



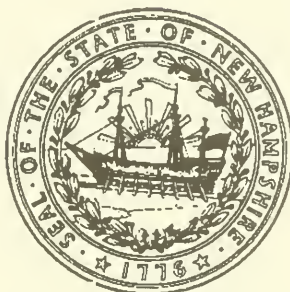








# NEW HAMPSHIRE GENERAL COURT



## JOURNAL of the HOUSE OF REPRESENTATIVES

containing the  
1998 Session  
January 7, 1998  
through  
September 24, 1998

DONNA P. SYTEK  
SPEAKER

ROBERT A. JOHNSON II  
SERGEANT-AT-ARMS

KAREN O. WADSWORTH  
CLERK

LEO J. CALLAHAN  
ASSISTANT CLERK





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# HOUSE JOURNAL No. 1

Wednesday, January 7, 1998

This day, January 7, 1998, the first Wednesday following the first Tuesday in January being the day designated by the Constitution (Art. 3<sup>rd</sup>, Part 2<sup>nd</sup>) for assembling of the second-year session of the 155<sup>th</sup> General Court of the State of New Hampshire, at the Capitol in the city of Concord, the Speaker convened the 1998 House of Representatives and called the session to order at 10:00 a.m.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

As we gather together in the freshness of a New Year, grant unto us, O God, a sense of the questions You are asking, the needs You are perceiving, and the hopes You are planting. Enable these representatives and those who support them to work with energy and imagination for Your coming justice so that our common life may be inspired by their vision and nourished by their labors. Amen.

Reps. Knowles and Norelli led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. George Brown, Jane Clemons, Earle Chandler, David Cote, Patricia Cote, Ferguson, Robert Foster, Healy, Claudette Jean, Spear, Paul Taylor, Donald Welch and Wright, the day, illness.

Reps. Adams, Briefs, Flint, Hart and Langley, the day, important business.

Rep. MacAuslan, the day, death in the family.

## INTRODUCTION OF GUESTS

Eric Lofton, Jesi Novick, Prachayan Sangcaanan, Francisco Dabus and Mamadou Alpha Thiam, guests of Rep. Owen. Coralie Hansen and Gail Johnson, guests of Rep. Hansen. John J. Cooney, Jr., nephew of Rep. Cooney. Nashua Mayor Donald Davidson, guest of the Nashua Delegation. Patti and Olivia Bowser, guests of Rep. French. Kathie Corbett, guest of Rep. Searles. Sharon Guaraldi and Dean Ogleby, wife and guest of Rep. Guaraldi. David C. Dalrymple and David M. Dalrymple, husband and son of Rep. Dalrymple. Mary Lou Nowe and Steve Emmanuil, wife and guest of Rep. Nowe. Eleanor Lyons and Dorothy Sundgren, guests of Rep. Hoadley. Former NH Rep. Richard Ahern, guest of the Public Works and Highways Committee. Ann Whaling, guest of Rep. Avery. Neil Rabideau and Nancy D'Addario, husband and grandmother of Rep. Rabideau. D.J. Withee, guest of Rep. Flora. Mary and Dick Barnes, guests of Rep. Alger.

## SPECIAL GUESTS

The Raymond High School Boys' Varsity Soccer Team, 1997 Class "M" champions, guests of the House.

## PRESENTATION AND REMARKS

On behalf of the House of Representatives, the Speaker presented Donn Tibbetts, State House Bureau Chief for the Manchester Union Leader with a Declaration on the occasion of his retirement.

Rep. Simmons moved that the remarks of Mr. Tibbetts be printed in the Journal.

Hearing no objection, the Speaker so ordered.

Mr. Tibbetts addressed the House.

Madam Speaker, the honorable Majority Leader, the honorable Democratic Leader and the Libertarians if they are here, too. I just want to thank you very much and to publicly applaud not only those of you that are here today, but your predecessors who over the years have answered some of the tough questions that we posed on behalf of the public; also to commend you and your predecessors for the public service that you truly perform in this state. When you get \$100 per year for what you do, for the sacrifices that you have to make in order to serve, the State of New Hampshire should be very grateful to each and every one of you. You have a tough session ahead. I guess it was a good time for me to decide to step down. I wish you luck. I'm confident that you will come up with a solution to the problem as has been the case in years gone by. Fight the good fight, but please be kind to each other. God bless you. Thank you very much.

## COMMUNICATIONS

September 1, 1997

Hon. Donna Sytek, Speaker of the House

It is with much regret that I offer my resignation as State Representative.

Since I have accepted employment as a consultant with a lobbying firm, naturally part of my responsibilities will involve lobbying.

Because I wish to avoid a conflict, or even the appearance of a conflict, I believe my resignation to be the most prudent course of action.

Cynthia A. McGovern, Rock. 35

The Speaker accepted the resignation with regret.

September 12, 1997

Hon. Donna Sytek, Speaker of the House

It is with deep regrets that I inform you of my resignation from the New Hampshire House of Representatives effective today at 12:00 noon. My recent appointment with the New Hampshire Liquor Commission and my future educational goals no longer afford me the much needed time to effectively manage and represent my district.

The Legislature and all the wonderful friends I have made while serving the General Court will truly be missed and will always be in my memories.

Dana S. Hilliard, Straf. 14

The Speaker accepted the resignation with regret.

October 7, 1997

Hon. Donna Sytek, Speaker of the House

Due to personal reasons and employment constraints, I regret to inform you that I must submit my resignation from the New Hampshire Legislature. This will be effective immediately.

Whereas I no longer reside in District 12, I have removed the plates from my car and have attended no committee or subcommittee meetings in recent weeks. I will notify the Town of Pembroke of my decision.

I wish to thank you for your assistance during this past session. My one year in the Legislature has truly been a marvelous education and a worthwhile experience. Thank you and best of luck for the next session.

Kathleen A. Colburn, Merr. 12

The Speaker accepted the resignation with regret.

November 13, 1997

Hon. Donna Sytek, Speaker of the House

It is with mixed emotions that I write to inform you of our most recent purchase. Susan and I have recently purchased a new home. Although we love our new home, sadly, we will no longer reside in my district. This is the same district, neighborhood, and home I've lived in all my life.

I began my service in the New Hampshire House in 1991 in a special election as a result of a vacancy due to a move out of the district. How ironic it is now that I must resign for the same reason.

I want to express to you, and to all members of this House, my sincere thanks for your many acts of kindness and mutual respect. To the members of the Democratic Party, I thank them for their support and confidence in my abilities. To the members of the Executive Departments and Administration Committee, whom I will especially miss, I thank you for your friendships and your abilities to disagree without being disagreeable, your ability to compromise and common sense. Finally, Madam Speaker, I want to publicly thank my constituents for their confidence in me and allowing me to be their voice in the General Court. I will always cherish the many fond memories of this honorable institution and all those who serve the fine citizens of this great state.

My resignation will be effective today, November 13, 1997.

I will keep you all in my prayers and wish you well.

Robert Paul Asselin, Hills. 47

The Speaker accepted the resignation with regret.



October 8, 1997

Karen Wadsworth, Clerk of the House

Please be advised that the following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Rockingham 13, Frank Sapareto, r, Derry (14 Oxbow Lane) 03038

Rockingham 26, Janeen Dalrymple, r, Salem (82 Lake St.) 03079

Sullivan 9, Amy Robb-Theroux, d, Claremont (68 Ridge Ave.) 03743

William M. Gardner, Secretary of State

November 6, 1997

Karen Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Rockingham 16, Marie N. Rabideau, r, Plaistow (54 Forrest St.) 03865

William M. Gardner, Secretary of State

November 19, 1997

Karen Wadsworth, Clerk of the House

Please be advised that the following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Rockingham 35, Jacqueline Pitts, d, Portsmouth (110 Ledgewood Dr.) 03801

Hillsborough 33, Chris Konys, d, Nashua (10 Decatur Dr.) 03062

Hillsborough 14 Robert H. Rowe, r, Amherst (Box 1117) 03031

William M. Gardner, Secretary of State

December 17, 1997

Karen Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Strafford 14, Richard F. Heon, d, Somersworth (PO Box 269) 03878

William M. Gardner, Secretary of State

The House of Representatives offered the following:

**HOUSE RESOLUTION NO. 50**

memorializing State Representative LeRoy S. Dube of Plaistow

WHEREAS, it is with great sadness we have learned of the death of our esteemed colleague, LeRoy S. Dube, who was in the midst of his fifth consecutive term as an honorable and dedicated member of the House of Representatives, and

WHEREAS, during his distinguished nine-year legislative tenure, which began in January of 1989, LeRoy S. Dube, with competence and great energy, did serve as a member of the Standing Committees on Constitutional & Statutory Revision, and Election Law, and also did serve as a member of the Rockingham County Delegation Executive Committee, and

WHEREAS, having been born in Haverhill, Massachusetts, LeRoy S. Dube, fifty years ago, did choose to settle and make his home in the Town of Plaistow, where over that time he faithfully did serve the citizenry in a myriad of ways, including as Chairman of the Board of Selectman, as a member of the Town Budget Committee and as Town Auditor, as well as energetically having led the way to computerize the Town's tax-billing process, and

WHEREAS, having been an amicable man blessed with an abundance of energy and the credentials of leadership, LeRoy S. Dube did establish, in 1974, the New Hampshire Housing Finance Commission, and did sit as a diligent member of the Site Committee for the Plaistow District Courthouse, and

WHEREAS, LeRoy S. Dube never abandoned or forgot the city of his birth, having served with the United Fund of Greater Haverhill and as a Director of the Rotary Club of Haverhill, having recorded forty years of perfect attendance, and

WHEREAS, LeRoy S. Dube was an active and devoted supporter of the Boy Scouts of America, and a faithful communicant and leader at Holy Angels Parish in Plaistow, and was the recipient of numerous awards and honors from the Town Fathers and from many organizations, now therefore be it

RESOLVED, by the House of Representatives, in regular session convened, that LeRoy S. Dube be granted highest praise and recognition for his dedicated and exemplary legislative service, and for his like service to the Community, and that he be acknowledged for his gentlemanliness and integrity, 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.

### HOUSE RESOLUTION NO. 51

memorializing State Representative David S. Feng of Hudson

WHEREAS, it is with profound sadness and deep regret that word has come to us of the death of our esteemed legislative colleague, David S. Feng, who was in the midst of his second term as an honorable and diligent member of the House of Representatives, and

WHEREAS, David S. Feng easily did earn the esteem of his fellow Representatives while sitting on the Standing Committees on Finance and Science & Technology, faithfully serving with great enthusiasm and devotion, his constituency of District 23 of Hillsborough County, and

WHEREAS, having been blessed with a great sense of community spirit fueled by high energy, David S. Feng did serve the people of Hudson as chairman of the School Board, as a member of the Budget Committee and as a member of the State Board of Education, and

WHEREAS, David S. Feng was an erudite man who did place a high value on education and who did matriculate and earn degrees at Tamkang College in Taipei, Taiwan, Rutgers University and Boston University, and did study at Massachusetts Institute of Technology, and,

WHEREAS, David S. Feng was a well respected member of the engineering community and was an active member of the American Society of Engineering Education and the Institute of Electrical and Electronic Engineers, and

WHEREAS, David S. Feng was born in Shanghai, China, and was widely known as an amicable family man, devoted to his wife, Helen and their three children, now therefore be it

RESOLVED, by the House of Representatives, in regular session convened, that David S. Feng be granted highest praise and recognition for his dedicated and exemplary legislative service, and for his major service to the Town of Hudson, 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.

### CALL OF THE ROLL

With 309 members having answered the call of the roll, a quorum was declared present.

### REMARKS

Rep. Lozeau moved that the remarks made by Speaker Sytek be printed in the Journal. Hearing no objection, the Speaker so ordered.

I want to welcome you all back. It is kind of like the first day of school. Everybody is in their fancy duds and bright shiny faces and ready to work. I told you last year that you were serving in an historic session. I didn't know quite how historic it was going to be. Given the additionally complex issues that were added to our agenda, I think it falls under the heading of "no good deed goes unpunished." We are here to earn our \$100 this year. But you need to think about a few things. This isn't the first time we've had to grapple with complex issues. We've done it before and we've done it successfully. We can do it again. I also want to remind us all that we shouldn't be so consumed with one or two issues that we forget the other 800 or so other bills that have been introduced. There are committees that have a lot of work to do that are equally important. We don't know which of the bills we pass this year will have the long-term impact. Only hindsight will be able to determine that. We need to concentrate our efforts on all the bills that are before us. To echo a little bit of what Donn Tibbetts said, I think that we need to be guided at all times by a sense of civility and propriety. The more contentious the issue is the more vital it is that we not let our emotions overcome our good sense. We are elected to govern, not to grandstand. And lastly, on a little personal note, I want to address one theme that has emerged over the past few weeks. That theme is bi-partisanship. The pundits are asking me on the Claremont decision: "Well, what is it going to be, Madam Speaker? Is it going to

be politics or is it going to be bi-partisanship?" The answer to this is right before you today. Look around. We are Republicans; we are Democrats. We are, in effect, a 400-member blue-ribbon committee to solve the problems that the Supreme Court has laid at our doorstep. We've done this before. We have the expertise in our standing committees. We have the history of 400 member's life experience. We have the expertise of the people who have been working with these policies for years. We have the infusion of new ideas in the part of our new members. We have the stuff to get the job done and we will do it in a bi-partisan way as we always have in this House. Each of us has opinions on the pivotal issues of the day, myself included. And from time-to-time I'll be speaking out in favor of or opposed to something. I think that is nothing more than the prerogative that each one of us has and I encourage you to exercise it. But, I want to ensure that our process of deliberating is at all times open and fair. That is my responsibility as your presiding officer. It is a responsibility I am privileged to have and enjoy doing. It is going to be a challenging year. We can get the job done and we can do it in a manner that makes the public proud for having elected us to serve them at this important time. Thank you.

## RESOLUTION

Rep. Wheeler offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1011, 1040 and 1100 through 1657, House Concurrent Resolutions numbered 20 through 25, House Joint Resolutions numbered 20 through 24, House Resolutions numbered 52 thorough 54, and Constitutional Amendment Concurrent Resolutions numbered 30 through 43, 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, HCRs, HJR, HRs and CACRs

### First, second reading and referral

**HB 1011-FN**, prohibiting possession of gambling machines unless specifically authorized under state law. (Henderson, Rock 20; C. Brown, Graf 14: Criminal Justice and Public Safety)

**HB 1040-FN-A**, decreasing the rate of the communications services tax. (Kurk, Hills 5; Vaughn, Rock 35; Hess, Merr 11: Finance)

**HB 1100-FN**, relative to the design and construction of a new medium security prison in Berlin and removing the population cap and closing date for the lakes region department of corrections facility. (David Welch, Rock 18; G. Chandler, Carr 1; Knowles, Straf 11; Hansen, Hills 2; K. Rogers, Merr 22: Public Works and Highways)

**HB 1101**, requiring juvenile case and court records to be unsealed in certain cases. (Arnold, Hills 20: Criminal Justice and Public Safety)

**HB 1102**, barring perpetrators of crimes from recovering civil damages for injuries sustained during criminal conduct. (Arnold, Hills 20; Boyce, Belk 5; L. Jean, Hills 17; M. Brown, Merr 10: Judiciary and Family Law)

**HB 1103-L**, relative to the state representative districts of towns. (Arnold, Hills 20: Election Law)

**HB 1104**, relative to building a certain dam in Windham. (Arndt, Rock 27; Morris, Rock 27; Griffin, Rock 27: Resources, Recreation and Development)

**HB 1105**, providing a cause of action for agricultural disparagement. (Melcher, Hills 11; Trelfa, Graf 2; Musler, Straf 6; Alger, Graf 9; Heath, Rock 20: Judiciary and Family Law)

**HB 1106-FN**, relative to special deer permits. (Rollo, Straf 10; Nowe, Rock 3: Wildlife and Marine Resources)

**HB 1107-L**, relative to the rate setting duties of the department of revenue administration. (Dodge, Rock 4; M. Brown, Merr 10; Whipple, Dist 8: Local and Regulated Revenues)

**HB 1108**, relative to authority of the state fire marshal to adopt rules concerning permissible fireworks. (Hunter, Hills 7: Criminal Justice and Public Safety)

**HB 1109**, allowing prepayment of property taxes before April 1. (McKinney, Rock 29: Local and Regulated Revenues)

**HB 1110**, prohibiting telemarketers from blocking their telephone numbers. (Clegg, Hills 23; Francoeur, Dist 14: Commerce)

**HB 1111**, relative to the types of investments allowable by local treasurers. (Packard, Rock 29; McKinney, Rock 29: Municipal and County Government)



- HB 1112**, relative to the placement of articles on the official ballot. (Wheeler, Hills 7: Municipal and County Government)
- HB 1113**, relative to reports of town and school district meetings to be certified to the department of revenue administration. (Wheeler, Hills 7: Municipal and County Government)
- HB 1114**, relative to registration procedures for the use of antique plates. (Mirski, Graf 12; L. Foster, Hills 10; Rubens, Dist 5: Transportation)
- HB 1115-L**, relative to boundary markers. (Flanagan, Rock 14: Election Law)
- HB 1116**, relative to division of property in no-fault divorces. (Luebker, Hills 42: Judiciary and Family Law)
- HB 1117-L**, repealing the needle exchange program. (F. Riley, Hills 44; David Welch, Rock 18; Letourneau, Rock 13; Boyce, Belk 5; Varrell, Rock 9; Podles, Dist 16; Rubens, Dist 5; D. Wheeler, Dist 11: Health, Human Services and Elderly Affairs)
- HB 1118**, relative to the expiration of contact lens prescriptions. (Dawe, Hills 33; McRae, Hills 7: Health, Human Services and Elderly Affairs)
- HB 1119**, relative to the town line between the towns of Groton and Plymouth, New Hampshire. (MacNeil, Graf 7; Alger, Graf 9; Gordon, Dist 2: Municipal and County Government)
- HB 1120**, establishing a commission to study the effects of and jurisdiction over alternative agricultural products. (Mock, Carr 3; Patenaude, Dist 7: Wildlife and Marine Resources)
- HB 1121**, making technical corrections to the election laws. (Flanagan, Rock 14; Krueger, Merr 7; Horton, Coos 3; Stritch, Rock 5: Election Law)
- HB 1122**, relative to the definition of charitable organization for the purposes of conducting bingo games. (Boyce, Belk 5: Local and Regulated Revenues)
- HB 1123**, relative to the importation of wolf hybrids. (McGuirk, Ches 1; Wright, Hills 22: Wildlife and Marine Resources)
- HB 1124**, relative to disposal of septage or sludge. (Owen, Merr 6: Environment and Agriculture)
- HB 1125**, repealing laws relative to trading stamp companies and solar equipment warranties. (Hunt, Ches 10: Commerce)
- HB 1126-L**, relative to municipal debt limits. (Anderson, Merr 7; F. King, Dist 1: Municipal and County Government)
- HB 1127**, requiring lending institutions to allow consumers to choose their own attorneys in connection with real estate financing loans. (Vachon, Straf 4; Bickford, Straf 1: Commerce)
- HB 1128-FN**, relative to space heaters. (Hunter, Hills 7: Criminal Justice and Public Safety)
- HB 1129**, relative to the penalty and substance abuse treatment for multiple DWI offenders who have previously successfully completed a multiple DWI offender intervention detention center program. (Christie, Rock 22: Criminal Justice and Public Safety)
- HB 1130-FN**, relative to the distribution of beverages. (R. Kelley, Hills 18: Local and Regulated Revenues)
- HB 1131**, relative to the sale of liquor and beverages and relative to enforcement of the liquor laws. (R. Kelley, Hills 18: Local and Regulated Revenues)
- HB 1132-L**, relative to the sale of fireworks. (Pfaff, Merr 11: Criminal Justice and Public Safety)
- HB 1133-L**, enabling the town of New Boston to rebuild or replace a dam on the Piscataquog River. (Clay, Hills 4; Roberge, Dist 9: Resources, Recreation and Development)
- HB 1134**, relative to the voting hours for the town of Sugar Hill. (W. Williams, Graf 3; F. King, Dist 1: Election Law)
- HB 1135**, relative to the use of watercraft and boats on Ledge Pond in the town of Sunapee. (Leone, Sull 2; Schotanus, Sull 3; Wiggins, Sull 4; Flint, Sull 4; Whipple, Dist 8: Transportation)
- HB 1136**, changing the appointing authority for board of tax and land appeals members from the supreme court to the governor and council. (Leishman, Hills 13; Musler, Straf 6: Local and Regulated Revenues)
- HB 1137**, establishing a study committee on controlling the spread of graffiti. (Belvin, Hills 14: Public Works and Highways)
- HB 1138-FN-L**, relative to New Hampshire route 111. (Raynowska, Rock 26; Noyes, Rock 26; Stickney, Rock 26; Weyler, Rock 18; J. Flanders, Rock 18: Public Works and Highways)
- HB 1139-FN**, relative to group II retirement system eligibility for law enforcement training specialists and assistant directors employed by the police standards and training council. (J. Flanders, Rock 18: Executive Departments and Administration)

- HB 1140-FN**, relative to special motor vehicle plates for district court judges. (Fields, Hills 18: Transportation)
- HB 1141-FN-A**, relative to a design study for conversion of the Walker building on the New Hampshire hospital grounds and making an appropriation therefor. (Calawa, Hills 17; Whittemore, Merr 13; Daigle, Hills 28; O'Rourke, Hills 39: Public Works and Highways)
- HB 1142**, making technical corrections on behalf of the department of revenue administration. (Weyler, Rock 18: Executive Departments and Administration)
- HB 1143-FN**, reclassifying Ayers Road in Northfield and Canterbury as a class III recreational road. (St. Cyr, Merr 8; Lockwood, Merr 9: Public Works and Highways)
- HB 1144**, relative to protecting personal privacy. (Sabella, Rock 13: Judiciary and Family Law)
- HB 1145**, relative to the definition of "livestock." (Marshall, Merr 4: Environment and Agriculture)
- HB 1146**, relative to the use of capital reserve funds for multiple payments of lease/purchase agreements. (Packard, Rock 29: Municipal and County Government)
- HB 1147**, relative to corporate filings with the secretary of state. (Flanagan, Rock 14: Commerce)
- HB 1148**, relative to review of eligibility for a workers' compensation award where compensation was by lump sum agreement. (Daniels, Hills 13: Labor, Industrial and Rehabilitative Services)
- HB 1149**, relative to the power to detain an accused person without a warrant for breach of conditions of release on bail. (Christie, Rock 22: Criminal Justice and Public Safety)
- HB 1150**, establishing a committee to study the authority, functions, duties, and responsibilities of the bureau of emergency medical services. (Emerton, Hills 7: Health, Human Services and Elderly Affairs)
- HB 1151-FN**, relative to the testing of certain domestic animals. (Marshall, Merr 4: Environment and Agriculture)
- HB 1152**, permitting municipalities to further restrict watercraft on great ponds wholly within the municipality. (Steere, Ches 11; Dodge, Rock 4; Robertson, Ches 18: Transportation)
- HB 1153**, establishing a committee to study uninsured and underinsured persons who have diabetes. (Copenhaver, Graf 10; Amidon, Hills 9; Schotanus, Sull 3; McCarley, Dist 6: Commerce)
- HB 1154**, establishing a committee to study the issue of updating New Hampshire laws related to fences. (Marshall, Merr 4: Municipal and County Government)
- HB 1155**, relative to wastewater in low flow areas. (Royce, Ches 9; Musler, Straf 6; Trelfa, Graf 2; Merritt, Straf 8; Russman, Dist 19: Resources, Recreation and Development)
- HB 1156-FN-L**, relative to primary elections and absentee ballots. (Flanagan, Rock 14; Krueger, Merr 7; Horton, Coos 3; Stritch, Rock 5: Election Law)
- HB 1157**, relative to the layout of highways. (G. Chandler, Carr 1; Schotanus, Sull 3; P. LaMott, Graf 5; W. McCarty, Hills 38; K. Rogers, Merr 22: Public Works and Highways)
- HB 1158**, changing the process for designating a part-time district court justice a full-time district court justice. (Wall, Straf 9; Keans, Straf 16; Gordon, Dist 2; Pignatelli, Dist 13: Judiciary and Family Law)
- HB 1159**, establishing a committee to study strategies for increasing parental involvement in public education. (Estabrook, Straf 8; Yeaton, Merr 10; Dearborn, Rock 23; Weber, Graf 11: Education)
- HB 1160**, relative to the definitions of the terms "farm," "agriculture," and "farming." (Marshall, Merr 4; Melcher, Hills 11; Davis, Coos 1: Environment and Agriculture)
- HB 1161-FN**, requiring the state to rebuild and maintain the dam controlling Baxter Lake in the towns of Farmington and Rochester, New Hampshire. (Spear, Straf 5; Keans, Straf 16; Sullivan, Straf 3; J. Brown, Straf 17; Dunlap, Straf 18; McCarley, Dist 6: Resources, Recreation and Development)
- HB 1162**, relative to permit applications before the hazardous waste facility siting board. (Trelfa, Graf 2; Musler, Straf 6: Environment and Agriculture)
- HB 1163**, establishing a house study committee on methods used to compute tax rates related to funding for education and property tax assessments. (Cobbin, Graf 11; M. Brown, Merr 10; Boyce, Belk 5; Alger, Graf 9; Weber, Graf 11: Local and Regulated Revenues)
- HB 1164**, relative to requests for changes in superior court justices assigned to trials. (Cobbin, Graf 11; Hemon, Straf 11; Colburn, Merr 12: Judiciary and Family Law)
- HB 1165**, relative to the incorporation, management, branching and merger of banks. (Herman, Hills 13: Commerce)
- HB 1166**, relative to the oversight committee on health and human services. (Haettenschwiller, Hills 29: Health, Human Services and Elderly Affairs)
- HB 1167-L**, relative to a reapproval process for community mental health programs and area agencies. (Haettenschwiller, Hills 29: Health, Human Services and Elderly Affairs)

- HB 1168-L**, relative to municipal economic development and revitalization districts. (Dyer, Hills 8; Peterson, Hills 8: Municipal and County Government)
- HB 1169-L**, clarifying the authority of the ballot law commission relative to the examination of programs used to count votes. (Arndt, Rock 27: Election Law)
- HB 1170-FN**, allowing municipalities to designate areas and conditions for the placement of political advertising and relative to the removal of improperly placed political advertising. (Langley, Rock 24; Teschner, Graf 5; J. Clemons, Hills 31: Election Law)
- HB 1171**, to establish a committee to investigate the discrepancy in air fares between flights from Logan International Airport and Manchester Airport. (Rosen, Belk 7; Milligan, Hills 18: Transportation)
- HB 1172-L**, relative to the number of members on a municipal budget committee. (Cooney, Rock 26; Major, Rock 16: Municipal and County Government)
- HB 1173**, limiting the liability of the state and its employees for personal injuries and civil damages resulting from fire standards and training instruction and programs. (Hunter, Hills 7: Judiciary and Family Law)
- HB 1174**, establishing a committee to study the state substance abuse treatment delivery system. (O'Keefe, Rock 21; Donovan, Sull 11; Case, Rock 2; Amidon, Hills 9; Hollingworth, Dist 23; K. Wheeler, Dist 21: Health, Human Services and Elderly Affairs)
- HB 1175-L**, relative to authorizing the state board of education to adopt rules on teacher education programs, teacher certification fees, and recertification standards. (Yeaton, Merr 10; Emerton, Hills 7; F. King, Dist 1: Education)
- HB 1176**, prohibiting charges for the use of electronic customer service terminals. (A. Pelletier, Straf 12; Snyder, Straf 14; Richardson, Ches 12: Commerce)
- HB 1177-FN**, relative to increasing the minimum amount of a state capital improvement project requiring competitive bidding. (K. Rogers, Merr 22; Leber, Merr 1; G. Merrill, Coos 1; Whittemore, Merr 13; Calawa, Hills 17: Public Works and Highways)
- HB 1178**, relative to automobile leasing. (Christiansen, Hills 23; Clegg, Hills 23: Commerce)
- HB 1179**, limiting fees charged by financial institutions for use of electronic customer service terminals. (Fraser, Merr 21; Cushing, Rock 22; Hoadley, Merr 24; L. Foster, Hills 10; Hunter, Hills 7: Commerce)
- HB 1180**, relative to the composition of the legislative ethics committee. (McCann, Straf 11; Cobbin, Graf 11: Legislative Administration)
- HB 1181**, relative to the waiting period for workers' compensation benefits for undisputed claims. (Clegg, Hills 23; Lessard, Hills 23: Labor, Industrial and Rehabilitative Services)
- HB 1182**, establishing an oversight committee to review the allocation of funds dispersed for the developmental disabilities waitlist. (Burnham, Ches 8; Manning, Ches 9; P. Dowling, Rock 13; Ferguson, Hills 13; C. Moore, Merr 19; K. Wheeler, Dist 21; Blaisdell, Dist 10: Health, Human Services and Elderly Affairs)
- HB 1183**, relative to use of force to prevent an unlawful taking of property. (McCann, Straf 11; Hemon, Straf 11; Cobbin, Graf 11: Criminal Justice and Public Safety)
- HB 1184-FN**, expanding the victims eligible for compensation from the victims' assistance fund and changing the allocation of criminal penalty assessments. (McCann, Straf 11: Criminal Justice and Public Safety)
- HB 1185**, creating a committee to study the feasibility of establishing an audit division within the department of justice to audit and review state contracts. (Donald Welch, Hills 48: Executive Departments and Administration)
- HB 1186**, requiring all-night convenience stores to have 2 attendants on duty during night hours. (Whittemore, Merr 13: Commerce)
- HB 1187**, relative to breakwater permitting. (M. Whalley, Merr 5; Royce, Ches 9; E. Smith, Ches 6; Mercer, Hills 27; Dickinson, Carr 2; F. King, Dist 1; Patenaude, Dist 7: Resources, Recreation and Development)
- HB 1188**, requiring a 24-hour rest for beer at the warehouse after delivery to the wholesale distributor by the brewer or manufacturer. (Wallin, Merr 15; J. Clemons, Hills 31; St. Hilaire, Coos 7: Local and Regulated Revenues)
- HB 1189-FN**, increasing the limits of direct off-premises sales from breweries and brew pubs. (Avery, Ches 8; Wallin, Merr 15; St. Hilaire, Coos 7; J. Clemons, Hills 31; P. Katsakiores, Rock 13; Cohen, Dist 24: Local and Regulated Revenues)



**HB 1190**, encouraging alternative dispute resolution as an alternative to litigation in domestic relations cases. (Ham, Graf 4: Judiciary and Family Law)

**HB 1191**, relative to limiting the liability of governmental units under certain circumstances. (Snyder, Straf 14; McCarley, Dist 6: Judiciary and Family Law)

**HB 1192**, permitting the city of Concord to combine the positions of tax collector and treasurer. (Fraser, Merr 21; Hoadley, Merr 24; Lockwood, Merr 9; Dunn, Merr 24: Municipal and County Government)

**HB 1193-FN**, relative to installing vending machines at welcome and tourist information centers on state highways. (Vaillancourt, Hills 44; G. Chandler, Carr 1; W. McCarty, Hills 38; D'Allesandro, Hills 46; Cloutier, Sull 8: Public Works and Highways)

**HB 1194**, prohibiting a minor child from being forced to have visitation with an incarcerated parent. (Cushing, Rock 22; Spear, Straf 5; Pignatelli, Dist 13: Judiciary and Family Law)

**HB 1195**, allowing non-public school students access to the New Hampshire education improvement and assessment program at no cost to the state or local school district. (Root, Graf 8; D. White, Hills 25; Boyce, Belk 5; Alger, Graf 9; Rubens, Dist 5: Education)

**HB 1196**, prohibiting the sale and use of lead fishing sinkers except to persons with commercial salt water fishing licenses. (J. Bradley, Carr 8; MacNeil, Graf 7; R. Rogers, Straf 15; Patten, Carr 9; Johnson, Dist 3; Russman, Dist 19; Cohen, Dist 24; K. Wheeler, Dist 21; McCarley, Dist 6: Wildlife and Marine Resources)

**HB 1197-FN**, expanding the crime of felonious use of firearms to include felonious use of any deadly weapon and relative to the minimum mandatory and maximum sentences of imprisonment for felonies involving deadly weapons. (Boyce, Belk 5; Howard, Carr 10; Colburn, Merr 12; Varrell, Rock 9: Criminal Justice and Public Safety)

**HB 1198**, relative to the registration of vehicles owned by trusts. (Letourneau, Rock 13; Packard, Rock 29: Transportation)

**HB 1199**, requiring that applicants for a concealed weapons license complete a gun safety course. (McCann, Straf 11: Criminal Justice and Public Safety)

**HB 1200-FN**, prohibiting the manufacture, possession, or transfer of large capacity ammunition magazines. (McCann, Straf 11: Criminal Justice and Public Safety)

**HB 1201-FN**, relative to the use of motor vehicle repair plates. (Packard, Rock 29; Letourneau, Rock 13: Transportation)

**HB 1202**, establishing a study committee on probate court administration and procedures. (Gibbons, Rock 13: Judiciary and Family Law)

**HB 1203**, establishing a committee to study methods of increasing the funding for the insurance fraud investigation unit. (Donald Welch, Hills 48: Commerce)

**HB 1204**, relative to political party expenditures. (Almy, Graf 14: Election Law)

**HB 1205-FN**, making technical corrections to the securities laws. (Flanagan, Rock 14: Commerce)

**HB 1206**, affirming that it is the legislature's intent that new court facility construction costs reflect the needs and usage of the judiciary. (Rosen, Belk 7; M. Brown, Merr 10: Public Works and Highways)

**HB 1207-L**, relative to the disqualification of election officials. (J. Foster, Hills 33: Election Law)

**HB 1208**, authorizing the housing finance authority to sell or transfer certain land. (Calawa, Hills 17: Public Works and Highways)

**HB 1209**, revising the interagency agreement for special education. (O'Hearn, Hills 26: Education)

**HB 1210-FN**, relative to the licensing rate for beverage manufacturers. (Avery, Ches 8; Wallin, Merr 15; St. Hilaire, Coos 7; J. Clemons, Hills 31; P. Katsakiores, Rock 13; Cohen, Dist 24: Local and Regulated Revenues)

**HB 1211-FN-A**, appropriating startup funds for Governors state park in Laconia. (Rosen, Belk 7; Laflam, Belk 2: Public Works and Highways)

**HB 1212**, prohibiting the use of credit reports to deny property or casualty insurance. (McGough, Hills 18; Fuller Clark, Rock 36; Lindblade, Sull 7; Gordon, Dist 2: Commerce)

**HB 1213-L**, relative to the authority of a town to name a trustee to expend funds for certain purposes. (Klemm, Rock 28: Municipal and County Government)

**HB 1214-FN**, encouraging employers to provide health insurance for their employees by providing a "New Hampshire Way" designation. (Allen, Hills 1: Commerce)

**HB 1215**, establishing a committee to study the shortage of qualified and certified personnel in the delivery of services related to special education. (O'Hearn, Hills 26; Hill, Graf 1; Estabrook, Straf 8; Snyder, Straf 14; Dearborn, Rock 23: Education)

- HB 1216-FN**, relative to motorcycle registration for drivers and riders who wear approved helmets. (Boyce, Belk 5: Transportation)
- HB 1217**, relative to balancing the operating budget. (Klemm, Rock 28; Leber, Merr 1; M. Brown, Merr 10; Kurk, Hills 5; F. Torr, Straf 12: Finance)
- HB 1218**, requiring the secretary of state to print a question to the voters relative to the public financing of political campaigns on the 1998 general election ballot. (J. Foster, Hills 33; Hollingworth, Dist 23; Rubens, Dist 5: Election Law)
- HB 1219-FN**, relative to the provision of free potable water at outdoor public events. (Below, Graf 13; I. Pratt, Ches 5; Pilliod, Belk 3; Nordgren, Graf 10; Haettenschwiller, Hills 29: Health, Human Services and Elderly Affairs)
- HB 1220**, establishing a committee to study prevention of youth drug abuse. (McGough, Hills 18; Belvin, Hills 14; Dearborn, Rock 23; Flora, Hills 15; Batula, Hills 18; Roberge, Dist 9: Education)
- HB 1221-L**, relative to the acceptance of personal property donated to towns or village districts. (Klemm, Rock 28: Municipal and County Government)
- HB 1222**, increasing the membership of the Christa McAuliffe planetarium commission. (Fuller Clark, Rock 36; Malcolm, Rock 22; Blaisdell, Dist 10; Johnson, Dist 3; Squires, Dist 12: Executive Departments and Administration)
- HB 1223-FN**, repealing the alternative fuel motor vehicle law. (MacGillivray, Hills 21; J. Bradley, Carr 8; Below, Graf 13: Science, Technology and Energy)
- HB 1224**, relative to the regulation of biosolids. (Musler, Straf 6; Babson, Carr 5; Melcher, Hills 11; Leishman, Hills 13; L. Pratt, Coos 4: Environment and Agriculture)
- HB 1225**, restricting the land application of solid wastes within certain distances of natural, rural, and community rivers. (Musler, Straf 6; Melcher, Hills 11; Trelfa, Graf 2; Davis, Coos 1; Messier, Hills 46: Environment and Agriculture)
- HB 1226-FN**, creating the educational credential of master teacher. (Estabrook, Straf 8; Yeaton, Merr 10; Dearborn, Rock 23; Hill, Graf 1; Gordon, Dist 2: Education)
- HB 1227-FN**, authorizing extended terms of imprisonment for persons who assault emergency medical personnel and fire services personnel. (McGough, Hills 18; Pfaff, Merr 11: Criminal Justice and Public Safety)
- HB 1228**, relative to notice required upon an agency's receipt of federal funds. (D. White, Hills 25; Boyce, Belk 5: Finance)
- HB 1229**, exempting biological control agents from registration requirements for pesticides. (McRae, Hills 7; Owen, Merr 6; Heath, Rock 20; Melcher, Hills 11; L. Pratt, Coos 4: Environment and Agriculture)
- HB 1230-FN-L**, establishing a teacher improvement and evaluation program. (Yeaton, Merr 10; Durham, Hills 22; Estabrook, Straf 8; Dearborn, Rock 23: Education)
- HB 1231**, relative to greywater recycling. (Owen, Merr 6: Resources, Recreation and Development)
- HB 1232-FN**, establishing a procedure for the proposal of special license plates which designate the proceeds for use by a state agency. (Packard, Rock 29: Transportation)
- HB 1233**, relative to administrative attachment of regulatory boards and commissions. (Steere, Ches 11; Emerton, Hills 7; Langer, Merr 11; Robertson, Ches 18: Executive Departments and Administration)
- HB 1234-FN**, establishing an office of volunteerism. (Peterson, Hills 8; Emerton, Hills 7; M. Fuller Clark, Rock 36; Lovett, Graf 6; Barnes, Dist 17; Blaisdell, Dist 10; Roberge, Dist 9; Whipple, Dist 8: Executive Departments and Administration)
- HB 1235-FN**, relative to the small business innovation research program. (Akins, Graf 14; Kaen, Straf 7: Commerce)
- HB 1236-L**, relative to limitations on the amendment of warrant articles in official ballot voting. (Patten, Carr 9; Dokmo, Hills 14; Metzger, Ches 13; Turner, Belk, 7; Daniels, Hills 13; Johnson, Dist 3; Whipple, Dist 8: Municipal and County Government)
- HB 1237**, relative to "salvage" motor vehicles. (Langley, Rock 24; W. McCarthy, Hills 41: Commerce)
- HB 1238**, establishing a committee to study ways to manage land use and to preserve and protect the state's farmland, rural character, and environmental quality. (Richardson, Ches 12; Metzger, Ches 13; Woods, Rock 25; Cohen, Dist 24; Russman, Dist 19: Environment and Agriculture)
- HB 1239-L**, allowing school districts and village districts to independently adopt the provisions of the municipal budget law concerning establishment of a budget committee. (Daniels, Hills 13; M. Brown, Merr 10: Municipal and County Government)

**HB 1240-FN**, establishing wetlands permits for slips-only marinas. (Avery, Ches 8: Resources, Recreation and Development)

**HB 1241-FN-A**, repealing the temporary increase of the communications services tax and increasing the tobacco tax. (C. Brown, Graf 14; Lynde, Hills 24; Holt, Hills 35: Finance)

**HB 1242-FN**, prohibiting discounts and rebates of any wagers at racetracks. (Lovett, Graf 6: Local and Regulated Revenues)

**HB 1243-FN-A**, relative to the regulation of pesticides and establishing a pesticide cleanup account in the hazardous waste fund. (Melcher, Hills 11; Alger, Graf 9; Trelfa, Graf 2; F. King, Dist 1: Environment and Agriculture)

**HB 1244-FN**, relative to collusive bidding at auctions. (Beaulieu, Rock 10; Dodge, Rock 4; Langer, Merr 11: Executive Departments and Administration)

**HB 1245**, relative to the management of New Hampshire retirement system funds by the board of trustees. (Dyer, Hills 8; J. King, Dist 18: Executive Departments and Administration)

**HB 1246**, relative to enforcement of oil spillage laws. (Alger, Graf 9: Resources, Recreation and Development)

**HB 1247**, establishing a study committee relative to access to public school facilities by home school students. (Clay, Hills 4; Colburn, Merr 12; Rubens, Dist 5; Podles, Dist 16: Education)

**HB 1248-FN**, establishing the crime of assault against a sports official. (Mercer, Hills 27; J. Bradley, Carr 8; Blaisdell, Dist 10: Criminal Justice and Public Safety)

**HB 1249**, requiring budget line item appropriations for individual and departmental dues to national and regional organizations paid from state resources. (Root, Graf 8; Burke, Hills 15; D. White, Hills 25; Alger, Graf 9; Christiansen, Hills 23; D. Wheeler, Dist 11: Finance)

**HB 1250-FN-L**, providing that beginning with the tax year 2002, the education portion of a property taxpayer's tax bill shall not exceed 50 percent of the total tax due and establishing a committee to recommend legislation necessary to implement this act. (Robertson, Ches 18; Steere, Ches 11: Municipal and County Government)

**HB 1251**, concerning the recovery of costs and expenses to a defendant agricultural operation in a nuisance suit. (Melcher, Hills 11; Trelfa, Graf 2; McRae, Hills 7; Marshall, Merr 4; Musler, Straf 6: Judiciary and Family Law)

**HB 1252**, relative to the right to farm. (McRae, Hills 7; Musler, Straf 6; Heath, Rock 20; Babson, Carr 5; Melcher, Hills 11: Municipal and County Government)

**HB 1253-L**, relative to disposal of state property which is no longer in use for state purposes. (M. Brown, Merr 10; Leber, Merr 1; Noyes, Rock 26; Boyce, Belk 5; T. Colburn, Merr 12: Public Works and Highways)

**HB 1254-FN-L**, relative to the taxation of land held for water supply purposes. (Melcher, Hills 11; Davis, Coos 1; Trelfa, Graf 2; Heath, Rock 20; Philbrick, Carr 4; Whipple, Dist 8: Municipal and County Government)

**HB 1255-FN-A**, increasing the fee for a resident trapping license and continually appropriating the increased revenue for the purpose of wildlife rehabilitation. (Vaillancourt, Hills 44; K. Rogers, Merr 22; Wallin, Merr 15; K. Wheeler, Dist 21; Roberge, Dist 9: Wildlife and Marine Resources)

**HB 1256**, transferring the wildlife rehabilitation program to the department of resources and economic development. (Vaillancourt, Hills 44; K. Rogers, Merr 22; Wallin, Merr 15; K. Wheeler, Dist 21; Roberge, Dist 9: Wildlife and Marine Resources)

**HB 1257**, authorizing landlords to conduct criminal background checks on prospective tenants with the consent of the prospective tenants. (Adams, Merr 9; Langley, Rock 24: Commerce)

**HB 1258**, establishing a committee to study and investigate issues related to *The State of New Hampshire v. Edward Silva*. (W. McCarthy, Hills 41; Pepino, Hills 40; Vaillancourt, Hills 44; Bickford, Straf 1; McDonald, Hills 41: Criminal Justice and Public Safety)

**HB 1259-FN**, relative to the salaries of security employees of certain state institutions. (Dunn, Merr 24; Calawa, Hills 17; Larsen, Dist 15: Executive Departments and Administration)

**HB 1260**, limiting the use of appropriated funds to influence state contracting and financial transactions, and legislation. (Cobbin, Graf 11; M. Brown, Merr 10; Dodge, Rock 4: Finance)

**HB 1261-FN**, prohibiting part-time judges from sitting on courts located within 50 miles of their primary places of business. (McCann, Straf 11; Cobbin, Graf 11: Judiciary and Family Law)

**HB 1262-FN-A**, establishing the position of medical review subcommittee administrator under the board of registration in medicine. (Pilliod, Belk 3; Emerton, Hills 7; Copenhaver, Graf 10; Nordgren, Graf 10; Squires, Dist 12; Blaisdell, Dist 10: Executive Departments and Administration)



**HB 1263**, relative to the confidentiality of juvenile records. (McRae, Hills 7: Criminal Justice and Public Safety)

**HB 1264**, requiring legislative approval before lotteries and horse or dog race sweepstakes may be authorized by the sweepstakes commission. (Lovett, Graf 6: Local and Regulated Revenues)

**HB 1265**, establishing a study committee on the enactment of laws which would allow the office of the attorney general to freeze assets in white collar crime cases. (Mirski, Graf 12: Criminal Justice and Public Safety)

**HB 1266**, relative to reporting of alleged criminal conduct by the professional conduct committee and the judicial conduct committee. (Mirski, Graf 12; Roberge, Dist 9: Judiciary and Family Law)

**HB 1267**, relative to membership on the professional conduct committee and the judicial conduct committee of the supreme court. (Mirski, Graf 12; Roberge, Dist 9: Judiciary and Family Law)

**HB 1268**, prohibiting an attorney who is a director of a bank from holding client trust accounts in such bank without the permission of the client and the probate court. (Mirski, Graf 12; Roberge, Dist 9: Judiciary and Family Law)

**HB 1269**, requiring beneficiaries to file statements of receipt with the probate court when money is received from an estate after a final account of the estate has been filed. (Mirski, Graf 12; Roberge, Dist 9: Judiciary and Family Law)

**HB 1270**, requiring verification of assets when an account is filed with the probate court by an administrator or executor. (Mirski, Graf 12; Roberge, Dist 9: Judiciary and Family Law)

**HB 1271-FN**, relative to the board of acupuncture licensing. (Goulet, Hills 15; J. Bradley, Carr 8: Executive Departments and Administration)

**HB 1272-L**, requiring the long range capital planning and utilization committee and the Skyhaven airport operation commission to develop a plan to transfer the Skyhaven airport to a local public entity. (Leber, Merr 1; G. Chandler, Carr 1; Keans, Straf 16; F. Torr, Straf 12; DeChane, Straf 6; Wall, Straf 9; McCarley, Dist 6; Gordon, Dist 2: Public Works and Highways)

**HB 1273-FN**, relative to a percentage loss of state funding as a penalty for failing to comply with minimum public school standards. (Root, Graf 8; Alger, Graf 9; Fesh, Rock 13; G. Katsakiores, Rock 13; Rubens, Dist 5: Education)

**HB 1274-FN**, relative to enforcement of air pollution laws by the department of environmental services. (J. Bradley, Carr 8; Below, Graf 13; MacGillivray, Hills 21; Russman, Dist 19; Pignatelli, Dist 13: Science, Technology and Energy)

**HB 1275-FN**, relative to training for marine patrol officers. (M. Whalley, Merr 5; Royce, Ches 9; Adler, Sull 5; Bartlett, Belk 6; Dickinson, Carr 2; Gordon, Dist 2; Johnson, Dist 3; Patenaude, Dist 7; Fraser, Dist 4: Criminal Justice and Public Safety)

**HB 1276**, relative to charitable organizations conducting bingo. (Fenton, Hills 24: Local and Regulated Revenues)

**HB 1277**, prohibiting beverage, wine, and liquor tasting in grocery and convenience stores. (J. Clemons, Hills 31; McGuirk, Ches 1; St. Hilaire, Coos 7: Local and Regulated Revenues)

**HB 1278**, prohibiting the use of instant redeemable coupons for the purchase of beverage. (J. Clemons, Hills 31; Wallin, Merr 15; St. Hilaire, Coos 7: Local and Regulated Revenues)

**HB 1279-FN-L**, relative to the procedures for vacating uninhabitable or unsafe buildings. (Cardin, Hills 32; Squires, Dist 12; Pignatelli, Dist 13: Criminal Justice and Public Safety)

**HB 1280-L**, clarifying the procedures for background criminal checks for school employees and volunteers. (MacGillivray, Hills 21; Christie, Rock 22: Education)

**HB 1281**, eliminating the requirement for precertification from a primary care physician to access OB/GYN services in managed care plans. (Fuller Clark, Rock 36; Norelli, Rock 31: Commerce)

**HB 1282-L**, requiring a public hearing and vote of the town before a conservation commission may expend funds received through the current use penalty. (Klemm, Rock 28: Municipal and County Government)

**HB 1283**, establishing a 4-year term for the commissioner of the department of corrections. (Burling, Sull 1: Executive Departments and Administration)

**HB 1284-FN-A**, appropriating funds to the liquor commission for the siting and design of a combination state liquor store, welcome center, and New Hampshire products store, to be located in the city of Keene. (Avery, Ches 8; R. Kelley, Hills 18; Lynch, Ches 19; Blaisdell, Dist 10; Barnes, Dist 17; Danais, Dist 20: Public Works and Highways)

**HB 1285-FN**, relative to penalties under the youth access to and use of tobacco products law. (Emerton, Hills 7: Transportation)



- HB 1286-FN**, establishing a "no sales solicitation calls" list. (Estabrook, Straf 8; Clay, Hills 4; Lovett, Graf 6; MacGillivray, Hills 21; A. Merrill, Straf 8; Roberge, Dist 9; Gordon, Dist 2: Commerce)
- HB 1287-FN**, relative to sales of tobacco products to persons under 21 years of age. (M. Brown, Merr 10; Hager, Merr 18; Pilliod, Belk 3: Commerce)
- HB 1288-FN-A-L**, relative to reimbursement of funds for recipients in nursing homes. (Hart, Hills 37: Finance)
- HB 1289-FN**, relative to meals for legislators on session days. (G. Brown, Straf 17; P. Cote, Hills 32: Legislative Administration)
- HB 1290-FN**, relative to the authority of the state fire marshal. (Hunter, Hills 7: Criminal Justice and Public Safety)
- HB 1291-FN**, relative to management of the state ski areas at Mount Sunapee and Cannon Mountain. (Royce, Ches 9; Adler, Sull 5; Patenaude, Dist 7: Resources, Recreation and Development)
- HB 1292-FN-L**, relative to payment by public utilities for output of limited electrical energy producers. (Luebkert, Hills 42: Science, Technology and Energy)
- HB 1293-FN-L**, requiring school districts without a high school program to provide transportation for its resident students to an out of district high school. (Christiansen, Hills 23; Golden, Belk 5: Education)
- HB 1294-FN**, establishing the propane and natural gas board and regulating propane and natural gas installers. (Whittemore, Merr 13; Phinney, Graf 8: Executive Departments and Administration)
- HB 1295-FN**, relative to reimbursing the state medical assistance program. (Amidon, Hills 9; McCarley, Dist 6: Finance)
- HB 1296-FN**, allowing race track licensees to offer telephone and account wagering. (DePecol, Ches 14: Local and Regulated Revenues)
- HB 1297-FN-A**, establishing a program of integrated pest management and continually appropriating an integrated pest management fund. (L. Pratt, Coos 4; Hall, Hills 20; Heath, Rock 20; Melcher, Hills 11; Trelfa, Graf 2: Environment and Agriculture)
- HB 1298-FN-L**, requiring health care providers to wear identification. (Copenhaver, Graf 10; Batula, Hills 18; Podles, Dist 16: Health, Human Services and Elderly Affairs)
- HB 1299**, requiring members of executive branch councils to file annual financial statements and relative to certain person's who fail to file annual financial statements. (Beaulieu, Rock 10: Executive Departments and Administration)
- HB 1300**, relative to the revenue stabilization reserve account. (A. Torr, Straf 12; C. Brown, Graf 14; F. Torr, Straf 12; Burling, Sull 1; Blaisdell, Dist 10; J. King, Dist 18: Finance)
- HB 1301**, relative to ticket scalping. (Vaillancourt, Hills 44; Buckley, Hills 44; W. McCarthy, Hills 41: Commerce)
- HB 1302**, relative to the liability of the university system of New Hampshire for civil damages arising from snow, ice, or inclement weather. (Merritt, Straf 8; Woods, Rock 25; F. Torr, Straf 12; Danais, Dist 20: Judiciary and Family Law)
- HB 1303-FN-A-L**, continually appropriating boating fees and other revenues to the division of safety services. (Dickinson, Carr 2; Mock Carr 3; Weyler, Rock 18; Barnes, Dist 17; Gordon, Dist 2; Blaisdell, Dist 10; Fraser, Dist 4; Johnson, Dist 3: Finance)
- HB 1304-FN**, relative to the qualifications and compensation of division directors of the department of environmental services. (Musler, Straf 6; F. Torr, Straf 12; Royce, Ches 9; Trelfa, Graf 2; Russman, Dist 19: Executive Departments and Administration)
- HB 1305**, requiring persons using roller blades, roller skates, and skateboards to adhere to the rules of the road. (Malcolm, Rock 22: Transportation)
- HB 1306**, adopting a conditional post-conviction release act. (Pepino, Hills 40: Criminal Justice and Public Safety)
- HB 1307**, relative to penalties for habitual offenders. (Bartlett, Belk 6: Criminal Justice and Public Safety)
- HB 1308**, protecting the rights of distributors. (Pfaff, Merr 11; Hess, Merr 11; Langer, Merr 11: Commerce)
- HB 1309**, relative to an exemption from the notification requirement for telemarketing firms. (G. Katsakiores, Rock 13; Emerton, Hills 7: Criminal Justice and Public Safety)
- HB 1310**, relative to legislative approval of expenditure of federal and other funds. (Kurk, Hills 5; Rep. Wheeler, Hills 7: Finance)

- HB 1311**, adopting the 1994 revisions to article 8 of the uniform commercial code relative to investment securities. (Mittelman, Hills 37; J. Foster, Hills 33: Commerce)
- HB 1312**, adopting the 1995 revisions to article 5 of the uniform commercial code relative to letters of credit. (Mittelman, Hills 37; J. Foster, Hills 33: Commerce)
- HB 1313**, relative to wholesale distributors who are delinquent in making payment of accounts. (Wallin, Merr 15; P. Dowling, Rock 13; J. Clemons, Hills 31; P. Katsakiores, Rock 13; St. Hilaire, Coos 7; Cohen, Dist 24: Local and Regulated Revenues)
- HB 1314**, relative to enforceable provisions in retail installment contracts for motor vehicles. (Hunt, Ches 10: Commerce)
- HB 1315-L**, relative to leasing of state-owned property. (Fuller Clark, Rock 36; Pantelakos, Rock 30; Norelli, Rock 31; Blanchard, Rock 34; Cohen, Dist 24: Public Works and Highways)
- HB 1316**, establishing a commission to study minimum staffing guidelines in nursing homes for certified nursing assistants, registered nurses, and licensed practical nurses. (Cushing, Rock 22: Health, Human Services and Elderly Affairs)
- HB 1317**, relative to termination of parental rights upon a finding of either child abuse or the commission of certain criminal offenses. (Woods, Rock 25; Frechette, Rock 33: Judiciary and Family Law)
- HB 1318**, relative to extended terms of imprisonment for crimes substantially motivated by hostility towards the victim's religion. (Luebkert, Hills 42: Criminal Justice and Public Safety)
- HB 1319**, relative to foreclosure sales. (Hemon, Straf 11; McCann, Straf 11: Commerce)
- HB 1320**, amending provisions of the advisory committee on the education of students with disabilities. (O'Hearn, Hills 26; Yeaton, Merr 10; Hill, Graf 1; Estabrook, Straf 8; Snyder, Straf 14: Education)
- HB 1321-FN-A**, to provide marine patrol officers with adequate communications systems and making an appropriation therefor. (Dickinson, Carr 2; Laflam, Belk 2; Royce, Ches 9; M. Whalley, Merr 5; Barnes, Dist 17; Johnson, Dist 3; Cohen, Dist 24: Finance)
- HB 1322-FN-L**, requiring seat belts on school buses. (Ham, Graf 4: Transportation)
- HB 1323**, requiring probate judges to impose the same accounting requirements on attorney and non-attorney fiduciaries. (Mirski, Graf 12; Roberge, Dist 9: Judiciary and Family Law)
- HB 1324**, requiring parental notification before abortions may be performed on certain minors. (Adams, Merr 9; Lyman, Carr 5; Boyce, Belk 5; Flora, Hills 15; Letendre, Hills 15: Judiciary and Family Law)
- HB 1325**, relative to the rooms and meals tax and occupants of rooming houses. (Guaraldi, Graf 14: Judiciary and Family Law)
- HB 1326**, relative to applications for exemption to the state hiring delay. (F. Torr, Straf 12: Finance)
- HB 1327**, clarifying enforcement when structures such as manufactured housing are relocated without payment of taxes. (K. Taylor, Straf 11; Fraser, Merr 21: Criminal Justice and Public Safety)
- HB 1328-FN**, extending the period for motor vehicle titles. (Bartlett, Belk 6; Milligan, Hills 18: Transportation)
- HB 1329**, clarifying the in-state status of veterans for purposes of obtaining resident tuition rates within the university system of New Hampshire. (Salatiello, Belk 2: Education)
- HB 1330-FN**, naming the bridge over the Newfound River on route 104 west in the town of Bristol, New Hampshire, the Richard W. Musgrove bridge. (Phinney, Graf 8; Gordon, Dist 2: Public Works and Highways)
- HB 1331-FN**, relative to expanding the authority to grant special hunting and fishing licenses to include persons aged 65 or over, and adding trapping licenses. (Sabella, Rock 13: Wildlife and Marine Resources)
- HB 1332**, requiring probate court judges to issue a contempt citation when an auditor's request for records is refused. (Mirski, Graf 12; Roberge, Dist 9: Judiciary and Family Law)
- HB 1333-FN-L**, relative to voting booth requirements at primary and special elections. (Brundige, Hills 18; Batula, Hills 18; Milligan, Hills 18; McGough, Hills 18; Roberge, Dist 9: Election Law)
- HB 1334-FN**, establishing the position of deputy adjutant general. (E. Smith, Ches 6; Fenton, Hills 24; David Welch, Rock 18; Dickinson, Carr 2; Golding, Hills 38; Blaisdell, Dist 10; Patenaude, Dist 7; Barnes, Dist 17: State-Federal Relations and Veterans Affairs)
- HB 1335-FN**, authorizing the department of administrative services to accept donations, gifts, and grants for the purpose of funding a design to expand the veterans' home in the town of Tilton and establishing the patients' needs committee. (Leber, Merr 1; DeChane, Straf 6; Kenney, Carr 6; Whipple, Dist 8; Gordon, Dist 2: Public Works and Highways)

**HB 1336-FN**, defining medical necessity for insurance purposes. (Fuller Clark, Rock 36; Emerton, Hills 7; Calvert, Belk 5; Pilliod, Belk, 3; Podles, Dist 16; K. Wheeler, Dist 21: Commerce)

**HB 1337-FN**, making technical corrections in laws related to the department of corrections. (Knowles, Straf 11: Executive Departments and Administration)

**HB 1338-FN-A**, authorizing the extension and expanding the powers of the committee on investigations of the late John C. Fairbanks and others and making an appropriation therefor. (Cobbin, Graf 11; Richardson, Ches 12; Bickford, Straf 1; DePecol, Ches 14; Whipple, Dist 8; Roberge, Dist 9: Judiciary and Family Law)

**HB 1339-FN**, regulating the sale by mail of liquor, wine, and beer. (Hunt, Ches 10: Local and Regulated Revenues)

**HB 1340-L**, establishing a committee to study the upgrade of Dean Memorial Airport in North Haverhill, New Hampshire. (LaMott, Graf 5: Public Works and Highways)

**HB 1341**, relative to temporary seasonal docks on lakes and ponds. (Whalley, Merr 5; Royce, Ches 9; E. Smith, 6; Mercer, Hills 27; Dickinson, Carr 2; F. King, Dist 1; Patenaude, Dist 7: Resources, Recreation and Development)

**HB 1342**, allowing members of the house of representatives and senate to take courses at no cost, and for no credit at any state institution of higher education. (Burke, Hills 15; Donald Welch, Hills 48: Legislative Administration)

**HB 1343**, relative to multiple and contingent warrant articles under the official ballot voting process. (Burke, Hills 15; Dodge, Rock 4; Thulander, Hills 6; Alger, Graf 9; Rice, Belk 7; Barnes, Dist 17; Johnson, Dist 3; Roberge, Dist 9; Rubens, Dist 5: Municipal and County Government)

**HB 1344-FN**, relative to state employees receiving workers' compensation benefits. (McCann, Straf 11: Executive Departments and Administration)

**HB 1345**, relative to school crosswalks. (Letourneau, Rock 13; Dowd, Rock 13; P. Katsakiores, Rock 13; Packard, Rock 29; G. Katsakiores, Rock 13: Transportation)

**HB 1346**, relative to the definition of disposal under the solid waste management act. (Melcher, Hills 11; Musler, Straf 6: Environment and Agriculture)

**HB 1347**, providing visitation rights to siblings. (J. Brown, Straf 17; I. Pratt, Ches 5; M. Smith, Straf 8; Richardson, Ches 12; Keans, Straf 16; Gordon, Dist 2; McCarley, Dist 6: Judiciary and Family Law)

**HB 1348**, limiting fees for use of electronic customer service terminals. (Lynde, Hills 24; Fraser, Merr 21; A. Pelletier, Straf 12: Commerce)

**HB 1349-FN**, relative to using department of revenue administration income data in calculating foundation aid. (Larrabee, Merr 9; Rubens, Dist 5: Finance)

**HB 1350-FN-A**, relative to vocational student organizations, the appointment of a vocational student organization advisor, and making an appropriation therefor. (Alukonis, Hills 23; Searles, Hills 23; Hill, Graf 1; Roberge, Dist 9: Education)

**HB 1351-FN**, extending "The Laboratory for New Ideas in Information Technology" pilot project. (Howard, Carr 10; J. Bradley, Carr 8; MacGillivray, Hills 21; Johnson, Dist 3: Science, Technology and Energy)

**HB 1352-FN-A**, authorizing electronic games of chance at pari-mutuel licensee locations. (Thomas, Belk 3: Local and Regulated Revenues)

**HB 1353-FN-A**, relative to additional unemployment benefits for persons with dependents. (Cushing, Rock 22: Labor, Industrial and Rehabilitative Services)

**HB 1354-FN**, relative to fishing in the Connecticut River by residents of Vermont and relative to the use of funds from the sale of timber on fish and game lands. (MacNeil, Graf 7: Wildlife and Marine Resources)

**HB 1355-FN-L**, revising the New Hampshire statewide education improvement and assessment program to require minimum test scores. (Hinman, Graf 7; MacNeil, Graf 7; Rollo, Straf 10: Education)

**HB 1356-L**, revising the procedures for withdrawal from a cooperative school district. (Belvin, Hills 14: Education)

**HB 1357-L**, authorizing teachers in public schools to remove dangerous, disruptive, or uncooperative pupils from the classroom. (Yeaton, Merr 10: Education)



- HB 1358**, relative to failure to cooperate with proceedings of the supreme court committee on professional conduct or the judicial conduct committee. (Mirski, Graf 12: Judiciary and Family Law)
- HB 1359**, relative to senior citizens' applications for moose hunting permits. (Wiggins, Sull 4; Abbott, Rock 19; Palmer, Sull 11; McGuirk, Ches 1; Flint, Sull 4: Wildlife and Marine Resources)
- HB 1360**, revising the formula for determining child support. (Luebker, Hills 42: Judiciary and Family Law)
- HB 1361**, relative to rulemaking authority, subpoena powers, and establishment of civil penalties by the board of professional engineers. (Alger, Graf 9; Roberge, Dist 9: Executive Departments and Administration)
- HB 1362**, requiring a vote of 2/3 of the house and senate to pass any bill approving the issuance of bonds which would increase state indebtedness. (Alger, Graf 9; Mirski, Graf 12; Root, Graf 8; F. Riley, Hills 44; Wright, Hills 22; Johnson, Dist 3; Francoeur, Dist 14: Finance)
- HB 1363-FN**, relative to special license plates and related fees for emergency personnel with 2-way radio equipment in their vehicles. (Rosen, Belk 7; Adler, Sull 5: Transportation)
- HB 1364-L**, establishing a bus only commercial driver license. (W. Williams, Graf 3; Searles, Hills 23; Roberge, Dist 9: Transportation)
- HB 1365**, establishing a committee to study whether any state laws were violated or any misrepresentations made up to and including the present date in the merger of Catholic Medical Center and Elliot Hospital. (Vaillancourt, Hills 44; Chabot, Hills 48; Roberge, Dist 9: Commerce)
- HB 1366**, establishing a committee to study the possibility of televising sessions and selected hearings of the house of representatives. (Vaillancourt, Hills 44: Legislative Administration)
- HB 1367**, requiring motorcyclists to wear protective headgear. (Copenhaver, Graf 10; Pilliod, Belk 3; Nordgren, Graf 10: Transportation)
- HB 1368**, relative to distribution services and metering and billing in electric utility restructuring. (J. Bradley, Carr 8; Below, Graf 13; MacGillivray, Hills 21: Science, Technology and Energy)
- HB 1369**, revising the student membership of the university system of New Hampshire board of trustees. (Hinman, Graf 7; Rollo, Straf 10; MacNeil, Graf 7; Gordon, Dist 2; Rubens, Dist 5: Education)
- HB 1370**, abolishing the judicial council. (Hemon, Straf 11; McCann, Straf 11; Cobbin, Graf 11: Judiciary and Family Law)
- HB 1371**, requiring the collection of certain data on children and parents in the state case registry for use in child support enforcement. (Clay, Hills 4; Woods, Rock 25: Judiciary and Family Law)
- HB 1372**, increasing the distance from a dwelling within which a person is prohibited from discharging a firearm. (Calawa, Hills 17: Criminal Justice and Public Safety)
- HB 1373**, enabling towns and cities to adopt a procedure allowing for the denial of a planning board application by a vote of the municipality. (Steere, Ches 11: Municipal and County Government)
- HB 1374**, relative to contracts for major capital projects of the departments of fish and game and resources and economic development. (Royce, Ches 9; Pfaff, Merr 11; Trelfa, Graf 2; Mock, Carr 3; Musler, Straf 6: Public Works and Highways)
- HB 1375**, establishing a legislative accountability act, requiring that certain laws apply to the legislature. (Cushing, Rock 22: Legislative Administration)
- HB 1376**, relative to co-parenting of children. (Bickford, Straf 1; Luebker, Hills 42: Judiciary and Family Law)
- HB 1377-FN**, establishing a state commission on the status of men. (Bickford, Straf 1; J. McCarthy, Rock 24; Jacobson, Merr 2; D. Wheeler, Dist 11: Executive Departments and Administration)
- HB 1378-FN**, making the penalty for the offense of official oppression a felony. (Hemon, Straf 11; Cobbin, Graf 11; McCann, Straf 11; Mirski, Graf 12: Criminal Justice and Public Safety)
- HB 1379**, making attorneys subject to the Consumer Protection Act. (Hemon, Straf 11; McCann, Straf 11; Cobbin, Graf 11: Commerce)
- HB 1380-FN**, relative to energy costs for persons dependent upon life-support equipment. (Bonneau, Ches 2; D. White, Hills 25; L. Jean, Hills 17: Commerce)
- HB 1381**, relative to charitable organizations eligible to sell Lucky 7 tickets. (Patten, Carr 9: Local and Regulated Revenues)
- HB 1382**, requiring a court order or a power of attorney executed by a beneficiary for sale of estate assets by the administrator of the estate. (Mirski, Graf 12; Roberge, Dist 9: Judiciary and Family Law)
- HB 1383-L**, relative to zoning for small businesses in rural areas. (Lessard, Hills 23; David Welch, Rock 18; Searles, Hills 23; Clegg, Hills 23; Francoeur, Dist 14: Municipal and County Government)



- HB 1384-FN-A**, making appropriations for use by the New Hampshire Commission on the Smithsonian Festival of American Folklife. (Avery, Ches 8; Fuller Clark, Rock 36; Flanagan, Rock 14; Johnson, Dist 3; Larsen, Dist 15; Danais, Dist 20: Finance)
- HB 1385**, relative to clarifying independent medical examinations under the workers' compensation law. (P. Katsakiores, Rock 13; G. Katsakiores, Rock 13: Labor, Industrial and Rehabilitative Services)
- HB 1386**, to establish a committee to study alternative school systems. (G. Katsakiores, Rock 13; Noyes, Rock 26; Arndt, Rock 27; F. Riley, Hills 44; Wright, Hills 22: Education)
- HB 1387-FN**, relative to the state art fund. (F. Riley, Hills 44; Noyes, Rock 26; W. McCarty, Hills 38; David Welch, Rock 18; D. Wheeler, Dist 11: Public Works and Highways)
- HB 1388**, establishing a committee to study commercial, suburban, and rural sprawl. (Fuller Clark, Rock 36; Russman, Dist 19: Municipal and County Government)
- HB 1389-FN-L**, relative to agreements for telecommunications-related uses of the state highway system. (Calawa, Hills 17; G. Chandler, Carr 1; Schotanus, Sull 3: Public Works and Highways)
- HB 1390**, adopting a drug dealer liability act. (Wall, Straf 9; DePecol, Ches 14; Keans, Straf 16; Woods, Rock 25; Pignatelli, Dist 13; K. Wheeler, Dist 21; Squires, Dist 12; Whipple, Dist 8: Judiciary and Family Law)
- HB 1391**, requiring insurance coverage for the screening and treatment of glaucoma. (Emerton, Hills 7; Leber, Merr 1; Holt, Hills 35; Major, Rock 16: Commerce)
- HB 1392**, relative to student drivers. (Gleason, Rock 13; O'Hearn, Hills 26: Transportation)
- HB 1393**, extending the reporting date for the postsecondary educational assistance for members of the New Hampshire national guard study committee. (Thulander, Hills 6: Education)
- HB 1394**, extending the reporting date for the school building aid system study committee. (Thulander, Hills 6; R. McKinley, Straf 2; Rubens, Dist 5: Education)
- HB 1395-L**, relative to property tax exemptions for water and pollution control facilities. (M. Whalley, Merr 5; Noyes, Rock 26; L. Foster, Hills 10; Johnson, Dist 3; F. King, Dist 1: Local and Regulated Revenues)
- HB 1396-FN**, relative to training programs for emergency medical services instructors and funding of certain testing programs. (Emerton, Hills 7: Health, Human Services and Elderly Affairs)
- HB 1397-FN-A-L**, reestablishing the investment tax credit against the business profits tax under the community development finance authority. (Fuller Clark, Rock 36; Avery, Ches 8; Metzger, Ches 13; Hunt, Ches 10; Blaisdell, Dist 10; Whipple, Dist 8; Hollingworth, Dist 23; Johnson, Dist 3: Finance)
- HB 1398-FN-L**, relative to tuition reimbursement for kindergarten and eligibility criteria for school attendance. (Christiansen, Hills 23: Education)
- HB 1399-FN**, revising certain information required in the state operating budget. (Allen, Hills 1: Finance)
- HB 1400-FN**, relative to the powers and duties of the commissioner of health and human services. (F. Torr, Straf 12; Burling, Sull 1; P. Dowling, Rock 13; Wallner, Merr 24; J. King, Dist 18; Blaisdell, Dist 10: Finance)
- HB 1401-FN-L**, relative to the application of local planning and zoning to construction, development, or use of facilities on state-owned property. (Boutin, Hills 37: Public Works and Highways)
- HB 1402-FN**, allowing the members of the general court dental insurance and relative to excess appropriations for state employee health insurance benefits for fiscal year 1998. (F. Torr, Straf 12; C. Brown, Graf 14; Wall, Straf 9: Legislative Administration)
- HB 1403-FN-A**, increasing the personal needs allowance of nursing home residents and certain other residents and making an appropriation therefor. (Micklon, Rock 26; Sargent, Hills 3; P. Katsakiores, Rock 13; Seldin, Merr 17; K. Wheeler, Dist 21: Finance)
- HB 1404**, establishing the fishing family protection act, prohibiting political subdivisions from interfering with commercial and recreational operations of fishing families. (Cushing, Rock 22; O'Keefe, Rock 21; Felch, Rock 21: Municipal and County Government)
- HB 1405-FN**, including the legislature and judiciary as public employers under the public employees labor relations act. (Cushing, Rock 22; Baroody, Hills 42: Legislative Administration)
- HB 1406**, increasing the maximum amount for a small claim action. (Malcolm, Rock 22: Judiciary and Family Law)
- HB 1407**, clarifying the unlawful practice of medicine. (Calvert, Belk 5; French, Merr 3; A. Torr, Straf 12; R. Foster, Carr 10; Fraser, Dist 4; J. King, Dist 18: Health, Human Services and Elderly Affairs)
- HB 1408**, requiring a criminal background investigation for certain child care agencies. (Hutchinson, Rock 8; M. Smith, Straf 8; Clegg, Hills 23; Barnes, Dist 17: Judiciary and Family Law)

- HB 1409-FN**, relative to licenses for taking lobster and crab. (Malcolm, Rock 22; J. McCarthy, Rock 24; Francoeur, Rock 22; Cohen, Dist 24; Hollingworth, Dist 23: Wildlife and Marine Resources)
- HB 1410-FN**, relative to administrative control and transferring the budget of the state law library. (Hemon, Straf 11: Legislative Administration)
- HB 1411**, establishing a committee to study the feasibility of creating a nonprofit, public corporation to facilitate the availability of affordable health insurance for the uninsured and underinsured by organizing large purchasing groups of subsidized and non-subsidized subscribers. (Vachon, Straf 4; J. Pratt, Ches 2; Fuller Clark, Rock 36; Burnham, Ches 8; K. Wheeler, Dist 21: Commerce)
- HB 1412**, relative to increasing the administrative fine for violations of wetlands laws. (Langley, Rock 24; Fuller Clark, Rock 36: Resources, Recreation and Development)
- HB 1413**, relative to the membership and compensation of the general court. (Cushing, Rock 22: Legislative Administration)
- HB 1414**, relative to review of non-renewal of teachers contracts. (O'Hearn, Hills 26; Belvin, Hills 14; Teschner, Graf 5; Durham, Hills 22; Squires, Dist 12; Barnes, Dist 17: Education)
- HB 1415**, relative to the regulation of the practice of optometry. (Leber, Merr 1; Emerton, Hills 7; Copenhagen, Graf 10; Major, Rock 16: Executive Departments and Administration)
- HB 1416-FN-L**, requiring the state to pay for special education costs and to make tax information on special education services available to the public. (Cobbin, Graf 11; Alger, Graf 9: Education)
- HB 1417-L**, relative to involvement in mediation in collective bargaining negotiations by certain municipalities. (Fraser, Merr 21: Labor, Industrial and Rehabilitative Services)
- HB 1418-FN-L**, prohibiting gambling activities within one mile of a school. (K. Rogers, Merr 22: Local and Regulated Revenues)
- HB 1419**, making victims of juvenile offenses eligible for compensation from the victim's assistance fund. (McRae, Hills 7: Judiciary and Family Law)
- HB 1420-L**, establishing a committee to study the impact of class sizes on overall educational performance. (A. Pelletier, Straf 12; Spear, Straf 5; Searles, Hills 23; Snyder, Straf 14; K. Wheeler, Dist 21: Education)
- HB 1421**, relative to review of drugs by the board of nursing and the joint health council. (Dyer, Hills 8: Health, Human Services and Elderly Affairs)
- HB 1422-FN**, changing unemployment compensation benefits. (Turner, Belk 7; Guaraldi, Graf 14; Danais, Dist 20: Labor, Industrial and Rehabilitative Services)
- HB 1423-FN**, modifying the definition of employment under the unemployment compensation statute and assignment of unemployment compensation payments for a claimant's child support obligations. (Turner, Belk 7; Dodge, Rock 4; Guaraldi, Graf 14: Labor, Industrial and Rehabilitative Services)
- HB 1424**, relative to the method for filling a vacancy in the position of county commissioner. (Mittelman, Hills 37; Herman, Hills 13: Municipal and County Government)
- HB 1425-FN**, regulating the practice of site evaluation of subsurface sewage or waste disposal systems and subdivision plans. (Kibbey, Sull 4: Executive Departments and Administration)
- HB 1426-FN**, relative to structures in or over public waters. (Martin, Hills 34; Downing, Rock 26; J. Bradley, Carr 8; Jacobson, Merr 2; Russman, Dist 19; K. Wheeler, Dist 21: Resources, Recreation and Development)
- HB 1427-FN**, relative to the availability of special education and related services to incarcerated youths. (O'Hearn, Hills 26; Dearborn, Rock 23; Snyder, Straf 14: Education)
- HB 1428**, establishing requirements for teachers and teacher preparation programs to ensure that teachers are prepared to teach a broad range of students including disabled students. (O'Hearn, Hills 26; Yeaton, Merr 10; Estabrook, Straf 8; Snyder, Straf 14: Education)
- HB 1429**, amending state board of education rulemaking authority relative to certain educational personnel. (O'Hearn, Hills 26; Hill, Graf 1; Yeaton, Merr 10; Estabrook, Straf 8: Education)
- HB 1430**, relative to political expenditure limitation amounts. (Arndt, Rock 27; J. Foster, Hills 33; Flanagan, Rock 14; Pignatelli, Dist 13: Election Law)
- HB 1431**, prohibiting the aerial spraying of herbicides for forestry purposes. (Owen, Merr 6; Hall, Hills 20: Environment and Agriculture)
- HB 1432-FN**, relative to hunting and fishing licenses for certain disabled persons. (LaMott, Graf 5; O'Rourke, Hills 39: Wildlife and Marine Resources)
- HB 1433-FN**, relative to physician aid-in-dying for certain persons suffering from a terminal condition. (Thulander, Hills 6; Guest, Graf 10; Cooper, Carr 2; W. Riley, Ches 7; Russman, Dist 19: Judiciary and Family Law)

- HB 1434-L**, simplifying the charter amendment procedure for the purpose of establishing official ballot voting. (Dokmo, Hills 14; Patten, Carr 9: Municipal and County Government)
- HB 1435-L**, relative to the vote required for a legislative body of a municipality to accept a street. (Dokmo, Hills 14; Patten, Carr 9: Municipal and County Government)
- HB 1436**, exempting resident or landowner permissions for applications and permits for wildlife reductions on Long Island from the right to know law. (Patten, Carr 9: Wildlife and Marine Resources)
- HB 1437**, requiring the designation of alternative acceptable reading material for use in a school course following objection by a parent. (Luebker, Hills 42: Education)
- HB 1438**, establishing a committee to study the regulation of personnel employed in early care and education including, but not limited to, center and family-based child care and preschools. (Gile, Merr 16; Wallner, Merr 24; Estabrook, Straf 8; Spear, Straf 5; Pilliod, Belk 3; Seldin, Merr 17; Dunn, Merr 24; Larsen, Dist 15: Executive Departments and Administration)
- HB 1439-FN-A**, relative to reducing the amount of meals and rooms tax retained by operators and designating the moneys to a nonlapsing fund in the department of resources and economic development for the promotion of tourism. (C. Brown, Graf 14; Lynde, Hills 24; Rubin, Rock 25: Finance)
- HB 1440-FN-A**, establishing a current use land use change penalty assessment, and relative to an additional assessment on certain current use property, the funds from which shall be dedicated to the fish and game marksmanship and firearm safety fund. (Cobbin, Graf 11; Varrell, Rock 9; Alger, Graf 9: Environment and Agriculture)
- HB 1441**, establishing a committee to study reporting requirements for communities which pay for special education costs and the impacts of court-ordered placements and services. (Cobbin, Graf 11: Municipal and County Government)
- HB 1442**, repealing the held harmless practice codified in the Augenblick formula. (Cobbin, Graf 11: Finance)
- HB 1443**, relative to the time frame for the department of environmental services to act on certain wetlands applications. (Kibbey, Sull 4: Resources, Recreation and Development)
- HB 1444**, requiring a special primary for all parties if there are at least 2 candidates for election from one party. (Major, Rock 16; J. Bradley, Carr 8; Kaen, Straf 7; Camm, Rock 17; Barnes, Dist 17; Russman, Dist 19; J. King, Dist 18: Election Law)
- HB 1445**, relative to nonpublic sessions and relative to attorneys in certain proceedings. (McCann, Straf 11; Cobbin, Graf 11: Judiciary and Family Law)
- HB 1446**, relative to certain private employers under workers' compensation. (Marshall, Merr 4: Labor, Industrial and Rehabilitative Services)
- HB 1447-L**, relative to approval by the legislative body of cost items in a collective bargaining agreement. (Goulet, Hills 15; A. Pelletier, Straf 12; Roberge, Dist 9: Municipal and County Government)
- HB 1448**, relative to confidential communication between victims and counselors. (Knowles, Straf 11: Criminal Justice and Public Safety)
- HB 1449**, requiring that school administration evaluation programs allow teachers the opportunity to submit input into the evaluation of their principal or supervisor. (A. Pelletier, Straf 12; Estabrook, Straf 8; Wall, Straf 9: Education)
- HB 1450**, relative to standards for certification of soil scientists and wetland scientists. (Kibbey, Sull 4: Executive Departments and Administration)
- HB 1451**, requiring the office of state planning to coordinate planning assistance to municipalities with state laws and rules adopted pursuant to state laws. (Kibbey, Sull 4: Municipal and County Government)
- HB 1452**, relative to expanding the court's authority for debt collection by including license revocation and suspension. (Bickford, Straf 1: Judiciary and Family Law)
- HB 1453**, relative to products from sludge-treated soil. (Owen, Merr 6; K. Wheeler, Dist 21: Environment and Agriculture)
- HB 1454**, relative to the spreading of sludge or biosolids. (Owen, Merr 6; K. Wheeler, Dist 21: Environment and Agriculture)
- HB 1455**, relative to the publication of administrative rules. (Dunn, Merr 24: Executive Departments and Administration)
- HB 1456**, relative to the budget making process. (Kurk, Hills 5; Hager, Merr 18; Blaisdell, Dist 10: Finance)



- HB 1457**, permitting physician assistants to possess, compound, administer, or distribute prescription drugs. (Baroody, Hills 42: Health, Human Services and Elderly Affairs)
- HB 1458**, requiring health maintenance organizations to provide certain written statements. (Burnham, Ches 8: Commerce)
- HB 1459**, requiring that all administrative rules adopted by every state agency under the Administrative Procedures Act identify the specific state or federal statute or regulation which the rule is designed to implement. (Nichols, Merr 2; Dowd, Rock 13; Mercer, Hills 27; F. King, Dist 1: Executive Departments and Administration)
- HB 1460-L**, allowing counties to establish capital reserve funds to be funded with unencumbered surplus funds for the purpose of extraordinary legal fees and expenses related to present or foreseeable litigation involving the county or its officers. (St. Hilaire, Coos 7; Hawkinson, Coos 7: Municipal and County Government)
- HB 1461**, relative to the definition of "destroyed" and "transfer" involving cashier's checks. (Wallin, Merr 15: Commerce)
- HB 1462**, establishing an independent committee to study the university system of New Hampshire. (Fesh, Rock 13: Education)
- HB 1463**, encouraging New Hampshire citizens to engage in public service. (Cushing, Rock 22: Labor, Industrial and Rehabilitative Services)
- HB 1464-L**, relative to the priority of municipal liens for aid to assisted persons. (Kibbey, Sull 4: Health, Human Services and Elderly Affairs)
- HB 1465**, relative to eligibility for athletic scholarships with the university system of New Hampshire. (Fesh, Rock 13: Education)
- HB 1466-FN-A-L**, relative to current use and the real estate transfer tax. (Camm, Rock 17; Bickford, Straf 1; Mirski, Graf 12: Environment and Agriculture)
- HB 1467**, establishing a study committee to determine the means and criteria for generating an analysis of New Hampshire's long-term strategic options regarding the sale and distribution of distilled spirits, beer, and wine. (Briefs, Hills 27; Bergin, Hills 16: Local and Regulated Revenues)
- HB 1468**, clarifying the legal status of home brewers of beer. (MacGillivray, Hills 21; Avery, Ches 8; Wallin, Merr 15; A. Merrill, Straf 8; Cohen, Dist 24: Local and Regulated Revenues)
- HB 1469-L**, clarifying the value of public utility property for property tax purposes. (MacGillivray, Hills 21; Below, Graf 13: Local and Regulated Revenues)
- HB 1470**, relative to protection of religious freedoms. (Guay, Coos 6: Judiciary and Family Law)
- HB 1471**, allowing loss of familial relationship damages in wrongful death actions. (Keans, Straf 16; Wall, Straf 9: Judiciary and Family Law)
- HB 1472**, relative to employment of prisoners. (Cushing, Rock 22: Criminal Justice and Public Safety)
- HB 1473-FN-A**, establishing a wildlife damage control program and making an appropriation therefor. (Mock, Carr 3; L'Heureux, Hills 18; Melcher, Hills 11; Patenaude, Dist 7: Wildlife and Marine Resources)
- HB 1474**, establishing a study committee on a unified corrections system. (K. Rogers, Merr 22; G. Chandler, Carr 1; Calawa, Hills 17; Knowles, Straf 11: Criminal Justice and Public Safety)
- HB 1475**, relative to revising certain programs within the postsecondary education commission. (Belvin, Hills 14: Education)
- HB 1476-L**, enabling school districts to allow parental choice among public and nonpublic schools. (M. Brown, Merr 10; F. Riley, Hills 44; Arnold, Hills 20; Alger, Graf 9; Boyce, Belk 5; Cooper, Carr 2; Burke, Hills 15; Lavoie, Merr 12; Rubens, Dist 5: Education)
- HB 1477**, clarifying the waste reduction goals for the state of New Hampshire. (Hall, Hills 20; Alger, Graf 9; Philbrick, Carr 4; Davis, Coos 1: Environment and Agriculture)
- HB 1478**, recognizing American sign language as the primary language of deaf citizens. (Gagnon, Hills 48; Batula, Hills 18; S. Holley, Hills 28; Podles, Dist 16: Education)
- HB 1479**, establishing education partnership agreements to encourage and enhance the study of scientific and technological discipline in the public schools. (Franks, Hills 26; Ferguson, Hills 13; Dawe, Hills 33; MacAuslan, Hills 30; Trelfa, Graf 2; Gordon, Dist 2; McCarley, Dist 6: Education)
- HB 1480-L**, allowing a city or town to petition the liquor commission to revoke the liquor license of a licensee located within the city or town. (Pepino, Hills 40; W. McCarthy, Hills 41; Buckley, Hills 44; J. King, Dist 18; Podles, Dist 16: Local and Regulated Revenues)
- HB 1481**, granting rulemaking authority to the executive director of fish and game to determine the legal length of lobsters. (Malcolm, Rock 22; J. McCarthy, Rock 24; Francoeur, Rock 22; Cohen, Dist 24: Wildlife and Marine Resources)



- HB 1482**, providing a mechanism for optional fiscal year towns to use the official ballot voting procedures. (Pfaff, Merr 11; Hess, Merr 11; Langer, Merr 11: Municipal and County Government)
- HB 1483**, authorizing secret ballot voting at annual meeting. (Hurt, Belk 4: Municipal and County Government)
- HB 1484**, relative to motor vehicle insurance. (Christiansen, Hills 23: Commerce)
- HB 1485**, establishing a redistricting commission. (Cushing, Rock 22; A. Merrill, Straf 8: Election Law)
- HB 1486**, establishing a committee to study joint physical custody and child support guidelines. (Merritt, Straf 8; Woods, Rock 25; Bickford, Straf 1; Richardson, Ches 12: Judiciary and Family Law)
- HB 1487**, allowing a receiving district to withdraw from an authorized regional enrollment area school. (Dickinson, Carr 2: Education)
- HB 1488**, amending the definition of candidate and requiring additional reporting under the political expenditures and contributions act. (J. Foster, Hills 33: Election Law)
- HB 1489**, eliminating the duty of a public employee labor organization to represent employees who elect not to join the employee organization. (Cossette, Straf 19: Labor, Industrial and Rehabilitative Services)
- HB 1490**, requiring defendants charged with certain crimes to turn over firearms to law enforcement agencies; requiring a protective order for surrender of firearms in cases of abuse; and allowing protective orders on behalf of public servants and witnesses who are victims of stalking or criminal threatening. (Dunn, Merr 24; Pilliod, Belk 3; Knowles, Straf 11; Wiggins, Sull 4: Criminal Justice and Public Safety)
- HB 1491**, making the second Tuesday in April, rather than the second Tuesday in March, the election day for all local offices and for official ballot voting. (Fesh, Rock 13; Dodge, Rock 4; Letourneau, Rock 13; G. Katsakiores, Rock 13: Municipal and County Government)
- HB 1492-L**, relative to limiting increases in the assessed valuation of property. (Fesh, Rock 13; Sapareto, Rock 13; Mirski, Graf 12: Local and Regulated Revenues)
- HB 1493-L**, relative to clarifying school district liability for children placed in homes for children, health care facilities, or state institutions. (O'Hearn, Hills 26; Dearborn, Rock 23; Durham, Hills 22; Gordon, Dist 2: Education)
- HB 1494**, relative to public/private department of transportation partnership projects. (Nowe, Rock 3; Gleason, Rock 13; G. Katsakiores, Rock 13; Barnes, Dist 17: Public Works and Highways)
- HB 1495**, relative to procedures for apportioning state representatives among counties and among legislative districts. (MacGillivray, Hills 21: Election Law)
- HB 1496**, relative to energy facility evaluation. (MacGillivray, Hills 21; Below, Graf 13; Lynde, Hills 24; J. Bradley, Carr 8: Science, Technology and Energy)
- HB 1497**, establishing a committee to study adoption of a single factor method of apportionment for business taxation purposes. (Mercer, Hills 27; Mittelman, Hills 37; F. King, Dist 1: Finance)
- HB 1498**, requiring emergency medical care providers to inform patients of transport options. (McGough, Hills 18; Burling, Sull 1: Health, Human Services and Elderly Affairs)
- HB 1499**, establishing a committee to study the circumstances and investigation of the deaths of Janet and Steven Dow; providing an exception from statutes of limitations for certain unlawful acts related to murders; relative to false reports to law enforcement officers; and nullifying the adoption of Steven Medeiros. (Cushing, Rock 22; Wiggins, Sull 4; Chase, Graf 6; Cohen, Dist 24: Criminal Justice and Public Safety)
- HB 1500**, relative to powers of appointment. (Mock, Carr 3; Johnson, Dist 3: Judiciary and Family Law)
- HB 1501**, relative to amending certain provisions of the charter school law. (Hunt, Ches 10; Champagne, Ches 19; Belvin, Hills 14; Rubens, Dist 5: Education)
- HB 1502**, extending the reporting date for the statewide school technology plan study committee. (Belvin, Hills 14; Vaughn, Rock 35; Major, Rock 16; Larsen, Dist 15: Education)
- HB 1503-FN-A-L**, relative to intergenerational homeshare programs and making an appropriation therefor. (Seldin, Merr 17; Micklon, Rock 26; Jacobson, Merr 2; Larsen, Dist 15; Podles, Dist 16: Health, Human Services and Elderly Affairs)
- HB 1504-FN**, repealing the authority of the chief justice of the supreme court to assign superior court judges to hear cases in the district court. (Pepino, Hills 40: Judiciary and Family Law)
- HB 1505-FN**, removing judges from the state defense and indemnification provisions. (Hemon, Straf 11: Judiciary and Family Law)

- HB 1506-FN**, changing the composition of the liquor commission. (Burling, Sull 1: Executive Departments and Administration)
- HB 1507-FN-A**, providing for a graduated reduction in the temporary increases in the communications services tax, meals and rooms tax, and the real estate transfer tax. (Leber, Merr 1; Weyler, Rock 18; M. Brown, Merr 10: Finance)
- HB 1508-FN**, regulating the practice of hypnotherapy. (Dunn, Merr 24; Brundige, Hills 18; Milligan, Hills 18; Seldin, Merr 17; K. Wheeler, Dist 21: Executive Departments and Administration)
- HB 1509-FN**, relative to the content of motor vehicle registrations. (Hess, Merr 11; J. Bradley, Carr 8; Johnson, Dist 3; Pignatelli, Dist 13: Criminal Justice and Public Safety)
- HB 1510-FN**, requiring probate court judges to report attorneys who are fiduciaries and have been cited for delinquencies in accounting by the probate court to the professional conduct committee of the supreme court. (Mirski, Graf 12; Roberge, Dist 9: Judiciary and Family Law)
- HB 1511-FN**, requiring registers of probate to send a notice to each beneficiary when a fiduciary is delinquent in filing an inventory or account. (Mirski, Graf 12; Roberge, Dist 9: Judiciary and Family Law)
- HB 1512-FN**, relative to credit card rates and payments. (Lynde, Hills 24: Commerce)
- HB 1513-FN-L**, extending the start date for the auto emissions testing program and requiring the commissioner of environmental services to propose for legislative consideration a diesel opacity testing program and a mobile source remote sensing pilot program. (J. Bradley, Carr 8; Below, Graf 13; MacGillivray, Hills 21; Pignatelli, Dist 13; Russman, Dist 19: Science, Technology and Energy)
- HB 1514-FN**, setting the biennial rate for the medicaid enhancement tax. (Weyler, Rock 18: Finance)
- HB 1515-FN**, relative to discharge of persons imprisoned for failure to pay a penalty assessment or an administrative fee. (Hansen, Hills 2: Criminal Justice and Public Safety)
- HB 1516**, requiring a criminal background investigation for all department of health and human services personnel who deal directly with children. (Lyman, Carr 5: Judiciary and Family Law)
- HB 1517-FN-A-L**, establishing a fund for maintaining, dredging, and improving harbors in New Hampshire. (Alukonis, Hills 23; W. McCarty, Hills 38; Leber, Merr 1; F. Torr, Straf 12; M. Whalley, Merr 5; Vaillancourt, Hills 44: Public Works and Highways)
- HB 1518-L**, increasing the minimum purchase amount by a county requiring competitive bidding. (Rice, Belk 7; Fraser, Merr 21; Stone, Rock 7; Metzger, Ches 13; Patten, Carr 9; Johnson, Dist 3; Whipple, Dist 8: Municipal and County Government)
- HB 1519**, requiring registers of probate to be consistent and uniform in the enforcement of delinquency notices, citations, and contempt charges. (Mirski, Graf 12; Roberge, Dist 9: Judiciary and Family Law)
- HB 1520-FN**, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission. (Pfaff, Merr 11; Arnold, Hills 20; J. Foster, Hills 33; Patenaude, Dist 7; Rubens, Dist 5: Election Law)
- HB 1521-FN-A**, making supplemental appropriations to certain academic institutions within the university system of New Hampshire for fiscal years 1998 and 1999. (Hinman, Graf 7; K. Smith, Rock 29; Bernier, Hills 47; Rollo, Straf 10; MacNeil, Graf 7: Finance)
- HB 1522-FN**, establishing the offices of inspector general. (Cobbin, Graf 11: Executive Departments and Administration)
- HB 1523-FN**, adding security officers of the New Hampshire hospital campus security force to group II of the New Hampshire retirement system. (Dunn, Merr 24; Calawa, Hills 17; O'Keefe, Rock 21; Larsen, Dist 15: Executive Departments and Administration)
- HB 1524-FN**, licensing bail recovery agents. (Akins, Graf 14; Cushing, Rock 22; Dokmo, Hills 14: Executive Departments and Administration)
- HB 1525-FN**, establishing an office of administrative hearings. (Keans, Straf 16; Woods, Rock 25; M. Smith, Straf 8; Gordon, Dist 2; McCarley, Dist 6: Executive Departments and Administration)
- HB 1526-FN-A**, requiring the department of education to publish an annual report of special education statistics. (Root, Graf 8; Alger, Graf 9; D. White, Hills 25; Rubens, Dist 5; D. Wheeler, Dist 11: Education)
- HB 1527**, relative to unauthorized switching of service providers by utilities and clarifying the definition of "telephone cloning paraphernalia." (J. Bradley, Carr 8; Thomas, Belk 3; MacGillivray, Hills 21; Norelli, Rock 31; Lynde, Hills 24; J. King, Dist 18; F. King, Dist 1; Rubens, Dist 5; Larsen, Dist 15; Patenaude, Dist 7: Science, Technology and Energy)
- HB 1528**, relative to the transfer of certain administratively attached agencies from the secretary of state to the department of administrative services. (Dodge, Rock 4: Executive Departments and Administration)

- HB 1529**, reinstating the corporate charter of Hampstead Garage, Inc. (Flanagan, Rock 14: Commerce)
- HB 1530**, regarding the reappointment of teachers in their probationary period. (Alger, Graf 9; Gordon, Dist 2: Education)
- HB 1531-FN**, relative to reimbursement for removal of petroleum storage facilities from the oil pollution control fund. (Holbrook, Belk 7: Resources, Recreation and Development)
- HB 1532**, establishing a committee to study the village plan alternative to municipal subdivision procedures for the purpose of retaining open space in the development process. (Mirski, Graf 12: Municipal and County Government)
- HB 1533-L**, requiring court diversion programs to provide an accounting of funds appropriated by municipalities, requiring municipalities to publish such accounting in the annual report of the municipality, and requiring municipalities to separately state anticipated expenditures for court diversion programs in the budget. (McRae, Hills 7: Municipal and County Government)
- HB 1534**, granting an accused or aggrieved party the right to inform the jury of its right to find the defendant not guilty under certain circumstances when the state or a political subdivision is the opposing party. (P. Taylor, Hills 34: Judiciary and Family Law)
- HB 1535**, relative to local telephone calling areas and long distance access charges. (MacGillivray, Hills 21; Below, Graf 13; J. Bradley, Carr 8: Science, Technology and Energy)
- HB 1536**, establishing a committee to study women's health care and relative to breast feeding a baby. (Fuller Clark, Rock 36; Nordgren, Graf 10; Keans, Straf 16; Pilliod, Belk 3; Norelli, Rock 31; Rabideau, Rock 16; Woods, Rock 25; Larsen, Dist 15; K. Wheeler, Dist 21; Hollingworth, Dist 23; Cohen, Dist 24: Commerce)
- HB 1537**, relative to aeronautics enforcement authority. (LaMott, Graf 5; Leber, Merr 1; Gleason, Rock 13; Vaillancourt, Hills 44: Transportation)
- HB 1538-FN-A**, extending the reporting date for the committee to study judicial pensions, increasing the duties of the committee, and making an appropriation therefor. (Dyer, Hills 8; Kurk, Hills 5; Wheeler, Hills 7; Roberge, Dist 9; Fraser, Dist 4; Podles, Dist 16: Judiciary and Family Law)
- HB 1539**, relative to property tax billing procedures for land parcels having multiple owners. (Metzger, Ches 13: Municipal and County Government)
- HB 1540-FN**, allowing non-banks to establish cash dispensing machines. (Mittelman, Hills 37; T. Reardon, Merr 23; Fraser, Dist 4; Johnson, Dist 3: Commerce)
- HB 1541-FN-A**, creating a position in the insurance department. (Kurk, Hills 5; Sargent, Hills 3; J. King, Dist 18; Squires, Dist 12: Commerce)
- HB 1542-FN**, permitting the state to commit certain persons convicted of sexually violent crimes for psychiatric treatment after they have completed their sentences. (Knowles, Straf 11; Sabella, Rock 13; Mittelman, Hills 37: Criminal Justice and Public Safety)
- HB 1543-FN-L**, relative to disbursement of income of persons held or imprisoned in a county department of corrections facility. (Knowles, Straf 11; McCarley, Dist 6: Criminal Justice and Public Safety)
- HB 1544-FN**, prohibiting a prosecutor from testifying voluntarily as a character witness in a criminal case. (Mock, Carr 3: Criminal Justice and Public Safety)
- HB 1545-FN**, increasing the salaries of the labor commissioner and the deputy labor commissioner. (F. Torr, Straf 12; Klemm, Rock 28; Fraser, Dist 4: Executive Departments and Administration)
- HB 1546-FN**, extending consumer protection rights to purchasers of farm equipment. (G. Brown, Straf 17; Peter Cote, Hills 32; Callaghan, Straf 15: Commerce)
- HB 1547-FN-L**, relative to mandatory incarceration for violators of protective orders. (Dolan, Rock 12; Dodge, Rock 4; Coes, Rock 19: Criminal Justice and Public Safety)
- HB 1548-FN-A**, providing for the health care of New Hampshire children and making an appropriation therefor. (Burling, Sull 1; Wallner, Merr 24; A. Torr, Straf 12; Pilliod, Belk 3; McCarley, Dist 6; Larsen, Dist 15: Finance)
- HB 1549-FN**, granting a right to trial by jury in any controversy between a person or persons and a state board, commission, or agency when the amount in controversy is at least \$1,500. (L. Jean, Hills 17: Judiciary and Family Law)
- HB 1550-FN**, justifying the use of force against persons armed with deadly weapons engaging in illegal drug transactions and permitting life imprisonment as an enhanced sentence for persons who engaged in an illegal drug transaction while armed with deadly weapons. (Cobbin, Graf 11; McCann, Straf 11: Criminal Justice and Public Safety)



- HB 1551-FN**, adding dental insurance to the continuing insurance coverage for certain employees. (Allen, Hills 1: Commerce)
- HB 1552-FN-L**, relative to standards for juvenile court diversion programs. (McRae, Hills 7: Criminal Justice and Public Safety)
- HB 1553-FN**, prohibiting the possession or use of rohypnol, ketamine, and GHB. (Flora, Hills 15; Phinney, Graf 8; Pilliod, Belk 3; Estabrook, Straf 8; Francoeur, Rock 22; Hollingworth, Dist 23; Squires, Dist 12: Criminal Justice and Public Safety)
- HB 1554-FN**, allowing punitive damages in actions for domestic violence and sexual assault. (DePecol, Ches 14; Wall, Straf 9: Judiciary and Family Law)
- HB 1555-FN**, relative to including revocable trusts for medicaid estate recovery purposes. (C. Brown, Graf 14; Kurk, Hills 5; Boyce, Belk 5: Finance)
- HB 1556-FN**, transferring the division of fire standards and training to the department of regional community-technical colleges. (McRae, Hills 7: Executive Departments and Administration)
- HB 1557-FN**, establishing the New Hampshire racketeer influenced and corrupt organizations act. (Cobbin, Graf 11: Criminal Justice and Public Safety)
- HB 1558-FN-L**, relative to games of chance. (Teschner, Graf 5: Local and Regulated Revenues)
- HB 1559**, legalizing the possession and cultivation of marijuana for medicinal purposes. (Robertson, Ches 18; Lynch, Ches 19: Criminal Justice and Public Safety)
- HB 1560-FN-A**, reestablishing the New Hampshire energy authority, making an appropriation therefor, and directing it to explore the acquisition of the transmission and distribution system of the Public Service Company of New Hampshire. (J. Bradley, Carr 8; Cushing, Rock 22; Below, Graf 13; Guay, Coos 6; F. King, Dist 1; Whipple, Dist 8; Roberge, Dist 9; Rubens, Dist 5: Science, Technology and Energy)
- HB 1561-FN**, preventing computer pornography and child exploitation and increasing penalties for possession under the child pornography laws. (Cardin, Hills 32; Adams, Merr 9; Knowles, Straf 11; Micklon, Rock 26; MacAuslan, Hills 30: Criminal Justice and Public Safety)
- HB 1562**, excepting cannabis-type drugs from forfeited drugs which may be delivered to the department of health and human services for medical use. (Boyce, Belk 5: Criminal Justice and Public Safety)
- HB 1563**, prohibiting physicians from prescribing or administering cannabis-type drugs. (Boyce, Belk 5: Health, Human Services and Elderly Affairs)
- HB 1564-FN**, relative to testing for AIDS when necessary to protect the health of law enforcement officers. (Clegg, Hills 23; Lessard, Hills 23; Searles, Hills 23; D. White, Hills 25: Health, Human Services and Elderly Affairs)
- HB 1565-FN-A**, establishing a joint legislative fiduciary oversight committee and making an appropriation therefor. (Jacobson, Merr 2: Judiciary and Family Law)
- HB 1566-FN-L**, providing that state-owned lands leased to or under an operating agreement with a private business entity are subject to the local property tax. (G. Chandler, Carr 1: Local and Regulated Revenues)
- HB 1567-L**, relative to local excavation permits for bedrock quarrying or crushing operations. (McGuirk, Ches 1: Municipal and County Government)
- HB 1568**, relative to the timing of special school district meetings. (Wheeler, Hills 7: Municipal and County Government)
- HB 1569-L**, relative to voter approval for the issuance of bonds or notes for the operating and capital costs of the Gunstock recreation area. (Salatiello, Belk 2: Municipal and County Government)
- HB 1570-FN**, relative to establishing the legislative committee on the oversight of the practice of law. (Cobbin, Graf 11: Judiciary and Family Law)
- HB 1571**, relative to the acquisition of abandoned or inactive rail lines in the city of Lebanon. (Below, Graf 13; Akins, Graf 14; Burling, Sull 1; Rubens, Dist 5: Public Works and Highways)
- HB 1572**, establishing a study committee relative to inter-city commuter bus transportation. (Fuller Clark, Rock 36; Norelli, Rock 31; Vaughn, Rock 35; Cohen, Dist 24; Larsen, Dist 15: Transportation)
- HB 1573-FN**, changing the name of the department of cultural affairs to the department of cultural resources and establishing a fund for educational purposes and historic preservation. (Fuller Clark, Rock 36; Thulander, Hills 6: Executive Departments and Administration)
- HB 1574-FN-L**, adding state and local government part-time employees to employees eligible to participate in the state group insurance coverage. (Mears, Coos 7; Burling, Sull 1; St. Hilaire, Coos 7; Hawkinson, Coos 7; Melcher, Hills 11; Wall, Straf 9; K. Wheeler, Dist 21: Executive Departments and Administration)



**HB 1575-FN**, relative to highway modifications on lands acquired through the land conservation investment program. (Schothanus, Sull 3; K. Rogers, Merr 22; Daigle, Hills 28; LaRose, Hills 27: Public Works and Highways)

**HB 1576-FN-A**, permitting the development of an industrial hemp industry in New Hampshire and continually appropriating a special fund. (Robertson, Ches 18; Owen, Merr 6: Environment and Agriculture)

**HB 1577-FN-A**, relative to campaign finance expenditure and contribution reform. (Boutin, Hills 37; J. Clemons, Hills 31; J. Bradley, Carr 8; Dodge, Rock 4: Election Law)

**HB 1578-FN**, establishing the New Hampshire returnable beverage container law. (Lovett, Graf 6; Burnham, Ches 8: Commerce)

**HB 1579-FN-L**, relative to exemptions to property taxes when the property is sold. (Beaulieu, Rock 10: Local and Regulated Revenues)

**HB 1580-FN**, permitting a jury trial in the superior court for violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission. (Dawe, Hills 33; Franks, Hills 26; Hoadley, Merr 24; Akins, Graf 14; Keans, Straf 16: Judiciary and Family Law)

**HB 1581-FN-A-L**, relative to the payment of school building aid. (Ferguson, Hills 13; Herman, Hills 13; Leishman, Hills 13; Allen, Hills 1: Finance)

**HB 1582-FN**, extending small employer health insurance coverage to individuals, limiting annual premium rate increases, and eliminating minimum participation requirements for small employer groups. (Vachon, Straf 4; J. Pratt, Ches 2; Fuller Clark, Rock 36; K. Wheeler, Dist 21: Commerce)

**HB 1583-FN-L**, transferring the county attorneys' offices and the county sheriffs' offices to the department of justice and the unified court system, respectively. (Jacobson, Merr 2: Criminal Justice and Public Safety)

**HB 1584**, relative to the applicability of the youth access to and use of tobacco products law. (Clay, Hills 4: Education)

**HB 1585**, requiring the state to notify the town or city in which state-owned real estate is located prior to a change in use of such real estate. (Rosen, Belk 7: Public Works and Highways)

**HB 1586-FN-A**, making an appropriation for the purpose of increasing coverage on highways by state troopers and for additional state troopers. (O'Keefe, Rock 21; J. Kelley, Rock 22; Emerton, Hills 7; Perkins, Hills 5; Hollingworth, Dist 23: Finance)

**HB 1587-FN**, creating the woman's right to know law. (M. Brown, Merr 10; Larrabee, Merr 9; Burke, Hills 15; Roberge, Dist 9: Judiciary and Family Law)

**HB 1588-FN**, making it a felony to cause bodily injury to a police dog or horse. (McGough, Hills 18; Roberge, Dist 9; Cohen, Dist 24: Criminal Justice and Public Safety)

**HB 1589**, prohibiting employers from requiring employees to work in excess of 8 hours a day or 40 hours a week. (Cushing, Rock 22: Labor, Industrial and Rehabilitative Services)

**HB 1590-FN**, relative to vending facilities operated by blind persons and blind services. (Leber, Merr 1; Emerton, Hills 7; J. Flanders, Rock 18; Gagnon, Hills 48; Johnson, Dist 3: Executive Departments and Administration)

**HB 1591**, relative to a width exception for highway building and maintenance equipment owned by private businesses and used for winter snow removal. (Phinney, Graf 8: Public Works and Highways)

**HB 1592-L**, relative to the enhanced 911 data base. (Patten, Carr 9; Dokmo, Hills 14; MacGillivray, Hills 21: Criminal Justice and Public Safety)

**HB 1593-FN**, codifying and revising the existing cooperative agreement between the department of health and human services and the judiciary. (Cobbin, Graf 11: Judiciary and Family Law)

**HB 1594-FN**, transferring the authority of the judicial conduct committee to the legislature. (Cobbin, Graf 11: Judiciary and Family Law)

**HB 1595-FN-A**, repealing certain exemptions under the meals and rooms tax. (M. Smith, Straf 8; A. Merrill, Straf 8; Estabrook, Straf 8; Wall, Straf 9: Finance)

**HB 1596-A**, authorizing a state welcome center in the town of Bradford and making an appropriation therefor. (Lamach, Merr 3: Public Works and Highways)

**HB 1597-FN**, relative to providing more cost-effective special education services. (Kurk, Hills 5; Larrabee, Merr 9; Griffin, Rock 27; Rubens, Dist 5: Education)

**HB 1598-FN**, prohibiting the use of social security numbers except for taxation purposes and providing certain rights to victims of credit card fraud. (Daniels, Hills 13; M. Brown, Merr 10: Commerce)

**HB 1599-FN**, allowing the custodial parent with legal custody of a child to change the child's name. (Wallner, Merr 24: Judiciary and Family Law)

**HB 1600**, relative to the multiple DWI offender intervention detention center program. (Christie, Rock 22: Criminal Justice and Public Safety)

**HB 1601-FN**, authorizing simulcast off-track betting races at the town of Salem bingo hall. (Micklon, Rock 26: Local and Regulated Revenues)

**HB 1602-FN**, allowing electronic games of chance at bingo halls. (Micklon, Rock 26: Local and Regulated Revenues)

**HB 1603-FN**, relative to appointment and payment of guardians ad litem and establishing a complaint process against the guardian ad litem system. (Hemon, Straf 11: Judiciary and Family Law)

**HB 1604**, relative to ownership of shares of professional corporations and relative to shareholders of firms practicing public accountancy. (J. Bradley, Carr 8; Johnson, Dist 3: Commerce)

**HB 1605**, establishing a study committee on marine patrol services. (Dickinson, Carr 2: Transportation)

**HB 1606-L**, relative to liability for response to hazardous materials accidents. (L. Foster, Hills 10; Gordon, Dist 2: Environment and Agriculture)

**HB 1607-L**, exempting state agencies and counties from competitive bidding requirements when purchasing bulletproof vests and other personal body armor for law enforcement officers, other officers with powers of arrest, and corrections personnel. (Below, Graf 13; MacGillivray, Hills 21; Belanger, Rock 26; MacDonald, Carr 7; Pignatelli, Dist 13; Fraser, Dist 4: Executive Departments and Administration)

**HB 1608**, providing that the membership on any charter commission established in a multi-town school district shall reflect each town's proportionate membership of the district's school board. (L. Foster, Hills 10; Metzger, Ches 13; Patten, Carr 9; Dokmo, Hills 14: Education)

**HB 1609**, permitting municipal elections to be held on biennial election day. (Cloutier, Sull 8; Whipple, Dist 8: Municipal and County Government)

**HB 1610**, relative to back wages owed by employers. (Clegg, Hills 23: Judiciary and Family Law)

**HB 1611**, relative to reports of income by county officers. (Christie, Rock 22: Election Law)

**HB 1612-FN**, establishing a public information system to ensure electronic access to public records. (Hunt, Ches 10: Executive Departments and Administration)

**HB 1613-FN**, limiting the liability of registers of deeds and counties for recording fraudulent documents and establishing a criminal penalty for knowingly filing a fraudulent document with a register of deeds. (Rice, Belk 7; Stone, Rock 7; Pfaff, Merr 11; Leber, Merr 1; Malcolm, Rock 22; Whipple, Dist 8: Judiciary and Family Law)

**HB 1614**, relative to tobacco use violations by minors and establishing a committee on educational programs on tobacco use for minors. (Akins, Graf 14; Cooper, Carr 2; Nordgren, Graf 10; Pilliod, Belk 3: Criminal Justice and Public Safety)

**HB 1615-FN-A**, relative to the restoration and preservation of the colonial era state house presently stored by the department of cultural affairs and making an appropriation therefor. (McKinney, Rock 29: Finance)

**HB 1616-FN-L**, requiring the department of revenue administration to make available to the public certain tax and real estate assessing software. (W. Williams, Graf 3: Executive Departments and Administration)

**HB 1617-FN-L**, requiring all state agencies to include in its budget request the cost for maintaining state-owned buildings based upon a formula and requiring the department of administrative services to maintain state-owned buildings. (Calawa, Hills 17: Public Works and Highways)

**HB 1618-L**, requiring schools to provide evaluative materials to non-custodial parents of pupils. (Bickford, Straf 1: Education)

**HB 1619**, relative to the embossing of government seals. (Hemon, Straf 11; Cobbin, Graf 11; McCann, Straf 11: Executive Departments and Administration)

**HB 1620**, relative to the issuance of walking disability placards. (Cobbin, Graf 11: Transportation)

**HB 1621**, relative to the membership of the advisory committee on shore fisheries. (Abbott, Rock 19; Raynowska, Rock 26: Wildlife and Marine Resources)

- HB 1622-FN**, relative to remedies and appeals under the whistleblowers' protection act. (Cobbin, Graf 11: Judiciary and Family Law)
- HB 1623**, relative to a waiting period before a dog or cat may be euthanized and relative to requirements for cats. (Fields, Hills 18; Roberge, Dist 9: Municipal and County Government)
- HB 1624-FN**, relative to the membership of the wetlands council. (Royce, Ches 9; Patenaude, Dist 7: Resources, Recreation and Development)
- HB 1625-FN**, relative to financial disclosure by elected officials. (Almy, Graf 14: Legislative Administration)
- HB 1626-FN**, relative to illegal gambling businesses. (Pepino, Hills 40; Chase, Graf 6: Criminal Justice and Public Safety)
- HB 1627**, relative to deposits with the state treasurer of amounts due certain stockholders and creditors on the dissolution of a corporation. (Dyer, Hills 8: Finance)
- HB 1628**, relative to health care liability. (DePecol, Ches 14; Wall, Straf 9: Commerce)
- HB 1629**, relative to walking disability plates and placards. (Pilliod, Belk 3; Dodge, Rock 4; Bartlett, Belk 6; Calvert, Belk 5; Squires, Dist 12; Gordon, Dist 2: Transportation)
- HB 1630-FN**, relative to the transportation of high-level radioactive waste. (A. Merrill, Straf 8; J. Bradley, Carr 8; Kaen, Straf 7; M. Smith, Straf 8; Russman, Dist 19; J. King, Dist 18: Science, Technology and Energy)
- HB 1631-FN**, extending the moratorium on new nursing home beds. (Kurk, Hills 5; Dowling, Rock 13; Squires, Dist 12: Finance)
- HB 1632-FN-A-L**, promoting the development of telecommunications planning and coordination at a statewide level, establishing incentives for local government investment in telecommunications infrastructure, and permitting local governments to franchise or otherwise levy and collect payments for use of the rights-of-way. (Fraser, Merr 21; Whipple, Dist 8; Larsen, Dist 15: Science, Technology and Energy)
- HB 1633**, restricting unsolicited commercial electronic mail. (MacGillivray, Hills 21: Commerce)
- HB 1634**, relative to amending the definition of "educational institution" under the New Hampshire municipal bond bank educational institutions bond financing act. (Dyer, Hills 8: Education)
- HB 1635-FN**, establishing the crime of criminal storage of a firearm. (Fuller Clark, Rock 36; Woods, Rock 25; A. Pelletier, Straf 12; Cohen, Dist 24: Criminal Justice and Public Safety)
- HB 1636-FN**, relative to the executive director of fish and game and the fish and game commission. (Mock, Carr 3; Klemm, Rock 28; Pfaff, Merr 11; R. Rogers, Straf 15; MacNeil, Graf 7; Cohen, Dist 24; J. King, Dist 18; Patenaude, Dist 7: Executive Departments and Administration)
- HB 1637-FN**, repealing the requirement that the commissioner of the department of employment security maintain a state directory of new hires. (Mirski, Graf 12; Boyce, Belk 5: Judiciary and Family Law)
- HB 1638-L**, relative to the work program requirement for assisted persons who are single parents. (Guthrie, Rock 15: Municipal and County Government)
- HB 1639-A-L**, relative to U.S. Route 3 from Twin Mountain in Carroll to Clarksville and making an appropriation therefor. (G. Merrill, Coos 1; Davis, Coos 1; Moynihan, Coos 2; Tholl, Coos 5; Horton, Coos 3; F. King, Dist 1: Public Works and Highways)
- HB 1640-FN**, prohibiting the use of public resources for political purposes. (Root, Graf 8; Colburn, Merr 12; Alger, Graf 9; Christiansen, Hills 23; Larrabee, Merr 9: Executive Departments and Administration)
- HB 1641-FN**, requiring the sweepstakes commission to receive prior approval from the legislative fiscal committee and governor and council before advertising for lottery ticket and other sweepstakes ticket sales and reducing advertising expenditures. (Hansen, Hills 2: Local and Regulated Revenues)
- HB 1642-FN**, relative to changing the environmental laboratory certification program administered by the department of environmental services to an accreditation program. (McRae, Hills 7; Heath, Rock 20; Musler, Straf 6: Resources, Recreation and Development)
- HB 1643-FN-L**, consolidating the pari-mutuel commission and sweepstakes commission into a gaming commission. (Burling, Sull 1: Executive Departments and Administration)
- HB 1644-FN-A**, relative to general fund operating budget surpluses. (Kurk, Hills 5; F. Torr, Straf 12; A. Torr, Straf 12; Blaisdell, Dist 10: Finance)
- HB 1645**, to eliminate secrecy in the handling of complaints by any state ethics committee or conduct board or commission. (Cobbin, Graf 11: Legislative Administration)



**HB 1646-FN**, removing the intent requirement for crimes of possession under the controlled drug law and increasing penalties for violations of the controlled drug law involving marijuana and hashish. (Boyce, Belk 5: Criminal Justice and Public Safety)

**HB 1647-FN**, allowing a person to be sentenced to up to 2 years of electronically-monitored home confinement probation for a class A misdemeanor and relative to drug testing of persons on home confinement probation. (Boyce, Belk 5: Criminal Justice and Public Safety)

**HB 1648**, restricting the transporting of passengers in the bed of trucks. (Christie, Rock 22: Transportation)

**HB 1649-FN-A**, providing an exemption under the interest and dividends tax for taxpayers on a fixed income. (M. Brown, Merr 10; D. White, Hills 25; Cooper, Carr 2; Raynowska, Rock 26; F. Riley, Hills 44: Finance)

**HB 1650-FN**, relative to benefits under the unemployment compensation laws. (Guaraldi, Graf 14; Danais, Dist 20: Labor, Industrial and Rehabilitative Services)

**HB 1651**, establishing a committee to study the protection of consumers relative to cable television rates and services. (Boutin, Hills 37; Root, Graf 8; J. Clemons, Hills 31; Lynde, Hills 24; Francoeur, Dist 14; Larsen, Dist 15; Podles, Dist 16; Fraser, Dist 4; J. King, Dist 18: Science, Technology and Energy)

**HB 1652**, establishing a pilot program relative to the administration of medications in residential care facilities. (Copenhaver, Graf 10; R. Foster, Carr 10; Podles, Dist 16; K. Wheeler, Dist 21: Health, Human Services and Elderly Affairs)

**HB 1653**, relative to the composition of the board of barbering, cosmetology, and esthetics. (Stickney, Rock 26; Noyes, Rock 26: Executive Departments and Administration)

**HB 1654**, relative to consumer credit solicitations. (Sapareto, Rock 13: Commerce)

**HB 1655-FN-A**, relative to the authority of the length of service awards program committee, and making an appropriation therefor. (Dyer, Hills 8; W. Riley, Ches 7; Beaulieu, Rock 10; Langer, Merr 11; Robertson, Ches 18: Executive Departments and Administration)

**HB 1656**, relative to the law enforcement memorial. (K. Rogers, Merr 22: Public Works and Highways)

**HB 1657**, extending the consultant's reporting date for surveying the department of youth development services' facilities. (Lozeau, Hills 30: Finance)

**HCR 20**, recognizing the 100<sup>th</sup> anniversary of Old Home Day in New Hampshire. (Alger, Graf 9; Dickinson, Carr 2; Avery, Ches 8; Alukonis, Hills 23; Gordon, Dist 2; Larsen, Dist 15: Municipal and County Government)

**HCR 21**, encouraging the designation of the Connecticut River as an American Heritage River. (Akins, Graf 14; McGuirk, Ches 1; Hill, Graf 1; Schotanus, Sull 3; Horton, Coos 3; Gordon, Dist 2; Whipple, Dist 8: State-Federal Relations and Veterans Affairs)

**HCR 22**, rescinding the 1979 call for a federal constitutional convention. (W. Riley, Ches 7; Russell, Ches 15; McGuirk, Ches 1; Johnson, Dist 3; Roberge, Dist 9; Podles, Dist 16; Blaisdell, Dist 10: State-Federal Relations and Veterans Affairs)

**HCR 23**, urging Congress to provide relief for the Palestinian Christians by direct aid or by negotiation with the government of Israel. (Luebker, Hills 42: State-Federal Relations and Veterans Affairs)

**HCR 24**, urging Congress to enact legislation amending the Social Security Act to authorize issuance of waivers to states allowing design and implementation of alternative retirement plans. (Daniels, Hills 13: State-Federal Relations and Veterans Affairs)

**HCR 25**, requesting the U.S. Postal Service to issue a stamp commemorating the 200<sup>th</sup> anniversary of the United States naval shipyards. (Malcolm, Rock 22; Vaughn, Rock 35; Francoeur, Rock 22; J. McCarthy, Rock 24; Rosen, Belk 7; Barnes, Dist 17; Cohen, Dist 24: State-Federal Relations and Veterans Affairs)

**HJR 20**, finding that the contract requiring Public Service Company of New Hampshire to assume financial responsibility for a decision by Northeast Utilities to acquire additional nuclear generating capacity has the potential to raise PSNH rates and was executed in violation of the 1989 Rate Agreement between Northeast Utilities and the state of New Hampshire and in violation of state law. (Cushing, Rock 22; Lynde, Hills 24: Science, Technology and Energy)

**HJR 21**, requesting that the United States Congress return to the states the authority to regulate campaign finance. (J. Foster, Hills 33; Arnold, Hills 20; Pfaff, Merr 11; Patenaude, Dist 7; Rubens, Dist 5; Hollingworth, Dist 23: State-Federal Relations and Veterans Affairs)

**HJR 22**, requesting the government of the United States to adopt and ratify the international treaty to ban land mines. (J. Pratt, Ches 2; Bergin, Hills 16; MacAuslan, Hills 30: State-Federal Relations and Veterans Affairs)

**HJR 23**, supporting the state's petition to the federal Environmental Protection Agency to reduce interstate transport of air pollutants from other states, requesting that Congress make certain changes in the federal Clean Air Act, and requesting that the Environmental Protection Agency enforce certain existing provisions of the Clean Air Act regarding interstate transport of air pollution. (MacGillivray, Hills 21; Below, Graf 13; J. Bradley, Carr 8: Science, Technology and Energy)

**HJR 24-FN**, requiring the department of transportation to re-elm U.S. Route 1. (Cushing, Rock 22: Public Works and Highways)

**HR 52**, encouraging school districts to include special education students in drug education programs. (Leonard, Hills 39: Education)

**HR 53**, urging Congress to pass and the President to sign a bill returning to the states the power to regulate campaign finance in state races for federal office. (Almy, Graf 14; Arnold, Hills 20; Root, Graf 8: State-Federal Relations and Veterans Affairs)

**HR 54**, amending House Rules 51, 52, and 64 for the 1998 legislative session. (Wheeler, Hills 7; Burling, Sull 1)

**CACR 30**, relating to the levy of taxes. Providing that no taxes shall be levied without the consent of the people through a referendum vote. (M. Brown, Merr 10; Colburn, Merr 12; Boyce, Belk 5; Stickney, Rock 26: Finance)

**CACR 31**, relating to the rulemaking authority of the supreme court. Providing that supreme court rules are effective only when not inconsistent with statute. (Pepino, Hills 40; W. McCarthy, Hills 41: Judiciary and Family Law)

**CACR 32**, relating to amending the New Hampshire constitution to provide that registers of probate be appointed instead of elected. Providing that registers of probate shall be appointed instead of elected. (Keans, Straf 16: Judiciary and Family Law)

**CACR 33**, relating to a minimum age restriction on New Hampshire house members. Providing that the minimum age shall be 21. (Murphy, Hills 42; Pilliod, Belk 3; Reidy, Hills 46; Gosselin, Hills 45; Root, Graf 8: Election Law)

**CACR 34**, relating to broad-based sales or income taxes. Providing that adopting a broad-based sales or income tax is prohibited. (M. Brown, Merr 10; F. Riley, Hills 44; Boyce, Belk 5; Colburn, Merr 12; Weyler, Rock 18: Finance)

**CACR 35**, relating to the nomination and appointment of judicial officers. Providing that all judicial officers shall be nominated and appointed by the governor with the advice and consent of the senate. (McCann, Straf 11; Cobbin, Graf 11; Hemon, Straf 11: Judiciary and Family Law)

**CACR 36**, relating to probate and district court judges. Providing that all probate and district court judges shall be full-time employees and have no administrative functions. (Mirski, Graf 12: Judiciary and Family Law)

**CACR 37**, relating to the administration of the courts. Providing that there shall be an independent administrative office of the courts. (Mirski, Graf 12; Roberge, Dist 9: Judiciary and Family Law)

**CACR 38**, relating to the state judiciary. Providing that abolishing the current method for selecting state judges and establishing the New Hampshire Bar as a pool from which state judges are chosen by lot. (Hemon, Straf 11; McCann, Straf 11: Judiciary and Family Law)

**CACR 39**, relating to the subject matter of legislation which can be introduced by the general court in a second year session. Providing that the subject matter of legislation which can be introduced by the general court in a second year session be limited to proposed constitutional amendments, budget matters in the event of a fiscal emergency, and re-referred bills that have received a 2/3 vote for consideration in the second year session. (Carney, Hills 12: Legislative Administration)

**CACR 40**, relating to imposing limitations on state government spending. Providing that the legislative and executive budgets cannot be more than 98 percent of the previous year's revenues, with the remainder being placed into a stabilization fund. (M. Brown, Merr 10; F. Riley, Hills 44; Leber, Merr 1; Weyler, Rock 18: Finance)

**CACR 41**, relating to clerks of court. Providing that beginning in 1999, clerks of the superior and district courts shall be elected instead of appointed and an elected clerk shall be removable upon petition by the governor with the advice and consent of the council. (Cobbin, Graf 11: Judiciary and Family Law)

**CACR 42**, relating to public money used to compensate individuals for sectarian education. Providing that the provision prohibiting public money from being used to compensate individuals for education at sectarian schools be replaced with federal constitutional church-state separation protections. (Colburn, Merr 12; M. Brown, Merr 10; Rubens, Dist 5: Education)

*CACR 43*, relating to compensation for members of the general court. Providing that members of the general court shall receive the annual sum of 5 cents per citizen of the state per week, multiplied by the most recent decennial federal census figure for the state of New Hampshire, divided by the number of legislators for the term elected. (Hemon, Straf 11: Legislative Administration)

### VACATES

Rep. David Welch moved that the House vacate the reference to the Committee on Criminal Justice and Public Safety of *HB 1372*, increasing the distance from a dwelling within which a person is prohibited from discharging a firearm.

Adopted and referred to Wildlife and Marine Resources.

Rep. O'Hearn moved that the House vacate the reference to the Education Committee of *HB 1608*, providing that the membership on any charter commission established in a multi-town school district shall reflect each town's proportionate membership of the district's school board.

Adopted and referred to Municipal and County Government.

Rep. Metzger moved that the House vacate the reference to the Municipal and County Government Committee of *HB 1441*, establishing a committee to study reporting requirements for communities which pay for special education costs and the impacts of court-ordered placements and services.

Adopted and referred to Education.

Rep. Metzger moved that the House vacate the reference to the Municipal and County Government Committee of *HB 1623*, relative to a waiting period before a dog or cat may be euthanized and relative to requirements for cats.

Adopted and referred to Environment and Agriculture.

### COMMITTEE ASSIGNMENTS

Rep. Eric Anderson on Commerce; off Municipal and County Government.

Rep. William S. Belvin on Finance.

Rep. Kevin J. Clemons on Wildlife and Marine Resources; off Environment and Agriculture.

Rep. Larry J. Cossette on Transportation

Rep. Robert R. Cushing on Science, Technology and Energy; off Legislative Administration.

Rep. Janeen A. Dalrymple on Labor, Industrial and Rehabilitative Services.

Rep. Suzan L. R. Franks on Environment and Agriculture; off Education.

Rep. Harry T. Hinman on State-Federal Relations and Veterans Affairs.

Rep. Warren C. Henderson on Education.

Rep. Richard F. Heon on Municipal and County Government.

Rep. Elizabeth K. Hoadley on Education; off Science, Technology and Energy.

Rep. Christine M. Konyes on Executive Departments and Administration.

Rep. Robert J. Letourneau on State-Federal Relations and Veterans Affairs.

Rep. Roy D. Maxfield on Science, Technology and Energy; off Labor, Industrial and Rehabilitative Services.

Rep. Andrew R. Peterson on Judiciary and Family Law; off Executive Departments and Administration.

Rep. Terence R. Pfaff on Judiciary and Family Law; off State-Federal Relations and Veterans Affairs.

Rep. Jacqueline A. Pitts on State-Federal Relations and Veterans Affairs.

Rep. Marie N. Rabideau on Education.

Rep. Amy E. Robb-Theroux on Environment and Agriculture; off Resources, Recreation and Development.

Rep. Robert H. Rowe on Resources, Recreation and Development.

Rep. Frank J. Sapareto on Executive Departments and Administration.

Rep. John A. Simmons on Labor, Industrial & Rehabilitative Services; off State-Federal Relations and Veterans Affairs.

Rep. Edwin O. Smith on Legislative Administration.

Rep. George M. Wright on Labor, Industrial and Rehabilitative Services; off Education.



**RESOLUTION**

Reps Wheeler and Burling offered the following:

RESOLVED, that the House inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of hearing an address by the Governor, the Honorable Jeanne Shaheen.

**SENATE MESSAGE**

The Senate is ready to meet in Joint Convention for the purpose of hearing an address by the Governor, the Honorable Jeanne Shaheen.

**RECESS****JOINT CONVENTION****(Speaker Sytek presiding)**

The Speaker introduced Governor Jeanne Shaheen who addressed the Joint Convention.

Madam Speaker, Mr. President, honorable members of the Governor's Council, members of the House and Senate and my fellow citizens.

One year ago, I stood before you for the first time as Governor, as New Hampshire's first woman Governor, sharing the podium with New Hampshire's first woman Speaker. Madam Speaker, we have accomplished a lot working together. And, of course, working with you, too, Mr. Senate President. I am very happy that I have part of my family here with me this morning. I have my husband of 28 years, Billy, without whose help this past year would have been impossible. I also have my middle daughter, Stacey. My youngest daughter, Molly, is in school. My oldest daughter, Stephany, graduated this year and is finally working. Stacey is a freshman at UNH. She is out on semester break right now and if you'll excuse me for being a proud parent for a little while, we just learned that Stacey made the Dean's List her first semester.

One year ago, I pledged to you in this historic chamber and to everyone in our great state that I would bring people together to solve the problems we face. I urged you to join me to focus on what's important to our families and our future; to put aside partisanship and instead choose leadership in tending to the people's business.

One year later, we have much progress to report and we have a new challenge to meet.

The Supreme Court has issued a challenge that will test our commitment to our children and their education; a challenge that will test our values and define our future; a challenge that can tear us apart or pull us together.

Once again, it's time for leadership, not partisanship. It's time to focus on what's important to our families and our future. It's time to come together to address all of the challenges that we face.

Over the past year, we've come together in triumph and in tragedy. When a madman struck in Colebrook, and a young police officer was killed in Epsom, we came together and honored the fallen, we shared the grief of their families and we rallied around their communities. Dealing with those tragedies taught me one very important lesson: that all the differences that we have here about politics and ideology are insignificant in the face of our duty to each other as citizens of this great state.

We know what we can accomplish when we work together. We've done a lot in one year. And New Hampshire is prospering. Today, I'm very happy to report that the state of our state is excellent. By almost any measure, we're leading New England and much of the nation.

The statistics are very impressive. We had the second lowest crime rate in the nation. We ranked fourth in the overall health of our people. Unemployment is at its lowest rate since 1988; 16,000 new jobs in the past year. Wages up almost 7 percent. State revenues \$38 million ahead of last year and 5.5 percent ahead of projections. Just this morning we saw more good news in the paper. Domestic violence is down in the past year. We've just had the longest period in New Hampshire's last 10 years without a murder in this state.

Over the past year, we've worked hard to keep New Hampshire growing. We speeded up improvements to the state's roads and bridges. We made smart investments to increase New Hampshire tourism, promote New Hampshire products and expand international trade. The first governor-led trade mission outside of North America has created exciting new opportunities for our businesses.

We made changes to make government work better for less. We called in experts to make real estimates of state revenues to ensure honest, responsible budgets. We reformed the way we bid out the state employees' health care benefits, and because of that we'll save almost \$10 million this year alone. We sent more money back to cities and towns to help provide property tax relief — \$98 million more in this biennium than in the last.

I said we would make education a priority, and we did. We increased support for schools by 40 percent. Our kindergarten initiative is working. This fall, more school districts established public kindergarten than in any single year in New Hampshire history. And we have over two dozen districts looking at kindergarten for next year.

We've made a difference for students at all levels: a reading recovery initiative to make sure that every single child in New Hampshire learns to read; full funding of catastrophic aid; help for schools to use the assessment tests to improve student performance; a tax-free tuition savings plan for college; and almost 2 million additional dollars for our schools through the Goals 2000 program. We did all that while we were cutting the deficit from more than \$44 million when I took office to just over \$1 million. We did all that without any new broad-based taxes. If we stay on track, the deficit will be gone in two years and it will be replaced by a surplus. We know we need to address the Claremont decision, but we can't let that or anything else pull us off the course we've set toward a balanced budget.

We've shown that we can put education first, make smart investments in our future and be fiscally responsible. So now let us turn together to face the future. As important as the Claremont decision is, we must not lose sight of the many other challenges and opportunities ahead of us.

We've set a course of steadily improving our schools, and we should be proud of what we've accomplished. But we can do better. Because our ultimate goal is to have schools that are not merely adequate, but that are world class — schools that will enable us to have the best prepared work force possible.

That's why I'll soon be announcing a Best Schools initiative to make New Hampshire an example for the nation of how to teach our children and prepare our people for the 21<sup>st</sup> century.

We're also going to work to help our children stay healthy. Today, 20,000 New Hampshire children have no health insurance — no protection if they get sick or injured. We have the opportunity to begin to expand health care coverage for our children. And, we should do it this year.

We need an economic plan to help ensure that New Hampshire continues to prosper and seizes the opportunities of the 21<sup>st</sup> century. We have filed an application, through our Office of State Planning, with the U.S. Department of Commerce for a grant that will help provide funding for us to develop that plan. We expect to hear later this month that we have been successful.

We'll also keep fighting to bring down the cost of electricity. I will keep pushing this issue in every forum possible until every family and every business in New Hampshire has lower electric bills. I will fight for as long as it takes, but I believe a settlement that lowers electric rates and brings competition in is in the best interests of New Hampshire.

So, today I say to the management of Public Service Company and Northeast Utilities, you should recognize that it is in the best interests of your stockholders as well. Recognize that the pursuit of short-term profits at the expense of your New Hampshire customers is simply bad business. New Hampshire ratepayers have more than shared the burden of bringing PSNH out of bankruptcy. They have borne it on their backs. Now is the time for your stockholders to share the burden. You can win back the good will once associated with the name Public Service Company of New Hampshire. Competition is coming. Embrace it and work with us to lower electric rates.

I'm going to work not just for our economic security but for our personal security too. We know that we're not immune to violence, and when it occurs, it must be punished. Together with the Deputy Speaker and the Attorney General, we have crafted legislation that will strengthen our death penalty laws. Views on the death penalty are deeply held, and I respect the right of each of you to vote your conscience on this issue. But I believe that there are murders so heinous that the ultimate penalty is warranted, and I believe that our laws should cover those murders.

We must also build a new prison. We must build it now to relieve overcrowding and enhance public safety, and we must resolve the issue of the Lakes Region facility once and for all. Next week, I will be introducing a new Corrections Commissioner, the Executive Council willing, and we will be working with that new Commissioner to take a fresh look at how to address these issues within the prison system.

These are all important issues facing our state. But the greatest challenge facing us comes from the Supreme Court's decision on the Claremont lawsuit. It is a challenge that will test all of us — our

dedication to our children's education and their economic future; our steadfastness in meeting the court's timetable without being rushed to hasty decisions; and our creativity in finding a solution that preserves what is best about New Hampshire yet recognizes what must be changed. Most of all, it will test once again our ability to work together for the greater good of New Hampshire. Let's start by being honest about this challenge. The full ramifications of the court's decision are far-reaching and filled with complexities. I've learned in my life to beware of those who rush forward with instant answers or simple solutions. They may make headlines, but they rarely make progress or solve serious problems.

I am confident that we will find a solution if we work together and if we let ourselves be guided by common sense and dedication to our children's future.

The Supreme Court ruled that education is a fundamental right. That ruling did not tell us anything that we didn't already know as parents. That's what this issue should be about – our children and their education; about every parent who looks at their children with hope; about providing opportunity for every child while respecting the pocketbook of every parent.

We are not the first state to face this kind of decision. Eighteen other states have been in the same position. We need to learn from their mistakes and profit from their successes. While facing a court order is not unique, we must find a solution that is uniquely New Hampshire.

As we work to find the answer, I will follow three fundamental guidelines. First, I will oppose any new broad-based tax. Our citizens don't want one, and I don't believe the court ruling requires one. Second, I believe that local control is one of the great strengths of our educational system. Anything we do must preserve the right of local communities to control our schools. Third, our solution must ensure the quality of our children's education. We must find a way to lift up those schools that need help without dragging the others down.

We must accept this responsibility to our children, not avoid it by rewriting the constitution. This issue is not, as some have suggested, a simple choice between passing new broad-based taxes or rewriting our constitution. And it is not a simple choice between local control and a state takeover of our schools. We've heard those voices before. Only a year ago, those same voices said that we could not expand kindergarten without broad-based taxes or a state takeover. Those same voices also said that accepting Goals 2000 funds would take away local control. Together we proved those voices wrong. Over the past year, we've shown that the old choices – between doing nothing and overturning New Hampshire values and traditions – are not the only choices. Let us prove them wrong again. We can preserve what is best about New Hampshire, and still move forward to change what needs to be changed. We can, and we must.

One year ago, I stood before you and said that the people do not look to us for partisanship; they look to us for leadership. They do not judge us by our party, by our ideology or by our gender, but by the quality of our work – the quiet, steady work of people striving together to make tomorrow a little better than today.

The work ahead of us will not be easy. It will be very hard. But I have faith in the people of New Hampshire and in this legislature. I know the good this Legislature is capable of accomplishing. I have seen it firsthand for six years as a member of the state Senate and as your governor for the last 12 months. I have every confidence that we can rise to meet the challenge. As we do so, let us be guided by our hope that future generations will look back and express thanks for the work we did in this session. God willing, we will succeed. Thank you.

Sen. Blaisdell and Rep. Wheeler moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

The Rules Committee offered the following:

#### HOUSE RESOLUTION NO. 54

amending House Rules 51, 52, and 64 for the 1998 legislative session.

Resolved by the House of Representatives:

That House Rule 51 be amended to read as follows:

51. [~~The Speaker may designate any legislative day as a Consent Calendar day by giving two days printed notice in the House Calendar.~~] No bill shall be on a Consent Calendar unless the committee to which the bill was referred approves its placement on the Consent Calendar by a



unanimous vote in executive session. Any member may request removal of any bill listed on the Consent Calendar. Any bill removed from the Consent Calendar shall be taken up at the conclusion of the Regular Calendar. All matters remaining on the Consent Calendar shall be acted upon without debate.

That House Rule 52 be amended to read as follows:

52. No standing rule of the House shall be suspended unless two-thirds of the members present vote in favor thereof. *A motion to suspend the rules is debatable.*

That House Rule 64 be replaced with the following:

64. Legislative action in the second-year session shall be subject to the following deadlines:

January 7, 1998, Wednesday	Opening day
January 29, 1998, Thursday	Last day to act on remaining re-referred bills not in second committee
February 4, 1998, Wednesday	Last day to report re-referred bills from a second committee
February 11, 1998, Wednesday	Last day to report House bills going to a second committee
February 12, 1998, Thursday	Last day to act on remaining re-referred bills from a second committee
February 19, 1998, Thursday	Last day to act on all House bills going to a second committee
February 20, 1998, Friday	Last day to report remaining House bills not in a second committee
February 23, 1998, Monday to February 27, 1998, Friday	Break
March 18, 1998, Wednesday	Last day to report all House bills from a second committee
March 26, 1998, Thursday-CROSSOVER	Last day to act on all remaining House bills
April 8, 1998, Wednesday	Last day to report all Senate bills going to a second committee
April 15, 1998, Wednesday	Last day to report all Senate bills which have not been referred to a second committee – except Finance
April 29, 1998, Wednesday	Last day to report all remaining Senate bills
May 7, 1998, Thursday	Last day to act on remaining Senate bills
May 14, 1998, Thursday	Last day to form Committees of Conference
May 21, 1998, Thursday	Last day to file Committee of Conference reports
May 26, 1998, Tuesday	Committee of Conference reports available
May 28, 1998, Thursday	Last day to act on Committee of Conference reports
June 3, 1998, Wednesday	All bills to the Governor

Rep. Robertson spoke against.

Reps. Wheeler and Burling spoke in favor and yielded to questions.

Adopted.

Rep. Dodge offered a floor amendment.

#### Floor Amendment (0223h)

Amend House Rule 44.(a) to read as follows:

(a) All bills in the possession of committees shall be reported out by the date specified in Rule 64 *in the manner provided for in Rule 51, and* with one of the following recommendations: Ought to Pass, Ought to Pass with Amendment, Re-refer to Committee, Inexpedient to Legislate, Refer for Interim Study, or Recommended but to be Laid Upon the Table Because of Funding. Re-refer to Committee shall be a committee report only in the first-year session; Refer for Interim Study shall be a committee report only in the second-year session. The Committee, as its Interim Study final report, shall submit its findings and any recommendations.

Amend House Rule 45.(c) to read as follows:

(c) When a bill comes before the House *for debate*, the body shall first consider the [~~printed majority report of the committee~~] *ought to pass motion as provided for in Rule 51*. [~~The Speaker shall not permit a motion to substitute any permitted alternative report for the Committee Report until the House has properly disposed of the majority report.~~]

Amend House Rule 51 to read as follows:

51. The Speaker may designate any legislative day as a Consent Calendar day by giving two days printed notice in the House Calendar. [~~No~~] *Each* bill shall be on a Consent Calendar unless *the bill includes a minority report or* the committee to which the bill was referred approves [~~its placement on the Consent Calendar~~] *reporting the bill out without placement on the Consent Calendar* by a [~~unanimous~~] vote in executive session. *Any bill reported out for debate shall be presented on the floor with an Ought to Pass Motion, notwithstanding any committee report recommendation. Following the Ought to Pass Motion the bill shall be presented for the third reading.* Any member may request removal of any bill listed on the Consent Calendar. Any bill removed from the Consent Calendar shall be taken up [~~at the conclusion of the Regular Calendar~~] *no sooner than the next scheduled session and no later than the second scheduled session from the date of the Consent Calendar from which the bill was removed.* All matters remaining on the Consent Calendar shall be acted upon without debate.

Reps. Dodge, Alger and Root spoke in favor.

Reps. Henderson, Burling and Gene Chandler spoke against.

Rep. Dodge requested a roll call; sufficiently seconded.

The question being the adoption of the Dodge floor amendment.

### YEAS 49 NAYS 299

#### YEAS 49

#### BELKNAP

Boyce, Robert

Laflam, Robert

#### CARROLL

Dickinson, Howard, Jr.

#### CHESHIRE

DePecol, Benjamin

Robertson, Timothy

Steere, Myron, III

#### COOS

None

#### GRAFTON

Akins, Ralph

Alger, John

Cobbin, Philip

Guaraldi, Lawrence

Mirski, Paul

Phinney, William

Root, John

Weber, Phil

#### HILLSBOROUGH

Ameen, W.

Batula, Peter

Brundige, Robert

Christiansen, Lars

Dwyer, Paul, Sr.

