ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

HB 210, relative to the location of the Concord headquarters facility for fish and game.

HB 373, providing for a single annual motor vehicle inspection and changing the inspection sticker fee.

HB 392-FN, relative to the board of registration in medicine and making an appropriation therefor and relative to the board of dental examiners.

HB 401-FN, relative to committal orders.

HB 439-FN, relative to the division for children and youth services.

COMMITTEE OF CONFERENCE REPORTS

HB 392-FN, relative to the board of registration in medicine and making an appropriation therefor and relative to the board of dental examiners. (report printed SJ 5/15)

Rep. Ward moved that the report be adopted.

Adopted.

HB 401-FN, relative to committal orders. (report printed SJ 5/15)

Rep. Lozeau moved that the report be adopted.

Adopted.

HB 373, providing for a single annual motor vehicle inspection and changing the inspection sticker fee. (report printed SJ 5/15)

Reps. Daniel Eaton and Sara Townsend spoke to the report.

Adopted.

HB 439-FN, relative to the division for children and youth services. (report printed SJ 5/15)

Rep. William Boucher moved that the report be adopted.

Adopted.

HB 210, relative to the location of the Concord headquarters facility for fish and game. (report printed SJ 5/15)

Rep. James Chandler spoke against the report.

Reps. Doris Riley, Bibbo, Chambers and Rounds spoke in favor of the report.

A roll call was requested. Sufficiently seconded.

YEAS 266 NAYS 15  
YEAS 266

BELKNAP: Bowler, Brown, Richard Campbell, Dexter, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Nighswander, Pearson, Randall and Zeckhausen.

CARROLL: Dickinson, Robert Holmes, Kenneth MacDonald, Powers and Schofield.

CHESHIRE: Burley, Crane, Jesse Davis, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Matson, Miller, Parker, Perry, Ramsay, William Riley, Russell, Schwartz, Scranton and William Sullivan.

COOS: Brideau, Brungot, Harold Burns, Chardon, Coulombe, Frederic Foss, Guay, Horton, Lamontagne, Mayhew, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bean, Chambers, Densmore, Driscoll, Easton, Michael King, Wayne King, LaMott, McAvoy, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Arnold, Blais, Boisvert, Bourque, Boutwell, Bridgewater, Burkush, A. Leslie Burns, John Burns, Carragher, Chagnon, Champagne, Charron, Chretien, Clancy, Cote, Cronin, William Dion, Donovan, Duperron, Joseph M. Eaton, Fields, Fried, Gagnon, Scott Green, Grip, Marian Harrington, Healy, Herod, Hogan, Holden, Chris Jacobson, Jasper, Katsiaficas, Keefe, Kelley, Knight, Levesque, Lown, Lozeau, Howard Mason, Messier, Elizabeth Moore, Morrissette, Robert Murphy, Nelson, Nute, O'Rourke, Bonnie Packard, Pappas, Paradis, Pariseau, Parmenter, Pellow, Perham, Pressly, Raiche, Reardon, Reidy, Frances Riley, Ellen-Ann Robinson, Sallada, Leonard Smith, Snow, Stiles, Mary Sullivan, Sylvia, Tamposi, Turgeon, Van Loan, Varkas, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Winn, Wood, Worthen and Zis.

MERRIMACK: Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, Daniell, Fraser, Gilbreth, Gross, Hager, Hayes, Mary Holmes, Jelley, C. William Johnson, Kidder, Lewis, Arthur Locke, Millard, Nichols, Pannell, Phelps, Rehlander, Doris Riley, Linwood Rogers, Shepard, Stio, Wallner and James Whittemore.

ROCKINGHAM: Blaisdell, Blanchard, Patti Blanchette, William Boucher, Butler, Eunice Campbell, Marilyn Campbell, Case, Clay, Conroy, Felch, Flanagan, Flanders, Bert Ford, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Mace, Magoon, Malcolm, Robert Mason, Jr., McCain, McKinney, Newell, Pantelakos, Popov, Quimby, Raynowska, Norman Rogers, Romoli, Rosencrantz, Scamman, Schwaner, Seward, Sherburne, Skinner, Sloan, Sochalski, Stachowske, Tufts, Vartanian, Vaughn, Walker, Warburton, Welch and Woodward.

STRAFFORD: Appleby, Bates, Bernard, Burton, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Hussey, Laurion, Meader, O'Brien, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Ann Torr and Franklin Torr.

SULLIVAN: Brodeur, Call, D'Amante, Dismard, Domini, Ingram, Paul Johnson, Lindblade, McKee, Normandin, Rodeschin, Schotanus and Sara Townsend.

NAYS 15

BELKNAP: Golden.

CARROLL: Russell Chase.

CHESHIRE: Ridge and Young.

COOS: Chappell.

GRAFTON: Copenhaver and Duggan.

HILLSBOROUGH: Beaupre, Bourdon, Labombarde and Vanderlosk.

MERRIMACK: James Chandler.

ROCKINGHAM: Ellyson and Longworth.

STRAFFORD: Lussier.

SULLIVAN: None, and the report was adopted.

Rep. Copenhaver notified the Clerk that she inadvertently voted nay and meant to vote yea.

Rep. James A. Chandler dissents with the report of the Committee of Conference Report on HB 210, relative to the location of the Concord headquarters facility for fish and game. A copy of the text of Rep. Chandler's dissent may be secured from the Clerk of the House.

SENATE MESSAGE  
CONCURRENCE WITH AMENDMENT

SB 130-FN, relative to state aid for the town of Newport pollution abatement program and amending RSA 149 to conform to the federal water pollution control act.

UNANIMOUS CONSENT

Rep. Boisvert addressed the House by unanimous consent.

SENATE MESSAGE  
ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

HB 33, to change the operation and name of the department of postsecondary vocational-technical education.

HB 260, relative to the powers of the executive director of the department of fish and game and the appointment of an acting director.



HB 264-FN, increasing the fees for certain fish and game licenses and relative to certain fish and game statutes.

HB 417-FN, relative to off highway recreational vehicles and appropriating a portion of agents' penalties to the OHRV bureau.

#### COMMITTEE OF CONFERENCE REPORTS

HB 33, to change the operation and name of the department of postsecondary vocational-technical education. (report printed SJ 5/15)

Rep. Walker moved that the report be adopted.  
Adopted.

HB 260, relative to the powers of the executive director of the department of fish and game and the appointment of an acting director. (report printed SJ 5/15)

Rep. Phelps moved that the report be adopted.  
Adopted.

HB 264-FN, increasing the fees for certain fish and game licenses and relative to certain fish and game statutes. (report printed SJ 5/15)

Rep. Powers moved that the report be adopted.  
Adopted.

HB 417-FN, relative to off highway recreational vehicles and appropriating a portion of agents' penalties to the OHRV bureau. (report printed SJ 5/15)

Rep. Hussey moved that the report be adopted.  
Adopted.

#### SENATE MESSAGE

#### ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

HB 34-FN, establishing the salaries of classified state employees in academic positions.

HB 185, relative to alimony and property settlements and fault grounds in divorce.

#### COMMITTEE OF CONFERENCE REPORTS

HB 34-FN, establishing the salaries of classified state employees in academic positions. (report printed SJ 5/15)

Rep. Walker moved that the report be adopted.  
Adopted.

HB 185, relative to alimony and property settlements and fault grounds in divorce. (report printed SJ 5/15)

Rep. Lozeau moved that the report be adopted.  
Adopted.

Rep. Rounds offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

#### LATE SESSION

Rep. Rounds moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 11:20 p.m.

RECESS

(Rep. Connolly in the Chair)

ENROLLED BILLS AMENDMENTS

HB 214, relative to the radiological health program.

Amendment

Amend section 1 of the bill by striking out lines 1-3 and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 125-E the following new chapter:

CHAPTER 125-F

Amend RSA 125-E:2 as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

policy set forth in RSA 125-F:1 by providing:

Amend RSA 125-E:3, X as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

nuclear fuel, or byproduct material as defined in paragraph II.

Amend RSA 125-E:11, VIII as inserted by section 1 of the bill by striking out line 1 and inserting in place thereof the following:

VIII. The division, through its program, may enter into

Amend RSA 125-E:21 as inserted by section 1 of the bill by striking out line 4 and inserting in place thereof the following:

chapter, except as provided in RSA 125-F:9, shall be guilty of a

Amend RSA 6:12, I(v) as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

(v) Moneys received under RSA 125-F:11, II and IV, which shall be credited to the radiation long term care fund.

Amend RSA 125-E:1-25 as inserted by section 1 of the bill by renumbering said sections to read as 125-F:1, 125-F:2, 125-F:3, 125-F:4, 125-F:5, 125-F:6, 125-F:7, 125-F:8, 125-F:9, 125-F:10, 125-F:11, 125-F:12, 125-F:13, 125-F:14, 125-F:15, 125-F:16, 125-F:17, 125-F:18, 125-F:19, 125-F:20, 125-F:21, 125-F:22, 125-F:23, 125-F:24 and 125-F:25, respectively.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Contingent Provision. If HB 389-FN, an act committing the state to the Northern New England Low-Level Radioactive Waste Management Compact, of the 1986 regular session of the general court does not become law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by this act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the

president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon the printing of the 1986 session laws.

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

This amendment renumbers certain RSA sections to avoid duplicating the numbering of RSA sections inserted by HB 389 and corrects a grammatical error.

Adopted.

HB 43-FN, relative to supervision and control of probationers and parolees and adjusting current appropriations to the department of corrections and making an appropriation therefor.

#### Amendment

Amend RSA 504-A:10 as inserted by section 1 of the bill by striking out line 5 and inserting in place thereof the following:

RSA 541-A, and after consultation with the state division of personnel,

This amendment corrects a reference to the personnel department, which the 1986 legislature changed to the division of personnel.

Adopted.

HB 307, relative to a duty to protect third persons.

#### Amendment

Amend section 2 of the bill by striking out line 3 and inserting in place thereof the following:

#### Duty to Warn of Violent Acts of Clients

This amendment changes the word "patients" to "clients" in a subdivision heading to make it consistent with the wording in the rest of the bill.

Adopted.

HB 59-FN, relative to hazardous waste facility siting procedures, the hazardous waste fund and the solid waste management board and relative to establishing and authorizing funding for a hazardous waste facility siting board.

#### Amendment

Amend RSA 147-A:4, II-c as inserted by section 2 of the bill by striking out line 4 and inserting in place thereof the following:

to, a performance history of the applicant and of its officers and directors

Amend RSA 147-A:4, II-d(c) as inserted by section 2 of the bill by striking out line 5 and inserting in place thereof the following:

or federal court during the 5 years before the date of the permit

Amend RSA 147-A:6, VII(a) as inserted by section 5 of the bill by striking out line 2 and inserting in place thereof the following:



expertise, integrity and competence to transport hazardous waste.

Amend RSA 147-A:8, I as inserted by section 6 of the bill by striking out line 3 and inserting in place thereof the following:

provisions of this chapter and the provisions of RSA 147-B.

Amend RSA 147-A:8, IV(c) as inserted by section 6 of the bill by striking out line 2 and inserting in place thereof the following:

information demand, and advise the person that objections to or reasons

Amend RSA 147-C:7, I as inserted by section 12 of the bill by striking out line 5 and inserting in place thereof the following:

rules adopted by the commissioner under RSA 147-A:15, II. A petition for

Amend section 14 of the bill by striking out line 2 and inserting in place thereof the following:

striking out said subparagraph and inserting in place thereof the following:

Amend RSA 149-M:12, I-a as inserted by section 18 of the bill by striking out line 1 and inserting in place thereof the following:

I-a. If the office finds that an emergency exists requiring immediate

This amendment corrects 3 cross references, 2 typographical errors, a grammatical error and the amending language of 2 bill sections.

Adopted.

HB 113, relative to anatomical gifts, relative to the adoption of the uniform determination of death act, and relative to embalmers and funeral directors.

#### Amendment

Amend section 1 of the bill by striking out lines 1-7 and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 141-C the following new chapter:

#### CHAPTER 141-D UNIFORM DETERMINATION OF DEATH ACT

141-D:1 Title. This chapter shall be known and may be cited as the "uniform determination of death act."

141-D:2 Determination of Death. An individual who has sustained either

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Contingent Provision. If HB 508, an act recodifying the public health statutes and establishing a fee schedule for laboratory services under RSA 131, of the 1986 regular session of the general court does not become law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections

inserted by this act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon the printing of the 1986 session laws.

7 Effective Date.

I. Sections 1-4 of this act shall take effect July 1, 1987.

II. Section 5 of this act shall take effect 60 days after its passage.

III. Section 6 of this act shall take effect upon its passage.

RSA 141-B was inserted by 1985, 392 and RSA 141-C by HB 508; therefore, the chapter inserted by this bill is redesignated accordingly.

Adopted.

HB 73-FN, relative to the office of ombudsman within the state council on aging.

Amendment

Amend RSA 167-A:25, I(c)(2) as inserted by section 3 of the bill by striking out line 1 and inserting in place thereof the following:

(2) Any non-elderly patient, resident, or client of a facility

Amend section 6 of the bill by striking out line 1 and inserting in place thereof the following:

6 Reference Addition. Amend RSA 167-A:26, II (supp) as inserted by

This amendment corrects typographical errors in sections 3 and 6 of the bill.

Adopted.

HB 193-FN, establishing a local water protection assistance program and making an appropriation therefor and authorizing the town of Pelham to enter into an agreement with the towns of Dracut, Massachusetts and Tyngsboro, Massachusetts regarding Long Pond.

Amendment

Amend section 1 of the bill by striking out line 1 and inserting in place thereof the following:

1 New Subdivision. Amend RSA 4 by inserting after section 12-r the

Amend RSA 4:12-s, I as inserted by section 1 of the bill by striking out lines 3 and 4 and inserting in place thereof the following:

agencies. The technical assistance program shall rely to a significant extent on the regional planning agencies, which shall work directly with all

Amend RSA 4:12-s, II as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

4:12-t, shall meet with and provide guidance to the regional planning

Amend RSA 4:12-t, I as inserted by section 1 of the bill by striking out line 5 and inserting in place thereof the following:

established by the office under RSA 4:12-t. Prior to adoption by a

Amend RSA 674:2, VIII as inserted by section 2 of the bill by striking out line 5 and inserting in place thereof the following:

4:12-v. This plan should be reviewed and revised as necessary at intervals

Amend section 4 of the bill by striking out line 3 and inserting in place thereof the following:

achieving the purposes described in RSA 4:12-s, including municipal

'Amend RSA 4:12-q through 4:12-t as inserted by section 1 of the bill by renumbering said sections to read as 4:12-s, 4:12-t, 4:12-u, and 4:12-v, respectively.

Amend the bill by striking out section 8 and inserting in place thereof the following:

8 Contingent Provision. If HB 484-FN, an act creating the position of administrator of federal-state financial information in the office of state planning, of the 1986 regular session of the general court does not become law, the director of legislative services is authorized to make any technical changes to correct the numbering in any bill sections or RSA sections inserted by this act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon the printing of the 1986 session laws.

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

This amendment renumbers sections of the RSA and cross-references as made necessary by HB 484 and corrects a grammatical error.

Adopted.

HB 248-FN, creating a nonlapsing fund to provide handicapped persons with gainful employment.

#### Amendment

Amend section 1 of the bill by striking out line 2 and inserting in place thereof the following:

section 8 the following new subdivision:

#### Equipment Depository

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Equipment Depository and Fund. Amend RSA 200-C by inserting after section 15 the following new subdivision:

#### Equipment Depository



200-C:16 Equipment Depository. There is hereby established an equipment depository within the division of vocational rehabilitation. Moneys contained in the handicapped persons' employment fund, established by RSA 200-C:17, shall be used to purchase adaptive equipment to enable handicapped persons to become gainfully employed by the state and any subdivision thereof. The division shall determine the equipment to be purchased, subject to the approval of governor and council. The purchases shall be limited to equipment which provides reasonable, and not extraordinary, accommodations to the needs of the handicapped, such as telephone adapters, adjustable desks, and other like equipment. The division shall have authority to reissue equipment returned to the depository and to dispose of any equipment that is no longer useful and to deposit any sale proceeds in the fund established by RSA 200-C:17.

200-C:17 Handicapped Persons' Employment Funds. There is hereby established a nonlapsing fund to be known as the handicapped persons' employment fund to be used solely for the purposes of RSA 200-C:16 and which shall be continually appropriated to the division of vocational rehabilitation for that purpose. The division of vocational rehabilitation, with the approval of governor and council, may accept private donations for deposit in the fund established by this section.

4 Exception from State Purchasing Requirements. Amend RSA 21-I:18 by inserting after paragraph VII the following new paragraph:

VIII. The purchase of adaptive equipment for handicapped persons by the division of vocational rehabilitation as provided by RSA 200-C:16 shall not be subject to the provisions of this chapter.

5 Contingency Provision. If HB 416 of the 1986 session of the general court, an act relative to a workers' personal care assistance program for persons with severe physical disabilities, becomes law, sections 3 and 4 of this act shall take effect and section 1 and 2 of this act shall not take effect. If HB 416 does not become law, section 1 and 2 of this act shall take effect and section 3 and 4 of this act shall not take effect.

6 Effective Date. This act shall take effect July 1, 1986.

This amendment provides that if House Bill 416 of the 1986 session of the general court becomes law, the subdivision inserted by this bill will be renumbered, and cross-references corrected.

Adopted.

HB 155, providing for continuation of certain insurance benefits for divorced or separated spouses.

#### Amendment

Amend RSA 415:18, IV-a as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

to one of the parties who is a member of a group accident or health

Amend RSA 420:5-b as inserted by section 2 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

Upon the granting of a decree of divorce or legal separation to one of the parties who is a member of a group accident and health insurance policy,

Amend RSA 420-A:7-a as inserted by section 3 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

Upon the granting of a decree of divorce or legal separation to one of the parties who is a member of a group accident and health insurance policy,

Amend RSA 419:5-b as inserted by section 4 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

Upon the granting of a decree of divorce or legal separation to one of the parties who is a member of a group accident and health insurance policy,

Amend RSA 420-B:8-a as inserted by section 5 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

Upon the granting of a decree of divorce or legal separation to one of the parties who is a member of a group accident and health insurance policy,

Amend RSA 420-A:7-a as inserted by section 3 of the bill by striking out line 27 and inserting in place thereof the following:

right to terminate coverage for a dependent spouse who is receiving

Amend RSA 419:5-b as inserted by section 4 of the bill by striking out line 27 and inserting in place thereof the following:

right to terminate coverage for a dependent spouse who is receiving

Amend RSA 420:5-b as inserted by section 2 of the bill by striking out line 18 and inserting in place thereof the following:

spouse, whichever occurs first. Upon remarriage of the group plan member, the

Amend RSA 415:18, VII(e) as inserted by section 6 of the bill by striking out line 3 and inserting in place thereof the following:

those family members who are then covered by the group policy, and shall

Amend section 2 of the bill by striking out lines 2-4 and inserting in place thereof the following:

Corporations. Amend RSA 420 by inserting after section 5-b the following new section:

420:5-c Continuation of Coverage for Divorced or Separated Spouses.

Amend section 3 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

Amend RSA 420-A by inserting after section 7-a the following new section:

420-A:7-b Continuation of Coverage for Divorced or Separated Spouses.

Amend the bill by striking out section 9 and inserting in place thereof the following:

9 Contingent Provision. If HB 393-FN, an act relative to health insurance benefits for part-time employees, of the 1986 regular session of the general court does not become law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by this act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon the printing of the 1986 session laws.

10 Effective Date. This act shall take effect January 1, 1987.

This amendment corrects grammatical errors. The amendment also corrects errors in the use of the words "benefits" and "coverage". This amendment changes RSA section designations which would duplicate those inserted already by HB 393 of the 1986 session.

Adopted.

HB 504-FN, relative to a child abuse and neglect prevention program and making an appropriation therefor.

Amendment

Amend RSA 169-C:39-d, I(e) as inserted by section 1 of the bill by striking out line 1 and inserting in place thereof the following:

(e) The director, division for children and youth services, or his

This amendment corrects a typographical error in section 1.

Adopted.

HB 470-FN, relative to welfare and continuing a study committee.

Amendment

Amend RSA 167:4, II as inserted by section 3 of the bill by striking out line 3 and inserting in place thereof the following:

within 3 years immediately preceding the date of his application, or in the

Amend section 11 of the bill by striking out line 3 and inserting in place thereof the following:

under section 10 of this act.

This amendment corrects 2 typographical errors in the bill.

Adopted.

HB 35, prohibiting smoking in grocery food stores.

Amendment

Amend section 1 of the bill by striking out line 2 and inserting in place thereof the following:

RSA 155 by inserting after section 53 the following new subdivision:

Amend RSA 155:50 as inserted by section 1 of the bill by striking out line 1 and inserting in place thereof the following:

155:54 Definitions. In this subdivision:

Amend RSA 155:51 as inserted by section 1 of the bill by striking out line 1 and inserting in place thereof the following:

155:55 Prohibition; Posting of Signs.

Amend RSA 155:52 as inserted by section 1 of the bill by striking out line 1 and inserting in place thereof the following:



155:56 Penalty. Anyone who smokes in a grocery food store or who

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Contingent Provision. If HB 133, an act relative to smoking in the workplace, of the 1986 regular session of the general court does not become law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by this act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon the printing of the 1986 session laws.

3 Effective Date. This act shall take effect January 1, 1987.

This amendment renumbers the RSA sections in this bill to prevent duplication with the numbering of sections inserted by HB 133.

Adopted.

HB 55-FN, relative to insurance trade practices and requiring that inspectors of carnival or amusement rides be acceptable to the director of safety services.

#### Amendment

Amend RSA 417:4, XVI(e) as inserted by section 2 of the bill by striking out line 9 and inserting in place thereof the following:

of cancellation in accordance with the policy conditions.

Amend RSA 321-A:5, III as inserted by section 4 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

III. Prior to obtaining any decals, an operator of carnival equipment or an amusement device shall provide to the director:

This amendment corrects an omission and a grammatical error.

Adopted.

HB 125-FN, relative to the sale and distribution of tobacco products.

#### Amendment

Amend RSA 78:12-b, I(a) as inserted by section 2 of the bill by striking out line 1 and inserting in place thereof the following:

(a) "Person" means a person under RSA 78:1, II and shall include

This amendment corrects a cross reference in RSA 78:12-b, I(a).

Adopted.

HB 466-FN, relative to underground storage facilities.

## Amendment

Amend RSA 146-C:7, II as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

commission's approval of those plans.

Amend section 6 of the bill by striking out line 1 and inserting in place thereof the following:

6 Purpose. The creation of the committee created under section 5 of  
This amendment corrects 2 grammatical errors.

Adopted.

## ENROLLED BILLS REPORT

HB 449, relative to judicial salaries.

SB 44, increasing rates for shared homes and certain residents of community living homes and making an appropriation therefor.

SB 65, relative to the eviction of tenants in certain rental property.

SB 107, requiring local approval for Sunday greyhound racing, relative to powers and rulemaking of the sweepstakes commission, and changing the time for racing payments.

HB 369, relative to indemnifying state park volunteers from civil suits and authorizing the New Hampshire Outdoor Council to raise funds for certain purposes.

SB 14, directing the advisory committee on the department of corrections to study the sentencing of criminals in New Hampshire.

SB 20, prohibiting the operation of petroleum powered power boats on Spectacle Pond in the towns of Groton and Hebron.

SB 46, establishing a printed materials revolving fund at the department of education.

SB 59, relative to the consumer advocate and an assistant consumer advocate.

SB 62, authorizing the city of Berlin to establish a charter commission to consider consolidating the water and sewer departments.

SB 103, relative to utility exemptions from zoning ordinances.

SB 111, establishing an advisory committee on state economic development and local population growth.

SB 119, relative to building permits.

SB 131, relative to the higher education building corporation.

HB 337, repealing certain statutes relative to state employees and relative to certain employees of the department of justice.

HB 65, authorizing police officers to order removal of motor vehicle fatalities.

HB 107, relative to coordinated registration of corporations and limited partnerships and establishing a bond posting requirement for broker-dealers and investment advisors.

HB 122, relative to aggravated felonious sexual assault and to first degree murder.

HB 132, relative to the port authority.

HB 295, relative to Mirror Lake in the town of Woodstock and Jericho Pond in the city of Berlin.

HB 340, relative to the highway construction zones, relative to the rulemaking procedures and duties of the commissioner of transportation, and relative to axle weights on the noninterstate and general highway systems.

HB 371, relative to mail order address disclosure and making RSA 361-B subject to the consumer protection act under RSA 358-A.

HB 416, relative to a workers' personal care assistance program for persons with severe physical disabilities.

HB 451, relative to the delivery of wine purchases of a licensee, and price restrictions of wine licenses for restaurants on manufacturers' or wholesalers' premises; and requirements for special agents of the liquor commission.

HB 484, creating the position of administrator of federal-state financial information in the office of state planning.

HB 488, relative to eligibility for financial assistance from towns and cities.

Rep. James A. Chandler  
Sen. Rhona M. Charbonneau  
For the Committee.

RECESS

(Rep. Ward in the Chair)

ENROLLED BILLS AMENDMENTS

HB 457-FN, relative to the eradication of milfoil.

Amendment

Amend paragraph III (c) as inserted by section 1 of the bill by striking out line 1 and inserting in place thereof the following:

(c) Variability of water milfoil habitats with regard to

This amendment corrects a typographical error in section 1 of the bill.

Adopted.

HB 162-FN, relative to the New Hampshire tourism policy.

Amendment

Amend section 1 of the bill by striking out line 1 and inserting in place thereof the following:

1 Reference Addition. Amend RSA 12-A:22, IV (supp) as inserted by 1985, 270:3

This amendment corrects an error in the amending language.

Adopted.

HB 456-FN, relative to minimizing and abating health hazards related to asbestos.

Amendment

Amend section 1 of the bill by striking out lines 1-3 and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 141-D the following new chapter:

CHAPTER 141-E



Amend RSA 141-C:4, I(c) through (l) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

- (c) Safe worker practices under RSA 141-E:3, I(g).
- (d) Closure of places contaminated with friable asbestos material under RSA 141-E:7. The use of the word "contaminated" when related to airborne asbestos shall be consistent with asbestos exposure standards under RSA 141-E:6.
- (e) Notice and appeal procedures under RSA 141-E:7.
- (f) Procedures for the inspection of buildings, including visual assessment criteria for surfacing materials and pipe and boiler insulation and air monitoring standards consistent with RSA 141-E:7 and the issuance of orders to take corrective actions to mitigate exposure to friable asbestos material under RSA 141-E:8.
- (g) The licensure of owners, managers, and contractors undertaking asbestos abatement under RSA 141-E:10.
- (h) The certification and training of employees engaged in asbestos abatement under RSA 141-E:11.
- (i) The schedule and collection of fees under RSA 141-E:12, I.
- (j) The issuance of notices of violation and orders of abatement under RSA 141-E:14.
- (k) The fee structure to defray the cost of compliance monitoring under RSA 141-E:7, I and II; 141-E:8, I and II; 141-E:10; 141-E:11; and 141-E:13.
- (l) Procedures for exemption from the requirements of RSA 141-E:9 and 141-E:10.

Amend RSA 141-C:4, II(a)(4) and (5) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

- (4) Establishing the schedule and collection of fees under RSA 141-E:12, II.
- (5) Establishing a fee structure to defray the cost of compliance monitoring under RSA 141-E:9 and RSA 141-E:13.

Amend RSA 141-C:7, I as inserted by section 1 of the bill by striking out line 1 and inserting in place thereof the following:

I. Except as provided for under RSA 141-E:6, II, no person, whether

Amend RSA 141-C:8, I as inserted by section 1 of the bill by striking line 10 and inserting in place thereof the following:

director, include notice of closure of access under RSA 141-E:7.

Amend RSA 141-C:8, II as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

RSA 141-E:6, I or II, there may be a second test of samples collected over

Amend RSA 141-C:8, III as inserted by section 1 of the bill by striking out line 5 and inserting in place thereof the following:

RSA 141-E:12.

Amend RSA 141-C:12, I as inserted by section 1 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

granting of licenses under RSA 141-E:10, the granting of certificates under RSA 141-E:11, and the inspection of private dwellings under RSA 141-E:8,

Amend RSA 141-C:13, I as inserted by section 1 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

I. For the purposes of assuring compliance with RSA 141-E:7, I and II; 141-E:8, I and II; 141-E:9; 141-E:10; and 141-E:11, or with any rule

Amend RSA 141-C:13, I(c) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(c) Procure and examine licenses issued under RSA 141-E:10 and certificates issued under RSA 141-E:11; or

Amend RSA 141-C:14, I and II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

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

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

Amend RSA 141-C:15, I(a), (b), and (c) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(a) Violates RSA 141-E:7, I or II; 141-E:8, I or II; 141-E:9; 141-E:10; or 141-E:11;

(b) Violates RSA 141-E:13; or

(c) Makes or certifies a material false statement relative to any information required under RSA 141-E:10, 141-E:11, or 141-E:13.

Amend RSA 141-C:16 as inserted by section 1 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

141-C:16 Civil Forfeiture. Any person who violates RSA 141-E:7, I or II; 141-E:8, I or II; 141-E:9; 141-E:10; 141-E:11; or 141-E:13 shall be

Amend RSA 141-C:1-19 as inserted by section 1 of the bill by renumbering said sections to read as 141-E:1, 141-E:2, 141-E:3, 141-E:4, 141-E:5, 141-E:6, 141-E:7, 141-E:8, 141-E:9, 141-E:10, 141-E:11, 141-E:12, 141-E:13, 141-E:14, 141-E:15, 141-E:16, 141-E:17, 141-E:18, and 141-E:19, respectively.

Amend section 2 of the bill by striking out line 4 and inserting in place thereof the following:

commission are hereby authorized to adopt rules as provided by RSA 141-E:4,

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Contingent Provision. If either or both HB 113, an act relative to anatomical gifts, relative to the adoption of the uniform determination of death act, and relative to embalmers and funeral directors, or HB 508, an act recodifying the public health statutes and establishing a fee schedule for laboratory services under RSA 131, of the 1986 regular session of the general court do not become law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by this act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon the printing of the 1986 session laws.

5 Effective Date.

I. Sections 1, 3 and 4 of this act shall take effect on July 1, 1987.

II. The remainder of this act shall take effect on January 1, 1987.

This amendment rennumbers RSA sections and cross-references in a chapter inserted by section 1 of this bill, contingent upon the enactment of HB 113 and HB 508.

Adopted.

HB 326, relative to high-level radioactive waste.

Amendment

Amend RSA 125-E:16, III(e) as inserted by section 1 of the bill by striking out line 4 and inserting in place thereof the following:

storage or permanent disposal of high-level radioactive waste.

Amend section 2 of the bill by striking out line 13 and inserting in place thereof the following:

radiation control agency and in strict compliance with the provisions of

Amend section 1 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

chapter 125-F the following new chapter:

CHAPTER 125-G

Amend RSA 125-E:3, VI(a) as inserted by section 1 of the bill by striking out line 1 and inserting in place thereof the following:

(a) The further definition of "related studies" in RSA 125-G:3,

Amend RSA 125-E:3, VI(b) as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

RSA 125-G:3, III;

Amend RSA 125-E:3, VI(c) and (d) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(c) The further definition of "interested citizen groups" in RSA 125-G:3, III;



(d) Application Requirements under RSA 125-G:7, VI;

Amend RSA 125-E:3, VI(e) as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

RSA 125-G:10, including further definition of what is consistent with the

Amend RSA 125-E:3, VI(f) as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

addition to the requirements under RSA 125-G:13.

Amend RSA 125-E:4, I as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

responsibilities as provided in RSA 125-G:5. The committee shall consist

Amend RSA 125-E:6, I as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

responsibilities as provided in RSA 125-G:7.

Amend RSA 125-E:14, I as inserted by section 1 of the bill by striking out line 5 and inserting in place thereof the following:

the provisions of RSA 125-G:13, 16 and 17.

Amend RSA 125-E:16, II as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

Department of Energy under RSA 125-G:15 shall include, but not be limited

Amend RSA 125-E:16, II(j) as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

RSA 125-G:9 and to review the activities of the Department of Energy and

Amend RSA 125-E:16, III as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

Department of Energy under RSA 125-G:15 shall include a list of reasons for

Amend RSA 125-E:16, III(c) as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

a written agreement or revision approved under RSA 125-G:14.

Amend RSA 125-E:17 as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

agreement negotiated under RSA 125-G:15, approved by the office, and

Amend RSA 125-E:17 as inserted by section 1 of the bill by striking out line 7 and inserting in place thereof the following:

125-G:15.

Amend RSA 125-E:18, I as inserted by section 1 of the bill by striking out line 5 and inserting in place thereof the following:

the federal Department of Energy pursuant to RSA 125-G:16, II(m). The

Amend RSA 125-E:1-23 as inserted by section 1 of the bill by renumbering said sections to read as 125-G:1, 125-G:2, 125-G:3, 125-G:4, 125-G:5, 125-G:6, 125-G:7, 125-G:8, 125-G:9, 125-G:10, 125-G:11, 125-G:12, 125-G:13, 125-G:14, 125-G:15, 125-G:16, 125-G:17, 125-G:18, 125-G:19, 125-G:20, 125-G:21, 125-G:22, and 125-G:23, respectively.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Contingent Provision. If either or both HB 389-FN, an act committing the state to the Northern New England Low-Level Radioactive Waste Management Compact, or HB 214, an act relative to the radiological health program, of the 1986 regular session of the general court do not become law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by this act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon the printing of the 1986 session laws.

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

This amendment corrects typographical errors and renumbers an RSA chapter because of the passage of HB 389 and HB 214.

Adopted.

HB 19-FN, relative to users of fuel other than motor fuel in vehicles of the pleasure type and relative to OHRV's.

#### Amendment

Amend section 1 of the bill by striking out line 2 and inserting in place thereof the following:

inserted by 1981, 146:1 as amended by striking out said paragraph and inserting in

Amend RSA 260:52, XI(b) as inserted by section 1 of the bill by striking out line 6 and inserting in place thereof the following:

state. The user may then apply to the director of motor vehicles for any

Amend RSA 215-A:11-b as inserted by section 11 of the bill by striking out line 4 and inserting in place thereof the following:

person shall be subject to the penalty imposed under RSA 215-A:11-j upon

Amend RSA 215-A:11-j as inserted by section 11 of the bill by striking out line 1 and inserting in place thereof the following:

215-A:11-j Penalty. Notwithstanding the provisions of title LXII and

Amend RSA 215-A:14, I(c) as inserted by section 12 of the bill by striking out line 2 and inserting in place thereof the following:

the vehicle at all times. The brakes must be capable of stopping the

Amend RSA 215-A:14, I(e) as inserted by section 12 of the bill by striking out line 1 and inserting in place thereof the following:

(e) Mufflers and an exhaust system which comply with the

Amend RSA 215-A:38 as inserted by section 24 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

215-A:38 Headlights. For any trail bike registered for use on the highways, a high and low beam headlight shall not be required unless said

Amend RSA 215-A:39 as inserted by section 24 of the bill by striking out line 1 and inserting in place thereof the following:

215-A:39 Speedometer and Odometer. For any trail bike registered for use

This amendment corrects a citation error, 3 grammatical errors, and a typographical error.

Adopted.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.

Adopted.



# HOUSE JOURNAL 16

*Thursday, 22 May 86*

The House assembled at 1:30 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by guest Chaplain, Rev. Frank Gross, Executive Secretary of the New Hampshire Council of Churches.

Eternal and ever-loving God, behold this body of Your people now before you. They have been elected to serve as leaders in this Granite State. On their behalf, I both invite and confirm Your presence and Your blessing in this place.

Many have labored long and hard, O God, for values You hold high: values of personhood, community, justice and peace. Enable them both to know our gratitude, and to receive Your welcome acclamation for their job "Well Done!"

This day promises to be long and hard for all these people, so they need Your help. Many hopes are yet to be fulfilled. Many obstacles are yet to be surpassed. There is no way in which everything which all these folk wish to have accomplished will be completed at day's end.

So grant to all, we pray, a high degree of tolerance for frayed nerves, the ability to distinguish the truly important from that which can be put off, a willingness to hear - as well as to speak - and a measure of sympathy and understanding for those whose issues and causes will not receive the attention they deserve.

And most of all, O God, grant Your guidance and Your power to these who serve in order that their actions of this day may be in accordance with Your hopes for all. Amen.

Rep. York led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Stiles, Connors, Donnelly, Bergeron and Nute, the day, illness.

Reps. Secord, M. Arnold Wight, Vaughn, Hounsell, Gilbreth, Warburton, Linwood Rogers, Dickinson, Copenhaver, Marian Harrington, Marsh, Ahrens, Tamposi, Schofield, Wallner, Burton, Whiting and Tufts, the day, important business.

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

Reps. Wells, Russell, Malcolm, Ducharme and Krasker, the day, illness in the family.

## INTRODUCTION OF GUESTS

Matthew Case, son of Rep. Case; Mr. and Mrs. Dick Frazee and Scott Lovejoy, guests of Rep. Lovejoy; Londonderry High School Operation Venture Group students and their teacher Dan Kessler, guests of the Londonderry Delegation.

## SENATE MESSAGE

### ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 202, relative to forfeiture of items used in connection with drug offenses.

## COMMITTEE OF CONFERENCE REPORT

HB 202, relative to forfeiture of items used in connection with drug offenses. (report printed SJ 5/15)

The Chair declared HB 202, Secs. 4, 5, 6 and 7 were in violation of Joint Rule 20-h.

## SUSPENSION OF RULES

Reps. Rounds and Chambers moved that the rules be so far suspended as to permit consideration at the present time of HB 4-FN, making supplemental appropriations and amending the operating and capital budgets, HB 5-FN, relative to the state treasurer and secretary of state, motor vehicle plates, personnel, retirement, governor's scholars awards, reporting boating accidents, water use permits, the federal boat numbering system, Alzheimer's disease, subsurface waste, unclassified employees, fire standards training, and early retirement for judges, HB 513-FN, relative to tort reform and insurance, HB 514-FN, relative to drug forfeiture, HB 515-FN, relative to unemployment compensation, and HCR 11, requiring that certain procedures be followed relative to certain funds allocated to the state, without introduction, referral, public hearing, committee report and the required notice in the Calendar, after the deadlines.

Adopted by the necessary two-thirds.

HB 4-FN, making supplemental appropriations and amending the operating and capital budgets.

Rep. Kidder moved that HB 4 be adopted.

Rep. Gross explained the bill.

Adopted.

Ordered to third reading.

HB 5-FN, relative to the state treasurer and secretary of state, motor vehicle plates, personnel, retirement, governor's scholars awards, reporting boating accidents, water use permits, the federal boat numbering system, Alzheimer's disease, subsurface waste, unclassified employees, fire standards training, and early retirement for judges.

Reps. Rounds and Chambers moved that HB 5 be adopted.

Rep. Gross explained the bill.

Adopted.

Ordered to third reading.

HB 513-FN, relative to tort reform and insurance.

Rep. Sytek moved that HB 513 be adopted, spoke to her motion and yielded to questions.

Rep. Chretien offered an amendment.

## Amendment

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Frivolous Lawsuits and Punitive Damages. Amend RSA 507 by inserting after section 14 the following new subdivision:

## Frivolous Lawsuits and Punitive Damages

507:15 Penalties for Frivolous Actions. If, upon the hearing of any contract or tort action, it clearly appears to the court that the action or any defense is frivolous or intended to harass the prevailing party, then the court, upon motion of the prevailing party or on its own motion, may award against the party who brought such action or raised such defense the amount of costs and attorneys' fees incurred by the prevailing party, provided such costs and fees are reasonable. The trial judge shall also report such conduct to the Supreme Court Committee on Professional Conduct.

507:16 Punitive Damages Outlawed. No punitive damages shall be awarded in any action, unless otherwise provided by statute.

4 Medical Injury Actions and Alcohol Beverage Licensee Liability. Amend RSA by inserting after chapter 507-D the following new chapters:

CHAPTER 507-E  
MEDICAL INJURY ACTIONS

507-E:1 Definitions. As used in this chapter:

I. "Action for medical injury" means any action against a medical care provider, whether based in tort, contract or otherwise, to recover damages on account of medical injury.

II. "Medical care provider" means a physician, physician's assistant, registered or licensed practical nurse, hospital, clinic or other health care agency licensed by the state or otherwise lawfully providing medical care or services or an officer, employee or agent thereof acting in the course and scope of employment.

III. "Medical injury" or "injury" means any adverse, untoward or undesired consequences arising out of or sustained in the course of professional services rendered by a medical care provider, whether resulting from negligence, error, or omission in the performance of such services; from rendition of such services without informed consent or in breach of warranty or in violation of contract; from failure to diagnose; from premature abandonment of a patient or of a course of treatment; from failure properly to maintain equipment or appliances necessary to the rendition of such services; or otherwise arising out of or sustained in the course of such services.

507-E:2 Burden of Proof.

I. In any action for medical injury, the plaintiff shall have the burden of proving by affirmative evidence which must include expert testimony of a competent witness or witnesses:

(a) The standard of reasonable professional practice in the medical care provider's profession or specialty thereof, if any, at the time the medical care in question was rendered; and

(b) That the medical care provider failed to act in accordance with such standard; and

(c) That as a proximate result thereof, the injured person suffered injuries which would not otherwise have occurred.

II. Without limiting the applicability of paragraph I of this section, where the plaintiff claims that a medical care provider failed to supply adequate information to obtain the informed consent of the injured person:

(a) The plaintiff shall have the burden of proving by affirmative evidence, which must include expert testimony of a competent witness or witnesses, that the treatment, procedure or surgery was performed in other than an emergency situation and that the medical care provider did not supply that type of information regarding the treatment, procedure or surgery as should reasonably have been given to a patient in the position of the injured person or other persons authorized to give consent for such a patient by other competent medical care providers with similar training and experience at the time of the treatment, procedure or surgery.



(b) In determining whether the plaintiff has satisfied the requirements of subparagraph (a) of this paragraph, the following matters shall also be considered as material issues:

- (1) Whether the injured person or person giving consent on his behalf could reasonably be expected to know of the risks or hazards inherent in such treatment, procedure, or surgery;
- (2) Whether the injured person or the person giving consent on his behalf knew of the risks or hazards inherent in such treatment, procedure, or surgery;
- (3) Whether the injured party would have undergone the treatment, procedure, or surgery regardless of the risk involved or whether he declined to be informed thereof;
- (4) Whether it was reasonable for the medical care provider to limit disclosure of information because such disclosure could be expected to adversely and substantially affect the injured person's condition.

CHAPTER 507-F  
ALCOHOLIC BEVERAGE LICENSEE LIABILITY

507-F:1 Definitions. In this chapter:

I. "Adult" means any person of legal age to purchase alcoholic beverages, or older as defined by RSA 175:6.

II. "Alcoholic beverages" means liquor and beverages as those terms are defined in RSA 175:1.

III. "Intoxicated person" means an individual who is in a state of intoxication as defined by this chapter.

IV. "Intoxication" means an impairment of a person's mental or physical faculties as a result of drug or alcoholic beverage use so as to diminish that person's ability to think and act in a manner in which an ordinary prudent and cautious person, in full possession of his faculties and using reasonable care, would act under like circumstances.

V. "Licensee" means any person who is required to be licensed to serve alcoholic beverages under RSA 175, 176, 177, 178, 178-A, 178-B, or 181.

VI. "Minor" means any person under the legal age to purchase alcoholic beverages.

VII. "Person" means any individual, governmental body, corporation or other legal entity.

VIII. "Premises" means any establishment licensed or required to be licensed under RSA 175:3.

IX. "Service of alcoholic beverage" or "service" means any sale, gift, or other furnishing of alcoholic beverages.

507-F:2 Plaintiff.

I. Any person who suffers damage, as provided in RSA 507-F:10, may bring an action under this chapter subject to the limitation found in paragraph II of this section.

II. A person who becomes intoxicated may not bring an action under RSA 507-F:4 against a defendant for serving alcoholic beverages to such person.

507-F:3 Defendants. Any person licensed or required to be licensed under RSA 175:3 and any employee or agent of such person who commits an act giving rise to liability, as provided in RSA 507-F:4 and 5, may be made a defendant to a claim under the provisions of this chapter:

507-F:4 Negligent Service of Alcoholic Beverages.

I. A defendant who negligently serves alcoholic beverages to a minor or to an intoxicated person is liable for resulting damages, subject to the provisions of this chapter.

II. Service of alcoholic beverages to a minor or to an intoxicated person is negligent if the defendant knows or if a reasonably prudent person in like circumstances would know that the person being served is a minor or is intoxicated.