Fenton, James

Holley, Sylvia

Jean, Loren

Letendre, Evelyn

Marcinkowski, Michael

Morello, Michael

Murch, George

Vaillancourt, Steve

White, Donald

#### MERRIMACK

Brown, Mary

Colburn, Thomas

Hoadley, Elizabeth

Krueger, Patricia

Lamach, Bernard

Lavoie, Gerard

#### ROCKINGHAM

Camm, Kevin

Dodge, Robert

Dolan, Richard

Dunham, Vivian

Fesh, Robert

Griffin, Mary

Guthrie, Joseph

Mikowski, Walter

Raynowska, Bernard

Reardon, Neil

Sapareto, Frank

Smith, Kevin

Stickney, Nancy

**STRAFFORD**

Cossette, Larry

**SULLIVAN**

Kibbey, David

**NAYS 299****BELKNAP**Bartlett, Gordon  
Golden, Paul  
Lawton, Robert  
Thomas, JohnBoriso, Thomas  
Holbrook, Robert  
Pilliod, James  
Turner, RobertCalvert, Alice  
Hurt, George  
Rice, Thomas, Jr.Clark, Charles  
Lawton, David  
Salatiello, Thomas**CARROLL**Babson, David, Jr.  
Howard, Godfrey  
Mock, HenryBradley, Jeb  
Kenney, Joseph  
Patten, BetseyChandler, Gene  
Lyman, L. Randy  
Philbrick, DonaldCooper, Kipp  
MacDonald, Kenneth**CHESHIRE**Avery, Stephen  
Doucette, Richard  
Manning, Joseph  
O'Connell, John  
Riley, William  
Vogl, JohnBonneau, Sarah  
Hunt, John  
McGuirk, Paul  
Pratt, Irene  
Royce, H. CharlesBumham, Daniel  
Lynch, Margaret  
McNamara, Wanda  
Pratt, John  
Russell, RonaldChampagne, Richard  
Lynott, Margaret  
Meader, David  
Richardson, Barbara  
Smith, Edwin**COOS**Bradley, Paula  
Horton, Lynn  
Pratt, LeightonDavis, Perley  
Mears, Edgar  
St. Hilaire, PaulGuay, Lawrence  
Merrill, Gerald  
Tholl, John, Jr.Hawkinson, Marie  
Moynihan, Wayne**GRAFTON**Almy, Susan  
Connolly, Steven  
Ham, Bonnie  
Lovett, Sidney  
Teschner, DouglassBelow, Clifton  
Copenhaver, Marion  
Hill, Richard  
Luker, Elsa  
Trelfa, RichardBrown, Channing  
Eaton, Stephanie  
Hinman, Harry  
MacNeil, Allen  
Williams, William, Jr.Chase, Paul, Jr.  
Guest, Robert  
LaMott, Paul  
Nordgren, Sharon**HILLSBOROUGH**Allen, W. Gordon  
Baroody, Benjamin  
Bernier, Shannon  
Cardin, Lori  
Clay, Susan  
Daigle, Robert  
Dokmo, Cynthia  
Flora, Kathleen  
Gage, Ruth  
Gosselin, Gerald  
Hansen, Herbert  
Kelley, Robert  
LaRose, Richard  
Lessard, Rudy  
MacGillivray, Jeffrey  
McDonald, James, Sr.  
Mercer, RobertAlukonis, David  
Barry, William, III  
Boutin, David  
Carlson, Donald  
Clegg, Robert, Jr.  
Daniels, Gary  
Durham, Susan  
Foster, Joseph  
Gagnon, Eugene  
Goulet, Maurice  
Herman, Keith  
Konys, Christine  
Lefebvre, Roland  
Lozeau, Donnalee  
MacIntyre, Doris  
McGough, Tim  
Messier, IreneAmidon, Eleanor  
Belvin, William  
Buckley, Raymond  
Camey, Lauren  
Cote, Peter  
Dawe, Eileen  
Dyer, Merton  
Foster, Linda  
Ginsburg, Ruth  
Haettenschwiller, Alphonse  
Holt, David  
Kurk, Neal  
Leishman, Peter  
Luebker, Bernard  
McCarthy, William  
McRae, Karen  
Milligan, RobertArnold, Thomas, Jr.  
Bergin, Peter  
Calawa, Leon, Jr.  
Chabot, Robert  
D'Allesandro, Lou  
Desrosiers, William  
Emerton, Lawrence, Sr.  
Franks, Suzan  
Golding, William  
Hall, Betty  
Johnson, Lionel  
L'Heureux, Robert  
Leonard, Peter  
Lynde, Harold  
McCarty, Winston  
Melcher, Harold  
Mittelman, David



Murphy, Robert  
Perkins, Paul  
Rowe, Robert  
Turgeon, Roland

O'Hearn, Jane  
Peterson, Andrew  
Sargent, Maxwell  
Wheeler, Robert

O'Rourke, Thomas  
Piteri, Dawn  
Searles, Stanley, Sr.  
White, Jay

Pepino, Leo  
Reidy, Frank  
Thulander, O. Alan

### MERRIMACK

Anderson, Eric  
Daneault, Gabriel  
Fraser, Marilyn  
Hess, David  
Leber, William  
Moore, Carol  
Pfaff, Terence  
Wallner, Mary Jane

Burney, Carol  
DeStefano, Stephen  
French, Barbara  
Jacobson, Alf  
Lockwood, Robert  
Morrill, Olive  
Seldin, Gloria  
Whalley, Michael

Crosby, Toni  
Dunn, Miriam  
Gile, Mary  
Langer, Ray  
Marshall, Kenneth  
Nichols, Avis  
St. Cyr, Gerard  
Whittemore, James

Crowell, Peter  
Feuerstein, Martin  
Hager, Elizabeth  
Larrabee, David  
Maxfield, Roy  
Owen, Derek  
Wallin, Jean  
Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
Belanger, Ronald  
Case, Margaret  
Cooney, Richard  
Dowd, Sandra  
Flanders, John, Sr.  
Gleason, John  
Johnson, Robert  
Kelley, Jane  
Letourneau, Robert  
McCarthy, John, Jr.  
Norelli, Terie  
Pantelakos, Laura  
Schanda, Frank  
Tufts, J. Arthur  
Weatherspoon, Jackie

Arndt, Janet  
Bishop, Franklin  
Christie, Andrew, Jr.  
Cushing, Robert  
Downing, Michael  
Francoeur, Sheila  
Heath, John  
Kane, Cecelia  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
McKinney, Betsy  
Nowe, Ronald  
Pitts, Jacqueline  
Simmons, John Anthony  
Varrell, Thomas  
Welch, David

Battles-Peirce, Marjorie  
Blanchard, MaryAnn  
Clark, Martha  
Dalrymple, Janeen  
Felch, Charles, Sr.  
Frechette, Joseph  
Henderson, Warren  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
Micklin, Stephanie  
Noyes, Richard  
Rabideau, Marie  
Stone, Joseph  
Vaughn, Charles  
Weyler, Kenneth

Beaulieu, Jon  
Carson, Gregory  
Coes, Betsy  
Dearborn, Bruce  
Flanagan, Natalie  
Gibbons, Paul  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Langone, John  
Malcolm, Kenneth  
Moore, Benjamin  
Packard, Sherman  
Sabella, Norma  
Syracusa, Anthony  
Verani, Giovanni  
Woods, Deborah

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Hemon, Roland  
Knowles, William  
Merritt, Deborah  
Rollo, Michael  
Taylor, Kathleen  
Twardus, Joseph

Brennan, William  
Dunlap, Patricia  
Heon, Richard  
Lundborn, Raymond  
Musler, George  
Smith, Marjorie  
Torr, Ann  
Vachon, Dennis

Brown, Julie  
Estabrook, Iris  
Kaen, Naida  
McKinley, Robert  
Pelletier, Arthur  
Snyder, Clair  
Torr, Franklin  
Vincent, Francis

Callaghan, Frank  
Grassie, Anne  
Keans, Sandra  
Merrill, Amanda  
Rogers, Rose Marie  
Sullivan, Henry  
Tsiros, William  
Wall, Janet

### SULLIVAN

Adler, Rudolf  
Donovan, Thomas  
Palmer, Lorraine

Allison, David  
Ferland, Brenda  
Robb-Theroux, Amy

Burling, Peter  
Leone, Richard  
Schotanus, Merle

Cloutier, John  
Lindblade, Eric  
Wiggins, Celestine

and the Dodge floor amendment failed.  
Rep. Jacobson offered a floor amendment.

### Floor Amendment (0231h)

House Rule 49(b) is repealed and reenacted to read as follows:

49.(b) In its deliberations a committee of conference shall be limited to those amendments of any bill or resolution that are contained in either the House or Senate version of the bill or resolution.

Rep. Jacobson spoke in favor and yielded to questions.

Rep. Lozeau spoke against.

On a division vote, 140 members having voted in the affirmative and 204 in the negative, the Jacobson floor amendment failed.

The Ethics Committee offered the following:

**LEGISLATIVE ETHICS COMMITTEE**

**Proposed Amendment to Ethics Guidelines**

At its meeting on December 15, 1997, the Committee unanimously voted to amend the Ethics Guidelines, subject to approval by the General Court in accordance with RSA 14-B:3, II, by adopting a revised Financial Disclosure Form. The amendment, in its entirety, is printed below. Rep. Jeb E. Bradley, Chairman; Sen. Richard L. Russman, Vice-Chairman; Sen. John A. King; Rep Sarah K. Bonneau; Shawn N. Jasper; Peter C. Scott

**ETHICS GUIDELINES**

**3 LEGISLATOR'S FINANCIAL DISCLOSURE FORM.**

Every representative, representative-elect, senator, senator-elect, and officer of the House and Senate, shall file with the Secretary of State the following financial disclosure form on or before January [45] 31 of each year for the preceding calendar year.

The remainder of Section 3 is repealed and reenacted to read as follows:

**FINANCIAL DISCLOSURE FORM**

**FOR STATE SENATORS, STATE REPRESENTATIVES AND OFFICERS OF THE GENERAL COURT**

Required by the Legislative Ethics Committee (RSA 14-B)

Name of Legislator/Officer \_\_\_\_\_ (print name)

Address \_\_\_\_\_  
street town/city zip code

Office \_\_\_\_\_ County/District \_\_\_\_\_

Telephone Number \_\_\_\_\_

Identify below the name, address, and type of any professional, business, or other organization (including any unit of government) in which you are or were an officer, director, associate, partner, proprietor, employee, or member, or served in any advisory capacity, from which you derived any income (including retirement benefits) in excess of \$10,000 during the preceding calendar year.

- 1) a) Name of organization \_\_\_\_\_
- b) Address of organization \_\_\_\_\_
- c) Type of organization \_\_\_\_\_
- 2) a) Name of organization \_\_\_\_\_
- b) Address of organization \_\_\_\_\_
- c) Type of organization \_\_\_\_\_
- 3) a) Name of organization \_\_\_\_\_
- b) Address of organization \_\_\_\_\_
- c) Type of organization \_\_\_\_\_

(attach additional sheets if necessary)

**Please note: every State Senator, State Representative, and Officer of the General Court is required to file this form. If you feel that your income during the preceding calendar year does not qualify for disclosure according to the criteria stated above, signify by checking on the line below.**

My income does not qualify \_\_\_\_\_.

The foregoing information is true to the best of my knowledge and belief.

\_\_\_\_\_  
Signature of Legislator/Officer

**Complete and return to the Office of Secretary of State no later than January 31, --**  
Rep. Jeb Bradley spoke in favor.

Adopted.

## (Speaker Sytek in the Chair)

## COMMITTEE REPORTS

## CONSENT CALENDAR

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

**HB 721**, prohibiting certain tobacco or alcohol advertising within drug-free school zones, removed by Rep. Mirski.

**HB 204-FN-L**, relative to transportation of arrestees, detained defendants, and prisoners and court control of arrestees, detained defendants, and prisoners, removed by Rep. Dolan.

**HB 353**, establishing a committee to study issues regarding prosecutions and sentencing of, and incarceration treatment for, persons convicted of sex-related crimes, removed by Rep. William McCarthy.

**SB 66**, allowing a state resident to obtain a license for a pistol or revolver for life, removed by Rep. Clegg.

**CACR 9**, relating to requiring that the attorney general be elected by the legislature. Providing that the attorney general be chosen by joint ballot of the senators and representatives, removed by Rep. Mirski.

**HB 647-FN-A-L**, relative to a centralized computer checklist of voters and making an appropriation therefor, removed by Rep. Arndt.

**HB 535**, relative to the regulation of architects, removed by Rep. Mirski.

**HB 108-FN-A**, relative to the rate of the legacies and successions tax as it applies to siblings of the decedent together with their spouses and lineal ascendants and descendants of siblings of the decedent together with their spouses, removed by Rep. McGuirk.

**HB 734-FN**, requiring district courts to hold evening sessions, removed by Rep. John McCarthy.

**HB 529**, relative to excluding from the definition of subdivision the placement and maintenance of wireless communication facilities, removed by Rep. Dokmo.

**HB 676-FN-L**, establishing procedures for the distribution of proceeds from the sale of tax-deeded property by a municipality, removed by Rep. Kibbey.

**HB 627-FN**, establishing a conservation number plate trust fund, and a special motor vehicle license plate and associated fees, to support New Hampshire's natural and cultural resources, removed by Rep. Kenney.

**HB 371**, relative to the authority of the department of fish and game to regulate the management, preservation, propagation, and taking of state fish, game, and wildlife resources, removed by Rep. Rubin.

Rep. Weber requested a roll call; sufficiently seconded.

The question being the adoption of the Consent Calendar.

YEAS 248 NAYS 8

## YEAS 248

## BELKNAP

Boyce, Robert  
Holbrook, Robert  
Turner, Robert

Calvert, Alice  
Hurt, George  
Veazey, John

Clark, Charles  
Salatiello, Thomas

Golden, Paul  
Thomas, John

## CARROLL

Babson, David, Jr.  
MacDonald, Kenneth

Chandler, Gene  
Patten, Betsey

Howard, Godfrey  
Philbrick, Donald

Lyman, L. Randy

## CHESHIRE

Burnham, Daniel  
Lynch, Margaret  
Richardson, Barbara  
Steere, Myron, III

DePecol, Benjamin  
Manning, Joseph  
Robertson, Timothy

Doucette, Richard  
Meador, David  
Royce, H. Charles

Hunt, John  
Pratt, Irene  
Smith, Edwin



**COOS**

Bradley, Paula	Coulombe, Henry	Davis, Perley	Hawkinson, Marie
Horton, Lynn	Mears, Edgar	Merrill, Gerald	Moynihn, Wayne
Pratt, Leighton	St. Hilaire, Paul	Tholl, John, Jr.	

**GRAFTON**

Alger, John	Almy, Susan	Brown, Channing	Chase, Paul, Jr.
Cobbin, Phillip	Connolly, Steven	Copenhaver, Marion	Guaraldi, Lawrence
Guest, Robert	Ham, Bonnie	Hill, Richard	Hinman, Harry
LaMott, Paul	Lovett, Sidney	MacNeil, Allen	Nordgren, Sharon
Phinney, William	Root, John	Trelfa, Richard	

**HILLSBOROUGH**

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Bergin, Peter	Brundige, Robert	Buckley, Raymond
Burke, M. Virginia	Calawa, Leon, Jr.	Cardin, Lori	Carlson, Donald
Carney, Lauren	Christiansen, Lars	Clay, Susan	Clegg, Robert, Jr.
Daigle, Robert	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A. Theresa
Durham, Susan	Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James
Fields, Dennis	Flora, Kathleen	Gage, Ruth	Golding, William
Gosselin, Gerald	Haettenschwiller, Alphonse	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Holt, David	Hunter, Bruce	Johnson, Lionel
Kelley, Robert	Konys, Christine	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Lefebvre, Roland	Leishman, Peter	Leonard, Peter
Lessard, Rudy	Letendre, Evelyn	Lozeau, Donnalee	Lynde, Harold
MacGillivray, Jeffrey	McCarthy, William	McCarty, Winston	McDonald, James, Sr.
McGough, Tim	Melcher, Harold	Mercer, Robert	Milligan, Robert
Mittelman, David	Murphy, Robert	O'Hearn, Jane	O'Rourke, Thomas
Pepino, Leo	Perkins, Paul	Piteri, Dawn	Reidy, Frank
Riley, Frances	Rowe, Robert	Sargent, Maxwell	Searles, Stanley, Sr.
Thulander, O. Alan	Turgeon, Roland	Vaillancourt, Steve	Wheeler, Robert
White, Donald	White, Jay	Williams, Carol	

**MERRIMACK**

Anderson, Eric	Burney, Carol	Crosby, Toni	Crowell, Peter
Daneault, Gabriel	Dunn, Miriam	Feuerstein, Martin	French, Barbara
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Lamach, Bernard
Langer, Ray	Larrabee, David	Lavoie, Gerard	Leber, William
Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy	Moore, Carol
Owen, Derek	Pfaff, Terence	St. Cyr, Gerard	Wallin, Jean
Wallner, Mary Jane	Whalley, Michael	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Battles-Peirce, Marjorie	Beaulieu, Jon
Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn	Carson, Gregory
Case, Margaret	Cegelis, Mark	Clark, Martha	Cooney, Richard
Dalrymple, Janeen	Dearborn, Bruce	Dodge, Robert	Dolan, Richard
Downing, Michael	Dunham, Vivian	Fesh, Robert	Flanders, David
Flanders, John, Sr.	Francoeur, Sheila	Frechette, Joseph	Griffin, Mary
Guthrie, Joseph	Heath, John	Henderson, Warren	Kane, Cecelia
Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph	Langone, John
Lovejoy, Marian	Major, Norman	McCarthy, John, Jr.	McKinney, Betsy
Mikowski, Walter	Moore, Benjamin	Morris, Debbie	Nowe, Ronald
Pantelakos, Laura	Pitts, Jacqueline	Rabideau, Marie	Raynowska, Bernard
Sabella, Norma	Sapareto, Frank	Schanda, Frank	Smith, Kevin
Stickney, Nancy	Stone, Joseph	Syracusa, Anthony	Tufts, J. Arthur
Varrell, Thomas	Vaughn, Charles	Welch, David	Weyler, Kenneth
Woods, Deborah			

**STRAFFORD**

Berube, Roger	Bickford, David	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Grassie, Anne	Heon, Richard	Kaen, Naida
Knowles, William	Lundborn, Raymond	McKinley, Robert	Musler, George
Rollo, Michael	Sullivan, Henry	Torr, Franklin	Tsiros, William
Twardus, Joseph	Vachon, Dennis	Wall, Janet	

**SULLIVAN**

Adler, Rudolf	Allison, David	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Kibbey, David	Leone, Richard	Lindblade, Eric
Robb-Theroux, Amy	Wiggins, Celestine		

**NAYS 8**

**BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

None

**COOS**

None

**GRAFTON**

Weber, Phil

**HILLSBOROUGH**

Jean, Loren	Marcinkowski, Michael	Martin, Mary	McRae, Karen
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**MERRIMACK**

None

**ROCKINGHAM**

Camm, Kevin	Stritch, C. Donald
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**STRAFFORD**

McCann, William, Jr.

**SULLIVAN**

None

and the Consent Calendar was adopted by the necessary two-thirds.  
 Rep. Loren Jean voted nay and intended to vote yea.  
 Rep. Malcolm did not vote and wished to be recorded in favor.

**HB 147, relative to disclosure of certain information relating to tobacco products. OUGHT TO PASS WITH AMENDMENT**

Rep. Keith R. Herman for Commerce: This bill will allow the New Hampshire Department of Health and Human Services to access public information from Massachusetts and will require this information to be distributed to New Hampshire residents. Vote 16-0.

**Amendment (0131h)**

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

1 New Section; Access and Dissemination Required. Amend RSA 78 by inserting after section 12-d the following new section:

**78:12-e Access and Dissemination of Information Required.**

I. For the purpose of protecting the public health, the commissioner of the department of health and human service shall obtain annually from the state of Massachusetts, Department of Public Health, or other sources if they become available, a public report containing the list of additives for each brand of tobacco products sold.

II. The department shall make available to the public any information received under paragraph I above.

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

**AMENDED ANALYSIS**

This bill requires the commissioner of health and human services to obtain certain information regarding tobacco products and to disclose such information to the public.

**HB 263-FN**, relative to viatical settlements which are settlements between an insurance provider and a policy holder or certificate holder with a life-threatening illness. REFER FOR INTERIM STUDY

Rep. David T. Mittelman for Commerce: The committee found numerous regulatory and practical flaws in this bill. Since the National Association of Insurance Commissioners is in the process of revising its Viatical Settlements Model Act, the committee felt it worthwhile to wait and review the revised Act. Vote 14-2.

**HB 359**, regulating information regarding evictions contained in credit reports issued by consumer reporting agencies. INEXPEDIENT TO LEGISLATE

Rep. Gregory G. Carson for Commerce: The sponsor and the committee felt this legislation was no longer needed. Vote 16-0.

**HB 409**, requiring nonprofit educational organizations and certain hospitals to file certain forms with the director of charitable trusts. INEXPEDIENT TO LEGISLATE

Rep. Gregory G. Carson for Commerce: The sponsor and the committee felt this legislation was no longer needed. Vote 16-0.

**HB 451**, providing that health care providers shall determine the appropriate course of patient treatment. REFER FOR INTERIM STUDY

Rep. Keith R. Herman for Commerce: The committee will be looking at the financial arrangements between physicians and health insurers and hospitals and the impact of such arrangements on patient care and access. The committee will look at capitation, global fees, community capitation, withholdings, bonuses, financial incentives, financial disincentives, fee-for-service, referral pools, physician fees, usual and customary fees, economic credentialing and shifting of financial risk. Vote 16-0.

**HB 505**, revising provisions relative to smoking in indoor public places. OUGHT TO PASS WITH AMENDMENT

Rep. Martha Fuller Clark for Commerce: This bill makes certain changes to RSA 155:65 relative to smoking in indoor public places which will clear up ambiguities in the current law, as well as strengthen the department's ability for enforcement and rulemaking (albeit sunseting such rulemaking in two years.) Nothing in the legislation imposes further requirements on the business community with regard to indoor smoking. This legislation extends the right to local communities to adopt more stringent smoking regulation if they are so inclined. Vote 17-1.

**Amendment (0153h)**

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

AN ACT relative to smoking in indoor public places.

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

1 Definition; Effectively Segregated. Amend the introductory paragraph of RSA 155:65, V to read as follows:

V. "Effectively segregated" means *all of* the following conditions have been met:

2 Definition Expanded. Amend RSA 155:65, XI to read as follows:

XI. "Public educational facility" means any enclosed place or portion of such place, which is supported by public funds and which is used for the instruction of students enrolled *in preschool*



*programs and* in grades kindergarten through 12. This definition shall include *all administrative buildings and offices and* areas within facilities supportive of instruction and subject to educational administration including, but not limited to, lounge areas, passageways, restrooms, laboratories, study areas, cafeterias, gymnasiums, libraries, maintenance rooms and storage areas.

3 Employees of Grocery Stores Added; Smoking Prohibited. Amend RSA 155:66, V to read as follows:

V. Grocery stores by customers *and employees, except when such employees are in an effectively segregated smoking-permitted area exclusive of customer areas.*

4 New Paragraph; Rulemaking Added. Amend RSA 155:71 by inserting after paragraph I the following new paragraph:

I-a. Criteria for smoking-permitted areas in a manner that effectively segregates areas, in accordance with RSA 155:65, V, where smoking may be permitted in the facilities under RSA 155:66, I and II.

5 New Paragraph; Rulemaking Added. Amend RSA 155:71 by inserting after paragraph V the following new paragraph:

VI. A schedule of administrative fines, pursuant to RSA 155:74, I.

6 Noncompliance Procedures. Amend RSA 155:73 to read as follows:

155:73 Noncompliance. If an employee or user of a building or facility determines or believes that the person in charge or others are not complying with this subdivision or rules adopted pursuant to this subdivision, a complaint shall be registered with the person in charge. *A complaint may also be registered by the department on behalf of any employee or user of a building or facility.* If the complaint is not resolved within one calendar month, the complainant may proceed under the complaint procedures established by the commissioner under RSA 155:71.

7 Investigations and Fines. RSA 155:74, I is repealed and reenacted to read as follows:

I. If, after investigation, the department determines that a violation of this subdivision or the rules adopted under this subdivision has occurred, the department may impose an administrative fine against a person in charge in accordance with RSA 155:76, II. The commissioner shall adopt rules in accordance with RSA 541-A relative to administrative fines, which shall be subject to the limitations in RSA 155:76, II and scaled to reflect the scope and severity of the violation. Fines may be imposed only after notice and hearing, if requested. The sums obtained from the levying of administrative fines under this subdivision shall be forwarded to the state treasurer to be deposited into the general fund.

8 Fines Increased. RSA 155:76 is repealed and reenacted to read as follows:

155:76 Enforcement; Penalties.

I. The person in charge, or designee, may call law enforcement authorities if any person refuses to refrain from smoking in an area where smoking is prohibited. Any person who smokes in an enclosed public place where smoking is prohibited shall be guilty of a violation and subject to a fine of not less than \$100.

II. A person in charge who violates a provision of this subdivision or rules adopted under this subdivision shall be subject to an administrative fine not to exceed \$100 for each occurrence. Failure to correct a violation or repeated violations shall subject the person in charge to an administrative fine not to exceed \$500 for each occurrence.

9 New Section; Local Ordinances. Amend RSA 155 by inserting after section 77 the following new section:

155:78 Local Ordinances. Nothing in this subdivision shall be construed to supersede or in any manner affect a county, municipality, town, or city ordinance to restrict or prohibit smoking, provided that the provisions of any such ordinance are no less stringent than the provisions of this subdivision.

10 Repeal. RSA 155:71, I-a, relative to certain rulemaking is repealed.

11 Effective Date.

I. Section 10 of this section shall take effect January 1, 2001.

II. The remainder of this act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill makes certain changes in the Indoor Smoking Act. Specifically, this bill increases certain fines and adds administrative fines and adds temporary rulemaking to adopt criteria for effectively segregated smoking areas in certain facilities.

**HB 541**, relative to long-term care insurance. REFER FOR INTERIM STUDY

Rep. George Hurt for Commerce: The subcommittee met to hear further testimony concerning how legislation would impact rates for Long Term Care insurance and how other states react to the NAIC Model Act for LTC insurance. It was felt by the subcommittee that mandating LTC insurance optional benefits while the current market conditions address the same issues would not be in the best interest of the consumer. The committee felt that the current market adequately provides those products which most people understand and contract for. Further, the committee expressed concern because this subject, at best, is complex to the consumer, while we are cognizant that the state should be mindful of the long-term effect this matter will have on the State of New Hampshire and its administration of care for the elderly. The committee strongly urges, because of the complexity of the subject, specifically HB 541 and its amendment, that the bill be sent to interim study. Vote 15-1.

**HB 548-FN**, limiting access to certain business records. REFER FOR INTERIM STUDY

Rep. Gregory G. Carson for Commerce: The committee wants to continue the ability to legislatively protect New Hampshire small businesses from over-zealous revenue collectors from other states if other solutions can not be agreed to by the concerned parties. Vote 17-1.

**HB 594-FN-L**, exempting towns and cities from paying condominium fees when condominium units are taken for nonpayment of taxes. INEXPEDIENT TO LEGISLATE

Rep. Anthony Syracuse for Commerce: The primary concern addressed in this bill has been covered in HB 701 which passed in the 1997 session. Municipalities may now choose not to take property if it will incur a financial liability. In addition, this bill would unfairly shift financial liability to condominium associations and would create a double standard. Vote 16-0.

**HB 670-FN**, relative to telemarketing registration and fraud prevention. OUGHT TO PASS WITH AMENDMENT

Rep. Gregory G. Carson for Commerce: This legislation provides a first step in providing New Hampshire consumers with a means for reducing the number of unwanted solicitation telephone calls. The legislation prohibits the solicitor (calling party) from blocking caller identification from the consumer (called party.) Vote 14-2.

**Amendment (0145h)**

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

AN ACT prohibiting telephone solicitors from using caller identification blocking services.

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

1 Caller Identification Added. Amend the chapter heading of RSA 359-E to read as follows:

*USE OF AUTOMATIC TELEPHONE DIALING SYSTEMS  
AND CALLER IDENTIFICATION SERVICES*

2 New Paragraphs; Definitions Added. Amend RSA 359-E:1 by inserting after paragraph I the following new paragraphs:

I-a. "Caller identification information" means:

(a) The telephone listing number and/or name of the customer from whose telephone instrument a telephone number is dialed; or

(b) Other information that may be used to identify the specific originating number or originating location of a wire or electronic communication transmitted by a telephone instrument.

I-b. "Caller identification service" means a service offered by a telecommunications utility that provides caller identification information to a device capable of displaying the information.

I-c. "Per-call blocking" means a telecommunications service that prevents the transmission of caller identification information to a called party on an individual call if the calling party acts affirmatively to prevent the transmission of the caller identification information.

I-d. "Per-line blocking" means a telecommunications service that prevents the transmission of caller identification information to a called party on every call unless the calling party acts affirmatively to release the caller identification information.

3 New Section; Blocking Prohibited. Amend RSA 359-E by inserting after section 5 the following new section:

359-E:5-a Blocking Prohibited. No person using an automated telephone dialing system or any other method for solicitation in this state shall use any method, including per-call blocking or per-line block-

ing, that prevents caller identification information for the telephone solicitor's lines used to make telephone calls to a residential telephone subscriber from being shown by a device capable of displaying caller identification information. The caller identification information displayed shall contain a telephone number at which the telephone solicitor may receive a telephone calls if the telephone solicitor leaves a message on a telephone answering device or uses an automatic telephone dialing system that plays a recorded message when a connection is completed to a telephone number.

4 Effective Date. This act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill prohibits persons using automatic telephone dialing systems or any other method of solicitation from using caller identification blocking services.

#### **HB 691**, requiring large employers to offer their employees long-term care insurance. INEXPEDIENT TO LEGISLATE

Rep. George Hurt for Commerce: The sub-committee met twice during the summer to consider this piece of important legislation. The committee recognized the importance of individuals assuming responsibility for their own long-term care (LTC.) The committee is also cognizant that it is imperative for the general public to be educated in this area for their own welfare, as well as the State of New Hampshire. However, the sub-committee felt that mandatory legislation upon employers and businesses is an unnecessary intrusion. More importantly, the committee feels further study from the LTC Institute should be encouraged and should, with emphasis, specifically address those issues that favor incentives, i.e., businesses that offer LTC through payroll deduction on a voluntary basis. Vote 17-0.

#### **HB 798**, relative to the bonding requirement for health clubs. OUGHT TO PASS WITH AMENDMENT

Rep. Eric N. Lindblade for Commerce: This bill serves to put both the buyer and the seller of health club services on notice as to their mutual obligations, i.e., the buyer to read the contract carefully and the seller to provide clear and legible information concerning the financial packages available. Vote 13-1.

#### Amendment (0126h)

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

AN ACT relative to the regulation of health clubs.

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

1 Bond Requirements. Amend RSA 358-I:2, I and II to read as follows:

358-I:2 Registration; Surety Bond; Escrow of Deposits.

I. Any person, corporation, partnership, association, or other entity operating or intending to open or operate a health club within this state shall file a registration statement with the attorney general. Such registration statement shall be updated [~~semiannually~~] **annually**, and shall contain the name and address of the health club; the names and addresses of the officers, directors, and stockholders of the health club and its parent corporation, if such an entity exists; the type of available facilities; a written list of each piece of equipment and each service which the club has available for use by buyers; approximate size of the health club measured in square feet; whether or not a shower area is provided; the names and addresses of employees who provide guidance, instruction, or training to members, and their respective qualifications for employment in the health club field; type of membership plans to be offered and their cost; and a full and complete disclosure of any completed or pending litigation initiated against the health club and any of its officers or directors within the last 3 years.

II. Each health club registering pursuant to this chapter shall maintain in the files of the health club a copy of its registration statement filed pursuant to this section. [~~This registration statement~~] **A current registration certificate issued by the bureau of consumer protection and antitrust, department of justice, shall be posted or placed at all times in a conspicuous place and the registration statement shall be** made available for inspection by current health club members or prospective purchasers of health club memberships; provided, however, that the addresses of employees need not be disclosed, nor shall the attorney general publicly disclose such addresses except in connection with the prosecution of legal proceedings instituted under this chapter or other provisions of the RSA.



2 Increasing Allowable Refund Liability. Amend RSA 358:1:2, IV(b) to read as follows:

(b) Establishes to the satisfaction of the attorney general that its membership refund liability does not exceed [~~\$1,000~~] **\$5,000**.

3 Notice. Amend RSA 358-1:3, II to read as follows:

II. Each prepaid contract shall state in at least 10 point boldface type the following:

(a) "NOTICE TO BUYER: DO NOT SIGN THIS CONTRACT UNTIL YOU HAVE READ ALL OF IT. ALSO, DO NOT SIGN THIS CONTRACT IF IT CONTAINS ANY BLANK SPACES."

(b) "**STATE LAW REQUIRES THAT THIS HEALTH CLUB REGISTER WITH THE BUREAU OF CONSUMER PROTECTION AND ANTITRUST OF THE DEPARTMENT OF JUSTICE AND MAY REQUIRE THAT THIS CLUB POST A BOND OR OTHER SECURITY WITH THE ATTORNEY GENERAL TO PROTECT CUSTOMERS WHO PAY INITIATION FEES OR WHO PAY IN ADVANCE FOR MEMBERSHIP OR SERVICES IN THE EVENT THIS CLUB CLOSES. YOU SHOULD ASK TO SEE EVIDENCE THAT THIS CLUB HAS EITHER POSTED A BOND IN COMPLIANCE WITH THE LAW OR HAS BEEN EXEMPTED FROM THIS REQUIREMENT BY THE ATTORNEY GENERAL BEFORE YOU SIGN THIS CONTRACT. IF THIS CLUB HAS NOT POSTED SUCH A BOND, AND YOU PAY THIS HEALTH CLUB FOR MORE THAN ONE MONTH'S MEMBERSHIP OR SERVICES IN ADVANCE, THEN YOU ARE PAYING FOR FUTURE SERVICES, AND YOU MAY BE RISKING THE LOSS OF YOUR MONEY IN THE EVENT THAT THE CLUB CEASES TO CONDUCT BUSINESS.**"

4 Month-to-Month Membership. Amend RSA 358-1:5 to read as follows:

358-1:5 Length of Membership contract; Automatic Renewal Prohibited; *Mandatory Month-to-Month Membership*.

I. No contract for health club services shall be for a term of more than [~~2 years~~] *one year*, nor shall any health club contract contain an automatic renewal clause. A contract may provide for a renewal option for continued membership, but any such renewal must be accepted in writing by a buyer and is effective only upon payment of the renewal price. Under no circumstances may a contract for health club services be renewed more than 30 days before the contract's expiration date.

II. *Every seller shall offer a month-to-month membership option in addition to any other term contract the seller offers. The availability of month-to-month memberships shall be stated in any written or broadcast advertisement, posting or marketing materials that describe any other membership option the seller offers. No seller may limit the availability of month-to-month memberships in any manner in which the seller does not also limit the availability of any term contract. No seller may accept payment or enter into a contract for a term contract until the buyer has been informed both orally and in writing of the availability of the month-to-month membership. Month-to-month memberships shall offer the same access to health club facilities and services that term contracts offer. A buyer may cancel a month-to-month membership option with 30 days written notice to the seller, for any reason, and have no further obligation to the seller. The provisions of this paragraph shall apply to a university, college or educational institution to the extent that it offers health club services to the general public, but shall not apply to a university, college or educational institution in its offer of health club services to its student body.*

5 Effective Date. This act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill:

(1) Requires health clubs to annually update the registration statement which is filed with the department of justice.

(2) Increases the membership refund liability for purposes of the exemption from the bonding requirement.

(3) Requires sellers of health club services to offer month-to-month memberships.

**SB 10**, relative to funds for prearranged funerals or burial plans. OUGHT TO PASS WITH AMENDMENT

Rep. Eric N. Lindblade for Commerce: This bill provides for notification when a funeral director transfers funds, paid for funerals in advance, from one financial institution to another. Vote 14-0.

**Amendment (0020h)**

Amend the bill by replacing section 1 with the following:

1 Transfer Procedure Clarified. Amend RSA 325:45 to read as follows:

325:45 Funds to be Deposited. All moneys paid during a person's lifetime to any individual, firm, association, partnership, or corporation engaged in performing funeral services by such person or by someone in such person's behalf under an agreement that services be performed or merchandise be delivered in connection with the disposition of such person's body after the person's death shall be deposited by the payee within 30 days after receipt in a separate account in a bank, trust company, *credit union*, savings institution, licensed insurance company, or bonded, registered broker-dealer in this state in the name of the payee as mortuary trustee for the person for whose benefit the payment was made, and shall be held in such account together with any interest accrued. Nothing in this section shall be construed to prevent transfer of such funds to another such bank, trust company, *credit union*, savings institution, licensed insurance company, or bonded, registered broker-dealer by merger or consolidation or by operation of law. *A mortuary trustee shall provide evidence of the original deposit and any subsequent deposits to the payor within 30 days after deposit into the separate account and shall provide evidence of any subsequent transfer of funds, as permitted by this section, to the payor within 30 days after effecting such transfer of funds. A copy of a written receipt or statement of deposit issued by the bank, trust company, credit union, savings institution, licensed insurance company, or bonded, registered broker-dealer, shall be sufficient as evidence of deposit or transfer for the purposes of this section. For purposes of this section, a mortuary trustee shall include any person or organization holding money in trust in connection with a pre-paid funeral.*

**SB 100-FN**, establishing a New Hampshire film and television commission. OUGHT TO PASS WITH AMENDMENT

Rep. Gregory G. Carson for Commerce: This legislation, as amended, authorizes the Commissioner of Department of Resources and Economic Development to appoint a five-member commission to develop a report on suggestions for potential legislation regarding the development of the film industry in New Hampshire. Vote 12-1.

**Amendment (0142h)**

Amend RSA 12-A:36, III and IV as inserted by section 2 of the bill by replacing them with the following:

III. The members of the commission, all of whom shall be appointed by the commissioner of the department of resources and economic development, shall be as follows:

(a) Three individuals representing the film and television industry.

(b) Two members of the general public with an interest in the film industry.

IV. The term of office for the members shall be 3 years and until a successor is appointed. The initial members of the commission shall serve staggered terms. Vacancies shall be filled in the same manner and for the unexpired terms. The members of the commission shall serve without compensation, but shall be reimbursed for necessary travel and other necessary expenses.

Amend the bill by replacing section 3 with the following:

3 Report. The commission established under section 2 of this act shall file a report no later than November 1, 1999, with the governor, the president of the senate, the speaker of the house and the chairperson of the senate executive departments and administration committee. The report shall include the progress made, any problems encountered, future needs and goals, and suggestions for potential legislation.

Amend the bill by replacing section 5 with the following:

5 Effective Date.

I. Section 4 of this act shall take effect June 1, 2001.

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

**HB 152**, relative to permissible fireworks. OUGHT TO PASS WITH AMENDMENT

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill contains the latest list of those "safe and sane" consumer fireworks that have been approved by the statutory committee that tests and reviews the offerings of the fireworks industry. Those devices deemed safe for use in New Hampshire by our citizens in areas where they are not prohibited are listed in the amendment. The

reason is that the Department of Safety that has responsibility for promulgating rules containing this list has not been able to do so for last year's offering (1996) and is unlikely to be able to do so for this year's list. The department has lost two key employees who produce the rules under RSA 541-A. During the last session a similar bill was passed to allow the legal sale and use of some of the fireworks tested during the fall of 1995. The committee is considering removing the requirement for the Department of Safety to promulgate rules and amend current law with the applicable rules thus eliminating the annual delay. Vote 12-1.

#### Amendment (0075h)

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

1 New Subparagraph; Certain Items Added to Definition of Permissible Fireworks. Amend RSA 160-B:1, V-b by inserting after subparagraph (h) the following new subparagraph:

(i) The following items listed by department of transportation reference number:

- |                  |                  |                  |
|------------------|------------------|------------------|
| (1) EX-8306058.  | (2) EX-8306108.  | (3) EX-8306336.  |
| (4) EX-8307002.  | (5) EX-8310043.  | (6) EX-8310044.  |
| (7) EX-8401060.  | (8) EX-8401222.  | (9) EX-8402328.  |
| (10) EX-8405088. | (11) EX-8407201. | (12) EX-8408026. |
| (13) EX-8408240. | (14) EX-8408359. | (15) EX-8409021. |
| (16) EX-8409109. | (17) EX-8409142. | (18) EX-8411085. |
| (19) EX-8502137. | (20) EX-8710383. | (21) EX-8805121. |
| (22) EX-8810274. | (23) EX-8810276. | (24) EX-8812047. |
| (25) EX-8812103. | (26) EX-8812105. | (27) EX-8812108. |
| (28) EX-8903063. | (29) EX-8903185. | (30) EX-8911225. |
| (31) EX-9011076. | (32) EX-9102141. | (33) EX-9103277. |
| (34) EX-9112095. | (35) EX-9204312. | (36) EX-9206183. |
| (37) EX-9207128. | (38) EX-9210016. | (39) EX-9301133. |
| (40) EX-9303127. | (41) EX-9405144. | (42) EX-9405146. |
| (43) EX-9405222. | (44) EX-9407197. | (45) EX-9408110. |
| (46) EX-9410181. | (47) EX-9411054. | (48) EX-9503151. |
| (49) EX-9503164. | (50) EX-9503167. | (51) EX-9503168. |
| (52) EX-9503170. | (53) EX-9503171. | (54) EX-9505108. |
| (55) EX-9508012. | (56) EX-9508013. | (57) EX-9510143. |
| (58) EX-9510144. | (59) EX-9602032. | (60) EX-9604049. |
| (61) EX-9605074. | (62) EX-9605076. | (63) EX-9609049. |
| (64) EX-9703045. | (65) EX-9705020. |                  |
- (66) Sky Happiness, Department of Transportation reference number Ex-pending.  
 (67) Nice Jewelry, Department of Transportation reference number Ex-pending.  
 (68) Crackling Candle Barrage, Department of Transportation reference number Ex-pending.  
 (69) Red, White & Blue Roman Candles, Department of Transportation reference number Ex-pending.

2 Gender Neutral. Amend RSA 160-B:3, I(a) and (b) to read as follows:

(a) Has obtained a certificate of competency issued pursuant to RSA 158:9-f which ~~he has~~ shall be in ~~his~~ such person's possession at the time of display and which has not been revoked or suspended.

(b) Has obtained a municipal permit to display issued pursuant to RSA 160-B:7 which ~~he has~~ shall be in ~~his~~ such person's possession and which has not been revoked or suspended.

3 Gender Neutral. Amend RSA 160-B:4, I(a) to read as follows:

(a) A person who has in ~~his~~ the person's possession a certificate of competency issued pursuant to RSA 158:9-f and a valid permit to display issued pursuant to RSA 160-B:7.

4 Gender Neutral. Amend RSA 160-B:4, II to read as follows:

II. Any person who violates the provisions of this section shall be guilty of a violation unless ~~he~~ the person possesses with intent to sell, in which case ~~he~~ such person shall be guilty of a misdemeanor.

5 Gender Neutral. Amend RSA 160-B:6, I and II to read as follows:

I. Any person who desires to sell fireworks as limited by RSA 160-B:2 may apply to the municipality in which ~~he~~ such person desires to sell fireworks. The licensing board of any mu-



municipality or, if one does not exist, the chief of police, the fire chief, or the governing body may issue a permit to sell fireworks to a person who applies, provided that the person has a valid permit for the sale of fireworks issued pursuant to title 18 of the United States Code. The municipality may charge a fee for the permit or application for permit under this section.

II. After the person has obtained a municipal permit to sell fireworks [he] *such person* may apply for a state license to sell fireworks. Upon application of any person, the commissioner, or a person designated by the commissioner, may issue a license authorizing the applicant to sell or market fireworks in this state for not more than one year from the date of issue, provided the person has first obtained a permit to sell fireworks pursuant to RSA 160-B:6, I. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The license shall be displayed at all times, openly and publicly, at the licensee's place of business. The original of the license shall be delivered to the licensee and the duplicate shall be preserved by the commissioner. The license shall be issued within a reasonable time after application.

6 Gender Neutral. Amend RSA 160-B:6, IX to read as follows:

IX. No person under the age of 21 shall be engaged in the business of handling or selling any fireworks; provided, however, that a person less than 21 years of age but at least 18 years of age may handle and sell fireworks if [he is] under the direct supervision of a person 21 years of age or older.

7 Gender Neutral. Amend RSA 160-B:7, V to read as follows:

V. An application for a display permit shall be made in writing at least 15 days in advance of the date of the display. The town, city or village district may charge a reasonable fee for a permit to display fireworks. No display permit granted under this section shall be transferable, and each display permit shall be valid for only one display to be held on the date permitted. If, in the opinion of the chief of the fire department, conditions deteriorate during the 15 days before the date for which such permit is granted so that a fire hazard exists, [he] *the chief* may revoke the permit.

8 Gender Neutral. Amend RSA 160-B:14 to read as follows:

160-B:14 Immediate Suspension Authority. Notwithstanding any other provision of law to the contrary, the commissioner may immediately suspend a license issued pursuant to RSA 160-B:6 if the commissioner has evidence that the licensee is selling fireworks contrary to any of the provisions of RSA 160-B or any rules adopted under this chapter. Any person whose license is suspended pursuant to this section shall be given the opportunity for a hearing within 10 days of the suspension. Any person found to be selling fireworks after [his] *the person's* license has been suspended pursuant to this section shall not have [his] *the* license reinstated for a minimum of one year from the date of suspension.

9 Repeal. RSA 160-B:1, V-b(i), relative to certain permissible fireworks, are repealed.

10 Effective Date of Repeal. Section 9 of this act shall take effect when the commissioner of safety has adopted rules under RSA 160-B:8, V-c relating to recommendations of the permissible fireworks committee regarding the items listed in RSA 160-B:1, V-b(i) as inserted by section 1 of this act, as certified to the secretary of state by the director of legislative services.

11 Effective Date.

I. Section 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.

#### AMENDED ANALYSIS

Section 1 of this bill includes certain items in the definition of permissible fireworks, thereby requiring such items to be regulated under RSA 160-B. The remainder of this bill amends certain RSA provisions making them gender neutral in accordance with RSA 17-A:6 relative to gender neutral drafting.

**HB 271**, establishing a committee to examine the effectiveness and efficiency of the multiple DWI offender intervention detention center program. INEXPEDIENT TO LEGISLATE  
Rep. Herbert R. Hansen for Criminal Justice and Public Safety: After careful evaluation by a subcommittee over the summer, it was felt that this bill should be Inexpedient to Legislate, inasmuch as the work of such a committee as proposed by this bill had already been accomplished by the subcommittee. Consequently, the recommendation was to submit an entirely new bill with recommended changes to the current DWI intervention detention program. Vote 13-0.

**HB 414**, authorizing the commissioner of the department of safety to adopt rules imposing late fees for the impaired driver intervention programs. **INEXPEDIENT TO LEGISLATE**  
 Rep. Herbert R. Hansen for Criminal Justice and Public Safety: The Impaired Driver Intervention Program (IDIP) applies to first time DWI offenders who must pay the cost of this program to the contract provider, and not the state, as one of the requirements necessary for completion and for license restoration. Additionally, the offender must then pay a \$40 reissue fee to the Department of Safety before having the motor vehicle operator's license returned. Therefore, the committee felt that it was not in the state's best interest to consider a late fee. Vote 11-0.

**HB 420**, relative to administrative review of suspended or revoked motor vehicle licenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill makes certain changes to the administrative motor vehicle license suspension law that has been passed twice by the House in recent years – in 1994 (HB 1569) and in 1995 (HB 498). Both times the bills died in the Senate. This year the committee continues to believe these changes are needed to make the administrative suspension law work better and so again unanimously recommends passage. The proposed changes are an attempt to streamline the hearings process. The bill enumerates four specific criteria which may establish that a breath and a blood or urine test for alcohol have been properly administered. Once the criteria have been established, the burden is on the driver to prove by a preponderance of the evidence that the test was not properly administered. The bill also limits the scope of the administrative review or hearing to specific procedural issues. Vote 13-0.

#### Amendment (0063h)

Amend the bill by replacing section 1 with the following:

1 Administrative License Suspension; Alcohol Concentration Tests. Amend RSA 265:91-a, I to read as follows:

I. If any person refuses a test as provided in RSA 265:92 or submits to a test described in RSA 265:84 which ~~[discloses an alcohol concentration]~~ *shows a reported value* of 0.08 or more or, in the case of a person under the age of 21, 0.02 or more, the law enforcement officer shall submit a sworn report to the department. In the report the officer shall certify that the test was requested pursuant to RSA 265:84 and that the person refused to submit to testing or submitted to a test which ~~[disclosed an alcohol concentration]~~ *shows a reported value* of 0.08 or more, or, in the case of a person under the age of 21, 0.02 or more.

Amend the bill by deleting section 2 and renumbering the original sections 3-7 to read as 2-6, respectively.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill:

I. Establishes criteria by which a breath test and a blood or urine test may be established to have been properly administered.

II. Replaces the law relative to the scope of administrative hearings for serious traffic offenses.

**HB 467-FN**, relative to felonious activities relating to wireless telephone cloning. **OUGHT TO PASS WITH AMENDMENT**

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill has been amended to make a correction to language passed in the 1997 session defining illegal telephone cloning. This amendment establishes the combination of equipment that would allow cellular telephone numbers to be "harvested" for reuse as illegal or "cloned" cellular phones. The clarification identifies the items that when possessed in combination could be used as evidence for the prosecution of individuals engaged in the gathering or harvesting phone numbers and serial numbers of legal cellular phones for resale to others. The amendment is necessary to avoid entrapment of those who normally possess certain types of electronic equipment for legal pursuits. Vote 16-0.

**Amendment (0067h)**

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

AN ACT clarifying the definition of "telephone cloning paraphernalia."

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

1 Definition; "Telephone Cloning Paraphernalia." Amend the introductory paragraph of RSA 638:21, IX to read as follows:

IX. "Telephone cloning paraphernalia" means materials, *including at least one of the items in subparagraph (a), (f), (g), or (h)*, that, when possessed in combination, are capable of creating a cloned cellular telephone. Telephone cloning paraphernalia includes, but is not limited to:

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

**AMENDED ANALYSIS**

This bill clarifies the definition of "telephone cloning paraphernalia".

**HB 480**, revising the law relative to protection of persons from domestic violence. OUGHT TO PASS WITH AMENDMENT

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill, as amended, clarifies the Domestic Violence statutes, Chapter 173-B. The various provisions of Chapter 173-B have been put into a more logical order, and the definitions of what constitutes abuse have been made easier to understand. Care has been taken to protect the rights of the accused as well as the rights of the plaintiff. The study process extended throughout the summer to ensure that every interested party had the opportunity to testify. Vote 14-0.

**Amendment (0066h)**

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

1 Cross Reference Revised; Department of Safety Investigations. Amend RSA 159-C:2, I(a) to read as follows:

(a) Review its criminal history records and any protective order records in its possession, if any, to determine if the potential buyer or transferee is prohibited from receipt or possession of a handgun pursuant to state or federal law or protective order under RSA ~~[173-B:6]~~ 173-B;

2 Chapter Revised; Protection of Persons From Domestic Violence. RSA 173-B is repealed and reenacted to read as follows:

**CHAPTER 173-B****PROTECTION OF PERSONS FROM DOMESTIC VIOLENCE**

173-B:1 Definitions. As used in this chapter:

I. "Abuse" means the commission or attempted commission of one or more of the following acts by a family or household member or current or former sexual or intimate partner:

(a) Assault or reckless conduct as defined in RSA 631:1 through 631:3.

(b) Criminal threatening as defined in RSA 631:4.

(c) Sexual assault as defined in RSA 632-A:2 through 632-A:5.

(d) Interference with freedom as defined in RSA 633:1 through 633:3-a.

(e) Destruction of property as defined in RSA 634:1 and 634:2.

(f) Unauthorized entry as defined in RSA 635:1 and 635:2.

(g) Harassment as defined in RSA 644:4.

II. "Applicant" means any private, town, city or regional agency or organization applying for funds under RSA 173-B:16.

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

IV. "Contact" means any action to communicate with another either directly or indirectly, including but not limited to, using any form of electronic communication, leaving items, or causing another to communicate in such fashion.

V. "Coordinator" means the agency or organization appointed by the commissioner to administer the domestic violence grant program.

VI. "Cross orders for relief" means separate orders granted to parties in a domestic violence situation where each of the parties has filed a petition pursuant to this chapter on allegations arising from the same incident or incidents of domestic violence.



VII. "Deadly weapon" means any weapon as defined in RSA 625:11, V.

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

IX. "Domestic violence" means abuse as defined in RSA 173-B:1, I.

X. "Family or household member" means:

(a) Spouses, ex-spouses, persons cohabiting with each other, persons who cohabited with each other but who no longer share the same residence; and

(b) Parents and other persons related by consanguinity or affinity other than minor children who reside with the defendant.

XI. "Firearm" means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by force of gunpowder.

XII. "Foreign protective order" is an order enforceable under RSA 173-B:13.

XIII. "Fund" means the special fund for domestic violence programs established by RSA 173-B:15.

XIV. "Grantee" means any private, town, city, or regional agency or organization receiving funds under RSA 173-B:16.

XV. "Intimate partners" means persons currently or formerly involved in a romantic relationship, whether or not such relationship was ever sexually consummated.

XVI. "Mutual order for relief" means an order restraining both parties from abusing the other originating from a petition filed by one of the parties and arising from the same incident or incidents of domestic violence.

XVII. "Program" means services or facilities provided to domestic violence victims.

#### 173-B:2 Jurisdiction and Venue.

I. All district courts shall have concurrent jurisdiction with the superior court over all proceedings under this chapter.

II. If the plaintiff has left the household or premises to avoid further abuse, the plaintiff shall have the option to commence proceedings pursuant to RSA 173-B:3 in the county or district where the plaintiff temporarily resides.

III. Proceedings under this chapter may be transferred to another court upon the motion of any party or of the court as the interests of justice or the convenience of the parties may require.

IV. In any county where the family division is located, the family division shall have jurisdiction over domestic violence cases consistent with 1995, 152.

#### 173-B:3 Commencement of Proceedings; Hearing.

I. Any person may seek relief pursuant to RSA 173-B:5 by filing a petition, in the county or district where the plaintiff or defendant resides, alleging abuse by the defendant. Notice of the pendency of the action and of the facts alleged against the defendant shall be given to the defendant, either personally or as provided in paragraph III. The plaintiff shall be permitted to supplement or amend the petition if the defendant is provided an opportunity prior to the hearing to respond to the supplemental or amended petition. Notice of the whereabouts of the plaintiff shall not be revealed except by order of the court for good cause shown. Any answer by the defendant shall be filed with the court and a copy shall be provided to the plaintiff by the court.

II.(a) The minority of the plaintiff shall not preclude the court from issuing protective orders against a present or former intimate partner, spouse, or ex-spouse under this chapter.

(b) A minor plaintiff need not be accompanied by a parent or guardian to receive relief or services under this chapter.

III. No filing fee or fee for service of process shall be charged for a petition under this section, and the plaintiff may proceed without legal counsel. Either a peace officer or the sheriff's department shall serve process under this section. Any proceeding under this chapter shall not preclude any other available civil or criminal remedy.

IV. The clerks of the district and superior courts shall supply forms for petitions and for relief under this chapter designed to facilitate pro se proceedings.

V. Upon entry of any action in a district court, where the court determines that there is pending in the superior court a cause of action involving the same parties arising out of the same situation on which the district court action is based, the case shall be transferred to the superior court to be heard as if originally entered in the superior court, unless the district court determines that the interests of justice or expediency require the district court to exercise jurisdiction. Any transfer to the superior court under this paragraph shall be made as soon as practicable following entry of the action.

VI. The findings of facts shall be final, but questions of law may be transferred to the supreme court in the same manner as from the superior court.

VII. The court shall hold a hearing within 30 days of the filing of a petition under this section or within 10 days of service of process upon the defendant, whichever occurs later.

VIII. In any proceeding under this chapter, the court shall not be bound by the technical rules of evidence and may admit evidence which it considers relevant and material.

#### 173-B:4 Temporary Relief.

I. Upon a showing of an immediate and present danger of abuse, the court may enter temporary orders to protect the plaintiff with or without actual notice to defendant. The court may issue such temporary orders by telephone or facsimile. Such telephonically issued orders shall be made by a district or superior court judge to a law enforcement officer, shall be valid in any jurisdiction in the state, and shall be effective until the close of the next regular court business day. Such orders shall be returnable to the district court where the plaintiff resides or has fled to, unless otherwise ordered by the issuing justice. If non-telephonic temporary orders are made ex parte, the party against whom such relief is issued may file a written request with the clerk of the court and request a hearing on such orders. Such hearing shall be held no later than 5 business days after the request is received by the clerk. Such hearings may constitute the final hearing described in RSA 173-B:3, VII. Such temporary relief shall direct the defendant to relinquish to a peace officer any and all firearms and ammunition in the control, ownership, or possession of the defendant or any other person on behalf of the defendant for the duration of the protective order. Other temporary relief may include:

##### (a) Protective orders:

(1) Restraining the defendant from abusing the plaintiff.

(2) Restraining the defendant from entering the premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and, upon reasonable notice to the plaintiff, is allowed entry by the plaintiff for the sole purpose of retrieving toiletries, medication, clothing, business equipment, and any other items as determined by the court.

(3) Restraining the defendant from withholding items of the plaintiff's personal property which are specified in the order. A peace officer shall accompany the plaintiff in retrieving such property to protect the plaintiff.

(4) Awarding custody of minor children to either party or, upon actual notice, to the department when it is in the best interest of a child.

(5) Denying the defendant visitation, ordering that visitation shall be supervised, or ordering a specific visitation schedule. Visitation shall only be ordered on an ex parte basis where such order can be entered consistent with the following requirements. In determining whether visitation can be safely ordered, the court shall consider the following factors:

(A) The degree to which visitation exposes the plaintiff or the children to physical or psychological harm.

(B) Whether the risk of physical or psychological harm can be removed by ordering supervised visitation.

(C) Whether visitation can be ordered without requiring plaintiff and defendant to have contact regarding the exchange of children.

(6) Restraining the defendant from contacting the plaintiff or entering plaintiff's place of employment, school, or any specified place frequented regularly by the plaintiff or any family or household member.

(7) Restraining the defendant from abusing the plaintiff, plaintiff's relatives regardless of their place of residence, or plaintiff's household members in any way.

(8) Restraining the defendant from taking, converting, or damaging property in which the plaintiff may have a legal or equitable interest.

(9) Directing the defendant to relinquish to the peace officer, in addition to the relief specified in RSA 173-B:4, I, any and all deadly weapons specified in the protective order that are in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant, for the duration of the protective order.

##### (b) Other relief, including but not limited to:

(1) The exclusive use and possession of an automobile, home and household furniture;

(2) Restraining the defendant from taking any action which would lead to the disconnection of any and all utilities and services to the parties' household, or the discontinuance of existing business or service contracts, including, but not limited to, mortgage or rental agreements.

II. The defendant shall be prohibited from purchasing, receiving, or possessing any deadly weapons and any and all firearms and ammunition for the duration of the order. The court may subsequently issue a search warrant authorizing the peace officer to seize any deadly weapons specified in the protective order and any and all firearms and ammunition, if there is probable cause to believe such firearms and ammunition and specified deadly weapons are kept on the premises or curtilage of the defendant and if the court has reason to believe that all such firearms and ammunition and specified deadly weapons have not been relinquished by the defendant.

173-B:5 Relief.

I. A finding of abuse shall mean the defendant represents a credible threat to the physical safety of the plaintiff. Upon a showing of abuse of the plaintiff by a preponderance of the evidence, the court shall grant such relief as is necessary to bring about a cessation of abuse. Such relief shall direct the defendant to relinquish to the peace officer any and all firearms and ammunition in the control, ownership or possession of the defendant or any other person on behalf of the defendant for the duration of the protective order. Other relief may include:

(a) Protective orders:

(1) Restraining the defendant from abusing the plaintiff.

(2) Restraining the defendant from entering the premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and is allowed entry by the plaintiff for the sole purpose of retrieving personal property specified by the court.

(3) Restraining the defendant from contacting the plaintiff or entering the plaintiff's place of employment, school, or any specified place frequented regularly by the plaintiff or any family or household member.

(4) Restraining the defendant from abusing the plaintiff, plaintiff's relatives, regardless of their place of residence, or plaintiff's household members in any way.

(5) Restraining the defendant from taking, converting, or damaging property in which the plaintiff may have a legal or equitable interest.

(6) Directing the defendant to relinquish to the peace officer, in addition to the relief specified in RSA 173-B:5, I, any and all deadly weapons specified in the protective order that are in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant.

(b) Other relief including, but not limited to:

(1) Granting the plaintiff the exclusive use and possession of the premises and curtilage, unless the defendant exclusively owns or leases and pays for the premises and the defendant has no legal duty to support the plaintiff or minor children on the premises.

(2) Restraining the defendant from withholding items of the plaintiff's personal property specified by the court. A peace officer shall accompany the plaintiff in retrieving such property to protect the plaintiff.

(3) Granting to the plaintiff the exclusive right of use and possession of the household furniture, furnishings, or a specific automobile, unless the defendant exclusively owns such personal property and the defendant has no legal duty to support the plaintiff or minor children.

(4) Ordering the defendant to make automobile, insurance, health care, utilities, rent or mortgage payments.

(5) Awarding temporary custody of the parties' minor children to either party or, where appropriate, to the department, provided that:

(A) Where custody of the parties' minor children with the department may be appropriate, the department shall receive actual notice of the hearing 10 days prior to such hearing provided that, if necessary, such hearing may be continued 10 days to provide the department adequate notice.

(B) The department may move at any time to rescind its custody of the parties' minor children.

(6) Establishing visitation rights with regard to the parties' minor children. The court shall consider and may impose on a custody award, conditions necessary to assure the safety of the plaintiff and minor children. This may include orders denying visitation or requiring supervised visitation, where such order can be entered consistent with the following requirements. In determining whether visitation shall be granted, the court shall consider whether visitation can be exercised by the non-custodial parent without risk to the plaintiff's or children's safety. In making such determination, the court shall consider, in addition to any other relevant factors, the following:



(A) The degree to which visitation exposes the plaintiff or the children to physical or psychological harm.

(B) Whether the risk of physical or psychological harm can be removed by ordering supervised visitation.

(C) Whether visitation can be ordered without requiring plaintiff and defendant to have contact regarding the exchange of children.

(7) Directing the defendant to pay financial support to the plaintiff or minor children, unless the defendant has no legal duty to support the plaintiff or minor children.

(8) Directing the abuser to engage in batterer's intervention program or personal counseling. If available, such intervention and counseling program shall focus on alternatives to aggression. The court shall not direct the plaintiff to engage in joint counseling services with the defendant. Court-ordered and court-referred mediation of cases involving domestic violence shall be prohibited.

(9) Ordering the defendant to pay the plaintiff monetary compensation for losses suffered as a direct result of the abuse which may include, but not be limited to, loss of earnings or support, medical and dental expenses, damage to property, out-of-pocket losses for injuries sustained, and moving and shelter expenses.

(10) Ordering the defendant to pay reasonable attorney's fees.

II. Reconciliation after a previous order, prior to filing the current action, shall not be grounds for denying or terminating a new or existing protective order. Furthermore, the court shall not deny the plaintiff protective orders based solely on a lapse of time between an act of domestic violence and the filing of a petition.

III. No order made under this section shall supersede or affect any court order pertaining to the possession of a residence; household furniture; custody of children pursuant to RSA 169-B, 169-C, or 169-D; support or custody made under RSA 458; or title to real or personal property.

IV.(a) Mutual orders for relief shall not be granted. A foreign mutual order for relief shall only be granted full faith and credit in New Hampshire if it meets the requirements set out in RSA 173-B:13, VII.

(b) Cross orders for relief may be granted only if:

(1) The court has made specific findings that each party has committed abuse against the other; and

(2) The court cannot determine who is the primary physical aggressor.

V. Any order under this section shall be for a fixed period of time not to exceed one year, but may be extended by order of the court upon a motion by the plaintiff, showing good cause, with notice to the defendant. A defendant shall have the right to a hearing on the extension of any order under this paragraph to be held within 30 days of the extension. The court shall retain jurisdiction to enforce and collect the financial support obligation which accrued prior to the expiration of the protective order.

VI. Both parties shall be issued written copies of any orders issued by the court and all orders shall bear the following language: "A willful violation of this order is a crime, as well as contempt of court. Violations of the protective provisions shall result in arrest and may result in imprisonment." Orders shall clearly state how any party can request a further hearing and how the plaintiff may bring a criminal complaint if there is a violation of any court order.

VII. No order issued under this chapter shall be modified other than by the court. Temporary reconciliations shall not revoke an order.

(a) If either party wishes the defendant to be excused from any provisions of an order of protection, the remedy is to petition the court for modification of such order.

(b) If a defendant is restrained from contacting the plaintiff or entering the premises of the plaintiff, an invitation by the plaintiff to do so does not waive or nullify an order for protection.

(c) This paragraph shall give unequivocal direction to peace officers that orders for protection are to be enforced as written and that no action by a party relieves them of the duty to enforce the order.

VIII.(a) A copy of each protective order issued under this chapter shall be transmitted to the department of safety by computer. An emergency protective order issued telephonically shall be transmitted by telephone or facsimile to the department of safety.

(b) The department of safety shall enter information regarding the protective order into the state data base and make information regarding the protective order available to police and sheriff departments statewide.

(c) The issuing court shall notify the department of safety upon expiration or termination of a protective order.

(d) Notwithstanding any other provision of law, the department of safety, its employees and agents, and law enforcement officials shall not be held criminally or civilly liable for action taken under this chapter or RSA 458:16, provided they are acting in good faith and without gross negligence, and within the scope of their duties and authority.

IX.(a) Upon expiration of the protective orders, the defendant may request by motion to the court, return of any and all firearms and ammunition and specified deadly weapons held by the law enforcement agency during the protective orders. The plaintiff shall receive notice and may object. The court shall hold a hearing to determine whether such firearms and ammunition and specified deadly weapons shall be returned to the defendant. Unless the protective orders are extended, firearms and ammunition and specified deadly weapons shall be returned to the defendant. The court shall issue to both parties a written decision detailing the rationale for its findings.

(b) Law enforcement agencies shall not release firearms and ammunition and specified deadly weapons without a court order granting such release. The law enforcement agency may charge the defendant a reasonable fee for the storage of any firearms and ammunition and specified deadly weapons taken pursuant to a protective order. The fee shall not exceed the actual cost incurred by the law enforcement agency for the storage of the firearms and ammunition and specified deadly weapons.

(c) No law enforcement agency shall be held liable for alleged damage or deterioration due to storage or transportation to any firearms and ammunition and specified deadly weapons held by a law enforcement agency, so long as due care is used.

173-B:6 Guardian Ad Litem. In all proceedings under this chapter, the court may appoint a guardian ad litem to represent the interests of the children of either or both parties. The guardian ad litem may continue to serve after the final disposition of the case.

173-B:7 Minority Not a Preclusion for Services. The minority of any individual seeking assistance from any domestic violence or sexual assault program, as defined by RSA 173-C:1, shall not preclude provision of such requested services.

173-B:8 Notification.

I. A copy of any order made under this chapter which prohibits any person from abusing another shall be promptly transmitted to the local law enforcement agency having jurisdiction to enforce such order.

II. Temporary orders shall be promptly served on the defendant by a peace officer. Subsequent orders shall be sent to the defendant's last address of record. The defendant shall be responsible for informing the court of any changes of address. Law enforcement agencies shall establish procedures whereby a peace officer at the scene of an alleged violation of such an order may be informed of the existence and terms of such order.

III. Any court-ordered changes or modifications of the order shall be effective upon issuance of such changes or modifications, and shall be mailed or otherwise provided to the appropriate local law enforcement agency and transmitted to the department of safety within 24 hours of the entry of such changes or modifications.

173-B:9 Violation of Protective Order; Penalty.

I.(a) When the defendant violates either a temporary or permanent protective order issued or enforced under this chapter, peace officers shall arrest the defendant and ensure that the defendant is detained until arraignment. Such arrests may be made within 6 hours without a warrant upon probable cause, whether or not the violation is committed in the presence of a peace officer.

(b) Subsequent to an arrest, the peace officer shall seize any firearms and ammunition in the control, ownership, or possession of the defendant and any deadly weapons which may have been used, or threatened to be used, during the violation of the protective order. The law enforcement agency shall maintain possession of the firearms and ammunition and/or deadly weapons until the court issues an order directing that the firearms and ammunition and/or deadly weapons be relinquished and specifying the person to whom the firearms and ammunition and/or deadly weapons will be relinquished.

II. The prosecution and sentencing for criminal contempt for a violation of a protective order shall not preclude the prosecution of or sentencing for other criminal charges underlying the contempt.

III. A person shall be guilty of a class A misdemeanor if such person knowingly violates a protective order issued under RSA 173-B, RSA 458:16, III, or any foreign protective order which meets the requirements of RSA 173-B:13. In accordance with RSA 625:9, charges made under this chapter shall not be reduced to a lesser charge.

IV. Any person convicted under RSA 173-B:9, III, or who has been convicted in another jurisdiction of violating a foreign protective order which meets the requirements of RSA 173-B:13, who, within 6 years of such conviction or the completion of the sentence imposed for such conviction, whichever is later, subsequently commits and is convicted of one or more offenses involving abuse shall be sentenced to an enhanced penalty for each subsequent offense as follows:

- (a) There shall be no enhancement under this section if the subsequent offense is a class A felony or an unclassified felony;
- (b) If the subsequent offense is a class B felony, it shall be sentenced as a class A felony;
- (c) If the subsequent offense is a class A misdemeanor, it shall be sentenced as a class B felony;
- (d) If the subsequent offense is a class B misdemeanor, it shall be sentenced as a class A misdemeanor.
- (e) If the subsequent offense is a violation, it shall be sentenced as a class B misdemeanor.

V. A victim of domestic violence shall be entitled to all rights granted to victims of crime under RSA 21-M:8-k.

#### 173-B:10 Protection by Peace Officers.

I. Whenever any peace officer has probable cause to believe that a person has been abused, as defined in RSA 173-B:1, that officer shall use all means within reason to prevent further abuse including, but not limited to:

- (a) Confiscating any deadly weapons involved in the alleged domestic abuse and any firearms and ammunition in the defendant's control, ownership, or possession.
- (b) Transporting or obtaining transportation for the victim and any child, to a designated place to meet with a domestic violence counselor, local family member, or friend.
- (c) Assisting the victim in removing toiletries, medication, clothing, business equipment, and any other items determined by the court.
- (d) Giving the victim immediate and written notice of the rights of victims and of the remedies and services available to victims of domestic violence. The written notice shall include a statement substantially as follows:

"If you are the victim of domestic violence and you believe that law enforcement protection is needed for your physical safety, you have the right to request that the officer assist in providing for your safety, including asking for an emergency telephonic order for protection. You may also request that the officer assist you in obtaining from your premises and curtilage, toiletries, medication, clothing, business equipment, and any other items as determined by the court, and in locating and taking you to a local safe place including, but not limited to, a designated meeting place for a crisis center, a family member's or friend's residence, or a similar place of safety. If you are in need of medical treatment, you have the right to request that the officer assist you in obtaining an ambulance. You may request a copy of the report filed by the peace officer, at no cost, from the law enforcement department."

II. Pursuant to RSA 594:10, an arrest for abuse may be made without a warrant upon probable cause, whether or not the abuse is committed in the presence of the peace officer. When the peace officer has probable cause to believe that the persons are committing or have committed abuse against each other, the officer need not arrest both persons, but should arrest the person the officer believes to be the primary physical aggressor. In determining who is the primary physical aggressor, an officer shall consider the intent of this chapter to protect the victims of domestic violence, the relative degree of injury or fear inflicted on the persons involved, and any history of domestic abuse between these persons if that history can reasonably be obtained by the officer.

#### 173-B:11 Notice to the Victim.

I. Notwithstanding the peace officer's obligations in RSA 173-B:9 and 10, all peace officers shall give victims of abuse immediate and adequate notice of their right to go to the district or superior court of their county to file a petition asking for protective orders against the abusive person and to seek a private criminal complaint.



II. It shall be the responsibility of the office of the clerk of the court to advise victims that they may request that the judge issue an order which shall include removing any and all firearms and ammunition in the control, ownership, or possession of the defendant and may include:

- (a) Restraining the defendant from abusing the victim.
- (b) Directing the defendant to leave and stay away from the victim's premises and curtilage.
- (c) Giving the victim custody of any minor children, denying the defendant visitation, or requiring that visitation be supervised to ensure safety for the victim and minor children.
- (d) Directing the defendant to support the victim and any minor children if the defendant has the legal responsibility to support either or both.
- (e) Restraining the defendant from contacting the victim, or entering the victim's place of employment, school, or any specified place frequented regularly by the victim or any family or household member.
- (f) Restraining the defendant from abusing, in any way, the victim, household members, or victim's relatives, regardless of their place of residence.
- (g) Restraining the defendant from taking, converting, or damaging property in which the victim may have a legal or equitable interest.
- (h) Directing the defendant to temporarily relinquish to the peace officer specific deadly weapons in the control, ownership or possession of the defendant which may have been used, or been threatened to be used, in an incident of abuse against the victim or any member of the victim's household.
- (i) Ordering the defendant to pay the victim monetary compensation for losses suffered as a direct result of the abuse which may include, but not be limited to, loss of earnings or support, medical and dental expenses, damage to property, out-of-pocket losses for injuries sustained, and moving and shelter expenses.
- (j) Ordering the defendant to pay reasonable attorney's fees.

173-B:12 Emergency Care; Limitation and Liability. Any act or omission of any peace officer rendering emergency care or assistance to a victim of domestic violence including, but not limited to transportation, shall not impose civil liability upon the peace officer or the peace officer's supervisors or employer if the care or assistance is rendered in good faith, unless the act or omission is a result of gross negligence or willful misconduct.

173-B:13 Orders Enforceable.

I. Any protective order issued under this chapter shall be effective throughout the state, in all districts and counties.

II. Any protective order issued by any other state, tribal, or territorial court related to domestic or family violence, including an ex parte order, shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the law of the state, tribe, or territory, and the person against whom the order was made was given reasonable notice and opportunity to be heard. There shall be a presumption in favor of validity where an order appears authentic on its face.

III. Any valid protective order, as defined in paragraph II, shall be accorded full faith and credit throughout as if the order were issued in New Hampshire. If the order of the issuing state affords greater protection than RSA 173-B, its provisions shall be enforced by the New Hampshire authorities.

IV. A person entitled to protection under a foreign protective order, as defined in paragraph II, may file such order in any district court by filing with the court a certified copy of the order. Such person shall swear under oath in an affidavit to the best of such person's knowledge that the order is presently in effect as written. Such filing shall be without fee or cost. The office of the clerk of the district court shall forward such order to the state police who shall enter such order in the state data base. Such filing shall not be a pre-condition to arrest or enforcement of a foreign order.

V. A peace officer may rely upon a copy of any protective order issued under this chapter, RSA 458, or a foreign protective order as defined in this section, which has been provided to the peace officer by any source.

VI. Law enforcement personnel may rely on the statement of the person protected by the order that the order remains in effect

VII. A mutual protective order issued by any other state, tribal, or territorial court against one who has petitioned, filed a compliant, or otherwise filed a written pleading for protection relating to domestic or family violence shall be accorded full faith and credit only if:

(a) A cross or counter petition, complaint or other written pleading was filed seeking such protection order; and

(b) The court made specific findings of domestic or family violence by both parties and that each party was entitled to such order.

173-B:14 Orders of Support.

I. The superior court, in any action determining the obligation of the obligor to support the obligee or the parties' minor children including, but not limited to, actions for divorce or custody pursuant to RSA 458; paternity, pursuant to RSA 168-A; child support, pursuant to RSA 161-B, RSA 161-C, and RSA 458; reimbursement of public assistance, pursuant to RSA 161-C; and the uniform reciprocal enforcement of support act, pursuant to RSA 546; shall take judicial notice of any support obligation established pursuant to this chapter upon the filing of a certified copy of the district court order in the superior court by:

(a) Either party to the domestic violence proceeding.

(b) The department.

(c) Any other agency or person legally entitled to enforce the obligation of support for the minor children.

II. Any superior court order for financial support shall include enforcement of any duly filed district court order from the date of filing forward, and shall include enforcement of any arrears which have been:

(a) Reduced to judgment by the district court;

(b) Documented by the department pursuant to an order to make payable through the department; or

(c) Documented by the obligee in a notarized statement, provided that the obligor shall have 30 days to object and request a hearing on the issue of arrears.

173-B:15 Fund for Domestic Violence Grant Program. A special fund for domestic violence programs is established. The sole purpose of the fund shall be to provide revenues for the domestic violence program established in RSA 173-B:16, which shall not be available for any other purpose. The state treasurer shall deposit all fees received by the department under RSA 457:29 in the fund. All moneys deposited in the fund shall be continually appropriated for the purposes of the domestic violence grant program and shall not lapse.

173-B:16 Grant Program Established. A grant program is established within the department for the allocation of grant money to New Hampshire programs which provide aid and assistance to victims of domestic violence. The grant program shall be funded by the fund established under RSA 173-B:15.

173-B:17 Duties of the Commissioner. The commissioner shall:

I. Administer the grant program established in RSA 173-B:16 through a coordinator. The costs of administration shall be covered by the fund, and shall not exceed 2 percent.

II. Adopt rules, under RSA 541-A, relative to procedures under which interested New Hampshire programs may apply for funding.

III. Appoint the coordinator.

IV. Enter into a contract with the coordinator, subject to the approval of the governor and council.

173-B:18 Selection of Coordinator. The commissioner shall be satisfied that the organization or agency chosen as the coordinator shall be qualified to provide at least those services listed in RSA 173-B:20.

173-B:19 Compensation for Coordinating Domestic Violence Grant Program. Compensation for the functions and duties of coordinating the program shall not exceed 30 percent of the total revenues of the fund.

173-B:20 Duties of Coordinator. The coordinator shall be a statewide organization or agency which has demonstrated its ability, at a minimum, to:

I. Serve as a clearinghouse for information relating to domestic violence.

II. Conduct educational programs on domestic violence, both for the general public and for specialized interest groups, such as law enforcement and medical personnel.

III. Provide technical assistance to local domestic violence programs in the areas of budget, management, and other such skills.

IV. Enlist the assistance of public and voluntary health, education, welfare, legal, and rehabilitation agencies in a concerted effort to prevent domestic violence.

V. Provide coordination and supervision of programs.

VI. Assist the commissioner in the administration of the fund.

VII. Publicize the availability of the fund, the date by which applications must be received, and act on all applications within 45 days of the application deadline.

VIII. Notify each agency or organization in writing whether or not it is eligible for funds, and specify the amount available.

IX. Publicize the availability of domestic violence programs to the public.

X. Provide training for court advocates and social services agency advocates to accompany domestic violence victims.

XI. Apply for and receive any federal funds for which this program may be eligible.

XII. Ensure, as far as possible, that grants are awarded on a reasonable geographical basis throughout the state.

XIII. Obtain and evaluate reports from each grantee, at least annually, on its operations under this chapter.

173-B:21 Criteria for Selection of Direct Service Grantees. The coordinator shall use all of the following criteria for selecting grantees:

I. A grantee's ability to provide direct services to victims of domestic violence as follows:

(a) Shelter or safe homes on a 24-hours-a-day, 7-days-a-week basis.

(b) A 24-hours-a-day, 7-days-a-week switchboard for crisis calls.

(c) Temporary housing and food facilities.

(d) Psychological support and peer counseling.

(e) Referrals to existing services in the community and follow-up on the outcome of the referrals.

(f) A drop-in center to assist victims of domestic violence who have not yet made the decision to leave their homes, or who have found other shelter but who have a need for support services.

(g) Arrangements for school-aged children to continue their education during their stay at the center.

(h) Emergency transportation to a shelter, and when appropriate, arrangements with local law enforcement for assistance in providing such transportation.

(i) Trained court advocates and social service agency advocates to accompany domestic violence victims.

II. A grantee shall be a private or private nonprofit organization, or a public agency.

III. A grantee shall demonstrate the need for the services proposed by the program.

IV. A grantee shall establish its ability to secure community support and its efficiency of administration.

V. A grantee shall receive at least 50 percent of its funding from sources other than the fund, including town, city, county, federal, or private sources. Contributions in kind, whether material, commodities, transportation, office space, or personal services, may be evaluated and counted as part of the required non-state funding.

173-B:22 Confidentiality. All persons who are employed, appointed, or who volunteer under this chapter shall maintain confidentiality with regard to persons served by the coordinator and grantees and files kept by the coordinator and grantees, except for reasons of safety for other shelter residents or staff.

173-B:23 Referral. Where centers are available, any law enforcement officer who investigates an alleged incident of domestic violence shall advise the person subject to such violence of the availability of programs from which that person may receive services.

173-B:24 Rights Reserved. A person shall not be prejudiced by the court having jurisdiction under RSA 173-B for having left the residence or household with or without the children to avoid further domestic violence.

173-B:25 Severability. If any provision of this chapter or the application of such provision 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.

3 Cross Reference Revised; Definition of "Domestic Violence Center." Amend RSA 173-C:1, II to read as follows:



II. "Domestic violence center" means any organization or agency which would qualify as a direct service grantee under RSA [173-B:19] 173-B:21.

4 Cross Reference Revised; Marriage License Fees. Amend RSA 457:29 to read as follows:

457:29 Marriage License Fee. The fee for the marriage license shall be \$45 to be paid by the parties entering into the marriage. The clerk shall forward \$38 from each fee to the department of health and human services for the purposes of RSA [173-B:13] 173-B:15. The clerk shall retain the remaining \$7 as ~~his~~ *the* fee for making the records of notice, issuing the certificate of marriage, and forwarding the \$38 portion of the marriage license fee.

5 New Paragraph; Domestic Violence Protective Orders Issued in Divorce Cases; Form. Amend RSA 458:16 by inserting after paragraph I the following new paragraph:

I-a. Permanent domestic violence protective orders issued as part of a divorce decree shall be issued on a domestic violence protective order form under RSA 173-B.

6 Cross Reference Revised; Preparing Checklists. Amend RSA 654:25 to read as follows:

654:25 Preparing Checklist. The secretary of state shall issue and distribute guidelines for the composition and style of checklists and for the maintenance of data related to checklists by which the supervisors of the checklist shall compile and correct the checklist. Such guidelines shall specify the information which will be maintained and updated by the supervisors. The secretary shall establish standard forms and procedures for the use of the supervisors for the maintenance of such information. The information to be maintained and updated shall include the full name, address and party affiliation, if any, of each voter on the checklist and such other information as the secretary requires. The supervisors shall use the information so maintained and updated to prepare the checklist for all state elections. Every checklist used at any state election shall contain as a minimum the full name, address, and mailing address if different, and party affiliation, if any, of each voter on the checklist. The address and mailing address, if different, of a voter shall not appear on the checklist at the request of the voter if the voter presents to the supervisors of the checklist a valid protective order pursuant to RSA [173-B:4] 173-B. A voter who presents a valid protective order may, however, request that a mailing address, if different, be maintained on the checklist. If a voter who presents a valid protective order requests that no address be maintained on the checklist, the supervisors of the checklist may nonetheless maintain a designation on the checklist which indicates that no address is required for that voter.

7 Effective Date. This act shall take effect January 1, 1999.

### **HB 559-FN**, relative to crimes against persons under 13 years of age. OUGHT TO PASS WITH AMENDMENT

Rep. L. Randy Lyman for Criminal Justice and Public Safety: The amendment allows courts to impose an extended term of imprisonment upon persons of any age who have committed certain crimes against persons under 13 years of age if the crime meets the criteria spelled out in RSA 651:6. The amendment adds RSA 630:3 (negligent homicide) to the list. The amendment also changes the current wording of RSA 651:6, "18 years or older" to: "A convicted person." Vote 13-0.

#### **Amendment (0047h)**

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

**AN ACT** allowing courts to impose an extended term of imprisonment upon persons of any age who have committed certain crimes against person under 13 years of age.

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

1 Extended Term of Imprisonment. Amend the introductory paragraph of RSA 651:6, I to read as follows:

I. [~~If a court finds that a convicted person is 18 years of age or older, he~~] *A convicted person* may be sentenced according to paragraph II if the court also finds, and includes such findings in the record, that:

2 Extended Term of Imprisonment. Amend RSA 651:6, I(f) to read as follows:

(f) He has committed or attempted to commit any of the crimes defined in RSA 630:3, I, 631 or 632-A against a person under 13 years of age; or

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

#### **AMENDED ANALYSIS**

This bill allows courts to impose an extended term of imprisonment upon a person of any age who has committed or attempted to commit a specified crime against a person under 13 years of age.

**HB 565-FN**, relative to penalties for joy-riding and car theft across state lines. **OUGHT TO PASS WITH AMENDMENT**

Rep. L. Randy Lyman for Criminal Justice and Public Safety: After studying the joy-riding issue for a period of time, the issue narrowed down to the prosecutor having to prove that the individual taking the vehicle did not intend to return it. We have made it a violation for persons under 18 to possess tobacco products and treat those over 12 years of age as an adult for purposes of prosecution, yet we treat minors who steal automobiles whose value may exceed \$20,000 to \$30,000 as having a "joy-ride." This disparity sends a wrong message to our young citizens. The committee agreed the taking of a vehicle is a serious crime with potentially serious consequences, not only for the victim of the theft but for the individual taking the vehicle, and therefore should be more properly addressed under the theft statutes. The circumstances of the act will dictate whether or not a prosecution should go forward under the theft statutes. The amendment repeals the joy-riding statutes. Vote 14-0.

**Amendment (0074h)**

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

AN ACT relative to unauthorized use of a propelled vehicle or animal.

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

- 1 Repeal. RSA 634:3, relative to unauthorized use of propelled vehicle or animal, is repealed.
- 2 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill repeals the law prohibiting the unauthorized use of propelled vehicle or animal.

**HB 583-FN-L**, relative to felonious disarming of a law enforcement officer. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill has been amended to establish a Class A felony for the taking of a firearm from a law enforcement officer while such officer is performing official duties. The term of imprisonment is meant to run consecutively and the minimum sentence shall be at least half of the maximum imposed which can be up to 15 or up to 20 years depending on the particulars of the crime. There were few instances where an officer had actually lost control of his firearm during a scuffle, but statistics show that many officers who have been shot in the line of duty have indeed been shot with their own firearms. The committee felt that this new felony was important to establish and the law enforcement community has cited the need for such a statute. Vote 16-0.

**Amendment (0023h)**

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

1 New Section; Taking a Firearm From a Law Enforcement Officer; Class A Felony. Amend RSA 642 by inserting after section 3 the following new section:

642:3-a Taking a Firearm From a Law Enforcement Officer.

I. Whoever knowingly takes or attempts to take a firearm from the person of a law enforcement officer, while such officer is engaged in the performance of official duties, shall be guilty of a felony and, notwithstanding the provisions of RSA 651:2, shall be sentenced as provided in paragraph II.

II. The penalties for an offense under this section shall be:

(a) In the case of a completed offense, or an attempt during which the firearm is discharged (other than intentionally by the officer), a fine under this title and imprisonment for a maximum term which is not to exceed 20 years and a minimum which is not to exceed ½ of the maximum.

(b) In the case of an attempt where the firearm is not discharged, a fine under this title and imprisonment for a maximum term which is not to exceed 15 years and a minimum which is not to exceed ½ of the maximum.

III. A term of imprisonment imposed under this section shall not run concurrently with any other term of imprisonment imposed with respect to the same criminal episode.

IV. In this section:

(a) "Firearm" means firearm as defined in section 921 of Title 18 of the United States Code.

(b) "Law enforcement officer" means a sheriff or deputy sheriff of any county, a state police officer, a constable or police officer of any city or town, an official or employee of any prison, jail or corrections institution, a probation-parole officer, or a conservation officer.

2 Effective Date. This act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill makes the taking and attempted taking of a firearm from a law enforcement officer felonies and prescribes the sentences for these offenses.

**HB 604-FN-L**, relative to accessing information in delinquency cases. **INEXPEDIENT TO LEGISLATE**

Rep. L. Randy Lyman for Criminal Justice and Public Safety: The stated purpose of the current juvenile confidentiality statutes is the safeguarding of the minor's contact with the juvenile justice system. This purpose is considered essential in facilitating and promoting the goals of treatment, rehabilitation, and protection from public scandal, curiosity and humiliation. Previous legislation has provided a "window" for the breaching of this confidentiality in areas of violent crime. Among other things, this bill removes the ability of a victim to access information, have input into the disposition of the case, to be apprised of negotiations, plea bargaining activities, as well as the opportunity to submit an impact statement during the proceedings. All these rights were established under RSA 169-B:34, RSA 169-B:35, and RSA 169-B:36. Victims' rights would be put in jeopardy by passage of this bill and the ability of the Attorney General or the County Attorney to release to the media the name and photograph of a juvenile when there is good cause to believe that the juvenile presents a serious danger to him or herself or to the public safety pursuant to RSA 169-B:37, would be eliminated. Vote 16-0.

**HB 605-FN-L**, relative to procedures regarding delinquent children under RSA 169-B. **OUGHT TO PASS WITH AMENDMENT**

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill addresses procedures regarding children within the juvenile justice system. The amended version of this bill more clearly defines the definitions of "Diversion" and "Intervention" and provides the procedure for accessing same. The bill further clarifies the responsibilities required of parents, guardians, and caregivers. A notification process for non-custodial parents is established. The timing of service for petitions and summonses is simplified. Violations will be addressed under first offenses rather than multiple offenses (shoplifting, petty theft, etc.). Vote 16-0.

#### Amendment (0187h)

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

I Applicability; Purpose. RSA 169-B:1, II is repealed and reenacted to read as follows:

II. Consistent with the protection of the public interest, to promote the minor's acceptance of personal responsibility for delinquent acts committed by the minor, encourage the minor to understand and appreciate the personal consequences of such acts, provide a minor who has committed delinquent acts with counseling, supervision, treatment, and rehabilitation, and make parents aware of the extent to which they may have contributed to the delinquency and make them accountable for their role in its resolution.

2 Definition of Delinquent Revised. Amend RSA 169-B:2, IV to read as follows:

IV. "Delinquent" means a person who has committed an offense before reaching the age of 17 years which would be a felony ~~or~~, misdemeanor, *or violation* under the criminal code of this state if committed by an adult, and is expressly found to be in need of counselling, supervision, treatment, or rehabilitation as a consequence thereof, *or a person who has committed an offense before reaching the age of 16 that would be a violation of a motor vehicle law, an aeronautics law, a law relating to navigation or boats, a fish and game law, a law relating to federal Title XIII, a law relating to fireworks under RSA 160-B, or any town or municipal ordinance.*

3 New Paragraphs; "Diversion" and "Intervention" Defined. Amend RSA 169-B:2 by inserting after paragraph IV the following new paragraphs:

IV-a. "Diversion" means a decision made by a person with authority which results in specific official action of the legal system not being taken or being postponed in regards to a juvenile and, in lieu of such inaction or postponement, providing an individually designed program for delivery



of services for the juvenile by a specific provider or a plan to assist the juvenile in finding a remedy for his or her inappropriate behavior. The goal of diversion is to prevent further involvement of the juvenile in the formal legal system. Diversion of a juvenile may take place either at pre-filing as an alternative to the filing of a petition, or at arraignment.

IV-b. "Intervention" means a decision made by a person with authority which results in specific official action of the legal system not being taken or being postponed in regards to a juvenile and, in lieu of such inaction or postponement, providing an individually designed program for delivery of services for the juvenile by a specific provider or a plan to assist the juvenile in finding a remedy for his or her inappropriate behavior. The goal of intervention is to prevent further involvement of the juvenile in the formal legal system. Intervention for a juvenile may take place either at the adjudicatory or dispositional level.

4 New Paragraph; "Services" Defined. Amend RSA 169-B:2 by inserting after paragraph IX the following new paragraph:

X. "Services" means and shall include, but not be limited to, diagnostic needs assessment, restitution programs, community service, job training and placement, specialized tutoring, constructive academic exercises, constructive recreational activities, general counseling, and counseling during a crisis situation.

5 New Section; Parental Responsibility. Amend RSA 169-B by inserting after section 2 the following new section:

169-B:2-a Parental Responsibility.

I. In each case brought pursuant to this chapter, on the date of arraignment, the court shall identify the parents of the minor or, in their absence, the guardian or other person charged by law with the responsibility for the welfare of the minor. It shall be the obligation of such parents or guardians to:

(a) Personally attend and assure the attendance of the minor at all hearings of the court.

(b) Personally attend and assure the attendance of the minor at all meetings with the department of health and human services and collateral support service agencies occasioned by the action.

(c) Fully participate in all services ordered by the court including, but not limited to, substance abuse treatment, parenting classes, mediation, community service, and therapy.

(d) Pay a portion, or all, of any restitution or fines imposed by the court when the court finds the payment by the parent to be in the interest of justice and rehabilitation.

(e) Supervise the minor's compliance with all orders of the court and conditions of release and probation including, but not limited to, curfew, school attendance, and general behavior.

II. Failure to supervise and otherwise accept responsibility as required by this section shall be treated as criminal contempt of court punishable by up to a \$1,000 fine and 6 months imprisonment. It shall be a defense to any such charge of contempt that the parent, guardian, or such other person or persons having custody and control of the minor made reasonable efforts to comply.

6 Legal Sufficiency of Petition. RSA 169-B:6, II is repealed and reenacted to read as follows:

II. To be legally sufficient, the petition shall set forth with particularity, but not be limited to, the date, time, manner and place of the conduct alleged, shall state the statutory provision alleged to have been violated, and shall be entitled, "In the interest of \_\_\_\_\_, a child."

7 Issuance of Summons and Notice. RSA 169-B:7 is repealed and reenacted to read as follows:

169-B:7 Issuance of Summons and Notice.

I. After a legally sufficient petition has been filed, the court shall issue a summons to be served personally or, if personal service is not possible, at the usual place of abode of the person having custody or control of the minor or with whom the minor may reside, requiring that person to appear with the minor at a specified place and time, which time shall not be less than 24 hours after service. The non-custodial parent shall be notified of the pending court petition via certified mail, return receipt requested, to his or her last known address.

II. A copy of the petition shall be attached to each summons or incorporated therein.

8 Failure to Appear; Hearings. RSA 169-B:8, II is repealed and reenacted to read as follows:

II. If the minor, parent, guardian, or other person ordered to appear fails to appear for any scheduled hearing, a bench warrant may be issued for the minor's appearance, or for the appearance of anyone having custody or control of the minor, or both. Additionally, the court may proceed against the minor, or anyone having custody or control of the minor, or both, for their failure to appear as authorized by RSA 263:56-a.

9 Juvenile Diversion Substituted for Release Without Court Referral. RSA 169-B:10 is repealed and reenacted to read as follows:

169-B:10 Juvenile Diversion.

I. At any time before or at arraignment pursuant to this chapter, a minor and the minor's family may be referred to a court-approved diversion program or other community resource. Referral may be made by the arresting or prosecuting agency or juvenile service officer, with the consent of the prosecuting agency, prior to filing a petition with the court or after the filing of a petition by such agency with the court's approval, or by the court on its own, or any party's motion. The administrative judge of the district court shall have the authority to approve diversion referral procedures for use in all juvenile matters throughout the state.

II. Referral to diversion or other community resource after filing is appropriate if:

- (a) The facts bring the case within the jurisdiction of the court;
- (b) Referral of the case is in the best interest of the public and the minor; and
- (c) The minor and parent, guardian, or other custodian consent with the knowledge that consent is not obligatory.

III. Referral after filing shall stay the proceedings for a period not to exceed 3 months from the date of referral, unless extended by the court for an additional period not to exceed 3 months and does not authorize the detention of the minor.

IV. During the period of referral, the court may require further conditions of conduct on the part of the minor and the minor's parents.

10 Appointment of Counsel; Procedures Revised. Amend RSA 169-B:12, I to read as follows:

I. Absent a valid waiver, the court shall appoint counsel at the time of arraignment of an indigent minor~~[-, provided that an indigent minor detained pursuant to RSA 169-B:11, III, shall have counsel appointed upon the issuance of the detention order]~~ ***alleged to have committed an act which would be a felony or misdemeanor under the criminal code of this state.*** For purposes of the appointment of counsel under this section, an indigent minor shall be a minor who satisfies the court, after appropriate inquiry, that the minor is financially unable to independently obtain counsel.

11 Waiver of Counsel; Procedures Revised. Amend the introductory paragraph of RSA 169-B:12, II to read as follows:

II. The court may accept a waiver of counsel in a delinquency proceeding ***alleging commission of an act which would be a felony or misdemeanor under the criminal code of this state*** only when:

12 Appointment of Counsel for Minor at Arraignment Revised. Amend RSA 169-B:13, I (c) to read as follows:

(c) Appoint counsel pursuant to RSA 169-B:12, ***if the offense alleged would be a felony or misdemeanor under the criminal code of this state;***

13 Arraignment. RSA 169-B:13, II is repealed and reenacted to read as follows:

II. The court may, at any time after arraignment, dispose of the petition by referring the minor or the minor and family for participation in an approved court intervention program.

14 New Paragraph; Court Referrals; Uncompensated Public Service by Minors. Amend RSA 169-B:13 by inserting after paragraph II the following new paragraph:

III. A referral under this section may include an order for the minor to perform up to 50 hours of uncompensated public service subject to the approval of the elected or appointed official authorized to give approval of the city or town in which the offense occurred. The court's order for uncompensated public service shall include the name of the official who will provide supervision to the minor. However, no person who performs such public service 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 such public service or any damages caused by that person unless the employer is guilty of gross negligence.

15 Release or Detention Provisions Revised. Amend RSA 169-B:14, I to read as follows:

I. Following arraignment a minor alleged to be delinquent may be ordered by the court to be:

- (a) Retained in the custody of a parent, guardian, or custodian; or
- (b) Released in the supervision and care of a relative or friend~~[-or~~
- (c) ~~Released in the supervision and care of a foster home, as defined in RSA 169-C:3, XIII,~~

~~which is specifically licensed to accept delinquent children with expenses charged according to RSA 169-B:40, or~~

~~(d) Placed in a group home, crisis home or shelter-care facility with expenses charged according to RSA 169-B:40; or~~

~~(e) Detained at a facility certified by the commissioner of the department of health and human services for detention of minors pursuant to the following:~~

~~(1) No minor charged with delinquency shall be securely detained following arraignment unless the prosecution establishes probable cause to believe that the minor committed the alleged delinquent acts and unless the prosecution demonstrates by clear and convincing evidence the need for secure detention, based upon the criteria for secure detention specified in subparagraph (c)(2);~~

~~(2) A minor shall not be securely detained unless secure detention is necessary:~~

~~(A) To insure the presence of the juvenile at a subsequent hearing; or~~

~~(B) To provide care and supervision for a minor who is in danger of self-inflicted harm when no parent, guardian, custodian, or other suitable person or program is available to supervise and provide such care; or~~

~~(C) To protect the personal safety or property of others from the probability of serious bodily harm or other harm].~~

16 New Paragraph. Release or Detention After Arraignment for Minors Allegedly Having Committed Felonies or Misdemeanors. Amend RSA 169-B:14 by inserting after paragraph I the following new paragraph:

I-a. Following arraignment a minor alleged to have committed an offense which would constitute a felony or misdemeanor under the criminal code of this state may be ordered by the court to be:

(a) Released in the supervision and care of a foster home, as defined in RSA 169-C:3, XIII, which is specifically licensed to accept delinquent children with expenses charged according to RSA 169-B:40; or

(b) Placed in a group home, crisis home or shelter-care facility with expenses charged according to RSA 169-B:40; or

(c) Detained at a facility certified by the commissioner of the department of health and human services for detention of minors pursuant to the following:

(1) No minor charged with delinquency shall be securely detained following arraignment unless the prosecution establishes probable cause to believe that the minor committed the alleged delinquent acts and unless the prosecution demonstrates by clear and convincing evidence the need for secure detention, based upon the criteria for secure detention specified in subparagraph (c)(2);

(2) A minor shall not be securely detained unless secure detention is necessary:

(A) To insure the presence of the juvenile at a subsequent hearing; or

(B) To provide care and supervision for a minor who is in danger of self-inflicted harm when no parent, guardian, custodian, or other suitable person or program is available to supervise and provide such care; or

(C) To protect the personal safety or property of others from the probability of serious bodily harm or other harm.

17 Release or Detention Pending Adjudicatory Hearing. RSA 169-B:14, III is repealed and reenacted to read as follows:

III. All orders issued pursuant to this section shall be in accordance with guidelines promulgated by the administrative judge of the district court, shall set forth findings in writing, and such conditions as the court may determine.

18 Dispositional Hearing; Court Order. Amend the introductory paragraph of RSA 169-B:19, I to read as follows:

I. The department of health and human services shall provide the court with costs of the recommended services, placements and programs. If the court finds that a minor ~~[is delinquent]~~ *has committed an offense which would be a felony or misdemeanor under the criminal code of this state*, the court may order the least restrictive of the following dispositions, which the court finds is the most appropriate:

19 Dispositional Hearing; Penalties; Order for Services. RSA 169-B:19, I(b)-(d) are repealed and reenacted to read as follows:

(b) Fine the minor up to \$250, require restitution or both. Restitution ordered by the court may be collected by the department or by the court or by an agency designated by the court to collect it. In any case where a parent is ordered to pay all or any portion of the fine or restitution pursuant to RSA 169-B:2-a, the parents shall have the right to a hearing before the court to contest the amount of restitution or their liability.



(c) Order the minor to undergo physical treatment, substance abuse treatment or testing, treatment by a mental health center, or any other psychiatrist, psychologist, psychiatric nurse practitioner, psychiatric social worker or family therapist as determined by the court, attend mediation sessions, parenting programs, or any other such program or programs the court determines necessary to carry out the purposes of this chapter with expenses, if any, charged according to RSA 169-B:40. Utilization of community resource programs shall be encouraged.

(d) Order the minor's parents or family to undergo physical treatment or treatment by a mental health center, or any other psychiatrist, psychiatric social worker, or family therapist as determined by the court, with expenses charged under RSA 169-B:40. Utilization of community resource programs shall be encouraged.

(e) Order the minor's parents or the minor's family to undergo a substance abuse evaluation by a treatment provider contracted with the bureau of substance abuse services, and to undergo such substance abuse treatment as is recommended in the evaluation. Such recommendation may include treatment provided by a privately paid provider approved by the court. The cost of the evaluation and treatment shall be paid by private insurance if applicable, or pursuant to agreement by the provider with the bureau of substance abuse services shall be provided free or at reduced cost to low income parents or family members.

20 Dispositional Hearing; Court Dispositions. Amend RSA 169-B:19, I (i) to read as follows:

(i) Any combination of the above; [or]

21 New Paragraph; Dispositional Hearing; Alternative Dispositions for Minors. Amend RSA 169-B:19 by inserting after paragraph I the following new paragraph:

I-a. If the court finds that a minor has committed an offense that would be a violation under the criminal code of this state, or committed an offense before reaching the age of 16 that would be a violation of motor vehicle law, an aeronautics law, a law relating to navigation or boats, a fish and game law, a law related to federal Title XIII, a law related to fireworks under RSA 160-B, or any town or municipal ordinance, the court may order the least restrictive of the following dispositions which the court finds is most appropriate:

(a) Return the minor to a parent, custodian or guardian;

(b) Fine the minor up to \$250, require restitution, or both. Restitution ordered by the court may be collected by the department, or by the court, or by an agency designated by the court for collection;

(c) Order the minor to perform up to 50 hours of uncompensated public service subject to the approval of the elected or appointed official authorized to give approval of the city or town in which the offense occurred. The court's order for uncompensated public service shall include the name of the official who will provide supervision to the minor. However, no person who performs such public service 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 such public service or any damages caused by that person unless the employer is guilty of gross negligence.

(d) Any combination of the above.

22 Dispositional Hearing; Guidelines; Findings. RSA 169-B:19, V is repealed and reenacted to read as follows:

V. All dispositional orders issued pursuant to this section shall be in accordance with guidelines promulgated by the administrative judge of the district court and shall include written findings as to the basis for the disposition and such conditions as the court may determine.

23 Determination of Competence; Felony or Misdemeanor Requirement Added. Amend RSA 169-B:20 to read as follows:

169-B:20 Determination of Competence. Any minor before the court *alleged to have committed an offense which would be a felony or misdemeanor under the criminal code of this state* shall, at the discretion of the court, together with parents, guardian or person with custody or control submit to a mental health evaluation to be completed within 60 days, by an agency other than the Philbrook center, approved by the commissioner of health and human services, a psychologist certified in New Hampshire, or a qualified psychiatrist, provided that the evaluation may be performed by the Philbrook center only upon receiving prior approval for such evaluation from the commissioner of the department of health and human services or designee. A written report of the evaluation shall be given to the court before the hearing on the merits is held. The court shall in-

form the parents, guardian, or counsel of the minor of their right to object to the mental health evaluation. They shall object in writing if they so desire to the court having jurisdiction of the matter within 5 days after notification of the time and place of the evaluation, and the court shall hold a hearing to consider the objection prior to ordering the evaluation or, upon good cause shown, may excuse the minor, parents, guardian, or person in custody or control from the provisions of this section. Whenever such an evaluation has been made for consideration at a previous hearing, it shall be jointly reviewed by the court and the evaluating agency before the case is heard. The evaluation facility, agency or individual shall keep records; but no reports or records of information contained in the reports shall be made available, other than to the court and parties, except upon the written consent of the person examined or treated and except as provided in RSA 169-B:35. The expense of such evaluation is to be borne as provided in RSA 169-B:40.

24 Mental Health and Substance Abuse Evaluation. RSA 169-B:21 is repealed and reenacted to read as follows:

169-B:21 Mental Health and Substance Abuse Evaluation.

I. Any court, finding that a minor has committed [the] *an* alleged offense *which would be a felony or misdemeanor under the criminal code of this state*, may, before making a final disposition, order the minor, minor's parents, guardian or person with custody or control to submit to a mental health or substance abuse evaluation to be completed within 60 days. A written report of the evaluation shall be given to the court before the dispositional hearing. If the parents, guardian, minor, or person having custody or control objects to the mental health or substance abuse evaluation, they shall object in writing to the court having jurisdiction within 5 days after notification of the time and place of the evaluation. The court shall hold a hearing to consider the objection prior to ordering such evaluation. Upon good cause shown, the court may excuse the parents, guardian, minor, or person having custody or control from the provisions of this section.

II. Whenever such an evaluation has been made for consideration at a previous hearing, it shall be jointly reviewed by the court and the evaluating agency before the case is heard. The evaluating facility, agency, or individual shall keep records, but no reports or records of information contained therein shall be made available other than to the court and parties, except upon the written consent of the person examined or treated and except as provided in RSA 169-B:35. The expense of such evaluation shall be borne as provided in RSA 169-B:40.

25 Orders for Physical Examination and Treatment; Felony or Misdemeanor Requirement Added. Amend RSA 169-B:23 to read as follows:

169-B:23 Orders for Physical Examination and Treatment. If it is alleged in any petition, or it appears at any time during the progress of the case, that a delinquent *alleged to have committed an offense which would be a felony or misdemeanor under the criminal code of this state* is in need of physical treatment, the failure to receive which is a contributing cause of delinquency, due notice of that fact shall be given as provided in RSA 169-B:7. If the court, upon hearing, finds that such treatment is reasonably required, it shall be ordered and the expense thereof shall be borne as provided in RSA 169-B:40.

26 Case Closure and Review of Disposition. RSA 169-B:31 is repealed and reenacted to read as follows:

169-B:31 Case Closure and Review of Disposition. Upon making a finding that the purposes of this chapter have been met with regard to the minor named in the petition, or for such other reason the court may deem appropriate and consistent with the purposes of this chapter, the court may order a case closed. Any case remaining open for 12 months after the date of disposition shall be reviewed by the court annually and closed, unless the court finds by a preponderance of the evidence that the continued provision of services and court involvement are necessary and shall be fruitful to rehabilitate the minor or protect the public interest. All such findings shall be in writing and shall include the basis upon which those findings were made.

27 Effective Date. This act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill revises certain procedures relative to delinquency cases, defines "diversion" and "intervention," modifies certain provisions of juvenile release, detention, or other court ordered dispositions, and includes provisions relative to court intervention programs and parental responsibility. Referred to Finance.

**HB 665-FN**, establishing the crime of felony murder. **INEXPEDIENT TO LEGISLATE**

Rep. Paul K. Chase, Jr. for Criminal Justice and Public Safety: The committee heard testimony that another bill to be filed for the 1998 session would more adequately address the subject of felony murder. To address the issue at this time without the important input from the Attorney General's office was judged not in the best interests of the public. The committee has the assurance from the Attorney General that we will work with the sponsors and the criminal justice professionals to weigh the merits of the proposed felony murder statute. Vote 13-1.

**HB 682-FN-L**, requiring law enforcement agencies to notify certain community organizations when a sexual offender moves into the community. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill, as amended, permits interested members of the public to access information in the Central Offender Registry. This registry contains the name, address, offense for which the individual has been convicted, and the date and court of conviction for which the offender is registered. The registry contains a listing of all convicted sexual offenders or offenders against children, who are required to register under RSA 651-B whether on probation, parole, conditional or unconditional release, transfers to any community based residential program, completion of sentence, or for any other reason. Information shall be accessible at local law enforcement agencies. Vote 15-0.

**Amendment (0029h)**

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

AN ACT requiring the division of state police to maintain a central offender registry and relative to public access to information contained in the registry.

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

1 Transfer to Community-Based Residential Program Added. Amend RSA 651-B:3, I to read as follows:

I. Upon release of any sexual offender or offender against children after conviction, whether on probation, parole, conditional or unconditional release, *transfer to any community-based residential program*, completion of sentence, or for any other reason, the official in charge of such release shall notify the offender of the offender's duty to report under this chapter. The offender shall acknowledge in writing that he has received such notice. The official shall obtain the address at which the offender expects to reside upon release and shall report such address to the department. The department shall inform the local law enforcement agency where the offender expects to reside. The division shall enter the information concerning the offender's release and notification in the LENS system.

2 Central Offender Registry; Availability of Information to the Public. RSA 651-B:7 is repealed and reenacted to read as follows:

651-B:7 Central Offender Registry; Availability of Information to the Public.

I.(a) The division shall maintain a central offender registry of all individuals registered pursuant to this chapter. This registry shall include the:

- (1) Name and address of the registered individual;
- (2) Offense for which the individual was convicted; and
- (3) Date and court of the conviction for which the individual is registered.

(b) Where such information is available, the registry may also include:

- (1) A photograph or physical description of the individual;
- (2) The date and court of the individual's other convictions, if any;
- (3) Information on the profile of the victim or victims of the individual's offense or offenses; and

- (4) The method of approach utilized by the individual.

(c) In no event shall the registry include the identity of any victim.

II.(a) At periodic intervals, not less frequently than once each month, the commissioner of the department of corrections and the superintendent of each county correctional facility shall forward to the division, a list of every sexual offender or offender against children who is confined in a facility under their control, and who is eligible at that time for any unsupervised work detail or other assignment which may bring the offender into contact with members of the public. These lists shall include:



- (1) The name of the eligible individual and the name and address of the facility where he or she is confined;
  - (2) The offense for which the individual was convicted; and
  - (3) The date and court of the conviction for which the individual is confined.
- (b) Where such information is available, the lists may also include:
- (1) A photograph or physical description of the individual;
  - (2) The date and court of the individual's other convictions, if any;
  - (3) Information on the profile of the victim or victims of the individual's offense or offenses; and
  - (4) The method of approach utilized by the individual.
- (c) In no event shall the registry include the identity of any victim.
- (d) The lists described in this paragraph shall be incorporated by the division into the central offender registry.

III. The division shall forward the information contained in the central offender registry to each local law enforcement agency at periodic intervals, but in no event less frequently than once each month. Information contained in the central offender registry shall be made available to interested members of the public upon request to the local law enforcement agency. The department shall adopt rules, pursuant to RSA 541-A, establishing procedures for the collection of information described in this section, the transmission of the information from the division to the local law enforcement agencies, and the manner in which the information shall be made available to the public. These rules shall enable the public to request information about a named individual or about all listed individuals residing or confined in a specified city or town. The rules shall also include provisions for identifying and maintaining a record of the parties to whom information from the central offender registry has been disclosed, and may also provide for the imposition of a reasonable fee to defray the administrative costs of collecting information and making the information available to the public.

IV. Nothing in this chapter shall be construed to limit the local law enforcement agency from making any use or disclosure of information obtained pursuant to this chapter as may be necessary to the performance of a valid law enforcement function.

V. Local law enforcement agencies, employees of local law enforcement agencies, and county and state officials shall be immune from civil and criminal liability for good faith conduct under this chapter. Nothing in this paragraph shall be deemed to grant any such immunity to any person for that person's reckless or wanton conduct.

3 Effective Date. This act shall take effect January 1, 1999.

### AMENDED ANALYSIS

This bill requires the division of state police to maintain a central offender registry of all persons required to be registered as criminal offenders. Information contained in the central offender registry shall be made available to the public, upon application of interested members of the public and in accordance with rules adopted by the department of safety. The bill allows the department to charge a reasonable fee to defray the administrative costs of collecting information and making it available to the public.

### HB 730-FN, relative to penalties for sexual misconduct by mental health counselors. OUGHT TO PASS WITH AMENDMENT

Rep. William V. Knowles for Criminal Justice and Public Safety: The amendment to this bill defines "therapy" and makes it an offense if, while providing such therapy, the actor uses his/her position as a provider to coerce the victim to submit. Vote 16-0.

### Amendment (0191h)

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

AN ACT relative to aggravated felonious sexual assault.

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

1 New Paragraph; Definition of "Therapy." Amend RSA 632-A:1 by inserting after paragraph V the following new paragraph:

VI. "Therapy" means the treatment of bodily, mental, or behavioral disorders by remedial agents or methods.

2 Coercion Added; Unethical Therapy, Medical Treatment or Examination. Amend RSA 632-A:2, I(g) to read as follows:

(g) When the actor provides therapy, medical treatment or examination of the victim *and in the course of that therapeutic or treating relationship*:

(1) Acts in a manner or for purposes which are not professionally recognized as ethical or acceptable; or

(2) Uses this position as such provider to coerce the victim to submit.

3 Effective Date. This act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill makes it aggravated felonious sexual assault when a defendant uses a position as a provider of therapy or medical treatment to coerce a victim to submit to sexual penetration.

**HB 767-FN**, relative to violation of court orders regarding child custody. **INEXPEDIENT TO LEGISLATE**

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill added language to an existing statute making it a misdemeanor if a person knows that a court order specifies conditions for visitation with a child and the person violates such order. The result of the change would involve third parties and provided for no defense. The committee determined that more harm than good would result if this measure were to pass. Vote 16-0.

**SB 102-FN**, relative to the possession of certain weapons in the commission of a violent crime. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill has been amended to make possession or use of dangerous weapons while committing a misdemeanor or a felony an additional Class A misdemeanor. Currently, the statute states that such possession or use during any offense is an additional misdemeanor charge. The committee heard testimony during which it was alleged that misuse of the statutes had occurred during motor vehicle violations. The committee felt that if the offense committed was a misdemeanor or a felony, the additional charge would be warranted. The Senate sponsor agreed. Vote 16-0.

#### Amendment (0027h)

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

AN ACT relative to the possession of certain weapons in the commission of a crime.

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

1 Possession of Dangerous Weapon While Committing a Crime. RSA 159:15 is repealed and reenacted to read as follows:

159:15 Possession of Dangerous Weapon While Committing a Crime. A person shall be guilty of a class A misdemeanor if that person:

I. Is armed with or has upon the person slung shot, metallic knuckles, billies, or other dangerous weapons while committing a misdemeanor or felony; or

II. Used slung shot, metallic knuckles, billies, or other dangerous weapons in committing an offense for which the person is arrested.

2 Effective Date. This act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill makes a person guilty of a class A misdemeanor if that person is armed with or has upon his or her person slung shot, metallic knuckles, billies, or other dangerous weapons while committing a crime classified as a misdemeanor or felony. A person who uses such dangerous weapons in committing an offense for which the person is arrested is also guilty of a class A misdemeanor.

**HB 166**, extending the time frame for the annual school district meeting date to the last Saturday in April. **INEXPEDIENT TO LEGISLATE**

Rep. Richard L. Hill for Education: This bill would extend the time frame for holding annual school district meetings. The committee found during their hearings that there is now an abundance of existing timing options for annual school district meetings. The committee also recognized the possibility of a school district arriving at June 30, the end of the school financial year, without a

budget due to the extended meeting schedule proposal. Finally, the committee felt this bill would cause confusion to the voters, especially with the arrival of SB 2, Chapter 164, Laws of 1995 and the new time lines required by SB 109, Chapter 318, Laws of 1997 for ballot voting. Vote 19-0.

**HB 167**, changing the teacher nomination notification date from April 15 to May 15. INEXPEDIENT TO LEGISLATE

Rep. Richard L. Hill for Education : The committee found during hearings that teacher employment processes and practices are regulated by law within the form of government chosen by the school district. Ten cities have charters and this makes their teacher re-nomination unique and fall beyond the provisions of this bill. The 1995 legislative session passed legislation which changed the date from March 30 to the current date of April 15. It was felt by the committee that this time change should be allowed to work before further modification. Vote 19-0.

**HB 242**, requiring voter approval for any type of random drug testing within a school district. INEXPEDIENT TO LEGISLATE

Rep. Bruce L. Dearborn for Education : This bill describes a state-required process for voter-approved drug testing policies in school districts. The committee feels that the local school district is the responsible agency to handle drug testing and that the voting process for school board decisions remain under the control of the local board. Vote 19-0.

**HB 270-L**, allowing school districts to transfer permanent paper records onto electronic alternate media and destroy printed records. INEXPEDIENT TO LEGISLATE

Rep. Suzan L.R. Franks for Education: The committee recognizes the issue of records storage as genuine, and, therefore, has requested the Department of Education to bring forward legislation in consultation with local school districts and our State Archivist to develop a record retention process which will define historical documents and the process by which such records may be donated to local historical societies. The bill's proposed process of allowing the destruction of paper documents, after recording their contents electronically, was judged to be an inappropriate solution. Vote 15-1.

**HB 538**, requiring every pupil receiving state-funded scholarships or grants for postsecondary education to pass a drug test as a condition for receiving such funds, and requiring repayment of such moneys upon conviction of a drug-related offense. INEXPEDIENT TO LEGISLATE

Rep. Bruce L. Dearborn for Education: The bill proposed drug testing on persons receiving New Hampshire state financial grants for post-secondary education. Penalties would be imposed for failing these tests. Because of the small number of students (1,200) involved in state grants and scholarship programs and the difficulties with the constitutionality of drug testing, the committee believes that new legislation that proposes an alternate approach to the problems of alcohol and drug abuse by students would be appropriate. This legislation does not accomplish that objective. Vote 19-0.

**HB 333-FN-L**, establishing a fine for political advertising placed or affixed prior to the date permitted by statute or placed on or affixed to any public property. INEXPEDIENT TO LEGISLATE

Rep. Jane S. Langley for Election Law: The original bill would be difficult to enforce. The subject matter has been incorporated into new bills. The committee, therefore, voted this bill inexpedient to legislate. Vote 12-0.

**HB 356**, relative to reporting requirements for political candidates and political committees. INEXPEDIENT TO LEGISLATE

Rep. Thomas I. Arnold, Jr. for Election Law: The committee had difficulty reaching a consensus on the bill as presented. Because the subject matter is incorporated into other bills where the ideas may be considered individually, the committee voted this "omnibus" bill inexpedient to legislate. Vote 13-0.

**HB 408**, relative to using name stickers on election ballots. INEXPEDIENT TO LEGISLATE

Rep. Janet S. Arndt for Election Law: The committee felt that since the Supreme Court upheld the present law, we should let it stand. Vote 13-0.

**HB 396-L**, prohibiting current use tax designation for property granted a change in zoning classification for 5 years after the reclassification. INEXPEDIENT TO LEGISLATE

Rep. Donald R. Philbrick for Environment and Agriculture: This bill was re-referred because the subcommittee was concerned about several cases being heard by the state Supreme Court regard-



ing current use. This delay in action allowed the subcommittee to review those decisions. The subcommittee and full committee now feel no further legislation is required at this time and this bill should be inexpedient to legislate. Vote 15-0.

**HB 553-L**, relative to a right to farm. **INEXPEDIENT TO LEGISLATE**

Rep. Harold P. Melcher for Environment and Agriculture: The committee feels the bill's intention would be more effectively realized by another approach. Another bill has been filed. Vote 15-0.

**HB 593-FN-L**, extending the grant program for closure of landfills to municipalities and adding the closure of the refuse-to-energy facility at Pease to the state water pollution control revolving fund priority projects. **INEXPEDIENT TO LEGISLATE**

Rep. John R.M. Alger for Environment and Agriculture: The committee recommends that the whole issue of volume reduction incinerators and grant program for closures be studied in depth by a subcommittee of Environment and Agriculture. Vote 19-0.

**SB 145-L**, relative to the definition of "open space land" for purposes of current use taxation. **INEXPEDIENT TO LEGISLATE**

Rep. Donald R. Philbrick for Environment and Agriculture: The committee felt that the current situation was unfair and that SB 145 did not adequately address it. Therefore, in order to correct it, new legislation had to be filed. Vote 16-0.

**HB 256-FN**, establishing uniform adjudicative proceedings for state agencies and establishing a pilot program for adjudicative hearings. **OUGHT TO PASS WITH AMENDMENT**

Rep. James P. Pilliod for Executive Departments and Administration: The purpose of this bill is to provide uniform rules for adjudicative hearings. Agencies, boards and commissions will be able to use these rules for conducting their adjudicative hearings. Vote 17-0.

**Amendment (0119h)**

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

AN ACT establishing uniform adjudicative proceedings for state agencies.

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

1 Adjudicative Proceedings. Amend RSA 541-A:16, I(b)(2) to read as follows:

(2) Rules governing adjudicative [~~hearings~~] *proceedings pursuant to RSA 541-A:30-a*; and

2 New Section; Rules for Adjudicative Hearings. Amend RSA 541-A by inserting after section 30 the following new section:

541-A:30-a Rules for Adjudicative Proceedings.

I. Each agency shall adopt rules pursuant to RSA 541-A governing the nature and requirement of all formal and informal procedures available in an adjudicative proceeding.

II. The director of the office of legislative services, in consultation with the attorney general, shall establish model uniform procedures relative to adjudicative proceedings within one year of the effective date of this act and shall amend such procedures as necessary.

III. These model uniform procedures shall address at least the following:

(a) Filing and service of documents;

(b) Appearances before agencies, including the unauthorized practice of law;

(c) Discovery procedures;

(d) Burden of proof;

(e) Standard of proof;

(f) Computation of time;

(g) Roles of complainants, intervenors, and agency staff in disciplinary and enforcement proceedings;

(h) Continuances;

(i) Reopening of the record;

(j) Waiver of rules governing adjudicative proceedings;

(k) Methods to petition for the withdrawal of a presiding officer; and

(l) Retention schedule for written decisions or orders pursuant to RSA 541-A:35, subject to any longer periods for retention set by the director of the division of records management and archives of the department of state pursuant to rules adopted under RSA 5:40.

IV. In order to comply with paragraph I, each agency may adopt, pursuant to RSA 541-A, the text of the current model uniform procedures, and shall also be subject to the following:

(a) Supplements or modifications shall also be adopted pursuant to RSA 541-A if necessary to implement the specific statutory provisions of the agency, or judicial decisions, affecting the conduct of an adjudicative proceeding.

(b) Each agency with no effective rules relative to adjudicative proceedings which has not adopted the text of the model uniform procedures and any necessary supplements or modifications within one year of the effective date of the model uniform procedures shall be subject to RSA 541-A:31, V-a.

(c) Each agency without effective rules or statutes in areas of an adjudicative proceeding, which are addressed in the model uniform procedures, shall be subject to RSA 541-A:31, V-a if the agency has not adopted the relevant provisions of the model uniform procedures and any necessary supplements or modifications within one year of the effective date of the model uniform procedures.

(d) When readopting, amending, or repealing effective rules on adjudicative proceedings, each agency that does not conform with the model uniform procedures and the provisions of subparagraph (a) of this section shall be subject to RSA 541-A:31, V-a.

V. Notwithstanding the provisions of RSA 541-A:22, I, an agency not in compliance with paragraph I of this section shall apply whatever model uniform procedures are necessary in a particular adjudicative proceeding when no effective agency rule addresses the matter covered by the applicable model rule, provided that:

(a) Such use shall not conflict with a statute, judicial decision, or other rules of the agency;

(b) Notice shall be given to all parties with the notice pursuant to RSA 541-A:31, III of the extent to which the model uniform procedures will apply to the proceeding;

(c) The agency notifies the attorney general, the director of the office of legislative services, and the joint legislative committee on administrative rules before the final decision is rendered that the model uniform procedures are being applied; and

(d) The agency shall not apply model uniform procedures pursuant to the provisions of this paragraph in another adjudicative proceeding more than one year after the final decision is rendered in the proceeding in which the agency first applied the model uniform procedures in this manner. The agency shall instead adopt the model uniform procedures pursuant to paragraph V.

VI. A copy of the written decision or order pursuant to RSA 541-A:35 shall be readily available to the public pursuant to the provisions of RSA 91-A unless:

(a) Otherwise provided by statute; or

(b) The written decision or order has been disposed after a retention period adopted pursuant to paragraph V.

VII. Each agency shall retain a copy of the verbatim recording of all oral proceedings pursuant to RSA 541-A:31, VII at least 30 days after the opportunity for all administrative and judicial appeals has been exhausted.

VIII. The attorney general shall prepare and distribute to all agencies authorized to conduct contested cases recommended guidelines for presiding officers in an adjudicative proceeding. These guidelines shall be available to the public pursuant to RSA 91-A. The guidelines shall be updated annually to address relevant changes in statutes, rules, or judicial decisions. Each agency that receives the guidelines shall provide a copy to all presiding officers in a contested case and to all members of the agency who may render the final decision in a contested case.

3 New Paragraph; Agency's Authority to Commence Adjudicative Proceeding Limited. Amend RSA 541-A:31 by inserting after paragraph V the following new paragraph:

V-a. Notwithstanding RSA 541-A:31, I, an agency shall not commence an adjudicative proceeding and shall not take action for which a prior adjudicative proceeding is otherwise required pursuant to RSA 541-A:30, I, if:

(a) No effective statute agency rule or model uniform procedure applicable pursuant to RSA 541-A:30-a, VI addresses the adjudicative procedure or procedures to be used in the proceeding;

(b) The agency has not adopted the text of the model uniform procedures pursuant to RSA 541-A:30-a, V and RSA 541-A:30-a, VI does not apply; or

(c) No effective agency rule addresses the substantive matter or matters which are the subject of the adjudicative proceeding.

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

## AMENDED ANALYSIS

This bill establishes uniform adjudicative proceedings for state agencies.  
Referred to Finance.

**HB 281**, relative to regulation of medical assistants. INEXPEDIENT TO LEGISLATE

Rep. Andrew R. Peterson for Executive Departments and Administration: With the sweeping changes taking place in the medical field, the committee is sensitive to the potential for problems to arise in this area. We unanimously agreed that this legislation was not the way to deal with the situation. The committee found that this is a matter which, perhaps, is better handled through individual office policy and employment agreements rather than through state regulatory action. Vote 19-0.

**HB 303**, relative to accountancy. INEXPEDIENT TO LEGISLATE

Rep. Robert K. Dodge for Executive Departments and Administration: This bill was voted on unanimously as Inexpedient to Legislate. The committee realizes that some corrections may have to be made. However, testimony given to the committee advises that a new uniform accounting act will be forthcoming in 1998 and that most changes shall be addressed at that time. None of the items in this bill will affect the operation of the board. Vote 19-0.

**HB 465-FN**, requiring the legislature to consider a list of factors in determining whether to regulate a previously unregulated profession. INEXPEDIENT TO LEGISLATE

Rep. Howard C. Dickinson for Executive Departments and Administration: The committee unanimously agrees that the Legislature, or any House committee, should not be required to consider a list of criteria in determining whether to regulate a previously unregulated profession or occupation. We should not bind the procedures of future legislative bodies because analyzing a profession is a dynamic process and not a static recipe that must be followed. The committee will continue to revise the guidelines for certification or licensure that it has used successfully in recent years. Any member interested in legislation to regulate an unregulated profession is well advised to consult these guidelines prior to filing legislation. Vote 17-0.

**HB 600**, consolidating administrative support for the regulation of health professionals. INEXPEDIENT TO LEGISLATE

Rep. Nancy C. Stickney for Executive Departments and Administration: After exhausting study, it was felt that the reorganization proposed in this bill is too cumbersome at this time. The subcommittee met with almost all health care boards during the summer and early fall and were informed of the members' concerns but recognize that this approach to consolidation is not the answer. Vote 19-0.

**HB 749-FN**, requiring group I retirement system members to be incapacitated for any gainful employment before receiving accidental disability retirement benefits. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill, as amended, will allow the Board of Trustees of the New Hampshire Retirement System to require that the applicant for disability retirement shall have the burden of proving causation if the member enters into a lump sum settlement of an injury claim that was at any time denied by the employer or the employer's insurance carrier and not found compensable by final decision of the Labor Commissioner of the Compensation Appeals Board after hearing pursuant to RSA 281-A:43. The present requirement in RSA 100-A:6, I is that the board shall grant a disability retirement whether the disability is work related or not. Vote 17-0.

**Amendment (0110h)**

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

AN ACT relative to disability retirement benefits for retirement system members permanently incapacitated for duty.

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

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

(c) Upon the application of a group I member in service or of [his] *the member's* employer, any [such] member who has been totally and permanently incapacitated for duty as the natural and proximate result of:



(1) An accident occurring while in the actual performance of duty at some definite time and place, or ~~[as the natural and proximate result of]~~ or

(2) Repeated trauma or gradual degeneration occurring while in the actual performance of duty, or arising out of and in the course of employment, or ~~[or]~~

(3) Any occupational disease arising out of or in the course of employment as defined by RSA 281-A:2, XI, RSA 281-A:2, XIII, or RSA 281-A:17, and found to be compensable by the commissioner of labor pursuant to RSA 281-A:43, provided that such injury shall be without willful negligence on ~~[his]~~ *the member's* part,

may be retired by the board of trustees on an accidental disability retirement allowance; provided that ~~[he]~~ *the member* is found to be mentally or physically incapacitated for the further performance of duty and that such incapacity is likely to be permanent~~[-]~~ *and provided further that the member shall have the burden of proving causation to the satisfaction of the board of trustees if the member enters into a lump sum settlement of an injury claim that was at any time denied by the employer or the employer's insurance carrier and not found compensable by final decision of the labor commissioner or the compensation appeals board after hearing pursuant to RSA 281-A:43.*

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

(c) Upon the application of a group II member in service or of ~~[his-]~~ *the member's* employer, any such member who has been totally and permanently incapacitated for duty as the natural and proximate result of:

(1) An accident occurring while in the actual performance of duty at some definite time and place, or ~~[as the natural and proximate result of]~~

(2) Repeated trauma or gradual degeneration occurring while in the actual performance of duty, or arising out of and in the course of employment, or ~~[or]~~

(3) Any occupational disease arising out of or in the course of employment as defined by RSA 281-A:2, XI or XIII, and found to be compensable by the commissioner of labor pursuant to RSA 281-A:43, provided that such injury shall be without willful negligence on ~~[his]~~ *the member's* part, may be retired by the board of trustees on an accidental disability retirement allowance; provided that ~~[he]~~ *the member* is found to be mentally or physically incapacitated for the further performance of duty and that such incapacity is likely to be permanent~~[-]~~ *and provided further that the member shall have the burden of proving causation to the satisfaction of the board of trustees if the member enters into a lump sum settlement of an injury claim that was at any time denied by the employer or the employer's insurance carrier and not found compensable by final decision of the labor commissioner or the compensation appeals board after hearing pursuant to RSA 281-A:43.*

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

#### AMENDED ANALYSIS

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

**HB 751-FN-L**, relative to spousal benefits for certain retired group II members of the New Hampshire retirement system. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill was introduced to provide an automatic 50 percent spousal benefit to Group II members of the New Hampshire Retirement System who retired prior to July 1, 1988. In addition, it would also provide medical benefits to those members and their spouses similar to the benefits available to current retirees. The cost to terminally fund these programs amounts to approximately \$12 million and would be paid from the special account. In 1987, Senate Bill 78 implemented the present benefits and was supported by a strong coalition of groups from the police and fire sectors. This bill had support of those who have retired and not elected the spousal benefit, but was opposed by many members of the police and fire community. The committee felt that without strong support from those affected by the expenditure, we should not file a positive report. Vote 16-1.

**HB 756-FN**, relative to the registration of alternative providers of mental health services. INEXPEDIENT TO LEGISLATE

Rep. Miriam D. Dunn for Executive Departments and Administration: The subcommittee considered the many and various practices of "alternative providers of mental health services." We rec-

ommended that this bill be voted Inexpedient to Legislate because SB 191 (relative to mental health providers) was re-referred to the Senate E. D. & A. Committee, and is actively progressing. It defines "alternative" practices and includes registration of this group of providers. Vote 18-0.

**SB 53-FN**, relative to payment by the retirement system of certain medical benefits for group II members and for certain permanent firemen on disability retirement. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill will terminally fund medical benefits for members of the Group II component of the New Hampshire Retirement System who became members after June 30, 1988 but before July 1, 1995. This benefit will be terminally funded from the special account of the Group II members and has the support of both the police officers and the firefighters. The intent, that this benefit shall be terminally funded from the special account and can only be changed by the Legislature, remains in the statute. This is an account that will be available as long as the assets of the medical subtrust remain. There are no requirements on future legislators to continue this fund if the special account is not sufficient to provide the funding. Vote 16-0.

**Amendment (0186h)**

Amend RSA 100-A:55, I as inserted by section 1 of the bill by replacing it with the following:

I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of June 30, [~~1988~~] 1995; to persons who prior to July 1, 1988, had completed no less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of July 1, 1993, are eligible for vested deferred retirement benefits; and to persons who are group II permanent policemen *or permanent firemen* members on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty who become permanent policemen *or permanent firemen* members of group II after June 30, 1988, but before July 1, [1991] 1995. Such additional benefits shall not apply to other persons who become members of group II after June 30, [~~1991~~] 1995, without future legislation to include them. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).

**AMENDED ANALYSIS**

This bill extends the payment of medical benefits to persons who were active or retired group II members as of June 30, 1995, to permanent firemen on disability retirement who became permanent firemen after June 30, 1988 but before July 1, 1995, and to permanent policemen on disability retirement who became permanent policemen after June 30, 1991 but before July 1, 1995.

Referred to Finance.

**SB 68-FN-L**, providing health care coverage for the spouse and dependents of any group I or group II retirement system member who is killed in the line of duty. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill was amended by the House to provide guidelines for health insurance coverage for the spouses and dependents of teachers and local employees, of any political subdivision of the state, who die as a natural and proximate result of injuries suffered while in the performance of their duties. The state presently provides this type of insurance for its employees and this will assure those in the communities that the state will provide backup insurance if no other health insurance is available. The state will only provide this coverage if the spouse and/or dependent children are not qualified or continue to be qualified for medical insurance or health care benefits from any other available employer-sponsored plan. This program is not intended to replace any other plans, but is an insurance of last resort and will not cover those in which the political subdivision has such insurance available but has not opted to provide this benefit. This coverage will be paid from the benefit adjustment account. Vote 16-0.

**Amendment (0079h)**

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

1 Local and State Employees Killed in Line of Duty. Amend RSA 21-I:30-a to read as follows:  
21-I:30-a Additional Medical and Surgical Benefits.

I. The state shall pay a premium for permanent group hospitalization, hospital medical care, surgical care, and other medical and surgical benefits for the surviving spouse and dependent children of a deceased group I or group II state employee *or retirement system member* who dies as the natural and proximate result of injuries suffered while in the performance of duty, provided that:

(a) Any such child shall qualify as a dependent under the provisions of RSA 21-I:26-36 *and be under 18 years of age, or if a full-time student, be under 23 years of age.*

(b) Any such surviving spouse shall cease to be qualified for medical and surgical benefits under this section upon the remarriage of the surviving spouse.

(c) No surviving spouse or dependent children shall be qualified or continue to be qualified for medical and surgical benefits under this section while receiving medical insurance or health care benefits from any other employer-sponsored plan.

(d) The state shall pay the premium for supplemental medical and surgical benefits under this section for any such child who qualifies as a dependent under the provisions of RSA 21-I:26-36 and who is eligible for medicare benefits.

II. In the case of the surviving spouse and dependent children of a *group I or group II* state employee *or retirement system member* who are eligible for medical and surgical benefits under this section and also under the provisions of RSA 100-A:50-55, the state shall pay the difference between the amount paid under RSA ~~[100-52]~~ *100-A:52* and the premium paid under ~~[subparagraph]~~ *paragraph I.*

*III. The additional benefits provided under this section shall be available to the surviving spouse and dependent children of a full-time employee of the state, an agency of the state, or any political subdivision of the of the state adopting the provisions of RSA 100-A, including full-time elected or appointed officers.*

*IV. The additional benefits provided under this section shall not be available to any employee, teacher, police officer, or firefighter of a political subdivision of the state if the political subdivision belongs to an organization or association that offers, through the organization or association or its affiliate, insurance coverage.*

~~[[H]]~~ V. Funding to pay the premium for benefits under this section shall come from the benefit adjustment account.

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

**HB 245-FN-A**, making certain real estate transfers taxable. INEXPEDIENT TO LEGISLATE  
Rep. David J. Alukonis for Finance: The intent of this bill was to eliminate certain "loopholes" whereby it was alleged that real estate could be transferred without paying the Real Estate Transfer Tax. During its deliberations on this bill, the committee found that this proposal was too broad and would create more problems than those that it solved. A similar measure, much narrower in scope, was adopted as part of HB 2, Chapter 351 from 1997. It is the hope of the committee that this measure, made law this year, will adequately address the "loophole" identified by the sponsors of this bill. Vote 20-0.

**HB 645-FN**, requiring the commissioner of health and human services to produce certain quarterly reports. REFER FOR INTERIM STUDY

Rep. Kevin L. Camm for Finance: This bill would require, by statute, that Department of Health and Human Services provide certain reports to the legislature. The huge computerization initiative undertaken by the department will make this information more readily available. The interim study recommendation will encourage Health and Human Services to provide the desired reports to the legislature. The department has stated that they intend to report, and given the tools at their disposal, the committee is optimistic the department will fulfill its commitment. Vote 17-1.

**HB 689-FN**, relative to a certain portion of registration fees of a nonprofit corporation. INEXPEDIENT TO LEGISLATE

Rep. Robert G. Holbrook for Finance: The committee voted this bill inexpedient to legislate as the sponsors withdrew their interest at this time. Vote 19-1.

**HB 804**, relative to the definition of "communication services" for purposes of the communications services tax. INEXPEDIENT TO LEGISLATE

Rep. Sandra K. Dowd for Finance: The committee heard testimony from the sponsor and Commissioner Arnold of the Department of Revenue Administration. The department's auditors' informal



inquiry revealed they are collecting the proper amount of taxes and are able to document their collections. We feel the current law supports the taxation of prepaid phone cards and no further legislation is necessary at this time. Vote 20-0.

**SB 80-FN-A**, excluding certain transfers from payment of the real estate transfer tax. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Alukonis for Finance: This bill would have allowed individuals to sell or otherwise transfer parcels of real estate to a corporation or other entity without paying the real estate transfer tax. The committee believes that adoption of this measure would be counter to the policy adopted in HB 2, Chapter 351 from 1997 where a similar loophole was closed. Vote 20-0.

**HB 266**, relative to the Alzheimer's Special Care Disclosure Act. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: This was a generic bill generated by the national Alzheimer's group to address problems existing in some states that do not have the health care controls that we have in New Hampshire. Information on care is the main concern here. To that end, the various associations that deal with Alzheimer treatment have agreed to publish and distribute a pamphlet to address this problem. Hence we recommend, inexpedient to legislate. Vote 18-0.

**HB 621**, exempting wilderness/back country rescuers from RSA 151-B. **INEXPEDIENT TO LEGISLATE**

Rep. Lawrence A. Emerton, Sr. for Health, Human Services and Elderly Affairs: The committee found after hearing this bill during the 1997 session the perceived problem between the Department of Health and Human Services and the folks who are involved in wilderness/back country rescues has been resolved. The Department of Health and Human Services has, in writing, given its assurances that they concur with their present operating practices. Vote 18-0.

**HB 234-FN-L**, relative to disposition by counties of funds of deceased patients of county nursing homes. **OUGHT TO PASS**

Rep. Deborah L. Woods for Judiciary and Family Law: This bill is legislation which furthers the goal of making the probate process easier and more efficient for all who use it. It establishes an expedited process for nursing home administrators to dispose of a deceased patient's estate. Vote 14-0.

**HB 290**, relative to electronic signatures. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul M. Mirski for Judiciary and Family Law: The enactment of this bill, as amended, will permit businesses operating within the State of New Hampshire to take advantages of the use of electronic cryptography in commercial affairs while minimizing the potential for fraud in electronic commerce. Vote 14-0.

**Amendment (0016h)**

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

**AN ACT** relative to digital signatures.

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

1 Statement of Purpose. The purpose of this act is to:

- I. Facilitate economic development by means of reliable electronic messages.
- II. Enhance public confidence in the use of digital signatures.
- III. Minimize the incidence of forged digital signatures and fraud in electronic commerce.
- IV. Foster the development of electronic commerce through the use of digital signatures to lend authenticity and integrity to writings in any electronic medium.

2 New Subdivision; Digital Signatures. Amend RSA 506 by inserting after section 7 the following new subdivision:

Digital Signatures

506:8 Definitions. In this subdivision:

I. "Digital signature" means a type of electronic manipulation that transforms a message using an asymmetric cryptosystem such that a person having the transformed message and the signer's public key can accurately determine:

(a) Whether the transformation was created using the private key that corresponds to the signer's public key.

(b) Whether the initial message has been altered since the transformation was made.

II. "Asymmetric cryptosystem" means an algorithm or series of algorithms which provide a secure key pair.

III. "Electronic signature" means a digital signature, executed or adopted by a party with an intent to authenticate a writing. A writing is electronically signed if a digital signature is logically associated with such writing.

IV. "Key pair" means a private key and its corresponding public key in an asymmetric cryptosystem, under which the public key verifies a digital signature the private key creates.

V. The use or acceptance of a digital or electronic signature shall be at the option of the parties, both sending and receiving. Nothing in this section shall require an entity to use or permit the use of a digital signature.

506:9 Digital Signatures Given Effect. Unless otherwise provided by law, a digital signature may be used to sign a writing and shall have the same force and effect as a written signature.

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

### AMENDED ANALYSIS

This bill gives electronic signatures the same force and effect as written signatures.

**HB 361**, clarifying the status of tenants who reside in rooming or boarding houses for more than 90 consecutive days. **INEXPEDIENT TO LEGISLATE**

Rep. Deborah L. Woods for Judiciary and Family Law: This bill will not take care of the problem of rooming house owners using "89 day leases," to the extent this is a problem. Extensive revisions to the landlord/tenant statutes are being worked on which address issues of both landlords and tenants. It was agreed that this bill was not a good vehicle to aid this process. Vote 14-0.

**HB 555**, exempting an individual's pensions and individual retirement accounts from bankruptcy attachment. **OUGHT TO PASS WITH AMENDMENT**

Rep. Wayne T. Moynihan for Judiciary and Family Law: This bill adds certain individual retirement accounts (IRAs) to the list of property presently exempt from attachment and execution. All witnesses spoke in general support of the bill. It became clear that some forms of corporate and other pension plans are now exempt under the terms of federal laws, such as ERISA. However, the IRA accounts of some citizens, such as small business owners and self-employed, are presently not exempt. This bill provides individual IRAs with some of the protection afforded other pension plans, as well as provide a mechanism to allow creditors access to any unlawful attempts to hide assets. Vote 13-1.

### Amendment (0086h)

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

1 New Paragraph; Individual's Pensions and IRAs Exempt From Bankruptcy Attachment; Gender Neutral. Amend RSA 511:2 to read as follows:

511:2 Exemptions. The following goods and property are exempted from attachment and execution:

I. The wearing apparel necessary for the use of the debtor and ~~[his]~~ *the debtor's* family.

II. Comfortable beds, bedsteads and bedding necessary for the debtor, ~~[his the debtor's wife]~~ *the debtor's spouse* and children.

III. Household furniture to the value of \$3,500.

IV. One cook stove, one heating stove and one refrigerator and necessary utensils belonging to the same.

V. One sewing machine, kept for use by the debtor or ~~[his]~~ *the debtor's* family.

VI. Provisions and fuel to the value of \$400.

VII. The uniform, arms and equipments of every officer and private in the militia.

VIII. The Bibles, school books and library of any debtor, used by ~~[him]~~ *the debtor* or ~~[his]~~ *the debtor's* family, to the value of \$800.

IX. Tools of the debtor's occupation to the value of \$5,000.

X. One hog and one pig, and the pork of the same when slaughtered.

XI. Six sheep and the fleeces of the same.

XII. One cow; a yoke of oxen or a horse, when required for farming or teaming purposes or other actual use; and hay not exceeding 4 tons.

XIII. Domestic fowls not exceeding \$300 in value.

XIV. The debtor's interest in one pew in any meetinghouse in which [he] *the debtor* or [his] *the debtor's* family usually worship.

XV. The debtor's interest in one lot or right of burial in any cemetery.

XVI. One automobile to the value of \$4,000.

XVII. Jewelry owned by the debtor or [his] *the debtor's* family to the value of \$500.

XVIII. The debtor's interest in any property, not to exceed \$1,000 in value, plus up to \$7,000 of any unused amount of the exemptions provided under paragraphs III, VI, VIII, IX, XVI, and XVII of this section.

*XIX. Subject to the Uniform Fraudulent Transfer Act, RSA 545-A, any interest in a retirement plan or arrangement qualified for tax exemption purposes under present or future Acts of Congress; provided, such interest shall be exempt only to the extent that contributions by or on behalf of a participant were not subject to federal income taxation to such participant at the time of such contributions, plus earnings and other additions thereon; provided further, any transfer or rollover contribution between retirement plans or arrangements which avoids current federal income taxation shall not be deemed a transfer which is fraudulent as to a creditor under the Uniform Fraudulent Transfer Act. "Retirement plan or arrangement qualified for tax exemption purposes" shall include without limitation, trusts, custodial accounts, insurance, annuity contracts, and other properties and rights constituting a part thereof. By way of example and not by limitation, retirement plans or arrangements qualified for tax exemption purposes permitted under present Acts of Congress include defined contribution plans and defined benefit plans as defined under the Internal Revenue Code (IRC), individual retirement accounts, individual retirement annuities, simplified employee pension plans, Keogh plans, IRC section 403(a) annuity plans, IRC section 403(b) annuities, and eligible state deferred compensation plans governed under IRC section 457. This paragraph shall be in addition to and not a limitation of any other provision of New Hampshire law which grants an exemption from attachment or execution and every other species of forced sale for the payment of debts. This paragraph shall be effective for retirement plans and arrangements in existence on, or created after January 1, 1999.*

2 Effective Date. This act shall take effect January 1, 1999.

**HB 595-FN**, protecting consumers from the unlicensed practice of law. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary and Family Law: This bill was an attempt to protect unsuspecting individuals from persons representing themselves as lawyers. There are situations where paralegals can be used and that is not a problem. However, even the Bar Association which has had an ongoing study on this issue for two years has been unable to draft language which allows limited advice to be given and still warns individuals that they may need a practicing attorney. The committee is waiting for more direction from the Bar. Vote 14-0.

**HB 606-FN-L**, relative to procedures regarding children in need of services under RSA 169-D. OUGHT TO PASS WITH AMENDMENT

Rep. Barbara Hull Richardson for Judiciary and Family Law: This bill revises certain procedures relative to cases involving children in need of services which will require parents and children to become more accountable, more responsible. The committee worked collaboratively with the state's juvenile justice system and the Division of Children, Youth and Families in crafting this legislation. The bill will facilitate preventive and early intervention in court division programs. Vote 11-0.

#### Amendment (0203h)

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

1 Applicability; Purpose. RSA 169-D:1, I and II are repealed and reenacted to read as follows:

I. To recognize that certain behaviors occurring within a family or school environment indicate that a child is experiencing serious difficulties and is in need of services and corrective action in order to protect the child from the irreversibility of certain choices, and to protect the integrity of the family and the authority it must maintain in order to fulfill its responsibility to raise the next generation. To further provide the child with the treatment, care, guidance, counseling, discipline, supervision, and rehabilitation necessary to assist the child in becoming a responsible and productive member of society;

II. To recognize that we must no longer bring the weight of family problems down on the child alone but that parents must be made aware of their contribution to the problem, must account for their



role in the solution to the problem, and must accept the responsibility to participate in any program of care ordered by the court in order to assure that the outcome may have a good probability of success, while, at the same time, supporting families in their mission to teach values to youth and to exercise reasonable control of their children.

2 Applicability; Purpose. RSA 169-D:1, V is repealed and reenacted to read as follows:

V. To achieve the foregoing purposes and policies by providing each child coming within the provisions of this chapter with a program of care, treatment, guidance, counseling, discipline, supervision, and rehabilitative resources which the child needs.

3 Definitions; Child Services. Amend RSA 169-D:2, I and II to read as follows:

I. "Child" means a person who is under the age of 18 on the date the petition is filed pursuant to RSA ~~[169-D:5]~~ **169-D:4-b and 169-D:4-c.**

II. "Services" means care, guidance, counseling, discipline, supervision, treatment and rehabilitation or any combination thereof. **"Services" also includes, but is not limited to, diagnostic needs assessment, restitution programs, community service, job training and placement, specialized tutoring, constructive academic exercises, constructive recreational activities, general counseling, and counseling during a crisis situation.**

4 New Paragraph; "Diversion" Defined. Amend RSA 169-D:2 by inserting after paragraph IV the following new paragraph:

IV-a. "Diversion" means a decision made by a person with authority which results in specific official action of the legal system not being taken or being postponed in regards to a juvenile and, in lieu of such inaction or postponement, providing an individually designed program for delivery of services for the juvenile by a specific provider or a plan to assist the juvenile in finding a remedy for his or her inappropriate behavior. The goal of diversion is to prevent further involvement of the juvenile in the formal legal system. Diversion of a juvenile may take place either at pre-filing as an alternative to the filing of a petition, or at any time after the filing of the petition.

5 "Child in Need of Services" Defined. RSA 169-D:2, IV(c) is repealed and reenacted to read as follows:

(c) A child who has committed an offense which if committed by an adult would be a violation under the criminal code of this state, or who has violated an ordinance or by-law of a city or a town, or a child under 16 who has committed an offense which if committed by a person 16 years of age or older would be a violation under the motor vehicle code of this state; and

6 New Sections; Filing of Petitions; Filing by Parents or School Officials. Amend RSA 169-D by inserting after section 4-a the following new sections:

169-D:4-b Petition Filed by Parent or School Official.

I. A petition alleging a child is in need of services may be filed by a parent, legal guardian, custodian or school official at the court in the judicial district in which the child is found or resides. The petition shall be in writing and verified under oath.

II. To be legally sufficient, the petition shall set forth with particularity, but not be limited to, the date, time, manner, and place of the conduct alleged, and shall state the statutory provision alleged to have been violated.

III. If the parents of a child are filing the petition, they shall include information which shows that the child and family have sought to resolve the expressed problem through available community alternatives, that the problem still remains, and that court intervention is needed.

IV. No acts which qualify as delinquent acts as described in RSA 169-B:2, IV shall be included in any petition filed under this chapter.

V. Except as provided in paragraph VI, when a school official is filing the petition, information shall be included which shows that the legally liable school district has sought to resolve the expressed problem through available educational approaches; that the school district has sought to engage the parents or guardian in solving the problem, but they have been unwilling or unable to do so; that the problem remains; and that court intervention is needed.

VI. When a school official is filing a petition involving a child determined to be educationally disabled pursuant to RSA 186-C, the official shall include information which demonstrates that the legally liable school district:

(a) Has determined that the child is educationally disabled; and

(b) Has reviewed for appropriateness the child's current individualized education program (I.E.P.) and placement, and has made modifications where appropriate.

VII. After a legally sufficient petition has been filed, the court shall, unless the case is referred to diversion or a consent order is entered and approved, schedule an initial appearance, to be held within 10 business days of filing, and issue a summons including a copy of the petition, to be served personally upon the person having custody or control of the child or with whom the child may be, requiring that person to appear with the child on the specified date and time. If personal service is not possible, service shall occur at the usual place of abode of the person having custody or control of the child or with whom the child may be. If the person so notified is not the parent or guardian of the child, each parent or guardian shall be notified by first class mail, with proof of mailing, provided the parent or guardian and their residence are known, or if there is neither parent nor guardian whose residence is known, some relative, if any, if their residence is known. Each parent, unless served personally or at their abode, shall be so notified by first class mail, with proof of mailing at the last known address.

VIII. If the child or the parent or guardian is not a resident of this state, or if the court determines it would be more efficient, service may be made by first class mail, with proof of mailing.

IX. A copy of the petition shall be attached to each summons or incorporated in such summons.

X. The summons shall state as follows: "Parents and other individuals chargeable by law for the child's support and necessities may be liable for expenses incurred in this proceeding including the costs of certain evaluations and placements. RSA 186-C, regarding children with educational disabilities, grants children certain rights to special education and related services at public expense and gives their parents the right to appeal school district decisions regarding services to be provided."

169-D:4-c Petition Filed by Law Enforcement Agency.

I. A law enforcement agency may file a petition alleging a child is in need of services with a judge or clerk of the court in the judicial district in which the child is found or resides. The petition shall be in writing and verified under oath.

II. The petitioning law enforcement officer may issue a summons in hand to the child and to the child's parent, guardian or such other person having custody and control of the child or with whom the child may be living. If personal service is not possible, service shall occur at the usual place of abode of the person having custody or control of the child or with whom the child may be living. If the person summoned is not the parent or guardian of the child, each parent or guardian shall be notified by the law enforcement agency as soon as practicable provided the parent or guardian and their residence are known or if neither the parent nor guardian or their residence is known, some adult relative, if any, whose residence is known. If the person notified is not the parent or guardian of the child, each parent or guardian shall be notified by first class mail, proof of mailing at the last known address, provided the parent or guardian and their residence are known, or if there is neither parent nor guardian whose residence is known, some relative, if any, if their residence is known.

III. The summons shall contain:

(a) The title and statutory citation invoking the process for children in need of services.

(b) A statement as follows: "Parents and other individuals chargeable by law for the child's support and necessities may be liable for expenses incurred in this proceeding including the costs of certain evaluations and placements. RSA 186-C, regarding children with educational disabilities, grants children certain rights to special education and related services from school districts at public expense and gives their parents the right to appeal school district decisions regarding programs to be provided."

(c) Brief instructions regarding court procedure as approved by the administrative judge of the district court.

IV. To be legally sufficient, the petition shall set forth with particularity, but not be limited to, the date, time, manner, and place of the conduct alleged, shall state the statutory provision alleged to have been violated, and shall be entitled, "In the interest of \_\_\_\_\_, a child."

V. After a legally sufficient petition has been filed, the court shall, unless the case is referred to diversion or a consent order is entered and approved, schedule an initial appearance to be held not later than 10 business days after the filing of the petition. Notice shall include a copy of the legally sufficient petition and a scheduling order, and shall be made by first class mail, with proof of mailing at the last known address, directed to the parent or guardian or person having custody or control of the minor.

VI. A copy of the petition shall be attached to each summons or incorporated in such summons.

7 Notice of Petition to Department. RSA 169-D:5-a is repealed and reenacted to read as follows:

169-D:5-a Notice of Petition to Department of Health and Human Services. The court shall serve the department of health and human services with a copy of any petition filed under RSA 169-D:4-b and 169-D:4-c, and the department shall have legal standing at and receive notice of all proceedings under this chapter from the time of such service. No agreement or consent order imposing an obligation upon the department shall be approved by the court unless the department has joined in the agreement or consent order.

8 Warrant for Failure to Appear. RSA 169-D:7, II is repealed and reenacted to read as follows:

II. If the child, parent, guardian, or other person ordered to appear, fails to appear for any scheduled hearing, a bench warrant may be issued for the child's appearance or for the appearance of anyone having custody or control of the child, or for both. Additionally, the court may proceed against the child or anyone having custody or control of the child for failure to appear, as authorized by RSA 263:56-a.

9 Diversion Substituted for Release Without Court Referral. RSA 169-D:9 is repealed and reenacted to read as follows:

169-D:9 Diversion.

I. At any time before or during a proceeding brought pursuant to this chapter, a child and the child's family may be referred to a court-approved diversion program or other community resource. Referral may be made by a law enforcement agency or juvenile service officer with the consent of the law enforcement agency prior to or after filing a petition with the court, upon the court's own motion, or at the request of any party with the approval of the court.

II. Referral after filing is appropriate if:

(a) The facts bring the case within the jurisdiction of the court.

(b) Referral of the case is in the best interest of the public and the child.

(c) The child and parent, guardian, or other custodian consent with the knowledge that consent is not obligatory.

III. Referral after filing shall stay the proceedings for a period not to exceed 3 months from the date of referral, unless extended by the court for an additional period not to exceed 3 months. The court may, on its own motion or that of any party, utilize a multi-disciplinary team to consider the facts and circumstances of the case, the needs of the child and family and available services and resources.

IV. During the period of referral, the court may require further conditions of conduct on the part of the child and the child's parents.

10 Initial Appearance. RSA 169-D:11 is repealed and reenacted to read as follows:

169-D:11 Initial Appearance.

I. Unless the matter is referred to diversion pursuant to RSA 169-D:9 or continued for good cause, an initial appearance shall be held within 10 business days of the filing of a legally sufficient petition.

II.(a) At the initial appearance, the court shall:

(1) Advise the child in writing and orally of any formal charges.

(2) Appoint counsel pursuant to RSA 169-D:12.

(3) Establish any conditions for release.

(4) Set a hearing date.

(b) However, no plea shall be taken until the child has had the opportunity to consult with counsel or until a waiver is filed pursuant to RSA 169-D:12.

III. After hearing, the court may, with the consent of the child, dispose of the petition by ordering the child to participate in an approved court diversion program.

11 Release Pending Adjudicatory Hearing. RSA 169-D:13 is repealed and reenacted to read as follows:

169-D:13 Release Pending Adjudicatory Hearing.

I. Following the initial appearance, a child alleged to be in need of services may be ordered by the court, subject to such conditions as the court may order, to be:

(a) Retained in the custody of a parent, guardian, or custodian.

(b) Released in the supervision and care of a relative.

(c) Placed in a foster home, as defined in RSA 169-C:3, XIII, which is specifically licensed to accept children in need of services with expenses chargeable as provided in RSA 169-D:29.



(d) Placed with a friend.

(e) Placed in a group home, crisis home, or shelter care facility licensed pursuant to RSA 170-E with expenses charged according to RSA 169-D:29.

II. The adjudicatory hearing shall be held within 30 calendar days of the initial appearance unless continued for good cause. No adjudicatory hearing for a child placed outside the child's home may be continued more than once for good cause or for a period longer than 14 days, except by agreement of all the parties.

III. All orders issued pursuant to this section shall set forth the findings, as to the form of release or any conditions, in writing and shall state any custody provisions under paragraph I.

12 Adjudicatory Hearing. Amend RSA 169-D:14, III to read as follows:

III. If the court finds the child is in need of services, it shall, unless a report done on the same child less than 3 months previously is on file, order the department of health and human services or other appropriate agency to make an investigation and written report consisting of, but not limited to, the home conditions, school record and the mental, physical and social history of the child.

**III-a.** Evaluations performed at the Philbrook center may occur only upon receiving prior approval for such evaluation from the commissioner of the department of health and human services or designee. When ordered by the court, such investigation may include a physical and mental examination of the child, parents, guardian, or person having custody. ***If indicated by the written report of the department of health and human services, the court may order a substance abuse evaluation of the child, parents, guardian, or person having custody. Any substance abuse evaluation of the parent, guardian, or person having custody of the child shall be conducted by a provider contracted with the bureau of substance abuse services, or a provider paid by the parent, guardian, or person having custody of the child. The cost of said evaluation shall be paid by private insurance if available, otherwise by the person undergoing the evaluation, to whom the evaluation shall be provided free or at reduced cost if the person is of limited means.*** The court shall inform the parents, guardian or person having custody and child of their right to object to the physical examination [or], mental health evaluation, or substance abuse evaluation. Objections shall be submitted in writing to the court having jurisdiction within 5 business days after notification of the time and place of the examination or evaluation. The court may excuse the child, parents, guardian, or person having custody upon good cause shown. No disposition order shall be made by the court without first reviewing the investigation report, if ordered.

13 Dispositional Hearing. Amend RSA 169-D:14, V to read as follows:

V. The court shall hold a final dispositional hearing within 30 days of the adjudicatory hearing ***unless continued for good cause. No dispositional hearing for a child placed outside the child's home may be continued more than once for good cause or for a period longer than 14 days, except by agreement of all the parties.***

14 New Subparagraph; Dispositional Hearing May Include Certain After-School or Evening Programs. Amend RSA 169-D:17, I by inserting after subparagraph (d) the following new subparagraph:

(e) Requiring any child to attend structured after-school or evening programs which address some of their compliance issues, as well as supervise the child during the time of the day in which they most value their freedom and the time which is most often used to perform unruly acts.

15 Application for Review. RSA 169-G:2, I is repealed and reenacted to read as follows:

I. The department of health and human services or department of youth development services may file with the clerk of the district court, where the dispositional order was issued, an application for review of the order by the review panel. The application shall be filed within 5 business days after the date of the dispositional order, but not after such date, except for good cause shown. The filing of an application for review shall stay the implementation of the dispositional order.

16 Repeal. The following are repealed:

I. RSA 169-D:5, relative to the filing of petitions for children in need of services.

II. RSA 169-D:6, relative to the issuance of summons and notice in cases involving children in need of services.

17 Effective Date.

I. Section 15 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect January 1, 1999.

## AMENDED ANALYSIS

This bill revises certain procedures relative to cases involving children in need of services, defines "diversion," and includes provisions relative to court diversion programs and filing of petitions. Referred to Finance.

**HB 616-FN**, relative to jury selection reforms. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Janet G. Wall for Judiciary and Family Law: The committee recognizes the importance of having a jury of one's peers and that jury pools have been dwindling. In an effort to rectify the problems, the committee studied the "Report of the Superior Court Reform Study Committee" which came out on August 15, 1997, and worked with the sponsor to reach a reasonable conclusion. The amendment allows for a master blend of drivers' licenses and voting checklists, takes away all exemptions from serving, and disallows felons whose convictions have not been annulled or whose convictions are not eligible for annulment. The committee agreed unanimously on the bill as amended. Vote 14-0.

**Amendment (0065h)**

Amend RSA 500-A:7-a as inserted by section 5 of the bill by inserting paragraph IV the following new paragraph:

V. A juror shall not have been convicted of any felony which has not been annulled or which is not eligible for annulment under New Hampshire law.

Amend the bill by replacing section 6 with the following:

6 New Subparagraph; Felony Conviction. Amend RSA 500-A:6, III(b) to read as follows:

(b) Require the prospective juror to specify if he is:

(1) A citizen of the United States and a resident of the county;

(2) Able to read, speak and understand the English language; [or]

(3) Subject to any physical or mental disability which would impair his capacity to render satisfactory jury service; [and] or

(4) A convicted felon whose conviction has not been annulled or whose conviction is not eligible for annulment under New Hampshire law; and

Amend the bill by replacing section 8 with the following:

8 Effective Date. This act shall take effect January 1, 1999.

## AMENDED ANALYSIS

This bill changes the method for compiling the master jury list. The voter lists and the driver's license list will be blended annually into a master jury list by the administrative office of the courts.

This bill repeals most jury exemptions. The bill prohibits a convicted felon whose conviction has not been annulled or is not eligible for annulment under New Hampshire law from serving on juries. Referred to Finance.

**HB 635**, relative to a limitation on liability for emergency medical care providers. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra B. Keans for Judiciary and Family Law: After several weeks of meetings, the subcommittee reported they could find nothing unique about emergency medical care providers as opposed to other public safety officers who rely on the protections in the current statutes. If an individual is untrained, he/she is protected by the Good Samaritan Rule. If trained, they should follow the protocol of the emergency service company. Vote 14-0.

**HB 736-FN**, increasing jurors' fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan J. Clay for Judiciary and Family Law: The committee, as well as the subcommittee that studied this bill, felt that encouraging citizens to take jury duty seriously and not as a "cross-to-bear" was extremely important. However, realizing budget constraints, the committee decided that increasing the mileage from \$0.20 to \$0.31 (a difference of \$26,480.81 in past mileage payments) was an affordable alternative to increasing the jurors fee from \$10 to \$20 per day as the original bill proposed. Vote 14-0.

**Amendment (0107h)**

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

AN ACT increasing the mileage rate for jurors.

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

1 Jurors' Mileage Rate Increased. Amend RSA 500-A:15, I to read as follows:

I. Grand and petit jurors' fees and mileage shall be paid by the state. The jurors' fees shall be \$10 for each half day's attendance before a superior court; for each mile's travel to and from the place where the juror serves, mileage shall be paid at the rate of [~~\$20~~] \$31 per mile, mileage to be allowed for each day's attendance when the juror is required to leave the town or city in which [he] *the juror* resides.

2 Effective Date. This act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill increases the mileage rate for serving as a juror.  
Referred to Finance.

#### **HB 774-FN**, relative to child support, custodial rights, and visitation. OUGHT TO PASS WITH AMENDMENT

Rep. John J. McCarthy, Jr. for Judiciary and Family Law: This bill revises the calculations of child support to credit *either* parent who provides daycare or medical insurance for the children. The caps for child care are increased from current caps to reflect reality. Self-employed persons are credited for their 50 percent contribution of self-employment FICA tax. Also, this bill allows the court to take into consideration the "ordinary" expenses associated with the exercise of visitation, not just "extraordinary" expenses as the current law allows. The goal here is to make support payments financially responsible and to provide incentives to keep dads involved with their children. Vote 14-0.

#### Amendment (0167h)

Amend RSA 458-C:2, I as inserted by section 2 of the bill by inserting after subparagraph (d) the following new subparagraph:

(e) Amounts actually paid by the obligor for allowable child care expenses or medical insurance coverage for the minor children to whom the child support order applies.

Amend the bill by inserting after section 2 the following new section and renumbering the original sections 3-9 to read as sections 4-10 respectively:

3 New Paragraph; Definition of "Allowable Child Care Expenses." Amend RSA 458-C:2 by inserting after paragraph I the following new paragraph:

I-a. "Allowable child care expenses" means actual work-related child care expenses for the children to whom the order applies, up to no more than an annual total of \$5,000 for one child, \$9,000 for 2 children, and \$12,000 for 3 or more children.

Amend RSA 458-C:2, VI as inserted by section 4 of the bill by replacing it with the following:

VI. "Net income" means the parents' combined adjusted gross income less standard deductions published on an annual basis by the Department of Health and Human Services and based on federal Internal Revenue Service withholding table amounts for federal income tax, F.I.C.A., and Medicare, which an employer withholds from the monthly income of a single person who has claimed a withholding allowance for 2 people.

Amend RSA 458-C:3, II as inserted by section 5 of the bill by replacing it with the following:

II.(a) The total support obligation shall be determined by multiplying the parents' total net income, as defined in RSA 458-C:2, VI, by the appropriate percentage derived from this section.

(b) The total child support obligation shall be divided between the parents in proportion to their respective incomes as adjusted by this section, except when there are incurred by the obligee child care expenses or for the actual amount paid for medical insurance coverage for the minor children to whom the child support order applies.

(c) For those cases involving allowable child care expenses or medical insurance expenses incurred by the obligee, the same methodology described in subparagraphs (a) and (b) shall be used, except as part of the determination of each parent's share of the child support obligation, the obligee's allowable child care expenses or medical insurance expenses shall be deducted from the adjusted gross income of the obligee.

(d) All child support obligations calculated pursuant to this chapter shall be rounded to the nearest whole dollar.

Amend the bill by replacing section 10 with the following:

10 Effective Date. This act shall take effect April 1, 1998.

Referred to Finance.



**HB 802**, relative to judgments on past due rent and judgments for eviction. OUGHT TO PASS WITH AMENDMENT

Rep. David A. Bickford for Judiciary and Family Law: This bill streamlines and combines the collection, eviction and tenant counterclaim process. It allows the district courts to collect rents during Supreme Court appeals. Vote 10-0.

**Amendment (0170h)**

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

AN ACT relative to judgments on past due rent.

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

1 Writ of Summons. Amend RSA 540:13, III to read as follows:

III. The writ of summons and the notice provided in paragraph II shall be returnable 7 days from the [day] date of service of the writ by the sheriff. *The writ of summons shall provide an opportunity for the landlord, at the landlord's option, to make a claim for an award of unpaid rent. If the landlord elects to make a claim for unpaid rent, the court shall consider any defense, claim or counterclaim by the tenant which offsets or reduces the amount owed to the plaintiff. If the court finds that the landlord is entitled to possession on the ground of nonpayment of rent, it shall also award the landlord a money judgment. If the court determines that the amount owed by the landlord to the tenant as a result of set-off or counterclaim exceeds or equals the amount of rent and other lawful charges owed by the tenant to the landlord, judgment in the possessory action shall be granted in favor of the tenant. If the court finds that the tenant's counterclaim exceeds the amount of the nonpayment, a money judgment shall issue in favor of the tenant. Any decision rendered by the court related to a money judgment, shall be limited to a maximum of \$1,500 and shall not preclude either party from making a subsequent claim in a court of competent jurisdiction to recover any additional amounts not covered by the \$1,500 judgment.*

2 New Paragraph; Payments Pending Possessory Action. Amend RSA 540:13 by inserting after paragraph VI the following new paragraph:

VII. In the case of nonpayment of rent, while the possessory action is pending, the landlord may accept payment of the rental arrearage without creating a new tenancy, provided that the landlord informs the tenant in writing of the landlord's intention to proceed with the eviction in spite of the landlord's acceptance of the payment. The landlord may choose not to accept payment and to proceed with the eviction.

3 Nonpayment of Rent. Amend RSA 540:14, I to read as follows:

I. If the defendant makes default, or if on trial it is considered by the court that the plaintiff has sustained [his] *its* complaint, judgment shall be rendered that the plaintiff recover possession of the demanded premises and costs, and a writ of possession shall issue. *In cases based on non-payment of rent, the court shall state the actual amount of the tenant's current weekly rent or, if rent is not paid on a weekly basis, the equivalent weekly rent amount, which must be paid into the court if an appeal is taken pursuant to RSA 540:20 and 540:25.* The judgment may be enforced, at the sole discretion of the plaintiff, either by directing the sheriff to serve the writ of possession or by seeking judicial relief against the defendant for civil contempt. A writ of possession shall authorize the sheriff to remove the defendant from the premises.

4 New Paragraph; Successful Claims. Amend RSA 540:14 by inserting after paragraph II the following new paragraph:

III. If the plaintiff makes a successful claim for unpaid rent as well as possession, or the defendant makes a successful counterclaim, the court shall issue a money judgment at the same time that it makes its ruling regarding possession of the premises.

5 Appeal. Amend RSA 540:20 to read as follows:

540:20 Appeal. Any party to an action brought pursuant to this chapter shall, within 7 days of the *date of the* notice of judgment [date], file in the district court a notice of intent to appeal to the supreme court. [~~Said appeal shall otherwise be filed in accordance with supreme court rule.~~] *Until the appeal is perfected by the filing of a notice of appeal in the supreme court, the district court shall retain exclusive jurisdiction of the case. After the filing of the notice of appeal in the supreme court, the district court shall retain jurisdiction of the matter for the purposes of collecting rent pending appeal.* In all other respects, the judgment of the district court shall be final at the expiration of the appeal period.

6 Recognizance, by Defendant. Amend RSA 540:25 to read as follows:  
540:25 Recognizance, by Defendant.

*I. If the possessory action was instituted on the basis of nonpayment of rent, and the defendant files a notice of intent to appeal, the defendant shall pay into court the current rent in an amount determined by the judgment of the court pursuant to RSA 540:14, I, weekly and in advance. Payment of rent for one week must be made at the time the defendant files notice of intent to appeal in the district court. Rent which had been payable on other than a weekly basis shall be paid to the court each week based on the equivalent weekly rent determined by the judgment issued by the court, pursuant to RSA 540:14, I. During the pendency of the appeal, rent is payable on a weekly basis and is due on the same day of the week on which the notice of intent to appeal was filed. If rent is not paid by the due date, the court shall immediately mail a notice of default to the tenant and issue a writ of possession to the landlord. If, however, the tenant pays the clerk the entire amount of rent due since the filing of the notice of intent to appeal prior to the service of the writ by the sheriff, the writ of possession shall be recalled and the appeal shall be reinstated. Unless the appeal is reinstated, the district court shall vacate the appeal and award the plaintiff the rent money that has been paid into court. When the final decision on appeal is rendered, the money paid into court shall be apportioned between the plaintiff and the defendant, based on the amount of rent which is found to be due and owing as a result of the appeal.*

*II. If the possessory action was instituted for a reason other than nonpayment of rent, the defendant shall pay into court or to the plaintiff, as the court directs, all rents becoming due from the date the notice of intent to appeal is filed with the district court. In any case in which the duty to pay rent or a portion thereof is in dispute, the defendant shall be required to pay such portion of the rents becoming due after the notice of intent is filed into court, as the court may direct, which amounts shall be held by the court in escrow until a final decision is rendered. After such decision has been rendered, the escrowed rent money and any accrued interest thereon shall be apportioned between plaintiff and defendant on the basis of a finding of rent actually due. For the purpose of this section, "rent" shall mean the amount of money called for by the lease or rental agreement at the time the action for possession was instituted.*

7 New Section; Change of Venue in Possessory Actions Regarding Residential Property. Amend RSA 502-A by inserting after section 16 the following new section:

502-A:16-a Change of Venue in Possessory Actions Regarding Residential Property. Venue in possessory actions concerning residential property brought pursuant to RSA 540 which are initiated in a judicial district other than that in which the defendant resides may be transferred as follows:

I. In cases based on grounds other than nonpayment of rent, venue shall be transferred to the judicial district in which the defendant resides at the request of the defendant.

II. In cases based on nonpayment of rent, venue may be transferred to the judicial district in which defendant resides when the court, in its discretion, determines that justice so requires.

8 Landlord's Responsibility for Storage of Tenant's Property. Amend RSA 540-A:3, VII to read as follows:

VII. A landlord shall maintain and exercise reasonable care in the storage of the personal property of a tenant who has vacated the premises, either voluntarily or by eviction, for a period of [45] 28 days after the date upon which such tenant has vacated. *During this period, the tenant shall be allowed to recover personal property without payment of rent or storage fees.* After the [45-day] 28-day limit has expired, such personal property may be disposed of by the landlord without notice to the tenant.

9 Effective Date. This act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill:

I. Allows a landlord to make a claim for an award of unpaid rent in a writ of summons for possession of rented premises.

II. Expands the jurisdiction of the district court during the pendency of an appeal to the supreme court for the purposes of collecting rent.

III. Provides a schedule for the payment of rent while an appeal is pending.

IV. Provides for a change of venue in certain situations in which a possessory action under RSA 540 is initiated in a judicial district other than the one in which the defendant resides.

V. Changes the number of days a landlord is obligated to store personal property of a tenant, after the voluntary termination of a tenancy or a eviction, from 45 to 28 days.

**SB 26**, preventing recovery by a nonsupporting parent in a wrongful death claim or action on behalf of the nonsupported child until child support arrearages are paid in full. **OUGHT TO PASS WITH AMENDMENT**

Rep. Deborah L. Woods for Judiciary and Family Law: The committee felt strongly that no parent should benefit monetarily from the death of his or her child if that person purposely fails and refuses to pay child support arrearages pursuant to standing orders. The committee continues to support legislation which helps with the collection of child support, which this bill does. Vote 12-2.

#### **Amendment (0123h)**

Amend RSA 508:19 as inserted by section 1 of the bill by replacing it with the following:

508:19 Wrongful Death Action on Behalf of Nonsupported Child; Recovery Limited. No parent shall receive any portion of an award of damages or an out-of-court settlement resulting from any claim or action for wrongful death on behalf of such parent's dependent child, until such parent has paid in full any child support arrearages owed, if such parent:

I. Was convicted of nonsupport of such child under RSA 639:4;

II. Failed to comply with a legal order for support of such child under RSA 161-B; or.

III. Was otherwise ordered to pay support for such child by a court or administrative agency in this state or another state, and failed to comply with such order.

#### **AMENDED ANALYSIS**

This bill prevents a parent who failed to support a dependent child and was either convicted of nonsupport or failed to comply with a support order, from recovering damages or a settlement resulting from a wrongful death claim or action on behalf of such child, until such parent has paid in full any child support arrearages owed.

**SB 84**, revising the uniform simultaneous death act. **OUGHT TO PASS**

Rep. Wayne T. Moynihan for Judiciary and Family Law: This bill will contribute to the simplification of probate proceedings, thereby making the probate courts easier for the citizens to use. New Hampshire has already adopted the 1940 uniform simultaneous death act. This bill is the updated 1993 version of that act. Vote 14-0.

**SB 96-FN**, relative to the priority of charges in probate of estates. **OUGHT TO PASS**

Rep. Sandra B. Keans for Judiciary and Family Law: This provides for two changes in the priority list when settling an estate. The first is funeral expenses are added to the list of just debts. Secondly, the state is reimbursed for "Old Age Assistance" and "Aid To The Permanently And Totally Disabled" before the estate is disbursed to the heirs. Vote 13-0.

Referred to Finance.

**SB 197-FN**, relative to final dispositional orders in child protection cases. **OUGHT TO PASS**

Rep. David A. Bickford for Judiciary and Family Law: This bill continues the administrative hearings for abuse and neglect of children before Health and Human Services, but allows the accused the benefit of subsequently choosing a trial hearing de novo. Vote 14-1.

Referred to Finance.

**HB 579-FN-L**, providing that a person who, having obtained a restraining order against an abuser and having made all reasonable efforts to preserve employment, leaves a job in order to protect himself or herself from domestic abuse, shall not be denied unemployment compensation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: The committee, with assistance from the Unemployment Advisory Council and the Department of Employment Security, amended the bill to state when certain conditions are met, an abused person who must leave his/her employment shall be entitled to collect unemployment compensation. No employer account shall be assessed under these conditions but instead a charge shall be made against the trust fund account. Vote 14-1.



**Amendment (0073h)**

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

**AN ACT** providing that a person who, having made all reasonable efforts to preserve employment, leaves a job in order to protect himself or herself from domestic abuse, shall not be denied unemployment compensation.

Amend RSA 282-A:32, I(a)(3) as inserted by section 1 of the bill by replacing it with the following:

*(3) The leaving of employment was necessary to protect the individual from domestic abuse, as defined in RSA 173-B:1 and in accordance with rules adopted by the commissioner, and the individual made all reasonable efforts to preserve the employment, and in addition:*

*(A) The individual relocated to escape the abuse; or*

*(B) The individual, due to changed circumstances, is able to return to the individual's employment, but the employer is unable to return the individual to the individual's job, or to comparable work, due solely to:*

*(i) A reduction in work force; or*

*(ii) Other economic conditions, and the individual did all things that a reasonably prudent person would have done to continue the employer-employee relationship or the possibility of reemployment during the period the individual was unable to work due to the domestic abuse;*

Amend the bill by replacing section 3 with the following:

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

**AMENDED ANALYSIS**

This bill provides that a person who, having made all reasonable efforts to preserve employment, leaves a job in order to protect himself or herself from domestic abuse, shall not be denied unemployment compensation.

Referred to Finance.

**SB 42**, relative to the authority of the labor commissioner to revoke the license of an employee leasing company for violations of the labor laws. **INEXPEDIENT TO LEGISLATE**

Rep. Robert E. Clegg for Labor, Industrial and Rehabilitative Services: The committee feels the Department of Labor has the ability to revoke licenses of employee leasing companies for labor law violations under the current statutes. Vote 14-1.

**HB 111-FN**, relative to preservation and access to records of legislation in the state archives. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter Hoe Burling for Legislative Administration: The committee is convinced that steps must be taken as quickly as possible to improve the rate of preservation of House and Senate records. The questions that remain to be answered are all technology related. The committee, therefore, decided to reconvene a study committee to review available preservation technologies, and the costs thereof, and make a recommendation on or before November 1, 1998. Vote 11-0.

**Amendment (0121h)**

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

**AN ACT** establishing a committee to study the preservation of and access to records of legislation in the state archives.

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

1 Committee Established. There is established a committee to study the preservation of and access to records of legislation in the state archives.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house.

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

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

3 Duties. The committee shall:

I. Request the advice and participation of the state archivist and staff.

II. Review varying types of preservation technology.

III. Review the costs and durability of each available technology.

IV. Make recommendations regarding the preservation technology to be adopted and the appropriation that may be required to cover the costs thereof, all with the understanding that the house committee on legislative administration believes that steps must be taken to improve the current state of preservation of legislative records.

4 Chairperson. The first meeting of the committee shall be called by the first-named house member. The members of the study committee shall elect a chairperson from among the members.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1998.

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

#### AMENDED ANALYSIS

This bill establishes a committee to study the preservation of and access to records of legislation in the state archives.

**HB 170-L**, exempting temporary, demountable, plastic-covered greenhouses from property taxation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglass P. Teschner for Local and Regulated Revenues: This bill represents one small slice in the ongoing debate of what is "taxable property" as opposed to "nontaxable equipment." The committee heard testimony that the taxation of demountable, plastic-covered greenhouses varies greatly from one municipality to another. Clearly, legislative guidance is needed. The committee amendment tightens up the bill by clearly defining a "demountable, plastic-covered greenhouse" and clarifying that requirements for tax exemption include that they are not permanently affixed to footings and that they are specifically designed and used for growing horticultural commodities (and not for retail sales). In a letter to the committee, Commissioner of Agriculture Steve Taylor stated his strong support for the committee's amendment, noting that it "will finally clarify the tax status of these new greenhouse structures and give local selectmen, assessors, zoning administrators, and other officials clear, consistent guidelines in this area." Vote 18-0.

#### Amendment (0105h)

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

1 New Section; Property Tax Exemptions for Certain Greenhouses. Amend RSA 72 by inserting after section 12-c the following new section:

72:12-d Exemption.

I. Demountable, plastic-covered greenhouses shall be exempt from taxation if all of the following qualifications are met:

(a) Removal of the demountable greenhouse will not affect the utility of the underlying real estate.

(b) The demountable greenhouse is not permanently affixed to the underlying real estate with concrete or similar non-portable footings.

(c) Removal of the demountable greenhouse can be accomplished without damage to the greenhouse and will not render the greenhouse unfit for subsequent use as a demountable greenhouse.

(d) The demountable greenhouse is specifically designed, constructed, and used for the culture and propagation of horticultural commodities.

(e) The demountable greenhouse is not used for the retail sale of any farm or non-farm products.

II. For purposes of this section, the term "demountable, plastic-covered greenhouse" means:

(a) Framework.

(b) Coverings.

(c) Portable electric appliances, the installation of which involves only the insertion of an attachment plug into a fixed receptacle outlet. The word "portable" does not include or apply to any type or fixed electrically operated or driven equipment.

(d) Benches.

(e) A portable source of heat not fixed to the greenhouse or underlying real estate.

(f) A portable source of ventilation not fixed to the greenhouse or underlying real estate.

(g) A portable irrigation system.

III. Nothing in this section shall be construed to change or affect the current use laws under RSA 79-A and the rules adopted in furtherance of RSA 79-A.

2 Effective Date. This act shall take effect April 1, 1998.

**HB 337-L**, allowing a municipality to reduce the property tax on improvements. INEXPEDIENT TO LEGISLATE

Rep. Douglass P. Teschner for Local and Regulated Revenues: This bill would enable a municipality to reduce the assessed value of improvements (such as housing and commercial development), thereby shifting the property tax burden onto unimproved land. Supporters of the bill believe that reducing property taxes on improvements would stimulate economic development. Opposition at the public hearing came from S.P.A.C.E. (the current use coalition) and the New Hampshire Municipal Association (which raised constitutional issues). The committee has significant concerns about the bill. First, there is no evidence of broad-based support from citizens or taxpayers for this particular type of property tax reform. Also, the committee is concerned about the possible negative ramifications of shifting the property tax burden onto land. In sum, the committee is wary of making what could be a major change in property tax policy when there is no compelling reason to do so. Vote 12-1.

**HB 504-L**, relative to the property tax obligation for real estate used as rental housing by qualified nonprofit charitable organizations. INEXPEDIENT TO LEGISLATE

Rep. Francis C. Vincent for Local and Regulated Revenues: The committee felt this was a special interest bill filed in response to the Rollinsford case. The committee voted to re-refer this bill so parties could present more information to support their bill. None was forthcoming. Vote 12-0.

**HB 174-L**, relative to budgetary official ballot. INEXPEDIENT TO LEGISLATE

Rep. Betsey L. Patten for Municipal and County Government: The charter process (HB 141, Chapter 53 from 1995) in RSA 52:2-a and RSA 197:5-b allowed the school districts and village districts to put "money articles" on the official ballot but not all warrant articles. HB 289, Chapter 319 from 1997 made the charter amendment official ballot voting option applicable to all warrant articles, at the locality's option, rather than limited to money raising articles only. Therefore, this bill is not necessary. Vote 17-0.

**HB 295-L**, authorizing a cooperative school district board to establish polling places in each member town. INEXPEDIENT TO LEGISLATE

Rep. Thomas B. Salatiello for Municipal and County Government: This issue was taken care of in SB 109, Chapter 318 in the 1997 legislative session. If multi-school districts want to establish additional polling places in member towns, this can be authorized by the legislative body. Vote 17-0.

**HB 366-L**, relative to noncompliance with zoning ordinances. INEXPEDIENT TO LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government: The sponsor requested the committee to vote "Inexpedient to Legislate" on this bill because the sponsor wants to do further research on the subject. Vote 16-0.

**HB 543-L**, relative to valuation of aeronautical facilities for purposes of payments in lieu of property taxes. REFER FOR INTERIM STUDY

Rep. Betsey L. Patten for Municipal and County Government: RSA 423:9 currently requires that all property and rights related to aeronautical facilities acquired by a city or town outside its boundaries be tax exempt and the amount of a payment-in-lieu-of-taxes be calculated based on the assessed tax valuation of April 1, 1940. Municipal airports and airport authorities have a different governing structure. It is unclear whether such entities may be impacted by any change to this statute. The committee felt that more time and input was necessary to be sure that all issues are considered. Vote 16-0.

**HB 552-L**, clarifying the authority of municipalities to regulate the use of their highways which provide sole access to properties in adjoining municipalities. OUGHT TO PASS WITH AMENDMENT

Rep. Robert W. Brundige for Municipal and County Government: This bill specifies that the sole issue which may be addressed or regulated by the adjoining municipality shall be the adequacy of such street access and the impact of the proposal upon it. Vote 16-0.



**Amendment (0008h)**

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

1 Lands Solely Accessed Via Another Municipality. Amend RSA 674:53, II to read as follows:

II. Upon receipt of an application for a permit or approval under this title for the subdivision, development, [or] change of use of [a], *or erection or alteration of any structure upon any lot, tract, site or other division of land whose boundary or portion thereof is a municipal boundary line, [a] or whose sole street access or sole maintained street access is via a private road or class IV, V, or VI highway located in an adjoining municipality, the municipality receiving the application shall inquire in writing to the appropriate administrative officials in the adjoining municipality or municipalities as to the existence of facts or regulations which, under [paragraph] paragraphs I, III or IV of this section or otherwise, would preclude or affect such subdivision, development, construction, or change of use. Response shall be made to such inquiries within the period provided by this title for approval or disapproval of the underlying application. A response which invokes an ordinance or regulation of such adjoining municipality may be appealed in that adjoining municipality in the same manner as any other administrative decision. An adjoining municipality in which is located an existing private road or class VI highway that serves as an applicant's sole means of fulfilling the street access requirements under RSA 674:41 shall have the same regulatory powers under that statute with respect to that road or highway as if the proposed building or development were located within that same municipality.*

2 Access Via Adjoining Municipality. Amend RSA 674:53, IV to read as follows:

IV. No plat or plan showing land or streets in more than one municipality in the state shall be deemed approved for purposes of this title unless it has been approved by the planning boards of all included municipalities in which the planning board has been granted authority over approval of that type of plat or plan. *In addition, no plat or plan showing land whose sole street access or sole maintained street access is or is planned to be via a private road or class IV, V or VI highway located in an adjoining municipality shall be deemed approved for purposes of this title unless it has been approved by the planning board, if any, of that adjoining municipality, provided however that the sole issue which may be addressed or regulated by the adjoining municipality shall be the adequacy of such street access, and the impact of the proposal upon it.*

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

**HB 641**, relative to property tax bills for land parcels having multiple owners. REFER FOR INTERIM STUDY

Rep. Richard C. Leone for Municipal and County Government: Although it was generally acknowledged that the subcommittee had made a serious attempt to improve upon the bill, the full committee determined that there was need to further clarify the notification process including such issues as unfunded mandates, dispensation of related notices, and how certain parties would be notified after the deeding of the property. Vote 16-0.

**HB 642**, requiring that all property taxes be paid prior to approval of a subdivision plat. OUGHT TO PASS WITH AMENDMENT

Rep. Paul A. McGuirk for Municipal and County Government: Many communities have experienced great difficulties in the assessment and collection of property taxes on land which has been legally subdivided after April 1<sup>st</sup>, but sold prior to the payment of all taxes due for that particular tax year. With the enactment of this bill, municipalities will have the capability to protect the interest of the community and the integrity of the tax collection and lien process. This bill also sets up procedure for payment of taxes by the developer and subsequent owners. Vote 16-1.

**Amendment (0101h)**

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

AN ACT clarifying the effect of subdivision on property tax assessment and collection.

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

1 New Section; Effect of Subdivision on Property Tax Assessment and Collection. Amend RSA 674 by inserting after section 37 the following new section:

674:37-a Effect of Subdivision On Tax Assessment and Collection. The collection of taxes with respect to land being subdivided shall be governed by the following provisions:

I. If approval of a subdivision plat has been granted on or before April 1 of a particular tax year, giving the owner a legal right to sell or transfer the lots, parcels or other divisions of land depicted on the plat without further approval or action by the municipality, then such lots or parcels shall for that tax year be assessed and appraised as separate estates pursuant to RSA 75:9, whether or not any such sale or transfer has actually occurred, and shall continue to be so assessed unless and until subdivision approval is revoked under RSA 676:4-a, or the parcels are merged pursuant to RSA 674:39-a.

II. If subdivision approval does not become final until after April 1, then all assessments, appraisals, and tax warrants for that property during that tax year shall pertain to the entire non-subdivided property as it was configured on April 1, notwithstanding any later sale or transfer of subdivided lots or parcels which may occur during that year.

III. When property has been assessed as a single parcel or estate in accordance with paragraph II, and some subdivided portion of that property is later sold or transferred prior to the payment of all taxes, interest, and costs due for that tax year, the municipality's tax lien shall remain in effect with respect to the entire property, and each lot or parcel transferred or retained shall remain obligated for the entire amount, and shall be subject to all procedures of RSA 80 until that amount is collected.

IV. In order to avoid the liability of subdivided lots or parcels for taxes due on the entire property as set forth in paragraph III, any person with a legal interest may, at the time of subdivision approval or any time thereafter, prepay all taxes to be assessed on the entire property for that tax year. If such prepayment is offered prior to the determination of the property's full tax obligation for that year, the collector shall notify the assessing officials, who shall make a reasonable jeopardy assessment in accordance with the provisions of RSA 76:10-a, and commit it to the collector. After full prepayment the tax collector shall upon request execute a statement identifying the subdivision plat, and stating that all real estate tax obligations for the tax year have been fulfilled with respect to the property shown on the plat. Such a statement may be recorded in the registry of deeds at the expense of the party requesting it.

V. Nothing in this section shall be construed to prevent the parties to a conveyance from making alternative provisions, through privately-held escrow or other means, for the allocation and satisfaction of tax obligations; provided, however, that the municipality shall not, with respect to property assessed as a single parcel or estate pursuant to paragraph II, be required to apportion taxes among subdivided lots, or to release any subdivided portion of such property from the municipality's tax lien unless and until the full tax obligation for the assessed property has been satisfied.

2 Reference Added; Separate Tracts. Amend RSA 75:9 to read as follows:

75:9 Separate Tracts. Whenever it shall appear to the selectmen or assessors that 2 or more tracts of land which do not adjoin or are situated so as to become separate estates have the same owner, they shall appraise and describe each tract separately and cause such appraisal and description to appear in their inventory. In determining whether or not contiguous tracts are separate estates, the selectmen or assessors shall give due regard to whether the tracts can legally be transferred separately under the provisions of the subdivision laws including RSA 676:18, *RSA 674:37-a*, and RSA 674:39-a.

3 Effective Date. This act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill clarifies the effect of subdivision of land on property tax assessment and collection.

**HB 679-FN-L**, repealing the limitation on zoning ordinance protest petitions. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would have repealed RSA 675:5, I-L which restricts the requirement of a favorable vote of 2/3 of the legislative body to act on any proposed zoning change. Vote 16-0.

**HB 812**, relative to the Melendy Pond Authority of Brookline, New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Cynthia J. Dokmo for Municipal and County Government: The Melendy Pond Authority is the subject of litigation which is currently before the Supreme Court. The committee feels that it is premature to act on this bill prior to the conclusion of that litigation. Vote 19-0.

**SB 56-FN-L**, establishing a method for repurchase of tax-deeded property by the former owner of the property and limiting the recovery by municipalities of proceeds from sales of tax-deeded property. **INEXPEDIENT TO LEGISLATE**

Rep. Kathleen N. Taylor for Municipal and County Government: The content of this bill has been incorporated in House Bill 676 and is, therefore, no longer necessary. Vote 18-0.

**SB 62**, authorizing the governing bodies of towns which have not adopted the official ballot referendum form of meeting, but which are in school districts which have adopted the official ballot referendum form of meeting, to move the election day of the 1997 and 1998 annual meetings of those towns to April 8, 1997, and April 14, 1998, respectively. **INEXPEDIENT TO LEGISLATE**

Rep. Betsey L. Patten for Municipal and County Government: During the 1997 session, the committee put forth a time schedule for those school districts who had voted to use the official ballot referendum form of meeting to coincide with the traditional time schedule for voting on the second Tuesday in March. Therefore, the original request for an April voting time line is not required. Vote 17-0.

**SB 179-FN-L**, establishing a committee to study creating a New Hampshire local government records management improvement fund. **INEXPEDIENT TO LEGISLATE**

Rep. Cynthia J. Dokmo for Municipal and County Government: The committee enthusiastically endorsed the concept of a records management program, but a Uniform Commercial Code surcharge was an unacceptable method to fund such a program. It is hoped that individual members of the committee will support legislation on the issue in the next legislative session. Vote 19-0.

**HB 305-A**, relative to the rehabilitation of the Walker building and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Leon Calawa, Jr. for Public Works and Highways: The subcommittee has concluded after touring the Walker building and reviewing and considering all options, to rehabilitate the Walker building would make more sense economically than leasing space. A new bill has been filed that better addresses the administration and rehabilitation of the Walker building. Vote 20-0.

**HB 400**, authorizing the state to enter into a lease-purchase agreement with Cheshire county for the new Jaffrey-Peterborough district courthouse. **INEXPEDIENT TO LEGISLATE**

Rep. Rep. James A. Whittemore for Public Works and Highways: The committee recommends Inexpedient to Legislate as the Town of Jaffrey and Cheshire County do not wish to be involved in the construction of the courthouse and have instead secured the land and are giving it to the state for the construction of a courthouse to be built by the state. Vote 21-0.

**HB 778-A**, relative to erosion prevention on a certain portion of the Connecticut River and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. John R. Cloutier for Public Works and Highways: The committee is very concerned with the erosion along the Connecticut River in North Walpole, especially in relation to Route 12. Realistically, there is presently no expert consensus on which method would most effectively stop such erosion, though New England Power Company is currently using a method which may eventually stop it. This method needs more time to see if it actually works. Also, the \$250,000 figure mentioned in the bill would not adequately deal with the problem as admitted by the prime sponsor. According to the Army Corps of Engineers, between \$2.1 and \$7.6 million would be needed with up to \$1 million of this total coming from the federal government. However, the committee recommends killing this bill with the understanding that the Department of Transportation maintains continuous monitoring of the erosion, and that contingency plans be made to address a washout of Route 12 if one should occur. Vote 21-0.

**SB 158-FN-A**, relative to the funding of beach erosion control projects along the south side of the Hampton Harbor Inlet. **INEXPEDIENT TO LEGISLATE**

Rep. William E. Leber for Public Works and Highways: This bill proposes to appropriate \$170,000 for a project to complete the half-tide jetty and to alleviate the beach erosion along the south side of Hampton Harbor inlet. The committee determined the project has been included in the Capital Budget for 1998-1999 (HB 25, Laws of 1997, Chapter 349). The project is included in the \$1.7 million project to dredge Hampton-Seabrook Harbor. The accompanying study of the revenue stream on the seacoast revealed some inequities in collecting fees and the need to improve dredging management, scheduling and funding. Legislation will be filed to establish a reserve dredging account in the Port Authority operating budget. Further review of the management of certain state properties will be needed. Vote 21-0.



**HB 350**, exempting permits by rule and permits by notification from certain excavating and dredging permit requirements. **INEXPEDIENT TO LEGISLATE**

Rep. William E. Williams, Jr. for Resources, Recreation and Development: The committee agreed that new proposed rules will cover the body of this legislation and the Legislature should revisit the effectiveness of the rules at a later date. Vote 15-0.

**HB 561-FN**, relative to certain marine patrol personnel. **INEXPEDIENT TO LEGISLATE**

Rep. Michael D. Whalley for Resources, Recreation and Development: This bill makes the auxiliary marine patrol program mandatory and requires the Commissioner of Safety to recruit voluntary auxiliary marine patrol officers equal to the number of part-time paid marine patrol officers employed by the Department of Safety. The committee felt that establishing a quota system relative to the specific number and type of officers within the marine patrol was too limiting and not in the best interests of the marine patrol and its ability to function. Vote 15-0.

**HB 581-FN**, authorizing the department of environmental services to issue permits in emergency situations, expanding the exemptions for excavating and dredging permits, and establishing a notification process for the replacement and repair of existing legal structures. **INEXPEDIENT TO LEGISLATE**

Rep. William E. Williams, Jr. for Resources, Recreation and Development: The committee felt that all of the conditions contained in this bill are under consideration in Department of Environmental Services rulemaking. Since the proposed rules may need some fine-tuning, it would be best to revisit these conditions during the next session. Vote 15-0.

**HB 618-FN**, relative to increasing certain state park fees. **INEXPEDIENT TO LEGISLATE**

Rep. Rudolf A. Adler for Resources, Recreation and Development: After reviewing state park revenue and cost data and discussing past and proposed fee changes, the committee was satisfied with current methods. Vote 13-0.

**HB 710-FN**, requiring boating safety education. **INEXPEDIENT TO LEGISLATE**

Rep. Michael D. Whalley for Resources, Recreation and Development: Under this bill, any person born after January 1, 1980, with certain exceptions, who operates a vessel on the public waters of this state would be required to obtain and possess a certificate that certifies that such person has completed a boating safety education class. Testimony helped the committee determine that the limited financial and human resources of the marine patrol would cause training of boaters to be difficult and enforcement of the program almost impossible. The Department of Safety also testified that out of state visitors should be considered before a program of this type is implemented. Vote 16-0.

**SB 161-FN-A**, relative to the Seacoast Science Center and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. H. Charles Royce for Resources, Recreation and Development: The purpose of this bill was to appropriate monies to design working plans for an addition to the Seacoast Science Center at Odiorne State Park in Rye. The committee felt that there should be no expansion of this building until a master plan is completed for the entire park and also the Brown property which is across Route 1A from the park and owned by the state. It was strongly felt by the committee that before new construction of any buildings that we plan what is going to happen in the entire park, i.e. parking lots, septic systems, picnic areas, proper use of other buildings, and staffing. White Island, one of the Isles of Shoals, will also be included in the master plan. Vote 14-0.

#### **Amendment (0138h)**

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

**AN ACT** relative to a master plan of Odiorne Point State Park.

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

1 Odiorne Point State Park. There shall be no appropriation for the expansion of the Seacoast Science Center at Odiorne Point State Park in Rye until the commissioner of the department of resources and economic development has completed a master plan of Odiorne Point State Park. The master plan shall examine all aspects of the state park, and the role of the Seacoast Science Center in conjunction with the mission of the state park system. The plan shall also update the

"Thoresen Report," a management plan prepared in June 1983, and incorporate the recent purchases of the Brown property into the plan. White Island shall also be considered as a component of the plan.

2 Effective Date. This act shall take effect July 1, 1998.

#### AMENDED ANALYSIS

This bill prohibits appropriations for expansion of the Seacoast Science Center at Odiorne Point State Park until the commissioner of the department of resources and economic development has developed a master plan for the park.

**HB 406**, relative to environmental disclosure by electric power facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Clifton C. Below for Science, Technology and Energy: HB 726, Chapter 298, Laws of 1997 gave the Public Utilities Commission authority to establish environmental disclosure standards for competitive electricity suppliers. The Public Utilities Commission has indicated its intent to do so and is involved in coordinated efforts with other New England states to develop common regional disclosure standards, so this bill is not necessary. Vote 16-0.

**HB 482**, relative to the access and development of interstate computer network systems. **INEXPEDIENT TO LEGISLATE**

Rep. Godfrey G. Howard for Science, Technology and Energy: This bill would have required the Public Utilities Commission to perform a study aimed at improving access to computer networks in certain areas of New Hampshire. The objectives of the sponsor have been subsumed by the more-inclusive HB 452, which rendered the subject matter of this bill moot. Vote 16-0.

**HB 610-FN**, relative to the regulation of small telephone companies by the public utilities commission. **INEXPEDIENT TO LEGISLATE**

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: The second part of this bill, to speed up Public Utility Commission approval of small telephone company tariffs for new services, was incorporated into other legislation during 1997. The first part of this bill would have attempted to reduce the cost of regulating small telephone companies by allowing them to increase rates under certain circumstances without commission approval. The committee chose instead to rely on the testimony of the commission that they already had adequate authority to approve rate changes with less paperwork than a full commission rate case, when appropriate. Vote 16-0.

**HB 750-FN-L**, relative to municipal water systems. **INEXPEDIENT TO LEGISLATE**

Rep. Donald B. White for Science, Technology and Energy: HB 750-FN-Local was directed towards updating Chapter 38, municipal water systems. However, the passage of HB 528 in 1997 included the same objective as part of a complete revision of Chapter 38. Thus, HB 750-FN-Local is unnecessary. Vote 16-0.

**HB 754-FN**, relative to special gas and electric rates for customers dependent on life-support equipment. **INEXPEDIENT TO LEGISLATE**

Reps. Sarah K. Bonneau and Donald B. White for Science, Technology and Energy: While finding this bill to be worth serious consideration due to testimony regarding substantial increases in, primarily, electric utility bills for children living at home on life-support equipment, the committee felt that these costs would be better addressed by health insurance providers. Consequently, a new bill was drafted under a more appropriate statute. Vote 16-0.

**HCR 7**, petitioning the Congress of the United States to propose an amendment to the Constitution of the United States for submission to the states to prohibit the federal government from imposing regulatory mandates, unfunded mandates, and spending conditions, which conditions are unrelated to the actual expenditures of funds allocated by Congress. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas A. Varrell for State-Federal Relations and Veterans Affairs: The purpose of this resolution was to basically reaffirm the 10<sup>th</sup> Amendment of the U.S. Constitution. However, the resolution was drafted and sent to our committee for action during the time frame that the U.S. Supreme Court was considering a case, i.e. Mack and Prinz v. United States, which dealt with essentially the same issues and concerns which are contained in our own HCR 7. Since a Supreme

Court decision on this issue was imminent, the committee re-referred this HCR until the U.S. Supreme Court had reached their decision. The Supreme Court upheld the provisions of our 10<sup>th</sup> Amendment as set forth in our federal constitution by a vote of 5 to 4, thereby making our own HCR 7 redundant and unnecessary at this time. In the event the U.S. Supreme Court overturns or significantly alters our 10<sup>th</sup> Amendment, this HCR can be reintroduced for consideration or action. Vote 17-0.

**HB 231-FN-L**, imposing a penalty on motor vehicle operators under 20 years of age if the operator is convicted of any violation offense involving the operation of a motor vehicle. **INEXPEDIENT TO LEGISLATE**

Rep. John W. Flanders for Transportation: The context of this bill is already covered under RSA 263:14-A and possible problems with administrative hearings did not happen according to the Department of Safety. Vote 13-0.

**HB 649-FN**, relative to reckless driving. **INEXPEDIENT TO LEGISLATE**

Rep. John W. Flanders for Transportation: After passage of the graduated license and increasing the age of seat belt usage, plus the fact that the Department of Safety is already suspending first-time licenses, it was felt that this bill was unnecessary. Vote 15-0.

**HB 729-FN-A**, establishing a kindergarten special number plate and fee, with the fees continually appropriated to the department of education. **INEXPEDIENT TO LEGISLATE**

Rep. Roland M. Turgeon for Transportation: After due consideration and with the approval of the prime sponsor who did not object to killing the bill, the committee voted unanimously to recommend inexpedient to legislate. Vote 15-0.

**SB 187**, relative to the penalties for certain court defaults. **INEXPEDIENT TO LEGISLATE**

Rep. Gordon E. Bartlett for Transportation: No law will keep a driver with a suspended license from driving if he/she decides to drive. Judge Edwin Kelly has agreed to issue a blanket bench warrant for all suspended drivers in one county. He will monitor this program for a short time, with an eye to broadening the program if successful. Vote 15-0.

**HB 132-FN**, allowing New Hampshire residents on active duty in the armed forces or coast guard to be issued hunting and fishing licenses at no charge. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ronald J. Nowe for Wildlife and Marine Resources: This bill allows residents of the state who are on active duty in the Armed Forces or Coast Guard to be issued basic resident hunting and fishing licenses at no charge while on leave or furlough. The bill also allows nonresidents on active duty permanently stationed in the state to purchase regular or combination licenses at the fee that is charged to residents. Vote 13-0.

#### **Amendment (0003h)**

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

1 Fishing and Hunting Licenses; Armed Forces and Coast Guard. RSA 214:3 is repealed and reenacted to read as follows:

214:3 Members of the Armed Forces and Coast Guard.

I. Any resident of this state who is on regular active duty in any branch of the armed forces including the coast guard, and who is permanently stationed outside of the state, may acquire at no charge, upon application to the executive director and subject to the restrictions of title XVIII, a special license to hunt and fish during any period while on leave or furlough.

II. Any nonresident who is on regular active duty in any branch of the armed forces including the coast guard, and who is permanently stationed within the state, may purchase regular hunting and fishing licenses or combination licenses, subject to the restrictions of title XVIII, at the same fee as is charged a legal resident of the state.

III. The executive director shall adopt rules pursuant to RSA 541-A relative to:

- (a) Establishing any restrictions on the use of a special license issued under paragraph I.
- (b) The documentation required in order to qualify for a license under this section.
- (c) The locations at which a license may be issued.

2 Effective Date. This act shall take effect January 1, 1999.



## AMENDED ANALYSIS

This bill allows residents of the state who are on active duty in the armed forces or coast guard to be issued basic resident hunting and fishing licenses at no charge while on leave or furlough. The bill also allows nonresidents on active duty to purchase regular or combination licenses at the fee that is charged to residents.

## REGULAR CALENDAR PART I

**HB 772-FN-A**, establishing the position of industrial, commercial, and tourism agent for Coos County and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**  
Rep. Barbara L. Spear for Commerce: There is no question of the need for economic development in the north country. At this time, the committee would like to see the newly organized economic development group work closely with the DRED/OBID representative whose office is in the general area. Vote 12-2.  
Adopted.

**HB 784-FN-L**, changing the age requirements for providing public education, including special education. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Jane E. O'Hearn for Education: This bill, as amended, deals with the cost issue of an unanticipated and unbudgeted special education student who arrives in a school district. The amended version of this bill deals with reimbursement anticipation notes for school districts. It allows the governing body, after notice and public hearing, to borrow such funds and to recognize such proceeds for property tax rate-setting purposes. It also requires the Department of Education to be liable for costs of borrowing funds more than 3 1/2 times the per-pupil estimated state average expenditure instead of the current 10-times average. Further legislation will be addressed in the 1998 session as to the costs, process and needs of Special Education Services in New Hampshire as a result of the study committee's findings. Vote 15-5.

## Amendment (0099h)

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

**AN ACT** relative to changing the amount of estimated expenditures per pupil beyond which the department of education is liable for the cost of school district borrowing.

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

1 Liability of Department of Education; Costs Over 3-1/2 Times Estimated Expenditure. Amend RSA 186-C:18, VIII to read as follows:

VIII. A school district shall raise and appropriate funds reflecting the total cost in meeting catastrophic special education student costs as provided under RSA 186-C:18, including the school district and department of education liability. A school district may issue reimbursement anticipation notes as provided for in RSA 198:20-d to be redeemed upon receipt of reimbursement from the state. The department of education shall be liable for the cost of the school districts borrowing of any funds for special education student costs over ~~[+0]~~ 3-1/2 times the estimated state average expenditure per pupil for the school year preceding the year of distribution.

2 Reimbursement Anticipation Notes; Exempt From Debt Limits. Amend RSA 198:20-d to read as follows:

198:20-d Reimbursement Anticipation Notes. Notwithstanding any other provision of law to the contrary, a school district may incur debt in anticipation of reimbursement under RSA 186-C:18. The governing body, after ~~[receiving authorization for borrowing from the legislative body]~~ *notice and public hearing*, may elect to *borrow such funds and* to recognize the proceeds of the borrowing as revenue for property tax rate setting purposes by providing written notification~~[-prior to September 1,]~~ to the commissioner of the department of revenue administration stating the specific amount of borrowing to be recognized as revenue. *Any borrowing under this section shall be exempt from the provisions of RSA 33, relative to debt limits.*

3 Effective Date. This act shall take effect July 1, 1998.

## AMENDED ANALYSIS

This bill changes the amount of estimated expenditures per pupil beyond which the department of education is liable for the cost of school district borrowing, and allows school districts to incur debt in anticipation of reimbursement to meet catastrophic special education costs.

Adopted.

Report adopted and referred to Finance.

**SB 205-FN-L**, establishing a special school district to provide special education for eligible inmates in the state prison system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jane E. O'Hearn for Education: There is a federal requirement to meet the needs of inmates who fall under special education requirements in IDEA. The special prison SAU will be able to address educational needs and to develop authorized Individual Education Plans (IEP) with safety as a consideration. The amendment will exclude the SAU from meeting certain minimum standards and receiving state aid. Vote 14-2.

**Amendment (0155h)**

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

1 New Subparagraph; Special School District Added to Department of Corrections. Amend RSA 21-H:4, I by inserting after subparagraph (b) the following new subparagraph:

(c) Be responsible for the operation of the special school district, established under RSA 194:60, which shall provide appropriate education services to eligible offenders held in facilities operated by the department of corrections.

2 Special District Program Approval By Interagency Agreements. Amend RSA 186-C:5 to read as follows:

186-C:5 Program Approval. The state board of education shall adopt rules establishing standards for the approval of programs of education that are maintained by school districts, regional special education centers, and private organizations or state institutions for the benefit of educationally disabled children, including home-based programs; *except, however, that approval of programs of education for the special district established in RSA 194:60 shall be pursuant to the standards set forth in the interagency agreements between the department of corrections and the department of education.*

3 Reference to "Special" School District Added. Amend RSA 186-C:9 to read as follows:

186-C:9 Education Required. Each child determined by the local *or special* school district as being educationally disabled in accordance with RSA 186-C:2 and in need of special education or special education and educationally related services shall be entitled to attend an approved program which can implement the child's individualized education plan. Such child shall be entitled to continue in an approved program until such time as the child has acquired a high school diploma or has attained the age of 21, whichever occurs first, or until the school district responsible for developing the child's individualized education plan determines that the child no longer requires special education in accordance with the provisions of this chapter.

4 State Prison Deleted. Amend RSA 186-C:19-a, II to read as follows:

II. The school district liability for educational expenses for an educationally disabled child in the youth development center [~~or the state prison~~], or who is placed in the youth services center while awaiting disposition of the court following arraignment pursuant to RSA 169-B:13, shall not exceed the state average elementary cost per pupil, as determined by the state board of education for the preceding school year.

5 Revised Definition of a School District; Amend RSA 194:1 to read as follows:

194:1 What Constitutes a District. Each town shall constitute a single district for school purposes; provided that districts organized under special acts of the legislature may retain their present organization, and the word "town", wherever used in the statutes in connection with the government, administration, support or improvement of the public schools, shall mean district. *The special state prison school district, as established by RSA 194:60, shall constitute a single district for school purposes, and shall be subject to the provisions of RSA 194:60.* Notwithstanding any other provision of law to the contrary, in the case of unincorporated towns or unorganized places in Coos county, Coos county shall constitute the district.

6 New Subdivision; Special School District; Department of Corrections. Amend RSA 194 by inserting after section 59 the following new subdivision:

## Department of Corrections Special School District

194:60 Special School District; Department of Corrections.

I. A special school district is established within the department of corrections, under RSA 21-H, for the purpose of providing approved educational programs pursuant to this chapter to eligible educationally disabled adult offenders, under the age of 21, who wish to participate.

II. The special school district shall be exempt from state board of education rules, except that the standards for the education of students with disabilities and all education programs shall be set by an interagency agreement between the department of education and the department of corrections.

III. The special school district shall be exempt from the organizational and budgetary requirements regarding other school districts or charter schools. The special state prison school district shall not be required to file financial reports with the department of education or the department of revenue administration.

IV. The special school district shall have authority to perform all duties necessary to operate a school including, but not limited to, the following:

(a) Timely submission of all required educational program approval documents and reports to appropriate agencies.

(b) Maintenance of approved educational programs which comply with the requirements as provided for in the interagency agreements between the department of corrections and the department of education. The interagency agreements shall set forth the standards for approval of a school program for department of corrections facilities, the graduation requirements necessary for the special school district to issue a high school diploma, and the standards for special education program approval.

(c) Issuance of transcripts.

(d) Performing assessments and developing individual education programs.

(e) Providing fiscal management for the state and federally-funded approved educational programs.

(f) Operation of approved educational programs in a manner consistent with the legitimate security and safety concerns of a penal institution.

V. The special state prison school district shall not be assigned to a school administrative unit, nor shall it be subject to the provisions of RSA 194-C.

VI. The special state prison school district shall not be eligible to receive any form of state aid to education pursuant to RSA 198, including but not limited to, state building aid, state aid, dual enrollment grants, foundation aid, or alternative foundation aid.

VII. The special state prison school district shall not have a school board.

7 Effective Date. This act shall take effect July 1, 1998.

#### AMENDED ANALYSIS

This bill establishes a special school district within the department of corrections to provide special education for eligible inmates in the state prison system, and outlines certain specific differences between a regular school district and the special state prison school district.

Adopted.

Report adopted and referred to Finance.

#### **HB 207-FN-A**, relative to pesticide registration fees and making an appropriation therefor. **INEX-PEDIENT TO LEGISLATE**

Rep. John R. M. Alger for Environment and Agriculture: The committee believes a one-tier pesticide registration system is sufficient. During the committee hearing process, other legislation was developed that negates the need for this bill. Vote 11-0.

Adopted.

#### **HB 630-FN-L**, providing an additional service retirement option for group I teacher members of the retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill will provide a means for members of Group I to retire before age 60 with full retirement. The amendment adopted by the committee expands RSA 100-A:16 to allow both the employer and employee to purchase an annuity to provide a full 50 percent retirement. Present law allows only the contribution from the member. This amendment allows contributions from the employer if such pay-



ments are approved by a one-time vote of the legislative body of the employees. This will provide sound funding for the benefit and the cost will be paid by those that wish to use this method for early retirement. Vote 12-6.

#### Amendment (0181h)

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

AN ACT relative to additional voluntary contributions to provide for early retirement by members of the retirement system.

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

1 Early Retirement. Amend RSA 100-A:16, I(c) to read as follows:

(c)(1) In addition to the contributions deducted from the compensation of members as hereinafore provided, and subject to the approval of the board of trustees and to such rules and regulations as the board may make with respect to the crediting of interest thereon, any member may provide an additional retirement allowance by making contributions at an additional rate not in excess of the rate computed to be sufficient to provide an additional retirement allowance which, together with his regular retirement allowance, will result in a total retirement allowance not in excess of 50 percent of his average final compensation. Such additional contributions shall become part of his accumulated contributions except in the case of retirement, when they shall be treated as excess contributions returnable to the member in cash or as a member annuity of equivalent actuarial value.

(2)(A) *Any member, or a member's participating employer, may make additional contributions on behalf of a member at an additional rate as determined by the actuary and approved by the board of trustees or its designee. Any additional contributions made by a member who intends to retire pursuant to RSA 100-A:5, I(c), or additional contributions of the employer, may be used to offset the reduction, or a portion thereof, in retirement benefits for early retirement as provided in RSA 100-A:5, I(c). Any actuarial fees incurred in determining the amount of additional contributions required for early retirement as provided by this subparagraph shall be paid by the member.*

(B) *Any additional contributions made under this subparagraph shall become part of the member's accumulated contributions including interest, and may be withdrawn, in cash, upon the member's retirement in lieu of the provisions in subparagraph (c)(2)(A).*

(C) *Participation by an employer in the provisions for early retirement under RSA 100-A:16, I(c)(2) shall be by resolution, on a form approved by the board of trustees, adopted by the legislative body of a political subdivision.*

2 Effective Date. This act shall take effect June 30, 1998.

#### AMENDED ANALYSIS

This bill allows members of the retirement system, or a member's employer, to provide for an early retirement in certain circumstances by making additional contributions, as determined by the actuary and approved by the board of trustees of the retirement system.

Adopted.

Report adopted and referred to Finance.

**HB 753-FN**, relative to the board of auctioneers and the conduct of auctions. OUGHT TO PASS WITH AMENDMENT

Rep. Myron S. Steere, III for Executive Departments and Administration: The original intent of this legislation was to reorganize the Board of Auctioneers. The committee voted to amend the bill to change only the size of the board from five to seven members (one to two public members), authorize the board to increase the size of the surety bond, and provide the board with the availability of administrative fines up to \$2,000 per offense. The majority of the committee believe these changes would be helpful to the operation of the Board of Auctioneers. Vote 11-7.

#### Amendment (0125h)

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

AN ACT relative to the board of auctioneers.

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

1 Board of Auctioneers; Membership Increased. Amend RSA 311-B:2, I and II to read as follows:

I. There is hereby established a state board of auctioneers consisting of [5] 7 members, including [4] 5 auctioneers and [one] 2 public [member] members, appointed by the governor with the advice of the council for terms of 5 years. Terms shall expire March 1. All board members shall be residents of this state and no board member shall serve more than 2 consecutive terms.

II. [The] *Each* public member of the board shall be a person who is not, and never was, a member of the auctioneering 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 such professional services or an activity directly related thereto, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

2 New Paragraph; Quorum; Voting. Amend RSA 311-B:2 by inserting after paragraph IV the following new paragraph:

V. Four members of the board shall constitute a quorum. At least one public member of the board must be present on each vote of the board.

3 New Section; Administrative Fines; Rulemaking Authority. Amend RSA 311-B by inserting after section 3 the following new section:

311-B:3-a Administrative Fines; Rulemaking Authority. The board, with the approval of the secretary of state, may adopt rules pursuant to RSA 541-A relative to the establishment of administrative fines for violations of this chapter.

4 Minimum Bond Amount. Amend RSA 311-B:8 to read as follows:

311-B:8 Bond. No license shall be granted until the applicant has filed a bond with the secretary of state in the sum of *at least* \$10,000, *or an additional amount as determined by the board*, with sureties approved by the secretary of state, conditioned that he will properly account for and deliver to the person entitled, all moneys and things of value coming into his hands as an auctioneer and will conform to the laws relating to such auctions. All bonds required under this chapter shall be purchased from a reputable company authorized to do business in this state.

5 New Subparagraph; Disciplinary Action; Administrative Fines. Amend RSA 311-B:11, III by inserting after subparagraph (d) the following new subparagraph:

(e) By assessing administrative fines in amounts established by the board under RSA 311-B:3-a which shall not exceed \$2,000 per offense, or in the case of continuing offenses, \$200 for each day that the violation continues.

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

#### AMENDED ANALYSIS

This bill increases the membership of the board of auctioneers. This bill also allows the board to adopt rules establishing administrative fines and to determine a minimum bond amount.

Adopted.

Report adopted and ordered to third reading.

**HB 578-FN-A-L**, providing for property tax relief and making an appropriation therefor. REFER FOR INTERIM STUDY

Rep. Charles L. Vaughn for Finance: This bill is a way to help poorer taxpayers feeling a property tax squeeze. To qualify, family income has to be \$40,000 or less and the home worth less than the state average (currently about \$114,000). Qualifying taxpayers would receive a rebate on all or some portion of their tax bill that is in excess of 10% of their income. The committee supports the concept of the bill but was unable to fund the \$15-50 million annual cost within the current budget. To allow it to address the funding issue, the committee recommends Interim Study. Vote 20-0.

Adopted.

**HB 686-FN-A**, relative to financing of child day care facilities and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: The amended bill does two things: It requires any appropriation of \$150,000 to be deposited in the non-profit child care loan program used solely in reducing and as funding of interest payments on loans made to day care centers from the New Hampshire Community Loan Fund. It designates the New Hampshire Community Loan Fund as the institution to not only designate which centers are to be funded but to monitor the day care centers operations. Vote 13-5.

**Amendment (0061h)**

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

1 Statement of Intent. The purpose of this act is to establish the nonprofit child day care loan program in the department of health and human services to be administered through a statewide nonprofit community development financial institution. The loan program shall be used to provide low interest loans for nonprofit child day care providers to establish child day care programs and facilities which will improve the quality, availability, and safety of licensed and legally-operating child day care homes and centers, and to assist providers to comply with the federal Americans With Disabilities Act.

2 New Section; Nonprofit Child Day Care Loan Program Established. Amend RSA 170-E by inserting after 5-a the following new section:

170-E:5-b Nonprofit Child Day Care Loan Program.

I. There is established the child day care loan program to provide low interest loans for nonprofit child day care providers. The primary purposes of these low interest loans include:

(a) To construct wheelchair and handicap access ramps, van conversions, and bathroom renovations to accommodate children with disabilities.

(b) To pay for expansion or construction costs to serve more children under the state voucher program for low income families to meet the expected increase of families receiving temporary assistance to needy families entering the work force.

(c) To renovate or upgrade current facilities to maintain or exceed code requirements.

(d) To renovate or expand facilities to serve priority populations, such as infants and toddlers and families in need of night, weekend, drop-in and mildly-ill care.

(e) To allow after-school programs to expand and purchase startup supplies, including storage, for school-age children.

(f) To enable child day care providers to secure a more stable environment and continuity of services through ownership or extended lease arrangements.

(g) To allow the purchase or lease of vans to transport children.

(h) To fund any other program-related costs as necessary.

II. Criteria for consideration of loan applicants shall include the provider's commitment to enroll low-income children, children subsidized through the Child Care and Development Fund, and children with disabilities, or legally-operating providers who provide services to these populations. In addition, applicants shall:

(a) Be fiscally sound as shown in a financial statement.

(b) Meet or exceed state and local operating and zoning regulations, including public health, fire, and safety requirements, or present a local exemption from regulations.

(c) Demonstrate a commitment to providing quality child day care through one or more of the following:

(1) Local child care resource and referral relationship.

(2) Family day care support group participation.

(3) Enrollment in the United States Department of Agriculture food program (Child and Adult Food Program.)

(4) Documentation of training in the Child Care Basics program or other training approved by the department of health and human services.

(d) Address a geographic or community need for projected child day care services.

III.(a) The department of health and human services may, after consultation with the state child care advisory committee established in RSA 126-A:17, adopt rules pursuant to RSA 541-A, relative to the implementation and administration of the child day care loan program under this section.

(b) The department shall have the responsibility for notifying providers of the availability of the loans and shall provide guidelines for loan application. Notification shall be made publicly, as well as through child care associations and the child care resource and referral network of New Hampshire.

(c) The department of health and human services shall have the authority to designate a statewide, nonprofit community development financial institution as recipient of the funds, or a portion of the funds, to be used as a loan loss reserve or interest subsidy or both.

(d) The department may elect to contract with a statewide nonprofit community development financial institution for provision of the following services:



- (1) To establish programmatic and credit criteria.
- (2) To establish a mechanism for making lending decisions related to project feasibility.
- (3) To maintain documentation on the borrower's organization, collateral, and on-going repayment ability.
- (4) To collect and report the number of day care slots retained, created, or improved and the number of low income families served through the child day care loan program or related activities.

IV. The terms and conditions of the loan shall be contained in a binding agreement between the child day care provider and the lender and may include provisions for a lien on the property. Loans subsidized by an interest-rate subsidy shall carry a term of no more than 15 years and shall, to the extent possible and consistent with this section be determined to match the useful life of the improvements funded by the loan. The department shall annually, on or before July 1, account for any subsidy or loss reserve expended, as well as the repayment status of all loans made under this program.

3 Appropriation. The sum of \$150,000 is hereby appropriated, in addition to any other sums appropriated, to the department of health and human services, to be deposited in the nonprofit child day care loan program, established in RSA 170-E:5-b for the fiscal year ending June 30, 1999, for the purposes outlined in this act. This appropriation shall be nonlapsing. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Transfer of Funds Authorized. The department of health and human services is authorized to transfer funds appropriated to the department for the fiscal year ending June 30, 1999, for the revolving loan fund program under RSA 161-G, to a designated statewide nonprofit community development financial institution for the purposes of the nonprofit child day care loan program established in RSA 170-E:5-b.

5 Transfer of Outstanding Loans Authorized. The department of health and human services is authorized to transfer loans outstanding under the revolving loan fund program established under RSA 161-G, to designated statewide nonprofit community development financial institution administering the nonprofit child day care program established in RSA 170-E:5-b. The designated statewide nonprofit community development financial institution shall monitor and collect such loans for the department. Principal repayments from the revolving loan fund established under RSA 161-G shall be added to the funds available for the nonprofit child day care loan program established in RSA 170-E:5-b.

6 Repeal. RSA 161-G, relative to a revolving loan fund for nonprofit child care providers, is repealed.

7 Effective Date. This act shall take effect July 1, 1998.

Adopted.

Report adopted and referred to Finance.

**HB 697-FN-A-L**, establishing a homeless prevention fund, to be funded by a temporary homeless prevention state property tax and making an appropriation to the fund for fiscal year 1998-1999. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alice Z. Calvert for Health, Human Services and Elderly Affairs: With increasing awareness of the problem of homelessness, the committee sought a funding mechanism to supplement presently appropriated funds. It was felt a one-time charge of \$5 each from buyer and the seller of real estate made at the time of the transfer would be a feasible possibility. Monies would be administered by the Department of Health and Human Services Homeless and Housing Bureau. Vote 13-5.

#### Amendment (0156h)

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

**AN ACT** establishing a homeless prevention trust fund, to be funded by a charge on transfers of real estate.

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

1 Purpose. The purpose of the homeless prevention fund established in this act is to provide a safety net for basic shelter for all New Hampshire citizens and to provide for the establishment and maintenance of an integrated statewide continuum of care, both to prevent homelessness and to ensure a reliable and rapid transition of homeless families and individuals to permanent acceptable housing. This trust fund, which is funded through a charge on all transfers of real estate, will

prevent the residents of any city or town from shouldering an unfair burden of the costs of homeless persons, especially those costs resulting from a reduction in federal or state programs for subsidized housing and poor and homeless families and individuals.

2 New Subdivision; Homeless Prevention Trust Fund. Amend RSA 126-A by inserting after section 32 the following new subdivision:

**Homeless Prevention Trust Fund**

126-A:32-a Definition. In this subdivision, "continuum of care" means a seamless provision of services to assist families and individuals in obtaining appropriate permanent housing. Continuum of care includes, but is not limited to, outreach, emergency shelter, transitional housing, permanent housing, and permanent housing with supportive services, as defined by the Department of Housing and Urban Development.

126-A:32-b Homeless Prevention Trust Fund Established. A homeless prevention trust fund is established in the treasury. The purpose of the trust fund is to provide adequate and stable funding for establishing and maintaining a statewide continuum of care for all New Hampshire citizens and for reimbursing municipalities for their costs in providing emergency shelter where an emergency shelter bed is not available. Interest and principal from this trust fund shall be used solely for these purposes and for these purposes only. Expenditures from the homeless prevention trust fund shall be approved by the legislature as part of the state operating budget. This trust fund is not intended to replace any general fund appropriations to the department of health and human services. The department shall be maintained at, at least, its fiscal year 1998 actual expenditure of general funds. The trust fund shall be administered by the administrator of the homeless and housing bureau of the department of health and human services. The commissioner shall have the authority to adopt rules, pursuant to RSA 541-A, necessary for the expenditures, including rules for reimbursing municipalities.

126-A:32-c Investment of Homeless Prevention Trust Fund. The homeless prevention trust fund shall be nonlapsing. The treasurer shall invest that part of the trust fund which is not needed for immediate distribution in short-term interest-bearing investments. The income from these investments shall be returned to the trust fund.

126-A:32-d Source of Funding. The state treasurer shall deposit into the fund:

I. The charges on filing deeds of transferred real property under RSA 478:17-k.

II. Other funds received from public or private sources which meet the criteria of RSA 126-A:32-e.

126-A:32-e Requirement for Acceptance of Other Funds. Other public and private funds may be accepted and used to match or otherwise replace state funds only if they do not financially or otherwise harm the persons needing shelter services and only if they do not restrict the ability to serve all the categories of persons who have demonstrated a need for basic shelter services.

3 New Section; Charge on Transfers of Real Property. Amend RSA 478 by inserting after section 17-j the following new section:

478:17-k Charge on Transfers of Real Property. On the recording of any deed filed as a result of change of ownership of property, the register of deeds shall collect \$5 from both the buyer and seller. Moneys collected shall be turned over to the state treasurer for deposit in the homeless prevention trust fund under RSA 126-A:32-d.

4 New Subparagraph; Homeless Prevention Fund. Amend RSA 6:12, I by inserting after subparagraph (qqq) the following new subparagraph:

(rrr) Moneys received under RSA 478:17-k shall be credited to the homeless prevention fund under RSA 126-A:32-d.

5 Separate Program Appropriation Unit for Continuum of Care Expenditures. Beginning with fiscal year 1999, a program appropriation unit shall be established within the operating budget specifically for continuum of care expenditures by the department of health and human services.

6 Repeal. The following are repealed:

I. RSA 126-A:32-d, I, relative to the charge on filing deeds of transferred property as a source of funds for the homeless prevention trust fund.

II. RSA 478:17-k, relative to the charge on filing deeds of transferred property as a source of funds for the homeless prevention trust fund.

7 Effective Date.

I. Section 6 of this act shall take effect July 1, 2002.

II. The remainder of this act shall take effect July 1, 1998.

### AMENDED ANALYSIS

This bill establishes a homeless prevention trust fund within the treasury to be administered by the department of health and human services to provide continuum of care shelter services. The fund is to be funded by a charge on the filing of deeds resulting from the transfer of property ownership. Rep. Calvert spoke against.

Rep. Copenhaver spoke in favor.

On a division vote, 134 members having voted in the affirmative and 212 in the negative, the committee amendment failed.

Rep. Calvert offered a floor amendment.

#### Floor Amendment (0218h)

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

AN ACT establishing a homeless coordination council.

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

1 Purpose. The purpose of this act is to establish a regional coordinating council concerned with the prevention of homelessness and ensuring a reliable and rapid transition of homeless families and individuals to permanent and acceptable housing. The council is intended to provide a safety net to help coordinate available agencies and services, prevent duplication of effort in helping to maintain an integrated statewide continuum of care. The general court intends that attention be paid to preventing cities and towns from shouldering an undue burden of the costs of homeless persons, especially those costs resulting from a reduction in federal or state programs for subsidized housing. The general court intends that the council also provide a means to educate the public concerning the problems of, scope of, and people involved in homelessness.

2 New Subdivision; Homelessness Coordination Council. Amend RSA 126-A by inserting after section 32 the following new subdivision:

Homelessness Coordination Council

126-A:32-a Definition. In this subdivision, "continuum of care" means a seamless provision of services to assist families and individuals in obtaining appropriate permanent housing. Continuum of care includes, but is not limited to, outreach, emergency shelter, transitional housing, permanent housing, and permanent housing with supportive services, as defined by the department of Housing and Urban Development.

126-A:32-b Coordination Council.

I. There is established the homelessness coordination council. The coordination council shall consist of the following members:

(a) One person from each county in the state, appointed by the governor.

(b) One senate member, appointed by the senate president.

(c) One house member, appointed by the speaker of the house.

(d) The director of the New Hampshire Coalition for the Homeless, or designee.

(e) The administrator of the homeless and housing bureau of the department of health and human services, or designee.

(f) A representative of the New Hampshire mental health services system, designated by the commissioner of the department of health and human services.

(g) A representative of the independent living program of the bureau of vocational rehabilitation, designated by the board of education.

(h) A member of the public who has experienced homelessness, appointed by the governor.

II. The following members shall serve 3-year terms, provided that the initial terms of such members shall be as follows: 3 of the members in subparagraph (a) and the members in subparagraphs (d) and (e) shall serve for one year; 3 of the members in subparagraph (a) and the members in subparagraphs (f) and (g) shall serve for 2 years; 4 of the members in subparagraph (a) and the member in subparagraph (h) shall serve for 3 years. The members in subparagraphs (b) and (c) shall serve terms coterminous with their terms in office. The initial members shall all be appointed within 30 days after the effective date of this section. In the event of a vacancy in membership on the council, a successor shall be appointed by the person or entity that made the original appointment. The successor appointed to the vacancy shall serve for the remainder of the unexpired term. The members of the council shall serve without compensation, however the legislative members shall receive mileage at the legislative rate for each day of actual attendance at called meetings.



III. The council shall elect a chairperson and vice-chairperson from among the membership each year. The first such election shall take place at the first meeting which shall be held within 45 days after the effective date of this section.

IV. The council shall:

(a) Help coordinate available agencies and services to prevent duplication of effort in helping to maintain an integrated statewide continuum of care to prevent homelessness and ensure a reliable and rapid transition of homeless families and individuals to permanent and acceptable housing.

(b) Be attentive to the burden of the cost of homeless persons to cities and towns in the state, especially those costs resulting from a reduction in federal or state programs for subsidized housing.

(c) Meet at least quarterly to identify unmet needs which should be considered for support.

(d) Investigate the needs of homeless citizens, identifying gaps in services to these citizens.

(e) Educate the public as to problems of, scope of, and people involved in homelessness.

(f) Hold at least 2 public hearings annually, in different regions of the state, to generate input from the public on unmet needs.

(g) Report annually to the governor, the speaker of the house, the senate president, and the commissioner of the department of health and human services on or before November 1, of each year.

V. The council may accept funds from public and private sources, provided acceptance of such funds does not financially or otherwise harm the persons needing shelter services and only if acceptance of such funds does not restrict the ability to serve all the categories of persons who have demonstrated a need for basic shelter services. The commissioner of the department of health and human services shall disburse and administer any funds received by the council for the purposes of this subdivision.

126-A:32-c Rulemaking. The commissioner of the department of health and human services, after consultation with the homelessness coordination council, shall adopt rules under RSA 541-A relative to any matter necessary to carry out the purposes of the council.

3 Repeal. RSA 126-A:32-a - 126-A:32-c, relative to the homeless coordination council, are repealed.

4 Effective Date.

I. Section 3 of this act shall take effect July 1, 2003.

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

#### AMENDED ANALYSIS

This bill establishes a homelessness coordination council concerned with the prevention of homelessness and ensuring a reliable and rapid transition of homeless families and individuals to permanent and acceptable housing. The council is prospectively repealed effective July 1, 2003. Rep. Calvert spoke in favor.

Reps. Allen and Kurk spoke in favor and yielded to questions.

Adopted.

Report adopted and ordered to third reading.

**HB 793**, limiting the civil liability of persons engaged in equine activities. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Barbara Hull Richardson for the Majority of Judiciary and Family Law: The hearing for this bill was held in Representatives Hall due to the numbers of people attending. Everyone, except for the lobbyist for the trial lawyers, spoke in favor of this bill. It began as a limited Liability bill but the focus was changed to that of responsibility for persons engaged in equine activities. The unpredictability of horses and other equines makes the passage of this bill important for the equine industry in New Hampshire. Vote 8-7.

Rep. Benjamin J. DePecol for the Minority of Judiciary and Family Law: This bill creates some significant policy changes in New Hampshire law. It raises the standard of liability from negligence to willful and wanton disregard for one segment of business – equine activity. It sets inherent risk into New Hampshire law. It removes the ability to recover from damages caused by any person engaged in equine activity. It provides limited liability for riders of horses even when they commit negligent acts (Sect 2:1). Evidence was not presented that a problem exists under current statutes.

**Amendment (0084h)**

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

AN ACT defining the responsibility of individuals engaged in equine activities.

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

1 Statement of Intent.

I. The general court finds that equine activities are important to the economy and culture of the state. The general court also recognizes that equines are prone to behave in ways that may result in injury, harm, or death to persons involved in equine activities, and so finds that the responsibilities of sponsors and professionals should be distinguished between those of the participants for purposes of determining liability for injuries suffered from those activities.

II. It is the intent of the general court that no person shall be liable for damages sustained by another solely as a result of risks inherent in equine activity, insofar as those risks are inherent to the equine activity and obvious to the person injured.

III. It is the intent of the general court that a person responsible for equines, or responsible for the safety of those engaged in equine activity, whose negligence proximately causes injury to a person engaged in those activities, is liable for that injury in accordance with other applicable law.

2 New Section; Liability; Equine Activities. Amend RSA 508 by inserting after section 18 the following new section:

508:19 Liability; Equine Activities.

I. In this section:

(a) "Engages in an equine activity" means rides or drives an equine; or assists in medical treatment of an equine; or is a passenger upon an equine; or is a passenger in a vehicle drawn by an equine; or trains, whether mounted or unmounted, an equine; or who is involved in event management. The term "engages in an equine activity" does not include being a spectator at an equine activity, except in cases where the spectator is in an unauthorized area and in immediate proximity to the equine activity.

(b) "Equine" means a horse, pony, mule, donkey, or hinny.

(c) "Equine activity" means:

(1) Equine shows, fairs, competitions, performances, or parades that involve any or all breeds of equines and any of the equine disciplines, including, but not limited to, dressage, hunter and jumper horse shows, grand prix jumping, 3-day events, combined training, rodeos, driving, pulling, cutting, polo, steeple chasing, hunting, english and western performance riding, endurance riding, games, and eventing.

(2) Equine training or teaching activities.

(3) Boarding equines.

(4) Riding, inspecting, or evaluating an equine belonging to another, whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect, or evaluate the equine.

(5) Rides, trips, hunts, fields trials, or other equine activities of any type, however informal or impromptu, that are sponsored by an equine activity sponsor.

(6) Placing or replacing shoes on an equine.

(d) "Equine activity sponsor" means an individual, group, club, partnership or corporation, whether or not the sponsor is operating for profit or not for profit, which sponsors, organizes, or provides for, equine activities, including, but not limited to, pony clubs, 4-H clubs, field trial clubs, hunt clubs, riding clubs, school and college sponsored classes, programs and activities, therapeutic riding programs, stables, clubhouses, pony ride strings, fairs, and arenas at which the activity is held.

(e) "Equine professional" means a person engaged for compensation:

(1) In instructing a participant or renting to a participant an equine for the purpose of riding, driving, or being a passenger upon the equine.

(2) In renting equipment or tack to a participant.

(3) In providing daily care of horses boarded at an equine facility.

(4) In training an equine.

(f) "Inherent risks of equine activities" means those dangers and conditions which are an integral part of equine activities, including, but not limited to:

(1) The propensity of an equine to behave in ways that may result in injury, harm, or death to persons on or around them.

(2) The unpredictability of an equine's reaction to such things as sounds, sudden movements, and unfamiliar objects, persons, or other animals.

(3) Certain hazards such as surface and subsurface conditions not obvious to the equine participant or not known and reasonably not known by the equine professional or sponsor.

(4) Collisions with other equines or objects that can be reasonably foreseen as a result of normal equine activities.

(5) The potential of a participant to act in a negligent manner that may contribute to injury of the participant or others, such as failing to maintain control over the animal or not acting within the participant's ability; except where said negligence can be reasonably foreseen and the equine professional or sponsor has failed to take any corrective measures.

(g) "Participant" means any person, whether amateur or professional, who engages in an equine activity, whether or not a fee is paid to participate in the equine activity.

II. Except as provided in paragraph III of this section, an equine activity sponsor, an equine professional, or any other person engaged in an equine activity, shall not be liable for an injury or the death of a participant resulting from the inherent risks of equine activities and, except as provided in paragraph III of this section, no participant's representative shall make any claim against, maintain an action against, or recover from any other person for injury, loss, damage, or death of a participant resulting from any of the inherent risks of equine activities. Each participant in an equine activity expressly assumes the risk of and legal responsibility for any injury, loss or damage to person or property which results from participation in an equine activity. Each participant shall have the sole responsibility for knowing the range of his or her ability to manage, care for, and control a particular horse or perform a particular equine activity, and it shall be the duty of each participant to act within the limits of the participant's own ability, to maintain reasonable control of the particular horse at all times while participating in an equine activity, to heed all posted warnings, and to refrain from acting in a manner which may cause or contribute to the injury of any person.

III. Nothing in paragraph II of this section shall prevent or limit the liability of an equine activity sponsor, an equine professional, or any other person engaged in an equine activity, if the equine activity sponsor, equine professional, or person:

(a) Provided the equipment or tack, and knew or should have known that the equipment or tack was faulty, and such equipment or tack was faulty to the extent that it did cause the injury; or

(b) Provided the equine and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity.

(c) Owns, leases, rents, or otherwise is in lawful possession and control of the land or facilities upon which the participant sustained injuries because of a dangerous latent condition which was known to the equine activity sponsor, equine professional, or person and for which warning signs have not been conspicuously posted.

(d) Commits an act or omission that constitutes willful or wanton disregard for the safety of the participant, and that act or omission caused the injury.

(e) Intentionally injures the participant.

3 Effective Date. This act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill determines the civil liability of equine activity sponsors, equine professionals, and other persons engaged in equine activities.

Rep. DePecol spoke against.

Rep. Woods spoke in favor and yielded to questions.

On a division vote, 260 members having voted in the affirmative and 89 in the negative, the amendment was adopted.

Majority report adopted and ordered to third reading.

Rep. Burling declared a conflict of interest and did not participate.

**HB 521-L**, relative to the definition of terms and conditions of employment and to the subjects of bargaining in the public employee labor relations law. **INEXPEDIENT TO LEGISLATE**

Rep. Richard E. Dolan for Labor, Industrial and Rehabilitative Services: The committee has tried for the past year to extend the life of this bill to study ways to bring negotiations of public employees to a speedy conclusion. The committee finds this bill is not the vehicle to do that. Chairman Daniels will form an ad hoc committee to further study the public employees labor relations law. Vote 7-6. Adopted.



**HB 707-L**, relative to municipal taxation of utility property. OUGHT TO PASS WITH AMENDMENT

Rep. Jean R. Wallin for Local and Regulated Revenues: This bill, as amended, finally distinguishes between real property that is subject to local taxation and personal property that is not. All utility poles will be taxed equally whether they are owned by electric companies or telecommunications companies. The amendment attempts to address some concerns of the telecommunication industry by exempting wires, fiber optics, switching equipment and other transmission devices. Our cities and towns fear losing revenue should pending court cases be decided in favor of the electric utilities challenging pole taxation on the basis of equality of taxation. If all poles are taxed equally, this danger may disappear. Vote 13-0.

**Amendment (0043h)**

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

AN ACT relative to municipal taxation of telecommunications poles and conduits.

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

1 New Section; Property Taxation of Telecommunications Poles and Conduits. Amend RSA 72 by inserting after section 8 the following new section:

72:8-a Telecommunications Poles and Conduits. All structures, poles, towers, and conduits employed in the transmission of telecommunication or cable services shall be taxed as real estate in the town in which such property or any part of its is situated. Wires, fiber optics, switching equipment, and other telecommunications or cable services transmission devices and equipment owned by a person or corporation operating as a telecommunications or cable services provider shall not be taxable as real property.

2 Effective Date. This act shall take effect April 1, 1998.

**AMENDED ANALYSIS**

This bill clarifies the types of telecommunications property which are subject to property taxation by municipalities.

Adopted.

Rep. Wallin spoke against referring the bill to Finance.

Rep. Kurk spoke in favor and yielded to questions.

Report adopted and referred to Finance.

Rep. Joseph Foster declared a conflict of interest and did not participate.

**HB 274-FN-A**, relative to refinancing the cost and rehabilitation of the Cheshire Bridge. INEXPEDIENT TO LEGISLATE

Rep. Winston H. McCarty for Public Works and Highways: This bill was re-referred to allow the sponsors the opportunity to try to locate funds from other sources. None having been found, the committee voted this bill inexpedient to legislate. Vote 13-4.

Adopted.

**SB 168-A**, requiring the department of corrections to prepare and enter into a lease-purchase agreement with the Berlin Economic Development Council for a medium security correctional facility to be constructed in Berlin and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Gene G. Chandler and Katherine D. Rogers for Public Works and Highways: This bill was re-referred by the Public Works and Highways Committee to use as a vehicle for review of the corrections facilities in New Hampshire and allow the committee to make some recommendations regarding construction of a new corrections facility. After visits to Berlin and Laconia and meetings and briefings with various corrections officials, a number of recommendations were developed for legislation to be filed for the 1998 session. Since this is a major issue for the state, it was decided to introduce new legislation rather than amend Senate Bill 168, thereby allowing a full and open process including public hearings on the new legislation. New legislation will include the following items: (1) Construct a new medium security corrections facility in Berlin; (2) Reallocate funds from the 1993 Capital Budget for initial design work for a medium security facility; (3) Remove the population cap and July 1, 1998 closing date at the Laconia facility; (4) Set up a study committee to look into whether a unified correctional program to include state and county facilities makes sense here in New Hampshire. The proposed legislation is necessary because we have an overcrowding situation at the Con-

cord facility which needs attention and we have a program in place at Laconia which is essential to our correctional needs in New Hampshire. A new medium security facility will not alleviate the need for, nor significantly reduce, the current population at the Laconia facility. The program being run at Laconia needs to continue either at Laconia or at a similar facility. The cost of duplicating Laconia has been estimated at \$25 million which would be on top of the \$30-\$35 million needed to construct a new medium-security facility. Hopefully, the House, Senate, and Governor will be able to take the new legislation and craft a corrections plan which is in the best interests of the state. Vote 18-2.

Rep. Rosen spoke against.

Rep. Gene Chandler spoke in favor.

Adopted.

**HB 272**, relative to boat docking facilities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael D. Whalley for the Majority of Resources, Recreation and Development: This bill regulates the location of boat docking facilities on public waters and establishes a minimum distance a dock must be from an abutting property line. This bill is the same as HB 428 from 1995, which passed the House and was subsequently killed by the Senate. Although rules have been adopted after HB 428 was killed in the Senate, the sponsor and most of the committee felt this subject was best addressed in statute. Rules regulate a broad range of activities considered too detailed to control by statute or session law. The majority of the committee felt this was not the case with this bill and that the situation was best served with the placement of these regulations in a statute ensuring legislative involvement prior to any changes to these simple but important regulations regarding appropriate setbacks of docking structures. Vote 11-6.

Rep. Deborah F. Merritt for the Minority of Resources, Recreation and Development: Opposition to this bill, as amended, is not in its content, but in setting the precedent of placing those issues that are appropriate to rulemaking in statute. The Department of Environmental Services testified that the issues covered in the bill are addressed by rules and the bill is not necessary. Codification of rules will only serve to bog down the process of making modifications as new information becomes available and to remove the ability of DES to make timely changes by requiring issues to go through a lengthy political process. The ability of the legislature to handle the codification of rules, as well as the random selection of rules to be added to statute, is highly questionable. The role of the legislature should not be to micromanage state agencies.

#### **Amendment (0109h)**

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Fill and Dredge in Wetlands; Excavating and Dredging Permit; Boat Docking Facilities. Amend RSA 482-A:3 by inserting after paragraph XII the following new paragraph:

XIII.(a) All boat docking facilities shall be at least 20 feet from an abutting property line in non-tidal waters, and at least 20 feet in tidal waters.

(b) Boat docking facilities may be perpendicular or parallel to the shoreline or extend at some other angle into a water body, depending on the needs of the landowners, factors related to safe navigation, and the difficulty of construction. However, any boat secured to such a dock shall not extend beyond the extension of the abutter's property line.

(c) Notwithstanding the provisions of paragraph I, boat docking facilities may be located closer than 20 feet from an abutter's property line in non-tidal waters and 20 feet in tidal waters, if the owner of the boat docking facility obtains the written consent of the abutting property owner. Such consent shall be signed by all parties, notarized and filed with the dock application with the department of environmental services.

(d) Abutters may apply for a common dock on or near their common property line. Any application for a common dock shall be accompanied by a notarized written agreement, which shall be signed by all property owners. Such agreement shall be filed at the registry of deeds and attached to the deed of each property owner.

Adopted.

Rep. Merritt spoke against and yielded to questions.

Rep. Whalley spoke in favor and yielded to questions.

On a division vote, 216 members having voted in the affirmative and 121 in the negative, the majority report was adopted.

Ordered to third reading.

**HB 547**, relative to granting permits to build certain structures on shoreline property. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Deborah F. Merritt for the Majority of Resources, Recreation and Development: This bill would no longer allow the consideration of the public trust doctrine in reviewing applications for those shoreline structures extending less than 50 ft. from the shoreline. The cumulative impact of many shoreline structure could no longer be considered in the application process, thus allowing for interference of the public's use of the state's waters. Whether RSA 482-A:1 and related rules would still be valid within 50 ft. of the shoreline is called into question due to the role of the public trust doctrine as a basis for enforcement. Additionally, the 50 ft. boundary has no basis – it is an arbitrary distance. While the majority of the committee recognizes the need to define the interaction between the public trust and shoreline property owners, this bill could eliminate the state's ability to protect the rights of the public under the public trust doctrine. Vote 9-8.

Rep. David M. Lawton for the Minority of Resources, Recreation and Development: The minority of the committee sees this bill as a solution to the long-standing conflict between shorefront property owners and the issue of the public trust. The important environmental protections found in existing laws which specify the size, location and other requirements that landowners must comply with before building any shoreline structure will remain completely intact when this bill is signed into law. The language proposed in this bill simply puts into statute what we already know from previous legal interpretations of the public trust doctrine – that shorefront property owners have the right to make reasonable use of the water in front of their property. Among these rights is the right to wharf or construct reasonably-sized shoreline structures.

Majority report adopted.

**HB 587-FN**, relative to the system benefits charge and interim stranded costs recovery charges in electric utility restructuring. OUGHT TO PASS WITH AMENDMENT

Reps. Terie T. Norelli, Harold V. Lynde and Jeb E. Bradley for Science, Technology and Energy: After considerable debate, the committee agreed to a two-year cap on the systems benefit charge for any utilities whose rates are above the regional average. Member-owned utilities would be exempted. The systems benefit charge will be a separate portion of electric customers' utility bills after deregulation and includes energy efficiency initiatives, low income programs and renewable energy initiatives. The committee believes that this limitation is consistent with, and necessary for, the expressed goal of near term electric rate relief. Vote 16-0.

#### **Amendment (0189h)**

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

AN ACT relative to the system benefits charge.

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

##### **1 Findings.**

I. The commission is encouraged to form a working group to examine that portion of the system benefits charge relating to energy efficiency programs.

II. For any utility not subject to the limitations of RSA 374-F:4, VIII(b), as inserted by this act, the commission is encouraged to maintain existing programs until there has been review by commission-appointed working groups.

III. If a comprehensive multiparty settlement of the legal, economic, and technical issues arising from electric utility restructuring is proposed to the commission for any utility, and, if such proposed settlement would conflict with the limitations of the system benefits charge in RSA 374-F:4, VIII(b), as inserted by this act, then the legislature should carefully reconsider those limitations.

IV. The establishment of the limitations set forth in this act are not intended to set any precedent or to prejudge what, if any, limits should be placed on the system benefits charge beyond the first 2 years of competition.

##### **2 System Benefits Charge; Limitations. Amend RSA 374-F:4, VIII to read as follows:**

VIII.(a) The commission is authorized to order such charges and other service provisions and to take such other actions that are necessary to implement restructuring and that are substantially consistent with the principles established in this chapter. The commission is authorized to require that distribution and electricity supply services be provided by separate affiliates.

(b) *The system benefits charge referred to in RSA 374-F:3, VI shall be limited as follows:*



*(1) During the first year after competition is certified to exist pursuant to RSA 38:36, the portion of the system benefits charge due to energy efficiency programs, new renewable programs, and programs for low income customers shall not exceed 2.5 mills per kilowatt hour for any utility whose rates are at or above regional average as determined by the commission.*

*(2) During the second year after competition is certified to exist pursuant to RSA 38:36, the portion of the system benefits charge due to energy efficiency programs, new renewable programs, and programs for low income customers shall not exceed 3 mills per kilowatt hour for any utility whose rates are at or above regional average as determined by the commission.*

*(c) The limitations of the system benefits charge in subparagraph (b) shall not apply to any member controlled electric cooperative.*

*(d) Targeted conservation and load management programs and incentives that are part of a strategy to minimize distribution costs shall be included in the distribution charge, and not included in a system benefits charge.*

*(e) Beginning in 1999, the commission shall submit a report to the legislative oversight committee on electric utility restructuring by October 1 of each year. The report shall concern the results and effectiveness of the system benefits charge.*

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

#### AMENDED ANALYSIS

This bill establishes limits on the amount of system benefits charge that may be assessed and requires the public utilities commission to submit an annual report on the systems benefit charge. Adopted.

Report adopted and referred to Finance.

**HB 643-FN**, establishing an industry average performance system for air pollution control and establishing certain pollution control funds. OUGHT TO PASS WITH AMENDMENT

Reps. Jeb E. Bradley, Sarah K. Bonneau and Donald B. White for Science, Technology and Energy: As amended, this bill will, over time, fundamentally reorient New Hampshire's regulation of air pollution in a more cost-effective, market driven manner. This bill begins a process of rulemaking by the Departments of Safety and Environmental Services. Required by this amendment is a subsequent legislative vote prior to final implementation, as well as Environmental Protection Agency approval that many of the mandatory provisions of auto emissions testing could be avoided by N.H. motorists. Currently emissions are controlled on a basis of tons allowed to be emitted by a particular source. The object of such regulation is to meet minimally acceptable air pollution standards. When phased in, this bill would place a dollar value per ton of air emissions. Conceptually low emitters would stand to receive payments on a per ton basis from high emitters thereby creating market incentives to reduce air pollution well beyond minimally acceptable standards. Market forces and competition would reward technological innovation and environmental improvement. Car registration fees for the cleanest models would drop slightly and fees for dirtier models would rise slightly creating an incentive for purchases of cleaner vehicles. The bill also creates incentives for improvement of utility emissions while limiting the cost exposure to ratepayers. The committee believes that this bill and manner of pollution reduction is far more cost-effective and less onerous to consumers than mandatory auto emissions testing. Currently, New Hampshire has delayed implementation of such auto tests for several years, but the EPA has threatened the state with further industrial controls and loss of federal highway dollars if such a program is not started in late 1998. Understandably this concept is complex and contentious as there would be winners and losers and because other states may not pursue this strategy. The committee therefore chose to initially restrict this concept to new motor vehicle purchases and electric utility pollution as this would not disadvantage the N.H. economy. Specifically not included in this amendment are industrial pollution sources. Furthermore, this amendment specifically does not include heavy duty diesel trucks for any control program. The only provision in this amendment regarding trucks is one which instructs the Department of Safety to gather information on the vehicle registration form about the emissions status of both cars and trucks. This legislation would require two future significant steps before it could be implemented in New Hampshire. First the EPA would have to specifically allow New Hampshire to substitute pollution reductions envisioned by this bill for auto emissions testing before most rulemaking by the Department of Safety and Department of Environmental Services could begin. Secondly, the full legislature must vote in a subsequent piece of legislation to

authorize transfer of funds for utility incentives or changes in car registration fees. Without such subsequent legislative authorization, this program could not be put into effect. Future legislation would also be necessary to include new categories, such as heavy duty trucks. Vote 14-3.

### Amendment (0190h)

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

1 New Chapter; Industry Average Performance System for Air Pollution Control. Amend RSA by inserting after chapter 125-K the following new chapter:

## CHAPTER 125-L INDUSTRY AVERAGE PERFORMANCE SYSTEM FOR AIR POLLUTION CONTROL

### 125-L:1 Purpose.

I. The general court finds that the general level of air pollution in New Hampshire is greater than desirable for public health and ecological integrity, and that considerable reduction of air pollutant emissions from current levels, at a rate consistent with the continued well-being of the state's economy, is a desirable goal.

II. The general court further finds that based on current scientific evidence, there is no threshold level of air pollution that is safe. Therefore, the goal of the state's air pollution control strategy shall be to provide for continual improvement in air quality and continuing reduction in air pollutant emissions, rather than setting specific goals and terminating programs upon reaching those goals.

III. The purpose of this chapter is to establish a cost-effective system of air pollution control which can provide for continual improvement in air quality and maximize air pollution emission reductions for every dollar spent.

### 125-L:2 Definitions. In this chapter:

- I. "Commissioner" means the commissioner of the department of environmental services.
- II. "Heavy motor vehicle" means a motor vehicle of 8,500 pounds gross vehicle weight or more.
- III. "Light motor vehicle" means a motor vehicle of less than 8,500 pounds gross vehicle weight.
- IV. "Major air pollutant" means:
  - (a) Carbon monoxide;
  - (b) Nitrogen oxides; or
  - (c) Sulfur dioxide.
- V. "Nitrogen oxides" means nitric oxide (NO) or nitrogen dioxide (NO<sub>2</sub>).
- VI. "Ton" means an English ton of 2,000 pounds.

### 125-L:3 Principles and Goals.

I. To provide cost-effective flexibility for air pollution emission reductions, and to allow for differing circumstances, differing existing equipment, and differing available pollution reduction options, polluters shall be allowed the option of reducing pollution from their own sources or paying into a fund that will directly or indirectly pay for air pollution reductions by others. To provide maximum benefit for every dollar spent, all economic incentives shall be strictly connected to actual physical reductions in amounts of air pollutant emissions. An integrated system shall be established for regulating all air pollutants, so that air pollution control expenditure decisions for all pollutants can be considered as a package.

II. Because under this chapter the state collects and distributes funds within individual categories of polluters, the legislature may choose to include separate categories of polluters in this regulatory system one at a time.

III. The goal for improvement in air pollutant emissions is 3 to 5 percent compounded reduction per year. At this rate, air pollutant emissions will be halved every 15 to 25 years. Pollution control fee rates shall be set to achieve overall emission reduction of that magnitude.

IV. The pollution control fee rates for various major air pollutants should be based on the best available scientific data for relative damage done by the major air pollutants. Such evidence may include, but shall not be limited to, federal Environmental Protection Agency standards for the various major air pollutants, current levels of air pollution concentrations, other public health data, and other environmental and ecological integrity data.

V. The pollution control fee rates shall be set by the legislature.

VI. Since many air pollution controls require significant capital expenditures with sizable life-times, the state hereby adopts a stable, slowly changing air pollution control regulatory system. New major air pollutants shall be added only after they have been accepted as a serious problem for several years, and after their relative toxicities have been established by repeated scientific research. Pollution control fee rate ratios among major air pollutants should be adjusted slowly, and only on the basis of repeated scientific research. Changes shall be announced in advance so that adequate time is available to plan and execute additional pollution reduction measures prior to the change. The goal of this regulatory system of economic incentives is to encourage air pollution reduction, not to collect reparations.

125-L:4 Pollution Control Fee Rate.

I. A pollution control fee rate shall be established for each major air pollutant, in terms of dollars per ton to the nearest whole dollar. The rate shall be calculated by multiplying the base pollution control fee rate of paragraph II by any automatic adjustments in accordance with paragraph III, and multiplying the total by the inflation adjustment provided for in paragraph IV.

II. The base pollution control fee rate for each major air pollutant shall be:

(a) For carbon monoxide, \$175 per ton.

(b) For nitrogen oxides:

(1) \$2,275 per ton during the months of May through September, inclusive; and

(2) \$775 per ton during the months of October through April, inclusive.

(c) For sulfur dioxide:

(1) \$455 per ton during the months of May through September, inclusive; and

(2) \$275 per ton during the months of October through April, inclusive.

III. If the actual total annual major air pollutant emissions in any odd-numbered year, starting in 2001, calculated in dollars based on the pollution control fee rates listed in paragraph II, exceed the target upper limit for any year, specified in paragraph V, then all base pollution control fee rates shall be permanently increased by the ratio of the actual total annual major air pollutant emissions for that year to the target upper limit for that year.

IV. Whenever the commissioner determines that the cost of living, as measured by the federal CPI-U index, or its successor, as determined by the Bureau of Labor Statistics, shall have increased by 5 percent or more from January 1, 1998, or from the date used for the previous adjustment under this paragraph, the commissioner shall establish a corresponding inflation adjustment which shall take effect at the beginning of the next calendar month.

V.(a) The target upper limit for the year 2001 shall be the total of the following amounts, evenly distributed by month throughout the year, calculated in dollars based on the base pollution control fee rates listed in paragraph II:

(1) 300,000 tons of carbon monoxide,

(2) 56,000 tons of nitrogen oxides, and

(3) 48,000 tons of sulfur dioxide.

(b) The target upper limit for any odd-numbered year after 2001 shall be 92 percent of the target upper limit for the year 2 years prior to that year.

125-L:5 Categories of Polluters; Implementation; Rulemaking Authority.

I.(a) There is established a retail electricity pollution control fund for the purposes of collecting money from electricity generation sellers who generate electricity within New Hampshire and distributing all money collected to end-user consumers of electricity within the state on a monthly basis.

(b) The commissioner shall determine emissions for all electricity generation sellers who generate electricity within New Hampshire and 1996 average emission rate levels for each facility. For facilities without continuous emission monitoring, emission rates shall be determined based on the scientifically best available data.

(c) All electricity generation sellers who generate electricity within New Hampshire shall pay into the fund the amount determined in RSA 125-L:4 for all emissions on or after the date that money may be collected and distributed from the fund pursuant to subparagraph I(g), less the following credits and exemptions:

(1) A credit against this payment shall be allowed for existing electricity generation sellers who generate electricity within New Hampshire. For the Public Service Company of New



Hampshire, or its assignees or successors in interest, the total of credit per month for all facilities shall be, for each of the following periods, calculated in dollars based on the pollution control fee rates established in RSA 125-L:4 for that month:

May, 1999 through April, 2000	900 tons of nitrogen oxides and 4300 tons of sulfur dioxide
May, 2000 through April, 2001	880 tons of nitrogen oxides and 4200 tons of sulfur dioxide
May, 2001 through April, 2002	860 tons of nitrogen oxides and 4100 tons of sulfur dioxide
May, 2002 through April, 2003	840 tons of nitrogen oxides and 4000 tons of sulfur dioxide
May, 2003 through April, 2004	820 tons of nitrogen oxides and 3900 tons of sulfur dioxide
After April, 2004	800 tons of nitrogen oxides and 3800 tons of sulfur dioxide

(2) Any unused credits may be carried over to future months, without expiration date, and may be transferred or assigned to any other entity. They may only be used as credits against payments to the fund established in subparagraph I(a).

(3)(A) Between the effective date of this chapter and the day before the date that money may be collected and distributed from the fund pursuant to subparagraph I(g), any facility that reduces its emission rate from 1996 average emission rate levels shall receive a credit against future payments due under this chapter.

(B) The credit earned for any day for a facility shall be equal to the number of kilowatt-hours sold from that facility's production, times the credit earned per kilowatt-hour sold. The credit earned per kilowatt-hour sold shall be the amount by which the emissions payment per kilowatt-hour sold, calculated under RSA 125-L:4, based on actual emissions, is less than the emissions payment per kilowatt-hour for that facility, calculated for that day under RSA 125-L:4, if its emissions were 90 percent of its average emissions per kilowatt-hour sold during the year 1996, or 90 percent of its maximum allowable emissions per kilowatt-hour sold under current federal and other state regulations, whichever is less.

(4) Any facility existing as of May 21, 1996 that, as of that date, was selling 50 percent or more of its annual output under a qualified facility rate order or contract pursuant to RSA 362-A shall be exempt from making any payments into the retail electricity pollution control fund for the duration of that rate order, contract, or any renegotiated arrangement thereto approved by the public utilities commission. Between the effective date of this chapter and the expiration of that rate order, contract, or arrangement, any such facility that reduces its emission rate to less than 90 percent of its 1996 average emission rate levels shall receive a credit against future payments under this chapter, calculated as provided in subparagraph I(c)(3)(B), which may be transferred in accordance with subparagraph I(c)(2).

(d) All amounts received by the retail electricity pollution control fund each month shall be distributed to all end-user consumers of electricity within the state based on consumption during that month. Funds shall be distributed as a lump sum to each electricity distribution service provider for all of its customers and applied as a credit against customer bills.

(e) The commissioner shall be responsible for determining all amounts due to the fund, and for notifying the public utilities commission of these amounts. The public utilities commission shall be responsible for calculating all amounts due from the fund.

(f) The public utilities commission shall be responsible for collecting all amounts required by this paragraph, depositing them to the retail electricity pollution control fund, and distributing the funds in accordance with this chapter.

(g) No money shall be collected or distributed from the retail electricity pollution control fund until any rules required to be adopted to implement this paragraph become effective, or May 1, 1999, whichever is later.

II.(a) There is established a light motor vehicle pollution control account for the purpose of accounting for all net funds collected from any increases or discounts established pursuant to this chapter from all motor vehicle registrations of light motor vehicles under RSA 261:141, III(g).

(b) The commissioner shall determine the dollar amount of discounts in motor vehicle registration fees for different categories of light motor vehicles in accordance with the pollution control fee rates and other provisions of this chapter, and shall notify the commissioner of the department of safety of these discount amounts. This determination shall include procedures for handling different weight classes which have been assigned differing emission limits under the federal Clean Air Act.

(c) Any light motor vehicle manufactured to a standard less stringent than 1998 federal standards shall be treated for purposes of this chapter the same as a vehicle meeting the 1998 federal standards.

(d) The commissioner of the department of safety shall provide that emissions category information be added to the motor vehicle registration form of light motor vehicles to identify categories of vehicles with pollution emissions at rates less than 1998 federal standards.

(e) The commissioner of the department of safety shall determine the necessary increase in the motor vehicle registration fee for light motor vehicles not qualifying for a discount. This increase shall be sufficiently large to accommodate the discounts determined in subparagraph II(b) and retain a positive or zero balance in the light motor vehicle pollution control account, and may be large enough so that registration fees will not need to be changed more often than once every 12 months. The commissioner of the department of safety shall then determine the necessary dollar amount adjustments in motor vehicle registration fees under RSA 261:141, III(g) in accordance with this chapter. All adjustments in motor vehicle registration fees shall be in multiples of \$.60 per year (\$.05 per month).

(f) Light motor vehicle registration fees shall not be changed pursuant to this chapter until after the effective date of any rules required to be adopted to implement this chapter; or the date on which the commissioner of the department of safety certifies that at least 10 percent of all light motor vehicles registered in New Hampshire, or at least 50 percent of all light motor vehicles of a completed model year registered in New Hampshire, qualify for a registration fee discount of at least \$5 per year; or April 1, 2000, whichever is latest.

III. The commissioner of the department of safety shall provide that emissions category information be added to the motor vehicle registration form of heavy motor vehicles to identify categories of vehicles with pollution emissions at rates less than 1998 federal standards.

125-L:6 Rulemaking Authority; Contingent Authority for Chapter.

I. The commissioner shall adopt rules, pursuant to RSA 541-A:

(a) For the determination of emissions for each facility generating electricity pursuant to RSA 125-L:5, I(b).

(b) To calculate payments and credits, and determine amounts due to the retail electricity pollution control fund.

(c) To determine discounts in motor vehicle registration fees pursuant to RSA 125-L:5, II(b).

(d) For such other purposes as necessary to implement this chapter.

II. The commissioner of the department of safety shall adopt rules, pursuant to RSA 541-A:

(a) To add emissions category information to motor vehicle registration forms pursuant to RSA 125-L:5, II(d).

(b) For the determination of changes in motor vehicle registration fees under RSA 125-L:5, II(e).

(c) To determine the percentage of light motor vehicles qualifying for registration fee discounts.

(d) For such other purposes as necessary to implement this chapter.

III. The public utilities commission shall adopt rules, pursuant to RSA 541-A:

(a) To determine all amounts due from the retail electricity pollution control fund.

(b) To provide for the collection and distribution of funds in accordance with RSA 125-L:5, I.

(c) For such other purposes as necessary to implement this chapter.

IV.(a) The addition of emissions category information to motor vehicle registration forms as described in RSA 125-L:5, II(d) and RSA 125-L:5, III, and any necessary rulemaking, may begin on the effective date of this chapter.

(b) All other rulemaking under RSA 541-A authorized by this chapter shall not begin until the commissioner has:

(1) Certified that the federal Environmental Protection Agency will allow the state to substitute emission reductions achieved under this chapter for part or all of federal motor vehicle emission testing requirements which would otherwise be necessary;

(2) Studied the emissions reductions expected under this chapter and compared them with those required to substitute for motor vehicle emission testing; and

(3) Submitted a report on this study to the speaker of the house, senate president, governor, and state library.

(c) Fund collections, fund payments, and changes in motor vehicle registration fees pursuant to this chapter shall not begin until the legislature has received the study required by this paragraph and authorized implementation in future legislation.

125-L:7 Integration with Other Air Pollution Control Programs. Any payment under this chapter shall not excuse anyone from the obligation to comply with all other applicable laws.

125-L:8 Annual Report. The department of environmental services shall study possible modifications to this chapter, and shall annually report findings and recommendations of the study to the governor and council, speaker of the house, senate president, house clerk, senate clerk, and state library by October 31. This study shall include recommendations on:

I. Any desirable changes to the base pollution control fee rates, based on scientifically valid evidence, including studies of pollutant transport, differences in pollutant impact depending on location, and differences in pollutant impact depending on temperature or other meteorological variables.

II. The practicality and desirability of adding additional categories of polluters, and creating additional funds or accounts, to this chapter.

III. The practicality and desirability of adding additional major air pollutants to this chapter.

2 Motor Vehicle Registration Fees; Reference Added. Amend RSA 261:141, III(g) to read as follows:

(g) For all motor vehicles other than those in RSA 261:141, I:

0-3000 lbs.	\$19.20 (\$1.60 per month)
3001-5000 lbs.	\$31.20 (\$2.60 per month)
5001-8000 lbs.	\$43.20 (\$3.60 per month)
8001-73,280 lbs.	\$.84 per hundred lbs. gross weight[-], <i>provided that the fees may be adjusted pursuant to RSA 125-L:5, II.</i>

3 Initial Report by the Department of Environmental Services. In addition to the requirements of RSA 125-L:8, the department of environmental services report due October 31, 1998 shall include specific recommendations on:

I. The practicality and desirability of adding one or more heavy motor vehicle funds to this chapter, and the possibility of using this chapter as a substitute for the purposes of the clean fuel fleet program established in RSA 125-K, and of repealing RSA 125-K.

II. The practicality and desirability of making pollution control fee rates for nitrogen oxides depend on outdoor air temperature rather than just the month of the year.

III. The practicality and desirability of adding additional categories of polluters, and creating additional funds, for industrial fuel combustion other than by electricity generation sellers and for retail gasoline sellers.

IV. The current state of knowledge regarding differences among different physical and chemical components of particulate matter and differences among volatile organic compounds, and the additional information needed before they could be considered for addition to the list of major air pollutants.

V. The current state of knowledge regarding mercury and the additional information needed before it could be considered for addition to the list of major air pollutants.

4 Legislative Intent; Report of Department of Environmental Services Due October 31, 2001. It is the intent of the legislature that the credits described in RSA 125-L:5, I(c)(1) for the periods following April, 2004 are subject to legislative review. The department of environmental services, in the annual report due October 31, 2001 pursuant to RSA 125-L:8, shall include specific recommendations for appropriate dollar amounts for the credits for the periods following April, 2004.

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

Reps. Howard, Whalley and Schotanus spoke against and yielded to questions.

Reps. MacGillivray and Jeb Bradley spoke in favor and yielded to questions.

Reps. Varrell and Pfaff spoke against.

Reps. Donald White and Kaen spoke in favor.

Rep. Varrell requested a roll call; sufficiently seconded.

The question being the adoption of the amendment.



**YEAS 173 NAYS 174****YEAS 173****BELKNAP**

Boyce, Robert	Calvert, Alice	Clark, Charles	Laflam, Robert
Pilliod, James	Thomas, John		

**CARROLL**

Bradley, Jeb	Chandler, Gene	Patten, Betsey	Philbrick, Donald
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**CHESHIRE**

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Hunt, John
Lynch, Margaret	Manning, Joseph	McGuirk, Paul	Meador, David
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Royce, H. Charles	Russell, Ronald	Vogl, John

**COOS**

Bradley, Paula	Davis, Perley	Guay, Lawrence	Mears, Edgar
Moynihan, Wayne			

**GRAFTON**

Akins, Ralph	Almy, Susan	Below, Clifton	Copenhaver, Marion
Guaraldi, Lawrence	Guest, Robert	Ham, Bonnie	Hinman, Harry
Nordgren, Sharon	Teschner, Douglass	Trelfa, Richard	

**HILLSBOROUGH**

Ackerman, Philip	Allen, W. Gordon	Amidon, Eleanor	Arnold, Thomas, Jr.
Barry, William, III	Batula, Peter	Belvin, William	Bergin, Peter
Cardin, Lori	Carlson, Donald	Carney, Lauren	Chabot, Robert
Christiansen, Lars	Daigle, Robert	Dawe, Eileen	Desrosiers, William
Dokmo, Cynthia	Durham, Susan	Fenton, James	Flora, Kathleen
Foster, Joseph	Foster, Linda	Gage, Ruth	Gagnon, Eugene
Ginsburg, Ruth	Golding, William	Haettenschwiller, Alphonse	Hall, Betty
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Holt, David
Konys, Christine	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Lefebvre, Roland	Lozeau, Donnalee	Luebker, Bernard	Lynde, Harold
MacGillivray, Jeffrey	MacIntyre, Doris	Martin, Mary	McDonald, James, Sr.
Melcher, Harold	Messier, Irene	Mittelman, David	O'Hearn, Jane
Peterson, Andrew	Reidy, Frank	Vaillancourt, Steve	White, Donald
Williams, Carol			

**MERRIMACK**

Burney, Carol	Colburn, Thomas	Crosby, Toni	Crowell, Peter
Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn	French, Barbara
Hager, Elizabeth	Jacobson, Alf	Lamach, Bernard	Leber, William
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Owen, Derek
Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane
Yeaton, Charles			

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Blanchard, MaryAnn	Carson, Gregory
Clark, Martha	Coes, Betsy	Cooney, Richard	Cushing, Robert
Dalrymple, Janeen	Dearborn, Bruce	Downing, Michael	Flanders, David
Frechette, Joseph	Griffin, Mary	Guthrie, Joseph	Heath, John
Henderson, Warren	Hutchinson, Rebecca	Kane, Cecelia	Lovejoy, Marian
Major, Norman	McCarthy, John, Jr.	McKinney, Betsy	Micklon, Stephanie

Norelli, Terie  
Rabideau, Marie  
Vaughn, Charles

Noyes, Richard  
Sapareto, Frank  
Woods, Deborah

Pantelakos, Laura  
Schanda, Frank

Pitts, Jacqueline  
Syracusa, Anthony

### STRAFFORD

Callaghan, Frank  
Hemon, Roland  
Lundborn, Raymond  
Rogers, Rose Marie  
Vachon, Dennis

Dunlap, Patricia  
Kaen, Naida  
Merrill, Amanda  
Smith, Marjorie  
Wall, Janet

Estabrook, Iris  
Keans, Sandra  
Pelletier, Arthur  
Sullivan, Henry

Grassie, Anne  
Knowles, William  
Pelletier, Marsha  
Taylor, Kathleen

### SULLIVAN

Burling, Peter  
Wiggins, Celestine

Cloutier, John

Donovan, Thomas

Robb-Theroux, Amy

### NAYS 174

### BELKNAP

Bartlett, Gordon  
Lawton, David  
Turner, Robert

Boriso, Thomas  
Lawton, Robert

Holbrook, Robert  
Rice, Thomas, Jr.

Hurt, George  
Salatiello, Thomas

### CARROLL

Babson, David, Jr.  
Kenney, Joseph

Cooper, Kipp  
Lyman, L. Randy

Dickinson, Howard, Jr.  
MacDonald, Kenneth

Howard, Godfrey  
Mock, Henry

### CHESHIRE

DePecol, Benjamin  
Smith, Edwin

Lynott, Margaret  
Steere, Myron, III

McNamara, Wanda

Metzger, Katherine

### COOS

Coulombe, Henry  
St. Hilaire, Paul

Horton, Lynn  
Tholl, John, Jr.

Merrill, Gerald

Pratt, Leighton

### GRAFTON

Alger, John  
Connolly, Steven  
Lovett, Sidney  
Weber, Phil

Brown, Channing  
Eaton, Stephanie  
Mirski, Paul  
Williams, William, Jr.

Chase, Paul, Jr.  
Hill, Richard  
Phinney, William

Cobbin, Philip  
LaMott, Paul  
Root, John

### HILLSBOROUGH

Alukonis, David  
Brundige, Robert  
Clay, Susan  
Drabinowicz, A. Theresa  
Fields, Dennis  
Hunter, Bruce  
Leishman, Peter  
Marcinkowski, Michael  
McRae, Karen  
Murphy, Robert  
Piteri, Dawn  
Searles, Stanley, Sr.  
White, Jay

Ameen, W.  
Buckley, Raymond  
Clegg, Robert, Jr.  
Dwyer, Paul, Sr.  
Franks, Suzan  
Jean, Loren  
Leonard, Peter  
McCarthy, William  
Mercer, Robert  
O'Rourke, Thomas  
Riley, Frances  
Thulander, O. Alan

Baroody, Benjamin  
Burke, M. Virginia  
Cote, Peter  
Dyer, Merton  
Gosselin, Gerald  
Johnson, Lionel  
Lessard, Rudy  
McCarty, Winston  
Milligan, Robert  
Pepino, Leo  
Rowe, Robert  
Turgeon, Roland

Boutin, David  
Calawa, Leon, Jr.  
Daniels, Gary  
Emerton, Lawrence, Sr.  
Goulet, Maurice  
Kelley, Robert  
Letendre, Evelyn  
McGough, Tim  
Murch, George  
Perkins, Paul  
Sargent, Maxwell  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Gile, Mary

Brown, Mary  
Hess, David

Daneault, Gabriel  
Hoadley, Elizabeth

DeStefano, Stephen  
Krueger, Patricia

Langer, Ray  
Morrill, Olive  
Whalley, Michael

Larrabee, David  
Nichols, Avis  
Whitemore, James

Lavoie, Gerard  
Pfaff, Terence

Lockwood, Robert  
Reardon, Tara

### ROCKINGHAM

Abbott, Dennis  
Camm, Kevin  
Dodge, Robert  
Felch, Charles, Sr.  
Francoeur, Sheila  
Katsakiores, Phyllis  
Letourneau, Robert  
Packard, Sherman  
Stickney, Nancy  
Varrell, Thomas

Battles-Peirce, Marjorie  
Case, Margaret  
Dolan, Richard  
Fesh, Robert  
Gleason, John  
Klemm, Arthur, Jr.  
Malcolm, Kenneth  
Raynowska, Bernard  
Stone, Joseph  
Weatherspoon, Jackie

Belanger, Ronald  
Cegelis, Mark  
Dowd, Sandra  
Flanagan, Natalie  
Johnson, Robert  
Kobel, Rudolph  
Mikowski, Walter  
Reardon, Neil  
Stritch, C. Donald  
Welch, David

Bishop, Franklin  
Christie, Andrew, Jr.  
Dunham, Vivian  
Flanders, John, Sr.  
Katsakiores, George  
Langone, John  
Nowe, Ronald  
Sabella, Norma  
Tufts, J. Arthur  
Weyler, Kenneth

### STRAFFORD

Berube, Roger  
Cossette, Larry  
McKinley, Robert  
Torr, Ann  
Vincent, Francis

Bickford, David  
DeChane, Marlene  
Merritt, Deborah  
Torr, Franklin

Brennan, William  
Heon, Richard  
Rollo, Michael  
Tsiros, William

Brown, Julie  
McCann, William, Jr.  
Snyder, Clair  
Twardus, Joseph

### SULLIVAN

Adler, Rudolf  
Lindblade, Eric

Ferland, Brenda  
Palmer, Lorraine

Kibbey, David  
Schotanus, Merle

Leone, Richard

and the amendment failed.

Rep. Jeb Bradley moved re-commit to committee.

Rep. Guay requested a roll call; sufficiently seconded.

The question being the motion to re-commit.

**YEAS 257 NAYS 89**

### YEAS 257

### BELKNAP

Boriso, Thomas  
Lafam, Robert  
Turner, Robert

Boyce, Robert  
Pilliod, James

Calvert, Alice  
Salatiello, Thomas

Clark, Charles  
Thomas, John

### CARROLL

Babson, David, Jr.  
Kenney, Joseph  
Patten, Betsey

Bradley, Jeb  
Lyman, L. Randy  
Philbrick, Donald

Chandler, Gene  
MacDonald, Kenneth

Dickinson, Howard, Jr.  
Mock, Henry

### CHESHIRE

Avery, Stephen  
Hunt, John  
McGuirk, Paul  
Pratt, Irene  
Robertson, Timothy  
Vogl, John

Bonneau, Sarah  
Lynch, Margaret  
McNamara, Wanda  
Pratt, John  
Royce, H. Charles

Burnham, Daniel  
Lynott, Margaret  
Meader, David  
Richardson, Barbara  
Russell, Ronald

DePecol, Benjamin  
Manning, Joseph  
Metzger, Katherine  
Riley, William  
Smith, Edwin

### COOS

Bradley, Paula  
Horton, Lynn

Coulombe, Henry  
Mears, Edgar

Davis, Perley  
Merrill, Gerald

Guay, Lawrence  
Moynihan, Wayne



**GRAFTON**

Akins, Ralph  
Brown, Channing  
Ham, Bonnie  
Nordgren, Sharon

Alger, John  
Copenhaver, Marion  
Hinman, Harry  
Teschner, Douglass

Almy, Susan  
Guaraldi, Lawrence  
Lovett, Sidney  
Trelfa, Richard

Below, Clifton  
Guest, Robert  
Mirski, Paul

**HILLSBOROUGH**

Ackerman, Philip  
Arnold, Thomas, Jr.  
Bergin, Peter  
Carlson, Donald  
Clay, Susan  
Dawe, Eileen  
Durham, Susan  
Fields, Dennis  
Franks, Suzan  
Golding, William  
Herman, Keith  
Konys, Christine  
Lefebvre, Roland  
Luebker, Bernard  
Marcinkowski, Michael  
Melcher, Harold  
Murphy, Robert  
Riley, Frances  
Wheeler, Robert

Allen, W. Gordon  
Barry, William, III  
Buckley, Raymond  
Carney, Lauren  
Cote, Peter  
Desrosiers, William  
Dyer, Merton  
Flora, Kathleen  
Gage, Ruth  
Haettenschwiller, Alphonse  
Holley, Sylvia  
Kurk, Neal  
Leishman, Peter  
Lynde, Harold  
Martin, Mary  
Mercer, Robert  
O'Hearn, Jane  
Sargent, Maxwell  
White, Donald

Alukonis, David  
Batula, Peter  
Calawa, Leon, Jr.  
Chabot, Robert  
Daigle, Robert  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Foster, Joseph  
Gagnon, Eugene  
Hall, Betty  
Holt, David  
L'Heureux, Robert  
Leonard, Peter  
MacGillivray, Jeffrey  
McCarthy, William  
Messier, Irene  
Peterson, Andrew  
Thulander, O. Alan  
White, Jay

Amidon, Eleanor  
Belvin, William  
Cardin, Lori  
Christiansen, Lars  
Daniels, Gary  
Drabinowicz, A. Theresa  
Fenton, James  
Foster, Linda  
Ginsburg, Ruth  
Hansen, Herbert  
Kelley, Robert  
LaRose, Richard  
Lozeau, Donnalee  
MacIntyre, Doris  
McDonald, James, Sr.  
Mittelman, David  
Reidy, Frank  
Vaillancourt, Steve  
Williams, Carol

**MERRIMACK**

Anderson, Eric  
Crowell, Peter  
Feuerstein, Martin  
Hager, Elizabeth  
Krueger, Patricia  
Maxfield, Roy  
Reardon, Tara  
Wallner, Mary Jane

Burney, Carol  
Daneault, Gabriel  
Fraser, Marilyn  
Hess, David  
Lamach, Bernard  
Moore, Carol  
Seldin, Gloria  
Yeaton, Charles

Colburn, Thomas  
DeStefano, Stephen  
French, Barbara  
Hoadley, Elizabeth  
Leber, William  
Morrill, Olive  
St. Cyr, Gerard

Crosby, Toni  
Dunn, Miriam  
Gile, Mary  
Jacobson, Alf  
Marshall, Kenneth  
Owen, Derek  
Wallin, Jean

**ROCKINGHAM**

Abbott, Dennis  
Blanchard, MaryAnn  
Clark, Martha  
Dalrymple, Janeen  
Downing, Michael  
Flanders, David  
Guthrie, Joseph  
Johnson, Robert  
Major, Norman  
Micklon, Stephanie  
Packard, Sherman  
Sapareto, Frank  
Vaughn, Charles  
Woods, Deborah

Arndt, Janet  
Carson, Gregory  
Coes, Betsy  
Dearborn, Bruce  
Dunham, Vivian  
Francoeur, Sheila  
Heath, John  
Kane, Cecelia  
Malcolm, Kenneth  
Norelli, Terie  
Pantelakos, Laura  
Schanda, Frank  
Weatherspoon, Jackie

Beaulieu, Jon  
Case, Margaret  
Cooney, Richard  
Dodge, Robert  
Fesh, Robert  
Frechette, Joseph  
Henderson, Warren  
Klemm, Arthur, Jr.  
McCarthy, John, Jr.  
Nowe, Ronald  
Rabideau, Marie  
Stone, Joseph  
Welch, David

Bishop, Franklin  
Christie, Andrew, Jr.  
Cushing, Robert  
Dowd, Sandra  
Flanagan, Natalie  
Griffin, Mary  
Hutchinson, Rebecca  
Lovejoy, Marian  
McKinney, Betsy  
Noyes, Richard  
Sabella, Norma  
Syracusa, Anthony  
Weyler, Kenneth

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia  
Heon, Richard  
Lundborn, Raymond

Brennan, William  
Estabrook, Iris  
Kaen, Naida  
Merrill, Amanda

Brown, Julie  
Grassie, Anne  
Keans, Sandra  
Merritt, Deborah

Callaghan, Frank  
Hemon, Roland  
Knowles, William  
Pelletier, Arthur

Pelletier, Marsha  
Snyder, Clair  
Torr, Franklin

Rogers, Rose Marie  
Sullivan, Henry  
Vachon, Dennis

Rollo, Michael  
Taylor, Kathleen  
Vincent, Francis

Smith, Marjorie  
Torr, Ann  
Wall, Janet

### SULLIVAN

Adler, Rudolf  
Palmer, Lorraine

Burling, Peter  
Robb-Theroux, Amy

Cloutier, John  
Wiggins, Celestine

Donovan, Thomas

### NAYS 89

### BELKNAP

Bartlett, Gordon  
Lawton, Robert

Holbrook, Robert  
Rice, Thomas, Jr.

Hurt, George

Lawton, David

### CARROLL

Cooper, Kipp

Howard, Godfrey

### CHESHIRE

Steere, Myron, III

### COOS

Pratt, Leighton

St. Hilaire, Paul

Tholl, John, Jr.

### GRAFTON

Chase, Paul, Jr.  
Hill, Richard  
Williams, William, Jr.

Cobbin, Philip  
Phinney, William

Connolly, Steven  
Root, John

Eaton, Stephanie  
Weber, Phil

### HILLSBOROUGH

Ameen, W.  
Burke, M. Virginia  
Goulet, Maurice  
Lessard, Rudy  
McRae, Karen  
Pepino, Leo  
Searles, Stanley, Sr.

Baroody, Benjamin  
Clegg, Robert, Jr.  
Hunter, Bruce  
Letendre, Evelyn  
Milligan, Robert  
Perkins, Paul  
Turgeon, Roland

Boutin, David  
Dwyer, Paul, Sr.  
Jean, Loren  
McCarty, Winston  
Murch, George  
Piteri, Dawn

Brundige, Robert  
Gosselin, Gerald  
Johnson, Lionel  
McGough, Tim  
O'Rourke, Thomas  
Rowe, Robert

### MERRIMACK

Brown, Mary  
Lockwood, Robert  
Whittemore, James

Langer, Ray  
Nichols, Avis

Larrabee, David  
Pfaff, Terence

Lavoie, Gerard  
Whalley, Michael

### ROCKINGHAM

Battles-Peirce, Marjorie  
Dolan, Richard  
Katsakiores, George  
Letourneau, Robert  
Reardon, Neil  
Varrell, Thomas

Belanger, Ronald  
Felch, Charles, Sr.  
Katsakiores, Phyllis  
Mikowski, Walter  
Stickney, Nancy

Camm, Kevin  
Flanders, John, Sr.  
Kobel, Rudolph  
Pitts, Jacqueline  
Stritch, C. Donald

Cegelis, Mark  
Gleason, John  
Langone, John  
Raynowska, Bernard  
Tufts, J. Arthur

### STRAFFORD

Bickford, David  
McKinley, Robert

Cossette, Larry  
Tsiros, William

DeChane, Marlene  
Twardus, Joseph

McCann, William, Jr.

### SULLIVAN

Ferland, Brenda  
Schotanus, Merle

Kibbey, David

Leone, Richard

Lindblade, Eric

and the motion was adopted.

**HB 651-FN-L**, relative to electric rate reduction financing. OUGHT TO PASS WITH AMENDMENT Reps. Clifton C. Below, Donald B. White, Jeb E. Bradley, Terie T. Norelli and Norman L. Major for Science, Technology and Energy: Passage of this bill will allow the Public Utilities Commission to pursue an electric utility financing technique using revenue bonds, often referred to as securitization. A utility would receive an up-front payment for its costs or stranded costs from third-party bond purchasers. Bondholders would be guaranteed repayment of the revenue bonds by the secured promise of electric customers' future payments. When this promise becomes "secure" through legislation guaranteeing customer payment of bonds through utility bills, the cost of the bond financing drops significantly and ratepayers benefit through lower cost of capital. Nationwide utilities are pursuing this strategy as a means of lowering the cost to ratepayers of recovering stranded costs while competition is implemented. There are skeptics to this financing technique however, particularly among individuals who are uncomfortable guaranteeing a future revenue stream of ratepayer money to cover past utility expenses that some consider questionable for recovery and uneconomic due to deregulation. Members of the committee share this concern about any use of securitization, especially in light of New Hampshire's poignant experience in 1989. However, the committee recommends this amendment because it restricts the PUC to utilizing this financing technique for one purpose only at this time. That purpose is to facilitate the pending buydowns of the wood to energy plant referred to in the description of HB 485. Despite PUC approval of one of those buydowns, PSNH cannot finance the up-front payment to the wood energy plant due to PSNH's poor credit rating. This financing technique would allow those buydowns to be consummated. Without this legislation, those deals may never be completed and PSNH ratepayers will likely lose future rate savings approaching \$150 million over the life of those wood to energy rate orders. Virtually all utility experts agree that these rate orders are legally enforceable obligations and binding upon ratepayers. In the absence of the buydowns being completed, ratepayers will be obligated to pay the full price of wood energy rate orders for at least the next eight years and never realize any rate savings in the price of wood to energy electricity. This amendment has the support of customer organizations such as the Retail Merchants Association and Cabletron due to its limited scope. For securitization to be pursued beyond the wood to energy plant buydowns, another subsequent act of the legislature would be required. If there is a fair and equitable settlement of the outstanding legal issues between PSNH and the state, further securitization may be appropriate, and should be judged by the legislature in the context of a settlement. Vote 16-1.

### Amendment (0195h)

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

1 New Chapter; Electric Rate Reduction Financing. Amend RSA by inserting after chapter 369 the following new chapter:

#### CHAPTER 369-A

#### ELECTRIC RATE REDUCTION FINANCING

369-A:1 Declaration of Purpose and Findings. The general court finds that:

I. Restructuring of electric utilities to provide greater competition and more efficient regulation has been found by the general court to be in the public good and New Hampshire is now aggressively pursuing restructuring and increased customer choice in order to provide electric service at lower and more competitive rates.

II. The transition to competitive markets for electricity is a complex endeavor and requires the development of creative and flexible mechanisms to facilitate the movement from monopoly to competition.

III. The establishment of structured financing options for public utilities will enhance and facilitate the expeditious transition to competition, choice for retail electric customers, and reductions in electric rates for all customer classes consistent with the near term rate relief principle of RSA 374-F:3, XI, without creating any debt or obligation of the state or other adverse impacts upon the state's finances or credit rating. Structured financing options may facilitate and help mitigate stranded cost recovery that the commission determines is appropriate, equitable, and balanced pursuant to authority granted in RSA 374-F:3, XII and 374-F:4.

IV. Structured finance options are best pursued in the context of settlement agreements between a utility and the commission concerning the implementation of competition. The authorization to securitize the pending buydowns pursuant to RSA 369-A:3, VI(a) is not intended to set any precedent or to prejudice whether structured finance options should be used under any other circumstances.



369-A:2 Definitions. In this chapter:

I. "Commission" means the public utilities commission established in RSA 363.

II. "Financing entity" means any entity formed or used for the purpose of financing transition costs through the issuance of rate reduction bonds which acquires transition property directly or indirectly from an electric utility in accordance with the terms of a finance order approved by the commission.

III. "Finance order" means an order of the commission adopted pursuant to this chapter.

IV. "Rate reduction bonds" means bonds, notes, certificates of participation or beneficial interest, or other evidences of indebtedness or ownership, issued pursuant to an indenture or other security agreement of an electric utility, the proceeds of which are used to pay, finance, reimburse, or refinance transition costs and are secured by or payable from transition property.

V. "Service territory" means, with respect to any public utility, the geographic area established by the commission as the retail electric service territory of such public utility, as such territory is depicted on the "Electric Utilities Franchise Areas" map issued by the commission, dated July 1, 1993.

VI. "Security interest" means a "security interest" as defined in RSA 382-A:1-201(37).

VII. "Transition costs" means expenditures incurred by a public utility or public utilities or which a public utility or public utilities are obligated to incur either prior or subsequent to the effective date of this chapter, and costs approved by the commission to mitigate such expenditures, as shall be designated in a finance order approved by the commission and which may include:

(a) Costs associated with generation-related assets and obligations, including generation facilities, generation-related regulatory assets, nuclear settlements, and power purchase contracts, including but not limited to power purchase contracts or arrangements between a public utility and a qualifying facility within the meaning of RSA 362-A, and any renegotiated arrangements thereof;

(b) Costs associated with conservation and load management programs;

(c) Costs incurred in connection with acquisitions of electric utilities by other electric utilities, including but not limited to premiums paid in connection with such acquisitions;

(d) Amounts necessary to refinance or retire existing debt or equity capital of the electric utility and any costs related thereto;

(e) Amounts necessary to recover federal or state taxes whose recovery is modified by the transactions approved in a finance order issued by the commission pursuant to this chapter; and

(f) Reasonable costs, as approved by the commission, relating to the issue, servicing, or refinancing of rate reduction bonds under the provisions of this chapter, including, without limitation, principal and interest payments and accruals, sinking fund payments, transaction costs and redemption premiums, if any, and all other fees, costs, and charges in respect of rate reduction bonds.

VIII. "Transition property" means the irrevocable vested property right created pursuant to this chapter including, without limitation, the right, title, and interest of a public utility or a financing entity to all revenues, collections, claims, payments, money, or proceeds of or arising from rates authorized to be imposed and collected pursuant to a finance order to recover transition costs issued pursuant to this chapter and the costs of paying, financing, reimbursing, or refinancing the transition costs, including the costs of issuing, servicing, and retiring rate reduction bonds, all as determined by the commission in its approval of such finance orders. "Transition property" shall constitute a current irrevocable vested property right notwithstanding the fact that the value of such property right will depend upon electricity usage or the performance of certain services.

369-A:3 Authority to Issue Finance Orders to Finance Transition Costs.