III. Proof of service of alcoholic beverages to a minor without request for proof of age as required by RSA 175:6-b shall be admissible as evidence of negligence.

IV. Service of alcoholic beverages by a defendant to an adult person who subsequently serves a minor off the premises or who is legally permitted to serve a minor does not constitute service to the minor unless a reasonably prudent person in like circumstances would know that such subsequent service is reasonably likely to occur and is illegal.

V. A defendant does not have a duty to investigate whether a person being served alcoholic beverages intends to serve the alcoholic beverages to other persons off the premises.

VI. A defendant is not chargeable with knowledge of a person's consumption of alcoholic beverages or other drugs off the defendant's premises unless the person's appearance and behavior would put a reasonably prudent person on notice of such consumption.

VII. A defendant is not under a duty to recognize signs of a person's intoxication other than those normally associated with the consumption of alcoholic beverages except for intoxication resulting in whole or in part from other drugs consumed on defendant's premises with defendant's actual or constructive knowledge.

#### 507-F:5 Reckless Service of Alcoholic Beverages.

I. A person who becomes intoxicated may bring an action against a defendant for serving alcoholic beverages only when the server of such beverages is reckless. The service of alcoholic beverages is reckless when a defendant intentionally serves alcoholic beverages to a person when the server knows, or a reasonable person in his position should have known, that such service creates an unreasonable risk of physical harm to the drinker or to others that is substantially greater than that which is necessary to make his conduct negligent.

II. A defendant who recklessly provides alcoholic beverages to another is liable for resulting damages.

III. Specific serving practices that are admissible as evidence of reckless conduct include, but are not limited to, the following:

(a) Active encouragement of intoxicated persons to consume substantial amounts of alcoholic beverages.

(b) Service of alcoholic beverages to a person, 16 years of age or under, when the server knows or should reasonably know the patron's age.

(c) Service of alcoholic beverages to a patron that is so continuous and excessive that it creates a substantial risk of death by alcohol poisoning.

(d) The active assistance by a defendant of a patron into a motor vehicle when the patron is so intoxicated that such assistance is required, and the defendant knows or should know that the intoxicated person intends to operate the motor vehicle.

#### 507-F:6 Responsible Business Practices Defense.

I. Service of alcoholic beverages is not negligent or reckless if the defendant, at the time of the service, is adhering to responsible business practices. Responsible business practices are those business policies, procedures, and actions which an ordinarily prudent person would follow in like circumstances.

II. The service of alcoholic beverages to a person with actual knowledge that such person is intoxicated or is a minor is not a responsible business practice. Evidence of responsible business practices pursuant to this section is relevant to determining whether a defendant who does not have such actual knowledge should have known of the person's intoxicated condition or age.

III. With respect to service to intoxicated persons, evidence of responsible business practices may include, but is not limited to, comprehensive training of the defendant and the defendant's employees and agents who are present at the time of service of alcoholic beverages and responsible management policies, procedures, and actions which are in effect at the time of such service.

IV. With respect to service to intoxicated persons, evidence of comprehensive training includes, but is not limited to, the development of knowledge and skills regarding the responsible service of alcoholic beverages and the handling of intoxicated persons. Such training shall be appropriate to the level and kind of responsibility for each employee and agent to be trained.

V. With respect to service to intoxicated persons, evidence of responsible management policies, procedures, and actions may include, but is not limited to, those policies, procedures, and actions which:

(a) Encourage persons not to become intoxicated if they consume alcoholic beverages on the defendant's premises.

(b) Promote availability of nonalcoholic beverages and food.

(c) Promote safe transportation alternatives other than driving while intoxicated.

(d) Prohibit employees and agents of defendant from consuming alcoholic beverages while acting in their capacity as employee or agent.

(e) Establish promotions and marketing efforts which publicize responsible business practices to the defendant's customers and community.

(f) Implement comprehensive training procedures.

(g) Maintain an adequate number of trained employees and agents for the type and size of defendant's business.

VI. With respect to service to minors, evidence of responsible business practices may include, but is not limited to:

(a) Management policies which assure the examination of proof of age as required by RSA 175:6-b, for all persons seeking service of alcoholic beverages who may reasonably be suspected to be minors.

(b) Comprehensive training of employees who are responsible for such examination regarding the detection of false or altered identification.

VII. Proof of responsible business practices shall be based on the totality of the circumstances, including but not limited to: the availability of training programs and alternative public transportation; the defendant's type and size of business; and the nature of the defendant's previous contacts with the intoxicated person or minor who is served. Evidence of the existence or omission of one or more elements of responsible business practices does not conclusively prove or disprove of the responsible business practices defense.

#### 507-F:7 Privileges.

I. No defendant may be held civilly liable for damages resulting from the refusal to serve alcoholic beverages to any person who:

(a) Fails to show proof of age as required by RSA 175:6-b;

or

(b) Appears to a reasonable person to be a minor; or

(c) Is refused service of alcoholic beverages by defendant in a good faith effort to prevent that person's intoxication.

II. No defendant may be held civilly liable for retaining documents presented as proof of age, provided such retention is for a reasonable length of time in a good faith effort to determine whether the person is of legal age or to notify law enforcement authorities of a suspected violation of law.

III. No defendant may be held civilly liable for using reasonable force to detain a person who is attempting to operate a motor vehicle while intoxicated for a reasonable period of time, necessary to summon law enforcement officers.

IV. This section does not limit a defendant's right to assert any other defense to a civil liability claim otherwise provided by law.

507-F:8 Exclusive Remedy. This chapter is the exclusive remedy against a defendant for claims by those suffering damages based on the defendant's service of alcoholic beverages.



5 Definition; Pollutant Incident. Amend RSA 507-B:1 by inserting after paragraph IV the following new paragraph:

V. "Pollutant incident" means any emission, discharge, release, or escape of any solid, liquid, gaseous, or thermal contaminants, irritants or pollutants into or upon land, the atmosphere, or any watercourse or body of water.

6 Limit of Municipal Liability. Amend RSA 507-B:4 as inserted by 1975, 483:1 as amended by striking out said section and inserting in place thereof the following:

507-B:4 Limit of Liability.

I. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any one person in actions brought under this chapter is limited to \$150,000. Such limit applies in the aggregate to any and all actions to recover for bodily injury, personal injury or property damage arising out of bodily injury, personal injury or property damage sustained by one person in a single incident or occurrence. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any number of persons in a single incident or occurrence is limited to \$500,000.

II. The court shall award no punitive damages against a governmental unit for bodily injury, personal injury or property damage.

III. The jury shall not be informed of the limits in paragraph I but the court shall abate any verdict to the extent it exceeds the limits prescribed in this section. In actions consolidated under RSA 507-B:3, in the event the verdicts exceed the limits prescribed in this section, the verdicts shall be abated pro rata. Interest and costs may be recovered as in any civil action, in addition to the limits prescribed in this section.

7 Pollutant Liability Standard and Government Employee Liability. Amend RSA 507-B by inserting after section 8 the following new sections:

507-B:9 Pollutant Liability Standard.

I. Notwithstanding any other provision of law, the liability of any governmental unit or public employee for any personal injury, bodily injury, or property damage caused by or resulting from pollutant incidents shall only be based upon a showing by a preponderance of the evidence that the acts or omissions of the governmental unit were unreasonable. The acts or omissions of a governmental unit or public employee shall be conclusively presumed to be reasonable if they are in accord with the generally prevailing state of the art, scientific knowledge, and technology available at the time the acts or omissions were undertaken or made by the governmental unit or public employee.

II. The liability of any governmental unit or public employee arising from a pollutant incident shall be several and not joint. Governmental units or public employees shall be liable only to the extent that their acts or omissions contributed to the causation of the personal injury, bodily injury, or property damage.

III. The doctrines of strict liability or absolute liability shall not be the basis of liability of a governmental unit or public employee for any personal injury, bodily injury, or property damage caused by pollutant incidents.

507-B:10 Employee Liability. If any claim is made or any civil action is commenced against a present or former employee or official of a governmental unit seeking equitable relief or claiming damages, the liability of said employee or official shall be governed by the same principles and provisions of law as those which govern governmental liability, so long as said employee or official was acting within the scope of his office and in good faith.

8 Statement of Intent. In enacting RSA 507-B:10, the general court recognizes that employees and officials are necessary and indispensable to the functioning of governmental units. These individuals are inextricably intertwined with the identity of government. Recent developments in the law require a new formulation of the policy of employee and official liability. Therefore, it is necessary to limit the liability of employees and officials as agents of governmental units.

9 Directors and Officers of Charitable Corporations; Liability Limited. Amend RSA 508 by inserting after section 15 the following new section:

508:16 Directors and Officers of Charitable Organizations or Societies; Liability Limited.

I. For the purposes of this section, "director" means a person who serves without compensation on the board of trustees or board of directors of a charitable organization or society organized or incorporated in this state or having a principal place of business in this state. For the purposes of this section, "officer" means a person who serves without compensation as an officer of such an organization or society.

II. Directors and officers shall not be liable for damages for bodily injury, personal injury or property damage if the claim for such damages arises from an act committed in good faith and without willful and wanton negligence in the course of an activity carried on to accomplish the charitable purposes of the organization or society.

10 Commission on Tort Law and Insurance Availability Established. A commission on tort law and insurance availability is hereby established to study and make recommendations on issues in the area of tort law and insurance availability.

11 Commission Members; Appointment. The commission shall consist of 4 representatives to be appointed by the speaker of the house and 3 senators to be appointed by the senate president. Appointments made under this section shall be made within 30 days of the effective date of this act. At its first meeting, the commission shall elect a chairman from among its members.

12 Duties. The commission shall study the following:

- I. Contingency fees.
- II. Periodic payments of large awards.
- III. Use of the doctrine of res ipsa loquitur.
- IV. Availability of expert witnesses.
- V. Proposals on pain and suffering damages and enhanced compensatory damages.
- VI. Measures relative to reducing or controlling medical negligence.
- VII. Joint and several liability.
- VIII. Any other issue in the area of tort law and availability of liability insurance.

13 Reports of the Commission. The commission shall report on its findings and make recommendations on matters which it has fully examined in 2 reports to be submitted to the speaker of the house and the president of the senate. The first report shall be submitted by December 15, 1986, and the second report shall be submitted by December 15, 1987. The commission may submit recommendations for proposed legislation to the director of legislative services by December 15, 1986, to be drafted and introduced as legislation for the 1987 legislative session and by December 15, 1987, to be drafted and introduced as legislation for the 1988 legislative session, without requiring any other legislative action including suspension of the joint rules.

14 Cooperation of Insurance Commissioner. The insurance commissioner shall cooperate fully with the tort law and insurance availability commission and shall obtain from insurers and supply to the commission any information it shall require to fulfill its duties. Insurance companies licensed in the state of New Hampshire shall provide such information as the commission shall request within such time period as the commission may establish.

15 Mileage. The members of the commission shall receive no compensation except for mileage at the legislative rate.

16 Contingency; Municipal Liability Cap. If the \$500,000 damages cap on liability of a governmental unit for damages sustained by any number of persons in a single incident or occurrence, as provided for in RSA

507-B:4, I as inserted by section 15 of this act, is found invalid by the New Hampshire supreme court, then RSA 507-B:4, I shall read as follows:

I. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any one person in actions brought under this chapter is limited to \$150,000. Such limit applies in the aggregate to any and all actions to recover for bodily injury, personal injury, or property damage arising out of bodily injury, personal injury, or property damage sustained by one person in a single incident or occurrence. Liability of a governmental unit for bodily injury, personal injury, or property damage sustained by any number of persons in a single incident or occurrence is limited to \$1,000,000.

17 Applicability.

I. Sections 5-9 and 16 shall apply to all causes of action arising on or after the date of passage of this act.

II. Sections 2-4 shall apply to all causes of action arising on or after July 1, 1986.

18 Severability. If any provision of this act or application of it to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision of applications, and to this end, the provisions of this act are severable.

19 Repeal. RSA 507:7-a, 7-b, and 7-c, relative to comparative negligence and joint tortfeasors, are hereby repealed.

20 Effective Date.

I. Sections 5-9 and 16 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1986.

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Chretien explained the amendment.

Reps. Thomas Gage, Alf Jacobson, Rounds and Bass spoke against the amendment and yielded to questions.

Reps. Lozeau, Michael Jones, Cote, Healy, Bibbo and Daniel Eaton spoke in favor of the amendment.

Reps. Ward, Hayes and Donovan spoke against the amendment.

Rep. Daniell spoke to the amendment.

Reps. Hollingworth and Crory spoke in favor of the amendment and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Daniel Eaton requested a roll call. Sufficiently seconded.

Rep. Gross abstained from voting under Rule 16.

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YEAS 96

BELKNAP: Bowler, Dexter and James White.

CARROLL: Russell Chase and Olimpio.

CHESHIRE: Crane, Daniel Eaton, Matson, William Riley and William Sullivan.

COOS: Brideau, Coulombe, Mayhew, Ottolini and York.

GRAFTON: Arnesen, Chambers, Crory, Easton, Michael King, Wayne King and LaMott.

HILLSBOROUGH: Barry, Blais, Bourdon, Bourque, Bridgewater, Burkush, A. Leslie Burns, Champagne, Charron, Chretien, Clancy, Cote, William Dion, Duperron, Dupont, Dwyer, Gagnon, Scott Green, Healy, Hendrick, Hogan, Michael Jones, Katsiaficas, Lozeau, McGlynn, Messier, Morrissette, Robert



Murphy, Nelson, O'Rourke, Parmenter, Pressly, Raiche, Reardon, Reidy, Sallada, Snow, Mary Sullivan, Sylvia, Winn and Zis.

MERRIMACK: Allgeyer, Bibbo, James Chandler, Daniell, Kinhan, Rehlander and James Whittemore.

ROCKINGHAM: Blanchard, Patti Blanchette, Butler, Conroy, Beverly Gage, Gourdeau, Hollingworth, George Katsakiores, Phyllis Katsakiores, Longworth, Magoon, Benjamin Moore, Pevear, Popov, Rosencrantz, Sanderson, Simon and Sloan.

STRAFFORD: Callaghan, Keans, Kincaid, O'Brien and Henry Sullivan.

SULLIVAN: Brodeur, D'Amante and Paul Johnson.

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BELKNAP: Brown, Richard Campbell, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Matthew Locke, Nighswander, Pearson, Randall and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Robert Holmes, Kenneth MacDonald, McIntire and Powers.

CHESHIRE: Arnott, Blacketor, Burley, Jesse Davis, Delano, Frink, Irvin Gordon, Grodin, Elmer Johnson, Miller, Morse, Parker, Perry, Ramsay, Ridge, Schwartz, Scranton, Thompson and Young.

COOS: Brungot, Harold Burns, Chappell, Chardon, Frederic Foss, Guay, Horton, Lamontagne and Theriault.

GRAFTON: Bean, Blair, Christy, Densmore, Driscoll, Duggan, Mann, McAvoy, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Bass, Beaupre, Boisvert, Lionel Boucher, Boutwell, John Burns, Carragher, Chagnon, Cronin, Crotty, Donovan, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Fried, Grip, Herod, Holden, Humphrey, Chris Jacobson, Jasper, George Jones, Keefe, Kelley, Knight, Labombarde, Levesque, Lown, Howard Mason, McCue, Elizabeth Moore, Bonnie Packard, Paradis, Pariseau, Pellow, Perham, Prestipino, Frances Riley, Ellen-Ann Robinson, G. Philip Rodgers, Shriver, B. P. Smith, Leonard Smith, Steiner, Stonner, Turgeon, Van Loan, Vanderlosk, Varkas, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore and Worthen.

MERRIMACK: Anderson, Barberia, Bardsley, Laurent Boucher, Bowes, Cate, Connolly, Fraser, George E. Gordon, Hager, Hayes, Mary Holmes, Alf Jacobson, Jelley, C. William Johnson, Kidder, Lewis, Arthur Locke, Millard, Nichols, Pannell, Pantzer, Phelps, Doris Riley, Savaria, Shepard, Gerald Smith, Stio and West.

ROCKINGHAM: Benton, Blaisdell, William Boucher, Eunice Campbell, Marilyn Campbell, Case, Champoux, Lawrence A. Chase, Jr., Clay, Ellyson, Emanuelson, Felch, Flanagan, Flanders, Bert Ford, Thomas Gage, Elizabeth Greene, Haynes, Hoar, Robert Johnson, Joslyn, Kane, Roger King, Lovejoy, Mace, Robert Mason, Jr., McCain, McKinney, Newell, Palumbo, Pantelakos, Parr, Quimby, Raynowska, Norman Rogers, Romoli, Scamman, Schmidtchen, Schwaner, Seward, Sherburne, Skinner, Sochalski, Stachowske, Sytek, Titone, Vartanian, Walker, Welch and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Hussey, Robert Jones, Laurion, Lussier, Meader, Musler, Parks, Pelley, Francis Robinson, Spear, Swope, Ann Torr and Franklin Torr.

SULLIVAN: Call, Disnard, Domini, Ingram, Lindblade, McKee, Mehegan, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the amendment lost.

Ordered to third reading.

Reps. Nelson and Krasker notified the Clerk that they wished to be recorded in favor of HB 513.

HB 514-FN, relative to drug forfeiture.

Reps. Rounds, Sytek and Chardon moved that HB 514 be adopted.

Adopted.

Ordered to third reading.

HB 515-FN, relative to unemployment compensation.

Rep. Skinner moved that HB 515 be adopted, spoke to her motion and yielded to questions.

Thank you, Mr. Speaker. Members of the House, HB 515 is dealing with the conformity issues that were addressed in HB 64, which failed to gain acceptance on part of the Committee of Conference. This will make our law conform completely to the federal Unemployment Tax Act. Federal law requires that social security and railroad retirement pensions reduce unemployment benefits regardless of the relationship of the base period of the onset of the pension. If any base period employer contributed to a retirement plan, failure of our law to conform to federal law could lead to the loss of employer offset credit for future taxes. If we took the base year of 1984 of taxable wages of 2.48 billion employers, they would have to pay 133.9 million in increased future taxes. Section 2 also reflects federal law, which while requiring a reduction, allows a state to limit an amount of the pension deduction by taking into account an individual's contribution to the pension. This change will reduce the deduction to zero. If the individual contributed fifty percent or more to the pension as in the case of social security, this measure would bring our law into conformity. In 1982, we passed an amendment to a bill that would have brought this into conformity. It went into the Senate, the Senate at this time, refused to accept the House position and adopted what the President of the Senate wanted at that time. We explained that it would bring us out of conformity, and it has taken over three years for us to get a ruling from the federal government relative to this section of our law. The federal government knows that we have introduced legislation, they only came down, actually with written opinion March 24th of 1986. I introduced HB 64 last August, so we were well aware that we would have to conform. They could start to levy sanctions against the State of New Hampshire and also to the employers in our state with increased future taxes if we did not pass this measure. I ask you to look favorably upon HB 515 as introduced to you today.

#### QUESTIONS OF REP. SKINNER

REP. CHAMBERS: Because of Section II of the bill, there is a possibility, that of interpretation that indeed would penalize our senior citizens that are receiving social security or railroad retirement pay, that indeed the intent of this legislation, the intent of the House, is in no way to penalize our elderly citizens because they do receive social security benefits or railroad retirement benefits, and that indeed, our intention is to be sure that we are clearly going to allow them to collect

unemployment when they are honestly working and are entitled to unemployment compensation.

REP. SKINNER: Your question would be, that in no way would this legislation harm the elderly relative to unemployment compensation benefits. One other thing is, as you are aware, that the department would have the provision under Rules and Regulations to spell out a section dealing with this. Also, as you are aware, there is an Advisory Council on Unemployment Compensation which currently I Chair, and they too would have the review of rules. And above that there is the Joint Committee on Administration Rules that would look at Rules and Regulations to make sure that in no way this would be jeopardized, that the House position would be upheld.

REP. CHAMBERS: Are you aware that Representative Nichols and I had a conversation with Commissioner Ratoff shortly before we began today's session, and indeed he insured both of us that the Rules and Regulations would be written in such a way that those people on social security and receiving railroad retirement benefits, would in no way have their benefits under unemployment compensation reduced by any amount.

REP. SKINNER: I would believe that and I will stand before this House to say that I will do everything in my power to make sure that those rules and regulations are brought forth.

Hearing no objection, the Chair advised the Clerk to print Rep. Skinner's remarks and questions in the Journal.  
Ordered to third reading.

#### HOUSE CONCURRENT RESOLUTION NO. 11

requiring that certain procedures be followed relative to funds allocated to the state.

WHEREAS, funds have been allocated by the United States Department of Energy to the state of New Hampshire as a result of the United States v. Exxon decision; and

WHEREAS, that decision states that these funds are to be treated by the Department of Energy as a federal appropriation; and

WHEREAS, the New Hampshire constitution allows only the legislature to appropriate funds; and

WHEREAS, the state of New Hampshire has certain statutory procedures to be followed concerning the handling of federal funds by the state, including block grants, which provide for consistency in these matters; now, therefore be it

RESOLVED, by the House of Representatives, the Senate concurring: that the governor follow all the usual procedures for the handling of federal funds, including the statutory requirements of RSA 124:13, for this and any subsequent distribution of energy overcharge funds from the federal government; and

That no funds disbursed to the state as a result of the United States v. Exxon decision or any other energy overcharge funds disbursed to the state be expended until the expenditure has been specifically appropriated by the general court.

Rep. Kidder moved that HCR 11 be adopted and spoke to his motion.  
Reps. Chambers and Rounds spoke in favor of the motion.  
Adopted.  
Ordered to third reading.



## VETO MESSAGE ON HB 325

To all members of the General Court:

I have vetoed House Bill 325 relative to acupuncture.

Subsequent to review of the provisions of House Bill 325, I do not feel that this legislation is appropriate. To date I am not aware of, nor have I received, any data that would support a need for change in the present rules for acupuncture that are now being utilized. In fact, it appears that such are currently being sufficiently addressed.

Of equal and perhaps greater import, I am particularly concerned by the rescission of the rules pertaining to the practice of hypnosis. By rescinding these rules I feel that there exists a possibility of negative consequences to the State of New Hampshire. My concern is shared with several members of the General Court who feel that passage of the bill would subject the citizens of New Hampshire to substandard services in the field of clinical hypnosis and hypnotherapy.

If this legislation were to become law, the regulation of hypnosis would be severely hampered. For passage of this legislation would effectively prohibit State oversight of clinical hypnosis, hypnotherapy, as well as other endeavors of health-related hypnosis. It is my belief that the best interest of the State would not be served by passage of HB 325.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 325 pass.

Reps. Sochalski, Rounds and Matson spoke in favor.

YEAS 260 NAYS 60  
YEAS 260

BELKNAP: Bowler, Brown, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Pearson, Randall, James White and Zeckhausen.

CARROLL: Gene Chandler, Russell Chase, Robert Holmes, Kenneth MacDonald, Olimpio and Powers.

CHESHIRE: Arnott, Blacketer, Jesse Davis, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Matson, Morse, Parker, Perry, Ramsay, Ridge, William Riley, Schwartz, Scranton, William Sullivan and Thompson.

COOS: Brideau, Brungot, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Horton, Lamontagne, Mayhew, Ottolini and Theriault.

GRAFTON: Bean, Blair, Chambers, Crory, Densmore, Driscoll, Easton, Michael King, Wayne King, LaMott, Mann, McAvoy, Rounds, Scanlan, Stewart, Taffe, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Bass, Blais, Lionel Boucher, Bourque, Boutwell, Bridgewater, Burkush, Carragher, Champagne, Chretien, Cote, Cronin, Crotty, William Dion, Donovan, Duperron, Dupont, Dwyer, Dykstra, Joseph M. Eaton, Fields, Nancy Ford, Fried, Gagnon, Scott Green, Grip, Healy, Hendrick, Hogan, Holden, Humphrey, Chris Jacobson, Jasper, Michael Jones, Katsiaficas, Keefe, Kelley, Knight, Lown, Howard Mason, McGlynn, Messier, Morrissette, Nelson, O'Rourke, Bonnie Packard, Pariseau, Parmenter, Pellow, Pressly, Raiche, Reidy, Ellen-Ann Robinson, Shriver, Leonard Smith, Snow, Mary Sullivan, Turgeon, Van Loan, Varkas, Wagner, Geraldine Watson, Emma Wheeler, Frank Whittemore, Winn, Worthen and Zis.

MERRIMACK: Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, Connolly, Daniell, Fraser, George E. Gordon, Gross, Hager, Mary Holmes, Alf Jacobson, Jelley, C. William Johnson, Kidder, Kinhan, Lewis, Millard, Nichols, Pannell, Pantzer, Phelps, Rehlander, Doris Riley, Shepard, Gerald Smith, Stio, West and James Whittemore.

ROCKINGHAM: Benton, Blaisdell, Blanchard, Patti Blanchette, William Boucher, Butler, Eunice Campbell, Marilyn Campbell, Case, Champoux, Lawrence A. Chase, Jr., Clay, Conroy, Ellyson, Emanuelson, Flanagan, Flanders, Thomas Gage, Gourdeau, Elizabeth Greene, Hollingworth, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Lovejoy, Mace, Magoon, McCain, McKinney, Benjamin Moore, Newell, Pantelakos, Parr, Pevear, Popov, Quimby, Raynowska, Norman Rogers, Romoli, Rosencrantz, Scamman, Seward, Sherburne, Simon, Skinner, Sloan, Sochalski, Stachowske, Sytek, Titone, Vartanian, Walker, Welch and Woodward.

STRAFFORD: Appleby, Bates, Bernard, Callaghan, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Hussey, Robert Jones, Keans, Kincaid, Laurion, Lussier, Meader, Musler, O'Brien, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr and Franklin Torr.

SULLIVAN: Brodeur, D'Amante, Paul Johnson, Lindblade, McKee, Normandin, Schotanus and Sara Townsend.

NAYS 60

BELKNAP: Jensen and Matthew Locke.

CARROLL: McIntire.

CHESHIRE: Burley, Crane, Elmer Johnson and Young.

COOS: Guay and York.

GRAFTON: Duggan and Howard Townsend.

HILLSBOROUGH: Barry, Beaupre, Boisvert, Bourdon, A. Leslie Burns, John Burns, Chagnon, Charron, Clancy, Clyde Eaton, Herod, Labombarde, Levesque, Lozeau, Elizabeth Moore, Robert Murphy, Paradis, Perham, Prestipino, Frances Riley, G. Philip Rodgers, Sallada, B. P. Smith, Stonner, Sylvia, Vanderlosk, Harold Watson and Kenneth Wheeler.

MERRIMACK: Allgeyer, Barberia, Hayes, Arthur Locke and Savaria.

ROCKINGHAM: Haynes, Hoar, Roger King, Robert Mason, Jr., Palumbo, Sanderson, Schmidtchen and Schwaner.

STRAFFORD: Berkey.

SULLIVAN: Call, Disnard, Domini, Ingram, Mehegan, Rodeschin and Spaulding, and the veto was overridden by the Constitutional requirement of two-thirds.

VETO MESSAGE ON HB 443

To all members of the General Court:

I have vetoed House Bill 443 relative to workers' compensation lump sum payments and state retirement benefits and judges' retirement benefits.

House Bill 443 directs that lump sum settlements paid under RSA 281:33 of the workers' compensation law should not be considered in determining state retirement benefits. Implicit in the elimination of these lump sum benefits from the calculation of the death and disability benefits of the retirement system is a resulting increase in the contributions that will be required from both the State and local communities.

More particularly, the fiscal impact on the State as estimated by both advocates and opponents of this legislation ranged from \$1.5 million to \$3.7 million a year which would be drawn from the General Fund. In fact, the fiscal note provided by the Legislative Budget Assistant estimated an increase in state expenditures of \$1.7 million in Fiscal Year 1987 and in each year thereafter. Further, as was represented by both the LBA and most testimony received at the various hearings before the General Court, there would be an equivalent or even greater fiscal impact on the cities and towns of the state.

In view of the significant increases in benefits that were incorporated within House Bill 438, which has become law this session, I feel that the changes provided in this legislation are not merited, in light of the very significant fiscal impact to both the State and the local communities that would result.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 443 pass.

Reps. Patti Blanchette, Fraser, Hawkins and Ward spoke in favor.

Rep. Ramsay spoke in favor and yielded to questions.

YEAS 267 NAYS 62

YEAS 267

BELKNAP: Bowler, Brown, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Pearson, Randall, James White and Zeckhausen.

CARROLL: Ashnault, Russell Chase, Robert Holmes, Kenneth MacDonald, McIntire, Olimpio and Powers.

CHESHIRE: Arnott, Blacketer, Crane, Jesse Davis, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Matson, Parker, Ramsay, Ridge, Schwartz, Scranton, William Sullivan and Thompson.

COOS: Brideau, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Horton, Mayhew, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bean, Blair, Chambers, Christy, Crory, Densmore, Driscoll, Duggan, Easton, Michael King, Wayne King, LaMott, Mann, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Barry, Bass, Beaupre, Blais, Boisvert, Lionel Boucher, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, Carragher, Chagnon, Champagne, Charron, Chretien, Clancy, Cote, Cronin, Crotty, William Dion, Duperron, Dupont, Dwyer, Dykstra, Fields, Nancy Ford, Gagnon, Scott Green, Grip, Healy, Hendrick, Holden, Humphrey, Chris Jacobson, Jasper, Michael Jones, Katsiaficas, Keefe, Kelley, Knight, Lown, Howard Mason, McGlynn, Messier, Elizabeth Moore, Morrisette, Robert Murphy, Nelson, O'Rourke, Bonnie Packard, Pappas, Pariseau, Parmenter, Pellow, Pressly, Prestipino, Raiche, Reardon, Reidy, Frances Riley, Ellen-Ann Robinson, G. Philip Rodgers, Shriver, Leonard Smith, Snow, Mary Sullivan, Sylvia, Turgeon, Van Loan, Wagner, Harold Watson, Frank Whittemore, Winn, Worthen and Zis.

MERRIMACK: Anderson, Bardsley, Bibbo, Bowes, Cate, Connolly, Daniell, Fraser, George E. Gordon, Gross, Mary Holmes, Alf Jacobson, Jelley, C. William Johnson, Kidder, Kinhan, Lewis, Millard, Nichols, Pannell,



Pantzer, Rehlander, Doris Riley, Savaria, Shepard, Gerald Smith, West and James Whittemore.

ROCKINGHAM: Blaisdell, Blanchard, Patti Blanchette, William Boucher, Butler, Eunice Campbell, Marilyn Campbell, Case, Champoux, Clay, Conroy, Flanders, Beverly Gage, Thomas Gage, Gourdeau, Elizabeth Greene, Hoar, Hollingworth, Robert Johnson, Joslyn, George Katsakiores, Phyllis Katsakiores, Roger King, Longworth, Lovejoy, Mace, Magoon, Robert Mason, Jr., McCain, Benjamin Moore, Newell, Palumbo, Pantelakos, Parr, Pevear, Popov, Quimby, Raynowska, Norman Rogers, Romoli, Rosencrantz, Sanderson, Scamman, Schmidtchen, Seward, Simon, Skinner, Sloan, Sochalski, Stachowske, Sytek, Titone, Walker and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Callaghan, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Hussey, Keans, Kincaid, Laurion, Lussier, Meader, Musler, O'Brien, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Ann Torr and Franklin Torr.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, Paul Johnson, Lindblade, McKee, Mehegan, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend.

#### NAYS 62

BELKNAP: Holbrook, Jensen and Matthew Locke.

CARROLL: Gene Chandler.

CHESHIRE: Burley, Elmer Johnson, Miller, Morse, Perry and Young.

COOS: Brungot, Guay and Lamontagne.

GRAFTON: McAvoy.

HILLSBOROUGH: A. Leslie Burns, John Burns, Donovan, Clyde Eaton, Joseph M. Eaton, Fried, Herod, Hogan, George Jones, Labombarde, Levesque, Lozeau, Paradis, Perham, Sallada, B. P. Smith, Stonner, Vanderlosk, Varkas, Geraldine Watson, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Allgeyer, Barberia, Laurent Boucher, Hayes, Arthur Locke, Phelps and Stio.

ROCKINGHAM: Benton, Lawrence A. Chase, Jr., Ellyson, Emanuelson, Flanagan, Bert Ford, Haynes, Kane, McKinney, Schwaner, Sherburne, Vartanian and Welch.

STRAFFORD: Edward Flynn, Patricia Foss, Frechette, Robert Jones and Swope.

SULLIVAN: Ingram, and the veto was overridden by the Constitutional requirement of two-thirds.

#### SUSPENSION OF RULES

Reps. Rounds and Chambers moved that all necessary rules be suspended in order to consider the recommendation of the Committee of Conference on HB 343, making the debt service on railroad improvement bonds a charge against the general fund and authorizing an appropriation and use of the special railroad fund.

Adopted by the necessary two-thirds.

## COMMITTEE OF CONFERENCE REPORT

HB 343, making the debt service on railroad improvement bonds a charge against the general fund and authorizing an appropriation and use of the special railroad fund.

Rep. Miller moved that the report be adopted.

Reps. LaMott, Miller and Rounds spoke in favor of the report.

Rep. Hoar spoke to the report.

The Chair requested a division.

259 members having voted in the affirmative and 29 in the negative, the report was adopted.

## RECONSIDERATIONS

Rep. Rounds moved that the House reconsider its action whereby it adopted the Committee of Conference Report on HB 185, relative to alimony and property settlements and fault grounds in divorce, and spoke to his motion.

Reps. Sytek and Francis Robinson spoke in favor of the motion.

Reps. Alf Jacobson and Raiche spoke against the motion.

Rep. Michael King spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 134 NAYS 191

YEAS 134

BELKNAP: Bowler, Brown, Dexter, Hawkins, Pearson, Randall, James White and Zeckhausen.

CARROLL: Russell Chase and Kenneth MacDonald.

CHESHIRE: Burley, Jesse Davis, Frink, Irvin Gordon, Miller, Ramsay, Ridge and Scranton.

COOS: Chappell, Chardon and Guay.

GRAFTON: Christy, Duggan, LaMott, McAvoy, Rounds, Scanlan, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Bass, Beaupre, Blais, Lionel Boucher, John Burns, Carragher, Chagnon, Clancy, Joseph M. Eaton, Fields, Fried, Gagnon, Grip, Jasper, Keefe, Kelley, Labombarde, Lown, McGlynn, Messier, Robert Murphy, Bonnie Packard, Pellow, Frances Riley, Ellen-Ann Robinson, G. Philip Rodgers, Sallada, Shriver, Leonard Smith, Van Loan, Vanderlosk, Varkas and Geraldine Watson.

MERRIMACK: Anderson, Barberia, Bardsley, Bowes, Connolly, Daniell, Gross, Hayes, Mary Holmes, C. William Johnson, Kidder, Nichols, Doris Riley, Stio, West and James Whittemore.

ROCKINGHAM: Benton, William Boucher, Eunice Campbell, Marilyn Campbell, Conroy, Flanagan, Thomas Gage, Elizabeth Greene, Hoar, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Mace, McCain, Newell, Parr, Popov, Norman Rogers, Romoli, Scamman, Schwaner, Sherburne, Skinner, Stachowske, Sytek, Vartanian, Walker and Welch.

STRAFFORD: Appleby, Chamberlin, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Robert Jones, Lussier, Meader, Parks, Francis Robinson, Henry Sullivan, Swope, Ann Torr and Franklin Torr.

SULLIVAN: Disnard, Ingram, Lindblade, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend.

## NAYS 191

**BELKNAP:** Richard Campbell, Golden, Hardy, Malcolm Harrington, Holbrook, Jensen and Matthew Locke.

**CARROLL:** Ashnault, Gene Chandler, Robert Holmes, McIntire, Olimpio and Powers.

**CHESHIRE:** Arnott, Blacketer, Crane, Delano, Daniel Eaton, Grodin, Elmer Johnson, Matson, Morse, Parker, Perry, William Riley, Schwartz, William Sullivan and Thompson.

**COOS:** Brideau, Brungot, Harold Burns, Coulombe, Frederic Foss, Horton, Lamontagne, Mayhew, Ottolini, Theriault and York.

**GRAFTON:** Arnesen, Bean, Blair, Chambers, Crory, Densmore, Driscoll, Easton, Michael King, Wayne King, Stewart and Weymouth.

**HILLSBOROUGH:** Barry, Boisvert, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, A. Leslie Burns, Champagne, Charron, Chretien, Cote, Cronin, Crotty, William Dion, Donovan, Duperron, Dupont, Dwyer, Dykstra, Clyde Eaton, Nancy Ford, Scott Green, Healy, Hendrick, Herod, Hogan, Holden, Humphrey, Chris Jacobson, George Jones, Katsiaticas, Knight, Levesque, Lozeau, Howard Mason, Elizabeth Moore, Morrissette, Nelson, O'Rourke, Pappas, Paradis, Pariseau, Parmenter, Perham, Pressly, Prestipino, Raiche, Reardon, Reidy, B. P. Smith, Snow, Stonner, Mary Sullivan, Sylvia, Turgeon, Wagner, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Winn, Worthen and Zis.

**MERRIMACK:** Allgeyer, Bibbo, Laurent Boucher, Cate, George E. Gordon, Alf Jacobson, Jelley, Kinhan, Lewis, Arthur Locke, Millard, Pannell, Pantzer, Phelps, Rehlander, Savaria, Shepard and Gerald Smith.

**ROCKINGHAM:** Blaisdell, Blanchard, Patti Blanchette, Butler, Case, Champoux, Lawrence A. Chase, Jr., Clay, Ellyson, Emanuelson, Flanders, Bert Ford, Beverly Gage, Gourdeau, Haynes, Hollingworth, Robert Johnson, Roger King, Longworth, Lovejoy, Magoon, Robert Mason, Jr., McKinney, Palumbo, Pantelakos, Pevear, Quimby, Raynowska, Rosencrantz, Sanderson, Schmidtchen, Seward, Simon, Sloan, Sochalski, Titone and Woodward.

**STRAFFORD:** Bates, Berkey, Bernard, Callaghan, Albert Dionne, Frechette, Hussey, Keans, Kincaid, Laurion, Musler, O'Brien, Pelley and Spear.

**SULLIVAN:** Brodeur, Call, D'Amante, Domini, Paul Johnson, McKee and Mehegan, and reconsideration lost.

Rep. Rounds moved that the House reconsider its action whereby it ordered to third reading, HB 4-FN, making supplemental appropriations and amending the operating and capital budgets.

Reconsideration lost.

Rep. Rounds moved that the House reconsider its action whereby it ordered to third reading, HB 5-FN, relative to the state treasurer and secretary of state, motor vehicle plates, personnel, retirement, governor's scholars awards, reporting boating accidents, water use permits, the federal boat numbering system, Alzheimer's disease, subsurface waste, unclassified employees, fire standards training, and early retirement for judges.

Reconsideration lost.



Rep. Rounds moved that the House reconsider its action whereby it ordered to third reading, HB 513-FN, relative to tort reform and insurance.

Reconsideration lost.

Rep. Rounds moved that the House reconsider its action whereby it ordered to third reading, HB 514-FN, relative to drug forfeiture.

Reconsideration lost.

Rep. Rounds moved that the House reconsider its action whereby it ordered to third reading, HB 515-FN, relative to unemployment compensation.

Reconsideration lost.

Rep. Rounds moved that the House reconsider its action whereby it ordered to third reading, HCR 11, requiring that certain procedures be followed relative to certain funds allocated to the state.

Reconsideration lost.

Rep. Rounds moved that the House reconsider its action whereby it adopted the Committee of Conference Report on HB 343, making the debt service on railroad improvement bonds a charge against the general fund and authorizing an appropriation and use of the special railroad fund.

Reconsideration lost.

#### UNANIMOUS CONSENT

Reps. Healy, George Gordon, Ingram and Paul Johnson addressed the House by unanimous consent.

Rep. Meader addressed the House by unanimous consent.

Members of the House. I have decided to end my ten years in politics this session and to live in another House by the side of the road and be a friend to man.

I couldn't leave without a last shot at the mike, to say goodbye to all of you, the nicest, most dedicated, hard-working group I have ever met. Many of you I know on a first name basis, others I do not, but I consider each and everyone of you as a friend.

Mr. Speaker, my thanks to you for all the assignments you have given me, and there were many since you first became Speaker 6 years ago.

I was one of your early supporters because, as Chairman of Appropriations, you explained a budget in this chamber that everyone could understand.

I know then that you had all the qualities to make an excellent Speaker. I was right then, and 6 years later, I'm still right.

Your knowledge and understanding of how State Government works, your presence at the mike as a forceful Speaker, your fairness and impartiality, but most of all a quality anyone in a leadership role must have to keep his or her sanity, a great sense of humor.

My support for you has not waned in the least from day one behind that podium, to today 6 years later.

I thank you mostly for allowing me to Chair these last 4 years, one of the finest Committees in the House. I thank you and Minority Leader Chambers for giving me the people on that Committee, for our successes were not mine, but theirs. They went beyond the call of duty many, many times.

In closing, I thank your staff for all their great help to me on many occasions. My thanks to the Clerk and his staff, the Sergeant-at-Arms and his staff, to Byron, to Lois, and to Karen and Al in the Legislative Office Building for answering my call when I needed them.

Any finally, Mr. Speaker, I now forgive you for two assignments that put my life in jeopardy. The first, under Chairman Chase, was the Reapportionment Committee. And the second, just recently, was the East-West Highway, under Chairman Bibbo. Most of those meetings were in my area of the state. I expected to get stoned to death leaving one of those meetings. After the third meeting, I found it safer to get stoned going in.

I hope this body remembers me as one who worked hard to protect the waters of their state, rather than the great debate on this floor between Simon Legree and Tinkerbell.

I will not miss the responsibilities and pressures of being a Chairman, I will not miss the hard decisions to be made in the chamber, but I will miss each and every one of you. Thank you all very much.

Rep. Rounds offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

#### LATE SESSION

#### Third reading and final passage

HB 4-FN, making supplemental appropriations and amending the operating and capital budgets.

HB 5-FN, relative to the state treasurer and secretary of state, motor vehicle plates, personnel, retirement, governor's scholars awards, reporting boating accidents, water use permits, the federal boat numbering system, Alzheimer's disease, subsurface waste, unclassified employees, fire standards training, and early retirement for judges.

HB 513-FN, relative to tort reform and insurance.

HB 514-FN, relative to drug forfeiture.

HB 515-FN, relative to unemployment compensation.

HCR 11, requiring that certain procedures be followed relative to certain funds allocated to the state.

Rep. Rounds moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 5:26 p.m.

RECESS

(Speaker in the Chair)

#### ENROLLED BILL AMENDMENT

HB 117-FN, relative to the Sullivan county probate court, to the Sullivan county attorney and the Strafford county attorney, and to adoption of the optional fiscal year by cities, towns, or counties.

## Amendment

Amend section 3 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

inserting after section 34-d the following new section:

7:34-e Private Practice Prohibited; Strafford County. The Strafford

This amendment corrects the amending language and RSA section number in section 3 of the bill.

Adopted.

HB 503-FN, relative to child care licensing.

## Amendment

Amend RSA 170-E:4, III as inserted by section 3 of the bill by striking out line 3 and inserting in place thereof the following:

child abuse and neglect files where warranted and the criminal conviction

Amend RSA 170-E:10, II as inserted by section 7 of the bill by striking out line 1 and inserting in place thereof the following:

II. Violates any provision of this chapter, or consistently fails

This amendment corrects typographical errors in sections 3 and 7.

Adopted.

HB 284-FN, relative to water treatment plant operators; authorizing the charging of a fee for water supply systems; authorizing new positions and making an appropriation therefor.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## An Act

relative to water treatment plant operators; authorizing the charging of a fee for water supply systems; authorizing new positions and making an appropriation therefor; establishing a committee to study development and regulation of docks, slips and piers and making an appropriation therefor; and relative to the purchase of new telephone equipment.

This amendment corrects the title of the bill to conform to its contents.

Adopted.

HB 34-FN, establishing the salaries of classified state employees in academic positions.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:



## An Act

establishing the salaries of classified state employees in academic positions, making permanent certain temporary salary levels, and making a supplemental appropriation for non-state aid airport projects.

Amend section 1 of the bill by striking out line 2 and inserting in place thereof the following:

inserted by 1969, 500:2 as amended by striking out said section and

Amend RSA 99:1-a as inserted by section 1 of the bill by inserting after salary grade 19 the following new line:

20 19,149.00 20,143.50 21,177.00 22,171.50 23,205.00

Amend section 2 of the bill by striking out line 2 and inserting in place thereof the following:

inserted by 1969, 500:2 as amended by striking out said section and

This amendment corrects the title of the bill, reinserts a dropped line in RSA 99:1-a, and corrects the amending language.

Adopted.