I. The commission is authorized, after hearing or investigation as it may deem proper, to issue one or more finance orders pursuant to which rate reduction bonds shall be issued, if the commission finds that the issuance of such finance order or finance orders is consistent with the public good and will result in significant net savings for ratepayers.

II. When determining whether the issuance of a finance order is consistent with the public good the commission's consideration should include, but not be limited to, whether such an order will assist in providing cost mitigation pursuant to RSA 374-F:3, XII(c), will assist in providing near term rate relief pursuant to RSA 374-F:3, XI, and is consistent with stranded cost recovery that is appropriate, equitable, and balanced pursuant to RSA 374-F:3, XII and 374-F:4.

III. Such finance order or finance orders shall designate certain expenditures or amounts made or incurred by a public utility or public utilities, or expenditures which a public utility or public utilities are obligated to make or incur, as transition costs, and shall direct that the proceeds from the issuance of rate reduction bonds shall be applied only as approved pursuant to RSA 369-A:5.

IV. Finance orders for any transition costs shall only be issued by the commission after approving such transition costs for recovery from ratepayers pursuant to RSA 374-F:4, V and 374-F:4, VII.

V. A utility may petition the commission for adjudication of all or partial stranded cost recovery and the commission may make final determination of some or all amounts approved for stranded cost recovery under RSA 374-F:4, V and 374-F:4, VII at any time.

VI. The commission shall only issue finance orders for the following purposes:

(a) Notwithstanding the limitations of paragraph IV, the commission may issue finance orders to facilitate any or all of the pending buydowns that have been negotiated between the remaining 6 wood to energy plants, or any modified buydowns, if the commission determines that the transition costs being financed are approved for recovery from ratepayers.

(b) The commission shall not issue any finance orders beyond those authorized in this paragraph without further express legislative authorization.

#### 369-A:4 Establishment of Rates to Recover Transition Costs.

I. A finance order shall establish and place into effect one or more non-bypassable rates or charges, including any provisions for subsequent adjustments thereto, that shall provide for the collection of revenues from customers of public utilities sufficient in amount to recover all transition costs designated in the finance order and the costs of capital associated with such transition costs, including, without limitation, the payment of principal, premium, if any, interest, and other costs arising from the issuance of rate reduction bonds. Such rates or charges shall be set forth in a schedule or schedules filed with the commission in such form as may be determined by the commission.

II. The commission shall set the rates or charges, per unit of electricity or unit of capacity for delivery of electricity, necessary and sufficient to provide for the full recovery of payments and interest on the rate reduction bonds, in accordance with the amortization schedule for such bonds determined at the time of offering, as well as financing costs and fees (collectively, "debt service"), based upon the electric utility's reasonable assumptions, including sales forecasts. Such rates and charges shall be adjusted periodically as determined by the commission, but not less frequently than annually nor more frequently than quarterly. Adjustments shall reconcile actual costs and collections and insure that the debt service on rate reduction bonds is being fully recovered on a current cost basis and that any over-recovery or under-recovery from prior periods is reconciled within one year of the end of such prior periods. The electric utility shall submit a report to the commission showing the calculation of each such adjustment, and such report shall include certification by an independent, nationally-recognized accounting firm, with experience in utility accounting, that the adjustment was computed in accordance with the requirements of this paragraph. Upon its own motion, the commission may investigate the reasonableness of the charges hereunder.

III. The rates or charges established in a finance order shall be collected from each electric customer who purchases electricity distribution services, meaning the retail delivery of electricity to another, and who is located within the service territory or service territories of public utilities identified in the finance order. If such an electric customer purchases electricity distribution services from any person other than the public utility in whose service territory the ratepayer is located, the commission shall require such new electricity distribution service provider to collect such rates or charges from the electric customer by or on behalf of the public utility with revenues therefrom remitted solely for the benefit and repayment of rate reduction bonds as a condition to the provision of electric service to such ratepayer, unless the ratepayer shall have paid a termination charge in the manner and on the basis specified in the finance order.

IV. The commission may set special capacity charges, as part of a finance order, for electric customers who purchase back-up, emergency, or supplemental capacity for the distribution of electricity.

#### 369-A:5 Issuance of Rate Reduction Bonds.

I. An electric utility or financing entity may, from time to time, and after review and approval by the commission, pursuant to a finance order or orders, issue rate reduction bonds. The power and authority of such electric utility or financing entity to issue such bonds shall expire on December 31, 2002. The proceeds from the issuance of rate reduction bonds shall only be used to pay, finance, reimburse, or refinance transition costs, including debt retirement, purchase or redemption of the electric utility's stock, payments made in settlement of outstanding obligations, and amortization of regulatory or intangible assets, all as expressly and specifically approved by the commission. Proceeds from the issuance of rate reduction bonds shall not be used for dividends or executive bonuses.



II. Notwithstanding any other provision of law, RSA 374:30 and RSA 369 shall not apply to any sale, assignment, or other transfer or grant of a security interest in any transition property or the issuance of rate reduction bonds under this chapter.

369-A:6 Creation, Assignment, and Pledge of Transition Property.

I. The vested right established pursuant to this chapter to collect rates or charges to finance, reimburse, or refinance transition costs pursuant to a finance order shall constitute transition property. Transition property, including, without limitation, the irrevocable right to receive all proceeds arising with respect thereto, shall be a vested property right of the public utility or financing entity that owns such transition property. Notwithstanding any other provision of law, if the commission takes final action to designate transition costs and to establish rates or charges pursuant to a finance order, the commission, as it may be constituted from time to time, and any successor agency exercising functions similar to the commission, shall not have authority to thereafter issue any order or process which would alter, amend, suspend, annul, revalue, set aside, or otherwise modify such approval or result in the fixing of rates or transition costs other than in the manner prescribed in the finance order, or which would in any manner reduce or impair the value of transition property or the revenues arising with respect thereto. Upon application by a public utility or a financing entity, or upon its own motion, the commission shall have authority to initiate such other proceedings, hold such other hearings, and take such other actions as may be necessary to implement, protect, and preserve the value of the finance order, the rates and charges specified therein and the transition property. The state pledges that the state shall not limit, alter, or in any way reduce the value of rates or charges approved by the finance order until the principal of the rate reduction bonds and the interest thereon are fully paid and discharged or the contracts are fully performed by the public utility, and that the state shall not impair the rights or remedies of the holders of such rate reduction bonds.

II. An owner of transition property established pursuant to a finance order may, with the approval of the commission, sell or assign all or portions of the owner's right, title, and interest in transition property directly or indirectly to one or more financing entities for the purpose of facilitating the issuance of rate reduction bonds. A public utility or financing entity may, with the approval of the commission, grant rights in transition property as collateral to secure the repayment and satisfaction of all obligations under rate reduction bonds.

III. If a public utility or public utilities sell and assign transition property to a financing entity, the commission shall authorize the public utility or public utilities to contract with the financing entity obligating such public utility or utilities, or their respective successors to collect the rates and charges established under the finance order for the benefit and account of the financing entity for the satisfaction of obligations under rate reduction bonds.

IV. A transfer of transition property by a public utility to a financing entity that the parties have expressly stated in the governing documentation to be a sale or other absolute transfer, in a transaction approved in a finance order and made in connection with the issuance of rate reduction bonds shall be treated as a true sale and not as a pledge or other financing of the transition property. According the holders of the rate reduction bonds a preferred right to revenues of the public utility or the provision by the utility of other credit enhancement with respect to rate reduction bonds shall not impair or negate the characterization of any transfer as a true sale. Any finance order shall remain in full force and effect notwithstanding any bankruptcy, reorganization, or other insolvency proceeding with respect to the debtor, pledgor, or transferor of transition property.

369-A:7 Security Interests in Transition Property.

I. The provisions of this section shall apply to any transaction regardless of its form which is intended to create a security interest in transition property. The provisions of this section, and the provisions of Article 9 of RSA 382-A to the extent not inconsistent with the provisions of this section, shall apply to the creation, perfection and enforcement of any security interest in transition property. If any conflict should arise between the provisions of this section and the provisions of Article 9 of RSA 382-A, the provisions of this section shall govern. This section applies to security interests in transition property created by contract including pledge, assignment, chattel mortgage, chattel trust, trust deed, factor's lien, equipment trust, conditional sale, trust receipt, other lien or title retention contract, and lease or consignment intended as security.

II. The filing of a financing statement in accordance with the terms of this section is required to perfect a security interest in transition property. Unless a person has filed a financing statement in accordance with the terms of this section, the person shall not have a perfected security interest



in transition property. A security interest is perfected when it has attached and when a financing statement is filed with the commission and with the office of the secretary of state. If such filings are made before the security interest attaches, then the security interest is perfected at the time when it attaches. The financing statement shall contain a statement describing the transition property and identifying the finance order that establishes the transition property that is the subject of the financing statement. A financing statement substantially complying with the requirements of this section and applicable provisions of Article 9 of RSA 382-A is effective even though it contains minor errors which are not seriously misleading.

III. Presentation for filing of a financing statement or acceptance of the financing statement by the filing officer constitutes filing under this section. A filed financing statement is effective and continues until a termination statement is filed.

IV. The priority between conflicting security interests in transition property shall be determined according to the following:

(a) Conflicting security interests in transition property rank according to priority in time of filing or perfection. Priority dates from the time a filing is first made covering the transition property or the time the security interest is first perfected in accordance with the provisions of this section, whichever is earlier.

(b) For conflicting security interests that are unperfected, the first to attach has priority.

V. A security interest in transition property that has been perfected in accordance with the provisions of this section shall be a continuously perfected security interest in the transition property and any and all proceeds arising with respect thereto, whether received or accrued before or after granting of the security interest.

VI. Except as otherwise provided in this section, when a debtor is in default under a security agreement that grants a security interest in transition property, a secured party shall have the rights and remedies provided in Article 9 of RSA 382-A.

(a) Unless otherwise agreed, upon a default of the debtor, a secured party shall have, in addition to all other rights and remedies that the debtor may have, the right to petition the commission to issue an order directing the debtor to sequester revenues arising with respect to the transition property and to pay such sequestered revenues to the financing entity for the benefit of the holders of rate reduction bonds. The commission shall issue this sequestration and payment order upon petition by the debtor and a finding that the debtor has defaulted under its obligations with respect to the rate reduction bonds and security agreements with respect to the transition property. To the fullest extent permitted by law, any such order shall remain in full force and effect notwithstanding any bankruptcy, reorganization, or other insolvency proceedings with respect to the debtor.

(b) If a security interest in transition property is perfected and subsequently the transition property or the revenues arising with respect to the transition property shall become commingled with other funds of the debtor, the party with a perfected security interest in transition property shall have priority over all other parties with security interests in cash, funds, and deposit accounts of the debtor. This senior ranking shall apply notwithstanding any provision of Article 9 of RSA 382-A to the contrary.

(c) Any surplus in excess of amounts necessary to pay principal, premium, if any, interest, and other costs arising under the documents establishing and governing the rate reduction bonds, shall be remitted to the debtor.

369-A:8 Successors to Public Utilities. Any successor to a public utility pursuant to any merger, acquisition, divestiture, sale, property transfer, bankruptcy, reorganization, or other insolvency proceeding shall perform and satisfy all obligations of the public utility with respect to rate reduction bonds in the same manner and to the same extent as was required of the public utility before such proceeding, including, without limitation, collecting and paying to the holders of the rate reduction bonds, or their representatives, revenues arising with respect to the transition property and seeking tariff adjustments, as necessary and permitted by a finance order, to recover all transition costs designated in an applicable finance order or finance orders.

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

Adopted.

Rep. Cobbin spoke against.

Reps. Below and Jeb Bradley spoke in favor and yielded to questions.

Rep. Mary Brown requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 279 NAYS 52****YEAS 279****BELKNAP**

Bartlett, Gordon	Boyce, Robert	Calvert, Alice	Clark, Charles
Holbrook, Robert	Hurt, George	Lawton, David	Lawton, Robert
Pilliod, James	Thomas, John	Turner, Robert	

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	MacDonald, Kenneth
Mock, Henry	Patten, Betsey	Philbrick, Donald	

**CHESHIRE**

Avery, Stephen	DePecol, Benjamin	Hunt, John	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	McNamara, Wanda
Meador, David	Metzger, Katherine	Pratt, Irene	Pratt, John
Richardson, Barbara	Riley, William	Robertson, Timothy	Royce, H. Charles
Russell, Ronald	Smith, Edwin	Vogl, John	

**COOS**

Bradley, Paula	Coulombe, Henry	Davis, Perley	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Moynihan, Wayne	St. Hilaire, Paul
Tholl, John, Jr.			

**GRAFTON**

Akins, Ralph	Almy, Susan	Below, Clifton	Chase, Paul, Jr.
Copenhaver, Marion	Eaton, Stephanie	Guest, Robert	Ham, Bonnie
Hill, Richard	Hinman, Harry	LaMott, Paul	Lovett, Sidney
Nordgren, Sharon	Phinney, William	Teschner, Douglass	Trelfa, Richard
Williams, William, Jr.			

**HILLSBOROUGH**

Ackerman, Philip	Allen, W. Gordon	Alukonis, David	Ameen, W.
Amidon, Eleanor	Arnold, Thomas, Jr.	Baroody, Benjamin	Barry, William, III
Belvin, William	Bergin, Peter	Buckley, Raymond	Burke, M. Virginia
Calawa, Leon, Jr.	Cardin, Lori	Carlson, Donald	Carmey, Lauren
Chabot, Robert	Christiansen, Lars	Clay, Susan	Cote, Peter
Daigle, Robert	Daniels, Gary	Dawe, Eileen	Dokmo, Cynthia
Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton
Emerton, Lawrence, Sr.	Fenton, James	Fields, Dennis	Flora, Kathleen
Foster, Joseph	Foster, Linda	Franks, Suzan	Gage, Ruth
Gagnon, Eugene	Ginsburg, Ruth	Golding, William	Goulet, Maurice
Haettenschwiller, Alphonse	Hall, Betty	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Holt, David	Hunter, Bruce	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland
Leishman, Peter	Leonard, Peter	Letendre, Evelyn	Lozeau, Donnalee
Lynde, Harold	MacGillivray, Jeffrey	MacIntyre, Doris	McCarthy, William
McCarty, Winston	McDonald, James, Sr.	McGough, Tim	Melcher, Harold
Mercer, Robert	Messier, Irene	Mittelman, David	Murphy, Robert
O'Hearn, Jane	O'Rourke, Thomas	Perkins, Paul	Peterson, Andrew
Reidy, Frank	Rowe, Robert	Sargent, Maxwell	Searles, Stanley, Sr.
Turgeon, Roland	Vaillancourt, Steve	Wheeler, Robert	White, Donald
White, Jay	Williams, Carol		

**MERRIMACK**

Anderson, Eric	Burney, Carol	Crosby, Toni	Daneault, Gabriel
DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn
French, Barbara	Gile, Mary	Hess, David	Hoadley, Elizabeth
Jacobson, Alf	Lamach, Bernard	Langer, Ray	Larrabee, David
Leber, William	Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Morrill, Olive	Owen, Derek	Pfaff, Terence
Rearidon, Tara	Rogers, Katherine	Seldin, Gloria	St. Cyr, Gerard
Wallin, Jean	Wallner, Mary Jane	Whalley, Michael	Whittemore, James
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Blanchard, MaryAnn	Case, Margaret	Christie, Andrew, Jr.
Clark, Martha	Coes, Betsy	Cooney, Richard	Dalrymple, Janeen
Dearborn, Bruce	Dowd, Sandra	Downing, Michael	Dunham, Vivian
Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr.
Francoeur, Sheila	Frechette, Joseph	Gleason, John	Guthrie, Joseph
Heath, John	Henderson, Warren	Hutchinson, Rebecca	Kane, Cecelia
Klemm, Arthur, Jr.	Kobel, Rudolph	Langone, John	Letourneau, Robert
Lovejoy, Marian	Major, Norman	Malcolm, Kenneth	McCarthy, John, Jr.
McKinney, Betsy	Micklon, Stephanie	Norelli, Terie	Nowe, Ronald
Noyes, Richard	Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline
Rabideau, Marie	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Stone, Joseph	Syracusa, Anthony	Tufts, J. Arthur	Vaughn, Charles
Weatherspoon, Jackie	Welch, David	Weyler, Kenneth	Woods, Deborah

**STRAFFORD**

Beube, Roger	Brennan, William	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Grassie, Anne
Hemon, Roland	Heon, Richard	Kaen, Naida	Keans, Sandra
Knowles, William	Lundborn, Raymond	McKinley, Robert	Merrill, Amanda
Merritt, Deborah	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Sullivan, Henry
Taylor, Kathleen	Torr, Ann	Torr, Franklin	Tsiros, William
Twardus, Joseph	Vachon, Dennis	Vincent, Francis	Wall, Janet

**SULLIVAN**

Burling, Peter	Cloutier, John	Donovan, Thomas	Kibbey, David
Leone, Richard	Lindblade, Eric	Palmer, Lorraine	Schotanus, Merle
Wiggins, Celestine			

**NAYS 52****BELKNAP**

Lafiam, Robert	Rice, Thomas, Jr.
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**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah	Steere, Myron, III
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**COOS**

Pratt, Leighton



**GRAFTON**

Alger, John	Brown, Channing	Cobbin, Philip	Connolly, Steven
Guaraldi, Lawrence	Mirski, Paul	Root, John	Weber, Phil

**HILLSBOROUGH**

Batula, Peter	Brundige, Robert	Clegg, Robert, Jr.	Gosselin, Gerald
Jean, Loren	Johnson, Lionel	Lessard, Rudy	Luebker, Bernard
Marcinkowski, Michael	Martin, Mary	McRae, Karen	Milligan, Robert
Murch, George	Pepino, Leo	Riley, Frances	Thulander, O. Alan

**MERRIMACK**

Brown, Mary	Lavoie, Gerard	Nichols, Avis
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**ROCKINGHAM**

Battles-Peirce, Marjorie	Camm, Kevin	Cushing, Robert	Dodge, Robert
Dolan, Richard	Flanders, David	Griffin, Mary	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Mikowski, Walter	Raynowska, Bernard
Reardon, Neil	Stickney, Nancy	Stritch, C. Donald	Varrell, Thomas

**STRAFFORD**

Bickford, David	Cossette, Larry
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**SULLIVAN**

Adler, Rudolf	Ferland, Brenda
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and the report was adopted.

Referred to Finance.

Rep. Carson did not vote and wished to be recorded in favor.

Reps. Crowell and Lyman declared conflicts of interest and did not participate.

**HJR 3**, requiring the attorney general to bring suit against the United States Government for violating the United States Constitution and the New Hampshire constitution by enacting a military firearms ban. **INEXPEDIENT TO LEGISLATE**

Rep. John M. Pratt for State-Federal Relations and Veterans Affairs: This resolution would require the N.H. Attorney General to bring a suit against the United States challenging the constitutionality of a federal statute banning assault weapons. Since any private individual or group aggrieved by that statute may file such a lawsuit, the majority concluded that this requirement constitutes an unwise and unnecessary expenditure of our taxpayers' dollars. Vote 12-4.

Rep. Mirski spoke against.

Rep. John Pratt spoke in favor.

Adopted.

Rep. David Flanders declared a conflict of interest and did not participate.

**HB 477**, prohibiting aircraft from landing and taking off on a certain portion of the Pemigewasset River. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT**

Rep. Robert H. Milligan for the Majority of Transportation: The Department of Safety and the Department of Transportation have coordinated due to this bill being filed. Therefore, the committee was pleased to vote to retain aviation abilities. Vote 14-3.

Rep. Robert J. Letourneau for the Minority of Transportation: The minority feel that by killing this bill the wrong message will be sent to those who were responsible for the bill being brought forward. The speed limit on the river is 10 mph and by the very nature of the aircraft involved, it would be reasonable to satisfy the residents that brought about this legislation.

Majority report adopted.

**HB 177-FN**, increasing the wild black bear license and tag fee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Henry P. Mock for Wildlife and Marine Resources: This bill increases the license fee to hunt black bears from its present \$2 to \$4. The Department of Fish and Game had requested in the

original bill an increase to \$10 for residents and \$15 for nonresidents. A majority of the committee felt that a 100 percent increase was sufficient. This should produce revenue of \$40,000 to \$60,000 annually to be matched with federal funds. Vote 10-3.

#### **Amendment (0184h)**

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

I Wild Black Bear License and Tag Fee Increased. Amend RSA 208:24, II to read as follows:

II. No person shall take wild black bears in this state without first procuring a bear license and tag in addition to the applicable license to hunt issued pursuant to RSA 214:9 or 208:5. The cost of ~~[said] the~~ bear license and tag shall be ~~[\$2] \$4~~.

2 Effective Date. This act shall take effect July 1, 1998.

Adopted.

Report adopted and ordered to third reading.

**HB 747-FN-A**, establishing a fund for the acquisition or care of land or easements for wildlife habitats, continually appropriating the fund, and requiring an additional fee for each hunting or fishing license to be credited to the fund. OUGHT TO PASS WITH AMENDMENT

Rep. Dennis F. Abbott for Wildlife and Marine Resources: This bill is an important step in recognizing the need for the Department of Fish and Game to become actively involved in habitat protection, improvement and enhancement. The loss of lands and habitat within the state makes it important for the sports persons and general public to participate in a program which will benefit both game and non-game species now and in the foreseeable future. The bill was carefully crafted to ensure that all interests would be represented: wildlife, non-game interests and future citizens of New Hampshire who are today too young to have input into this very important and landmark piece of legislation. Vote 13-0.

#### **Amendment (0149h)**

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

AN ACT establishing a wildlife habitat stamp for persons engaged in taking wild animals or birds and continually appropriating the funds for wildlife habitats.

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

I New Section; Wildlife Habitat Stamp; Wildlife Habitat Account Established. Amend RSA 214 by inserting after section 1-e the following new section:

214:1-f Wildlife Habitat Stamp.

I. No person shall at any time take wild animals or wild birds in this state without first procuring, in addition to any applicable licenses required by title XVIII, a wildlife habitat stamp under RSA 214:9, XV, for the same period. Each stamp issued shall be signed across the face in a permanent manner with the applicant's signature and shall be carried upon such person while engaged in taking wild animals or wild birds. A person under the age of 16 years may take wild animals or wild birds without such a stamp provided that, while so doing, the person is accompanied by an adult who has procured such stamp. This paragraph shall not apply to any person who takes wild animals or wild birds under a complimentary license, excluding any administrative fee, issued pursuant to RSA 214:7-a, RSA 214:13-b, or RSA 214:13-c, or a lifetime license issued pursuant to RSA 214:9-c that was purchased in a prior calendar year.

II. A license to take any kind of wild animal or wild bird as required by title XVIII shall not be issued, except for the complimentary licenses listed under paragraph I, to any person who has not purchased a wildlife habitat stamp. A person shall only be required to purchase one wildlife habitat stamp each year regardless of the number of licenses purchased by that person during that year.

III. For the purpose of this section, "wild animal" shall not include fish or marine species.

IV. The executive director, with the approval of the commission, shall adopt rules, pursuant to RSA 541-A, relative to the manner of issuance of the wildlife habitat stamp, and may, with the approval of the commission, provide for the reproduction, sale, licensing, and other disposal of art created for the stamp. The art for the stamp may be selected through an art contest administered by the executive director with the approval of the commission.

V. The state treasurer shall establish a separate nonlapsing account within the fish and game fund, to be known as the wildlife habitat account, to which shall be credited all fees collected under

RSA 214:9, XV from the sale of wildlife habitat stamps and all proceeds derived from the art created for the stamp under paragraph IV. The state treasurer may accept public and private grants and donations into the account.

VI. The state treasurer shall invest the moneys in the wildlife habitat account as provided by law. Interest received on investments shall be credited to the account.

VII. The wildlife habitat account is continually appropriated and may only be used for the following purposes within the state of New Hampshire:

(a) The development, management, preservation, conservation, restoration, and maintenance of wildlife habitat on both public and private lands, with at least 50 percent of the annual revenue from stamp sales dedicated to pay costs of labor and materials for direct physical land management activities;

(b) Obtaining land access to wildlife habitat areas;

(c) The acquisition of easements upon private property for the purposes of subparagraphs (a) and (b);

(d) The acquisition of private land to protect critical wildlife habitat, provided that the governing body of any municipality, unincorporated town, or unorganized place in which the property is located approves;

(e) The promotion and production of the wildlife habitat stamp and artwork; and

(f) Providing information to the public on the location of properties managed by the fish and game department.

VIII. When stamp revenue is used to either obtain an easement under subparagraph VII(c) or purchase land under subparagraph VII(d), no condition shall be accepted which restricts hunting and trapping on the associated land. This requirement shall not apply to lands used for access purposes or if the executive director finds that it is in the interest of the hunting and trapping community to allow such a restriction. The executive director shall allow hunting and trapping on such lands, as is permissible, but may prohibit for any length of time the hunting or trapping on the whole or part of such lands when it is necessary for the protection or propagation of a wildlife species or for public safety reasons.

IX. The executive director, with the approval of the commission, shall expend the funds in the wildlife habitat account. Prior to the expenditure of any funds, the fish and game department shall analyze the proposed project and provide the executive director and the commission with recommendations as to the project's usefulness and feasibility.

X. The executive director shall submit to the fiscal committee and the chairpersons of the house wildlife and marine resources committee and the senate wildlife and recreation committee a detailed fiscal year report by October 1 of each year, beginning with fiscal year 1999, with sufficient information to be fully understood by the general court and the public, summarizing the receipts and disbursements from the wildlife habitat account and the public benefits derived from the disbursements from it. Every fifth year, beginning in 2003, the annual report shall provide an in-depth financial accounting and summary of work accomplished in the previous 5 years, outlining all projects that are completed, in process, and planned. All annual reports shall be made available to the public after submission to the general court.

2 New Paragraph; Fee; Wildlife Habitat Stamp. Amend RSA 214:9 by inserting after paragraph XIV the following new paragraph:

XV. If the applicant wishes to take wild animals, excluding fish and marine species, or wild birds, \$2.50, and the agent shall thereupon issue a wildlife habitat stamp as provided in RSA 214:1-f. The agent shall be entitled to retain \$.50 of the \$2.50 fee for each wildlife habitat stamp sold and all stamps sold at the department headquarters or any subagency thereof shall retain the same \$.50 fee which, notwithstanding RSA 214:1-f, V, shall be credited to the general fish and game fund.

3 Effective Date. This act shall take effect on January 1, 1999.

#### AMENDED ANALYSIS

This bill requires that a person wishing to take wild animals or birds shall first acquire a wildlife habitat stamp. The revenue from the stamp shall be credited to a wildlife habitat account in the fish and game fund for the purposes of the acquisition, development, maintenance and promotion of wildlife habitats.

Adopted.

Report adopted and referred to Finance.



**HB 204-FN-L**, relative to transportation of arrestees, detained defendants, and prisoners and court control of arrestees, detained defendants, and prisoners. **OUGHT TO PASS WITH AMENDMENT** Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill, as amended, improves courtroom security by allowing the county sheriff to be responsible for the security of the state's courts and be responsible for the custody and control of prisoners within the state's courts except for the supreme court. The amendment provides for the protection of the staff, members of the public and the officers of the court while in the state's courts conducting their business. The current budget calls for a \$2,000,000 increase in the judicial budget but the court had asked for a \$4,000,000 increase. As a result of the "cut" the judiciary chose to cut security in the courts. The committee felt that with the increase in violence in our state and the nation, the security of the courts should be enhanced by the presence of law enforcement personnel working as bailiffs. The committee recognizes the "Separation of Powers" (N.H. Const. pt. I, Art. 37) and further recognizes that custody and detention of prisoners is a function of the executive branch (sheriffs). The committee allowed for an increase in the per diem allowance paid to the bailiffs from \$50 to \$65 and further allowed for a half day at \$35 to allow the sheriff the opportunity to determine the number of bailiffs to retain for a full day and reduce the cost of doing so. The committee has determined that the costs for this change should reduce payments by the state for court security by as much as \$1.4 million. There would be little or no impact on county expenditures due to the increased revenue from the state for court security, and the local cities and towns would be able to save the costs of local officers being responsible for custody of prisoners while in the state's courts. The city of Manchester has testified that it would save the bulk of \$168,000 and be able to put four to five officers back on patrol in the streets of Manchester. This information was determined by using figures from the sheriffs and the Administrative Office of the Courts (AOC). This bill extracts the funds for court security from the judicial budget and transfers the funds to Administrative Services. Vote 18-0.

#### **Amendment (0115h)**

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

**AN ACT** granting responsibility for court security and custody and control of prisoners while in the courthouse to the county sheriff and providing for state reimbursement of the sheriff for the costs of such security services.

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

##### I Statement of Intent.

I. It is the intent of the legislature in adopting this act to provide for the protection of staff, members of the public, and officers of the court while conducting their affairs and business in the state's courts.

II. The legislature intends this act to be in accordance with part I, article 37 of the New Hampshire constitution, regarding separation of powers, to keep law enforcement functions and custody issues separate from the judicial functions of the court. The legislature intends to remain within its constitutional authority pursuant to part I, article 37 in requiring that the sheriff, through the sheriff's deputies and bailiffs, be responsible for courtroom security and the custody and control of detained defendants during the time they are within the state's courts.

III. The legislature does not intend the provisions of this act to infringe upon the ability of the judiciary to establish rules governing the administration of all courts in the state and the practice and procedure which shall have the force and effect of law pursuant to part II, article 73-a of the New Hampshire constitution. The legislature distinguishes the judiciary's authority over practice and procedure from the legislature's authority to designate the sheriff's duties of custody and control of detained defendants and courtroom security. The legislature believes that law enforcement and custody issues are an executive branch function and the conduct of trials is clearly the function and responsibility of the judiciary.

IV. By adopting this act, the legislature does not intend for sheriffs to provide security in the supreme court. It would not be outside the intent of the legislature for the judiciary to hire personnel to protect supreme court justices. The legislature also intends that the judiciary should have the power to influence the certification and training of bailiffs.

2 Responsibility for Custody of Detained Defendants. Amend RSA 30-B:4, III to read as follows:

III.(a) The superintendent shall, in person or by agent, receive all persons sent by lawful authority to the county department of corrections and retain them until they are released by process appropriate under law, *except as provided in subparagraph (b)*.

*(b) Whenever a person in the custody of the superintendent under subparagraph (a) is transported to a state court, the sheriff through the sheriff's deputies and bailiffs shall be responsible for custody and control of such person during the time period such person is in the courthouse.*

3 Duties of Sheriff. RSA 104:5 is repealed and reenacted to read as follows:

104:5 Duties.

I. The sheriff and the sheriff's deputies shall serve and execute all writs and other precepts directed to the sheriff's department and issued from lawful authority.

II. The sheriff, sheriff's deputies and bailiffs shall perform the duties of crier of the court.

III. The sheriff's bailiffs shall provide adequate security in all state courts, except the supreme court.

IV. The sheriff's bailiffs shall comply with such background investigation checks, physical and mental standards, and training appropriate to their duties as the police standards and training council may require. The council shall consult with the New Hampshire Sheriffs Association and the administrative office of the courts prior to adopting these standards.

4 Sheriff as Bailiff; District Courts. RSA 104:31, XII is repealed and reenacted to read as follows:

XII. The state shall reimburse the sheriff's office \$65 for each full day and \$35 for each half day, plus traveling expenses to attend any official business, for any person employed as a bailiff by the sheriff's office. For the purpose of this paragraph, a half day shall be defined as a day in which a bailiff works 4 hours or less. The state shall reimburse the counties for all costs associated with employing court bailiffs, if those costs are the result of job requirements imposed by federal and state governments.

5 Bailiffs. Amend RSA 594:1-a to read as follows:

594:1-a Bailiffs and Court Security Officers.

I. Bailiffs and *supreme court security* officers responsible for court security shall have the powers of arrest provided in this chapter when performing their duties relating to court security.

II. *The sheriff, through the sheriff's deputies and bailiffs, shall be responsible for court security and shall be responsible for the conduct and control of detained defendants and prisoners during the time period that such defendants and prisoners are in all state courts, except for the supreme court.*

6 Detention of Person Arrested. Amend RSA 594:19-a to read as follows:

594:19-a Detention of Person Arrested; *With Warrant; Without Warrant.*

I. ~~[ON WARRANT:] Every officer making an arrest or holding a person in custody under a warrant shall take the accused [before] to the court as directed [therein] in the warrant without unreasonable delay [and shall there detain him for trial or examination until relieved by the court].~~

II. ~~[WITHOUT WARRANT:] An officer arresting a person without a warrant shall without unreasonable delay take [him before] such person to the court to answer a complaint for the offense.~~

7 Court Appearances. Amend RSA 623:1-a to read as follows:

623:1-a Court Appearances. Any person confined in a county department of corrections facility, state prison, or other place of detention may, under necessary precautions and upon approval of the administrator of the institution in which said person is confined, be taken by some regular or specially authorized officer from such place of detention to a state or federal court within the state of New Hampshire to appear in a proceeding before that court, provided that the absence of the inmate from the place of detention shall not exceed 12 hours without approval of a justice of the superior court. *During the time period such person is in a state courthouse, the sheriff, through the sheriff's deputies and bailiffs, shall be responsible for such person's custody and control.*

8 Positions Abolished. Except for the court security officer positions at the supreme court, all judicial branch employee positions directly associated with courthouse security are hereby abolished.

9 Court Security; Transfer of Funds. Amend 1997, 350:1 by replacing PAU 02, 01, 06 for fiscal year 1999 with the following:

02 Admin of justice & public prtn

01 Judicial branch

06 Court security

FY 1999

10 Personal services - permanent

28,395

20 Current expenses

2,000

24 Maint. other than build. & grnds

9,500

30 Equipment new/replacement

7,000

50 Personal service -temp/appointe		17,954
60 Benefits		14,368
70 In-state travel		
92 Sheriff reimbursement		
93 Additional sheriff reimbursement		
49 Transfers to other state agencies	D *	2,333,603
* The judicial branch shall make transfers sufficient to fully fund the provisions of RSA 104:31, XII and other court bailiff reimbursement.		
Total		2,412,820
Estimated source of funds for		
Court security		
General Fund		
		2,412,820
Total		2,412,820
Total		49,106,105
10 Court Security; Reimbursement of Funds. Amend 1997, 350:1 by inserting in PAU 01, 04, 01, 06 the following new class line for fiscal year 1999:		
93 Court bailiff reimbursement	D *	2,333,603
* This classline shall remain fully funded for the purpose of funding court bailiff reimbursement.		
11 Totals Adjusted; Court Security Funds. Amend PAU 01, 04, 01, 06 as inserted by 1997, 350:1 by replacing the estimated source of funds and totals for fiscal year 1999 with the following:		
Total		9,574,998
Estimated source of funds for		
Court facilities		
01 Transfers from other agencies		9,348,372
09 Agency income		226,626
Total		9,574,998
12 Effective Date. This act shall take effect July 1, 1998.		

#### AMENDED ANALYSIS

This bill makes the county sheriffs, through their deputies and bailiffs, responsible for providing adequate security in all state courts, except the supreme court. The bill abolishes judicial employee positions, except for court security officer positions at the supreme court, and transfers funds for fiscal year 1999 for this purpose. The bill increases the rate of state reimbursement to sheriffs and counties for providing such security services.

Adopted.

Rep. Dolan spoke against.

Rep. David Welch spoke in favor.

Rep. Dolan requested a roll call; sufficiently seconded.

The question being the adoption of the report.

#### YEAS 298 NAYS 19

#### YEAS 298

#### BELKNAP

Bartlett, Gordon  
Lafam, Robert  
Rice, Thomas, Jr.

Boyce, Robert  
Lawton, David  
Thomas, John

Calvert, Alice  
Lawton, Robert  
Turner, Robert

Clark, Charles  
Pilliod, James

#### CARROLL

Babson, David, Jr.  
Dickinson, Howard, Jr.  
MacDonald, Kenneth

Bradley, Jeb  
Howard, Godfrey  
Mock, Henry

Chandler, Gene  
Kenney, Joseph  
Patten, Betsey

Cooper, Kipp  
Lyman, L. Randy  
Philbrick, Donald



**CHESHIRE**

Avery, Stephen	Bonneau, Sarah	DePecol, Benjamin	Hunt, John
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
McNamara, Wanda	Meador, David	Metzger, Katherine	Pratt, Irene
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Russell, Ronald	Smith, Edwin	Steere, Myron, III	Vogl, John

**COOS**

Bradley, Paula	Coulombe, Henry	Davis, Perley	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Moynihan, Wayne	Pratt, Leighton
St. Hilaire, Paul	Tholl, John, Jr.		

**GRAFTON**

Alger, John	Army, Susan	Below, Clifton	Chase, Paul, Jr.
Copenhaver, Marion	Eaton, Stephanie	Guaraldi, Lawrence	Guest, Robert
Ham, Bonnie	Hill, Richard	Hinman, Harry	LaMott, Paul
Lovett, Sidney	Mirski, Paul	Nordgren, Sharon	Phinney, William
Teschner, Douglass	Trelfa, Richard	Williams, William, Jr.	

**HILLSBOROUGH**

Ackerman, Philip	Allen, W. Gordon	Alukonis, David	Ameen, W.
Amidon, Eleanor	Arnold, Thomas, Jr.	Baroody, Benjamin	Batula, Peter
Belvin, William	Bergin, Peter	Brundige, Robert	Buckley, Raymond
Burke, M. Virginia	Calawa, Leon, Jr.	Cardin, Lori	Carlson, Donald
Chabot, Robert	Christiansen, Lars	Clay, Susan	Clegg, Robert, Jr.
Cote, Peter	Daigle, Robert	Daniels, Gary	Dawe, Eileen
Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.
Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James	Fields, Dennis
Flora, Kathleen	Foster, Joseph	Foster, Linda	Gage, Ruth
Gagnon, Eugene	Ginsburg, Ruth	Golding, William	Gosselin, Gerald
Goulet, Maurice	Haettenschwiller, Alphonse	Hall, Betty	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Hunter, Bruce	Jean, Loren
Johnson, Lionel	Konys, Christine	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Lefebvre, Roland	Leonard, Peter	Lessard, Rudy
Letendre, Evelyn	Lozeau, Donnalee	Luebkert, Bernard	Lynde, Harold
MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael	Martin, Mary
McCarthy, William	McCarty, Winston	McDonald, James, Sr.	McGough, Tim
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Mittelman, David	Murphy, Robert	O'Hearn, Jane	O'Rourke, Thomas
Pepino, Leo	Peterson, Andrew	Reidy, Frank	Riley, Frances
Rowe, Robert	Sargent, Maxwell	Searles, Stanley, Sr.	Thulander, O. Alan
Turgeon, Roland	Vaillancourt, Steve	Wheeler, Robert	White, Donald

**MERRIMACK**

Anderson, Eric	Brown, Mary	Burney, Carol	Crosby, Toni
Crowell, Peter	Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam
Feuerstein, Martin	Fraser, Marilyn	French, Barbara	Gile, Mary
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Lamach, Bernard
Larrabee, David	Lavoie, Gerard	Leber, William	Lockwood, Robert
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Morrill, Olive
Nichols, Avis	Owen, Derek	Pfaff, Terence	Reardon, Tara
Rogers, Katherine	Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean
Wallner, Mary Jane	Whalley, Michael	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Ardt, Janet	Beaulieu, Jon	Belanger, Ronald
Blanchard, MaryAnn	Camm, Kevin	Carson, Gregory	Case, Margaret

Clark, Martha  
Dalrymple, Janeen  
Dunham, Vivian  
Flanders, David  
Griffin, Mary  
Johnson, Robert  
Kobel, Rudolph  
Malcolm, Kenneth  
Mikowski, Walter  
Packard, Sherman  
Raynowska, Bernard  
Schanda, Frank  
Syracusa, Anthony  
Weatherspoon, Jackie

Coes, Betsy  
Dearborn, Bruce  
Felch, Charles, Sr.  
Flanders, John, Sr.  
Guthrie, Joseph  
Kane, Cecelia  
Langone, John  
McCarthy, John, Jr.  
Norelli, Terie  
Pantelakos, Laura  
Reardon, Neil  
Stickney, Nancy  
Tufts, J. Arthur  
Welch, David

Cooney, Richard  
Dowd, Sandra  
Fesh, Robert  
Frechette, Joseph  
Heath, John  
Katsakiores, Phyllis  
Letourneau, Robert  
McKinney, Betsy  
Nowe, Ronald  
Pitts, Jacqueline  
Sabella, Norma  
Stone, Joseph  
Varrell, Thomas  
Weyler, Kenneth

Cushing, Robert  
Downing, Michael  
Flanagan, Natalie  
Gleason, John  
Hutchinson, Rebecca  
Klemm, Arthur, Jr.  
Major, Norman  
Micklon, Stephanie  
Noyes, Richard  
Rabideau, Marie  
Sapareto, Frank  
Stritch, C. Donald  
Vaughn, Charles  
Woods, Deborah

### STRAFFORD

Berube, Roger  
Cossette, Larry  
Hemon, Roland  
Lundborn, Raymond  
Pelletier, Marsha  
Snyder, Clair  
Torr, Franklin  
Wall, Janet

Brennan, William  
DeChane, Marlene  
Heon, Richard  
McKinley, Robert  
Rogers, Rose Marie  
Sullivan, Henry  
Tsiros, William

Brown, Julie  
Dunlap, Patricia  
Kaen, Naida  
Merrill, Amanda  
Rollo, Michael  
Taylor, Kathleen  
Twardus, Joseph

Callaghan, Frank  
Grassie, Anne  
Knowles, William  
Pelletier, Arthur  
Smith, Marjorie  
Torr, Ann  
Vincent, Francis

### SULLIVAN

Adler, Rudolf  
Ferland, Brenda  
Wiggins, Celestine

Burling, Peter  
Leone, Richard

Cloutier, John  
Palmer, Lorraine

Donovan, Thomas  
Schotanus, Merle

### NAYS 19

### BELKNAP

Holbrook, Robert

Hurt, George

### CARROLL

None

### CHESHIRE

None

### COOS

None

### GRAFTON

Cobbin, Philip

Root, John

Weber, Phil

### HILLSBOROUGH

Barry, William, III

Leishman, Peter

McRae, Karen

Murch, George

### MERRIMACK

Langer, Ray

### ROCKINGHAM

Bishop, Franklin  
Katsakiores, George

Dodge, Robert  
Lovejoy, Marian

Dolan, Richard

Francoeur, Sheila

## STRAFFORD

Keans, Sandra

Vachon, Dennis

## SULLIVAN

Kibbey, David

and the report was adopted.

Referred to Finance.

Reps. Christie and Perkins declared conflicts of interest and did not participate.

**HB 647-FN-A-L**, relative to a centralized computer checklist of voters and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas I. Arnold, Jr. for Election Law: This bill is the initial attempt to establish a statewide computerized voter checklist which can be sorted and reproduced in hard copy or computer media. It constitutes enabling legislation and is designed to encourage towns to participate. One benefit of a statewide computerized checklist is to reduce voter fraud. The database will be controlled by the Secretary of State. Vote 10-0.

**Amendment (0201h)**

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

I. New Section; Centralized Computer Voter Checklist. Amend RSA 5 by inserting after section 6-c the following new section:

5:6-d Centralized Computer Voter Checklist.

I.(a) The secretary of state shall maintain in the office of the secretary of state a centralized computer checklist which shall contain the voter checklist from each town and city ward in the state whether submitted electronically or in written form. The checklist shall contain the name, mailing and legal address of each voter, except if nonpublication is authorized by law, and shall be capable of being sorted by a board of supervisors, party, address, and voting history for the past 3 primary and general biennial elections. If a resident registers to vote on election day the electronic checklist shall contain a feature that automatically notifies the resident's previous town or city ward in which the resident voted. The database shall contain one false name and address from each jurisdiction as a security device.

(b) The secretary of state shall maintain the checklist; provided that the supervisors of the checklist may modify its checklist and provided that notice is provided the secretary of state.

(c) A person who has not voted in the previous 3 general biennial elections shall be removed from the checklist.

II.(a) The checklist shall be a public record open to inspection at reasonable times. The secretary of state shall furnish one or more portions of or the entire copy of the checklist to any requesting person and shall charge a reasonable fee based upon the actual costs incurred for producing the copies, but not to exceed \$25 per supervisory jurisdiction.

(b) Twenty percent of the collected fee shall be deposited in the general fund and 80 percent shall be returned to the town or city providing the requested checklist. If a town or city sells its checklist, the town or city shall retain the entire fee.

(c) Persons who have purchased a checklist shall not be permitted in any way transfer the checklist for profit or commercial purposes.

III. The secretary of state shall provide the attorney general written notice if the checklist indicates a voter has voted twice in the same election.

IV.(a) An advisory panel is established to assist the secretary of state in implementing the provisions of this section.

(b) The panel shall consist of the following members:

(1) One representing the New Hampshire Town Clerks Association, appointed by the association.

(2) One representing the New Hampshire Municipal Association, appointed by the association.

(3) Two representing each of the 2 largest political parties in the state, as determined by representation in the general court, to be appointed by the chairpersons of the parties.

(4) Two from the house election laws committee, including one from each of the 2 largest political parties, to be appointed by the speaker of the house.



(5) Two from the senate public affairs committee, including one from each of the 2 largest political parties, to be appointed by the senate president.

V. The secretary of state may apply for assistance from the Americorps program and university system of New Hampshire volunteers to establish and maintain the computer voter checklist. University system volunteers may be eligible for academic credit.

2 Appropriation. The sum of \$150,000 for the fiscal year ending June 30, 1999, is hereby appropriated to the department of state for the purposes in section 1 of this act. This sum shall be in addition to any other funds appropriated to the department of state. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Prospective Repeal. RSA 5:6-d, IV relative to a computer voter checklist advisory panel, is hereby repealed.

4 Effective Date.

I. Section 3 of this act shall take effect November 1, 2001.

II. The remainder of this act shall take effect July 1, 1998.

### AMENDED ANALYSIS

This bill:

I. Requires the secretary of state to maintain a centralized computer voter checklist which shall contain the voter checklists from each city and town in the state. The checklist shall be available as a public record.

II. Establishes an advisory panel for the purpose of assisting the secretary of state in implementing the centralized computer voter checklist.

III. Appropriates \$150,000 for the fiscal year ending June 30, 1999 for the purposes of this bill.

Rep. Arndt spoke against.

The amendment failed.

The report failed.

Rep. Arndt moved Refer for Interim Study.

Adopted.

**HB 734-FN**, requiring district courts to hold evening sessions. **OUGHT TO PASS**

Rep. Sandra B. Keans for Judiciary and Family Law: The committee was impressed with the testimony from police officers representing small communities that rely on part-time officers. Often the officer works nights after a regular day job. In order to prosecute the offense, the officer would have to take time off from the day job to appear in court. Also, the defendant often loses a day's pay to be in court which would be in addition to any fines. Vote 15-0.

Rep. John McCarthy spoke against.

The report failed.

Rep. Clay moved Ought to Pass with Amendment and offered a floor amendment.

### Floor Amendment (0250h)

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

AN ACT establishing a study committee on district court evening sessions.

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

1 Committee Established. There is established a committee to study the options for and costs of holding evening sessions in the district courts.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, at least 2 of whom shall be members of the house judiciary and family law committee, appointed by the speaker of the house.

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

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

3 Duties. The committee shall study the options for and costs of holding evening sessions in the district courts. The committee shall make recommendations on the frequency, length, and locations of district court evening sessions.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1998.

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

#### AMENDED ANALYSIS

This bill establishes a study committee on evening sessions in the district courts.

Rep. Clay spoke in favor.

Adopted.

Report adopted and ordered to third reading.

**HB 627-FN**, establishing a conservation number plate trust fund, and a special motor vehicle license plate and associated fees, to support New Hampshire's natural and cultural resources. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sherman A. Packard for Transportation: After many years of work and countless hours of meticulous review by all parties participating throughout the public hearing process, the committee unanimously feels the amended version of this bill best addresses all concerns. Most importantly, this bill as now written provides that all of the State's costs, including administration and manufacturing costs, shall be met before any money is available to the designated funds. The committee feels the purpose of the funds generated through the sale of license plates is unique since these funds will only be used to support New Hampshire's natural and cultural resources within a broad general public purpose. Vote 16-0.

#### Amendment (0098h)

Amend RSA 261:91-b, I as inserted by section 2 of the bill by replacing it with the following:

I. There is hereby established a conservation number plate trust fund under the administration of the state treasurer. The fund shall be used for the promotion, protection, and investment in the state's natural, cultural, and historic resources. The fund shall be nonlapsing. The state treasurer shall distribute the funds annually on July 1 as follows: \$5,000 of every \$100,000 received, up to a total of \$50,000, shall be distributed to the department of transportation for the expanded wild flower establishment program for use in planting native wild flowers; the remainder shall be distributed equally among the department of cultural affairs, the department of fish and game, the department of resources and economic development, and the state conservation committee.

Amend RSA 261:91-c, V as inserted by section 2 of the bill by replacing it with the following:

V. The funds transferred to the department of transportation shall be used for the expanded wildflower establishment program to be used in maintenance districts.

VI. Any funds transferred from the conservation number plate trust fund which remain unexpended at the end of the fiscal year shall be non-lapsing.

Amend RSA 261:91-d, I(g) as inserted by section 2 of the bill by replacing it with the following:

(g) Three senators appointed by the president of the senate.

Amend the bill by deleting 261:91-d, I(h), as inserted by section 2 of the bill.

Amend RSA 261:91-d, III(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Monitor the implementation of the program through an annual evaluation of projects accomplished during the preceding year and an assessment, prior to implementation, of projects proposed for the coming year to ensure that they are in accordance with legislative intent.

Amend RSA 261:91-f as inserted by section 2 of the bill by replacing it with the following:

261:91-f Report.

I. The members representing the department of transportation, the department of cultural affairs, the department of fish and game, the state conservation committee, the department of resources and economic development, and the department of safety shall each submit a report to the New Hampshire conservation number plate advisory committee chairperson no later than October 1 of each year. The committee chairperson shall compile the 6 reports as a unified report and submit the unified report to the governor, senate president, and the speaker of the house no later than December 31 of each year.

II. The unified report shall contain the following:

- (a) A report from the department of safety indicating:
  - (1) The total number of conservation number plates sold during the preceding year, including the number of initial plates and the number of renewals.
  - (2) The gross revenue derived from the sale of conservation number plates.
  - (3) The amount retained by the department of safety to cover administrative costs of the program.
  - (4) The amount paid to the state treasurer for deposit into the New Hampshire conservation number plate trust fund during the preceding fiscal year.
- (b) A report from each of the 5 agencies receiving proceeds under RSA 261:91-c, indicating:
  - (1) The amount of proceeds received under RSA 261:91-c.
  - (2) Total funds expended.
  - (3) Accomplishments achieved pursuant to RSA 261:91-c during the preceding fiscal year.
  - (4) An outline of the projects and programs to be conducted in the ensuing fiscal year with proceeds from the fund.

Amend the bill by replacing section 3 with the following:

3 New Subparagraph; Application of Receipts. Amend RSA 6:12, I by inserting after subparagraph (qqq) the following new subparagraph:

(rrr) The designated portion of moneys received under RSA 261:91-a, which shall be credited to the conservation number plate trust fund established in RSA 261:91-b.

Adopted.

Rep. Kenney spoke against.

Rep. Packard spoke in favor.

Report adopted and referred to Finance.

## RESOLUTION

Rep. Wheeler 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, January 15, 1998 at 10:00 a.m.

Adopted.

## LATE SESSION

### Third reading and final passage

*HR 54*, amending House Rules 51, 52, and 64 for the 1998 legislative session.

*HB 147*, relative to disclosure of certain information relating to tobacco products.

*HB 505*, relative to smoking in indoor public places.

*HB 670-FN*, prohibiting telephone solicitors from using caller identification blocking services.

*HB 798*, relative to the regulation of health clubs.

*SB 10*, relative to funds for prearranged funerals or burial plans.

*SB 100-FN*, establishing a New Hampshire film and television commission.

*HB 152*, relative to permissible fireworks.

*HB 420*, relative to administrative review of suspended or revoked motor vehicle licenses.

*HB 467-FN*, clarifying the definition of "telephone cloning paraphernalia."

*HB 480*, revising the law relative to protection of persons from domestic violence.

*HB 559-FN*, allowing courts to impose an extended term of imprisonment upon persons of any age who have committed certain crimes against persons under 13 years of age.

*HB 565-FN*, relative to unauthorized use of a propelled vehicle or animal.

*HB 583-FN-L*, relative to felonious disarming of a law enforcement officer.

*HB 682-FN-L*, requiring the division of state police to maintain a central offender registry and relative to public access to information contained in the registry.

*HB 730-FN*, relative to aggravated felonious sexual assault.

*SB 102-FN*, relative to the possession of certain weapons in the commission of a violent crime.

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



*HB 234-FN-L*, relative to disposition by counties of funds of deceased patients of county nursing homes.

*HB 290*, relative to digital signatures.

*HB 555*, exempting an individual's pensions and individual retirement accounts from bankruptcy attachment.

*HB 802*, relative to judgments on past due rent.

*SB 26*, preventing recovery by a nonsupporting parent in a wrongful death claim or action on behalf of the nonsupported child until child support arrearages are paid in full.

*SB 84*, revising the uniform simultaneous death act.

*HB 111-FN*, establishing a committee to study the preservation of and access to records of legislation in the state archives.

*HB 170-L*, exempting temporary, demountable, plastic-covered greenhouses from property taxation.

*HB 552-L*, clarifying the authority of municipalities to regulate the use of their highways which provide sole access to properties in adjoining municipalities.

*HB 642*, clarifying the effect of subdivision on property tax assessment and collection.

*SB 161-FN-A*, relative to the Seacoast Science Center and making an appropriation therefor.

*HB 132-FN*, allowing New Hampshire residents on active duty in the armed forces or coast guard to be issued hunting and fishing licenses at no charge.

*HB 753*, relative to the board of auctioneers.

*HB 697-FN-A-L*, establishing a homeless coordination council.

*HB 793*, defining the responsibility of individuals engaged in equine activities.

*HB 272*, relative to boat docking facilities.

*HB 177-FN*, increasing the wild black bear license and tag fee.

*HB 734-FN*, establishing a study committee on district court evening sessions.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 5:35 p.m.

### RECESS

#### (Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 2**

Thursday, January 15, 1998

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker Pro Tem, Channing T. Brown.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker Pro Tem on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Rep. Eric N. Lindblade.

Our heavenly Father, age after age our prayers have come before Thee in this hall. What are these prayers? A part of history, a pleasant custom handed down from colonial days? A moment of silence in which to gather our thoughts? Nay, far more. As we lift our petitions on high for Thy guidance we also exhort those assembled here. Let the better self prevail. Let reason temper emotion. Let the special interest be the interest of all the people. Let no myopia of the mind blind us to the opportunities of the wider horizon. And, above all, may we be ever mindful that for good or ill, that which we do here has consequences far beyond our ken and understanding. And so we pray, imbue us with Thy spirit, to the furtherance of every good and proper work. Amen.

Reps. Ackerman and Lynde led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Champagne, Earle Chandler, David Cote, Ferguson, Robert Foster, Gibbons, Healy, Howard, Robert Johnson, LaMott, Owen, Palmer, Pepino, Frances Riley, Sargent, Paul Taylor, Turner and Donald Welch, the day, illness.

Reps. Adams, Boutin, Patricia Cote, Crosby, Gagnon, Golden, Hart, Robert Kelley, Lavoie, Kenneth MacDonald, Merritt, Nowe, Packard, Piteri, Rice and Simmons, the day, important business.

**INTRODUCTION OF GUESTS**

Stanley Stoncius and guests from the Baltic states, guests of Rep. Loren Jean. Chris Stawasz, guest of Rep. McGough. Susie Fawcett, guest of Rep. Kevin Smith.

**SPECIAL GUESTS**

Members of state 4-H clubs from 22 towns and cities who participated in the 1997 Eastern States Exposition, guests of the House.

The Moultonborough Girls' Varsity Class S championship softball team, guests of the House.

**COMMITTEE ASSIGNMENTS**

Rep. Peter F. Bergin on Judiciary and Family Law.

Rep. Jacqueline A. Pitts on Science, Technology and Energy; off State-Federal Relations and Veterans Affairs.

Rep. Jay T. White on State-Federal Relations and Veterans Affairs; off Science, Technology and Energy.

**CLERK'S NOTE**

With less than two-thirds of the elected membership present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to take any action.

**COMMITTEE REPORTS****CONSENT CALENDAR**

Rep. Wheeler moved that the Consent Calendar as printed in the day's House Record be adopted. Consent Calendar adopted by the necessary two-thirds.

**HCR 21**, encouraging the designation of the Connecticut River as an American Heritage River. **OUGHT TO PASS**

Rep. Peter F. Bergin for State-Federal Relations and Veterans Affairs: The American Heritage Rivers Initiative application process for the Connecticut River has been an extensive one. Over 125 rivers throughout the United States have applied. Only 10 rivers will be nominated as American Heritage

Rivers. The committee feels that the resolution will show President Clinton that the people of New Hampshire are supportive of this initiative. In ten months of the application process no one has stepped forward in opposition of this process. This does not affect any regulation or enact any regulation or affect any local or state regulations. Vote 13-0.

### BILLS REMOVED FROM CONSENT CALENDAR ON JANUARY 7, 1998

#### **HB 721**, prohibiting certain tobacco or alcohol advertising within drug-free school zones. OUGHT TO PASS WITH AMENDMENT

Rep. Gregory G. Carson for Commerce: This legislation, as amended, is the epitome of the New Hampshire legislative process and local control. As amended, the bill authorizes municipalities to restrict the advertising of alcohol and tobacco products through the exercise of zoning powers. The committee does not make this recommendation lightly in the context of the First Amendment and freedom of speech considerations. This legislation allows communities to determine to what extent they wish to limit such advertisement. However, limitations are considered in the intent section of this legislation. Specifically, such limitation is to be no more extensive than is necessary to advance the communities' interest in reducing the exposure of youth to such advertising with the ultimate goal of reducing the incidence of youth consumption of tobacco and alcohol. Vote 12-2.

#### Amendment (0144h)

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

AN ACT authorizing municipalities to restrict the advertising of alcohol and tobacco through the exercise of zoning powers.

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

#### 1 Findings; Intent.

I. The general court finds that there is a substantial governmental interest in permitting municipalities to regulate certain advertising of alcohol and tobacco in order to allow those municipalities which choose to do so to reduce the exposure of their young people, who are prohibited by state law from purchasing or using those substances, to the pernicious effects of such advertising.

II. The general court further finds that any municipality with an interest in reducing the incidence of youth exposure to certain tobacco and alcohol advertising, which is in turn ultimately aimed at reducing illegal youth consumption of those substances, will be able to directly advance that interest by enacting zoning provisions aimed at restricting the advertising of tobacco and alcohol.

III. The general court further finds that the United States Supreme Court in the case of *Packer Corp. v. State of Utah*, 285 U.S. 105 (1932), as well as the United States Court of Appeals for the Fourth Circuit in the cases of *Penn Advertising v. Mayor and City Council of Baltimore*, 63 F. 3d. 318 (4<sup>th</sup> Cir. 1995), and *Anheuser-Busch, Inc. v. Schmoke*, 63 F. 3d. 1305 (4<sup>th</sup> Cir. 1995), have upheld the constitutionality of restrictions on advertising of tobacco and alcohol, including for the purpose of ultimately reducing the incidence of youth consumption of tobacco and alcohol.

IV. The general court intends by enacting this legislation to enable municipalities to restrict certain advertising of tobacco and alcohol in a manner which is no more extensive than is necessary to advance the government interest in reducing the exposure of youth to such advertising.

2 New Paragraph; Tobacco and Alcohol Advertising Restrictions. Amend RSA 674:16 by inserting after paragraph II the following new paragraph:

II-a. The power to adopt a zoning ordinance under this subdivision expressly includes the power to restrict certain means of advertising tobacco and alcohol as provided by RSA 674:23-a.

3 New Section; Authority to Restrict Advertising of Tobacco and Alcohol. Amend RSA 674 by inserting after section 23 the following new section:

#### 674:23-a Authority to Ban or Restrict Certain Means of Advertising Tobacco and Alcohol.

I. The local legislative body of any city, town, or county in which there are located unincorporated towns or unorganized places is authorized to adopt or amend a zoning ordinance which includes a ban or restrictions on tobacco or alcohol advertisements within any area or zone within the boundaries of the city, town, or unincorporated town, or unincorporated place, including drug-free school zones as provided by RSA 193-B. Such ordinance shall be designed to further the public health interest and reduce illegal youth consumption of alcohol and tobacco.



II. As used in this section, "tobacco or alcohol advertisements" mean any stationary promotional display for tobacco or alcohol products designed to attract public attention which is visible from a public way including, but not limited to, signs, billboards, window displays, banners or permanent trailers. It shall not include in-store displays which are incidentally visible through a window.

III. The commissioner of transportation shall not grant a permit under RSA 236:72 for any tobacco or alcohol advertisements which would violate any ordinance adopted under this section.  
4 Effective Date. This bill shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill permits a city, town, or unincorporated town or place to restrict by zoning ordinance alcohol and tobacco advertising within its boundaries.

Adopted.

Report adopted by the necessary two-thirds and ordered to third reading.

#### CLERK'S NOTE

The constitutionally required two-thirds of the membership was declared present.

**HB 353**, establishing a committee to study issues regarding prosecutions and sentencing of, and incarceration treatment for, persons convicted of sex-related crimes. **INEXPEDIENT TO LEGISLATE** Rep. William V. Knowles for Criminal Justice and Public Safety: This bill would have established a study committee regarding prosecution and sentencing of, and incarceration treatment for, persons convicted of sex-related crimes in New Hampshire. After hearing testimony from a county attorney and a superior court judge that there are significant protections for defendants, and twelve jurors must be convinced beyond a reasonable doubt that the accused is guilty, there didn't appear to be much to study. As for availability of treatment for sex offenders, the Department of Corrections would be happy to expand the program if the financing and space were available. The existing program is very successful for those they are able to treat. Follow-up treatment is also important. The Department of Corrections is working to get grants to expand the program. Vote 13-0. Reps. William McCarthy and Vaillancourt spoke against. Rep. Knowles spoke in favor.

On a division vote, 160 members having voted in the affirmative and 156 in the negative, the report was adopted.

#### (Speaker Sytek in the Chair)

**SB 66**, allowing a state resident to obtain a license for a pistol or revolver for life. **INEXPEDIENT TO LEGISLATE**

Rep. Richard F. Doucette for Criminal Justice and Public Safety: This bill would allow for a concealed weapons permit to be granted to a New Hampshire resident for life rather than the current four-year term. Testimony was overwhelming in opposition from law enforcement and many gun proponents. A persons mental and physical circumstances may change radically with age or other infirmity and for these reasons the committee felt that this was not a good idea. It was mentioned during testimony that Vermont had no permit requirements at all and there seemed to be no more firearm related problems in Vermont than any other state with a variety of firearm restrictions. One police chief was heard to say that he would rather have no law than to have a lifetime carry law, indicating the Vermont experience. Such a measure may be introduced in the Senate for the next session. This bill is not in the best interests of the firearm owners of this state and the committee voted to kill the measure. Vote 15-1.

Rep. David Welch moved Re-commit to Committee and spoke in favor.

Rep. McRae spoke in favor.

**YEAS 188 NAYS 132**

**YEAS 188**

**BELKNAP**

Bartlett, Gordon  
Lawton, David  
Thomas, John

Boyce, Robert  
Pilliod, James  
Veazey, John

Clark, Charles  
Rosen, Ralph

Laflam, Robert  
Salatiello, Thomas

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Lyman, L. Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald			

**CHESHIRE**

Avery, Stephen	DePecol, Benjamin	Hunt, John	McNamara, Wanda
Metzger, Katherine	O'Connell, John	Royce, H. Charles	Smith, Edwin
Steere, Myron, III			

**COOS**

Coulombe, Henry	Coulombe, Yvonne	Davis, Perley	Horton, Lynn
Merrill, Gerald	Pratt, Leighton	Tholl, John, Jr.	

**GRAFTON**

Akins, Ralph	Alger, John	Brown, Channing	Chase, Paul, Jr.
Cobbin, Philip	Eaton, Stephanie	Guaraldi, Lawrence	Hill, Richard
Hinman, Harry	MacNeil, Allen	Mirski, Paul	Phinney, William
Trefa, Richard	Weber, Phil	Williams, William, Jr.	

**HILLSBOROUGH**

Ackerman, Philip	Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.
Baroody, Benjamin	Batula, Peter	Belvin, William	Bergin, Peter
Buckley, Raymond	Burke, M. Virginia	Calawa, Leon, Jr.	Carlson, Donald
Christiansen, Lars	Clay, Susan	Clegg, Robert, Jr.	Daniels, Gary
Dawe, Eileen	Dokmo, Cynthia	Durham, Susan	Dyer, Merton
Emerton, Lawrence, Sr.	Fenton, James	Flora, Kathleen	Franks, Suzan
Golding, William	Gosselin, Gerald	Goulet, Maurice	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Hunter, Bruce	Jean, Loren
Johnson, Lionel	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Lessard, Rudy	Letendre, Evelyn	Lozeau, Donnalee	Luebker, Bernard
MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael	McCarthy, William
McCarty, Winston	McGough, Tim	McRae, Karen	Mercer, Robert
O'Hearn, Jane	Peterson, Andrew	Reidy, Frank	Rowe, Robert
Searles, Stanley, Sr.	Thulander, O. Alan	Wheeler, Robert	White, Donald
Wright, George			

**MERRIMACK**

Anderson, Eric	Brown, Mary	Colburn, Thomas	Crowell, Peter
Hager, Elizabeth	Krueger, Patricia	Lamach, Bernard	Larrabee, David
Leber, William	Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy
Morrill, Olive	Nichols, Avis	Pfaff, Terence	Seldin, Gloria
Whalley, Michael	Whittemore, James		

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Camm, Kevin	Carson, Gregory	Case, Margaret	Cooney, Richard
Dearborn, Bruce	Dodge, Robert	Dowd, Sandra	Dunham, Vivian
Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr.
Francoeur, Sheila	Griffin, Mary	Guthrie, Joseph	Henderson, Warren
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Langley, Jane
Langone, John	Letourneau, Robert	Major, Norman	Malcolm, Kenneth
McKinney, Betsy	Mikowski, Walter	Morris, Debbie	Noyes, Richard
Pitts, Jacqueline	Rabideau, Marie	Raynowska, Bernard	Smith, Kevin
Stickney, Nancy	Stone, Joseph	Stritch, C. Donald	Tufts, J. Arthur
Varrell, Thomas	Verani, Giovanni	Welch, David	Weyler, Kenneth

**STRAFFORD**

Berube, Roger	Brown, Julie	Cossette, Larry	McKinley, Robert
Merrill, Amanda	Musler, George	Spear, Barbara	Sullivan, Henry
Torr, Ann	Torr, Franklin	Tsiros, William	Wall, Janet

**SULLIVAN**

Adler, Rudolf	Burling, Peter	Flint, Gordon	Kibbey, David
Leone, Richard	Lindblade, Eric	Schotanus, Merle	

**NAYS 132****BELKNAP**

Boriso, Thomas	Calvert, Alice	Holbrook, Robert	Lawton, Robert
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**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah	Burnham, Daniel	Doucette, Richard	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meador, David
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Vogl, John	

**COOS**

Bradley, Paula	Hawkinson, Marie	Mears, Edgar	Moynihan, Wayne
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**GRAFTON**

Almy, Susan	Below, Clifton	Copenhaver, Marion	Lovett, Sidney
Luker, Elsa	Nordgren, Sharon	Root, John	

**HILLSBOROUGH**

Allen, W. Gordon	Ameen, W.	Barry, William, III	Briefs, Geoffrey
Brundige, Robert	Cardin, Lori	Chabot, Robert	Clemons, Jane
Cote, Peter	D'Allesandro, Lou	Daigle, Robert	Desrosiers, William
Drabinowicz, A. Theresa	Dwyer, Paul, Sr.	Foster, Joseph	Foster, Linda
Ginsburg, Ruth	Haettenschwiller, Alphonse	Hall, Betty	Jean, Claudette
Konys, Christine	Leonard, Peter	Lynde, Harold	MacAuslan, Rita
McDonald, James, Sr.	Melcher, Harold	Messier, Irene	Milligan, Robert
Murphy, Robert	O'Rourke, Thomas	Perkins, Paul	Turgeon, Roland
Vaillancourt, Steve	White, Jay	Williams, Carol	

**MERRIMACK**

Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin
Fraser, Marilyn	Gile, Mary	Hoadley, Elizabeth	Jacobson, Alf
Langer, Ray	Moore, Carol	Reardon, Tara	Rogers, Katherine
Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Battles-Peirce, Marjorie	Blanchard, MaryAnn	Clark, Martha
Coes, Betsy	Cushing, Robert	Dalrymple, Janeen	Dolan, Richard
Downing, Michael	Frechette, Joseph	Heath, John	Hutchinson, Rebecca
Kane, Cecelia	Kelley, Jane	Kobel, Rudolph	Lovejoy, Marian
McCarthy, John, Jr.	Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura
Sabella, Norma	Sapareto, Frank	Schanda, Frank	Syracusa, Anthony
Vaughn, Charles	Weatherspoon, Jackie		



**STRAFFORD**

Brennan, William	Brown, George	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Grassie, Anne	Hemon, Roland
Kaen, Naida	Keans, Sandra	Knowles, William	Lundbom, Raymond
Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis

**SULLIVAN**

Allison, David	Cloutier, John	Donovan, Thomas	Ferland, Brenda
Robb-Theroux, Amy	Wiggins, Celestine		

and the motion was adopted.

Reps. Cegelis and Guay did not vote and wished to be recorded in favor.

**CACR 9**, relating to requiring that the attorney general be elected by the legislature. Providing that the attorney general be chosen by joint ballot of the senators and representatives. **INEXPEDIENT TO LEGISLATE**

Rep. Janet S. Arndt for Election Law: The committee felt that election by the Legislature would not serve to "de-politicize" the Attorney General's Office. Vote 11-0.

Reps. Mirski and Cobbin spoke against and yielded to questions.

Rep. Arnold spoke in favor and yielded to questions.

Rep. Buckley spoke against.

Reps. William Riley and Joseph Foster spoke in favor.

Rep. Cobbin requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 268 NAYS 67**

**YEAS 268****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Calvert, Alice	Clark, Charles
Holbrook, Robert	Lawton, Robert	Pilliod, James	Thomas, John
Veazey, John			

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Kenney, Joseph	Lyman, L. Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald		

**CHESHIRE**

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Hunt, John
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
McNamara, Wanda	Meader, David	Metzger, Katherine	Pratt, Irene
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	Vogl, John

**COOS**

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Guay, Lawrence	Hawkinson, Marie	Horton, Lynn	Merrill, Gerald
Moynihan, Wayne	Pratt, Leighton	Tholl, John, Jr.	

**GRAFTON**

Akins, Ralph	Almy, Susan	Below, Clifton	Brown, Channing
Chase, Paul, Jr.	Copenhaver, Marion	Eaton, Stephanie	Guaraldi, Lawrence
Guest, Robert	Hill, Richard	Luker, Elsa	MacNeil, Allen
Nordgren, Sharon	Phinney, William	Root, John	Teschner, Douglass
Trelfa, Richard	Williams, William, Jr.		

**HILLSBOROUGH**

Ackerman, Philip	Allen, W. Gordon	Alukonis, David	Ameen, W.
Amidon, Eleanor	Arnold, Thomas, Jr.	Baroody, Benjamin	Barry, William, III
Batula, Peter	Belvin, William	Bergin, Peter	Briefs, Geoffrey
Brundige, Robert	Burke, M. Virginia	Calawa, Leon, Jr.	Cardin, Lori
Carney, Lauren	Chabot, Robert	Clay, Susan	Clegg, Robert, Jr.
Cote, Peter	Daniels, Gary	Dawe, Eileen	Desrosiers, William
Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.
Emerton, Lawrence, Sr.	Flora, Kathleen	Foster, Joseph	Foster, Linda
Franks, Suzan	Ginsburg, Ruth	Golding, William	Gosselin, Gerald
Goulet, Maurice	Haettenschwiller, Alphonse	Hall, Betty	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Holt, David	Hunter, Bruce
Jean, Claudette	Jean, Loren	Johnson, Lionel	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Leonard, Peter
Lessard, Rudy	Lozeau, Donnalee	Lynde, Harold	MacAuslan, Rita
MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael	McCarthy, William
McCarty, Winston	McDonald, James, Sr.	McGough, Tim	Melcher, Harold
Mercer, Robert	Messier, Irene	Milligan, Robert	Mittelman, David
Morello, Michael	Murphy, Robert	O'Hearn, Jane	O'Rourke, Thomas
Perkins, Paul	Peterson, Andrew	Reidy, Frank	Rowe, Robert
Searles, Stanley, Sr.	Thulander, O. Alan	Turgeon, Roland	Vaillancourt, Steve
Wheeler, Robert	White, Jay	Wright, George	

**MERRIMACK**

Anderson, Eric	Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam
Feuerstein, Martin	Fraser, Marilyn	French, Barbara	Gile, Mary
Hager, Elizabeth	Hess, David	Hoadley, Elizabeth	Jacobson, Alf
Lamach, Bernard	Larrabee, David	Lockwood, Robert	Marshall, Kenneth
Maxfield, Roy	Morrill, Olive	Nichols, Avis	Pfaff, Terence
Reardon, Tara	Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean
Whalley, Michael	Whittemore, James	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Battles-Peirce, Marjorie	Belanger, Ronald
Bishop, Franklin	Blanchard, MaryAnn	Case, Margaret	Coes, Betsy
Cooney, Richard	Dearborn, Bruce	Dolan, Richard	Dowd, Sandra
Downing, Michael	Dunham, Vivian	Felch, Charles, Sr.	Fesh, Robert
Flanagan, Natalie	Flanders, John, Sr.	Francoeur, Sheila	Frechette, Joseph
Gleason, John	Griffin, Mary	Guthrie, Joseph	Heath, John
Henderson, Warren	Hutchinson, Rebecca	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Klemm, Arthur, Jr.	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Lovejoy, Marian	Major, Norman
McCarthy, John, Jr.	McKinney, Betsy	Micklon, Stephanie	Norelli, Terie
Noyes, Richard	Pantelakos, Laura	Pitts, Jacqueline	Sabella, Norma
Schanda, Frank	Stickney, Nancy	Stone, Joseph	Stritch, C. Donald
Syracusa, Anthony	Tufts, J. Arthur	Varrell, Thomas	Vaughn, Charles
Weatherspoon, Jackie	Welch, David		

**STRAFFORD**

Berube, Roger	Brown, George	Brown, Julie	Callaghan, Frank
Cossette, Larry	Dunlap, Patricia	Estabrook, Iris	Grassie, Anne
Kaen, Naida	Keans, Sandra	Knowles, William	Lundborn, Raymond
McKinley, Robert	Merrill, Amanda	Musler, George	Pelletier, Arthur
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spear, Barbara	Sullivan, Henry	Taylor, Kathleen	Torr, Ann
Torr, Franklin	Tsiros, William	Twardus, Joseph	Wall, Janet

**SULLIVAN**

Adler, Rudolf	Donovan, Thomas	Ferland, Brenda	Leone, Richard
Lindblade, Eric	Robb-Theroux, Amy	Schotanus, Merle	Wiggins, Celestine

**NAYS 67****BELKNAP**

Boyce, Robert	Lafiam, Robert	Lawton, David	Rosen, Ralph
Salatiello, Thomas			

**CARROLL**

None

**CHESHIRE**

DePecol, Benjamin	Doucette, Richard	O'Connell, John	Russell, Ronald
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**COOS**

Mears, Edgar

**GRAFTON**

Alger, John	Cobbin, Philip	Hinman, Harry	Lovett, Sidney
Mirski, Paul	Weber, Phil		

**HILLSBOROUGH**

Buckley, Raymond	Carlson, Donald	Christiansen, Lars	Clemons, Jane
D'Allesandro, Lou	Daigle, Robert	Dyer, Merton	Fenton, James
Letendre, Evelyn	Luebker, Bernard	Martin, Mary	McRae, Karen
White, Donald	Williams, Carol		

**MERRIMACK**

Brown, Mary	Colburn, Thomas	Crowell, Peter	Krueger, Patricia
Langer, Ray	Leber, William	Moore, Carol	Rogers, Katherine
Wallner, Mary Jane			

**ROCKINGHAM**

Beaulieu, Jon	Camm, Kevin	Carson, Gregory	Clark, Martha
Cushing, Robert	Dalrymple, Janeen	Dodge, Robert	Kane, Cecelia
Malcolm, Kenneth	Mikowski, Walter	Moore, Benjamin	Morris, Debbie
O'Keefe, Patricia	Rabideau, Marie	Raynowska, Bernard	Sapareto, Frank
Smith, Kevin	Verani, Giovanni	Weyler, Kenneth	

**STRAFFORD**

Bickford, David	Brennan, William	DeChane, Marlene	Hemon, Roland
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**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Flint, Gordon
Kibbey, David			

and the report was adopted.

Rep. Cegelis did not vote and wished to be recorded in favor.

**HB 535, relative to the regulation of architects. OUGHT TO PASS WITH AMENDMENT**

Rep. Kipp A. Cooper for Executive Departments and Administration: This bill slightly modifies the definition of architecture, changes the board's authority and to adopt administrative rules, gives the board authority to assess administrative fines, and establishes requirements for administrative hearings. As amended, this bill has the support of the Architects Board and the Board of Professional Engineers. Vote 18-0.



### Amendment (0183h)

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

1 Definition Modified. Amend RSA 310-A:28, II to read as follows:

II. "Architecture" means any professional service or creative work requiring the application of advanced knowledge of architectural design, building construction and standards, and involving the constant exercise of discretion and judgment in such activities as *design of, or* consultation, investigation, evaluation, planning, ~~design~~ or responsible ~~supervision~~ *observation* of construction in connection with, any public or private buildings wherein the safeguarding of life, health, *welfare*, or property is concerned.

2 Sentence Structure Corrected. Amend RSA 310-A:29, II to read as follows:

II. Each member of the board shall be a citizen of the United States and a resident of this state. Each architect member shall have actively practiced architecture ~~for~~ *as the member's* chief means of livelihood for at least 10 years prior to appointment and shall have held a responsible position in charge of such work for at least 5 years prior to appointment, which may include the teaching of architecture.

3 Reference to Architects' Fund Removed. Amend RSA 310-A:29, IV to read as follows:

IV. ~~[In addition to any moneys received under RSA 310-A:34,]~~ Members of the board shall receive \$25 for each day actually engaged in the duties of their office and shall be reimbursed for all actual travel, incidental and clerical expenses necessarily incurred in carrying out the provisions of this chapter.

4 Board Secretary's Duties Regarding Roster. Amend RSA 310-A:29, VII as follows:

VII. The secretary of the board shall ~~publish~~ *maintain* a roster listing the names and places of business of all architects licensed under this subdivision by the board ~~[during February of each even-numbered year]~~. Copies of this roster shall be mailed *upon request* to each person so licensed, placed on file with the secretary of state, and furnished to the public upon request at a fee to be established by the board. The board may include in such roster any other information it deems appropriate.

5 Rulemaking Authority, Fee Requirements, and Receipts and Disbursements Accounting. Amend RSA 310-A:32-34 to read as follows:

310-A:32 Rulemaking Authority.

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The application procedure for a license to practice under this subdivision[?].

(b) The qualifications of applicants in addition to those requirements set by statute, and including the qualifications for satisfactory evidence of good professional character[?].

(c) How an applicant shall be examined, including the time and place of the examination[?].

(d) How a license to practice under this subdivision shall be renewed *or reinstated, including any requirements for continuing education*[?].

(e) The establishment of all fees required under this subdivision[?].

(f) Ethical and professional standards required to be met by each holder of a license under this subdivision and how disciplinary actions by the board shall be implemented for violations of these standards[?].

(g) Matters related to the proper administration of this subdivision[?].

(h) Procedures for the conduct of hearings consistent with the requirements of due process[?].

(i) The design of an official seal[?].

~~[(j) The salary of the board secretary; and~~

~~(k) Application procedures of and issuance of corporate engineering certificates.]~~

II. In adopting any rule under this section, the board may consult with the joint board established under RSA 310-A:1.

III. ~~[At least 40 days prior to]~~ Any hearing to be held pursuant to RSA 541-A:11 ~~[the board shall furnish a copy of any proposed rules of professional conduct, or amendments thereto, to all affected professionals licensed by the board]~~ *shall be advertised as specified under RSA 541-A.*

310-A:33 Fees. The board shall establish fees for examination of applicants, for licenses, for certificates of authorization, for reissuance of licenses, for renewal of licenses and certificates to practice under this subdivision, and for transcribing and transferring records and other services. *The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.*

310-A:34 Receipts and Disbursements. [~~There shall be a board secretary who shall receive and] A staff administrator appointed by the joint board shall account for all moneys derived under the provisions of this subdivision and shall pay the same to the state treasurer [who shall keep such moneys in a separate fund to be known as the "Architects' Fund." Such fund shall be kept separate and apart from all other moneys in the treasury, and shall be paid out only for purposes of this subdivision. All moneys in the fund are hereby specifically appropriated for the use of the board. The secretary of the board shall receive such salary as the board shall determine. The board may employ such clerical and other assistants as are necessary for the proper performance of its work, and may make expenditures from this fund for any purpose which is reasonably necessary for the proper performance of its duties under this subdivision. Under no circumstances shall the total amount of payments made under this section exceed the amount of the fees collected].~~

6 Licensure Requirement. Amend RSA 310-A:37 to read as follows:

310-A:37 Licensure Required. No person shall practice architecture in this state[~~, except as permitted in RSA 310-A:52,]~~ without an architect's license issued under this subdivision. *The scope of architectural practice is defined in RSA 310-A:28, II and 310-A:52.*

7 Certificates and Interstate Licensure Requirements. Amend RSA 310-A:44-46 to read as follows:

310-A:44 Certificates; Seals. The board shall issue a license upon payment of the registration fee established by the board, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee, have a serial number, and be signed by the chairperson and the secretary of the board under seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed architect while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed Architect." All papers or documents involving the practice of [~~a profession] architecture~~ under this subdivision, when issued or filed for public record, shall be dated and bear the signature and seal of the licensed [~~professional] architect~~ who prepared or had responsibility for and approved them *in accordance with the rules of conduct adopted by the board pursuant to RSA 310-A:32, I(f)*. It shall be a class B misdemeanor for the licensee to stamp or seal any documents with such seal after the license of the licensee has expired or has been revoked, unless such license shall have been renewed or reissued. *This section shall not apply to those persons exempted under RSA 310-A:52, III and IV.*

310-A:45 Interstate Licensure.

I. The board in its discretion may, upon application and the payment of a fee, issue an architect's license to any person who holds a National Council of Architectural Registration Board certificate[~~, or to any person who holds an unexpired license or certificate of registration issued by any state, territory or possession of the United States, provided that the applicant's qualifications meet the requirements of this subdivision and the rules established by the board].~~

II. The board may grant an architect's license to any applicant who [~~is similarly licensed in any other state, provided the other state's licensing requirements are substantially equivalent to or higher than those of this state] holds an unexpired license or certificate of registration issued by any state, territory or possession of the United States, or a province of Canada, provided that the applicant's qualifications for initial licensure in that jurisdiction were substantially similar to those in New Hampshire at the time the license was granted, and provided that the applicant has continued to maintain the same level of professional character and competence required of persons licensed under this subdivision and the rules of the board.~~

III. A nonresident architect seeking to render architectural services *or to participate in a competition* in this state, who holds an unexpired license or certificate of registration issued by the state in which such person's principal office is located, and such other certification as the board deems necessary, *after having given notice to the board and prospective clients in writing*, shall be permitted to offer to render such architectural services in this state without first having been licensed by this state, but shall not practice architecture until licensed in this state.

310-A:46 Expiration and Renewals. All licenses issued by the board shall expire on the last day of the month of the licensee's birth in the year 2 years following the year of issuance. The board shall cause notification of the impending license expiration to be sent to each licensee at least one month prior to the expiration date of the license. If the renewal fee is not submitted [~~within 12] on time, a late fee shall be charged as established by the board, and after 6 months [after the expi-~~

ration date of the license], the [~~licensee's name shall be removed from the mailing list and roster~~] *the licensee shall file an application for reinstatement. The board shall establish reinstatement procedures pursuant to RSA 541-A.*

8 Board's Authority in Disciplinary Actions. RSA 310-A:47 is repealed and reenacted to read as follows:

310-A:47 Disciplinary Action.

I. The board may undertake disciplinary proceedings:

(a) Upon its own initiative; or

(b) Upon written complaint of any person which charges that a person licensed by the board has committed misconduct as set forth in paragraph II of this section and which specifies the ground therefor.

II. The board, after notice and opportunity for hearing, may take disciplinary action against any person licensed by it upon finding that the person:

(a) Has knowingly provided false information during any application for professional licensure, whether by making any affirmative statement which was false at the time it was made or by failing to disclose any fact material to the application.

(b) Is a habitual user of drugs or intoxicants or is afflicted with physical disability, insanity, psychiatric disorders, or other disease deemed dangerous to the public health.

(c) Dishonest or unprofessional conduct related to the practice of the profession or any particular aspect or specialty thereof, including, but not limited to: violation of state or federal laws pertaining to the practice of the profession; nationally recognized ethical code or set of ethical principles pertaining to the profession; or violation of any ethical code or principles identified in rules adopted by the board.

(d) Unfitness or incompetence to practice any particular aspect of the profession, as evidenced by, in a context related to the practice of the profession, gross or repeated negligence; or a pattern of conduct inconsistent with the basic skills, knowledge, or professional character expected of licensed practitioners.

(e) Has included in advertising any statement of a character tending to deceive or mislead the public or any statement claiming professional superiority.

(f) Has violated any provision of this chapter or any substantive rule of the board.

(g) Has been convicted of a felony under the laws of the United States or any state.

III. The board may take disciplinary action in any one or more of the following ways:

(a) By reprimand.

(b) By suspension, limitation, or restriction of a license, or probation for a period of time as determined reasonable by the board.

(c) By revocation of license.

(d) By requiring the person to submit to the care, treatment, or observation of a physician, counseling service, health care facility, professional assistance program, or any combination thereof which is acceptable to the board.

(e) By requiring the person to participate in a program of continuing professional education in the area or areas of which the person has been found deficient.

(f) By assessing administrative fines in amounts established by the board which shall not exceed \$2,000 per offense, or, in the case of continuing offenses, \$500 for each day that the violation continues, whichever is greater.

IV. The board may issue a nondisciplinary reprimand to licensees when the conduct in question does not violate RSA 310-A:47, II but would be likely to do so if it were repeated or if it differed only in some matter of degree, or if the public health and safety clearly warrants the elimination of the practice. Such letters may be publicly released as a public reprimand, or may be kept confidential as a private reprimand, in the board's discretion. In either case, nondisciplinary actions shall not constitute disciplinary action, and shall not be subject to judicial review. Such action may, however, be introduced as evidence in any subsequent disciplinary proceeding against the licensee to the extent it may be relevant to any issue of prior notice, repetition, or licensee cooperation.

V. No civil action shall be maintained against the board or any member of the board or its agents or employees with regard to any action or activity taken in the performance of any duty or authority established by this chapter. No civil action shall be maintained against any organization



or its members or against any other person for or by reason of any good faith statement, report, communication, or testimony to the board or determination by the board in relation to proceedings under this chapter.

VI. Allegations of professional misconduct or other violations of this chapter enforceable by the board shall be brought within 6 years from the time the board could reasonably have discovered the act, omission or failure complained of, except that conduct which resulted in a criminal conviction or in a disciplinary action by a relevant licensing authority in another jurisdiction may be considered by the board without time limitation in making licensing or disciplinary decisions if the conduct would otherwise be grounds for discipline under this chapter. The board may also consider licensee conduct without time limitation when the ultimate issue before the board involves a pattern of conduct or the cumulative effect of conduct which becomes apparent as a result of conduct which has occurred within the 6 year limitation period prescribed by this paragraph.

9 New Sections; Disciplinary Actions. Amend RSA 310-A by inserting after section 47 the following new sections:

310-A:47-b Investigations.

I. The board may investigate possible misconduct by licensees and applicants, and other matters within the scope of this chapter, including unauthorized practice. Investigations shall be conducted with the issuance of a board order setting forth the general scope of the investigation.

II. The board may commence a formal or informal investigation, or an adjudicative hearing, concerning allegations of misconduct and other matters within the scope of this chapter on its own motion whenever it has a reasonable basis for doing so, and the type of procedure chosen shall be a matter reserved to the discretion of the board. Formal or informal investigations may be conducted on an ex parte basis. The conclusion reached in all investigations shall be reduced to writing and served upon the parties. Such conclusions shall not be public until they are served upon the parties.

III. The board may administer oaths or affirmations, preserve testimony, and issue subpoenas for witnesses and for documents during any formal investigation or adjudicatory hearing, and as provided by paragraph IV of this section. The board may issue subpoenas with the approval of the office of the attorney general. Any subpoena issued by the board shall first be approved by the office of the attorney general. Subpoenas not covered by paragraph IV shall be served in accordance with the procedures and fee schedules established by the superior court, except that:

(a) Board licensees shall not be entitled to a witness fee or mileage expenses for travel within the state.

(b) Witness fees and mileage expenses need not be tendered in advance if the subpoena is annotated "Fees Guaranteed by the New Hampshire Joint Board."

(c) The respondent shall be allowed at least 48 hours to comply.

IV. The board may at any time subpoena the professional records of its licensees. Such subpoenas shall be served by certified mail or by personal delivery to the address provided to the board pursuant to the application and licensure requirements established by the board, and no witness or other fee shall be necessary for valid service. A minimum of 15 days' advance notice shall be allowed for complying with a subpoena duces tecum issued under this chapter.

V. Persons holding or applying for licenses or other privileges granted by the board shall keep the board informed of their current business and residence addresses, and shall furnish written notice to the board of any change in such addresses within 30 days from the date the change occurs. A licensee or applicant shall receive adequate notice of any hearing or other action taken by the board under this chapter if notice is mailed in a timely fashion to the most recent home or business address furnished under this paragraph.

VI.(a) Complaints of licensee misconduct shall be in writing, and shall be treated as requests for the commencement of a disciplinary hearing to which the time limitations of RSA 541-A:29 shall not apply.

(b) A complaint which fails to state a cause of action may be dismissed or summarily denied in whole or in part.

(c) The board shall investigate all complaints to the extent warranted by the allegations and the resources available to the board. Following an investigation, the board shall have discretion to decline to prosecute or to defer prosecution on allegations made in any complaint based upon the board's assessment of the seriousness of the alleged misconduct and the resources and priorities of the board. Board decisions deferring misconduct prosecutions shall be final and shall be subject to judicial review.

(d) Some or all of the allegations in a complaint may be consolidated with another complaint or with issues which the board wishes to investigate or hear on its own motion.

(e) The board may at any time settle misconduct allegations made in a complaint without the consent of the complainant, provided that material facts are not in dispute and the complainant is given an opportunity to comment in writing upon the terms of the proposed settlement.

VII. At the commencement of an adjudicatory proceeding, or at any time during a formal or informal investigation, and without issuing a subpoena, the board, or a person to whom the board has delegated appropriate authority, may mail a statement of the allegations being investigated to a licensee and order that person to provide a detailed and good faith written response. In such circumstances, the board may also require a licensee to furnish complete copies of appropriate professional records concerning matters relevant to allegations at issue. In both instances, the licensee shall respond within a reasonable time period of not less than 15 days, as the board may specify in its written order.

10 Hearings. RSA 310-A:48 and 49 are repealed and reenacted to read as follows:

310-A:48 Hearings.

I. Except as otherwise provided by this section, adjudicative proceedings shall be open to the public. The board's public docket file for each such proceeding shall include a taped or written record of all oral hearings and shall be retained for public inspection for at least 6 years from the issuance of the board's final decision.

II.(a) Any member of the board, or any other qualified person appointed by the board, may act as the presiding officer in an adjudicative proceeding any may issue oaths or affirmations to witnesses, rule on evidentiary and other procedural matters, and prepare a proposal for decision as provided by RSA 541-A:34, without regard to any quorum requirements otherwise applicable to board action or activities.

(b) If the person acting as a presiding officer prepares a recommended decision, that person shall not participate in the board's deliberations or otherwise assist the board in the preparation of its final decision.

(c) If a nonboard member acts as a presiding officer and no recommended decision is prepared, that person may participate in board deliberations to the extent of providing technical assistance to the board in preparing its final decision.

III.(a) Except as otherwise provided by this chapter or RSA 541-A:30, respondents in adjudicative proceedings shall receive at least 15 days' written notice of the date, time, and place of a hearing. Hearing notices shall include an itemization of the issues to be heard and shall be public documents.

(b) When the board issues a hearing notice after investigating allegations contained in a written complaint, the hearing notice shall constitute a final determination of the complainant's request for the commencement of a disciplinary proceeding on each of the allegations raised in the complaint. The hearing notice shall be served upon the complainant as well as the licensee, and provide the complainant with an opportunity to intervene subject to restrictions which reasonably advance the public interest objectives of this chapter.

(c) Any person appearing as a party or witness in an adjudicatory proceeding, or any person who is the subject of an investigation, or who is questioned in an investigation, may be represented by legal counsel, but the board shall have no obligation or authority to appoint or provide an attorney to any such person.

IV. In adjudicative proceeding, the presiding officer may hold prehearing conferences which are closed to the public and exempt from provisions of RSA 91-A until such time as the first session of the public evidentiary hearing is convened. In all instances, however, any settlement discussions engaged in at prehearing conferences may be conducted off the record.

V. The board may dispose of issues or allegations at any time during an investigation or adjudicative proceeding by issuing a settlement agreement or consent order; an order of dismissal for default or failure to state a proper basis for disciplinary action; or a summary judgment order based upon undisputed material facts, provided, however, that disciplinary action taken by the board at any time and in any context, and any dispositive action taken after the issuance of a public hearing notice, shall be reduced to writing and made available to the public.

VI. Final decisions in adjudicative proceedings shall be made by a majority of the board members eligible to participate in the decision, and the board's deliberative processes in such cases

shall be privileged, confidential, and exempt from the public disclosure provisions of RSA 91-A. Decisions and orders in adjudicatory proceedings, including prehearing orders required by RSA 541-A:31, V(d), shall be publicly available, but only after they have been reduced to writing, signed by a representative of the board, and served upon the parties.

VII. Final decisions in adjudicative proceedings may be appealed to the supreme court pursuant to RSA 541. Disciplinary actions taken by the board shall not be subject to stay pending appeal.

310-A:49 License Reinstatement. Persons whose licenses have expired, been surrendered, or been revoked may apply to the board for reinstatement upon such forms and in accordance with such requirements as the board may impose through the adoption of Rules under RSA 541-A.

11 Violations. Amend the introductory paragraph of RSA 310-A:50, I to read as follows:

I. It shall be a class B misdemeanor for any natural person or a felony for any [~~business organization~~] *other person* to:

12 Exemptions. Amend RSA 310-A:52, IV to read as follows:

IV. The preparation of drawings and specifications for, and the supervision [~~and~~] *of the construction or* alteration of, any structure which does not have as its principal structural members reinforced concrete or structural steel [~~and~~]; is 2-1/2 stories or less[~~;~~]; is 4,000 square feet of *total building area* or less[;]; and is not a building of assembly, which includes schools, churches, auditoriums, theaters, hospitals and any building for the elderly.

*V. The practice of engineering by a duly licensed engineer.*

13 Repeal. RSA 310-A:28, IV, relative to the definition of business organizations, is repealed.

14 Effective Date. This act shall take effect July 1, 1998.

#### AMENDED ANALYSIS

This bill:

I. Changes the definition of "architecture."

II. Changes the duties of the secretary of the board of architects.

III. Changes the board's authority and duty to adopt administrative rules and to provide copies of proposed rules to certain persons.

IV. Requires that fees collected by the board reach a certain minimum amount.

V. Changes examination requirements, certificates, and interstate licensure requirements for acting as an architect.

VI. Changes the board's authority to undertake disciplinary proceedings.

VII. Gives the board authority to assess administrative fines for unauthorized practice and to conduct certain investigations.

VIII. Establishes requirements for administrative hearings and gives the board specific authority in conducting such hearings.

IX. Changes the board's hearings process.

X. Changes the requirements for the reissuance of licenses.

XI. Repeals the law defining "business organization" for the purposes of the subdivision on architecture.

Rep. Mirski spoke against.

Rep. Cooper spoke in favor.

Adopted.

Report adopted and ordered to third reading.

**HB 108-FN-A**, relative to the rate of the legacies and successions tax as it applies to siblings of the decedent together with their spouses and lineal ascendants and descendants of siblings of the decedent together with their spouses. REFER FOR INTERIM STUDY

Rep. David J. Alukonis for Finance: The sponsors and supporters of this bill urged that the state reform the legacies and successions tax in order to bring a greater level of equity to the application of the tax. Currently, lineal descendants and ascendants (parents, grandparents, children, grandchildren, etc.) are exempt from paying the tax, while non-lineal heirs (brothers, sisters, cousins, nieces, nephews, friends, etc.) are required to pay to the state a tax of 18% of all inheritances received.

In general, the committee agreed with the sponsors. However, in order to achieve a more equitable plan, it became clear that the legacies and successions tax would have to be scrapped in favor of a new inheritance tax which would be similar to the federal inheritance tax. The policy changes required by such a change, as well as the possible ramifications, will require significant additional



review prior to any final action. Additionally, at this time, the Department of Revenue Administration has neither the ability nor the resources to expediently or accurately prognosticate the fiscal impact of such changes which are acknowledged to be significant. Vote 20-0.

Reps. Alukonis and McGuirk spoke in favor.

Adopted.

**HB 529**, relative to excluding from the definition of subdivision the placement and maintenance of wireless communication facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph E. Stone for Municipal and County Government: This bill relates to excluding from the definition of subdivision the placement and maintenance of wireless communication facilities. The amendment added the word "unstaffed" to structure and changed the square footage from 200 sq. ft. to 500 sq. ft. A new paragraph was added that stated clearly this bill does not affect zoning regulations for this use. Vote 17-0.

Rep. Dokmo moved Re-commit to Committee and spoke in favor.

Adopted.

Reps. Boutin and Joseph Foster declared conflicts of interest and did not participate.

**HB 676-FN-L**, establishing procedures for the distribution of proceeds from the sale of tax-deeded property by a municipality. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kathleen N. Taylor for Municipal and County Government: The committee felt this bill would address the concerns of the courts relative to "taking" by municipalities, and at the same time offer the community protection by imposing a reasonable penalty coupled with recouping back taxes, interest and associated costs. Vote 17-2.

#### **Amendment (0096h)**

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

**AN ACT** relative to distribution of proceeds from the sale of tax-deeded property and repurchase of tax-deeded property by a former owner.

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

1 Statement of Intent. The purpose of this act is to prevent unjust enrichment of a municipality when property which a municipality has acquired by tax deed is sold for substantially more than the amount of taxes, costs and interest owed, while at the same time retaining a sufficient incentive for a taxpayer to redeem property prior to tax deeding. The accumulation of interest on unpaid taxes does not by itself provide such an incentive, because at the time the owner gets notice of the impending tax deed under RSA 80:77, such interest is already owed. This act therefore provides for an additional penalty, as set forth in RSA 80:90, I(f), of 15 percent of the equalized assessed value of the property. This amount can be thought of as a sort of brokerage commission paid by the taxpayer to the municipality for its marketing and disposal of the property, but one which is sufficiently higher than typical commissions charged by private brokers, so as to dissuade a taxpayer from voluntarily opting to let the municipality market the property.

2 New Sections; Proceeds From Sale of Tax-Deeded Property; Repurchase of Property. Amend RSA 80 by inserting after section 87 the following new sections:

80:88 Distribution of Proceeds from the Sale of Tax-Deeded Property.

I. Notwithstanding any other provision of law, for any sale by a municipality of property which is acquired by tax deed on or after the effective date of this section, the municipality's recovery of proceeds from the sale shall be limited to back taxes, interest, costs and penalty, as defined in RSA 80:90.

II. If there are excess proceeds over and above the amount of municipal recovery permitted under paragraph I, then within 60 days of settlement by the purchaser or purchasers of the property sold, the municipality shall file a bill of interpleader with the superior court for the county in which the property is located, naming the former owner or owners, and all persons having a recorded interest in the property as defendants, and paying to the court all amounts over and above those entitled to be retained. The municipality shall also be entitled to retain its reasonable costs and attorney's fees for the preparation and filing of the petition. The court shall issue such orders of notice as are necessary, and shall make such disposition of the funds as it finds appropriate, based upon ownership and lienholder interests at the time of the tax deed. The municipality shall be deemed to have a continuing interest in said funds, and in default of valid claims made by other parties, such funds shall be decreed to be the property of the municipality, free and clear of any

remaining liability. No bill of interpleader shall be necessary if, at the time of the tax deed execution, there were no record lienholders, and only one record owner or joint owners, and such former owner or owners are easily identified and located, in which case the excess proceeds shall be paid to such owner or owners.

#### 80:89 Notice to Former Owner and Opportunity for Repurchase.

I. At least 45 days prior to any sale or conveyance by a municipality of property which is acquired by tax deed on or after the effective date of this section, the municipal governing body or its designee shall send notice by certified mail, return receipt requested, to the last known post office address of the owner of the property at the time of the tax deed, if known, or to the person to whom notice of the pending tax deed was given under RSA 80:77. At least one such notice shall be given not more than 90 days prior to a municipality's sale or conveyance. The notice shall set forth the right of the former owner or owners to repurchase the property, as set forth in paragraph II. Copies of any such notice shall also be sent by certified mail, return receipt requested, to any mortgagee to whom notice of the impending tax deed was sent under RSA 80:77-a. For any notice sent pursuant to this paragraph, \$10 may be added to the municipality's "costs" as defined in RSA 80:90.

II. Within 30 days after the notice required by paragraph I, any former owner of the property may give notice by certified mail, return receipt requested, of intent to repurchase the property from the municipality, and stating that such owner is ready, willing and able to pay all back taxes, interest, costs and penalty, as defined in RSA 80:90. If all such back taxes, interest, costs and penalty have not been actually tendered within 15 days of such notice of intent to repurchase, the municipality may otherwise dispose of the property.

III. The deed from the municipality upon such repurchase shall convey the municipality's interest in the property, or such portion as has not been previously disposed of by the municipality, to all record former owners in the same proportional undivided interests as the former owners of record.

IV. The former owners' title upon repurchase shall be subject to any liens of record against the property as of the time of the tax deed to the municipality, and subject to any leases, easements, or other encumbrances as may have been granted or placed on the property by the municipality. In the case of multiple former owners, any owner paying more than a proportional share of the purchase price to the municipality shall have a lien against the other owners for the amount of the excess paid.

V. A notice of intent to repurchase under this section may also be filed by the holder of any recorded mortgage interest in the property which was unredempted as of the date of the tax deed. Upon payment the property shall be deeded as provided in paragraph III, but the mortgagee shall be entitled to add the amount paid to the municipality to the amount due under the mortgage.

VI. Conveyances under this section shall not be subject to the real estate transfer tax under RSA 78-B.

VII. For purposes of this section, the date of sale or conveyance of the property shall mean the date the municipality enters into a binding contract to convey the property to a third party buyer, whether or not such contract is subject to any contingencies.

#### 80:90 Definitions.

I. For purposes of RSA 80:88 and 80:89, the phrase "back taxes, interest, costs and penalty" shall include all of the following:

(a) All taxes assessed but unpaid as of the date of the tax deed, together with all taxes which would thereafter otherwise have been assessed against such property based on its valuation, but for its ownership by the municipality.

(b) All statutory interest actually accrued on all back taxes as of the date of the tax deed, together with all statutory interest which would otherwise thereafter have accrued on all taxes listed in subparagraph (a), but for the property's ownership by the municipality.

(c) All allowable statutory fees charged for notice and recording in connection with the tax collection process.

(d) All legal costs incurred by the municipality in connection with the property, including those connected with the municipality's sale or the former owner's repurchase.

(e) All incidental and consequential costs as are reasonably incurred or estimated to be incurred by the municipality in connection with its ownership and disposition of the property, including but not limited to insurance, maintenance, repairs or improvements, and marketing expenses.

(f) An additional penalty equal in amount to 15 percent of the assessed value of the property as of the date of the tax deed, adjusted by the most recently available equalization ratio.

II. For purposes of RSA 80:88 and 80:89, "former owner" shall mean any person in whom title to the property, or partial interest therein, was vested at the time of the tax deed, and shall include any heir, successor, or assign of any former owner, provided, however, that any person to whom a former owner has attempted to convey or assign any interest, lien or expectancy in the property subsequent to the date of the tax deed shall not be deemed a former owner.

80:91 Liability and Obligations Limited. With respect to actions of a municipality under RSA 80:88 and 80:89, if the municipality has complied with the provisions of this chapter it shall not have any liability whatsoever to any former owner or lienholder in connection with its management of the property or for the amount of consideration received upon disposition of the property. After the execution of a tax deed, the municipality may treat the property in all respects as the fee owner thereof, including leasing or encumbering all or any portion of the property, without any accountability to former owners, except that the proceeds of any sale must be accounted for as provided in RSA 80:88. Nothing in this chapter shall obligate a municipality to dispose of property acquired by tax deed, except as provided in RSA 80:89.

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

### AMENDED ANALYSIS

This bill establishes procedures for the distribution of proceeds from the sale of tax-deeded property and for the repurchase of tax-deeded property by a former owner.

Adopted.

Reps. Kibbey and Wiggins spoke against.

Rep. Leone spoke in favor.

Rep. McGuirk spoke in favor and yielded to questions.

Report adopted and ordered to third reading.

**HB 371**, relative to the authority of the department of fish and game to regulate the management, preservation, propagation and taking of state fish, game and wildlife resources. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles H. Felch, Sr. for Wildlife and Marine Resources: This legislation is designed to send a clear signal to our towns and cities that the authority and jurisdiction over the management, preservation, protection, propagation and taking of our wildlife resources rests exclusively with the state. Nothing in this bill can be construed as affecting a political subdivisions property rights concerning land owned and controlled by that entity. Vote 13-0.

### Amendment (0014h)

Amend the bill by replacing section 1 with the following:

1 New Subdivision; State Authority and Jurisdiction over Wildlife. Amend RSA 207 by inserting after section 57 the following new subdivision:

State Jurisdiction

207:58 Purpose. The legislature finds it is in the best interests of the state and its citizens to regulate, protect, restore, and conserve the wildlife resources of the state under a uniform scheme of management through the fish and game department. It is the intent of the general court to explicitly reaffirm the state's long-standing exclusive authority and jurisdiction over the wildlife of the state as established by title XVIII.

207:59 Exclusive Authority of the State. The state of New Hampshire shall have exclusive authority and jurisdiction over the management, preservation, protection, propagation and taking of wildlife in the state. Except as otherwise specifically provided by statute, no ordinance or regulation of a political subdivision may regulate the management, preservation, protection, propagation and taking of wildlife. Nothing in this section shall be construed as affecting a political subdivision's property rights concerning land owned and controlled by that entity.

### AMENDED ANALYSIS

This bill provides that the state has exclusive authority concerning the management, preservation, protection, propagation, and taking of wildlife, and prohibits political subdivisions from regulating fish, game, or wildlife without express authority in the fish and game laws.

Adopted.

Report adopted and ordered to third reading.



### UNANIMOUS CONSENT

Rep. Hall moved that the remarks made by Rep. Burling be printed in the Journal.

On a division vote, 139 members having voted in the affirmative and 127 in the negative, the motion was adopted.

Rep. Burling: Thank you Madam Speaker. I would ask my colleagues for their attention just for a minute, if I may. I make it a rule not to come between legislators and their lunch so I will be quick. I have just a couple of things I would like to say about our state Constitution and the way it is being used these days. First, let me say that I believe our New Hampshire Constitution is a living, vital document. It connects us to our past, to the likes of Langdon and Bass and Peterson. It shapes our futures. It is the ark of our communal dreams and expectations. It is the protector of our children's rights. The word I want to emphasize here is "our." The New Hampshire Constitution belongs to New Hampshire. It is not a ball to be batted around the infield of presidential politics. I think it is wrong for Mr. Forbes and Mr. Alexander to come here to buy our opinions with their bucks. We will have a chance to debate the wisdom of changing our Constitution. We will know what we should do. We do not need the advice or money of presidential candidates shaping our deliberations. We can send the message to national politicians, you and I. They pay attention to us here in New Hampshire. I don't know whether or not you have noticed that but they do. If they want to amend a state Constitution they can do so in New Jersey or Tennessee. I understand both places have a state capitol. They do not need to do it here in New Hampshire. I hope you will join me in saying "no" to the money and the sound bites these out-of-state politicians mean to throw around the airwaves of New Hampshire. Our people will thank you as I thank you for your kind attention. Have a good lunch.

### RECESS

(Speaker Sytek in the Chair)

### REGULAR CALENDAR PART II

**HB 410**, allowing mental health counselors and marriage and family therapists to obtain third party payments for services rendered which would otherwise qualify for such payments. **INEXPEDIENT TO LEGISLATE**

Rep. Keith R. Herman for Commerce: This partisan issue was debated thoroughly over the summer. This bill would have mandated certain reimbursements by indemnity insurers in New Hampshire. The committee feels, since New Hampshire is recognized as the leading state in mental health care, and since consumer access to mental health care in New Hampshire is greater than most other states, the only reaction to this legislation would be higher costs to premium payers. Since indemnity plans are cost sensitive, there would be a greater shift to managed care plans. Managed care plans limit access to mental health services. A compromise proposal was discussed but rejected by the proponents of this bill. The proponents of this bill appear insensitive to the costs and to who pays the costs of mental health services in New Hampshire. Vote 10-7.

Adopted.

**SB 1**, relative to exclusive arrangements with managed care insurers. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory G. Carson for Commerce: The intent of this legislation is covered in an amendment to HB 451 which this committee strongly urges passage of this session. Vote 10-4.

Adopted.

**HB 143-L**, requiring that SAU budgets be approved by vote at school district meetings. **INEXPEDIENT TO LEGISLATE**

Rep. Richard L. Champagne for Education: This bill is well intended. However, it mandates a change in governance for SAU budget adoption, preempting local control. Many SAUs function well under current law and have no desire to change governance. Any school district not satisfied with current practices may use RSA 194-C to withdraw and form a single district with direct budget and voting. Time line considerations in light of SB 2, Chapter 164 from 1995 Municipal Budget Finance Committee and open district meetings make the voting provision of this bill nearly im-

possible to implement. A clear one person-one vote constitutional issue exists in SAUs where co-op high school and village school districts share SAU management for its current form. This bill does not accomplish its intended objectives. Vote 14-5.

Reps. Fenton and Jacobson spoke against.

Reps. Belvin and O'Hearn spoke in favor and yielded to questions.

On a division vote, 231 members having voted in the affirmative and 90 in the negative, the report was adopted.

**HB 612-FN**, requiring the state board of education and the department of education to establish suitable tests of academic knowledge to be administered as a prerequisite for certification of new teachers in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Susan B. Dunham for Education: This bill is not necessary because the state Board of Education and the Department of Education are in the process of instituting such a test at this time. The committee will continue to follow this process to ensure that it is completed and will meet with the state board for that purpose. Vote 14-5.

Rep. Durham yielded to questions.

Adopted.

**CACR 8**, relating to increasing the executive council membership and the number of executive council districts. Providing that the executive council shall be increased from 5 to 10 members, and the number of executive council districts shall be increased from 5 to 10. **INEXPEDIENT TO LEGISLATE**

Rep. Lynn C. Horton for Election Law: The intent of this resolution is to increase the membership and number of executive council districts from 5 to 10. The committee found no compelling need to do this. We considered the increased expense of government. It is felt that the present system is working well. Vote 9-4.

Adopted.

**HB 443**, relative to push-polling. **OUGHT TO PASS WITH AMENDMENT**

Rep. C. Donald Stritch for Election Law: Anonymous "push polling" is a deceitful campaign practice having an adverse impact on the political process. This bill requires candidates and others engaging in this practice to be accountable for the statements made in push polls. Vote 11-0.

#### **Amendment (0196h)**

Amend the bill by replacing section 1 with the following:

1 Findings and Purpose. The general court finds that anonymous "push-polling" is a deceitful practice having an adverse impact on the political process. While the general court affirms the rights of candidates for public office to engage in free speech, it finds that candidates should be fully accountable for the statements and messages generated by their campaigns. This act is intended to insure that the public is fully informed when candidates engage in push-polling.

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

3 Push-polling; Submission of Information Required. Amend RSA 664 by inserting after section 16 the following new section:

664:16-a Identification Required.

I. Any person who engages in push-polling, as defined in RSA 664:2, XVII, shall inform any person contacted that the telephone call is being made on behalf of, in support of, or in opposition to a particular candidate for public office, identify that candidate by name, and provide a telephone number from where the push-polling is conducted.

II. Any person or entity who violates paragraph I shall be subject to penalty under RSA 664:21, V.

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

Adopted.

Report adopted and ordered to third reading.

**HB 484**, relative to registration of certain voters who vote by absentee ballot. **INEXPEDIENT TO LEGISLATE**

Rep. John M. Root for Election Law: While sympathetic to the plight of individuals who might be unable to vote by absentee ballot if not registered to do so 10 days in advance of an election (as

required by present law), the committee felt that to try to accommodate all potential absentee voters as proposed in this bill would place an impossible burden on city and town clerks and supervisors of checklists. The subcommittee noted that New Hampshire's same-day registration and voting system provided ample opportunity for the overwhelming majority of citizens to exercise their franchise. Vote 10-3.

Adopted.

**HB 659**, modifying restrictions on televised political advertising. OUGHT TO PASS WITH AMENDMENT

Rep. Natalie S. Flanagan for Election Law: This bill tightens the practices in political television advertising (by both candidates and independent organizations) by requiring that the candidate's or organization's payments for the ad to be clearly identified at the end of the political advertisement. Vote 13-0.

**Amendment (0137h)**

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

1 Findings and Purpose. The general court finds that in the interest of maintaining the integrity of the election process, candidates for public office should clearly identify their authorization and payment for any political advertising broadcast on television. To further clarify which advertisements have been authorized by a candidate, any advertisement that is not authorized by any candidate shall contain a statement to that effect. Such disclosure shall reduce the amount of confusing or misleading statements issued during campaigns for public office.

2 Section Heading Modified. Amend the section heading of RSA 664:14 to read as follows:  
664:14 Signature, *Identification, and Lack of Authorization.*

3 Restrictions on Candidate's Political Advertising Modified. Amend RSA 664:14, IV to read as follows:

IV.(a) In the case of political advertising broadcast on radio, television, or any public address system, the name and address of the signer shall be clearly identified.

*(b) All political advertising broadcast on television shall identify the name of the candidate who pays for the advertisement or whose advertisement is paid for by a campaign committee. Such identification shall be made both aurally and visually. The visual presentation shall be clearly legible and shall use letters equal or greater than 12 percent of the vertical picture height and shall air for not less than 4 seconds at the conclusion of the broadcast. For the purpose of this section, "campaign committee" means any committee established to elect a particular candidate to office, including raising funds for that purpose.*

4 Restrictions on Unauthorized Political Advertising. Amend RSA 664:14, VI to read as follows:

VI. Notwithstanding any other provision of this section, any advertising in support of or in opposition to a candidate by a political committee not authorized by the candidate or candidate committee shall so state *and shall identify the sponsor of the advertisement. All such political advertising broadcast on television shall include the statement: "This advertisement has been paid for by (name of sponsor) and has not been authorized by any candidate." Such statement shall be made both aurally and visually. The visual presentation shall be clearly legible and shall use letters equal or greater than 12 percent of the vertical picture height and shall be broadcast for not less than 4 seconds at the conclusion of the advertisement.*

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

**AMENDED ANALYSIS**

This bill:

I. Requires that all political advertising broadcast on television shall end with a display of a photographic image sufficient to identify the candidate who pays for the advertisement or whose advertisement is paid for by a campaign committee.

II. Requires that all political advertising broadcast on television that is not paid for by a candidate, or by a campaign committee, shall identify, aurally and visually, the sponsor of the advertisement.

Adopted.

Report adopted and ordered to third reading.



**HB 418**, prohibiting the land application of sludge or biosolids containing amounts of heavy metals over certain limits. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. McRae for Environment and Agriculture: The confusion about the numbers, the percentiles, of the heavy metals in relation to the Environmental Protection Agency standards as submitted by the Department of Environmental Services made the bill unworkable and therefore, it was voted inexpedient to legislate. Vote 17-2.

Adopted.

**HB 497**, excluding domestic septage from regulation as sludge or biosolids. **OUGHT TO PASS**

Rep. Karen K. McRae for Environment and Agriculture: This bill separates the regulation of domestic septage and the regulation of sludge and bio-solids. Further definitions may be needed. Vote 14-1.

Adopted and ordered to third reading.

**HB 762-FN**, relative to the regulation of naturopathic medicine. **REFER FOR INTERIM STUDY**

Rep. Merton S. Dyer for Executive Departments and Administration: The bill as introduced would require licensure of doctors of naturopathy and registration of naturopaths or natural healers. The subcommittee recommended inexpedient to legislate and the full committee agreed by a 12 to 7 vote. Reconsideration was requested and voted affirmatively and the bill was voted to send to interim study. The committee voted for interim study so that we could work with those wishing to practice naturopathic medicine either as doctors of naturopathy or in the traditional method of practice. The present board is working very hard to get the program that the Legislature approved in 1993 running smoothly. One area that needs to be addressed is the terminology now in use by those in the field. With the oversight of the Executive Departments and Administration Committee, we feel we can resolve the questions and problems that have arisen in the course of implementation. The complexities of this program require additional work on the part of the Legislature, the Board of Naturopathic Doctors and the traditional naturopaths. A majority of the committee feels this would be a positive approach. Vote 12-7.

Adopted.

**SB 131-FN**, allowing certain state employees to take paid leave to participate in disaster relief service work. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: The purpose of the bill is to allow certain state employees to take annual leave to participate in disaster relief at Red Cross designated disasters. The subcommittee studied various options and presented an amendment that would restrict the amount of time to 15 working days and to level III disasters within the state. After a lengthy discussion, the amendment was rejected and the bill was voted inexpedient to legislate. Among the concerns expressed by the committee was the limitation to the state only and the fact that the Governor could implement this type of program now without legislation. Another concern of the committee dealt with liability to the state if employees were injured. There were concerns about the collective bargaining agreement as leave time and sick leave are included in the state contract and awarding extra time to certain individuals might conflict with the contract. This is a laudable idea but the committee felt that given the many concerns that this should not pass. Vote 9-6.

Adopted.

**CACR 21**, relating to a balanced budget. Providing that the governor be prohibited from proposing and the general court be prohibited from approving, an operating budget in which expenditures exceed estimated revenue. **INEXPEDIENT TO LEGISLATE**

Rep. Arthur P. Klemm, Jr. for Finance: The committee believes that CACR 21 though well-intentioned may have the effect of tying our hands too tightly in coming forth with a balanced budget. The committee believes it more appropriate to put into statute the current House practice of approving a balanced budget. The committee will file a bill to this effect for the 1998 session. Vote 16-2.

Adopted.

**HB 195-FN-A**, increasing the exemption amount under the interest and dividends tax. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Vaughn for Finance: Division II of the Committee on Finance debated the merits of increasing the exemption under the interest and dividends tax, holding several public and ex-

ecutive sessions. The Finance Committee, after due deliberations, concurred with the Division's findings: keeping the exemption at \$2400 for a payer under 65 years, with an additional amount of \$1200 for persons over that age. A couple over 65 years thus receives a \$7200 exemption.

The elderly are not the largest percentage of payers. Revenue Administration (DRA) figures tell us persons over 65 comprise 46% of filers out of a total of 52,000 filers, and pay 41% of tax revenues. New Hampshire residents with adjusted gross income over \$75,000 paid 32% of the revenue increases. Sharp increases in tax revenues for 1996 and 1997 are due in large measure to positive market forces and increased compliance activity due to publicity around the 1995 law eliminating the exemption on interest earned in New Hampshire and Vermont banks. This fact is substantiated by federal increases in interest and dividends revenues which mimics New Hampshire - 1993 to 1995 — federal 20%, state 17%.

To determine the amount of interest persons over 65 earned from New Hampshire and Vermont banks as opposed to that earned from other stock dividends, would require a man-year's work reviewing over 100 IRS computer reels on 52,000 New Hampshire filers.

The Department of Revenue Administration indicates this bill will decrease state general fund unrestricted revenue by \$17.5 million over the biennium. Vote 17-3.

Rep. Jacobson spoke against.

Rep. Vaughn spoke in favor.

On a division vote, 196 members having voted in the affirmative and 118 in the negative, the report was adopted.

Rep. DePecol wished to be recorded against.

Rep. Noyes declared a conflict of interest and did not participate.

**HB 223-FN-L**, providing that catastrophic aid for special education shall be fully funded. INEXPEDIENT TO LEGISLATE

Reps. Kenneth L. Weyler and Sandra K. Dowd for Finance: The premise of this bill is that new additions to special education spending are putting school districts in dire financial straits. The committee discovered the following: (a) the maximum exposure of a school district for any one student is \$26,500, because of catastrophic aid; (b) the legislature has fully funded the catastrophic aid budget as presented, and has held harmless the districts for previous years' overspending, as in HB 50, Chapter 348, Laws of 1997; (c) districts may borrow for overexpenditures on special education that occur after budget is set. The state pays the interest; thus, no new taxes need be levied for current budget.

In examining reasons for such large increases in catastrophic aid over the last few years, the committee discovered that New Hampshire leads the nation in per capita coding of students, we lead the nation in litigation over individual education programs, we place special education learning disabled-students in private residential programs at ten times the national rate.

For all of the above reasons we recommend Inexpedient on this bill, but are requesting a performance audit by the Performance Audit and Oversight Joint Committee of the special education program. Our goal is to get a handle on what the cost of the program is compared to what we are spending. We want to continue fully funding catastrophic aid without deficit spending or supplemental budgets to cover these costs. The bewildering cloud of contradictions we had in testimony cries out for facts Vote 15-3.

Adopted.

**HB 563-FN-A**, relative to a tax on telecommunications easements. INEXPEDIENT TO LEGISLATE

Rep. Kenneth L. Weyler for Finance: This bill would establish a special fund for the maintenance of trails along the 223 miles of abandoned railroad corridor which the state now owns. These trails are currently maintained by state supervision of a large group of volunteers. The tax created by this bill would be payable by the owners of the utility easements which the state did not buy when it bought the railroad corridor rights-of-way. The easements are used mainly for fiber-optic cable owned by telephone companies. The bill would give 25% of the tax collected to the municipality where the easement was located.

The committee had problems with the creation of yet another dedicated fund. The committee also concluded that this tax on telephone company transmission lines violated the spirit of the RSA on the telecommunications tax. Finally, both the Department of Revenue Administration and the bill's prime sponsor felt that litigation would likely use up any revenue for the first few years. Vote 12-8.

Rep. Weyler spoke in favor.

Adopted.

### REMARKS

Rep. Below moved that the remarks made by Rep. Weyler regarding House Bill 563 be printed in the Journal.

Adopted.

Rep. Weyler: Thank you Madam Speaker. I'd like to clarify the blurb on House Bill 563 with regard to the reference to the spirit of the telecommunications tax. There was no intent by the committee to express a position on whether or not these easements can be taxed by the municipalities as real estate. Thank you and I would like to urge your adoption of the committee report of Inexpedient to Legislate.

### REGULAR CALENDAR PART II (Cont'd.)

**HB 717-FN-A**, relative to the taxation of venture capital firms under the business profits tax. **ought to pass with amendment**

Rep. David J. Alukonis for Finance: The amendment, which replaces the original bill in its entirety, revises and improves upon those incentives found in current law which were intended to encourage the development of investment capital funds in New Hampshire. To date, these incentives have not been exercised, and there continue to be difficulties in the ability of local firms to raise much-needed equity capital.

Some of the problems with the current law are: (1) the requirements failed to allow for traditional venture capital fund investment cycles; (2) the requirements failed to recognize traditional venture capital fund investment structures; (3) the requirements unnecessarily limited the investment marketplace solely to New Hampshire; (4) interest and dividends tax rules required taxation of investors even when they received no actual dividends; and (5) the tax incentives were limited only to persons that were subject to the BPT.

The amendment addresses these concerns in a manner which the Department of Revenue Administration finds structurally acceptable. Additionally, the amendment: (1) requires additional reporting requirements which will allow for the legislature to determine whether or not the venture capital funds are being reinvested in New Hampshire, and in which industries; (2) allows for a credit to the Interest and Dividends tax for monies invested in a venture capital fund (this joins already existing credits allowed against the BPT and BET; and (3) changes the point of taxation from "deemed distributions" to "cash or actual distributions."

The Department of Revenue Administration is unable to estimate the impact to tax revenues that the proposed changes and additional tax credit will have. The Department is equally unable to assess the additional tax revenues that this bill will generate from increased business activities which will result from the increased investment opportunities that venture capital funds will provide to New Hampshire businesses.

The committee estimates that the worst case negative impact to the general fund (resultant of the three tax credits) could be \$750,000; but unfortunately, is unable to quantify the additional tax receipts that would result from increased business activities in the state.

It should also be noted that venture capital funds take significant time to be developed and become active in soliciting investments. Thus, it is very unlikely that there will be any sizable impact to the general fund during the current biennium. Vote 20-0.

### Amendment (0134h)

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

AN ACT relative to taxation of qualified investment capital companies.

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

1 No Current Taxation of Qualified Investment Capital Companies. Amend RSA 77:4, V to read as follows:

V. For each holder of an ownership interest in a qualified investment company as defined in RSA 77-A:1, XXI *which is not a qualified investment capital company as defined in RSA 77-A:1, XXIV*, which holder is subject to tax under RSA 77, the holder's proportional share of the income, less any income attributable to United States government notes or bonds, of such qualified investment company shall be treated as a dividend; however, notwithstanding any other provision of RSA 77, no actual distribution made to such holder by such qualified investment company shall be taxable under RSA 77.



*VI. For each holder of an ownership interest in a qualified investment capital company, as defined in RSA 77-A:1, XXIV, which holder is subject to tax under RSA 77, any dividends, other than dividends paid in new or additional equity interests in the qualified investment capital company issuing the same, paid to the holder.*

2 New Section; Adjustments for Contributions and Distributions with Respect to Qualified Investment Capital Companies. Amend RSA 77 by inserting after section 4-e the following new section:

77:4-f Adjustments for Contributions and Distributions With Respect to Qualified Investment Capital Companies. The following adjustments shall be made to the class of dividend and interest income taxable under this chapter:

I. A taxable person shall be allowed to deduct from the sum of the interest and dividends taxable under this chapter an amount equal to any cash contribution made to a qualified investment capital company during the applicable taxable period.

II. Notwithstanding RSA 77:7, a taxable person shall be required to report an additional taxable amount equal to any distribution or return of capital previously taken as a deduction pursuant to RSA 77:4-f, I as a capital contribution to a qualified investment capital fund if such return is received within 3 taxable periods after the taxable period in which it is deducted.

3 Definition Modification; Qualified Investment Company. Amend RSA 77-A:1, XXI to read as follows:

XXI.(a) "Qualified investment company" means:

(1) A regulated investment company as defined in section 851 of the United States Internal Revenue Code as defined in RSA 77-A:1, XX[;];

(2) An organization that is an investment company under the Investment Company Act of 1940 as amended[~~;~~];

(3) An organization that would be an investment company under the Investment Company Act of 1940, as amended, but for the exception from investment company status provided by section 3(c)(1) or 3(c)(7) of said Investment Company Act[~~;~~ ~~provided, however;~~]; *or*

(4) *A qualified investment capital company as defined in RSA 77-A:1, XXIV.*

(b) A qualified investment company shall limit its activities to investment *or other* activities *consistent with its organizational purpose* and those incidental to or in support of such activities and shall submit certification that it satisfies the requirements to be classified as a qualified investment company to the commissioner no later than 9 months subsequent to commencement of its investment activities, and provided further that any such exception from investment company status by reason of section 3(c)(7) is available only to issuers whose securities are owned by persons or organizations who are deemed under section 3(c)(7) or any order, regulation or interpretation thereunder not to require protection under the provisions of the Investment Company Act by reason of their size, nature, status, or sophistication. Upon petition, the commissioner may accept an untimely submission of such certification, which acceptance shall not be unreasonably withheld.

4 Qualified Investment Capital Company; Investment Company Manager Definitions. RSA 77-A:1, XXIV and XXV are repealed and reenacted to read as follows:

XXIV.(a) "Qualified investment capital company" means with respect to any taxable year a business organization that satisfies the following criteria:

(1) The principal purpose of the qualified investment capital company is to provide investment capital to companies through investment in equity and debt securities or interests issued by such companies, including common and preferred stock, indebtedness and convertible securities, to provide such management oversight and business advice to such companies as is reasonably appropriate to protect the investment and to encourage the success of the company and the investment, and to take any and all actions that may become necessary to preserve and protect investments in accordance with the terms of the investment securities.

(2) At least 30 percent of the qualified investment capital company's outstanding equity, capital and profits interests is owned by at least one person who is not related to the qualified investment company's investment company manager or investment company managers.

(3) Each investment company manager of the qualified investment capital company is subject to tax under RSA 77-A and has a payroll apportionment factor, computed in accordance with RSA 77-A:3, I(b), on a separate company or combined group basis as the case may be, that exceeds 50 percent.

(4) The qualified investment capital company has filed an election with the commissioner to be a qualified investment capital company with respect to any taxable period on a form prescribed by the commissioner at any time on or before the fifteenth day of the third month of such taxable

period. Such an election shall be effective for the taxable period of the qualified investment capital company for which it is made and for all succeeding taxable periods of the qualified investment capital company. Such election shall designate each of the investment company managers for such qualified investment company.

(b) For purposes of this paragraph, an investment company manager is related to a person if it owns or controls, directly or indirectly (not including ownership through the qualified investment capital company), more than 25 percent of the voting interests in such person.

XXV. "Investment company manager" means with respect to a qualified investment capital company the general partner or general partners, manager or managers, trustee or trustees, other business organizations or individuals who are directly authorized and vested with the responsibility for making decisions regarding the investment, management and divestiture of assets of the qualified investment capital company.

5 Replacing References to Qualifying Venture Capital Fund. Amend RSA 77-A:4, XVII and XVIII to read as follows:

XVII. A deduction equal to any *cash* contribution made to a ~~[qualifying venture capital fund]~~ *qualified investment capital company* during the applicable taxable period.

XVIII. An addition equal to any return of capital previously taken as a deduction pursuant to RSA 77-A:4, XVII as a capital contribution to a ~~[qualifying venture capital fund]~~ *qualified investment capital company* if such return is received within 3 taxable periods after the taxable period in which it was deducted.

6 New Section; Reporting Obligation. Amend RSA 77-A by inserting after section 5-a the following new section:

77-A:5-b Reporting for Qualified Investment Capital Companies. Every business organization that elects treatment as a qualified investment capital company shall with respect to each taxable period make a report, in accordance with such forms or regulations as the commissioner may prescribe, setting forth the aggregate amounts of funds invested in the qualified investment capital company and the aggregate amounts of investments made by the qualified investment capital company by industry and state or other location. The information provided in such report shall be included in the tax expenditure report required under RSA 77-A:5-a notwithstanding RSA 21-J:14, however, such report shall not require disclosure of the identity of individual investors or individual investments made by the qualified investment capital company.

7 Definition Modification; Qualified Investment Company. Amend RSA 77-E:1, XIV to read as follows:

XIV.(a) "Qualified investment company" means:

(1) A regulated investment company as defined in section 851 of the United States Internal Revenue Code as defined in RSA 77-E:1, XVII[,];

(2) An organization that is an investment company under the Investment Company Act of 1940, as amended[, or];

(3) An organization that would be an investment company under the Investment Company Act of 1940, as amended, but for the exception from investment company status provided by section 3(c)(1) or 3(c)(7) of said Investment Company Act[, provided, however,]; *or*

(4) *A qualified investment capital company as defined in RSA 77-A:1, XXIV.*

(b) A qualified investment company shall limit its activities to investment *or other* activities *consistent with its organizational purpose* and those incidental to or in support of such activities and shall submit certification that it satisfies the requirements to be classified as a qualified investment company to the commissioner no later than 9 months subsequent to commencement of its investment activities, and provided further that any such exception from investment company status by reason of section 3(c)(7) is available only to issuers whose securities are owned by persons or organizations who are deemed under section 3(c)(7) or any order, regulation or interpretation thereunder not to require protection under the provisions of the Investment Company Act by reason of their size, nature, status, or sophistication. Upon petition, the commissioner may accept an untimely submission of such certification, which acceptance shall not be unreasonably withheld.

8 Repeal. The following are repealed:

I. RSA 77-A:1, XXVI-XXIX, relative to the definitions of "qualifying start-up firm," "affiliate," "affiliated," and "bank" for the purposes of qualified venture capital funds, are repealed.

II. RSA 77-A:2-c, relative to the tax on qualified venture capital funds.

9 Applicability. This act shall apply for all taxable periods ending after June 30, 1998.

10 Effective Date. This act shall take effect July 1, 1998.

### AMENDED ANALYSIS

This bill expands the definition of qualified investment company to include qualified investment capital companies for the purposes of the business profits tax and the business enterprise tax. The bill also repeals the application of the business profits tax to qualified venture capital funds.

Adopted.

Report adopted and ordered to third reading.

**HB 490**, relative to the confidentiality of medical records. **OUGHT TO PASS WITH AMENDMENT** Rep. Alphonse A. Haettenschwiler for Health, Human Services and Elderly Affairs: The amended bill is the result of many meetings over the summer of the subcommittee, the sponsors of the original bill and interested individuals and organizations including the Department of Health and Human Services. It is a consensus to which all parties agreed and which increases the confidentiality of medical records without creating barriers to necessary use. Vote 17-1.

### Amendment (0150h)

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

AN ACT relative to the confidentiality of medical information.

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

1 Purpose. The general court recognizes that preserving the confidentiality of medical information is of great importance to the citizens of the state. The ability to communicate freely and privately with health care professionals fosters the provision of appropriate health care. Consequently, the general court recognizes that medical information should be used only in connection with providing or paying for an individual's health care. Medical information that allows the identification of a patient should not be a commodity in the marketplace.

2 New Section; Confidentiality of Medical Information. Amend RSA 332-I by inserting after section 2 the following new section:

332-I:3 Confidentiality of Medical Information.

I. In this section:

(a) "Health care" includes examination, diagnosis, treatment including but not limited to dispensing pharmaceuticals, evaluation, rehabilitation or advice as may be permissible under the laws of this state regulating health care providers.

(b) "Health care payer" means an insurance company that offers health insurance to the public, a health service corporation, or a health maintenance organization and, to the extent permitted under federal law, any administrator of an insured, self-insured, or publicly funded health care benefit plan offered by a public or private entity.

(c) "Health care provider" means any person regulated by this state to provide health care, or an officer, employee, or agent of that regulated person acting in the course and scope of employment, or agency related to health care.

(d) "Individual" means a human being, alive or dead, who is the subject of medical information and includes the individual's legal or other authorized representative.

(e) "Non-health care payer" means an insurance company that offers life, disability income, long-term care or other insurance coverages that have a medical payment component to the public.

(f) "Person" includes a human being, association, organization, trust, corporation, partnership, the state of New Hampshire, an agency of the state, and any political subdivision of the state.

(g) "Medical information" means personal or private information relating to an individual that is reported at or derived from a health care provider-patient encounter and which:

(1) Contains primary or obvious identifiers, such as the individual's name, address, telephone number, and social security number, or secondary identifiers through which a user could deduce the individual's identity; and

(2) Is under the control of a medical information holder.

(h) "Medical information holder" means any person in possession of or having access to medical information, other than the individual to whom it relates.



II. There is hereby recognized an individual's right of privacy in the content of the individual's medical information.

III. Except as provided under paragraph IV or otherwise provided by law or if the individual or the individual's authorized representative otherwise consents or waives confidentiality, a medical information holder may disclose or use medical information only in connection with providing or paying for health care for an individual. No person to whom medical information is disclosed may use the information for any purpose other than the purpose for which it was disclosed.

IV.(a) A medical information holder may disclose medical information without the consent of the individual if the medical information is disclosed to:

(1) An agent, employee, or independent contractor of the medical information holder solely to carry out risk management, quality assurance, utilization review, and peer review activities.

(2) A person engaged in assessment, evaluation, or investigation of the quality of health care furnished by a health care provider pursuant to statutory, regulatory, or private accreditation standards or the requirements of a private or public program for the payment of health care.

(3) An employer, for the purposes of workers' compensation or employee drug-testing.

(4) A person authorized to receive such information pursuant to a valid order of a court of competent jurisdiction for good cause shown and after the individual whose medical information is the subject of the order has been notified of the proposed order in clear, conspicuous, and simple language, and has had an opportunity to contest the proposed order.

(5) A person, for the purpose of avoiding or minimizing a direct threat of imminent harm to the health or safety of any human being, as determined by a current health care provider to the individual based on reasonable professional judgment.

(6) The department of health and human services or any representative of the department to the extent required by law or rule or as otherwise necessary to enable the department to carry out its responsibilities.

(b) Any disclosure under paragraph IV shall provide only the minimum amount of medical information to the minimum number of persons necessary and in as confidential a manner as possible in order to effect the purpose for which it is being disclosed.

V. Any consent to the disclosure of medical information under paragraph III shall be valid only if it is fully informed, freely-given, and in writing. "Fully informed" means that the individual consenting knows the nature of what will be disclosed, to whom the information will be disclosed, and the purpose for which the disclosure will be made.

(a) Consent shall not be considered freely given if it is a condition of entering a contract, except:

(1) A health care provider may, as a condition of service, require an individual to consent to the release or use of medical information if the release or use is no broader than necessary to appropriately provide health care.

(2) A health care payer may, as a condition of service or coverage, require an insured person, enrollee, or prospective enrollee to consent to the release or use of medical information if the release or use is no broader than necessary to appropriately underwrite the risk, conduct utilization review or quality assurance activities, or process claims with respect to health care, except as otherwise precluded under RSA 420-G.

(3) A non-health care payer may, as a condition of service or coverage, require an insured person, enrollee or prospective enrollee to consent to the release or use of medical information if the release or use is no broader than necessary to appropriately underwrite the risk, conduct utilization review or quality assurance activities, or process claims with respect to life, disability and long-term care insurance.

(b) Consent may be revoked prospectively at any time, subject to the rights of any person who acted in reliance thereon prior to revocation.

VI. Nothing in this section shall be deemed to affect a scientific research project that has been approved by an institutional review board, which, for the purposes of this section, means a board, committee, or other group formally designated by a health care facility or an educational institution of higher learning authorized under federal law to review, approve, or conduct periodic reviews of research programs.

VII.(a) The penalties for violating a provision of this section are as follows:

(1) An aggrieved individual may bring a civil action under this section if a medical information holder knew or should have known that medical information was being used in violation of this section. In addition to compensatory damages, the aggrieved individual, if successful, shall be awarded special damages of not less than \$1,000 for each violation as well as reasonable legal fees.

(2) An aggrieved individual may bring an action for injunctive relief for a violation of this section in addition to or instead of the penalties provided in this paragraph. The application for injunctive relief under this section shall not be required to give security as a condition upon the issuance of the injunction.

(3) Whenever the attorney general has reason to believe that a person has knowingly and willfully violated a provision of this section and that an action under this section is in the public interest, the attorney general may bring an action to enjoin the violations of this section.

(b) Notwithstanding anything to the contrary in this paragraph, subparagraphs (a)(1) and (2) shall not apply against:

(1) The department of health and human services or any representative of the department for the use or disclosure of medical information required by law or rule to enable the department to carry out its responsibilities; or

(2) Any person who discloses medical information to the department of health and human services or any representative of the department to enable the department to carry out its responsibilities required by law or rule.

3 Effective Date. This act shall take effect July 1, 1998.

#### AMENDED ANALYSIS

This bill declares that medical information is confidential and provides safeguards for the disclosure of medical information.

Adopted.

Report adopted and ordered to third reading.

**SB 25**, establishing employer immunity from civil liability for good faith disclosure of information regarding current and former employees to prospective employers. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Benjamin J. DePecol for the Majority of Judiciary and Family Law: This bill establishes immunity from civil liability for employers who disclose information regarding current and former employees' job performance and work histories to prospective employers, unless lack of good faith is shown. The committee believed that while there was some merit to this idea, little protection was left to employees. After much discussion and many attempts to compromise failed, the bill was voted Inexpedient to Legislate. Vote 10-4.

Rep. Paul M. Mirski for the Minority of Judiciary and Family Law: Employers are presently discouraged from being open to other prospective employers concerning the performance of present or past employees due to the potential for litigation over any critical comment which an employer might make. Passage of this bill would lend some equity to the present unsuitable equation by granting employers limited immunity for expressing candor and honesty on the subject of employee performance.

Majority report adopted.

**HB 198-L**, allowing municipalities to offer tax incentives to foster growth in new and existing industrial construction. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Stephen G. Avery for the Majority of Local and Regulated Revenues: This legislation allows municipalities to offer limited tax exemption to foster growth in new and existing industrial construction. There were constitutional questions on the bill and the Supreme Court has ruled that it is constitutional. The majority of the committee felt that cities and towns should have this option. Vote 10-8.

Reps. Betsy McKinney, Laura C. Pantelakos, Francis C. Vincent, Raymond A. Lundborn, Linda T. Foster, Betsey A. Coes, Jean R. Wallin, Carol T. Burney for the Minority of Local and Regulated Revenues: The minority believes that this bill is simply bad tax policy for the following reasons: (1) It creates a new and distinct class of taxpayers; (2) study after study has failed to prove that tax credits attract industry; (3) the adoption of such policy pits town against town and becomes a "race to the bottom;"; (4) towns that have the greatest need for a diversified tax base are those that can

least afford the incentives; (5) incentives for new businesses may adversely affect existing businesses; and (6) tax breaks for some result in a tax shift to others, usually homeowners. The minority believes that attracting industry is best accomplished through innovative and cooperative planning and infrastructure improvements.

Rep. Linda Foster spoke against and yielded to questions.

Rep. Metzger spoke in favor.

Rep. Wallin spoke against.

Rep. Hess spoke in favor and yielded to questions.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 152 NAYS 179

### YEAS 152

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Holbrook, Robert	Laflam, Robert	Lawton, David	Lawton, Robert
Thomas, John			

#### CARROLL

Bradley, Jeb	Chandler, Gene	Cooper, Kipp	Dickinson, Howard, Jr.
Kenney, Joseph	Lyman, L. Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald			

#### CHESHIRE

Avery, Stephen	Burnham, Daniel	Hunt, John	Lynott, Margaret
Metzger, Katherine	Royce, H. Charles	Smith, Edwin	Steere, Myron, III

#### COOS

Coulombe, Yvonne	Davis, Perley	Guay, Lawrence	Horton, Lynn
Merrill, Gerald	Tholl, John, Jr.		

#### GRAFTON

Akins, Ralph	Alger, John	Brown, Channing	Cobbin, Philip
Eaton, Stephanie	Guaraldi, Lawrence	Hill, Richard	Hinman, Harry
Phinney, William	Root, John	Teschner, Douglass	Trelfa, Richard
Weber, Phil	Williams, William, Jr.		

#### HILLSBOROUGH

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Brundige, Robert	Calawa, Leon, Jr.	Carney, Lauren
Chabot, Robert	Christiansen, Lars	Clay, Susan	Clegg, Robert, Jr.
Daniels, Gary	Dawe, Eileen	Desrosiers, William	Dokmo, Cynthia
Durham, Susan	Dyer, Merton	Emerton, Lawrence, Sr.	Fields, Dennis
Flora, Kathleen	Franks, Suzan	Gage, Ruth	Ginsburg, Ruth
Goulet, Maurice	Herman, Keith	Lefebvre, Roland	Leishman, Peter
Lozeau, Donnalee	McCarty, Winston	McDonald, James, Sr.	McGough, Tim
Mercer, Robert	Messier, Irene	Milligan, Robert	Mittelman, David
O'Hearn, Jane	Peterson, Andrew	Rowe, Robert	Searles, Stanley, Sr.
Wheeler, Robert	White, Donald		

#### MERRIMACK

Anderson, Eric	Colburn, Thomas	Crowell, Peter	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Krueger, Patricia	Lamach, Bernard
Langer, Ray	Larrabee, David	Leber, William	Lockwood, Robert
Marshall, Kenneth	Pfaff, Terence	Whalley, Michael	Whittemore, James



**ROCKINGHAM**

Arndt, Janet	Battles-Peirce, Marjorie	Beaulieu, Jon	Case, Margaret
Christie, Andrew, Jr.	Dalrymple, Janeen	Dearborn, Bruce	Dodge, Robert
Dolan, Richard	Dowd, Sandra	Dowling, Patricia	Downing, Michael
Felch, Charles, Sr.	Fesh, Robert	Flanders, John, Sr.	Gleason, John
Griffin, Mary	Guthrie, Joseph	Henderson, Warren	Katsakiores, George
Katsakiores, Phyllis	Klemm, Arthur, Jr.	Langley, Jane	Langone, John
Letourneau, Robert	Lovejoy, Marian	Major, Norman	McCarthy, John, Jr.
Morris, Debbie	Noyes, Richard	Rabideau, Marie	Raynowska, Bernard
Sapareto, Frank	Stickney, Nancy	Stone, Joseph	Stritch, C. Donald
Varrell, Thomas	Welch, David	Weyler, Kenneth	

**STRAFFORD**

Cossette, Larry	Muster, George	Torr, Ann	Torr, Franklin
Tsiros, William			

**SULLIVAN**

Flint, Gordon	Kibbey, David	Lindblade, Eric	Schotanus, Merle
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**NAYS 179****BELKNAP**

Clark, Charles	Pilliod, James	Salatiello, Thomas
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**CARROLL**

Babson, David, Jr.

**CHESHIRE**

Bonneau, Sarah	DePecol, Benjamin	Doucette, Richard	Lynch, Margaret
Manning, Joseph	McGuirk, Paul	McNamara, Wanda	Meader, David
O'Connell, John	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Russell, Ronald	Vogl, John

**COOS**

Bradley, Paula	Coulombe, Henry	Hawkinson, Marie	Mears, Edgar
Moynihan, Wayne	Pratt, Leighton	St. Hilaire, Paul	

**GRAFTON**

Almy, Susan	Below, Clifton	Copenhaver, Marion	Guest, Robert
Ham, Bonnie	Lovett, Sidney	Luker, Elsa	Mirski, Paul
Nordgren, Sharon			

**HILLSBOROUGH**

Ackerman, Philip	Allen, W. Gordon	Ameen, W.	Barry, William, III
Bergin, Peter	Buckley, Raymond	Burke, M. Virginia	Cardin, Lori
Carlson, Donald	Clemons, Jane	Cote, Peter	Daigle, Robert
Drabinowicz, A. Theresa	Dwyer, Paul, Sr.	Fenton, James	Foster, Joseph
Foster, Linda	Golding, William	Gosselin, Gerald	Haettenschwiller, Alphonse
Hall, Betty	Hansen, Herbert	Holley, Sylvia	Holt, David
Hunter, Bruce	Jean, Claudette	Jean, Loren	Johnson, Lionel
Konys, Christine	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Leonard, Peter	Lessard, Rudy	Letendre, Evelyn	Luebckert, Bernard
Lynde, Harold	MacAuslan, Rita	MacGillivray, Jeffrey	MacIntyre, Doris
Marcinkowski, Michael	Martin, Mary	McCarthy, William	McRae, Karen
Melcher, Harold	Morello, Michael	Murch, George	Murphy, Robert
O'Rourke, Thomas	Perkins, Paul	Reidy, Frank	Thulander, O. Alan
Turgeon, Roland	Vaillancourt, Steve	White, Jay	Wright, George

**MERRIMACK**

Burney, Carol	Daneault, Gabriel	Dunn, Miriam	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Jacobson, Alf
Moore, Carol	Morrill, Olive	Nichols, Avis	Reardon, Tara
Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Camm, Kevin	Carson, Gregory	Cegelis, Mark	Clark, Martha
Coes, Betsy	Cooney, Richard	Dunham, Vivian	Flanagan, Natalie
Francoeur, Sheila	Frechette, Joseph	Heath, John	Hutchinson, Rebecca
Kane, Cecelia	Kelley, Jane	Kobel, Rudolph	Malcolm, Kenneth
McKinney, Betsy	Micklon, Stephanie	Mikowski, Walter	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Sabella, Norma	Schanda, Frank
Syracusa, Anthony	Tufts, J. Arthur	Vaughn, Charles	Weatherspoon, Jackie

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Grassie, Anne	Hemon, Roland	Kaen, Naida
Keans, Sandra	Knowles, William	Lundborn, Raymond	McCann, William, Jr.
McKinley, Robert	Merrill, Amanda	Pelletier, Arthur	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spear, Barbara
Sullivan, Henry	Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis
Wall, Janet			

**SULLIVAN**

Adler, Rudolf	Allison, David	Burling, Peter	Cloutier, John
Donovan, Thomas	Ferland, Brenda	Leone, Richard	Robb-Theroux, Amy
Wiggins, Celestine			

and the majority report failed.