HB 373-FN, providing for a single annual motor vehicle inspection and changing the inspection sticker fee.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

providing for annual inspections for new motor vehicles and semi-annual inspections for other motor vehicles and appropriating funds for new inspection decals.

This amendment amends the title of the bill to conform to its content.

Adopted.

HB 268, relative to the use of snares under certain conditions.

## Amendment

Amend section 3, paragraph I of the bill by striking out line 1 and inserting in place thereof the following:

I. RSA 210:17, III, relative to taking coyotes in certain counties, is

This amendment corrects a reference.

Adopted.

HB 258-FN, increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs; establishing a fire standards and training council within the department

of postsecondary vocational-technical education; and providing a supplemental appropriation for safety services in the department of safety.

Amendment

Amend RSA 188-F:37, I(j) as inserted by section 3 of the bill by striking out line 3 and inserting in place thereof the following:

functioning of the council.

This amendment corrects a technical reference error in the bill.

Adopted.

HB 229-FN, relative to the licensing of dogs and authorizing new zoning board of adjustment and planning board members to participate in at least 6 hours of training for their respective positions to be furnished by the office of state planning and relative to establishing a board of acupuncture.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the licensing of dogs and authorizing new zoning board of adjustment and planning board members to participate in training to be furnished by the office of state planning.

This amendment amends the title of the bill to conform with its contents.

Adopted.

HB 160, repealing certain statutory rules of evidence and relative to the non-delegation of the insurance commissioner' rulemaking authority.

Amendment

Amend section 2 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

RSA 400-A:13, I as inserted by 1971, 244:1 by striking out said paragraph and inserting in place thereof the following:

This amendment corrects the amending language for section 2 of the bill.

Adopted.

HB 33, to change the operation and the name of the department of postsecondary vocational-technical education.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

to change the operation of the department of postsecondary vocational- technical education.

Amend section 1 of the bill by striking out line 1 and inserting in place thereof the following:

1 Postsecondary Vocational-Technical Education; Purpose. Amend RSA 188-F:1 (supp)

Amend section 2 of the bill by striking out line 2 and inserting in place thereof the following:

379:2 as amended by striking out said sections and inserting in place

This amendment amends the title of the bill and corrects a typographical error.

Adopted.

HB 17, appropriating funds for a fire exit stairway and a library, classroom and roof repairs at the youth development center.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

appropriating funds for a fire exit stairway, library, classroom and roof repairs at the youth development center, and authorizing transfers of funds within departments.

This amendment amends the title of the bill to conform to its content.

Adopted.

HB 6-FN, relative to financial disclosure.

## Amendment

Amend RSA 15-B:3, I as inserted by section 1 of the bill by striking out line 8 and inserting in place thereof the following:

statement within the required 15-day period shall be guilty of violating RSA

This amendment corrects a typographical error in RSA 15-B:3, I as inserted by section 1 of the bill.

Adopted.

SB 18, allowing persons to receive, collect or transmit premiums to or for any insurer through a credit card facility.

## Amendment

Amend RSA 402:39 as inserted by section 2 of the bill by striking out line 6 and inserting in place thereof the following:



commission thereon; nor offer, promise, allow, give, set off or pay,

This amendment corrects a typographical error in section 2.

Adopted.

SB 120, relative to the issuance of a building permit.

Amendment

Amend section 3 of the bill by striking out line 2 and inserting in place thereof the following:

inserted by 1985, 103:21 by striking out said paragraph and

This bill corrects an error in the amending language.

Adopted.

SB 130-FN, relative to state aid for the town of Newport pollution abatement program and amending RSA 149 to conform to the federal water pollution control act.

Amendment

Amend section 2 of the bill by striking out line 1 and inserting in place thereof the following:

2 Enforcement Classification. Amend RSA 149:8, II by

Amend RSA 149:8, II as inserted by section 2 of the bill by striking out line 4 and inserting in place thereof the following:

which lower the quality of the waters in question below the minimum

Amend section 3 of the bill by striking out line 1 and inserting in place thereof the following:

3 Enforcement Classification. Amend RSA 149:8, III(a) (supp) as amended by

Amend section 6 of the bill by striking out line 2 and inserting in place thereof the following:

Program. For the reasons stated in section 5 of this act, the town of

Amend section 6 of the bill by striking out line 11 and inserting in place thereof the following:

of this section is to provide a total of not more than 95 percent

This amendment corrects amending language and a grammatical error in section 2, a citation error in section 3, and a cross-reference and a technical term in section 6.

Adopted.

SB 132-FN, relative to assistants to nurses.

Amendment

Amend RSA 151:9, I(k) as inserted by section 3 of the bill by striking out line 3 and inserting in place thereof the following:

to nurse in facilities licensed under RSA 151:2, who may not assume the

This amendment corrects a typographical error.

Adopted.

HB 360, relative to credit for reinsurance.

#### Amendment

Amend RSA 405:46, I as inserted by section 1 of the bill by striking out line 5 and inserting in place thereof the following:

under this subdivision and which insurer conforms to the same standards of

Amend RSA 405:46, II as inserted by section 1 of the bill by striking line 28 and inserting in place thereof the following:

the trust and listing the trust's investments at the preceding year's end and

This amendment corrects a technical error and a typographical error in section 1.

Adopted.

HJR 4, relative to the town of Madison and village district of Eideweiss.

#### Amendment

Amend the resolution by striking out the resolving clause and inserting in place thereof the following:

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

This amendment corrects the resolving clause for the joint resolution.

Adopted.

HB 226-FN, consolidating the mental health laws and continuing a study committee.

#### Amendment

Amend RSA 135-C:33 as inserted by section 1 of the bill by striking out line 16 and inserting in place thereof the following:

be liable for the cost of such transportation.

Amend RSA 135-C:51, VI as inserted by section 1 of the bill by striking out lines 3 and 4 and inserting in place thereof the following:

under RSA 135-C:27-33. In such cases, the finding of probable cause for involuntary emergency admission by the district court pursuant to RSA 135-C:31,

Amend RSA 135-C:51, VI as inserted by section 1 of the bill by striking out line 10 and inserting in place thereof the following:

RSA 135-C:52

This amendment corrects a grammatical error and 3 citation errors.

Adopted.

SB 106, allowing students in approved high school vocational electrical and plumbing programs to perform electrical and plumbing installations in residential buildings.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Provisions of This Act to Prevail. The provisions of 1986, 47:1, which inserted RSA 319-C:3, IX-a, shall not take effect, and the provisions of RSA 319-C:3, IX-a as inserted by section 1 of this act shall prevail.

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

This amendment makes clear that the provisions of this act concerning inspection of student-installed electrical work will prevail over an earlier enactment with a later effective date.

Adopted.

HB 264-FN, increasing fees for certain fish and game licenses and relative to certain fish and game statutes.

#### Amendment

Amend RSA 212:26 as inserted by section 6 of the bill by striking out line 3 and inserting in place thereof the following:

therefor in writing, and shall be subject to revocation and suspension at

Amend RSA 214:9, VIII as inserted by section 9 of the bill by striking out line 5 and inserting in place thereof the following:

transport all species of freshwater fish, saltwater smelt, saltwater shad,

Amend RSA 214:14-d as inserted by section 16 of the bill by striking out line 3 and inserting in place thereof the following:

RSA 214:14 and 14-a but are residing in private group homes may fish

Amend section 22 of the bill by striking out lines 5-7 and inserting in place thereof the following:

in those fly fishing ponds authorized pursuant to RSA 211:2-d, II, and so designated by the executive director in accordance with RSA 541-A, the daily bag limit shall be 2 brook trout. This section shall expire on

This amendment corrects typographical errors in sections 6 and 9 of the bill, and citation errors in sections 16 and 22 of the bill.

Adopted.

SB 2, relative to driver's license suspensions and revocations and to arrests by law enforcement officers in interstate fresh pursuit.



## Amendment

Amend section 2 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

2 Authority for License Suspension or Revocation. Amend RSA 263:56 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

Amend section 4 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

by inserting after paragraph III the following new paragraph:

IV. The department of safety investigation officer reviewing a

Amend the bill by striking out section 8 and inserting in place thereof the following:

8 Contingent Provision. If HB 65, an act authorizing police officers to order removal of motor vehicle fatalities, of the 1986 regular session of the general court does not become law, the director of legislative services is authorized to make any technical changes to correct the numbering in any bill sections or RSA sections inserted by this act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon the printing of the 1986 session laws.

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

This amendment corrects the amending language of section 2 of the bill and renumbers a paragraph as made necessary by passage of HB 65.

Adopted.

HB 417-FN, relative to off highway recreational vehicles and appropriating a portion of agents' penalties to the OHRV bureau.

## Amendment

Amend RSA 215-A:11-b as inserted by section 10 of the bill by striking out line 4 and inserting in place thereof the following:

person shall be subject to the penalty imposed under RSA 215-A:11-j upon

Amend RSA 215-A:11-j as inserted by section 10 of the bill by striking out line 1 and inserting in place thereof the following:

215-A:11-j Penalty. Notwithstanding the provisions of title LXII and

Amend section 24 of the bill by striking out line 3 and inserting in place thereof the following:

depth study of the following off highway recreational vehicle problems:

Amend the bill by striking out section 25 and inserting in place thereof the following:

25 Contingency.

I. If HB 19 of the 1986 legislative session, an act relative to users of fuel other than motor fuel in vehicles of the pleasure type and

relative to OHRV's, becomes law, sections 1-12, 14-19, and 21-23 of this act shall not take effect. If HB 19 does not become law, sections 1-12, 14-19, and 21-23 of this act shall take effect October 1, 1986.

II. If HB 19 becomes law, sections 13 and 20 of this act shall take effect October 1, 1986, at 12:01 a.m. If HB 19 does not become law, sections 13 and 20 of this act shall take effect October 1, 1986.

26 Effective Date.

I. Sections 1-12, 14-19, and 21-23 of this act shall take effect as provided in paragraph I of section 25 of this act.

II. Sections 13 and 20 of this act shall take effect as provided in paragraph II of section 25 of this act.

III. Section 24 of this act shall take effect upon its passage.

IV. Section 25 of this act shall take effect October 1, 1986.

This amendment corrects a citation error, grammatical errors, and typographical errors. The amendment also provides a contingency provision in the event that HB 19 becomes law to eliminate duplicate provisions and resolve conflicts with HB 19.

Adopted.

HB 313, relative to probationary licenses for "at risk" drivers, establishing regulations over the use of wrecking vehicles and anatomical gifts.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to probationary licenses for "at risk" drivers;  
establishing regulations for the use of wrecking  
vehicles; and relative to anatomical gifts.

Amend the bill by striking out all after section 5 and inserting in place thereof the following:

6 Anatomical Gifts. Amend RSA 263:41 by inserting after paragraph IV the following new paragraph:

V. An anatomical gift shall not be executed by a minor unless written consent of the minor's parent or guardian is provided to the division of motor vehicles.

7 Contingency. If HB 113, an act relative to anatomical gifts, relative to the adoption of the uniform determination of death act, and relative to embalmers and funeral directors, of the 1986 regular session of the general court becomes law, section 5 of this act shall take effect July 1, 1987, at 12:01 a.m. If HB 113 of the 1986 regular session does not become law, section 5 of this act shall not take effect.

8 Effective Date.

I. Section 1 of this act shall take effect January 1, 1987.

II. Section 5 of this act shall take effect as provided in section 7 of this act.

III. Section 6 of this act shall take effect July 1, 1986.

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

This amendment corrects the title of the bill and inserts a contingency provision dealing with the possible enactment of HB 113.

Adopted.

SB 1-FN, relative to abandoned property and the treasurer's rulemaking authority.

Amendment

Amend RSA 471-C:1, XI(c) as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

associations;

Amend RSA 471-C:1, XI(f) as inserted by section 1 of the bill by striking out line 1 and inserting in place thereof the following:

(f) Amounts distributable from a trust or custodial fund established

Amend RSA 471-C:6, I(e)(2) as inserted by section 1 of the bill by striking out line 5 and inserting in place thereof the following:

abandoned under this section at the address to which communications

Amend RSA 471-C:6, III(b) as inserted by section 1 of the bill by striking out line 7 and inserting in place thereof the following:

ceased before January 1, 1987; and

Amend RSA 471-C:18 as inserted by section 1 of the bill by striking out line 4 and inserting in place thereof the following:

holder's business and proceeds resulting from the sale of the property

Amend RSA 471-C:21, IV as inserted by section 1 of the bill by striking out line 7 and inserting in place thereof the following:

liability of every kind in accordance with the provisions of RSA 471-C:22

Amend RSA 471-C:28 as inserted by section 1 of the bill by striking out line 4 and inserting in place thereof the following:

Merrimack county superior court, naming

Amend RSA 471-C:30, II(a) as inserted by section 1 of the bill by striking out line 1 and inserting in place thereof the following:

(a) The name and last known address of the owner, if previously

Amend RSA 471-C:30, III as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

of the administrator a notice alike in all respects to the published notice

Amend RSA 471-C:33, I as inserted by section 1 of the bill by striking out lines 1-2 and inserting in place thereof the following:

I. The expiration, before or after January 1, 1987, of any period of time specified by contract, statute, or court

Amend RSA 417-C:41, I as inserted by section 1 of the bill by striking out lines 2-4 and inserting in place thereof the following:



before January 1, 1987, to report, pay, or deliver property. A holder who did not comply with the law in effect before January 1, 1987, shall be subject to the applicable

Amend RSA 471-C:41, II as inserted by section 1 of the bill by striking out lines 2-4 and inserting in place thereof the following:

was not required to be reported before January 1, 1987, shall include all items of property that would have been presumed abandoned during the 10-year period preceding January 1, 1987, as

This amendment corrects certain typographical errors and references in section 1 of the bill. The amendment also clarifies certain references in the bill.

Adopted.

SB 121, relative to planning board procedures on plats.

#### Amendment

Amend section 2 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

2 Conditional approval of Plat or Application. Amend RSA 676:4, I(i) (supp) as inserted by 1986, 57:1 by striking out said subparagraph and inserting in place thereof the following:

Amend RSA 676:4, I(i)(3) as inserted by section 2 of the bill by striking out lines 4-6 and inserting in place thereof the following:

hearing, and notice as provided in subparagraph I(d), except that additional notice shall not be required of an adjourned session of a hearing with proper notice if the date, time and place of the adjourned session were made

Amend RSA 676:4, II(a) as inserted by section 3 of the bill by striking out line 12 and inserting in place thereof the following:

as required under subparagraph I(d), but such discussions may occur only at

Amend RSA 676:4, II(b) as inserted by section 3 of the bill by striking out line 6 and inserting in place thereof the following:

by subparagraph I(d). Statements made by planning board members shall not be

Amend RSA 676:4, II(c) as inserted by section 3 of the bill by striking out lines 4 and 5 and inserting in place thereof the following:

under paragraph I, and the time limits for acting under subparagraph I(c) shall not apply until formal application is submitted under subparagraph I(b).

Amend section 4 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

after paragraph IV the following new paragraph:

V. The provisions of paragraph I shall not apply to any plat or

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Contingent Provision. If SB 120, an act relative to the issuance of a building permit, of the 1986 regular session of the general court does not become law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by this act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon the printing of the 1986 session laws.

6 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect January 1, 1987.

Amend the bill by striking out section 1 and renumbering the original sections 2-6 to read as 1, 2, 3, 4, and 5, respectfully.

This amendment deletes section 1 of the bill, which amended RSA 676:4, I(c), because the same amendment to RSA 676:4, I(c), has been enacted into law in House Bill 363, which became 1986, chapter 57. Sections 2, 3, 4, and 5 of the bill are therefore renumbered. The amending language of the original section 2 of the bill is corrected to reflect the insertion of RSA 676:4, I(i) by HB 363. References to subparagraphs are corrected.

RSA 676:12, IV as inserted by the original section 4 of the bill is redesignated paragraph V, contingent upon the enactment of SB 120.

Adopted.

HB 508, recodifying the public health statutes and establishing a fee schedule for laboratory services under RSA 131.

#### Amendment

Amend RSA 125:10 as inserted by section 3 of the bill by striking out line 6 and inserting in place thereof the following:

and subject to rules adopted by the director of personnel, inspectors,

Amend RSA 140:3, V as inserted by section 20 of the bill by striking out same.

Amend RSA 141-C:7 as inserted by section 21 of the bill by striking out line 7 and inserting in place thereof the following:

report the communicable disease immediately to the director, and shall

Amend RSA 141-C:9, I as inserted by section 21 of the bill by striking out line 6 and inserting in place thereof the following:

with reporting officials, their patients, and other persons affected by

Amend RSA 141-C:12, I(d) as inserted by section 21 of the bill by striking out line 3 and inserting in place thereof the following:

treatment may have on the conditions of isolation and quarantine.

Amend RSA 141-C:19, II as inserted by section 21 of the bill by striking out line 2 and inserting in place thereof the following:

to adding to the list of communicable diseases in paragraph I for which

Amend paragraph III as inserted by section 23 of the bill by striking out same and inserting in place thereof the following:

III. RSA 457:21, relative to a penalty.

Amend paragraph L as inserted by section 23 of the bill by striking out same.

This amendment corrects 4 grammatical errors in section 21 of the bill. This amendment changes a reference to the "state personnel commission" in section 3 of the bill to the "director of personnel" in order to conform with reference changes made by SB 36, now 1986, chapter 12.

This amendment deletes an obsolete definition in section 20 of the bill. This amendment also deletes the repeal of a section which was previously repealed from section 23 of the bill.

Adopted.

HB 448-FN, relative to the disposal of state owned real property.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the disposal of state owned real property  
and the long range capital planning and  
utilization committee.

Amend section 1 of the bill by striking out line 1 and inserting in place thereof the following:

1 Disposal of Real Estate. Amend RSA 4:40 (supp) as amended by striking out

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Review of Property; Resolving Conflicts. Amend RSA 162-C:2, IV and V (supp) as inserted by 1981, 364:1 by striking out said paragraphs and inserting in place thereof the following:

IV. Make studies and recommendations concerning changes to effectively coordinate the work of the agencies which have membership in the council. Recommendations adopted by a majority vote of the council shall be binding on the affected agencies which have membership in the council, unless the recommendations are in conflict with existing laws or rules;

V. Resolve differences or conflicts concerning water management and supply which result from the work of any agency represented on the council in developing a plan or program affecting water allocation. The council shall investigate; if possible, resolve the problem; and if appropriate, submit its recommendations to the governor and council or to the general court. If investigation by the council shows that the laws and rules of an agency represented on the council are in conflict with those of another agency, the council shall submit a report with recommendations to the governor and council or to the general court;



VI. Resolve differences and conflicts among the agencies and departments of the state in the implementation of the tourism policy under RSA 12-A:23; and

VII. Review the disposal of state owned real property pursuant to RSA 4:40.

6 Contingent Provision. If HB 162-FN, an act relative to the New Hampshire tourism policy, of the 1986 regular session of the general court becomes law, section 5 of this act shall take effect 60 days after its passage and section 2 of this act shall not take effect. If HB 162-FN does not become law, section 5 of this act shall not take effect and section 2 of this act shall take effect 60 days after its passage.

7 Effective Date.

I. Sections 2 and 5 of this act shall take effect as provided in section 6 of this act.

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

This amendment corrects the title of the bill to conform to its content. The amendment also inserts a contingent provision to renumber a paragraph in RSA 162-C:2 if HB 162-FN becomes law.

Adopted.

HB 401-FN, relative to committal orders.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the secure psychiatric unit.

Amend RSA 622:50 as inserted by section 3 of the bill by striking out line 5 and inserting in place thereof the following:

require; and said court may at any time thereafter, for due cause shown,

This amendment corrects the title and a grammatical error in the bill.

Adopted.

HB 157, relative to marine repairs and dredging and making an appropriation therefor and concerning capital projects.

#### Amendment

Amend section 2 of the bill by striking out line 1 and inserting in place thereof the following:

2 Total Changed. Amend 1985, 409:1 by striking out the total state

Amend section 3 of the bill by striking out line 1 and inserting in place thereof the following:

3 Total Changed. Amend 1985, 409:1 by striking out the total state

Amend section 4 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

4 Bonds Authorized Changed. Amend 1985, 409:11, I by striking out said paragraph and inserting in place thereof the following:

Amend the bill by striking out section 8 and inserting in place thereof the following:

8 Contingent Adjustment of Total. Amend the total state appropriation of 1985, 409:1 as amended by sections 12 and 26 of House Bill 210 of the 1986 session by striking out said total and inserting in place thereof the following:

Total state appropriation section 1  
\$18,773,620

9 Contingent Adjustment of Bonding Authorization. Amend 1985, 409:11, I as amended by sections 13 and 27 of House Bill 210 of the 1986 session by striking out said paragraph and inserting in place thereof the following:

I. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$22,886,620 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

10 Contingencies; House Bill 210.

I. If House Bill 210 of the 1986 session, an act making capital appropriations and relative to lapse dates, architectural selection, and the Concord headquarters facility for fish and game, becomes law:

(a) The amendments to RSA 228:4 and 5 in sections 5, 6, and 7 of this act shall prevail, and the provisions of sections 21, 22, and 23 of House Bill 210 shall not take effect.

(b) Sections 8 and 9 of this act shall take effect upon its passage and sections 3 and 4 of this act shall not take effect.

II. If House Bill 210 does not become law, sections 3 and 4 of this act shall take effect upon its passage and sections 8 and 9 of this act shall not take effect.

11 Effective Date.

I. Sections 3, 4, 8 and 9 of this act shall take effect as provided in section 10 of this act.

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

This amendment corrects the section headings for sections 2, 3, and 4, corrects the amending language for section 4, establishes contingencies to adjust appropriation and bonding totals and to avoid enacting duplicate RSA sections if HB 210 becomes law.

Adopted.

HB 210, making capital appropriations and relative to debt reduction, lapse dates, architectural selection and the Concord headquarters facility for fish and game.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

making capital appropriations and relative to lapse dates,  
architectural selection, and the Concord headquarters  
facility for fish and game.

Amend RSA 228:4, II as inserted by section 22 of the bill by striking out lines 6-9 and inserting in place thereof the following:





## Amendment

Amend RSA 632-A:9 as inserted by section 2 of the bill by striking out lines 9-11 and inserting in place thereof the following:

age or older. This provision establishes a right to a speedy trial for the victim and shall not be construed as creating any additional rights for the defendant.

Amend paragraph I of section 3 of the bill by striking out line 1 and inserting in place thereof the following:

I. Section 1 of this act shall take effect 30 days after its passage.

This amendment corrects 2 grammatical errors and a typographical error in the effective date.

Adopted.

HB 439-FN, relative to the division for children and youth services and legally liable school districts.

## Amendment

Amend section 6 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

361:2 as amended by striking out said paragraph and inserting in place thereof the following:

Amend section 7 of the bill by striking out line 2 and inserting in place thereof the following:

by striking out "division of welfare" or "division of human services" wherever they appear and inserting in

Amend section 10 of the bill by striking out lines 2-4 and inserting in place thereof the following:

out "division of human services" wherever it appears and inserting in place thereof the following (division for children and youth services):  
RSA 170-F:2,

Amend paragraph III of section 17 of the bill by striking out line 2 and inserting in place thereof the following:

changes in the law have affected the financial liability of school districts

This amendment corrects amending language, 2 references, and a typographical error.

Adopted.

HB 431-FN, relative to the crime of theft, limiting the sale of martial arts weapons and establishing civil assessments for shoplifting infractions.

## Amendment

Amend section 1 of the bill by striking out line 1 and inserting in place thereof the following:

1 No Offset. Amend RSA 637:2, V by

Amend section 2 of this bill by striking out line 1 and inserting in place thereof the following:

2 Theft. Amend RSA 637:4 by inserting after

Amend section 3 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

section 23 of the following new section:

159:24 Sale of Martial Arts Weapons.

Amend RSA 159:24, I as inserted by section 3 of the bill by striking out line 2 and inserting in place thereof the following:

throwing star, throwing dart, or nunchaku or any other object designed for

Amend section 6 of the bill by striking out lines 2-4 and inserting in place thereof the following:

I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect January 1, 1987.

This amendment corrects the amending language in sections 1 and 2 of the bill, corrects a grammatical error, corrects terminology in the effective date, and rennumbers a section in the RSA to avoid duplicating sections inserted by HB 208 (Chapter 46).

Adopted.

HB 185, relative to alimony and property settlements and fault grounds in divorce.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to alimony and property settlements,  
fault grounds in divorce, and marital magistrates.

Amend section 1 of the bill by striking out line 2 and inserting in place thereof the following:

section 16 the following new sections:

Amend section 2 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

2 Trust Fund. Amend RSA 458:20 (supp) as amended by striking out said section and inserting in place thereof the following:

Amend section 3 of the bill by striking out line 1 and inserting in place thereof the following:

3 Alimony; Criteria. Amend RSA 458:19 (supp) as amended by striking out said

Amend RSA 458:19, V as inserted by section 3 of the bill by striking out line 1 and inserting in place thereof the following:

IV. The unanticipated consequence of changes in federal tax

Amend RSA 458:19, VI as inserted by section 3 of the bill by striking out line 1 and inserting in place thereof the following:

V. The court shall specify written reasons for the granting or

This amendment corrects the title of the bill to conform to its content and corrects numbering errors and errors in amending language.

Adopted.

HB 509, establishing a 10-year state highway construction and reconstruction plan and making an appropriation for certain projects.

#### Amendment

Amend paragraph I of section 4 of the bill by striking out line 1 and inserting in place thereof the following:

I. The specific projects for the program are summarized as

Amend subparagraph I(b)(2) of section 4 of the bill by striking out line 1 and inserting in place thereof the following:

(2) Claremont-Newport Reconstruction

Amend section 5 of the bill by striking out line 2 and inserting in place thereof the following:

I. Summary of the turnpike program estimated costs over the next 10

Amend RSA 237:2, VII as inserted by section 12 of the bill by striking out lines 10-11 and inserting in place thereof the following:

interchange in Manchester, coordinating a study of widening between the I-89 and I-93 interchanges, and the establishment of a toll station southbound

Amend paragraph II of section 18 of the bill by striking out line 5 and inserting in place thereof the following:

senate capital budget committee, the chairman of the house appropriations

Amend section 19 of the bill by striking out line 3 and inserting in place thereof the following:

the Hanover-Lebanon area:

This amendment corrects certain typographical errors.

Adopted.

#### ENROLLED BILLS REPORT

HB 30, amending the business profits tax.

HB 31, directing the department of revenue administration to study allowing business organizations to deduct a net operating loss carryover from the business profits tax.



HB 238, allowing Farmington to separate from school administrative unit number 44 and naming a wing at the Nashua vocational college after Senator D. Alan Rock.

SB 70, relative to lakes and rivers deserving protection.

HB 84, relative to the tax exemption for qualifying small power production facilities and qualifying cogeneration facilities.

HB 108, relative to the transfer of registration of a motor vehicle and naming a bridge in the town of Bethlehem, the Sergeant Charles A. Wolcott Bridge.

SB 34, authorizing a study for a spur road between the city of Somersworth or the city of Rochester and the Spaulding turnpike.

SB 41, increasing the appropriation for the construction of regional vocational education centers.

HB 19, relative to users of fuel other than motor fuel in vehicles of the pleasure type and relative to OHRV's.

HB 35, prohibiting smoking in grocery food stores.

HB 43, relative to supervision and control of probationers and parolees and adjusting current appropriations to the department of corrections and making an appropriation therefor.

HB 55, relative to insurance trade practices and requiring that inspectors of carnival or amusement rides be acceptable to the director of safety services.

HB 59, relative to hazardous waste facility siting procedures, the hazardous waste fund and the solid waste management board and relative to establishing and authorizing funding for a hazardous waste facility siting board.

HB 73, relative to the office of ombudsman within the state council of aging.

HB 113, relative to anatomical gifts, relative to the adoption of the uniform determination of death act, and relative to embalmers and funeral directors.

HB 125, relative to the sale and distribution of tobacco products.

HB 155, providing for continuation of certain insurance benefits for divorced or separated spouses.

HB 162, relative to the New Hampshire tourism policy.

HB 193, establishing a local water protection assistance program and making an appropriation therefor and authorizing the town of Pelham to enter into an agreement with the towns of Dracut, Massachusetts and Tyngsboro, Massachusetts regarding Long Pond.

HB 214, relative to the radiological health program.

HB 248, creating a nonlapsing fund to provide handicapped persons with gainful employment.

HB 307, relative to a duty to protect third persons.

HB 326, relative to high-level radioactive waste.

HB 456, relative to minimizing and abating health hazards related to asbestos.

HB 457, relative to the eradication of milfoil.

HB 466, relative to underground storage facilities.

HB 470, relative to welfare and continuing a study committee.

HB 504, relative to a child abuse and neglect prevention program and making an appropriation therefor.

James A. Chandler

John P. H. Chandler

For the Committee.

#### ENROLLED BILLS REPORT

SB 66, relative to annulments of criminal records.

HB 119, relative to replacing the Hampton beach seawall and making an appropriation therefor.

HB 209, relative to the statute of limitations for child sexual assault and incest.

HB 253, increasing the limit on the state guarantee of bonds and notes of school districts, and relative to legalizing certain school district meetings.

HB 256, relative to the plumbers' board and making an appropriation therefor and relative to the real estate commission and making an appropriation therefor.

HB 260, relative to the powers of the executive director of the department of fish and game, the appointment of the executive director by the governor and council, and authorizing an acting director.

HB 334, clarifying a construction authorization bill and requesting the cooperation of the City of Manchester to install a barrier around the landfill along Interstate 93.

HB 181, relative to lobbyist registration and lobbyist statements, making an appropriation to the joint legislative historical committee and relative to the responsibility of the committee to accept and expend funds.

Rep. Chris Jacobson  
Sen. Rhona Charbonneau  
For the Committee.

#### SENATE MESSAGES CONCURRENCE

HB 513-FN, relative to tort reform and insurance.

HB 514, relative to drug forfeiture.

#### REFUSED ADMITTANCE AFTER THE DEADLINE

HB 5, relative to the state treasurer and secretary of state, motor vehicle plates, personnel, retirement, governor's scholars awards, reporting boating accidents, water use permits, the federal boat numbering system, Alzheimer's disease, subsurface waste, unclassified employees, fire standards training, and early retirement for judges.

#### ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 343, making the debt service on railroad improvement bonds a charge against the general fund and authorizing an appropriation and use of the special railroad fund.

#### ENROLLED BILLS REPORT

HB 245, relative to a natural heritage inventory.

HB 473, relative to filing returns under the interest and dividends tax.

Rep. Chris Jacobson  
Sen. Mark Hounsell  
For the Committee.

Rep. Rounds moved that the House stand in recess for the purpose of Enrolling Reports and Senate messages only.

Adopted.

#### RECESS

(Rep. Zis in the Chair)

#### ENROLLED BILL AMENDMENT

HB 430-FN, establishing a department of environmental services.

## Amendment

Amend section 1 of the bill by striking out lines 1-3 and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 21-N the following new chapter:

## CHAPTER 21-0

Amend RSA 21-N:5, IV as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

of the division of water resources in accordance with RSA 21-0:14, except

Amend RSA 21-N:5, V as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

rule under RSA 541-A:3-a. The council shall present any objections to

Amend RSA 21-N:7, I(a) as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

years. Of these members, 2 shall represent the industrial interests of the

Amend RSA 21-N:7, IV as inserted by section 1 of the bill by striking out line 4 and inserting in place thereof the following:

accordance with RSA 21-0:14.

Amend RSA 21-N:9, V as inserted by section 1 of the bill by striking out line 4 and inserting in place thereof the following:

waste management only, in accordance with RSA 21-0:14.

Amend RSA 21-N:11, IV as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

division of air resources in accordance with RSA 21-0:14.

Amend RSA 21-N:12, V as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

RSA 125-H:7. The commissioner may call on any personnel from any division

Amend subparagraph III(a) of section 2 of the bill by striking out line 4 and inserting in place thereof the following:

21-0:5 for the remainder of the terms to which they were originally

Amend subparagraph III(b) of section 2 of the bill by striking out line 4 and inserting in place thereof the following:

supply and pollution control council established by RSA 21-0:7 for the

Amend subparagraph III(c) of section 2 of the bill by striking out line 4 and inserting in place thereof the following:

RSA 21-0:11 for the remainder of the terms to which they were originally

Amend subparagraph III(d) of section 2 of the bill by striking out line 4 and inserting in place thereof the following:



established by RSA 21-0:9 for the remainder of the terms to which they were

Amend paragraph V of section 2 of the bill by striking out line 3 and inserting in place thereof the following:

board and, as the water resources council, shall retain those functions, duties, and responsibilities relative to

Amend subparagraph I(a) of section 6 of the bill by striking out line 5 and inserting in place thereof the following:

149-A; 149-B; 149-E; 149-F; 149-G; 149-I; 270-A; 332-E:1; 430;

Amend subparagraph I(b) of section 6 of the bill by striking out lines 4-7 and inserting in place thereof the following:

to read "division of water supply and pollution control".

Amend subparagraph I(c) of section 6 of the bill by striking out lines 3-6 and inserting in place thereof the following:

secretary of the water pollution commission", "director of the water supply and pollution control commission", or "chairman" (relating to the water supply and pollution control commission) in RSA 148; 149; 149-H; 162-C:1; 162-F:3; 332-E:2; 430; and 488 shall be changed to read "director of the division of water supply and pollution control".

Amend subparagraph I(e) as inserted by section 6 of the bill by striking out line 7 and inserting in place thereof the following:

services" in RSA 147-A and 147-C shall be changed to read

Amend subparagraph I(f) as inserted by section 6 of the bill by striking out line 4 and inserting in place thereof the following:

228:4; 162-C:1; 162-F:3; and 430 shall be changed to read "director, division of

Amend subparagraph I(h) as inserted by section 6 of the bill by striking out line 2 and inserting in place thereof the following:

"air resources commission", the "director of the air resources agency", or the "commission" in RSA 125-C, 125-D, and 162-F:3 shall

Amend subparagraph I(k) as inserted by section 6 of the bill by striking out lines 3-5 and inserting in place thereof the following:

or the "corporation" in RSA 7:18-b; 228:4; 481; 481-A; 481-B; 481-C; 481-D; 482; 482-A; 482-B; 482-C; 482-D; 482-E; 482-F; 482-G; 482-H; 482-I; 482-J; 482-K; 482-L; 482-M; 482-N; 482-Q; 484; 485; and

Amend section 10 of the bill by striking out lines 3-5 and inserting in place thereof the following:

thereof the following (air resources council established by RSA 21-0:8) so that said paragraph as amended shall read as follows:

IX. Consulting the air resources council established by RSA 21-0:8 on

Amend RSA 125-C:14 as inserted by section 12 of the bill by striking out line 3 and inserting in place thereof the following:

air resources council under RSA 21-0:11, IV.

Amend section 13 of the bill by striking out lines 1-3 and inserting in place thereof the following:

13 New Chapter. Amend RSA by inserting after chapter 125-G the following new chapter:

CHAPTER 125-H

Amend RSA 125-E:2, X as inserted by section 13 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

and validating data to determine if biological, chemical or physical agents, man-made or naturally occurring, can be causally linked to particular chronic

Amend RSA 125-E:3, IV as inserted by section 13 of the bill by striking out lines 3-5 and inserting in place thereof the following:

health. These shall be presented to the commissioner of environmental services for consideration by his division directors for inclusion in all rules adopted by the division directors under the provisions of RSA 21-0:13.

Amend RSA 125-E:5, III as inserted by section 13 of the bill by striking out line 6 and inserting in place thereof the following:

The governor shall cause a memorandum of understanding to be prepared and

Amend RSA 149-M:9 as inserted by section 14 of the bill by striking out line 3 and inserting in place thereof the following:

management council under RSA 21-0:9, V.

Amend section 20 of the bill by striking out line 1 and inserting in place thereof the following:

20 Powers. Amend RSA 481:6, I as amended by striking out said

Amend section 22 of the bill by striking out line 1 and inserting in place thereof the following:

22 Wetlands Board Members. Amend RSA 483-A:1-c (supp) as inserted by 1979, 392:1

Amend paragraph II of section 24 of the bill by striking out line 5 and inserting in place thereof the following:

unclassified positions prior to the effective date of this section shall be

Amend paragraph III of section 24 of the bill by striking out line 10 and inserting in place thereof the following:

retirement system and shall not be subject to the provisions of RSA 100-A:3.

Amend paragraph I of section 25 of the bill by striking out line 1 and inserting in place thereof the following:

I. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended by

Amend paragraph II of section 25 of the bill by striking out line 1 and inserting in place thereof the following:

II. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended

Amend RSA 21-N as inserted by section 1 of the bill by renumbering sections 21-N:1-14 to read as 21-0:1, 21-0:2, 21-0:3, 21-0:5, 21-0:6, 21-0:7, 21-0:8, 21-0:9, 21-0:10, 21-0:11, 21-0:12, 21-0:13, and 21-0:14, respectively.

Amend RSA 125-E as inserted by section 13 of the bill by renumbering sections 125-E:1-7 to read as 125-H:1, 125-H:2, 125-H:3, 125-H:4, 125-H:5, 125-H:6, and 125-H:7, respectively.

Amend the bill by striking out section 30 and inserting in place thereof the following:

30 Contingent Provision. If either or both House Bill 214, an act relative to the radiological health program, or House Bill 326, an act relative to high-level radioactive waste, of the 1986 regular session of the general court do not become law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by this act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon the printing of the 1986 session laws.

31 Effective Date.

I. Sections 6, I; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25, I; and 29 of this act shall take effect when the department of environmental services becomes operational on the date set according to 1983, 372:5, II.

II. The remainder of this act shall take effect July 1, 1986.

This amendment changes 2 chapter designations to avoid duplicating the numbering of chapters already inserted this session, corrects several citations and typographical and grammatical errors, deletes several unnecessary citations, and inserts omitted reference changes.

Adopted.

#### ENROLLED BILLS REPORT

HB 360, relative to credit for reinsurance.

HB 508, recodifying the public health statutes and establishing a fee schedule for laboratory services under RSA 131.

HJR 4, relative to the town of Madison and the village district of Eideweiss.

SB 1, relative to abandoned property and the treasurer's rulemaking authority.

SB 2, relative to driver's license suspensions and revocations and to arrests by law enforcement officers in interstate fresh pursuit.

SB 18, allowing persons to receive, collect or transmit premiums to or for any insurer through a credit card facility.

SB 106, allowing students in approved high school vocational electrical and plumbing programs to perform electrical and plumbing installations in residential buildings.

SB 120, relative to the issuance of a building permit.



SB 130, relative to state aid for the town of Newport pollution abatement program and amending RSA 149 to conform to the federal water pollution control act.

Rep. Chris Jacobson  
Sen. Mark Hounsell  
For the Committee.

RECESS

(Rep. Chambers in the Chair)

ENROLLED BILLS AMENDMENTS

SB 50, relative to public television and public radio fund raising auctions of wine and liquor, to liquor licenses, and to social clubs within national guard armories.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to public television and public radio fund raising auctions of wine and liquor, to liquor licenses, to social clubs within national guard armories and to a study committee on wine price restrictions.

Amend section 1 of the bill by striking out line 4 and inserting in place thereof the following:

175:3-a Special Permits.

Amend RSA 178:8, I(a) as inserted by section 4 of the bill by striking out line 2 and inserting in place thereof the following:

shall have at least a 9-hole golf links;

Amend section 5, paragraph I of the bill by striking out line 5 and inserting in place thereof the following:

RSA 178-A:4, I in selling wines without retail price restrictions and shall

Amend section 7 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

7 Price Restrictions Suspended. Notwithstanding RSA 178-A:4, I, until June 1, 1987, there shall be no restriction on the retail price of wine sold under RSA 178-A.

Amend section 8 of the bill by striking out paragraph III and inserting in place thereof the following:

III. Section 7 of this act shall take effect June 1, 1986.

This amendment amends the title of the bill, corrects certain typographical errors, and corrects a section heading. This amendment also corrects a technical defect in the mechanism and in the respective effective dates of the suspension of retail price restrictions and the study to evaluate it.

Adopted.

HB 513-FN, relative to tort reform and insurance.

Amendment

Amend RSA 417-C:4, II as inserted by section 1 of the bill by striking out line 4 and inserting in place thereof the following:

which have been approved by the commissioner. This shall be done on a pro

Amend RSA 507:7-d as inserted by section 2 of the bill by striking out line 2 and inserting in place thereof the following:

in an action by any plaintiff or plaintiff's legal representative, to

Amend section 10 of the bill by striking out line 2 and inserting in place thereof the following:

section 8 the following new sections:

Amend section 11 of the bill by striking out line 2 and inserting in place thereof the following:

chapter 507-E as inserted by section 4 of this act the following new

Amend RSA 507-F:1, V as inserted by section 11 of the bill by striking out line 2 and inserting in place thereof the following:

serve alcoholic beverages under RSA 175, 176, 177, 178-A, 178-B, or 181.

Amend RSA 508:4-e, II as inserted by section 13 of the bill by striking out line 4 and inserting in place thereof the following:

arrangement whereby the attorney would be compensated on the basis of the

This amendment corrects typographical errors.

Adopted.

RECESS

(Rep. Kenneth MacDonald in the Chair)

ENROLLED BILLS REPORT

HB 439, relative to the division for children and youth services and legally liable school districts.

HB 264, increasing fees for certain fish and game licenses and relative to certain fish and game statutes.

HB 284, relative to water treatment plant operators; authorizing the charging of a fee for water supply systems; authorizing new positions and making an appropriation therefor; establishing a committee to study development and regulation of docks, slips and piers and making an appropriation therefor; and relative to the purchase of new telephone equipment.

HB 313, relative to probationary licenses for "at risk" drivers; establishing regulations for the use of wrecking vehicles; and relative to anatomical gifts.

HB 503, relative to child care licensing.

HB 430, establishing a department of environmental services.

HB 157, relative to marine repairs and dredging and making an appropriation therefor and concerning capital projects.

HB 160, repealing certain statutory rules of evidence and relative to the non-delegation of the insurance commissioner's rulemaking authority.

HB 392, relative to the board of registration in medicine and making an appropriation therefor and relative to the board of dental examiners.

HB 513, relative to tort reform and insurance.

SB 50, relative to public television and public radio fund raising auctions of wine and liquor, to liquor licenses, to social clubs within national guard armories and to a study committee on wine price restrictions.

SB 121, relative to planning board procedures on plats.

SB 132, relative to assistants to nurses.

HB 343, relative to the special railroad fund, making debt service on railroad improvement bonds a charge against the general fund, and relative to distribution of proceeds from rail properties.

HB 6, relative to financial disclosure.

HB 33, to change the operation of the department of postsecondary vocational-technical education.

HB 210, making capital appropriations and relative to lapse dates, architectural selection, and the Concord headquarters facility for fish and game.

HB 229, relative to the licensing of dogs and authorizing new zoning board of adjustment and planning board members to participate in training to be furnished by the office of state planning.

HB 258, increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs; establishing a fire standards and training council within the department of postsecondary vocational-technical education; and providing a supplemental appropriation for safety services in the department of safety.

HB 373, providing for annual inspections for new motor vehicles and semi-annual inspections for other motor vehicles and appropriating funds for new inspection decals.

HB 431, relative to the crime of theft, limiting the sale of martial arts weapons and establishing civil assessments for shoplifting infractions.

HB 448, relative to the disposal of state owned real property and the long range capital planning and utilization committee.

HB 467, requiring the referral of child abuse cases to the police for criminal investigation and establishing the right to a speedy trial for certain sexual assault victims.

HB 509, establishing a 10-year state highway construction and reconstruction plan and making an appropriation for certain projects.

HB 417, relative to off highway recreational vehicles and appropriating a portion of agents' penalties to the OHRV bureau.

HB 401, relative to the secure psychiatric unit.

HB 226, consolidating the mental health laws and continuing a study committee.

HB 17, appropriating funds for a fire-exit stairway, library, classroom and roof repairs at the youth development center, and authorizing transfers of funds within departments.

HB 34, establishing the salaries of classified state employees in academic positions, making permanent certain temporary salary levels, and making a supplemental appropriation for non-state aid airport projects.

HB 117, relative to the Sullivan county probate court, to the Sullivan county attorney and the Strafford county attorney, and to adoption of the optional fiscal year by cities, towns, or counties.

Rep. James A. Chandler  
Sen. Mark Hounsell  
For the Committee.

RECESS



(Speaker in the Chair)

ENROLLED BILL AMENDMENT

HB 514-FN, relative to drug forfeiture.

Amendment

Amend RSA 318-B:17-b, I(c) as inserted by section 1 of the bill by striking out line 8 and inserting in place thereof the following:

substances are presumed to be forfeitable under this paragraph. The

Amend RSA 318-B:17-b, II as inserted by section 1 of the bill by striking out line 6 and inserting in place thereof the following:

within 30 days of the seizure, file a petition in the superior court having

This amendment corrects 2 typographical errors.

Adopted.

RECESS

(Rep. Taffe in the Chair)

ENROLLED BILLS REPORT

HB 185, relative to alimony and property settlements, fault grounds in divorce, and marital magistrates.

HB 514, relative to drug forfeiture.

Rep. James A. Chandler  
Sen. John P.H. Chandler, Jr.  
For the Committee.

RECESS

(Rep. Ashnault in the Chair)

ENROLLED BILL REPORT

HB 268, relative to the use of snares under certain conditions.

Rep. James A. Chandler  
For the Committee.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 17

*Tuesday, 10 Jun 86*

The House assembled at 1:30 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Dear God, we offer our thanks for all who have given their time and effort to the work of the House this session.

There is often little appreciation that comes their way. Pour out on them Your blessings for their caring about the State we live in. Thank You for a land and government where citizens can have a voice and vote. Amen.

Rep. Edward Flynn led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Donnelly, Hendrick, Bowes, Marilyn Campbell, Mayhew and Connors, the day, illness.

Reps. Pantzer, Pevear, Elizabeth Greene, William Riley, Leonard Smith, Kenneth MacDonald, Kelley, Nagel, Knight, Champoux, Nute, Benton, Bennett, Dwyer and Tamposi, the day, important business.

Reps. Ducharme, Davis and Arnold, the day, illness in the family.

## INTRODUCTION OF GUESTS

Pat Pollard, guest of Rep. Walter; John Mehegan, husband of Rep. Mehegan; Fourth grade students from the Salisbury Elementary School and their teacher, Ms. Liz Plourde, guests of Reps. Bardsley and Phelps; Jane Swift, guest of Rep. Bryant; Sandra Ashnault, wife of Rep. Ashnault; Elizabeth Whittemore, wife of Rep. James Whittemore; Joseph Ottolini, husband of Rep. Ottolini; Clarence Brungot, husband of Rep. Brungot; Florence Fortier, Lucille Frechette, Mr. and Mrs. Carlo Lizier, sister, wife and guests of Rep. Marsh; Paul McEachern, Jean Wallin and her niece, Kristen Schug, guests of Rep. Chambers.

The Speaker introduced James Krolikowski, a Social Studies teacher at Manchester Memorial High School, the first winner of the Christa McAuliffe Sabbatical Program Grant, and his parents Edmund and Julie Krolikowski of Manchester.

## COMMUNICATION

John B. Tucker  
Speaker of the House  
State House  
Concord, N.H.

Dear Mr. Speaker:

Effective June 2, 1986, I hereby resign my seat in the House of Representatives.

Sincerely,  
John E. Burns

## VETO MESSAGE ON HB 119

To all members of the General Court:

I have vetoed House Bill 119 relative to replacing the Hampton Beach seawall. Although I feel that the project has significant merit in that there is a clear need for the replacement of the structure, the funding mechanism within the bill is inappropriate and does not serve the best fiscal interests of the state, nor the Hampton area. More particularly, the legislation appropriates the sum of \$7.2 million for the replacement of the seawall by authorization of a bond issue with a maturity date of 10 years from the date of issue. Within the bill it is directed that the funds to amortize this bond issue are to be drawn from proceeds in the Hampton parking meter special fund created by RSA 216:3.

Of significant concern to me is the fact that to satisfy the demands of this seawall bond issue, it would require approximately \$1.3 million a year. Yet, the latest computations from the Department of Resources and Economic Development indicate that only approximately \$400,000 would be available each year to satisfy the bond debt. Even if the parking meter rate was increased significantly, and I understand that there has already been an increase in recent years, there would be a substantial shortfall in funds to satisfy the bond.

In reviewing the legislative history of the bill with the affected departments and various legislators, I find that the original appropriation was for \$3 million which was presumably going to be bonded over a twenty-year period. Further, it was indicated during the legislative review of this bill that there would be a significant contribution from the highway fund. As I have indicated above, none of these provisions are included within the final provisions of this legislation. Of further concern to me relative to the Hampton area is that the added expenses for the completion of the bathhouse would also be a draw against the funds from the Hampton parking meter special fund. To date, these additional expenses for this project have not been determined.

In concluding, I feel that both the interests of the State, as well as the Hampton area, are not served by this piece of legislation, for it is based on revenue sources which simply do not exist. I have indicated to the proponents of this bill that I will, if governor, work toward the passage of legislation next session which will not only alleviate the problem presented by the seawall, but also encompass a sound fiscal payment structure.

John H. Sununu, Governor

Question being, shall HB 119 pass notwithstanding the Governor's veto.  
 Reps. Hollingworth, Chambers and Parr spoke in favor.  
 Rep. Bibbo spoke in favor and yielded to questions.

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 YEAS 234

BELKNAP: Bowler, Richard Campbell, Golden, Hardy, Malcolm Harrington, Hawkins, Nighswander, Pearson and Randall.

CARROLL: Russell Chase, Dickinson, Robert Holmes, Hounsell, McIntire, Olimpio, Powers and Schofield.

CHESHIRE: Blacketor, Burley, Crane, Daniel Eaton, Frink, Irvin Gordon, Perry, Ramsay, Russell, Schwartz, Scranton and Secord.

COOS: Brideau, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Lamontagne, Marsh, Ottolini, Theriault and York.



GRAFTON: Arnesen, Blair, Chambers, Copenhaver, Crory, Densmore, Driscoll, Easton, Michael King, Wayne King, LaMott, Mann, Rounds, Scanlan, Stewart, Taffe, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, August, Bass, Beaupre, Blais, Bourque, Boutwell, Bridgewater, Burkush, Leslie Burns, Carragher, Champagne, Chretien, Clancy, Cote, Cox, Cronin, Crotty, William Dion, Duperron, Durant, Dykstra, Nancy Ford, Gagnon, Scott Green, Grip, Marian Harrington, Hogan, Holden, Chris Jacobson, Michael Jones, Katsiaficas, Keefe, Levesque, Lown, Howard Mason, McGlynn, Messier, Murphy, Nelson, O'Rourke, Bonnie Packard, Pariseau, Parmenter, Pellow, Pressly, Prestipino, Raiche, Reardon, Reidy, Ellen-Ann Robinson, Philip Rodgers, Shriver, Snow, Mary Sullivan, Sylvia, Turgeon, Van Loan, Wagner, Harold Watson, Frank Whittemore, Winn and Zis.

MERRIMACK: Anderson, Barberia, Bardsley, Bibbo, Cailer, Cate, James Chandler, Daniell, Fraser, Gross, Hager, Alf Jacobson, Jelley, C. William Johnson, Kidder, Millard, Nichols, Pannell, Rehlander, Doris Riley, Walter Robinson, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: Blaisdell, Blanchard, Patti Blanchette, William Boucher, Butler, Eunice Campbell, Case, Clay, Conroy, Emanuelson, Flanagan, Harry Flanders, Beverly Gage, Hoar, Hollingworth, Robert Johnson, Joslyn, George Katsakiores, Phyllis Katsakiores, Krasker, Lovejoy, Mace, Magoon, Malcolm, Newell, Palumbo, Pantelakos, Parr, Popov, Quimby, Raynowska, Norman Rogers, Romoli, Rosencrantz, Sanderson, Scamman, Seward, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Stachowske, Sytek, Tufts, Vaughn, Walker, Warburton, Wells and Woodward.

STRAFFORD: Bates, Berkey, Bernard, Bryant, Callaghan, Chamberlin, Albert Dionne, Anita Flynn, Patricia Foss, Frechette, Hussey, Keans, Kincaid, Laurion, Meader, O'Brien, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Ann Torr and Franklin Torr.

SULLIVAN: Brodeur, D'Amante, Domini, Ingram, Paul Johnson, Lindblade, McKee, Normandin, Schotanus, Spaulding and Sara Townsend.

NAYS 90

BELKNAP: Brough, Brown, Dexter, Holbrook, Jensen, Matthew Locke and James J. White.

CARROLL: Saunders.

CHESHIRE: Arnott, Delano, Grodin, Elmer Johnson, Miller, Morse, Ridge and Young.

COOS: Brungot, Guay and Horton.

GRAFTON: Bean, Christy, Duggan and Howard Townsend.

HILLSBOROUGH: Barry, Boisvert, Bourdon, Charron, Donovan, Clyde Eaton, Joseph Eaton, Fields, Fried, Herod, Humphrey, Hyman, George Jones, Labombarde, Elizabeth Moore, Morrissette, Paradis, Perham, Frances Riley, Sallada, B. P. Smith, Steiner, Stiles, Vanderlosk, Varkas, Geraldine Watson, Emma Wheeler, Kenneth Wheeler, M. Arnold Wight and Worthen.

MERRIMACK: Laurent Boucher, Connolly, Gilbreth, George Gordon, Hayes, Lewis, Arthur Locke, Phelps, Linwood Rogers, Savaria, Shepard and Gerald R. Smith.

ROCKINGHAM: Lawrence Chase, Ellyson, Felch, Bert Ford, Thomas Gage, Gourdeau, Haynes, Kane, Roger King, McCain, McKinney, Benjamin Moore, Schmidtchen, Schwaner, Vartanian and Welch.

STRAFFORD: Appleby, Edward Flynn, Lussier, Musler and Swope.

SULLIVAN: Call, Disnard, Mehegan and Rodeschin, and the veto was overridden by the constitutional requirement of two-thirds.

Rep. Thomas Gage notified the Clerk that he inadvertently voted nay and meant to vote yea.

VETO MESSAGE ON HB 258

To all members of the General Court:

I have this day vetoed HB 258 relative to increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs; establishing a fire standards and training council within the department of postsecondary vocational-technical education; and providing a supplemental appropriation for safety services in the department of safety.

My concerns regarding the provisions of this legislation deal in part with the restructure of the percentage breakdown of the funds distributed from civil penalties collected under RSA 106-A:21. Although New Hampshire's efforts at this time in the area of hazardous waste cleanup have achieved a measured success, this program is still in the refinement stages. I am fully supportive of the goal of providing better training and better equipment for emergency response to spills and chemical emergencies of all sorts. However, under present law, there exists the authority to allocate hazardous waste cleanup fund monies upon receipt of a request and after consultation with the office of hazardous waste management. Therefore, adjustment in the percentage allocation, prior to the development of overall plans for the use of the funds, is neither required nor warranted. I recognize the advantage for expansion of support for local or regional programs. However, that should be done with some definition of specific programs or directions. Without such definition, tampering with the statutory percentage breakdown at this time would not serve the best interest of the State. This legislation fails to either identify specifically where the increased funding is to be utilized, or implement an expenditure procedure which is acceptable.

I wholeheartedly support the establishment of the fire standards and training council within the department of postsecondary vocational-technical education as provided in this bill. I have no reservations concerning the merit of this particular section of the legislation and will in fact endeavor next session, if I am Governor, to ensure that this legislation becomes law. This is but another example of sound legislation suffering the consequences of being joined with other questionable provisions.

In reference to the provisions directing supplemental appropriations for safety services in the department of safety, which is also included in HB 258, these appropriations are also included in HB 210 which I have already signed into law and as such are duplicative provisions.

John H. Sununu, Governor

Question being, shall HB 258 pass notwithstanding the Governor's veto. Reps. Bowler, Ward and Rounds spoke in favor.

Rep. Hoar spoke to the question.

YEAS 257 NAYS 68  
YEAS 257

BELKNAP: Bowler, Brown, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Nighswander, Pearson and Randall.

CARROLL: Russell Chase, Robert Holmes, McIntire, Powers and Schofield.

CHESHIRE: Arnott, Blacketor, Crane, Daniel Eaton, Frink, Irvin Gordon, Grodin, Miller, Perry, Ramsay, Ridge, Russell, Schwartz, Scranton and Secord.

COOS: Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Horton, Lamontagne, Marsh, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bean, Blair, Chambers, Christy, Copenhaver, Croy, Densmore, Driscoll, Duggan, Easton, Michael King, Wayne King, Mann, Rounds, Scanlan, Stewart, Taffe, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Barry, Bass, Beaupre, Bourque, Boutwell, Bridgewater, Burkush, Carragher, Champagne, Chretien, Clancy, Cote, Cox, Cronin, Crotty, William Dion, Donovan, Duperron, Durant, Dykstra, Fields, Nancy Ford, Fried, Gagnon, Scott Green, Grip, Marian Harrington, Holden, Chris Jacobson, Michael Jones, Katsiaficas, Keefe, Levesque, Lown, Howard Mason, McGlynn, Messier, Elizabeth Moore, Morrissette, Murphy, Nelson, O'Rourke, Bonnie Packard, Parmenter, Pellow, Pressly, Prestipino, Raiche, Reardon, Reidy, Ellen-Ann Robinson, Shriver, B. P. Smith, Snow, Stiles, Mary Sullivan, Sylvia, Turgeon, Van Loan, Vanderlosk, Varkas, Wagner, Harold Watson, Frank Whittemore, M. Arnold Wight, Winn, Worthen and Zis.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Cailler, Cate, James Chandler, Connolly, Daniell, Fraser, Gross, Hager, Hayes, Mary Holmes, Alf Jacobson, Jolley, C. William Johnson, Kidder, Lewis, Millard, Nichols, Pannell, Rehlander, Doris Riley, Walter Robinson, Linwood Rogers, Shepard, Gerald R. Smith, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: Blaisdell, Blanchard, Patti Blanchette, William Boucher, Butler, Eunice Campbell, Case, Clay, Conroy, Emanuelson, Flanagan, Harry Flanders, Beverly Gage, Gourdeau, Hoar, Hollingworth, Robert Johnson, Joslyn, George Katsakiores, Phyllis Katsakiores, Krasker, Lovejoy, Mace, Magoon, McCain, Newell, Palumbo, Pantelakos, Parr, Popov, Raynowska, Norman Rogers, Romoli, Rosencrantz, Sanderson, Scamman, Schwaner, Seward, Sherburne, Skinner, Sloan, Sochalski, Splaine, Stachowske, Sytek, Tufts, Vaughn, Walker, Warburton, Wells and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Bryant, Callaghan, Chamberlin, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Hussey, Robert Jones, Keans, Kincaid, Laurion, Meader, Musler, O'Brien, Pelley, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr and Franklin Torr.

SULLIVAN: Brodeur, D'Amante, Disnard, Domini, Paul Johnson, Mehegan, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 68

BELKNAP: Brough, Jensen, Matthew Locke and James J. White.

CARROLL: Dickinson, Hounsell, Olimpio and Saunders.

CHESHIRE: Burley, Delano, Elmer Johnson, Morse and Young.

COOS: Brungot and Guay.

GRAFTON: Howard Townsend.

HILLSBOROUGH: August, Blais, Boisvert, Bourdon, Leslie Burns, Charron, Clyde Eaton, Joseph Eaton, Herod, Hogan, Humphrey, Hyman, George Jones, Labombarde, Paradis, Pariseau, Perham, Frances Riley, Philip Rodgers, Sallada, Steiner, Geraldine Watson, Emma Wheeler and Kenneth Wheeler.



MERRIMACK: Barberia, Gilbreth, George Gordon, Arthur Locke, Phelps and Savaria.

ROCKINGHAM: Lawrence Chase, Ellyson, Felch, Bert Ford, Thomas Gage, Haynes, Kane, Roger King, Malcolm, McKinney, Benjamin Moore, Quimby, Schmidtchen, Simon, Vartanian and Welch.

STRAFFORD: Lussier and Parks.

SULLIVAN: Call, Ingram, Lindblade and McKee, and the veto was overridden by the constitutional requirement of two-thirds.

VETO MESSAGE ON HB 185

To all members of the General Court:

I have this day vetoed HB 185 relative to alimony and property settlements, fault grounds in divorce, and marital magistrates.

I will begin by expressing my strong support of the provisions of the legislation relative to property settlements, alimony and the repeal of fault grounds in divorce actions. I feel that these were constructive changes in the field of domestic relations law in the State, but unfortunately this sound legislation was joined with other questionable provisions in this bill which cannot stand on their own merit and whose passage would not serve the best interest of the State.

Specifically, my concern with this piece of legislation is focused on the provisions creating a marital magistrate bureaucracy within our judicial system, which would be both expensive and unwarranted. Among the major pieces of legislation that became law in the 1983 legislative session was Chapter 383 (HB 200), which created a state funded unified court system. One of the principle goals of the legislation was the intent of the General Court to sharply reduce the use of masters hearing civil or marital cases in New Hampshire. In fact, in deliberations held in both the House and the Senate, proponents rationalized the significant cost to the State in implementing the unified court system, by arguing that having masters hear civil cases (of which marital cases are included), was grossly improper and resulted in a disservice to the public. Further, during the legislative debate in 1983, it was argued that Chapter 383 (HB 200) would help make our judiciary a first-rate system where masters would be used only in special cases. The return to a heavy dependence on masters, as provided within HB 185, would significantly negate what positive results were attained by creation of the unified court system.

Another objection I have to this portion of the legislation is the lack of a fiscal note which accurately portrays the cost to the State in creating this magistrate system. In reviewing the best data available, it appears that this new structure will have a net cost to the State of over \$321,000, while as represented above, diluting the benefit of our earlier investment made in 1983 by enactment of HB 200. A significant cost such as this should have been a more prominent consideration in the deliberation of HB 185.

In short, I feel the provisions of HB 185 directing the establishment of a marital magistrate system lacks inherent merit and would result in severe, negative ramifications within our legal system. I reiterate, however, my support for the changes provided in the field of domestic relations law and would look forward to clear legislation dealing with these issues next session.

John H. Sununu, Governor

Question being, shall HB 185 pass notwithstanding the Governor's veto.  
Reps. Raiche, Michael Jones and Alf Jacobson spoke in favor.  
Reps. Francis Robinson, George Gordon and Sytek spoke against.

Rep. Murphy spoke against and yielded to questions.  
 Rep. Sylvia spoke in favor and yielded to questions.  
 Rep. Sara Townsend moved the previous question. Sufficiently  
 seconded. Adopted.

YEAS 72 NAYS 254  
 YEAS 72

BELKNAP: Dexter.

CARROLL: None.

CHESHIRE: Blacketor, Daniel Eaton, Frink, Matson, Russell and Schwartz.

COOS: Brideau, Ottolini, Theriault and York.

GRAFTON: Arnesen, Chambers, Copenhaver, Crory, Densmore, Michael King and Wayne King.

HILLSBOROUGH: Bourque, Burkush, Leslie Burns, Chretien, Clancy, Cote, Cronin, William Dion, Durant, Dykstra, Scott Green, Michael Jones, Katsiaficas, Howard Mason, McGlynn, Nelson, O'Rourke, Pappas, Pressly, Raiche, Reardon, Reidy, Shriver, Snow, Mary Sullivan, Sylvia, Wagner, Winn and Zis.

MERRIMACK: Daniell, Hager, Alf Jacobson, Wallner and James Whittemore.

ROCKINGHAM: Blaisdell, Patti Blanchette, Hollingworth, Phyllis Katsakiores, Krasker, Pantelakos, Raynowska, Sanderson, Sloan, Walker and Warburton.

STRAFFORD: Bryant, Albert Dionne, Hussey, Keans and O'Brien.

SULLIVAN: D'Amante, Paul Johnson, McKee and Normandin.

NAYS 254

BELKNAP: Bowler, Brough, Brown, Richard Campbell, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Matthew Locke, Nighswander, Pearson, Randall and James J. White.

CARROLL: Russell Chase, Dickinson, Robert Holmes, Hounsell, McIntire, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Arnott, Burley, Crane, Delano, Irvin Gordon, Grodin, Elmer Johnson, Miller, Morse, Parker, Perry, Ramsay, Ridge, Scranton, Secord and Young.

COOS: Brungot, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Guay, Horton and Marsh.

GRAFTON: Bean, Blair, Christy, Driscoll, Duggan, Easton, LaMott, Mann, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, August, Barry, Bass, Beaupre, Blais, Boisvert, Bourdon, Boutwell, Bridgewater, Carragher, Champagne, Charron, Cox, Crotty, Donovan, Duperron, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Gagnon, Grip, Marian Harrington, Herod, Hogan, Holden, Humphrey, Hyman, Chris Jacobson, George Jones, Keefe, Labombarde, Levesque, Lown, Messier, Elizabeth Moore, Morrissette, Murphy, Bonnie Packard, Paradis, Pariseau, Parmenter, Pellow, Perham, Prestipino, Frances Riley, Ellen-Ann

Robinson, Philip Rodgers, Sallada, B. P. Smith, Stiles, Turgeon, Van Loan, Vanderlosk, Varkas, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, M. Arnold Wight and Worthen.

MERRIMACK: Allgeyer, Anderson, Barberia, Bardsley, Bibbo, Laurent Boucher, Cailler, James Chandler, Connolly, Fraser, Gilbreth, George Gordon, Gross, Hayes, Mary Holmes, Jelley, C. William Johnson, Kidder, Lewis, Arthur Locke, Millard, Pannell, Phelps, Rehlander, Doris Riley, Walter Robinson, Linwood Rogers, Savaria, Shepard, Gerald R. Smith, Stio and West.

ROCKINGHAM: Blanchard, William Boucher, Butler, Eunice Campbell, Case, Lawrence Chase, Clay, Conroy, Ellyson, Emanuelson, Felch, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Thomas Gage, Gourdeau, Haynes, Hoar, Robert Johnson, Joslyn, Kane, Katsakiores, Roger King, Lovejoy, Mace, Magoon, Malcolm, McCain, McKinney, Benjamin Moore, Newell, Palumbo, Parr, Popov, Quimby, Norman Rogers, Romoli, Rosencrantz, Scamman, Schmidtchen, Schwaner, Seward, Sherburne, Simon, Skinner, Sochalski, Splaine, Stachowske, Sytek, Tufts, Vartanian, Vaughn, Welch, Wells and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Callaghan, Chamberlin, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Kincaid, Laurion, Lussier, Meader, Musler, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr and Franklin Torr.

SULLIVAN: Brodeur, Call, Disnard, Domini, Ingram, Lindblade, Mehegan, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the veto was sustained lacking the necessary two-thirds vote to override the veto.

#### SUSPENSION OF RULES

Reps. Hager and Michael King moved that the rules be so far suspended as to permit reconsideration in its action whereby the House nonconcurred with the Senate amendments to the following entitled bills:

HB 112, relative to state support for Alzheimer's disease and related disorders.

HB 500, permitting group II members who reach age 65 to make an election for retirement benefits.

HB 60, relative to establishing and authorizing funding for a hazardous waste facility siting board.

HB 89, authorizing new positions in the department of fish and game; extending an appropriation in the current budget; and making an appropriation therefor.

HB 458, relative to imposing a water use permit fee; amending the federal boat numbering system; and making a supplemental appropriation therefor.

HB 22, authorizing the state liquor commission to operate 2 new liquor stores and authorizing the state liquor commission to maintain and expand available opportunities for retail store locations.

HB 433, relative to engineering services to municipalities in the field of water pollution abatement and providing for additional staff to implement the provisions of RSA 149-E and making an appropriation therefor.

HB 380, establishing the governor's scholars awards.

Reps. Hager, Densmore, Sloan, Krasker, Scamman, Powers, Howard Mason and Michael King spoke in favor of the motion.

Reps. Kidder, Sara Townsend, Chambers and Rounds spoke against the motion.

Rep. Gross spoke against the motion and yielded to questions.



Rep. Chardon moved the previous question. Sufficiently seconded.  
Adopted.

Rep. Sara Townsend requested a roll call. Sufficiently seconded.

YEAS 95 NAYS 231  
YEAS 95

BELKNAP: Richard Campbell, Golden, Hawkins, Nighswander, Pearson and Randall.

CARROLL: Ashnault and Schofield.

CHESHIRE: Daniel Eaton, Frink, Russell and Schwartz.

COOS: Harold Burns, Guay, Horton, Ottolini and Theriault.

GRAFTON: Arnesen, Copenhaver, Crory, Densmore, Michael King, Wayne King and Weymouth.

HILLSBOROUGH: Bourque, Burkush, Champagne, Chretien, Cronin, William Dion, Dykstra, Scott Green, George Jones, Katsiaficas, Keefe, Howard Mason, McGlynn, Elizabeth Moore, Nelson, O'Rourke, Pressly, Raiche, Reardon, Reidy, Sallada, B. P. Smith, Snow, Mary Sullivan and Winn.

MERRIMACK: Bardsley, James Chandler, Daniell, George Gordon, Hager, Alf Jacobson, Jelley, Phelps and Wallner.

ROCKINGHAM: Blaisdell, Blanchard, Patti Blanchette, Butler, Case, Felch, Beverly Gage, Thomas Gage, Gourdeau, Haynes, Hollingworth, Robert Johnson, Josyln, Kane, Krasker, McKinney, Palumbo, Pantelakos, Raynowska, Sanderson, Scamman, Simon, Sloan, Walker and Warburton.

STRAFFORD: Appleby, Bryant, Albert Dionne, Keans, Kincaid, Musler, O'Brien and Pelley.

SULLIVAN: Brodeur, Disnard, Normandin and Spaulding.

NAYS 231

BELKNAP: Bowler, Brough, Brown, Dexter, Hardy, Malcolm Harrington, Holbrook, Jensen and James J. White.

CARROLL: Russell Chase, Dickinson, Robert Holmes, Hounsell, McIntire, Olimpio, Powers and Saunders.

CHESHIRE: Arnott, Blacketor, Burley, Crane, Delano, Irvin Gordon, Grodin, Matson, Miller, Morse, Parker, Perry, Ramsay, Ridge, Scranton and Young.

COOS: Brideau, Brungot, Chappell, Chardon, Coulombe, Frederic Foss, Lamontagne, Marsh and York.

GRAFTON: Bean, Blair, Chambers, Christy, Driscoll, Duggan, Easton, LaMott, Mann, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, August, Barry, Bass, Beaupre, Blais, Boisvert, Lionel Boucher, Bourdon, Boutwell, Bridgewater, Leslie Burns, Carragher, Charron, Clancy, Cote, Cox, Crotty, Donovan, Duperron, Durant, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Gagnon, Grip, Marian Harrington, Herod, Hogan, Holden, Humphrey, Chris Jacobson, Michael Jones, Labombarde, Levesque, Lown, Messier, Morrissette, Murphy, Bonnie Packard, Pappas, Paradis, Pariseau, Parmenter, Pellow, Perham, Prestipino, Frances

Riley, Ellen-Ann Robinson, Philip Rodgers, Shriver, Steiner, Stiles, Sylvia, Turgeon, Van Loan, Vanderlosk, Varkas, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Worthen and Zis.

MERRIMACK: Allgeyer, Anderson, Barberia, Bibbo, Laurent Boucher, Cailler, Cote, Connolly, Fraser, Gilbreth, Gross, Hayes, Mary Holmes, C. William Johnson, Kidder, Lewis, Arthur Locke, Millard, Pannell, Rehlander, Doris Riley, Walter Robinson, Linwood Rogers, Savaria, Shepard, Gerald R. Smith, Stio, West and James Whittemore.

ROCKINGHAM: William Boucher, Eunice Campbell, Lawrence Chase, Clay, Conroy, Ellyson, Emanuelson, Flanagan, Harry Flanders, Bert Ford, Hoar, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Mace, Magoon, Malcolm, McCain, Benjamin Moore, Newell, Parr, Popov, Quimby, Norman Rogers, Romoli, Rosenkrantz, Schmidtchen, Schwaner, Seward, Sherburne, Skinner, Sochalski, Splaine, Stachowski, Sytek, Tufts, Vartanian, Vaughn, Welch, Wells and Woodward.

STRAFFORD: Bates, Berkey, Bernard, Callaghan, Chamberlin, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Hussey, Robert Jones, Laurion, Lussier, Meader, Parks, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr and Franklin Torr.

SULLIVAN: Call, D'Amante, Domini, Ingram, Paul Johnson, Lindblade, McKee, Mehegan, Rodeschin, Schotanus and Sara Townsend, and the motion lost lacking the necessary two-thirds.

#### SUSPENSION OF RULES

Reps. Rounds and Chambers moved that the rules be so far suspended as to permit consideration of a resolution after the deadlines.

Reps. Chambers, Rounds and Howard Mason spoke in favor of the motion. Adopted by the necessary two-thirds.

#### HOUSE RESOLUTION NO. 29

relative to state support for Alzheimer's disease and related disorders.

WHEREAS, Alzheimer's Disease and Related Disorders (ADRD) is a recently recognized, devastating and costly disease not only for the victims but also for their immediate families, and

WHEREAS, the New Hampshire house of representatives finds that ADRD affects an alarmingly high percentage of citizens in every age group and yet very little is known of the cause, prevention, or treatment of this disease, and

WHEREAS, the house of representatives further recognizes that ADRD creates a great strain on families of victims of the disease and that there is a lack of a focal point in the state of New Hampshire where persons can acquire reliable information on ADRD, and

WHEREAS, there exists an Alzheimer's coordinator in the department of health and human services, now therefore be it

RESOLVED, by the House of Representatives, that the duties of the Alzheimer's coordinator to support and facilitate family support groups and promote public understanding of ADRD be continued with the support of the house of representatives, and be it further

RESOLVED, that model programs concerning respite care, home health care, nursing care, and day care for persons suffering from ADRD and their families be established by the general court.

The Clerk read the resolution.

Adopted unanimously.

Reps. Shepard, Welch, Emma Wheeler and Young offered the following:

HOUSE RESOLUTION NO. 30

honoring former State Representative John E. Burns of Wilton.

WHEREAS, for the bienniums of 1983-84 and 1985-86, John E. Burns served two consecutive terms in the New Hampshire House, representing the people of District Eight of Hillsborough County, and

WHEREAS, while serving as a member of the Standing Committees on Science and Technology, and Appropriations, John E. Burns earned the respect and confidence of his legislative colleagues, and

WHEREAS, through his hard work and dedication, John E. Burns has distinguished himself as a electronics engineer, consultant and businessman, and

WHEREAS, John E. Burns has shown exemplary leadership and commitment, having served as Executive Director of the State Republican Committee, Chairman of the New Hampshire Conservation Caucus, and President of the Wilton Lions Club, and

WHEREAS, John E. Burns, on June 2, 1986, resigned his seat in the New Hampshire House of Representatives to accept the responsible position of Director of the State Department of Resources and Economic Development, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that John E. Burns be recognized for his outstanding legislative contributions, and extended the very best wishes for success in his new position, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to him.

Adopted.

Reps. Weymouth and Densmore offered the following:

HOUSE RESOLUTION NO. 31

honoring Lisbon Regional High School Baseball Team.

WHEREAS, in recognition of the recently concluded New Hampshire Interscholastic Athletic Association High School Baseball Championship Series in which Lisbon Regional High School succeeded in achieving the New Hampshire High School Class S Baseball Championship for the fifth consecutive year, and

WHEREAS, in recognition of the care, support and fervor with which the citizens of Lisbon, Lyman and Landaff, and its several organizations and distinguished faculty have afforded to foster the scholastic and athletic programs of Lisbon Regional High School, and

WHEREAS, in recognition of the skill, competitive spirit and sportsmanship exhibited by the Lisbon Regional School Baseball Team and its Coach, Tom White, over the past glorious five years, now therefore be it

RESOLVED, by the New Hampshire House of Representative in Regular Session convened, that the Lisbon Regional High School Baseball Team be highly commended for its outstanding achievements and its contribution to the exemplary conduct and keen competition which distinctively marks New Hampshire High School Athletic Activities, and be it further

RESOLVED, that a copy of this Resolution be prepared for presentation to the Lisbon Regional High School officials.

Unanimously adopted.



Rep. Tucker for the entire membership offered the following:

HOUSE RESOLUTION NO. 32

memorializing Representative Lafayette J. Bergeron of Manchester.

WHEREAS, we have learned with great sorrow of the death of Lafayette J. Bergeron who was serving his second term as an honorable member of the New Hampshire House of Representatives, and

WHEREAS, Lafayette J. Bergeron demonstrated dependability, devotion and diligence as a member of the Standing Committees on Public Protection and Veterans Affairs, and Constitutional and Statutory Revision, and

WHEREAS, having been born in Manchester, Lafayette J. Bergeron had a distinguished thirty-one year career as a firefighter, joining the Manchester Fire Department in 1948 and advancing in rank to Lieutenant, Captain and District Chief, and

WHEREAS, Lafayette J. Bergeron gave freely and energetically of his time to many groups and organizations including the Manchester Fireman's Relief Association, the New Hampshire Fireman's Relief Association, and Firefighter's Local 856, and

WHEREAS, Lafayette J. Bergeron was a veteran of World War II and served three terms as Commander of the American Legion Jutras Post in Manchester, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Lafayette J. Bergeron be recognized and saluted for his legislative record and outstanding service to his community, state and country, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

The Rochester Delegation offered the following:

HOUSE RESOLUTION NO. 33

memorializing former State Representative J. Thornton Tripp of Rochester.

WHEREAS, we have learned with sorrow of the death of J. Thornton Tripp, who for the six consecutive bienniums between 1969 and 1980 served as an honorable and esteemed member of the New Hampshire House of Representatives, and

WHEREAS, during his tenure as a servant of the people in District Fifteen of Strafford County, J. Thornton Tripp was an energetic, diligent member of the Standing Committees on Municipal and County Government, and Ways and Means, and

WHEREAS, having been born in Farmington, J. Thornton Tripp lived his entire life in New Hampshire, demonstrating great civic-mindedness as a member of the Rochester School Board, the Governor's Safety Committee, and the Governor's Highway Commission, and

WHEREAS, beginning in 1921, J. Thornton Tripp served forty-four years with the United States Postal Service, retiring in 1965 and later serving on the Executive Committee of the National Association of Retired Civil Service Employees, and

WHEREAS, J. Thornton Tripp was an active contributing member and leader in the Masons and Grange, earning the respect, admiration and confidence of his peers, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that J. Thornton Tripp be recognized and publicly saluted for his

accomplished legislative record and for his service to the community and State, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Rounds and Chambers offered the following:

HOUSE RESOLUTION NO. 34

in appreciation of the House Sergeant-at-Arms office.

WHEREAS, Warren Leary and the entire staff of the House Sergeant-at-Arms have provided excellent service to all the members of the House of Representatives during the first annual legislative session; and

WHEREAS, the staff of the House Sergeant-at-Arms remains courteous, cooperative, efficient and personable while often laboring under stressful conditions; and

WHEREAS, Mr. Leary and his staff deserve commendation and plaudits for their valuable contributions to the work of the House; now, therefore, be it

RESOLVED by the House of Representatives:

That the members of the House of Representatives hereby praise and thank the entire staff of the House Sergeant-at-Arms for their invaluable assistance to the House; and

That a suitable copy of this resolution be presented in appreciation to the Sergeant-at-Arms and his staff.

Unanimously adopted.

Rep. Rounds and Chambers offered the following:

HOUSE RESOLUTION NO. 35

in appreciation of the House Clerk's office.

WHEREAS, Carl Peterson, Andrea Lyons and the entire staff of the House Clerk's office have provided excellent service to all the members of the House of Representatives during the first annual legislative session; and

WHEREAS, the staff of the House Clerk's office remains courteous, cooperative, efficient and personable while often laboring under stressful conditions; and

WHEREAS, Mr. Peterson, Ms. Lyons and their staff deserve commendation and plaudits for their valuable contributions to the work of the House; now, therefore, be it

RESOLVED by the House of Representatives:

That the members of the House of Representatives hereby praise and thank the entire staff of the House Clerk's office for their invaluable assistance to the House; and

That a suitable copy of this resolution be presented in appreciation to the House Clerk and his staff.

Unanimously adopted.

Reps. Rounds and Chambers moved that any legislation not disposed of by any other motion, shall be by this motion, Inexpedient to Legislate.

HB 47, relative to comparative fault, apportionment of damages and contributions among tortfeasors.

HB 53, relative to limitations on liability.

HB 60, relative to establishing and authorizing funding for a hazardous waste facility siting board.

HB 89, authorizing new positions in the department of fish and game; extending an appropriation in the current budget; and making an appropriation therefor.

HB 380, establishing the governor's scholars awards.

HB 433, relative to engineering services to municipalities in the field of water pollution abatement and providing for additional staff to implement the provisions of RSA 149-E and making an appropriation therefor.

HB 458, relative to imposing a water use permit fee; amending the federal boat numbering system; and making a supplemental appropriation therefor.

HB 500, permitting group II members who reach age 65 to make an election for retirement benefits.

CACR 2, relating to size of the senate. Providing that the senate shall consist of 48 members.

HB 197, relative to agricultural promotion and making an appropriation therefor.

HB 112, relative to state support for Alzheimer's disease and related disorders.

HB 22, authorizing the state liquor commission to operate 2 new liquor stores and authorizing the state liquor commission to maintain and expand available opportunities for retail store locations.

HB 9, relative to least cost supply plan electricity planning.

SB 17, restricting the size of motors to be used on Iona Lake.

SB 78, relative to comprehensive tort reform.

SB 22, establishing a committee to evaluate the foundation aid formula.

SB 61, establishing a 10-year construction and reconstruction program for the New Hampshire turnpike system and making an appropriation for certain projects.

SB 64, relative to marriage.

SB 124, relative to railroad improvements.

HB 85, relative to the Bedford road interchange with the Everett turnpike in the town of Merrimack and making an appropriation therefor.

HB 109, creating a compensation program for victims of crimes and making an appropriation therefor.

HB 148, prohibiting the harassment of hunters, trappers and fishermen.

HB 220, relative to Route 16 road improvement and making an appropriation therefor.

HB 304, relative to the construction of exit 1 of the central turnpike and making an appropriation therefor.

SB 81-FN, relative to mooring on certain great ponds in New Hampshire and making an appropriation therefor.

SB 43, relative to a systematic review of health coverage proposals.

Adopted.

Reps. Rounds and Chambers offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and that the House be adjourned sine die conditional upon the completion of the enrollment of HB 268 and the disposition of gubernatorial vetoes by both houses of the General Court in a manner constitutionally prescribed by Part 2, Art. 44 of the New Hampshire Constitution on HB 443, HB 119 and HB 258.

Adopted.



LATE SESSION  
Third reading and final passage

HR 29, relative to state support for Alzheimer's disease and related disorders.

HR 34, in appreciation of the House Sergeant-at-Arms office.

HR 35, in appreciation of the House Clerk's office.

PERSONAL PRIVILEGE

Rep. Blais addressed the House under personal privilege.

The House recessed at 4:30 p.m.

RECESS

COMMUNICATION

Our sincere thanks to each and every member of the House for their concern and thoughtfulness at the time of Willie's illness and death.

The flowers received were beautiful and very much appreciated. I was also pleased to receive his name plate. He enjoyed his association with all of you and was very proud to be a part of the "New Hampshire House."

Thank you again for all your kindnesses.