Rep. Wallin moved Inexpedient to Legislate.

Adopted.

**HB 432**, increasing the wager limit on games of chance from \$1 to \$5. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Douglass P. Teschner for the Majority of Local and Regulated Revenues: When testimony was first offered on this bill, the committee became concerned that current law is not apparently followed at some "Monte Carlo" nights. As a result, the committee voted unanimously to re-refer the bill to study charitable gaming. The committee solicited testimony from the Attorney General Charitable Trust Division, Sweepstakes Commission, and Department of Safety. As a result, a comprehensive amendment was developed to improve and clarify the statutes on charitable gaming. In the interest of ensuring adequate public process, the committee voted the bill Inexpedient to Legislate and will bring the amendment forward as a clean bill in the upcoming session. The majority of the committee is opposed to raising the minimum bet until the law has been amended to ensure that this practice is suitably regulated. Vote 10-8.

Rep. Stephen G. Avery for the Minority of Local and Regulated Revenues: This was a simple bill that would allow wagers on charitable organization casino nights to be raised from a \$1 limit to \$5. There was overwhelming testimony that this would greatly increase the monies that would actually get to the charities. The minority of the committee feels that while other aspects of charitable gaming need to be tightened up, this can be done in subsequent legislation.

Rep. Avery spoke against and yielded to questions.

Rep. Teschner spoke in favor.

Rep. Teschner requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 200 NAYS 124****YEAS 200****BELKNAP**

Bartlett, Gordon	Boyce, Robert	Calvert, Alice	Clark, Charles
Holbrook, Robert	Lawton, David	Lawton, Robert	Pilliod, James
Thomas, John			

**CARROLL**

Bradley, Jeb	Chandler, Gene	Kenney, Joseph	Lyman, L. Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	

**CHESHIRE**

Bonneau, Sarah	Burnham, Daniel	Hunt, John	McGuirk, Paul
Meador, David	Metzger, Katherine	Richardson, Barbara	Riley, William
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	

**COOS**

Bradley, Paula	Davis, Perley	Guay, Lawrence	Merrill, Gerald
Pratt, Leighton	Tholl, John, Jr.		

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Below, Clifton
Brown, Channing	Eaton, Stephanie	Guaraldi, Lawrence	Hinman, Harry
Lovett, Sidney	Phinney, William	Teschner, Douglass	Williams, William, Jr.

**HILLSBOROUGH**

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Bergin, Peter	Brundige, Robert	Burke, M. Virginia
Calawa, Leon, Jr.	Carlson, Donald	Carney, Lauren	Chabot, Robert
Christiansen, Lars	Clay, Susan	Cote, Peter	Daigle, Robert
Daniels, Gary	Desrosiers, William	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Emerton, Lawrence, Sr.	Fields, Dennis	Flora, Kathleen
Foster, Linda	Golding, William	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Holt, David	Jean, Loren	Johnson, Lionel
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Leishman, Peter
Leonard, Peter	Letendre, Evelyn	Lozeau, Donnalee	MacIntyre, Doris
Marcinkowski, Michael	McCarty, Winston	McDonald, James, Sr.	McGough, Tim
McRae, Karen	Melcher, Harold	Mercer, Robert	Messier, Irene
Mittelman, David	Morello, Michael	Murch, George	Murphy, Robert
O'Hearn, Jane	Peterson, Andrew	Rowe, Robert	Searles, Stanley, Sr.
Thulander, O. Alan	Wheeler, Robert	White, Donald	Wright, George

**MERRIMACK**

Anderson, Eric	Colburn, Thomas	Crowell, Peter	Daneault, Gabriel
Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn	French, Barbara
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Krueger, Patricia
Lamach, Bernard	Langer, Ray	Larrabee, David	Leber, William
Marshall, Kenneth	Morrill, Olive	Nichols, Avis	Pfaff, Terence
Reardon, Tara	St. Cyr, Gerard	Whalley, Michael	Whittemore, James

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Battles-Peirce, Marjorie	Beaulieu, Jon
Carson, Gregory	Case, Margaret	Christie, Andrew, Jr.	Coes, Betsy
Dalrymple, Janeen	Dolan, Richard	Dowling, Patricia	Downing, Michael
Fesh, Robert	Flanagan, Natalie	Flanders, John, Jr.	Francoeur, Sheila



Griffin, Mary  
Katsakiores, Phyllis  
Letourneau, Robert  
McKinney, Betsy  
Rabideau, Marie  
Stone, Joseph  
Varrell, Thomas

Henderson, Warren  
Kelley, Jane  
Lovejoy, Marian  
Noyes, Richard  
Raynowska, Bernard  
Stritch, C. Donald  
Vaughn, Charles

Hutchinson, Rebecca  
Klemm, Arthur, Jr.  
Major, Norman  
Pantelakos, Laura  
Sabella, Norma  
Syracusa, Anthony  
Welch, David

Katsakiores, George  
Kobel, Rudolph  
Malcolm, Kenneth  
Pitts, Jacqueline  
Stickney, Nancy  
Tufts, J. Arthur  
Weyler, Kenneth

### STRAFFORD

Brown, Julie  
Estabrook, Iris  
Musler, George  
Smith, Marjorie  
Torr, Ann

Cossette, Larry  
Grassie, Anne  
Pelletier, Arthur  
Spear, Barbara  
Tsiros, William

DeChane, Marlene  
Hemon, Roland  
Pelletier, Marsha  
Sullivan, Henry  
Wall, Janet

Dunlap, Patricia  
McKinley, Robert  
Rogers, Rose Marie  
Taylor, Kathleen

### SULLIVAN

Adler, Rudolf  
Kibbey, David

Allison, David  
Leone, Richard

Ferland, Brenda  
Lindblade, Eric

Flint, Gordon  
Schotanus, Merle

### NAYS 124

### BELKNAP

Boriso, Thomas

Salatiello, Thomas

### CARROLL

Babson, David, Jr.

Cooper, Kipp

Dickinson, Howard, Jr.

### CHESHIRE

Avery, Stephen  
Lynott, Margaret  
Pratt, John

DePecol, Benjamin  
Manning, Joseph  
Russell, Ronald

Doucette, Richard  
McNamara, Wanda  
Vogl, John

Lynch, Margaret  
Pratt, Irene

### COOS

Coulombe, Henry  
Mears, Edgar

Coulombe, Yvonne  
Moynihan, Wayne

Hawkinson, Marie

Horton, Lynn

### GRAFTON

Cobbin, Philip  
Hill, Richard  
Trelfa, Richard

Copenhaver, Marion  
Luker, Elsa  
Weber, Phil

Guest, Robert  
Nordgren, Sharon

Ham, Bonnie  
Root, John

### HILLSBOROUGH

Ackerman, Philip  
Buckley, Raymond  
Dawe, Eileen  
Foster, Joseph  
Gosselin, Gerald  
Jean, Claudette  
Luebker, Bernard  
McCarthy, William  
Reidy, Frank

Allen, W. Gordon  
Cardin, Lori  
Drabinowicz, A. Theresa  
Franks, Suzan  
Goulet, Maurice  
Konys, Christine  
Lynde, Harold  
Milligan, Robert  
Turgeon, Roland

Ameen, W.  
Clegg, Robert, Jr.  
Dwyer, Paul, Sr.  
Gage, Ruth  
Hall, Betty  
Lefebvre, Roland  
MacAuslan, Rita  
O'Rourke, Thomas  
Vaillancourt, Steve

Barry, William, III  
Clemons, Jane  
Fenton, James  
Ginsburg, Ruth  
Hunter, Bruce  
Lessard, Rudy  
MacGillivray, Jeffrey  
Perkins, Paul  
White, Jay

### MERRIMACK

Burney, Carol  
Seldin, Gloria

Gile, Mary  
Wallin, Jean

Lockwood, Robert  
Wallner, Mary Jane

Moore, Carol  
Yeaton, Charles

## ROCKINGHAM

Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn	Camm, Kevin
Cegelis, Mark	Clark, Martha	Cooney, Richard	Cushing, Robert
Dearborn, Bruce	Dodge, Robert	Dowd, Sandra	Dunham, Vivian
Felch, Charles, Sr.	Frechette, Joseph	Gleason, John	Guthrie, Joseph
Heath, John	Kane, Cecelia	Langley, Jane	Langone, John
Micklon, Stephanie	Mikowski, Walter	Morris, Debbie	Norelli, Terie
Reardon, Neil	Sapareto, Frank	Schanda, Frank	Weatherspoon, Jackie

## STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	Kaen, Naida	Keans, Sandra	Knowles, William
Lundborn, Raymond	McCann, William, Jr.	Merrill, Amanda	Rollo, Michael
Snyder, Clair	Twardus, Joseph	Vachon, Dennis	

## SULLIVAN

Burling, Peter	Cloutier, John	Donovan, Thomas	Robb-Theroux, Amy
Wiggins, Celestine			

and the majority report was adopted.

**HB 126-FN-L**, repealing road toll refunds for retail dealers. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Merle W. Schotanus for the Majority of Public Works and Highways: This is the second consecutive time this bill has been introduced in the House. The previous bill, after study, was voted inexpedient to legislate by the House. The voluntary road toll refund program was established in 1957. The program allows independent gasoline dealers to apply for a 1 percent rebate on state gasoline taxes paid as compensation for shrinkage which occurs before the gasoline is sold. Gasoline dealers pay the state tax on gasoline up-front based on gallons delivered from the wholesale terminal before any gasoline is sold to the public. Temperature shrinkage during storage reduces the number of gallons that can be sold to the public. Without the rebate, dealers will have paid a tax on gasoline that cannot be sold. Vermont, Maine and other cold-weather states allow rebates to gasoline dealers which range from 0.05 to 4 percent. The majority of the committee believes the 1 percent New Hampshire rebate is fair. The Department of Environmental Services (DES) took no position on this bill in 1997. However, DES did state that gasoline dealers can experience losses of gasoline as a result of shrinkage. New Hampshire dealers testified that shrinkage is the greatest contributor to loss of gasoline. The majority of the committee believes that it is unfair to tax a product that cannot be sold and thus recommends this bill is inexpedient to legislate Vote 14-7.

Rep. Katherine D. Rogers, Steve Vaillancourt, and Marlene M. DeChane for the Minority of Public Works and Highways: The amendment would decrease the rebate from 1 to 0.5 percent of the toll paid on gross gasoline purchases. The New Hampshire Department of Environmental Services reported in January of 1996 that the amount lost during delivery is 0.1-0.2 percent or less. Therefore, with the reduction to 0.5 percent, dealers would still be receiving approximately three times what they are in fact losing. During extensive meetings of the subcommittee dealing with this bill, no clear and compelling empirical evidence was presented that any significant amount of gasoline is lost in underground storage tanks. With New Hampshire's year-round temperature range, scientific evidence is that the amount of expansion and contraction offsets each other. If anything, dealers may be experiencing an increase of volume to sell. If this rebate was dropped to 0.5 percent, the state would realize an additional \$325,000 a year into the highway fund. It should also be noted that there is no refund to the federal gasoline tax, none in our neighboring New England states of Massachusetts, Rhode Island and Connecticut, and the 0.5 percent as proposed by the amendment in Maine.

Rep. Lamach spoke against.

Rep. Schotanus spoke in favor and yielded to questions.

Majority report adopted.

Rep. Meader declared a conflict of interest and did not participate.

**HB 405-L**, relative to standardizing the requirements for the design and specifications of septic systems. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Michael D. Whalley for the Majority of Resources, Recreation and Development: This bill would require that the design and specifications for sewage or waste disposal systems approved by the Department of Environmental Services be the standard for all systems in similar circumstances throughout the state. Although many on the committee felt regulations and standards should be based on science and not become a tool for local communities to restrict reasonable growth, most of the committee did not wish to upset the partnership that exists between the state and local communities with regard to the regulation of sewage disposal systems. Vote 12-5.

Rep. William E. Williams, Jr. for the Minority of Resources, Recreation and Development: The minority of the committee, being unable to agree with the majority, believes that this bill is a basic, simple bill which brings the entire state in line with the present technical standards as enforced by the New Hampshire Department of Environmental Services. This is not a "home rule" issue. Rather, it is an attempt to standardize septic statutes in a similar manner as we now treat clean air, clean water, etc.

Reps. Adler and William Williams spoke against.

Reps. Whalley and Metzger spoke in favor and yielded to questions.

On a division vote, 268 members having voted in the affirmative and 42 in the negative, the majority report was adopted.

**HB 560-FN**, relative to penalties for introduction of boats and seaplanes from waters infested with milfoil or zebra mussels into clean lakes or ponds. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.

Rep. David M. Lawton for the Majority of Resources, Recreation and Development: While the majority of the committee believes that the problems associated with milfoil and zebra mussels are very serious concerns for our lake resources, we firmly believe that this legislation isn't needed at the present time. HB 181, Chapter 185 of 1997 was an important effort by this Legislature to address the issues of milfoil infestation. Chapter 185 already makes it illegal to sell, import, possess, distribute or transport exotic aquatic species (milfoil). Further, it provides for a \$1.50 increase in boat registration fees to help control milfoil infestation. Until the results of our efforts of last session become clear, further action is unnecessary. Vote 10-7.

Rep. Sidney Lovett for the Minority of Resources, Recreation and Development: The exotic weed milfoil is contaminating the lakes of New Hampshire. It is currently in 30 lakes or ponds – an increase of 15% in 1997. The minority believes that this fact and the proximity of zebra mussels (Vermont) should require the legislature to maintain a committee for study and the development of appropriate strategies to preserve New Hampshire lakes. The minority recommends interim study. Rep. Lovett spoke against.

Rep. David Lawton spoke in favor and yielded to questions.

Majority report adopted.

**HB 485**, relative to limited electrical energy producers. OUGHT TO PASS WITH AMENDMENT

Reps. Donald B. White, Anne C. Grassie and Jeb E. Bradley for Science, Technology and Energy: There are three major provisions of this bill. First there are legislative guidelines for net energy metering. This metering occurs when an extremely small generator of electricity, primarily using wind or solar power, uses less energy than such a system produces on an instantaneous basis. The excess energy flows into the distribution network and runs the homeowners' meter backwards, allowing an offset against consumption at other times. PSNH currently allows this practice for a handful of residences that can produce up to 25 kilowatts of power. The net impact in terms of cost to the electric system is extremely small, but the practical impact would be to encourage people to explore and install renewable energy technology. This amendment limits the total amount of kilowatts of such generating capacity that can use net energy metering. The second provision of the bill removes the requirement from state law that a utility must purchase new sources of independent power, such as hydro or wood energy, once competition in the electric industry actually commences. This requirement, as well as similar federal legislation enacted in the late 1970s, has led to the growth of renewable independent power but has proven to be very costly for N.H. customers. Much of the independent power cost problem for PSNH customers can be traced directly to projected costs of energy that PSNH and the Public Utilities Commission agreed to in a 1983



Commission docket. These high projected costs not only were used to justify continued Seabrook construction but also created an incentive for wood to energy plants to locate in PSNH's service territory. The committee believes it is time to end this practice of future mandatory power purchases, as all sources of power generation should be subject to competitive market forces. The third component of the bill involves existing purchases of independent power. In 1994 the legislature passed SB 790, which barred the buyout of any rate orders for the six remaining wood to energy plants. At the time, SB 790 was necessary to facilitate negotiations between PSNH and the six wood plants to lower their cost to ratepayers. Partial buydowns of these rate orders have been negotiated and are pending approval at the Commission. Even though there would be significant ratepayer savings with buydowns, greater savings might be achieved with rate order buyouts. The committee believes that it is appropriate to eliminate the prohibition on buyouts once competition exists, should any of the plants choose that as an option. Because a buyout could lead to a wood plant closure, there could be an impact on the forest products industry. The committee mitigated this possible impact by allowing only one potential buyout per year. Unlike 1994, once electric industry competition begins, these wood to energy plants as well as all other sources of renewable energy, both new and existing, will be able to sell to willing buyers. Results from the N.H. Pilot Program suggest at least some consumers will choose to purchase this type of power. Vote 17-0.

#### Amendment (0188h)

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

1 Limited Electrical Energy Producers Act; Declaration of Purpose. Amend RSA 362-A:1 to read as follows:

362-A:1 Declaration of Purpose. It is found to be in the public interest to provide for small scale and diversified sources of supplemental electrical power to lessen the state's dependence upon other sources which may, from time to time, be uncertain. It is also found to be in the public interest to encourage and support diversified electrical production that uses indigenous and renewable fuels and has beneficial impacts on the environment and public health. *It is also found that these goals should be pursued in a competitive environment pursuant to the restructuring policy principles set forth in RSA 374-F:3. It is further found that net energy metering for eligible customer-generators may be one way to provide a reasonable opportunity for small customers to choose interconnected self generation, encourage private investment in renewable energy resources, stimulate in-state commercialization of innovative and beneficial new technology, enhance the future diversification of the state's energy resource mix, and reduce interconnection and administrative costs. However, due to uncertain cost and technical impacts to electric utilities and other ratepayers, the general court finds it appropriate to limit the availability of net energy metering to eligible customer-generators who are early adopters of small-scale renewable electric generating technologies.*

2 New Paragraphs; Limited Electrical Energy Producers Act; Definitions; "Eligible Customer-Generator" Added. Amend RSA 362-A:1-a by inserting after paragraph II the following new paragraphs:

II-a. "Electricity suppliers" has the same meaning as in RSA 374-F:2, II.

II-b. "Eligible customer-generator" means an electric utility customer who owns and operates electrical generating facilities powered by solar, wind, and/or hydro energy with a total peak generating capacity of not more than 25 kilowatts that is located on the customer's premises, is interconnected and operates in parallel with the electric grid, and is intended primarily to offset part or all of the customer's own electricity requirements.

3 New Paragraph; Limited Electrical Energy Producers Act; Definitions; "Net Energy Metering" Added. Amend RSA 362-A:1-a by inserting after paragraph III the following new paragraph:

III-a. "Net energy metering" means measuring the difference between the electricity supplied over the electric distribution system and the electricity generated by an eligible customer-generator which is fed back into the electric distribution system over a billing period.

4 New Paragraph; Limited Electrical Energy Producers Act; Definitions; "Qualifying Facility" Added. Amend RSA 362-A:1-a by inserting after paragraph VII the following new paragraph:

VII-a. "Qualifying facility" means either or both of a qualifying small power production facility or qualifying cogeneration facility.

5 Limited Electrical Energy Producers Act; Purchase of Output by Private Sector; Additional Authority. Amend the introductory paragraph of RSA 362-A:2-a, I to read as follows:

I. A limited producer of electrical energy shall have the authority to sell its produced electrical energy to not more than 3 purchasers other than the franchise electric utility, *unless additional authority to sell is otherwise allowed by statute or commission order*. Such purchaser may be any individual, partnership, corporation, or association. *The commission may authorize a limited producer, including eligible customer-generators, to sell electricity at retail, either directly or indirectly through an electricity supplier, within a limited geographic area where the purchasers of electricity from the limited producer shall not be charged a transmission tariff or rate for such sales if transmission facilities or capacity under federal jurisdiction are not used or needed for the transaction*. The public utilities commission shall review and approve all contracts concerning a retail sale of electricity pursuant to this section. The public utilities commission shall not set the terms of such contracts but may disapprove any contract which in its judgment:

6 Limited Electrical Energy Producers Act; Purchase of Output by Public Utilities; New Purchases Not Required After Competition Certified. Amend RSA 362-A:3 to read as follows:

362-A:3 Purchase of Output of Limited Electrical Energy Producers by Public Utilities.

I. The entire output of electric energy of such limited electrical energy producers, if offered for sale to the electric utility, shall be purchased by the electric public utility which serves the franchise area in which the installations of such producers are located.

II. *No purchases and related transactions involving qualifying facilities shall take place under RSA 362-A:3 or RSA 362-A:4 in any location where retail electric competition is certified to exist pursuant to RSA 38:36, unless such purchase or related transaction is pursuant to:*

(a) *Commission orders or agreements providing for qualifying facility power sales existing prior to such certification;*

(b) *Negotiated qualifying facility power purchase contracts existing prior to such certification; or*

(c) *Commission orders or agreements resulting from the renegotiation of orders, agreements, or contracts referenced in subparagraphs (a) and (b).*

7 Limited Electrical Energy Producers Act; Payment by Public Utilities for Purchase of Output; Payments After Competition Certified. Amend RSA 362-A:4 to read as follows:

362-A:4 Payment by Public Utilities for Purchase of Output. Public utilities purchasing electrical energy in accordance with the provisions of this chapter shall pay rates per kilowatt hour to be set from time to time by the commission. Such rates shall be based on the purchasing utility's avoided costs. The commission may set long term rates which shall, at the option of the qualifying small power producer or qualifying cogenerator, be based on the purchasing utility's avoided costs either calculated for the time of delivery or calculated for a specified term at the time the qualifying small power producer or qualifying cogenerator agrees to be obligated to deliver for the specified term. Nothing in this section shall limit the authority of any electric utility or any qualifying small power producer or qualifying cogenerator to agree to a rate for any purchase which differs from the rate or terms or conditions which would otherwise be required by the commission. *No payments or rates shall be required by this section in locations where retail electric competition is certified to exist pursuant to RSA 38:36, unless such payments or rates are pursuant to an arrangement authorized by RSA 362-A:3.*

8 Limited Electrical Energy Producers Act; Consideration by the Commission; Existing Order or Agreement. Amend RSA 362-A:4-c to read as follows:

362-A:4-c Consideration by the Commission. The commission shall independently and expeditiously consider any mutually acceptable agreement for *the buydown, buyout, or renegotiation of any existing commission order providing for qualifying facility power sales or power purchase agreement* regardless of the status of *any other such pending* renegotiations. *No complete buyout shall be approved until competition is certified to exist in at least 70 percent of the state pursuant to RSA 38:36, and provided that restrictions are not placed on selling the output of the qualifying facility in a competitive generation market pursuant to RSA 374-F. The commission shall not approve more than one complete buyout of a wood-fired qualifying facility in any 12-month period, unless the commission finds that such additional complete buyouts would cause no significant adverse impact on the forest products industry in New Hampshire.*

9 New Subparagraph; Limited Electrical Energy Producers Act; Payment Obligations; Commission Considerations; Electric Rates Added. Amend RSA 362-A:8, II(b) by inserting after subparagraph (4) the following new subparagraph:



## (5) The impact on electric rates.

10 New Section; Limited Electrical Energy Producers Act; Net Energy Metering. Amend RSA 362-A by inserting after section 8 the following new section:

## 362-A:9 Net Energy Metering.

I. A standard contract or tariff providing for net energy metering shall be developed and made available to eligible customer-generators by each electric distribution utility within 6 months of the start of retail choice of electric suppliers. Such tariffs or contracts shall be available on a first-come, first-served basis within each electric utility service area under the jurisdiction of the commission until such time as the total rated generating capacity owned and operated by eligible customer-generators totals 0.05 percent of the annual peak energy demand distributed by each such utility as determined by the commission from time to time.

II. Net energy metering shall be accomplished using a single meter capable of registering the flow of electricity in two directions. However, an additional meter or meters to monitor the flow of electricity in each direction may be installed, provided that it is not at the expense of the customer-generator unless requested by the customer-generator, and provided that such metering shall be used only to provide the information necessary to accurately bill the customer-generator pursuant to the provisions of this section, or for research purposes. If an additional meter or meters are installed, the net energy metering calculation shall yield the same result as when a single meter is used. The net energy metering calculation shall be made by taking the difference between the electricity supplied over the electric distribution system and the electricity generated by the eligible customer-generator and fed back into the electric distribution system over the billing period.

III. Each net energy metering contract or tariff offered by an electric distribution utility shall be identical, with respect to rates, rate structure, and periodic charges, to the contract or tariff to which the same customer would be assigned if such customer was not an eligible customer-generator. Electricity suppliers may voluntarily determine the terms, conditions, and prices under which they will agree to provide generation supply to and purchase net generation output from eligible customer-generators; however, electricity suppliers who provide default service or transition service to such a customer shall only bill for the net energy supplied as calculated in accordance with this section.

IV. The following rules shall apply to net energy measurement:

(a) The net energy produced or consumed on a monthly basis shall be measured in accordance with normal metering practices.

(b) Where the electricity supplied to the customer-generator over the electric distribution system exceeds the electricity generated by the customer-generator during the billing period, the customer-generator shall be billed based on the net energy supplied for distribution services and other charges in accordance with this section and standard applicable rates.

(c) Where the electricity generated by the customer-generator exceeds the electricity supplied by the electric grid, the customer-generator shall be credited during the next billing period for the excess kilowatt hours generated in accordance with this section.

V. The commission shall adopt rules, pursuant to RSA 541-A, to establish reasonable interconnection requirements for safety, reliability, and power quality as it determines the public interest requires.

VI. The commission, by order, may waive any of the limitations set forth in this chapter for targeted net energy metering arrangements that are part of a utility strategy to minimize distribution costs.

11 Report by Commission on Net Energy Metering. Within 6 months after the limit on the availability of net energy metering set forth in RSA 362-A:9, I, as inserted by section 10 of this act, is reached in one or more electric utility service areas, the commission shall submit a report to the legislative oversight committee on electric utility restructuring, the house science, technology and energy committee, and the senate executive departments and administration committee. The report shall concern the results and effects of net energy metering arrangements to date, including a summary of information available from participating utilities, electricity suppliers, and eligible customer-generators, and may recommend continuing or modifying the limits set forth in RSA 362:9, I and RSA 362-A:1-a, II-b.

12 Intent of Repeal of RSA 362-A:4-b. The repeal of RSA 362-A:4-b is intended to allow for mutually acceptable buyouts. However, the prospect of possible buyouts of existing commission



orders providing for qualifying facility power sales as an alternative to the negotiated agreements for buydowns pending before the commission on or before the effective date of this act, or subsequent modifications of those negotiated agreements, shall not be considered by the commission as a factor in its determination of whether Northeast Utilities has used its "best efforts" to renegotiate existing commission orders providing for qualifying facility power sales pursuant to its obligations under the rate agreement referenced in RSA 362-C.

13 Repeal. RSA 362-A:4-b, relative to buyout of existing rate orders, is repealed.

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

#### AMENDED ANALYSIS

This bill provides for the buyout of public utility purchase obligations from limited electrical energy producers after competition is certified to exist. This bill also provides for net energy metering and agreements between eligible customer-generators and electric utilities. This bill also provides for additional selling authority by limited electrical energy producers and repeals the existing statute relative to buyout of existing rate orders.

Adopted.

Report adopted and ordered to third reading.

Rep. Crowell declared a conflict of interest and did not participate.

**HCR 12**, urging ratification of the Convention for the Elimination of All Forms of Discrimination Against Women. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rita G. MacAuslan for State-Federal Relations and Veterans Affairs: The committee, with the approval of the sponsors, amended this resolution, which originally urged the US Senate to ratify the UN Convention on the Elimination of All Forms of Discrimination Against Women, to urge that the CEDAW be considered instead. The majority of the committee agrees with the amendment that CEDAW, which was signed by the US in 1980, passed from the Senate Foreign Relations Committee (13-5) to the full Senate in 1994, then referred back to committee due to its lateness, should be reconsidered and voted on by the Senate. Vote 10-6.

#### Amendment (0165h)

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

A RESOLUTION urging the United States Senate to consider the Convention on the Elimination of All Forms of Discrimination Against Women.

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

Whereas, in 1980 the United States of America was a signatory to the Convention on the Elimination of All forms of Discrimination Against Women; and

Whereas, in 1994 the Senate Foreign Relations Committee voted 13-5 on the measure and it was sent to the floor but not considered because of lateness; and

Whereas, since the Senate Foreign Relations Committee has not reconsidered the treaty; and

Whereas, Legislatures issue rights of great significance to citizens and the world; now therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the general court of the state of New Hampshire strongly urges the United States Senate to consider the Convention on the Elimination of All Forms of Discrimination Against Women; and

That a copy of this resolution be sent by the clerk of the house of representatives to the President of the United States, with a copy to the Secretary of State, to each member of the United States Senate Foreign Relations Committee, and to each member of the New Hampshire Congressional delegation.

#### AMENDED ANALYSIS

This house concurrent resolution urges consideration by the United States Senate of the Convention for the Elimination of All Forms of Discrimination Against Women.

Adopted.

Rep. Luebker spoke against.

Rep. Murch spoke against and yielded to questions.

Rep. Pfaff spoke in favor.

Rep. Luebker requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 228 NAYS 76****YEAS 228****BELKNAP**

Boriso, Thomas	Lawton, David	Lawton, Robert	Pilliod, James
Salatiello, Thomas			

**CARROLL**

Bradley, Jeb	Chandler, Gene	Dickinson, Howard, Jr.	Kenney, Joseph
Patten, Betsy	Philbrick, Donald		

**CHESHIRE**

Avery, Stephen	Bonneau, Sarah	DePecol, Benjamin	Doucette, Richard
Hunt, John	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	Meador, David	Metzger, Katherine	Pratt, John
Richardson, Barbara	Riley, William	Robertson, Timothy	Royce, H. Charles
Russell, Ronald	Smith, Edwin	Vogl, John	

**COOS**

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Guay, Lawrence	Horton, Lynn	Mears, Edgar	Moynihan, Wayne
Pratt, Leighton	Tholl, John, Jr.		

**GRAFTON**

Akins, Ralph	Almy, Susan	Below, Clifton	Brown, Channing
Eaton, Stephanie	Guaraldi, Lawrence	Guest, Robert	Ham, Bonnie
Hill, Richard	Lovett, Sidney	Luker, Elsa	Nordgren, Sharon
Phinney, William	Teschner, Douglass	Trelfa, Richard	Williams, William, Jr.

**HILLSBOROUGH**

Ackerman, Philip	Allen, W. Gordon	Alukonis, David	Ameen, W.
Amidon, Eleanor	Barry, William, III	Batula, Peter	Belvin, William
Bergin, Peter	Brundige, Robert	Buckley, Raymond	Calawa, Leon, Jr.
Cardin, Lori	Chabot, Robert	Christiansen, Lars	Clay, Susan
Clemons, Jane	Cote, Peter	Daigle, Robert	Dawe, Eileen
Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan
Dwyer, Paul, Sr.	Dyer, Merton	Emerton, Lawrence, Sr.	Fields, Dennis
Foster, Joseph	Foster, Linda	Franks, Suzan	Gage, Ruth
Ginsburg, Ruth	Golding, William	Hall, Betty	Holt, David
Jean, Claudette	Konys, Christine	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Leishman, Peter	Leonard, Peter	Lozeau, Donnalee
Lynde, Harold	MacAuslan, Rita	MacIntyre, Doris	Martin, Mary
McCarthy, William	McCarty, Winston	McDonald, James, Sr.	Melcher, Harold
Mercer, Robert	Messier, Irene	Milligan, Robert	O'Hearn, Jane
Perkins, Paul	Reidy, Frank	Searles, Stanley, Sr.	Thulander, O. Alan
Vaillancourt, Steve	Wheeler, Robert		

**MERRIMACK**

Anderson, Eric	Burney, Carol	Daneault, Gabriel	Dunn, Miriam
French, Barbara	Gile, Mary	Hess, David	Jacobson, Alf
Lamach, Bernard	Leber, William	Lockwood, Robert	Marshall, Kenneth
Moore, Carol	Morrill, Olive	Nichols, Avis	Pfaff, Terence
Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Case, Margaret	Christie, Andrew, Jr.	Clark, Martha
Coes, Betsy	Cooney, Richard	Dalrymple, Janeen	Dolan, Richard
Dowd, Sandra	Dowling, Patricia	Downing, Michael	Felch, Charles, Sr.
Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr.	Francoeur, Sheila
Gleason, John	Griffin, Mary	Heath, John	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Klemm, Arthur, Jr.
Kobel, Rudolph	Langley, Jane	Langone, John	Major, Norman
Malcolm, Kenneth	McKinney, Betsy	Micklon, Stephanie	Norelli, Terie
Noyes, Richard	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Rabideau, Marie	Raynowska, Bernard	Sabella, Norma	Sapareto, Frank
Schanda, Frank	Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony
Tufts, J. Arthur	Weatherspoon, Jackie	Welch, David	Weyler, Kenneth

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Grassie, Anne
Hemon, Roland	Kaen, Naida	Keans, Sandra	Knowles, William
Lundborn, Raymond	McCann, William, Jr.	Merrill, Amanda	Musler, George
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spear, Barbara	Sullivan, Henry
Taylor, Kathleen	Torr, Ann	Torr, Franklin	Tsiros, William
Twardus, Joseph	Vachon, Dennis	Wall, Janet	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Flint, Gordon	Kibbey, David	Leone, Richard
Schotanus, Merle	Wiggins, Celestine		

**NAYS 76****BELKNAP**

Bartlett, Gordon	Boyce, Robert	Clark, Charles	Holbrook, Robert
Laflam, Robert	Thomas, John		

**CARROLL**

Babson, David, Jr.	Lyman, L. Randy	Mock, Henry
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**CHESHIRE**

McNamara, Wanda	Steere, Myron, III
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**COOS**

Merrill, Gerald

**GRAFTON**

Alger, John	Cobbin, Phillip	Hinman, Harry	Root, John
Weber, Phil			

**HILLSBOROUGH**

Arnold, Thomas, Jr.	Burke, M. Virginia	Carlson, Donald	Carney, Lauren
Clegg, Robert, Jr.	Daniels, Gary	Fenton, James	Flora, Kathleen
Gosselin, Gerald	Goulet, Maurice	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Hunter, Bruce	Jean, Loren	Johnson, Lionel
Lefebvre, Roland	Lessard, Rudy	Letendre, Evelyn	Luebkert, Bernard
MacGillivray, Jeffrey	McGough, Tim	Morello, Michael	Murch, George
Murphy, Robert	O'Rourke, Thomas	Peterson, Andrew	Rowe, Robert
Turgeon, Roland	White, Donald	Wright, George	



**MERRIMACK**

Crowell, Peter	Feuerstein, Martin	Hoadley, Elizabeth	Langer, Ray
Larrabee, David	Whittemore, James		

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Camm, Kevin	Dearborn, Bruce	Dodge, Robert	Dunham, Vivian
Frechette, Joseph	Guthrie, Joseph	Henderson, Warren	Letourneau, Robert
Lovejoy, Marian	Mikowski, Walter	Morris, Debbie	Reardon, Neil
Stickney, Nancy	Varrell, Thomas		

**STRAFFORD**

Bickford, David	Cossette, Larry	McKinley, Robert
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**SULLIVAN**

Adler, Rudolf

and the report was adopted.  
Ordered to third reading.

**HB 712**, relative to the purchase, preservation, and reactivation of abandoned railroad rights-of-way and limiting railroad liability for passenger rail service. **INEXPEDIENT TO LEGISLATE** Rep. John W. Flanders for Transportation: It was the feeling of the committee that two prior decisions by the State Supreme Court finding it unconstitutional to implement medical liability caps and that this bill would not pass constitutional muster. Vote 13-2.  
Adopted.

**RESOLUTION**

Rep. Wheeler 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, January 29, 1998 at 10:00 a.m.  
Adopted.

**LATE SESSION****Third reading and final passage**

**HCR 21**, encouraging the designation of the Connecticut River as an American Heritage River.  
**HB 721**, authorizing municipalities to restrict the advertising of alcohol and tobacco through the exercise of zoning powers.  
**HB 535**, relative to the regulation of architects.  
**HB 676-FN-L**, relative to distribution of proceeds from the sale of tax-deeded property and repurchase of tax-deeded property by a former owner.  
**HB 371**, relative to the authority of the department of fish and game to regulate the management, preservation, propagation, and taking of state fish, game, and wildlife resources.  
**HB 443**, relative to push-polling.  
**HB 659**, modifying restrictions on televised political advertising.  
**HB 497**, excluding domestic septage from regulation as sludge or biosolids.  
**HB 717-FN-A**, relative to taxation of qualified investment capital companies.  
**HB 490**, relative to the confidentiality of medical information.  
**HB 485**, relative to limited electrical energy producers.  
**HCR 12**, urging the United States Senate to consider the Convention on the Elimination of All Forms of Discrimination Against Women.

**UNANIMOUS CONSENT**

Reps. L'Heureux, Rose Marie Rogers and Jacobson addressed the House.

**RECONSIDERATION**

Having voted with the prevailing side, Rep. Wallin moved that the House reconsider its action whereby it found *HB 198-L*, allowing municipalities to offer tax incentives to foster growth in new and existing industrial construction, Inexpedient to Legislate and spoke against. Reconsideration failed.

**RECESS MOTION**

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 4:20 p.m.

**RECESS**

(Rep. Franks in the Chair)

**RESOLUTION**

Its introduction having been approved by the Rules Committee:

Rep. Burling offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 1658, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

*HB 1658-FN*, relative to prohibiting the cloning of human beings in New Hampshire. (Cushing, Rock 22: Health, Human Services and Elderly Affairs)

**RECESS**

(Rep. David Welch in the Chair)

**RESOLUTION**

Its introduction having been approved by the Rules Committee:

Rep. Lyman offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 1025, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

*HB 1025-FN*, relative to capital murder, first degree murder, and second degree murder. (Lozeau, Hills 30; Knowles, Straf 11; Lyman, Carr 5; Simmons, Rock 25; Pepino, Hills 40; Russman, Dist 19; J. King, Dist 18: Criminal Justice and Public Safety)

**RECESS**

(Rep. Hess in the Chair)

**RESOLUTION**

Its introduction having been approved by the Rules Committee:

Rep. Noyes offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 1659, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 1659**, prohibiting the use of eminent domain powers by public utilities to take private property for the construction and operation of electric generating plants. (Cushing, Rock 22; Buckley, Hills 44; Hollingworth, Dist 23: Science, Technology and Energy)

RECESS

(Rep. Searles in the Chair)

**RESOLUTION**

Its introduction having been approved by the Rules Committee:

Rep. Ameen offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 1660, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 1660-FN-L**, relative to defining educational adequacy within the public school system. (Searles, Hills 23; Guest, Graf 10: Education)

RECESS

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.



**HOUSE JOURNAL No. 3**

Thursday, January 29, 1998

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Hays Junkin from St. Andrew's Episcopal Church in Hopkinton.

Compassionate God, on this beautiful New Hampshire day, we give You thanks for our many blessings. We ask that You bless the members of this General Court as they seek to represent the peoples of their communities. Bless their families and those they love. Be present today with those Representatives who are facing any personal pain or illness. Before we continue the work of this busy day, lift the eyes of our hearts to see the faces of all New Hampshire citizens: the young and the elderly, the powerful and the weak, the well connected and the disconnected, those in the majority and those in the minority. We especially lift up to Your care those communities damaged by severe winter weather. May the decisions made here today be for the common good of all Your people, and may Your commandments that we love You with all our heart, soul and mind, and our neighbors as ourselves, be the guiding lights of this chamber. Amen.

Rep. McCarty led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Brennan, George Brown, Champagne, Patricia Cote, Fenton, Ferguson, Robert Foster, Gagnon, Golden, Gosselin, Healy, Robert Johnson, Metzger, Pepino, Root, Russell, Paul Taylor and Turner, the day, illness.

Reps. Mary Brown, Colburn, Connolly, Copenhaver, Donovan, David Flanders, Haley, Kenneth MacDonald, Simmons and Veazey, the day, important business.

Reps. Horton and O'Keefe, the day illness in the family.

**INTRODUCTION OF GUESTS**

Jeanne Wheeler, wife of Rep. Wheeler. Former NH Rep. Walter Stiles, guest of the House.

**SPECIAL GUESTS**

Claire and Roland Jutras from Peterborough, National Parents of the Year.

**COMMITTEE ASSIGNMENT**

Rep. Lawrence V. Guaraldi on Wildlife and Marine Resources.

**ENROLLED BILL AMENDMENT**

**SB 84**, revising the uniform simultaneous death act. (Amendment printed SJ 2, 1/29/98)  
Adopted.

**REVENUE ESTIMATES**

Rep. Weyler spoke to the Revenue Estimates and yielded to questions.

The Revenue Estimates dated January 29, 1998 are printed on the following pages.

STATE OF NEW HAMPSHIRE  
HOUSE FINANCE COMMITTEE REPORT  
January 29, 1998

	(A)	(B)		(C)		(D)		(E)		(F)		(G)
	FY 1997	FY 1998		FY 1998		FY 1998		FY 1998		FY 1998		FY 1999
	Actual	Official Estimate	Official Estimate	Committee Estimate	Committee Estimate	Variance	Variance	Official Estimate	Official Estimate	Committee Estimate	Committee Estimate	Variance
(Dollars in Millions)		\$170.760	\$187.900	\$187.900	\$187.900	\$0.000	\$0.000	\$201.000	\$201.000	\$201.000	\$201.000	\$0.000
<b>GENERAL FUNDS:</b>												
(1) Business Profits Tax												
(2) Business Enterprise Tax	39.137	37.000	37.000	37.000	37.000	0.000	0.000	39.000	39.000	39.000	39.000	0.000
(3) Meals & Rooms Tax	118.721	122.700	122.700	124.700	124.700	2.000	2.000	129.600	129.600	131.000	131.000	1.400
(4) Liquor Sales	73.251	70.700	70.700	72.000	72.000	1.300	1.300	73.200	73.200	73.200	73.200	0.000
(5) Interest & Dividends Tax	52.698	55.000	55.000	55.000	55.000	0.000	0.000	58.000	58.000	58.000	58.000	0.000
(6) Insurance Tax	57.202	54.400	54.400	54.400	54.400	0.000	0.000	56.600	56.600	56.600	56.600	0.000
(7) Tobacco Tax	49.837	72.100	72.100	73.600	73.600	1.500	1.500	72.700	72.700	73.700	73.700	1.000
(8) Other	37.660	39.000	39.000	39.000	39.000	0.000	0.000	39.000	39.000	39.000	39.000	0.000
(9) Communications Tax	38.263	43.500	43.500	42.300	42.300	(1.200)	(1.200)	46.100	46.100	44.800	44.800	(1.300)
(10) Estate & Legacy Tax	41.234	37.400	37.400	41.400	41.400	4.000	4.000	37.700	37.700	40.000	40.000	2.300
(11) Real Estate Transfer Tax	32.424	38.000	38.000	41.000	41.000	3.000	3.000	38.700	38.700	42.500	42.500	3.800
(12) Court Fines & Fees	20.075	19.900	19.900	19.900	19.900	0.000	0.000	19.900	19.900	19.900	19.900	0.000
(13) Utility Tax	17.562	18.000	18.000	17.500	17.500	(0.500)	(0.500)	18.000	18.000	17.500	17.500	(0.500)
(14) Securities Revenue	18.042	18.500	18.500	18.500	18.500	0.000	0.000	19.000	19.000	19.000	19.000	0.000
(15) Board & Care Revenue	37.985	14.300	14.300	14.300	14.300	0.000	0.000	14.300	14.300	14.300	14.300	0.000
(16) Beer Tax	11.261	11.100	11.100	11.100	11.100	0.000	0.000	11.100	11.100	11.100	11.100	0.000
(17) Horse Racing	2.799	2.650	2.650	1.900	1.900	(0.750)	(0.750)	2.650	2.650	1.900	1.900	(0.750)
(18) Dog Racing	2.223	1.600	1.600	1.400	1.400	(0.200)	(0.200)	1.600	1.600	1.400	1.400	(0.200)
<b>(19) TOTAL STATE SOURCES</b>	<b>\$821.134</b>	<b>\$843.750</b>	<b>\$843.750</b>	<b>\$852.900</b>	<b>\$852.900</b>	<b>\$9.150</b>	<b>\$9.150</b>	<b>\$878.150</b>	<b>\$878.150</b>	<b>\$883.900</b>	<b>\$883.900</b>	<b>\$5.750</b>

STATE OF NEW HAMPSHIRE  
HOUSE FINANCE COMMITTEE REPORT  
January 29, 1998

	(A)	(B)		(C)		(D)	(E)	(F)	(G)
	FY 1997 Actual	Official Estimate	Official Estimate	FY 1998 Committee Estimate	FY 1998 Committee Estimate	Variance	Official Estimate	FY 1999 Committee Estimate	Variance
<b>GENERAL FUNDS:</b> (Dollars in Millions)									
<b>Medicaid Enhancements:</b>									
(20) Board and Care	\$23.704	\$25.000	\$25.000	\$25.000	\$25.000	\$0.000	\$25.000	\$25.000	\$0.000
(21) Uncompensated Care Pool	49.512	51.400	51.400	51.400	52.900	0.000	52.900	52.900	0.000
(22) Total Medicaid Enhancements	73.216	76.400	76.400	76.400	77.900	0.000	77.900	77.900	0.000
(23) TOTAL GENERAL FUND	\$894.350	\$920.150	\$929.300	\$929.300	\$956.050	\$9.150	\$956.050	\$961.800	\$5.750
(24) HHS-Third Party Reimbursements	\$1.577	\$8.400	\$3.200	\$3.200	\$10.000	(\$5.200)	\$10.000	\$3.200	(\$6.800)
<b>HIGHWAY FUNDS:</b> (Dollars in Millions)									
(25) Gasoline Road Toll	\$110.836	\$113.506	\$120.000	\$120.000	\$116.911	\$6.494	\$116.911	\$123.600	\$6.689
(26) Motor Vehicle Fees	62.485	63.838	63.838	63.838	65.753	0.000	65.753	65.753	0.000
(27) Miscellaneous	9.761	11.356	11.356	11.356	11.736	0.000	11.736	11.736	0.000
(28) TOTAL HIGHWAY FUNDS	\$183.082	\$188.700	\$195.194	\$195.194	\$194.400	\$6.494	\$194.400	\$201.089	\$6.689
<b>FISH &amp; GAME FUNDS:</b> (Dollars in Millions)									
(29) Fish & Game Licenses	\$6.367	\$6.354	\$6.354	\$6.354	\$6.354	\$0.000	\$6.354	\$6.354	\$0.000
(30) Miscellaneous	0.988	0.967	0.967	0.967	0.975	0.000	0.975	0.975	0.000
(31) TOTAL FISH & GAME FUNDS	\$7.355	\$7.321	\$7.321	\$7.321	\$7.329	\$0.000	\$7.329	\$7.329	\$0.000
<b>SWEEPSTAKE FUNDS:</b> (Dollars in Millions)									
(32) Sweepstakes Revenue	\$54.207	\$55.000	\$53.660	\$53.660	\$56.000	(\$1.340)	\$56.000	\$56.000	\$0.000
(33) TOTAL SWEEPSTAKES FUNDS	\$54.207	\$55.000	\$53.660	\$53.660	\$56.000	(\$1.340)	\$56.000	\$56.000	\$0.000



**LEGISLATIVE ETHICS COMMITTEE**  
**SPECIAL REPORT TO THE SPEAKER OF THE**  
**HOUSE OF REPRESENTATIVES**

**I. Introduction**

The Legislative Ethics Committee received nine separate complaints in March of 1997 regarding the actions of Representative Roland E. Hemon in filing House Resolution 16, a resolution urging that impeachment proceedings be instituted against Strafford County Probate Court Judge Gary R. Cassavechia.

Following a review of the complaints, the Committee conducted a preliminary investigation, in accordance with its procedural rules, and voted unanimously to institute formal proceedings to inquire into the complaint. A formal statement of charges and notice of hearing was first sent by certified mail to Representative Hemon on April 10, 1997. Representative Hemon refused receipt of the mail on three different occasions. On April 24, 1997, Representative Hemon was served by the Strafford County Sheriff's Department with the Notice of Hearing and Formal Statement of Charges. Because of the delay in service, the Committee rescheduled the hearing to May 27, 1997. On May 20, 1997, Rep. Hemon requested that the hearing again be rescheduled pending an appeal to the Governor and Council on his request for representation by the Attorney General's Office. The Committee granted his request on May 21, 1997. His appeal was subsequently denied by the Governor and Council and the Committee opened the hearing on June 2, 1997 and received evidence on June 2, June 4, and June 9. Midway through the first day of the hearing, the Ethics Committee granted Representative Hemon's request that he be represented by Representative William McCann.

**II. Complaints**

The complaints alleged that Rep. Hemon violated the principles set forth in the Ethics Guidelines, Section 1, I, Principles of Public Service, relating to the legislative office as a public trust and engaged in the prohibited activities set forth in Section 4, II (c) and III of the Ethics Guidelines.

**III. Findings of Fact**

House Resolution 16 was filed by Representative Hemon for consideration by the New Hampshire House of Representatives during its 1997 session. This resolution is the first step required in the process established under the Constitution for removing a current judge from office (Part II, Articles 17 and 38).

The House Committee on Judiciary and Family Law held a hearing on House Resolution 16 on February 24, 1997 and voted 13-0 to report it as inexpedient to legislate on March 6, 1997. On March 19, 1997, the House voted 286-51 against recommitting the bill. The committee report of inexpedient to legislate was then adopted by voice vote.

House Resolution 16 is the third attempt by Representative Hemon to seek the impeachment of Judge Cassavechia in the last 4 years. All of these resolutions result from rulings which Judge Cassavechia has issued in a Strafford County Probate Court case involving the guardianship and subsequent administration of the estate of Representative Hemon's mother.

At some time after the Probate Court proceedings began, Representative Hemon raised the question of the Court's personal jurisdiction over his mother, contending that she was a resident of Maine at the time the guardianship proceedings commenced. The Court ruled against him. Representative Hemon has filed at least thirteen appeals with the New Hampshire Supreme Court on this matter as well as seeking review in the Federal Court system. On the twelve occasions in which the New Hampshire Supreme Court has ruled, it has found no error in Judge Cassavechia's finding that the Probate Court had personal jurisdiction over Mrs. Hemon. The thirteenth appeal was filed this spring and is currently being considered by the Court. The Federal Court also found no error.

**IV. Rulings**

Section 1, Principles of Public Service, Section I, Public Office as a Public Trust, provides that : Legislators should treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.

In filing House Resolution 16, Representative Hemon has again used his public office to pursue a private interest, that of penalizing the judge who made rulings unfavorable to Representative Hemon, in a manner incompatible with the public good. Although review of the judicial process and pro-

posed court reforms are appropriate matters for consideration by this legislature, the continual filing of the same resolution based on the same set of facts against the same judge constitutes both harassment and retaliation by Representative Hemon. The power to file such a resolution derives directly from Rep. Hemon's membership in the House and is a clear conflict of interest due to the personal involvement of Representative Hemon in this matter.<sup>1</sup>

Section 4, II (c) provides:

In dealing with state agencies, legislators shall not... threaten a state agency or its employees with reprisals or promised inducements of any kind to influence agency decisions so as to obtain special personal benefits for the legislator, the legislator's immediate family, or for certain constituents which would not be available to others under similar conditions.

Although Representative Hemon contended that the Court would not be considered a state agency under these rules, the Committee found that this provision was intended to prevent the exertion of undue influence against any state agency regardless of the branch of government. Because the legislature has control over the appropriation of money to the judicial branch and indeed the power to remove judges from office, the application of this provision must necessarily extend to the courts. Filing this resolution constitutes a reprisal against the judge who presided over the matter involving Representative Hemon's mother. Representative Hemon's unhappiness with the Court's order denying his request to be appointed his mother's guardian has resulted in over a decade of litigation and a protracted effort by Representative Hemon to seek retribution against Judge Cassavechia. Such actions clearly violate the prohibited activities provisions of the Guidelines.

Section 4, III provides:

Legislators shall not use their public position or office to obtain anything of value for the private benefit of the legislator or the legislator's immediate family.

Although Representative Hemon argued that he would obtain nothing of value if House Resolution 16 were to pass, it is the Committee's finding that the value to him of the retribution might well outweigh any conceivable monetary benefit he might have received had he been appointed guardian. Because of his position as a legislator, Representative Hemon has been able to continually threaten Judge Cassavechia with impeachment based for the most part on actions which Judge Cassavechia took in 1984. Such a continued abuse of power is clearly violative of our Ethics Guidelines.

#### V. Conclusion

House Resolution 16 seeks the same result as the resolutions which Representative Hemon filed in 1996 and 1994. In 1994, the Committee recommended that Rep. Hemon be reprimanded, an action which the House took on June 18, 1994. In 1996, this Committee recommended that Representative Hemon be censured. Because that ruling was issued after the House had adjourned for the biennium, the recommendation was never taken up by the House. The Ethics Committee finds by clear and convincing evidence that House Resolution 16 again violates the very same provisions of the Ethics Guidelines for which Representative Hemon was cited before.

In determining our recommendation for action based on these repeated violations, the committee has considered not only the repeated warnings of this committee, but also the effect of the continual filings of this resolution on Judge Cassavechia. ( The Ethics Committee notes the advice which Representative Hemon received this session from the House Democratic Leader that if Representative Hemon persisted in this conduct, he might face expulsion by the House of Representatives. The Democratic Leader was called by Representative Hemon as a witness in the proceeding before the Ethics Committee with no notice and apparently to specifically address the advice he gave to Representative Hemon about the possible result of his actions.)

No State or Federal Court has found any ruling of Judge Cassavechia in Representative Hemon's matter to be in error; indeed, the rulings of Judge Cassavechia have been sustained at every appeal. The Ethics Committee does not have to reach the issue of what sort of ruling could be so wantonly and egregiously erroneous as to warrant impeachment. Accordingly, it appears to this Committee that the impeachment legislation is groundless.

The conduct of Representative Hemon in 1994 might charitably be viewed as misguided. Representative Hemon is not a lawyer and perhaps did not fully understand the case in which he is involved

<sup>1</sup>While no complainant raised the provisions of Part Two, Section 1, II of the Ethics Guidelines, the Committee notes that Representative Hemon's actions also violated this section. Given the lack of discussion of this particular section during the proceedings, however, the committee did not take this violation into consideration in reaching its conclusions.

or the role of the judiciary in our form of government. He may have seen himself, as did some of his witnesses, as taking an appeal to another, perhaps more friendly forum. The Ethics Committee viewed his actions as an abuse of legislative power for personal ends and acted accordingly.

The subsequent actions of Representative Hemon have demonstrated that he has no intention of abating his involvement in legislation to impeach Judge Cassavechia, nor even of waiting until a federal or state court has found Judge Cassavechia in error in the underlying matter. Accordingly, given the uncontroverted evidence of Representative Hemon's conflict of interest in this matter, the Committee has been left with little choice but to recommend the following course of action:

If Representative Hemon were to represent to the Ethics Committee, Speaker of the House and Senate President in writing by 10:00 a.m. on January 29, 1998 that he would not introduce, sponsor or co-sponsor legislation to impeach Judge Cassavechia the Ethics Committee would recommend that he be censured by the House. Failing such a written commitment, however, the Ethics Committee recommends the expulsion of Representative Hemon from the New Hampshire House of Representatives.<sup>2</sup>

Dated at Concord, New Hampshire, this first day of July, 1997.

Respectfully submitted,  
Rep. Jeb E. Bradley, Chairman

Rep. Jeb Bradley spoke in favor and yielded to questions.

Rep. Cobbin spoke against.

Rep. Woods spoke in favor.

Rep. Paula Bradley requested a roll call; sufficiently seconded.

The question being the ratification, as per RSA 14-B:4, VI, of the Ethics Committee report.

## YEAS 282 NAYS 61

### YEAS 282

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Calvert, Alice	Clark, Charles
Holbrook, Robert	Laffam, Robert	Lawton, David	Lawton, Robert
Pilliod, James	Rice, Thomas, Jr.	Rosen, Ralph	Salatiello, Thomas
Thomas, John			

#### CARROLL

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	

#### CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Hunt, John	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	McNamara, Wanda	O'Connell, John
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Royce, H. Charles	Smith, Edwin		

#### COOS

Bradley, Paula	Coulombe, Yvonne	Davis, Perley	Hawkinson, Marie
Mears, Edgar	Moynihnan, Wayne	Pratt, Leighton	Tholl, John, Jr.

#### GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Below, Clifton
Brown, Channing	Chase, Paul, Jr.	Eaton, Stephanie	Guaraldi, Lawrence
Guest, Robert	Hill, Richard	Hinman, Harry	LaMott, Paul
Luker, Elsa	MacNeil, Allen	Nordgren, Sharon	Phinney, William
Teschner, Douglass	Williams, William, Jr.		

<sup>2</sup>Please note that the date set forth in the Special Report was modified by the Committee on its own motion from August 31, 1997 to January 29, 1998 by vote of the Committee on January 28, 1998.



**HILLSBOROUGH**

Alukonis, David	Ameen, W.	Amidon, Eleanor	Arnold, Thomas, Jr.
Baroody, Benjamin	Batula, Peter	Belvin, William	Bergin, Peter
Boutin, David	Briefs, Geoffrey	Brundige, Robert	Calawa, Leon, Jr.
Cardin, Lori	Carlson, Donald	Carney, Lauren	Chabot, Robert
Clay, Susan	Cote, David	Cote, Peter	D'Allesandro, Lou
Daigle, Robert	Daniels, Gary	Dawe, Eileen	Desrosiers, William
Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.
Dyer, Merton	Emerton, Lawrence, Sr.	Flora, Kathleen	Foster, Joseph
Foster, Linda	Ginsburg, Ruth	Golding, William	Goulet, Maurice
Haettenschwiller, Alphonse	Hansen, Herbert	Hart, Nick	Herman, Keith
Holley, Sylvia	Jean, Claudette	Johnson, Lionel	Kelley, Robert
Konys, Christine	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Leishman, Peter	Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee
Lynde, Harold	MacAuslan, Rita	MacGillivray, Jeffrey	MacIntyre, Doris
McCarthy, William	McCarty, Winston	McDonald, James, Sr.	McGough, Tim
McRae, Karen	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Mittelman, David	Morello, Michael	Murphy, Robert
O'Hearn, Jane	O'Rourke, Thomas	Perkins, Paul	Peterson, Andrew
Piteri, Dawn	Reidy, Frank	Riley, Frances	Rowe, Robert
Sargent, Maxwell	Searles, Stanley, Sr.	Thulander, O. Alan	Turgeon, Roland
Welch, Donald	Wheeler, Robert	White, Jay	Wright, George

**MERRIMACK**

Anderson, Eric	Burney, Carol	Crosby, Toni	Crowell, Peter
Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Lamach, Bernard	Larrabee, David
Leber, William	Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Morrill, Olive	Nichols, Avis	Owen, Derek
Pfaff, Terence	Reardon, Tara	Rogers, Katherine	St. Cyr, Gerard
Wallner, Mary Jane	Whalley, Michael	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Battles-Peirce, Marjorie	Bishop, Franklin
Blanchard, MaryAnn	Camm, Kevin	Case, Margaret	Cegelis, Mark
Christie, Andrew, Jr.	Clark, Martha	Coes, Betsy	Cooney, Richard
Dalrymple, Janeen	Dodge, Robert	Dolan, Richard	Dowd, Sandra
Dowling, Patricia	Downing, Michael	Felch, Charles, Sr.	Flanagan, Natalie
Flanders, John, Sr.	Francoeur, Sheila	Frechette, Joseph	Gibbons, Paul
Gleason, John	Griffin, Mary	Guthrie, Joseph	Heath, John
Henderson, Warren	Hutchinson, Rebecca	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph	Langone, John
Letourneau, Robert	Lovejoy, Marian	Major, Norman	Malcolm, Kenneth
McCarthy, John, Jr.	McKinney, Betsy	Moore, Benjamin	Morris, Debbie
Norelli, Terie	Nowe, Ronald	Noyes, Richard	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Rabideau, Marie	Sabella, Norma
Sapareto, Frank	Schanda, Frank	Stone, Joseph	Syracusa, Anthony
Tufts, J. Arthur	Vaughn, Charles	Weatherspoon, Jackie	Welch, David
Weyler, Kenneth	Woods, Deborah		

**STRAFFORD**

Berube, Roger	Brown, Julie	Callaghan, Frank	Cossette, Larry
Dunlap, Patricia	Estabrook, Iris	Grassie, Anne	Kaen, Naida
Keans, Sandra	Knowles, William	Lundborn, Raymond	McCann, William, Jr.
McKinley, Robert	Merrill, Amanda	Merritt, Deborah	Rogers, Rose Marie

Rollo, Michael  
Sullivan, Henry  
Wall, Janet

Smith, Marjorie  
Torr, Ann

Snyder, Clair  
Torr, Franklin

Spear, Barbara  
Tsiros, William

### SULLIVAN

Adler, Rudolf  
Flint, Gordon  
Robb-Theroux, Amy

Allison, David  
Kibbey, David  
Schotanus, Merle

Burling, Peter  
Lindblade, Eric  
Wiggins, Celestine

Cloutier, John  
Palmer, Lorraine

### NAYS 61

### BELKNAP

Boyce, Robert

Hurt, George

### CARROLL

None

### CHESHIRE

Meader, David

Robertson, Timothy

Steere, Myron, III

### COOS

Coulombe, Henry

Guay, Lawrence

Merrill, Gerald

St. Hilaire, Paul

### GRAFTON

Cobbin, Philip  
Weber, Phil

Lovett, Sidney

Mirski, Paul

Trelfa, Richard

### HILLSBOROUGH

Ackerman, Philip  
Clegg, Robert, Jr.  
Hunter, Bruce  
Luebker, Bernard  
Williams, Carol

Buckley, Raymond  
Clemons, Jane  
Jean, Loren  
Marcinkowski, Michael

Burke, M. Virginia  
Fields, Dennis  
Lefebvre, Roland  
Vaillancourt, Steve

Christiansen, Lars  
Hall, Betty  
Letendre, Evelyn  
White, Donald

### MERRIMACK

Adams, Stephen  
Lavoie, Gerard

Jacobson, Alf  
Seldin, Gloria

Krueger, Patricia  
Wallin, Jean

Langer, Ray

### ROCKINGHAM

Beaulieu, Jon  
Dunham, Vivian  
Mikowski, Walter  
Stritch, C. Donald

Belanger, Ronald  
Fesh, Robert  
Raynowska, Bernard  
Varrell, Thomas

Cushing, Robert  
Langley, Jane  
Smith, Kevin

Dearborn, Bruce  
Micklon, Stephanie  
Stickney, Nancy

### STRAFFORD

Bickford, David  
Taylor, Kathleen

DeChane, Marlene  
Twardus, Joseph

Musler, George  
Vincent, Francis

Pelletier, Arthur

### SULLIVAN

Ferland, Brenda

Leone, Richard

and the report was ratified.

Rep. Vachon declared a conflict of interest and did not participate.

### CENSURE

Speaker Sytek: Rep. Hemon is hereby censured and a copy of the Ethics Committee Report will be printed in the House Journal.

**REMARKS**

Rep. Bonneau moved that all remarks made regarding the Special Report from the Ethics Committee be printed in the Journal.

Adopted.

Rep. Jeb Bradley: Thank you very much, Madam Speaker. Let me very briefly, if I might, try to recapitulate the facts in the case. They are not really in dispute but should be made known to the membership. In 1994, 1996 and 1997, Rep. Hemon filed similar resolutions urging the impeachment of the Strafford County Probate Court judge. In the 1980s, Rep. Hemon had had a case in front of that judge. In 1994, after a complaint to the Ethics Committee, the Committee recommended a reprimand and the House overwhelmingly voted to back the Ethics Committee report. In 1996, the Ethics Committee, after Rep. Hemon filed a similar resolution, voted to censure him. As the House was not in session, that report could not be taken up. In 1997, a similar resolution was filed. Nine members of the Judiciary Committee filed a complaint with the Ethics Committee. There was a proceeding held in June and July. The hearing went on over three days. There were 250 pages of transcript. You have before you the report that is in today's calendar. Rep. Hemon, when he testified, claimed that he was pursuing this action based on what he perceived his rights to be under Article I, Part 30 of our Constitution, the free speech section of the constitution, which he claimed gave him the ability to pursue this action. Rep. Hemon further testified that as he was receiving no monetary benefit from this action that there was, in fact, no conflict of interest. The nine members of the Judiciary Committee who filed the complaint held, in their testimony, that we, as members of the General Court, need to treat our office as a public trust and that Rep. Hemon had broken that public trust because he was pursuing a private agenda in a public forum. Those members of the Judiciary Committee who filed the complaint indicated that Rep. Hemon was seeking retribution and that was the benefit that he was receiving. Rep. Hemon asked Rep. Burling to testify in his behalf. I believe Rep. Burling's testimony was telling. Rep. Burling stated that we, as members of the legislature, have broad latitude under the Constitution for free speech but that that does not allow us to settle personal disputes and private interests as members of the Legislature. Finally, the nine members of the Judiciary Committee who filed the complaint asked, in their testimony, that we do everything that we could as an Ethics Committee to prevent Rep. Hemon from filing this particular resolution against this particular judge should he continue to be a member of the legislature. When we questioned both Rep. Hemon and the members who filed the complaint, we asked Rep. Hemon to show how the administration of this judge was corrupt which is what he had expressed in the 1997 resolution. His answer was the particulars of his case wherein Rep. Hemon alleged that this judge had broken the law, were proof that this judge deserved an impeachment proceeding. The Committee made note of the fact that through 13 separate appeals, in not only the New Hampshire Supreme Court but the federal court venue, not once had the Probate Court Judge in Strafford County decisions ever been overturned. The Committee is also well aware that the Supreme Court has, as of last week, decided the latest appeal against Rep. Hemon. Lastly, the most salient point that the Ethics Committee, I believe, asked was of Rep. Hemon, would he at some point agree to cease filing an impeachment resolution, this particular one against this particular judge. As of yesterday afternoon, I have a letter from Rep. Hemon copied to the Speaker and the Senate President, wherein he agrees to not file this resolution against this particular judge concerning the jurisdiction of his (Hemon's) mother's estate which was the court case that had been in front of that judge. Those of you who have read the decision, I don't think I need to further elaborate on that. It is fairly clear. In conclusion, Madam Speaker, I would say that it is my opinion and the opinion of the other members of the Ethics Committee, by a majority, that Rep. Hemon, by virtue of having written that letter to me yesterday, has complied with the request, not only of the Ethics Committee but also the members of the Judiciary Committee who asked that he stop filing these impeachment resolutions. Madam Speaker, I would recommend and ask that the Legislature adopt the report of the Ethics Committee with the motion of that report being to censure Rep. Hemon and not expel Rep. Hemon.

Speaker Sytek. The question before the House is the adoption of Rep. Jeb Bradley's motion that the House ratify the report of the Ethics Committee under RSA 14-B:4 VI. The Chair recognizes the member from Canaan, Rep. Cobbin.

Rep. Cobbin. Thank you, Madam Speaker. Good morning. When I came to this House I saw a tail slithering out a door. It was a rat's tail. There was only one person trying to close the door on that



rat's tail and that was Rep. Hemon. I took Rep. Hemon under my wing because I had seen some of the fur of that rat when I was an intern in the Senate and how the fur of that rat would go in the cloak room and blackjack and libel and defame citizens who come and bring their issues to the legislature. I have defended Rep. Hemon and I'm the reason why you never got to vote on that 1996 complaint because I make people who stamp on people's rights pay for the ground they take. What we found in the last tribunal, that Ethics tribunal, it was being chaired by a lobbyist. We had a lobbyist who was going to decide what was ethical and what wasn't. Let's cut to the chase. A week or so ago the New Hampshire Court, after a long period of tortuous whining, had finally, supposedly, accepted Rep. Hemon's case for judicial review. They had used all their procedural gimmicks that lawyers are trained to use to avoid looking at the merits. I've read that opinion. It is a very interesting judicial opinion. When I went to law school, the expectation was taught that a good judicial opinion would lay out the facts and analyze them and apply the law. The key facts in Rep. Hemon's mother's estate is whether or not the court had jurisdiction. It is a very serious matter when courts behave without jurisdiction. I have seen the transcript where the reference is made to where the mother, if she were asked where her residence would be, said the state of Maine. I waited to see how the Supreme Court was going to find some evidence in the record and teach us how Rep. Hemon was mistaken and the evidence was somewhere in the record. I had actually hoped that they would do that. If it is there, show me. They didn't do that. What they did was a slight of hand that occurs in judicial opinions from time to time. They merely cite to the record, but nothing specific in the record, and say we agree with the trial judge. It is a conclusory statement. You have no way of independently verifying whether or not that opinion should be criticized or supported. The way the game is played here in this House, is the House Judiciary and the Ethics Committee will come up here and jingle jangle that a series of courts have refused appeal. Ipso facto, Roland Hemon is wrong. I submit to you that is a bunch of bunk. But there is something a lot more dangerous here. I believe even the folks pursuing this have realized they have a brinkmanship problem. They originally wanted to throw Roland out. There is a real serious question about power. As I have continued to testify before the Ethics Committee, if you don't like what Roland Hemon files move to Dover. The people of Dover have overwhelmingly continued to re-elect him irregardless of the state press hounding him, the democratic and republican leaderships hounding him, the people he represents agree and send him back. It is their choice. What this is all about is denying the people in that district the representation they elected because many of you people don't like who they elected or you don't like what his views are or the legislation he files. Everybody has been passing on these perfunctory censure motions, supposedly on the first time, on the second one you never had a chance. You have got to think that if you go down this road you are destroying this institution. There is not a collegial body when one group of legislators can generate a complaint against another group of legislators and attack them. This is a poison in this well. Not by Representative Hemon, but by people on the Judiciary Committee. They don't like him. They view anyone who says something about a judge must be wrong. I don't mind them having that opinion. That is their right. It is also Representative Hemon's right to file legislation. This House affirmed that when the original blackjack attempt was made, it was at the beginning of this session. I couldn't be here for that vote because I had a status conference over in federal district court on some matters associated with your election laws that are being contested. I was quite proud of the House when I came back to find that the House had realized the danger of not allowing Representative Hemon's filing to get past the first reading. I have put a lot of bills in. I have a little bit of a hard time remembering which ones I have been on and which ones I haven't after awhile. But, I do seem to recall both Representatives from Grafton District 11 co-sponsored the original bill. What I testified to when it was before House Judiciary is, all I've ever wanted to see is Representative Hemon to get a fair hearing on his allegations. I have never seen that. I am well aware, particularly now that I know some people on the committee better, of all the cat-calling and name-calling that goes on under the breath of people on House Judiciary. So, we are asked again to just continue rubber-stamping the efforts of some people in this House to restrain speech of other people in this House. What you do today to Roland Hemon, tomorrow may be done to you. Beware the fate of Cromwell and Brutus. He who swings the sword to silence dissent is a fool. Those who seek to silence Representative Hemon....

Rep. Dunn. Point of Order.

Speaker Sytek. Would the member suspend? What is your Point of Order.

Rep. Dunn. Thank you, Madam Speaker. As a member of the House I find it against the generally accepted rules of decorum to be talking about libel and rats and slight of hand. I think the language being used is pushing freedom of speech a little bit too far. I would ask for a ruling on continuing this type of presentation.

Thank you, Madam Speaker. I am going to withdraw my Point of Order. I have been assured that perhaps the member, whose name you are not supposed to mention because it says in this little box (Reference is to Page 1 of the day's Calendar) you have to be very careful, will conclude his remarks as soon as possible and will try to stick to the motion at hand.

Rep. Cobbin. Thank you. I am speaking to the motion at hand. Unfortunately, one of the problems is, with little decorum, we have put a representative's name in play. We put Representative Hemon's name in play. That is the problem when you go down this road, selectively trying to open it up on some and not others. This is a Pandora's Box that continues to be open if you close it. I am going to close with the same little speech I gave in the last biennium. If you have some personal animus toward me or someone else and you want to vote one way because of who the speaker is, go right ahead. I took an oath of office to uphold the Constitution of the United States Government of these United States and the State Constitution. I campaigned on reform, free speech and the problems that this House has with blackjacking its own members. I took out the 12-year incumbent doing that. People out there, they get it. I would urge you to take a long, cold moment of thought before voting one way or the other on this motion. I close in suggesting to you that if the Ethics Committee was so sure of its resolve, it would have pushed through and tried to remove Representative Hemon and provoke the constitutional challenge. I believe the Ethics Committee would ultimately lose. Thank you, Madam Speaker. I apologize if people find my remarks offensive, but it is best to be blunt.

Speaker Sytek. Would the member yield to questions? The member yields. Rep. McCann you may inquire.

Rep. McCann. Thank you, Madam Speaker. Thank you, Rep. Cobbin for yielding. Would you believe that when Representative Hemon was before the Ethics Committee, I acted as his lay counsel and defended him on the basis of Part I, Article 30 and all the other parts that Rep. Bradley mentioned a few minutes ago?

Rep. Cobbin. Yes, I do. I seem to recall you also relied on some of the United States Supreme Court precedents on free speech issues related to the legislatures.

Speaker Sytek. Would the member yield to a further question?

Rep. McCann. Would you further believe that after the Ethics Committee made its determination that, acting again on behalf of Representative Hemon, recognizing that he wants to continue pursuing judicial reform, I attempted to do what I could to see that he was not thrown out of this House? Would you believe that?

Rep. Cobbin. Yes, I do, Representative, and I believe you ably discharged that mission and I compliment you on your advocacy.

Speaker Sytek. Would the member yield to a further question? The member yields.

Rep. McCann. Would you believe that when the vote comes on censure, I will be voting for it?

Rep. Cobbin. You will be voting for it? That is your choice.

Speaker Sytek. Will the member yield to further questions? The member yields. Rep. Weber, you may inquire.

Rep. Weber. Thank you, Madam Speaker. I am not a lawyer, so my question is a question to the honorable member who is, who just spoke. I'm not sure that the Ethics Committee had a right to do this because members of this Ethics Committee served on the previous Ethics Committee that made this ruling so they were biased. I know that at the school board level, one cannot do that and I assume that the same holds true for other committees in the State of New Hampshire. I was wondering if this was a legal opinion based on the fact that members of the committee were biased?

Rep. Cobbin. I certainly question the bias of the committee. When you look at the history of its makeup you'll find that it has a very close allegiance with some of the complainants and offhand I seem to recall that even some of the complainants with some of these complaints have been members of that committee. I could be wrong on that. It has been a while since I looked at the file. I would agree with you, Representative Weber, that one of the problems that has continued to occur here is rather than have people satisfy a jury standard who haven't seen any of this stuff before, look at these ethics complaints. We seem to be retreading issues. What was more disturbing here also was that we were retreading issues when there was subject matter jurisdiction problems

in the original complaints. The Ethics Committee instituted proceedings the first time without a sworn complaint as required by the statute. It then created a committee generated complaint. I don't really see where they have the authority to do that. Now, we are back to the same old issue. If they are doing the complaining and the hearing, I think citizens out there can see that for what it is. Those are kangaroo courts.

Speaker Sytek. The Chair recognizes the member from Stratham, Rep. Woods.

Rep. Woods. Thank you, Madam Speaker. I simply rise in support of the Ethics Committee and their decision. But, more importantly, I rise in support of the tradition and the integrity of the House. If any one of you even thinks that there might be some credence to the remarks of the previous speaker, just come and sit in on a Judiciary and Family Law hearing. Come and sit in when we are hearing some of Rep. Cobbin's or Rep. Hemon's bills. Judge for yourself how fair and equitable the committee can be. I invite all of you. It is fun anyway. You should at least do it once. Thank you, Madam Speaker.

Speaker Sytek. The question before the House is on the adoption of Rep. Bradley's motion to ratify the report of the Ethics Committee. Are you ready for the question? Rep. Bradley would you yield to a question? The member yields. Rep. Dolan, you may inquire.

Rep. Dolan. Thank you, Madam Speaker. Could you please explain the findings of the three sections in the rules and what the punishment or ramifications are of each one of the three findings so that I can understand what I am voting for?

Rep. Jeb Bradley. Thank you, Representative. I am looking at Calendar 7. Some of you may have today's calendar. The three sections are: principals of public service; not threatening a state agency; and not using one's position as a member of the legislature to obtain anything of value for the private benefit of the legislator or his or her immediate family. I believe, representative, if you read the paragraphs on Calendar 7 on page 327 and 328 that it is quite clear what the Ethics Committee found. With regard to the second part of the question, that being, I believe, what constitutes censure, the Ethics RSA allows for three separate sanctions, if you will: reprimand, censure and expulsion. There are no specific sanctions that come with either reprimand or censure. So there is no specific loss of privilege that comes with either of those two penalties. I hope I have answered that question.

Speaker Sytek. The question before the House is Representative Jeb Bradley's motion to ratify the report of the Ethics Committee which recommends censure of Representative Hemon. Representative Paula Bradley has requested a roll call. Is that sufficiently seconded? It does not appear to be sufficiently seconded. It is sufficiently seconded. All members please take their seats. The question before the House is the adoption of Representative Jeb Bradley's motion to ratify the report of the Ethics Committee recommending that Representative Hemon be censured. A roll call has been requested. If you are in favor of that motion you will be pressing the green button. If you are opposed to that you will be pressing the red button. Are you ready for the question? Voting stations are open for 30 seconds. The House will be attentive to the state of the vote. 282 voting in the affirmative, 61 in the negative, the motion is adopted. Representative Hemon is hereby censured and a copy of the Ethics Committee report will be printed in the House Journal.

## COMMITTEE REPORTS

### CONSENT CALENDAR

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

**HB 736-FN**, increasing jurors' fees, removed by Rep. MacGillivray.

**HB 1194**, prohibiting a minor child from being forced to have visitation with an incarcerated parent, removed by Rep. Cushing.

**HB 1342**, allowing members of the house of representatives and senate to take courses at no cost, and for no credit at any state institution of higher education, removed by Rep. Burke.

**HB 1206**, affirming that it is the legislature's intent that new court facility construction costs reflect the needs and usage of the judiciary, removed by Rep. Rosen.

**HB 1211-FN-A**, appropriating startup funds for Governors state park in Laconia, removed by Rep. Rosen.

Consent Calendar adopted.



**HB 1110**, prohibiting telemarketers from blocking their telephone numbers. **INEXPEDIENT TO LEGISLATE**

Rep. Keith R. Herman for Commerce: The sponsor of the bill was unaware that this committee has already passed this legislation last session and that bill is now in the possession of the Senate. This bill is currently not necessary. Vote 16-0.

**HB 1205-FN**, making technical corrections to the securities laws. **OUGHT TO PASS**

Rep. David T. Mittelman for Commerce: This bill clarifies the language and framework of transaction exemptions and fee structures under the securities laws. Vote 17-0.

Referred to Finance.

**HB 1108**, relative to authority of the state fire marshal to adopt rules concerning permissible fireworks. **REFER FOR INTERIM STUDY**

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill transfers the authority to make rules relative to further classification of permissible fireworks from the commissioner of safety to the state fire marshal. It has been two years since the Department of Safety has presented the list of permissible fireworks to the Joint Legislative Committee on Administrative Rules as required under the present statute, RSA 160-B:23. The permissible fireworks review committee is made up of fire service personnel and members of the fireworks industry. There are voting members from the senate and house of representatives on the committee. During the last session and again during the present session the list of approved "safe and sane" permissible fireworks has been approved by passage of legislation which will sunset upon passage of the rules. The committee wants to find a better way to approve those firework devices that have been demonstrated to be safe and found to be permissible for sale to the public. This bill would have transferred the rule making authority to the fire marshal's office which has no personnel to fulfill this new responsibility. The commissioner of safety and the fire marshal have agreed to assist the committee in the writing of a new statute to better serve the public safety. Vote 17-0.

**HB 1199**, requiring that applicants for a concealed weapons license complete a gun safety course. **INEXPEDIENT TO LEGISLATE**

Rep. Walter J. Mikowski for Criminal Justice and Public Safety: This bill if enacted would require that applicants for a concealed weapons license complete a gun safety course. The sponsor was the lone support for the bill which drew hundreds of phone calls and over 150 citizens who were opposed to passage. The committee recognizes the value of instruction and training but courses of this type are currently available through a number of sporting clubs and many hundreds of firearms owners have taken the Hunter Safety Course offered through the state. This course teaches safe handling of firearms as part of its curriculum. The NRA and its affiliated sporting clubs offer courses for a minimum fee in most areas of the state. The National Safety Council reports that in 1950, there were 950 home accident deaths involving firearms out of 29,000 home accidental deaths reported for the entire nation. In 1994 the National Safety Council reported 900 home accident deaths involving firearms out of a total of 26,700 for the entire nation. The leading causes of home accidental deaths in each year were falls in the home, which for 1994 totaled 8,500. This is more than 9 times the total for firearm related deaths. The committee encourages all applicants for carry permits to seek training or instruction if they have had none, but does not feel that mandating a solution to a non existing problem is necessary. Vote 18-0.

**HB 1200**, prohibiting the manufacture, possession, or transfer of large capacity ammunition magazines. **INEXPEDIENT TO LEGISLATE**

Rep. Walter J. Mikowski for Criminal Justice and Public Safety: This bill would mandate that owners of pistol magazines that have a capacity in excess of ten rounds give up their property with no provision for compensation. There is no provision in the bill for law enforcement personnel to possess these devices although they are presently in use in some law enforcement agencies. The public hearing on this bill drew hundreds of phone calls expressing opposition and over 150 citizens, including law enforcement personnel, testified against passage. The sponsor was the only witness in favor. The committee saw no benefit from passage of such an all encompassing restriction. Vote 18-0.

**HB 1306**, adopting a conditional post-conviction release act. **INEXPEDIENT TO LEGISLATE**  
Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill would create a private "probation" entity. The new provisions call for conditional early release. Upon the decision of the releasing authority to return an inmate to society, the releasing authority may release a participant by requiring the posting of an early release bond by a surety. The releasing authority may set conditions of release, which conditions shall be appended and made part of the bond. Testimony from the Attorney General, the director of probation and parole, the state employees union representative and the Department of Corrections all agreed that this bill should not go forward. The sponsor, after hearing all testimony, agreed that the bill should not be passed. The committee agreed and voted Inexpedient to Legislate. Vote 14-0.

**HB 1394**, extending the reporting date for the school building aid system study committee. **OUGHT TO PASS**

Rep. Susan B. Durham for Education: The study of school building aid is a joint effort of the Finance Committee and the Education Committee. This joint study committee found that the state building aid service needs more time than anticipated. The Education Committee endorses this effort and would like this effort continued. This legislation extends the reporting time for the study committee from November 1, 1997 to November 1, 1998. Vote 15-0.

**HB 1502**, extending the reporting date for the statewide school technology plan study committee. **OUGHT TO PASS**

Rep. William A. Riley for Education: This bill merely extends the reporting date for the study committee. The Education Committee felt that the study committee genuinely needed more time. It extends the time from November 1, 1997 to November 1, 1998. Vote 14-0.

**HB 1634**, relative to amending the definition of "educational institution" under the New Hampshire municipal bond bank educational institutions bond financing act. **OUGHT TO PASS**

Rep. Bernard J. Luebker for Education: This bill was requested by the state treasurer to enable the municipal bond bank to provide bonding services. "Educational institution" includes public and non-profit institutions. The bill will amend "educational institution" to include any New Hampshire institution which provides an educational program that is preparatory for secondary, postsecondary, or higher education. Vote 14-1.

**HB 1103-L**, relative to the state representative districts of towns. **OUGHT TO PASS**

Rep. Raymond C Buckley for Election Law : This bill corrects an inconsistency that exists in a law passed last year. It clarifies the selection of town redistricting commissions. Vote 17-0.

**HB 1151-FN**, relative to the testing of certain domestic animals. **OUGHT TO PASS**

Rep. Kenneth Marshall for Environment and Agriculture: The purpose of this bill is to authorize current practices of testing and establish fees for such testing. Vote 15-0.

**HB 1142**, making technical corrections on behalf of the department of revenue administration. **OUGHT TO PASS**

Rep. Merton S. Dyer for Executive Departments and Administration: The purpose of the bill is make changes to bring the state into compliance with the United States Internal Revenue Code of 1986, which became effective December 31, 1997. Section 1 amends 21-J:5 to specify that the director of document processing is an unclassified position as listed in 94:1-a, group N. Vote 18-0.

**HB 1244-FN**, relative to collusive bidding at auctions. **OUGHT TO PASS**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill more accurately defines the practice of collusive bidding at auctions and makes it a class A misdemeanor for a person found guilty of collusive bidding or a felony if other than a natural person. Vote 18-0.

**HB 1271-FN**, relative to the board of acupuncture licensing. **OUGHT TO PASS**

Rep. Miriam D. Dunn for Executive Departments and Administration: This bill makes corrections to the board of acupuncture by having the board members nominated by the governor and confirmed by the executive council. The bill also changes the mileage payments to the state employees rate, which is the norm for all boards and commissions receiving mileage. Vote 18-0.

**HB 1283**, establishing a 4-year term for the commissioner of the department of corrections. OUGHT TO PASS WITH AMENDMENT

Rep. Ray F. Langer for Executive Departments and Administration: This bill will standardize the term of the commissioner of the Department of Corrections by making it a specific term, as are the terms of most commissioners, in lieu of "at the pleasure of the governor". Vote 13-0.

**Amendment (0368h)**

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

2 Applicability; Incumbent Commissioner. The commissioner in office on the effective date of this act shall be deemed to have a term of 4 years, such term commencing on the effective date of this act.

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

**HB 256-FN**, establishing uniform adjudicative proceedings for state agencies. OUGHT TO PASS Rep. Mary E. Brown for Finance: This bill establishes uniform adjudicative proceedings for state agencies. A pilot program was eliminated from this bill and the resulting costs were removed. Vote 19-0.

**HB 579-FN-L**, providing that a person who, having made all reasonable efforts to preserve employment, leaves a job in order to protect himself or herself from domestic abuse, shall not be denied unemployment compensation. OUGHT TO PASS WITH AMENDMENT

Rep. William S. Belvin for Finance: This bill allows the payment of unemployment compensation to those persons who become unemployed as a result of required relocation to protect themselves from domestic abuse. Unemployment pay requires that the individual be in active job search in his or her new location. The amendment is to correct a gender neutral reference only. Payments, which are expected to be minimal, would be made from the Unemployment Trust Fund account, and will not be assessed against any individual employer. The Trust Account has more than adequate funds for this purpose. As there is no direct impact on state revenues or expenses the committee voted unanimously Ought to Pass as Amended. Vote 19-0.

**Amendment (0302h)**

Amend the introductory paragraph of RSA 282-A:32, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) [~~He~~] *The individual* left [~~his~~] work voluntarily without good cause in accordance with rules of the commissioner. This section shall not apply and benefits shall be paid without regard thereto where:

**HB 627-FN**, establishing a conservation number plate trust fund, and a special motor vehicle license plate and associated fees, to support New Hampshire's natural and cultural resources. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill establishes a conservation number plate trust fund and a special motor vehicle license plate to support New Hampshire's natural and cultural resources. The bill establishes a \$25 fee that will be paid in addition to the regular motor vehicle registration fee. The monies raised above the actual cost of the vanity plate will be placed in a fund for the promotion, protection and investment in the state's natural, cultural and historic resources. On July 1 of each year the fund will distribute the money to the Department of Transportation, the Department of Cultural Affairs, the Department of Fish and Game, and the Department of Resources and Economic Development as well as the state Conservation Committee. The bill will raise around \$825,000 annually. The amendment makes some technical corrections in the bill as well as limits the amount of money going to the Department of Safety to the actual cost of producing the plate and related administrative costs, all of which must be approved by the Fiscal Committee. Vote 19-0.

**Amendment (0303h)**

Amend RSA 261:91-a, I as inserted by section 2 of the bill by replacing it with the following:

I. The director is hereby authorized to issue special conservation number plates, in lieu of other number plates. The design of these special plates shall be determined as provided in RSA 261:91-d. The plates shall retain the "live free or die" logo. Such plates shall be issued only upon application and upon payment of a \$25 fee that shall be in addition to the regular motor vehicle registration fee and any other number plate fees otherwise required.



Amend RSA 261:91-a, III as inserted by section 2 of the bill by replacing it with the following:

III. Plates shall be renewed on an annual basis for \$25 per set. Of this sum, the department shall retain an amount as is necessary to recover production and administrative costs as approved by the fiscal committee of the general court. The remaining funds shall be paid to the state treasurer and distributed as provided in RSA 261:91-b. The cost of replacement number plates shall be identical to the cost of initial number plates and the revenue from replacement number plates shall be distributed in the same manner as revenue derived from initial number plates.

Amend the bill by replacing section 4 with the following:

4 Date for Implementation; Issuance of Conservation Number Plates. The director shall begin issuing special conservation number plates under RSA 261:91-a on or before January 1, 1999.

**HB 774-FN**, relative to child support, custodial rights, and visitation. OUGHT TO PASS

Rep. O. Alan Thulander for Finance: The intent of this legislation is to better define RSA 458-C, Child Support Guidelines. This bill as amended expedites court hearings on issues of rights of physical custody, visitation and non-payment of child support. It also clarifies the definitions of "Adjusted Gross Income", allowable child care expenses to include work-related costs and "net income." The child support formula has also been revised. The Department of Health and Human Services testified that the computer and printing costs associated with this initiative can be absorbed within the parameters of the current agency budget. In that the financial impact was minimal and required no additional appropriation, the majority of the committee support an "Ought to Pass" motion. Vote 18-1.

**HB 1657**, extending the consultant's reporting date for surveying the department of youth development services' facilities. OUGHT TO PASS

Rep. O. Alan Thulander for Finance: The amount of \$50,000 was appropriated under the terms of RSA 351:67 to engage a consultant to perform a site feasibility, architectural, and long-range needs survey of the Department of Youth Development Services' facilities. This bill merely extends the deadline for the submission of the consultant's report from January 1, 1998 to March 30, 1998. Vote 18-0.

**SB 53-FN**, relative to payment by the retirement system of certain medical benefits for group II members and for certain permanent firemen on disability retirement. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill as sent to Finance extended medical benefits to group II members through June 30, 1995. It was determined in the committee after receiving an updated actuary's report that the policemen only had sufficient funds to fund their benefit through June 30, 1993 but the firemen had sufficient funding through June 30, 1995. The amendment changes the policemen's eligibility date to June 30, 1993. Vote 19-0.

#### Amendment (0404h)

Amend the bill by replacing section 1 with the following:

1 Additional Medical Benefits. Amend RSA 100-A:55, I to read as follows:

I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of June 30, [~~1988~~] 1993, *except for active or retired permanent firemen members to whom the additional benefits shall apply as of June 30, 1995*; to persons who prior to July 1, 1988, had completed no less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of July 1, 1993, are eligible for vested deferred retirement benefits; and to persons who are group II permanent policemen *or permanent firemen* members on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty who become permanent policemen members of group II after June 30, 1988, but before July 1, [~~1991~~] 1993 *or permanent firemen members of group II after June 30, 1988, but before July 1, 1995*. Such additional benefits shall not apply to other persons who become members of group II after June 30, [~~1991~~] 1993, *or in the case of permanent firemen members, after June 30, 1995*, without future legislation to include them. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).

## AMENDED ANALYSIS

This bill extends the payment of medical benefits to certain persons who were active or retired group II members as of June 30, 1993, to permanent firemen members as of June 30, 1995, and to permanent firemen on disability retirement who became permanent firemen after June 30, 1988, but before July 1, 1995.

Rep. Phinney declared a conflict of interest and did not participate.

**SB 68-FN-L**, providing health care coverage for the spouse and dependents of any group I or group II retirement system member who is killed in the line of duty. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Margaret A. Lynch for Finance: This bill provides health care coverage for the spouse and dependents of any group I or group II retirement system member, whether a state or local employee, who is killed in the line of duty. The amendment specifies that an opportunity to buy health insurance set forth under federal law (COBRA) not be considered a disqualifying event in the exclusion section of the bill. The funding to pay the premium for the benefits will come from the benefit adjustment fund, already appropriated in the budget. There may be a minor but indeterminable effect on general fund lapses. Vote 19-0.

**Amendment (0405h)**

Amend RSA 21-I:30-a, IV as inserted by section 1 of the bill by replacing it with the following:

*IV. The additional benefits provided under this section shall not be available to any employee, teacher, police officer, or firefighter of a political subdivision of the state if the political subdivision belongs to an organization or association that offers, through the organization or association or its affiliate, insurance coverage with the exception of insurance coverage required to be offered by the Consolidated Omnibus Budget Reconciliation Act (COBRA).*

**SB 96-FN**, relative to the priority of charges in probate of estates. **OUGHT TO PASS**

Rep. W. Gordon Allen for Finance: The Committee determined that the clarification and change in the order of charges against estates had no significant impact on recoveries by the Department of Health and Human Services and therefore no significant fiscal impact. Vote 19-0.

**SB 197-FN**, relative to final dispositional orders in child protection cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. William S. Belvin for Finance: This bill provides an appeal process relative to administrative hearings in children's neglect and abuse cases. The amendment provides that any guardian ad litem appointed in the de novo hearing would be from CASA (Court Approved Special Advocate) at no cost to the state. The effective date was changed to July 1, 1998. Vote 20-0.

**Amendment (0402h)**

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

1 New Paragraph; Attorneys and Guardians ad Litem; Appointment and Representation. Amend RSA 169-C:10 by inserting after paragraph III the following new paragraph:

*IV. Any provision of law notwithstanding, no attorney shall be appointed by the court to represent any individual in connection with any administrative hearing, or any de novo hearing pursuant to RSA 169-C:28 arising out of an administrative hearing. Any guardian ad litem appointed in connection with a de novo hearing arising from an administrative hearing shall be a CASA guardian ad litem.*

2 Appeals; Dispositional Orders; Administrative Hearings Included. Amend RSA 169-C:28 to read as follows:

169-C:28 Appeals. An appeal under this chapter may be taken to the superior court by the child or [his] *the child's* authorized representative or any party having an interest, including the state, within 30 days of the final dispositional order; but an appeal shall not suspend the order or decision of the court unless the court so orders. The superior court shall hear the matter de novo, and shall give an appeal under this chapter priority on the court calendar. For purposes of this chapter, a "final dispositional order" includes a dismissal of a petition for abuse and neglect by the district court. *Final dispositional order shall also include any ruling or order arising from an administrative hearing held or initiated by any administrative agency, including the department, in which a finding of child abuse or neglect is made.*

3 Effective Date. This act shall take effect July 1, 1998.

**CACR 35**, relating to the nomination and appointment of judicial officers. Providing that all judicial officers shall be nominated and appointed by the governor with the advice and consent of the senate. **INEXPEDIENT TO LEGISLATE**

Rep. Susan J. Clay for Judiciary and Family Law: The majority of the committee believes that the current system of having the governor and the governor's council nominate and appoint all officers, including judges, provides for a check and balance system that works. This bill would require the governor to get the advice and consent of the senate, and would leave the governor's council completely out of the loop. Vote 15-2.

**CACR 36**, relating to probate and district court judges. Providing that all probate and district court judges shall be full-time employees and have no administrative functions. **INEXPEDIENT TO LEGISLATE**

Rep. Marjorie K. Smith for Judiciary and Family Law: This CACR provides that all probate and district court judges shall be full-time employees and have no administrative functions. This CACR has two parts. As to the first, converting to full-time judges, the committee believes that there is merit in this proposal; however, we currently have 15 full time and 60 part-time judges. The implications of this proposal are complex and costly. For example, in rural areas which could not justify the assignment of a full-time judge, how would we maintain meaningful contact between the community and the courts? The committee hopes that a thorough study of this proposal be undertaken by an appropriate legislative (or other) body. As to the issue of administrative functions, the committee concluded in this and several related CACRs that separation of powers appropriately affords to the courts the power to establish and administer their own rules as is the case in the legislative and executive branches. Vote 19-0.

**CACR 38**, relating to the state judiciary. Providing that abolishing the current method for selecting state judges and establishing the New Hampshire Bar as a pool from which state judges are chosen by lot. **INEXPEDIENT TO LEGISLATE**

Rep. David C. Allison for Judiciary and Family Law: The committee deems judicial experience to be important to the effective performance of New Hampshire judges, and that the alternative method of judicial selection proposed in this amendment will cause conflict, confusion, and chaos within our courts. Vote 19-0.

**CACR 41**, relating to clerks of court. Providing that beginning in 1999, clerks of the superior and district courts shall be elected instead of appointed and an elected clerk shall be removable upon petition by the governor with the advice and consent of the council. **INEXPEDIENT TO LEGISLATE**

Rep. Susan J. Clay for Judiciary and Family Law: The majority of the committee believes that the current system of judges appointing clerks works well. The committee sees no advantage to electing clerks as this CACR would require. Vote 19-0.

**HB 1105**, providing a cause of action for agricultural disparagement. **INEXPEDIENT TO LEGISLATE**

Rep. Andrew R. Peterson for Judiciary and Family Law: The committee, while sympathetic to those in the agricultural industry whose business is dependent on many unforeseeable conditions such as weather, market conditions and the like, believes this bill to constitute an attack on the First Amendment rights basic to our democracy. Particularly chilling was the comment of the Texas attorney in the "Oprah Winfrey" case relayed to our committee by the Farm Bureau representative in testimony before our committee that free speech must be "correct" speech based on scientific proof. Although the admirable concern of the sponsors that a farmer may be wiped out due to an unfounded "scare" campaign was not lost on the committee, the majority found that other remedies to that extreme situation already exist in law. The fundamental right of freedom of speech must, in this case, be our preeminent concern. Vote 14-1.

**HB 1116**, relative to division of property in no-fault divorces. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra B. Keans for Judiciary and Family Law: The court currently has broad discretion to look at all the issues involving the division of property during divorce proceedings. That is only one item the court considers. The property settlement is balanced by all other considerations including pensions, trusts and other assets. Vote 13-0.



**HB 1202**, establishing a study committee on probate court administration and procedures. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra B. Keans for Judiciary and Family Law: The sponsor testified that he proposed this legislation on behalf of a constituent who has been in court since 1989. The committee believes that it is inappropriate for the legislature to investigate an on-going court case while the parties still have many procedural remedies ahead of them. Vote 17-0.

**HB 1422-FN**, changing unemployment compensation benefits. **OUGHT TO PASS**

Rep. Edgar H Mears for Labor, Industrial and Rehabilitative Services: This bill raises benefit levels significantly and adjusts the level at which employers receive reductions to their contribution rate. This bill is a request of the Department of Employment Security and is unanimously supported by the Advisory Council on Unemployment Security Compensation . Vote 17-0.  
Referred to Finance.

**CACR 39**, relating to the subject matter of legislation which can be introduced by the general court in a second year session. Providing that the subject matter of legislation which can be introduced by the general court in a second year session be limited to proposed constitutional amendments, budget matters in the event of a fiscal emergency, and re-referred bills that have received a 2/3 vote for consideration in the second year session. **INEXPEDIENT TO LEGISLATE**

Rep. Peter H. Burling for Legislative Administration: The committee voted Inexpedient to Legislate. The sense of the committee was that, however one might feel about limiting bills in the second year, it is not appropriate to do the limitation through our constitution. Vote 13-0.

**HB 1402-FN**, allowing the members of the general court dental insurance and relative to excess appropriations for state employee health insurance benefits for fiscal year 1998. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Legislative Administration: This bill would allow members of the general court to participate in a group dental program afforded full time state employees as long as they cover their full expense. It also provides that the department of administrative services transfers excess appropriations for benefits to the employee benefit adjustment account for proper attention. Vote 13-0.  
Referred to Finance.

**HB 1410-FN**, relative to administrative control and transferring the budget of the state law library. **INEXPEDIENT TO LEGISLATE**

Rep. Ronald J. Nowe for Legislative Administration: This bill would require that the House Legislative Administration Committee oversee the operation of the state law library. The committee, although flattered, found that determinations as to purchases of law-related materials could be more appropriately reviewed by the supreme court. In the event that the legislature feels that additional materials should be provided at the law library, the legislature can make its recommendations known. Vote 11-0.

**HB 1413**, relative to the membership and compensation of the general court. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Legislative Administration: This bill would reduce the membership of the House of Representatives to 375 and would put into statute the current language of the constitution concerning legislative compensation. The committee found no compelling reason to reduce the size of the House. Placing the language of the constitution in statute seemed redundant and unnecessary. The committee therefore, recommended that the bill be found inexpedient to legislate. Vote 12-0.

**HB 1264**, requiring legislative approval before lotteries and horse or dog race sweepstakes may be authorized by the sweepstakes commission. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Local and Regulated Revenues: The committee had no desire to start micro-managing the sweepstakes commission. The commission assured the committee that any major innovations such as keno or others, if any, will be coming before the legislature. Vote 14-0.

**HB 1468**, clarifying the legal status of home brewers of beer. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Avery for Local and Regulated Revenues: This bill allows home brewers to produce and transport beer to organized home brewing meetings, competitions, and exhibitions such as contests, tastings, and judgments. It limits production and prohibits sales of said products. It also has the support of the State Liquor Commission. Vote 17-0.

**Amendment (0393h)**

Amend RSA 175:5-b, III as inserted by section 1 of the bill by replacing it with the following:

III. Beer produced under the provisions of paragraph I may be removed from the premises where made for personal or family use for use at organized home brewing meetings, exhibitions, or competitions, such as homebrewer's contests, tastings, or judgments. Beer used under this paragraph shall not be sold or offered for sale.

Amend the bill by replacing section 2 with the following:

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

**AMENDED ANALYSIS**

This bill allows persons to produce a limited amount of beer for personal or family use without a license from or payment of fees to the liquor commission. The bill permits such persons to remove beer from the premises where it was made for personal or family use for use at organized home brewing meetings, exhibitions, or competitions.

**HB 1601-FN**, authorizing simulcast off-track betting races at the town of Salem bingo hall. **IN-EXPEDIENT TO LEGISLATE**

Rep. Laura C. Pantelakos for Local and Regulated Revenues: The committee felt this bill is inappropriate because it would allow off-track betting for the first time. Vote 14-0.

**HB 1641-FN**, requiring the sweepstakes commission to receive prior approval from the legislative fiscal committee and governor and council before advertising for lottery ticket and other sweepstakes ticket sales and reducing advertising expenditures. **INEXPEDIENT TO LEGISLATE**

Rep. Robert N. Kelley for Local and Regulated Revenues: The committee did not feel that this bill was necessary to further the operation of the Sweepstakes Commission. One part of this bill would add the Fiscal Committee to the approval authority of the governor and council for any advertising of other than routine ticket sales. The Fiscal Committee already must approve any advertising contracts for ticket sales. The other part of the bill places a cap on advertising fund appropriations. The performance, to date, of the Sweepstakes Commission has certainly enhanced the funds that continue to flow into our education coffers. The committee did not want to limit the productivity of the commission by restricting its advertising capability, especially since the commission has a prime responsibility, according to the statutes, of "maximizing revenues". Vote 14-0.

**HB 529**, relative to excluding from the definition of subdivision the placement and maintenance of wireless communication facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Cynthia J. Dokmo for Municipal and County Government: This bill permits municipalities to amend their zoning ordinances to provide that the rental, lease, development or grant of an easement for the purpose of placing and maintaining wireless communications facilities shall be excluded from the definition of subdivision. The amendment also adds the word "unstaffed" to structure and increases the square footage from 200 to 500 square feet. Vote 12-0.

**Amendment (0392h)**

Amend the bill by replacing section 2 with the following:

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

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

**AMENDED ANALYSIS**

This bill permits municipal zoning ordinances to allow property owners to rent, lease, develop, or grant easements for the purpose of constructing wireless communication facilities without having the interest in the land considered a subdivision. This bill also increases the square footage allowed for unstaffed structures of a public utility.

**HB 1119**, relative to the town line between the towns of Groton and Plymouth, New Hampshire.  
**OUGHT TO PASS**

Rep. Robert A. Lockwood for Municipal and County Government: Enactment of this bill will allow voters in the towns of Groton and Plymouth to adjust their common boundary by 2/3 votes at respective town meetings. The adjustments have been deemed necessary because modern surveying techniques have shown prior boundaries were inaccurate. Vote 13-0.

**HB 1424**, relative to the method for filling a vacancy in the position of county commissioner.  
**OUGHT TO PASS WITH AMENDMENT**

Rep. Robert A. Lockwood for Municipal and County Government: The committee determined that there is no compelling reason to change the appointment process for filling vacancies in the position of county commissioner based on testimony at its public hearing. The sponsor stated that he wanted the county delegation to make appointments instead of the Superior Court because he believed a new system would work better. The amendment deletes the language that would change the appointment process and updates language that would eliminate two uses of the word "commissioner" with different definitions. Vote 12-0.

**Amendment (0308h)**

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

AN ACT relative to filling a vacancy in the position of a county officer.

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

1 Vacancy in Office of County Officers. Amend RSA 661:9 to read as follows:

661:9 County Officers. If a vacancy occurs in the office of county commissioner, sheriff, county attorney, register of deeds, or county treasurer, the superior court shall [~~appoint a commissioner to~~] fill the vacancy for the unexpired term. If any person holding a county office enumerated above becomes temporarily absent or incapacitated, the superior court may, upon application of the county attorney or county commissioners, declare a temporary absence and fill the same for a limited period of time expressed in the appointment. Any officer of a county, including the register of probate, may be removed by the superior court for official misconduct.

2 Layout of Highways; Gender Neutral. Amend RSA 232:3 to read as follows:

232:3 Disqualification of County Commissioner. If any commissioner is interested in the petition [~~he~~] *the commissioner* shall not serve; and the vacancy shall be filled, upon motion or petition, by any judge of the superior court.

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

**AMENDED ANALYSIS**

This bill clarifies the authority of the superior court to fill a vacancy in the office of a county officer.

**HB 1460**, allowing counties to establish capital reserve funds to be funded with unencumbered surplus funds for the purpose of extraordinary legal fees and expenses related to present or foreseeable litigation involving the county or its officers. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would have allowed counties, by majority vote of the county delegation, to establish capital reserve funds utilizing unencumbered surplus funds to reimburse a member town for legal expenses based on disparity of assessed valuation. Testimony was received that the intent of the sponsor was to establish a mechanism to reimburse towns if the assessed valuation changed during the budget year. This committee has an already established county study committee to study county government. This issue will be considered by that committee. Vote 14-0.

**HB 1518**, increasing the minimum purchase amount by a county requiring competitive bidding.  
**OUGHT TO PASS**

Rep. Thomas E. Rice for Municipal and County Government: This bill increases the maximum limit from \$1,000 to \$5,000 that the County Commissioners can spend without going through the competitive bidding process. The \$5,000 limit brings the \$1,000 limit into line with inflation since the present limit was approved in 1979, almost 20 years ago. The County Delegation still has the authority to set a lower figure for the bidding process, if they so choose. Vote 10-2.



**HB 1569**, relative to voter approval for the issuance of bonds or notes for the operating and capital costs of the Gunstock recreation area. **INEXPEDIENT TO LEGISLATE**

Rep. Robert A. Lockwood for Municipal and County Government: The committee found that the stated purpose of the bill, to have a county-wide referendum in which two-thirds of the votes would have to approve capital improvement bond issue for the Gunstock Ski/Recreation Area, instead of a majority vote of the Belknap County Delegation would be contrary to efficient business practice primarily because the votes could be taken only every two years. The committee was persuaded that Gunstock operations had improved significantly in recent years and believes the county delegation should continue to provide close oversight on all operations at Gunstock because it is funded primarily by property taxpayers in Belknap County. Vote 12-0.

**HCR 20**, recognizing the 100<sup>th</sup> anniversary of Old Home Day in New Hampshire **OUGHT TO PASS**  
Rep. Joseph E. Stone for Municipal and County Government: This House concurrent resolution recognizes Gov. Frank W. Rollins's proclamation establishing Old Home Day in 1899. It requests the governor issue a proclamation and declare far and wide that August 1999 will be celebrated as the 100<sup>th</sup> anniversary of the origination of "Old Home Day", that the Governor use and develop the history and tradition of "Old Home Day" to the best possible effect in promoting the image of New Hampshire, enhancing the quality and quantity of tourism in the state and that those towns with the largest record of offering "Old Home Day" be widely recognized. Vote 12-0.

**HB 1177-FN**, relative to increasing the minimum amount of a state capital improvement project requiring competitive bidding. **INEXPEDIENT TO LEGISLATE**

Rep. Winston H. McCarty for Public Works and Highways: After addressing the concerns of this bill and HB 1374, the committee voted to combine the provisions of both bills into HB 1374, thereby making this bill unnecessary. The amendment to HB 1374 includes all the provisions of HB 1177. Vote 18-0.

**HB 1272-L**, requiring the long range capital planning and utilization committee and the Skyhaven airport operation commission to develop a plan to transfer the Skyhaven airport to a local public entity. **OUGHT TO PASS**

Rep. William E. Leber for Public Works and Highways: This legislation would provide that the Long Range Capital Planning and Utilization Committee (RSA 17-M) and the Skyhaven Airport Operations Committee (RSA 422:47), which has membership from Rochester, Somersworth, Dover and local airport community, shall develop a plan to transfer land and buildings, contract obligations and benefits to a local public entity that will maintain the airport in satisfactory manner in accordance with federal and state statutes and regulations. Further, the new owner shall be one that is eligible for federal funding under the Airport Improvement Program and other federal programs. All income currently collected by the state from the property such as hangar rentals and contract fees shall accrue to the new owners who will be responsible for the airport maintenance and operations. Data provided the committee indicates the revenue from all airport sources is currently sufficient to cover operating expenses and the revenues are expected to improve as bonds are paid off. Skyhaven Airport shall continue to be eligible for state grants to match federal grants in the capital improvement program in the same manner as other major airports in the state. The effort to initiate action to develop the plan shall begin upon passage with completion and report due by July 1, 1999. Skyhaven Airport, the only state-owned airport, is an important part of the State Airport System and the transfer to local control will be beneficial to the future development of both the airport and the community. Vote 18-0.

**HB 1335-FN**, authorizing the department of administrative services to accept donations, gifts, and grants for the purpose of funding a design to expand the veterans' home in the town of Tilton and establishing the patients' needs committee. **OUGHT TO PASS**

Reps. William E. Leber and Marlene M. DeChane for Public Works and Highways : This bill is the result of a study committee in the Laws of 1997, Chapter 349:16. It provides authorization for the acceptance of donations, gifts and grants up to \$300,000.00 for funding a design for expansion of the Veterans' Home over the next decade with emphasis on construction of a fifty bed dementia ward in the fiscal year 2000 capital budget. The study committee is re-established as the patients' needs committee to oversee progress of expansion of the veterans' home. Vote 19-0.

**HB 1292-FN-L**, relative to payment by public utilities for output of limited electrical energy producers. **INEXPEDIENT TO LEGISLATE**

Rep. Jeb E Bradley for Science, Technology and Energy: The sponsor of the legislation requested that it be found inexpedient as the subject matter has been dealt with in re-referred HB 485 already approved by the House. As it relates to this bill, HB 485 proposes to repeal the mandatory requirements for new electricity purchases from qualifying generation facilitates once competition exists in electricity markets. Vote 14-0.

**HB 1334-FN**, establishing the position of deputy adjutant general. **OUGHT TO PASS**

Rep. Rita G. MacAuslan for State-Federal Relations and Veterans Affairs: The position of Deputy Adjutant General is part of a reorganization involving many positions within the Adjutant General's office. This reorganization will not affect currently staffed positions. The new Deputy Adjutant General position will require little or no budgetary increase. Currently, there is no one to take over for the Adjutant General in his absence. The committee, taking into account the precedent for the position throughout New England and other states, votes unanimously Ought To Pass. Vote 12-0. Referred to Finance.

**HB 1216-FN**, relative to motorcycle registration for drivers and riders who wear approved helmets. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill was crafted as an insurance provision for un-helmeted motorcyclists claiming that they were a burden to the government for their care and substance and that motorcyclists were disproportionately underinsured, more so than the rest of society. The committee heard no testimony, nor saw any data that supported that claim. The committee found that this bill discriminated against motorcyclists by asking that they purchase \$1,000,000 (one million) worth of liability insurance, while exempting all other vehicles from the requirement to have comparable insurance. Testimony indicated that two thirds of all crashes involving motorcycles and other vehicles are the consequence of the operator of the other vehicle violating the motorcyclist's right-of-way, that resulted in the motorcyclist's being injured or killed, yet this bill has no provision for other drivers to carry this exorbitant liability insurance. Further testimony from those in the insurance business indicated that this type of insurance may not be available to everyone and is considerably expensive. Additionally the committee heard testimony from an attorney, whose expertise is personal injury accident claims, that this type of insurance (liability) would not insure the policy holder, but rather the other party, thereby asking the victim to bear the cost of the liability, accordingly this bill would not achieve its goal. The penalty clause of a class B misdemeanor for first offense and a class A misdemeanor for a second offense would only be exceeded by a DWI for what is now a legal activity, seemed out of touch with reality. Other provisions in the bill such as a tiered registration, insurance cards, and inspection station training have an unknown fiscal impact on both the state and private companies. Finally the constitutionality of this bill is in doubt, due to its discriminatory language. Vote 16-0.

**HB 1363-FN**, relative to special license plates and related fees for emergency personnel with 2-way radio equipment in their vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. John W. Flanders, Sr. for Transportation: This bill is almost identical to a bill killed by the committee last year. The ability for this group to apply and start the process to receive a plate already exists in RSA 261-A. The bill does nothing but ask that these plates be given a reduced price as compared to other affinity plates granted under RSA 261-A, which process this group can apply through. Vote 16-0.

**HB 1620**, relative to the issuance of walking disability placards. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: The sponsor asked that people receive as many placards as they request. The commissioner already has the authority to grant extra placards to a person who has shown that he/she needs them. The committee felt that this privilege has been greatly abused by people who borrow the cards from other family or friends and do not need them. An excess of cards does not need to be in the public. Vote 16-0.

## REGULAR CALENDAR

**SB 66**, allowing a state resident to obtain a license for a pistol or revolver for life. **OUGHT TO PASS WITH AMENDMENT**

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill as it came to the committee would have established a "Lifetime Carry Permit" for concealed weapons. There was no support

from the law enforcement community as it required a licensing entity, usually the chief of police at the local level, to declare that a person is a "suitable person" for the duration of the license, which under SB 66, would be the rest of that person's life. Would a licensing entity or a police chief who may be uneasy granting a four year permit be likely to embrace liability for a lifetime? Comments were made that the Vermont system, which has no provisions for a carry permit in its statutes, had experienced no problems and would be preferable to a permitting system for a lifetime. It is assumed that only law abiding citizens would avail themselves of a legal method of carrying a concealed weapon, therefore, the only persons affected by such laws are not the problem that the law is created to control. The committee was offered an amendment to repeal the current system of requiring a police chief to affirm that an applicant is a suitable person. Again, there was little support for a complete repeal of the concealed carry statutes. During the original testimony citizens were commenting about the penalty for carrying after the license expired which currently is a misdemeanor for the first offense and a class B felony for a subsequent offense. It was agreed by the committee to support a repeal of the current penalties to be replaced by a lesser penalty. The amendment offered today changes the penalty for carrying a concealed weapon with an expired permit to a violation and leaves the rest of the carry statutes intact. Vote 13-0.

**Amendment (0356h)**

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

AN ACT relative to the penalty for carrying a loaded pistol or revolver without a license.

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

1 Penalty; Carrying Without License. Amend RSA 159:4 to read as follows:

159:4 Carrying Without License. No person shall carry a loaded pistol or revolver in any vehicle or concealed upon his person, except in his dwelling, house or place of business, without a valid license therefor as hereinafter provided. A loaded pistol or revolver shall include any pistol or revolver with a magazine, cylinder, chamber or clip in which there are loaded cartridges. Whoever violates the provisions of this section shall ~~[-for the first such offense,] be guilty of a [misdemeanor] violation. [For the second and for each subsequent violation of the provisions of this section, such person shall be guilty of a class B felony, provided such second or subsequent violation has occurred within 7 years of the previous conviction.]~~

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

**AMENDED ANALYSIS**

This bill changes the penalty for carrying a loaded pistol or revolver from a misdemeanor for a first offense and a class B felony for a subsequent offense to a violation for both first and subsequent offenses.

Rep. Manning spoke against and yielded to questions

Reps. David Welch and Cobbin spoke in favor and yielded to questions.

Rep. Cobbin requested a roll call; sufficiently seconded.

The question being the adoption of the amendment.

**YEAS 202 NAYS 141**

**YEAS 202**

**BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Holbrook, Robert	Hurt, George	Laflam, Robert
Lawton, David	Lawton, Robert	Pilliod, James	Rice, Thomas, Jr.
Rosen, Ralph	Salatiello, Thomas	Thomas, John	

**CARROLL**

Bradley, Jeb	Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

**CHESHIRE**

Burnham, Daniel	Hunt, John	O'Connell, John	Royce, H. Charles
Smith, Edwin	Steere, Myron, III		



**COOS**

Coulombe, Henry  
Merrill, Gerald

Coulombe, Yvonne  
Pratt, Leighton

Davis, Perley  
St. Hilaire, Paul

Guay, Lawrence

**GRAFTON**

Akins, Ralph  
Cobbin, Philip  
MacNeil, Allen  
Trelfa, Richard

Alger, John  
Eaton, Stephanie  
Mirski, Paul  
Weber, Phil

Brown, Channing  
Guaraldi, Lawrence  
Phinney, William  
Williams, William, Jr.

Chase, Paul, Jr.  
Hill, Richard  
Teschner, Douglass

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Calawa, Leon, Jr.  
Daniels, Gary  
Durham, Susan  
Franks, Suzan  
Hansen, Herbert  
Jean, Claudette  
L'Heureux, Robert  
Lozeau, Donnalee  
McCarthy, William  
Mercer, Robert  
Morello, Michael  
Piteri, Dawn  
Thulander, O. Alan  
White, Donald

Amidon, Eleanor  
Briefs, Geoffrey  
Carlson, Donald  
Dawe, Eileen  
Dyer, Merton  
Golding, William  
Herman, Keith  
Jean, Loren  
LaRose, Richard  
Luebker, Bernard  
McCarty, Winston  
Messier, Irene  
Murphy, Robert  
Riley, Frances  
Turgeon, Roland  
Wright, George

Arnold, Thomas, Jr.  
Brundige, Robert  
Carney, Lauren  
Desrosiers, William  
Emerton, Lawrence, Sr.  
Goulet, Maurice  
Holley, Sylvia  
Kelley, Robert  
Lefebvre, Roland  
MacGillivray, Jeffrey  
McGough, Tim  
Milligan, Robert  
O'Hearn, Jane  
Rowe, Robert  
Vaillancourt, Steve

Baroody, Benjamin  
Burke, M. Virginia  
Christiansen, Lars  
Drabinowicz, A. Theresa  
Fields, Dennis  
Haettenschwiller, Alphonse  
Hunter, Bruce  
Kurk, Neal  
Letendre, Evelyn  
Martin, Mary  
McRae, Karen  
Mittelman, David  
Peterson, Andrew  
Sargent, Maxwell  
Wheeler, Robert

**MERRIMACK**

Adams, Stephen  
Hess, David  
Langer, Ray  
Marshall, Kenneth  
Whalley, Michael

Anderson, Eric  
Hoadley, Elizabeth  
Larrabee, David  
Maxfield, Roy  
Whittemore, James

Crowell, Peter  
Krueger, Patricia  
Lavoie, Gerard  
Nichols, Avis

Hager, Elizabeth  
Lamach, Bernard  
Leber, William  
Pfaff, Terence

**ROCKINGHAM**

Amdt, Janet  
Camm, Kevin  
Dodge, Robert  
Felch, Charles, Sr.  
Francoeur, Sheila  
Guthrie, Joseph  
Klemm, Arthur, Jr.  
Letourneau, Robert  
McCarthy, John, Jr.  
Morris, Debbie  
Pitts, Jacqueline  
Stickney, Nancy  
Weatherspoon, Jackie

Battles-Peirce, Marjorie  
Cegelis, Mark  
Dowd, Sandra  
Fesh, Robert  
Frechette, Joseph  
Henderson, Warren  
Kobel, Rudolph  
Lovejoy, Marian  
McKinney, Betsy  
Nowe, Ronald  
Rabideau, Marie  
Stone, Joseph  
Welch, David

Beaulieu, Jon  
Christie, Andrew, Jr.  
Dowling, Patricia  
Flanagan, Natalie  
Gleason, John  
Katsakiores, George  
Langley, Jane  
Major, Norman  
Mikowski, Walter  
Noyes, Richard  
Raynowska, Bernard  
Tufts, J. Arthur  
Weyler, Kenneth

Bishop, Franklin  
Dearborn, Bruce  
Dunham, Vivian  
Flanders, John, Sr.  
Griffin, Mary  
Katsakiores, Phyllis  
Langone, John  
Malcolm, Kenneth  
Moore, Benjamin  
Packard, Sherman  
Smith, Kevin  
Varrell, Thomas  
Woods, Deborah

**STRAFFORD**

Bickford, David  
McKinley, Robert  
Torr, Ann  
Vincent, Francis

Brown, Julie  
Merritt, Deborah  
Torr, Franklin  
Wall, Janet

Cossette, Larry  
Musler, George  
Tsiros, William

Kaen, Naida  
Spear, Barbara  
Twardus, Joseph

**SULLIVAN**

Ferland, Brenda  
Schotanus, Merle

Flint, Gordon

Kibbey, David

Leone, Richard

**NAYS 141****BELKNAP**

None

**CARROLL**

Babson, David, Jr.

**CHESHIRE**

Bonneau, Sarah  
Lynott, Margaret  
Meador, David  
Riley, William

DePecol, Benjamin  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy

Doucette, Richard  
McGuirk, Paul  
Pratt, John

Lynch, Margaret  
McNamara, Wanda  
Richardson, Barbara

**COOS**

Bradley, Paula  
Tholl, John, Jr.

Hawkinson, Marie

Mears, Edgar

Moynihan, Wayne

**GRAFTON**

Almy, Susan  
LaMott, Paul

Below, Clifton  
Lovett, Sidney

Guest, Robert  
Luker, Elsa

Hinman, Harry  
Nordgren, Sharon

**HILLSBOROUGH**

Ackerman, Philip  
Bergin, Peter  
Chabot, Robert  
Cote, David  
Dokmo, Cynthia  
Foster, Linda  
Hart, Nick  
Leonard, Peter  
MacIntyre, Doris  
Perkins, Paul

Ameen, W.  
Boutin, David  
Clay, Susan  
Cote, Peter  
Dwyer, Paul, Sr.  
Gage, Ruth  
Johnson, Lionel  
Lessard, Rudy  
McDonald, James, Sr.  
Reidy, Frank

Barry, William, III  
Buckley, Raymond  
Clegg, Robert, Jr.  
D'Allesandro, Lou  
Flora, Kathleen  
Ginsburg, Ruth  
Konys, Christine  
Lynde, Harold  
Melcher, Harold  
Welch, Donald

Batula, Peter  
Cardin, Lori  
Clemons, Jane  
Daigle, Robert  
Foster, Joseph  
Hall, Betty  
Leishman, Peter  
MacAuslan, Rita  
O'Rourke, Thomas  
White, Jay

**MERRIMACK**

Burney, Carol  
Dunn, Miriam  
Gile, Mary  
Morrill, Olive  
Seldin, Gloria  
Yeaton, Charles

Crosby, Toni  
Feuerstein, Martin  
Jacobson, Alf  
Owen, Derek  
St. Cyr, Gerard

Daneault, Gabriel  
Fraser, Marilyn  
Lockwood, Robert  
Reardon, Tara  
Wallin, Jean

DeStefano, Stephen  
French, Barbara  
Moore, Carol  
Rogers, Katherine  
Wallner, Mary Jane

**ROCKINGHAM**

Abbott, Dennis  
Clark, Martha  
Dalrymple, Janeen  
Heath, John  
Micklon, Stephanie  
Sapareto, Frank  
Vaughn, Charles

Belanger, Ronald  
Coes, Betsy  
Dolan, Richard  
Hutchinson, Rebecca  
Norelli, Terie  
Schanda, Frank

Blanchard, MaryAnn  
Cooney, Richard  
Downing, Michael  
Kane, Cecelia  
Pantelakos, Laura  
Stritch, C. Donald

Case, Margaret  
Cushing, Robert  
Gibbons, Paul  
Kelley, Jane  
Sabella, Norma  
Syracusa, Anthony

**STRAFFORD**

Berube, Roger  
Estabrook, Iris

Callaghan, Frank  
Grassie, Anne

DeChane, Marlene  
Keans, Sandra

Dunlap, Patricia  
Knowles, William

Lundborn, Raymond  
Rogers, Rose Marie  
Sullivan, Henry

McCann, William, Jr.  
Rollo, Michael  
Taylor, Kathleen

Merrill, Amanda  
Smith, Marjorie  
Vachon, Dennis

Pelletier, Arthur  
Snyder, Clair

### SULLIVAN

Adler, Rudolf  
Lindblade, Eric

Allison, David  
Palmer, Lorraine

Burling, Peter  
Robb-Theroux, Amy

Cloutier, John  
Wiggins, Celestine

and the amendment was adopted.  
Rep. Knowles offered a floor amendment.

### Floor Amendment (0480h)

Amend the bill by replacing section 1 with the following:

1 Penalty; Expired License; Carrying Without License. Amend RSA 159:4 to read as follows:  
159:4 Carrying Without License.

*I. No person shall carry a loaded pistol or revolver in any vehicle or concealed upon his person, except in his dwelling, house or place of business, without a valid license therefor as herein-after provided. A loaded pistol or revolver shall include any pistol or revolver with a magazine, cylinder, chamber or clip in which there are loaded cartridges. Except as provided in paragraph II, whoever violates the provisions of this section shall, for the first such offense, be guilty of a misdemeanor[-] and for the second and for each subsequent violation of the provisions of this section, [such person] shall be guilty of a class B felony, provided such second or subsequent violation has occurred within 7 years of the previous conviction.*

*II. Notwithstanding the provisions of paragraph I, a person whose license has expired for not more than 60 days shall be guilty only of a violation. Such a violation shall not be considered a first offense under this section.*

### AMENDED ANALYSIS

This bill provides an exception from the penalty for carrying a loaded pistol or revolver without a license for a person whose license has expired for less than 60 days.

Rep. Knowles spoke in favor and yielded to questions.

Rep. William Riley spoke against.

Rep. Lyman yielded to questions.

Rep. Burling moved Recommit to Committee and withdrew his motion

### MOTION TO SPECIAL ORDER

Rep. Burling moved that *SB 66*, allowing a state resident to obtain a license for a pistol or revolver for life, be made a Special Order for the last item on the day's calendar.

Rep. Lozeau spoke in favor.

Reps. Avery and David Welch spoke against.

On a division vote, 162 members having voted in the affirmative and 173 in the negative, the motion failed.

The question now being the adoption of the Knowles floor amendment.

Rep. MacGillivray requested a roll call; sufficiently seconded.

**YEAS 173 NAYS 163**

**YEAS 173**

**BELKNAP**

Boriso, Thomas

Calvert, Alice

Salatiello, Thomas

**CARROLL**

Babson, David, Jr.

**CHESHIRE**

Bonneau, Sarah

Burnham, Daniel

Doucette, Richard

Lynch, Margaret

Lynott, Margaret

Manning, Joseph

McGuirk, Paul

Meader, David

Pratt, Irene

Pratt, John

Richardson, Barbara

Riley, William

Robertson, Timothy

Smith, Edwin

Vogl, John



**COOS**

Bradley, Paula  
Moynihan, Wayne

Davis, Perley  
Pratt, Leighton

Hawkinson, Marie  
Tholl, John, Jr.

Mears, Edgar

**GRAFTON**

Almy, Susan  
Hinman, Harry

Below, Clifton  
Lovett, Sidney

Brown, Channing  
Luker, Elsa

Guest, Robert  
Nordgren, Sharon

**HILLSBOROUGH**

Ackerman, Philip  
Batula, Peter  
Clemons, Jane  
Daigle, Robert  
Fields, Dennis  
Gage, Ruth  
Hall, Betty  
Konys, Christine  
Lessard, Rudy  
Martin, Mary  
Milligan, Robert  
Piteri, Dawn  
Wheeler, Robert

Ameen, W.  
Bergin, Peter  
Cote, David  
Dokmo, Cynthia  
Flora, Kathleen  
Ginsburg, Ruth  
Hart, Nick  
L'Heureux, Robert  
Lynde, Harold  
McCarty, Winston  
Murphy, Robert  
Reidy, Frank  
White, Jay

Baroody, Benjamin  
Brundige, Robert  
Cote, Peter  
Drabinowicz, A. Theresa  
Foster, Joseph  
Golding, William  
Jean, Claudette  
Leishman, Peter  
MacAuslan, Rita  
McDonald, James, Sr.  
O'Rourke, Thomas  
Rowe, Robert

Barry, William, III  
Cardin, Lori  
D'Allesandro, Lou  
Dwyer, Paul, Sr.  
Foster, Linda  
Haettenschwiller, Alphonse  
Johnson, Lionel  
Leonard, Peter  
MacIntyre, Doris  
Melcher, Harold  
Perkins, Paul  
Turgeon, Roland

**MERRIMACK**

Burney, Carol  
Dunn, Miriam  
Gile, Mary  
Lockwood, Robert  
Owen, Derek  
St. Cyr, Gerard

Crosby, Toni  
Feuerstein, Martin  
Hager, Elizabeth  
Marshall, Kenneth  
Pfaff, Terence  
Wallin, Jean

Daneault, Gabriel  
Fraser, Marilyn  
Hess, David  
Moore, Carol  
Reardon, Tara  
Whalley, Michael

DeStefano, Stephen  
French, Barbara  
Jacobson, Alf  
Morrill, Olive  
Seldin, Gloria  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Case, Margaret  
Dalrymple, Janeen  
Frechette, Joseph  
Henderson, Warren  
McCarthy, John, Jr.  
Pantelakos, Laura  
Schanda, Frank  
Weatherspoon, Jackie

Battles-Peirce, Marjorie  
Clark, Martha  
Dolan, Richard  
Gibbons, Paul  
Hutchinson, Rebecca  
McKinney, Betsy  
Pitts, Jacqueline  
Stritch, C. Donald

Belanger, Ronald  
Cooney, Richard  
Downing, Michael  
Gleason, John  
Kane, Cecelia  
Micklon, Stephanie  
Sabella, Norma  
Syracusa, Anthony

Blanchard, MaryAnn  
Cushing, Robert  
Francoeur, Sheila  
Heath, John  
Kelley, Jane  
Norelli, Terie  
Sapareto, Frank  
Vaughn, Charles

**STRAFFORD**

Berube, Roger  
Estabrook, Iris  
Knowles, William  
Merritt, Deborah  
Smith, Marjorie  
Torr, Franklin

Brown, Julie  
Grassie, Anne  
Lundborn, Raymond  
Pelletier, Arthur  
Snyder, Clair  
Twardus, Joseph

Callaghan, Frank  
Kaen, Naida  
McCann, William, Jr.  
Rogers, Rose Marie  
Sullivan, Henry  
Vachon, Dennis

Dunlap, Patricia  
Keans, Sandra  
Merrill, Amanda  
Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

**SULLIVAN**

Adler, Rudolf  
Lindblade, Eric

Allison, David  
Palmer, Lorraine

Burling, Peter  
Robb-Theroux, Amy

Cloutier, John  
Wiggins, Celestine

**NAYS 163****BELKNAP**

Bartlett, Gordon	Boyce, Robert	Clark, Charles	Holbrook, Robert
Hurt, George	Laffam, Robert	Lawton, David	Lawton, Robert
Pilliod, James	Rice, Thomas, Jr.	Rosen, Ralph	Thomas, John

**CARROLL**

Bradley, Jeb	Chandler, Gene	Dickinson, Howard, Jr.	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald			

**CHESHIRE**

Avery, Stephen	Hunt, John	McNamara, Wanda	O'Connell, John
Royce, H. Charles	Steere, Myron, III		

**COOS**

Coulombe, Henry	Coulombe, Yvonne	Guay, Lawrence	St. Hilaire, Paul
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**GRAFTON**

Akins, Ralph	Alger, John	Chase, Paul, Jr.	Cobbin, Philip
Eaton, Stephanie	Guaraldi, Lawrence	LaMott, Paul	Mirski, Paul
Phinney, William	Teschner, Douglass	Trefla, Richard	Weber, Phil
Williams, William, Jr.			

**HILLSBOROUGH**

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Belvin, William
Boutin, David	Briefs, Geoffrey	Buckley, Raymond	Burke, M. Virginia
Calawa, Leon, Jr.	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clay, Susan	Clegg, Robert, Jr.	Daniels, Gary	Dawe, Eileen
Durham, Susan	Dyer, Merton	Emerton, Lawrence, Sr.	Franks, Suzan
Goulet, Maurice	Hansen, Herbert	Herman, Keith	Holley, Sylvia
Hunter, Bruce	Jean, Loren	Kelley, Robert	Kurk, Neal
LaRose, Richard	Lefebvre, Roland	Letendre, Evelyn	Lozeau, Donnalee
Luebkert, Bernard	MacGillivray, Jeffrey	McCarthy, William	McGough, Tim
McRae, Karen	Mercer, Robert	Messier, Irene	Mittelman, David
O'Hearn, Jane	Peterson, Andrew	Riley, Frances	Sargent, Maxwell
Thulander, O. Alan	Vaillancourt, Steve	Welch, Donald	White, Donald
Wright, George			

**MERRIMACK**

Adams, Stephen	Anderson, Eric	Crowell, Peter	Hoadley, Elizabeth
Krueger, Patricia	Lamach, Bernard	Langer, Ray	Larrabee, David
Lavoie, Gerard	Leber, William	Maxfield, Roy	Nichols, Avis
Wallner, Mary Jane	Whittemore, James		

**ROCKINGHAM**

Arndt, Janet	Bishop, Franklin	Camm, Kevin	Carson, Gregory
Cegelis, Mark	Dearborn, Bruce	Dodge, Robert	Dowd, Sandra
Dowling, Patricia	Dunham, Vivian	Felch, Charles, Sr.	Fesh, Robert
Flanagan, Natalie	Flanders, John, Sr.	Griffin, Mary	Guthrie, Joseph
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Lovejoy, Marian
Major, Norman	Malcolm, Kenneth	Mikowski, Walter	Morris, Debbie
Nowe, Ronald	Noyes, Richard	Packard, Sherman	Rabideau, Marie
Raynowska, Bernard	Reardon, Neil	Smith, Kevin	Stickney, Nancy
Stone, Joseph	Tufts, J. Arthur	Varrell, Thomas	Welch, David
Weyler, Kenneth	Woods, Deborah		

## STRAFFORD

Bickford, David  
Musler, George  
Vincent, Francis

Cossette, Larry  
Spear, Barbara

DeChane, Marlene  
Torr, Ann

McKinley, Robert  
Tsiros, William

## SULLIVAN

Ferland, Brenda  
Schotanus, Merle

Flint, Gordon

Kibbey, David

Leone, Richard

and the Knowles floor amendment was adopted.  
Rep Cegelis offered a floor amendment.

## Floor Amendment (0466h)

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

AN ACT eliminating the license requirement for state residents to carry a pistol or revolver and establishing criminal penalties for unlawful use of a loaded pistol or revolver.

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

1 Reference Change; Bow and Arrow. Amend RSA 208:5, V to read as follows:

V. The licensee shall not be entitled to carry any firearms while hunting under the provisions of this section, unless such licensee also possesses a valid firearms hunting license or, *if a non-resident*, a valid license to carry firearms issued pursuant to RSA 159.

2 Carrying Without License; Penalties for Unlawful Use. RSA 159:4 is repealed and reenacted to read as follows:

159:4 Carrying Without License; Penalties for Unlawful Use.

I. In this section, a loaded pistol or revolver includes any pistol or revolver with a magazine, cylinder, chamber or clip in which there are loaded cartridges.

II. No person who is a nonresident of this state shall carry a loaded pistol or revolver in any vehicle or concealed upon his person, except in his dwelling, house or place of business, without obtaining a valid license pursuant to RSA 159:6. A nonresident who violates the provisions of this paragraph shall, for the first such offense, be guilty of a misdemeanor. For the second and for each subsequent violation of the provisions of this section, such person shall be guilty of a class B felony, provided such second or subsequent violation has occurred within 7 years of the previous conviction.

III. It shall be unlawful for any person to use a loaded pistol or revolver to commit a felony which includes the use of violence against another person and results in severe bodily harm to that person. A person who violates the provisions of this paragraph shall be guilty of a class B felony for a first offense and a class A felony for a subsequent offense.

IV. No person shall have or carry, on or about his or her person, openly or concealed, with the intent to unlawfully injure another person or commit a crime of violence, a loaded pistol or revolver. A person who violates the provisions of this paragraph shall be guilty of a class A misdemeanor.

3 Resident Requirement for License to Carry Eliminated. Amend RSA 159:6 to read as follows:

159:6 *Nonresidents*, License to Carry. [~~The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of such town or city, or~~] The director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than 4 years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, and that the applicant is a suitable person to be licensed. Hunting, target shooting, or self-defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the [~~people issuing the same~~] *director of state police* for 4 years. When required, license renewal shall take place within the month of the fourth anniversary of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the [~~person to whom~~



the application was made. The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the law enforcement department of the town granting said licenses;] ~~director of state police.~~ The fee for licenses [granted to out-of-state residents] shall be \$20, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses [and to supply the same to officials of the cities and towns authorized to issue the licenses. No other forms shall be used by officials of cities and towns]. The cost of the forms shall be paid out of the fees received from [nonresident] ~~the~~ licenses.

4 Repeal. The following are repealed:

- I. RSA 159:6-a, relative to confidentiality of licenses.
- II. RSA 159:6-b, relative to suspension or revocation of license.
- III. RSA 159:6-c, relative to appeal from denial, suspension or revocation.
- IV. RSA 159:6-e, relative to violations of licensing provisions.
- V. RSA 159:6-f, relative to remedies.

5 Effective Date. This act shall take effect January 1, 1999.

**AMENDED ANALYSIS**

This bill eliminates the license requirement for a New Hampshire resident to carry a loaded pistol or revolver. The bill retains the license requirement for nonresidents.

The bill also establishes new criminal penalties for unlawful use of a loaded pistol or revolver. Rep. Cegelis spoke in favor. Rep. Cegelis requested a roll call; sufficiently seconded. The question being the adoption of the Cegelis floor amendment.

**YEAS 87 NAYS 248**

**YEAS 87**

**BELKNAP**

Boyce, Robert	Hurt, George	Lawton, David	Rice, Thomas, Jr.
Rosen, Ralph			

**CARROLL**

Babson, David, Jr.	Chandler, Gene	Dickinson, Howard, Jr.	Howard, Godfrey
Kenney, Joseph			

**CHESHIRE**

Avery, Stephen	McNamara, Wanda	Royce, H. Charles	Steere, Myron, III
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**COOS**

Coulombe, Henry	Davis, Perley	Guay, Lawrence	St. Hilaire, Paul
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**GRAFTON**

Alger, John	Cobbin, Philip	Guaraldi, Lawrence	Mirski, Paul
Phinney, William	Teschner, Douglass	Weber, Phil	

**HILLSBOROUGH**

Arnold, Thomas, Jr.	Batula, Peter	Boutin, David	Briefs, Geoffrey
Burke, M. Virginia	Carlson, Donald	Christiansen, Lars	Clay, Susan
Clegg, Robert, Jr.	Daniels, Gary	Emerton, Lawrence, Sr.	Herman, Keith
Jean, Loren	L'Heureux, Robert	Lefebvre, Roland	Leonard, Peter
Lessard, Rudy	Lozeau, Donnalee	Luebker, Bernard	MacGillivray, Jeffrey
McGough, Tim	McRae, Karen	Messier, Irene	Mittelman, David
Riley, Frances	Wright, George		

**MERRIMACK**

Adams, Stephen	Crowell, Peter	Langer, Ray	Larrabee, David
Lavoie, Gerard			

**ROCKINGHAM**

Belanger, Ronald	Camm, Kevin	Carson, Gregory	Cegelis, Mark
Dowling, Patricia	Dunham, Vivian	Felch, Charles, Sr.	Fesh, Robert
Flanders, John, Sr.	Griffin, Mary	Guthrie, Joseph	Leturneau, Robert
Major, Norman	Mikowski, Walter	Morris, Debbie	Nowe, Ronald
Noyes, Richard	Packard, Sherman	Rabideau, Marie	Reardon, Neil
Sapareto, Frank	Smith, Kevin	Varrell, Thomas	Welch, David
Weyler, Kenneth			

**STRAFFORD**

Bickford, David	Brown, Julie	Cossette, Larry	McKinley, Robert
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**SULLIVAN**

Adler, Rudolf	Kibbey, David
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**NAYS 248****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Calvert, Alice	Clark, Charles
Holbrook, Robert	Laflam, Robert	Lawton, Robert	Pilliod, James
Salatiello, Thomas	Thomas, John		

**CARROLL**

Bradley, Jeb	Lyman, L. Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald			

**CHESHIRE**

Bonneau, Sarah	Burnham, Daniel	Doucette, Richard	Hunt, John
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	O'Connell, John	Pratt, Irene	Pratt, John
Richardson, Barbara	Riley, William	Robertson, Timothy	Smith, Edwin
Vogl, John			

**COOS**

Bradley, Paula	Coulombe, Yvonne	Hawkinson, Marie	Mears, Edgar
Moynihan, Wayne	Pratt, Leighton	Tholl, John, Jr.	

**GRAFTON**

Akins, Ralph	Almy, Susan	Below, Clifton	Brown, Channing
Eaton, Stephanie	Guest, Robert	Hinman, Harry	LaMott, Paul
Lovett, Sidney	Luker, Elsa	Nordgren, Sharon	Trelfa, Richard
Williams, William, Jr.			

**HILLSBOROUGH**

Ackerman, Philip	Allen, W. Gordon	Alukonis, David	Ameen, W.
Amidon, Eleanor	Baroody, Benjamin	Barry, William, III	Belvin, William
Bergin, Peter	Brundige, Robert	Buckley, Raymond	Calawa, Leon, Jr.
Cardin, Lori	Chabot, Robert	Clemons, Jane	Cote, David
Cote, Peter	D'Allesandro, Lou	Daigle, Robert	Dawe, Eileen
Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.
Dyer, Merton	Fields, Dennis	Flora, Kathleen	Foster, Joseph
Foster, Linda	Franks, Suzan	Gage, Ruth	Ginsburg, Ruth
Golding, William	Goulet, Maurice	Haettenschwiller, Alphonse	Hall, Betty
Hansen, Herbert	Hart, Nick	Holley, Sylvia	Hunter, Bruce
Jean, Claudette	Johnson, Lionel	Kelley, Robert	Konys, Christine
Kurk, Neal	LaRose, Richard	Leishman, Peter	Letendre, Evelyn
Lynde, Harold	MacAuslan, Rita	MacIntyre, Doris	Martin, Mary

McCarthy, William	McCarty, Winston	McDonald, James, Sr.	Melcher, Harold
Mercer, Robert	Milligan, Robert	Murphy, Robert	O'Hearn, Jane
O'Rourke, Thomas	Perkins, Paul	Peterson, Andrew	Piteri, Dawn
Reidy, Frank	Rowe, Robert	Sargent, Maxwell	Thulander, O. Alan
Turgeon, Roland	Vaillancourt, Steve	Welch, Donald	Wheeler, Robert
White, Donald	White, Jay		

### MERRIMACK

Anderson, Eric	Burney, Carol	Crosby, Toni	Daneault, Gabriel
DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Hess, David
Hoadley, Elizabeth	Jacobson, Alf	Krueger, Patricia	Lamach, Bernard
Leber, William	Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Morrill, Olive	Nichols, Avis	Owen, Derek
Pfaff, Terence	Reardon, Tara	Seldin, Gloria	St. Cyr, Gerard
Wallin, Jean	Wallner, Mary Jane	Whalley, Michael	Whittemore, James
Yeaton, Charles			

### ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Battles-Peirce, Marjorie	Bishop, Franklin
Blanchard, MaryAnn	Case, Margaret	Christie, Andrew, Jr.	Clark, Martha
Cooney, Richard	Cushing, Robert	Dearborn, Bruce	Dodge, Robert
Dolan, Richard	Dowd, Sandra	Downing, Michael	Flanagan, Natalie
Francoeur, Sheila	Frechette, Joseph	Gibbons, Paul	Gleason, John
Heath, John	Henderson, Warren	Hutchinson, Rebecca	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Klemm, Arthur, Jr.
Kobel, Rudolph	Langley, Jane	Langone, John	Lovejoy, Marian
Malcolm, Kenneth	McKinney, Betsy	Micklon, Stephanie	Moore, Benjamin
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Raynowska, Bernard
Sabella, Norma	Schanda, Frank	Stickney, Nancy	Stone, Joseph
Stritch, C. Donald	Syracusa, Anthony	Tufts, J. Arthur	Vaughn, Charles
Weatherspoon, Jackie	Woods, Deborah		

### STRAFFORD

Berube, Roger	Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Grassie, Anne	Kaen, Naida	Keans, Sandra
Knowles, William	Lundborn, Raymond	McCann, William, Jr.	Merrill, Amanda
Merritt, Deborah	Musler, George	Pelletier, Arthur	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spear, Barbara	Sullivan, Henry
Taylor, Kathleen	Torr, Ann	Torr, Franklin	Tsiros, William
Twardus, Joseph	Vachon, Dennis	Vincent, Francis	Wall, Janet

### SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon	Leone, Richard	Lindblade, Eric	Palmer, Lorraine
Robb-Theroux, Amy	Schotanus, Merle	Wiggins, Celestine	

and the Cegelis floor amendment failed.

### MOTION TO LAY ON THE TABLE

Rep. Dolan moved that **SB 66**, allowing a state resident to obtain a license for a pistol or revolver for life, be laid on the table.

The motion failed.

The question now being the adoption of the amended committee report.

Adopted and ordered to third reading.

### RECESS



**(Speaker Sytek in the Chair)**

**HB 1350**, relative to vocational student organizations, the appointment of a vocational student organization advisor, and making an appropriation therefor. OUGHT TO PASS

Rep. Richard L. Hill for Education: There is a need for Vocational Service Organizations' (VSO's) advisors to provide opportunities in leadership development in nationally recognized vocational service organizations. The appropriation is necessary to continue the program to support the advisors. The Carl Perkins Act provides federal money for this program and the Department of Education will supply money to this program. Vote 15-0.  
Adopted and referred to Finance.

**HB 1134**, relative to the voting hours for the town of Sugar Hill. INEXPEDIENT TO LEGISLATE  
Rep. Raymond C Buckley for Election Law: This legislation is similar to bills the committee heard last year. Following the passage of uniform voting hours by an overwhelming margin in the Town of Sugar Hill, this bill would repeal the voters' action. The committee supports uniform voting hours and the majority vote of Sugar Hill. Vote 16-1.  
Adopted.

**HB 1430**, relative to political expenditure limitation amounts. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Thomas I Arnold, Jr for the Majority of Election Law: This bill increases the voluntary limitation on campaign expenditures to \$625,000 (for each, primary and general election) for governor and for US Senator and to \$350,000 for Representative to Congress. The amendment establishes the effective date. This is intended to compensate for inflation and increase cost of advertising over the four (4) years since the previous figure was set. This committee believes that this increases the viability of our spending limits. Vote 12-5.

Rep. Raymond C Buckley for the Minority of Election Law: This bill fails to address the basic reason why the voluntary spending limit has failed. The dramatic and uncontrolled rise in independent expenditures has caused candidates to forego the voluntary limit option. While the sponsors may believe raising the limit by the arbitrary amount proposed will dissuade independent expenditures, no testimony was given to prove their position.