Phyllis Burkush and sons, John and Jim

Attest

Carl A. Peterson  
House Clerk

## INTERIM STUDY AND STATUTORY APPOINTMENTS

- HB 10, excluding criminal offenders from workers' compensation.  
Labor, Industrial and Rehabilitative Services
- HB 15, allowing nonprofit charitable organizations, and social and sports clubs to sell lucky 7 tickets.  
Regulated Revenues
- HB 40, relative to adjusted elderly exemptions.  
Municipal and County Government
- HB 49, relative to a shield law for reporters.  
Judiciary
- HB 50, establishing the arts development program and making an appropriation therefor.  
Senate Finance
- HB 78, relative to mandatory mediation and making an appropriation therefor.  
Judiciary
- HB 81, relative to insurers assessing points for speeding.  
Commerce, Small Business and Consumer Affairs
- HB 86, relative to fire inspectors issuing citations for violations of fire safety rules.  
Senate Public Affairs
- HB 96, making an appropriation for basement classrooms at New Hampshire youth development center.  
State Institutions and Housing
- HB 103, relative to access to New Hampshire rivers and operating restrictions on certain bodies of water. (Amended)  
Senate Development, Recreation and Environment
- HB 110, relative to continued membership in group II of the New Hampshire retirement system under certain circumstances.  
Executive Departments and Administration
- HB 114, relative to the business profits tax.  
Senate Ways and Means
- HB 121, prohibiting open containers of alcoholic beverages in motor vehicles.  
Transportation
- HB 124, relative to defined benefit pension funds.  
Labor, Industrial and Rehabilitative Services
- HB 126, requiring auctioneers to disclose the name of an absent bidder at auctions.  
Executive Departments and Administration
- HB 139, establishing a presumption of negligence for liability resulting from the transportation or storage of radioactive waste.  
(Amended)  
State-Federal Relations

- HB 140, relative to terrain alterations and removal of gravel.  
Environment and Agriculture
- HB 142, relative to the number of voting machines for computerized vote casting and counting to be used in cities and towns.  
Senate Executive Departments
- HB 144, relative to retention of voting documents.  
Constitutional and Statutory Revision
- HB 150, establishing a natural heritage program in the department of resources and economic development.  
Senate Development, Recreation and Environment
- HB 152, providing manufactured housing tenants with a limited right to purchase the park.  
State Institutions and Housing
- HB 158, prohibiting video blackjack and video poker machines in liquor establishments.  
Regulated Revenues
- HB 163, relative to the allocation of state public waters.  
Resources, Recreation and Development
- HB 173, relative to equal treatment for persons seeking employment.  
Labor, Industrial and Rehabilitative Services
- HB 182, clarifying penalty provisions for violations of local codes and regulations, relative to district court jurisdiction over such penalties, and enabling district court judges to issue temporary orders enjoining violations of local land use regulations.  
(Amended)  
Senate Judiciary
- HB 184, relative to divorce based on irreconcilable differences.  
Senate Judiciary
- HB 186, relative to standards for the awarding of legal and physical custody.  
Judiciary
- HB 225, relative to voluntary mediation in divorce proceedings.  
Judiciary
- HB 226 (Chapter 212:5, Laws of 1986), Consolidating the Mental Health Laws. (Continues study created by HB 744, Chapter 194:7, Laws of 1985)  
Reps. Sytek and Sochalski (alternates: Reps. Parker and Densmore) (appointed by the Speaker); Sens. McLane and Bond (appointed by the President)  
Ms. Sara Wallace, Concord (appointed by Governor)  
Donald L. Shumway, Director of Mental Health and Developmental Services  
Dr. Peter Delfausse, Kathleen Spohn, Robert G. March, Otto Oleson and Alexander Taft (appointed by Governor)
- HB 236, relative to referees, auditors, and marital masters.  
Judiciary
- HB 244, relative to maximum boat speeds on public waters.  
Transportation



- HB 262, relative to the lapsing of variances.  
Municipal and County Government
- HB 271, appropriating funds for full-time public school teachers.  
Education
- HB 274, relative to possession of fireworks.  
Public Protection and Veterans Affairs
- HB 277, providing manufactured housing tenants with a limited right to purchase the park.  
State Institutions and Housing
- HB 283, relative to comparative negligence in calculating damages for loss of consortium claims.  
Judiciary
- HB 284 (Chapter 215:9, Laws of 1986), Committee to Study the Adequacy of existing Statutes and Regulations for Docking on Public Waters, including but not limited to, Residential Community Docking.  
Sens. George E. Freese, Charles D. Bond and Clesson J. Blaisdell (appointed by the President)  
Reps. Charles H. Dingle, Earle D. Hardy and Barbara T. Zeckhausen (appointed by the Speaker)  
Director of Office of State Planning or designee  
Chairman of Wetlands Board or designee  
Director of Division of Safety Services or designee  
2 members appointed by the Governor
- HB 287, authorizing the water supply and pollution control commission to enter into a cooperative program in accordance with the federal Water Pollution Control Act for the purpose of establishing, financing, and operating a revolving loan fund program and making an appropriation therefor.  
Resources, Recreation and Development
- HB 289, relative to privileged communications with the attorney general.  
Judiciary
- HB 298, relative to memorializing the names of deceased legislators and making an appropriation to the joint committee on legislative facilities.  
Senate Finance
- HB 302, relative to water improvement bonds issued by municipalities.  
Municipal and County Government
- HB 311, relative to marine fisheries.  
Fish and Game
- HB 317, requiring fire warning systems in child care centers.  
Public Protection and Veterans Affairs
- HB 323, establishing the licensure of dietitians.  
Executive Departments and Administration
- HB 324, relative to hazardous waste cleanup.  
Senate Development, Recreation and Environment
- HB 341, abolishing the insanity defense.  
Judiciary

- HB 344, establishing state speed limits consistent with the national maximum speed limit.  
Transportation
- HB 353, relative to insurance coverage for home health care.  
Commerce, Small Business and Consumer Affairs
- HB 358 (Chapter 55, Laws of 1986), establishing a committee to study services to children and families.  
Reps. Emma B. Wheeler and Pamela B. Bean (appointed by the Speaker)  
Sens. Rhona M. Charbonneau and Susan McLane (appointed by the President)  
Director of the Division for Children and Youth Services or designee  
1 member of New Hampshire Group Home Association to be nominated by its members and appointed by Governor  
1 representative from New Hampshire Legal Assistance to be nominated by executive director and appointed by Governor  
1 member of New Hampshire Counties Association to be nominated by its members and appointed by Governor  
1 member of Community Mediation Diversion Program to be nominated by Director of Children and Youth Services and appointed by Governor  
1 member from New Hampshire School Principals Association, to be nominated by its members and appointed by Governor  
1 District Court judge to be nominated by the District and Municipal Court Judges Association and appointed by Governor  
1 physician to be nominated by the New Hampshire Medical Society and appointed by Governor  
2 public members to be appointed by Governor
- HB 374, relative to relocation of certain public utility property.  
Public Works
- HB 375, relative to the issuance by municipalities of bonds or notes payable on demand.  
Municipal and County Government
- HB 376, relative to municipal development district corporation borrowing.  
Municipal and County Government
- HB 378, requiring emissions control inspections of motor vehicles.  
Transportation
- HB 382, establishing a department of natural resources.  
Executive Departments and Administration
- HB 383, establishing an Alan B. Shepard park commission.  
Resources, Recreation and Development
- HB 390, to permit designation of enterprise zones by the director of economic development, department of resources and economic development.  
Senate Banks
- HB 396, relative to peer review organizations and hospital cost containment.  
Health and Human Services
- HB 397, relative to mandatory risk sharing plan surcharges.  
Senate Insurance

- HB 398, certifying clinical mental health counselors and providing insurance coverage therefor.  
Executive Departments and Administration
- HB 399, relative to group II membership in the New Hampshire retirement system.  
Executive Departments and Administration
- HB 402, relative to state taxation of direct obligations of the United States government.  
Ways and Means
- HB 403, relative to the regulation of telecommunications in the state.  
Science and Technology
- HB 405 (Chapter 125, Laws of 1986), to provide for the comprehensive study of the SAU structure within the state of New Hampshire and declaring a moratorium on changes in the SAU structure.  
Sens. William Johnson, Roger Heath and Mark Hounsell (appointed by the President)  
Reps. William P. Boucher, Edmund Keefe and E. Jane Walker (appointed by the Speaker)
- HB 407, relative to under-registration of gross weight.  
Transportation
- HB 409, enabling the town of Amherst to establish a land bank.  
Municipal and County Government
- HB 415, requiring the state board of education to develop family planning programs in junior and senior high schools in the state.  
Education
- HB 417 (Chapter 221:24, Laws of 1986), Study Committee to Conduct an in depth study on Off Highway Recreational Problems.  
Sens. Charles D. Bond, William A. Johnson and Mark Hounsell (appointed by the President)  
Reps. Robert D. Hussey, Charles L. Vaughn and David M. Scanlan (appointed by the Speaker)  
Director of Fish and Game Department or designee  
Director of Bureau of Off Highway Recreational Vehicles  
1 member from the following private organizations appointed jointly by the President of the Senate and Speaker of the House:  
New Hampshire Snowmobile Association  
New Hampshire OHRV Association  
New Hampshire Trailbike Club  
An OHRV dealer's representative  
A representative of New Hampshire Landowners Association  
A national OHRV manufacturer's representative
- HB 418, increasing registration fees for resident off highway recreational vehicles.  
Fish and Game
- HB 420, relative to the manufacture, transportation, and sale of table wines.  
Select Committee on Purchase, Distribution and Sale of Table Wines: Reps. William F. Kidder, Caroline L. Gross, Margaret A. Ramsay, Conrad L. Quimby, William J. Sullivan, Bonnie B. Packard, Kenneth J. MacDonald, Dale E. Thompson, Carmine F. D'Amante, Robert L. Jones, Frederick G. Ahrens and Barbara B. Pressly



- HB 421, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances.  
Judiciary
- HB 422, relative to housing authorities.  
State Institutions and Housing
- HB 425, authorizing the city of Concord to issue revenue bonds.  
Municipal and County Government
- HB 429, relative to a 6-year capital improvement plan.  
Public Works
- HB 430 (Chapter 202:27, Laws of 1986, establishing a joint legislative committee for recodifying the water laws of the state.  
Reps. Douglas R. Woodward, MaryAnn N. Blanchard, Robert B. Holmes and Mary Ann Lewis (appointed by the Speaker)  
Sens. George E. Freese, Mark Hounsell, William A. Johnson and Robert F. Preston (appointed by the President)
- HB 436, relative to the school building aid formula.  
Education
- HB 439 (Chapter 223:17, Laws of 1986), Committee to Study issues relative to Financial Liability of School Districts for Costs of Special Education.  
Sens. Jean T. White, William S. Bartlett and William A. Johnson (appointed by the President)  
Reps. Betty Jo Taffe, Ellen-Ann Robinson and Joseph Diament (appointed by the Speaker)
- HB 440, establishing an office of administration and support and an office of health and human services planning within the department of health and human services. (Amended)  
Senate Executive Departments
- HB 446, requiring that recordings and transcripts be made of all public legislative hearings.  
Legislative Administration
- HB 461, establishing a department of securities.  
Executive Departments and Administration
- HB 463 (Chapter 96, Laws of 1986), establishing a task force to study utilization review and other matters relative to mental health services.  
1 member appointed by the Governor  
Reps. James F. Kinhan and Eric N. Lindblade (appointed by the Speaker)  
Sens. Charles D. Bond and Clesson J. Blaisdell (appointed by the President)  
Director of Mental Health and Developmental services or designee  
Representative of the New Hampshire Psychiatric Society appointed by the Governor  
Representative of the New Hampshire Psychological Organization appointed by the Governor  
Representative of the New Hampshire Association of Pastoral Counselors appointed by the Governor  
Representative of the New Hampshire chapter, National Association of Social Workers appointed by the Governor  
Representative of the National Academy of Mental Health Counselors appointed by the Governor

Representative from the New Hampshire Association of Mental Health appointed by the Governor  
Representative from a community mental health center appointed by the Governor  
Representative from the commercial health care insurance industry appointed by the Governor  
Representative from the nonprofit health care industry appointed by the Governor  
Representative from a special psychiatric and alcohol/substance abuse hospital appointed by the Governor  
Representative from the business and Industry Association of New Hampshire appointed by the Governor  
Representative from organized labor appointed by the Governor

HB 465, providing emergency relief for persons exposed to release of hazardous materials.  
Environment and Agriculture

HB 466 (Chapter 182:5, Laws of 1986), Committee to Examine Financing Mechanisms for an Underground Storage Tank Replacement Revolving Loan Fund.  
Reps. Barbara B. Bowler and Susan Schwartz (appointed by Speaker)  
Sens. George E. Freese and Robert F. Preston (appointed by the President)  
State Treasurer or designee  
Executive Director of Water Safety and Pollution Control Commission or designee  
2 members representing the petroleum industry in the State appointed by the Governor

HB 468, providing for computer access to public records and creating a public access review committee.  
Executive Departments and Administration

HB 469, relative to a motor vehicle assessment to support a bond issue for road construction.  
Ways and Means

HB 470 (Chapter 183:10, Laws of 1986), Committee to study Health-Related issues for children in Poverty. (continues study created by HB 694, Chapter 394:6, Laws of 1985)  
Reps. Sochalski, Fraser and Copenhaver  
Sens. McLane, Bartlett and Blaisdell  
Effie Malley, Portsmouth  
Judith Chynoweth, Concord  
John Farrell, Peterborough

HB 471, relative to interference with burial sites.  
Judiciary

HB 476, relative to auctioneering.  
Executive Departments and Administration

HB 478, authorizing the public utilities commission to regulate cable television.  
Commerce, Small Business and Consumer Affairs

HB 482, creating a department of economic assistance.  
Executive Departments and Administration

HB 485, relative to the payment of subsequent tax.  
Senate Ways and Means

- HB 487, establishing a community DWI program, funded through \$50 reinstatement fees to be paid by certain persons who have had their drivers' licenses revoked.  
Transportation
- HB 492, relative to public law libraries serving superior courts.  
Judiciary
- HB 493, relative to the business profits tax and maximum compensation.  
Ways and Means
- HB 494, relative to the return of state tax revenue to cities and towns.  
Senate Ways and Means
- HB 495, relative to the possession of alcohol and controlled substances on premises leased or rented by minors.  
Judiciary
- HB 497 (Chapter 65:5, Laws of 1986), Study by Joint Committee to Review the New Hampshire Retirement System Benefits
- HB 510, providing the legislative budget assistant with access to certain records.  
Senate Executive Departments
- HB 513 (Chapter 227:14, Laws of 1986), Commission on Tort Law and Insurance Availability.  
Reps. Conrad L. Quimby, Charles F. Bass, Philip H. Weymouth and Alf E. Jacobson (appointed by the Speaker)  
Sens. George E. Freese, Clesson J. Blaisdell, Charles D. Bond and Sheila Roberge (appointed by the President)
- HBI 2003, relating to liability of liquor servers for alcohol-related auto accidents. (Amended)  
Judiciary
- HBI 2005, relating to alternate sentencing of criminals.  
Judiciary
- HBI 2006, relating to capital budget planning.  
Public Works
- HBI 2007, relating to legal liability insurance. (Amended)  
Commerce, Small Business and Consumer Affairs
- HBI 2008, relating to providing an incentive for employers to operate day care facilities.  
Labor, Industrial and Rehabilitative Services
- HR 1, relative to methods for managing conflicts and political disputes. (continues study created by HR 25, 1985)  
Reps. M. Arnold Wight, Chairman, Chardon, Vice Chairman, Marilyn Campbell, Chambers, James Chandler, Flanagan, Wayne King, Clerk, Kane, Krasker, Mann, Quimby, William Riley, Skinner, Ann Torr and Tufts
- CACR 14, relating to debt collection by state agencies. Providing that state agencies may contract with private collection agencies to collect debts owed the state on a contingency basis.  
Senate Ways and Means
- SB 9, abolishing the sunset review process.  
Senate Internal Affairs



- SB 29, relative to wrongful birth actions.  
Senate Judiciary
- SB 36 (Chapter 12:2, III), Personnel System Task Force  
Sen. George E. Freese (appointed by the President)  
Rep. Kathleen W. Ward (appointed by the Speaker)  
Director of Personnel  
1 classified employee who is a member of the State Employees Association appointed by the Governor from a list of 5 nominees submitted by the association  
1 classified employee who is not a member of the State Employees Association appointed by the Governor  
2 public members appointed by the Governor who shall not hold elective or appointed office and shall not be state employees.
- SB 36 (Chapter 12:7, V), Joint Committee on Employment Relations  
President of the Senate, Sen. Vesta M. Roy  
Speaker of the House, Rep. John B. Tucker  
Majority Leader of the Senate, Sen. John P. Stabile, II  
Majority Leader of the House, Rep. Bruce C. Rounds  
Minority Leader of the Senate, Sen. Robert Preston  
Minority Leader of the House, Rep. Mary P. Chambers  
Senate Finance and Capital Budget Chairman, Sen. Jean T. White  
House Appropriations Chairman, Rep. William F. Kidder  
Senate Ways and Means Chairman, Sen. Roger C. Heath  
House Ways and Means Chairman, Rep. Betty Tamposi  
House Labor, Industrial and Rehabilitative Services Chairman, Rep. Patricia M. Skinner  
House Labor, Industrial and Rehabilitative Services ranking minority member, Rep. Margaret L. McGlynn  
Senate Insurance Chairman, Sen. George E. Freese  
Senate Insurance Vice Chairman, Sen. Sheila Roberge
- SB 37, relative to contributions by national political committees.  
Senate Executive Departments
- SB 40, relative to the investments of nonprofit health service corporations.  
Senate Insurance
- SB 45, requiring all banking institutions doing business in the state to cash checks issued by the state.  
Senate Banks
- SB 50 (Chapter 228:5, Laws of 1986), Study Committee on Wine Price Restrictions.  
1 member of Liquor Commission appointed by the Governor  
1 in-state wholesale wine dealer appointed by the Governor  
1 person representing state retail grocers appointed by the Governor  
Chairman of House Regulated Revenues Committee, Kenneth J. MacDonald  
Chairman of Senate Ways and Means Committee, Roger C. Heath
- SB 51, establishing a board of acupuncture.  
Senate Executive Departments
- SB 54, relative to posting land in current use.  
Senate Development, Recreation and Environment

- SB 70 (Chapter 190:4, Laws of 1986), Advisory Committee to study existing lake and river uses, and how these uses affect each other.  
 Reps. Charles H. Dingle and James A. Whittemore (appointed by the Speaker)  
 Sens. Roger C. Heath and Robert F. Preston (appointed by the President)  
 3 members of general public who live in cities or towns abutting rivers or lakes, appointed by the Governor  
 3 members who represent industries which use water appointed by the Governor  
 3 members who represent environmental interests appointed by the Governor
- SB 72, granting degree granting authority to the Thomas More Foundation.  
 Senate Education
- SB 85, relative to septic inspections on lakefront properties.  
 Senate Development, Recreation and Environment
- SB 101, relative to whole person disability in workers' compensation.  
 Senate Insurance
- SB 105, relative to telephone and telegraph company taxes.  
 Senate Ways and Means
- SB 111 (Chapter 149, Laws of 1986), establishing an advisory committee on state economic development and local population growth.  
 1 member of Resources, Recreation and Development appointed by the Speaker  
 1 member of Municipal and County Government appointed by the Speaker  
 2 members of Senate Development, Recreation and Environment appointed by the President  
 1 member appointed by New Hampshire Municipal Association  
 1 member appointed by Home Builders' Association of New Hampshire  
 1 member appointed by the Business and Industry Association of New Hampshire  
 Director of Office of State Planning or designee  
 Director of Economic Development, Division of Department of Resources and Economic Development or designee  
 1 member appointed by New Hampshire Association of Realtors  
 1 member appointed by Society for Protection of New Hampshire Forests  
 1 member appointed by New Hampshire Association of Conservation Commissions  
 1 member appointed by Governor who is a present or past member of a Municipal Planning Board  
 1 member appointed by Governor who is a member of a Regional Planning Commission
- SB 112, relative to public assistance.  
 Senate Public Institutions
- SB 114, regulating docks, slips, and piers on public waters.  
 Senate Development, Recreation and Environment
- SB 115, increasing DWI penalties. (Amended)  
 Judiciary

SB 123, conforming local growth limitations to not less than the local growth percentage. (Amended)  
Municipal and County Government

SB 134, relative to radon emission in New Hampshire.  
Senate Public Institutions

SB 135, abolishing the insanity defense and providing for a verdict of guilty but mentally ill. (Amended)  
Judiciary

SB 136, establishing a special environmental court within the Manchester district court.  
Senate Judiciary

SCR 1, authorizing the formation of a committee to study the establishment of an office of state auditor.  
Designees to be appointed by:  
Sen. Jean T. White (appointed by the President)  
Rep. Caroline L. Gross (appointed by the Speaker)  
Governor  
Legislative Budget Assistant  
Director of Staff of Joint Committee on Review of Agencies and Programs (Sunset)

RSA 15-B:8 Implementation Committee on Financial Disclosure (See HB 6, Chapter 206, Laws of 1986)  
Reps. Charles F. Bass, Betty Jo Taffe, Maureen E. Raiche and Marian R. Harrington (appointed by the Speaker)  
Sens. Charles D. Bond, George E. Freese, Jean T. White and James R. St. Jean (appointed by the President)  
Secretary of State, William Gardner

RSA 17-M Long Range Capital Planning and Utilization Committee (see HB 448, Chapter 224, Laws of 1986)  
Sy Vershon (appointed by the Governor)  
Sens. McLane, Stabile, Griffin and Stephen (appointed by the President)  
Reps. Rounds, Bibbo, LaMott and Matson (appointed by the Speaker)  
Commissioner of Administrative Services or designee (advisory)  
Commissioner of Transportation or designee (advisory)

RSA 125-E Northern New England Low-Level Radioactive Waste Management Compact (See HB 389, Chapter 118, Laws of 1986)  
Legislative Appointees of the Commission:  
1 Sen. appointed by the President  
Rep. Ednapearl F. Parr. (appointed by the Speaker)

RSA 125-G:4 Nuclear Waste Policy Advisory Committee (HB 326, Chapter 176, Laws of 1986)  
Rep. Phoebe A. Chardon (appointed by the Speaker)  
1 Sen. appointed by the President  
1 public member appointed by the Speaker  
1 public member appointed by the President  
4 members appointed by the Governor, at least one of whom shall be the Governor's representative and at least 2 of whom shall be public members, one of the public members to be from a county in which a proposed facility may be located  
Director of the State Radiation Control Agency or designee  
State Geologist



RSA 169-C:39-d New Hampshire Child Abuse Trust Fund Board (See HB 504, Chapter 184, Laws of 1986)

5 members appointed by the Governor as follows:

1 physician recommended by New Hampshire Medical Society; 1 educator recommended by State Board of Education; 1 mental health professional recommended by New Hampshire Mental Health Association; 1 person recommended by New Hampshire Task Force on Child Abuse and Neglect; 1 public member

Sen. Eleanor P. Podles (appointed by the President)

Rep. James H. Pannell (appointed by the Speaker)

Attorney General or designee

Director, Division for Children and Youth Services or designee

## RESIGNATIONS, DEATHS AND SPECIAL ELECTIONS

Resigned

02/10/85	Belk. 9	Richard W. Bastraw, r
07/02/85	Hills. 25	Edward J. Newcombe, d&r
11/12/85	Hills. 31	Richard H. Duprey, r
04/08/86	Straf. 4	Bruce Packard, d&r
06/02/86	Hills. 8	John E. Burns, r
06/14/86	Merr. 7	Thomas B. Connolly, r
07/01/86	Belk. 5	Clifford W. Birch, r,
07/01/86	Merr. 5	Irene J. Shepard, r

Deceased

09/08/85	Rock. 7	Geraldine S. Bangs, r
10/10/85	Hills. 34	Norman A. Packard, r
10/29/85	Ches. 15	Floyd A. Kohl, r
12/08/85	Merr. 10	Margaret D. Roberts, r
01/24/86	Rock. 10	Warren F. Ames, r
02/19/86	Rock. 7	Leander W. Burdick, r
03/28/86	Hills. 6	Marcel J. Martin, r
04/13/86	Rock. 18	Robert B. Goss, r
05/11/86	Rock. 23	Robert H. Day, r
06/06/86	Hills. 47	Lafayette Bergeron, d
06/22/86	Hills. 43	Wilfred Burkush, d
06/23/86	Rock. 26	Thomas P. Connors, Sr., d
07/03/86	Hills. 38	Lawrence Cronin, d
07/24/86	Hills. 6	Aime H. Paradis, r

Special Elections:

<u>District</u>		<u>Took Oath</u>
Hills. 47	Lafayette Bergeron, d	05/01/85
Belk. 9	Esther R. Nighswander, r	11/21/85
Hills. 31	Chrysoula A. Katsiaficas, d	12/19/85
Hills. 25	Frank E. Snow, d	02/05/86
Hills. 34	Walter A. Stiles, r	02/05/86
Rock. 7	Eunice M. Campbell, r	02/05/86

## 400 State Representatives

R - 248	R&D - 36	284
D - 81	D&R - 18	99

Currently elected and qualified: 383

Vacancies due to: 12 deaths 5 resignations





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- HB 115, replacing the death penalty with a penalty of life imprisonment without parole. Question, substitute ought to pass for inexpedient to legislate. Yeas 69; Nays, 275 . . . . 124-125
- HB 119, re replacing the Hampton Beach seawall and making an appropriation therefor. Question, pass over governor's veto. Yeas, 234; Nays, 90 . . . . . 977-979
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- HB 214, re the radiological health program. Question, substitute refer for interim study for ought to pass with amendment. Yeas, 125; Nays 188 . . . . . 469-470
- HB 218-FN, re operating expenses of state agencies for fiscal year 1987. Question, ought to pass with amendment. Yeas, 266; Nays, 39 . . . . . 550-551
- HB 238, allowing Gilford to separate from school administrative unit number 30. Question, substitute ought to pass with amendment for inexpedient to legislate. Yeas, 225; Nays, 105. 222-224
- HB 253, increasing the limit on the state guarantee of bonds and notes of school districts. Question, substitute inexpedient to legislate for ought to pass with amendment. Yeas, 24; Nays, 303 . . . . . 265-267
- HB 258, increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs, etc. Question, pass over governor's veto. Yeas, 257; Nays 68 . . . . . 979-981
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- HB 325-FN, re acupuncture. Question, pass over governor's veto. Yeas, 260; Nays 60 . . . . . 939-940
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- HB 380, establishing the governor's scholars awards. Question, reconsider nonconcurrency with senate amendments. Yeas, 95; Nays, 231 . . . . . 983-985
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The abbreviations listed below are used in the Numerical Index:

adop	adopted
am	amended, amendment
Approp	referred to Appropriations committee
com	committee
conc	concurred, concurrence
conf	conference committee
enr	enrolled
intro	introduced, introduction
IP	indefinitely postponed
K	killed (inexpedient to legislate)
LT	laid on table
nonconc	nonconcurring
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rem	removed from consent calendar
rep	report
req	requests, requested
S	Senate
S Ct	New Hampshire Supreme Court
SO	special order
study	referred to interim study committee
wthd	withdrawn

HOUSE BILLS

HB 1, increasing the senate membership of the fiscal committee and requiring ratification of budget appropriations in the second year of the biennium. (Rounds of Grafton Dist. 10; Chambers of Grafton Dist. 12)  
rules suspended, intro & psd 867-870 (K)

HB 2-FN, making supplemental appropriations and amending the operating and capital budgets. (Kidder of Merrimack Dist. 2)  
rules suspended, intro & psd 867-870 (K)



- HB 3-FN, relative to water pollution, the secretary of state and state treasurer, health screening, motor vehicle plates, annual motor vehicle inspections, OHRV's, personnel, retirement, governor's scholars awards, water use permits, the federal boat numbering system, fire standards and training, Alzheimer's disease, hazardous waste siting, and unclassified employees. (Kidder of Merrimack Dist. 2)  
rules suspended, intro & psd 867-869, 870-871 (K)
- HB 4-FN, making supplemental appropriations and amending the operating and capital budgets. (Kidder of Merrimack Dist. 2 et al)  
rules suspended, intro & psd 928, recon rej 944, psd 946 (K)
- HB 5-FN, relative to the state treasurer and secretary of state, motor vehicle plates, personnel, retirement, governor's scholars awards, reporting boating accidents, water use permits, the federal boat numbering system, Alzheimer's disease, subsurface waste, unclassified employees, fire standards training, and early retirement for judges. (Kidder of Merrimack Dist. 2 et al)  
rules suspended, intro & psd 928, recon rej 944, psd 946, S refused admittance after deadline 967
- HB 6-FN, relative to financial disclosure. (Rounds of Grafton Dist. 10 et al - To Legislative Administration)  
9, am 632-637, psd 645, nonconc S am, conf 724, 852, rep adop 898, enr am 950, enr 974, appointments 1001 (Chapter 206)
- HB 7, relative to damages recoverable for bodily injury in civil actions. (Ingram of Sullivan Dist. 4 - To Judiciary)  
New title: relative to alcohol beverage licensee liability.  
9, am 606-609, psd 645, S nonconc 865
- HB 8, relative to campaign financing. (Ingram of Sullivan Dist. 4 - To Constitutional and Statutory Revision)  
9, K 138
- HB 9, relative to least cost supply plan electricity planning. (Chambers of Grafton Dist. 12 et al - To Commerce, Small Business and Consumer Affairs)  
9, am 406, psd 508, nonconc S am (RC) 725-726, recon rej 727, K 989
- HB 10-FN, excluding criminal offenders from workers' compensation. (Sytek of Rockingham Dist. 20 - To Labor, Industrial and Rehabilitative Services)  
9, study 52-53, 991
- HB 11, relative to mandatory auto insurance. (Chase of Rockingham Dist. 28 et al - To Commerce, Small Business and Consumer Affairs)  
9, K 86
- HB 12, requiring a blood test for persons contemplating marriage. (Chase of Rockingham Dist. 28; Clay of Rockingham Dist. 28 - To Constitutional and Statutory Revision)  
9, K 282
- HB 13, requiring food establishments to print prices for mixed drinks, wine and beer on their menus. (Chase of Rockingham Dist. 28; Clay of Rockingham Dist. 28 - To Regulated Revenues)  
9, K 58
- HB 14-FN, relative to a severance tax on sand, gravel, loam, ore, and other substances. (Pannell of Merrimack Dist. 6; Thompson of Cheshire Dist. 9 - To Municipal and County Government)  
9, com changed 36, K 47

- HB 15-FN, allowing nonprofit charitable organizations, and social and sports clubs to sell lucky 7 tickets. (Blaisdell of Rockingham Dist. 13; Sen. Blaisdell - To Regulated Revenues)  
9, study 539, 991
- HB 16, relative to effective dates for legislation. (Jones of Strafford Dist. 6 - To Legislative Administration)  
9, K 149
- HB 17-FN, appropriating funds for a fire exit stairway and a library and classroom at the youth development center. (Vartanian of Rockingham Dist. 20 et al - To State Institutions and Housing)  
First new title: appropriating funds for a fire exit stairway and a library, classroom and roof repairs at the youth development center.  
Second new title: appropriating funds for a fire exit stairway, library, classroom and roof repairs at the youth development center, and authorizing transfers of funds within departments.  
10, am & Approp 60-61, am 270, psd 392, nonconc S am, conf 750, 852, rep adop 903, 904, enr am 950, enr 974 (Chapter 207)
- HB 18-FN, appropriating funds for roof repairs at the youth development center. (Vartanian of Rockingham Dist. 20 et al - To State Institutions and Housing)  
10, am & Approp 61, K 270
- HB 19-FN, relative to users of fuel other than motor fuel in vehicles of the pleasure type. (Riley of Cheshire Dist. 5 et al - To Transportation)  
New title: relative to users of fuel other than motor fuel in vehicles of the pleasure type and relative to OHRV's.  
10, am & Approp 107, am 270-271, psd 392, conc S am 855, enr am 925-926, enr 966 (Chapter 152)
- HB 20-FN, relative to licensure of food service establishments. (Townsend of Sullivan Dist. 1 et al - To Health and Human Services)  
10, psd 95, 133, conc S am 655, enr am 729, enr 888 (Chapter 106)
- HB 21, prohibiting homosexuals from adopting and from being foster parents. (Ingram of Sullivan Dist. 4; Sen. Roberge - To Judiciary)  
10, K (RC) 120-122
- HB 22, prohibiting gambling machines on licensed premises. (MacDonald of Carroll Dist. 6 - To Regulated Revenues)  
New title: authorizing the state liquor commission to operate 2 new liquor stores and authorizing the state liquor commission to maintain and expand available opportunities for retail store locations.  
10, am 539-540, psd 644, conc S am 832, recon, noncon S am 835, recon rej (RC) 983-985, K 989
- HB 23, establishing a fire standards and training council within the department of postsecondary vocational-technical education. (Dexter of Belknap Dist. 8; Mace of Rockingham Dist. 21 - To Executive Departments and Administration)  
10, K 413
- HB 24, establishing a department of safety. (Ward of Grafton Dist. 1 - To Executive Departments and Administration)  
10, am 570-582, psd 645, nonconc S am, conf 827-828, 853 (K)

- HB 25-FN, concerning use of safety restraint systems in passenger automobiles equipped with such systems. (Pappas of Hillsborough Dist. 37 et al - To Health and Human Services)  
10, K (RC) 349-351
- HB 26, relative to mental health group homes. (Ottolini of Coos Dist. 8; Brungot of Coos Dist. 8 - To Health and Human Services)  
10, am 160, psd 195, S nonconc 708
- HB 27, limiting the frequency of public referendum questions concerning management of the Berlin water works. (Brungot of Coos Dist. 8; Coulombe of Coos Dist. 8 - To Municipal and County Government)  
10, am 149-150, psd, 195, S nonconc 650
- HB 28-FN, relative to the reporting of child abuse. (Pantelakos of Rockingham Dist. 24 et al - To Children, Youth and Elderly Affairs)  
10, K 218
- HB 29, permitting the election of 5 commissioners in village districts within the towns of Merrimack and Hooksett. (Boucher of Merrimack Dist. 9 et al - To Municipal and County Government)  
10, psd 54, 79, S conc 397, enr am 649, enr 650 (Chapter 13)
- HB 30-FN, amending the business profits tax. (Ahrens of Hillsborough Dist. 13; Jones of Strafford Dist. 6 - To Ways and Means)  
10, S Ct opin req & LT 296-297, opin printed & rcmt 837-844, am & psd 875-879, S conc 905, enr 965 (Chapter 153)
- HB 31-FN, to provide a loss carryforward under the business profits tax. (Ahrens of Hillsborough Dist. 13 et al - To Ways and Means)  
New title: directing the department of revenue administration to study allowing business organizations to deduct a net operating loss carryover from the business profits tax.  
10, am 431, psd 508, nonconc S am, conf 857, 879-880, rep adop 888, 894, enr 965 (Chapter 154)
- HB 32-FN, establishing the salaries for certain employees of the department of postsecondary technical education. (Walker of Rockingham Dist. 17 et al - To Education)  
10, am & Approp 44-45, psd 298, 393, S nonconc 727
- HB 33, to change the operation and the name of the department of postsecondary vocational-technical education. (Walker of Rockingham Dist. 17 et al - To Education)  
New title: to change the operation of the department of postsecondary vocational-technical education.  
11, am 45, psd 79, nonconc S am, conf 836, 867, rep adop 908, 909, enr am 949-950, enr 974 (Chapter 201)
- HB 34-FN, establishing the salaries of classified state employees in academic positions. (Walker of Rockingham Dist. 17 et al - To Education)  
New title: establishing the salaries of classified state employees in academic positions, making permanent certain temporary salary levels, and making a supplemental appropriation for non-state aid airport projects.  
11, am & Approp 139-141, am 271-273, psd 392, nonconc S am, conf 836, 867, rep adop 909, enr am 947-948, enr 974 (Chapter 231)
- HB 35, prohibiting smoking in grocery food stores. (Joslyn of Rockingham Dist. 20 et al - To Health and Human Services)  
11, am (RC) 117-120, psd 134, conc S am 845, enr am 917-918, enr 966 (Chapter 155)



- HB 36, relative to settlements on behalf of minors and to legacies to minors not under guardianship. (Green of Hillsborough Dist. 36 - To Judiciary)  
New title: relative to minors not under guardianship.  
11, am 95-96, psd 133, S conc 651, enr 709 (Chapter 28)
- HB 37-FN, providing additional exemptions under the interest and dividends tax. (Green of Hillsborough Dist. 36 - To Ways and Means)  
11, rem 399, K 506
- HB 38-FN, repealing the resident tax. (Lown of Hillsborough Dist. 9 et al - To Municipal and County Government)  
11, K 54
- HB 39-FN, requiring the publication of the superior court rules in the Revised Statutes Annotated. (Murphy of Hillsborough Dist. 40 et al - To Judiciary)  
11, K 51
- HB 40-FN, relative to adjusted elderly exemptions. (Lown of Hillsborough Dist. 9 - To Municipal and County Government)  
11, study 207, 991
- HB 41, relative to public protection from semi-domesticated and domesticated animals. (Hyman of Hillsborough Dist. 3 - To Environment and Agriculture)  
11, K 47
- HB 42, making English the official language of the state. (Raynowska of Rockingham Dist. 20; Sen. Podles - To Education)  
11, K 446
- HB 43-FN, relative to supervision and control of probationers and parolees. (Sylvia of Hillsborough Dist. 1; Johnson of Sullivan Dist. 2 - To Judiciary)  
New title: relative to supervision and control of probationers and parolees and adjusting current appropriations to the department of corrections and making an appropriation therefor.  
11, am & Approp 351-357, am 510-512, psd 643, conc S am 855, enr am 911, enr 966 (Chapter 156)
- HB 44-FN, eliminating the requirement that all school districts be in a school administrative unit, and removing the authority of the state board of education over school administrative unit superintendents and assistant superintendents. (Sylvia of Hillsborough Dist. 1 - to Education)  
11, rem 201, K 264
- HB 45, increasing the age for OHRV operation and changing the penalty for unlawful OHRV operation. (Sylvia of Hillsborough Dist. 1; Johnson of Sullivan Dist. 2 - To Fish and Game)  
11, K 50
- HB 46, relative to the discovery and disposition of human skeletal remains. (Walter of Grafton Dist. 13 et al - To Education)  
New title: relative to the discovery and disposition of human remains.  
11, am 446-452, psd 509, S conc 708, enr am 862, enr 888 (Chapter 80)

- HB 47, relative to comparative fault, apportionment of damages and contributions among tortfeasors. (Johnson of Merrimack Dist. 5 - To Judiciary)  
11, am 485-486, psd 509, nonconc S am 827, K 988
- HB 48, relative to notification to abutters. (Shriver of Hillsborough Dist. 11 et al - To Municipal and County Government)  
11, K 100
- HB 49, relative to a shield law for reporters. (D'Amante of Sullivan Dist. 7 et al - To Judiciary)  
11, study 51, 991
- HB 50-FN, establishing the arts development program and making an appropriation therefor. (Davis of Cheshire Dist. 8 et al - To Education)  
11, rem 83, Approp 130, am 298-299, psd 393, S study 728, 991
- HB 51-FN, relative to fire protection and warning devices in health care facilities. (Hyman of Hillsborough Dist. 3 et al - To Public Protection and Veterans Affairs)  
11, am 55, psd 79, conc S am 399, enr am 648, enr 650 (Chapter 14)
- HB 52-FN, relative to the legacy and succession tax. (Rodeschin of Sullivan Dist. 2; Blacketor of Cheshire Dist. 16 - To Ways and Means)  
12, am 431-433, psd 508, S conc 864, enr 899 (Chapter 129)
- HB 53, relative to municipal liability. (Lown of Hillsborough Dist. 9 - To Judiciary)  
New title: relative to limitations on liability.  
12, am (RC) 609-613, psd 645, nonconc S am (RC) 853-855, K 988
- HB 54-FN, relative to nursing home care costs paid by counties. (Spaulding of Sullivan Dist. 6; Disnard of Sullivan Dist. 6 - To Appropriations)  
12, K (RC) 215-217, recon rej 642
- HB 55-FN, relative to unfair insurance trade practices and mandating acceptance of a certificate of insurance as a binder by a financial institution. (Burns of Coos Dist. 5 - To Commerce, Small Business and Consumer Affairs)  
First new title: relative to insurance trade practices.  
Second new title: relative to insurance trade practices and requiring that inspectors of carnival or amusement rides be acceptable to the director of safety services.  
12, am 86-87, psd 133, nonconc S am, conf 654, 853, rep adop 881, 882, enr am 918, enr 966 (Chapter 157)
- HB 56-FN, eliminating the lien placed on property because of failure to file a complete inventory form. (Diament of Strafford Dist. 3 - To Municipal and County Government)  
12, rem 136, rcmt 191, rem 202, SO 267, 295, K 391
- HB 57, eliminating all special restricted use funds which are not established by the constitution. (Diament of Strafford Dist. 3; Sen. St. Jean - To Appropriations)  
12, K 136

- HB 58-FN, relative to strict liability for hazardous waste cleanup and priority of state liens on certain property. (Greene of Rockingham Dist. 18; Bowler of Belknap Dist. 2 - To Environment and Agriculture)  
12, am 304-308, psd 393, S conc 727, enr am 882-883, enr 899  
(Chapter 119)
- HB 59-FN, relative to hazardous waste facility siting procedures, the hazardous waste fund, the solid waste management board, and reporting of hazardous waste contamination. (Greene of Rockingham Dist. 18; Bowler of Belknap Dist. 2 - To Environment and Agriculture)  
New title: relative to hazardous waste facility siting procedures, the hazardous waste fund and the solid waste management board and relative to establishing and authorizing funding for hazardous waste facility siting board.  
12, am 452-457, psd 509, conc S am 833, enr am 911-912, enr 966  
(Chapter 158)
- HB 60-FN, establishing a siting board for hazardous waste facility siting and making an appropriation therefor. (Greene of Rockingham Dist. 18; Bowler of Belknap Dist. 2 - To Environment and Agriculture)  
New title: relative to establishing and authorizing funding for a hazardous waste facility siting board.  
12, am 457-458, psd 509, nonconc S am 834, recon rej (RC) 983-985, K 989
- HB 61-FN, relative to the state selection of potential hazardous waste facility sites. (Greene of Rockingham Dist. 18; Bowler of Belknap Dist. 2 - To Environment and Agriculture)  
First new title: relative to the state selection of potential hazardous waste facility sites and authorizing funds for that purpose.  
Second new title: relative to the state selection of potential hazardous waste facility sites.  
12, am 458-459, psd 509, conc S am 833, enr 899 (Chapter 120)
- HB 62-FN, establishing a quasi-public entity for siting hazardous waste facilities and making an appropriation therefor. (Greene of Rockingham Dist. 18; Bowler of Belknap Dist. 2 - To Environment and Agriculture)  
12, K 413
- HB 63-FN, requiring permits to serve alcoholic beverages. (Blacketer of Cheshire Dist. 16; Frink of Cheshire Dist. 15 - To Regulated Revenues)  
12, K 150
- HB 64, relative to unemployment compensation. (Skinner of Rockingham Dist. 21 - To Labor, Industrial and Rehabilitative Services)  
12, am 629-632, psd 645, nonconc S am, conf 834, 867, 900, rep rej S 906
- HB 65, authorizing police officers and certified emergency medical technicians to order removal of motor vehicle fatalities. (Fried of Hillsborough Dist. 16 et al - To Judiciary)  
New title: authorizing police officers to order removal of motor vehicle fatalities.  
12, psd 51, 79, conc S am 827, enr am 884, enr 919 (Chapter 130)



- HB 66-FN, enabling bingo licensees to obtain a license valid for one year. (Fried of Hillsborough Dist. 16 - To Regulated Revenues)  
First new title: relative to special prizes, license suspension and enabling bingo licensees to obtain a license valid for one year.  
Second new title: relative to bingo prizes and licenses and transferring bingo and lucky 7 enforcement to the department of safety and authorizing the sweepstakes commission to enter into multi-state agreements relating to multi-state lottos.  
12, am 540-541, psd 644, conc S am 825, enr am 851-852, enr 874 (Chapter 67)
- HB 67-FN, relative to the return of the accumulated contributions of group I and group II members of the New Hampshire retirement system. (Musler of Strafford Dist. 3 - To Executive Departments and Administration)  
12, K 50
- HB 68, relative to requiring notice of hydro-energy generation projects. (Dickinson of Carroll Dist. 2 et al - To Resources, Recreation and Development)  
12, am 208-209, psd 267, S conc 727, enr 874 (Chapter 68)
- HB 69, naming a mountain in Stark, New Hampshire as "Mount Mary" after the first name of its owner. (Chardon of Coos Dist. 6 - Resources, Recreation and Development)  
New title: naming a mountain in Stark, New Hampshire as "Mount Mary" after the first name of its owner and naming a mountain in Jefferson, New Hampshire "Mount Joseph Whipple".  
12, psd 58, 79, conc S am 653, enr 728 (Chapter 42)
- HB 70-FN, increasing the amount of the tax exemption for post-secondary institutions. (Riley of Cheshire Dist. 5 - To Municipal and County Government)  
12, K 100
- HB 71, relative to associate supervisors in conservation districts. (Birch of Belknap Dist. 5; Copenhaver of Grafton Dist. 12 - To Environment and Agriculture)  
New title: relative to associate supervisors in conservation districts and the acquisition of agricultural land development rights.  
12, am & Approp 47-50, psd 79, S conc 397, enr am 649, enr 650 (Chapter 15)
- HB 72, prohibiting paramilitary training and activity. (Benton of Rockingham Dist. 5 - To Public Protection and Veterans Affairs)  
13, K 169
- HB 73-FN, relative to the office of ombudsman within the state council on aging. (Townsend of Sullivan Dist. 1 - To Children, Youth and Elderly Affairs)  
13, am 83-85, psd 133, conc S am 749, enr am 913, enr 966 (Chapter 159)
- HB 74, making a supplemental appropriation for capital improvements for the veterans' home. (Levesque of Hillsborough Dist. 30 - To Public works)  
First new title: making a supplemental appropriation for capital improvements to the veterans home; making an appropriation for the house clerk's office; and amending certain existing aeronautics capital appropriations.

Second new title: making supplemental capital appropriations; making an appropriation for the house clerk's office; and amending certain existing aeronautics capital appropriations.

13, am & Approp 366-367, rem 399, am 498-500, psd 507, S nonconc 865

- HB 75-FN, making a supplemental appropriation to the veterans' home for 1986 and 1987 fiscal years. (Levesque of Hillsborough Dist. 30 - To Public Protection and Veterans Affairs)  
13, am & Approp 55-56, psd 399, 507, S conc 727, enr 874 (Chapter 69)
- HB 76-FN, changing the method of calculating the tax exemption for post-secondary institutions. (Walker of Rockingham Dist. 17 et al - To Municipal and County Government)  
13, K 100-101
- HB 77, relative to the New Hampshire veterans' home. (Levesque of Hillsborough Dist. 30 - To Public Protection and Veterans Affairs)  
13, am 56, psd 79, S conc 727, enr am 861, enr 888 (Chapter 81)
- HB 78-FN, relative to mandatory mediation and making an appropriation therefor. (Jacobson of Merrimack Dist. 2 - To Judiciary)  
13, study 282, 991
- HB 79, relative to appeals before the board of tax and land appeals. (Jacobson of Merrimack Dist. 2 - To Ways and Means)  
13, K 433
- HB 80-FN, relative to special moped licenses. (Jacobson of Merrimack Dist. 2 - To Transportation)  
13, K 107
- HB 81, relative to insurers assessing points for speeding. (Jacobson of Merrimack Dist. 2 - To Commerce, Small Business and Consumer Affairs)  
13, rem 510, study 641, 991
- HB 82, relative to the driver's license suspension period for motor vehicle habitual offenders. (Easton of Grafton Dist. 11 - To Transportation)  
13, psd 292, 393, S nonconc 710
- HB 83, relative to private roads. (Easton of Grafton Dist. 11 - To Municipal and County Government)  
13, K 207
- HB 84-FN, relative to the small scale power facility tax exemption. (Smith of Hillsborough Dist. 21 - To Science and Technology)  
New title: relative to the tax exemption for qualifying small power production facilities and qualifying cogeneration facilities.  
13, am 490-492, psd 509, nonconc S am, conf 826-827, 852, rep adop 889, 894, enr 966 (Chapter 160)
- HB 85, relative to the Bedford road interchange with the Everett turnpike in the town of Merrimack and making an appropriation therefor. (Nute of Hillsborough Dist. 13 et al - To Public Works)  
13, am & Approp 69, LT 512, K 989
- HB 86-FN, relative to fire inspectors issuing citations for violations of fire safety rules. (Millard of Merrimack Dist. 4 - To Public Protection and Veterans Affairs)  
13, am 101-102, psd 133, S study 651, 991

- HB 87-FN, repealing the prohibition against including CWIP charges in a public utility's rate base. (Foss of Coos Dist. 2; Quimby of Rockingham Dist. 7 - To Commerce, Small Business and Consumer Affairs)  
13, K (RC) 438-440
- HB 88-FN, relative to resident commercial salt water licenses. (Dionne of Strafford Dist. 5 et al - To Fish and Game)  
13, psd 50, 79, S conc 397, enr 648 (Chapter 9)
- HB 89-FN, creating a position of conservation officer lieutenant in law enforcement division 6 of the department of fish and game and making an appropriation therefor. (Pantelakos of Rockingham Dist. 24; Dionne of Strafford Dist. 5 - To Fish and Game)  
First new title: authorizing 4 new positions in the department of fish and game; extending an appropriation in the current budget; and making an appropriation therefor.  
Second new title: authorizing new positions in the department of fish and game; extending an appropriation in the current budget; and making an appropriation therefor.  
13, am & Approp 349, am 400-401, psd 507, nonconc S am 845, recon rej (RC) 983-985, K 989
- HB 90-FN, relative to improvement of the state boat launch on Crystal Lake in the town of Enfield and making an appropriation therefor. (Scanlan of Grafton Dist. 11; Sen. Hough - To Resources, Recreation and Development)  
13, am & Approp 103, am 273, psd 392, S nonconc 828
- HB 91, relative to service of civil process. (Reardon of Hillsborough Dist. 37 - to Judiciary)  
13, rcmt 122, am 613-615, psd 645, S nonconc 828
- HB 92, prohibiting certain persons from riding in open cargo motor vehicles. (Arnesen of Grafton Dist. 7 - To Transportation)  
13, K 151
- HB 93, relative to the merchant's privilege to arrest and detain shoplifters. (Rogers of Rockingham Dist. 28; Chase of Rockingham Dist. 28 - To Judiciary)  
13, K 96
- HB 94, relative to conflicts of interest for planning board and zoning board of adjustment members. (Rogers of Rockingham Dist. 28 et al - To Municipal and County Government)  
13-14, K 101
- HB 95, amending the definition of a municipal utility in RSA 374-A to include counties. (Riley of Cheshire Dist. 5 - To Commerce, Small Business and Consumer Affairs)  
New title: relative to municipal and public utilities.  
14, rem 136, rcmt 186, am 406-407, psd 508, S conc 709, enr 874 (Chapter 70)
- HB 96-FN, making an appropriation for basement classrooms at New Hampshire youth development center. (Boucher of Rockingham Dist. 23 - To State Institutions and Housing)  
14, study 61, 991
- HB 97-FN, relative to the foundation aid formula. (Robinson of Hillsborough Dist. 14 et al - To Education)  
14, am 45, psd 79, S conc & enr 650 (Chapter 16)



- HB 98-FN, making an additional appropriation for foundation aid.  
(Robinson of Hillsborough Dist. 14 et al - To Education)  
14, Approp 67, am 543, psd 644, S nonconc 727
- HB 99-FN, relative to resurfacing portions of Route 3-A in the towns of Litchfield and Hudson and the city of Manchester. (Robinson of Hillsborough Dist. 14 et al - Public Works)  
14, K 57
- HB 100-FN, making an appropriation to pay moneys owed to the education commission of the states. (Robinson of Hillsborough Dist. 14 et al - To Education)  
New title: relative to moneys owed to the education commission of the states.  
14, Approp 46, psd 273-274, 392, conc S am 826, enr 888 (Chapter 107)
- HB 101, prohibiting the sale, rental, showing, advertising for sale or distribution of obscene video tapes or video discs to persons under 18 years of age. (Packard of Strafford Dist. 4 - To Judiciary)  
14, K 147
- HB 102, relative to voter registration. (Packard of Strafford Dist. 4 - To Constitutional and Statutory Revision)  
14, K 138
- HB 103, relative to access to New Hampshire rivers. (Whittemore of Merrimack Dist. 10 et al - To Resources, Recreation and Development)  
New title: relative to access to New Hampshire rivers and operating restrictions on certain bodies of water.  
14, rem 136, rcmt 194, am 285-286, psd 393, S study 865, 991
- HB 104, relative to the reconstruction of Lowell Road, River Road, and Route 3-A south from Central Street in the town of Hudson to the Massachusetts state line and making an appropriation therefor. (Chamberlin of Strafford Dist. 4 - To Public Works)  
14, K 57
- HB 105, providing for an access ramp to interstate 95 in the town of North Hampton and making an appropriation therefor. (Chamberlin of Strafford Dist. 4 - To Public Works)  
14, K 57
- HB 106, relative to the death penalty. (Chretien of Hillsborough Dist. 33; Jasper of Hillsborough Dist. 19 - To Judiciary)  
14, psd (RC) 122-124, 134, S nonconc 727, (recon) S conc 828, enr 888 (Chapter 82)
- HB 107, relative to coordinated registration of corporations and limited partnerships. (Pantzer of Merrimack Dist. 11 et al - To Constitutional and Statutory Revision)  
New title: relative to coordinated registration of corporations and limited partnerships and establishing a bond posting requirement for broker-dealers and investment advisors.  
14, com changed 201, am 524-525, psd 644, conc S am 724, enr am 884-885, enr 919 (Chapter 131)
- HB 108, relative to the transfer of registration of a motor vehicle. (Varkas of Hillsborough Dist. 34 - To Transportation)  
First new title: relative to the transfer of registration of a motor vehicle and naming a bridge in the Town of Bethlehem, the Sargent Charles A. Wolcott Bridge.