**Amendment (0316h)**

Amend the bill by replacing section 2 with the following:

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

Adopted.

Majority report adopted and ordered to third reading.

**HB 616-FN**, relative to jury selection reforms. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill changes the method for compiling the master jury list. The voter lists as well as the drivers' license list will both be used annually by the Administrative Office of the Courts (AOC) to form a master jury list. The bill also repeals most jury exemptions, a decision of the policy committee. The amendment states that the voter lists and the Department of Safety lists as well as the master jury list are confidential documents and are to be used for purposes of jury selection only. The AOC indicated that it will absorb any costs required to implement this bill. As a result, there will be no impact on the general fund. Vote 15-4.

**Amendment (0359h)**

Amend RSA 500-A:1, VI as inserted by section 2 of the bill by replacing it with the following:

VI. "Voter lists" means the official record of persons registered to vote in the most recent state general election and town lists, which are the combined and alphabetically arranged lists prepared by the selectmen and city wards for their respective jurisdictions made up of all adults listed on the voter registration lists, and provided to the office by the selectmen and city wards.

Amend RSA 500-A:2 as inserted by section 3 of the bill by replacing it with the following:

500-A:2 Preparation of Master Jury List. The [department] office shall annually prepare and deliver to the clerk of court a master jury list for each county or judicial district thereof. A duplicate list shall be retained by the [department] office. *Voter lists and department of safety lists, as well as the master jury list, are confidential documents to be used by the office and the respective trial courts only for purposes of jury selection.*

## AMENDED ANALYSIS

This bill changes the method for compiling the master jury list. The voter lists and the driver's license list will be blended annually into a master jury list by the administrative office of the courts.

The bill specifies that the master jury list, voter lists, and driver's license list are confidential documents.

The bill also repeals the most jury exemptions. The bill prohibits a convicted felon whose conviction has not been annulled or is not eligible for annulment under New Hampshire law from serving on juries.

Adopted.

Report adopted and ordered to third reading.

**HB 686-FN-A**, relative to financing of child day care facilities and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Frances L. Riley for Finance: This bill preserves the intent of the Health and Human Services Committee and the wishes of the House regarding assistance to day care centers. The amendment (a) eliminates the appropriation from the general fund and (b) permits \$17,500 of already appropriated funds plus loan repayments under the current program to be used for interest rate subsidies on future loans for child day care facilities. Vote 20-0.

## Amendment (0403h)

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

AN ACT relative to financing child day care facilities.

Amend the bill by deleting section 3 and renumbering the original sections 4-7 to read as sections 3-6 respectively.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect [~~July 1, 1998~~] *upon its passage*.

## AMENDED ANALYSIS

This bill establishes a non-profit child day care loan program through the department of health and human services.

Adopted.

Report adopted and ordered to third reading.

**HB 1324**, requiring parental notification before abortions may be performed on certain minors. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Marjorie K. Smith for the Majority of Judiciary and Family Law: This bill would not result in improving communication within families. More than 70% of minors do inform their parents. Those who do not, often have sound reasons. Finally the bill does not protect the constitutional right of a minor to have an abortion without the notice of both parents if she is mature enough to make her own decision or an abortion is in her best interests. Vote 12-4.

Rep. Evelyn S. Letendre for the Minority of Judiciary and Family Law: The minority of the committee believes that at the most critical time in a woman's life she should have the support and guidance of a family member. In addition, since there are numerous things that a minor cannot do or have done to her without parental permission, it seems absurd to us that a minor can have an abortion without even so much as notification. This bill provides for parental notification not permission. In the event that the minor is a victim of sexual abuse, physical abuse, or neglect, notification can be made to a sibling over the age of 21, a stepparent or grandparent.

Rep. Adams spoke against and yielded to questions.

Rep. Irene Pratt spoke in favor and yielded to questions.

Rep. Adams requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 232 NAYS 103**

**YEAS 232**

**BELKNAP**

Bartlett, Gordon  
Pilliod, James

Calvert, Alice  
Salatiello, Thomas

Holbrook, Robert  
Thomas, John

Lawton, Robert

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Dickinson, Howard, Jr.	Howard, Godfrey
Patten, Betsey	Philbrick, Donald		

**CHESHIRE**

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Doucette, Richard
Hunt, John	Lynch, Margaret	Lynott, Margaret	McGuirk, Paul
Meador, David	O'Connell, John	Pratt, Irene	Pratt, John
Richardson, Barbara	Riley, William	Robertson, Timothy	Smith, Edwin
Vogl, John			

**COOS**

Bradley, Paula	Davis, Perley	Hawkinson, Marie	Mears, Edgar
Merrill, Gerald	Moynihan, Wayne	Pratt, Leighton	

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Below, Clifton
Brown, Channing	Eaton, Stephanie	Guest, Robert	Hill, Richard
LaMott, Paul	Lovett, Sidney	Luker, Elsa	MacNeil, Allen
Nordgren, Sharon	Teschner, Douglass	Trelfa, Richard	Williams, William, Jr.

**HILLSBOROUGH**

Ackerman, Philip	Allen, W. Gordon	Alukonis, David	Amidon, Eleanor
Barry, William, III	Belvin, William	Bergin, Peter	Briefs, Geoffrey
Buckley, Raymond	Calawa, Leon, Jr.	Cardin, Lori	Carlson, Donald
Chabot, Robert	Christiansen, Lars	Clay, Susan	Clemons, Jane
Cote, David	Cote, Peter	D'Allesandro, Lou	Daigle, Robert
Dawe, Eileen	Dokmo, Cynthia	Durham, Susan	Dyer, Merton
Emerton, Lawrence, Sr.	Fields, Dennis	Foster, Joseph	Foster, Linda
Franks, Suzan	Gage, Ruth	Ginsburg, Ruth	Golding, William
Haettenschwiller, Alphonse	Hall, Betty	Hansen, Herbert	Hart, Nick
Herman, Keith	Jean, Loren	Johnson, Lionel	Kony, Christine
Kurk, Neal	Leishman, Peter	Leonard, Peter	Lozeau, Donnalee
Lynde, Harold	MacAuslan, Rita	MacIntyre, Doris	McCarthy, William
McCarty, Winston	McRae, Karen	Melcher, Harold	Mercer, Robert
Messier, Irene	Milligan, Robert	Mittelman, David	Morello, Michael
Murphy, Robert	O'Hearn, Jane	O'Rourke, Thomas	Perkins, Paul
Peterson, Andrew	Reidy, Frank	Rowe, Robert	Sargent, Maxwell
Thulander, O. Alan	Welch, Donald		

**MERRIMACK**

Anderson, Eric	Burney, Carol	Chandler, Earle	Crosby, Toni
Crowell, Peter	DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Lamach, Bernard
Langer, Ray	Lockwood, Robert	Maxfield, Roy	Moore, Carol
Morrill, Olive	Nichols, Avis	Owen, Derek	Reardon, Tara
Seldin, Gloria	Wallin, Jean	Whalley, Michael	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Battles-Peirce, Marjorie	Beaulieu, Jon	Belanger, Ronald
Blanchard, MaryAnn	Camm, Kevin	Case, Margaret	Cegelis, Mark
Christie, Andrew, Jr.	Clark, Martha	Cushing, Robert	Dearborn, Bruce
Dowling, Patricia	Flanagan, Natalie	Flanders, John, Sr.	Francoeur, Sheila
Frechette, Joseph	Gleason, John	Griffin, Mary	Heath, John
Henderson, Warren	Hutchinson, Rebecca	Kane, Cecelia	Katsakiores, George



Katsakiores, Phyllis  
Lovejoy, Marian  
McKinney, Betsy  
Pitts, Jacqueline  
Stone, Joseph  
Verani, Giovanni

Kelley, Jane  
Major, Norman  
Micklon, Stephanie  
Sabella, Norma  
Syracusa, Anthony  
Weatherspoon, Jackie

Klemm, Arthur, Jr.  
Malcolm, Kenneth  
Norelli, Terie  
Sapareto, Frank  
Tufts, J. Arthur  
Weyler, Kenneth

Langone, John  
McCarthy, John, Jr.  
Nowe, Ronald  
Schanda, Frank  
Vaughn, Charles  
Woods, Deborah

### STRAFFORD

Bickford, David  
Estabrook, Iris  
Keans, Sandra  
Pelletier, Arthur  
Smith, Marjorie  
Taylor, Kathleen  
Vincent, Francis

Brown, Julie  
Grassie, Anne  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Torr, Ann  
Wall, Janet

Cossette, Larry  
Heon, Richard  
Lundborn, Raymond  
Rogers, Rose Marie  
Spear, Barbara  
Torr, Franklin

Dunlap, Patricia  
Kaen, Naida  
Merrill, Amanda  
Rollo, Michael  
Sullivan, Henry  
Vachon, Dennis

### SULLIVAN

Allison, David  
Flint, Gordon  
Palmer, Lorraine

Burling, Peter  
Kibbey, David  
Robb-Theroux, Amy

Cloutier, John  
Leone, Richard  
Wiggins, Celestine

Ferland, Brenda  
Lindblade, Eric

### NAYS 103

### BELKNAP

Boriso, Thomas  
Lafiam, Robert

Boyce, Robert  
Lawton, David

Clark, Charles  
Rice, Thomas, Jr.

Hurt, George  
Rosen, Ralph

### CARROLL

Chandler, Gene

Kenney, Joseph

Lyman, L. Randy

Mock, Henry

### CHESHIRE

Manning, Joseph

McNamara, Wanda

Royce, H. Charles

Steere, Myron, III

### COOS

Coulombe, Henry  
Tholl, John, Jr.

Coulombe, Yvonne

Guay, Lawrence

St. Hilaire, Paul

### GRAFTON

Cobbin, Philip  
Mirski, Paul

Guaraldi, Lawrence  
Phinney, William

Ham, Bonnie  
Weber, Phil

Hinman, Harry

### HILLSBOROUGH

Arnold, Thomas, Jr.  
Clegg, Robert, Jr.  
Flora, Kathleen  
Jean, Claudette  
Lessard, Rudy  
Marcinkowski, Michael  
Riley, Frances  
White, Donald

Batula, Peter  
Daniels, Gary  
Goulet, Maurice  
Kelley, Robert  
Letendre, Evelyn  
Martin, Mary  
Turgeon, Roland  
Wright, George

Brundige, Robert  
Desrosiers, William  
Holley, Sylvia  
LaRose, Richard  
Luebker, Bernard  
McDonald, James, Sr.  
Vaillancourt, Steve

Burke, M. Virginia  
Drabinowicz, A. Theresa  
Hunter, Bruce  
Lefebvre, Roland  
MacGillivray, Jeffrey  
McGough, Tim  
Wheeler, Robert

### MERRIMACK

Adams, Stephen  
Lavoie, Gerard  
St. Cyr, Gerard

Daneault, Gabriel  
Leber, William  
Whittemore, James

Krueger, Patricia  
Marshall, Kenneth

Larrabee, David  
Pfaff, Terence

**ROCKINGHAM**

Arndt, Janet	Bishop, Franklin	Carson, Gregory	Cooney, Richard
Dalrymple, Janeen	Dodge, Robert	Dolan, Richard	Dowd, Sandra
Downing, Michael	Dunham, Vivian	Fesh, Robert	Gibbons, Paul
Guthrie, Joseph	Kobel, Rudolph	Langley, Jane	Letourneau, Robert
Mikowski, Walter	Morris, Debbie	Noyes, Richard	Packard, Sherman
Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Smith, Kevin
Stickney, Nancy	Stritch, C. Donald	Varrell, Thomas	Welch, David

**STRAFFORD**

Berube, Roger	Callaghan, Frank	McCann, William, Jr.	McKinley, Robert
Tsiros, William	Twardus, Joseph		

**SULLIVAN**

Adler, Rudolf

and the majority report was adopted.

Reps. Cooper and Merritt did not vote and wished to be recorded in favor.

**SPECIAL ORDER**

Rep. Mirski moved that **HB 1587-FN**, creating the woman's right to know law, be made a Special Order for Thursday, February 12, 1998 and spoke in favor.

Rep. Peterson spoke in favor.

Adopted.

**REGULAR CALENDAR (Cont'd.)**

**CACR 43**, relating to compensation for members of the general court. Providing that members of the general court shall receive the annual sum of 5 cents per citizen of the state per week, multiplied by the most recent decennial federal census figure for the state of New Hampshire, divided by the number of legislators for the term elected. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory G. Carson for Legislative Administration: While this legislation as written presents a new and interesting twist on increasing pay for the members of the General Court, it is most blatantly flawed by lack of a funding mechanism. Using the formula contemplated in this CACR each member would receive approximately \$7,400 per year - a \$6,000,000 appropriation over the biennium. At present, we potentially face raising millions in new revenues to fund education, the majority of the committee felt asking our constituents for additional pay was both untimely and unfair. The sponsor's intent in proposing said CACR was to open up the possibility of more citizens running for House seats by paying a reasonable wage. The committee discussed the basic premise of a citizen legislature and the majority of the committee did not want to change the basis of what has been a two century tradition. The committee also wants to place some historical perspective on this issue and remind each member of the General Court the last salary treatment effected by the citizens was a decrease in pay, albeit more than 100 years ago. Vote 11-2.

Adopted.

**HB 1180**, relative to the composition of the legislative ethics committee. **INEXPEDIENT TO LEGISLATE**

Rep. Ronald J. Nowe for Legislative Administration: This bill would remove the requirement that one member of the legislative ethics committee be an attorney. There was no evidence presented to the committee that a problem existed with the current statute. The legislative administration committee found that the ethics committee would benefit from having an attorney on the committee to insure that the rights of the complainant and the individual complained against were protected. In the past, the Attorney General or his designee had been a member of the committee, but that office expressed concerns about possible conflicts of interest and they are no longer statutory members. Vote 11-1.

Adopted.

**HB 1289-FN**, relative to meals for legislators on session days. **INEXPEDIENT TO LEGISLATE**

Rep. Donnalee Lozeau for Legislative Administration: It would be tempting to dismiss this bill solely on the basis of the well-known expression "there is no such thing as a free lunch". While

that expression certainly applies in this case, the bill has other problems as well. The bill requires the state house cafeteria to offer a free lunch to legislators on session days. Such a benefit would seem to conflict with the New Hampshire Constitution which limits legislative compensation to our \$100 annual salary and mileage. In addition, the expense of providing paid lunches for legislators could cost \$53,000 or more per year. Further, such a practice would clearly represent unfair competition for area businesses providing noontime meals. For these and other reasons, the committee voted Inexpedient to Legislate. Vote 7-4.  
Adopted.

**HB 1366**, establishing a committee to study the possibility of televising sessions and selected hearings of the house of representatives. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory G. Carson for Legislative Administration: The committee reviewed this legislation along with a historical review of similar legislation and found HR48 located on page 534 of the House Journal from the consent calendar dated 15 March 1994. HR 48 of 1994 encouraged the Speaker of the House to establish a study committee to review the feasibility and cost of televising sessions and committee meetings. A representative of this committee discussed HR 48 of 1994 with the Speaker and she stated she would follow the spirit and intent of the resolution. Vote 9-4.  
Adopted.

**HB 1375**, establishing a legislative accountability act, requiring that certain laws apply to the legislature. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Warren C. Henderson for the Majority of Legislative Administration: This bill has very broad implications. While it is called the Legislative Accountability Act, it would apply laws which are not currently applicable to state employees to legislative employees. It would also allow an executive branch official to determine the rules under which legislative employees would work. If the legislature at some point in the future wished to establish other rules to apply to its own employees, it would require the approval of the Governor to enact a law permitting this. Finally, this bill could restrict the rights of some of our current legislative employees. We should act deliberately when we look at the rules which govern our employees. Vote 9-4.

Rep. Amanda A. Merrill for the Minority of Legislative Administration: This legislation sets out basic areas of employee protection that should be available in all work places, including the New Hampshire Legislature. While the Legislative Personnel Manual addresses issues unique to legislative employees, it does not cover the areas of protection currently available to other New Hampshire workers through existing state law.

Reps. Buckley and McCann spoke against.

Rep. Cushing spoke against and yielded to questions.

Reps. Henderson and Ann Torr spoke in favor and yielded to questions.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 206 NAYS 130

### YEAS 206

#### BELKNAP

Bartlett, Gordon  
Clark, Charles  
Lawton, David  
Rosen, Ralph

Boriso, Thomas  
Holbrook, Robert  
Lawton, Robert  
Thomas, John

Boyce, Robert  
Hurt, George  
Pilliod, James

Calvert, Alice  
Laflam, Robert  
Rice, Thomas, Jr.

#### CARROLL

Babson, David, Jr.  
Howard, Godfrey  
Patten, Betsey

Bradley, Jeb  
Kenney, Joseph  
Philbrick, Donald

Chandler, Gene  
Lyman, L. Randy

Dickinson, Howard, Jr.  
Mock, Henry

#### CHESHIRE

Avery, Stephen  
Royce, H. Charles

Hunt, John  
Smith, Edwin

Manning, Joseph  
Steere, Myron, III

McNamara, Wanda



**COOS**

Davis, Perley  
St. Hilaire, Paul

Guay, Lawrence  
Tholl, John, Jr.

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Guaraldi, Lawrence  
MacNeil, Allen  
Trelfa, Richard

Alger, John  
Ham, Bonnie  
Mirski, Paul  
Williams, William, Jr.

Brown, Channing  
Hinman, Harry  
Phinney, William

Eaton, Stephanie  
LaMott, Paul  
Teschner, Douglass

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Burke, M. Virginia  
Christiansen, Lars  
Dawe, Eileen  
Dyer, Merton  
Foster, Linda  
Herman, Keith  
Johnson, Lionel  
Lefebvre, Roland  
Luebker, Bernard  
McCarty, Winston  
Messier, Irene  
Peterson, Andrew  
Thulander, O. Alan

Amidon, Eleanor  
Bergin, Peter  
Calawa, Leon, Jr.  
Clay, Susan  
Desrosiers, William  
Emerton, Lawrence, Sr.  
Golding, William  
Holley, Sylvia  
Kelley, Robert  
Lessard, Rudy  
MacGillivray, Jeffrey  
McGough, Tim  
Milligan, Robert  
Riley, Frances  
Wheeler, Robert

Arnold, Thomas, Jr.  
Briefs, Geoffrey  
Carlson, Donald  
Clegg, Robert, Jr.  
Dokmo, Cynthia  
Fields, Dennis  
Goulet, Maurice  
Hunter, Bruce  
Kurk, Neal  
Letendre, Evelyn  
MacIntyre, Doris  
McRae, Karen  
Morello, Michael  
Rowe, Robert  
White, Donald

Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Daniels, Gary  
Durham, Susan  
Flora, Kathleen  
Hansen, Herbert  
Jean, Loren  
LaRose, Richard  
Lozeau, Donnalee  
Marcinkowski, Michael  
Mercer, Robert  
O'Hearn, Jane  
Sargent, Maxwell  
Wright, George

**MERRIMACK**

Adams, Stephen  
Feuerstein, Martin  
Jacobson, Alf  
Larrabee, David  
Marshall, Kenneth  
Pfaff, Terence

Anderson, Eric  
Hager, Elizabeth  
Krueger, Patricia  
Lavoie, Gerard  
Maxfield, Roy  
Whalley, Michael

Chandler, Earle  
Hess, David  
Lamach, Bernard  
Leber, William  
Morrill, Olive  
Whittemore, James

Crowell, Peter  
Hoadley, Elizabeth  
Langer, Ray  
Lockwood, Robert  
Nichols, Avis

**ROCKINGHAM**

Arndt, Janet  
Bishop, Franklin  
Cegelis, Mark  
Dodge, Robert  
Felch, Charles, Sr.  
Francoeur, Sheila  
Henderson, Warren  
Langley, Jane  
Major, Norman  
Mikowski, Walter  
Packard, Sherman  
Sapareto, Frank  
Tufts, J. Arthur  
Weyler, Kenneth

Battles-Peirce, Marjorie  
Camm, Kevin  
Christie, Andrew, Jr.  
Dowd, Sandra  
Fesh, Robert  
Gleason, John  
Katsakiores, George  
Langone, John  
Malcolm, Kenneth  
Morris, Debbie  
Rabideau, Marie  
Stickney, Nancy  
Varrell, Thomas  
Woods, Deborah

Beaulieu, Jon  
Carson, Gregory  
Dalrymple, Janeen  
Dowling, Patricia  
Flanagan, Natalie  
Griffin, Mary  
Katsakiores, Phyllis  
Letourneau, Robert  
McCarthy, John, Jr.  
Nowe, Ronald  
Raynowska, Bernard  
Stone, Joseph  
Verani, Giovanni

Belanger, Ronald  
Case, Margaret  
Dearborn, Bruce  
Dunham, Vivian  
Flanders, John, Sr.  
Guthrie, Joseph  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
McKinney, Betsy  
Noyes, Richard  
Reardon, Neil  
Stritch, C. Donald  
Welch, David

**STRAFFORD**

Berube, Roger  
Kaen, Naida  
Torr, Ann

Brown, Julie  
Keans, Sandra  
Torr, Franklin

Cossette, Larry  
McKinley, Robert  
Tsiros, William

Dunlap, Patricia  
Spear, Barbara  
Vincent, Francis

**SULLIVAN**

Adler, Rudolf  
Leone, Richard

Ferland, Brenda  
Lindblade, Eric

Flint, Gordon

Kibbey, David

**NAYS 130****BELKNAP**

Salatiello, Thomas

**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah  
Lynch, Margaret  
O'Connell, John  
Riley, William

Burnham, Daniel  
Lynott, Margaret  
Pratt, Irene  
Robertson, Timothy

DePecol, Benjamin  
McGuirk, Paul  
Pratt, John  
Vogl, John

Doucette, Richard  
Meador, David  
Richardson, Barbara

**COOS**

Bradley, Paula  
Mears, Edgar

Coulombe, Henry  
Moynihan, Wayne

Coulombe, Yvonne

Hawkinson, Marie

**GRAFTON**

Almy, Susan  
Luker, Elsa

Below, Clifton  
Nordgren, Sharon

Guest, Robert

Lovett, Sidney

**HILLSBOROUGH**

Ackerman, Philip  
Cardin, Lori  
D'Allesandro, Lou  
Foster, Joseph  
Haettenschwiller, Alphonse  
Konys, Christine  
MacAuslan, Rita  
Melcher, Harold  
Perkins, Paul  
Welch, Donald

Allen, W. Gordon  
Clemons, Jane  
Daigle, Robert  
Franks, Suzan  
Hall, Betty  
Leishman, Peter  
Martin, Mary  
Mittelman, David  
Reidy, Frank

Barry, William, III  
Cote, David  
Drabinowicz, A. Theresa  
Gage, Ruth  
Hart, Nick  
Leonard, Peter  
McCarthy, William  
Murphy, Robert  
Turgeon, Roland

Buckley, Raymond  
Cote, Peter  
Dwyer, Paul, Sr.  
Ginsburg, Ruth  
Jean, Claudette  
Lynde, Harold  
McDonald, James, Sr.  
O'Rourke, Thomas  
Vaillancourt, Steve

**MERRIMACK**

Burney, Carol  
Dunn, Miriam  
Moore, Carol  
St. Cyr, Gerard

Crosby, Toni  
Fraser, Marilyn  
Owen, Derek  
Wallin, Jean

Daneault, Gabriel  
French, Barbara  
Reardon, Tara  
Wallner, Mary Jane

DeStefano, Stephen  
Gile, Mary  
Seldin, Gloria  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Dolan, Richard  
Heath, John  
Kobel, Rudolph  
Sabella, Norma  
Weatherspoon, Jackie

Blanchard, MaryAnn  
Downing, Michael  
Hutchinson, Rebecca  
Micklon, Stephanie  
Schanda, Frank

Clark, Martha  
Frechette, Joseph  
Kane, Cecelia  
Norelli, Terie  
Syracusa, Anthony

Cushing, Robert  
Gibbons, Paul  
Kelley, Jane  
Pitts, Jacqueline  
Vaughn, Charles

**STRAFFORD**

Bickford, David  
Grassie, Anne

Callaghan, Frank  
Heon, Richard

DeChane, Marlene  
Knowles, William

Estabrook, Iris  
Lundborn, Raymond

McCann, William, Jr.  
Pelletier, Marsha  
Snyder, Clair  
Vachon, Dennis

Merrill, Amanda  
Rogers, Rose Marie  
Sullivan, Henry  
Wall, Janet

Merritt, Deborah  
Rollo, Michael  
Taylor, Kathleen

Pelletier, Arthur  
Smith, Marjorie  
Twardus, Joseph

### SULLIVAN

Allison, David  
Robb-Theroux, Amy

Burling, Peter  
Wiggins, Celestine

Cloutier, John

Palmer, Lorraine

and the majority report was adopted.

Rep. Cooper did not vote and wished to be recorded in favor.

**HB 1405-FN**, including the legislature and judiciary as public employers under the public employees labor relations act. **INEXPEDIENT TO LEGISLATE**

Rep. Donnalee Lozeau for of Legislative Administration: This bill would establish a collective bargaining process for legislative and judicial employees. Unlike the law governing other bargaining units of public employees, this bill does not establish an election process to determine whether legislative or judicial employees would like to unionize but rather establishes a bargaining committee on their behalf. The bill also does not appear to allow for individual administration of House and Senate employees by their respective bodies. It would therefore require Senate approval to establish certain conditions or salaries for House employees. It is important to consider that the membership of the House and Senate change every two years. The collective bargaining process could then produce an agreement which would bind future legislatures. We should give flexibility to each legislature to determine the conditions under which its employees will work. Vote 9-4.

Reps. McCann and Cushing spoke against.

Reps. Lozeau and Kurk spoke in favor.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the adoption of the report.

### YEAS 213 NAYS 119

#### YEAS 213

#### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Lawton, Robert  
Thomas, John

Boyce, Robert  
Hurt, George  
Pilliod, James

Calvert, Alice  
Laflam, Robert  
Rice, Thomas, Jr.

Clark, Charles  
Lawton, David  
Rosen, Ralph

#### CARROLL

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Mock, Henry

Bradley, Jeb  
Howard, Godfrey  
Patten, Betsey

Chandler, Gene  
Kenney, Joseph  
Philbrick, Donald

Cooper, Kipp  
Lyman, L. Randy

#### CHESHIRE

Avery, Stephen  
Smith, Edwin

Hunt, John  
Steere, Myron, III

McNamara, Wanda

Royce, H. Charles

#### COOS

Bradley, Paula  
Pratt, Leighton

Davis, Perley  
St. Hilaire, Paul

Guay, Lawrence  
Tholl, John, Jr.

Merrill, Gerald

#### GRAFTON

Akins, Ralph  
Guaraldi, Lawrence  
Mirski, Paul  
Williams, William, Jr.

Alger, John  
Ham, Bonnie  
Phinney, William

Brown, Channing  
Hinman, Harry  
Teschner, Douglass

Eaton, Stephanie  
LaMott, Paul  
Trelfa, Richard



**HILLSBOROUGH**

Alukonis, David  
 Belvin, William  
 Calawa, Leon, Jr.  
 Clay, Susan  
 Desrosiers, William  
 Emerton, Lawrence, Sr.  
 Ginsburg, Ruth  
 Holley, Sylvia  
 Kurk, Neal  
 Letendre, Evelyn  
 MacGillivray, Jeffrey  
 McGough, Tim  
 Messier, Irene  
 O'Hearn, Jane  
 Rowe, Robert  
 White, Donald

Amidon, Eleanor  
 Bergin, Peter  
 Carlson, Donald  
 Clegg, Robert, Jr.  
 Dokmo, Cynthia  
 Fields, Dennis  
 Golding, William  
 Hunter, Bruce  
 LaRose, Richard  
 Lozeau, Donnalee  
 MacIntyre, Doris  
 McRae, Karen  
 Milligan, Robert  
 Peterson, Andrew  
 Sargent, Maxwell  
 Wright, George

Arnold, Thomas, Jr.  
 Briefs, Geoffrey  
 Chabot, Robert  
 Daniels, Gary  
 Durham, Susan  
 Flora, Kathleen  
 Goulet, Maurice  
 Jean, Loren  
 Leishman, Peter  
 Luebkert, Bernard  
 Marcinkowski, Michael  
 Melcher, Harold  
 Mittelman, David  
 Reidy, Frank  
 Thulander, O. Alan

Batula, Peter  
 Brundige, Robert  
 Christiansen, Lars  
 Dawe, Eileen  
 Dyer, Merton  
 Franks, Suzan  
 Herman, Keith  
 Kelley, Robert  
 Lessard, Rudy  
 MacAuslan, Rita  
 McCarty, Winston  
 Mercer, Robert  
 Morello, Michael  
 Riley, Frances  
 Wheeler, Robert

**MERRIMACK**

Adams, Stephen  
 Feuerstein, Martin  
 Jacobson, Alf  
 Larrabee, David  
 Marshall, Kenneth  
 Pfaff, Terence

Anderson, Eric  
 Hager, Elizabeth  
 Krueger, Patricia  
 Lavoie, Gerard  
 Maxfield, Roy  
 Whalley, Michael

Burney, Carol  
 Hess, David  
 Lamach, Bernard  
 Leber, William  
 Morrill, Olive  
 Whittemore, James

Chandler, Earle  
 Hoadley, Elizabeth  
 Langer, Ray  
 Lockwood, Robert  
 Nichols, Avis

**ROCKINGHAM**

Arndt, Janet  
 Bishop, Franklin  
 Cegelis, Mark  
 Dearborn, Bruce  
 Dowling, Patricia  
 Flanagan, Natalie  
 Gleason, John  
 Katsakiores, George  
 Langley, Jane  
 Major, Norman  
 Mikowski, Walter  
 Packard, Sherman  
 Sapareto, Frank  
 Stritch, C. Donald  
 Welch, David

Battles-Peirce, Marjorie  
 Camm, Kevin  
 Christie, Andrew, Jr.  
 Dodge, Robert  
 Dunham, Vivian  
 Flanders, John, Sr.  
 Griffin, Mary  
 Katsakiores, Phyllis  
 Langone, John  
 Malcolm, Kenneth  
 Morris, Debbie  
 Rabideau, Marie  
 Schanda, Frank  
 Tufts, J. Arthur  
 Weyler, Kenneth

Beaulieu, Jon  
 Carson, Gregory  
 Cooney, Richard  
 Dolan, Richard  
 Felch, Charles, Sr.  
 Francoeur, Sheila  
 Guthrie, Joseph  
 Klemm, Arthur, Jr.  
 Letourneau, Robert  
 McCarthy, John, Jr.  
 Nowe, Ronald  
 Raynowska, Bernard  
 Stickney, Nancy  
 Varrell, Thomas  
 Woods, Deborah

Belanger, Ronald  
 Case, Margaret  
 Dalrymple, Janeen  
 Dowd, Sandra  
 Fesh, Robert  
 Frechette, Joseph  
 Henderson, Warren  
 Kobel, Rudolph  
 Lovejoy, Marian  
 McKinney, Betsy  
 Noyes, Richard  
 Reardon, Neil  
 Stone, Joseph  
 Verani, Giovanni

**STRAFFORD**

Bickford, David  
 Kaen, Naida  
 Sullivan, Henry  
 Vincent, Francis

Brown, Julie  
 Keans, Sandra  
 Torr, Ann

Cossette, Larry  
 McKinley, Robert  
 Torr, Franklin

Dunlap, Patricia  
 Spear, Barbara  
 Tsiros, William

**SULLIVAN**

Adler, Rudolf  
 Leone, Richard

Ferland, Brenda  
 Lindblade, Eric

Flint, Gordon

Kibbey, David

**NAYS 119****BELKNAP**

Boriso, Thomas

Salatiello, Thomas

**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	O'Connell, John	Pratt, Irene	Pratt, John
Richardson, Barbara	Riley, William	Robertson, Timothy	Vogl, John

**COOS**

Coulombe, Henry	Coulombe, Yvonne	Hawkinson, Marie	Mears, Edgar
Moynihan, Wayne			

**GRAFTON**

Almy, Susan	Below, Clifton	Guest, Robert	Lovett, Sidney
Luker, Elsa	Nordgren, Sharon		

**HILLSBOROUGH**

Ackerman, Philip	Allen, W. Gordon	Barry, William, III	Buckley, Raymond
Cardin, Lori	Clemons, Jane	Cote, David	Cote, Peter
D'Allesandro, Lou	Daigle, Robert	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.
Foster, Joseph	Foster, Linda	Gage, Ruth	Haettenschwiller, Alphonse
Hall, Betty	Hart, Nick	Jean, Claudette	Johnson, Lionel
Konys, Christine	Leonard, Peter	Lynde, Harold	Martin, Mary
McCarthy, William	McDonald, James, Sr.	Murphy, Robert	O'Rourke, Thomas
Perkins, Paul	Turgeon, Roland	Vaillancourt, Steve	Welch, Donald
White, Jay			

**MERRIMACK**

Crosby, Toni	Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam
Fraser, Marilyn	French, Barbara	Gile, Mary	Moore, Carol
Owen, Derek	Reardon, Tara	Seldin, Gloria	St. Cyr, Gerard
Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Cushing, Robert
Downing, Michael	Gibbons, Paul	Heath, John	Hutchinson, Rebecca
Kane, Cecelia	Kelley, Jane	Micklon, Stephanie	Norelli, Terie
Pitts, Jacqueline	Sabella, Norma	Syracusa, Anthony	Vaughn, Charles
Weatherspoon, Jackie			

**STRAFFORD**

Berube, Roger	Callaghan, Frank	DeChane, Marlene	Estabrook, Iris
Grassie, Anne	Heon, Richard	Knowles, William	Lundborn, Raymond
McCann, William, Jr.	Merrill, Amanda	Merritt, Deborah	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Twardus, Joseph	Vachon, Dennis	Wall, Janet

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Palmer, Lorraine
Wiggins, Celestine			

and the report was adopted.

Rep. Hansen did not vote and wished to be recorded in favor.

**HB 1625-FN**, relative to financial disclosure by elected officials. **INEXPEDIENT TO LEGISLATE**  
Rep. Loren J. Jean for Legislative Administration: This bill would have required a twice annually disclosure of gifts, testimonials and honoraria. The majority of the committee felt the requirements in place were adequate and to further burden the legislators and facilities of the Secretary of State's office is unwarranted. Vote 8-5.

Rep. Almy spoke against.

Rep. Channing Brown spoke in favor and yielded to questions.

Adopted.

**HB 1645**, to eliminate secrecy in the handling of complaints by any state ethics committee or conduct board or commission. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Legislative Administration: This bill would provide that all complaints and investigations before any state ethics committee or conduct board or commission are public and open, except during a related criminal investigation. This bill would allow an individual to file a complaint against another which would become public before the subject of the complaint even knew of its existence. The harm to an individual's reputation might not be repaired if the complaint was later determined to be unfounded. For these reasons of fairness and equity, the committee recommended that this bill be voted Inexpedient to Legislate. Vote 12-1.

Adopted.

### LAI D ON THE TABLE

Rep. Guay moved that **HB 643-FN**, establishing an industry average performance system for air pollution control and establishing certain pollution control funds, be laid on the table.

Adopted.

### REGULAR CALENDAR (cont'd.)

**HB 736-FN**, increasing the mileage rate for jurors. **INEXPEDIENT TO LEGISLATE**

Rep. Margaret A. Lynch for Finance: The intention of this bill, as amended by the House, was to increase grand and petit jurors' mileage rate from \$.20 to \$.31 per mile, when the juror is required to leave the town or city in which he/she resides. The change in mileage fees would increase state general fund expenditures by \$200,000. It is the belief of the Finance Committee that it is a citizen's civic duty, if called upon, to serve on a jury and that given the demands on the general fund at this point in time the \$.20 mileage fee should remain unchanged. Vote 15-2.

Rep. MacGillivray spoke against.

Rep. Lynch spoke in favor.

Adopted.

Rep. MacGillivray wished to be recorded against.

**HB 1194**, prohibiting a minor child from being forced to have visitation with an incarcerated parent. **INEXPEDIENT TO LEGISLATE**

Rep. David C. Allison for Judiciary and Family Law: As drafted, the bill seems to be all-encompassing, i.e., that the incarcerated parent may be imprisoned for a relatively minor offense. In such a circumstance, it seems to the committee excessive punishment to prevent this incarcerated parent from visits with his or her child. Vote 14-0.

Rep. John McCarthy moved Re-commit to Committee and spoke in favor.

Adopted.

### SPECIAL ORDER

Rep. Wheeler moved that **HB 1342**, allowing members of the house of representatives and senate to take courses at no cost, and for no credit at any state institution of higher education, be made a Special Order for Thursday, February 12, 1998 and spoke in favor.

Adopted.

### REGULAR CALENDAR (CONT'D.)

**HB 1206**, affirming that it is the legislature's intent that new court facility construction costs reflect the needs and usage of the judiciary. **INEXPEDIENT TO LEGISLATE**

Rep. Steve Vaillancourt for Public Works and Highways: This bill would affirm the legislature's intent that new court construction costs reflect the needs and usage of the judiciary. The commit-



tee believes this bill is not necessary. We are already aware of the public desire not to construct "overly lavish structures" and have not abused that trust. The committee received and reviewed information regarding court construction costs in the last four years, ranging from \$94.15 per square foot for Rockingham Superior Court in 1994-95 to \$119.69 per square foot for Franklin District Court in 1997. These costs were deemed appropriate. Vote 18-0.

Rep. Rosen spoke in favor.

Adopted.

**HB 1211-FN-A**, appropriating startup funds for the Governors State Park in Laconia. OUGHT TO PASS WITH AMENDMENT

Rep. Gene G. Chandler for Public Works and Highways: This bill, as presented, involved an appropriation of \$750,000 for Governors State Park located near the Laconia Correctional Facility, for the purpose of development of said park. One of the sponsors testified that a much lower figure, perhaps \$160,000, would suffice and subsequent to the hearing the prime sponsor submitted a revised request of \$220,000. The committee felt that since the whole issue of the park and the correctional facility is being discussed in other venues it would not be appropriate to make any appropriation at this time. The amendment replaces all of the original bill with language renaming Governors State Park to Ahern Park, which was the original dedicated name of the park from 1937 until 1983, when for whatever reason the name was changed to Governors State Park. William Ahern, a former Speaker of the House and highly recognized civic leader of his time, was appropriately and suitably honored with the original naming of the park, and the committee feels very strongly that we should correct this historical injustice. Vote 20-0.

**Amendment (0381h)**

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

AN ACT re-designating Governors state park in Laconia as Ahern state park.

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

1 Ahern State Park. Amend the chapter heading of RSA 216-H to read as follows:  
[Governors] *Ahern* State Park

2 Ahern State Park. Amend RSA 216-H:3 to read as follows:

216-H:3 [Governors] *Ahern* State Park. Pursuant to RSA 4:43, the general court[~~-in honor of all former governors of the state;~~] hereby designates and names this tract of land, upon its availability and development as a park under RSA 216-H:2, [~~the~~ *Governors*] *Ahern* state park.

3 Ahern State Park Advisory Committee. Amend the section heading and paragraph I of RSA 216-H:5 to read as follows:

216-H:5 [Governors] *Ahern* State Park Advisory Committee.

I. There is established an advisory committee to advise the department of resources and economic development on the development of [~~the~~ *Governors*] *Ahern* state park.

4 Effective Date. This act shall take effect July 1, 1998.

**AMENDED ANALYSIS**

This bill re-designates Governors state park in Laconia as Ahern state park.

Adopted.

Reps. Rosen and Gene Chandler spoke in favor.

Report adopted and ordered to third reading.

**RESOLUTION**

Rep. Wheeler 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 12, 1998 at 10:00 a.m.

Adopted.

**LATE SESSION**

**Third reading and final passage**

**HB 1394**, extending the reporting date for the school building aid system study committee.

- HB 1502*, extending the reporting date for the statewide school technology plan study committee.
- HB 1634*, relative to amending the definition of "educational institution" under the New Hampshire municipal bond bank educational institutions bond financing act.
- HB 1103-L*, relative to the state representative districts of towns.
- HB 1151-FN*, relative to the testing of certain domestic animals.
- HB 1142*, making technical corrections on behalf of the department of revenue administration.
- HB 1244-FN*, relative to collusive bidding at auctions.
- HB 1271-FN*, relative to the board of acupuncture licensing.
- HB 1283*, establishing a 4-year term for the commissioner of the department of corrections.
- HB 256-FN*, establishing uniform adjudicative proceedings for state agencies.
- HB 579-FN-L*, providing that a person who, having made all reasonable efforts to preserve employment, leaves a job in order to protect himself or herself from domestic abuse, shall not be denied unemployment compensation.
- HB 627-FN*, establishing a conservation number plate trust fund, and a special motor vehicle license plate and associated fees, to support New Hampshire's natural and cultural resources.
- HB 774-FN*, relative to child support, custodial rights, and visitation.
- HB 1657*, extending the consultant's reporting date for surveying the department of youth development services' facilities.
- SB 53-FN*, relative to payment by the retirement system of certain medical benefits for group II members and for certain permanent firemen on disability retirement.
- SB 68-FN-L*, providing health care coverage for the spouse and dependents of any group I or group II retirement system member who is killed in the line of duty.
- SB 96-FN*, relative to the priority of charges in probate of estates.
- SB 197-FN*, relative to final dispositional orders in child protection cases.
- HB 1468*, clarifying the legal status of home brewers of beer.
- HB 529*, relative to excluding from the definition of subdivision the placement and maintenance of wireless communication facilities.
- HB 1119*, relative to the town line between the towns of Groton and Plymouth, New Hampshire.
- HB 1424*, relative to filling a vacancy in the position of a county officer.
- HB 1518-L*, increasing the minimum purchase amount by a county requiring competitive bidding.
- HCR 20*, recognizing the 100<sup>th</sup> anniversary of Old Home Day in New Hampshire.
- HB 1272-L*, requiring the long range capital planning and utilization committee and the Skyhaven airport operation commission to develop a plan to transfer the Skyhaven airport to a local public entity.
- HB 1335-FN*, authorizing the department of administrative services to accept donations, gifts, and grants for the purpose of funding a design to expand the veterans' home in the town of Tilton and establishing the patients' needs committee.
- SB 66*, allowing a state resident to obtain a license for a pistol or revolver for life.
- HB 1430*, relative to political expenditure limitation amounts.
- HB 616-FN*, relative to jury selection reforms.
- HB 686-FN-A*, relative to financing child day care facilities.
- HB 1211-FN-A*, re-designating Governors state park in Laconia as Ahern state park.

### PERSONAL PRIVILEGE

Rep. Avery moved that the remarks made by Rep. Felch be printed in the Journal.

Adopted.

Rep. Felch addressed the House.

Thank you, Madam Speaker. When I got here to the House this morning and opened up by pages to the Union Leader, I found that I was in the news. Much to my surprise, my chin kind of dropped down. I said, "For God's sake, this isn't true. Where is this coming from?" It seems that my town and one of the places of business in my town are in Superior Court in Rockingham County and they are battling it out over Leather and Lace (business establishment) as you have probably all heard. According to the writer of the article, correspondent Peg Warner, and I have been in contact with the Clerk of the Court, Ray Taylor, and they have read the records of the court of yesterday's testimony and I have received correspondence from the writer of the piece - it seems that - my gripe is this, they referred to me as Rep. Charles Felch. The proprietor of Leather and Lace also testified at a Rockingham County Superior Court hearing that oil wrestling, mud wrestling and bachelor

parties featuring nude women, including some attended by selectman Oliver Carter and Rep. Charles Felch. You know, having to have to come out here and face 400 of you people, plus 24 on the other side of the wall, I kind of felt like how the hell do I explain myself for this one. Well, I went through the necessary movements and I talked with the Court. I've talked with the Union Leader and they have assured me that Peg Warner did call after talking with the Clerk of the Court and she has asked them to put something in there correcting the piece that was put in. What happened, she said, was that when she heard the name of Charles Felch, and there are seven in the town of Seabrook, five of them are Charles H. Felch and the other two are Charles W., cousins. She said, "that is a prominent name, that must be Rep. Felch," so that is the way she wrote it. She has apologized to me and the correction is being made. I did receive a call from Ivan Eaton, Jr., because I had called there to find out what are you trying to tell the Court about me that isn't so. He did call back and I went and called him and he said, "Charles, I did not say that. It was Fireman Charles Felch." "Well," I said, "I'm, glad of that, but there is only one thing, Ivan, that I have to tell you right now. I feel slighted that I wasn't invited."

### UNANIMOUS CONSENT

Rep. French addressed the House.

Rep. Stone moved that the remarks made by Rep. D'Allesandro be printed in the Journal Adopted.

Rep. D'Allesandro: Thank you very much Madam Speaker. I requested Unanimous Consent to talk to you about a rather tragic event, but I think an event that is worth sharing with members of this House, and I know 70 of you are graduates of the University of New Hampshire. About two weeks ago, a wonderful coach at the University of New Hampshire who became Assistant Director of Athletics died in the gymnasium. He was 46 years of age. He left a wife and two young children. He had given 17 years of his life to the University of New Hampshire and to the athletes who he coached as the head wrestling coach and the head lacrosse coach. There were times when he took money out of his own pocket to buy equipment for his teams. He was the kind of individual who made everyone around him a little bit better, a little bit happier. I stood in line at St. Thomas Church in Durham with over 1,000 people who came to pay their respects to Jim Urquhart. It just seems to me that if we take a moment to think about the wonderful things we have in New Hampshire, one of the things that is preeminent in my mind is great people. Jim Urquhart was a wonderful athlete in college. He was a wonderful coach, a great father, a great husband and great addition to the University of New Hampshire. We, as legislators, have the privilege and pleasure of supporting our university and witnessing the works of these fine people. Jim Urquhart isn't with us but he gave 17 years of his life so that our lives and the lives of our children could be better. There is no greater tribute we can pay to a man then to say, "Jim, it was a job well done. Your memory will live in our minds and our hearts forever. Our deepest sympathy go to your wife and family." Thank you very much.

Rep. David Welch addressed the House.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 4:00 p.m.

### RECESS

(Rep. David Welch in the Chair)

### RESOLUTION

Its introduction having been approved by the Rules Committee:

Rep. John Flanders offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1661, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.



**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

*HB 1661*, relative to eligibility for postsecondary education tuition grants. (Belvin, Hills 14; Searles, Hills 23; Snyder, Straf 14; Weyler, Rock 18; McCarley, Dist 6; Danais, Dist 20; Rubens, Dist 5: Education)

**RECESS**

**(Rep. Babson in the Chair)**

**RESOLUTION**

Its introduction having been approved by the Rules Committee:

Rep. Trelfa offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 1662, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

*HB 1662-FN*, restructuring the nuclear decommissioning finance committee and the office of the consumer advocate and amending laws relative to atomic energy to reflect the policies of electric utility restructuring. (Cushing, Rock 22; Below, Graf 13; Hollingworth, Dist 23: Science, Technology and Energy)

**RECESS**

**(Rep. Rabideau in the Chair)**

**RESOLUTION**

Its introduction having been approved by the Rules Committee:

Rep. Henderson offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Constitutional Amendment Concurrent Resolution numbered 44, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF CACR****First, second reading and referral**

*CACR 44*, relating to clarifying the phrase "proportional and reasonable" in the constitution. Providing that to the extent local property taxes are used to fund an adequate education, tax rates among different local taxing districts shall be proportional and reasonable if, utilizing real property valuations equalized throughout the state, the lowest tax rate utilized by any one local taxing district is not less than 50 percent of the highest rate utilized by any other local taxing district. (Hess, Merr 11: Finance)

**RECESS**

**(Speaker Sytek in the Chair)**

**UNANIMOUS CONSENT**

Rep. Lockwood addressed the House.

Rep. Dokmo moved that the remarks made by Rep. Lockwood be printed in the Journal.

Adopted.

Rep. Lockwood. Thank you, Madam Speaker. Thank you for recognizing me at this particular time, while the Journal for the January 29, 1998 session is still open. Thank you, members of the House for your Unanimous Consent and your attention. Madam Speaker, we all know that January 29<sup>th</sup>

was a difficult day for many members of this honorable House with reference to the Ethics Committee report and subsequent action to censure one of our own members. I rise, Madam Speaker, to offer a sense of appreciation and full recognition of worth to the Ethics Committee for a truly exemplary performance in its consideration of this truly tortuous case. The Committee's process appeared to be beyond reproach, absent pre-judgment and absent recrimination and posturing. Its report is a clear and concise statement of the complaint as well as the Committee's reasoning for its findings. It was appropriate that the House overwhelmingly supported its recommendation. Madam Speaker, rather than condemnation, I believe the Ethics Committee deserves our congratulations for bringing this unfortunate situation to a fair, equitable and compassionate conclusion. Thank you very much, Madam Speaker.

Rep. Lozeau moved that the House adjourn.  
Adopted.

**HOUSE JOURNAL No. 4**

Thursday, February 12, 1998

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

God of the common good whose care is wide enough to embrace the needs of individuals and the complexities of institutions, we pray that You will inspire each of us personally and all of us collectively that we may serve well the land and people of New Hampshire. Grant us the courage of our convictions but make us vulnerable enough to learn from the convictions of others. Grant us the passion of our highest ideals but make us humble enough to be transformed by the visions of others. As in all times we pray that You will breath into us Your love and energy so that we may accomplish Your hopes of grace, humor and mutual respect. Amen.

Rep. Pantelakos led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Carney, Champagne, Clay, Cobbin, Ferguson, Robert Foster, Gage, Gleason, Golden, Gosselin, Healy, Robert Johnson, Cecelia Kane, George Katsakiores, Amanda Merrill, Micklon, Pepino, Russell, Paul Taylor and Woods, the day, illness.

Reps. Bartlett, Bishop, Daniels, Dolan, Guay, Haley, Haettenschwiller, Milligan and Syracuse, the day important business.

Reps. Dawe and Weber, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Bea Reed, guest of Rep. Francoeur. Aisylu Yanbaeva, Galina Mistreanu, George Chigogidze, Maruf Abdulkadirov, Marina Dratcheva and Dolores Siik, guests of Rep. Owen. The 1998 class of Leadership New Hampshire and the program's directors Cotton Cleveland and Mary Scheffy, guests of Rep. Boutin. Grover Norquist, guest of Rep. Frances Riley.

**SPECIAL GUESTS**

The Class L Girls' Championship Field Hockey Team and the Championship Fall Spirit Cheerleading Team from Salem High School, guests of the House.

**COMMITTEE ASSIGNMENTS**

Rep. Steven J. Connolly off Science, Technology and Energy; on Wildlife and Marine Resources.

Rep. Terence R. Pfaff Vice Chairman of Judiciary and Family Law.

Rep. Edwin O. Smith on Criminal Justice and Public Safety.

Rep. Deborah L. Woods off Judiciary and Family Law; on Resources, Recreation and Development.

**SENATE MESSAGE****NONCONCURRENCE**

**HB 191**, reducing the number of categories of pesticides from 3 to one.

**HB 211**, defining the terms "psychological injury" and related terms under the child protection act.

**HB 276**, removing primary petition filing requirements for candidates who do not voluntarily accept campaign spending limitations.

**HB 367-FN-L**, requiring notification to parents when a minor violates the tobacco laws.

**HB 716-FN**, relative to economic development and retention rates and special contracts.

**HB 792-FN-L**, prohibiting trusts and other legal devices from being used to shelter wealth for the purposes of medicaid eligibility.



### SUSPENSION OF RULES

Reps. Wheeler and Burling move that the Rules be so far suspended as to permit the extension of the reporting date to March 18, 1998 for all bills not yet introduced as of this date, and all bills approved for late introduction by the Rules Committee.

Reps. Burling and Wheeler spoke in favor.

Adopted by the necessary two-thirds.

### RESOLUTION

Reps. Wheeler and Burling offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1663 and 1664, 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

#### First, second reading and referral

**HB 1663-FN**, relative to rulemaking under the administrative procedures act. (Pfaff, Merr 11; G. Chandler, Carr 1; Wheeler, Hills 7; Burling, Sull 1; Barnes, Dist 17; Hollingworth, Dist 23: Executive Departments and Administration)

**HB 1664-FN**, authorizing salary increases for state law enforcement officers. (Wheeler, Hills 7; Burling, Sull 1: Finance)

### COMMITTEE REPORTS

#### CONSENT CALENDAR

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

**HB 1275-FN**, relative to training for marine patrol officers, removed by Rep. Hunter.

**HB 1584**, relative to the applicability of the youth access to and use of tobacco products law, removed by Rep. Mirski.

**HB 1466-FN-A-L**, relative to current use and the real estate transfer tax, removed by Rep. Mirski.

**HB 605-FN-L**, relative to procedures regarding delinquent children under RSA 169-B, removed by Rep. Pfaff.

**HB 606-FN-L**, relative to procedures regarding children in need of services under RSA 169-D, removed by Rep. Pfaff.

**HB 1370**, abolishing the judicial council, removed by Rep. Hemon.

**HB 1505-FN**, removing judges from the state defense and indemnification provisions, removed by Rep. Mirski.

**HB 1637-FN**, repealing the requirement that the commissioner of the department of employment security maintain a state directory of new hires, removed by Rep. Mirski.

**HB 1609**, permitting municipal elections to be held on biennial election day, removed by Rep. Cloutier.

**HJR 21**, requesting that the United States Congress return to the states the authority to regulate campaign finance, removed by Rep. Charles Clark.

Consent Calendar adopted.

**HB 1125**, repealing laws relative to trading stamp companies and solar equipment warranties.

#### OUGHT TO PASS

Rep. Keith R. Herman for Commerce: Finally, we have the opportunity to repeal two laws which are arcane and unenforced. The laws being repealed deal with trading stamp companies (RSA 357-A) and solar equipment warranties (RSA 358-L). The problems for which these laws were originally created no longer exist. No one testified in opposition to the bill. The Attorney General's Office is supportive of repealing these provisions. Vote 15-0.

**HB 1186**, requiring all-night convenience stores to have 2 attendants on duty during night hours.

#### INEXPEDIENT TO LEGISLATE

Rep. Tim S. McGough for Commerce: The committee felt this bill would have placed unfair restrictions on owners of small businesses. Isolating one type of business and allowing government to determine minimum staffing is an inappropriate intrusion on a business owner's right to operate based on market conditions. Vote 15-0.

**HB 1214-FN**, encouraging employers to provide health insurance for their employees by providing a "New Hampshire Way" designation. INEXPEDIENT TO LEGISLATE

Rep. George Hurt for Commerce: This bill makes an onerous provision on an employer and businesses with a mandated subscription to provide certain confidential records on personnel policy provisions to the Department of Insurance. Further, this bill also discriminates from one employer to another on how an employer provides employee health insurance coverage. Vote 15-0.

**HB 1546-FN**, extending consumer protection rights to purchasers of farm equipment. REFER FOR INTERIM STUDY

Rep. David T. Mittelman for Commerce: The purpose of this bill is to create a "lemon law" for farm equipment. The committee would like additional time to examine similar laws in other states and an existing federal regulation that provides an arbitration mechanism for disputes of this nature. Vote 15-0.

**HB 1582-FN**, extending small employer health insurance coverage to individuals, limiting annual premium rate increases, and eliminating minimum participation requirements for small employer groups. REFER FOR INTERIM STUDY

Rep. Keith R. Herman for Commerce: This bill would force HMOs into the individual health market and cap premium rates. This concept is part of the solution to the critical problem in New Hampshire's individual health insurance market. The overall solution will be studied extensively this summer with a myriad of alternative approaches to ensure that New Hampshire residents have access to affordable health care. Vote 16-1.

**HB 1101**, requiring juvenile case and court records to be unsealed in certain cases. INEXPEDIENT TO LEGISLATE

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This subject matter was reviewed extensively under HB 604 and it was determined that the sentencing judge already has access to the records for the purposes addressed in this bill. HB 604 was re-re-referred in the last session and will be before the senate later this session. Vote 17-0.

**HB 1128-FN**, relative to space heaters. OUGHT TO PASS

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: The committee heard from the manufacturers and the municipal association and they were in favor of this bill. It is just a housekeeping bill for the fire marshal's office and it eliminates a level of unnecessary bureaucratic regulation. Vote 14-1.

**HB 1132-L**, relative to the sale of fireworks. INEXPEDIENT TO LEGISLATE

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill is not needed as it is already in the statute, RSA 160-B, but the committee has assured the sponsor that this will be looked at in HB 1108 which deals with fireworks and the Fireworks Review Committee. This is one town's problem and it can be done locally. There are only 26 dealers in this state who come under the local control. Vote 15-0.

**HB 1197-FN**, expanding the crime of felonious use of firearms to include felonious use of any deadly weapon and relative to the minimum mandatory and maximum sentences of imprisonment for felonies involving deadly weapons. INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill seeks to amend our felonious use of a firearm statute to felonious use of a deadly weapon. This broadens the effect of the statute tremendously as shown by the following definition: "'Deadly Weapon' means any firearm, knife or other substance or thing which, in the manner it is used, intended to be used, or threatened to be used, is known to be capable of providing death or serious bodily injury. Making this change was something our committee saw no need to do. We believe the enhanced penalty should be reserved for the use of a firearm and not for the use of everything under the sun. There was no testimony from the police or the attorney general that this change was needed or wanted. We concur. Vote 17-0.

**HB 1263**, relative to the confidentiality of juvenile records. INEXPEDIENT TO LEGISLATE

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill provides that all juvenile records, including court records and police files where the juvenile is 12 years of age or older, shall be part of the public record even if the juvenile is placed into a court diversion program. This subject matter was dealt with extensively under HB 604 which was voted Inexpedient to Legislate by the

House and it was determined that requiring all juvenile records to be public was detrimental to the ability to rehabilitate, educate and reform. The criminal record of an adult is not public record. Therefore, we should not have a double standard for juveniles. Vote 17-0.

**HB 1279-FN-L**, relative to the procedures for vacating uninhabitable or unsafe buildings. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lori Cardin for Criminal Justice and Public Safety: This bill establishes procedures for vacating unsafe and uninhabitable buildings. The Fire Marshal and the New Hampshire Municipal Association requested this bill. The purpose of this is to protect the occupant if the conditions of a building constitutes a clear and imminent danger to the life and safety of the occupant or other persons. The amendment addresses the concerns of New Hampshire Legal Assistance regarding tenants rights being violated as it pertains to a municipalities assistance when a person is displaced by this type of action. Vote 15-0.

#### Amendment (0496h)

Amend RSA 147:16-a, II as inserted by section 1 of the bill by replacing it with the following:

II. A prominent notice shall be posted at each entrance to the building or other premises informing all persons that the premises has been ordered vacated, and of the officer making the order. Such notice shall not be removed during the period such order is in effect, and anyone removing such notice shall be guilty of a misdemeanor. The following wording, though not exclusive, shall be deemed sufficient:

“DANGER. THIS BUILDING (or other premises) IS UNSAFE. OCCUPANCY IS PROHIBITED BY ORDER OF THE (officer’s title) OF THE TOWN (City) OF \_\_\_\_\_, UNDER AUTHORITY OF RSA 147:16-a. DETAILS OF THIS VIOLATION ARE ON FILE \_\_\_\_\_. ANYONE ENTERING THIS BUILDING (premises) OR REMOVING THIS NOTICE SHALL BE GUILTY OF A MISDEMEANOR. PERSONS AGGRIEVED BY THIS ORDER MAY REQUEST A HEARING IN THE \_\_\_\_\_ DISTRICT COURT.”

Amend RSA 147:16-a, VII as inserted by section 1 of the bill by replacing it with the following:

VII. The provisions of this section shall not apply to a residence which is occupied only by the owner and his or her immediate family, unless the condition of such premises constitutes a clear and imminent danger to the life or health of persons other than the occupant or occupants.

Amend RSA 147:16-a as inserted by section 1 of the bill by inserting after paragraph VII the following new paragraph:

VIII. Nothing in this section shall be deemed to affect a municipality’s duty to provide general assistance under RSA 165. No proceeding under this section shall be deemed to affect any legal rights between landlord and tenant.

**HB 1309**, relative to an exemption from notification requirement for telemarketing firms. **INEXPEDIENT TO LEGISLATE**

Rep. Doris R. MacIntyre for Criminal Justice and Public Safety: It was the unanimous consensus of the committee to vote inexpedient to legislate on HB 1309. Testimony indicated a desire to allow telemarketing firms to “RANDOMLY” record incoming calls which would later be used for training purposes. Under questioning by the committee, a representative of a telemarketing firm indicated he wanted to be able to record all incoming calls for a record or resource. Eleven states prohibit recording of calls and 39 states allow recording with one party notification. Telemarketing firms should not be exempt from the wiretapping and eavesdropping laws. Everyone must be notified in advance if they are to be tape recorded. Vote 15-0.

**HB 1515-FN**, relative to discharge of persons imprisoned for failure to pay a penalty assessment or an administrative fee. **OUGHT TO PASS**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill merely adds to RSA 618:8, Definition of Fine, two additional items (penalty assessments and administrative fees) that were not previously included. This omission results in petitions to the courts requesting that these assessments be waived since they were not covered by law. This bill will correct this situation. Vote 15-1.

**HB 1550-FN**, justifying the use of force against persons armed with deadly weapons engaging in illegal drug transactions and permitting life imprisonment as an enhanced sentence for persons who engaged in an illegal drug transaction while armed with deadly weapons. **INEXPEDIENT TO LEGISLATE**



Rep. Frank M. Schanda for Criminal Justice and Public Safety: The committee felt that this bill could cause many more problems that it would solve. This bill would have justified the use of non deadly and deadly force, by "any" person, who had reasonable grounds to believe that another person was armed with a deadly weapon while engaged in an illegal drug transaction. This bill also enhanced the penalty for a person engaged in an illegal drug transaction while armed with a deadly weapon. The committee voted this bill inexpedient to legislate. Vote 14-0.

**HB 1553-FN, prohibiting the possession or use of rohypnol, ketamine, and GHB. OUGHT TO PASS WITH AMENDMENT**

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill as amended will amend RSA 318-B, the Controlled Drug Act to place the following three dangerous substances on New Hampshire's controlled drug schedules as follows: Flunitrazepam, trade name rohypnol, (a sedative/hypnotic with amnesiac effects) on Schedule I, gamma-hydroxy-butyrate ( a sedative/hypnotic with amnesiac and hallucinogenic effects) on Schedule II, and ketamine hydrochloride (a veterinary anesthesia) on Schedule III in accordance with the recommendations of the New Hampshire Pharmacy Board. Extensive testimony in committee has overwhelmingly shown that the abuse of these three substances for date rape, assaults, robberies and as a means of altering consciousness is a growing problem in our state. Drug abuse treatment professionals and law enforcement officials attested that they are quickly becoming drugs of choice among our youth. Yet, because they are not properly covered by our controlled drug statutes, there is no current means available to our law enforcement community to charge those who sell, use or possess these dangerous, potentially deadly substances. The bill provides law enforcement with the tools they need to tackle and fight this new drug scourge. Vote 17-0.

**Amendment (0502h)**

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

1 New Section; Flunitrazepam, Gamma-hydroxy-butyrate, and Ketamine Hydrochloride Scheduled as Controlled Drugs. Amend RSA 318-B by inserting after section 1-b the following new section:  
318-B:1-c Flunitrazepam, Gamma-hydroxy-butyrate; and Ketamine Hydrochloride.

I. The legislature intends that the provisions of paragraph III of this section shall remain in effect until such time as flunitrazepam, gamma-hydroxy-butyrate, and ketamine chloride are scheduled by the commissioner of the department of human services in accordance with and pursuant to RSA 318-B.

II. The legislature finds that:

(a) Flunitrazepam, marketed under the trade name rohypnol, which has a sedative, hypnotic and amnesiac effect, has no acceptable medical uses in the United States and carries a high potential for abuse. Therefore, flunitrazepam meets the criteria for placement on schedule I of controlled drugs.

(b) Gamma-hydroxy-butyrate, also known as GHB, which is a chemical additive and has a sedative, hypnotic, and amnesiac effect, has an acceptable medical use in the United States but has a high potential for abuse. Therefore, gamma-hydroxy-butyrate meets the criteria for placement on schedule II of controlled drugs.

(c) Ketamine hydrochloride, a veterinary anesthesia, has acceptable uses in veterinary medicine and limited uses in human medicine but has a high potential for abuse and may lead to severe psychic or physical dependence. Therefore, ketamine hydrochloride meets the criteria for placement on schedule III of controlled drugs.

III. Notwithstanding the provisions of RSA 318-B:1-a, relative to scheduling by rulemaking of the commissioner of the department of health and human services, the following shall be scheduled as controlled drugs:

(a) Flunitrazepam, marketed under the trade name rohypnol, shall be placed on schedule I.

(b) Gamma-hydroxy-butyrate, known as GHB, shall be placed on schedule II.

(c) Ketamine hydrochloride shall be placed on schedule III.

2 Contingent Repeal. If flunitrazepam, gamma-hydroxy-butyrate, and ketamine hydrochloride are scheduled by the commissioner of the department of health and human services pursuant to a rule adopted under RSA 541-A and pursuant to RSA 318-B, then RSA 318-B:1-c as inserted by section I of this act shall be repealed at 12:01 a.m. the day after flunitrazepam, gamma-hydroxy-butyrate, and ketamine hydrochloride are scheduled. The commissioner of the department of health and human services shall certify to the secretary of state the date on which flunitrazepam, gamma-hydroxy-butyrate, and ketamine hydrochloride are scheduled by rule.

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

## AMENDED ANALYSIS

This bill prohibits the possession or use of rohypnol, ketamine, and gamma-hydroxy-butyrat (GHB) by placing rohypnol on schedule I, GHB schedule II, and ketamine on schedule III of the controlled drug schedules.

**HB 1557-FN**, establishing the New Hampshire racketeer influenced and corrupt organizations act. **INEXPEDIENT TO LEGISLATE**

Rep. Paul K. Chase, Jr. for Criminal Justice and Public Safety: This bill as presented to the committee would have established a New Hampshire version of the federal racketeer influenced and corrupt organizations (RICO) statute. After a presentation by the bill's sponsor, the sponsor felt that he may have been misled on the intentions of proposed legislation. At the sponsor's request, the bill has been reported out as inexpedient to legislate. Vote 15-0.

**HB 1592-L**, relative to the enhanced 911 data base. **OUGHT TO PASS WITH AMENDMENT**

Rep. Frank M. Schanda for Criminal Justice and Public Safety: This bill, as amended, "encourages" municipalities to provide information to the bureau of emergency communications relating to street addresses for the purpose of maintaining the enhanced 911 data base. It also "requires" local telephone service providers to match street address information with the subscribers telephone number for use in maintaining the enhanced 911 data base. The resulting data base is an important tool for public safety. If the information is incorrect, important services such as emergency ambulances and other like services could be misdirected and therefore delayed. Our enhanced 911 system is only as good as the information that is immediately available. Vote 13-0.

## Amendment (0426h)

Amend RSA 106-H:10 as inserted by section 3 of the bill by replacing it with the following:  
106-H:10 Municipal Cooperation.

I. Municipalities are encouraged to provide a verified master street address guide (MSAG) and a verified street address guide (SAG) to the bureau of emergency communications for use in developing and maintaining the enhanced 911 data base. Every year, municipalities are encouraged to provide an updated MSAG and an updated SAG to the bureau.

II. The bureau shall provide local telephone service providers authorized to do business in the state pursuant to RSA 374:22 with a copy of each MSAG and each SAG for every municipality in the local telephone service provider's service territory. The local telephone service providers shall match each subscriber in the service territory by telephone number with an SAG address, and shall assure that accurate matches are provided to the enhanced 911 data base.

III. Municipalities are encouraged to assist the local telephone service providers in identifying the subscriber names associated with SAG addresses, but nothing in this section shall be construed to require municipalities to expend funds to locate telephone subscriber information.

## AMENDED ANALYSIS

This bill encourages municipalities to provide information to the bureau of emergency communications relating to street addresses for use in maintaining the enhanced 911 data base, and requires local telephone service providers to match street address information with subscriber telephone numbers for use in maintaining the enhanced 911 data base.

**HB 1647-FN**, allowing a person to be sentenced to up to 2 years of electronically-monitored home confinement probation for a class A misdemeanor and relative to drug testing of persons on home confinement probation. **INEXPEDIENT TO LEGISLATE**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation as proposed would increase the penalty of a class A misdemeanor to two years of electronically monitored home confinement where current law limits the sentence to one year under the sentencing statute RSA 651:2V(b). The probation and parole officer currently has the right to require drug and alcohol testing in most cases that require it. The offender is required to pay the cost of electronic monitoring whenever possible. This bill was properly motivated but cannot be implemented without current statutes. Vote 14-0.

**HB 1159**, establishing a committee to study strategies for increasing parental involvement in public education. OUGHT TO PASS WITH AMENDMENT

Rep. Iris Estabrook for Education: This bill establishes a committee to study strategies for increasing parental involvement in public education. Research has identified parental involvement as a critical factor in children's school success. The amendment made the effective date to be upon passage. Vote 17-0.

**Amendment (0389h)**

Amend the bill by replacing section 6 with the following:

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

**HB 1293-FN-L**, requiring school districts without a high school program to provide transportation for its resident students to an out of district high school. INEXPEDIENT TO LEGISLATE

Rep. David E. Larrabee, Sr. for Education: It is the opinion of the committee that this bill was an isolated request to solve a local problem. School districts are mandated to transport elementary pupils. Transportation for secondary pupils is determined by local school contracts. Legislative action is not required or necessary. Vote 16-0.

**HB 1329**, clarifying the in-state status of veterans for purposes of obtaining resident tuition rates within the university system of New Hampshire. INEXPEDIENT TO LEGISLATE

Rep. Warren Henderson for Education: The committee strongly supports the principle of counting time spent in the armed forces towards the residency requirement for in-state tuition status at a state university. Such a policy serves to honor military service. However, the testimony presented at the public hearing demonstrated that this is already in rules at the university system for those students who are "domiciliaries" of the state of New Hampshire. Defeating this bill will enable the university system to continue to count military service of those domiciled in New Hampshire towards in-state tuition while maintaining a clear distinction between those who intend to be permanent residents of New Hampshire and those who fail to meet such a standard. Vote 17-0.

**HB 1398-FN-L**, relative to tuition reimbursement for kindergarten and eligibility criteria for school attendance. INEXPEDIENT TO LEGISLATE

Rep. Marie Rabideau for Education: The intent of this bill was to create a system of tuition reimbursement for kindergarten, under provisions of the kindergarten aid law, to parents in communities without either public or district contracted kindergarten programs. The committee believes it is premature to consider altering kindergarten statutes when HB 50, Chapter 348 from the 1997 session has had less than one year on the books. Also, perhaps inadvertently, the bill, as presented, would have excluded 5 year olds from attending public schools at all. Vote 17-0.

**HB 1427-FN**, relative to the availability of special education and related services to incarcerated youths. INEXPEDIENT TO LEGISLATE

Rep. Susan B. Durham for Education: This bill is not needed because the subject of special education for incarcerated youth is covered by an amendment to SB 205 put forward by the Finance Committee. Special education in the state prison has been addressed by the House earlier in the session. Vote 18-0.

**HB 1169-L**, clarifying the authority of the ballot law commission relative to the examination of programs used to count votes. OUGHT TO PASS

Rep. Thomas I. Arnold, Jr. for Election Law: This bill defines the authority of the Ballot Law Commission to approve voting machines, by type, which read paper ballots. It further authorizes the Commission to prescribe the tests to be performed on each machine/program. These clarifications should eliminate the "reading" errors experienced in recent elections. Vote 13-0.

**HB 1243-FN-A**, relative to the regulation of pesticides and establishing a pesticide cleanup account in the hazardous waste fund. REFER FOR INTERIM STUDY

Rep. David L. Babson for Environment and Agriculture: The committee felt that there is merit to the idea of a pesticide clean up fund and a one tier registration system, but that this legislation does not achieve these goals. It was recommended that this bill go to interim study. Vote 15-0.



**HB 1440-FN-A**, establishing a current use land use change penalty assessment, and relative to an additional assessment on certain current use property, the funds from which shall be dedicated to the fish and game marksmanship and firearm safety fund. **INEXPEDIENT TO LEGISLATE**  
 Rep. Donald R. Philbrick for Environment and Agriculture: The Committee recommends ITL for this bill because of an opinion rendered by the justices of the New Hampshire Supreme Court on June 14, 1993 relating to additional penalties on land which is enrolled in the current use program stating that an increase in the penalty on land under current use which is changed to a non qualifying use is in violation of the New Hampshire State Constitution prohibition against retrospective laws. "Every statute which takes away or impairs vested rights, acquired under existing laws, or creates a new obligation, imposes a new duty, or attaches a new disability, in respect to transactions or considerations already past" is a retrospective law. Vote 15-0.  
 Reps. Carlson and Turner declared conflicts of interest and did not participate.

**HB 1643-FN-L**, consolidating the pari-mutuel commission and sweepstakes commission into a gaming commission. **INEXPEDIENT TO LEGISLATE**  
 Rep. Robert K. Dodge for Executive Departments and Administration: At the request of the sponsor, the bill was voted inexpedient to legislate. Vote 16-0.

**HB 630-FN-L**, relative to additional voluntary contributions to provide for early retirement by members of the retirement system. **OUGHT TO PASS**  
 Rep. Arthur P. Klemm, Jr. for Finance: This bill as written will allow municipal employers, as well as employees, to make voluntary contributions to the retirement system to provide for early retirement. There is no additional cost to the state because all actuarial costs are paid by the participant. Vote 17-2.

**HB 747-FN-A**, establishing a wildlife habitat stamp for persons engaged in taking wild animals or birds and continually appropriating the funds for wildlife habitats. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Arthur P. Klemm, Jr. for Finance: This bill establishes a wildlife habitat account which is to be funded by a \$2.50 fee for a wildlife habitat stamp or license. The wildlife habitat stamp will be issued in the first year only, with \$2.00 going into the new fund and \$.50 going to the agent selling the stamp. In the second year and thereafter, all monies received for the license will go directly into the fund. Vote 19-0.

#### **Amendment (0570h)**

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

**AN ACT** establishing a wildlife habitat stamp or license for persons engaged in taking wild animals or birds and continually appropriating the funds for wildlife habitats.

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

I New Section; Wildlife Habitat Stamp or License; Wildlife Habitat Account Established. Amend RSA 214 by inserting after section 1-e the following new section:

214:1-f Wildlife Habitat Stamp or License.

I. No person shall at any time take wild animals or wild birds in this state without first procuring, in addition to any applicable licenses required by title XVIII, a wildlife habitat stamp or license under RSA 214:9, XV, for the same period. If a stamp is issued it shall be signed across the face in a permanent manner with the applicant's signature and shall be carried upon such person while engaged in taking wild animals or wild birds. A person under the age of 16 years may take wild animals or wild birds without such a stamp or license provided that, while so doing, the person is accompanied by an adult who has procured such stamp or license. This paragraph shall not apply to any person who takes wild animals or wild birds under a complimentary license, excluding any administrative fee, issued pursuant to RSA 214:7-a, RSA 214:13, RSA 214:13-b, or RSA 214:13-c, or a lifetime license issued pursuant to RSA 214:9-c that was purchased in a prior calendar year.

II. A license to take any kind of wild animal or wild bird as required by title XVIII shall not be issued, except for the complimentary licenses listed under paragraph I, to any person who has not purchased a wildlife habitat stamp or license. A person shall only be required to purchase one wildlife habitat stamp or license under RSA 214:9, XV each year regardless of the number of licenses purchased by that person during that year.

III. For the purpose of this section, "wild animal" shall not include fish or marine species.

IV. The executive director, with the approval of the commission, shall adopt rules, pursuant to RSA 541-A, relative to the manner of issuance of the wildlife habitat stamp or license, and may, with the approval of the commission, provide for the reproduction, sale, licensing, and other disposal of art created for the stamp. The art for the stamp may be selected through an art contest administered by the executive director with the approval of the commission. A stamp may be issued only upon prior authorization by the legislature.

V. The state treasurer shall establish a separate nonlapsing account within the fish and game fund, to be known as the wildlife habitat account, to which shall be credited all fees collected under RSA 214:9, XV from the sale of wildlife habitat stamps and licenses and all proceeds derived from the art created for the stamp under paragraph IV. The state treasurer may accept public and private grants and donations into the account.

VI. The state treasurer shall invest the moneys in the wildlife habitat account as provided by law. Interest received on investments shall be credited to the account.

VII. The wildlife habitat account is continually appropriated and may only be used for the following purposes within the state of New Hampshire:

(a) The development, management, preservation, conservation, restoration, and maintenance of wildlife habitat on both public and private lands, with at least 50 percent of the annual revenue from stamp and license sales dedicated to pay costs of labor and materials for direct physical land management activities;

(b) Obtaining land access to wildlife habitat areas;

(c) The acquisition of easements upon private property for the purposes of subparagraphs (a) and (b);

(d) The acquisition of private land to protect critical wildlife habitat, provided that the governing body of any municipality, unincorporated town, or unorganized place in which the property is located approves;

(e) The promotion and production of the wildlife habitat stamp and artwork; and

(f) Providing information to the public on the location of properties managed by the fish and game department.

VIII. When stamp and license revenue is used to either obtain an easement under subparagraph VII(c) or purchase land under subparagraph VII(d), no condition shall be accepted which restricts hunting and trapping on the associated land. This requirement shall not apply to lands used for access purposes or if the executive director finds that it is in the interest of the hunting and trapping community to allow such a restriction. The executive director shall allow hunting and trapping on such lands, as is permissible, but may prohibit for any length of time the hunting or trapping on the whole or part of such lands when it is necessary for the protection or propagation of a wildlife species or for public safety reasons.

IX. The executive director, with the approval of the commission, shall expend the funds in the wildlife habitat account. Prior to the expenditure of any funds, the fish and game department shall analyze the proposed project and provide the executive director and the commission with recommendations as to the project's usefulness and feasibility.

X. The executive director shall submit to the fiscal committee and the chairpersons of the house wildlife and marine resources committee and the senate wildlife and recreation committee a detailed fiscal year report by October 1 of each year, beginning with fiscal year 2000, with sufficient information to be fully understood by the general court and the public, summarizing the receipts and disbursements from the wildlife habitat account and the public benefits derived from the disbursements from it. Every fifth year, beginning in 2003, the annual report shall provide an in-depth financial accounting and summary of work accomplished in the previous 5 years, outlining all projects that are completed, in process, and planned. All annual reports shall be made available to the public after submission to the general court.

2 New Paragraph; Fee; Wildlife Habitat Stamp or License. Amend RSA 214:9 by inserting after paragraph XIV the following new paragraph:

XV. If the applicant wishes to take wild animals, excluding fish and marine species, or wild birds, \$2.50, and the agent shall thereupon issue a wildlife habitat stamp or license as provided in RSA 214:1-f. For any year in which a stamp is issued, the agent shall be entitled to retain \$.50 of the \$2.50 fee for each wildlife habitat stamp sold and all stamps sold at the department head-

quarters or any subagency thereof shall retain the same \$.50 fee which, notwithstanding RSA 214:1-f, V, shall be credited to the general fish and game fund. Notwithstanding RSA 214:15 or any other provision of law, there shall be no agent fee for a wildlife habitat license issued pursuant to RSA 214:1-f.

3 Authority to Issue Stamp; 1999. The executive director shall issue a wildlife habitat stamp pursuant to RSA 214:1-f as provided in section 1 of this act for calendar year 1999.

4 Effective Date. This act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill requires that a person wishing to take wild animals or birds shall first acquire a wildlife habitat stamp or license. The revenue from the stamp or license shall be credited to a wildlife habitat account in the fish and game fund for the purposes of the acquisition, development, maintenance and promotion of wildlife habitats. The executive director shall issue a stamp for calendar year 1999.

**HB 784-FN-L**, relative to changing the amount of estimated expenditures per pupil beyond which the department of education is liable for the cost of school district borrowing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: When a school district has extraordinary increases after the budget has been finalized, it is usually due to large increases in Individual Education Programs (I.E.P.) under the special education laws. Existing state laws allow for borrowing these sums, since most of the costs will be covered by state payments for catastrophic aid. Catastrophic aid payments come after the end of the school year from money budgeted. Budget shortfalls may have to wait for the next cycle. It is reported that only one school district has made use of this borrowing authority. This bill allows borrowing to be accomplished at a lower I.E.P. cost (above 3 ½ times average student cost), and spells out succinctly that the state will pay the interest of said borrowing. The amendment changes the effective date to the end of the biennium, thus avoiding costs to current budget. Vote 19-0.

#### Amendment (0580h)

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 1999.

**HB 1249**, requiring budget line item appropriations for individual and departmental dues to national and regional organizations paid from state resources. **OUGHT TO PASS**

Rep. Margaret A. Lynch for Finance: This bill requires the budget to include line item appropriations for individual and departmental dues to national and regional organizations paid from state resources. There is no fiscal impact associated with implementing this bill. Vote 16-0.

**HB 1349-FN**, relative to using department of revenue administration income data in calculating foundation aid. **INEXPEDIENT TO LEGISLATE**

Rep. William S. Belvin for Finance: The bill concerns changing the source of income data as one of the several inputs for the calculation of Foundation Aid using the Augenblick formula. The bill was sponsored on behalf of the Department of Education. At the hearing the only person who appeared was from the Department of Education, and they asked that the bill be Inexpedient to Legislate, as any legislation associated with Augenblick this session be discontinued due to the likely changes in school funding that will grow out of legislative responses to the Claremont II Supreme Court decision. Vote 19-0.

**HB 1442**, repealing the held harmless practice codified in the Augenblick formula. **INEXPEDIENT TO LEGISLATE**

Rep. Kevin L. Camm for Finance: This bill proposes the elimination of some archaic verbiage relative to foundation aid funding. However, the sponsor testified his intention was to prohibit special considerations on behalf of any given district that are used to manipulate the formula to provide more favorable results at the expense of other districts. The Committee agreed the concept is warranted and should be scrutinized in the future. With Claremont II and Augenblick funding hanging in the balance, the Committee felt it prudent to wait until the dust settles to best determine how we will adjust formulas and disbursements. Vote 20-0.



**HB 1615-FN-A**, relative to the restoration and preservation of the colonial era state house presently stored by the department of cultural affairs and making an appropriation therefor. **INEXPE-DIENT TO LEGISLATE**

Rep. Arthur P. Klemm, Jr. for Finance: This bill would have authorized \$95,000 to fund a study to restore and preserve the colonial-era state house currently being stored by the Department of Cultural Affairs. The Committee felt that we could not afford the amount requested at this time but that the money could come from HB 627, already passed by the House, which established a conservation license plate fund with some of that money going to Cultural Affairs. Vote 16-0.

**HB 1627**, relative to deposits with the state treasurer of amounts due certain stockholders and creditors on the dissolution of a corporation. **OUGHT TO PASS**

Rep. Arthur P. Klemm, Jr. for Finance: This bill was a request of the State Treasurer to allow the Treasurer to pay for costs of securities transaction fees and investment management fees from income generated by the Treasury Department. This puts into law what is the current practice. The bill also requires amounts due unknown creditors or shareholders of a corporation undergoing dissolution to be reported as unclaimed and abandoned property. Vote 16-0.

**SB 205-FN-L**, establishing a special school district to provide special education for eligible inmates in the state prison system. **OUGHT TO PASS WITH AMENDMENT**

Rep. David J. Alukonis for Finance: The Finance Committee has reviewed the bill as amended by the House Education Committee and subsequently by the House and concurs with the concept that a special school district should be established at the state prison for regular education programs as well as for special education programs. The Finance Committee amendment makes technical corrections to the bill and also places a limitation on the eligibility of those prisoners who may seek special education programs at the state prison. This limitation adopts the language found in the federal statute and ensures that no prisoner will be afforded special education programs which the federal government does not require. The costs of these special education programs, which are now funded by local municipalities, will now be absorbed by the state. The amendment does not include an appropriation as the Committee believes that the additional costs imposed by this bill in FY 1999 can be absorbed by the Department of Corrections within its current budget. Vote 16-0.

#### Amendment (0574h)

Amend RSA 21-H:4, I (c) as inserted by section 1 of the bill by replacing it with the following:

(c) Be responsible for the operation of the special school district, established under RSA 194:60, which shall provide appropriate education services to eligible offenders held in facilities operated by the department of corrections.

Amend RSA 186-C:5 as inserted by section 2 of the bill by replacing it with the following:

186-C:5 Program Approval. The state board of education shall adopt rules establishing standards for the approval of programs of education that are maintained by school districts, regional special education centers, and private organizations or state institutions for the benefit of educationally disabled children, including home-based programs; *except, however, that approval of education programs for the special district established in RSA 194:60 shall be pursuant to the standards set forth in the interagency agreements between the department of corrections and the department of education.*

Amend RSA 186-C:9 as inserted by section 3 of the bill by replacing it with the following:

186-C:9 Education Required. Each child determined by the local school district, *or special school district established under RSA 194:60*, as being educationally disabled in accordance with RSA 186-C:2 and in need of special education or special education and educationally related services shall be entitled to attend an approved program which can implement the child's individualized education plan. Such child shall be entitled to continue in an approved program until such time as the child has acquired a high school diploma or has attained the age of 21, whichever occurs first, or until the school district responsible for developing the child's individualized education plan determines that the child no longer requires special education in accordance with the provisions of this chapter.

Amend the bill by replacing sections 6 and 7 with the following:

6 New Subdivision; Special School District; Department of Corrections. Amend RSA 194 by inserting after section 59 the following new subdivision:  
Department of Corrections Special School District

194:60 Special School District; Department of Corrections.

I. A special school district is established within the department of corrections, under RSA 21-H, solely for the purpose of providing approved education programs pursuant to paragraph IV(b) of this section to eligible adult offenders under the age of 21 who wish to participate.

II. The special school district shall be exempt from state board of education rules, except that the standards for the education of students with disabilities and all education programs shall be set by an interagency agreement between the department of education and the department of corrections.

III. The special school district shall be exempt from the organizational and budgetary requirements regarding other school districts or charter schools. The special state prison school district shall not be required to file financial reports with the department of education or the department of revenue administration.

IV. The special school district shall have authority to perform all duties necessary to operate a school including, but not limited to, the following:

(a) Timely submission of all required education program approval documents and reports to appropriate agencies.

(b) Maintenance of approved education programs which comply with the requirements as provided for in the interagency agreements between the department of corrections and the department of education. The interagency agreements shall set forth the standards for approval of a school program for department of corrections facilities, the graduation requirements necessary for the special school district to issue a high school diploma, and the standards for special education program approval.

(c) Issuance of transcripts.

(d) Performing assessments and developing individual education programs.

(e) Providing fiscal management for the state and federally-funded approved education programs.

(f) Operation of approved education programs in a manner consistent with the legitimate security and safety concerns of a penal institution.

V. The special state prison school district shall not be assigned to a school administrative unit, nor shall it be subject to the provisions of RSA 194-C.

VI. The special state prison school district shall not be eligible to receive any form of state aid to education pursuant to RSA 198, including but not limited to, state building aid, state aid, dual enrollment grants, foundation aid, or alternative foundation aid.

VII. The special state prison school district shall not have a school board.

VIII. The special school district shall not be required to provide special education programs or services to children with disabilities aged 18 through 21 who, in the educational placement prior to their incarceration in an adult correctional facility, were not actually identified as being a child with a disability under RSA 186-C:2, or who did not have an individualized education program prior to their incarceration in an adult correctional facility.

7 Effective Date. This act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill establishes a special school district within the department of corrections to provide education services, including special education services, to eligible offenders incarcerated in a state correctional facility.

**HB 1167-L**, relative to a reapproval process for community mental health programs and area agencies. OUGHT TO PASS

Rep. Alphonse A. Haettenschwiler for Health, Human Services and Elderly Affairs: This bill establishes the legislative authority for actions currently in progress by the Department of Health and Human Services under the rules process concerning community mental health programs Vote 16-0.

**HB 1174**, establishing a committee to study the state substance abuse treatment delivery system. OUGHT TO PASS WITH AMENDMENT

Rep. Patricia M. O'Keefe for Health, Human Services and Elderly Affairs: Substance abuse remains a serious health concern for NH citizens. This study committee will be charged to review gaps in the delivery system of substance abuse treatment, to look at treatment options as well as the economic impact of substance abuse in the workplace. The Department of Health and Human Services and the Bureau of Substance Abuse Services are in full support of this bill. Vote 15-1.

**Amendment (0301h)**

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

**AN ACT** establishing a committee to study the state substance abuse treatment delivery system and relative to certain tests for alcohol concentration.

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

6 Certifying Scientist. Amend RSA 265:90, I to read as follows:

1. Any person who is arraigned on a charge arising under RSA 265:84 shall file notice in said court, within 10 days immediately following the receipt by the person of the results of any alcohol concentration test administered to ~~[him]~~ *such person*, requiring the attendance of the ~~[person who conducted said test]~~ *certifying scientist who reviewed the test results*. Failure to file notice shall be deemed a waiver to require ~~[his]~~ *attendance of the certifying scientist* at the trial. The official report of the test issued pursuant to RSA 265:84 shall be deemed conclusive evidence of the conduct and result of said test.

7 Certifying Scientist. Amend RSA 270:56, I to read as follows:

1. Any person who is arraigned on a charge arising under RSA 270:48-a shall file notice in the court, within 10 days immediately following the receipt by said person of the results of any alcohol concentration test administered to ~~[him]~~ *such person*, requiring the attendance of the ~~[person who conducted the test]~~ *certifying scientist who reviewed the test results*. Failure to file notice shall be deemed a waiver to require ~~[his]~~ *attendance of the certifying scientist* at the trial. The official report of the test issued pursuant to RSA 270:49 shall be deemed conclusive evidence of the conduct and result of said test.

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

**AMENDED ANALYSIS**

This bill establishes a committee to study the services provided by the department of health and human services under the state substance abuse treatment delivery system.

The bill also requires the person to whom alcohol concentration tests were given to file notice requiring the attendance at trial of the certifying scientist who reviewed the tests results.

**HB 1182**, establishing an oversight committee to review the allocation of funds dispersed for the developmental disabilities waitlist. **OUGHT TO PASS**

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill establishes a permanent oversight committee of the legislature to review and make recommendations about funding actions of the administration concerning persons with A and B priorities who are developmentally disabled and have been placed on the Department of Health & Human Services waitlist Vote 17-1.

**HB 1316**, establishing a commission to study minimum staffing guidelines in nursing homes for certified nursing assistants, registered nurses, and licensed practical nurses. **INEXPEDIENT TO LEGISLATE**

Rep. Alice Z. Calvert for Health, Human Services and Elderly Affairs: This bill established a commission to study staffing guidelines for nursing homes. The intent is laudable, but with federal guidelines, levels of severity in illness, public and private homes (with variations in funding), it was felt that very little would be accomplished in passing this bill. The Department of Health and Human Services has recently published a report on long term care. Staffing guidelines will undoubtedly be addressed in any follow-up studies. Vote 18-0.

**HB 1421**, relative to review of drugs by the board of nursing and the joint health council. **OUGHT TO PASS**

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: This bill simplifies the work of the joint health council by requiring the review of new drug entities, not modifications of the original drug. At the present time the council is reviewing all new drugs, which was not the intent of the original legislation. This change will reduce the work load of the council and still provide oversight for the public. Vote 16-0.

**HB 1457**, permitting physician assistants to possess, compound, administer or distribute prescription drugs. **OUGHT TO PASS WITH AMENDMENT**



Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: This bill, as amended, allows physician assistants to give out sample prescription drugs. This codifies into law what was in rule. All this bill does is add physician assistant to the list of health professionals who are allowed to dispense sample prescription drugs. Vote 18-0.

#### Amendment (0293h)

Amend the bill by inserting after the enacting clause the following and renumbering the original section 1-4 to read as 2-5, respectively:

1 Purpose. The purpose of this act is to allow physician assistants to distribute sample prescription drugs. This codifies a previous administrative rule change.

Amend RSA 318:42, II as inserted by section 4 of the bill by replacing it with the following:

II. Physicians, dentists, optometrists, veterinarians, [and] advanced registered nurse practitioners, *and physician assistants* from possessing, compounding, personally administering, or distributing prescription drugs to meet the immediate medical needs of their patients. For advanced registered nurse practitioners *and physician assistants*, compounding shall be limited according to RSA 318:42, VIII. Nothing in this section shall prohibit the dispensing of noncontrolled prescription drugs by an authorized agent of a veterinarian for an animal under the agent's care, provided that the drugs were compounded by or under the supervision of the licensed veterinarian.

Amend the bill by replacing section 5 with the following:

5 Physician Assistant Added. Amend the introductory paragraph of RSA 318:42, VIII to read as follows:

VIII. A registered nurse *or physician assistant* from:

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

**HB 1464-L**, relative to the priority of municipal liens for aid to assisted persons. INEXPEDIENT TO LEGISLATE

Rep. Joseph Guthrie for Health, Human Services and Elderly Affairs: Changing the priority of liens on real property could cause difficulty for those requiring second mortgages, increase interest rates, or impact on loans. Vote 17-1.

**HB 1102**, barring perpetrators of crimes from recovering civil damages for injuries sustained during criminal conduct. INEXPEDIENT TO LEGISLATE

Rep. Peter F. Bergin for Judiciary and Family Law: This bill is an attempt to bar perpetrators from recovering civil damages for injuries sustained during criminal conduct. The bill, as written, did not fully address the problem. Currently, New Hampshire does not have a problem with perpetrators of crime recovering damages for injuries sustained during criminal conduct. If this situation was to occur, the victim would be covered under the common law of comparable negligence. Vote 14-1.

**HB 1173**, limiting the liability of the state and its employees for personal injuries and civil damages resulting from fire standards and training instruction and programs. INEXPEDIENT TO LEGISLATE

Rep. Paul M. Mirski for Judiciary and Family Law: Since certain training programs for firefighters are compulsory, and since others are necessary for advancement in grade, training, even dangerous forms of training, is an unavoidable component of firefighters service. It is essentially wrong to force individuals into harm's way and then relieve those responsible for instructing in dangerous environments and procedures from all responsibility for the harm which might befall involuntary participants. Vote 15-1.

**HB 1190**, encouraging alternative dispute resolution as an alternative to litigation in domestic relations cases. OUGHT TO PASS WITH AMENDMENT

Rep. David C. Allison for Judiciary and Family Law: The committee concurs that mediation is often helpful to both parties in domestic resolution cases. Thus, the committee supports the intent of this bill which states that the court may, when deemed appropriate, encourage the parties to consider mediation as a means toward the resolution of their conflict. Vote 16-4.

#### Amendment (0643h)

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

1 New Section; Encouragement of Alternative Dispute Resolution. Amend RSA 458 by inserting after section 15-a the following new section:

458:15-b Alternative Dispute Resolution. In any proceeding under this chapter, the court may encourage both parties to pursue alternative conflict resolution methods, when it deems appropriate, in an attempt to allow the parties to reach a mutually agreeable arrangement. Such methods may include, but are not limited to, voluntary marital mediation as provided in RSA 458:15-a, arbitration as provided in RSA 542:11, or any other means of conflict resolution, excluding litigation, that is mutually agreeable to the parties. All costs associated with any such alternative method of dispute resolution shall be borne by the parties.

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

**HB 1191**, relative to limiting the liability of governmental units under certain circumstances. OUGHT TO PASS WITH AMENDMENT

Rep. Paul M. Mirski for Judiciary and Family Law: This bill expands certain immunities which municipalities presently enjoy to governmental units such as School Administrative Units and school districts. The subject matter of the bill concerns procedures for removal of snow and ice and attendant liabilities and puts school districts/SAUs on the same level as municipalities. Vote 13-0.

#### Amendment (0465h)

Amend RSA 507-B:2-b as inserted by section 1 of the bill by replacing it with the following:

507-B:2-b Snow, Ice, and Other Weather Hazards. Notwithstanding RSA 507-B:2, a **[municipality]** governmental unit shall not be liable for damage arising from insufficiencies or hazards on any premises owned, occupied, maintained, or operated by it, even if it has actual notice of them, when such hazards are caused solely by snow, ice, or other inclement weather, and the **[municipality's]** governmental unit's failure or delay in removing or mitigating such hazards is the result of its implementation, absent gross negligence or reckless disregard of the hazard, of a winter or inclement weather maintenance policy or set of priorities with respect to such premises, adopted in good faith by the official responsible for such policy. All **[municipal]** governmental unit employees, officials, and agents shall be presumed to be acting pursuant to such a policy or set of priorities in the absence of proof to the contrary.

**HB 1251**, concerning the recovery of costs and expenses to a defendant agricultural operation in a nuisance suit. INEXPEDIENT TO LEGISLATE

Rep. Benjamin J. DePecol for Judiciary and Family Law: The committee, while sympathetic to the farmers, feels that current anti-nuisance laws on the books are adequate to cover concerns. Vote 11-2.

**HB 1267**, relative to membership on the professional conduct committee and the judicial conduct committee of the supreme court. INEXPEDIENT TO LEGISLATE

Rep. Irene A. Pratt for Judiciary and Family Law: The sponsors of this bill indicated recent rule changes regarding the composition of the professional conduct and the judicial conduct committees of the Supreme Court negated the need for this bill. They requested inexpedient to legislate action. Vote 12-0.

**HB 1269**, requiring beneficiaries to file statements of receipt with the probate court when money is received from an estate after a final account of the estate has been filed. INEXPEDIENT TO LEGISLATE

Rep. Alf E. Jacobson for Judiciary and Family Law: Recent changes made by the probate court make this bill unnecessary. Vote 16-0.

**HB 1270**, requiring verification of assets when an account is filed with the probate court by an administrator or executor. INEXPEDIENT TO LEGISLATE

Rep. Paul M. Mirski for Judiciary and Family Law: In November of 1997, following the filing of this bill, the Probate Court changed its procedures to insure that proof of the existence of assets could be assured by the court. The purpose of the bill has been achieved by a change in court reporting procedures. Vote 15-0.

**HB 1317**, relative to termination of parental rights upon a finding of either child abuse or the commission of certain criminal offenses. REFER FOR INTERIM STUDY

Rep. Sandra B. Keans for Judiciary and Family Law: The committee supports the intention of the bill which is to drop from 18 months to 12 months the waiting period for the termination of parental rights. We are concerned that children do languish much too long in foster care. However, the committee wants to be sure that no parental rights are removed inadvertently. Vote 17-1.

**HB 1323**, requiring probate judges to impose the same accounting requirements on attorney and non-attorney fiduciaries. **INEXPEDIENT TO LEGISLATE**

Rep. Paul M. Mirski for Judiciary and Family Law: Uniform reporting procedures may be desirable for use by fiduciaries. However, other legislation having similar objectives appears to be available for further consideration. So, this matter need not be taken up at this time. Vote 14-0.

**HB 1332**, requiring probate court judges to issue a contempt citation when an auditor's request for records is refused. **INEXPEDIENT TO LEGISLATE**

Rep. Paul M. Mirski for Judiciary and Family Law: The sponsors requested that the committee kill this bill feeling that the goals of the legislation could not be achieved. This was due to questions raised concerning the constitutional right of due process which might be violated in the process of issuing contempt citations to third parties who withhold information from auditors. Vote 13-1.

**HB 1358**, relative to failure to cooperate with proceedings of the supreme court committee on professional conduct or the judicial conduct committee. **INEXPEDIENT TO LEGISLATE**

Rep. Marjorie K. Smith for Judiciary and Family Law: The sponsor testified that both the professional conduct committee and the judicial conduct committee have all the powers necessary to enforce cooperation and, therefore, asked the committee to declare the bill inexpedient to legislate. Vote 14-0.

**HB 1504-FN**, repealing the authority of the chief justice of the supreme court to assign superior court judges to hear cases in the district court. **INEXPEDIENT TO LEGISLATE**

Rep. Marjorie K. Smith for Judiciary and Family Law: Although not reflected in the title, this bill addresses two separate issues: the ability of the chief justice of the supreme court to assign superior court judges to hear cases in the district court, and provisions for jury trials in the district court. In each case, recent legislative action has provided for pilot projects to test the efficacy of these efforts. The committee would prefer to give these projects some time before we evaluate their success and consider changes. The committee would look with favor upon timely progress reports from the courts. Vote 14-2.

**HB 1516**, requiring a criminal background investigation for all department of health and human services personnel who deal directly with children. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew R. Peterson for Judiciary and Family Law: This worthwhile piece of legislation requires Health & Human Services to perform a criminal background check on all new employees who regularly work with children. The amendment clarifies the definition of which employees will be affected and includes employees transferred from within the department or other agencies of government. The committee urges swift passage of this bill, which, according to HHS, will have little or no impact. Vote 19-0.

#### **Amendment (0614h)**

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

**AN ACT** requiring a criminal background investigation for certain department of health and human services personnel who come into direct contact with children.

Amend RSA 170-G:8-c as inserted by section 2 of the bill by replacing it with the following:  
170-G:8-c State Registry and Criminal Records Check.

I. The department shall, within 30 days of adding new or transferred staff members whose job descriptions would cause them to come into direct contact with children, submit the names, birth names, birth dates, and addresses of such individuals for review against the state registry of founded abuse and neglect reports and the division of state police for information about criminal convictions.

II. The department shall, for every name submitted on the application and for each new or transferred staff member, review the names, birth names, birth dates and current and previous addresses of such persons against the state registry of founded abuse and neglect reports. The department shall submit the names, birth names, birth dates, and addresses to the division of state police to obtain information about criminal convictions.

III. If any individual whose name has been submitted for a check under this section has been convicted of crimes against minors or adults, or is the subject of a founded report of child abuse or neglect, the department may deny employment to such person pending the development and implementation of a corrective action plan approved by the department. The department shall conduct



an investigation in accordance with rules adopted under this chapter to determine whether the individual poses a present threat to the safety of children. The investigation shall include an opportunity for the individual to present evidence and to show that the individual does not pose a threat to the safety of children.

IV. For any current employee convicted of a crime against a minor or adult, or who is or becomes the subject of a founded report of child abuse or neglect, the department may terminate, suspend, demote, or transfer that employee, and may require the development and implementation of a corrective action plan approved by the department. The department shall conduct an investigation in accordance with the rules adopted under this chapter to determine whether the individual poses a present threat to the safety of children. The investigation shall include an opportunity for the individual to present evidence and to show that the individual does not pose a threat to the safety of children.

V. Any employee transferred to the department from another state department or agency, whose job description within the department of health and human services would cause such employee to come into direct contact with children, shall be subject to provisions of this section.

VI. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the confidentiality of information collected under this section and to the release, if any, of such information.

#### AMENDED ANALYSIS

This bill requires criminal background investigations for certain department of health and human services personnel who are required by the terms of their job description to have direct contact with children.

**HB 1538-FN-A**, extending the reporting date for the committee to study judicial pensions, increasing the duties of the committee, and making an appropriation therefor. **OUGHT TO PASS**

Rep. Sandra B. Keans for Judiciary and Family Law: The committee has been diligently studying the issue of judicial pensions, but has still not come to a conclusion as to the proper system and a way to fund it. Currently, the payments are made as a direct draw against the general fund. As the state grows and more judges are hired, it would be in the best interests of the state to have a pension system. Extending the reporting date and making an appropriation would cover the hiring of an actuary. Vote 14-0.

**HB 1570-FN**, relative to establishing the legislative committee on the oversight of the practice of law. **INEXPEDIENT TO LEGISLATE**

Rep. Marjorie K. Smith for Judiciary and Family Law: While it is appropriate for the legislature to have oversight over the practice of law, it would not be appropriate for the legislature to take on responsibility for disciplining lawyers. The Judiciary and Family Law committee has been briefed on the operation of the Professional Conduct committee and notes continued efforts on the part of the Professional Conduct committee to ensure its effective oversight of professional conduct. Vote 19-0.

**HB 1599-FN**, allowing the custodial parent with legal custody of a child to change the child's name. **INEXPEDIENT TO LEGISLATE**

Rep. Marjorie K. Smith for Judiciary and Family Law: The sponsor identified a problem which the committee considered to be significant within the context of conflicting demands arising out of changes in family structure caused by divorce. However, the sponsor also noted this bill had not been drafted correctly. An amendment would be required and a judicial solution might be crafted. Vote 15-0.

**HB 1613-FN**, limiting the liability of registers of deeds and counties for recording fraudulent documents and establishing a criminal penalty for knowingly filing a fraudulent document with a register of deeds. **INEXPEDIENT TO LEGISLATE**

Rep. Marjorie K. Smith for Judiciary and Family Law: Under existing law a register of deeds acting in good faith and within the scope of official duty is afforded protection from both civil and criminal liability. This legislation is unnecessary. Vote 18-0.

**HB 1148**, relative to review of eligibility for a workers' compensation award where compensation was by lump sum agreement. **OUGHT TO PASS**

Rep. Lawrence V. Guaraldi for Labor, Industrial and Rehabilitative Services: The bill essentially closes a loop-hole that makes the law clear that review of denials or the award of lump-sum compensation cannot be re-opened except in the case of fraud, undue influence, or coercion. Vote 16-0.

**HB 1181**, relative to the waiting period for workers' compensation benefits for undisputed claims. **INEXPEDIENT TO LEGISLATE**

Rep. Richard E. Dolan for Labor, Industrial and Rehabilitative Services: This bill was intended to shorten the waiting period before receiving the first compensation payment in accidents that are not contested by the employer. The committee discussed the many questions raised about liability and reporting in a timely fashion. We could not clearly define how we could accomplish the sponsor's objective without lengthening the process and therefore, the committee voted Inexpedient to Legislate. Vote 17-0.

**HB 1353-FN-A**, relative to additional unemployment benefits for persons with dependents. **INEXPEDIENT TO LEGISLATE**

Rep. Wanda G. McNamara for Labor, Industrial and Rehabilitative Services: The committee unanimously believed that unemployment compensation is an insurance benefit paid for by employers and not a social welfare program. Inasmuch as the Unemployment Compensation Advisory Council, in its study, acknowledged the need to address changes in Department of Employment Security policy, and recommended a 24% increase in benefits over two (2) years, which helps all claimants, the committee found the bill inexpedient to legislate. Vote 17-0.

**HB 1385**, relative to clarifying independent medical examinations under the workers' compensation law. **INEXPEDIENT TO LEGISLATE**

Rep. Lorraine R. Palmer for Labor, Industrial and Rehabilitative Services: The committee felt that the standard established by the American Board of Medical Specialties provides a better quality evaluation for the workers' compensation patient. In addition, passage of this bill would set workers' compensation back at least two (2) years in regards to independent medical examinations in that it would negate HB 1331, Chapter 231, Laws of 1996, which put the current statute in place. Vote 17-0.

**HB 1463**, encouraging New Hampshire citizens to engage in public service. **INEXPEDIENT TO LEGISLATE**

Rep. Lawrence V. Guaraldi for Labor, Industrial and Rehabilitative Services: The intent of this bill was to prohibit employers from preventing employees from service in the legislature. This bill is similar to HB 298 from the 1997 session, which would have permitted legislators to take time off from their regular employment to fulfill public responsibilities and which the House voted Inexpedient to Legislate. Likewise, the committee unanimously voted this bill Inexpedient to Legislate, in part because of the burden and additional expense that would be placed upon employers who would need to train temporary employees to cover the position and time gaps created when an employee was not fulfilling his or her regular employment duties because of legislative service. Vote 16-0.

**HB 1489**, eliminating the duty of a public employee labor organization to represent employees who elect not to join the employee organization. **INEXPEDIENT TO LEGISLATE**

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: This bill would have allowed unions the right "not" to represent those who chose not to pay dues to the union. The committee found this would create confusion under current federal and state statutes. Vote 16-1.

**HB 1589**, prohibiting employers from requiring employees to work in excess of 8 hours a day or 40 hours a week. **INEXPEDIENT TO LEGISLATE**

Rep. Richard E. Dolan for Labor, Industrial and Rehabilitative Services: The bill as printed intends to allow family members more free time to spend with loved ones by removing requirements to work in excess of forty hours. The committee believes it will have no effect on employees having more time at home with family since we can not control how the time saved is used. Attempts to strictly restrict total numbers of hours worked in a week will affect municipal services, utilities, and emergency situations. One business testified this bill would prevent them from continuing an innovative program that allows employees to have three day weekends every other week. Vote 16-0.

**HB 1650-FN**, relative to benefits under the unemployment compensation laws. **OUGHT TO PASS**

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: The bill changes the base period and extended benefit period from a calendar year to a one-year period beginning the day an individual files for benefits. The Department of Employment Security will apply for fed-

eral grants to change the computer system program to be ready to implement the change by 2001. The intent of the committee is to have unemployment compensation benefits more accurately reflect the individual's most recent earnings. Vote 16-0

**HB 1278**, prohibiting the use of instant redeemable coupons for the purchase of beverage. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Local and Regulated Revenues: The sponsors of this bill asked that it be withdrawn. Since withdrawal is impossible, the committee unanimously voted the bill Inexpedient to Legislate. Vote 15-0.

**HB 1339-FN**, regulating the sale by mail of liquor, wine, and beer. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jean R. Wallin for Local and Regulated Revenues: This bill, as amended, allows New Hampshire consumers to purchase liquor, wine and beer directly from out of state shippers as, for example, in so-called "wine-of-the-month" programs. However, direct shippers are not permitted to sell alcohol to persons under age 21, and the Liquor Commission receives revenue from the sale of these products and licensing of the shippers similar to the amount that would be realized if the products were sold by the Commission or New Hampshire based licensees. Vote 16-0.

#### Amendment (0374h)

Amend RSA 178:14-a, I-III as inserted by section 9 of the bill by replacing it with the following:

I. Notwithstanding any law, rule or regulation to the contrary, any person currently licensed in its state of domicile as an alcohol beverage manufacturer, importer, wholesaler or retailer shall apply for a registration permit from the liquor commission as a direct shipper for a fee of \$228 per year.

II. A direct shipper may ship directly to New Hampshire consumers over 21 years of age or licensees in packages clearly marked "Alcoholic Beverages, adult signature (over 21 years of age) required." All shipments from direct shippers into the state shall be made by a licensed carrier and such carriers are required to obtain an adult signature. Direct shippers or carriers shall not ship into areas of the state where alcohol beverages may not be lawfully sold. Liquor and wine that has been registered for sale to the commission with the commission during the previous 2 months may be direct shipped only if the shipper offers to sell a matching amount to the commission at wholesale. Shipments of any other products shall be considered unlicensed shipments under the provisions of RSA 178:1, I.

III. No direct shipper shall ship more than 60 individual containers of not more than one liter each of liquor and wine to any one licensee in New Hampshire or to any consumer or consumer's address in New Hampshire in any calendar year. Furthermore, in the event any manufacturer or wholesaler direct shipper wishes to ship more than a total of 1,200 individual containers of not more than one liter each of any particular liquor or wine directly to any combination of licensees and/or consumers in New Hampshire, the shipper shall offer to sell a matching amount to the commission or beer distributor at wholesale prices.

Amend 178:14-a, V as inserted by section 9 of the bill by replacing it with the following:

V. Direct shippers shall file invoices for each shipment with the liquor commission showing the invoice price of the product, and shall pay a direct shipment fee of 25 percent of that sum for shipments of liquor and wine or \$.30 per gallon for shipments of beer to the commission. Such filings shall be monthly, and arrive at the commission no later than the 10<sup>th</sup> of the month following shipment. Direct shippers shall maintain records for at least 3 years which will permit the commission to ascertain the truthfulness of the information filed and permit the commission to perform an audit of the direct shippers' filings upon reasonable request.

Referred to Finance.

**HB 1602-FN**, allowing electronic games of chance at bingo halls. **INEXPEDIENT TO LEGISLATE**

Rep. Laura C. Pantelokos for Local and Regulated Revenues: The state does not currently allow legal betting on any video poker and slot machines and the committee is opposed to allowing bingo halls to have this authority. Vote 14-0.

**HB 1154**, establishing a committee to study the issue of updating New Hampshire laws related to fences. **OUGHT TO PASS**

Rep. Joseph E. Stone for Municipal and County Government: Laws pertaining to fences are found in numerous state statutes and the committee feels that based upon all the testimony given to the committee a recodifying of the laws should be done. Vote 15-0.



**HB 1168-L**, relative to municipal economic development and revitalization districts. **OUGHT TO PASS**  
Rep. Robert W. Brundige for Municipal and County Government: RSA 162-K:5 states that 60% of any development district must consist of land which has been platted and developed. This bill removes the 60% requirement and will enhance municipal economic development planning for our communities. Vote 16-0.

**HB 1192**, permitting the city of Concord to combine the positions of tax collector and treasurer. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul McGuirk for Municipal and County Government: This bill states that the city of Concord may by referendum vote combine the positions of tax collector and treasurer. The city of Concord shall have until June 30, 2005 to adopt this provision through a duly adopted charter change. Vote 17-0.

#### **Amendment (0598h)**

Amend the bill by replacing section 2 with the following:

2 Application. The city of Concord shall have until June 30, 2005, to adopt the provisions of section 1 of this act through a duly adopted charter change. If the provisions of section 1 are not adopted by June 30, 2005, the provisions of section 1 shall be null and void and shall have no force and effect as of that date, and any proposed combination of the positions of tax collector and treasurer shall require the introduction of new legislation.

**HB 1213-L**, relative to the authority of a town to name a trustee to expend funds for certain purposes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary E. Griffin for Municipal and County Government: This bill allows towns to appoint agents to expend any funds in the trust funds for maintenance and operation of the town. An annual accounting and report of activities of the trust funds shall be presented to the selectmen and published in the annual report. Vote 18-0.

#### **Amendment (0469h)**

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

**AN ACT** relative to the authority of a town to appoint agents to expend funds for certain purposes. Amend RSA 31:19-a, I as inserted by section 1 of the bill by replacing it with the following:

I. A town may at any annual or special meeting grant and vote such sums of money as it deems necessary to create trust funds for the maintenance and operation of the town; and any other public purpose that is not foreign to the town's institution or incompatible with the objects of its organization. *The town may appoint agents to expend any funds in the trust for the purposes of the trust. An annual accounting and report of the activities of the trust shall be presented to the selectmen and published in the annual report.*

#### **AMENDED ANALYSIS**

This bill allows towns to appoint agents to expend funds in trusts established for the maintenance and operation of the town.

**HB 1221-L**, relative to the acceptance of personal property donated to towns or village districts. **OUGHT TO PASS**

Rep. Marilyn A. Fraser for Municipal and County Government: This bill simply removes the requirement for a public hearing before the selectmen or commissioners of a town or village district accept a gift with a value of \$250 or less on behalf of the town or village district. Vote 18-0.

**HB 1373**, enabling towns and cities to adopt a procedure allowing for the denial of a planning board application by a vote of the municipality. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would have allowed the towns and cities by vote of the municipality to overrule the planning board by denying a planning board application. Testimony was received that this bill would lead to spot zoning in reverse and could create constitutional issues. The committee feels that this bill could seriously impair planning boards' ability to conduct their business and could hamper the appeals process. Vote 16-0.

**HB 1451**, requiring the office of state planning to coordinate planning assistance to municipalities with state laws and rules adopted pursuant to state laws. **INEXPEDIENT TO LEGISLATE**  
Rep. Robert W. Brundige for Municipal and County Government: RSA 4-C:7 establishes a program of regional and municipal assistance within the office of state planning for local communities. This bill required the development of a uniform state policy in areas related to growth management and resource protection. The committee feels that planning, zoning and related regulations have been and should continue to be the responsibility of municipal government. Vote 15-0.

**HB 1539**, relative to property tax billing procedures for land parcels having multiple owners. **OUGHT TO PASS**

Rep. Betsey L. Patten for Municipal and County Government: A distinct ownership on a parcel of land occurs when percentage owned is stated in the deed, i.e. 25%, 75%. If a tax lien is executed on the parcel of land involving distinct interests the tax collector is required to execute 100% of the entire parcel even if one owner has paid the distinct interest. This bill changes that requirement and allows the tax collector to execute 100% only on the distinct interest that has not been paid. Vote 16-0.

**HB 1638-L**, relative to the work program requirement for assisted persons who are single parents. **INEXPEDIENT TO LEGISLATE**

Rep. Norma A. Sabella for Municipal and County Government: This bill would have lowered the children's age exemption from five years to three years for a single parent to participate in a municipal work program. To lower the age to two years with no safety nets would be an undue burden on the parent and detrimental to the children who would be involved. It may also require the local communities to fund child care and transportation costs. Vote 16-0.

**HB 1137**, establishing a study committee on controlling the spread of graffiti. **INEXPEDIENT TO LEGISLATE**

Rep. James A. Whittemore for Public Works and Highways: Although well intentioned and superbly presented by the sponsor, the committee concluded a committee to study graffiti statewide is unnecessary, and the problem of perpetrators is covered under existing criminal mischief laws. It was further concluded that the sponsor has gathered sufficient information through very thorough research to propose, if he desires, a bill which deals with the problem of controlling graffiti in New Hampshire. The committee recommends that local authorities take action to control graffiti in communities where it is found objectionable. Vote 15-1.

**HB 1143-FN**, reclassifying Ayers Road in Northfield and Canterbury as a class III recreational road. **INEXPEDIENT TO LEGISLATE**

Rep. Gene G. Chandler for Public Works and Highways: Ayres Road is currently a town road located in the towns of Northfield and Canterbury which the sponsors of this bill proposed becoming a state road, including the considerable cost of upgrading the road at state expense. Testimony showed that the road was in terrible condition, even impassable at times, but the road was a proper responsibility of the towns. The fact that the road passes through a state forest and is a town road is not uncommon throughout the state. One good outcome of this bill was to enable the sponsors, road agents and police chief to meet with the Department of Transportation and discuss ways to utilize the towns' block grant funds to upgrade this road. Vote 16-0.

**HB 1157**, relative to the layout of highways. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene G. Chandler for Public Works and Highways: Due to the complexities of today's highway and environmental regulations, it has become increasingly important for the state to purchase or take certain properties beyond the scope of what was necessary a few years ago. Rest areas, park and rides, drainage, landscaping and mitigation are but a few of the areas we now need to have authority to use funds to acquire either by purchase or eminent domain. The language contained in this bill is vital if the state is to proceed into the next century with sound highway planning tools. The amendment simply adds easements to the other forms of acquisition. Vote 16-0.

#### **Amendment (0315h)**

Amend RSA 230:13, I as inserted by section 1 of the bill by replacing it with the following:

*I.* The governor, with advice of the council, may determine upon hearing whether there is occasion for the laying out or alteration of a class I or class II highway or a highway within the state included in the national system of interstate highways [~~in a location~~] as proposed by the commis-

sioner of transportation, and, if so, shall appoint a commission of 3 persons who may purchase land or other property [~~in the proposed location~~] *that is reasonably necessary for the construction, reconstruction, or alteration* and who shall lay out the remainder of such highway or alteration. Any such land or property which cannot be acquired by agreement with the owner or owners thereof may be acquired in accordance with RSA 498-A *and all issues that are appealed relating to necessity, public purpose, and net public benefit shall be determined in accordance with RSA 230:19.* [AH] Property rights acquired under the provisions of this section shall be in fee simple *or in the form of easements*, including property acquired by condemnation proceedings.

Amend RSA 230:14, I as inserted by section 1 of the bill by replacing it with the following:

**I.** The governor, with advice of the council, may appoint a commission of 3 persons who, upon hearing, shall determine whether there is occasion for the laying out or alteration of a class I or class II highway or a highway within the state included in the national system of interstate highways [~~in a location~~] *as proposed by the commissioner of transportation and if so, the commission may purchase land or other property [~~in the proposed location~~] that is reasonably necessary for the construction, reconstruction, or alteration* and shall lay out the remainder of such highway or alteration. Any such land or property which cannot be acquired by agreement with the owner or owners thereof may be acquired in accordance with RSA 498-A *and all issues that are appealed relating to necessity, public purpose, and net public benefit shall be determined in accordance with RSA 230:19.* [AH] Property rights acquired under the provisions of this section shall be in fee simple *or in the form of easements*, including property acquired by condemnation proceedings.

**HB 1193-FN**, relative to installing vending machines at welcome and tourist information centers on state highways. OUGHT TO PASS

Rep. Steve Vaillancourt for Public Works and Highways: This bill was requested by the Department of Transportation as a means for installing vending machines at welcome and tourist information centers on the state highway system. Such machines are currently located at the centers which receive the greatest volume of traffic (i.e., Hooksett, Salem, Hampton). With passage of this bill, funds would be moved around to provide these conveniences for visitors to less frequented centers (i.e., Canterbury on I-93 North, and Sanbornton on I-93 South). This would involve no capital expense to the state, and the committee applauds the efforts to equalize services to the traveling public. Vote 14-1.

Referred to Finance.

**HB 1330-FN**, naming the bridge over the Newfound River on route 104 west in the town of Bristol, New Hampshire, the Richard W. Musgrove bridge. OUGHT TO PASS WITH AMENDMENT

Rep. Bernard J. Raynowska for Public Works and Highways: This bill authorizes that a bridge on Rt. 104 in the town of Bristol, NH be named the Richard W. Musgrove bridge. The amendment requires that signage on the bridge be approved by the Department of Transportation and installed at no cost to the state. The Public Works and Highways Committee will establish an ad-hoc committee to propose future legislation which establishes state policy for naming state real assets. Vote 16-0.

#### Amendment (0586h)

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

**2 Signage.** The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers required under section 1 of this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under this act shall be approved by the department of transportation.

**HB 1340-L**, establishing a committee to study the upgrade of Dean Memorial Airport in North Haverhill, New Hampshire. OUGHT TO PASS

Rep. Paul I. LaMott for Public Works and Highways: This bill establishes a committee to study the upgrade of Dean Memorial Airport in North Haverhill. The committee will consist of 3 members of the House and 3 members of the Senate, and report by November 1, 1998. The study shall include potential for growth, the potential role of the airport in the state airport system plan, improvements necessary to meet design and safety standards, timetable for development and funding an airport master plan, and avenues of state and federal funding for improvements. Testimony received by the committee indicated an active local airport committee is working to increase activity and expanded use of the airport, and it has strong local support. Vote 16-0.



**HB 1374**, relative to contracts for major capital projects of the departments of fish and game and resources and economic development. **UGHT TO PASS WITH AMENDMENT**

Rep. Merle W. Schotanus for Public Works and Highways: The amendment replaces the contents of the original bill and contains the provision of HB 1177-FN which was reported in the House Consent Calendar, No. 7, on January 23, 1998, and voted Inexpedient to Legislate by the House on January 29, 1998, in order to combine it with HB 1374. The amendment before you today raises the minimum amount of state capital improvement projects requiring competitive bidding from \$10,000.00 to \$25,000.00, thereby saving an estimated \$33,000 each year beginning in Fiscal Year 2000 (HB 1177). The amendment also allows the departments of Fish and Game and Resources and Economic Development to increase the amount of capital projects excluded from competitive bidding requirements from \$150,000 to \$250,000, and to exclude those or "for those" which are done on a force account contract basis, or through short term equipment rental, or a combination of both methods (HB 1374). Vote 16-0.

#### Amendment (0380h)

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

**AN ACT** relative to increasing the minimum amount of a state capital improvement project requiring competitive bidding and relative to contracts for major capital projects of the departments of fish and game and resources and economic development.

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

1 Capital Projects Under \$10,000. Amend RSA 228:3-a to read as follows:

228:3-a Capital Projects Under ~~[\$10,000]~~ **\$25,000**. Projects for which the estimated cost is equal to or does not exceed ~~[\$10,000]~~ **\$25,000** may be done on a force account basis as defined in RSA 228:1, V, ~~[upon the recommendation of the commissioner]~~ **or by contracts awarded through competitive bidding administered by the using agency** with the approval of governor and council.

2 Major Capital Projects. Amend the introductory paragraph of RSA 228:4, I to read as follows:

I. Each state capital budget project whose estimated cost is more than ~~[\$10,000]~~ **\$25,000** shall be built under contracts awarded to the lowest responsible bidder through competitive bidding. The following are excluded from this competitive bidding requirement:

3 Major Capital Projects of the Departments of Fish and Game and Resources and Economic Development. Amend RSA 228:4, I (c) to read as follows:

(c) Projects for the department of fish and game and the department of resources and economic development whose estimated *total* cost is ~~[more than \$10,000 but]~~ not more than ~~[\$150,000]~~ **\$250,000**. Such projects may be done on a force account basis ~~[or]~~, by contracts awarded through competitive bidding ~~[upon recommendation of the commissioner that such projects are in the best interest of the state, and with the prior approval of the legislative fiscal committee and with the approval of governor and council]~~, **by short term rental of construction equipment, or by any combination of these methods. These departments are authorized to rent construction equipment for periods not exceeding 6 months at rates the departments deem competitive through the use of quotes or bids.**

4 Client Relationship. Amend RSA 228:5, II to read as follows:

II. Cause to be undertaken and completed, all construction exceeding ~~[\$10,000]~~ **\$25,000** for any individual project, except as otherwise authorized by the governor and council.

5 Compliance With Contracts. Amend the introductory paragraph of RSA 228:5-a, I to read as follows:

I. The performance of contracts for all state projects costing over ~~[\$10,000]~~ **\$25,000** shall be inspected to assure compliance with the plans and specifications. The department shall require inspection service by one of the following methods:

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

#### AMENDED ANALYSIS

This bill raises the minimum amount of a state capital improvement project that requires competitive bidding.

This bill also increases the amount of estimated cost of capital projects for the departments of fish and game and resources and economic development which are excluded from the competitive bidding requirement, and grants the departments the authority over the projects. The bill allows the departments to rent construction equipment.

**HB 1517-FN-A-L**, establishing a fund for maintaining, dredging, and improving harbors in New Hampshire. OUGHT TO PASS

Rep. William E. Leber for Public Works and Highways: This bill is the result of study committee work on SB 158, which looked into the dredging of harbors and erosion problems in Hampton and Seabrook. Dredging harbors must be done to maintain the flow of boat traffic, just like the highways need to be plowed of snow. It's a maintenance item and funds to pay for it should be in the operating budget. With annual set-asides into a dredging projects fund, funds will be available when needed without the cost of bonding in the capital budget. The Port Authority shall not encumber, obligate or expend any funds from the fund without the prior approval of the Capital Budget Overview Committee. The committee is continuing study of the fee structure and revenue flow on the Seacoast to determine if further action is needed to establish or revise fees to assist in funding the dredging projects. Vote 15-0.  
Referred to Finance.

**HB 1575-FN**, relative to highway modifications on lands acquired through the land conservation investment program. OUGHT TO PASS WITH AMENDMENT

Rep. Merle W. Schotanus for Public Works and Highways: This bill establishes a major public policy in that it sets a methodology by which the formal Department of Transportation (DOT) may obtain for state highway purposes, interests in land currently held in public trust. As a result of lands protected under the Land Conservation Investment Program (LCIP), the amendment adds provisions relative to municipal level hearings and compensation which were omitted in the bill drafting process. This bill was developed over a two year period by the major private sector conservation associations, the Office of State Planning and DOT. Vote 18-0.

#### Amendment (0494h)

Amend RSA 162-C:6, V as inserted by section 1 of the bill by replacing it with the following:

V. The review and approval process required by paragraph IV shall give full consideration to the management provisions contained in paragraph I-III. The department of transportation shall submit a written request to the council with plans and supporting documentation to demonstrate compliance with the provisions of this chapter. A quorum of the council, consisting of at least 6 members, shall hold a public hearing with 90 days of receipt of a complete request to release land conservation investment program interests. The council shall provide at least 10 calendar days notice in advance of such hearing. Notification shall be made, at the expense of the department, to the landowner, local governing body and conservation commission, abutters, the Society for the Protection of New Hampshire Forests, The Nature Conservancy, the Audubon Society of New Hampshire, the New Hampshire Wildlife Federation, and the county conservation district, or their successors. Notification of the public hearing shall be published, by the department, in a paper of general circulation in the municipality and shall be posted, by the department, in at least 2 public places. At the hearing or within 15 days after the hearing, a majority of the council members attending the hearing shall vote to approve or deny the application, unless a time extension is requested by the department. Aggrieved parties, which include all parties who must be notified under this paragraph, may appeal the council's decision to the superior court in the same manner as planning board decisions are appealed under RSA 677:15.

Amend RSA 162-C:6, VII as inserted by section 1 of the bill by replacing it with the following:

VII. Compensation due to the state under this section shall be maintained in a separate, non-lapsing land acquisition fund to be managed by the state treasurer. The council, as successors to the land conservation investment program board of directors, shall develop rules pursuant to RSA 541-A, whereby agencies and/or municipalities, shall have access to these funds from time to time as resources permit. Such funds must be used for the acquisition of land, or interests in land, consistent with the purposes of this chapter. Compensation due to municipalities shall be dedicated to the acquisition or monitoring of protected lands consistent with the purposes of this chapter. Compensation due to landowners of conservation easement lands shall be as specified in the conservation easement deed or as otherwise negotiated. Any party aggrieved by the amount of compensation may file a petition with the superior court in the same manner as damage appeals are filed from the board of tax and land appeals under RSA 498-A:27.

Referred to Finance.

**HB 1596-A**, authorizing a state welcome center in the town of Bradford and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Steve Vaillancourt for Public Works and Highways: The committee heard this request for a welcome center in the Sunapee area and determined that while it would be nice to have more welcome centers throughout the state we simply do not have the funds for this. The construction costs of \$500,000 plus an annual operating cost of \$80,000 was not deemed warranted. Neither the Department of Transportation, which operates welcome centers, nor the Department of Resources and Economic Development requested this center which would be situated only 25 miles or so from similar centers, one in Antrim, one in Springfield on I-89 northbound and one in Sutton on I-89 southbound. The committee further determined that requests such as this should come as part of the 10-Year Plan. Vote 16-0.

**HB 1104**, relative to building a certain dam in Windham. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Resources, Recreation and Development: Rock Pond is a great pond having a water supply from underground springs. The pond is connected to Simpson Pond (Moeckel Pond) to the south west. At periods of low water the flow is from Rock Pond to Simpson Pond; at high water in the spring the flow is through Simpson Pond to Rock Pond. The association wishes to control the water level in Rock Pond by constructing a dam between the two ponds. The owner of the dam at the outflow of Simpson Pond possesses vested rights to control the flow and level of water in both ponds. The recommendation is based on three factors. The first is that it appears that the property on which the dam is to be located is owned by the owner of the dam and not the applicants. Second the construction of the dam would interfere in the riparian rights of the dam owner. Third, there is a fence obstruction in place on the dam site to prohibit access between the ponds contrary to state law. Vote 20-0.

**HB 1133-L**, enabling the town of New Boston to rebuild or replace a dam on the Piscataquog River. **INEXPEDIENT TO LEGISLATE**

Rep. Michael D. Whalley for Resources, Recreation and Development: Testimony from the sponsor and the Department of Environmental Services was that this bill was unnecessary. Mistakenly, the sponsor believed that the Parker Mill Dam in the Town of New Boston was located on a portion of the Piscataquog River designated as protected under New Hampshire law. The dam is actually located on a section of the river designated as a rural river. That designation allows for the repair of a structural failure of a dam in place at the time the river was designated, if the replacement is in the same location, with the same impoundment level and if repair takes place within six years of the date of failure. Vote 20-0.

**HB 1155**, relative to wastewater in low flow areas. **OUGHT TO PASS**

Rep. H. Charles Royce for Resources, Recreation and Development: This bill was a request of the Department of Environmental Services. The department works with the U.S. Environmental Protection Agency which issues all discharge permits to municipalities from their wastewater treatment facilities. The Department of Environmental Services felt and the Resources, Recreation and Development Committee agreed that in the spirit of the Clean Water Act this section of RSA 485-A:8 pertaining to low flow Temporary Partial Use (TPU) should be deleted to help protect our surface waters. Vote 19-0.

**HB 1231**, relative to greywater recycling. **INEXPEDIENT TO LEGISLATE**

Rep. Williams E. Williams, Jr. for Resources, Recreation and Development: The committee felt that there were far superior methods available to the sponsor to have the subject of the legislation incorporated in the rules at the Department of Environmental Services. Vote 16-0.

**HB 1246**, relative to enforcement of oil spillage laws. **OUGHT TO PASS**

Rep. Michael D. Whalley for Resources, Recreation and Development: This bill expands the Department of Environmental Services enforcement powers to include any violation of the laws relative to oil discharge or spillage in surface water or groundwater. HB 1246 makes the level of penalties and enforcement consistent for both above ground storage tanks and underground storage tanks. Vote 17-0.

**HB 1624-FN**, relative to the membership of the wetlands council. **INEXPEDIENT TO LEGISLATE**

Rep. H. Charles Royce for Resources, Recreation and Development: This bill would have added one more private sector individual to the Wetlands Council. The Resources, Recreation and Development Committee felt that the Wetlands Council has only been in existence for a little over a year. The council has not experienced great difficulty in handling the cases coming before them, adding another member at this time would not be necessary. Vote 19-0.



**HB 1642-FN**, relative to changing the environmental laboratory certification program administered by the department of environmental services to an accreditation program. OUGHT TO PASS  
Rep. Michael W. Downing for Resources, Recreation and Development: This bill changes the water testing laboratory certification program to an accreditation program recognized by the National Environmental Laboratory Accreditation Conference. This is a nationally recognized process that will allow New Hampshire Labs to compete with out of state labs. This bill will also save the department time and money in that staff will no longer be required to travel out of state to certify labs. There is no increase in fees, they will remain the same as currently exists under the present certification process. Vote 16-0.  
Referred to Finance.

**HB 1274-FN**, relative to enforcement of air pollution laws by the department of environmental services. OUGHT TO PASS WITH AMENDMENT  
Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: This housekeeping bill, requested by the Department of Environmental Services, clarifies ambiguities in the language describing which stationary sources of air pollution are subject to the Air Pollution Control Act. The bill also adds to the Acid Rain Control Act enforcement and variance procedures comparable to those already existing under the more general Air Pollution Control Act. Since the variance procedures are most likely to be used during summer months, the bill was amended to make it effective on passage. The committee discussed requiring a study of steam locomotives exempted by statute from these air pollution control statutes, such as the Cog Railway, but after being assured that these emissions and possible emission controls will be studied by the operator and the Department of Environmental Services, believes that no statutory study is necessary at this time. Vote 18-0

#### Amendment (0564h)

Amend the bill by replacing section 4 with the following:

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

**HB 1351-FN**, extending "The Laboratory for New Ideas in Information Technology" pilot project. OUGHT TO PASS

Rep. Godfrey G. Howard for Science, Technology and Energy: This bill extends the "Laboratory for New Ideas in Information Technology" pilot project for two years, until June 30, 2000. The laboratory is operated by the Department of Employment Security and is funded by federal funds, private donations, and grants. This accounts for the fiscal note, but the funds are being received by the state, not expended. Vote 16-0.

**HB 1651**, establishing a committee to study the protection of consumers relative to cable television rates and services. OUGHT TO PASS WITH AMENDMENT

Rep. Norman L Major for Science, Technology and Energy: The committee study will include status of the cable electronic services industry, customer cost of cable electronic services in New Hampshire, status of federal, state, and local regulations in the cable electronic services industry, state regulations, franchises, and issues relating to public access of cable electronic services. Vote 18-0.

#### Amendment (0569h)

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

AN ACT establishing a committee to study the protection of cable consumers and the enhancement of cable electronic services.

Amend the bill by replacing sections 1-4 with the following:

1 Committee Established. There is established a committee to study the protection of cable consumers and the enhancement of cable electronic services.

2 Membership and Compensation.

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

(a) Five members of the house of representatives, at least 3 of whom shall be members of the house science, technology, and energy committee, appointed by the speaker of the house of representatives.

(b) Five members of the senate, appointed by the president of the senate.

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

3 Duties. The committee shall study the protection of cable consumers and the enhancement of cable electronic services. The committee's study shall include, but not be limited to:

I. The status of the cable electronic services industry, including the ownership and organization of cable electronic services providers in New Hampshire.

II. The relative value of cable electronic services in New Hampshire, including whether consumers are receiving the best product at the lowest possible price, the status of competition for cable electronic services, and the practicability of legislative action to enhance competition for cable electronic services in New Hampshire.

III. The status of federal, state, and local regulation of the cable electronic services industry in New Hampshire, and the impact of such regulation on industry operations, rate setting, and public accountability.

IV. The practicability of state regulation of cable electronic services by the public utilities commission.

V. The practicability of statewide, regional, or multi-town cable electronic services franchise agreements as a means to maximizing consumer bargaining strength.

VI. Issues relating to public access, including the potential for a statewide public access channel.

VII. Any other relevant issues that may arise in the course of the committee's deliberations.

4 Chairperson; Quorum. The first-named house member shall serve as chairperson and call the first meeting. The first meeting of the committee shall be held within 45 days of the effective date of this section. Six members of the committee shall constitute a quorum.

Amend the bill by replacing section 6 with the following:

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

#### AMENDED ANALYSIS

This bill establishes a committee to study cable electronic services in New Hampshire. The committee shall examine issues relative to rates and services provided by cable electronic services carriers, including alternatives available to assure consumers that cable electronic service rates will be reasonable and that services provided will be satisfactory.

**HR 53**, urging Congress to pass and the President to sign a bill returning to the states the power to regulate campaign finance in state races for federal office. OUGHT TO PASS

Rep. Jay T. White for State-Federal Relations and Veterans Affairs: While New Hampshire enjoys the first in the nation primary and always held strong views regarding campaign finance in all races, HR 53 urges the US Congress and the President to move forward with legislation to return the power to the states to regulate campaign finance in state races for federal office. Vote 12-0.

**HB 1135**, relative to the use of watercraft and boats on Ledge Pond in the town of Sunapee. OUGHT TO PASS WITH AMENDMENT

Rep. Brenda L. Ferland for Transportation: Until recently this body of water was nearby the town of George Mills' drinking water. The residents would like to protect this source of water if it is needed again in the future. The reasoning behind allowing electric motors is for people who are physically disabled but want to enjoy the lake. High speed boats will have a hard time on the lake because of the many ledges, thus the name Ledge Pond. The amendment speaks to electric motors only and changes the passage date from January 1, 1999 to upon passage to protect the water as soon as possible. Vote 18-0.

#### Amendment (0596h)

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

1 New Section; Ledge Pond. Amend RSA 270 by inserting after section 129 the following new section:

270:130 Ledge Pond. No person shall use, operate, or have aboard or attached to any watercraft or motorboat, a petroleum-powered inboard or outboard motor upon the waters of Ledge Pond in Sunapee. A person may operate a boat propelled solely by an electric-powered motor on Ledge Pond. Whoever violates the provisions of this section shall be guilty of a violation.

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

## AMENDED ANALYSIS

This bill prohibits petroleum-powered motors on the waters of Ledge Pond in the town of Sunapee. The bill authorizes the use of electric-powered boats.

**HB 1140-FN**, relative to special motor vehicle plates for district court judges. **INEXPEDIENT TO LEGISLATE**

Rep. Roland M. Turgeon for Transportation: The committee listened to the sponsor of the bill who was the only witness appearing before the committee. After receiving information from the Administrative Office of the Courts in opposition to this bill due to security reasons for judges, the committee decided to vote the bill Inexpedient to Legislate. Vote 17-0.

**HB 1152**, permitting municipalities to further restrict watercraft on great ponds wholly within the municipality. **INEXPEDIENT TO LEGISLATE**

Rep. John W. Flanders, Sr. for Transportation: It was the feeling of the committee that the power to regulate lakes and ponds falls under the Department of Safety. Hence, there will be a conflict between two agencies. There is already a tool to restrict water craft. By petitioning the Department of Safety for a public hearing at which time all can testify, not just the residents of one certain town. The water is owned by all residents through the public trust. Vote 18-0.

**HB 1171**, to establish a committee to investigate the discrepancy in air fares between flights from Logan International Airport and Manchester Airport. **REFER FOR INTERIM STUDY**

Rep. Robert H. Milligan for Transportation: The intent of this bill was to bring to the attention of the airlines that the residents of the state of New Hampshire want fair and equitable treatment of assessing airfares on its people. As a legislature we have no legality to regulate/dictate fares of travelers. Vote 16-1.

**HB 1285-FN**, relative to penalties under the youth access to and use of tobacco products law. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill, while very noble in its endeavor to penalize young people who smoke by suspending their drivers licenses, will not work. Driving and smoking are not related, like drinking and driving, and accordingly should not be bound together. Driving after revocation is one of the most common violations of the motor vehicle laws. Passage of this bill would only increase this problem. This committee has passed several major pieces of legislation concerning teenage drivers in this most recent session. The committee senses that these laws need to be given time for teens to integrate and adjust and for the state to reevaluate its program on teen driving. The most compelling reason to defeat this bill is that it will not accomplish its goal of decreasing tobacco use by young people. Teenage smoking is a serious concern, however it is a public health issue not a law enforcement issue. The committee believes the answer to the problem of teen smoking is education, not punishment. Vote 16-1.

**HB 1322-FN-L**, requiring seat belts on school buses. **INEXPEDIENT TO LEGISLATE**

Rep. John W. Flanders, Sr. for Transportation: It was the feeling of the committee that this is a clear violation of Article 28-A (unfunded mandate) of the state constitution with a fiscal note of over \$20,000,000. Further testimony revealed that school bus operation has the highest safety record of all vehicles. School bus experts testified that because of school bus design seat belts could cause severe injuries. Vote 16-0.

**HB 1328-FN**, extending the period for motor vehicle titles. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gordon E. Bartlett for Transportation: This bill requested by the Department of Safety will bring our automobile title laws in line with the other states. Banks are heavily in favor for a longer title period instead of relying on U.C.C. forms for vehicles they finance that are ten years or older. The amendment will speed the return of duplicate titles requested by the dealer and those who purchase these cars on private sale. Vote 18-0.

**Amendment (0470h)**

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

**AN ACT** extending the exemption period for motor vehicle titles and modifying the process for obtaining a duplicate motor vehicle certificate.



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

6 Duplicate Certificate. Amend RSA 261:12, I-II to read as follows:

261:12 Duplicate Certificate.

I. If a certificate of title is lost, stolen, mutilated or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, *or dealer who has purchased the vehicle*, shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to the director.

II. The department shall not issue a new certificate of title to a transferee *or dealer* upon application made on a duplicate until 15 days after receipt of the application.

7 Effective Date.

I. Section 1 of this act shall take effect January 1, 1999.

II. Section 2 of this act shall take effect January 1, 2000.

III. Section 3 of this act shall take effect January 1, 2001

IV. Section 4 of this act shall take effect January 1, 2002.

V. Section 5 of this act shall take effect January 1, 2003.

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

#### AMENDED ANALYSIS

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

**HB 1364-L**, establishing a bus only commercial driver license. **INEXPEDIENT TO LEGISLATE** Rep. Robert J. Letourneau for Transportation: This bill was designed to create a new class of Commercial Driver License (CDL). The new class would be a Bus Only Commercial Driver License (BOCDL). This would limit drivers to bus only operation. Testimony revealed that the motive for this was purely economic for the bus companies and did not take into account that these operators may need to have summer jobs to remain employed year round. Currently these operators are trained and tested for the vehicles they operate. Vote 17-0.

**HB 1367**, requiring motorcyclists to wear protective headgear. **INEXPEDIENT TO LEGISLATE** Rep. Robert J. Letourneau for: This bill as introduced mandates protective headgear for all riders and passengers on motorcycles under the premise that motorcyclists are a burden to society for their care and subsistence. The committee heard no testimony nor saw any data that supported that claim. Testimony revealed that there was very little difference in crash and fatality statistics between states with helmet laws and states without helmet laws. Facts revealed that motorcycle fatalities have dropped nationally by 46% in the last ten years; New Hampshire has had similar results while not having an adult helmet law for the past 22 years. This is attributed to the state operated nationally recognized motorcycle rider education courses. Additionally, in New Hampshire the number of head injuries and their associated costs are approximately ten times greater for auto drivers than motorcyclists. The public hearing was overwhelmingly attended. The committee heard testimony from 15 speakers who were opposed who objected to this legislation., while 5 speakers were in favor. Eighteen representatives and one senator attended the hearing and were opposed to this legislation, with 4 representatives in support. Several legislators introduced signed petitions from 262 constituents opposing this bill. The most common thread of testimony from those who testified in opposition is that motorcyclists have a vested interest in their safety, that as responsible adults they are keenly aware of what is in their best interest, and viewed this legislation as government intrusion into their lives without justification. Vote 17-0.

**HB 1537**, relative to aeronautics enforcement authority. **OUGHT TO PASS**

Rep. Robert H. Milligan for Transportation: The majority of this bill is housekeeping. It changes the period of time allowed for nonresidents to register aircraft. Thirty days will be easier to enforce and be in line with vehicle, boat and snowmobile law. This will target those nonresidents from border states who keep their aircraft in New Hampshire. Other states legitimate registrations will be recognized. Hanger/tie down rental will be used for enforcement justification. Federal laws require medical certificate for a pilots license. Location to affix decals is expounded upon. Vote 15-0.

**HB 1629**, relative to walking disability plates and placards. OUGHT TO PASS

Rep. Brenda L. Ferland for Transportation: The bill will require that a person with disability plates or placards continue to provide proof every four years that such items are needed. The current law is five years on plates and three years on placards. Passage of this bill will align both to be reviewed at the same time. The bill also allows the Department of Safety to remove the 200 ft. walking disability now stated in RSA 261:88. Vote 17-0.

**HB 1648**, restricting the transporting of passengers in the bed of trucks. INEXPEDIENT TO LEGISLATE

Rep. Brenda L. Ferland for Transportation: This sponsor of the bill introduced this bill because one town seems to have a problem with it during summer months. It doesn't appear to be a statewide problem. No testimony was given as to how often this occurs, or if the RSAs didn't already cover this problem. No exceptions were listed if this was a families only source of transportation, construction workers, campers truck caps, farmers or emergencies. Vote 18-0.

**HB 1120**, establishing a commission to study the effects of and jurisdiction over alternative agricultural products. OUGHT TO PASS WITH AMENDMENT

Rep. Henry P. Mock for Wildlife and Marine Resources: This commission is being created to study the entire aspect of alternative agriculture, and in particular, its impact upon New Hampshire's wildlife resources. Alternative agriculture is the practice of raising animals, which we generally think of as being "wild", for meat and other by-products, usually buffalo, emu, ostrich, elk, and red deer. Because this industry is relatively new to the state, many farmers are not aware of which state agency they should deal with when importing, exporting, selling, and etc. The amendment merely clarifies who is to appoint the non-voting members of the study commission and in addition it made the act effective upon passage. Vote 11-0.

**Amendment (0521h)**

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

1 Commission Established. There is hereby created a commission to study the impact alternative agriculture may have on New Hampshire's native wildlife resources and to determine the jurisdictional authority over such activities.

## 2 Membership and Compensation.

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

(a) Three members of the house of representatives, including one member from the house environment and agriculture committee and one member from the wildlife and marine resources committee, all appointed by the speaker of the house.

(b) Three members of the senate, including 2 members from the senate fish and game/recreation committee, all appointed by the president of the senate.

II. The nonvoting members on the commission shall be:

(a) The executive director of the fish and game department, or designee.

(b) The commissioner of the department of agriculture, markets, and food, or designee.

(c) The state veterinarian.

(d) A representative of the New Hampshire Farm Bureau Federation, appointed by such federation.

(e) A representative of the alternative agriculture industry, appointed by the speaker of the house and the president of the senate.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall study the impact alternative agriculture may have on New Hampshire's native wildlife resources and shall determine the jurisdictional authority over such activities. The commission may study any other relevant information. For the purposes of this commission "alternative agriculture" includes, but is not limited to buffalo, emu, ostrich, elk, and red deer.

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

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1998.

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

**HB 1123**, relative to the importation of wolf hybrids. **OUGHT TO PASS WITH AMENDMENT** Rep. Henry P. Mock for Wildlife and Marine Resources: The original bill was designed to prevent totally the importation of wolf hybrids. The importation of neutered hybrids is allowed under RSA 466-A. The committee didn't wish to revisit the entire subject which was thoroughly addressed in the last session. Consequently, the amendment makes adjustments for licensing animal shelter facilities for hybrids and allows the Commissioner of Agriculture to make rules governing the administration of this chapter on hybrids. It also permits the Commissioner to assess an administrative fine of up to \$1,000 for each violation of rules. Vote 14-0.