- Second new title: relative to the transfer of registration of a motor vehicle and naming a bridge in the town of Bethlehem, the Sergeant Charles A. Wolcott Bridge.  
14, psd 292, 393, conc S am 754, enr am 885, enr 966 (Chapter 161)
- HB 109-FN, creating a compensation program for victims of crimes and making an appropriation therefor. (Eaton of Cheshire Dist. 4 - To Judiciary)  
14, am & Approp 357-359, LT 436-437, K 989
- HB 110-FN, relative to continued membership in group II of the New Hampshire retirement system under certain circumstances. (Gross of Merrimack Dist. 16 - To Executive Departments and Administration)  
14, rem 202, SO 267, study 293, 991
- HB 111-FN, establishing an academy of science, arts, and technological innovation. (Newell of Rockingham Dist. 7 - To Science and Technology)  
14, K 430-431
- HB 112-FN, relative to state support for Alzheimer's disease and related disorders. (Mason of Hillsborough Dist. 8 et al - To Health and Human Services)  
14-15, Approp 95, am 401, psd 507, nonconc S am 848, recon rej (RC) 983-985, K 989
- HB 113, relative to anatomical gifts. (Hager of Merrimack Dist. 21 et al - To Health and Human Services)  
First new title: relative to anatomical gifts and relative to the adoption of the uniform determination of death act.  
Second new title: relative to anatomical gifts, relative to the adoption of the uniform determination of death act, and relative to embalmers and funeral directors.  
15, am 459-460, psd 509, conc S am 833, enr am 912-913, enr 966 (Chapter 191)
- HB 114-FN, relative to the business profits tax. (Zeckhausen of Belknap Dist. 11 et al - To Ways and Means)  
15, psd 433, 508, S study 828, 991
- HB 115-FN, replacing the death penalty with a penalty of life imprisonment without parole. (Sylvia of Hillsborough Dist. 1 - To Judiciary)  
15, K (RC) 124-125
- HB 116, relative to the time and method for holding school district elections and adopting school district budgets. (Ducharme of Hillsborough Dist. 19 - To Education)  
15, K 203
- HB 117-FN, removing the requirement that the Sullivan county probate court sit in Claremont. (Schotanus of Sullivan Dist. 1 - To Judiciary)  
First new title: relative to the Sullivan county probate court and prohibiting the Sullivan county attorney from engaging in the private practice of law.  
Second new title: relative to the Sullivan county probate court, to the Sullivan county attorney and the Strafford county attorney, and to adoption of the optional fiscal year by cities, towns, or counties.  
15, am 51-52, psd 79, nonconc S am, conf 703, 853, rep adop 888, 894-895, enr am 946-947, enr 974 (Chapter 208)

- HB 118, making an appropriation to the city of Nashua to undertake the construction of a second bridge across the Nashua River. (Hogan of Hillsborough Dist. 23 et al - To Public Works)  
15, K 69
- HB 119, relative to replacing the Hampton beach seawall and making an appropriation therefor. (Parr of Rockingham Dist. 17 et al - To Public Works)  
15, am & Approp 69-70, am 512-513, psd 644, nonconc S am, conf 832, 867, rep adop 900, enr 966, veto overridden (RC) 977-979 (vetoed)
- HB 120, permitting notary publics to register absentee voters. (Arnesen of Grafton Dist. 7 - To Constitutional and Statutory Revision)  
15, K 203
- HB 121, prohibiting open containers of alcoholic beverages in motor vehicles. (Moore of Hillsborough Dist. 5; Bourque of Hillsborough Dist. 35 - To Transportation)  
15, study 375, 991
- HB 122, relative to the aggravated felonious sexual assault law. (Sytek of Rockingham Dist. 20; Benton of Rockingham Dist. 5 - To Judiciary)  
New title: relative to aggravated felonious sexual assault and to first degree murder.  
15, am 147, psd 195, conc S am 724, enr am 885, enr 919 (Chapter 132)
- HB 123, amending the right to know law. (Johnson of Sullivan Dist. 2; Sylvia of Hillsborough Dist. 1 - To Judiciary)  
15, am 615-618, psd 645, conc S am 725, enr 888 (Chapter 83)
- HB 124, relative to defined benefit pension funds. (Warburton of Rockingham Dist. 6 - To Labor, Industrial and Rehabilitative Services)  
15, study 68-69, 991
- HB 125-FN, relative to the sale and distribution of tobacco products. (Sallada of Hillsborough Dist. 4 et al - To Ways and Means)  
15, psd 498, 509, nonconc S am, conf 750, 853, rep adop 889, enr am 918, enr 966 (Chapter 162)
- HB 126, requiring auctioneers to disclose the name of an absent bidder at auctions. (Sallada of Hillsborough Dist. 4 - To Executive Departments and Administration)  
15, study 91, 991
- HB 127-FN, allocating 1/2 of one percent of the meals and rooms tax to the fish and game fund. (Pantelakos of Rockingham Dist. 24; Sen. Wiggins - To Ways and Means)  
15, rem 399, K 506
- HB 128, banning the sale, possession and use of air rifles, BB guns and pellet guns. (Chase of Rockingham Dist. 28 et al - To Public Protection and Veterans Affairs)  
16, K 56
- HB 129, relative to truck weights. (Gordon of Cheshire Dist. 5 et al - To Transportation)



New title: relative to truck weights and increasing penalties for overweight vehicles.

16, am 375-388, recon rej 392, psd 393, S conc 828, enr am 881, enr 899 (Chapter 121)

- HB 130-FN, providing diesel fuel user permits without a fee to New Hampshire servicemen assigned to posts of duty in another state. (Gordon of Cheshire Dist. 5 - To Transportation)  
16, psd 107, 134, S conc & enr 650 (Chapter 17)
- HB 131-FN, authorizing the director of motor vehicles to issue special vanity plates for amateur radio operators. (Gordon of Cheshire Dist. 5 et al - To Transportation)  
16, K 129
- HB 132, relative to the port authority. (Sloan of Rockingham Dist. 6 et al - To Transportation)  
16, psd 151, 195, conc S am 826, enr am 885-886, enr 919 (Chapter 133)
- HB 133, relative to smoking in the workplace. (Sloan of Rockingham Dist. 6 - To Health and Human Services)  
16, psd 120, 134, conc S am 725, enr 888 (Chapter 108)
- HB 134-FN, relative to the Rannie Webster Foundation. (Goss of Rockingham Dist. 18 - To Constitutional and Statutory Revision)  
First new title: relative to the Rannie Webster Foundation and allowing the Lake Sunapee Yacht Club to revive its charter.  
Second new title: relative to the Rannie Webster Foundation, allowing the Lake Sunapee Yacht Club to revive its charter, and relative to the reinstatement of Tri-State Medical Services, Inc.  
16, am 410, psd 508, conc S am 826, enr 888 (Chapter 84)
- HB 135-FN, establishing a teacher mentor and grant pilot program and making an appropriation therefor. (Taffe of Grafton Dist. 6; Robinson of Hillsborough Dist. 14 - To Education)  
16, rem 201, Approp 264, K 437
- HB 136, relative to the recording of the real estate transfer tax. (Jones of Strafford Dist. 6 - To Ways and Means)  
16, am 433, psd 508, S nonconc 710
- HB 137-FN, relative to probation officers appointed by the Laconia district court. (Holbrook of Belknap Dist. 13 - To Judiciary)  
16, K 148
- HB 138, relative to insurance coverage for the services of certified clinical social workers. (Packard of Hillsborough Dist. 15 et al - To Commerce, Small Business and Consumer Affairs)  
16, psd 221-222, 267, S nonconc 828
- HB 139, requiring approval of the voters by a state referendum before issuing a license for any high-level or low-level radioactive waste disposal facility. (Daniell of Merrimack Dist. 12 - To State-Federal Relations)  
New title: establishing a presumption of negligence for liability resulting from the transportation or storage of radioactive waste.  
16, am & study 493-494, 991
- HB 140-FN, relative to terrain alterations and removal of gravel. (Smith of Hillsborough Dist. 21 - To Resources, Recreation and Development)  
16, com changed 35, study 282, 992

- HB 141, relative to exceptions to the energy conservation code for new building construction in the state. (Smith of Hillsborough Dist. 21 - To Science and Technology)  
16, am 492-493, psd 509, conc S am 749, enr 888 (Chapter 85)
- HB 142-FN, relative to voting booths in cities. (Flanagan of Rockingham Dist. 8; Dickinson of Carroll Dist. 2 - To Constitutional and Statutory Revision)  
New title: relative to the number of voting machines for computerized vote casting and counting to be used in cities and towns.  
16, rem 201, rcmt 263, rem 399, am 505-506, psd 508, S study 708, 992
- HB 143, relative to declarations of candidacy. (Flanagan of Rockingham Dist. 8 - To Constitutional and Statutory Revision)  
16, psd 138, 195, conc S am 723, enr 888 (Chapter 86)
- HB 144-FN, relative to retention of voting documents. (Flanagan of Rockingham Dist. 8 - To Constitutional and Statutory Revision)  
16, study 304, 992
- HB 145, relative to the pari-mutuel commission. (Kelley of Hillsborough Dist. 13 - To Regulated Revenues)  
New title: increasing commissions and purses at horse races.  
16, am & Approp (RC) 73-76, rules suspended, am & psd 170-174, S conc & enr 195 (Chapter 4)
- HB 146, relative to temporary stay orders issued by the pari-mutuel commission. (Kelley of Hillsborough Dist. 13 - To Regulated Revenues)  
New title: relative to the pari-mutuel commission.  
16, am 58, psd 79, nonconc S am, conf 825-826, 853 (K)
- HB 147, relative to the civil defense agency. (Hoar of Rockingham Dist. 6; Sen. Griffin - To Public Protection and Veterans Affairs)  
16, K 102
- HB 148, prohibiting the harassment of hunters, trappers and fishermen. (Smith of Merrimack Dist. 20 et al - To Fish and Game)  
16, S Ct opin req & LT 297, opin printed 892-894, K 989
- HB 149-FN, relative to the noise pollution caused by motorcycles. (Felch of Rockingham Dist. 14; Sen. Preston - To Transportation)  
16, K 292-293
- HB 150-FN, establishing a natural heritage program in the department of resources and economic development. (Chambers of Grafton Dist. 12 et al - To Resources, Recreation and Development)  
16-17, am 209, psd 267, S study 865, 992
- HB 151-FN, relative to an office of technical assistance for community planning. (Chambers of Grafton Dist. 12 et al - To Executive Departments and Administration)  
New title: establishing a growth planning commission to assist cities and towns.  
17, am & Approp 225-226, psd 513, 644, S nonconc 709
- HB 152, providing manufactured housing tenants with a limited right to purchase the park. (King of Grafton Dist. 6 - To State Institutions and Housing)  
17, study 106, 992

- HB 153, relative to identification requirements for voter registration. (O'Rourke of Hillsborough Dist. 35 et al - To Constitutional and Statutory Revision)  
17, K 153-154
- HB 154, relative to intestate descent and distribution among collateral heirs. (Reardon of Hillsborough Dist. 37 - To Judiciary)  
17, psd 52, 79, S conc 708, enr 728 (Chapter 43)
- HB 155-FN, providing for continuation of certain insurance benefits for divorced or separated spouses. (Krascker of Rockingham Dist. 27; Sen. Griffin - To Commerce, Small Business and Consumer Affairs)  
17, am 276-279, psd 392, conc S am 724, enr am 915-917, enr 966 (Chapter 163)
- HB 156, providing the statute of uses shall not affect trusts. (Reardon of Hillsborough Dist. 37 - To Judiciary)  
17, psd 148, 195, S conc 397, enr 648 (Chapter 10)
- HB 157, relative to the Rye harbor project and making an appropriation therefor. (Greene of Rockingham Dist. 18 - To Public Works)  
First new title: relative to marine repairs and dredging and making an appropriation therefor.  
Second new title: relative to marine repairs and dredging and making an appropriation therefor and concerning capital projects.  
17, am & Approp 70-71, am 513, psd 644, nonconc S am, conf 832, 866-867, rep adop 906, enr am 960-961, enr 973 (Chapter 209)
- HB 158-FN, prohibiting video blackjack and video poker machines in liquor establishments. (Bass of Hillsborough Dist. 7 - To Regulated Revenues)  
17, study 541, 992
- HB 159, extending the due process rights of certain teachers. (Raiche of Hillsborough Dist. 41 et al - To Judiciary)  
17, psd 52, 79, S conc 651, enr 709 (Chapter 39)
- HB 160, establishing a collateral source rule for tort liability. (Fraser of Merrimack Dist. 6; Sen. Freese - To Judiciary)  
First new title: repealing certain statutory rules of evidence.  
Second new title: repealing certain statutory rules of evidence and relative to the non-delegation of the insurance commissioner's rulemaking authority.  
17, am 618, psd 645, nonconc S am, conf 836, 866, rep adop 898, enr am 949, enr 973 (Chapter 210)
- HB 161, prohibiting the cancellation of leases, contracts, and other agreements by use of minimum and maximum gasoline or diesel fuel volume requirements. (Guay of Coos Dist. 7 - To Commerce, Small Business and Consumer Affairs)  
17, K 558
- HB 162-FN, relative to the New Hampshire tourism policy. (Blanchard of Rockingham Dist. 26 et al - To Resources, Recreation and Development)  
17, am 103-104, psd 133, nonconc S am, conf 845, 880, rep adop 889, enr am 920, enr 966 (Chapter 165)
- HB 163, relative to the allocation of state public waters. (Blanchard of Rockingham Dist. 26 et al - To Resources, Recreation and Development)  
17, study (RC) 489-490, 992



- HB 164, relative to information required on birth, marriage, and death certificates. (Dickinson of Carroll Dist. 2 et al - To Constitutional and Statutory Revision)  
17, K 442-443
- HB 165, making kidnapping a class A felony in all cases in which the victim is under the age of 18. (Ahrens of Hillsborough Dist. 13 - To Judiciary)  
17, K 206
- HB 166, granting an out-of-state peace officer in fresh pursuit power to arrest for a misdemeanor. (Ahrens of Hillsborough Dist. 13 - To Judiciary)  
17, K 148
- HB 167-FN, modifying the pre-sentence duties of probation officers in criminal cases. (Ahrens of Hillsborough Dist. 13 - To Judiciary)  
17, K 148
- HB 168, relative to clarifying the bail jumping statute. (Ahrens of Hillsborough Dist. 13 - To Judiciary)  
17, am 148, psd 195, S conc 651, enr 709 (Chapter 37)
- HB 169, relative to acknowledgments. (King of Grafton Dist. 12 - To Constitutional and Statutory Revision)  
New title: relative to acknowledgments and administration of oaths by military officers.  
17, am 138-139, psd 195, S conc 709, enr am 860, enr 888 (Chapter 87)
- HB 170-FN, relative to community developmental services. (King of Grafton Dist. 12; Densmore of Grafton Dist. 3 - To Health and Human Services)  
17, K 147
- HB 171-FN, relative to the governor's legal counsel and making an appropriation therefor. (King of Grafton Dist. 12 - To Executive Departments and Administration)  
First new title: relative to the governor's staff.  
Second new title: relative to the governor's staff and the senate staff.  
18, am & Approp 205, psd 401, 507, conc S am 750, enr 888 (Chapter 109)
- HB 172-FN, making an appropriation to fund SB 1 of the 1985 legislative session. (King of Grafton Dist. 12 - To Children, Youth and Elderly Affairs)  
New title: increasing the appropriation in the operating budget relative to the department of health and human services to fund SB 1 of the 1985 legislative session.  
18, am & Approp 61-67, rem 201, psd 226, rules suspended & psd 263, S conc 394, enr 396 (Chapter 5)
- HB 173-FN, relative to equal treatment for persons seeking employment. (King of Grafton Dist. 12 - To Labor, Industrial and Rehabilitative Services)  
18, rcmt 363, study 632, 992
- HB 174, relative to utility exemptions from zoning ordinances. (Ward of Grafton Dist. 1 - To Municipal and County Government)  
18, K 101

- HB 175, establishing a department of education. (Ward of Grafton Dist. 1 - To Executive Departments and Administration)  
New title: establishing a department of education, relative to rules of reorganized departments, and making a technical correction in chapter 12 of the laws of 1986.  
18, am 226-238, psd 267, conc S am 655, enr 710 (Chapter 41)
- HB 176, relative to aquifer protection for the town of Woodstock. (King of Grafton Dist. 6 - To Resources, Recreation and Development)  
18, K 104
- HB 177-FN, establishing a revenue stabilization reserve account and a debt retirement account. (Tamposi of Hillsborough Dist. 27 et al - To Appropriations)  
New title: establishing a revenue stabilization reserve account and requiring reports on debt redemption and revenue estimates.  
18, am 299-301, psd 393, S conc & enr 650 (Chapter 18)
- HB 178-FN, relative to information services at highway rest areas and appropriating fees for these services. (Dickinson of Carroll Dist. 2 et al - To Public Works)  
New title: relative to information services at highway rest areas, appropriating fees for these services, and establishing a study committee on specific information signs.  
18, com changed 35, am & Approp 209-213, psd 513, 644, nonconc S am, conf 723, 852, rep adop 903, 904 (K)
- HB 179-FN, permitting the sale of tax-free cigarettes to the residents of the Glencliff home for the elderly. (LaMott of Grafton Dist. 5 - To Ways and Means)  
18, K 433
- HB 180-FN, relative to a salmonid stamp and continually appropriating the stamp or permit fees for salmonid propagation and management. (Powers of Carroll Dist. 5 - To Fish and Game)  
18, K 146
- HB 181, relative to the lobbyist statement. (Jacobson of Hillsborough Dist. 26 - To Legislative Administration)  
New title: relative to lobbyist registration and lobbyist statements, making an appropriation to the joint legislative historical committee and relative to the responsibility of the committee to accept and expend funds.  
18, am & Approp 363-364, psd 402, 507, nonconc S am, conf 827, 836, 853, rep adop 898, enr 967 (Chapter 166)
- HB 182, enabling district court judges to issue orders enjoining violations of any local land use or planning and zoning ordinance. (Lown of Hillsborough Dist. 9 - To Judiciary)  
New title: clarifying penalty provisions for violations of local codes and regulations, relative to district court jurisdiction over such penalties, and enabling district court judges to issue temporary orders enjoining violations of local land use regulations.  
18, am 414-417, psd 508, S study 728, 992
- HB 183, relative to increasing the number of alternate members on appointed local land use boards. (Jacobson of Hillsborough Dist. 26; Nelson of Hillsborough Dist. 31 - To Municipal and County Government)  
18, psd 207, 267, S conc 651, enr 709 (Chapter 29)

- HB 184, relative to divorce based on irreconcilable differences. (Lown of Hillsborough Dist. 9 et al - To Judiciary)  
18, am 417-418, psd 508, S study 828, 992
- HB 185, relative to alimony and property settlements and fault grounds in divorce. (Lown of Hillsborough Dist. 9; Jacobson of Merrimack Dist. 2 - To Judiciary)  
New title: relative to alimony and property settlements, fault grounds in divorce, and marital magistrates.  
18, am 618-620, psd 645, S study 828 (recon) nonconc S am, conf 835, 882, rep adop 909, recon rej (RC) 943-944, enr am 964-965, enr 975, veto sustained (RC) 981-983
- HB 186, relative to standards for the awarding of legal and physical custody. (Lown of Hillsborough Dist. 9 - To Judiciary)  
18, study 530, 992
- HB 187, requiring school buses to be equipped with CB radios and a monitored base station and making an appropriation therefor. (Gourdeau of Rockingham Dist. 8 - To Transportation)  
18, K 107
- HB 188, establishing a timetable and procedure for adopting the Hillsborough county budget. (Hyman of Hillsborough Dist. 3; Sen. Podles - To Municipal and County Government)  
18, K 54
- HB 189, relative to the League of New Hampshire Craftsmen. (Grodin of Cheshire Dist. 6 - To Executive Departments and Administration)  
New title: relative to the League of New Hampshire Craftsmen and reinstating the First Congregational Society of Dublin.  
18, psd 91-92, 133, conc S am 655, enr 728 (Chapter 44)
- HB 190-FN, relative to the Walker building. (Boucher of Rockingham Dist. 23 - To State Institutions and Housing)  
18, K 106
- HB 191, relative to employee removal powers of county commissioners. (Bates of Strafford Dist. 1; West of Merrimack Dist. 21 - To Labor, Industrial and Rehabilitative Services)  
18, am 99-100, psd 133, S conc 727, enr 874 (Chapter 71)
- HB 192, relative to health maintenance organizations. (Kinhan of Merrimack Dist. 14; Nelson of Hillsborough Dist. 31 - To Commerce, Small Business and Consumer Affairs)  
18, K 202
- HB 193-FN, establishing a local water protection assistance program and making an appropriation therefor. (Bardsley of Merrimack Dist. 1 et al - To Resources, Recreation and Development)  
New title: establishing a local water protection assistance program and making an appropriation therefor and authorizing the town of Pelham to enter into an agreement with the towns of Dracut, Massachusetts and Tyngsboro, Massachusetts regarding Long Pond.  
18-19, rem 83, am & Approp 130-131, am 274, psd 392, conc S am 834, enr am 913-914, enr 966 (Chapter 167)
- HB 194, requiring the absolute distinction between credit cards and debit cards. (Diament of Strafford Dist. 3; Dexter of Belknap Dist. 8 - To Commerce, Small Business and Consumer Affairs)  
19, K 303



- HB 195, relative to cooperative planning for great ponds and their watersheds. (Grodin of Cheshire Dist. 6 - To Resources, Recreation and Development)  
19, am 58-59, psd 80, conc S am 653, enr 728 (Chapter 45)
- HB 196, relative to judicial authorization for the conduct of sobriety checkpoints to detect, apprehend, and deter impaired motorists. (Rounds of Grafton Dist. 10 - To Judiciary)  
19, S Ct opin req & LT 241-242, rcmt 837, opin printed & am 857-859, psd 863, nonconc S am, conf 906 (K)
- HB 197-FN, relative to agricultural promotion and making an appropriation therefor. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)  
19, Approp 50, psd 301, 393, nonconc S am, conf 833, recon & nonconc S am 848, K 989
- HB 198, relative to small claims judgments. (Sylvia of Hillsborough Dist. 1; Johnson of Sullivan Dist. 2 - To Judiciary)  
19, am 96, psd 133, S conc 651, enr 709 (Chapter 30)
- HB 199, relative to bank deposits. (Chase of Rockingham Dist. 28; Horton of Coos Dist. 4 - To Commerce, Small Business and Consumer Affairs)  
19, K 407
- HB 200, repealing the task force on low-level radioactive waste management. (Wight of Hillsborough Dist. 9 - To Science and Technology)  
19, psd 60, 80, S conc 727, enr 874 (Chapter 78)
- HB 201, relative to telephone lifeline rates. (Wight of Hillsborough Dist. 9 - To Commerce, Small Business and Consumer Affairs)  
19, K 137
- HB 202-FN, relative to forfeiture of items used in connection with drug offenses. (Sytek of Rockingham Dist. 20 et al - To Judiciary)  
19, am 486-488, psd 509, nonconc S am, conf 835, 866, rep adop S 927, sections in violation of Jt rule 20-h 928
- HB 203-FN, reinstating uniform fees for community mental health centers. (King of Grafton Dist. 12 - To Health and Human Services)  
19, K 413
- HB 204-FN, relative to payment for cost of services to unincorporated or unorganized places. (Guay of Coos Dist. 7 - To Municipal and County Government)  
19, psd 150, 195, S conc 651, enr 709 (Chapter 31)
- HB 205, recodifying the workers' compensation law. (Skinner of Rockingham Dist. 21 - To Labor, Industrial and Rehabilitative Services)  
19, am 418-420, psd 508, nonconc S am, conf 835, 866, rep adop 898, 899 (K)
- HB 206, allowing city councils to establish penalties for the violation of municipal codes. (Burkush of Hillsborough Dist. 43; Dion of Hillsborough Dist. 45 - To Municipal and County Government)  
New title: allowing city councils to establish penalties for the violation of municipal codes and relative to fire safety violations.  
19, psd 535, 644, conc S am 749, enr 888 (Chapter 102)

- HB 207-FN, relative to admissions to state-owned campsites or camping areas for persons age 65 or older. (Beaupre of Hillsborough Dist. 42 - To Resources, Recreation and Development)  
19, K 104
- HB 208, relative to the sale of pistols and revolvers. (Newman of Rockingham Dist. 24 - To Public Protection and Veterans Affairs)  
New title: relative to electronic defense weapons.  
19, am 365-366, psd 393, S conc 708, enr 728 (Chapter 46)
- HB 209, eliminating the statute of limitations for sexual assault crimes. (O'Brien of Strafford Dist. 9 et al - To Judiciary)  
New title: relative to the statute of limitations for child sexual assault and incest.  
19, rem 269, am 388-390, psd 392, nonconc S am, conf 654, 853, rep adop 905, enr 966 (Chapter 168)
- HB 210, relative to the location of the Concord headquarters facility for fish and game. (Chandler of Merrimack Dist. 21 - To Public Works)  
First new title: making capital appropriations and relative to debt reduction, lapse dates, architectural selection and the Concord headquarters facility for fish and game.  
Second new title: making capital appropriations and relative to lapse dates, architectural selection, and the Concord headquarters facility for fish and game.  
19, am 71, psd 80, nonconc S am, conf 832, 866, 904, rep adop S 906, rep adop (RC) 907-908, enr am 961-962, enr 974 (Chapter 211)
- HB 211, relative to the resale of tickets. (Barry of Hillsborough Dist. 43 et al - To Commerce, Small Business and Consumer Affairs)  
19, rem 269, K 388
- HB 212, relative to chiropractic. (Ridge of Cheshire Dist. 17 et al - To Executive Departments and Administration)  
New title: relative to chiropractic and requiring that academic standards for professions be established only by statute.  
19, am 311-312, psd 393, S nonconc 828
- HB 213, relative to charter conversions for state credit unions. (Lamy of Hillsborough Dist. 46 - To Commerce, Small Business and Consumer Affairs)  
19, psd 202, 267, S conc 651, enr 709 (Chapter 32)
- HB 214, relative to the radiological health program. (Wight of Hillsborough Dist. 9 et al - To Health and Human Services)  
19, am (RC) 460-470, psd 509, conc S am 826, enr am 910-911, enr 966 (Chapter 169)
- HB 215, relative to approval or disapproval of applications submitted to planning boards. (Sylvia of Hillsborough Dist. 1 - To Municipal and County Government)  
19, K 101
- HB 216, relative to disclosure of banking information to banking customers. (Pressly of Hillsborough Dist. 24 et al - To Commerce, Small Business and Consumer Affairs)  
19-20, K 440
- HB 217, relative to depositor's rights in savings banks. (Pressly of Hillsborough Dist. 24 et al - To Commerce, Small Business and Consumer Affairs)

- New title:** relative to depositors' ratification of certain savings banks conversions.  
20, am 407-408, psd 508, S conc 727, enr am 883, enr 899 (Chapter 122)
- HB 218-FN, relative to the operating expenses of state agencies for fiscal year 1987. (Kidder of Merrimack Dist. 2 - Appropriations)  
**New title:** making supplemental appropriations, amending the operating budget, and amending capital appropriations.  
20, am (RC) 543-551, psd 644, S nonconc 727
- HB 219, relative to municipal industrial development authorities. (Coulombe of Coos Dist. 8 et al - To Municipal and County Government)  
20, psd 168, 195, S nonconc 828
- HB 220-FN, relative to Route 16 road improvement and making an appropriation therefor. (Guay of Coos Dist. 7; Bond of Dist. 1 - To Public Works)  
20, Approp 71, rem 510, LT 641, K 989
- HB 221-FN, relative to public access to public waters and acquisition of Timber Island and making an appropriation therefor. (Wight of Hillsborough Dist. 9; White of Belknap Dist. 1 - To Resources, Recreation and Development)  
20, K 104
- HB 222, relative to the requirements for notification of abutters for local land use board hearings. (Carragher of Hillsborough Dist. 22 - To Municipal and County Government)  
20, psd 207, 267, S conc 651, enr 709 (Chapter 33)
- HB 223, relative to the county commissioner districts in Hillsborough county. (Ahrens of Hillsborough Dist. 13; Carragher of Hillsborough Dist. 22 - To Municipal and County Government)  
20, rem 136, am 191-192, psd 195, S nonconc 864
- HB 224-FN, to establish a special service area in the town of Merrimack. (Nute of Hillsborough Dist. 13 - To Municipal and County Government)  
**First new title:** to establish a fire protection area in the town of Merrimack, to legalize the special water district meeting of the Merrimack village district and relative to the adoption of an optional fiscal year for the city of Franklin.  
**Second new title:** to establish a fire protection area in the town of Merrimack, to legalize the special water district meeting of the Merrimack village district, to legalize the Goffstown town meeting, and relative to the adoption of an optional fiscal year for the city of Franklin.  
**Third new title:** to establish a fire protection area in the town of Merrimack, to legalize the special water district meeting of the Merrimack village district, to legalize the Goffstown town meeting, to legalize the Greenland school district meeting, and relative to the adoption of an optional fiscal year for the city of Franklin.  
20, rem 136, am 192-194, psd 195, conc S am 399, enr 648 (Chapter 11)
- HB 225, relative to voluntary mediation in divorce proceedings. (Lown of Hillsborough Dist. 9 - To Judiciary)  
20, study 282, 992
- HB 226-FN, consolidating the mental health laws. (Carragher of Hillsborough Dist. 22 - To Health and Human Services)



New title: consolidating the mental health laws and continuing a study committee.

20, am 589-606, psd 645, nonconc S am, conf 845, 866, rep adop 889, 895, enr am 952-953, enr 974, appointments 992 (Chapter 212)

- HB 227-FN, making a supplemental appropriation for matching funds for vocational rehabilitation. (King of Grafton Dist. 12 - To Education)  
20, rem 136, Approp 186, psd 274, 392, S conc & enr 650 (Chapter 19)
- HB 228, relative to incompatibility of offices in towns. (West of Merrimack Dist. 21 - To Constitutional and Statutory Revision)  
20, psd 410-411, 508, S nonconc 727
- HB 229-FN, relative to the licensing of dogs. (West of Merrimack Dist. 21 - To Municipal and County Government)  
First new title: relative to the licensing of dogs and authorizing new zoning board of adjustment and planning board membes to participate in at least 6 hours of training for their respective positions to be furnished by the office of state planning and relative to establishing a board of acupuncture.  
Second new title: relative to the licensing of dogs and authorizing new zoning board of adjustment and planning board members to participate in training to be furnished by the office of state planning  
20, psd 207, 267, nonconc S am, conf 828, 853, rep adop 903, enr am 949, enr 974 (Chapter 213)
- HB 230, relative to the definition of a cord of wood. (Grip of Hillsborough Dist. 7 - To Commerce, Small Business and Consumer Affairs)  
20, rem 269, K 388
- HB 231-FN, relative to the assets permitted to qualify for the expanded elderly exemption. (Grip of Hillsborough dist. 7 - To Municipal and County Government)  
20, K 150
- HB 232, relative to community wells. (Gage of Rockingham Dist. 20 - To Resources, Recreation and Development)  
20, K 104
- HB 233, authorizing additional capital improvements in the department of postsecondary vocational-technical education and making an appropriation therefor. (Chandler of Merrimack Dist. 21 - To Public Works)  
20, K 169
- HB 234-FN, relative to financial disclosure by public officials. (Chandler of Merrimack Dist. 21 - To Legislative Administration)  
20, K 535
- HB 235, relative to Mustela putorius furo. (Chretien of Hillsborough Dist. 33 - To Environment and Agriculture)  
20, K 67-68
- HB 236, relative to referees, auditors, and marital masters. (Chretien of Hillsborough Dist. 33 - To Judiciary)  
20, S Ct opin req & LT 629, rcmt 837, opin printed & study 848-851, 992
- HB 237, relative to the completion of construction of the relocation of Route 11 at West Alton and making an appropriation therefor. (Pearson of Belknap Dist. 5 et al - To Public Works)  
20, K 71-72

- HB 238, allowing Gilford to separate from school administrative unit number 30. (Pearson of Belknap Dist. 5; Campbell of Belknap Dist. 5 - To Education)  
 First new title: allowing Farmington to separate from school administrative unit number 44.  
 Second new title: allowing Farmington to separate from school administrative unit number 44 and naming a wing at the Nashua vocational college after Senator D. Alan Rock.  
 20, am (RC) 222-224, psd 267, nonconc S am, conf 654, 853, rep adop 881, 882, enr 966 (Chapter 170)
- HB 239, allowing students in an approved high school vocational electrical program to perform electrical installations in residential buildings. (Pearson of Belknap Dist. 5 et al - To Education)  
 20-21, psd 46, 79, S conc 708, enr 728 (Chapter 47)
- HB 240-FN, relative to funding of local probation services and making an appropriation therefor. (Sytek of Rockingham Dist. 20 - To Judiciary)  
 First new title: relative to a select commission to study probation and relative to state reimbursement of municipalities for the costs of local probation services and making an appropriation therefor.  
 Second new title: relative to a select commission to study probation and relative to state reimbursement of municipalities for the costs of local probation services and making an appropriation therefor.  
 21, am & Approp 359-360, am 513-515, psd 644, S nonconc 828
- HB 241, relative to wages paid for working a bingo game. (G. Katsakiores of Rockingham Dist. 7; P. Katsakiores of Rockingham Dist. 7 - To Regulated Revenues)  
 21, K 103
- HB 242, establishing a committee to study the feasibility of using so-called "phantom taxes" collected by utilities to benefit the state. (Easton of Grafton Dist. 11 - To Commerce, Small Business and Consumer Affairs)  
 21, K 137
- HB 243, enabling towns to postpone the payment of property taxes on the principal residences of the elderly. (Sylvia of Hillsborough Dist. 1 - To Municipal and County Government)  
 21, K 150
- HB 244, relative to maximum boat speeds on public waters. (White of Belknap Dist. 1 - To Transportation)  
 21, study 129-130, 992
- HB 245-FN, relative to the state's natural diversity and making an appropriation therefor. (Chardon of Coos Dist. 6 - To Resources, Recreation and Development)  
 New title: relative to a natural heritage inventory.  
 21, am & Approp 213, psd 515, 644, nonconc S am, conf 834, 866, rep adop 898, 899, enr 967 (Chapter 195)
- HB 246-FN, establishing a committee to study New Hampshire rivers and making an appropriation therefor. (Chardon of Coos Dist. 6; Powers of Carroll Dist. 5 - To Resources, Recreation and Development)  
 21, K 59

- HB 247, allowing persons voting in primaries to change party affiliation by mail. (Lewis of Merrimack Dist. 5 et al - To Constitutional and Statutory Revision)  
New title: permitting independent voters to vote in a primary and change their registration back to independent on the same day as the primary.  
21, am 443-444, psd 508, S nonconc 709
- HB 248-FN, creating a nonlapsing fund to provide handicapped persons with gainful employment and making an appropriation therefor. (Nelson of Hillsborough Dist. 31 et al - To Education)  
First new title: creating a nonlapsing fund to provide handicapped persons with gainful state employment and making an appropriation therefor.  
Second new title: creating a nonlapsing fund to provide handicapped persons with gainful employment.  
21, am & Approp 203, am 515, psd 644, conc S am 833, enr am 914-915, enr 966 (Chapter 171)
- HB 249, prohibiting the use of certain steel drums or other drums for floats, rafts, docks, etc. in the public waters of the state. (Burdick of Rockingham Dist. 7; Conroy of Rockingham Dist. 7 - To Resources, Recreation and Development)  
New title: prohibiting the use of certain containers for use as flotation devices in the public waters of the state.  
21, am 286-287, psd 393, S conc 708, enr am 861-862, enr 888 (Chapter 88)
- HB 250, relative to discharge of mortgages. (Sanderson of Rockingham Dist. 25 - To Judiciary)  
New title: relative to the discharge of mortgages and the validity of tax collectors' deeds.  
21, am 96-97, psd 133, S conc 651, enr am 710, enr 728 (Chapter 48)
- HB 251, relative to organically grown produce. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)  
21, am 143-145, psd 195, S conc & enr 650 (Chapter 20)
- HB 252, relative to the administration of small estates. (Arnesen of Grafton Dist. 7 - To Judiciary)  
21, am 97-98, psd 133, S conc 651, enr 709 (Chapter 34)
- HB 253-FN, increasing the limit on the state guarantee of bonds and notes of school districts. (Robinson of Merrimack Dist. 3 - To Education)  
New title: increasing the limit on the state guarantee of bonds and notes of school districts, and relative to legalizing certain school district meetings.  
21, rem 201, am (RC) 264-267, psd 267, nonconc S am, conf 829, 853, rep adop 898, 899, enr 967 (Chapter 172)
- HB 254-FN, prohibiting liquor brokers from doing business in the state. (Dexter of Belknap Dist. 8 - To Regulated Revenues)  
21, K 285



- HB 255-FN, relative to the fee for equine infectious anemia testing. (Burton of Strafford Dist. 4 - To Environment and Agriculture)  
21, psd 50, 79, S conc & enr 650 (Chapter 21)
- HB 256-FN, relative to plumbers' board fees and making an appropriation therefor. (King of Grafton Dist. 12 - To Executive Departments and Administration)  
New title: relative to the plumbers' board and making an appropriation therefor and relative to the real estate commission and making an appropriation therefor.  
21, Approp 92, am 402-403, psd 507, nonconc S am, conf 827, 853, rep adop 906, enr 967 (Chapter 173)
- HB 257, enacting the driver license compact. (Lamontagne of Coos Dist. 7 - To Transportation)  
21, psd 542, 644, S conc 727, enr am 860, enr 888 (Chapter 110)
- HB 258-FN, increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs. (Lamontagne of Coos Dist. 7 - To Environment and Agriculture)  
New title: increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs; establishing a fire standards and training council within the department of postsecondary vocational-technical education; and providing a supplemental appropriation for safety services in the department of safety.  
21, Approp 68, am 274-275, psd 392, nonconc S am, conf 834, 866, rep adop 905, enr am 948-949, enr 974, veto overridden (RC) 979-981 (vetoed)
- HB 259, relative to boats powered by motors of less than 10 horsepower. (Lamontagne of Coos Dist. 7 - To Resources, Recreation and Development)  
New title: relative to boats powered by motors of less than 10 horsepower and the federal numbering system.  
21, psd 59, 80, conc S am 750, enr 887 (Chapter 89)
- HB 260, relative to the powers of the executive director of the department of fish and game. (Riley of Merrimack Dist. 9; Hounsell of Dist. 2 - To Fish and Game)  
First new title: relative to the powers of the executive director of the department of fish and game and the appointment of an acting director.  
Second new title: relative to the powers of the executive director of the department of fish and game, the appointment of the executive director by the governor and council, and authorizing an acting director.  
21, am 92-93, psd 133, nonconc S am, conf 827, 852, 864, rep adop 908, 909, enr 967 (Chapter 174)
- HB 261, prohibiting the sale of moose meat. (Powers of Carroll Dist. 5 - To Fish and Game)  
21, psd 93, 133, S conc 727, enr 874 (Chapter 79)
- HB 262, relative to the lapsing of variances. (Reardon of Hillsborough Dist. 37; Pressly of Hillsborough Dist. 24 - To Municipal and County Government)  
22, study 128, 993

- HB 263, relative to payment of police officers at public meetings or functions. (Benton of Rockingham Dist. 5 - To Public Protection and Veterans Affairs)  
22, am 102-103, psd 133, S conc 709, enr 874 (Chapter 72)
- HB 264-FN, increasing fees for certain fish and game licenses. (Powers of Carroll Dist. 5; LaMott of Grafton Dist. 5 - To Fish and Game)  
New title: increasing fees for certain fish and game licenses and relative to certain fish and game statutes.  
22, rem 136, am 186-191, psd 195, nonconc S am, conf 848, 879, rep adop 909, enr am 953, enr 973 (Chapter 214)
- HB 265, permitting insurance policyholders access to other agents of the same company. (Jacobson of Merrimack Dist. 2 - To Commerce, Small Business and Consumer Affairs)  
22, K 87
- HB 266, relative to insuring antiques. (Jacobson of Merrimack Dist. 2 - To Commerce, Small Business and Consumer Affairs)  
22, K 87
- HB 267-FN, establishing a commission on municipal liability and making an appropriation therefor. (Jacobson of Merrimack Dist. 2 - To Judiciary)  
22, K 282
- HB 268, permitting the use of snares to trap beaver and otter. (Golden of Belknap Dist. 7 - To Fish and Game)  
New title: relative to the use of snares under certain conditions.  
22, am 146-147, psd 195, nonconc S am, conf 750, 852, rep adop 900, enr am 948, enr 975 (Chapter 233)
- HB 269, relative to written policy directives to police officers and to internal investigations by law enforcement agencies. (Sytek of Rockingham Dist. 20; Sen. Lessard - To Judiciary)  
First new title: relative to written policy directives to police officers.  
Second new title: relative to written policy directives to police officers and to internal investigations by law enforcement agencies.  
22, am 620-622, psd 645, conc S am 724, enr 887 (Chapter 111)
- HB 270, relative to the guardianship laws. (Kinhan of Merrimack Dist. 14 - To Judiciary)  
22, psd 206, 267, conc S am 835, enr 899 (Chapter 123)
- HB 271-FN, appropriating funds for full-time public school teachers. (Robinson of Merrimack Dist. 3 - To Education)  
22, study 224, 993
- HB 272, relative to county government. (Pressly of Hillsborough Dist. 24 et al - To Municipal and County Government)  
22, am 422-424, psd 508, S conc 727, enr am 860-861, enr 888 (Chapter 112)
- HB 273-FN, relative to the revocation of town manager plans. (Johnson of Cheshire Dist. 3 - To Municipal and County Government)  
22, psd 283, 393, S nonconc 710
- HB 274, relative to possession of fireworks. (Moore of Hillsborough Dist. 5 - To Public Protection and Veterans Affairs)  
22, study 103, 993