#### Amendment (0409h)

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

AN ACT relative to the control of wolf hybrids.

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

1 Reference to Licensure Added. Amend RSA 466-A:1, I to read as follows:

I. "Animal shelter facility" means a facility, including the building and the immediate surrounding area, which is used to house or contain animals and which is owned, operated, and maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals *and which is licensed in accordance with RSA 437*.

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

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

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

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

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

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

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

#### AMENDED ANALYSIS

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

**HB 1255-FN-A**, increasing the fee for a resident trapping license and continually appropriating the increased revenue for the purpose of wildlife rehabilitation. **INEXPEDIENT TO LEGISLATE** Rep. Mark A. Cegelis for Wildlife and Marine Resources: Passage of this bill would place an undue burden on the trappers of this state. There is no certain way to determine how many trappers would cease operations with the large unprecedented fee increase suggested in the bill - an increase from \$27.50 to \$100.00 for an adult license and an increase for a minor's license from \$5.50 to \$25.00. It is the belief of the committee that the current fee structure is adequate and that the proposed fee increase is unnecessary and possibly detrimental to the future of trapping in this state. Vote 11-0.

**HB 1256**, transferring the wildlife rehabilitation program to the department of resources and economic development. **INEXPEDIENT TO LEGISLATE**

Rep. Michael S. Rollo for Wildlife and Marine Resources: This bill, although well intentioned, would do little to improve the wildlife rehabilitation program currently in practice by the Fish and Game Department. By transferring the program to the Department of Resources and Economic



Development we would be giving a department with no wildlife biologists on staff and a department with little interest in the program, a program which is operating smoothly at present within the Fish and Game Department. Further, no funds went with the program unless other legislation was enacted. It is this committee's opinion that this bill would destroy a worthwhile and well working program. Vote 11-0.

**HB 1331-FN**, relative to expanding the authority to grant special hunting and fishing licenses to include persons aged 65 or over, and adding trapping licenses. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Henry P. Mock for Wildlife and Marine Resources: This bill as introduced lowered the age for a resident of the state to receive a free basic hunting and/or fishing license from age 68 to 65 and in addition added a free trapping license. The committee couldn't buy into lowering the age in this day of modern medicine when people are living longer and healthier than ever before. In fact, some committee members felt that the age of "freebies" should be raised rather than lowered. However, we did accept the proposition of a free trapping license for persons 68 and over and the amendment reflects that by changing the bill's title and effective date. Vote 14-0.

#### Amendment (0395h)

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

**AN ACT** relative to granting special hunting and fishing licenses to persons aged 68 or over for trapping.

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

1 Trapping Added. Amend RSA 214:7-a to read as follows:

214:7-a Persons Over 68 Years of Age. Any resident of this state who is 68 years of age or over may make application, to any authorized agent of the state for the sale of fishing [~~and~~], hunting *or trapping* licenses, for a special license to fish [~~and~~], hunt *or trap*, under the restrictions of this title. Such license may permit the use of a muzzle-loading firearm and bow and arrow. The license shall be marked in such manner as the executive director may designate, and there shall be no fee, including the agent's fee, for such license. The license shall be effective for the resident during the remainder of the resident's life, as long as the applicant remains a resident of the state, unless sooner suspended or revoked by the executive director. The minimum residency requirements of RSA 214:7-b are applicable.

2 Effective Date. This act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill allows persons aged 68 or over to apply for a special license to trap.

**HB 1354-FN**, relative to fishing in the Connecticut River by residents of Vermont and relative to the use of funds from the sale of timber on fish and game lands. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Rose Marie Rogers for Wildlife and Marine Resources: This bill with amendment corrects a problem on the Connecticut River whereby large numbers of non-resident fishermen, particularly in tournaments, are taking advantage of the one day Vermont fishing license and fishing the river which is New Hampshire waters. They will now be required to purchase a New Hampshire license. The bill in no way interferes with the reciprocal licensing of Vermont and New Hampshire resident fishermen. The amendment deleted a reference, which was not necessary, to establishing a "special fund" for disposition of timber sales money on fish and game lands. Vote 10-0.

#### Amendment (0449h)

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

**AN ACT** relative to fishing in the Connecticut River by residents of Vermont.

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

2 Effective Date. This act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill provides that Vermont residents licensed in Vermont may fish in the Connecticut River.

This bill is a request of the fish and game department.

Referred to Finance.

**HB 1359**, relative to senior citizens' applications for moose hunting permits. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. L'Heureux for Wildlife and Marine Resources: As proposed, this bill would have reserved a certain percentage (10%) of moose permits for resident seniors, age 68 and over, licensed to hunt in New Hampshire. Unfortunately, as noble as this cause may be, it would have opened the proverbial "Pandora's Box" to any and all other groups seeking similar consideration. It was felt by the committee that the present moose lottery system was fair and equitable to all participants and should not be tampered with or altered by showing any favoritism to any particular group. Vote 14-0.

**HB 1372**, increasing the distance from a dwelling within which a person is prohibited from discharging a firearm. **INEXPEDIENT TO LEGISLATE**

Rep. Ronald J. Nowe for Wildlife and Marine Resources: The committee found that the concerns of the sponsor involves an isolated case on the Merrimack River involving duck hunting. This problem can be handled by the Executive Director of the Fish and Game in accordance with RSA 206:15-a. The sponsor has been communicating with the Executive Director and has satisfactorily solved the problem. If the bill were to pass as written, it would critically hamper the ability to hunt in southern New Hampshire. The committee voted to stay with current law (RSA 207:3-a) which prohibits the discharging of a firearm within 300 feet of a permanently occupied dwelling. Vote 10-0

**HB 1621**, relative to the membership of the advisory committee on shore fisheries. **OUGHT TO PASS WITH AMENDMENT**

Rep. Dennis F. Abbott for Wildlife and Marine Resources: This bill is intended to change the process for recommending membership on the advisory committee of shore fisheries. The bill, if passed, will allow for all members to be selected by the normal process through Governor and Council and further eliminates the New Hampshire Port Authority from the process of nominating prospective members. The amendment deleted persons being nominated by the Fish and Game Commission and a department employee. Vote 12-0.

**Amendment (0329h)**

Amend RSA 211:60, I as inserted by section 1 of the bill by replacing it with the following:

I. There is established an advisory committee on shore fisheries to recommend programs and policies regarding shore fisheries to the fish and game commission. The advisory committee shall consist of 5 members and one alternate member, all of whom shall be residents of the seacoast region, appointed by the governor and council:

Amend the bill by replacing section 2 with the following:

2 Status of Current Members. The members of the advisory committee on shore fisheries, and the additional members and alternate, serving on the effective date of this act shall serve for the remainder of their terms or until 3 years from the effective date of this act, whichever is first, as the members serving pursuant to RSA 211:60, I as inserted by section 1 of this act.

**AMENDED ANALYSIS**

This bill changes the composition and appointment of the advisory committee on shore fisheries, and removes the provision for nomination and appointment of additional members.

**REGULAR CALENDAR****HB 1287-FN**, relative to sales of tobacco products to persons under 21 years of age. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory G. Carson for Commerce: This legislation would raise the age for purchasing tobacco products from 18 years of age to 21 years of age. The committee and the House have taken several aggressive measures to reduce youth access to tobacco and underage use of tobacco, some of which are so new we have not yet been able to measure their success. This legislation would not effect the intent of the sponsors. More importantly, this legislation would only cause those already addicted to commit a criminal offense. The funds required for enforcement of this legislation would be much better spent on prevention programs for children. The predominance of the problem exists in 13 and 14 year olds becoming addicted, not young adults. Vote 16-1.

Adopted.

**HB 1319**, relative to foreclosure sales. **INEXPEDIENT TO LEGISLATE**

Rep. Eric N. Lindblade for Commerce: This bill requires that no foreclosure sale shall be valid or effectual to foreclose a mortgage unless the mortgaged property is sold for at least 70 percent of its assessed value. This bill would create more problems than it would solve. It would not take into consideration the propriety of the assessed value of the property. Further, the requirement that a sale must be at least 70% of the assessed value would, in most cases, be impossible to achieve. Vote 15-0. Adopted.

**HB 1541-FN-A**, creating a position in the insurance department. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Martha Fuller Clark for the Majority of Commerce: Solving the problem of long term care is of critical importance to the state. Currently, the long term care institute, (created by statute in the last session after careful consideration by the House Health & Human Services Committee) is stymied due to lack of professional staff. This bill provides funding for a one year, temporary position paid for by a surcharge upon insurance carriers writing long term care policies. If, after a year's time, funding from the state is still needed for such a position, the majority of the Commerce committee believes it should be considered through the general appropriation process. Vote 9-8.

Rep. George Hurt for the Minority of Commerce: The minority concurs with the majority that long term care is a serious relevant issue for the state. However, testimony presented does not support the bill's concept for legislating a mandatory classified position titled "Long Term Care Specialists". Further, under current insurance regulation, more specifically RSA 400-A:10, the Insurance Commissioner has authority to implement a position to carry out functionary duties that would be beneficial in fostering the concept of long term care Insurance and the importance of purchasing the same. More to the point, salient testimony provided evidence that other states facing the same dilemma have formed an alliance with the insurance industry to essentially address the same issue ostensibly in a free market concept.

**Amendment (0562h)**

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

1 New Section; New Position; Long-Term Care Specialist. Amend RSA 126-L by inserting after section 5 the following new section:

126-L:5-a Long-Term Care Specialist.

I. There is hereby established a long-term care specialist within the institute. The long-term care specialist shall serve as a liaison between the institute and the insurance department and shall perform the duties of the institute as provided in RSA 126-L:5.

II. An annual grant equal to the top range of group O in RSA 94:1-a, I plus an amount to pay benefits equivalent to state employee benefits is hereby appropriated for the expenditure of funds from the New Hampshire insurance department. There is established an additional fee under RSA 400-A:29-b to be assessed against premiums written for long-term care insurance only to be used by the institute for the sole purpose of funding the position established in paragraph I.

2 New Subparagraph; Additional Duty. Amend RSA 126-L:5, I by inserting after subparagraph (e) the following new subparagraph:

(f) Provide reports to the commissioner of insurance relative to its activities and objectives in such format and frequency as the commissioner may prescribe.

3 New Paragraph; Long-Term Care Plan. Amend RSA 401:1 by inserting after paragraph VII the following new paragraph:

VIII. Offer a long-term care plan as a benefit plan that provides long-term health care services as defined in RSA 415-D:3, V.

4 New Section; Long-Term Care Fund. Amend RSA 400-A by inserting after section 29-a the following new section:

400-A:29-b Long-Term Care Fund. The commissioner may impose and collect a surcharge upon net premiums written for long-term care insurance of every insurer licensed pursuant to RSA 401:1, VIII as is necessary to fund and to be used by the long-term care institute pursuant to RSA 126-L:5-a. The surcharge amount shall be computed as a percentage of such net premiums as defined by RSA 400-A:31 on or before April 1 of each year, the commissioner shall notify each long-term care insurer of the computations under this section.



5 Applicability. The long-term care specialist position, established in section 1 of this act shall not be a state employee position.

6 Repeal. The following are repealed:

I. RSA 126-L:5-a, relative to a long-term-care specialist.

II. RSA 126-L:5, I(f), relative to reports.

III. RSA 401:1, VIII, relative to a long-term care plan.

IV. RSA 400-A:29-b, relative to the long-term care fund.

V. Section 5 of this act.

7 Applicability. Section 6 of this act shall take effect one year after the effective date of sections 1-5 of this act.

8 Effective Date.

I. Section 6 of this act shall take effect as provided in section 7 of this act.

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

#### AMENDED ANALYSIS

This bill creates a temporary one-year position of long-term care specialist to perform the duties of the long-term care institute. The position is to be funded from a surcharge upon net premiums written for long-term care insurance.

Adopted.

Majority Report adopted and ordered to third reading.

**HB 1175-L**, relative to authorizing the state board of education to adopt rules on teacher education programs, teacher certification fees, and recertification standards. **OUGHT TO PASS**

Rep. Charles B. Yeaton for Education : This is a housekeeping measure requested by the Department of Education. The state board needs the statutory authority to adopt rules to satisfy the Joint Legislative Committee on Administrative Rules. These rules are necessary for the Department of Education to charge certification and recertification fees Vote 14-1.

Adopted and ordered to third reading.

**HB 1195**, allowing non-public school students access to the New Hampshire education improvement and assessment program at no cost to the state or local school district. **INEXPEDIENT TO LEGISLATE**

Rep. Susan B. Durham for Education: RSA 193-C which authorized the New Hampshire Education Improvement and Assessment program allows for private schools and home schoolers to contact their local schools and arrange to take the tests. This bill would require the Department of Education to notify all private schools of the testing schedule. The committee was assured that this information is already made available by the Department of Education. Therefore, legislation is unnecessary Vote 14-2.

Adopted.

**HB 1393**, extending the reporting date for the postsecondary educational assistance for members of the New Hampshire national guard study committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Clair A. Snyder for Education: This bill extends the dates for both the reporting data for postsecondary assistance for members of the NH National Guard study committee and the repeal date relative to postsecondary educational assistance to NH National Guard members. This allows more time for working out any problems. The amendment extends the sunset clause to June of 1999. Vote 14-2.

#### Amendment (0401h)

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

**AN ACT** extending the reporting date for the postsecondary educational assistance for members of the New Hampshire national guard study committee and extending the repeal date relative to such assistance.

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

2 Repeal Date Extended. Amend 237:7, I to read as follows:

I. Section 6 of this act shall take effect [~~June 30, 1998~~] **June 1, 1999**.

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

## AMENDED ANALYSIS

This bill extends the reporting date for the postsecondary educational assistance for members of the New Hampshire national guard study committee to November 1, 1998.

This bill also extends the repeal date relative to postsecondary educational assistance for New Hampshire national guard members to June 1, 1999.

Adopted.

Report adopted and ordered to third reading.

**HB 1449**, requiring that school administration evaluation programs allow teachers the opportunity to submit input into the evaluation of their principal or supervisor. INEXPEDIENT TO LEGISLATE  
Rep. Phil A. Weber for Education: This bill, while well intended, does contain the word "shall" which may diminish local control and may constitute an unfunded mandate. Evaluation programs are a necessary component in schools but we should not dictate as to what is best for each school or school district. Vote 12-6.

Adopted.

**CACR 33**, relating to a minimum age restriction on New Hampshire house members. Providing that the minimum age shall be 21. INEXPEDIENT TO LEGISLATE

Rep. Natalie S. Flanagan for Election Law: The N.H. Constitution does not have an age requirement for a State Representative. This CACR would both set the age and change it from 18 years of age as in the RSAs now to 21 years of age. The majority feels that the electorate are able to judge the maturity of a candidate more accurately than an arbitrary age would establish that maturity. Vote 11-2  
Adopted.

**HB 1162**, relative to permit applications before the hazardous waste facility siting board. OUGHT TO PASS WITH AMENDMENT

Rep. Karen McRae for Environment and Agriculture: This bill excludes emergency permits and limited permits from the review of the hazardous waste facility siting board. The amendment references the permit application process and defines emergency permit and limited permit. Vote 14-2.

## Amendment (0482h)

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

2 New Paragraph; Hazardous Waste Management; Definitions; Emergency Permit. Amend RSA 147-A:2 by inserting after paragraph III the following new paragraph:

III-a. "Emergency permit" means temporary approval given in the event of an imminent and substantial endangerment to human health or the environment:

(a) To a non-permitted facility to allow treatment, storage, or disposal of hazardous waste; or

(b) To a permitted facility to allow treatment, storage, or disposal of a hazardous waste not covered by an effective permit.

3 New Paragraph; Hazardous Waste Management; Definitions; Limited Permit. Amend RSA 147-A:2 by inserting after paragraph IX the following new paragraph:

IX-a. "Limited permit" means a permit issued to elementary neutralization units, wastewater treatment units, and wastewater evaporation units, as defined by rules of the department.

4 Hazardous Waste Management; Operator Permits; Notification to Municipality. Amend RSA 147-A:4, I-a to read as follows:

I-a. The department shall notify the governing body of the municipality in which the facility is or may be located when a ~~completed~~ *new* permit application is received by the department. *This requirement shall apply to permit applications for treatment, storage, disposal, and transfer facilities, excluding limited and emergency permits.* A copy of the application shall be included with the notification.

5 Hazardous Waste Management; Hazardous Waste Facility Siting Board; Permit Applications. Amend RSA 147-A:4-a, II to read as follows:

II. The board shall review ~~all~~ *permit* applications for new hazardous waste facilities received by the department under RSA 147-A:4, I ~~and~~. *These permit applications shall apply to treatment, storage, disposal, and transfer facilities and shall exclude limited and emergency permits.* Notwithstanding RSA 147-C, *the board* shall make the final decision on approval or disapproval of the ~~application~~ *proposed site of the facility based on siting criteria under rules adopted by the department.* 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 siting of the facility*, the department shall ~~[issue a permit as set forth in RSA 147-A:4, VI]~~ *review the application for conformity with requirements of rules adopted pursuant to RSA 147-A in order to issue or deny a permit.*

6 Hazardous Waste Facility Review; Notification to Municipality. Amend RSA 147-C:2, I to read as follows:

I. When the department receives ~~[a completed]~~ *an* application for a new hazardous waste facility, the department shall immediately notify the governing body of the ~~[town]~~ *municipality* in which the facility is proposed to be located. *This requirement shall apply to permit applications for treatment, storage, disposal, and transfer facilities, excluding limited and emergency permits.* A copy of the application shall accompany the notification.

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

#### AMENDED ANALYSIS

This bill excludes emergency permits and limited permits from the review of the hazardous waste facility siting board.

This bill is a request of the department of environmental services.

Adopted.

Report adopted and ordered to third reading.

#### **HB 1224**, relative to the regulation of biosolids. OUGHT TO PASS WITH AMENDMENT

Rep. Peter R. Leishman for Environment and Agriculture: This bill provides for continued random on-site testing of sludge and biosolids. This bill makes permanent the pilot program established under HB 638, Chapter 209, laws of 1997. Random sampling of land applied sludges and biosolids is an effective tool for ensuring compliance with state and federal standards. Vote 18-0.

#### **Amendment (0539h)**

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

**AN ACT** requiring the department of environmental services to test sludge or biosolids to be used for land application and assessing fees to sludge quality certification holders.

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

1 New Subparagraph; State Treasurer and State Accounts; Application of Receipts; Exceptions to General Fund Availability; Sampling and Analysis of Sludge or Biosolids Samples Fund Added.

Amend RSA 6:12, I by inserting after subparagraph (qqq) the following new subparagraph:

(rrr) Money received under RSA 485-A:4, XVI-b, which shall be deposited in the sampling and analysis of sludge or biosolids samples fund.

2 New Paragraph; Water Management and Protection; Water Pollution and Waste Disposal; Duties of Department of Environmental Services; Testing and Inspection of Sludge and Biosolids Samples. Amend RSA 485-A:4 by inserting after paragraph XVI-a the following new paragraph:

XVI-b. To implement a program of random on-site testing and inspection of sludge or biosolids samples to be used for any land application by any person obtaining a permit under RSA 485-A:4, XVI-a, provided that inspection shall not be required before the issuance of a permit. The procedures for random inspection and testing of sludge or biosolids samples on a site shall include an inspection for any setback or area requirements of a site for land application and may include testing for such pollutants as heavy metals, toxins, dioxins, and polychlorinated biphenyl, as determined in rules adopted by the commissioner pursuant to RSA 541-A. The department shall develop a database of inspection results and shall monitor adherence to state and federal requirements for the spreading of sludge or biosolids. The program of random inspection and testing of sludge or biosolids shall be funded by a fee of \$500 assessed annually to all sludge quality certification holders as defined in rules adopted by the commissioner. Such fee shall be payable to the department no later than January 1 of each year by all certification holders. All fees shall be deposited in a special nonlapsing account to be used by the department for the sampling and analysis of randomly collected sludge or biosolids samples.

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



AMENDED ANALYSIS

This bill requires the department of environmental services to implement a program of random on-site inspection of samples of sludge or biosolids to be used for land application. The program shall be funded by an annual fee which shall be deposited in a special nonlapsing account.

Adopted.

Report adopted and referred to Finance.

**HB 1576-FN-A**, permitting the development of an industrial hemp industry in New Hampshire and continually appropriating a special fund. MAJORITY: OUGHT TO PASS. MINORITY: INEXPE-  
DIENT TO LEGISLATE.

Rep. Betty B. Hall for the Majority of Environment and Agriculture: The Majority thought that it would be an injustice to the citizens of New Hampshire if a viable and beneficial industry was not allowed to be established and developed especially if that industry could contribute greatly to our communities in terms of jobs, agriculture and environmentally safe products as well as revenues. The evidence that legalized industrial and commercial hemp would aid crime and threaten society is not convincing. The evidence that legalized hemp would bring jobs, provide durable products and provide a versatile and abundant natural resource is overwhelming. Right now, we can legally do everything with hemp but grow it and this bill takes care of that. Vote 10-8.

Rep. Harold P. Melcher for the Minority of Environment and Agriculture: Because the varieties of Cannabis Sativa are so similar in appearance and qualities, making distinction between the drug and the industrial hemp difficult, and because growing marijuana would therefore be even easier to hide, the federal government, through the Drug Enforcement Agency, makes them both illegal. NH has no authority to be less restrictive than the DEA. Unless the United States of America makes marijuana legal, we have no business trying to pass this bill.

Reps. Flora, Boyce and Melcher spoke against.

Reps. Owen and Leishman spoke in favor and yielded to questions.

Rep. Robb-Theroux spoke in favor.

Rep. Robb-Theroux requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 164 NAYS 175**

**YEAS 164**

**BELKNAP**

Holbrook, Robert	Pilliod, James	Rice, Thomas, Jr.	Veazey, John
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**CARROLL**

Babson, David, Jr.	Dickinson, Howard, Jr.
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**CHESHIRE**

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	Meador, David	O'Connell, John	Pratt, Irene
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Vogl, John			

**COOS**

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Hawkinson, Marie
Mears, Edgar	Moynihan, Wayne		

**GRAFTON**

Almy, Susan	Below, Clifton	Copenhaver, Marion	Guest, Robert
Hill, Richard	Lovett, Sidney	Luker, Elsa	Mirski, Paul
Nordgren, Sharon			

**HILLSBOROUGH**

Ackerman, Philip	Alukonis, David	Baroody, Benjamin	Barry, William, III
Buckley, Raymond	Cardin, Lori	Chabot, Robert	Clemons, Jane
Cote, David	Cote, Peter	D'Allesandro, Lou	Daigle, Robert

Desrosiers, William  
Franks, Suzan  
Hart, Nick  
Lefebvre, Roland  
MacAuslan, Rita  
Messier, Irene  
Perkins, Paul  
Welch, Donald

Drabinowicz, A. Theresa  
Gagnon, Eugene  
Jean, Claudette  
Leishman, Peter  
Martin, Mary  
Morello, Michael  
Reidy, Frank  
White, Jay

Dyer, Merton  
Ginsburg, Ruth  
Johnson, Lionel  
Leonard, Peter  
McCarthy, William  
Murphy, Robert  
Turgeon, Roland  
Williams, Carol

Fields, Dennis  
Hall, Betty  
Kony, Christine  
Lynde, Harold  
McRae, Karen  
O'Rourke, Thomas  
Vaillancourt, Steve

### MERRIMACK

Burney, Carol  
Fraser, Marilyn  
Moore, Carol  
Rogers, Katherine  
Wallner, Mary Jane

Crosby, Toni  
French, Barbara  
Nichols, Avis  
Seldin, Gloria  
Whittemore, James

Daneault, Gabriel  
Gile, Mary  
Owen, Derek  
St. Cyr, Gerard  
Yeaton, Charles

Dunn, Miriam  
Lamach, Bernard  
Reardon, Tara  
Wallin, Jean

### ROCKINGHAM

Abbott, Dennis  
Camm, Kevin  
Cushing, Robert  
Gibbons, Paul  
Lovejoy, Marian  
Norelli, Terie  
Sabella, Norma  
Tufts, J. Arthur

Battles-Peirce, Marjorie  
Cegelis, Mark  
Dodge, Robert  
Heath, John  
Major, Norman  
Pantelakos, Laura  
Sapareto, Frank  
Weatherspoon, Jackie

Beaulieu, Jon  
Clark, Martha  
Fesh, Robert  
Katsakiores, Phyllis  
McKinney, Betsy  
Rabideau, Marie  
Schanda, Frank

Blanchard, MaryAnn  
Coes, Betsy  
Frechette, Joseph  
Kelley, Jane  
Morris, Debbie  
Rubin, George  
Stritch, C. Donald

### STRAFFORD

Bickford, David  
DeChane, Marlene  
Hemon, Roland  
Lundborn, Raymond  
Rollo, Michael  
Taylor, Kathleen  
Vincent, Francis

Brennan, William  
Dunlap, Patricia  
Heon, Richard  
McCann, William, Jr.  
Smith, Marjorie  
Tsiros, William  
Wall, Janet

Brown, George  
Estabrook, Iris  
Kaen, Naida  
Merritt, Deborah  
Snyder, Clair  
Twardus, Joseph

Brown, Julie  
Grassie, Anne  
Keans, Sandra  
Pelletier, Arthur  
Sullivan, Henry  
Vachon, Dennis

### SULLIVAN

Allison, David  
Lindblade, Eric

Cloutier, John  
Palmer, Lorraine

Donovan, Thomas  
Robb-Theroux, Amy

Kibbey, David  
Wiggins, Celestine

### NAYS 175

### BELKNAP

Boriso, Thomas  
Lafiam, Robert  
Salatiello, Thomas

Boyce, Robert  
Lawton, David  
Thomas, John

Calvert, Alice  
Lawton, Robert  
Turner, Robert

Hurt, George  
Rosen, Ralph

### CARROLL

Bradley, Jeb  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L. Randy  
Philbrick, Donald

Cooper, Kipp  
MacDonald, Kenneth

Howard, Godfrey  
Mock, Henry

### CHESHIRE

Hunt, John  
Smith, Edwin

McNamara, Wanda  
Steere, Myron, III

Metzger, Katherine

Royce, H. Charles

### COOS

Davis, Perley  
Tholl, John, Jr.

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph	Alger, John	Chase, Paul, Jr.	Eaton, Stephanie
Guaraldi, Lawrence	Hinman, Harry	LaMott, Paul	MacNeil, Allen
Phinney, William	Root, John	Teschner, Douglass	Trelfa, Richard
Williams, William, Jr.			

**HILLSBOROUGH**

Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter	Belvin, William
Bergin, Peter	Boutin, David	Briefs, Geoffrey	Brundige, Robert
Burke, M. Virginia	Calawa, Leon, Jr.	Carlson, Donald	Christiansen, Lars
Clegg, Robert, Jr.	Dokmo, Cynthia	Durham, Susan	Emerton, Lawrence, Sr.
Fenton, James	Flora, Kathleen	Foster, Joseph	Foster, Linda
Golding, William	Goulet, Maurice	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Hunter, Bruce	Jean, Loren	Kelley, Robert
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lessard, Rudy
Letendre, Evelyn	Lozeau, Donnalee	Luebker, Bernard	MacGillivray, Jeffrey
MacIntyre, Doris	Marcinkowski, Michael	McCarty, Winston	McDonald, James, Sr.
McGough, Tim	Melcher, Harold	Mercer, Robert	Mittelman, David
O'Hearn, Jane	Peterson, Andrew	Piteri, Dawn	Rowe, Robert
Sargent, Maxwell	Searles, Stanley, Sr.	Thulander, O. Alan	Wheeler, Robert
White, Donald	Wright, George		

**MERRIMACK**

Anderson, Eric	Brown, Mary	Chandler, Earle	Colburn, Thomas
Crowell, Peter	DeStefano, Stephen	Feuerstein, Martin	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Krueger, Patricia
Langer, Ray	Larabee, David	Lavoie, Gerard	Leber, William
Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy	Morrill, Olive
Pfaff, Terence	Whalley, Michael		

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Carson, Gregory	Case, Margaret
Cooney, Richard	Cote, Patricia	Dalrymple, Janeen	Dearborn, Bruce
Dowd, Sandra	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Felch, Charles, Sr.	Flanagan, Natalie	Flanders, John, Sr.	Francoeur, Sheila
Griffin, Mary	Guthrie, Joseph	Henderson, Warren	Hutchinson, Rebecca
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Malcolm, Kenneth	Mikowski, Walter	Millard, Ralph	Nowe, Ronald
Noyes, Richard	Packard, Sherman	Pitts, Jacqueline	Raynowska, Bernard
Simmons, John Anthony	Smith, Kevin	Stickney, Nancy	Stone, Joseph
Varrell, Thomas	Vaughn, Charles	Welch, David	Weyler, Kenneth

**STRAFFORD**

Berube, Roger	Callaghan, Frank	Cossette, Larry	Knowles, William
McKinley, Robert	Spears, Barbara	Torr, Ann	Torr, Franklin

**SULLIVAN**

Adler, Rudolf	Burling, Peter	Ferland, Brenda	Flint, Gordon
Leone, Richard	Schotanus, Merle		

and the majority report failed.  
Rep. Melcher moved Inexpedient to Legislate.  
Adopted.

**HB 204-FN-L**, granting responsibility for court security and custody and control of prisoners while in the courthouse to the county sheriff and providing for state reimbursement of the sheriff for the costs of such security services. **OUGHT TO PASS WITH AMENDMENT**



Rep. Stephen T. DeStefano for Finance: This bill provides that county sheriffs are responsible for the security of the state's district courts and the custody and control of defendants appearing in these courts. The sheriffs already have such responsibilities for the state's superior courts. The amendment provides that, subject to legislative appropriation, the state will continue to reimburse the counties at \$50 per diem for each sheriff's bailiff assigned to court security and beginning July 1, 1999, will increase the rate to \$65 for each full day and \$35 for each half day. Testimony by county and municipal officials indicates that this bill will offset an estimated annual cost of \$800,000 in current county and local expense. Specific to Manchester, local police officers will be freed up for city enforcement and an estimated \$168,000 in annual expense will be saved. The bill as amended will save the state general fund \$16,285 in FY 1999. Vote 13-3.

**Amendment (0571h)**

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

V. The legislature intends that counties will assume the financial responsibilities for court security and custody.

Amend RSA 104:31, XII as inserted by section 4 of the bill by replacing it with the following:

XII. The state shall reimburse the sheriff's office, within available funds appropriated by the legislature, \$65 for each full day and \$35 for each half day, plus traveling expenses to attend any official business, for any person employed as a bailiff by the sheriff's office. For the purpose of this paragraph, a half day shall be defined as a day in which a bailiff works 4 hours or less. The state shall reimburse the counties, within available funds appropriated by the legislature, for all costs associated with employing court bailiffs, if those costs are the result of job requirements imposed by federal and state governments.

Amend the bill by replacing all after section 8 with the following:

9 Court Security; Transfer of Funds. Amend 1997, 350:1 by replacing PAU 02, 01, 06 for fiscal year 1999 with the following:

- 02 Admin of justice & public prtn
  - 01 Judicial branch
    - 06 Court security

	<u>FY 1999</u>
10 Personal services - permanent	268,909
20 Current expenses	2,000
24 Maint. other than build. & grnds	9,500
30 Equipment new/replacement	7,000
50 Personal service -temp/appointe	314,327
60 Benefits	109,504
70 In-state travel	
92 Sheriff reimbursement	
93 Additional sheriff reimbursement	
49 Transfers to other state agencies	D * 2,219,925

\* The judicial branch shall make transfers sufficient to fully fund the provisions of RSA 104:31, XII and other court bailiff reimbursement.

Total	2,931,165
Estimated source of funds for	
Court security	
General Fund	2,931,165
Total	2,931,165
Total	49,624,450

10 Court Security; Reimbursement of Funds. Amend 1997, 350:1 by inserting in PAU 01, 04, 01, 06 the following new class line for fiscal year 1999:

- 93 Court bailiff reimbursement

\* This classline shall remain fully funded for the purpose of funding court bailiff reimbursement.

11 Totals Adjusted; Court Security Funds. Amend PAU 01, 04, 01, 06 as inserted by 1997, 350:1 by replacing the estimated source of funds and totals for fiscal year 1999 with the following:

Total	9,461,320
Estimated source of funds for Court facilities	
01 Transfers from other agencies	9,234,694
09 Agency income	226,626
Total	9,461,320

12 Effective Date.

I. Section 4 of this act shall take effect July 1, 1999.

II. The remainder of this act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill makes the county sheriffs, through their deputies and bailiffs, responsible for providing adequate security in all state courts, except the supreme court. The bill abolishes judicial employee positions, except for court security officer positions at the supreme court, and transfers funds for fiscal year 1999 for this purpose. The bill increases, as of July 1, 1999, the rate of state reimbursement, within available funds appropriated by the legislature, to sheriffs and counties for providing such security services.

Adopted.

Rep. DeStefano yielded to questions.

Report adopted and ordered to third reading.

Reps. Christie and Perkins declared conflicts of interest and did not participate.

**HB 587-FN**, relative to the system benefits charge. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill establishes a capped system benefits charge for energy efficiency programs, new renewable programs and programs for low-income customers as part of the electric deregulation process. The amendment caps the low-income program at 1.5 mills until June 30, 2003, when the legislature will have to reinstate the authority of the PUC to impose such a charge. The low-income program will generate approximately \$13.2 million from rate payers and the committee felt that the program should be reviewed to make sure that the low-income charge was accomplishing what we intended it to do. Vote 11-4.

#### Amendment (0581h)

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

IV. The establishment of the limitations set forth in this act are not intended to set any precedent or to prejudice what, if any limits should be placed on the system benefits charge beyond the initial years of competition.

Amend RSA 374-F:4, VIII as inserted by section 2 of the bill by replacing it with the following:

VIII.(a) The commission is authorized to order such charges and other service provisions and to take such other actions that are necessary to implement restructuring and that are substantially consistent with the principles established in this chapter. The commission is authorized to require that distribution and electricity supply services be provided by separate affiliates.

(b) *The system benefits charge referred to in RSA 374-F:3, VI shall be limited as follows:*

(1) *During the first year after competition is certified to exist pursuant to RSA 38:36, the portion of the system benefits charge due to energy efficiency programs, new renewable programs, and programs for low income customers shall not exceed 2.5 mills per kilowatt hour for any utility whose rates are at or above regional average as determined by the commission.*

(2) *During the second year after competition is certified to exist pursuant to RSA 38:36, the portion of the system benefits charge due to energy efficiency programs, new renewable programs, and programs for low income customers shall not exceed 3 mills per kilowatt hour for any utility whose rates are at or above regional average as determined by the commission.*

(c) *The portion of the system benefits charge due to programs for low income customers shall not exceed 1.5 mills per kilowatt hour. The authority of the commission to impose such a charge shall terminate on June 30, 2003.*

(d) *The limitations of the system benefits charge in subparagraph (b) shall not apply to any member controlled electric cooperative.*

*(e) Targeted conservation and load management programs and incentives that are part of a strategy to minimize distribution costs shall be included in the distribution charge, and not included in a system benefits charge.*

*(f) Beginning in 1999, the commission shall submit a report to the legislative oversight committee on electric utility restructuring by October 1 of each year. The report shall concern the results and effectiveness of the system benefits charge.*

#### AMENDED ANALYSIS

This bill establishes limits on the amount of system benefits charge that may be assessed during the initial years of retail electric competition and prohibits the use of the charge for programs for low income customers after July 1, 2003. This bill also requires the public utilities commission to submit an annual report on the systems benefit charge.

Adopted.

Report adopted and ordered to third reading.

#### **HB 651-FN-L**, relative to electric rate reduction financing. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill authorizes the Public Utilities Commission to use securitization, a kind of ratepayers' guarantee, to buy down a maximum of six wood-to-energy plant rate orders. The cost of these PUC-approved rate orders are already in today's electric rates. The rate orders were approved pursuant to state and federal laws that mandated the purchase of electricity from independent producers. With securitization, PSNH ratepayers will save about \$60 million on the one PUC-approved rate order buydown, and if the other five are authorized by the PUC, the total present value savings to PSNH ratepayers would be almost \$160 million. In the absence of this legislation, the rate order buydowns cannot be completed and ratepayer savings will be lost. Customers will continue to pay the higher costs of wood-to-energy power in today's rates. The securitization authorized in this bill applies only to the six proposed wood-to-energy plant buydowns. Any further use of this financing technique must be approved in subsequent legislation. The Committee amendment makes clear that securitization shall not constitute a pledge of the full faith and credit of the state or its political subdivisions. The Committee amendment also makes clear that the PUC shall hold an evidentiary public hearing before proceeding with any securitization. Vote 18-2.

#### Amendment (0459h)

Amend RSA 369-A:3, I as inserted by section 1 of the bill by replacing it with the following:

I. The commission is authorized, after conducting a public evidentiary hearing in conformance with due process standards, to issue one or more finance orders pursuant to which rate reduction bonds shall be issued, if the commission finds that the issuance of such finance order or finance orders is consistent with the public good and will result in significant net savings for ratepayers.

Amend RSA 369-A:3 as inserted by section 1 of the bill by inserting after paragraph VI the following new paragraph:

VII. Rate reduction bonds issued pursuant to finance orders adopted by the commission under the provisions of this chapter shall not constitute a debt or liability of the state or of any political subdivision thereof, other than the financing entity, and shall not constitute a pledge of the full faith and credit of the state or any of its political subdivisions, other than the financing entity, but shall be payable solely from the funds provided therefor pursuant to the provisions of this chapter.

Adopted.

Report adopted and ordered to third reading.

Reps. Crowell and Joseph Foster declared conflicts of interest and did not participate.

#### **HB 707-L**, relative to municipal taxation of telecommunications poles and conduits. OUGHT TO PASS

Rep. Charles L. Vaughn for Finance: RSA 72:8 is the statute that allows municipalities to tax fixtures of all kinds and descriptions that belong to electric and gas companies. Almost 100 years old, the law's taxing provisions are a significant part of some communities' tax base. Electric companies are challenging the fairness of the law and seeking tax abatements from municipalities because their property is taxed but not the utility property which belongs to telephone companies. This bill removes this risk by eliminating inconsistencies in the law and permits municipalities to tax all poles and



conduits regardless of ownership. Studied for over a year, amended to protect municipalities, the bill was passed by the House on a voice vote and sent to the Finance Committee. The Finance Committee voted to ensure the protection of municipalities to tax all poles and conduits ignoring ownership. The Committee recognizes that this bill adds a burden on certain telecommunications service providers, upsetting the tax equity plan worked out by the legislature in 1990. Vote 19-0.

Adopted and ordered to third reading.

Rep. Joseph Foster declared a conflict of interest and did not participate.

**HB 1403-FN-A**, increasing the personal needs allowance of nursing home residents and certain other residents and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. William S. Belvin for Finance: The bill raises the amount of personal allowance of Medicare nursing home residents from \$40 to \$60 per month. However, it excludes those Medicare persons who are in residential care facilities from the increase. Because of this inequity the Department of Health and Human Services (HHS) opposed the bill as drafted. The committee is supportive of an increased allowance as is HHS, but such an increase needs to be crafted within the context of total state reimbursement to both nursing homes and residential care facilities to not jeopardize their limited and regulated revenues, and on an equitable basis for all residents. The bill would require increased general fund expenditures of \$459,203 and increased county expenditures of \$604,117. These issues can best be dealt with in the next budget. Vote 13-6.

Adopted.

**HB 1581-FN-A-L**, relative to the payment of school building aid. **INEXPEDIENT TO LEGISLATE**

Rep. O. Alan Thulander for Finance: This bill deals with school building aid. A joint legislative committee was formed last session to address the myriad of issues affecting this program. The Committee expects that current legislation extending the reporting date to November 1, 1998 will be enacted. The Finance Committee feels that in view of the uncertain status of the Claremont II solution it is appropriate to await the report of the joint legislative committee. Vote 16-2.

Adopted.

### SPECIAL ORDER

Rep. Emerton moved that **HB 1117**, repealing the needle exchange program, be made a Special Order for the first order of business after the lunch recess.

Adopted.

### REGULAR CALENDAR (CONT'D.)

**HB 1407**, clarifying the unlawful practice of medicine. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alice Z. Calvert for Health, Human Services and Elderly Affairs: This bill will clarify those who can use the title "physician". RSA 329 is the medical practice act which licenses people who are graduates of accredited medical schools. Other professional groups, i.e. chiropractors, dentists, naturopaths, ARNPs, veterinarians, have title by statute. "Physician" is referred to in over 100 RSAs in New Hampshire, thus the need to clarify titles. Vote 11-7.

#### Amendment (0364h)

Amend RSA 329:24 as inserted by section 1 of the bill by replacing it with the following:

329:24 Unlawful Practice. Whoever, not being licensed or otherwise authorized according to the law of this state, shall advertise oneself as practicing medicine, or shall practice medicine, according to the meaning of RSA 329, or in any way hold oneself out as qualified so to do, *or call oneself, or allow oneself to be called a "physician" or "surgeon" or use any physician's insignia*, or whoever does any such acts after receiving notice that such person's license has been revoked, shall be guilty of a misdemeanor for the first offense; and for any subsequent offense, the person shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

Adopted.

Report adopted and ordered to third reading.

**HB 1563**, prohibiting physicians from prescribing or administering cannabis-type drugs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alphonse A. Haettenschwiler for Health, Human Services and Elderly Affairs: The amendment to this legislation changed the bill from an outright repeal of Section RSA 318-B:10, VI

permitting physicians to use cannabis-type drugs for certain treatments to deleting a phrase which restricted this treatment only to cancer patients. All involved, including the sponsor, agreed this change was appropriate. Vote 18-0.

Rep. Emerton moved Re-commit to Committee and spoke in favor.

Adopted.

**CACR 31**, relating to the rulemaking authority of the supreme court. Providing that supreme court rules are effective only when not inconsistent with statute. OUGHT TO PASS

Rep. Alf E. Jacobson for Judiciary and Family Law: CACR 31 addresses the most controversial amendment adopted by the people in many years from the perspective that people may have misunderstood its impact. An earlier effort was made by the Constitutional Convention of 1984 to add five words that were similar to the eight words now added at the end of Part II, Article 73-a by this CACR. The 1984 effort failed by a vote of 130 to 189; still the controversy boils. To give another chance to the people to affirm the earlier 1978 amendment or change the constitution seems an appropriate and reasonable way to bring resolution to a long standing controversy. Vote 10-6.

Rep. Pfaff moved Re-commit to Committee and spoke in favor.

Adopted.

**CACR 32**, relating to amending the New Hampshire constitution to provide that registers of probate be appointed instead of elected. Providing that registers of probate shall be appointed instead of elected. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Susan J. Clay for the Majority of Judiciary and Family Law: The committee supports changing the constitution to provide for the appointment of registers of probate. Registers of probate are the clerks of the probate court and are the only elected officials in the entire judicial branch. They handle complex administrative functions and procedures for the probate courts in each county. The Fairbanks case clearly demonstrated that election of people who are entrusted with purely administrative tasks does not necessarily yield desirable outcomes. The committee believes that it would provide more uniformity and accountability to have the registers appointed in the same manner as the clerks of court. Representatives of the court have testified that current registers would be grandfathered in. Vote 14-6.

Rep. Paul M. Mirski for the Minority of Judiciary and Family Law: There is no practical reason to change the present system of electing registers of probate. The performance of elected registers of probate has, in general, been more than acceptable. The procedure of electing registers of probate insures regular and reoccurring opportunity to review performance and to reject those individuals who have failed to perform their duties properly. Proponents of appointing registers of probate would place the position under the thumb of a judge of probate who is a lifetime appointee. Passage of this CACR would pull a curtain around the activities of the register's office to the disadvantage of the general public's right to know.

Rep. Desrosiers spoke against.

Rep. McCann spoke against and yielded to questions.

Rep. Keans spoke in favor and yielded to questions.

On a division vote, 151 members having voted in the affirmative and 183 in the negative, the majority report failed, lacking the Constitutionally required three-fifths.

Rep. McCann moved Ought to Pass with Amendment and offered a floor amendment.

#### Floor Amendment (0738h)

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

RELATING TO: requiring the election of probate judges every 2 years.

PROVIDING THAT: beginning in 1999, probate judges shall be elected every 2 years.

Amend the resolution by replacing all after the resolving clause with the following:

I. That article 80 of the second part of the constitution be amended to read as follows:

[Art.] 80. [Jurisdiction and Term of Probate Courts; *Election of Probate Judges.*] All matters relating to the probate of wills, and granting letters of administration, shall be exercised by the judges of probate, in such manner as the legislature have directed, or may hereafter direct: And the judges of probate shall hold their courts at such place or places, on such fixed days, as the convenience of the people may require; and the legislature from time to time appoint. *Beginning in 1999, and every 2 years thereafter, probate judges shall be elected by the inhabitants of the several towns in the several counties in the state, according to the method now practiced, and the laws of the state.*

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 1998.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 1998 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 1998 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:  
Are you in favor of amending the Constitution to provide that *beginning in 1999, and every 2 years thereafter, probate judges shall be elected by the citizens of this state according to the method now practiced?*

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. 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. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 1998 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

#### AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that, beginning in 1999, probate judges shall be elected every 2 years.

Rep. McCann spoke in favor.

Rep. Pfaff spoke against and yielded to questions.

The floor amendment failed.

On a division vote, 87 members having voted in the affirmative and 249 in the negative, Ought to Pass failed.

Rep. Pfaff moved Inexpedient to Legislate.

Adopted.

#### RECESS

#### (Speaker Sytek in the Chair)

Rep. Mirski requested a quorum count. The Speaker declared a quorum present.

#### SPECIAL ORDER

**HB 1117-L**, repealing the needle exchange program. **INEXPEDIENT TO LEGISLATE**

Rep. Alphonse A. Haettenschwiller for Health, Human Services and Elderly Affairs: The majority of the committee felt that repeal of the needle exchange legislation was not appropriate at this time, since it was only passed last year and took effect on January 1, 1998. Vote 13-3.

Rep. Frances Riley spoke against.

Rep. Emerton spoke in favor.

Rep. Frances Riley requested a roll call; sufficiently seconded.

The question being the adoption of the report.

#### YEAS 211 NAYS 127

#### YEAS 211

#### BELKNAP

Calvert, Alice  
Turner, Robert

Lawton, Robert

Pilliod, James

Salatiello, Thomas

#### CARROLL

Bradley, Jeb

Cooper, Kipp

Mock, Henry

Philbrick, Donald



**CHESHIRE**

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	Meader, David	O'Connell, John	Pratt, Irene
Pratt, John	Richardson, Barbara	Robertson, Timothy	Royce, H. Charles
Vogl, John			

**COOS**

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Mears, Edgar	Merrill, Gerald	Moynihan, Wayne	Pratt, Leighton

**GRAFTON**

Akins, Ralph	Almy, Susan	Below, Clifton	Copenhaver, Marion
Eaton, Stephanie	Guaraldi, Lawrence	Guest, Robert	Ham, Bonnie
Hill, Richard	LaMott, Paul	Lovett, Sidney	Luker, Elsa
MacNeil, Allen	Nordgren, Sharon	Trelfa, Richard	

**HILLSBOROUGH**

Ackerman, Philip	Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.
Baroody, Benjamin	Barry, William, III	Bergin, Peter	Bernier, Shannon
Briefs, Geoffrey	Buckley, Raymond	Calawa, Leon, Jr.	Cardin, Lori
Clemons, Jane	Cote, David	Cote, Peter	D'Allesandro, Lou
Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan
Dyer, Merton	Emerton, Lawrence, Sr.	Fields, Dennis	Foster, Joseph
Foster, Linda	Franks, Suzan	Gagnon, Eugene	Ginsburg, Ruth
Hall, Betty	Hart, Nick	Herman, Keith	Jean, Claudette
Kelley, Robert	Konys, Christine	Kurk, Neal	LaRose, Richard
Lefebvre, Roland	Leishman, Peter	Leonard, Peter	Lozeau, Donnalee
MacAuslan, Rita	MacIntyre, Doris	Martin, Mary	McCarthy, William
McRae, Karen	Mercer, Robert	Messier, Irene	Morello, Michael
Murphy, Robert	O'Hearn, Jane	O'Rourke, Thomas	Perkins, Paul
Reidy, Frank	Rowe, Robert	Sargent, Maxwell	Vaillancourt, Steve
Welch, Donald	Wheeler, Robert	White, Jay	Williams, Carol

**MERRIMACK**

Burney, Carol	Chandler, Earle	Crosby, Toni	Daneault, Gabriel
DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Hess, David
Jacobson, Alf	Lamach, Bernard	Lockwood, Robert	Moore, Carol
Owen, Derek	Reardon, Tara	Rogers, Katherine	Seldin, Gloria
St. Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane	Whittemore, James
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Blanchard, MaryAnn	Case, Margaret
Cegelis, Mark	Christie, Andrew, Jr.	Clark, Martha	Coes, Betsy
Cushing, Robert	Dalrymple, Janeen	Dowling, Patricia	Francoeur, Sheila
Frechette, Joseph	Henderson, Warren	Hutchinson, Rebecca	Katsakiores, Phyllis
Kelley, Jane	Langley, Jane	Langone, John	Lovejoy, Marian
Major, Norman	Malcolm, Kenneth	McKinney, Betsy	Norelli, Terie
Nowe, Ronald	O'Keefe, Patricia	Pitts, Jacqueline	Rabideau, Marie
Raynowska, Bernard	Rubin, George	Sabella, Norma	Sapareto, Frank
Schanda, Frank	Tufts, J. Arthur	Vaughn, Charles	Weatherspoon, Jackie

**STRAFFORD**

Brennan, William	Brown, George	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Grassie, Anne	Hemon, Roland	Heon, Richard

Kaen, Naida  
 McCann, William, Jr.  
 Pelletier, Marsha  
 Snyder, Clair  
 Torr, Ann  
 Wall, Janet

Keans, Sandra  
 Merritt, Deborah  
 Rogers, Rose Marie  
 Spear, Barbara  
 Torr, Franklin

Knowles, William  
 Musler, George  
 Rollo, Michael  
 Sullivan, Henry  
 Vachon, Dennis

Lundborn, Raymond  
 Pelletier, Arthur  
 Smith, Marjorie  
 Taylor, Kathleen  
 Vincent, Francis

### SULLIVAN

Allison, David  
 Ferland, Brenda  
 Palmer, Lorraine

Burling, Peter  
 Flint, Gordon  
 Robb-Theroux, Amy

Cloutier, John  
 Kibbey, David  
 Schotanus, Merle

Donovan, Thomas  
 Leone, Richard  
 Wiggins, Celestine

### NAYS 127

### BELKNAP

Boyce, Robert  
 Laffam, Robert  
 Thomas, John

Clark, Charles  
 Lawton, David  
 Veazey, John

Holbrook, Robert  
 Rice, Thomas, Jr.

Hurt, George  
 Rosen, Ralph

### CARROLL

Babson, David, Jr.  
 Lyman, L. Randy

Dickinson, Howard, Jr.  
 MacDonald, Kenneth

Howard, Godfrey  
 Patten, Betsey

Kenney, Joseph

### CHESHIRE

McNamara, Wanda

Metzger, Katherine

Smith, Edwin

Steere, Myron, III

### COOS

Horton, Lynn

St. Hilaire, Paul

Tholl, John, Jr.

### GRAFTON

Alger, John  
 Phinney, William

Chase, Paul, Jr.  
 Williams, William, Jr.

Hinman, Harry

Mirski, Paul

### HILLSBOROUGH

Batula, Peter  
 Burke, M. Virginia  
 Clegg, Robert, Jr.  
 Golding, William  
 Jean, Loren  
 Luebker, Bernard  
 McDonald, James, Sr.  
 Murch, George  
 Searles, Stanley, Sr.  
 Wright, George

Belvin, William  
 Carlson, Donald  
 Desrosiers, William  
 Goulet, Maurice  
 Johnson, Lionel  
 MacGillivray, Jeffrey  
 McGough, Tim  
 Peterson, Andrew  
 Thulander, O. Alan

Boutin, David  
 Chabot, Robert  
 Fenton, James  
 Holley, Sylvia  
 L'Heureux, Robert  
 Marcinkowski, Michael  
 Melcher, Harold  
 Piteri, Dawn  
 Turgeon, Roland

Brundige, Robert  
 Christiansen, Lars  
 Flora, Kathleen  
 Hunter, Bruce  
 Lessard, Rudy  
 McCarty, Winston  
 Mittelman, David  
 Riley, Frances  
 White, Donald

### MERRIMACK

Anderson, Eric  
 Hoadley, Elizabeth  
 Lavoie, Gerard  
 Morrill, Olive

Brown, Mary  
 Krueger, Patricia  
 Leber, William  
 Nichols, Avis

Colburn, Thomas  
 Langer, Ray  
 Marshall, Kenneth  
 Pfaff, Terence

Crowell, Peter  
 Larrabee, David  
 Maxfield, Roy  
 Whalley, Michael

### ROCKINGHAM

Arndt, Janet  
 Cooney, Richard  
 Dowd, Sandra  
 Flanagan, Natalie  
 Guthrie, Joseph

Belanger, Ronald  
 Cote, Patricia  
 Downing, Michael  
 Flanders, John, Sr.  
 Heath, John

Camm, Kevin  
 Dearborn, Bruce  
 Dunham, Vivian  
 Gibbons, Paul  
 Klemm, Arthur, Jr.

Carson, Gregory  
 Dodge, Robert  
 Fesh, Robert  
 Griffin, Mary  
 Kobel, Rudolph

Letourneau, Robert  
 Morris, Debbie  
 Smith, Kevin  
 Varrell, Thomas

Mikowski, Walter  
 Packard, Sherman  
 Stickney, Nancy  
 Verani, Giovanni

Millard, Ralph  
 Reardon, Neil  
 Stone, Joseph  
 Welch, David

Moore, Benjamin  
 Simmons, John Anthony  
 Stritch, C. Donald  
 Weyler, Kenneth

### STRAFFORD

Bickford, David  
 Tsiros, William

Callaghan, Frank  
 Twardus, Joseph

Cossette, Larry

McKinley, Robert

### SULLIVAN

Adler, Rudolf

Lindblade, Eric

and the report was adopted.

### REGULAR CALENDAR (CONT'D.)

**CACR 37**, relating to administration of the courts. Providing that there shall be an independent administrative office of the courts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Marjorie K. Smith for the Majority of Judiciary and Family Law: This CACR would transfer from the judicial to the legislative branch the power to manage the judiciary. The committee acknowledges the delicate balance that must be maintained among the three separate branches and concludes that the judiciary must have the right to manage the judiciary. The committee also notes that membership on both the Professional Conduct Committee and the Judicial Conduct Committee includes non-lawyers and that recent changes in law have eased secrecy requirements that limited public access to information about the operation of the judiciary. Vote 15-3.

Rep. Paul M. Mirski for the Minority of Judiciary and Family Law: The administrative obligation imposed upon the justices of the New Hampshire Supreme Court on the adoption of Article 73-A of New Hampshire's Constitution, adopted in the interest of streamlining the operation of the state court system, has created a plethora of conflicting interests within the state's judicial system beginning with the justices of the supreme court themselves. Fundamentally, the justices of the supreme court are obligated to administrate the activities of the minions below them, and then impartially adjudicate the affairs of those same individuals. The constitutional requirement for impartiality, under the present arrangement, is impossible to achieve. The constitutional conflicts caused by the present structure needs to be resolved. Creating an independent administrative office of the courts would free the justices from conflicts of interest and resolve the present constitutional problem which exists.

Rep. Mirski spoke against.

Rep. Marjorie Smith spoke in favor.

Majority report adopted.

**HB 1268**, prohibiting an attorney who is a director of a bank from holding client trust accounts in such bank without the permission of the client and the probate court. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Terence R. Pfaff for the Majority of Judiciary and Family Law: The majority of the committee did not see the need for a automatic conflict of interest presumption. Vote 12-5.

Rep. Paul M. Mirski for the Minority of Judiciary and Family Law: This bill simply seeks to remove the conflict of interest which exists when a bank director, acting on behalf of stockholders, can potentially violate the interest of those individuals who he represents as fiduciaries when those individuals' trust accounts are held in the same bank.

Majority report adopted.

### SPECIAL ORDERS

**HB 1587-FN**, creating the woman's right to know law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Andrew R. Peterson for the Majority of Judiciary and Family Law: The majority of the committee found this bill to have implications which go well beyond the stated intent of its sponsors. We questioned if, as a practical matter, it would be possible for a doctor to perform an abortion in



New Hampshire should this bill become law, as it so greatly expands liability for those performing this constitutionally protected procedure. The bill states, among other things, that a pre-abortion interview and consultation should be videotaped and shifts the standard of proof in a resulting dispute to place the preponderance of the burden on the physician as defendant. This bill, which the majority believes to be poorly drafted and conceived, will likely lead to unnecessary litigation and constitutional challenges if passed into law. Vote 13-2.

Rep. Thomas M. Colburn for the Minority of Judiciary and Family Law: It is inconceivable to the minority of the committee why any person, pro-choice or pro-life, would object to requiring that a pregnant woman be fully informed of all her options with respect to her pregnancy.

Rep. Mary Brown spoke against.

Rep. Peterson spoke in favor.

Rep. Mary Brown requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 271 NAYS 73

### YEAS 271

#### BELKNAP

Calvert, Alice  
Pilliod, James

Holbrook, Robert  
Salatiello, Thomas

Lawton, David  
Thomas, John

Lawton, Robert  
Turner, Robert

#### CARROLL

Babson, David, Jr.  
Lyman, L. Randy

Chandler, Gene  
MacDonald, Kenneth

Cooper, Kipp  
Patten, Betsey

Dickinson, Howard, Jr.  
Philbrick, Donald

#### CHESHIRE

Avery, Stephen  
Doucette, Richard  
McGuirk, Paul  
O'Connell, John  
Riley, William  
Vogl, John

Bonneau, Sarah  
Hunt, John  
McNamara, Wanda  
Pratt, Irene  
Robertson, Timothy

Burnham, Daniel  
Lynch, Margaret  
Meader, David  
Pratt, John  
Royce, H. Charles

DePecol, Benjamin  
Lynott, Margaret  
Metzger, Katherine  
Richardson, Barbara  
Smith, Edwin

#### COOS

Bradley, Paula  
Hawkinson, Marie  
Moynihan, Wayne

Coulombe, Henry  
Horton, Lynn  
Pratt, Leighton

Coulombe, Yvonne  
Mears, Edgar  
Tholl, John, Jr.

Davis, Perley  
Merrill, Gerald

#### GRAFTON

Akins, Ralph  
Chase, Paul, Jr.  
Ham, Bonnie  
Lovett, Sidney  
Teschner, Douglass

Alger, John  
Copenhaver, Marion  
Hill, Richard  
Luker, Elsa  
Trelfa, Richard

Almy, Susan  
Eaton, Stephanie  
Hinman, Harry  
Nordgren, Sharon  
Williams, William, Jr.

Below, Clifton  
Guest, Robert  
LaMott, Paul  
Phinney, William

#### HILLSBOROUGH

Ackerman, Philip  
Baroody, Benjamin  
Buckley, Raymond  
Chabot, Robert  
D'Allesandro, Lou  
Dyer, Merton  
Foster, Joseph  
Ginsburg, Ruth  
Herman, Keith  
Kelley, Robert

Allen, W. Gordon  
Barry, William, III  
Calawa, Leon, Jr.  
Clemons, Jane  
Daigle, Robert  
Emerton, Lawrence, Sr.  
Foster, Linda  
Golding, William  
Hunter, Bruce  
Konys, Christine

Alukonis, David  
Belvin, William  
Cardin, Lori  
Cote, David  
Dokmo, Cynthia  
Fields, Dennis  
Franks, Suzan  
Hall, Betty  
Jean, Claudette  
Kurk, Neal

Amidon, Eleanor  
Briefs, Geoffrey  
Carlson, Donald  
Cote, Peter  
Durham, Susan  
Flora, Kathleen  
Gagnon, Eugene  
Hart, Nick  
Johnson, Lionel  
Leishman, Peter

Leonard, Peter  
MacGillivray, Jeffrey  
McCarty, Winston  
Messier, Irene  
O'Hearn, Jane  
Piteri, Dawn  
Searles, Stanley, Sr.  
Welch, Donald

Lozeau, Donnalee  
MacIntyre, Doris  
McRae, Karen  
Mittelman, David  
O'Rourke, Thomas  
Reidy, Frank  
Thulander, O. Alan  
Wheeler, Robert

Lynde, Harold  
Marcinkowski, Michael  
Melcher, Harold  
Morello, Michael  
Perkins, Paul  
Rowe, Robert  
Turgeon, Roland  
White, Jay

MacAuslan, Rita  
McCarthy, William  
Mercer, Robert  
Murphy, Robert  
Peterson, Andrew  
Sargent, Maxwell  
Vaillancourt, Steve  
Williams, Carol

### MERRIMACK

Anderson, Eric  
Crowell, Peter  
Fraser, Marilyn  
Hess, David  
Langer, Ray  
Moore, Carol  
Pfaff, Terence  
Wallin, Jean  
Yeaton, Charles

Burney, Carol  
DeStefano, Stephen  
French, Barbara  
Hoadley, Elizabeth  
Lockwood, Robert  
Morrill, Olive  
Reardon, Tara  
Wallner, Mary Jane

Chandler, Earle  
Dunn, Miriam  
Gile, Mary  
Jacobson, Alf  
Marshall, Kenneth  
Nichols, Avis  
Rogers, Katherine  
Whalley, Michael

Crosby, Toni  
Feuerstein, Martin  
Hager, Elizabeth  
Lamach, Bernard  
Maxfield, Roy  
Owen, Derek  
Seldin, Gloria  
Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
Camm, Kevin  
Clark, Martha  
Cushing, Robert  
Downing, Michael  
Francoeur, Sheila  
Heath, John  
Kelley, Jane  
Langone, John  
McKinney, Betsy  
O'Keefe, Patricia  
Reardon, Neil  
Tufts, J. Arthur  
Weyler, Kenneth

Beaulieu, Jon  
Case, Margaret  
Coes, Betsy  
Dalrymple, Janeen  
Dunham, Vivian  
Frechette, Joseph  
Henderson, Warren  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
Norelli, Terie  
Pitts, Jacqueline  
Sabella, Norma  
Vaughn, Charles

Belanger, Ronald  
Cegelis, Mark  
Cooney, Richard  
Dearborn, Bruce  
Flanders, David  
Gibbons, Paul  
Hutchinson, Rebecca  
Kobel, Rudolph  
Major, Norman  
Nowe, Ronald  
Rabideau, Marie  
Schanda, Frank  
Verani, Giovanni

Blanchard, MaryAnn  
Christie, Andrew, Jr.  
Cote, Patricia  
Dowling, Patricia  
Flanders, John, Sr.  
Guthrie, Joseph  
Katsakiores, Phyllis  
Langley, Jane  
Malcolm, Kenneth  
Noyes, Richard  
Raynowska, Bernard  
Stone, Joseph  
Weatherspoon, Jackie

### STRAFFORD

Berube, Roger  
Brown, Julie  
Estabrook, Iris  
Kaen, Naida  
McCann, William, Jr.  
Pelletier, Marsha  
Snyder, Clair  
Torr, Franklin  
Wall, Janet

Bickford, David  
Cossette, Larry  
Grassie, Anne  
Keans, Sandra  
Merritt, Deborah  
Rogers, Rose Marie  
Sullivan, Henry  
Tsiros, William

Brennan, William  
DeChane, Marlene  
Hemon, Roland  
Knowles, William  
Musler, George  
Rollo, Michael  
Taylor, Kathleen  
Vachon, Dennis

Brown, George  
Dunlap, Patricia  
Heon, Richard  
Lundborn, Raymond  
Pelletier, Arthur  
Smith, Marjorie  
Torr, Ann  
Vincent, Francis

### SULLIVAN

Adler, Rudolf  
Ferland, Brenda  
Lindblade, Eric  
Wiggins, Celestine

Allison, David  
Flint, Gordon  
Palmer, Lorraine

Burling, Peter  
Kibbey, David  
Robb-Theroux, Amy

Cloutier, John  
Leone, Richard  
Schotanus, Merle

### NAYS 73

### BELKNAP

Boriso, Thomas  
Lafiam, Robert

Boyce, Robert  
Rice, Thomas, Jr.

Clark, Charles  
Rosen, Ralph

Hurt, George  
Veazey, John

**CARROLL**

Bradley, Jeb	Howard, Godfrey	Kenney, Joseph	Mock, Henry
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**CHESHIRE**

Manning, Joseph	Steere, Myron, III
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**COOS**

St. Hilaire, Paul
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**GRAFTON**

Guaraldi, Lawrence	Mirski, Paul
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**HILLSBOROUGH**

Arnold, Thomas, Jr.	Batula, Peter	Boutin, David	Brundige, Robert
Burke, M. Virginia	Christiansen, Lars	Clegg, Robert, Jr.	Desrosiers, William
Drabinowicz, A. Theresa	Fenton, James	Goulet, Maurice	Holley, Sylvia
Jean, Loren	L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland
Lessard, Rudy	Luebker, Bernard	Martin, Mary	McDonald, James, Sr.
McGough, Tim	Murch, George	White, Donald	Wright, George

**MERRIMACK**

Brown, Mary	Colburn, Thomas	Daneault, Gabriel	Krueger, Patricia
Larrabee, David	Lavoie, Gerard	Leber, William	St. Cyr, Gerard

**ROCKINGHAM**

Arndt, Janet	Carson, Gregory	Dodge, Robert	Dowd, Sandra
Fesh, Robert	Flanagan, Natalie	Letourneau, Robert	Mikowski, Walter
Millard, Ralph	Moore, Benjamin	Morris, Debbie	Packard, Sherman
Sapareto, Frank	Simmons, John Anthony	Smith, Kevin	Stickney, Nancy
Stritch, C. Donald	Varrell, Thomas	Welch, David	

**STRAFFORD**

Callaghan, Frank	McKinley, Robert	Spear, Barbara	Twardus, Joseph
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**SULLIVAN**

Donovan, Thomas
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and the majority report was adopted.

Reps. Bergin and Griffin did note vote and wished to be recorded in favor.

**HB 1342**, allowing members of the house of representatives and senate to take courses at no cost, and for no credit at any state institution of higher education. **INEXPEDIENT TO LEGISLATE** Rep. Robert L. Wheeler for Legislative Administration: This bill would allow members of the House and Senate to take courses at no cost and for no credit at state institutions of higher education. At a time when the costs of higher education are rapidly increasing and available scholarship and loan funds are not keeping pace, it did not seem fair to allow legislators to take the same courses at no cost. For that reason, the committee recommended that this bill be found inexpedient to legislate. Vote 12-1.

Rep. Burke spoke against and yielded to questions.

Rep. Wheeler spoke in favor and yielded to questions.

Rep. MacGillivray requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 231 NAYS 113**

**YEAS 231**

**BELKNAP**

Boriso, Thomas	Calvert, Alice	Holbrook, Robert	Hurt, George
Lawton, David	Lawton, Robert	Pilliod, James	Salatiello, Thomas
Thomas, John	Turner, Robert	Veazey, John	



**CARROLL**

Babson, David, Jr.  
Howard, Godfrey  
Mock, Henry

Bradley, Jeb  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L. Randy  
Philbrick, Donald

Dickinson, Howard, Jr.  
MacDonald, Kenneth

**CHESHIRE**

Avery, Stephen  
Hunt, John  
McNamara, Wanda  
Richardson, Barbara  
Smith, Edwin

Bonneau, Sarah  
Lynch, Margaret  
Metzger, Katherine  
Riley, William  
Steere, Myron, III

DePecol, Benjamin  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy  
Vogl, John

Doucette, Richard  
McGuirk, Paul  
Pratt, John  
Royce, H. Charles

**COOS**

Bradley, Paula  
Horton, Lynn

Coulombe, Yvonne  
Merrill, Gerald

Davis, Perley  
Pratt, Leighton

Hawkinson, Marie  
Tholl, John, Jr.

**GRAFTON**

Akins, Ralph  
Chase, Paul, Jr.  
Hill, Richard  
Teschner, Douglass

Alger, John  
Copenhaver, Marion  
Hinman, Harry  
Trelfa, Richard

Almy, Susan  
Eaton, Stephanie  
LaMott, Paul  
Williams, William, Jr.

Below, Clifton  
Guest, Robert  
Nordgren, Sharon

**HILLSBOROUGH**

Alukonis, David  
Bergin, Peter  
Cardin, Lori  
Desrosiers, William  
Emerton, Lawrence, Sr.  
Franks, Suzan  
Goulet, Maurice  
Holley, Sylvia  
Kelley, Robert  
Lozeau, Donnalee  
MacIntyre, Doris  
McGough, Tim  
Morello, Michael  
Piteri, Dawn  
Searles, Stanley, Sr.  
Wright, George

Arnold, Thomas, Jr.  
Briefs, Geoffrey  
Chabot, Robert  
Dokmo, Cynthia  
Fields, Dennis  
Gagnon, Eugene  
Hall, Betty  
Hunter, Bruce  
Kurk, Neal  
Lynde, Harold  
Marcinkowski, Michael  
Melcher, Harold  
Murphy, Robert  
Reidy, Frank  
Thulander, O. Alan

Batula, Peter  
Brundige, Robert  
Cote, David  
Durham, Susan  
Flora, Kathleen  
Ginsburg, Ruth  
Hart, Nick  
Jean, Claudette  
LaRose, Richard  
MacAuslan, Rita  
McCarty, Winston  
Mercer, Robert  
O'Hearn, Jane  
Rowe, Robert  
Turgeon, Roland

Belvin, William  
Calawa, Leon, Jr.  
D'Allesandro, Lou  
Dyer, Merton  
Foster, Joseph  
Golding, William  
Herman, Keith  
Johnson, Lionel  
Leishman, Peter  
MacGillivray, Jeffrey  
McDonald, James, Sr.  
Mittelman, David  
Peterson, Andrew  
Sargent, Maxwell  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
DeStefano, Stephen  
Hess, David  
Lockwood, Robert  
Nichols, Avis  
Seldin, Gloria

Chandler, Earle  
Dunn, Miriam  
Hoadley, Elizabeth  
Marshall, Kenneth  
Owen, Derek  
Whalley, Michael

Crowell, Peter  
Feuerstein, Martin  
Larrabee, David  
Maxfield, Roy  
Pfaff, Terence  
Yeaton, Charles

Daneault, Gabriel  
Hager, Elizabeth  
Leber, William  
Morrill, Olive  
Reardon, Tara

**ROCKINGHAM**

Arndt, Janet  
Christie, Andrew, Jr.  
Dearborn, Bruce  
Fesh, Robert  
Francoeur, Sheila  
Heath, John  
Klemm, Arthur, Jr.  
Letourneau, Robert

Camm, Kevin  
Clark, Martha  
Dowd, Sandra  
Flanagan, Natalie  
Gibbons, Paul  
Henderson, Warren  
Kobel, Rudolph  
Lovejoy, Marian

Carson, Gregory  
Coes, Betsy  
Dowling, Patricia  
Flanders, David  
Griffin, Mary  
Hutchinson, Rebecca  
Langley, Jane  
Major, Norman

Case, Margaret  
Cote, Patricia  
Downing, Michael  
Flanders, John, Sr.  
Guthrie, Joseph  
Katsakiores, Phyllis  
Langone, John  
Malcolm, Kenneth

Mikowski, Walter  
 Nowe, Ronald  
 Raynowska, Bernard  
 Simmons, John Anthony  
 Varrell, Thomas

Millard, Ralph  
 Noyes, Richard  
 Reardon, Neil  
 Stone, Joseph  
 Verani, Giovanni

Morris, Debbie  
 Packard, Sherman  
 Sabella, Norma  
 Stritch, C. Donald  
 Welch, David

Norelli, Terie  
 Rabideau, Marie  
 Schanda, Frank  
 Tufts, J. Arthur  
 Weyler, Kenneth

### STRAFFORD

Brown, Julie  
 Grassie, Anne  
 McKinley, Robert  
 Rollo, Michael  
 Sullivan, Henry  
 Wall, Janet

Cossette, Larry  
 Kaen, Naida  
 Merritt, Deborah  
 Smith, Marjorie  
 Torr, Ann

Dunlap, Patricia  
 Keans, Sandra  
 Musler, George  
 Snyder, Clair  
 Torr, Franklin

Estabrook, Iris  
 Knowles, William  
 Rogers, Rose Marie  
 Spear, Barbara  
 Tsiros, William

### SULLIVAN

Allison, David  
 Kibbey, David  
 Robb-Theroux, Amy

Burling, Peter  
 Leone, Richard  
 Schotanus, Merle

Cloutier, John  
 Lindblade, Eric

Flint, Gordon  
 Palmer, Lorraine

### NAYS 113

### BELKNAP

Boyce, Robert  
 Rosen, Ralph

Clark, Charles

Lafiam, Robert

Rice, Thomas, Jr.

### CARROLL

Cooper, Kipp

### CHESHIRE

Burnham, Daniel

Lynott, Margaret

Meador, David

O'Connell, John

### COOS

Coulombe, Henry

Mears, Edgar

Moynihan, Wayne

St. Hilaire, Paul

### GRAFTON

Ham, Bonnie  
 Phinney, William

Lovett, Sidney

Luker, Elsa

Mirski, Paul

### HILLSBOROUGH

Ackerman, Philip  
 Bernier, Shannon  
 Carlson, Donald  
 Cote, Peter  
 Foster, Linda  
 Lefebvre, Roland  
 Martin, Mary  
 Murch, George  
 Vaillancourt, Steve  
 Williams, Carol

Allen, W. Gordon  
 Boutin, David  
 Christiansen, Lars  
 Daigle, Robert  
 Jean, Loren  
 Leonard, Peter  
 McCarthy, William  
 O'Rourke, Thomas  
 Welch, Donald

Baroody, Benjamin  
 Buckley, Raymond  
 Clegg, Robert, Jr.  
 Drabinowicz, A. Theresa  
 Konys, Christine  
 Lessard, Rudy  
 McRae, Karen  
 Perkins, Paul  
 White, Donald

Barry, William, III  
 Burke, M. Virginia  
 Clemons, Jane  
 Fenton, James  
 L'Heureux, Robert  
 Luebker, Bernard  
 Messier, Irene  
 Riley, Frances  
 White, Jay

### MERRIMACK

Brown, Mary  
 French, Barbara  
 Lamach, Bernard  
 Rogers, Katherine  
 Whittemore, James

Burney, Carol  
 Gile, Mary  
 Langer, Ray  
 St. Cyr, Gerard

Colburn, Thomas  
 Jacobson, Alf  
 Lavoie, Gerard  
 Wallin, Jean

Fraser, Marilyn  
 Krueger, Patricia  
 Moore, Carol  
 Wallner, Mary Jane

**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Belanger, Ronald	Blanchard, MaryAnn
Cegelis, Mark	Cooney, Richard	Cushing, Robert	Dalrymple, Janeen
Dodge, Robert	Dunham, Vivian	Frechette, Joseph	Kelley, Jane
McKinney, Betsy	Moore, Benjamin	O'Keefe, Patricia	Pitts, Jacqueline
Sapareto, Frank	Stickney, Nancy	Vaughn, Charles	Weatherspoon, Jackie

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	DeChane, Marlene	Hemon, Roland	Heon, Richard
Lundborn, Raymond	McCann, William, Jr.	Pelletier, Arthur	Pelletier, Marsha
Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis	Vincent, Francis

**SULLIVAN**

Adler, Rudolf	Donovan, Thomas	Ferland, Brenda	Wiggins, Celestine
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and the report was adopted.

**REGULAR CALENDAR (CONT'D)**

**HB 1418-FN-L**, prohibiting gambling activities within one mile of a school. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Local and Regulated Revenues: While limiting youth gambling is a desirable objective the committee shared with the sponsor, this bill is not the answer. Ticket sales are now illegal to minors. Testimony from the Sweepstakes Commission indicated that this bill could result in a 50% reduction in sales impacting small stores and state revenues. Vote 12-5.

Rep. Katherine Rogers spoke against and yielded to questions.

Rep. Hess spoke in favor and yielded to questions.

Adopted.

**HB 1404**, establishing the fishing family protection act, prohibiting political subdivisions from interfering with commercial and recreational operations of fishing families. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Municipal and County Government: The committee fully supports the New Hampshire commercial fishing industry. Unfortunately, this bill is not about fishing. This is a zoning issue. Portsmouth regretted very much having to address this issue in zoning. In fact, in its revised Master Plan approved as recently as October 30, 1995, Portsmouth demonstrated a sympathetic and supportive approach to commercial fishing interests that have been part of their community for over 350 years. This bill was brought forth because of a zoning situation in Portsmouth. The party involved, although grandfathered, chose not to seek legal advice and did not appeal the local zoning board of adjustment's denial of the request for a variance. For us as legislators to pass this bill would in effect take away the home rule the voters of Portsmouth enacted when they supported Article II Section 10-206 of the Portsmouth Zoning ordinance. Vote 14-1.

Adopted.

Rep. Cushing wished to be recorded against.

**HB 1100-FN**, relative to the design and construction of a new medium security prison in Berlin and removing the population cap and closing date for the lakes region department of corrections facility. **OUGHT TO PASS WITH AMENDMENT**

Rep. Katherine D. Rogers for Public Works and Highways: This bill authorizes the Division of Public Works, Department of Transportation and the Department of Corrections to develop and issue a request for proposals for design and construction of a 500-bed medium security prison to be located in Berlin. HB 1100 would require that competitive bidding requirements would include, but not be limited to: \* Construction shall begin no later than August 15, 1998, and be completed and ready for occupancy within 30 months; \* Bidders shall demonstrate experience in similar corrections projects; \* The successful bid shall not be based on cost alone; \* The facility shall be constructed with a capacity of 500 beds, and infrastructure, administrative, and support services capable of accommodating future expansion to 1000 beds. This bill also authorizes the Commissioner of Corrections to es-



establish two additional halfway houses and appoint ten additional probation and parole officers. Lastly, this bill removes the population cap on, and the July 1, 1998 closing date for, the Lakes Region Department of Corrections facility. The committee looked at the corrections needs for the state of New Hampshire as a total picture. The committee studied both construction and operating costs of locating a new facility in Berlin, as well as the department's needs for additional halfway houses to better manage New Hampshire's inmate population. While some additional operating costs could be incurred locating in the northern part of the state, these costs are minimal over time and would be offset by the economic development pluses to this region. Construction costs would be no different, and by moving the project to a "design-build" strategy will not only serve to fast track construction, but could offer substantial cost savings. The committee considered and overwhelmingly defeated an amendment inserting a time certain closure for the Lakes Region Department of Corrections facility. The committee was convinced this facility provided a much needed and praised program and facility to the state, and providing for its closing is not appropriate at this time. If the Legislature determined the closure of this facility was to be accomplished, it would need to appropriate funds for and site a replacement facility at the same time. Vote 19-0.

#### **Amendment (0649h)**

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

**AN ACT** relative to the design and construction of a new medium security prison in Berlin, removing the population cap and closing date for the lakes region department of corrections facility, and authorizing the department of corrections to establish 2 additional halfway houses and appoint additional probation and parole officers.

Amend paragraphs I and II as inserted by section 1 of the bill by replacing them with the following:

I. The division of public works, department of transportation and the department of corrections shall develop and issue a request for proposals from experienced and qualified construction firms for design and construction of a medium security prison in Berlin.

II. Competitive bidding requirements shall include, but not be limited to, the following:

(a) Construction shall begin no later than August 15, 1998 and be completed and ready for occupancy by the department of corrections within 30 months of the commencing of such construction.

(b) Bidders shall demonstrate experience in similar corrections projects.

(c) While full consideration shall be given to the project cost structure, the successful bid shall not be based on cost alone.

(d) The facility shall be constructed with a capacity of 500 beds, and infrastructure, administrative, and support services space capable of accommodating future expansion to 1000 beds.

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

3 Halfway Houses; Probation and Parole Officers. The commissioner of corrections is authorized to establish 2 additional halfway houses and to appoint 10 additional probation and parole officers, within the limits of funds already appropriated.

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

#### **AMENDED ANALYSIS**

This bill authorizes the division of public works, department of transportation and the department of corrections to develop and issue a request for proposals for design and construction of a 500-bed medium security prison. The bill establishes certain criteria for the bidding process.

The bill removes the population cap on and the July 1, 1998 closing date for the lakes region department of corrections facility.

The bill also authorizes the commissioner of corrections to establish 2 additional halfway houses and appoint 10 additional probation and parole officers, within the limits of funds already appropriated.

Adopted.

Rep. Vaillancourt offered a floor amendment.

#### **Floor Amendment (0639h)**

Amend the bill by replacing section 2 with the following:

2 Population Cap and Closing Date on Lakes Region Department of Corrections Facility Removed. Notwithstanding the provisions of 1991, 351:27, the population cap of 300 at the lakes region department of corrections facility may be exceeded up to a population of 500 and the authority to operate the facility shall extend beyond July 1, 1998 to December 31, 2001.

**AMENDED ANALYSIS**

This bill authorizes the expenditure of funds appropriated for preliminary design of expanded correctional facilities in the 1995 capital budget and extended in the 1997 capital budget for the design and planning of a new medium security prison in Berlin. The bill authorizes the division of public works and highways, in consultation with the department of corrections, to solicit requests for proposals for design and construction of the new facility. The bill also removes the population cap on and changes the closing date for the lakes region department of corrections facility from July 1, 1998 to December 31, 2001.

Reps. Vaillancourt and Rosen spoke in favor.

Reps. Katherine Rogers and Gene Chandler spoke against and yielded to questions.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

The question being the adoption of the floor amendment.

**YEAS 54 NAYS 279**

**YEAS 54**

**BELKNAP**

Boriso, Thomas	Boyce, Robert	Clark, Charles	Holbrook, Robert
Hurt, George	Laffam, Robert	Lawton, David	Lawton, Robert
Rice, Thomas, Jr.	Rosen, Ralph	Salatiello, Thomas	Thomas, John
Turner, Robert	Veazey, John		

**CARROLL**

Babson, David, Jr.	Howard, Godfrey
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**CHESHIRE**

Burnham, Daniel	Pratt, John	Steere, Myron, III
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**COOS**

Coulombe, Henry	Coulombe, Yvonne	Moynihan, Wayne	St. Hilaire, Paul
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**GRAFTON**

Ham, Bonnie	Hinman, Harry	Lovett, Sidney	Mirski, Paul
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**HILLSBOROUGH**

Boutin, David	Burke, M. Virginia	Jean, Loren	Lefebvre, Roland
McCarthy, William	McRae, Karen	Messier, Irene	Mittelman, David
Riley, Frances	Turgeon, Roland	Vaillancourt, Steve	Welch, Donald
White, Donald			

**MERRIMACK**

Colburn, Thomas	Krueger, Patricia	Lamach, Bernard
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**ROCKINGHAM**

Cushing, Robert	Dunham, Vivian	Sabella, Norma	Stritch, C. Donald
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**STRAFFORD**

Brown, George	Callaghan, Frank	Grassie, Anne	McCann, William, Jr.
Wall, Janet			

**SULLIVAN**

Adler, Rudolf	Palmer, Lorraine
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**NAYS 279**

**BELKNAP**

Calvert, Alice	Pilliod, James
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**CARROLL**

Bradley, Jeb	Chandler, Gene	Dickinson, Howard, Jr.	Kenney, Joseph
Lyman, L. Randy	MacDonald, Kenneth	Mock, Henry	Patten, Betsey
Philbrick, Donald			

**CHESHIRE**

Avery, Stephen	Bonneau, Sarah	DePecol, Benjamin	Doucette, Richard
Hunt, John	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	McNamara, Wanda	Meador, David	Metzger, Katherine
O'Connell, John	Pratt, Irene	Richardson, Barbara	Riley, William
Robertson, Timothy	Royce, H. Charles	Smith, Edwin	Vogl, John

**COOS**

Bradley, Paula	Davis, Perley	Hawkinson, Marie	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Pratt, Leighton	Tholl, John, Jr.

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Below, Clifton
Chase, Paul, Jr.	Copenhaver, Marion	Eaton, Stephanie	Guaraldi, Lawrence
Guest, Robert	Hill, Richard	LaMott, Paul	Luker, Elsa
Nordgren, Sharon	Phinney, William	Teschner, Douglass	Trelfa, Richard
Williams, William, Jr.			

**HILLSBOROUGH**

Ackerman, Philip	Allen, W. Gordon	Alukonis, David	Arnold, Thomas, Jr.
Baroody, Benjamin	Barry, William, III	Batula, Peter	Belvin, William
Bergin, Peter	Bernier, Shannon	Briefs, Geoffrey	Brundige, Robert
Buckley, Raymond	Calawa, Leon, Jr.	Carlson, Donald	Chabot, Robert
Christiansen, Lars	Clegg, Robert, Jr.	Clemons, Jane	Cote, David
Cote, Peter	D'Allesandro, Lou	Daigle, Robert	Desrosiers, William
Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan	Dyer, Merton
Emerton, Lawrence, Sr.	Fenton, James	Fields, Dennis	Flora, Kathleen
Foster, Joseph	Foster, Linda	Gagnon, Eugene	Golding, William
Goulet, Maurice	Hall, Betty	Hart, Nick	Herman, Keith
Holley, Sylvia	Hunter, Bruce	Jean, Claudette	Johnson, Lionel
Kelley, Robert	Konys, Christine	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Leishman, Peter	Leonard, Peter	Lessard, Rudy
Lozeau, Donnalee	Luebckert, Bernard	Lynde, Harold	MacAuslan, Rita
MacGillivray, Jeffrey	MacIntyre, Doris	Martin, Mary	McCarty, Winston
McDonald, James, Sr.	McGough, Tim	Melcher, Harold	Mercer, Robert
Morello, Michael	Murch, George	Murphy, Robert	O'Hearn, Jane
O'Rourke, Thomas	Perkins, Paul	Peterson, Andrew	Piteri, Dawn
Reidy, Frank	Rowe, Robert	Sargent, Maxwell	Searles, Stanley, Sr.
Thulander, O. Alan	Wheeler, Robert	White, Jay	Williams, Carol
Wright, George			

**MERRIMACK**

Anderson, Eric	Burney, Carol	Chandler, Earle	Crowell, Peter
Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Hoadley, Elizabeth	Jacobson, Alf	Langer, Ray	Larrabee, David
Lavoie, Gerard	Leber, William	Lockwood, Robert	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Morrill, Olive	Nichols, Avis
Owen, Derek	Pfaff, Terence	Reardon, Tara	Rogers, Katherine
St. Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane	Whalley, Michael
Whittemore, James	Yeaton, Charles		



**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Blanchard, MaryAnn	Camm, Kevin	Carson, Gregory	Case, Margaret
Christie, Andrew, Jr.	Clark, Martha	Cooney, Richard	Cote, Patricia
Dalrymple, Janeen	Dearborn, Bruce	Dodge, Robert	Dowd, Sandra
Dowling, Patricia	Downing, Michael	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John, Sr.	Franceour, Sheila	Frechette, Joseph
Gibbons, Paul	Griffin, Mary	Guthrie, Joseph	Heath, John
Henderson, Warren	Hutchinson, Rebecca	Katsakiores, Phyllis	Kelley, Jane
Klemm, Arthur, Jr.	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Lovejoy, Marian	Major, Norman	Malcolm, Kenneth
McKinney, Betsy	Mikowski, Walter	Millard, Ralph	Morris, Debbie
Norelli, Terie	Nowe, Ronald	Noyes, Richard	O'Keefe, Patricia
Packard, Sherman	Pitts, Jacqueline	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Sapareto, Frank	Schanda, Frank	Simmons, John Anthony
Stickney, Nancy	Stone, Joseph	Tufts, J. Arthur	Varrell, Thomas
Vaughn, Charles	Verani, Giovanni	Weatherspoon, Jackie	Welch, David
Weyler, Kenneth			

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, Julie
Cossette, Larry	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Hemon, Roland	Heon, Richard	Kaen, Naida	Keans, Sandra
Knowles, William	McKinley, Robert	Merritt, Deborah	Musler, George
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spear, Barbara	Sullivan, Henry
Taylor, Kathleen	Torr, Ann	Torr, Franklin	Tsiros, William
Twardus, Joseph	Vachon, Dennis	Vincent, Francis	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Flint, Gordon	Kibbey, David	Leone, Richard
Linblade, Eric	Robb-Theroux, Amy	Schotanus, Merle	Wiggins, Celestine

and the floor amendment failed.

Rep. Vaillancourt requested that the question be divided. The Speaker ruled that the question was divisible.

The question now being the adoption of section 2 of the bill.

Rep. Vaillancourt requested a roll call; not sufficiently seconded.

Section 2 was adopted.

The remainder of the bill was adopted.

Referred to Finance.

**HB 1141-FN-A**, relative to a design study for conversion of the Walker building on the New Hampshire hospital grounds and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leon Calawa, Jr. for Public Works and Highways: Once the committee became aware of new leases for the Sweepstakes Commission (24,300 square feet @ \$331,209 per year) and Revenue Administration (40,000 square feet @ \$495,200 per year), it seemed economically desirable to continue to rehabilitate vacant buildings, especially on the old state hospital grounds. Renovations to the Brown building are running \$63.00 per square foot. Further examples show that renovations to the Spaulding building are 60% less than the new Fish and Game headquarters, 70% less than the Department of Safety, and 60% less than the new office building at the Supreme Court. The amendment eliminates any new appropriation and transfers unexpended capital project funds from the Department of Health and Human Services. Vote 17-0.

Amendment (0376h)

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

1 Appropriation; Study and Schematic Design; Walker Building Conversion to Office Space. The sum of \$150,000 is appropriated to the department of administrative services for the fiscal year ending June 30, 1999, for the purpose of funding the design study and schematic plan development for conversion of the Walker building to an office complex.

2 Transfer of Funds From Department of Health and Human Services. To provide funds for the appropriation in section 1 of this act, the commissioner of the department of health and human services shall transfer the sum of \$150,000 from the appropriation made in 1995, 310:191, as amended by 1997, 349:31, as extended by 1997, 349:34, XXXVII and as amended by this act to the commissioner of the department of administrative services for the purpose of funding the design study and schematic plan development for conversion of the Walker building.

3 Walker Building Design Study and Plan Added. Amend 1995, 310:191, as amended by 1997, 349:31 to read as follows:

310:191 Department of Health and Human Services; Acute Psychiatric Services Building Renovation; M & S Building; Thayer Building; Walker Building Design Study and Plan; Appropriation. The sum of \$2,800,000 is hereby appropriated to the department of health and human services for the design and renovation of, and purchase of equipment and furnishing for the B-wing of the acute psychiatric services building and furnishings, painting, safety features and other patient-required improvements in the M & S Building and the Thayer Building for the use of psychiatric nursing home services, and for the Walker building design study and plan. This appropriation is in addition to any other funds appropriated to the department of health and human services.

4 Lapse Extension. Amend RSA 1997, 349:34, XXXVII to read as follows:

XXXVII. The appropriation made to the department of health and human services by 1995, 310:191, as amended by section 31 of this act, for design and renovation of APS-B-wing, M and S building, [and] Thayer building safety improvements, and Walker building design study and plan.

5 Effective Date. This act shall take effect July 1, 1998

#### AMENDED ANALYSIS

This bill makes an appropriation to the department of administrative services for the purpose of funding a design study and schematic plan development for conversion of the Walker building to an office complex. Funds for the appropriation shall be transferred by the commissioner of health and human services from unexpended funds from a prior capital appropriation relating to the New Hampshire hospital.

Adopted.

Report adopted and ordered to third reading.

**HB 1494**, relative to public/private department of transportation partnership projects. **INEXPEDIENT TO LEGISLATE**

Rep. Steve Vaillancourt for Public Works and Highways: After a motion of Refer to Committee for Interim Study failed by a 9-9 vote, the committee decided that this bill presented too many concerns to pass at this time. Some believed the bill could lead to a patchwork of toll roads and even toll exits. Others felt the bill represented a move toward the dangerous precedent of the state abandoning the responsibility of road construction. It was also noted that by the time new federal monies (to replace the Intermodal Surface Transportation Efficiency Act (ISTEA) formula) are forthcoming later this year, the time for interim study will have expired. The Department of Transportation opposed the bill but left open the possibility that with a good deal of reworking, it could be reintroduced at some future time. The sponsors are encouraged to work on this concept with the Department of Transportation and present more detailed legislation next year. Vote 10-8.

Adopted.

**HB 1341**, relative to temporary seasonal docks on lakes and ponds. **OUGHT TO PASS WITH AMENDMENT**

Rep. David D. Kibbey for Resources, Recreation and Development: This bill exempts temporary seasonal docks on lakes and ponds from the excavating and dredging permit requirement. This bill establishes criteria as to maximum size, distance from property lines, minimum frontage required,

and other important factors in order for one small dock to be exempt on the lake frontage. This bill was supported by Department of Environmental Services and the Attorney General's Office and will relieve a large population of property owners as well as DES from unnecessary paperwork and enforcement. A second amendment which would require registration of these docks failed in committee and will be taken up in HB 1426. Vote 9-6.

Rep. Royce moved Re-commit to Committee, spoke in favor and yielded to questions.

Rep. Merritt spoke in favor.

Adopted.

**HB 1106-FN**, relative to special deer permits. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Michael S. Rollo for the Majority of Wildlife and Marine Resources: This bill amends a 1994 law which allowed the executive director to issue special deer permits in certain areas of the state over-populated with deer. The amended version would permit the fish and game department to charge a fee not to exceed \$10 for applications. In 1997, there were 1,500 requests for 400 permits issued on a first come-first serve basis. Substantial additional funds could be generated by charging for the applications as has been done with the moose lottery. The committee felt that a lottery was the fairest way to issue these special permits and that these additional funds could be used for deer related activities within the agency. The amendment changes the effective date to "upon passage" to accommodate the 1998 season. The majority feels this is, in fact, a fair and viable tool to effectively manage a growing and healthy deer population. Vote 12-3.

Rep. Dennis F. Abbott for the Minority of Wildlife and Marine Resources: Allowing the executive director of the fish and game department the authority to utilize a lottery system to control a growing deer population is, at best, both ineffective and unfair to the majority of license holders. It is questionable to limit opportunities for many while conducting a lottery benefiting few. Providing 400 additional permits in Area M last year, without a lottery, resulted in the taking of 24 deer (a 6% success rate for the hunters and 94% for the deer). The minority feels there are better management options available to cope with an expanding deer herd in some areas than resorting to a lottery system.

#### Amendment (0373h)

Amend the bill by replacing section 2 with the following:

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

Adopted.

Majority report adopted and referred to Finance.

**HB 1432-FN**, relative to hunting and fishing licenses for certain disabled persons. INEXPEDIENT TO LEGISLATE

Rep. Ronald J. Nowe for Wildlife and Marine Resources: This bill would have issued a free hunting and fishing license to any person who "is suffering from the loss of, or the loss of the use of" one leg. Presently, persons who have lost both legs or are suffering from paraplegia are issued free licenses. Free licenses are issued to totally and permanently disabled resident and nonresident veterans. There are other special considerations for issuance of certain permits for other disabilities. The committee felt that with today's state of the art prosthetics, coupled with the director's ability to issue certain "special exception" permits, that this bill was not necessary. Vote 10-0.

Adopted.

**HB 1473-FN-A**, establishing a wildlife damage control program and making an appropriation therefor. OUGHT TO PASS

Rep. Henry P. Mock for Wildlife and Marine Resources: This proposed legislation is the result of a study by the Animal Damage Control Commission established by HB 706, Chapter 60:1, Laws of 1997. This legislation would focus animal damage control on prevention instead of payment for lost crops. The study commission, this bill, and the Wildlife Committee recommends a three tiered response to animal damage control. The first is education prior to damage being done, the second is a 50/50 cost sharing program for fencing materials for commercial growers, and the third tier is the issuance of depredation permits to eliminate the nuisance animals. A Wildlife Damage Control Advisory Board is established to determine on an annual basis the recipients of fencing materials moneys for each year. An appropriation of \$62,500 from the general fund is requested as matching



funds for the cost/share fencing program. State funds, rather than sportsmen's funds, because the committee felt that wildlife, for the bad as well as the good, for riches or poorer, belong to ALL the citizens of New Hampshire, not exclusively to hunting and fishing license buyers. Vote 12-0. Adopted and referred to Finance.

**HB 1275-FN**, relative to training for marine patrol officers. **INEXPEDIENT TO LEGISLATE**  
Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill as introduced would have allowed a reduction of required hours for marine patrol certification from 100 hours to 80 hours. The goal was to allow more emphasis on training solely for marine patrol activities. The modules on motor vehicle laws would likely be dropped. In an agreement with the sponsors and the transportation committee, this bill will be incorporated into HB 1605 which sets up a study committee on the marine patrol. There will be a member from the criminal justice and public safety committee appointed to this study committee. The committee feels this bill is unnecessary. Vote 12-1.

Rep. David Welch spoke against.

The report failed.

Rep. David Welch moved Ought to Pass with Amendment and offered a floor amendment.

### Floor Amendment (0779h)

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

2 Prospective Repeal. RSA 188-F:26, III-a, relative to training standards for temporary, seasonal marine patrol officers, is repealed.

3 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. Section 2 of this act shall take effect November 1, 2001.

Reps. David Welch and Whalley spoke in favor.

Adopted.

Report adopted and ordered to third reading.

### RECONSIDERATION

Having voted on the prevailing side, Rep. Wheeler moved that the House reconsider its action whereby it adopted the committee report of Ought to Pass and referred to Finance **HB 1473-FN-A**, establishing a wildlife damage control program and making an appropriation therefor, and spoke in favor.

Reconsideration prevailed and the question was the adoption of the Committee report of Ought to Pass.

Rep. Akins spoke against the Committee report.

Rep. Mock spoke in favor and yielded to questions.

On a division vote, 255 members having voted in the affirmative and 50 in the negative, the report was adopted.

Referred to Finance.

### REGULAR CALENDAR (CONT'D.)

**HB 1584**, relative to the applicability of the youth access to and use of tobacco products law. **INEXPEDIENT TO LEGISLATE**

Rep. Susan B. Durham for Education: Last session, this legislature passed a law relative to youth access to tobacco which took effect on January 1, 1998. This legislation would change that law to allow adults to smoke 20 feet from a school facility during a non-school event such as a town meeting or a fund raiser, etc. The committee feels that it would be premature to change this law at this time. Vote 18-0.

Rep. Mirski spoke against.

Rep. Hunt spoke in favor and yielded to questions.

Adopted.

**HB 1466-FN-A-L**, relative to current use and the real estate transfer tax. **INEXPEDIENT TO LEGISLATE**

Rep. Donald R. Philbrick for Environment and Agriculture: Legislation would have a negative impact on the current use program which is working very successfully in the state of New Hampshire. The effectiveness of the current use board would become watered down with the addition of four representatives and one senator to the board. Also, many towns have voted at their town meet-

ings to use some or all of the moneys generated through land use change penalties to go to their conservation committee. This bill would eliminate that, taking away something people voted for at the local level. Vote 16-0.

Adopted.

Reps. Carlson, Edwin Smith and Turner declared conflicts of interest and did not participate.

**HB 605-FN-L**, relative to procedures regarding delinquent children under RSA 169-B. OUGHT TO PASS WITH AMENDMENT

Rep. O. Alan Thulander for Finance: This bill is a product of a two-year study by the Juvenile Justice Task Force which included representatives from the judicial system, law enforcement, community advocates and Department of Health and Human Services. The policy committee reviewed their findings over the summer. The bill more clearly defines diversion, intervention and parental responsibility. The amendment provides that juveniles who commit violations, currently addressed in the CHINS (children in need of services) laws, will now be addressed at the first offense level through the court diversion program at no cost to the state. Vote 19-0.

Rep. Kurk moved Re-commit to Committee and spoke in favor.

Adopted.

**HB 606-FN-L**, relative to procedures regarding children in need of services under RSA 169-D. OUGHT TO PASS WITH AMENDMENT

Rep. O. Alan Thulander for Finance: This bill originates from the same report as HB 605-FN-L. It clarifies CHINS procedures to require parents and children to become more accountable and thus more responsible. Since juveniles who commit violations are addressed in HB 605-FN-L, the amendment removes them from the CHINS laws. As a result this bill will have no fiscal impact. The prime sponsors of this bill and HB 605-FN-L concur in the Committee's approach Vote 19-0.

Rep. Kurk moved Re-Commit to Committee.

Adopted.

### SUSPENSION OF RULES

Reps. Kurk and Pfaff moved that the Rules be so far suspended as to permit final action after the deadline of **HB 605-FN-L**, relative to procedures regarding delinquent children under RSA 169-B and **HB 606-FN-L**, relative to procedures regarding children in need of services under RSA 169-D. Reps. Kurk and Pfaff spoke in favor,

Adopted by the necessary two-thirds.

### CLERK'S NOTE

With less than two-thirds of the elected membership present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to take any action.

### REGULAR CALENDAR (CONT'D.)

**HB 1370**, abolishing the judicial council. INEXPEDIENT TO LEGISLATE

Rep. Alf E. Jacobson for Judiciary and Family Law: No evidence was offered at the hearing that provided any reason to abolish the Judicial Council. Vote 18-0.

Rep. Hemon spoke against.

Rep. Jacobson spoke in favor.

On a division vote, 258 members having voted in the affirmative and 4 in the negative, the report was adopted by the necessary two-thirds.

**HB 1505-FN**, removing judges from the state defense and indemnification provisions. INEXPEDIENT TO LEGISLATE

Rep. Peter F. Bergin for Judiciary and Family Law: Testimony was given that if judges were removed from the provisions of RSA 99-D which allows state officers and employees to be defended by the attorney general and indemnified by the state, the judicial branch would have to hire an additional full-time staff attorney and support staff as well as purchase an indemnification policy that would cover each judge in the state. The Administrative Office of the Court estimates the cost of indemnification and a legal staff would cost the state \$429,000. Vote 15-1.

Rep. Mirski spoke against.

Rep. Kirby spoke in favor.

Adopted by the necessary two-thirds.

**HB 1637-FN**, repealing the requirement that the commissioner of the department of employment security maintain a state directory of new hires. **INEXPEDIENT TO LEGISLATE**

Rep. Susan J. Clay for Judiciary and Family Law: The committee heard compelling testimony from the Department of Employment Security office that repealing this bill, which was just passed in 1997, would lead to a huge financial penalty to New Hampshire employers. That penalty could exceed \$170 million dollars. The director also informed the committee that the process to report new hires is simple and has caused no problems for employers. He further testified that the security of all information in the computers is well guarded and safe from outside tampering. Vote 14-2.

Rep. Mirski spoke against.

Rep. Kirby spoke in favor.

Adopted by the necessary two-thirds.

### CLERK'S NOTE

The constitutionally required two-thirds of the membership was declared present.

**HB 1609**, permitting municipal elections to be held on biennial election day. **INEXPEDIENT TO LEGISLATE**

Rep. Betsey L. Patten for Municipal and County Government: Traditionally local elections have not been held at the same time as state biennial elections. This bill would enable cities and wards elections (RSA 44:11) and town elections (669:1) to hold the balloting on the biennial election day. However, the committee felt a municipality has a local way to address the number of elections held. Vote 18-0.

Rep. Cloutier spoke against.

Rep. Patten spoke in favor.

On a division vote, 203 members having voted in the affirmative and 84 in the negative, the report was adopted.

**HJR 21**, requesting that the United States Congress return to the states the authority to regulate campaign finance. **OUGHT TO PASS**

Rep. Rita G. MacAuslan for State-Federal Relations and Veterans Affairs: The committee thanks the joint study committee for its thoughtful response to the need for campaign finance reform. We agree that there need to be restrictions on "soft money" and that the authority to regulate campaign finance revert to the states. Vote 11-1.

Rep. Edwin Smith spoke against.

The report failed.

Rep. Edwin Smith moved Ought to Pass with Amendment and offered a floor amendment.

### Floor Amendment (0810h)

Amend the resolution by replacing the first paragraph after the resolving clause with the following:

That the general court of the state of New Hampshire hereby urges the United States Congress to take such actions as are necessary to return to the states the power to regulate campaign financing in connection with elections for the United States Senate and House of Representatives and to take immediate action to adequately regulate "soft money" donations to political committees of political parties; and

### AMENDED ANALYSIS

This house joint resolution requests that the United States Congress adequately regulate "soft money" contributions and return to the states the authority to regulate campaign financing.

This house joint resolution is a result of the study committee established by 1997, 276.

Rep. Edwin Smith spoke in favor.

On a division vote, 196 members having voted in the affirmative and 89 in the negative, the floor amendment was adopted.

Report adopted and ordered to third reading.



### SUSPENSION OF RULES

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit introduction, consideration and adoption, at the present time, of **HR 55**, urging timely responses to damage caused to forests by the ice storm of 1998, without the required referral to Committee, printing and notice of hearing.

Adopted by the necessary two-thirds.

Reps. Philbrick, Musler, Trelfa, Babson, Hall, Leighton Pratt and Marshall offered the following:

### HOUSE RESOLUTION NO. 55

urging timely responses to damage caused to forests by the ice storm of 1998.

Whereas, the forests of New Hampshire are one of the state's most valuable natural resources, providing wood and timber products, wildlife habitat, recreational opportunities, clean air and water, and scenic vistas throughout the state; and

Whereas, there are more than 80,000 owners of forestland in New Hampshire; and

Whereas, the forest products industry is the third largest sector of the state's manufacturing economy, employing over 15,000 individuals and providing economic benefits to communities throughout the state; and

Whereas, the ice storm of January 1998 had a significant effect upon the forests of New Hampshire by damaging hundreds of thousands of acres of timberland; and

Whereas, the storm caused financial loss to landowners throughout the state estimated in the tens of millions of dollars; and

Whereas, the downed or damaged trees present long-term threats to the state's forests from increased danger of fire and insect and disease outbreaks; now, therefore, be it

Resolved by the House of Representatives:

That the New Hampshire house of representatives hereby urges landowners of the state to take all necessary and responsible actions to protect forests from future threats of fire and insect and disease outbreaks; and

That the New Hampshire house of representatives hereby urges municipalities to work closely with landowners, foresters, loggers, and arborists to provide for the removal of storm-damaged timber in a timely, efficient, and safe manner; and

That the New Hampshire house of representatives urges landowners of the state to utilize wood from the ice storm of 1998 in the state's biomass plants and pulpwood plants; and

That the New Hampshire house of representatives hereby commends the New Hampshire congressional delegation for their efforts to assure federal assistance to the state's landowners and forest industry in the form of low-interest loans and cost-share programs that encourage responsible land stewardship; and

That the New Hampshire house of representatives hereby encourages the New Hampshire congressional delegation to strive to provide tax incentives that recognize the economic loss suffered as a result of the ice storm of 1998; and

That copies of this resolution, signed by the speaker of the house of representatives, be forwarded by the clerk of the house of representatives to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, to each member of the New Hampshire congressional delegation, and to the state library.

Rep. Teschner spoke in favor.

Adopted.

### UNANIMOUS CONSENT

Reps. Goulet, Mirski, Laflam, Lovett and Dickinson addressed the House.

Rep. Lozeau moved that the remarks made by Rep. Lovett be printed in the Journal.

Adopted.

Rep. Lovett. Thank you, Madam Speaker. From the back bench, I want to speak on behalf of the person in the portrait, here, whose birthday it is today. I was a Republican once, in the state of Illinois where Mr. Lincoln served in the legislature for some years and then was the founder of the Republican Party in Illinois, the first banner carrier of the Republican Party in the presidential race of 1860. Those of us on the back bench think that this ought not to be lost over time. A product of three years of schoolroom education, self-educated, a person acquainted with sorrows and grief -

his mother died when he was, I think, seven or eight. He lost, as a father, three of his four children. His wife was certifiably, border-line insane and he lived with such grace in carrying that marriage relationship. He did not suffer fools gladly but he suffered with fools, three of whom in his cabinet thought they should have been elected president. General McClellan, coming home, after telling his wife that it was wonderful that he had been called to save the country, went upstairs even though the President was in the living room along with the Secretary of War. When word was sent up to McClellan that the President was waiting to see him, he said that he could wait until another day. Somehow, Lincoln had the capacity to not worry about the little indignities that people wanted to lay on him with humor, with caricature and in the cartoons, because he had a higher purpose. If people talk about his religion they are asking, perhaps, the wrong question. He never joined a church, but he attended many, studied the bible diligently and anyone who reads his speeches will know the cadence and the use of words which reflect the biblical understanding. But, I would point out that his faith was such that he believed that the Divine was in the midst of history and perhaps we are missing that from time to time. We somehow want to separate out and place the Divine in special pockets or in special formuli. Lincoln was probably our only President who spent his time deeply in concern for what would be the will of the Divine in the given situations of the moment. Before the Declaration of Emancipation in September of 1862, that was the result of a prayer that he had offered saying that if God would give him a victory in battle that then he would in his turn provide the declaration, and the Battle of Antietam which was a bare victory, hardly a full victory, but enough to provoke the President and to bring his Cabinet together and to respond with the Declaration. I just simply think we should honor the great man. We should try to emulate him and we should spend, perhaps, the weekend not only rejoicing in Valentine's Day, but also in one of our most distinguished Presidents. Thank you.

### RECONSIDERATION

Having voted on the prevailing side, Rep. Melcher moved that the House reconsider its action whereby it voted **HB 1576-FN-A**, permitting the development of an industrial hemp industry in New Hampshire and continually appropriating a special fund, Inexpedient to Legislate and spoke against. Reconsideration failed.

### RESOLUTION

Rep. Wheeler 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 18, 1998 at 10:00 a.m. Adopted.

### LATE SESSION

#### Third reading and final passage

- HB 1125**, repealing laws relative to trading stamp companies and solar equipment warranties.
- HB 1128-FN**, relative to space heaters.
- HB 1279-FN-L**, relative to the procedures for vacating uninhabitable or unsafe buildings.
- HB 1515-FN**, relative to discharge of persons imprisoned for failure to pay a penalty assessment or an administrative fee.
- HB 1553-FN**, prohibiting the possession or use of rohypnol, ketamine, and GHB.
- HB 1592-L**, relative to the enhanced 911 data base.
- HB 1159**, establishing a committee to study strategies for increasing parental involvement in public education.
- HB 1169-L**, clarifying the authority of the ballot law commission relative to the examination of programs used to count votes.
- HB 630-FN-L**, relative to additional voluntary contributions to provide for early retirement by members of the retirement system.
- HB 747-FN-A**, establishing a wildlife habitat stamp or license for persons engaged in taking wild animals or birds and continually appropriating the funds for wildlife habitats.
- HB 784-FN-L**, relative to changing the amount of estimated expenditures per pupil beyond which the department of education is liable for the cost of school district borrowing.

- HB 1249**, requiring budget line item appropriations for individual and departmental dues to national and regional organizations paid from state resources.
- HB 1627**, relative to deposits with the state treasurer of amounts due certain stockholders and creditors on the dissolution of a corporation.
- SB 205-FN-L**, establishing a special school district to provide special education for eligible inmates in the state prison system.
- HB 1167-L**, relative to a reapproval process for community mental health programs and area agencies.
- HB 1174**, establishing a committee to study the state substance abuse treatment delivery system and relative to certain tests for alcohol concentration.
- HB 1182**, establishing an oversight committee to review the allocation of funds dispersed for the developmental disabilities waitlist.
- HB 1421**, relative to review of drugs by the board of nursing and the joint health council.
- HB 1457**, permitting physician assistants to possess, compound, administer, or distribute prescription drugs.
- HB 1190**, encouraging alternative dispute resolution as an alternative to litigation in domestic relations cases.
- HB 1191**, relative to limiting the liability of governmental units under certain circumstances.
- HB 1516**, requiring a criminal background investigation for certain department of health and human services personnel who come into direct contact with children.
- HB 1538-FN-A**, extending the reporting date for the committee to study judicial pensions, increasing the duties of the committee, and making an appropriation therefor.
- HB 1148**, relative to review of eligibility for a workers' compensation award where compensation was by lump sum agreement.
- HB 1650-FN**, relative to benefits under the unemployment compensation laws.
- HB 1154**, establishing a committee to study the issue of updating New Hampshire laws related to fences.
- HB 1168-L**, relative to municipal economic development and revitalization districts.
- HB 1192**, permitting the city of Concord to combine the positions of tax collector and treasurer.
- HB 1213-L**, relative to the authority of a town to appoint agents to expend funds for certain purposes.
- HB 1221-L**, relative to the acceptance of personal property donated to towns or village districts.
- HB 1539**, relative to property tax billing procedures for land parcels having multiple owners.
- HB 1157**, relative to the layout of highways.
- HB 1330-FN**, naming the bridge over the Newfound River on route 104 west in the town of Bristol, New Hampshire, the Richard W. Musgrove bridge.
- HB 1340-L**, establishing a committee to study the upgrade of Dean Memorial Airport in North Haverhill, New Hampshire.
- HB 1374**, relative to increasing the minimum amount of a state capital improvement project requiring competitive bidding and relative to contracts for major capital projects of the departments of fish and game and resources and economic development.
- HB 1155**, relative to wastewater in low flow areas.
- HB 1246**, relative to enforcement of oil spillage laws.
- HB 1274-FN**, relative to enforcement of air pollution laws by the department of environmental services.
- HB 1351-FN**, extending "The Laboratory for New Ideas in Information Technology" pilot project.
- HB 1651**, establishing a committee to study the protection of cable consumers and the enhancement of cable electronic services.
- HR 53**, urging Congress to pass and the President to sign a bill returning to the states the power to regulate campaign finance in state races for federal office.
- HB 1135**, relative to the use of watercraft and boats on Ledge Pond in the town of Sunapee.
- HB 1328-FN**, extending the exemption period for motor vehicle titles and modifying the process for obtaining a duplicate motor vehicle certificate.
- HB 1537**, relative to aeronautics enforcement authority.
- HB 1629**, relative to walking disability plates and placards.
- HB 1120**, establishing a commission to study the effects of and jurisdiction over alternative agricultural products.
- HB 1123**, relative to the control of wolf hybrids.
- HB 1331**, relative to granting special hunting and fishing licenses to persons aged 68 or over for trapping.



*HB 1621*, relative to the membership of the advisory committee on shore fisheries.

*HB 1541-FN-A*, creating a position in the insurance department.

*HB 1175-L*, relative to authorizing the state board of education to adopt rules on teacher education programs, teacher certification fees, and recertification standards.

*HB 1393*, extending the reporting date for the postsecondary educational assistance for members of the New Hampshire national guard study committee and extending the repeal date relative to such assistance.

*HB 1162*, relative to permit applications before the hazardous waste facility siting board.

*HB 204-FN-L*, granting responsibility for court security and custody and control of prisoners while in the courthouse to the county sheriff and providing for state reimbursement of the sheriff for the costs of such security services.

*HB 587-FN*, relative to the system benefits charge.

*HB 651-FN-L*, relative to electric rate reduction financing.

*HB 707-L*, relative to municipal taxation of telecommunications poles and conduits.

*HB 1407*, clarifying the unlawful practice of medicine.

*HB 1141-FN-A*, relative to a design study for conversion of the Walker building on the New Hampshire hospital grounds and making an appropriation therefor.

*HB 1275-FN*, relative to training for marine patrol officers.

*HJR 21*, requesting that the United States Congress return to the states the authority to regulate campaign finance.

#### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 5:35 p.m.

#### RECESS

#### (Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 5**

Wednesday, February 18, 1998

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 House Chaplain, Reverend Edward G. Horstmann.

O God of boundless energy in whom we live and move and have our being: make us patient enough to seek Your will yet restless enough to see Your dreams accomplished. In all that we do, save us from quick judgments and cynical thoughts and help us to live this day in gratitude and gladness, in the confidence that You have called us to be here and that we are ambassadors of Your truth. Amen.

Rep. Loren Jean led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Baroody, Bishop, George Brown, Champagne, Earle Chandler, Clay, Crosby, Ferguson, Flint, Robert Foster, Gage, Gagnon, Gleason, Grassie, Healy, Robert Johnson, Micklon, Morello, Pepino, Root, Russell and Paul Taylor, the day, illness.

Reps. Bartlett, Battles-Peirce, Bonneau, Carney, Colburn, Henry Coulombe, Yvonne Coulombe, Daniels, Dowling, Dunham, Flanagan, Golden, Guthrie, Haley, Lundborn, Lynde, MacAuslan, Malcolm, O'Keefe, Neil Reardon, Katherine Rogers, Steere, Veazey and Whittemore, the day, important business.

Reps. Julie Brown, Copenhaver, David Cote, Patricia Cote, Krueger, Kenneth MacDonald, O'Connell, Phinney and St. Hilaire, the day, inclement weather.

**INTRODUCTION OF GUESTS**

Students from the Liberty School House in Bedford, guests of the Bedford Delegation. Members of the Vocational Student Organizations, guests of the House.

**SENATE MESSAGE****CONCURRENCE**

**HB 648-L**, establishing a local option fee for local or regional transportation improvements.

**COMMITTEE REPORTS****CONSENT CALENDAR**

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

**HB 1176**, prohibiting charges for the use of electronic customer service terminals, removed by Rep. Arthur Pelletier.

**HB 1179**, limiting fees charged by financial institutions for use of electronic customer service terminals, removed by Rep. Buckley.

**HB 1583-FN-L**, transferring the county attorneys' offices and the county sheriffs' offices to the department of justice and the unified court system, respectively, removed by Rep. Jacobson.

**HB 1416-FN-L**, requiring the state to pay for special education costs and to make tax information on special education services available to the public, removed by Rep. Cobbin.

**HB 1522-FN**, establishing the offices of inspector general, removed by Rep. Cobbin.

**HB 1545-FN**, increasing the salaries of the labor commissioner and the deputy labor commissioner, removed by Rep. Larrabee.

**CACR 34**, relating to broad-based sales or income taxes. Providing that adopting a broad-based sales or income tax is prohibited, removed by Rep. Mary Brown.

**HB 1260**, limiting the use of appropriated funds to influence state contracting and financial transactions, and legislation, removed by Rep. Cobbin.

**HB 1362**, requiring a vote of 2/3 of the house and senate to pass any bill approving the issuance of bonds which would increase state indebtedness, removed by Rep. Alger.

**HB 1593-FN**, codifying and revising the existing cooperative agreement between the department of health and human services and the judiciary, removed by Rep. Cobbin.

**HB 1594-FN**, transferring the authority of the judicial conduct committee to the legislature, removed by Rep. Cobbin.

**HB 1392**, relative to student drivers, removed by Rep. Amanda Merrill.  
Consent Calendar adopted.

**HB 1235-FN**, relative to the small business innovation research program. OUGHT TO PASS WITH AMENDMENT

Rep. Anthony Syracuse for Commerce: This bill as amended will encourage and support Small Business Industries & Research in New Hampshire. The portion of the bill that required DRED to use limited funds for SBIR phase II matching grants has been made optional. Vote 12-0.

#### Amendment (0597h)

Amend RSA 12-A:37-39 as inserted by section 2 of the bill by replacing it with the following:

12-A:37 Recognition of Federal Grant Recipients. The director may issue a suitable plaque to New Hampshire residents that receive federal small business innovation research grants recognizing their achievement. The director shall also recommend that the governor issue a letter of commendation to all such recipients.

12-A:38 Matching Grants. The director may recommend to the review committee established in RSA 12-A:2-f that first-time federal grant recipients recognized under RSA 12-A:37 receive a grant from the New Hampshire economic development fund of up to \$50,000 to match the federal support received.

12-A:39 Seminars. The director may organize an annual seminar to promote and explain the small business innovation research program to members of the public. Participants in the seminar shall include previous grant recipients and representatives of relevant state agencies as determined by the director.

**HB 1348**, limiting fees for use of electronic customer service terminals. INEXPEDIENT TO LEGISLATE

Rep. David T. Mittelman for Commerce: This bill is one of three proposals (HB 1176, HB 1179, HB 1348) to regulate Automated Teller Machine (ATM) fees. In particular, HB 1348 limits ATM fees to 1% of the cash withdrawn. As with the other two bills, the committee unanimously agrees that artificially dictating the cost of ATMs is neither prudent policy nor consistent with traditions of New Hampshire. Government should not decide the price of a private transaction. Rather, the marketplace should be allowed to set its own course. ATMs are an optional service provided for the convenience of banking customers. No one is required to use an ATM nor is anyone charged a fee without being warned in advance. The choice belongs to the customer, and the committee believes it should remain there. Vote 15-0.

**HB 1184-FN**, expanding the victims eligible for compensation from the victims' assistance fund and changing the allocation of criminal penalty assessments. INEXPEDIENT TO LEGISLATE

Rep. Paul K. Chase, Jr. for Criminal Justice and Public Safety: The bill would make victims of economic damages resulting from crimes committed by officers of the court eligible for compensation from the victim's assistance fund. The bill would have changed the allocation of penalty assessments between the victim's assistance fund and the police standards and training council. The committee felt that the resulting proposed changes would result in a reduction in revenues which would cause the NH Police Standards and Training Council to have more than one of the following actions: staff layoffs, charge of all course offerings, eliminate all contracted instructors and elimination of training grants to cities and towns. The functions of the New Hampshire Police Standards and Training Council are currently supported entirely by penalty assessment funds with no funding required from the state's general fund. Vote 14-0.

**HB 1290-FN**, relative to the authority of the state fire marshal. OUGHT TO PASS

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill is a request of the fire marshal and makes three changes to present law. First, it changes the wording to make the statute gender neutral by specifically naming who has the authority to enforce this section. Second, it allows the authority to determine conditions to be hazardous to life and property and make orders to remedy the same. Lastly, it provides a penalty for the violation on this section which is in line with all of our penalties. Vote 15-0.

Referred to Finance.



**HB 1318**, relative to extended terms of imprisonment for crimes substantially motivated by hostility towards the victim's religion. **INEXPEDIENT TO LEGISLATE**

Rep. Doris MacIntyre for Criminal Justice and Public Safety: The committee agreed with the intent of the sponsor of this bill. Creating a listing of religions in statutes is dangerous. The omission of a particular religion could be devastating. Current statutes (RSA 651:6,1(g) cover extended terms of imprisonment for "hate crimes" that are substantially motivated by hostility towards the victim's religion. Vote 13-0.

**HB 1474**, establishing a study committee on a unified corrections system. **OUGHT TO PASS**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill proposes a study committee to look at the costs, practicality, and consequences of unifying the corrections systems. There was total support for this bill from the ten counties and the state's department of corrections. All believed that a study would be in the best interest of all departments. Vote 14-0.

**HB 1490**, requiring defendants charged with certain crimes to turn over firearms to law enforcement agencies; requiring a protective order for surrender of firearms in cases of abuse; and allowing protective orders on behalf of public servants and witnesses who are victims of stalking or criminal threatening. **INEXPEDIENT TO LEGISLATE**

Rep. Yvonne Coulombe for Criminal Justice and Public Safety: This bill requires defendants charged with certain crimes to turn over firearms to law enforcement agencies, requires a protective order for surrender of firearms in cases of abuse and further allows protective orders on behalf of public servants who are or may be victims of stalking or criminal threatening. The areas addressed in this bill have been addressed earlier in HB 480 or should have much more time to determine possible consequences. Testimony indicated the volume of firearms to be stored with these new categories of crimes could overwhelm the local criminal justice system. The bill covers a vast area of the statutes. The committee felt that the bill was not well written as the time required to research was not available. Vote 14-0.

**HB 1509-FN**, relative to the content of motor vehicle registrations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill establishes a list of 4 categories that are added to the motor vehicle data base at the department of safety for the benefit of the police officer on the street. The four items are parole, probation, the subject of a restraining order, or released on bail. Presently, parole and probation are in the data base and shown on the appropriate records. Being the subject of a restraining order will be put in the data base in the next several months by agreement with the department of safety. We felt that bail status should also be in the data base but this would be a tremendous burden on safety. Bail should be shown only when safety and the courts are on line together. This will allow the addition or removal instantaneously, therefore, the wording "as soon as it becomes technologically feasible to do so" was added to the bill to accomplish this. Vote 15-0.

#### **Amendment (0428h)**

Amend RSA 261:58, III as inserted by section I of the bill by replacing it with the following:

III. (a) The department shall update its database regularly to include information regarding an individual who is:

- (1) Currently on parole.
- (2) Currently on probation.
- (3) Released on bail.
- (4) The subject of a restraining order.

(b) The department shall make available the information required in this paragraph as soon as it becomes technologically feasible to do so.

Referred to Finance.

**HB 1542-FN**, permitting the state to commit certain persons convicted of sexually violent crimes for psychiatric treatment after they have completed their sentences. **INEXPEDIENT TO LEGISLATE**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation was introduced in 1994 and referred for interim study. The merits of civil commitment of sex offenders who have mental abnormality or personality disorder who are likely to reoffend are quite obvious but also quite expen-

sive. There is currently no room in the secure psychiatric unit at the state prison to house these individuals. The department of health and human services does not have a secure unit in the mental health division and it would take millions of dollars to construct such a unit as well as a cost of about \$170,000 per year for each individual committed. The department of corrections feels that lifetime supervision of certain sex offenders can accomplish control of these individuals at a minimum cost. There is currently in the senate, SB 460-FN which would accomplish this. Vote 14-0.

**HB 1544-FN**, prohibiting a prosecutor from testifying voluntarily as a character witness in a criminal case. **INEXPEDIENT TO LEGISLATE**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill was brought to prohibit a prosecutor from testifying voluntarily as a character witness in a criminal case. This was in direct response to just one incident. The committee felt that this single event did not warrant a new law. The fact remains that the prosecutor could have testified to the exact same thing in response to a subpoena, which would circumvent what this bill proposed to do. Vote 15-0.

**HB 1552-FN-L**, relative to standards for juvenile court diversion programs. **INEXPEDIENT TO LEGISLATE**

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill establishes standards for juvenile court diversion programs and requires the court to consider recommendations of the victim in determining the appropriate juvenile disposition. It was the consensus of the committee that the issues addressed in this bill have been fully addressed in a bill recently passed by the house (HB 605). Victims rights have been thoroughly addressed and were placed in law establishing the same provision addressed in this bill. Victims rights are now part of the process from the moment of the incident to the completion of the juvenile judicial process. Vote 12-0.

**HB 1600**, relative to the multiple DWI offender intervention detention center program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill deals with the DWI multiple offender program and is the direct result of a study committee (suggested in 1997, HB 271) within Criminal Justice and Public Safety. Our conclusions are reflected in HB 1600 which does four things. First, it forgives the debt of the program to the state, not the debt of the participant. This was done because we believe in the program and think it should run regardless of the financial situation. Second, we added the ability of the court to return someone's license up to one year early if the program fees are paid in full. This is a carrot to induce participants to pay so that we can increase our collections. Third, we have said the program shall accept gifts and grants to help offset the costs. Fourth, we have allowed people to be sentenced to the multiple offender program if the evidence demonstrates that alcohol was a contributing factor in the commission of the offense and provided that space is available in the program and such persons pay the fees for the program in full prior to admission. The offense charged in this case must be a felony or a class A misdemeanor. Vote 16-0.

#### **Amendment (0612h)**

Amend RSA 651:2, V(h) as inserted by section 5 of the bill by replacing it with the following:

(h) In cases of a person convicted of a felony or class A misdemeanor, a court may sentence such person to 7 consecutive 24-hour periods to be served at the state-operated 7-day multiple DWI offender intervention detention center program established under RSA 172-B:2-b, if the evidence demonstrates that alcohol was a contributing factor in the commission of the offense and provided that space is available in the program and such person pays the fees for the program in full prior to admission.

Referred to Finance.

**HB 1614**, relative to tobacco use violations by minors and establishing a committee on educational programs on tobacco use for minors. **INEXPEDIENT TO LEGISLATE**

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill mandates that a minor who violates the youth access and use of tobacco products law attend a tobacco use cessation education program for the first offense, at the minor's own expense. After lengthy review of the subject matter, the consensus of the committee was that the provisions placed in statute in the last two years making teenage smoking, possession and purchasing along with the penalties placed on merchants as of

January 1998 for attempted selling to a minor need more time to demonstrate their effectiveness. Most existing diversion programs have a teenage smoking component and many of the schools have incorporated same in their curriculum. Vote 12-0.

**HB 1220**, establishing a committee to study prevention of youth drug abuse. INEXPEDIENT TO LEGISLATE

Rep. William A. Riley for Education: This bill establishes a committee to study prevention of youth drug abuse. Its substance will be subsumed in HB 1159 which establishes a committee to study strategies for increasing parental involvement in public education. Vote 15-0.

**HB 1247**, establishing a study committee relative to access to public school facilities by home school students. OUGHT TO PASS WITH AMENDMENT

Rep. Marie Rabideau for Education: The committee heard testimony which suggests widely divergent policies among school districts statewide concerning access to public school programs and facilities. The committee felt it would be worthwhile to examine which policies were most workable and effective. Vote 15-0.

#### Amendment (0390h)

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

AN ACT establishing a study committee relative to access to public school facilities and programs by home school students.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study access to public school facilities and programs by home school students.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall examine the following issues:

I. Access by home school students to public school facilities and programs, including, but not limited to, facilities and programs for art, music and science.

II. Whether current law provides for such access.

III. If current law does not provide for such access, then which laws, if any, assure equal access.

Amend the bill by replacing section 6 with the following:

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

**HB 1355-FN-L**, revising the New Hampshire statewide education improvement and assessment program to require minimum test scores. INEXPEDIENT TO LEGISLATE

Rep. Bruce L. Dearborn for Education: The committee felt that this bill, although well intended, was premature since the term adequate education has not been resolved. In addition, the New Hampshire Education Improvement and Assessment Program test does not lend itself to individual student measurement. This legislation equated assessment testing with a high school diploma. This is not the purpose of an assessment test. Vote 15-0.

**HB 1475**, relative to revising certain programs within the postsecondary education commission. OUGHT TO PASS WITH AMENDMENT

Rep. David E. Larrabee, Sr. for Education: This bill revises the requirements of certain scholarship opportunities within the postsecondary education commission. The amendment addresses career shortages and opens the opportunities for "incentive scholarship" beyond the field of nursing. Vote 16-0.

#### Amendment (0591h)

Amend the bill by replacing sections 2 and 3 with the following:

2 Career Incentive Scholarship Program; Subdivision Heading Amended. Amend the subdivision heading immediately preceding RSA 188-D:14 to read as follows:

~~[Nursing Scholarship]~~ *Career Incentive* Program

3 Career Incentive Program; References Changed. Amend RSA 188-D:14 through 18 to read as follows:

188-D:14 [Nursing] *Career Incentive* Scholarships. The commission shall administer a ~~[nursing]~~ *career incentive* scholarship program.



188-D:15 Rulemaking. The commission shall adopt rules, under RSA 541-A, to carry out the scholarship program, including establishing a reasonable maximum amount of money provided to a recipient under the program and a reasonable frequency of such loans, and setting minimum qualifications of applicants [~~who are not registered nurses~~].

188-D:16 Requirements; Terms.

I. Financial assistance shall be provided to qualified individuals who are residents in good faith of this state and need such assistance to attend [~~nursing~~] education programs approved by the commission. The loans shall be for education in [~~professional or practical nursing~~] programs given in New Hampshire, [~~and for graduate courses in nursing~~] *which prepare recipients for careers in shortage areas as determined by the commission.*

II. Recipients shall be chosen only on the basis of financial need. Each loan recipient shall sign a note to the state treasurer for the amount of each payment. The commission [~~may~~] shall require recipients to agree in writing to work [~~as nurses~~] *in the shortage area for which funds were received* in New Hampshire for a [~~substantial~~] *specified* period following completion of their training.

188-D:17 Loans. [~~The commission shall submit annually to the state treasurer a list of loan recipients and the amount awarded to each recipient.~~] The loans shall be paid through the financial aid office of the school in which the recipient is enrolled. The commission shall establish the maximum amount of money to be provided to a student, and the frequency of such loans, for completion of studies over the course of training [~~to be a nurse~~], provided, however, that such amount and frequency shall be reasonable.

188-D:18 Repayment.

I. Recipients of loans for one year shall have their notes canceled upon [~~satisfactory~~] completion of one year of full-time [~~nursing~~] service or part-time [~~nursing~~] service prorated to equal one year of full-time service *in the shortage area for which funds were received* in New Hampshire following licensure, *certification* or completion of the [~~graduate~~] program *for which funding was received. Repayment by service shall be completed within 3 years from the date of licensure, certification or completion of the program.*

II. Recipients of loans for more than one year shall have their notes canceled upon [~~satisfactory~~] completion of 2 years of full-time [~~nursing~~] service or part-time [~~nursing~~] service prorated to equal 2 years of full-time service *in the shortage area for which funds were received* in New Hampshire immediately following licensure, *certification*, or completion of the [~~graduate~~] program *for which funding was received. Repayment by service shall be completed within 5 years from the date of licensure, certification or completion of the program.*

III. If the note is not canceled because of service [~~as a nurse~~], the recipient shall repay the loan within 2 years:

(a) After withdrawing from or completing the training program; or

(b) *From the date of the initial request for repayment after it has been determined that the recipient will be unable to repay with service within the time specified under paragraphs I and II of this section. This time period can be extended by an order of the court. If repayment has not been canceled through service, the amount of service performed shall be prorated against the total loan amount due. As this is a benefit to the recipient, it is intended to be available to those recipients who have already received loans under this program.*

IV. If a recipient refuses to repay a loan, the commission shall turn the account over to the appropriate collection agency.

V. The state treasurer shall credit all loan repayments to the [~~nurses'~~] scholarship loan fund for use in granting other scholarship loans. Loan repayments credited to the loan fund shall be in addition to any other moneys appropriated to that fund.

VI. Nothing in this subdivision shall be construed to alter any rights or obligations incurred under RSA 326-B relative to the granting and repayment of scholarship loans.

VII. *A recipient shall not be considered in violation of the repayment schedule if he or she is:*

(a) *Engaged in a course of study, at least on a half time basis, at an institution of higher education, or*

(b) *Serving on active duty as a member of the armed services of the United States, serving as a member of VISTA, the Peace Corps, or Americorps, for a period not to exceed 3 years, or*

(c) *Temporarily totally disabled, as established by sworn affidavit of a qualified physician, for a period not to exceed 3 years, or*

*(d) Unable to secure employment by reason of the care required by a disabled spouse, child, or parent for a period not to exceed 12 months.*

*VIII. To qualify for any of the exceptions in paragraph VII of this section, a recipient shall notify the commission of such claim to the exception and provide supporting documentation as required by the commission.*

*IX. During the time the recipient qualified for any of the exceptions in paragraph VII of this section, such recipient need not make the repayments required under paragraph III of this section and the commission shall extend the 2-year repayment period established under paragraph III of this section by a period equal to the length of time a recipient meets any of the conditions listed in paragraph VII of this section, or if a recipient's inability to complete the loan repayments within this 2-year period, because of a financial condition, has been established to the commission's satisfaction.*

*X. The commission shall cancel a recipient's repayment obligation if it determines that:*

*(a) The recipient is unable to work because of a permanent total disability, established on the basis of a sworn affidavit of a qualified physician, or*

*(b) The recipient has received relief under federal bankruptcy laws, or*

*(c) The recipient has died, established by a death certificate or other evidence deemed conclusive under state law.*

*XI. The commission shall have the power to close the accounts of recipients who have completed their repayment obligation either through service or monetary repayment, and deem accounts as uncollectable if all reasonable means of collection have been exhausted.*

#### AMENDED ANALYSIS

This bill revises the former nursing scholarship program and expands it into a career incentive program making funding available to qualified applicants pursuing careers in certain designated career shortage areas.

**HB 1493-L**, relative to clarifying school district liability for children placed in homes for children, health care facilities, or state institutions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert H. Guest for Education: This bill, as amended, clarifies school district residency requirements when students are placed in the home of a relative or friend by the Department of Health and Human Services. It also permits a student to attend school in the district of the legal guardian pending a court determination of guardianship, provided that a petition has been filed with the court. If custody changes when the Department of Health and Human Services is involved with a child, district liability is firmly established. Vote 19-0.

#### Amendment (0670h)

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

**AN ACT** relative to clarifying school district liability for certain placements of children pursuant to juvenile proceedings.

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

1 Legal Residence Required; Right to Attend School Pending Guardianship Proceedings. Amend RSA 193:12, II (a) (3) to read as follows:

(3) If the minor is in the custody of a legal guardian appointed by a New Hampshire court of competent jurisdiction or a court of competent jurisdiction in another state, territory, or country, legal residence is where the guardian resides. If the department of health and human services has been appointed legal guardian, the residence of the minor is where the child is placed by the department or the court. Legal guardianship shall not be appointed solely for the purpose of allowing a pupil to attend school in a district other than the district of residence of the minor's parent or parents. *Whenever a petition for guardianship or legal custody is filed in a court of competent jurisdiction on behalf of a relative of a child, other than a parent, the child shall be permitted to attend school in the district in which the relative of the child resides pending a court determination relative to custody or guardianship.*

2 Legal Residence Required; Right to Attend School in District of Placement. Amend RSA 193:12, V to read as follows:

V. Except as provided in subparagraph II(b), nothing in this section shall limit or abridge the right of any child placed and cared for in any home for children, as defined in RSA 193:27, *or of any*

*child placed in the home of a relative of that child by the department of health and human services, or placed in the home of a relative or friend by a court pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463, to attend the public schools of the school district in which the home for children or home of the relative or friend in which a child is placed by the department of health and human services or by a court of competent jurisdiction is located, as provided in RSA 193:28.*

3 New Paragraphs; Legal Residence Required; Placement With a Relative; Residency Disputes. Amend RSA 193:12 by inserting after paragraph V the following new paragraphs:

V-a. Whenever a parent or guardian voluntarily places a child with a relative at the recommendation or request of the department of health and human services, that child shall be permitted to attend the public schools of the school district in which that relative resides provided that:

(a) Upon request of the school district, the department of health and human services shall confirm that the department recommended or requested that the child be placed with the relative to promote the child's well being, and not for the purpose of allowing the child to attend school in the district where the relative resides; and

(b) Upon request of the school district, the relative shall take reasonable steps to secure a court award of guardianship over the child, the child being allowed to attend school in that district while the relative seeks guardianship.

V-b. Whenever a dispute arises between 2 or more school districts as to the residency of a child who is in the legal custody or guardianship of the department of health and human services, or who has been placed pursuant to a court order in a proceeding under RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463, the department of health and human services may request in writing that the respective superintendents resolve the dispute. If the residency dispute remains unresolved 10 days after such request, the department of health and human services may request that the commissioner of the department of education determine the residence of the child. The child may attend school in the district in which the child has been placed by the court or the department of health and human services pending the resolution of the residency dispute. Liability as to the cost of school attendance provided under this paragraph shall be determined by the commissioner of education.

4 Liability of Sending District. Amend RSA 193:27, IV to read as follows:

IV. "Sending district" means the school district in which a child most recently resided other than in a home for children, *the home of a relative or friend in which a child is placed by the department of health and human services or a court of competent jurisdiction pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463, health care facility, or state institution, if such child is not in the legal custody of a parent or if the parent resides outside the state; if the child is retained in the legal custody of a parent residing within the state, "sending district" means the school district in which the parent resides. For the purposes of this paragraph a parent shall not have legal custody if legal custody has been awarded to some other individual or agency, even if that parent retains residual parental rights. When custody is transferred subsequent to the original placement of a child in a home for children, the home of a relative or friend in which a child is placed by the department of health and human services or a court of competent jurisdiction pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463, health care facility, or state institution, the "sending district" shall be, from the change in legal custody or guardianship forward, that district in which the child resided at the time of the original placement.* An award of legal custody by a court of competent jurisdiction, in this state or in any other state, shall determine legal custody under this paragraph.

5 Right of Attendance; School District of Placement. Amend RSA 193:28 to read as follows:

193:28 Right of Attendance. Whenever any child is placed and cared for in any home for children, *or is placed by the department of health and human services in the home of a relative or friend of such child pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463,* such child, if of school age, shall be entitled to attend the public schools of the school district in which said home is located, unless such placement was solely for the purpose of enabling a child residing outside said district to attend such schools, provided that the school district for a child placed in a group home, as defined in RSA 170-E:25, II(b), within a cooperative school district, shall be the cooperative school district, not the pre-existing district within the cooperative.

6 Effective Date. This act shall take effect January 1, 1999.



### AMENDED ANALYSIS

This bill clarifies the district of liability for costs of education associated with administratively or court ordered placement of children in licensed homes, facilities or institutions for children, or in an unlicensed home of a relative or friend of the child

This bill is a request of the department of education.

#### **HB 1661**, relative to eligibility for postsecondary education tuition grants. OUGHT TO PASS WITH AMENDMENT

Rep. Susan B. Durham for Education: The Postsecondary Education Commission gives scholarships to full-time New Hampshire students who are eligible. This bill allows such scholarships to be given to students who are not in college full-time. The amendment eliminates the phrase "students who delay their postsecondary education" and replaces it with "students who are enrolled at least half-time". The committee feels that struggling, part-time students deserve all the help they are eligible for. Vote 17-0.

#### **Amendment (0744h)**

Amend RSA 188-D:13, VIII as inserted by section 1 of the bill to read as follows:

VIII. Students enrolled in evening and weekend postsecondary education programs, and students who are enrolled at least half-time shall be eligible for grants under this chapter.

### AMENDED ANALYSIS

This bill would allow students enrolled in evening or weekend postsecondary education programs, and those who are enrolled at least half-time, to be eligible for tuition grants offered under programs administered by the postsecondary education commission.

This bill is a request of the university system study committee.

#### **HB 1115-L**, relative to boundary markers. OUGHT TO PASS WITH AMENDMENT

Rep. Lynn C. Horton for Election Law: This bill was proposed by the Office of State Planning as a means to eliminate ward boundaries which are "imaginary lines" which are difficult to locate geographically. It requires that ward lines follow physical features or town/city boundaries. This is a much needed housekeeping bill which will eliminate difficulties experienced when trying to determine in which ward a voter resides. Vote 16-0.

#### **Amendment (0408h)**

Amend RSA 44:4-a as inserted by section 1 of the bill by replacing it with the following:

44:4-a Boundaries of Wards. All boundaries of wards, other than those boundaries which are coterminous with the boundaries of municipalities, shall follow easily identifiable physical features. For the purposes of this section, physical features include public and private ways, public utility lines, railroad tracks, and surface waters. Ward lines shall be clearly shown on a map of suitable scale. Those portions of physical features with names and used as ward boundaries shall be clearly labeled on the ward map.

#### **HB 1170-FN**, allowing municipalities to designate areas and conditions for the placement of political advertising and relative to the removal of improperly placed political advertising. OUGHT TO PASS WITH AMENDMENT

Rep. Jane A. Clemons for Election Law: This bill allows municipalities to designate areas and conditions for the placement of political advertising on municipal property. It also authorizes the governing bodies to designate employees responsible for the removal of improperly placed signs. It also allows the municipalities to fine the perpetrator \$100. per sign after notification if they so choose. Vote 16-0.

#### **Amendment (0604h)**

Amend RSA 664:17 as inserted by section 1 of the bill by inserting after paragraph IV the following and renumbering the original paragraphs V and VI to read as VI and VII, respectively:

*V. Any removing authority may notify a candidate or campaign office of a candidate that a political advertisement promoting such candidate is improperly placed within the jurisdiction of the removing authority. If the sign or signs identified are removed within a timeframe specified in such notice, the provisions of paragraph II may be waived.*

Amend RSA 664:17, VII as inserted by section I of the bill by replacing it with the following:

*VII. Any person who violates any provision of paragraph VI, shall be guilty of a misdemeanor pursuant to RSA 664:21, V.*

**HB 1333-FN-L**, relative to voting booth requirements at primary and special elections. OUGHT TO PASS WITH AMENDMENT

Rep. Susan W. Almy for Election Law: This bill as amended relieves local election officials of the requirement to erect more voting booths than they expect to need at a given election. The requirement to maintain access to one (1) booth for every 125 qualified voters across all elections remains intact, thus eliminating fiscal consequences. Vote 15-0.

#### Amendment (0747h)

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

AN ACT relative to the erection of voting booths at polling places.

Amend the bill by replacing section I with the following:

I Pre-Election Procedure; Preparation of Polling Place; Arrangement; Number of Voting Booths to be Erected. Amend RSA 658:9, II to read as follows:

II. 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, and 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 *available at each polling place* shall not be less than one for every 125 voters or fraction thereof qualified to vote at such polling places. There shall not, in any case, be fewer than 2 of the voting booths described in this paragraph and one of the voting booths described in paragraph III at any polling place. The number of booths erected at the polling place shall be the number estimated by the selectmen to be necessary for the efficient conduct of the election plus any additional number requested by the moderator.

#### AMENDED ANALYSIS

This bill provides that the number of voting booths erected at a polling place shall be determined by the selectmen and the moderator.

**HB 1444**, requiring a special primary for all parties if there are at least 2 candidates for election from one party. OUGHT TO PASS WITH AMENDMENT

Rep. Natalie S. Flanagan for Election Law: This is a much needed bill concerning Special Elections. We now have registration and voting on the same day, so it makes it necessary for all parties to be represented and to have a Special Election ballot. The amendment gives us a cut-off date for Special Elections in the second year of the biennium. Vote 17-0.

#### Amendment (0400h)

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

2 Vacancies Among Public Officers; Executive Councilor, State Senator, and State Representative; Request for Special Primary Deadline. Amend RSA 661:8 to read as follows:

661:8 Executive Councilor; State Senator; State Representative. If a vacancy occurs in the office of executive councilor or state senator, it shall be filled as provided in Part II, Articles 34 and 62 of the state constitution. If a vacancy occurs in the office of state representative from a single town or ward district, the vacancy may be filled following the provisions of RSA 655:81 and 82 in the same manner as a state general election is held. In a multi-town or multi-ward district, a vacancy in the office of state representative shall be filled following the provisions of RSA 655:81 and 82 by a special election if the selectmen of any town or ward in said district so request of the governor or council. Within 21 days after proof of a vacancy or a request that a vacancy be filled, the governor, in the case of an executive council vacancy, or the governor and council, in the case

of any other vacancy, shall declare that there shall be a special election which shall be held as provided in RSA 655:81 and 82. *No request for a special election shall be considered after March 15 of the second year of the biennium.*

#### AMENDED ANALYSIS

This bill requires that all parties participate in special primaries and provides that requests for special elections to fill vacancies in state public offices shall not be considered after March 15 of the second year of the biennium.

**HB 1488**, amending the definition of candidate and requiring additional reporting under the political expenditures and contributions act. **OUGHT TO PASS**

Rep. Raymond C. Buckley for Election Law: This bill establishes the definition of a candidate as any person who, directly or indirectly, spends or receives \$5,000. It corrects the loophole of when a candidate becomes a candidate for the purpose of expenditures counting against the voluntary spending limit. It follows the federal definition of a candidate Vote 14-1.

**HB 1495**, relative to procedures for apportioning state representatives among counties and among legislative districts. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas I. Arnold, Jr. for Election Law: This bill requires N.H. to apportion representatives to counties based on the method of equal proportions (2 U.S.C. Section 2b) which is Congress's third try at the "best method". It also provides that if any town, place, or ward is a part of any overlapping (floterial) district then all towns, places or wards must be a portion of an overlapping district. The committee recommended the bill ITL because it would inhibit the freedom of negotiation of those charged with re-apportionment following the forthcoming decennial census. Vote 13-0.

**HB 1611**, relative to reports of income by county officers. **INEXPEDIENT TO LEGISLATE**

Rep. C. Donald Stritch for Election Law: The committee felt that this bill which would exempt all county sheriffs and their deputies who receive fees in excess of salary from filing an annual statement with the Secretary of State was not necessary. A representative from a county registry of deeds was present and asked to also be exempt.

This committee further feels that since within our ten counties many sheriffs and their deputies and many deed registrars do and/or still receive fees in excess of salaries they should continue their once-a-year report to the Secretary of State. All state representatives and senators do this each year. Confession and disclosure is good for the soul. Vote 16-0.