- HB 275, relative to responsibility for tenants' property taxes in manufactured housing parks. (Lussier of Strafford Dist. 8 - To Municipal and County Government)  
22, K 207
- HB 276, relative to manufactured housing park rules. (Lussier of Strafford Dist. 8 - To State Institutions and Housing)  
22, K 106
- HB 277, providing manufactured housing tenants with a limited right to purchase the park. (Lussier of Strafford Dist. 8 - To State Institutions and Housing)  
22, study 107, 993
- HB 278, enabling municipalities to enact fair rental ordinances governing manufactured housing parks. (Lussier of Strafford Dist. 8 - To State Institutions and Housing)  
22, K 151
- HB 279-FN, relative to legalizing betting on a sporting event. (Simon of Rockingham Dist. 9 - To Regulated Revenues)  
22, K 541
- HB 280-FN, relative to the drug forfeiture fund. (Ahrens of Hillsborough Dist. 13 - To Judiciary)  
22, K 98
- HB 281, relative to county buildings. (Ahrens of Hillsborough Dist. 13 - To Municipal and County Government)  
22, am 54, psd 79, S conc 397, enr 648 (Chapter 8)
- HB 282, relative to the prohibition for taking smelt by bait dealers. (Smith of Merrimack Dist. 20 et al - To Fish and Game)  
22, K 160
- HB 283, relative to comparative negligence in calculating damages for loss of consortium claims. (Fraser of Merrimack Dist. 6 - To Judiciary)  
22, study 622, 993
- HB 284-FN, relative to water treatment plant operators. (Hardy of Belknap Dist. 4 - To Resources, Recreation and Development)  
First new title: relative to water treatment plant operators; authorizing the charging of a fee for water supply systems; authorizing new positions and making an appropriation therefor.  
Second new title: relative to water treatment plant operators; authorizing the charging of a fee for water supply systems; authorizing new positions and making an appropriation therefor; establishing a committee to study development and regulation of docks, slips and piers and making an appropriation therefor; and relative to the purchase of new telephone equipment.  
22, am & Approp 287-288, psd 403, 507, nonconc S am, conf 833, 866, rep adop 898, 899, enr am 947, enr 973, appointments 993(Chapter 215)
- HB 285, relative to the deadline for planning and zoning recodification. (Robinson of Hillsborough Dist. 14 - To Municipal and County Government)  
22, am 150, psd 195, S conc 709, enr 874 (Chapter 73)
- HB 286-FN, relative to the Winnepesaukee River basin control. (LaMott of Grafton Dist. 5 - To Resources, Recreation and Development)  
22, am & Approp 59, psd 275, 392, conc S am 826, enr 887 (Chapter 90)



- HB 287-FN, authorizing the water supply and pollution control commission to enter into a cooperative program in accordance with the federal Water Pollution Control Act for the purpose of establishing, financing, and operating a revolving loan fund program and making an appropriation therefor. (LaMott of Grafton Dist. 5 - To Resources, Recreation and Development)  
23, study 288, 993
- HB 288, enabling municipalities to license motels, hotels and other short-term leased property. (Hollingworth of Rockingham Dist. 17 - To Municipal and County Government)  
23, K 535
- HB 289, relative to privileged communications with the attorney general. (Sytek of Rockingham Dist. 20 - To Judiciary)  
23, study 126, 993
- HB 290, relative to the representation of state officials by the attorney general. (Sytek of Rockingham Dist. 20 - To Judiciary)  
23, Approp 98, psd 275, 392, S conc 708, enr am 862, enr 888 (Chapter 113)
- HB 291, relative to mandatory sentences for child sexual assault offenders. (Wagner of Hillsborough Dist. 19 - To Judiciary)  
23, K 52
- HB 292-FN, relative to training seminars for department, division and bureau heads and making an appropriation therefor. (Randall of Belknap Dist. 3 - To Science and Technology)  
23, K 60
- HB 293-FN, directing the division of information services, department of administrative services, to conduct a statewide resource and information data base study and making an appropriation therefor. (Randall of Belknap Dist. 3 - To Science and Technology)  
23, K 60
- HB 294, removing the liquor commission from the exception to the data processing authority of the director of information services. (Randall of Belknap Dist. 3 - To Executive Departments and Administration)  
23, K 145
- HB 295, relative to Mirror Lake in the town of Woodstock. (Taffe of Grafton Dist. 6 - To Resources, Recreation and Development)  
New title: relative to Mirror Lake in the town of Woodstock and Jericho Pond in the city of Berlin.  
23, am 213-214, psd 267, nonconc S am, conf 703, recon, conc S am 726, enr am 886, enr 919 (Chapter 134)
- HB 296, relative to annulments of criminal records. (Raiche of Hillsborough Dist. 41 - To Judiciary)  
23, am 531-532, psd 644, S conc 708, enr 728 (Chapter 49)
- HB 297, relative to removal and release of dead bodies from hospitals. (West of Merrimack Dist. 21 - To Health and Human Services)  
23, am 206, psd 267, S conc & enr 650 (Chapter 22)
- HB 298-FN, dedicating room 306 in the legislative office building to Robert W. Wheeler. (Reidy of Hillsborough Dist. 45 et al - To Legislative Administration)

- New title: relative to memorializing the names of deceased legislators and making an appropriation to the joint committee on legislative facilities.  
23, am 420-421, psd 508, S study 828, 993
- HB 299, changing the date for observance of Memorial Day. (Chandler of Merrimack Dist. 21 - To Constitutional and Statutory Revision)  
23, K (RC) 444-446
- HB 300, relative to educational loan corporations. (Hager of Merrimack Dist. 21; Taffe of Grafton Dist. 6 - To Education)  
23, psd 46, 79, S conc 397, enr am 649, enr 650 (Chapter 23)
- HB 301, relative to water improvement bonds issued by the city of Rochester. (Keans of Strafford Dist. 11 - To Resources, Recreation and Development)  
23, com changed 35, K 425
- HB 302, relative to water improvement bonds issued by municipalities. (Keans of Strafford Dist. 11 - To Resources, Recreation and Development)  
23, com changed 35, study 638, 993
- HB 303-FN, establishing a committee to study reciprocity relative to boat registrations and making an appropriation therefor. (Jacobson of Hillsborough Dist. 26; Parmenter of Hillsborough Dist. 26 - To Transportation)  
23, K 107
- HB 304, relative to the construction of exit 1 of the central turnpike and making an appropriation therefor. (Jacobson of Hillsborough Dist. 26 et al - To Public Works)  
23, am & Approp 72, LT 515, K 989
- HB 305, relative to soliciting county employees for political contributions. (Jacobson of Hillsborough Dist. 26 - To Municipal and County Government)  
New title: relative to coercing county employees to make political contributions.  
23, rem 269, am 390-391, psd 393, S nonconc 727
- HB 306, relative to health maintenance organizations. (Kinhan of Merrimack Dist. 14 - To Commerce, Small Business and Consumer Affairs)  
23, K 203
- HB 307, relative to a duty to protect third persons. (Kinhan of Merrimack Dist. 14 - To Judiciary)  
23, am 622-623, psd 645, conc S am 835, enr am 911, enr 966 (Chapter 175)
- HB 308, requiring libraries to make annual reports of trust funds to the attorney general. (West of Merrimack Dist. 21 - To Constitutional and Statutory Revision)  
23-24, psd 282, 392, S conc 709, enr 874 (Chapter 74)
- HB 309, relative to agricultural and farm plates. (Shepard of Merrimack Dist. 5 - To Transportation)  
24, am 151, psd 195, S conc & enr 650 (Chapter 24)
- HB 310, relative to driving while intoxicated. (Sytek of Rockingham Dist. 20 - To Judiciary)  
24, am 52, psd 79, S conc 651, enr 709 (Chapter 35)

- HB 311-FN, relative to marine fisheries. (Pantelakos of Rockingham Dist. 24; Chase of Rockingham Dist. 28 - To Fish and Game)  
24, study 93, 993
- HB 312, making an appropriation for various veterans programs. (Benton of Rockingham Dist. 5 - To Public Protection and Veterans Affairs)  
24, K 150
- HB 313, relative to probationary licenses for "at risk" drivers. (Lussier of Strafford Dist. 8 - To Transportation)  
First new title: relative to probationary licenses for "at risk" drivers, establishing regulations over the use of wrecking vehicles and anatomical gifts.  
Second new title: relative to probationary licenses for "at risk" drivers; establishing regulations for the use of wrecking vehicles; and relative to anatomical gifts.  
24, am 638, psd 645, nonconc S am, conf 847, 879, 890, rep adop 903-904, enr am 955, enr 973 (Chapter 216)
- HB 314, relative to the transportation of alcohol in open containers. (Lamontagne of Coos Dist. 7; Sen. Boyer - To Transportation)  
24, rem 269, K 391
- HB 315, relative to delinquent trappers' reports. (Smith of Merrimack Dist. 20 - To Fish and Game)  
24, psd 93, 133, conc S am 653, enr 728 (Chapter 50)
- HB 316, relative to the issuance of licenses by agents of the department of fish and game. (Felch of Rockingham Dist. 14 - To Fish and Game)  
24, psd 51, 79, S conc & enr 650 (Chapter 25)
- HB 317, requiring fire warning systems in child care centers. (Hyman of Hillsborough Dist. 3 et al - To Public Protection and Veterans Affairs)  
24, study 57, 993
- HB 318, reinstating double damages for injuries caused by dogs. (Nagel of Rockingham Dist. 20 - To Judiciary)  
24, K 148-149
- HB 319, deleting the exemption from civil liability for a law enforcement officer who transports a victim in an emergency. (Butler of Rockingham Dist. 11 - To Judiciary)  
24, K 149
- HB 320, permitting registered nurses to fill out death certificates. (Butler of Rockingham Dist. 11; Copenhaver of Grafton Dist. 12 - To Health and Human Services)  
New title: permitting registered nurses to pronounce death in certain circumstances.  
24, am 239, psd 268, S conc & enr 650 (Chapter 26)
- HB 321-FN, relative to the establishment of a charter commission for the city of Portsmouth. (Clay of Rockingham Dist. 28; Chase of Rockingham Dist. 28 - To Municipal and County Government)  
24, K 101
- HB 322, correcting a statutory reference to the appointment of guardians and conservators by probate courts. (Scamman of Rockingham Dist. 19 - To Judiciary)  
24, psd 52, 79, S conc 708, enr 728 (Chapter 51)



- HB 323-FN, establishing the licensure of dietitians. (Sanderson of Rockingham Dist. 25; Sen. Griffin - To Executive Departments and Administration)  
24, study 117, 993
- HB 324-FN, relative to hazardous waste cleanup. (Chambers of Grafton Dist. 12 et al - To Environment and Agriculture)  
24, am & Approp 308-311, psd 437, 508, S study 728, 993
- HB 325-FN, relative to acupuncture. (Pearson of Belknap Dist. 5 - To Health and Human Services)  
24, am 240, psd 268, S conc 651, enr 709, veto overridden (RC)  
939-940 (S sustained veto)
- HB 326, relative to high-level radioactive waste. (Chardon of Coos Dist. 6; Sen. Dupont - To State-Federal Relations)  
24, rcmt 170, recon & am 174-185, psd 195, conc S am 754, enr am 923-925, enr 966, appointments 1001 (Chapter 176)
- HB 327-FN, relative to a study of the highways and bridges in the Hanover-Lebanon area and making an appropriation therefor. (Walter of Grafton Dist. 13 et al - To Public Works)  
24, am & Approp 72-73, psd 515, 644, S nonconc 828
- HB 328-FN, relative to current use. (Jacobson of Merrimack Dist. 2 - To Municipal and County Government)  
24, rem 202, SO 267, K 295-296
- HB 329-FN, relative to personal injury actions and medical malpractice litigation. (Horton of Coos Dist. 4 - To Judiciary)  
New title: relative to commercial general liability insurance, medical injury actions, and a commission on tort law and insurance availability.  
24, am 623-626, psd 645, S nonconc 865
- HB 330-FN, relative to insanity and to the guilty but mentally ill plea. (Shriver of Hillsborough Dist. 11 et al - To Judiciary)  
New title: relative to the insanity defense.  
24, am 626, psd 645 (K)
- HB 331-FN, regulating falconry in the state. (McKinney of Rockingham Dist. 23; W. Boucher of Rockingham Dist. 23 - To Fish and Game)  
24, K 93
- HB 332-FN, authorizing the establishment of lakes conservation districts. (Wight of Hillsborough Dist. 9; White of Belknap Dist. 1 - To Resources, Recreation and Development)  
25, K 214
- HB 333, making an appropriation to the voc-tech college in Claremont. (LaMott of Grafton Dist. 5 et al - To Public Works)  
New title: making an appropriation to the voc-tech college in Claremont and increasing the funds for repairs to the legislative office building.  
25, am & Approp 169-170, am 301-302, psd 393, S nonconc 865
- HB 334, clarifying a construction authorization bill. (O'Rourke of Hillsborough Dist. 35; LaMott of Grafton Dist. 5 - To Public Works)  
New title: clarifying a construction authorization bill and requesting the cooperation of the City of Manchester to install a barrier around the landfill along Interstate 93.  
25, psd 242, 268, nonconc S am, conf 832, 866, rep adop 903, 904, enr 967 (Chapter 177)

- HB 335, guaranteeing access to information in the integrated financial system to the legislative budget assistant. (LaMott of Grafton Dist. 5; Matson of Cheshire Dist. 7 - To Executive Departments and Administration)  
25, K 145
- HB 336, relative to transfers from the penalty assessment fund. (LaMott of Grafton Dist. 5; Matson of Cheshire Dist. 7 - To Appropriations)  
25, psd 136, 194, nonconc S am, conf 654, 852 (K)
- HB 337-FN, to repeal certain statutes relative to state employees. (LaMott of Grafton Dist. 5 - To Labor, Industrial and Rehabilitative Services)  
New title: repealing certain statutes relative to state employees and relative to certain employees of the department of justice.  
25, am 53, psd 79, conc S am 835, enr 919 (Chapter 135)
- HB 338, relative to frivolous lawsuits. (Fraser of Merrimack Dist. 6; Sen. Freese - To Judiciary)  
New title: penalizing frivolous lawsuits and outlawing punitive damages.  
25, am 626-627, psd 645, S nonconc 865
- HB 339-FN, requiring the state to buy American made products except in certain circumstances. (Matson of Cheshire Dist. 7 - To Executive Departments and Administration)  
25, K 145
- HB 340, relative to highway construction zones. (Bibbo of Merrimack Dist. 3 - To Transportation)  
New title: relative to the highway construction zones, relative to the rulemaking procedures and duties of the commissioner of transportation, and relative to axle weights on the non-interstate and general highway system.  
25, psd 170, 195, conc S am 835, enr am 884, enr 919 (Chapter 136)
- HB 341-FN, abolishing the insanity defense. (Hayes of Merrimack Dist. 15 - To Judiciary)  
25, study 627, 993
- HB 342-FN, eliminating the fuel user's fee exemption for in-state diesel commercial vehicles. (Gordon of Cheshire Dist. 5 - To Transportation)  
25, am 108, psd 134, conc S am 654, enr 728 (Chapter 52)
- HB 343-FN, making a supplemental appropriation to the special railroad fund and making the debt service on railroad improvement bonds a charge against the general fund. (Bowler of Belknap Dist. 2 - To Appropriations)  
First new title: making the debt service on railroad improvement bonds a charge against the general fund and authorizing an appropriation and use of the special railroad fund.  
Second new title: relative to the special railroad fund, making debt service on railroad improvement bonds a charge against the general fund, and relative to distribution of proceeds from rail properties.  
25, rem 136, am 185-186, psd 195, nonconc S am, conf 832, 866, rules suspended, rep adop 942-943, recon rej 945, rep adop S 967, enr 974 (Chapter 217)

- HB 344, establishing state speed limits consistent with the national maximum speed limit. (Bibbo of Merrimack Dist. 3 - To Transportation)  
25, study 638-639, 994
- HB 345, relative to penalty for overweight loads on vehicles. (Bibbo of Merrimack Dist. 3 - To Transportation)  
25, K 151-152
- HB 346-FN, relative to the state aid construction and state aid reconstruction programs. (Bibbo of Merrimack Dist. 3 - To Public Works)  
25, psd 242, 268, S nonconc 828
- HB 347-FN, relative to weight-in-motion highway scales and classifiers and making an appropriation therefor. (Hoar of Rockingham Dist. 6 et al - To Transportation)  
25, K 152
- HB 348, allowing registers of probate to transfer questions of law to the supreme court. (Scamman of Rockingham Dist. 19 - To Judiciary)  
25, K 52
- HB 349, relative to the siting of manufactured housing. (Lussier of Strafford Dist. 8 - To Municipal and County Government)  
25, am 535-536, psd 644, conc S am 750, enr 887 (Chapter 91)
- HB 350, relative to imitation controlled drugs. (Eaton of Cheshire Dist. 4 - To Judiciary)  
25, K 96
- HB 351, relative to wiretapping and eavesdropping. (Eaton of Cheshire Dist. 4 - To Judiciary)  
25, am 149, psd 195, conc S am 654, enr 728 (Chapter 53)
- HB 352, relative to consumer credit transactions. (Quimby of Rockingham Dist. 7 - To Commerce, Small Business and Consumer Affairs)  
New title: relative to consumer credit transactions, second mortgage loans, and regulation of mortgage companies.  
25, am 440-442, psd 508, conc S am 724, enr 887 (Chapter 92)
- HB 353, relative to insurance coverage for home health care. (Copenhaver of Grafton Dist. 12 et al - To Commerce, Small Business and Consumer Affairs)  
25, study 558-559, 994
- HB 354, relative to physical therapy and chiropractic. (Copenhaver of Grafton Dist. 12 - To Health and Human Services)  
26, psd 414, 508, S nonconc 708
- HB 355, relative to notaries public. (King of Grafton Dist. 12 - To Constitutional and Statutory Revision)  
26, K 203
- HB 356, relative to gasoline credit account charges. (Dickinson of Carroll Dist. 2 et al - To Commerce, Small Business and Consumer Affairs)  
26, K 559



- HB 357, restricting boating on Iona Lake in the town of Albany and Middle Pea Porridge Pond in the town of Madison, and Big Pea Porridge Pond in the towns of Madison and Conway. (Holmes of Carroll Dist. 3 - To Resources, Recreation and Development)  
26, am 288-289, psd 393, S conc 708, enr 728 (Chapter 54)
- HB 358, establishing a committee to study services to children and families. (Wallner of Merrimack Dist. 18 et al - To Children, Youth and Elderly Affairs)  
26, am 85-86, psd 133, conc S am 654, enr 728, appointments 994 (Chapter 55)
- HB 359, relative to division level advisory committees. (Dickinson of Carroll Dist. 2 et al - To Executive Departments and Administration)  
26, K 206
- HB 360, relative to credit for reinsurance. (Burns of Coos Dist. 5 - To Commerce, Small Business and Consumer Affairs)  
26, am 87-90, psd 133, S conc 864, enr am 952, enr 971 (Chapter 196)
- HB 361, relative to cancellation of group insurance by the employer because of economic hardship. (Burns of Coos Dist. 5 - To Commerce, Small Business and Consumer Affairs)  
First new title: relative to termination of group insurance benefits.  
Second new title: relative to termination of group insurance benefits and relative to certain insurance terms.  
26, am 279-280, psd 392, conc S am 724, enr 887 (Chapter 93)
- HB 362, relative to health care delivery and financing systems. (Burns of Coos Dist. 5 - To Commerce, Small Business and Consumer Affairs)  
New title: relative to health care delivery and financing systems and leglaizing a union school district meeting.  
26, psd 90, 133, conc S am 653, enr 728 (Chapter 56)
- HB 363, relative to conditional approval of plats and applications by planning boards. (Wallner of Merrimack Dist. 18 et al - To Municipal and County Government)  
26, am 425-426, psd 508, S conc 708, enr 728 (Chapter 57)
- HB 364, providing for alternate members on conservation commissions. (White of Belknap Dist. 1 - To Municipal and County Government)  
New title: relative to recording fees.  
26, am 426, psd 508, S conc 651, enr 709 (Chapter 36)
- HB 365, requiring marinas to have boat sewage pumping facilities, public sanitary facilities and restrictions on boat sinks and showers. (White of Belknap Dist. 1 - To Resources, Recreation and Development)  
New title: to prevent marine pollution by requiring the sealing of all boat plumbing facilities.  
26, am 289-290, psd 393, S nonconc 727
- HB 366, relative to the sale of rail properties in the state. (Hoar of Rockingham Dist. 6 - To Transportation)  
New title: relative to the sale of rail properties in the state and providing an option for municipalities to purchase rights of way.  
26, am 639, psd 645, S nonconc 710
- HB 367-FN, relative to state investments in South Africa and Namibia. (Hollingworth of Rockingham Dist. 17 et al - To Appropriations)  
26, rem 399, am (RC) 500-503, psd 507, S nonconc 828

- HB 368-FN, establishing a data collection and evaluation system to determine the needs of the elderly in New Hampshire and making an appropriation therefor. (Parks of Strafford Dist. 6 et al - To Children, Youth and Elderly Affairs)  
26, K 108-109
- HB 369, relative to use of portable radios, record players, and tape recorders at state beaches and state parks. (Vaughn of Rockingham Dist. 27 - To Resources, Recreation and Development)  
First new title: relative to indemnification from civil suits under RSA 99-D for state park volunteers.  
Second new title: relative to indemnifying state park volunteers from civil suits and authorizing the New Hampshire Outdoor Council to raise funds for certain purposes.  
26, rem 83, am & Approp 131, am 275-276, psd 392, nonconc S am, conf 833, 866, rep adop 882, enr 919 (Chapter 178)
- HB 370-FN, relative to the rate of the tobacco tax. (Chandler of Merrimack Dist. 21 - To Ways and Means)  
26, am 433-434, psd 508, S conc 709, enr 874 (Chapter 75)
- HB 371-FN, relative to mail order address disclosure. (Emanuelson of Rockingham Dist. 20 - To Commerce, Small Business and Consumer Affairs)  
New title: relative to mail order address disclosure and making RSA 361-B subject to the consumer protection act under RSA 358-A  
26, am 525-526, psd 644, conc S am 750, enr am 886, enr 919 (Chapter 137)
- HB 372-FN, exempting transfers of title between certain charitable organizations from the real estate transfer tax. (Hayes of Merrimack Dist. 15 - To Ways and Means)  
26, psd 434, 508, S conc 709, enr 899 (Chapter 124)
- HB 373-FN, providing for a single annual motor vehicle inspection and changing the inspection sticker fee. (Eaton of Cheshire Dist. 4 et al - To Transportation)  
New title: providing for annual inspections for new motor vehicles and semi-annual inspections for other motor vehicles and appropriating funds for new inspection decals.  
26, psd (RC) 639-641, 645, nonconc S am, conf 825, 832, 852, 900, rep adop 906, 907, enr am 948, enr 974 (Chapter 218)
- HB 374-FN, relative to relocation of certain public utility property. (Bibbo of Merrimack Dist. 3 - To Public Works)  
26, study 242, 994
- HB 375-FN, relative to the issuance by municipalities of bonds or notes payable on demand. (Wallner of Merrimack Dist. 18 et al - To Municipal and County Government)  
26-27, study 283-284, 994
- HB 376-FN, relative to municipal development district corporation borrowing. (Wallner of Merrimack Dist. 18 et al - To Municipal and County Government)  
27, study 284, 994
- HB 377-FN, relative to violations of posted weight limitations on bridges. (Hoar of Rockingham Dist. 6 - To Transportation)  
27, K 152
- HB 378-FN, requiring emissions control inspections of motor vehicles. (Greene of Rockingham Dist. 18 - To Transportation)  
27, study 293, 994

- HB 379-FN, rescinding the pay raises for certain commissioners enacted in the 1983 operating budget. (Paradis of Hillsborough Dist. 6 - To Appropriations)  
27, K 136-137
- HB 380-FN, establishing the governor's merit scholarship program. (Sanderson of Rockingham Dist. 25; Taffe of Grafton Dist. 6 - To Education)  
New title: establishing the governor's scholars awards.  
27, am 204, psd 267, nonconc S am 832, recon rej (RC) 983-985, K 989
- HB 381-FN, licensing oil burner technicians. (Pariseau of Hillsborough Dist. 43 - To Executive Departments and Administration)  
27, K 145
- HB 382, establishing a department of natural resources. (Ward of Grafton Dist. 1; Sen. Dupont - To Executive Departments and Administration)  
27, study 529, 994
- HB 383-FN, establishing an Alan B. Shepard park commission. (G. Katsakiores of Rockingham Dist. 7; P. Katsakiores of Rockingham Dist. 7 - To Resources, Recreation and Development)  
27, study 105, 994
- HB 384-FN, relative to oversight of the state policy on energy and development. (Wight of Hillsborough Dist. 9 - To Science and Technology)  
27, rem 44, am 77, psd 80, S nonconc 650
- HB 385-FN, establishing a study committee to develop a water quality and monitoring program. (Jensen of Belknap Dist. 6; Brown of Belknap Dist. 4 - To Resources, Recreation and Development)  
27, K 290
- HB 386-FN, establishing a study committee to evaluate microwave asphalt concrete road repair. (Easton of Grafton Dist. 11 - To Public Works)  
27, psd 170, 195, S nonconc 710
- HB 387-FN, establishing a committee to study the feasibility of a fee at Hampton beach. (Hollingworth of Rockingham Dist. 17 - To Resources, Recreation and Development)  
New title: establishing a committee to study the feasibility of a fee at the state seacoast beaches.  
27, am 290-291, psd 393, S nonconc 727
- HB 388-FN, establishing a committee to study the procurement of computer equipment by the state. (Randall of Belknap Dist. 3 - To Science and Technology)  
New title: relative to a study of the procurement of computer equipment by the state.  
27, rem 83, am 131-132, psd 134, S nonconc 708
- HB 389-FN, committing the state to the Northern New England Low-Level Radioactive Waste Management Compact. (Parr of Rockingham Dist. 17 et al - To State-Federal Relations)  
27, am 494-498, psd 509, S conc 727, enr am 861, enr 888, appointments 1001 (Chapter 118)



- HB 390-FN, to permit designation of enterprise zones by the director of economic development, department of resources and economic development. (Quimby of Rockingham Dist. 7; Hutchings of Grafton Dist. 8 - To Commerce, Small Business and Consumer Affairs)  
27, am 526-529, psd 644, S study 728, 994
- HB 391-FN, relative to excess electric generating capacity. (Chambers of Grafton Dist. 12 et al - To Commerce, Small Business and Consumer Affairs)  
27, K (RC) 563-565
- HB 392-FN, relative to the board of registration in medicine. (McCain of Rockingham Dist. 11 et al - To Executive Departments and Administration)  
New title: relative to the board of registration in medicine and making an appropriation therefor and relative to the board of dental examiners.  
27, am & Approp 155-160, psd 276, 392, nonconc S am, conf 836, 866, rep adop 906-907, enr am 962, enr 974 (Chapter 219)
- HB 393-FN, relative to health insurance benefits for part-time employees. (Arnesen of Grafton Dist. 7; Wallner of Merrimack Dist. 18 - To Commerce, Small Business and Consumer Affairs)  
27, am 152-153, psd 195, conc S am 724, enr 888 (Chapter 114)
- HB 394-FN, relative to the registration of trade names. (Ducharme of Hillsborough Dist. 19 - To Constitutional and Statutory Revision)  
27, K 222
- HB 395-FN, relative to materials salvaged under the authority of the historic preservation office. (Sallada of Hillsborough Dist. 4 - To Resources, Recreation and Development)  
27, am 59-60, psd 80, S conc 727, enr 874 (Chapter 76)
- HB 396-FN, relative to peer review organizations and hospital cost containment. (Crory of Grafton Dist. 12 et al - To Health and Human Services)  
27, study 470, 994
- HB 397-FN, relative to mandatory risk sharing plan surcharges. (Crory of Grafton Dist. 12 - To Commerce, Small Business and Consumer Affairs)  
28, am 408-409, psd 508, S study 728, 994
- HB 398-FN, certifying clinical mental health counselors and providing insurance coverage therefor. (Kinhan of Merrimack Dist. 14 et al - To Executive Departments and Administration)  
28, study 282, 995
- HB 399-FN, relative to group II membership in the New Hampshire retirement system. (R. Campbell of Belknap Dist. 5; Hawkins of Belknap Dist. 5 - To Executive Departments and Administration)  
28, study 50, 995
- HB 400-FN, establishing a revolving fund for distribution and publication costs of state publications. (Zeckhausen of Belknap Dist. 11 - To Executive Departments and Administration)  
New title: requiring licensing boards to provide copies of certain publications to applicants and licensees.  
28, am 238-239, psd 268, conc S am 750, enr 888 (Chapter 94)

- HB 401-FN, relative to extending committal orders for persons committed for criminal insanity from 5 to 10 years. (Shriver of Hillsborough Dist. 11 - To Judiciary)  
First new title: relative to committal orders.  
Second new title: relative to the secure psychiatric unit.  
28, am 627-628, psd 645, nonconc S am, conf 826, 852, rep adop 906, 907, enr am 960, enr 974 (Chapter 220)
- HB 402-FN, relative to state taxation of direct obligations of the United States government. (Kinhan of Merrimack Dist. 14 - To Ways and means)  
28, study 434, 995
- HB 403-FN, relative to the regulation of telecommunications in the state. (Wight of Hillsborough Dist. 9 - To Science and Technology)  
28, study 214, 995
- HB 404-FN, authorizing the issuance of bonds for the city of Berlin to assist the city with its sewage disposal project. (Ottolini of Coos Dist. 8 - To Municipal and County Government)  
28, K 54
- HB 405-FN, establishing a committee to study making school district participation in school administrative units voluntary and removing the authority of the state board of education over school administrative unit superintendents and assistant superintendents. (Keefe of Hillsborough Dist. 31 et al - To Education)  
First new title: to provide for the comprehensive study of the SAU structure within the state of New Hampshire and to hire an independent consultant to report to the house education committee and making an appropriation therefor.  
Second new title: to provide for the comprehensive study of the SAU structure within the state of New Hampshire and declaring a moratorium on changes in the SAU structure.  
28, rem 201, am & Approp 263-264, am 551-552, psd 644, conc S am 826, enr 899, appointments 995(Chapter 125)
- HB 406-FN, relative to overweight trucks. (Hoar of Rockingham Dist. 6 - To Transportation)  
28, K 293
- HB 407-FN, relative to under-registration of gross weight. (Hoar of Rockingham Dist. 6 - To Transportation)  
28, study 388, 995
- HB 408-FN, increasing the travel allowance for members of the general court. (LaMott of Grafton Dist. 5 - To Legislative Administration)  
28, Approp (RC) 167-168, am 403, psd 507, S nonconc 828
- HB 409-FN, enabling the town of Amherst to establish a land bank. (Lown of Hillsborough Dist. 9 - To Municipal and County Government)  
28, study 55, 995
- HB 410-FN, establishing an air toxic control program within the air resources agency. (O'Brien of Strafford Dist. 9; Shriver of Hillsborough Dist. 11 - To Environment and Agriculture)  
28, K 145
- HB 411-FN, relative to emissions from new woodstoves. (Shriver of Hillsborough Dist. 11; O'Brien of Strafford Dist. 9 - To Environment and Agriculture)  
28, K 50

- HB 412-FN, relative to reporting requirements of corporations and limited partnerships. (Pantzer of Merrimack Dist. 11 et al - To Constitutional and Statutory Revision)  
28, com changed 201, am 565, psd 645, conc S am 724, enr 888 (Chapter 115)
- HB 413-FN, relative to purchase of services for state agencies. (Sytek of Rockingham Dist. 20 - To Executive Departments and Administration)  
28, am & Approp 145-146, psd 403, 507, S conc 709, enr 874 (Chapter 77)
- HB 414-FN, providing for the licensing of insurance consultants. (Burns of Coos Dist. 5 - To Executive Departments and Administration)  
28, am 312-315, psd 393, conc S am 655, enr 728 (Chapter 58)
- HB 415-FN, requiring the state board of education to develop family planning programs in junior and senior high schools in the state. (Krasker of Rockingham Dist. 27 et al - To Education)  
28, study 225, 995
- HB 416-FN, relative to a personal care assistance program for the physically handicapped and making an appropriation therefor. (Densmore of Grafton Dist. 3; Chambers of Grafton Dist. 12 - To Education)  
First new title: relative to a workers' personal care assistance program for persons with severe physical disabilities and making an appropriation therefor.  
Second new title: relative to a workers' personal care assistance program for persons with severe physical disabilities.  
28, am & Approp 141-143, am 403-405, psd 507, conc S am 826, enr am 886, enr 920 (Chapter 138)
- HB 417-FN, relative to off highway recreational vehicles and appropriating a portion of agents' penalties to the OHRV bureau. (Conroy of Rockingham Dist. 7 et al - To Fish and Game)  
28-29, am 93-94, psd 133, nonconc S am, conf 827, 852, rep adop 909, enr am 954-955, enr 974, appointments 995(Chapter 221)
- HB 418-FN, increasing registration fees for resident off highway recreational vehicles. (Burdick of Rockingham Dist. 7; Conroy of Rockingham Dist. 7 - To Fish and Game)  
29, study 94-95, 995
- HB 419-FN, relative to heart or lung disease in firefighters. (Gage of Rockingham Dist. 20 - To Labor, Industrial and Rehabilitative Services)  
29, K 54
- HB 420-FN, relative to the manufacture, transportation, and sale of table wines. (Hayes of Merrimack Dist. 15 - To Regulated Revenues)  
29, study 76, 995
- HB 421-FN, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances. (Matson of Cheshire Dist. 7 - To Judiciary)  
29, study 98-99, 996
- HB 422-FN, relative to housing authorities. (Reidy of Hillsborough Dist. 45 - To State Institutions and Housing)  
29, study 214, 996



- HB 423-FN, relative to overtime pay rates. (Newman of Rockingham Dist. 24 - To Labor, Industrial and Rehabilitative Services)  
29, am 283, psd 393, conc S am 654, enr 728 (Chapter 64)
- HB 424-FN, increasing the minimum hourly wage. (Newman of Rockingham Dist. 24 - To Labor, Industrial and Rehabilitative Services)  
29, psd (RC) 126-127, 134, S conc 708, enr 728 (Chapter 63)
- HB 425-FN, authorizing the city of Concord to issue revenue bonds. (Wallner of Merrimack Dist. 18 et al - To Municipal and County Government)  
29, study 101, 996
- HB 426-FN, relative to adopting an optional municipal fiscal year. (Wallner of Merrimack Dist. 18 et al - To Municipal and County Government)  
First new title: relative to the Concord regional solid waste/resource recover cooperative.  
Second new title: relative to the Concord regional solid waste/resource recovery cooperative.  
29, am 536-538, psd 644, S conc 709, enr am 883-884, enr 900 (Chapter 139)
- HB 427-FN, allowing salaries for state liquor store employees to be based upon store profitability and authorizing an employee incentive program. (Connolly of Merrimack Dist. 7 et al - To Ways and Means)  
29, K 434
- HB 428-FN, authorizing cities, towns, and unincorporated places to tax the removal of sand, gravel and loam. (Hyman of Hillsborough Dist. 3 - To Municipal and County Government)  
29, com changed 36, K 50
- HB 429-FN, relative to a 6-year capital improvement plan. (Chambers of Grafton Dist. 12 et al - To Public Works)  
29, study 208, 996
- HB 430-FN, establishing a department of water management and protection. (Woodward of Rockingham Dist. 18 et al - To Executive Departments and Administration)  
New title: establishing a department of environmental services.  
29, am 315-335, psd 393, conc S am 834, enr am 967-971, enr 973, appointments 996 (Chapter 202)
- HB 431-FN, establishing civil assessments for shoplifting infractions. (Sytek of Rockingham Dist. 20 - To Judiciary)  
First new title: relative to the crime of theft.  
Second new title: relative to the crime of theft, limiting the sale of martial arts weapons and establishing civil assessments for shoplifting infractions.  
29, am 240-241, psd 268, nonconc S am, conf 836, 866, 895, rep adop 900, enr am 963-964, enr 974 (Chapter 222)
- HB 432-FN, requiring the diesel fuel tax to be paid at the pump. (Eaton of Cheshire Dist. 4 - To Ways and Means)  
29, K 542-543
- HB 433-FN, relative to engineering services to municipalities in the field of water pollution abatement. (Chardon of Coos Dist. 6; Sen. Wiggins - To Resources, Recreation and Development)

New title: relative to engineering services to municipalities in the field of water pollution abatement and providing for additional staff to implement the provisions of RSA 149-E and making an appropriation therefor.

29, am & Approp 105-106, am 302, psd 393, nonconc S am 845, recon rej (RC) 983-985, K 989

- HB 434-FN, relative to gasoline vapor control systems. (O'Brien of Strafford Dist. 9; Smith of Hillsborough Dist. 21 - To Environment and Agriculture)  
29, K 68
- HB 435-FN, determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an appropriation therefor. (Taffe of Grafton Dist. 6 et al - To Education)  
29, am & Approp 154-155, am 302-303, psd 393, S nonconc 709
- HB 436-FN, relative to the school building aid formula. (Robinson of Hillsborough Dist. 14 et al - To Education)  
29, study 46, 996
- HB 437-FN, repealing the university of New Hampshire fund. (E. Robinson of Hillsborough Dist. 14 et al - To Education)  
New title: relative to the university system of New Hampshire fund.  
29, am 91, psd 133, S conc & enr 650 (Chapter 27)
- HB 438-FN, relative to New Hampshire retirement system benefits. (Ward of Grafton Dist. 1; Sen. White To Executive Departments and Administration)  
30, am & Approp 335-339, am 515-518, psd 644, conc S am 826, enr 888 (Chapter 95)
- HB 439-FN, relative to the division for children and youth services. (E. Wheeler of Hillsborough Dist. 10 - To Children, Youth and Elderly Affairs)  
New title: relative to the division for children and youth services and legally liable school districts.  
30, am 202, psd 267, nonconc S am, conf 826, 852, rep adop 906, 907, enr am 963, enr 973, appointments 996 (Chapter 223)
- HB 440-FN, establishing an office of administration and support and an office of health and human services planning within the department of health and human services. (Ward of Grafton Dist. 1 et al - To Executive Departments and Administration)  
30, am 582-586, psd 645, S study 710, 996
- HB 441-FN, relative to licensing estheticians. (Joslyn of Rockingham Dist. 20 - To Executive Departments and Administration)  
30, K 146
- HB 442-FN, relative to the salary of the assistant to the commissioner of the department of resources and economic development. (Ashnault of Carroll Dist. 2 - To Appropriations)  
New title: authorizing the legislative facilities committee to conduct a study of salaries for unclassified state employees.  
30, am 405-406, psd 508, nonconc S am, conf 834, 866 (K)
- HB 443-FN, relative to workers' compensation lump sum payments and state retirement benefits. (Fraser of Merrimack Dist. 6 - To Executive Departments and Administration)

New title: relative to workers' compensation lump sum payments and state retirement benefits, and judges' retirement benefits.  
30, am & Approp 339-340, rem 399, psd 503, 508, S conc 864, enr 899, veto overridden (RC) 940-942 (vetoed)

- HB 444-FN, relative to court administration. (Sytek of Rockingham Dist. 20 - To Judiciary)  
30, am 532-534, psd 644, nonconc S am, conf 827, 852 (K)
- HB 445-FN, relative to the salary of the executive director of the postsecondary education commission. (Taffe of Grafton Dist. 6 et al - To Education)  
New title: relative to the salary of the executive director of the postsecondary education commission and relative to the out-of-state students incentive committee.  
30, am & Approp 46-47, psd 303, 393, conc S am 825, enr 888 (Chapter 116)
- HB 446-FN, requiring that recordings and transcripts be made of all public legislative hearings. (Burns of Hillsborough Dist. 11 et al - To Legislative Administration)  
30, study 364-365, 996
- HB 447-FN, eliminating the toll booth at the Hampton exit at the intersection of routes 51 and 95. (Scamman of Rockingham Dist. 19 - To Public Works)  
30, K 57
- HB 448-FN, relative to the disposal of state owned real property. (White of Belknap Dist. 1 - To State Institutions and Housing)  
New title: relative to the disposal of state owned real property and the long range capital planning and utilization committee.  
30, am 214-215, psd 267, nonconc S am, conf 750, 852, rep adop 894, 895, enr am 959-960, enr 974, appointments 1001(Chapter 224)
- HB 449-FN, relative to judicial salaries. (Sytek of Rockingham Dist. 20; Fraser of Merrimack Dist. 6 - To Judiciary)  
30, K 68, recon (RC) & rcmt 80-81, am (RC) & Approp 360-363, rem 399, psd (RC) 503-505, 508, conc S am 835, enr 919 (Chapter 179)
- HB 450-FN, permitting municipalities to use generally accepted accounting principles and to have their tax rates established using generally accepted accounting principles. (Hager of Merrimack Dist. 21; Gross of Merrimack Dist. 16 - To Municipal and County Government)  
30, K 208
- HB 451-FN, relative to the delivery of wine purchases by a licensee. (MacDonald of Carroll Dist. 6 - To Regulated Revenues)  
New title: relative to the delivery of wine purchases of a licensee, and price restrictions of wine licenses for restaurants on manufacturers' or wholesalers' premises; and requirements for special agents of the liquor commission.  
30, am 541-542, psd 644, conc S am 825, enr am 887, enr 920 (Chapter 140)
- HB 452-FN, relative to real estate brokers' bond and establishing a real estate recovery fund. (Pappas of Hillsborough Dist. 37 et al - To Commerce, Small Business and Consumer Affairs)  
30, am & Approp 303-304, rem 399, K 505



- HB 453-FN, allocating county nursing home expenses. (Ahrens of Hillsborough Dist. 13; Mason of Hillsborough Dist. 8 - To Municipal and County Government)  
30, K 55
- HB 454-FN, allocating county welfare expenses back to the towns. (Ahrens of Hillsborough Dist. 13 - To Municipal and County Government)  
30, K 55
- HB 455-FN, providing tax incentives for New Hampshire business organizations. (Wight of Hillsborough Dist. 9 - To Ways and Means)  
30, K 434
- HB 456-FN, relative to minimizing and abating health hazards related to asbestos and making an appropriation therefor. (Chardon of Coos Dist. 6 - To Health and Human Services)  
New title: relative to minimizing and abating health hazards related to asbestos.  
30, am & Approp 160-166, am 518-524, psd 644, conc S am 845, enr am 920-923, enr 966 (Chapter 180)
- HB 457-FN, relative to the eradication of milfoil. (Dexter of Belknap Dist. 8 et al - To Resources, Recreation and Development)  
30, am & Approp 291-292, am 406, psd 508, nonconc S am, conf 833, 866, rep adop 888, 889, enr am 920, enr 966 (Chapter 181)
- HB 458-FN, relative to imposing a water use permit fee and amending the federal boat numbering system. (Sloan of Rockingham Dist. 6 et al - To Resources, Recreation and Development)  
New title: relative to imposing a water use permit fee; amending the federal boat numbering system; and making a supplemental appropriation therefor.  
30-31, am & Approp 367-375, rem 510, am 641-642, psd 644, nonconc S am 845, recon rej (RC) 983-985, K 989
- HB 459-FN, relative to rate setting for special education and the division for children and youth services and making an appropriation therefor. (Taffe of Grafton Dist. 6 - To Executive Departments and Administration)  
31, K 239
- HB 460-FN, relative to a forgivable loan program and making an appropriation therefor. (Taffe of Grafton Dist. 6 et al - To Education)  
31, am & Approp 225, psd 437, 508, S nonconc 708
- HB 461-FN, establishing a department of securities. (Pantzer of Merrimack Dist. 11 et al - To Executive Departments and Administration)  
31, study 340, 996
- HB 462-FN, exempting insurers from the premium tax on programs written for certain public employees. (Kinhan of Merrimack Dist. 14 - To Ways and Means)  
31, K 434
- HB 463-FN, relative to quality assurance and cost controls for mental health services and creating a task force to study utilization review. (Kinhan of Merrimack Dist. 14; Sen. Blaisdell - To Commerce, Small Business and Consumer Affairs)  
New title: establishing a task force to study utilization review and other matters relative to mental health services.  
31, am 280-281, psd 392, conc S am 724, enr 888, appointments 996-997 (Chapter 96)

- HB 464-FN, relative to overseas ballots. (Flanagan of Rockingham Dist. 8 - To Constitutional and Statutory Revision)  
New title: relative to overseas voters, armed services voters, general election ballots, and eliminating references to electors on the ballot.  
31, am 411-413, psd 508, S conc 709, enr am 883, enr 899 (Chapter 126)
- HB 465-FN, providing emergency relief for persons exposed to release of hazardous materials. (Popov of Rockingham Dist. 12; Hollingworth of Rockingham Dist. 17 - To Environment and Agriculture)  
31, study 68, 997
- HB 466-FN, relative to underground storage facilities. (Schwartz of Cheshire Dist. 13; Chardon of Coos Dist. 6 - To Resources, Recreation and Development)  
31, am 426-430, psd 508, nonconc S am, conf 833, 866, rep adop 882, enr am 918-919, enr 966, appointments 997 (Chapter 182)
- HB 467-FN, requiring the referral of child abuse cases to the police for criminal investigation. (Ahrens of Hillsborough Dist. 13 - To Children, Youth and Elderly Affairs)  
New title: requiring the referral of child abuse cases to the police for criminal investigation and establishing the right to a speedy trial for certain sexual assault victims.  
31, am 217-218, psd 267, nonconc S am, conf 723, 852, rep adop 900, enr am 962-963, enr 974 (Chapter 225)
- HB 468-FN, providing for computer access to public records and creating a public access review committee. (King of Grafton Dist. 6 et al - To Executive Departments and Administration)  
31, study 340, 997
- HB 469-FN, relative to a motor vehicle assessment to support a bond issue for road construction. (Quimby of Rockingham Dist. 7 - To Public Works)  
31, study 57, 997
- HB 470-FN, relative to welfare. (Copenhaver of Grafton Dist. 12 - To Health and Human Services)  
New title: relative to welfare and continuing a study committee.  
31, am & rcmt 166-167, am 470-471, psd 509, conc S am 847, enr am 917, enr 966, appointments 997(Chapter 183)
- HB 471-FN, relative to interference with burial sites. (Hyman of Hillsborough Dist. 3 - To Judiciary)  
31, study 99, 997
- HB 472-FN, preventing the division of vocational rehabilitation from assuming primary medical costs for transplants and traumatic head injuries. (Boucher of Rockingham Dist. 23 - To Health and Human Services)  
New title: establishing responsibility for medical costs for liver transplants and traumatic head injuries.  
31, am 471-472, psd 509, S nonconc 865
- HB 473-FN, relative to filing returns under the interest and dividends tax. (Schmidtchen of Rockingham Dist. 23 - To Ways and Means)  
31, psd 435, 508, nonconc S am, conf 825, 852, rep adop 900, enr 967 (Chapter 197)

- HB 474-FN, relative to developing a state policy and rules for energy cogeneration. (Wight of Hillsborough Dist. 9 - To Science and Technology)  
31, K 60
- HB 475, establishing a study committee to develop a state policy for information technology. (Wight of Hillsborough Dist. 9 - To Science and Technology)  
31, rem 44, psd 77-78, 80, S nonconc 727
- HB 476-FN, relative to auctioneering. (Shepard of Merrimack Dist. 5 - To Executive Departments and Administration)  
31, study 92, 997
- HB 477-FN, relative to employer contributions and an administrative fee for the department of employment security. (Skinner of Rockingham Dist. 21 - To Labor, Industrial and Rehabilitative Services)  
First new title: relative to a temporary unemployment compensation crises assessment.  
Second new title: relative to a temporary unemployment compensation crisis assessment.  
31, am 534-535, psd 644, S conc 727, enr am 861, enr 888 (Chapter 97)
- HB 478-FN, authorizing the public utilities commission to regulate cable television. (Disnard of Sullivan Dist. 6 et al - To Commerce, Small Business and Consumer Affairs)  
31, study 137-138, 997
- HB 479, requiring notification to consumers of surplus lines insurance coverage. (Burns of Coos Dist. 5 - To Commerce, Small Business and Consumer Affairs)  
31-32, am 90, psd 133, S conc 708, enr 728 (Chapter 59)
- HB 480-FN, eliminating the requirement that the Merrimack district court hold sessions in Bedford. (Stonner of Hillsborough Dist. 11 et al - To Judiciary)  
32, K 99
- HB 481-FN, authorizing the issuance of notes or bonds for the town of Londonderry. (Schmidtchen of Rockingham Dist. 23 - To Municipal and County Government)  
New title: authorizing the issuance of notes or bonds and relative to the collection of taxes for the town of Londonderry.  
32, am 284-285, psd 393, S conc 394, enr 396 (Chapter 6)
- HB 482-FN, creating a department of economic assistance. (Ward of Grafton Dist. 1; Dexter of Belknap Dist. 8 - To Executive Departments and Administration)  
32, study 413, 997
- HB 483-FN, establishing a division of adult and elderly services within the department of health and human services. (Ward of Grafton Dist. 1 et al - To Executive Departments and Administration)  
New title: establishing a division of elderly and adult services within the department of health and human services.  
32, am 340-348, psd 393, S conc 727, enr am 880-881, enr 899 (Chapter 128)
- HB 484-FN, creating an office of federal-state financial information in the office of the governor. (Ward of Grafton Dist. 1 et al - To Executive Departments and Administration)



First new title: creating an office of federal-state financial information in the office of state planning.

Second new title: creating the position of administrator of federal-state financial information in the office of state planning. 32, am 530, psd 644, conc S am 750, enr am 886-887, enr 920 (Chapter 141)

- HB 485-FN, relative to the payment of subsequent tax. (West of Merrimack Dist. 21 - To Municipal and County Government) 32, psd 208, 267, S study 650, 997
- HB 486-FN, repealing the compact agreement with the state of Maine on the Maine-New Hampshire Interstate Bridge Authority. (Chandler of Merrimack Dist. 21 - To Public Works) 32, K 73
- HB 487-FN, establishing a community DWI program, funded through \$50 reinstatement fees to be paid by certain persons who have had their drivers' licenses revoked. (Kelley of Hillsborough Dist. 13; Vaughn of Rockingham Dist. 27 - To Transportation) 32, rem 269, study 391, 998
- HB 488-FN, relative to eligibility for financial assistance from towns. (Joslyn of Rockingham Dist. 20 - To Municipal and County Government)  
New title: relative to eligibility for financial assistance from towns and cities. 32, am 538-539, psd 644, conc S am 750, enr am 887, enr 920 (Chapter 142)
- HB 489-FN, relative to firemen's retirement system members. (Burkush of Hillsborough Dist. 43 - To Executive Departments and Administration) 32, rem 202, SO 267, K 293
- HB 490-FN, repealing the requirement that a person applying for restoration of a revoked driver's license do so as an original applicant. (Lamontagne of Coos Dist. 7; Sen. Boyer - To Transportation) 32, psd 108, 134, conc S am 654, enr 728 (Chapter 60)
- HB 491-FN, relative to receiving the total veterans' exemption upon the sale of residential property. (Lamontagne of Coos Dist. 7 et al - To Municipal and County Government) 32, K 168-169
- HB 492-FN, relative to public law libraries serving superior courts. (Pressly of Hillsborough Dist. 24; Reardon of Hillsborough Dist. 37 - To Judiciary) 32, study 99, 998
- HB 493-FN, relative to the business profits tax and maximum compensation. (Zeckhausen of Belknap Dist. 11 et al - To Ways and Means) 32, rem 399, study 507, 998
- HB 494-FN, relative to the return of state tax revenue to cities and towns for school district aid. (Robinson of Hillsborough Dist. 14 - To Education)  
New title: relative to the return of state tax revenue to cities and towns. 32, am 204-205, psd 267, S study 710, 998

- HB 495, relative to the possession of alcohol and controlled substances on premises leased or rented by minors. (Hollingworth of Rockingham Dist. 17 - To Judiciary)  
32, study 488-489, 998
- HB 496-FN, establishing an office of international trade to promote New Hampshire businesses and products overseas, and making an appropriation therefor. (Hutchings of Grafton Dist. 8; King of Grafton Dist. 6 - To Commerce, Small Business and Consumer Affairs)  
New title: establishing the position of international trade specialist in the division of economic development of the department of resources and economic development.  
32, am 409-410, psd 508, S nonconc 709
- HB 497-FN, relative to retirement benefits for certain legislative and constitutional officers. (Hawkins of Belknap Dist. 5 - To Executive Departments and Administration)  
32, rem 202, SO 267, Approp (RC) 294-295, am 552-553, psd 644, S conc 709, enr 728, appointments 998(Chapter 65)
- HB 498-FN, relative to boat registration fees. (Schofield of Carroll Dist. 4 - To Transportation)  
32, K 152
- HB 499-FN, establishing a STOP-DWI program, funded through \$20 reinstatement fees to be paid by certain persons who have had their drivers' licenses revoked. (Lamontagne of Coos Dist. 7 et al - To Transportation)  
33, rem 269, K 391-392
- HB 500-FN, permitting group II state employee members who reach age 65 to make an election for retirement benefits. (O'Rourke of Hillsborough Dist. 35 et al - To Executive Departments and Administration)  
New title: permitting group II members who reach age 65 to make an election for retirement benefits.  
33, am & Approp 92, psd 276, 392, nonconc S am 845, recon rej (RC) 983-985, K 989
- HB 501, establishing the salaries for the presidents of the technical institute and the 6 technical colleges. (Walker of Rockingham Dist. 17 et al - To Education)  
33, am & Approp 47, psd 437, 508, nonconc S am, conf 834, 866 (K)
- HB 502, imposing a 5 year moratorium on the elimination of automotive service facilities. (Dickinson of Carroll Dist. 2 et al - To Commerce, Small Business and Consumer Affairs)  
First new title: relative to dealing in nonconforming motor vehicles.  
Second new title: relative to dealing in direct import vehicles.  
33, am 565-570, psd 645, conc S am 724, enr 888 (Chapter 117)
- HB 503-FN, relative to child care licensing. (Wallner of Merrimack Dist. 18; E. Wheeler of Hillsborough Dist. 10 - To Health and Human Services)  
33, com changed 35, am 586-589, psd 645, nonconc S am, conf 836, 864, 866, rep adop 898, 899, enr am 947, enr 973 (Chapter 226)
- HB 504-FN, relative to a child abuse and neglect prevention program and making an appropriation therefor. (Pannell of Merrimack Dist. 6 et al - To Children, Youth and Elderly Affairs)  
33, am & Approp 218-221, am 437-438, psd 508, nonconc S am, conf 836, 866, rep adop 882, enr am 917, enr 966, appointments 1002 (Chapter 184)

- HB 505-FN, relative to the prepayment of real estate taxes in the city of Concord. (Wallner of Merrimack Dist. 18 et al - To Municipal and County Government)  
33, K 55
- HB 506-FN, establishing an optional assessment of the residence tax. (Wallner of Merrimack Dist. 18 et al - To Municipal and County Government)  
New title: establishing an optional assessment of the resident tax.  
33, am 128, psd 134, S conc 650, enr am 651, enr 709 (Chapter 40)
- HB 507-FN, relative to the compromise of an action against the state. (Kidder of Merrimack Dist. 2; Sen. White - To Appropriations)  
First new title: relative to the compromise of actions against the state.  
Second new title: relative to the compromise of actions against the state and relative to the appropriation for regional vocational centers.  
33, am 137, psd 195, conc S am 399, enr 648 (Chapter 7)
- HB 508, recodifying the public health statutes. (Carragher of Hillsborough Dist. 22 - To Health and Human Services)  
New title: recodifying the public health statutes and establishing a fee schedule for laboratory services under RSA 131.  
33, am 472-485, psd 509, S conc 864, enr am 958-959, enr 971 (Chapter 198)
- HB 509, establishing an east-west highway from Route I-393 in Concord to the Spaulding Turnpike and making an appropriation therefor. (Bibbo of Merrimack Dist. 3 et al - To Public Works)  
New title: establishing a 10-year state highway construction and reconstruction plan and making an appropriation for certain projects.  
33, am (2RC's) & Approp 242-263, am 553-558, psd 645, nonconc S am, conf 834, 866, rep adop 906, enr am 965, enr 974 (Chapter 203)
- HB 510, providing the legislative budget assistant with access to certain records. (Chandler of Merrimack Dist. 21 - To Legislative Administration)  
33, am 421-422, psd 508, S study 828, 998
- HB 511, prohibiting the governor and council from nominating and appointing members of the house and senate to salaried positions in state government during the term for which they were elected. (Chandler of Merrimack Dist. 21 - To Legislative Administration)  
33, K 535
- HB 512-FN, relative to taxation of meals. (Tamposi of Hillsborough Dist. 27; Sen. Blaisdell - To Ways and Means)  
33, rules suspended & psd (RC) 36-38, S conc 40, enr 42 (Chapter 1)
- HB 513-FN, relative to tort reform and insurance. (Rounds of Grafton Dist. 10 et al)  
rules suspended, intro & psd (RC) 928-937, recon rej 945, psd 946, S conc 967, enr am 973, enr 974, appointments 998 (Chapter 227)
- HB 514-FN, relative to drug forfeiture. (Rounds of Grafton Dist. 10 et al)  
rules suspended 928, psd 937, recon rej 945, psd 946, S conc 967, enr am & enr 975 (Chapter 232)
- HB 515-FN, relative to unemployment compensation. (Nichols of Merrimack Dist. 2)  
rules suspended 928, psd 937-938, recon rej 945, psd 946 (K)



## HOUSE JOINT RESOLUTIONS

- HJR 1-FN, relative to the Statue of Liberty and making an appropriation therefor. (Pappas of Hillsborough Dist. 37 et al - To Appropriations)  
34, am 61, psd 80 (K)
- HJR 2, relative to state tourism policy. (Schwartz of Cheshire Dist. 13 et al - To Resources, Recreation and Development)  
34, psd 106, 133, S conc 651, enr 709 (Chapter 38)
- HJR 3-FN, relative to the selection of guardians ad litem in marital cases. Lown of Hillsborough Dist. 9 et al - To Judiciary)  
34, am 418, psd 508, conc S am 655, enr am 729-730, enr 888 (Chapter 103)
- HJR 4, relative to the town of Madison and the village district of Eidelweiss. (Holmes of Carroll Dist. 3 et al)  
rules suspended, intro & adop 872-873, S conc 904, enr am 952, enr 971 (Chapter 205)

## HOUSE CONCURRENT RESOLUTIONS

- HCR 1, relative to enactment of federal legislation implementing a household hazardous waste coding system. O'Brien of Strafford Dist. 9; Shriver of Hillsborough 11 - To Environment and Agriculture)  
35, rem 44, am 77, adop 79, S conc 645
- HCR 2, relative to federal tax reform. (McCue of Hillsborough Dist. 38 et al - To State-Federal Relations)  
35, am 128-129, adop 134, conc S am 825
- HCR 3, relative to the movie industry. (Emanuelson of Rockingham Dist. 20 et al - To Commerce, Small Business and Consumer Affairs)  
35, adop 281-282, 392, S conc 708
- HCR 4, urging that New Hampshire not be considered as a site for the disposal of radioactive waste. (Dickinson of Carroll Dist. 2)  
rules suspended, intro & LT 39-40, adop 41, S conc 44
- HCR 5, relative to Joint Rules. (Rounds of Grafton Dist. 10; Chambers of Grafton Dist. 12)  
intro & adop 7
- HCR 6, in support of Korean War veterans. (Zis of Hillsborough Dist. 28)  
rules suspended, intro & adop 435-436, 507, S conc 727
- HCR 7, relative to the deadline for bills awaiting an opinion of the justices. (Rounds of Grafton Dist. 10; Chambers of Grafton Dist. 12)  
New title: relative to the dealine for bills awaiting an opinion of the justices and the deadline for providing complete information.  
rules suspended, intro & adop 435, 507, conc S am 655
- HCR 8, commending New Hampshire's special olympians. (Burton of Strafford Dist. 4; Bryant of Strafford Dist. 4)  
rules suspended, intro & adop 711-712, 752 (S adop)
- HCR 9, honoring the Anna Stickney Chapter of the Daughters of the American Revolution. (Dickinson of Carroll Dist. 2 et al)  
rules suspended, intro & adop 830-831, 863, S conc 883

- HCR 10, requesting the attorney general to investigate Maine's income tax scheme for nonresidents. (Laurion of Strafford Dist. 10; Pelley of Strafford Dist. 10)  
rules suspended, intro & adop 830-832, 863, S conc 883
- HCR 11, requiring that certain procedures to be followed relative to certain funds allocated to the state. (LaMott of Grafton Dist. 5)  
rules suspended 928, adop 938, recon rej 945, adop 946 (S K)

## HOUSE BILLS OF INTENT

- HBI 2001, relating to scholarship opportunities for gifted children. (Ingram of Sullivan Dist. 4 - To Education)  
33, K 117
- HBI 2002, relating to the rates of reimbursement for care of dependents of legislators. (Arnesen of Grafton Dist. 7 et al - To Constitutional and Statutory Revision)  
33, K 413
- HBI 2003, relating to liability of liquor servers for alcohol-related auto accidents. (Newman of Rockingham Dist. 24 et al - To Judiciary)  
33, am 283, adop 392, appointments 998
- HBI 2004, relating to an incentive for hazardous pollutant source reductions. (O'Brien of Strafford Dist. 9; Chambers of Grafton Dist. 12 - To Environment and Agriculture)  
34, K 145
- HBI 2005, relating to alternate sentencing of criminals. (Ahrens of Hillsborough Dist. 13 - To Judiciary)  
34, am 206-207, adop 267, appointments 998
- HBI 2006, relating to capital budget planning. (Rounds of Grafton Dist. 10 - To Public Works)  
34, study 208, 998
- HBI 2007, relating to municipal legal liability insurance and liquor legal liability insurance. (Grodin of Cheshire Dist. 6 - To Commerce, Small Business and Consumer Affairs)  
New title: relating to legal liability insurance.  
34, am 138, adop 195, appointments 998
- HBI 2008, relating to providing an incentive for employers to operate day care facilities. (Reardon of Hillsborough Dist. 37 et al - To Labor, Industrial and Rehabilitative Services)  
34, adop 127, 134, appointments 998
- HBI 2009, relating to restructuring and the regulation of the real estate commission. (Eaton of Cheshire Dist. 4 - To Executive Departments and Administration)  
34, K 206

## HOUSE RESOLUTIONS

- HR 1, relative to methods for managing conflicts and political disputes. (Wight of Hillsborough Dist. 9 - To Science and Technology)  
34, adop 60, 80, appointments 998

- HR 2, relative to the implementation of current and developing science and technology in state government. (Wight of Hillsborough Dist. 9 - To Science and Technology)  
34, K 60
- HR 3, demanding an end to the United States' membership in the United Nations and the removal of the buildings and facilities of the United Nations from the United States. (Locke of Belknap Dist. 6 - To Constitutional and Statutory Revision)  
34, K 91
- HR 4, relative to House Rules. (Rounds of Grafton Dist. 10; Chambers of Grafton Dist. 12)  
intro & adop 7-8
- HR 5, ratifying actions of rules committee. (Rounds of Grafton Dist. 10; Chambers of Grafton Dist. 12)  
intro & adop 8
- HR 6, memorializing former Representative Russell G. Claflin of Wolfeboro. (Carroll County Delegation)  
intro & adop 38
- HR 7, memorializing Representative Margaret D. Roberts of Franklin. (Franklin Delegation)  
intro & adop 38-39
- HR 8, memorializing Representative Floyd A. Kohl of Keene. (Keene Delegation)  
intro & adop 39
- HR 9, memorializing Christa McAuliffe of Concord. (Concord Delegation)  
intro & adop 43
- HR 10, memorializing Representative Norman A. Packard of Manchester. (Manchester Delegation)  
intro & adop 78
- HR 11, honoring Winnisquam Regional High School. (Bowler of Belknap Dist. 2; Randall of Belknap Dist. 3)  
intro & adop 78-79
- HR 12, memorializing former State Representative William W. Moore of Seabrook. (Seabrook Delegation)  
intro & adop 132-133
- HR 13, memorializing Representative Warren F. Ames of Kingston. (Palumbo of Rockingham Dist. 10; Welch of Rockingham Dist. 10)  
intro & adop 135-136
- HR 14, honoring State Representative Elizabeth A. Greene of Rye. (House of Representatives)  
intro & adop 194
- HR 15, requesting an opinion of the justices on HB 196.  
rules suspended, intro & adop 241-242, 268, S Ct opin printed 857-858
- HR 16, requesting an opinion of the Justices on HB 148. (Smith of Merrimack Dist. 20)  
rules suspended, intro & adop 297, 393, S Ct opin printed 892-894



- HR 17, memorializing Representative Leander W. Burdick, Jr., of Derry.  
(Derry Delegation)  
intro & adop 201
- HR 18, requesting an opinion of the Justices concerning the  
constitutionality of HB 30. (Harrington of Hillsborough Dist. 7)  
rules suspended, intro & adop 296-297, 393, S Ct opin printed  
837-844
- HR 19, requesting an opinion of the Justices. (HB 236)  
rules suspended, intro & adop 629, 645, S Ct opin printed 848-851
- HR 20, relating to missing Americans in the former Indochina theater of  
War. (Whitcomb of Grafton Dist. 1; Gordon of Merrimack 7)  
rules suspended, intro & adop 435-436, 507
- HR 21, memorializing former State Representative Robert W. Wheeler of  
Goffstown. (Goffstown Delegation)  
intro & adop 642-643
- HR 22, memorializing former State Representative F. Leroy Junkins of  
Exeter. (Blaisdell of Rockingham Dist. 13 et al)  
intro & adop 643
- HR 23, requesting an opinion of the justices on SB 81 as amended in the  
Senate and a proposed committee amendment. (Dickinson of Carroll  
Dist. 2)  
rules suspended, intro & adop 696-697, 704, S Ct response &  
Speaker's reply 871-872
- HR 24, requesting an opinion of the justices concerning the  
constitutionality of SB 53. (Sytek of Rockingham Dist. 20)  
rules suspended, intro & adop 695-696, 704, S Ct response &  
Speaker's reply 871-872
- HR 25, memorializing Representative Marcel J. Martin of Goffstown.  
(Tucker of Sullivan Dist. 9)  
intro & adop 751
- HR 26, memorializing former State Representative Joseph M. Silva.  
(Tucker of Sullivan Dist. 9)  
intro & adop 751-752
- HR 27, memorializing Representative Robert B. Goss of Rye. (Tucker of  
Sullivan Dist. 9)  
intro & adop 752
- HR 28, memorializing Representative Robert H. Day of Londonderry.  
(Tucker of Sullivan Dist. 9)  
intro & adop 889
- HR 29, relative to state support for Alzheimer's disease and related  
disorders. (Chambers of Grafton Dist. 12 et al)  
rules suspended, intro & adop 985, 990
- HR 30, honoring former State Representative John E. Burns of Wilton.  
(Shepard of Merrimack Dist. 5 et al)  
intro & adop 986
- HR 31, honoring Lisbon Regional High School baseball team. (Weymouth  
of Grafton Dist. 2; Densmore of Grafton Dist. 3)  
intro & adop 986

- HR 32, memorializing Representative Lafayette J. Bergeron of Manchester. (Tucker of Sullivan Dist. 9)  
intro & adop 987
- HR 33, memorializing former State Representative J. Thornton Tripp of Rochester. (Rochester Delegation)  
intro & adop 987-988
- HR 34, in appreciation of the House Sergeant-at-Arms office. (Rounds of Grafton Dist. 10; Chambers of Grafton Dist. 12)  
intro & adop 988, 990
- HR 35, in appreciation of the House Clerk's office. (Rounds of Grafton Dist. 10; Chambers of Grafton Dist. 12)  
intro & adop 988, 990

## SENATE BILLS

- SB 1-FN, relative to abandoned property and depositing public moneys in New Hampshire savings banks. (To Commerce, Small Business and Consumer Affairs)  
New title: relative to abandoned property and the treasurer's rulemaking authority.  
395, am 712-714, psd 752, S conc 865, enr am 956-957, enr 971  
(Chapter 204)
- SB 2, relative to driver's license suspensions and revocations and to arrests by law enforcement officers in interstate fresh pursuit. (To Transportation)  
399, am 742-745, psd 753, S conc 865, enr am 953-954, enr 971  
(Chapter 193)
- SB 7, establishing a fire standards and training council within the department of postsecondary vocational-technical education. (To Executive Departments and Administration)  
197, am & Approp 668-669, am 762-772, psd 829, S nonconc 865
- SB 9-FN, abolishing the sunset review process. (To Internal Affairs)  
S study 998
- SB 12-FN, relative to certain withdrawals from the New Hampshire retirement system. (To Executive Departments and Administration)  
395, Approp 657, psd 772, 829, enr 887 (Chapter 104)
- SB 13, relative to the energy conservation in new building construction.  
rules suspended & psd 40, 41, enr 42 (Chapter 3)
- SB 14-FN, establishing a committee to study presumptive sentencing and sentencing of criminals in New Hampshire. (To Judiciary)  
New title: directing the advisory committee on the department of corrections to study the sentencing of criminals in New Hampshire.  
395, am 659, psd 703, S conc 865, enr 919 (Chapter 143)
- SB 15-FN, appropriating funds for the completion of the regional vocational center in Whitefield and for developing plans for other regional facilities and to legalize a Pittsfield town meeting.  
rules suspended & psd 40, 41, enr 42 (Chapter 2)
- SB 17, restricting the size of motors to be used on Iona Lake. (To Resources, Recreation and Development)  
395, rem 712, SO 749, am (RC) 757-761, recon rej 824, psd 829, S nonconc, conf 856, K 989

- SB 18, allowing persons to receive, collect or transmit premiums to or for any insurer through a credit card facility. (To Commerce, Small Business and Consumer Affairs)  
398, am 730, psd 753, S conc 865, enr am 950-951, enr 971 (Chapter 194)
- SB 20, prohibiting the operation of petroleum powered power boats on Spectacle Pond in the towns of Groton and Hebron. (To Public Protection and Veterans Affairs)  
395, am 660, psd 703, S conc 865, enr 919 (Chapter 144)
- SB 21, authorizing safety improvements to Route 4 from Concord to Portsmouth and the construction of a bridge between the towns of Plymouth and Holderness and making an appropriation therefor. (To Public Works)  
647, K 660-661
- SB 22-FN, establishing a committee to evaluate the foundation aid formula. (To Education)  
647, am & Approp 667-668, psd 774-775, 829, S nonconc, conf 855-856, K 989
- SB 23, relative to the taking of certain game birds. (To Fish and Game)  
396, K 657
- SB 24, relative to the vandalism, defacement, or destruction of any part of the "Old Man of the Mountain." (To Resources, Recreation and Development)  
647, psd 664, 703, enr am 729, enr 888 (Chapter 98)
- SB 25-FN, creating the Connecticut River Valley resource authority and making an appropriation therefor and relative to block voting on the fiscal committee. (To Resources, Recreation and Development)  
648, am 664-666, psd 703 (K)
- SB 26, relative to the integrated bar. (To Judiciary)  
395, rem 655, SO 703, K (RC) 747-749
- SB 27, relative to nominations when a candidate does not receive the nomination of his own party in the state primary election. (To Constitutional and Statutory Revision)  
396, psd 655, 703, enr 728 (Chapter 61)
- SB 29, relative to wrongful birth actions. (To Judiciary)  
S study 999
- SB 30, requiring notification of late payments by subcontractors to unions. (To Labor, Industrial and Rehabilitative Services)  
395, K 659-660
- SB 31, relative to notice to prospective purchasers of land in current use. (To Environment and Agriculture)  
647, K 716
- SB 32, relative to motor vehicle inspections. (To Transportation)  
394, K 745
- SB 33, directing the department of revenue administration to study the problem of requiring business organizations to include on their business profits tax returns the municipality in which they are located. (To Ways and Means)  
395, K 666



- SB 34-FN, authorizing a study for a spur road between the city of Somersworth and the Spaulding turnpike. (To Public Works)  
New title: authorizing a study for a spur road between the city of Somersworth or the city of Rochester and the Spaulding turnpike.  
647, am & Approp 661, psd 772, 829, S nonconc, conf 855, rep adop 905, enr 966 (Chapter 185)
- SB 35, relative to the good samaritan statute. (To Judiciary)  
647, am 731-735, psd 753, S nonconc 860
- SB 36, establishing a division of personnel. (To Executive Departments and Administration)  
197, am 559-562, psd 563, S conc 645, enr 648, appointments 999 (Chapter 12)
- SB 37, relative to contributions by national political committees. (To Executive Departments)  
S study 999
- SB 39, relative to the human rights commission. (To Judiciary)  
394, psd 659, 703, enr am 729, enr 888 (Chapter 99)
- SB 40, relative to the investments of nonprofit health service corporations. (To Insurance)  
S study 999
- SB 41, increasing the appropriation for the construction of regional vocational education centers. (To Public Works)  
647, am & Approp 661, rem 762, am 804-806, psd 829, S nonconc, conf 856, rep adop 903, enr 966 (Chapter 186)
- SB 43, relative to a systematic review of health coverage proposals. (To Commerce, Small Business and Consumer Affairs)  
398, am 714-715, psd 752, S nonconc, conf 835-836, K 989
- SB 44-FN, increasing rates for shared homes and certain residents of community living homes and making an appropriation therefor. (To Health and Human Services)  
398, am & Approp 669, psd 775, 829, S nonconc, conf 856, rep adop 895-896, enr 919 (Chapter 187)
- SB 45, requiring all banking institutions doing business in the state to cash checks issued by the state. (To Banks)  
S study 999
- SB 46-FN, establishing a printed materials revolving fund at the department of education. (To Education)  
398, am & Approp 668, psd 772, 829, S conc 865, enr 919 (Chapter 145)
- SB 47, prohibiting the sale of products containing human collagen. (To Health and Human Services)  
395, K 698
- SB 49, appropriating and granting bonding authority for funds to construct a superior courthouse to serve Hillsborough county. (To Public Works)  
395, K 661
- SB 50, permitting public television and public radio, as part of their fund raising programs, to auction wine and liquor donated for that purpose, relative to liquor licenses, and relative to social clubs within national guard armories. (To Regulated Revenues)

First new title: relative to public television and public radio fund raising auctions of wine and liquor, to liquor licenses, and to social clubs within national guard armories.

Second new title: relative to public television and public radio fund raising auctions of wine and liquor, to liquor licenses, to social clubs within national guard armories and to a study committee on wine price restrictions.

395, am & Approp 688-690, am 772-773, psd 829, S nonconc, conf 856, rep adop 896-897, enr am 972, enr 974, appointments 999 (Chapter 228)

- SB 51-FN, establishing a board of acupuncture. (To Executive Departments)  
S study 999
  
- SB 52, prohibiting operators of motor vehicles from cutting across private or public land at intersections to avoid traffic signals or signs and amending the penalties for overtaking and passing a school bus. (To Transportation)  
New title: prohibiting operators of motor vehicles from cutting across private or public land at traffic control signals or signs to avoid traffic signals or signs and amending the penalties for overtaking and passing a school bus.  
398, am 746, psd 753, S conc 865, enr 899 (Chapter 127)
  
- SB 53, relative to valid marriages. (To Judiciary)  
395, S Ct opin req & LT 695-696, am 845-847, psd 863, S Ct response & Speaker's reply 871-872, S nonconc 879
  
- SB 54, relative to posting land in current use. (To Development, Recreation and Environment)  
S study 999
  
- SB 56, relative to the current use advisory board. (To Environment and Agriculture)  
396, psd 697, 704, enr 728 (Chapter 62)
  
- SB 58, providing a supplemental appropriation for safety services in the department of safety. (To Public Works)  
395, am & Approp 669-670, K 773
  
- SB 59, relative to the consumer advocate and an assistant consumer advocate. (To Commerce, Small Business and Consumer Affairs)  
647, am 715-716, psd 752, S conc 866, enr 919 (Chapter 146)
  
- SB 60-FN, appropriating funds for inspection of apiaries and prevention of honeybee swarm contamination. (To Environment and Agriculture)  
398, Approp 657, K 773
  
- SB 61, establishing a 10-year construction and reconstruction program for the New Hampshire turnpike system and making an appropriation for certain projects. (To Public Works)  
647, am & Approp 670-688, am 775-793, psd 829, S nonconc, conf 856, K 989
  
- SB 62, requiring the city of Berlin to hold a referendum relative to consolidating their water and sewer departments. (To Municipal and County Government)  
New title: authorizing the city of Berlin to establish a charter commission to consider consolidating the water and sewer departments.  
647, rem 712, SO 749, am (RC) 755-757, psd 829, S conc 865, enr 919 (Chapter 148)

- SB 63, relative to embalmers and funeral directors. (To Executive Departments and Administration)  
647, am 731, psd 753, recon & am 824-825, psd 829, S nonconc 860
- SB 64-FN, relative to marriage. (To Judiciary)  
395, am 735-736, psd 753, S nonconc, conf 855, K 989
- SB 65, relative to the eviction of tenants in certain rental property. (To Judiciary)  
394, am 746-747, psd 753, S conc 865, enr 919 (Chapter 188)
- SB 66, relative to annulments of arrest records. (To Judiciary)  
New title: relative to annulments of criminal records.  
395, am 716-718, psd 753, S conc 865, enr 966 (Chapter 189)
- SB 70, establishing a committee to study critical lakes and river protection. (To Resources, Recreation and Development)  
New title: relative to lakes and rivers deserving protection.  
396, am 720-722, psd 753, S nonconc, conf 856, rep adop 880, 890, enr 966, appointments 1000 (Chapter 190)
- SB 72, granting degree granting authority to the Thomas More Foundation. (To Education)  
S study 1000
- SB 73, relative to uninsured motorist property damage insurance. (To Commerce, Small Business and Consumer Affairs)  
395, K 730
- SB 75, requiring reciprocity before nonresidents may train dogs in this state. (To Fish and Game)  
396, psd 716, 753, enr 887 (Chapter 100)
- SB 78, relative to comprehensive tort reform. (To Judiciary)  
398, am (RC) 798-804, psd 829, S nonconc, conf 880, 895, K 989
- SB 79, relative to third party payments for certain licensed psychologists. (To Commerce, Small Business and Consumer Affairs)  
398, psd 731, 753, enr 887 (Chapter 105)
- SB 80, relative to an administrative fine for prohibited liquor sales. (To Regulated Revenues)  
New title: relative to the definition of alcoholic beverages.  
395, am 662, psd 703, S conc 865, enr 899 (Chapter 101)
- SB 81-FN, relative to mooring on certain great ponds in New Hampshire and making an appropriation therefor. (To Resources, Recreation and Development)  
647, S Ct opin req & LT 696-697, S Ct response & Speaker's reply 871-872, K 989
- SB 85-FN, relative to septic inspections on lakefront properties. (To Development, Recreation and Environment)  
S study 1000
- SB 92-FN, relative to the tobacco tax. (To Ways and Means)  
399, Approp 666, K 773
- SB 99-FN, relative to disposal of human body parts. (To Health and Human Services)  
395, K 698



- SB 100, authorizing the director of the division of parks and recreation to make certain emergency expenditures. (To Appropriations)  
395, rem 762, am 806-824, psd 829, S nonconc 860
- SB 101-FN, relative to whole person disability in workers' compensation. (To Insurance)  
S study 1000
- SB 103, relative to utility exemptions from zoning ordinances. (To Commerce, Small Business and Consumer Affairs)  
647, rem 712, SO 749, am 754-755, psd 829, S conc 865, enr 919  
(Chapter 147)
- SB 105-FN, relative to telephone and telegraph company taxes. (To Ways and Means)  
S study 1000
- SB 106, allowing students in an approved high school vocational electrical program to perform electrical installations in residential buildings. (To Education)  
New title: allowing students in approved high school vocational electrical and plumbing programs to perform electrical and plumbing installations in residential buildings.  
396, am & Approp 656-657, am 773-774, psd 829, S conc 865, enr am 953, enr 971 (Chapter 199)
- SB 107-FN, requiring local approval for Sunday greyhound racing. (To Regulated Revenues)  
New title: requiring local approval for Sunday greyhound racing, relative to powers and rulemaking of the sweepstakes commission, and changing the time for racing payments.  
398, am 662-664, psd 703, S conc 865, enr 919 (Chapter 164)
- SB 108-FN, relative to establishing a veterans' cemetery in the state. (To Public Protection and Veterans Affairs)  
395, K 660
- SB 109, providing for notice of local land use board hearings to be given to condominium unit owners' associations. (To Municipal and County Government)  
647, K 718
- SB 111-FN, establishing an advisory committee on state economic development and local population growth. (To Resources, Recreation and Development)  
647, am 722-723, psd 753, S conc 865, enr 919, appointments 1000  
(Chapter 149)
- SB 112-FN, relative to public assistance. (To Public Institutions, Health and Welfare)  
S study 1000
- SB 113-FN, relative to the creation of distinctive registration plates for businesses which do not engage in the retail sale of motor vehicles to the public. (To Transportation)  
394, psd 666, 704, enr 728 (Chapter 66)
- SB 114-FN, regulating docks, slips, and piers on public waters. (To Development, Recreation, and Environment)  
S study 1000

- SB 115, increasing DWI penalties. (To Judiciary)  
395, study 659, 1000
- HB 119, relative to building permits. (To Municipal and County Government)  
398, am 718, psd 753, S conc 865, enr 919 (Chapter 150)
- SB 120, relative to the issuance of a building permit. (To Municipal and County Government)  
647, am 718-719, psd 753, S conc 865, enr am 951, enr 971 (Chapter 200)
- SB 121, relative to planning board procedures on plats. (To Municipal and County Government)  
398, am 719-720, psd 753, S nonconc, conf 856, rep adop 897-898, enr am 957-958, enr 974 (Chapter 229)
- SB 123, conforming local growth limitations to not less than the local growth percentage. (To Municipal and County Government)  
398, study 720, 1001
- SB 124-FN, relative to railroad improvements. (To Appropriations)  
647, am (RC) 793-797, psd 829, S nonconc, conf 856-857, K 989
- SB 125, prohibiting abortions in the second and third trimester of pregnancy. (To Health and Human Services)  
395, K (2 RC's) 698-701
- SB 126-FN, relative to reporting of certain income received by elected officials. (To Legislative Administration)  
647, am 736-741, psd 753, S nonconc 860
- SB 128-FN, relative to the salary and terms of office of the state treasurer and secretary of state and relative to health screening for members of the general court. (To Appropriations)  
647, K 774
- SB 130-FN, relative to state guarantees for municipal pollution control projects, state aid for the town of Newport pollution abatement program, and amending RSA 149 to conform to the federal water pollution control act. (To Resources, Recreation and Development)  
New title: relative to state aid for the town of Newport pollution abatement program and amending RSA 149 to conform to the federal water pollution control act.  
647, rem 655, am & Approp 692, rem 762, LT 824, psd 904-905, S conc 908, enr am 951, enr 972 (Chapter 192)
- SB 131-FN, relative to the higher education building corporation. (To Public Works)  
395, am 662, psd 703, S conc 865, enr 919 (Chapter 151)
- SB 132-FN, relative to nursing assistant programs and making an appropriation therefor. (To Health and Human Services)  
New title: relative to assistants to nurses.  
647, am 658, psd 703, S conc 865, enr am 951-952, enr 974 (Chapter 230)
- SB 134-FN, relative to radon emissions in New Hampshire. (To Public Institutions/Health and Welfare)  
S study 1001

- SB 135-FN, abolishing the insanity defense and providing for a verdict of guilty but mentally ill. (To Judiciary)  
647, study 659, 1001
- SB 136-FN, establishing a special environmental court within the Manchester district court. (To Judiciary)  
S study 1001
- SB 137-FN, creating a committee to evaluate the certificate of need process and providing for the termination of the certificate of need process if the general county fails to act by June 30, 1987. (To Health and Human Services)  
647, K 658
- SB 139-FN, relative to special education for children 18 years of age and older. (To Education)  
398, K 657
- SB 140-FN, providing for annual inspections for new motor vehicles and semi-annual inspections for other motor vehicles and appropriating funds for new inspection decals. (To Transportation)  
647, am & Approp 690-692, K 774
- SB 141-FN, relative to off highway recreational vehicles and appropriating a portion of agents' penalties to the OHRV registration office. (To Fish and Game)  
394, Approp 657, K 774

SENATE CONCURRENT RESOLUTIONS

- SCR 1, authorizing the formation of a committee to study the establishment of an office of state auditor. (To Executive Departments and Administration)  
395, adop 657, 703, appointments 1001
- SCR 2, relative to the disposal of high-level radioactive waste in New Hampshire. (To State Federal Relations)  
395, am 701-703, adop 704, S conc 879

CONCURRENT RESOLUTIONS PROPOSING CONSTITUTIONAL AMENDMENTS

- CACR 1, relating to the number of senators and representatives. Providing that there shall be 48 senators and no more than 200 representatives. (Pannell of Merrimack Dist. 6 - To Constitutional and Statutory Revision)  
34, K 109
- CACR 2, relating to size of the senate. Providing that the senate shall consist of 48 members. (Riley of Cheshire Dist. 5; Sen. Charbonneau - To Constitutional and Statutory Revision)  
34, am (RC) 109-111, adop 134, nonconc S am 724, K 989
- CACR 3, relating to jury trials. Providing that a 12-person jury is required in capital cases and when imprisonment may be more than one year, but that other juries shall consist of 6 persons. (Murphy of Hillsborough Dist. 40 et al - To Constitutional and Statutory Revision)  
34, K (RC) 111-113



- CACR 4, relating to compensation of the legislature. Providing that constitutional amendments affecting legislative compensation may be proposed only by a constitutional convention. (Ames of Rockingham Dist. 10; Welch of Rockingham Dist. 10 - To Constitutional and Statutory Revision)  
34, K 67
- CACR 5, relating to dependents of legislators. Providing that legislators shall be reimbursed for the costs of dependent care. (Arnesen of Grafton Dist. 7 et al - To Constitutional and Statutory Revision)  
34, K 113
- CACR 6, relating to senators and representatives. Providing that no senator or representative shall be appointed to any civil office created or for which the compensation has been increased during his term. (Warburton of Rockingham Dist. 6 - To Constitutional and Statutory Revision)  
34-35, K 113
- CACR 7, relating to enactments of the general court. Providing that no enactment shall embrace more than one subject. (Pannell of Merrimack Dist. 6 - To Constitutional and Statutory Revision)  
35, K 113-114
- CACR 8, relating to meetings of the general court. Providing that the general court shall meet biennially and receive mileage for not more than 90 legislative days during the session, but not after the first day of July following the biennial assembly of the legislature. (Warburton of Rockingham Dist. 6 - To Constitutional and Statutory Revision)  
35, K 67
- CACR 9, relating to the term of the governor. Providing that the term shall be 4 years. (Densmore of Grafton Dist. 3; Hawkins of Belknap Dist. 5 - To Constitutional and Statutory Revision)  
35, adop (RC) 114-115, 134 (IP S)
- CACR 10, relating to compensation of the legislature. Providing that each member of the legislature shall be paid \$30 per each legislative day actually attended up to a maximum payment of \$1,350 for each annual session. (Newman of Rockingham Dist. 24 - To Constitutional and Statutory Revision)  
35, K (RC) 115-117
- CACR 11, relating to meetings of the General Court. Providing that the General Court shall meet biennially and receive mileage for not more than 90 legislative days during the session, but not after the first day of July following the biennial assembly of the Legislature.  
395, K (RC) 693-694
- CACR 12, relating to rulemaking authority of the supreme court. Providing that supreme court rules are effective only when not inconsistent with statute. (To Constitutional and Statutory Revision)  
395, K 694
- CACR 14, relating to debt collection by state agencies. Providing that state agencies may contract with private collection agencies to collect debts owed the state on a contingency basis.  
S study 998

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