**HB 1139-FN**, relative to group II retirement system eligibility for law enforcement training specialists and assistant directors employed by the police standards and training council. **INEXPEDIENT TO LEGISLATE**

Rep. Ray F. Langer for Executive Departments and Administration: This bill reduces from 10 to 5 years, the number of years an officer must be in group II for retirement in order to retain group II status as an instructor in the Police Standards and Training Council. It was felt that due to the small amount of turnover in this category (every couple of years), such a drastic change was not warranted. Vote 16-0.

**HB 1222**, increasing the membership of the Christa McAuliffe planetarium commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill increases the number of members of the planetarium commission appointed by the governor and council from two (2) to six (6) members. The intent is to include members from the private sector, the business community and/or the not-for-profit community. This change could enhance the educational and market driven approach to planetarium affairs. One technical addition changes the statute to read "The commissioner of regional community colleges" (it formerly read: post-secondary technical education), and adds the president of NH Technical Institute who shall serve as ex officio members of the commission with voting rights. Vote 18-0.

#### Amendment (0527h)

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

1 Christa McAuliffe Planetarium Commission; Membership Increased. Amend RSA 188-F:59, III and IV to read as follows:



III. ~~Two~~ Six members *who shall be from the private sector and represent the business community or the not-for-profit community*, appointed by the governor with the consent of council for a term of 3 years.

IV. The commissioner of ~~[postsecondary technical education]~~ *regional community-technical colleges, the president of the New Hampshire Technical Institute*, the commissioner of cultural affairs, and the commissioner of education shall serve as ex officio members of the commission with voting rights.

2 Legislative Mileage Added. Amend RSA 188-F:60 to read as follows:

188-F:60 Offices and Compensation. The commission shall annually elect one of its members as chairperson (except that the commissioner of ~~[postsecondary technical education]~~ *regional community-technical colleges* shall not be chair), one as vice chairperson, and one as secretary-treasurer. The members of the commission shall receive no compensation for their services; however, *legislative members shall be paid mileage at the legislative rate and other* reasonable expenses incurred *by the members of the commission* in the performance of their duties shall be paid from available commission funds.

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

**HB 1233**, relative to administrative attachment of regulatory boards and commissions. OUGHT TO PASS WITH AMENDMENT

Rep. Nancy C. Stickney for Executive Departments and Administration: The bill administratively attaches to the Department of Administrative Services both regulatory boards and commissions not currently administratively attached, and new boards and commissions which would not be obviously attached to another department or agency. However, the bill as originally written attaches existing boards and commissions to the Department of Administrative Services that should not be so attached, such as the Board of Education and the PELRB. The amendment, making the effective date July 1, 1998 corrects the bill to affect only newly created boards and commissions. Vote 18-0.

#### Amendment (0528h)

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

1 New Section; Administrative Attachment. Amend RSA 332-G by inserting after section 3 the following new section:

332-G:4 Administrative Attachment. Any regulatory board or commission established after July 1, 1998 which is not designated as administratively attached to any department of the state shall be administratively attached, according to the provisions of RSA 21-G:10, to the department of administrative services.

2 Effective Date. This act shall take effect July 1, 1998.

#### AMENDED ANALYSIS

This bill provides that any board or commission established after July 1, 1998 which is not designated as administratively attached shall be attached to the department of administrative services.

**HB 1234-FN**, establishing an office of volunteerism. OUGHT TO PASS

Rep. Maurice E. Goulet for Executive Departments and Administration: Numerous testimony, at the public hearing and at a subsequent sub-committee work session, revealed the need for more involvement in supporting volunteerism in the state. To replace the work product of volunteers with a paid work force would cost approximately \$1.3 million a year. The bill establishes an office of volunteerism and the governor and council shall appoint an executive director for a term of two years. The statute will make perfectly clear that the executive director shall receive NO compensation and shall not be entitled to reimbursement for expenses, but shall only receive mileage at the state rate. The office would not replace the governor's office on volunteerism, but would clearly handle many areas that the current staff of the governor's office on volunteerism can not do currently, due to their other duties and responsibilities. The creation of this office, without any funding in the first year, and the opportunity for outside funding (i.e.) gifts, grants, donations, etc.) each year thereafter, could ensure that "volunteerism is alive and well" in New Hampshire. Vote 17-0.

Referred to Finance.

**HB 1245**, relative to the management of New Hampshire retirement system funds by the board of trustees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: The purpose of the bill was to repeal the return to the legal list for investing purposes. The committee felt that an oversight of the investment policies and the return on the investment should require a review at least every five years. The amendment added by the committee requires review every 5 years and a report to the legislature. To insure compliance the legislative budget assistant will monitor this subject when the required annual fiscal and performance audit are due and insure compliance with the subject matter of this bill. Vote 18-0.

#### **Amendment (0684h)**

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1 and 2 to read as 2 and 3, respectively:

1 New Paragraph; Legislative Review of Investment Policy. Amend RSA 100-A:15 by inserting after paragraph VII the following new paragraph:

VIII. The management, investment, and reinvestment practices for the assets held in trust by the board pursuant this section shall be subject to review by the legislature at least every 5 years. The review by the legislature, after acceptance by the general court, shall be published in the next comprehensive annual investment report of the retirement system. The legislative budget assistant shall inform the speaker of the house and the president of the senate when review is required under this paragraph. The legislative budget assistant shall also monitor compliance by the retirement system of the inclusion of any and all written reviews in the comprehensive annual investment report

#### **AMENDED ANALYSIS**

This bill repeals a prospective amendment to RSA 100-A:15, I, which was adopted in 1995, 271:2 and which would have amended, effective June 30, 1998, the authority of the board of trustees to invest in certain banking, trust, or international investments.

This bill also adds a provision for legislative review of the investment practices of the retirement system board of trustees.

**HB 1262-FN-A**, establishing the position of medical review subcommittee administrator under the board of registration in medicine. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: The purpose of this bill is to permit the board of medicine to hire a licensed physician as an administrator of the medical review subcommittee. There is a backlog of complaints pending before the medical review subcommittee, some long standing, and this position will help clear up this area. There is also a bill before the senate to allow the board of medicine to hire a part time prosecutor for the board. These positions will serve the public well as there will be a quicker resolution for the complaints against the medical practitioners. Vote 17-0.

#### **Amendment (0727h)**

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

**AN ACT** relative to authority for the board of medicine to employ a medical review subcommittee administrator.

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

1 Purpose. It is the purpose of this act to permit the board of medicine to employ as necessary a licensed physician as the administrator of the medical review subcommittee for the purpose of enabling the board of medicine to respond to and prioritize complaints, conduct investigations, and determine appropriate discipline of physicians.

2 Board of Medicine to Employ a Physician as Subcommittee Administrator. Amend RSA 329:17, V-a to read as follows:

V-a. A medical review subcommittee of 7 members shall be nominated by the board of medicine and appointed by the governor and council. The subcommittee shall consist of one member of the board of medicine and 6 other persons, no more than 5 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 subcommittee members shall be appointed for 3-year terms, and shall serve no more than 2 terms. 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 make recommendations to the board. Funds shall be appropriated from the general fund for use by the subcommittee to investigate allegations under paragraphs I-V of this section. *The board shall employ a physician as a medical review subcommittee administrator who shall serve at the pleasure of the board. The salary of the medical review subcommittee administrator shall be established by the board in accordance with duties, experience, and amount of time required for the position.*

3 Medical Review Subcommittee Administrator; Funding; Duties. The cost of salary, benefits, and expenses for the medical review subcommittee administrator position established in RSA 329:17, V-a, as amended by section 2 of this act, shall be paid from existing license fees collected by the board of medicine. The board shall develop criteria for the position of medical review subcommittee administrator and shall determine the scope of duties. The position may be part time at the discretion of the board.

4 Effective Date. This act shall take effect July 1, 1998.

#### AMENDED ANALYSIS

This bill requires the board of medicine to employ a physician full or part-time as medical review subcommittee administrator the cost of which shall be paid from existing fees of the board.

**HB 1294-FN**, establishing the propane and natural gas board and regulating propane and natural gas installers. INEXPEDIENT TO LEGISLATE

Rep. Kipp A. Cooper for Executive Departments and Administration: Through testimony provided by the industry representatives and the state fire marshal, the committee found that this bill would have little impact on consumer safety but would certainly have a significant impact on consumer cost. The fire marshal and industry representatives have agreed to work together and develop a training and inspection plan that will benefit both our citizens' safety and pocketbooks. Vote 18-0.

Rep. Joseph Foster declared a conflict of interest and did not participate.

**HB 1344-FN**, relative to state employees receiving workers' compensation benefits. OUGHT TO PASS WITH AMENDMENT

Rep. Ray F. Langer for Executive Departments and Administration: The committee reviewed the bill and based on the comments that the adoption of the bill, as written, could create future problems either in bills submitted or collective bargaining, the bill was amended to provide that the same leave time is available to all part time workers. This creates a level playing field for all part time workers. Vote 18-0.

#### Amendment (0707h)

Amend the bill by replacing section 1 with the following:

1 Temporary Partial Workers' Compensation Benefits. RSA 99:2 is repealed and reenacted to read as follows:

99:2 Additional Increase. In addition to the increase provided in RSA 99:1 and, other provisions of law notwithstanding, classified state employees who are totally disabled as a result of work-connected accidental injury shall be entitled to all workers' compensation benefits under RSA 281-A, and by election of said employees, to sick or annual leave benefits except that the combination of workers' compensation and sick or annual leave benefits shall not exceed such employee's full pay, subject to payroll deductions with respect to sick or annual leave benefits; provided, however, that any employee on workers' compensation shall not be entitled to have each holiday added to annual leave accumulation; nor shall such employee be entitled to have any time added to sick or annual leave accumulation while on workers' compensation; except that any employees receiving temporary partial workers' compensation indemnity benefits shall accrue leave time in accordance with RSA 98-A:6, 98-A:6-a, and 98-A:6-b. The commissioner of administrative services is hereby directed to maintain separate accounts for the payment of wage benefits and medical costs pursuant to workers' compensation benefits for state employees.



## AMENDED ANALYSIS

This bill declares that any state employee receiving temporary partial workers' compensation indemnity benefits shall accrue leave time in accordance with statutes governing work on a part-time basis.

Referred to Finance.

**HB 1425-FN**, regulating the practice of site evaluation of subsurface sewage or waste disposal systems and subdivision plans. **INEXPEDIENT TO LEGISLATE**

Rep. Howard C. Dickinson, Jr. for Executive Departments and Administration: The committee unanimously agrees that there is no need for the provisions of HB 1425-FN because the proposed responsibilities of "Site Evaluations" presently exist in RSA 485-A:29-36 (septic designers) and by RSA 310-A:75-97 (soil scientists and wetland scientists). Furthermore, when we certified wetland scientists last year in HB 197, the legislation was written so that most permitted septic designers could be grandfathered as wetland scientists if they wished. The Professional Septic Designers Association should convey this to their membership as soon as possible. The office of state planning also should inform their regional offices and New Hampshire municipalities that permitted septic designers have been, are, and will be able to determine wetland boundaries for the purpose of septic design even after the wetland scientist statute becomes effective. Hopefully, this will clear up any existing confusion on the subject. Vote 16-0.

**HB 1450**, relative to standards for certification of soil scientists and wetland scientists. **INEXPEDIENT TO LEGISLATE**

Rep. Howard C. Dickinson, Jr. for Executive Departments and Administration: The committee unanimously recommends inexpedient to legislate because the bill does not address the problem described by the sponsor. Apparently, the office of state planning disseminated the soil standards as described in "Site Specific Soil Mapping Standards of NH & VT (June 1997)" which have not been adopted by the department of environmental services under RSA 541-A. While this innovative flexibility on the part of OSP is not to be criticized, it has caused some confusion. Vote 16-0.

Rep. Joseph Foster declared a conflict of interest and did not participate.

**HB 1525-FN**, establishing an office of administrative hearings. **REFER FOR INTERIM STUDY**

Rep. Robert K. Dodge for Executive Departments and Administration: The committee is aware of the need for consistency and professionalism in administrative hearings. Inasmuch as all boards have different types of responsibilities, the committee believes that interim study would allow for a more complete and comprehensive solution. Vote 16-0.

**HB 1573-FN**, changing the name of the department of cultural affairs to the department of cultural resources and establishing a fund for educational purposes and historic preservation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maurice E. Goulet for Executive Departments and Administration: To adequately reflect the nature of services provided by this agency, this bill renames the Department of Cultural Affairs to the Department of Cultural Resources. The bill also allows the department to accept gifts, contributions and bequests to further educational objectives of (1) the council on the arts and (2) historic preservation. In addition, the bill amends the qualifications of the director of the division of arts by adding an experiential component as well as the academic credentials. Vote 16-0.

## Amendment (0446h)

Amend the bill by replacing section 1 with the following:

1 Nonlapsing Fund Established. Amend RSA 21-K:4, V(a) to read as follows:

(a) Accept gifts, contributions and bequests of unrestricted funds from individuals, foundations, corporations, and other organizations or institutions for the [purpose] purposes of furthering the educational objectives of the programs established pursuant to RSA 19-A and RSA 227-C. *Such funds shall be deposited in a nonlapsing fund for the purpose of this subparagraph from which payments shall be made upon warrant of the governor and council.*

Referred to Finance.

**HB 1574-FN-L**, adding state and local government part-time employees to employees eligible to participate in the state group insurance coverage. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: The prime sponsor approached the committee after the public hearing and indicated the bill, as written, would not accomplish what was intended. The committee, in respect of the sponsors wish, voted the bill inexpedient to legislate. Vote 17-0.

**HB 1590-FN**, relative to vending facilities operated by blind persons and blind services. **INEXPEDIENT TO LEGISLATE**

Rep. Howard C. Dickinson, Jr. for Executive Departments and Administration: The committee has examined all legislation pertaining to blind services since the passage of HB 912, Chapter 260, Laws of 1975 when the agency was given the right to operate all vending facilities on state property with all revenues paid to the blind operator and blind services. At a hearing on HB 470 in 1979, it was discovered that the state was losing \$48,000 annually at the Mt. Washington and Sunapee concessions and would lose \$70,000 per year if blind services operated the Franconia concession according to HB 912. Although HB 470 failed in the Senate, the 1979 budget contained provisions to exempt Sunapee, Franconia and Mt. Washington from HB 912 (1975). In 1981, this exemption was formalized in SB 250, Chapter 403 and was echoed again in HB 368 (1985). During this 10 year review of blind services' right to operate vending facilities on state property, it was discovered that blind services supplied its blind operators with all capital requirements and initial inventory at no cost to the operator. With this competitive advantage, the legislature was convinced that a blind operator had an extremely favorable competitive advantage and should be able to win any bid to operate a facility. The 1981 law has worked well for the past 16 years and should not be changed. It has come to our attention that recently blind services may not have been notified every time a bid was advertised on a vending facility, so specified in the law. It was suggested that blind services should contact the attorney generals office to address concerns about the bid notification process. Vote 17-0.

**HB 1607-L**, exempting state agencies and counties from competitive bidding requirements when purchasing bulletproof vests and other personal body armor for law enforcement officers, other officers with powers of arrest, and corrections personnel. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: The purpose of this bill was to raise the amount exempted from the bidding process to \$10,000.00 for body armor for law enforcement personnel. This was required, the sponsors said, because of the slow bidding process and the requirements to accept the low bid. The bidding process is dependent upon the management issuing the bid. The quality of the equipment can be assured through the specifications written into the bid. The industry has well known standards. The committee was sensitive to the need for this equipment but feels that the problem will not be changed by lifting the exempt bid amount on one item. There is another bill in the legislative process that will raise the bid exemption to \$5,000.00 on a wide range of items. A bill with an increased exemption would provide more flexibility than HB 1607. Given the limited scope of this bill, the lack of support from the counties, who would also be affected, and the need to address the bidding process by the various managers responsible for the purchasing of equipment, the committee felt this bill should not pass. Vote 16-0.

**HB 1612-FN**, establishing a public information system to ensure electronic access to public records. **REFER FOR INTERIM STUDY**

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill presents innovative ideas relevant to "Webster", our present state public electronic information system. The sponsor requested ED&A form a visionary group to explore emerging technology that would enable a private company to capitalize, develop and manage the Webster network under a long term contract. Do we wish to phase in department information OVER TIME or do we want all information on Webster NOW in a convenient, efficient, user-oriented format available to all citizens free of charge? The committee felt interim study was the prudent way to address these philosophies. Vote 19-0.

**HB 1619**, relative to the embossing of government seals. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: The purpose of this bill was to control the use of the state seal on certain documents. One of the co-sponsors indicated to the committee that the way the bill was written it would not do what was intended. The prime sponsor and the other co-sponsor did not appear. Vote 16-0.

**HB 1636-FN**, relative to the executive director of fish and game and the fish and game commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill was the result of a study committee during 1997. The bill will permit the fish and game commissioners to submit one name to the governor and council for consideration for appointment as the executive director. The bill contains a process if the governor and council do not agree. Other changes consolidate various duties of the director in this statute from other statutes under the umbrella of RSA 541-A. The amendment proposed by the committee places the director in grade P of the unclassified system and will allow a fish and game executive director to remain in group II of the retirement system if the director has been a member of group II for at least 10 years prior to the appointment and maintains certification during the period of the appointment. Vote 17-0.

**Amendment (0533hh)**

Amend the bill by replacing section 7 with the following:

7 New Section; Retirement System. Amend RSA 206 by inserting after section 8 the following new section:

206:8-a Retirement System. For purposes of classification under the provisions of RSA 100-A, the executive director shall be considered a permanent policeman if the executive director was a permanent police member of group II for at least 10 years prior to appointment as executive director and continues to be certified as a police officer for purposes of RSA 206:26 and RSA 206:26-b.

Amend the bill by inserting after section 10 the following and renumbering the original sections 11 and 12 to read as 12 and 13, respectively:

11 Applicability ; Salary of Incumbent Executive Director. The incumbent executive director on the effective date of this act shall be placed at the lowest salary step in group P, as established in section 2 of this act, which is not less than the incumbent's salary immediately prior to the effective date of this act.

Referred to Finance.

**HB 1655-FN-A**, relative to the authority of the length of service awards program committee and making an appropriation therefor. **OUGHT TO PASS**

Rep. Frank J. Reidy for Executive Departments and Administration: The length of service awards program, defined contribution retirement program for volunteer firefighter and emergency personnel, that was passed a few years ago has run into legal and actuarial problems with changes in the internal revenue code. This bill will allow those charged with establishing the program the funds and the opportunity to seek legal advice and actuarial advice to establish the program within the guideline in RSA 100-B. Vote 17-0.

Referred to Finance.

**CACR 30**, relating to the levy of taxes. Providing that no taxes shall be levied without the consent of the people through a referendum vote. **INEXPEDIENT TO LEGISLATE**

Rep. Avis B. Nichols for Finance: This bill proposes an amendment to the Constitution that says no subsidy, charge, tax, impost or duty shall be established, fixed, laid or levied without a referendum vote of the people and the consent of their representatives in the legislature. This would be a prohibitive means of funding state government. In a representative government it is the duty of elected officials to fund the functions of government and this method would not only be unwieldy but untimely. On the surface this appears to be a solution to control spending but it would be cumbersome and ineffective. Vote 18-0.

**HB 1040-FN-A**, decreasing the rate of the communications services tax. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth L. Weyler for Finance: The communications services tax was passed at 3%, but almost immediately a surtax was added to bring it to 5.5%. That temporary rate has been renewed for at least four bienniums. We have another bill in interim study that we hope to use to fulfill the obligation to cease temporary rates. With the present unresolved financial situation and that bill in reserve, the Committee found this bill Inexpedient to Legislate. Vote 18-0.



**HB 1241-FN-A**, repealing the temporary increase of the communications services tax and increasing the tobacco tax. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Vaughn for Finance: The prime sponsor requested that the bill be withdrawn in view of the Rules Committee decision to allow in a bill sponsored by the Governor that would raise the tobacco tax. Vote 18-0.

**HB 1497**, establishing a committee to study adoption of a single factor method of apportionment for business taxation purposes. **OUGHT TO PASS**

Rep. Charles L. Vaughn for Finance: A study of the single sales factor method of apportioning income for business taxation purposes was supported by both the business community and the Department of Revenue Administration. The results of the study may be useful in improving the state's business tax structure. Vote 18-0.

**HB 1507-FN-A**, providing for a graduated reduction in the temporary increases in the communications services tax, meals and rooms tax, and the real estate transfer tax. **REFER FOR INTERIM STUDY**

Rep. Charles L. Vaughn for Finance: This bill was recommended for interim study in the hope that, despite the fiscal pressures arising from the Claremont II decision, the state would be in a position to reduce these temporary taxes. For the time being, these taxes must remain part and parcel of state revenues. Vote 18-0.

**HB 1555-FN**, relative to including revocable trusts for medicaid estate recovery purposes. **OUGHT TO PASS WITH AMENDMENT**

Rep. O. Alan Thulander for Finance: This bill requires a trustee to submit written notice to the Department of Health and Human Services of the existence of a revocable trust of a decedent who has received medical assistance under the Medicaid program. The amendment inserts the word "revocable," where necessary, before the word "trust" to better clarify the meaning of the bill. This information would allow the state to recover assistance provided based upon the value of all property, real or personal. Vote 17-0.

#### **Amendment (0749h)**

Amend RSA 167:14-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. All property, real or personal, in a revocable trust is subject to recovery by the department for recovery for any medical assistance provided the decedent. Upon receipt of notice pursuant to RSA 564-A:3-b, the department shall provide the trustee with a statement containing the amount of medical assistance which was provided to the decedent.

Amend RSA 564-A:3-b, II as inserted by section 2 of the bill by replacing it with the following:

II. All property, real or personal, in a revocable trust is subject to recovery by the department for recovery for any medical assistance provided to the decedent.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Applicability. Sections 1 and 2 of this act shall apply only to revocable trusts established on or after January 1, 1999.

#### **AMENDED ANALYSIS**

This bill requires a trustee to submit a written notice to the department of health and human services of a revocable trust if the decedent had received medical assistance from the department.

**HB 1595-FN-A**, repealing certain exemptions under the meals and rooms tax. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Alukonis for Finance: This bill calls for eliminating certain exemptions in respect to the meals and rooms tax at educational institutions. The committee found that the proposal would create serious inequities and would be very difficult to enforce. Additionally, the sponsor of the bill agreed with the committee and asked that the bill be reported as Inexpedient to Legislate. The Committee concurred. Vote 18-0.

**HB 1649-FN-A**, providing an exemption under the interest and dividends tax for taxpayers on a fixed income. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Alukonis for Finance: This bill would create an alternative exemption from the interest and dividends tax for those individuals on a "fixed income" up to a level of income

which is equal to 200% of federal poverty levels. The bill would delegate to the Department of Revenue Administration the ability to define what a fixed income is. The committee overwhelmingly agreed that such a delegation of authority was displeasing at best. Further, the committee concurred with the Department which stated that there could be no "clear definition of fixed income." Without adequate definition, neither the Department nor the committee could estimate the fiscal impact that this bill would have on the state's general fund revenues. Additionally, while some may consider the current levels of exemption from the interest and dividends tax to be too low, the committee believes that if additional relief from the tax is needed, it should be via adjustments to the current structure rather than by creating a new and undefined exemption. Vote 17-1.

**HB 1396-FN**, relative to training programs for emergency medical services instructors and funding of certain testing programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: This bill is clearly a bill that protects the public and is long overdue. The bill requires EMT trainers/instructors to take a test and be licensed. Life and death type situations should require these individuals to be regulated by Health & Human Services, so an EMT who responds to an emergency will have been taught by a qualified person. All costs for testing/licensing to be borne by the individual who wants to be a trainer/instructor. Vote 16-0.

#### Amendment (0695h)

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

**AN ACT** relative to licensure and training programs for emergency medical services instructor/coordinators.

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

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

V-a. "Emergency medical services instructor/coordinator" means a person who has completed the requirements of an instructor training program under RSA 151-B:18, VIII.

2 Licensure Required. Amend RSA 151-B:7, II(f) to read as follows:

(f) License emergency medical care providers, emergency medical service units, *emergency medical services instructor/coordinators*, and emergency medical service vehicles.

3 New Section; License Required; Emergency Medical Services Instructor/Coordinator. Amend RSA 151-B by inserting after section 10 the following new section:

151-B:10-a Licensure of Emergency Medical Services Instructor/Coordinators. Emergency medical services instructor/coordinators shall be licensed in accordance with rules adopted by the commissioner.

4 Fees Added. Amend RSA 151-B:13 to read as follows:

151-B:13 Fees. The commissioner may charge a fee for licensure of an emergency medical service unit, an emergency medical service vehicle, *an emergency medical services instructor/coordinator*, or an emergency medical care provider. However, no fee shall be charged to a nonprofit corporation or volunteer association.

5 Rulemaking Added. Amend RSA 151-B:18, I to read as follows:

I. The licensing and operation of emergency medical service units, emergency medical service vehicles, *emergency medical instructor/coordinators*, and emergency medical care providers, including advanced emergency medical care providers.

6 Rulemaking Added. Amend RSA 151-B:18, VIII to read as follows:

VIII. Training, including training programs for students, testing and student supervision *and training programs for emergency medical instructor/coordinators*.

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

#### AMENDED ANALYSIS

This bill grants rulemaking authority to the commissioner of the department of health and human services to establish training programs for emergency medical services instructor/coordinators. The bill also requires licensure for such instructor/coordinators in accordance with rules adopted by the commissioner.

**HB 1503-FN-A-L**, relative to intergenerational homeshare programs and making an appropriation therefor. **OUGHT TO PASS**

Rep. Margaret A. Case for Health, Human Services and Elderly Affairs: This legislation would require the Department of Health & Human Services to establish a 2-year intergenerational homeshare pilot program which would link older or disabled adults with properly screened people who would provide minimal care in exchange for housing. This legislation would help older people to remain in their homes, thus reducing costs to the state. This is a major component of the long term care initiatives which are proposed by Health & Human Services. Vote 16-0.

Referred to Finance.

**HB 1158**, changing the process for designating a part-time district court justice a full-time district court justice. **OUGHT TO PASS**

Rep. Janet G. Wall for Judiciary and Family Law: Currently the supreme court appoints sitting part-time justices as full-time justices when caseloads increase, consistently requiring a full-time justice. For some time, the executive council has been concerned, viewing this as a constitutional issue. It is also thought that some part-time judges are chosen who might not be chosen for full-time. With the passage of this measure, the supreme court will make recommendations, and the governor and council will be involved, though they are not bound by the supreme court recommendation. This bill has the support of the governor, the governor's council, the supreme court, the district court, and the judicial council. Vote 15-1.

**HB 1194**, prohibiting a minor child from being forced to have visitation with an incarcerated parent. **INEXPEDIENT TO LEGISLATE**

Rep. David C. Allison for Judiciary and Family Law: As drafted, the bill seems to be all-encompassing, i.e., that the incarcerated parent may be imprisoned for a relatively minor offense. In such a circumstance, it seems to the committee excessive punishment to prevent this incarcerated parent from visits with his or her child. Vote 14-0.

**HB 1347**, providing visitation rights to siblings. **OUGHT TO PASS WITH AMENDMENT**

Rep. Julie M. Brown for Judiciary and Family Law: This bill preserves relationships between siblings who are separated as a result of court ordered out-of-home placements by including the appropriateness of preserving sibling relationship as a factor to be considered under current law, and by providing for visitation between siblings who have an existing relationship and have been separated as a result of a court ordered placement. Vote 16-0.

#### **Amendment (0650h)**

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

**AN ACT** preserving relationships between siblings who are separated as a result of court ordered out-of-home placements.

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

1 Adjudicatory Hearing; Preservation of Sibling Relationships. Amend RSA 169-C:18, V to read as follows:

V. If the court determines that a child has been abused or neglected, the court shall order a child placing agency to make an investigation and a social study consisting of, but not limited to, the home conditions, family background, and financial assessment, school record, mental, physical and social history of the family, *including sibling relationships and residences for appropriateness of preserving relationships between siblings who are separated as a result of court ordered placement*, and submit it in writing to the court prior to the final disposition of the case. No disposition order shall be made by a court without first reviewing the social study except pursuant to a voluntary consent order or when waived by all the parties. Preliminary orders, continued pursuant to RSA 169-C:16, may be entered or modified as appropriate until the dispositional hearing.

2 New Section; Visitation With Siblings. Amend RSA 169-C by inserting after section 19-c the following new section:

169-C:19-d Visitation With Siblings. The court shall, whenever reasonable and practical, and based on a determination of the best interests of the child, ensure that children who have an existing relationship with a sibling and who are separated from their siblings as a result of a court decree, court order, consent order, or court-recommended placement, including but not limited to, placement in



foster homes, or in the homes of parents or extended family members, have access to and visitation rights with such siblings throughout the duration of such placement, and subsequent to such placement if the children or their siblings are separated by long-term or short-term foster care placement.

3 Dispositional Hearing; Order of Protection; Contact With Siblings Included. Amend RSA 169-C:19, II (a) to read as follows:

II.(a) An order of protection may be issued setting forth conditions of behavior by a parent, relative, *sibling*, guardian, custodian or a household member. Such order may require any such person to:

(1) Stay away from the premises, another party, or the child.

(2) Permit a parent or other named person to visit *supervised or otherwise, or have contact with* the child at stated periods and under such conditions as the court may order.

(3) Abstain from harmful conduct with respect to the child or any person to whom custody of the child is awarded.

(4) Correct specified deficiencies in the home that make the home a harmful environment for the child.

(5) Refrain from specified acts of commission or omission that make the home *or contact with the child* a harmful environment for the child.

4 Children in Need of Services; Adjudicatory Hearing; Sibling Relationship Considered. Amend RSA 169-D:14, III to read as follows:

III. If the court finds the child is in need of services, it shall, unless a report done on the same child less than 3 months previously is on file, order the department of health and human services or other appropriate agency to make an investigation and written report consisting of, but not limited to, the home conditions, school record and the mental, physical and social history of the child *including sibling relationships and residences for the purpose of preserving relationships between siblings who are separated as a result of court ordered placement*. Evaluations performed at the Philbrook center may occur only upon receiving prior approval for such evaluation from the commissioner of the department of health and human services or designee. When ordered by the court, such investigation shall include a physical and mental examination of the child, parents, guardian, or person having custody. The court shall inform the parents, guardian or person having custody and child of their right to object to the physical examination or mental health evaluation. Objections shall be submitted in writing to the court having jurisdiction within 5 days after notification of the time and place of the examination or evaluation. The court may excuse the child, parents, guardian, or person having custody upon good cause shown. No disposition order shall be made by the court without first reviewing the investigation report, if ordered.

5 Effective Date. This act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill preserves relationships between siblings who are separated as a result of court ordered out-of-home placements by including the appropriateness of preserving sibling relationships as a factor to be considered under current law, and by providing for visitation between siblings who have an existing relationship and have been separated as a result of a court ordered placement.

**HB 1382**, requiring a court order or a power of attorney executed by a beneficiary for sale of estate assets by the administrator of the estate. INEXPEDIENT TO LEGISLATE

Rep. Peter F. Bergin for Judiciary and Family Law: The probate court has put a number of rules in place to assure that the attorney, executor and executrix properly sell the estate assets and then notify the court and beneficiaries. If this legislation was enacted, it would mean additional cost to the court and beneficiaries. The court and beneficiaries would be burdened with additional paperwork which could delay the estate being settled. Vote 12-0.

**HB 1390**, adopting a drug dealer liability act. REFER FOR INTERIM STUDY

Rep. Irene A. Pratt for Judiciary and Family Law: Sponsors indicated complexity of the issues involved with this bill might be more effectively addressed if it were placed in interim study. Vote 12-0.

**HB 1406**, increasing the maximum amount for a small claim action. OUGHT TO PASS

Rep. Peter F. Bergin for Judiciary and Family Law: Testimony was given that currently the maximum amount of debt or damages which may be claimed in a small claim action is \$2,500. Over the last ten years rents have increased and landlords need access to justice. By increasing the maximum claim to \$5,000, justice will be served. A defendant still would have the right to a jury trial for damages over \$1,000. Vote 14-0.

**HB 1500**, relative to powers of appointment. OUGHT TO PASS WITH AMENDMENT

Rep. Susan J. Clay for Judiciary and Family Law: The bill provides an additional flexible tool for estate planning. The bill allows for older wills to address the complexity of new federal tax laws. Currently, new wills address this issue easily. The Department of Revenue Administration sees no problem with this legislation and no fiduciary loss to the state. Vote 15-0.

**Amendment (0247h)**

Amend the bill by replacing section 3 with the following:

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

**HB 1549-FN**, granting a right to trial by jury in any controversy between a person or persons and a state board, commission, or agency when the amount in controversy is at least \$1,500. REFER INTERIM STUDY

Rep. Paul M. Mirski for Judiciary and Family Law: The committee recommends Interim Study in order to examine this question further, particularly given the great sums of money which may be involved and the potentially crippling financial consequences which might accrue to defendants in certain cases. Vote 9-6.

**HB 1580-FN**, permitting a jury trial in the superior court for violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission. REFER FOR INTERIM STUDY

Rep. Sandra B. Keans for Judiciary and Family Law: The committee believes there are issues of how the process works when a claim is brought to the Human Rights Commission. It appears that not every complainant gets a hearing with witnesses under oath. With further study we believe legislation can be drafted to ensure that citizens be granted the full due process that is allowed under RSA 354-A:1. Vote 15-0.

**HB 1603-FN**, relative to appointment and payment of guardians ad litem and establishing a complaint process against the guardian ad litem system. INEXPEDIENT TO LEGISLATE

Rep. Marjorie K. Smith for Judiciary and Family Law: The sponsor identified what he perceived to be a problem but informed the committee that neither the bill as submitted nor a subsequent amendment would appear to correct the problem. Vote 13-0.

**HB 1130-FN**, relative to the distribution of beverages. OUGHT TO PASS WITH AMENDMENT

Rep. Jean R. Wallin for Local and Regulated Revenues: This bill eliminates the cross stocking requirement for small beverage producers. This will not weaken the three tier system as this provision has never been used by the liquor commission. The amendment adds "brew pubs" to the licensee that must report delinquencies to the liquor commission. Vote 17-0.

**Amendment (0427h)**

Amend the bill by replacing section 2 with the following:

2 Brew Pub Licenses Added; Reports of Delinquencies. Amend RSA 179:13, III-IV to read as follows:

III. The commission shall inform holders of beverage manufacturer licenses, beverage vendor licenses, *brew pub licenses*, beverage vendor importer licenses, and wholesale distributor licenses of the names of licensees *who are delinquent in making payments of a total amount of \$100 or more* under the provisions of this section and no holder of a beverage manufacturer license, beverage vendor license, beverage vendor importer license, *brew pub license*, wholesale distributor license or beverage representative license shall knowingly make any delivery of beverages to any licensee whose payments for purchases of beverages are reported as delinquent under this section. The commission may withhold names of delinquent licensees under circumstances in which there is a dispute over payments, an agreement to liquidate which has been approved by the commission, or other reason which the commission may deem proper.

IV. [~~The sum of \$150 shall be added to the fees provided under RSA 178:27 and collected by the commission for each failure of a holder of a beverage manufacturer license, beverage vendor license, beverage vendor importer license, wholesale distributor license, or beverage representative license to comply with the provisions of this section.~~] *The commission may impose a fine of not less than \$100 nor more than \$500 for a violation of this section.* Determinations of a failure to comply with this section shall be made by the commission.

**HB 1163**, establishing a house study committee on methods used to compute tax rates related to funding for education and property tax assessments. **INEXPEDIENT TO LEGISLATE**  
Rep. Linda T. Foster for Local and Regulated Revenues: Although some municipalities may be upset with their "bottom line" tax rate, the committee believes that the methods used to compute this rate are as accurate as possible and that the Department of Revenue Administration which oversees the process uses the data presented to them with both accuracy and integrity. Vote 17-0.

**HB 1210-FN**, relative to the licensing rate for beverage manufacturers. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Stephen G. Avery for Local and Regulated Revenues: This bill, as amended, would reduce the license fees that small brewers would pay for a beverage manufacture license. This will increase the opportunity for small brewers to operate within the state and will increase choices to consumers. Vote 17-0.

#### Amendment (0600h)

Amend the bill by replacing section 1 with the following:

1 Beverage Manufacturer License Fee. Amend RSA 178:27, III (a) to read as follows:

(a) Beverage manufacturer license[~~-, \$1,692~~]:

(1) *Domestic sales of 15,000 barrels or less per year, \$1,200;*

(2) *Domestic sales of more than 15,000 barrels per year, \$1,692.*

#### AMENDED ANALYSIS

This bill changes the fee for a beverage manufacturer license from \$1,692 to \$1,200 for domestic sales of 15,000 barrels or less and \$1,692 for domestic sales of more than 15,000 barrels. Referred to Finance.

**HB 1242-FN**, prohibiting discounts and rebates of any wagers at racetracks. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Local and Regulated Revenues: The Pari-Mutuel commission voted to permit discounts and rebates on wagers at racetracks last year. This bill would have repealed that decision. The overwhelming feeling on the committee was that it had no desire to micro-manage the commission on this matter. There was little support for this bill. Vote 15-5.

**HB 1313**, relative to wholesale distributors who are delinquent in making payment of accounts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jean R. Wallin for Local and Regulated Revenues: This bill, as amended, adds brew pub licensees to the beer distribution credit reporting system by requiring them to report to the Liquor Commission the name and license number of wholesale distributor licensees who are delinquent in making payment of accounts. Vote 17-0.

#### Amendment (0430h)

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

**AN ACT** requiring brew pub licensee's to report delinquencies by wholesale distributors.

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

1 Reports by Brew Pub Licensees. Amend RSA 179:13, I and II to read as follows:

I. Each holder of a wholesale distributor or beverage manufacturer license shall report to the commission the name and license number of any on-sale or off-sale licensee who is delinquent in making payment of accounts *over a total of \$100* within 10 days, including Sundays and holidays, from the date of delivery of beverages on the premises of such on-sale or off-sale licensee or on the premises of a liquor/wine/beverage warehouse storing the beverages for an on-sale or off-sale licensee. Each holder of a wholesale distributor license, *brew pub license*, beverage manufacturer license, beverage vendor license, or beverage vendor importer license shall report to the commission the name and license number of any holder of a wholesale distributor license who is delinquent in making payments of accounts within 30 days from the date of delivery of beverages on the premises of such holder of a wholesale distributor license. Such report to the commission shall include the amounts purchased and the dates when payments were due and shall be forwarded to the commission within 5 days after said accounts become delinquent, unless the fifth day of such period is a Sunday or holiday in which case the report shall be forwarded the day following such Sunday or holiday.



II. Each holder of a beverage manufacturer license, a beverage vendor license, *brew pub license*, beverage vendor importer license, or wholesale distributor license shall immediately notify the commission of the receipt of the payment of any account which has been reported to the commission as delinquent. Post-dated checks beyond the 5-day reporting period shall not constitute payments of accounts for the purchases of beverages. Checks given in payment for beverages which are returned for nonpayment after the 5-day reporting period shall immediately constitute a delinquency and shall, upon return, be reported to the commission. Payments collected by beverage representatives or agents shall be reported as delinquent unless actually received at the place of business of the holder of the beverage manufacturer license, beverage vendor license, *brew pub license*, beverage vendor importer license, or wholesale distributor license on or before the fifth day of the reporting period. Payment of licensees' accounts by a holder of a beverage representative license when not actually collected from the licensee shall constitute a delinquency. When collections are made by a beverage representative or agent, the sales slips or invoices shall be clearly marked with the name of the person making the collection and the date of such collection.

2 Notification to Retailers; Brew Pub Licensees. Amend RSA 179:13, V to read as follows:

V. Each wholesale distributor, *brew pub licensee*, or beverage manufacturer shall notify any retailer reported to the commission pursuant to RSA 179:13, I who is delinquent in making payment of accounts. Notification shall be delivered in writing to the licensee by a representative of the wholesaler or beverage manufacturer. Proof of notification shall be forwarded to the commission, whose enforcement division shall issue an administrative notice for a violation of the provisions of RSA 179:13, I and shall forward a report of violation for administrative action. Any license issued to any business violating the provisions of RSA 179:13, I may be suspended by the commission for nonpayment of accounts which are delinquent more than 15 days from the date of the wholesale distributor's, *brew pub licensee's*, or beverage manufacturer's notification, providing the requirements of this section have been met.

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

#### AMENDED ANALYSIS

This bill requires brew pub licensees to report to the liquor commission wholesale distributor licensees who are delinquent in making payment of accounts.

**HB 1395-L**, relative to property tax exemptions for water and pollution control facilities. OUGHT TO PASS

Rep. Richard Noyes for Local and Regulated Revenues: This bill has a long history. Current law allows a 25-year tax exemption for pollution control equipment. A 1996-1997 study committee recommended that the exemption should continue over the useful and operating life of the equipment rather than arbitrarily end after 25 years. The committee adopted that recommendation. Vote 17-0.

**HB 1480-L**, allowing a city or town to petition the liquor commission to revoke the liquor license of a licensee located within the city or town. OUGHT TO PASS

Rep. Linda T. Foster for Local and Regulated Revenues: There was no testimony in opposition to this bill and the Liquor Commission enthusiastically supported it. This bill does not in any way change the due process procedures which must be allowed to revoke the liquor license of any licensee. It merely allows cities and towns to initiate the process. Vote 17-0.

**HB 1558-FN-L**, relative to games of chance. OUGHT TO PASS

Rep. Robert N. Kelley for Local and Regulated Revenues: This bill increases the statutory limit levied on individual wagers at "Monte Carlo" nights and other games of chance from \$1 to \$2. It also creates a comprehensive regulatory structure for charitable games of chance almost identical to that currently in place to regulate bingo and lucky 7 wagering. The result is to give charities the opportunity to increase their fundraising potential, but under much greater regulation. Vote 20-0. Referred to Finance.

**HB 1579-FN-L**, relative to exemptions to property taxes when the property is sold. INEXPEDIENT TO LEGISLATE

Rep. Douglass P. Teschner for Local and Regulated Revenues: Under current law, the tax rate for all real property throughout the state, including any exemptions, is set on April 1. This April town-wide evaluation is the basis on which local tax rates are established. This bill would complicate

this administrative burden by allowing exemptions to change during the course of the year and right up to the date the Department of Revenue Administration sets the tax rate. This bill was introduced on behalf of the selectmen of Chester, but no other witness appeared in support, the N.H. Municipal Association was opposed. This bill is virtually identical to another bill which was voted ITL on the consent calendar last year. Vote 17-0.

**HB 1146**, relative to the use of capital reserve funds for multiple payments of lease/purchase agreements. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul A. McGuirk for Municipal and County Government: As communities search for ways to alleviate the financial impact on taxpayers for high priced capital equipment on a yearly basis, many municipalities are opting to enter into lease/purchase agreements. Passage of this bill would allow municipalities to establish a capital reserve fund, by majority vote to be used to make multiple payments on these agreements. Any lease/purchase agreement must be approved by 2/3 of all voters present and voting at an annual or special meeting. Vote 17-0.

#### **Amendment (0683h)**

Amend RSA 35:15, III(a)(2) as inserted by section 1 of the bill by replacing it with the following:  
*(2) The lease/purchase agreement has been ratified by the legislative body by a vote by ballot of 2/3 of all the voters present and voting at an annual or special meeting.*

**HB 1250-FN-L**, providing that beginning with the tax year 2002, the education portion of a property taxpayer's tax bill shall not exceed 50 percent of the total tax due and establishing a committee to recommend legislation necessary to implement this act. **INEXPEDIENT TO LEGISLATE**  
 Rep. Robert W. Brundige for Municipal and County Government: The sponsor of this bill testified he had submitted it prior to the Claremont decision. In view of that decision the Committee feels that this idea is premature and the sponsor agrees. Vote 14-1.

**HB 1383-L**, relative to zoning for small businesses in rural areas. **INEXPEDIENT TO LEGISLATE**  
 Rep. Thomas E. Rice for Municipal and County Government: This bill preempts part of the traditional power of local planning boards. We do not feel that the state should substitute its judgment for that of locally elected officials. This bill also would address a situation that may not occur. Vote 17-0.

**HB 1388**, establishing a committee to study commercial, suburban, and rural sprawl. **INEXPEDIENT TO LEGISLATE**

Rep. Robert A. Lockwood for Municipal and County Government: The committee recognizes the need for a study of the issue of commercial, suburban and rural sprawl and its recommendation of ITL is made with the intent of combining the study under HB 1238. Vote 17-0.

**HB 1532**, establishing a committee to study the village plan alternative to municipal subdivision procedures for the purpose of retaining open space in the development process. **INEXPEDIENT TO LEGISLATE**

Rep. Robert A. Lockwood for Municipal and County Government: The committee agrees that the study of village plan alternatives to retain open space as well as allow planned development is an intriguing idea. The committee vote of ITL was made with the idea that the subject matter and committee structure will be brought forward under HB 1238. Vote 17-0.

**HB 1138-FN-L**, relative to New Hampshire route 111. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Bernard J. Raynowska for Public Works and Highways: The amendment to this bill replaces the entire original bill and urges the Department of Transportation to make the New Hampshire Route 111 bypass project a top priority for construction and funding. The committee will consider the contents of the original bill in its forthcoming review of the 10-Year Highway Plan. Vote 16-1.

#### **Amendment (0737h)**

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

1 New Hampshire Route 111 Bypass Project. The department of transportation is hereby urged to make the New Hampshire route 111 bypass project a top priority and move to start and complete such project at the earliest possible date in the event highway funds, federal or state, exceed current or future projections.

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

## AMENDED ANALYSIS

This bill urges the department of transportation to make the New Hampshire route 111 bypass project a top priority in the event highway funds exceed current or future projections.

**HB 1208**, authorizing the housing finance authority to sell or transfer certain land. OUGHT TO PASS WITH AMENDMENT

Rep. Leon Calawa, Jr. for Public Works and Highways: If this bill passes it would give the Housing Finance Authority an ability to sell land that has been transferred to the authority to build affordable housing. The authority is now authorized to only sell the house and lease the land the house sits on. The bill also provides the requirement that all requests go before the Council on Resources and Development before the land can be transferred as authorized in RSA 162-C. Vote 20-0.

**Amendment (0585h)**

Amend the bill by replacing section 1 with the following:

1 Housing Finance Authority Authorized to Sell or Transfer Land. Amend RSA 204-D:4, V to read as follows:

V. The authority [~~shall not sell any land which is transferred to the authority pursuant to this chapter~~] *may sell or otherwise transfer land transferred to the authority pursuant to this chapter upon which affordable housing has been constructed only if the authority has established controls to ensure that the housing shall remain affordable to persons of low or moderate income for a period of at least 30 years after such sale or transfer. The authority may sell or otherwise transfer undeveloped land transferred to the authority under this chapter only after receiving approval from the council on resources and development established in RSA 162-C.* The authority may lease land which is transferred to the authority under this chapter.

**HB 1253-L**, relative to disposal of state property which is no longer in use for state purposes. INEXPEDIENT TO LEGISLATE

Rep. Lou D'Allesandro for Public Works and Highways: At this time there is a process in place which handles this situation of surplus property which includes review and approval by the Council On Resources and Development (CORD), review and approval by the Long Range Capital Planning and Utilization Committee, and final approval by the Governor and Council. The current process is working and, thus, there is no need to take further action. Vote 15-1.

**HB 1284-FN-A**, appropriating funds to the liquor commission for the siting and design of a combination state liquor store, welcome center, and New Hampshire products store, to be located in the city of Keene. OUGHT TO PASS WITH AMENDMENT

Rep. Gene G. Chandler for Public Works and Highways: This bill, as originally written, appropriated \$125,000 for the purpose of siting and design of a liquor store in the city of Keene. Testimony showed that the city prefers a downtown location, yet the recommendation of the study committee was for an out-of-town location, providing a welcome center and New Hampshire products store in addition to the liquor store. The amendment deletes the appropriation and authorizes the liquor commission to continue to investigate the location of a new store and work with the Department of Transportation, Administrative Services and the city of Keene to find a suitable location. The chairman of the Liquor Commission indicated that this amendment would help the commission with its dealings regarding a new liquor store site in Keene. Vote 15-5.

**Amendment (0587h)**

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

AN ACT directing the liquor commission to study and investigate the location of a new liquor store and possible welcome center and New Hampshire products store in the city of Keene.

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

1 Liquor Commission; Study and Report. The liquor commission, with cooperation from the division of public works, department of transportation and the department of administrative services shall study and investigate the location of a new liquor store and possible welcome center



and New Hampshire products store in the city of Keene. The liquor commission is authorized to use any existing funds not otherwise obligated for the purposes of this act. The liquor commission shall submit a report on this study and investigation to the governor, the speaker of the house, and the senate president on or before November 1, 1998.

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

#### AMENDED ANALYSIS

This bill directs the liquor commission, with cooperation from the division of public works, department of transportation and the department of administrative services, to study and submit a report to the governor and presiding officers of the legislature on the location of a new liquor store and possible welcome center and New Hampshire products store in the city of Keene.

#### **HB 1387-FN**, relative to the state art fund. OUGHT TO PASS WITH AMENDMENT

Rep. Paul I. LaMott for Public Works and Highways: This bill, as originally proposed, would have repealed the highly successful 19 year program which provides New Hampshire art for its public buildings by removing the requirement that one half of one percent of the bid contract price of each new building or major addition in the capital budget be deposited in the State Art Program. A detailed review of the financial history of the program, together with recognition of the ever increasing cost of capital projects, prompted the committee to conclude that it is appropriate to retain the program, but cap the bid amount to which the one half of one percent formula will apply at \$15 million. The amendment also includes a senator or representative from the district in which a project is located to serve on the project selection committee. Vote 16-1.

#### Amendment 0677h

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

1 Art Fund. Amend the introductory paragraph of RSA 19-A:9, I to read as follows:

1. There is hereby established a non-lapsing art fund consisting of 1/2 of one percent of the *first \$15,000,000 of the* bid contract price of each new building or major addition authorized by the capital budget to be paid from the general fund. As used in this section, "major addition" means any addition which increases by 25 percent or more the square footage of the building to which it is being added. Contracts for the following projects are excluded:

2 Members Added. Amend RSA 19-A:10, IV to read as follows:

IV. To establish selection committees of interested citizens and experts to assist in the carrying out of the provisions of this chapter. The selection committees may include the project architect, a representative of the agency involved, a professional artist, ~~and~~ a local citizen, *and either a state senator or a state representative from the district in which the project will be located.* The members of the selection committee shall serve without pay, but may be compensated for mileage by the department of cultural affairs.

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

#### AMENDED ANALYSIS

This bill limits the amount deposited in the state art fund to 1/2 of one percent of the first \$15,000,000 of the bid contract price of each new building or major addition authorized by the capital budget to be paid from the general fund.

Referred to Finance.

#### **HB 1389-FN-L**, relative to agreements for telecommunications-related uses of the state highway system. OUGHT TO PASS WITH AMENDMENT

Rep. Winston H. McCarty for Public Works and Highways: This bill simplifies the process of locating telecommunications towers within the state highway system and state-owned railroad rights of way, yet giving proper authority to local municipalities to tax and to make the towers subject to local zoning and planning requirements. Vote 14-3.

#### Amendment (0662h)

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

1 Statement of Intent. The general court recognizes that there is a need to streamline the process for the installation of telecommunication towers erected for commercial use in state-owned rights-of-way.

2 New Section; Agreements for Telecommunications-Related Uses of the State Highway System. Amend RSA 228 by inserting after section 31 the following new section:

228:31-a Agreements for Telecommunications-Related Uses of the State Highway System and State-Owned Railroad Rights-of-Way. The commissioner may, with the approval of the governor and council, execute contracts, leases, licenses, and other agreements relating to the use or occupation of state-owned rights-of-way, whether easement or fee-owned, for purposes of allowing the installation and maintenance of telecommunication towers. Such agreements, which shall be for commercially reasonable value, shall not extend for a period of more than 10 years. Any leases executed pursuant to this section shall be subject to the requirements of RSA 72:23 with regard to properly assessed real estate taxes and subject to local zoning and planning requirements. There shall be no advertising signs on these towers. The provisions of RSA 4:40 shall not apply to this section.

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

#### AMENDED ANALYSIS

This bill enables the commissioner of the department of transportation to enter into agreements for telecommunications-related uses of the state highway system.

Referred to Finance.

Rep. Joseph Foster declared a conflict of interest and did not participate.

**HB 1401-FN-L**, relative to the application of local planning and zoning to construction, development, or use of facilities on state-owned property. **INEXPEDIENT TO LEGISLATE**

Rep. Paul I. LaMott for Public Works and Highways: Committee research into this bill revealed that HB 1401, with amendments proposed by the sponsor, makes minor changes to existing statutes relative to the application of local planning and zoning to construction, development or use of facilities on state-owned property. The sponsor proposed a second amendment which was discussed but not accepted by the committee. The committee concluded that current laws governing this issue are working, and do not require changes at this time. Vote 16-0.

**HB 1617-FN-L**, requiring all state agencies to include in its budget request the cost for maintaining state-owned buildings based upon a formula and requiring the department of administrative services to maintain state-owned buildings. **OUGHT TO PASS**

Rep. Leon Calawa, Jr. for Public Works and Highways: This bill requires every state agency having responsibility for a state-owned building to include \$1.00 per square foot in its biennial operating budget request to cover building maintenance. This measure will help keep the needed repairs for our state buildings from capital budget projects. The bill will also help keep the cost of repairs down as there should be funds available to perform maintenance when needed. Vote 16-0. Referred to Finance.

**HB 1639-A-L**, relative to U.S. Route 3 from Twin Mountain in Carroll to Clarksville and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gerald P. Merrill for Public Works and Highways: Since legislation was enacted requiring the collection of the tax on diesel fuel be done at the pump, the revenue to the highway fund from this tax has skyrocketed to the tune of a 9.5 million dollar increase! The committee feels that the best use of this increase is application to the Highway and Bridge Betterment Program. The amendment transfers \$6 million of the increased revenues to the betterment program in 1999, and establishes a mechanism whereby approximately that same \$6 million will be available to the betterment program each year. Funding of the betterment program is spread throughout all six highway districts in the state, assuring each area of the state will see increased highway paving, drainage work and bridge work each year. The amendment does not call for any increase in the fuel tax, just a reallocation of newly found revenue from fuel taxes. The Highway and Bridge Betterment account is one of, if not the most successful highway program in New Hampshire, and one which shows immediate results to our motoring constituents. Vote 16-0.

#### Amendment (0548h)

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

AN ACT relative to the highway and bridge betterment program and making an appropriation therefor.

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

1 Funding. Amend RSA 235:23-a, II to read as follows:

II. The program shall be funded from [~~\$.02~~] \$.03 per gallon of the road toll imposed under RSA 260:32; of these revenues, in each fiscal year 88 percent shall be deposited into a separate account established in the highway fund called the highway and bridge betterment account, to be allocated as provided in paragraph III. The amount deposited into the highway and bridge betterment account is hereby continually appropriated and shall be nonlapsing. The remaining 12 percent shall be distributed in accordance with the formula in RSA 235:23, I, and shall be in addition to any amounts to be allocated under that paragraph.

2 Appropriation; Highway and Bridge Betterment Program. Amend 1997, 350:1 by amending PAU 04, 01, 03, 11, 01 for fiscal year 1999 to read as follows:

				<u>FY 1999</u>
04 Transportation				
01 Department of Transportation				
03 Project Development Division				
11 Non Matching Funds				
01 Betterment				
90 Betterments/State Bridge Aid	D	[+6,772,000]		22,772,000
Total		[+6,772,000]		22,772,000
Estimated Source of Funds for Betterment				
09 Agency Income				11,772,000
Highway Funds		[5,000,000]		11,000,000
Total		[+6,772,000]		22,772,000

3 Effective Date. This act shall take effect July 1, 1998.

AMENDED ANALYSIS

This bill increases the funding for the highway and bridge betterment program. The bill also makes an appropriation from highway funds for the purposes of the program. Referred to Finance.

**HB 1161-FN**, requiring the state to rebuild and maintain the dam controlling Baxter Lake in the towns of Farmington and Rochester, New Hampshire. **INEXPEDIENT TO LEGISLATE**  
 Rep. Rudolf A. Adler for Resources, Recreation and Development: Testimony from the sponsor and the Department of Environmental Services disclosed that the present owner of this 75 year old dam is under an order from DES to repair the structure or to significantly lower the lake level as not to constitute a danger to downstream persons and properties. While the committee heard testimony regarding the value of the lake to the State, including a healthy bass fishery, it is clear that the main beneficiaries of this lake are the hundreds of properties around and adjacent to Baxter Lake. Testimony also revealed that the estimated cost to repair of \$233, 000 could be significantly reduced through the use of municipal equipment and manpower and could be further eased by a phased in repair plan worked out in conjunction with the DES. Both municipalities have options available to them to finance this project and to assess the primary beneficiaries of this lake. Vote 19-0.

**HB 1240-FN**, establishing wetlands permits for slips-only marinas. **INEXPEDIENT TO LEGISLATE**  
 Rep. William E. Williams, Jr. for Resources, Recreation and Development: The committee ascertained that the problem as purported in this bill only applied to one commercial owner and he had, in fact, not filed a permit application with the Department of Environmental Services. He was put in touch with the Director of the Wetlands Bureau and will work with him to ameliorate his problem. Vote 18-0.

**HB 1291-FN**, relative to management of the state ski areas at Mount Sunapee and Cannon Mountain. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. H. Charles Royce for Resources, Recreation and Development: This is a contingency bill, if one or both of the state ski areas, (Cannon and Sunapee) are leased or managed by a private operator several existing RSAs will have to be repealed: i.e. RSA 12-A:24-5, relative to state ski operations, RSA 216-A:2, VI-IX, relative to duties of director of parks and recreation relative to state ski operations. If the state ski areas are not leased or managed by a private operation this bill will not go into effect. Vote 15-0.



**Amendment (0746h)**

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

1 Directors of Forests and Lands and Parks and Recreation; Admission Without Charge; State-Owned Ski Areas Operated by a Lessee Exempted. Amend RSA 218:5-c to read as follows:

218:5-c Admission Without Charge. Any person who is a resident of this state and who has attained the age of 65 shall, upon proper identification, be admitted to any state recreation area, including but not limited to parks, historical sites, beaches, and *state-operated* ski areas, without charge. Persons qualifying under this section shall be allowed to use any state owned facility within the recreation area without charge for the use of the facility, except persons qualifying under this section shall be charged the usual fee for the use of so-called "uphill devices" on Saturdays and Sundays. Provided further that other special charges at state owned recreation areas, such as fees charged for parking at parking meters, shall be charged persons qualifying under this section at the usual rates. The provisions of this section shall not apply to state owned campsites or camping areas *or state-owned ski areas operated by a lessee*.

2 Department of Resources and Economic Development; State Ski Operations; Management; Cannon Mountain Deleted. Amend RSA 12-A:24-25 to read as follows:

12-A:24 State Ski Operations. The director of parks and recreation shall be responsible for the management and operation of the state ski ~~[areas]~~ *area* at Mount Sunapee ~~[and Cannon Mountain]~~, as provided in RSA 216-A:2.

12-A:25 Marketing and Ski Service Administrator; Mountain ~~[Managers]~~ *Manager*. The commissioner of resources and economic development shall appoint an administrator of ski area marketing and ski services, and ~~[2] a mountain [managers, one]~~ *manager* for ~~[each of]~~ Mount-Sunapee ~~[and Cannon Mountain]~~, who shall serve at the pleasure of the commissioner. These positions shall be unclassified positions.

3 Department of Resources and Economic Development; State Ski Operations; Management; Mount Sunapee Deleted. Amend RSA 12-A:24-25 to read as follows:

12-A:24 State Ski Operations. The director of parks and recreation shall be responsible for the management and operation of the state ski ~~[areas]~~ *area* at ~~[Mount Sunapee and]~~ Cannon Mountain, as provided in RSA 216-A:2.

12-A:25 Marketing and Ski Service Administrator; Mountain ~~[Managers]~~ *Manager*. The commissioner of resources and economic development shall appoint an administrator of ski area marketing and ski services, and ~~[2] a mountain [managers, one]~~ *manager* for ~~[each of Mount Sunapee and]~~ Cannon Mountain, who shall serve at the pleasure of the commissioner. These positions shall be unclassified positions.

4 Department of Resources and Economic Development; State Ski Operations; Purchases and Transfers; Cannon Mountain Deleted. Amend RSA 12-A:27-28 to read as follows:

12-A:27 Field Purchase Limits. Notwithstanding the provisions of RSA 21-I:17-a, I, the director of parks and recreation may make purchases by the use of field purchase orders for expenditures of up to \$1,000 for the Mount Sunapee ~~[and Cannon Mountain]~~ ski operations and facilities.

12-A:28 Transfers Authorized; Ski Areas. The commissioner of the department of resources and economic development may transfer funds for any specific purposes to funds for other purposes within and among the appropriations for the operation of ~~[Cannon Mountain and]~~ Mount Sunapee. The commissioner shall report on a quarterly basis to the legislative fiscal committee and the governor and council all transfers accomplished under the provisions of this section. The provisions of this section shall not be subject to RSA 9:17-a and RSA 9:17-c.

5 Department of Resources and Economic Development; State Ski Operations; Purchases and Transfers; Mount Sunapee Deleted. Amend RSA 12-A:27-28 to read as follows:

12-A:27 Field Purchase Limits. Notwithstanding the provisions of RSA 21-I:17-a, I, the director of parks and recreation may make purchases by the use of field purchase orders for expenditures of up to \$1,000 for the ~~[Mount Sunapee and]~~ Cannon Mountain ski operations and facilities.

12-A:28 Transfers Authorized; Ski Areas. The commissioner of the department of resources and economic development may transfer funds for any specific purposes to funds for other purposes within and among the appropriations for the operation of Cannon Mountain ~~[and Mount Sunapee]~~. The commissioner shall report on a quarterly basis to the legislative fiscal committee and the governor and council all transfers accomplished under the provisions of this section. The provisions of this section shall not be subject to RSA 9:17-a and RSA 9:17-c.

6 Public Recreation; Expansion of State Park System; Duties; Director of Parks and Recreation; Ski Areas; Cannon Mountain Deleted. Amend RSA 216-A:2, VI-IX to read as follows:

VI. The director shall purchase such merchandise for resale and such operating supplies and materials as may be necessary for the operation of the ski school, ski rental and repair, souvenir, and food services concessions at Mount Sunapee [~~and Cannon Mountain~~]. The operating costs shall be a direct charge against gross sales receipts.

VII. The director shall place an immediate emphasis within the division of parks and recreation, department of resources and economic development, on long-range planning and capital development at [~~both~~] Mount Sunapee [~~and Cannon Mountain~~] and prepare a capital budget for planning and design to be submitted by the commissioner to the general court on a biennial basis.

VIII. [~~The director shall, under a single PAU established for Mount Sunapee and Cannon Mountain, encourage cooperative operation and interchange of personnel and equipment between the 2 ski areas.~~

~~IX.]~~ The director shall be responsible for all personnel and equipment at [~~both~~] *the* ski operations, and any other duties that may be assigned to the director by the commissioner of resources and economic development.

7 Public Recreation; Expansion of State Park System; Duties; Director of Parks and Recreation; Ski Areas; Mount Sunapee Deleted. Amend RSA 216-A:2, VI-IX to read as follows:

VI. The director shall purchase such merchandise for resale and such operating supplies and materials as may be necessary for the operation of the ski school, ski rental and repair, souvenir, and food services concessions at [~~Mount Sunapee and~~] Cannon Mountain. The operating costs shall be a direct charge against gross sales receipts.

VII. The director shall place an immediate emphasis within the division of parks and recreation, department of resources and economic development, on long-range planning and capital development at [~~both Mount Sunapee and~~] Cannon Mountain and prepare a capital budget for planning and design to be submitted by the commissioner to the general court on a biennial basis.

VIII. [~~The director shall, under a single PAU established for Mount Sunapee and Cannon Mountain, encourage cooperative operation and interchange of personnel and equipment between the 2 ski areas.~~

~~IX.]~~ The director shall be responsible for all personnel and equipment at [~~both~~] *the* ski operations, and any other duties that may be assigned to the director by the commissioner of resources and economic development.

8 Public Recreation; Aerial Tramways; Resident Ski Rates; Establishment and Reduction of Rates; Cannon Mountain Deleted. Amend RSA 227:13-14 to read as follows:

227:13 Establishment of Rates. The department shall not exercise its authority pursuant to RSA 227:1 and 8, to establish fees, fares and tolls at [~~Cannon Mountain and~~] Mt. Sunapee so as to discriminate against or to the detriment of, financially or otherwise, resident skiers, either directly or indirectly.

227:14 Reduced Rates. Season tickets shall be made available to any resident of this state. For the purposes of this section "resident of this state" means a person whose domicile is in this state. A discount of 25 percent shall be given by the division to state residents, when proof of residency is provided, on all season tickets and coupon books sold prior to December 15 of each year for winter facilities at Mt. Sunapee [~~and Cannon Mountain~~] state ski areas. For purposes of this section, proof of residency shall include a state issued driver's license; a state issued I.D. card with a photograph, or information including name, sex, date of birth, height, weight and color of eyes; United States passport, or an affidavit from the town clerk certifying residency. Any person who is a full-time secondary school student and who has not attained the age of 19 by May 1 of the year following any winter season shall be eligible for a junior season ticket, and all minors who have not attained the age of 15 years by May 1 of the year following any winter season shall be eligible for a child's season ticket. The commissioner of the department of resources and economic development shall make quarterly reports on season tickets issued under this section to the fiscal committee, the senate president, the speaker of the house, and governor and council.

9 Public Recreation; Aerial Tramways; Resident Ski Rates; Establishment and Reduction of Rates; Mount Sunapee Deleted. Amend RSA 227:13-14 to read as follows:

227:13 Establishment of Rates. The department shall not exercise its authority pursuant to RSA 227:1 and 8, to establish fees, fares and tolls at Cannon Mountain [~~and Mt. Sunapee~~] so as to discriminate against or to the detriment of, financially or otherwise, resident skiers, either directly or indirectly.

227:14 Reduced Rates. Season tickets shall be made available to any resident of this state. For the purposes of this section "resident of this state" means a person whose domicile is in this state. A discount of 25 percent shall be given by the division to state residents, when proof of residency is provided, on all season tickets and coupon books sold prior to December 15 of each year for winter facilities at ~~[Mt. Sunapee and]~~ Cannon Mountain state ski areas. For purposes of this section, proof of residency shall include a state issued driver's license; a state issued I.D. card with a photograph, or information including name, sex, date of birth, height, weight and color of eyes; United States passport, or an affidavit from the town clerk certifying residency. Any person who is a full-time secondary school student and who has not attained the age of 19 by May 1 of the year following any winter season shall be eligible for a junior season ticket, and all minors who have not attained the age of 15 years by May 1 of the year following any winter season shall be eligible for a child's season ticket. The commissioner of the department of resources and economic development shall make quarterly reports on season tickets issued under this section to the fiscal committee, the senate president, the speaker of the house, and governor and council.

10 Repeal. The following are repealed:

I. RSA 12-A:24-25 and 27-29, relative to state ski operations.

II. RSA 216-A:2, VI-IX, relative to duties of director of parks and recreation relative to state ski operations.

III. RSA 227:2, relative to the procurement of liability insurance for Cannon Mountain.

IV. RSA 227:10, relative to the procurement of liability insurance for Mount Sunapee.

V. RSA 227:11, relative to revenues collected in connection with tramways.

VI. RSA 227:13, relative to the establishment of rates at Cannon Mountain and Mount Sunapee.

VII. RSA 227:14, relative to reduced rates for season tickets for New Hampshire residents.

11 Contingency. The commissioner of the department of resources and economic development shall certify to the secretary of state the date that the state enters into a lease agreement for the Cannon Mountain ski area, the Mount Sunapee ski area, or both. If the state enters into lease agreements for both Cannon Mountain and Mount Sunapee, section 10 of this act shall take effect upon the date that both Cannon Mountain and Mount Sunapee are subject to such lease agreements and sections 2-9 shall not take effect. If the state enters into a lease agreement for Cannon Mountain but not for Mount Sunapee, sections 2, 4, 6, and 8, and paragraph III of section 10 of this act shall take effect upon the date that Cannon Mountain is subject to such a lease agreement and sections 3, 5, 7, and 9, and paragraphs I-II and IV-VII of section 10 shall not take effect. If the state enters into a lease agreement for Mount Sunapee but not for Cannon Mountain, sections 3, 5, 7, and 9, and paragraphs IV and V of section 10 of this act shall take effect upon the date that Mount Sunapee is subject to such a lease agreement and sections 2, 4, 6 and 8, and paragraphs I-III and VI-VII of section 10 shall not take effect. If the state does not enter into a lease agreement for either Cannon Mountain or Mount Sunapee, sections 2-10 shall not take effect.

12 Effective Date.

I. Sections 2-10 of this act shall take effect as provided in section 11.

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

#### AMENDED ANALYSIS

This bill amends or repeals laws relative to management of state ski areas by the department of resources and economic development. This bill also exempts state-owned ski areas operated by a lessee from the admission without charge law. Various provisions in this bill are contingent upon the lease arrangements for the Mount Sunapee and Cannon Mountain ski area operations. Referred to Finance.

**HB 1412**, relative to increasing the administrative fine for violations of wetlands laws. **INEXPEDIENT TO LEGISLATE**

Rep. Rudolf A. Adler for Resources, Recreation and Development: This bill proposed to increase administrative fines imposed by the Commissioner of the Department of Environmental Services from the present upper limit of \$2,000 for each offense to \$10,000 for each offense. Testimony included the value of oceanfront property relative to the fine level. While there was some merit based on individual situations the imposition of a "one size fits all" fine across the state would be severe in the extreme. The committee felt that fair and expeditious enforcement using present rules must be applied before any increased fine is contemplated. Vote 17-2.



**HB 1531-FN**, relative to reimbursement for removal of petroleum storage facilities from the oil pollution control fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael D. Whalley for Resources, Recreation and Development: This bill provides for reimbursement for removal of petroleum storage facilities from the oil pollution control fund. As amended this bill would place a lien on the real property for all costs incurred by the Department of Environmental Services in removing underground storage facilities or other petroleum storage facilities. The lien shall arise at the time such costs are incurred by the department and shall continue until the liability for such costs, including interest is satisfied. The lien may be foreclosed in accordance with the provisions of law relating to foreclosure of mortgages on real estate when there is a transfer of the property or when any petroleum storage facilities are reinstalled on the property. Further, any claims determined by the oil fund disbursement board to be eligible for reimbursement of cleanup costs or damages to third parties shall be exempt from the law imposing double damages. Vote 19-0.

#### **Amendment (0706h)**

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 5:

2 New Paragraph; Oil Spillage in Public Waters; Strict Liability for Containment, Cleanup and Removal Costs; Removal of Storage Facilities. Amend RSA 146-A:3-a by inserting after paragraph I the following new paragraph:

I-a.(a) Any operator or person who has legal ownership of real property upon which underground storage facilities or other petroleum storage facilities which are not in compliance with the requirements of RSA 146-A or RSA 146-C are located shall be strictly liable for the costs of removal. The department shall have a lien upon the real property for all costs incurred by the department in removing underground storage facilities or other petroleum storage facilities pursuant to RSA 146-A:11-a, III(f) from the real property, including interest calculated pursuant to RSA 336:1, II where such costs are not paid as prescribed by the department. Such lien shall arise at the time such costs are incurred by the department and shall continue until the liability for such costs, including interest is satisfied or becomes unenforceable. The lien shall become valid and effective against the real property upon the department's recordation of a notice of lien in the registry of deeds for the county in which the real property is located. The notice of lien shall identify the legal owner of record by name and address, the location of the real estate from which the facility was removed by the department, and the amount of the lien. The department shall send a copy of the notice of lien to the person identified in the notice at the address set forth in the notice by certified mail, return receipt requested, postage prepaid. There shall be no charge for filing the department's notice of lien. The fee for discharging the notice of lien shall be borne by the person identified in the notice of lien. The lien provided for by this section may be foreclosed in accordance with the provisions of law relating to foreclosure of mortgages on real estate upon violation of subparagraph I-a.(b) of this section or upon transfer of title to the real estate

(b) Installation or replacement of underground storage facilities or other petroleum storage facilities regulated under RSA 146-A or RSA 146-C which contain or are designed to contain gasoline or diesel product on real property subject to a lien under this section shall be prohibited until such lien is discharged.

3 New Paragraph; Oil Discharge and Disposal Cleanup Fund; Penalties; Lien for Liability to Fund. Amend RSA 146-D:7 by inserting after paragraph I the following new paragraph:

I-a. Where any liability to a fund under RSA 146-D:6, RSA 146-E:6, or RSA 146-F:5 is not paid as prescribed by the oil fund disbursement board, the amount, including interest together with the costs that may accrue in addition thereto, shall become a lien in favor of the board upon all property and rights to property, whether real or personal, in the same manner as that prescribed in RSA 260:63 through RSA 260:65-a, which provisions shall govern the board's imposition and enforcement of the lien created by this section.

4 Oil Spillage in Public Waters; Tort Liability to Third Persons; Certain Claims Exempted. Amend RSA 146-A:10 to read as follows:

146-A:10 Tort Liability to Third Persons. Any person who negligently or intentionally discharges or spills oil into or on the waters of any lake, pond, river, stream, or into tidal waters or into the groundwater of the state which causes damage to the property of another shall be liable in tort to

the person whose property is so damaged in double the amount of the damages sustained by [him]that person. *This section shall not apply to claims determined by the oil fund disbursement board to be eligible for reimbursement of cleanup costs or damages to third parties pursuant to RSA 146-D, RSA 146-E, or RSA 146-F.*

#### AMENDED ANALYSIS

This bill provides for reimbursement for removal of petroleum storage facilities from the oil pollution control fund. This bill makes operators or property owners strictly liable for removal of petroleum storage facilities that do not comply with RSA 146-A or RSA 146-C, creates a lien in favor of the department of environmental services upon the property for costs incurred by the department in removing such facilities, and prohibits the installation or replacement of petroleum storage facilities on real property subject to such a lien. This bill also creates a lien in favor of the oil fund disbursement board for certain liabilities to the fund and exempts certain claims from the law imposing double damages on persons negligently or intentionally discharging or spilling oil into or on public waters.

#### **HB 1223-FN**, repealing the alternative fuel motor vehicle law. OUGHT TO PASS

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: This bill repeals the twice-delayed alternative fuel motor vehicle law. This bill is a request of the Governor's Office of Energy and Community Services. Most of this law conflicts with a self-enforcing federal law, so this law is not necessary. The remaining environmental benefits have already been replaced by other air pollution emission reductions. Vote 17-0.

#### **HB 1527**, relative to unauthorized switching of service providers by utilities and clarifying the definition of "telephone cloning paraphernalia." OUGHT TO PASS WITH AMENDMENT

Rep. John H. Thomas for Science, Technology and Energy: The committee felt that the practice of "slamming" is becoming a problem in New Hampshire that should be addressed and that a substantial financial penalty will certainly reduce such activity. The committee also felt that the PUC should have determination in considering "intent" in the case of erroneous switching of telephone services. It has also been determined that the cloning issue has been addressed in another bill. Vote 18-0.

#### **Amendment (0652h)**

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

AN ACT relative to unauthorized switching of telecommunications or energy-related service providers.

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

1 Findings. The general court finds that with increased competition in the provision of telecommunications and energy related services, there is a greater likelihood of unethical or questionable marketing tactics. The public utilities commission should provide assurance to consumers that they may not be switched to another carrier or provider without the express permission of the customer.

2 New Section; Public Utilities; Slamming Prohibited. Amend RSA 374 by inserting after section 28 the following new section:

374:28-a Slamming Prohibited.

I. "Slamming" is any practice that changes a consumer's telecommunications or energy-related service carrier or provider without the customer's knowledge or consent. For purposes of this section, a "customer" shall mean the person to whom the telecommunications or energy-related services are billed.

II. No person shall engage in slamming. Any person that engages in slamming shall be subject to an administrative fine in an amount to be determined by the commission, not to exceed \$2,000 per offense. The commission may consider intent as a factor when assessing administrative fines.

III. The commission, upon its own motion or upon petition of any interested party, may withdraw the person's authorization to engage in business in all or any part of the territory in which it is authorized to operate whenever it shall find, after notice and public hearing, that said person has engaged in slamming.

IV. The commission shall adopt rules, pursuant to RSA 541-A, and consistent with rules adopted by the Federal Communications Commission regarding telecommunications slamming, to enforce the provisions of this section.

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

## AMENDED ANALYSIS

This bill prohibits unauthorized switching of telecommunications or energy-related service providers.

**HB 1535**, relative to local telephone calling areas and long distance access charges. REFER FOR INTERIM STUDY

Rep. John H. Thomas for Science, Technology and Energy: The committee, considering the fact that there is a major proposal before the Public Utilities Commission that it has not had enough time yet to fully consider, decided to recommend Interim Study. Vote 18-0.

**HB 1630-FN**, relative to the transportation of high-level radioactive waste. OUGHT TO PASS WITH AMENDMENT

Rep. Terie T. Norelli for Science, Technology and Energy: This bill responds to anticipated transport of high-level radioactive waste within or through the State of New Hampshire as a result of pending federal legislation creating a temporary repository for such waste in Nevada. This bill provides for the coordination of such shipments by authorizing the Department of Safety to engage in a permitting process to assure notification, compliance, financial responsibility, route coordination, and submission to the jurisdiction of courts of this state. It is intended that fees from the permit process would offset any cost to the state. The amendment addresses all modes of transport involved, insures consistency with all applicable federal regulations and includes a requirement to coordinate with other responsible agencies. Vote 18-0.

**Amendment (0741h)**

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

I New Chapter; Transportation of High Level Radioactive Waste. Amend RSA by inserting after chapter 107-C the following new chapter:

**CHAPTER 107-D**

**TRANSPORTATION OF HIGH LEVEL RADIOACTIVE WASTE**

107-D:1 Definitions. As used in this chapter, the term:

I. "Carrier" means any person engaged in the transportation on the public roads or by water or by railroads in this state of goods or property in, to, or through this state, whether or not such transportation is for hire.

II. "Cask" means a package certified by the United States Nuclear Regulatory Commission for the transportation of irradiated reactor fuel or high-level radioactive waste.

III. "Commissioner" means the commissioner of the department of safety.

IV. "Department" means the department of safety.

V. "High-level radioactive waste" means:

(a) The highly radioactive material resulting from the reprocessing of irradiated reactor 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) The highly radioactive material resulting from atomic energy defense activities; and

(c) Any other highly radioactive material, greater than class C in accordance with Title 10, Code of Federal Regulations, that the Nuclear Regulatory Commission, consistent with existing law, determines by rule requires permanent isolation.

VI. "Person" includes any individual, corporation, partnership, association, state, municipality, political subdivision of a state, and any agency or instrumentality of the United States government or any other entity and includes any officer, agent, or employee of any of the above.

VII. "Shipper" means any person who arranges for, provides for, solicits a carrier for, consigns to a carrier for, or contracts with a carrier for shipment or transport of goods or property.

VIII. "Irradiated reactor fuel" means irradiated reactor fuel in accordance with Title 10, Code of Federal Regulations.

107-D:2 Transportation of High-Level Radioactive Waste; Requirements; Rulemaking.

I. Notwithstanding any other provision of law to the contrary, any carrier transporting high-level radioactive waste shall be subject to the requirements of this chapter.

II. No person, including the state or any agency thereof, shall transport high-level radioactive waste in, to, or through this state on the public roads of this state or by water or by any railroad in



this state, whether or not the transportation originated in this state; nor shall any person deliver in this state any high-level radioactive waste to any person for transportation; nor shall any such person accept any high-level radioactive waste for transportation in this state without compliance with the following requirements:

(a) Such high-level radioactive waste shall be packaged, marked, labeled, handled, loaded, unloaded, stored, detained, transported, placarded, and monitored in compliance with rules adopted by the commissioner pursuant to RSA 541-A and consistent with federal law.

(b) Compliance with any rules shall be in addition to and supplemental of other regulations of the United States Department of Transportation, United States Nuclear Regulatory Commission, and any other laws or rules of an agency of this state, applicable to such persons.

III. The commissioner shall adopt rules pursuant to RSA 541-A such that no person shall arrange for the transportation of or cause to be transported in, to, or through this state on the public roads or by water or by any railroad in this state any high-level radioactive waste unless such person shall notify the commissioner or designee in accordance with such rules.

IV. Knowledge by a shipper that a carrier proposes to transport high-level radioactive waste in or through this state on the public roads or by water or by railroad in this state shall be sufficient contact with this state to subject such shipper to the jurisdiction of the courts of this state with respect to such transport.

107-D:3 Permit Required.

I. No transportation of high-level radioactive waste shall take place in or through this state until the commissioner or designee issues a permit authorizing the applicant to operate or move upon the state's public roads, waters, or railways a motor vehicle, combination of vehicles, vessels, or rail carrier which carry high-level radioactive wastes. The commissioner or designee may recommend changes to the United States Department of Energy in the proposed dates, times, routes, detention, holding, or storage of such materials during transport as necessary to maximize protection of the public health, safety, or welfare, or of the environment. The commissioner is authorized to adopt reasonable rules which are necessary or desirable in governing the issuance of permits.

II. The department shall require as a condition of any permit, to the extent not inconsistent with federal law, the following:

(a) Each permit application and permit shall contain documentation of the carrier's federal safety rating, proof of federally required liability insurance, and a nuclear incident prevention plan and a cleanup plan acceptable to the commissioner and containing at least the following:

(1) Identification of each route and shipment to which such permit is applicable;

(2) Identification of emergency response personnel accompanying each shipment, and emergency response personnel and resources available along each route;

(3) The name, address, and emergency response training record of emergency response personnel to accompany each shipment; and

(4) Identification of foreseeable accident and shipment disruption scenarios, including worst-case scenarios, with consideration of existing studies conducted by the Nuclear Regulatory Commission, the United States Department of Energy, or other federal agencies, and written response scenarios applicable to each such accident or disruption scenario.

(b) Each permit application and permit shall specify the route to be followed for each shipment covered by such permit. Any deviation from the designated permit route shall be reported at the earliest practicable time to the department.

(c) Routes identified on such applications and permits shall be consistent with all applicable state and federal laws, rules, and regulations, and each route shall be the safest practicable route calculated to minimize the potential exposure of members of the public to the shipment while maximizing availability of emergency response personnel and resources along the route. The department shall conduct at least one public hearing to the extent not inconsistent with federal law on each proposed shipment route before issuing a permit.

(d) Each permit application and permit shall list the number of casks of high-level radioactive waste to be shipped under said permit and shall identify the type and quantity of material contained in each cask, the origin and destination of each cask, and the identifying serial number of each cask.

III. All carriers of high-level radioactive waste are required to notify the department at least 7 days prior to the transportation within this state, identifying the permit under which such waste shall be shipped and the origin, destination, and place and approximate time of entry into and exit from the state, as appropriate.

IV. The commissioner or designee may issue:

(a) An annual permit which shall allow vehicles, vessels, or rail carriers transporting high-level radioactive waste to be operated on the public roads, waters, or railroads in this state for 12 months from the date the permit is issued.

(b) A single-trip permit to any vehicle, vessel, or rail carrier.

107-D:4 Fees.

I. The department shall establish in rules adopted by the commissioner pursuant to RSA 541-A the fees for the issuance of permits.

II. A fee shall be paid by the owner of the shipment for the purpose of defraying the expenses of the department in inspection, regulation, management, and training involving such shipments.

III. A shipment fee for high-level radioactive waste shall be paid at least 7 days before the shipment is made, or at the time of inspections provided for in RSA 107-D:5.

IV. Failure to pay the fee shall subject the carrier and the owner of the shipment to a civil action for the recovery of the amount of such fee, plus costs and a reasonable attorneys' fee, for which the carrier and owner shall be jointly and severally liable. Such action may be filed in the superior court of the county in which the shipment originated or in which it was or should have been inspected pursuant to RSA 107-D:5. Operating as a carrier engaged in the transportation of irradiated reactor fuel or high-level nuclear waste in this state or shipping irradiated reactor fuel or high-level nuclear waste on the public highways or by water or on the railroads of this state shall constitute submission to the jurisdiction of the courts of this state for the purposes of such an action.

107-D:5 Inspections. All carriers transporting irradiated reactor fuel or high-level radioactive waste entering the state may be subject to inspection by personnel designated by the commissioner. Shipments may be subject to inspection at the point of origin by personnel designated by the commissioner. All such inspections shall require the carrier to conform to all applicable federal safety regulations, and in the event that the United States Department of Energy adopts the Enhanced North American Standard Inspection for Transportation of Radioactive Materials, to the requirements of those standards.

107-D:6 Bond Required. Notwithstanding any other provisions of law, a bond or indemnity insurance required of carriers shall be established in rules adopted by the commissioner pursuant to RSA 541-A and shall, for all persons subject to this chapter, whether intrastate or interstate carriers, be at least in the maximum amount or amounts authorized or required by federal law or regulations. The department shall require applicants for permits for the transportation of high-level radioactive waste, as a condition of the granting of any such permit, to verify possession of a bond or indemnity insurance in at least the amount of \$25,000,000.

107-D:7 Application; Exceptions.

I. Notwithstanding any other provisions of this chapter, the department is authorized to establish such exceptions or exemptions from the requirements of this chapter, or any provision hereof, for such kinds, quantities, types, or shipments of high-level radioactive waste as it shall deem appropriate, consistent with the protection of the public health, safety, and welfare.

II. This chapter shall not apply to transportation of radioactive materials shipped by or for the federal government for military, national security, or national defense purposes.

107-D:8 Recovery for Damage. In the event of any damage to state property or any discharge of high-level radioactive waste from the authorized shipping package or container or any threat of such discharge which results from the transportation, storage, holding, detention, delivery for transportation, or acceptance for transportation of high-level radioactive waste in this state, the state may recover from any shipper, carrier, bailor, bailee, or any other person responsible for such storage, transportation, holding, detention, delivery, or acceptance all costs incurred by the state in the reparation of the damage and all costs incurred in the prevention, abatement, or removal of any such discharge or threatened discharge, including reasonable attorney's fees incurred with respect to recovery.

107-D:9 Coordination with Other Agencies. The department is expressly authorized to coordinate with or to contract with the office of emergency management established in RSA 107-C and with other state agencies or departments, including but not limited to the department of transportation and the department of health and human services, to perform any activities necessary to implement this chapter.

107-D:10 Penalty. In addition to any other liability imposed by law, any person who violates any provision of this chapter shall be guilty of a misdemeanor if a natural person or a felony if any other person.

2 Effective Date. This act shall take effect January 1, 1999.

## AMENDED ANALYSIS

This bill provides for the department of safety to coordinate and regulate the transportation of high level radioactive waste by highway, water, or rail in the state.

Referred to Finance.

**HB 1632-FN-A-L**, promoting the development of telecommunications planning and coordination at a statewide level, establishing incentives for local government investment in telecommunications infrastructure, and permitting local governments to franchise or otherwise levy and collect payments for use of the rights-of-way. REFER FOR INTERIM STUDY

Rep. John H. Thomas for Science, Technology and Energy: This bill came to committee quite differently than how it ended after proposed amendments. There was very little support for revenue generation instruments for a municipality. After amendments, the bill essentially considered compensation for damages and a penalty clause. The committee felt that the questions raised by the meaning of adequate compensation are too great to be answered in the time left for reporting the bill Vote 18-0.

**HJR 20**, finding that the contract requiring Public Service Company of NH to assume financial responsibility for a decision by Northeast Utilities to acquire additional nuclear generating capacity has the potential to raise PSNH rates and was executed in violation of the 1989 Rate Agreement between NU and the state of New Hampshire and in violation of state law. REFER FOR INTERIM STUDY

Rep. Harold V. Lynde for Science, Technology and Energy: This resolution raises significant questions on the validity of a modification to the rate agreement between PSNH and the State of N.H. This modification affects costs associated with the base rate and decommissioning and impacts the stranded cost value of PSNH. The prime sponsor of this resolution presented extensive data in support of the substance of the resolution. The committee felt the issue was of sufficient import to require a thorough review of the data provided, which could not be done adequately in the time allotted, and, therefore, recommends the resolution be sent to interim study. Vote 16-0.

**HJR 23**, supporting the state's petition to the federal EPA to reduce interstate transport of air pollutants from other states, requesting that Congress make certain changes in the federal Clean Air Act, and requesting that the EPA enforce certain existing provisions of the Clean Air Act regarding interstate transport of air pollution. OUGHT TO PASS WITH AMENDMENT

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: This resolution supports the state's "Clean Air Act section 126" petition to EPA of August 1997, in conjunction with eight (8) other northeastern states, to request EPA to require air pollution emission reductions from up-wind stationary sources. The resolution also suggests that the Federal Clean Air Act be amended to allow such petitions to refer to non-stationary sources as well, and resolves that EPA should exercise its duty under the Clean Air Act to require up-wind states to submit plans which reduce emissions by a sufficient amount to allow New Hampshire to attain national air standards. The amendment corrects typographic errors in the original draft. Vote 18-0.

## Amendment (0688h)

Amend the resolution by replacing all after the resolving clause with the following:

That the New Hampshire Senate and House of Representatives support the section 126 petition filed by the state of New Hampshire in August 1997; and

That the federal Clean Air Act should be amended so that section 126 petitions may refer not only to stationary sources and groups of stationary sources, but also to non-stationary sources and groups of non-stationary sources; and

That the EPA should exercise its duty under section 110 of the federal Clean Air Act to require states to submit plans consistent with attainment of the national air standards in their own state and in all areas downwind from them; and to refuse to accept plans containing emissions which significantly contribute to non-attainment of the national air standards in areas downwind, by determining what total reductions are needed to attain the standards and then apportioning the responsibility for reductions in a cost-effective equitable manner among all states that contribute significantly to non-attainment; and

That copies of this resolution be sent by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representa-



tives, the chairpersons of committees of the United States Congress having jurisdiction over the Clean Air Act, the Administrator of the United States Environmental Protection Agency, and each member of the New Hampshire congressional delegation.

**HCR 25**, requesting the U.S. Postal Service to issue a stamp commemorating the 200<sup>th</sup> anniversary of the United States naval shipyards. OUGHT TO PASS

Rep. Dennis H. Fields for State-Federal Relations and Veterans Affairs: The shipyards past and present have a great sense of pride in their accomplishments to keep our Navy strong and our country free, therefore a stamp commemorating the 200<sup>th</sup> anniversary of the United States Naval Shipyards is appropriate. Vote 12-0.

**HB 1114**, relative to registration procedures for the use of antique plates. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. Letourneau for Transportation: This legislation is a request of citizens who own and operate antique automobiles and motorcycles. It will allow the use of plates issued the year of manufacture to be displayed on the front of the vehicle. Surrounding states currently have these laws on the books, and it would be a convenience for New Hampshire citizens who collect and display these vehicles. This bill is revenue neutral and endorsed by the Department of Safety. Vote 15-0.

#### Amendment (0685h)

Amend RSA 261:89-a as inserted by section 1 of the bill by replacing it with the following:

261: 89-a Antique Motor [~~Car~~] *Vehicle or Motorcycle* Plates. The director may permit the owner of an antique motor [~~car~~] *vehicle or motorcycle*, as defined in RSA 259:4, to use a registration plate which was issued in the same year that the antique motor [~~car~~] *vehicle or motorcycle* was manufactured, provided the [~~owner obtains a permit issued pursuant to this section stating that the date of manufacture was 1942 or earlier, the~~] motor [~~car~~] *vehicle or motorcycle* is registered as an antique motor [~~car~~] *vehicle or motorcycle* under this chapter, and the number of the antique plate is recorded with the director. Any antique motor [~~car~~] *vehicle or motorcycle* bearing a registration plate with the year of manufacture shall also carry, within it, a valid antique motor [~~car~~] *vehicle or motorcycle* registration certificate and a permit issued under this section. [~~The registration plate from 1942 or earlier shall be affixed to the front of the antique motor-car~~]. The registration plate matching the registration certificate shall be affixed to the rear of the antique motor [~~car~~] *vehicle or motorcycle*. *The registration plate which was issued in the same year that the antique motor vehicle was manufactured shall be affixed to the front of the antique motor vehicle and may be affixed to either the front or rear of the antique motorcycle, provided it is not placed in a location where the registration plate is normally affixed.*

**HB 1198**, relative to the registration of vehicles owned by trusts. OUGHT TO PASS

Rep. Robert J. Letourneau for Transportation: The intent of this legislation is to enable those who have vehicles owned by a trust to register those vehicles in the birth month of the first person listed on that registration. They may also continue to register their vehicles as they do now. This is enabling legislation only. Currently, there is a formula used by the Department of Safety to determine the registration date. Many citizens have asked to change this for convenience. The only opposition to this bill was question of the ownership status. The committee asked for and received an opinion from a trust company that there was no problem or burden in the administration of the trust by this bill. Vote 18-0.

**HB 1201-FN**, relative to the use of motor vehicle repair plates. OUGHT TO PASS WITH AMENDMENT

Rep. Larry J. Cossette for Transportation: Last year a restructuring of the dealer, utility, wholesale and transport plates was instituted by this committee and the legislature. The one plate not addressed was the repair plate. After receiving numerous complaints by business concerns that state enforcement officers were restricting the use of these plates solely by their narrow interpretation of the current law, this bill will clarify the use of who can use them and for what purpose. The bill also allows for a supplemental utility plate; because of last year's changes some tractor and construction equipment dealers were being deprived the use of these plates. This bill will correct that problem. A further purpose of this bill is to help the small business concerns that depend on these plates to make a living. Vote 18-0.

**Amendment (0610h)**

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

1 Definition of Repairer Modified. Amend RSA 259:87 to read as follows:

259:87 Repairer. "Repairer" shall mean any person who is [~~actively and regularly engaged in the business of rebuilding, or repairing, vehicles~~] *principally engaged in the motor vehicle business, but who is not a dealer and who has an established place of business.*

2 Utility Plate Use Modified. Amend RSA 261:121 to read as follows:

261:121 Use of Utility Plates.

I. Utility registration shall be used only for moving non-motorized vehicles or chassis with specialized equipment which are either owned or not owned by the utility dealer for business purposes, including but not limited to delivery, demonstration, sale, or repair.

*II. A supplemental utility plate may be issued to a utility dealer for the sole purpose of allowing a customer to test drive motor vehicles taken in trade.*

3 Application for Repairer Registration; Use Modified. Amend RSA 261:136 to read as follows:

261:136 Application for Repairer Registration. A repairer may make application to the department, upon blanks furnished by it for that purpose, [~~for a general distinguishing number for use of any unregistered motor vehicle not owned by him and temporarily in his custody for no other purpose than the trial or adjustment of such motor vehicle, and for use upon any motor vehicle owned by him and used in direct connection with his repair business for service or towing purposes only. The director may, if he is satisfied with the facts stated in the application, issue to the applicant a certificate of registration containing the name, residence, and address of such applicant and the distinguishing number assigned, and such other information as the director may determine.~~] *and for a supplemental repair plate.*

4 New Section; Use of Repairer Registration. Amend RSA 261 by inserting after section 136 the following new section:

261:136-a Use of Repairer Registration.

I. A repairer may use a repairer registration on unregistered vehicles not owned by the repairer and temporarily in the repairer's custody for transport to or from the repair facility for the purposes of repair, adjustment, reconditioning, or to install after market equipment.

II. The repairer may use a repair plate on tow trucks or service vehicles, provided the vehicle is clearly marked not for hire.

III. The repairer may use a supplemental repair plate on vehicles owned by the repairer and offered for sale for the sole purpose of allowing a customer to test drive the vehicle.

IV. A repairer shall not make personal use of the repair plate or the supplemental repair plate.

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

**AMENDED ANALYSIS**

This bill modifies the definition of "repairer" to include those persons who reupholster motor vehicles. The bill also authorizes repairers to use repairer registration numbers to deliver vehicles and creates a new section defining the appropriate uses of a repairer registration.

**HB 1232-FN**, establishing a procedure for the proposal of special license plates which designate the proceeds for use by a state agency. REFER FOR INTERIM STUDY

Rep. Sherman A. Packard for Transportation: This bill was an attempt to set up criteria for affinity groups or organizations who want the Dept. of Safety to issue them special license plates and have a portion of the extra fee charged directed to a particular cause. This committee has wrestled with this issue for years, and up to now we have been unable to come up with a solution that is acceptable to the dozens of special requesting groups, law enforcement and the Dept. of Safety. Realizing that the main purpose of license plates is for identification by law enforcement, and that the Dept. of Safety is in the process of manufacturing a new general issuance of license plates making it impossible to produce any special plates at this time, the committee felt that it would make sense to continue to try to come up with some solution to the problem. Vote 16-0.

**HB 1305**, requiring persons using roller blades, roller skates, and skateboards to adhere to the rules of the road. INEXPEDIENT TO LEGISLATE

Rep. Ralph L. Akins for Transportation: The committee recognized that roller blades and in-line skates being used on roadways is a problem. However, their use is not an allowed use on roadways

currently, and, therefore, to add them to a section of law governing bicycles is not necessary or appropriate. Towns and cities already have the power to make ordinances, bylaws and regulations respecting their use. The committee concluded that this bill was unnecessary. Vote 14-1.

**HB 1345**, relative to school crosswalks. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This legislation is the result of a continuing problem in this state - drivers who refuse to stop for school crossing guards. This legislation is imperative for the safety of our children and those who dedicate their service to those children. This legislation is supported by the departments of education and safety, law enforcement and the insurance community. The amendment is a clean-up of the original language. Vote 16-0.

**Amendment (0687h)**

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

**AN ACT** requiring drivers of motor vehicles to obey school crossing guards.

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

1 New Section; Obedience to School Crossing Guards. Amend RSA 265 by inserting after section 3 the following new section:

265:3-a Obedience to School Crossing Guards.

I. The driver of any vehicle shall obey the instructions of any school crossing guard invested with authority to direct, control, or regulate traffic. If the school crossing guard is displaying a signal to stop, the driver of a vehicle upon a way shall stop the vehicle at least 25 feet before reaching such school crossing guard. The driver shall not proceed until the school crossing guard indicates that traffic may proceed and until the driver can do so safely.

II. Any person who violates the provisions of this section shall be guilty of a violation and shall be fined not more than \$100 for the first offense and not more than \$250 for any subsequent offense committed during any calendar year.

2 Effective Date. This act shall take effect September 1, 1998.

**AMENDED ANALYSIS**

This bill requires the driver of a motor vehicle to obey the instructions of school crossing guards and provides for penalties for failure to obey.

**HB 1572**, establishing a study committee relative to inter-city commuter bus transportation. **IN-EXPEDIENT TO LEGISLATE**

Rep. John W. Flanders, Sr. for Transportation: This bill's intent was to study ways to improve rider-ship and increase bus routes. It was learned from testimony and with discussions from different bus companies that these proposed routes have already been studied by private enterprise and Department of Transportation. It was found to not be profitable enough to run a regular schedule without state or federal subsidies. Thus it was felt another study would serve no useful purpose. Vote 16-2.

**HB 1605**, establishing a study committee on marine patrol services. **OUGHT TO PASS WITH AMENDMENT**

Rep. John W. Flanders, Sr. for Transportation: Water-sports and boating are becoming increasingly popular and important to New Hampshire's tourism industry. Marine Patrol has expanded its operations to patrolling coastal waters. Testimony from lakes' associations and the Dept. of Safety, indicated that marine patrol is unable to keep up with the increasing demands being placed upon them. The committee feels that a comprehensive study encompassing all aspects of operations and training at Marine Patrol is necessary to bring that agency up to date. Vote 18-0.

**Amendment (0613h)**

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

2 Membership and Compensation.

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

(a) Four members of the house of representatives, one from the executive departments and administration committee, one from the criminal justice and public safety committee, one from the transportation committee, and one from the wildlife and marine resources committee, appointed by the speaker of the house of representatives.

(b) Four members of the senate, appointed by the president of the senate.



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

3 Duties. The committee's charge shall include, but not be limited to, the administration, operation, financial needs, and all other functions and responsibilities of the bureau of marine patrol and the establishment of minimum educational and training standards for employment as a marine patrol officer in temporary, seasonal status.

4 Chairperson; Quorum; Meetings. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 30 days of the effective date of this section. Five members of the committee shall constitute a quorum. The committee may hold hearings and meetings in Concord or elsewhere in the state as needed.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1998 and a final report on or before November 1, 1999.

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

#### AMENDED ANALYSIS

This bill establishes a study committee to examine the administration of marine patrol services and training for temporary seasonal marine patrol officers. The committee is to submit a report on or before November 1, 1998 and submit a final report on or before November 1, 1999.

**HB 1436**, exempting resident or landowner permissions for applications and permits for wildlife reductions on Long Island from the right to know law. **INEXPEDIENT TO LEGISLATE**  
Rep. Lawrence V. Guaraldi for Wildlife and Marine Resources: The bill's sponsor agreed that this bill probably isn't necessary at this time. The bill was initiated to make it clear that persons living on Long Island who give permission to take deer on their property would not have their names released to opponents of the hunt. The Fish and Game Department, with the concurrence of the Attorney General, does not presently release those names. Consequently, the committee saw no need to enact unnecessary legislation although they concurred with the concept. Vote 10-2.

**HB 1481**, granting rulemaking authority to the executive director of fish and game to determine the legal length of lobsters. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Ronald J. Nowe for Wildlife and Marine Resources: This bill permits the minimum and maximum length of lobsters which can be taken from state waters to be determined by the Executive Director. This will allow the state to react promptly to changes required by the Atlantic State Marine Fisheries Commission. Presently, the minimum length of 3 1/4" (carapace) is set by statute. New Hampshire has no maximum length at this time. This bill will bring our state in line with Maine and all other northeastern states (as soon as Massachusetts acts). The amendment totally eliminates the original bill and makes it clear that lobsters, larger than the state maximum, and taken in off-shore federal waters, may be legally possessed, transported, and landed in the state. Vote 12-0.

#### Amendment (0740h)

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

1 Legal Length of Lobsters; Rulemaking. RSA 211:27 is repealed and reenacted to read as follows:  
211:27 Legal Length; Rulemaking.

I. No person may transport, buy, sell, give away, or expose for sale, or possess for any purpose, any lobster less than the minimum legal length alive or dead, cooked or uncooked, measuring from the rear of the eye socket along a line parallel to the center line of the body shell to the rear end of the body shell. The minimum legal length shall be determined in rules adopted by the executive director under RSA 211:62.

II.(a) Whoever ships, transports, carries, buys, gives away, sells or exposes for sale, or possesses for any purpose, lobster meat before or after the meat has been taken from the shell, without the tail meat being whole and intact, and of a length determined in rules adopted by the executive director under RSA 211:62, shall be guilty of a violation of this section.

(b) All lobster meat shall be delivered in containers marked as prescribed by rules adopted by the executive director.

(c) For the purpose of this paragraph lobster meat taken from the shell shall be laid out straight and measured from end to end and it shall not include the small part that is on the body end of the tail meat. Lobster meat within the shell shall be laid out straight and measured from the proximal end of the first abdominal section to the distal end of the telson.

III.(a) Notwithstanding the provisions of paragraphs I and II, no person licensed pursuant to RSA 211:18 shall take, possess, or land any lobster greater than the maximum legal length from or on the waters under the jurisdiction of the state.

(b) A person not licensed to take lobster in accordance with RSA 211:18 may possess, transport, and land in accordance with RSA 211:49-a, RSA 211:49-aa, and RSA 211:49-c lobster greater than the maximum legal length if the lobster was legally taken from waters outside the jurisdiction of the state.

(c) The maximum length shall be measured from the rear of the eye socket along a line parallel to the center line of the body shell to the rear end of the body shell. The maximum legal length shall be determined by rules adopted by the executive director under RSA 211:62.

(d) All lobster possessed in accordance with this paragraph shall be whole and intact.

2 Effective Date. This act shall take effect January 1, 1999.

### AMENDED ANALYSIS

This bill provides that the executive director of fish and game shall adopt rules to determine the legal length of lobsters.

### REGULAR CALENDAR

**HB 1127**, requiring lending institutions to allow consumers to choose their own attorneys in connection with real estate financing loans. **INEXPEDIENT TO LEGISLATE**

Rep. Anthony Syracuse for Commerce: The subject of the bill has been debated during past sessions with the same outcome. Lending institutions require as a condition for loan application that the applicant agree to pay legal fees of the lender. Federal law clearly requires the lender to advise the borrower to seek legal counsel to represent their own interests, accept or reject lender terms, or seek arrangements with another lending institution. Vote 10-3.

Adopted.

**HB1286-FN**, establishing a "no sales solicitation calls" list. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Gregory G. Carson for the Majority of Commerce: This legislation as written does not prevent sales solicitation calls, it merely adds a redundant layer of unnecessary bureaucracy to a troublesome problem being thoroughly debated at the federal level. The bill as written requires the Consumer Protection and Antitrust Bureau of the Department of Justice to compile and maintain a list of people who do not wish to receive telephone sale solicitation calls. The Federal Communications Commission(FCC) adopted rules in 1995 which allow for state enforcement action for telecommunications companies who violate internal do-not-call-lists. Similarly, the Federal Trade Commission(FTC) adopted rules requiring non-telecommunications companies to maintain internal do-not-call-lists. In either instance, a person receiving an unwanted call merely has to say "do not call me again" and the telemarketer is prohibited from calling them again. The telemarketing industry has taken steps to regulate itself through the Direct marketing Association(DMA) which maintains the Telephone Preference Service. This free service allows a consumer to place their name on a list which is used by telemarketing companies to scrub or remove names from call lists of those not wanting to be called. Legitimate telemarketers do not want to waste time or money on calling people who are unlikely to purchase their product. In addition to the aforementioned methods, there exist several alternatives to reduce the number of unsolicited calls. There are mechanical means such as: call ID devices, devices which politely hang up on the caller so you don't have to; and there are answering machines which allow you to screen your calls. There is an option from the telephone company to block all calls which have blocked caller ID, this prevents your telephone from ringing and the telephone company plays a message stating "...this telephone number does not accept calls of this type." Presently, the largest provider of local service offers installation of caller ID and provides the caller ID box to consumers free of charge. This legislation might in fact create false expectations because it will not be effective in preventing all telemarketing calls to those who place their name on the list. Persons having paid for unlisted numbers would risk having that

privacy violated by this legislation because unscrupulous telemarketers would have access to this public document. The majority of the committee believes there is a problem with the seemingly increasing number of interruptions of these type calls during our busy lives. With the number of options mentioned, the majority agrees there are sufficient choices to diminish unsolicited calls and believes the industry will continue to create new methods to that end. The majority of the committee, however, believes the simplest method is the most effective method, just hang up the telephone. Vote 10-5.

Rep. David T. Mittelman for the Minority of Commerce: Unsolicited telemarketing calls constitute an offensive and repetitive intrusion upon the daily lives of private individuals. This vexatious practice renders people captive in their homes and powerless over their tranquillity. While some mechanisms currently exist to address this problem, they are neither thorough nor effective. The minority of the committee therefore believe that the issue of unwanted telephone solicitations is substantial enough to warrant additional study.

Majority report adopted.

### **HB 1301**, relative to ticket scalping. INEXPEDIENT TO LEGISLATE

Rep. Gregory G. Carson for Commerce: This legislation as written does not prevent ticket scalping, it merely makes a person guilty of a violation if he or she sells a ticket for more than 15% over the original cost of a ticket to any entertainment or sporting event. It was very clear to the committee that those supporting passage of this legislation had no problem with the act of ticket scalping, they just wanted to cap profits on a free market activity. The sponsor, during his testimony, tried to make an analogy between the sale of necessities such as food, water and gasoline, when a shortage exists and the sale of niceties, such as a ticket to a sporting event. This analogy clearly does not hold true in any instance. We all know it is illegal to price gouge on necessities during a shortage. One might argue the number of Rolling Stones concert tickets are a limited commodity and therefore their price should be regulated. That line of thought, however, is a clear violation of the very cornerstone of our free market economy. Clearly there are a limited number of Picasso's and a limited number of golf clubs used by J.F.K., not everyone can afford to get into the auction, never mind place a successful bid on those items. The great equalizer in purchasing a ticket to an event is anyone can stand in line and purchase a ticket. Why should it be a concern if someone chooses to pay someone to stand in line for him or pays a company who, in turn, pays someone to stand in line for them? One's willingness to pay a premium for a ticket creates a market and employs someone otherwise not employed. In some instances, entrepreneurs have formed companies with multiple employees earning wages and paying taxes. Again, the committee wants to stress there is no factor prohibiting anyone from standing in a line and purchasing a ticket at face value, there is no price gouging of necessities and there is certainly no reason to limit entrepreneurship or free markets. Vote 14-2.

Reps. William McCarthy and Vaillancourt spoke against.

Rep. Carson spoke in favor.

Rep. Hunt spoke in favor and yielded to questions.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## **YEAS 155 NAYS 129**

### **YEAS 155**

#### **BELKNAP**

Boriso, Thomas	Boyce, Robert	Calvert, Alice	Clark, Charles
Holbrook, Robert	Laflam, Robert	Lawton, David	Lawton, Robert
Pilliod, James	Rice, Thomas, Jr.	Thomas, John	Turner, Robert

#### **CARROLL**

Bradley, Jeb	Chandler, Gene	Dickinson, Howard, Jr.	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	Mock, Henry	Patten, Betsy

#### **CHESHIRE**

Avery, Stephen	Hunt, John	Manning, Joseph	McNamara, Wanda
Meador, David	Metzger, Katherine	Richardson, Barbara	Smith, Edwin



**COOS**

Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Moynihan, Wayne
Tholl, John, Jr.			

**GRAFTON**

Akins, Ralph	Alger, John	Below, Clifton	Brown, Channing
Eaton, Stephanie	Guaraldi, Lawrence	Hill, Richard	LaMott, Paul
Luker, Elsa	MacNeil, Allen	Trelfa, Richard	Williams, William, Jr.

**HILLSBOROUGH**

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Boutin, David	Brundige, Robert	Burke, M. Virginia
Calawa, Leon, Jr.	Carlson, Donald	Chabot, Robert	Clegg, Robert, Jr.
Dawe, Eileen	Desrosiers, William	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Emerton, Lawrence, Sr.	Fields, Dennis	Flora, Kathleen
Franks, Suzan	Golding, William	Goulet, Maurice	Herman, Keith
Hunter, Bruce	Jean, Loren	Kurk, Neal	Leonard, Peter
Lessard, Rudy	Letendre, Evelyn	Lozeau, Donnalee	Luebker, Bernard
MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael	McGough, Tim
Mercer, Robert	Messier, Irene	Milligan, Robert	Mittelman, David
O'Hearn, Jane	Peterson, Andrew	Reidy, Frank	Riley, Frances
Rowe, Robert	Sargent, Maxwell	Searles, Stanley, Sr.	Thulander, O. Alan
Wheeler, Robert	White, Donald	Wright, George	

**MERRIMACK**

Anderson, Eric	Daneault, Gabriel	DeStefano, Stephen	Feuerstein, Martin
Larrabee, David	Leber, William	Lockwood, Robert	Morrill, Olive
Pfaff, Terence	Reardon, Tara	Whalley, Michael	

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Camm, Kevin
Carson, Gregory	Case, Margaret	Cegelis, Mark	Coes, Betsy
Dearborn, Bruce	Felch, Charles, Sr.	Flanders, John, Sr.	Francoeur, Sheila
Frechette, Joseph	Henderson, Warren	Hutchinson, Rebecca	Katsakiores, George
Klemm, Arthur, Jr.	Kobel, Rudolph	Letourneau, Robert	Lovejoy, Marian
Major, Norman	McKinney, Betsy	Moore, Benjamin	Morris, Debbie
Nowe, Ronald	Noyes, Richard	Packard, Sherman	Rabideau, Marie
Raynowska, Bernard	Rubin, George	Sapareto, Frank	Stickney, Nancy
Stone, Joseph	Tufts, J. Arthur	Verani, Giovanni	Welch, David
Weyler, Kenneth			

**STRAFFORD**

Bickford, David	Callaghan, Frank	McKinley, Robert	Smith, Marjorie
Spear, Barbara	Sullivan, Henry	Torr, Franklin	Tsiros, William

**SULLIVAN**

Adler, Rudolf	Lindblade, Eric	Schotanus, Merle
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**NAYS 129****BELKNAP**

Rosen, Ralph	Salatiello, Thomas
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**CARROLL**

Babson, David, Jr.	Philbrick, Donald
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**CHESHIRE**

Burnham, Daniel	DePecol, Benjamin	Lynch, Margaret	Lynott, Margaret
McGuirk, Paul	Pratt, Irene	Pratt, John	Riley, William
Robertson, Timothy			

**COOS**

Bradley, Paula	Davis, Perley	Hawkinson, Marie	Mears, Edgar
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**GRAFTON**

Almy, Susan	Ham, Bonnie	Lovett, Sidney	Mirski, Paul
Nordgren, Sharon			

**HILLSBOROUGH**

Barry, William, III	Bergin, Peter	Buckley, Raymond	Cardin, Lori
Clemons, Jane	Cote, Peter	D'Allesandro, Lou	Daigle, Robert
Drabinowicz, A. Theresa	Dwyer, Paul, Sr.	Foster, Joseph	Foster, Linda
Ginsburg, Ruth	Gosselin, Gerald	Haettenschwiler, Alphonse	Hall, Betty
Hart, Nick	Holley, Sylvia	Jean, Claudette	Johnson, Lionel
Kony, Christine	L'Heureux, Robert	LaRose, Richard	Leishman, Peter
McCarthy, William	McCarty, Winston	Melcher, Harold	Murphy, Robert
O'Rourke, Thomas	Perkins, Paul	Turgeon, Roland	Vaillancourt, Steve
Welch, Donald	Williams, Carol		

**MERRIMACK**

Brown, Mary	Burney, Carol	Dunn, Miriam	Fraser, Marilyn
Gile, Mary	Hoadley, Elizabeth	Jacobson, Alf	Lamach, Bernard
Langer, Ray	Lavoie, Gerard	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Owen, Derek	Seldin, Gloria	St. Cyr, Gerard
Wallin, Jean	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Cooney, Richard
Cushing, Robert	Dalrymple, Janeen	Dodge, Robert	Dolan, Richard
Dowd, Sandra	Downing, Michael	Fesh, Robert	Flanders, David
Gibbons, Paul	Griffin, Mary	Heath, John	Kane, Cecelia
Katsakiores, Phyllis	Kelley, Jane	Langley, Jane	Langone, John
McCarthy, John, Jr.	Mikowski, Walter	Millard, Ralph	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Sabella, Norma	Schanda, Frank
Stritch, C. Donald	Syracusa, Anthony	Varrell, Thomas	Vaughn, Charles
Weatherspoon, Jackie			

**STRAFFORD**

Berube, Roger	Brennan, William	Cossette, Larry	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Heon, Richard	Kaen, Naida
Keans, Sandra	Knowles, William	Merrill, Amanda	Rogers, Rose Marie
Rollo, Michael	Snyder, Clair	Torr, Ann	Twardus, Joseph
Vachon, Dennis	Vincent, Francis	Wall, Janet	

**SULLIVAN**

Burling, Peter	Donovan, Thomas	Leone, Richard
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and the report was adopted.

Rep. Teschner did not vote and wished to be recorded in favor.

**HB 1336-FN**, defining medical necessity for insurance purposes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Keith R. Herman for Commerce: Medical necessity is the term health carriers use when reviewing treatment requests and claims approval. The original bill would have put a very specific

definition of medical necessity into the statutes. The committee feels allowing the NH Insurance Department to review and approve individual definitions of medical necessity forces a continual review of the issue and reflects the evolution of the health care industry. The amendment also requires the health carriers to disclose their definition in clear, concise language to the subscriber. Vote 14-0.

#### **Amendment (0736h)**

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

**AN ACT** defining medical necessity for managed care insurance purposes.

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

1 New Section; Filing Requirements for Medical Necessity Definitions. Amend RSA 420-J by inserting after section 7 the following new section:

420-J:7-a Filing Requirements for Medical Necessity Definitions.

I. A health carrier shall maintain a definition of medical necessity and shall file with the insurance department a copy of the health carrier's definition of medical necessity. Any subsequent modifications to the definition also shall be filed. The department shall have 60 days after such filing to object to a health carrier's definition of medical necessity; provided that if the department does not object within the 60-day period, such definition shall be deemed approved.

II. A health carrier shall provide a copy of the health benefit plan's medical necessity definition set forth in or attached to the policy, certificate, membership booklet, or other evidence of coverage provided to covered persons. The definition shall be written in easily understandable language, and shall be referenced in any table of contents of the above mentioned materials.

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

#### **AMENDED ANALYSIS**

This bill requires health carriers offering managed care plans to define "medical necessity" and to file such definition for approval by the insurance department.  
Adopted.

Report adopted and ordered to third reading.

**HB 1540-FN**, allowing non-banks to establish cash dispensing machines. **OUGHT TO PASS WITH AMENDMENT**

Rep. David T. Mittelman for Commerce: This bill establishes a legal environment in which Automated Teller Machine (ATM) services can be provided by entities other than banks or credit unions. It is the product of a study committee and has the support of the retail merchants, retail grocers, and even the banking industry itself. Technologically, these private ATMs operate much the same as the "point of sale" devices currently available at gas pumps and supermarket check-out lines. Legally, federal law and network policies already exist to address error resolution and fraud prevention. This bill adds to these consumer protections by means of an extensive disclosure system. The experiences of other states indicate few if any problems or complaints involving these machines. Moreover, it is not uncommon for merchant-owned ATMs to be offered without any surcharge fee, as a means of drawing customers into a store. Indeed, consumers will be the ultimate beneficiary of non-bank ATMs due to increased competition and greater choice. Vote 15-0.

#### **Amendment (0572h)**

Amend RSA 399-F:4, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) A disclaimer indicating that the operator is not a bank nor a credit union; and

Amend the bill by replacing section 2 with the following:

2 Repeal. The following are repealed:

I. RSA 384-B:7, IV, relative to operation of electronic devices or machines by persons other than banks or credit unions.

II. 1997, 301:9 and 1997, 301:10, II, relative to the prospective repeal of RSA 384-B:7, IV.

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

Adopted.

Report adopted and ordered to third reading.



**HB 1578-FN**, establishing the New Hampshire returnable beverage container law. **INEXPEDIENT TO LEGISLATE**

Reps. Barbara L. Spear and Keith R. Herman for Commerce: With so much emphasis and education on recycling, the committee felt it was not necessary to institute a returnable beverage container law. There would also be an income loss to some municipalities as consumers would return aluminum cans for refunds. Vote 12-1.

Rep. Lovett spoke against.

Rep. Spear spoke in favor.

On a division vote, 194 members having voted in the affirmative and 90 in the negative, the report was adopted.

**HB 1226-FN**, creating the educational credential of master teacher. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Iris Estabrook for the Majority of Education: This bill, as amended, directs the State Board of Education to create an advanced teaching credential, Master Teacher, with requirements for academic preparation, teaching experience and demonstrated quality teaching. The purposes of the credential are to provide experienced teachers an opportunity for professional growth and development and to allow them to act as mentors, supervisors and evaluators for teachers and to serve as a resource for their school and their district. Local school districts will determine whether, and in what capacity, Master Teachers will be utilized. Vote 15-3.

Rep. Michael F. Marcinkowski for the Minority of Education: This bill will add to the administrative level and additional cost to the district in future contract negotiations. This potential exists because the Master Teacher credential allows the holder to supervise and evaluate teachers.

**Amendment (0524h)**

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

1 New Subparagraph; State Board of Education; Rulemaking; Creating the Educational Credential of Master Teacher. Amend RSA 21-N:9, II by inserting after subparagraph (y) the following new subparagraph:

(z) Establishing the educational credential of master teacher as provided in RSA 189:14-f.

2 New Paragraph; Teaching Certification. Amend RSA 186:8 by inserting after paragraph III the following new paragraph:

IV. Certification standards for advanced teaching credentials, including administering the master teacher credential as provided in RSA 189:14-f.

3 New Paragraph; Certification Standards For The Credential of Master Teacher. Amend RSA 186:11 by inserting after paragraph XXXIV the following new paragraph:

XXXV. CERTIFICATION STANDARDS FOR THE CREDENTIAL OF MASTER TEACHER. Adopt rules creating the educational credential of master teacher based on the provisions of RSA 189:14-f.

4 New Section; Master Teacher. Amend RSA 189 by inserting after section 14-e the following new section:

189:14-f Master Teacher. The state board of education shall create the educational credential of master teacher including requirements for academic preparation, teaching experience, and demonstrated quality teaching. The purposes of this credential are to allow experienced teachers to act as mentors, supervisors, and evaluators for teachers, and to provide experienced teachers an opportunity for professional growth and development, and to serve as a resource for their school and their district. Master teachers shall have no authority to effectively recommend any personnel action. However, their activities may form the basis for an independent administrative performance review.

5 Progress Report. The state board of education shall report on its progress in implementing the master teacher credential no later than July 1, 1999 to the education committees of the house and senate.

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

Adopted.

Reps. Marcinkowski and Donald White spoke against.

Rep. Estabrook spoke in favor.

Rep. O'Hearn spoke in favor and yielded to questions.

Rep. Donald White requested a roll call ; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 202 NAYS 90****YEAS 202****BELKNAP**

Boriso, Thomas	Clark, Charles	Holbrook, Robert	Lawton, Robert
Pilliod, James	Salatiello, Thomas	Turner, Robert	

**CARROLL**

Bradley, Jeb	Chandler, Gene	Dickinson, Howard, Jr.	Kenney, Joseph
Lyman, L. Randy	Patten, Betsey	Philbrick, Donald	

**CHESHIRE**

Avery, Stephen	Burnham, Daniel	DePecol, Benjamin	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meador, David
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy			

**COOS**

Bradley, Paula	Davis, Perley	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Mears, Edgar	Moynihnan, Wayne	

**GRAFTON**

Akins, Ralph	Almy, Susan	Below, Clifton	Brown, Channing
Eaton, Stephanie	Ham, Bonnie	Hill, Richard	Hinman, Harry
LaMott, Paul	Lovett, Sidney	Luker, Elsa	Nordgren, Sharon
Teschner, Douglass	Trelfa, Richard	Williams, William, Jr.	

**HILLSBOROUGH**

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Bergin, Peter	Boutin, David	Brundige, Robert
Buckley, Raymond	Calawa, Leon, Jr.	Cardin, Lori	Chabot, Robert
Clemons, Jane	Cote, Peter	D'Allesandro, Lou	Daigle, Robert
Dawe, Eileen	Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan
Dyer, Merton	Emerton, Lawrence, Sr.	Fields, Dennis	Foster, Joseph
Foster, Linda	Franks, Suzan	Ginsburg, Ruth	Golding, William
Gosselin, Gerald	Haettenschwiler, Alphonse	Hall, Betty	Hart, Nick
Herman, Keith	Jean, Claudette	Johnson, Lionel	Konys, Christine
Kurk, Neal	L'Heureux, Robert	Lefebvre, Roland	Leonard, Peter
Lozeau, Donnalee	MacIntyre, Doris	McCarty, Winston	McGough, Tim
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Murphy, Robert	O'Hearn, Jane	Perkins, Paul	Peterson, Andrew
Reidy, Frank	Sargent, Maxwell	Searles, Stanley, Sr.	Turgeon, Roland
Vaillancourt, Steve	Welch, Donald	Wheeler, Robert	White, Jay
Williams, Carol			

**MERRIMACK**

Anderson, Eric	Burney, Carol	Daneault, Gabriel	DeStefano, Stephen
Dunn, Miriam	Fraser, Marilyn	French, Barbara	Gile, Mary
Leber, William	Lockwood, Robert	Moore, Carol	Morrill, Olive
Owen, Derek	Pfaff, Terence	Reardon, Tara	Seldin, Gloria
St. Cyr, Gerard	Wallin, Jean	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Amdt, Janet	Blanchard, MaryAnn	Carson, Gregory
Case, Margaret	Clark, Martha	Coes, Betsy	Cooney, Richard
Cushing, Robert	Dalrymple, Janeen	Dearborn, Bruce	Dowd, Sandra
Downing, Michael	Felch, Charles, Sr.	Flanders, David	Flanders, John, Sr.

Frechette, Joseph  
Katsakiores, George  
Langley, Jane  
McKinney, Betsy  
Rabideau, Marie  
Schanda, Frank  
Weatherspoon, Jackie

Henderson, Warren  
Katsakiores, Phyllis  
Lovejoy, Marian  
Norelli, Terie  
Rubin, George  
Stone, Joseph  
Welch, David

Hutchinson, Rebecca  
Kelley, Jane  
Major, Norman  
Pantelakos, Laura  
Sabella, Norma  
Syracusa, Anthony

Kane, Cecelia  
Klemm, Arthur, Jr.  
McCarthy, John, Jr.  
Pitts, Jacqueline  
Sapareto, Frank  
Tufts, J. Arthur

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Keans, Sandra  
Pelletier, Arthur  
Snyder, Clair  
Torr, Ann  
Vachon, Dennis

Brennan, William  
Estabrook, Iris  
Knowles, William  
Rogers, Rose Marie  
Spear, Barbara  
Torr, Franklin  
Wall, Janet

Callaghan, Frank  
Heon, Richard  
Merrill, Amanda  
Rollo, Michael  
Sullivan, Henry  
Tsiros, William

DeChane, Marlene  
Kaen, Naida  
Merritt, Deborah  
Smith, Marjorie  
Taylor, Kathleen  
Twardus, Joseph

### SULLIVAN

Adler, Rudolf  
Schotanus, Merle

Burling, Peter

Donovan, Thomas

Palmer, Lorraine

### NAYS 90

### BELKNAP

Boyce, Robert  
Rice, Thomas, Jr.

Calvert, Alice  
Rosen, Ralph

Laflam, Robert  
Thomas, John

Lawton, David

### CARROLL

Babson, David, Jr.

Howard, Godfrey

Mock, Henry

### CHESHIRE

McNamara, Wanda

Metzger, Katherine

Smith, Edwin

### COOS

Merrill, Gerald

Pratt, Leighton

Tholl, John, Jr.

### GRAFTON

Alger, John

MacNeil, Allen

### HILLSBOROUGH

Burke, M. Virginia  
Dwyer, Paul, Sr.  
Holley, Sylvia  
Leishman, Peter  
MacGillivray, Jeffrey  
O'Rourke, Thomas  
White, Donald

Carlson, Donald  
Flora, Kathleen  
Hunter, Bruce  
Lessard, Rudy  
Marcinkowski, Michael  
Riley, Frances  
Wright, George

Clegg, Robert, Jr.  
Goulet, Maurice  
Jean, Loren  
Letendre, Evelyn  
McCarthy, William  
Rowe, Robert

Desrosiers, William  
Hansen, Herbert  
LaRose, Richard  
Luebker, Bernard  
Mittelman, David  
Thulander, O. Alan

### MERRIMACK

Brown, Mary  
Lamach, Bernard  
Marshall, Kenneth

Feuerstein, Martin  
Langer, Ray  
Maxfield, Roy

Hoadley, Elizabeth  
Larrabee, David  
Nichols, Avis

Jacobson, Alf  
Lavoie, Gerard  
Whalley, Michael

### ROCKINGHAM

Beaulieu, Jon  
Dodge, Robert  
Gibbons, Paul  
Langone, John

Belanger, Ronald  
Dolan, Richard  
Griffin, Mary  
Letourneau, Robert

Camm, Kevin  
Fesh, Robert  
Heath, John  
Mikowski, Walter

Cegelis, Mark  
Francoeur, Sheila  
Kobel, Rudolph  
Millard, Ralph



Moore, Benjamin  
Packard, Sherman  
Varrell, Thomas

Morris, Debbie  
Raynowska, Bernard  
Vaughn, Charles

Nowe, Ronald  
Stickney, Nancy  
Verani, Giovanni

Noyes, Richard  
Stritch, C. Donald  
Weyler, Kenneth

### STRAFFORD

Bickford, David

Cossette, Larry

McKinley, Robert

Vincent, Francis

### SULLIVAN

Leone, Richard

Lindblade, Eric

and the majority report was adopted.

Referred to Finance.

Rep. Mirski declared a conflict of interest and did not participate.

**HB 1273-FN**, relative to a percentage loss of state funding as a penalty for failing to comply with minimum public school standards. REFER FOR INTERIM STUDY

Rep. Susan B. Durham for Education: This bill is too complicated for the committee to deal with in the time available, therefore the decision is for interim study. There is an interest in minimum standards, concern about penalties for school districts, and a possible need for a definition of adequacy as determined in minimum standards. Vote 15-2.

Adopted.

**HB 1526-FN-A**, requiring the department of education to publish an annual report of special education statistics. OUGHT TO PASS WITH AMENDMENT

Rep. Clair A Snyder for Education: Although this is being developed now by the Department of Education, this bill as amended provides a vehicle to inform legislators, school districts, and the public the true revenues received to cover local special education costs. The amendment includes direction for data, criteria, and categories for reporting special education. Personally identifiable information will not be disclosed. Vote 16-0.

### Amendment (0541h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Special Education Statistics Report. Amend RSA 186-C:3-a by inserting after paragraph II the following new paragraph:

II-a. In addition to the requirements of paragraph II, the division shall annually submit a report to the commissioner of the department that shows the identification of children with educational disabilities analyzed according to the following criteria: age or grade level, number of students in each disability category, and percentage of the total number of children with educational disabilities in each disability category. The report shall also include expenditures for special education as reported to the department by school districts and state and federal revenues for special education received by school districts. The first report shall include data from the 2 preceding school years. These findings shall be reported for the state and for each school district. The report shall be based on existing special education disability categories, and any other related special education data already collected within the department or the division. The commissioner shall make this report available upon request to all legislators, school officials from school districts, school administrative units, cooperative schools, AREA schools, and the general public. In preparing such reports, the department of education shall not disclose personally identifiable information.

Adopted.

Report adopted and ordered to third reading.

**HB 1597-FN**, relative to providing more cost-effective special education services. OUGHT TO PASS WITH AMENDMENT

Rep. Elizabeth K. Hoadley for Education: The amendment replaces a much longer original bill which had many features concerning special education costs. The amendment excludes special education services to persons ages 18-21 in adult correctional facilities if they had no previous individualized education program (IEP). It also requires sending school districts receive notice of court-ordered placements and allows those districts to respond with financial impacts connected with such placements. The amendment also revises procedures for appointing surrogate parents. Vote 16-0.

**Amendment (0745h)**

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

1 Policy and Purpose. Amend RSA 186-C:1 to read as follows:

186-C:1 Policy and Purpose. It is hereby declared to be the policy of the state that all children in New Hampshire be provided with equal educational opportunities. It is the purpose of this chapter to insure that the state board of education and the school districts of the state provide a free and appropriate public education for all educationally disabled children *while taking into consideration the cost of that education when determining appropriateness.*

2 Definitions; Exclusion of Educationally Disabled Child. Amend RSA 186-C:2, I to read as follows:

I. "Educationally disabled child" means any person 3 years of age or older but less than 21 years of age who has been identified and evaluated by a school district according to the provisions of RSA 186-C:7 and determined to be mentally retarded, hearing impaired, speech or language impaired or both, visually impaired including blindness, seriously emotionally disturbed, orthopedically impaired, otherwise severely health impaired, deaf-blind, multi-disabled, traumatic brain injured, autistic, or as having specific learning disabilities, who because of such impairment, needs special education or special education and educationally related services. *"Educationally disabled child" shall not include a child aged 18 through 21, who, in the educational placement prior to their incarceration in an adult correctional facility was not actually identified as being a child with a disability or did not have an individualized education program.*

3 Liability for Expenses; Recommendations Required. Amend RSA 186-C:13, III to read as follows:

III. No school district shall be required to pay the expenses of the education program of a child adjudicated under RSA 169-B, 169-C, or 169-D except as provided by RSA 186-C. *The sending district shall be notified of a court ordered placement of a child adjudicated under the provisions of RSA 169-B, 169-C, or 169-D, and may submit recommendations to the court concerning the financial impact of the placement on the sending district.*

4 Definition of Surrogate Parent Clarified; Need for Surrogate Parent Clarified. Amend RSA 186-C:14, III to read as follows:

III. DETERMINING NEED. When, in the opinion of the commissioner of education or designee, an educationally disabled child, as defined in RSA 186-C:2, needs special education and the parent or guardian of the child is unknown or unavailable, *or after reasonable efforts, cannot be located*, or the child is a ward of the state, the commissioner or designee shall appoint a surrogate parent who shall represent the child in the educational decision-making process.

5 Review Committee. The state department of education shall establish a committee to review parental consent requirements in the state standards and the structure of the state's due process hearing system. The committee shall report its findings to the house and senate education committees no later than November 1, 1998.

6 Repeal. RSA 186-C:7, IV, relative to the department of education review of individual education plans, is repealed.

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

**AMENDED ANALYSIS**

With regard to the delivery of special education services, this bill:

I. Excludes children ages 18 through 21 in an adult correctional facility who were not identified as a child with a disability prior to their incarceration or did not have an individualized education program.

II. Requires that sending districts be given notice of court ordered placements, and be permitted to submit recommendations concerning the financial impact of the placement on the district.

III. Revises the procedure for appointing a surrogate parent.

IV. Requires the department of education to establish a committee to review parental consent requirements and the structure of the state's due process hearing system.

Adopted.

Report adopted and referred to Finance.

**HB 1156-FN-L**, relative to primary elections and absentee ballots. OUGHT TO PASS WITH AMENDMENT

Rep. John Root for Election Law: This bill facilitates filing of candidacy by indigents for the offices of president and vice-president, prohibits the counting of absentee ballots prior to the closing of the polls, makes special provision for the early closing of the polls in Dixville and Hart's Location, and makes other technical changes to the election laws. Vote 13-2.

**Amendment (0530h)**

Amend RSA 657:15 as inserted by section 3 of the bill by replacing it with the following:

657:15 Sending Absentee Ballots. When the verification required by RSA 657:12 or 657:13 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, and shall identify those official absent voting ballots which have been returned to the clerk. ~~[Copies of said lists with names only shall be posted at the polling places on the day of election as provided in RSA 658:27.]~~ *Candidates whose names appear on the ballot may obtain copies of such lists; the lists shall not be available for public inspection at any time without a court order.*

Adopted.

Report adopted and ordered to third reading.

**HB 1204**, relative to political party expenditures. OUGHT TO PASS

Rep. Susan W. Almy for Election Law: This bill attempts to regulate soft money at the state level in an area unclaimed by the federal government. It would stop state political parties from spending funds from undisclosed sources on promotion of individual candidates. It could not stop spending from these sources on issue advocacy ads, nor would it stop soft money expenditures on party building and getting out the vote. Thus it would encourage state political parties to concentrate more on the grass roots. The committee thought that this could have a beneficial impact on our state's political culture, as well as send a useful message to Washington. Vote 12-3.

Adopted and ordered to third reading.

**HB 1207-L**, relative to the disqualification of election officials. REFER FOR INTERIM STUDY

Rep. Jackie K. Weatherspoon for Election Law: This bill requires relatives not to be involved in election duties if a relative is running for office. The committee felt that the bill has merit but it still needs work. Therefore, the committee voted to refer to committee for interim study. Vote 14-3.

Adopted.

**HB 1218**, requiring the secretary of state to print a question to the voters relative to the public financing of political campaigns on the 1998 general election ballot. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Thomas I. Arnold, Jr. for the Majority of Election Law: This bill requires the Secretary of State to put a question on the ballot asking voters if they wish to give public funds to state and federal candidates as a method of campaign finance reform. The committee felt (8 to 7) that a non-binding question of this nature would be an abrogation of the legislature's responsibility to act on campaign finance bills. Vote 8-7.

Rep. Susan W. Almy for the Minority of Election Law: Like the United States Congress, this legislature has difficulty adopting meaningful campaign reform partially because the current system benefits those already in office. Although it is often said the public is not interested in the public financing of campaigns, at the hearing on the bill, two dozen citizens came out in support of the bill. By contrast, only sitting members of the House and Senate spoke in opposition. We really don't know the extent of popular support or opposition for this idea. This bill lets us hear from the electorate in the form of a non-binding referendum. In Maine, a binding referendum on this issue passed with 57% of the vote. We should give our constituents the same opportunity.

Rep. Joseph Foster spoke against and yielded to questions.

Rep. Buckley spoke in favor and yielded to questions.

On a division vote, 196 members having voted in the affirmative and 90 in the negative, the Majority report was adopted.



**HB 1485**, establishing a redistricting commission. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Thomas I. Arnold, Jr. for the Majority of Election Law: This bill establishes a redistricting commission to accomplish only the functions prescribed by RSA 662-B:13. It further provides definitions, and methods of appointment to this commission. The bill further requires that the commission publish its product to the public as well as the General Court. The bill does not address funding of the commission's activities, but does provide for multiple attempts if the first plan fails in the House or Senate. The committee voted ITL because they felt the commission would be an unnecessary bureaucratic layer which might inhibit the legislature in the execution of its charge to redistrict decennially. Vote 10-5.

Rep. Raymond C. Buckley for the Minority of Election Law: The Minority believes that the bill provides for a fair and impartial redistricting authority. We believe that redistricting election districts should be conducted in the fairest manner possible. HB 1485 establishes a commission composed of impartial citizens charged with creating districts based on population and that no district shall be drawn for the purpose of favoring a political party, incumbent legislator, or other person or group. HB 1485 also includes many other mechanisms that would create fairness to a process that has been fraught with partisan deal making. We believe the public expects such fairness as HB 1485 would establish.

Majority report adopted.

**HB 1520-FN**, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Patricia Krueger for the Majority of Election Law: This bill modifies the language required on primary petitions and replaces the notarization with a personal oath. It also considers expenditures made after January 1 of the election year be counted towards expenditure limitations in U.S. senatorial, congressional and gubernatorial races. This bill also addresses increased disclosure. Vote 11-5.

Rep. Raymond C. Buckley for the Minority of Election Law: Passage of this bill, as amended, would be akin to placing a band-aid on a cancerous sore if campaign finance reform is the true intent of the legislation. It removes the notarization of primary petitions, duplicates previously passed legislation which increases the spending limits, declares the arbitrarily established date of January 1 as the beginning date of a campaign regardless of the possibility of the reality of large expenditures by candidates previous to the January 1 date. But most egregious, the amendment removes the bill's original intent of establishing in law the process and timetable for the Secretary of State to post the campaign financial reports for the major offices on the Internet. HB 1520 as amended fails to credibly address the problems of the voluntary spending limit.

#### Amendment (0692h)

Amend the bill by replacing section 4 with the following:

4 Political Expenditure Limitation Amounts. Amend RSA 664:5-b to read as follows:

664:5-b Political Expenditure Limitation Amounts. Total expenditures by a candidate who voluntarily agrees to limit campaign expenditures as provided in RSA 664:5-a shall be as follows:

I. For governor:

- (a) [~~\$500,000~~]**\$625,000** in a state primary election.
- (b) [~~\$500,000~~] **\$625,000** in a state general election.

I-a. For United States senator:

- (a) [~~\$500,000~~]~~**\$625,000**~~ in a state primary election.
- (b) [~~\$500,000~~] **\$625,000** in a state general election.

II. For representative to Congress:

- (a) [~~\$250,000~~]**\$350,000** in a state primary election.
- (b) [~~\$250,000~~] **\$350,000** in a state general election.

III. For executive council:

- (a) \$50,000 in a state primary election.
- (b) \$50,000 in a state general election.

IV. For state senate:

- (a) \$20,000 in a state primary election.
- (b) \$20,000 in a state general election.

V. For representative to the general court and all county offices, based upon the latest figures filed with the secretary of state:

- (a) \$.50 per registered voter in the district or the county in a state primary election.
- (b) \$.50 per registered voter in the district or the county in a state general election.

VI. For the purposes of this section, RSA 664:5-a and the enforcement provisions of this chapter, "total expenditures" shall mean the sum of all expenditures made to influence either a state primary or a state general election made by a candidate and those made on [his] *the candidate's* behalf by [his] *the candidate's* committee or committees, [his] *the candidate's* party, and [his] *the candidate's* immediate family. *For candidates for governor, United States senator, and representative to Congress, "total expenditures" shall include any such expenditures made after January 1 of the election year, regardless of when the person actually declares his or her candidacy.* Each campaign expenditure limitation amount shall apply solely and independently to either the state primary election or the state general election.

Amend the bill by deleting section 5 and renumbering the original sections 6-7 to read as 5-6, respectively.

Amend the bill by replacing section 5 with the following:

5 Campaign Disclosure Information; 1998 Election Cycle. For the 1998 election cycle, each candidate or candidate's committee for governor and executive council shall file the reports required by RSA 664:7 on a computer disk, in addition to a paper copy. Candidates or candidates' committees for state senate may file their reports, as required by RSA 664:7, on a computer disk, in addition to a paper copy. The secretary of state is encouraged to make available on the Internet all campaign reports filed on a computer disk on the third business day after the filing is due. Campaign finance filings for United States Senate and representatives to Congress shall be available through a link from the secretary of state's website to the Federal Election Commission.

#### AMENDED ANALYSIS

This bill:

I. Modifies the language required on primary petitions for candidates that do not voluntarily accept expenditure limitations;

II. Replaces the notarization with an oath on primary petitions;

III. Requires primary petitions to be filed alphabetically;

IV. Increases primary expenditure limitations for governor, United States senator, and representative to Congress;

V. Specifies that any expenditures made after January 1 of the election year shall be counted towards expenditure limitations for governor, United States senator, and representative to Congress, regardless of when the person actually declares his or her candidacy;

VI. Requires certain candidates to file reports on a computer disk for the 1998 election cycle; and

VII. Encourages the secretary of state to post campaign disclosure information relating to the 1998 election on the Internet.

Rep. Arndt spoke in favor.

#### LAIID ON THE TABLE

Rep. Joseph Foster moved that *HB 1520-FN*, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission, be laid on the table.

Adopted.

#### REGULAR CALENDAR (CONT'D.)

*HB 1577-FN-A*, relative to campaign finance expenditure and contribution reform. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Patricia Krueger for the Majority of Election Law: Campaign finance reform is of great concern to the committee and sections of this bill, especially regarding greater disclosure, have merit. However, passage of this bill would have eliminated voluntary limitations in political expenditures and would have required surplus campaign contributions be donated to charitable organizations. It further prohibits political contributions from certain groups including lobbyists and unions and it also limited personal contributions and out-of-state contributions. These latter aspects of this bill compelled the majority of the committee to vote ITL. Vote 10-6.

Rep. Jane A. Clemons for the Minority of Election Law: The minority feels if we want real campaign finance reform the answer is in disclosure of money in and money out. The petitions and the spending cap have been abused consistently and the general public has demanded reform. Therefore, retaining the petitions and the spending cap is business as usual not campaign finance reform.

### LAIID ON THE TABLE

Rep. Jane Clemons moved that **HB 1577-FN-A**, relative to campaign finance expenditure and contribution reform, be laid on the table.

Adopted.

### RECESS

(Speaker Sytek in the Chair)

### REGULAR CALENDAR (CONT'D.)

**HB 1297-FN-A**, establishing a program of integrated pest management and continually appropriating an integrated pest management fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. David L. Babson for Environment and Agriculture: The committee feels that the integrated pest management program which currently is being practiced by fruit growers in this state should be expanded and funded. The IPM program has drastically reduced the use of pesticides in the apple industry while producing high grade apples. The committee feels that this type of success should be recognized. The amendment deals with the funding mechanism which is from non-appropriated revenue of the Department of Agriculture Markets & Foods pesticide registration fees to be addressed in the next biennium. Vote 18-0.

#### Amendment (0720h)

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

1 New Subdivision; Integrated Pest Management Program. Amend RSA 430 by inserting after section 49 the following new subdivision:

Integrated Pest Management Program

430:50 Program Established.

I. The commissioner of the department of agriculture, markets, and food shall establish an integrated pest management program. "Integrated pest management" means a sustainable approach to managing pests by combining the use of biological, cultural, physical, and chemical tactics in a way that minimizes economic, health, and environmental risks. The purpose of the program shall be to bring about the broadest possible application of the principles of integrated pest management to agriculture, horticulture, arboriculture, landscape and building maintenance, and any other areas in which economic poisons are employed. To this end, the commissioner shall work cooperatively with the university of New Hampshire agricultural experiment station, cooperative extension and college of life sciences and agriculture; other educational institutions with competence in relevant disciplines; commodity and trade organizations; conservation groups; other governmental agencies; and private sector individuals and corporations. Wherever, possible, such research, education, and evaluation endeavors shall be conducted cooperatively by 2 or more supporting entities.

II. There is established a nonlapsing fund to be known as the integrated pest management fund. Ten percent of the pesticide registration fees collected under RSA 430:38, III shall be deposited in the fund. The fund shall only be used to support the purposes of the integrated pest management program. The state treasurer may invest moneys in the fund as provided by law and all interest received on such investment shall be credited to the fund. The commissioner shall be authorized to accept grants, gifts, and donations from any public or private sources for deposit in the fund.

III. The commissioner shall report by October 1 of each year to the house environment and agriculture committee and the senate environment committee concerning the use of the fund, the work accomplished, and the effectiveness of efforts to broaden application of integrated pest management principles throughout the state.

2 New Subparagraph; Integrated Pest Management Fund. Amend RSA 6:12, I by inserting after subparagraph (qqq) the following new subparagraph:

(rrr) Moneys collected pursuant to RSA 430:50, II which shall be deposited in the integrated pest management fund.



3 Implementation Plan. The commissioner of agriculture, markets, and food shall prepare and submit to the house environment and agriculture committee, the house finance committee, the senate environment committee, and the senate finance committee, by November 1, 1998, a detailed implementation and financial plan for the integrated pest management program.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect July 1, 1999.

II. The remainder of this act shall take effect July 1, 1998.

Adopted.

Report adopted and referred to Finance.

**HB 1259-FN**, relative to the salaries of security employees of certain state institutions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Jon P. Beaulieu for the Majority of Executive Departments and Administration: This bill grants security personnel, pharmacists, and dietitians at the New Hampshire Hospital a salary differential of \$5.00 per week. Since RSA 99:11 was passed in 1974, the criminally insane were moved to the high security jail. The number of persons held at the hospital reduced to a third. Jobs and job descriptions have changed immeasurably. Since RSA 99:11 passed in 1974, employees engaged in the treatment and care of patients at two additional state institutions have been added to those eligible for differential pay. In 1974, Sen. Trowbridge stated for the record, "That it is the legislative intent that the person who decides who is eligible for those extra premium payments shall be the warden or appropriate administrator at the institution." The legislative intent described by Sen. Trowbridge has never been the policy utilized over the last twenty years. Gov. Thompson at the signing of this bill in 1974 expressed reservations about some provisions in the bill stating that they were discriminatory because custodial, dietary and grounds personnel were not included for the pay differential. It is recommended that the differential pay of \$5.00 per week be implemented for those three classes of employees. The total cost for the fourteen employees involved in this differential is \$3,640 per year. The money is available in the current hospital budget. Vote 10-7.

Reps. James P. Pilliod, Maurice E. Goulet and Sylvia A. Holley for Executive Departments and Administration: The minority of the committee felt that this bill would open a Pandora's box and there would be additional requests for a differential pay in the amount of \$5.00 per week. Presently, this is paid to those actively engaged in the care and treatment of patients at various state medical units. This bill adds security personnel to those receiving this additional pay. The initial motion was to pass with amendment and many in the minority preferred a vote for interim study. There seems to be some inequities in the present system and it does not square with the legislative intent of the original bill. The minority had no disagreement with the amount of the differential but only that as it was applied it created inequities. Far better to remove all the non-hazardous differentials and increase the pay for the employees appropriately.

**Amendment (0567h)**

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

**AN ACT** relative to salary differentials for certain employees of the New Hampshire hospital.

Amend the bill by replacing section 1 with the following:

1 Salary Differentials; New Hampshire Hospital Security Employees, Pharmacists, and Dieticians Added. Amend RSA 99:11, I to read as follows:

I. The annual salaries of classified employees who are actively engaged in the care and treatment of patients or inmates at the New Hampshire hospital, Laconia developmental services, Glenciff home for the elderly, New Hampshire veterans' home, and the youth development center, *and the security employees, pharmacists, and dieticians employed at the New Hampshire hospital*, shall be increased by a \$5 per week differential. This paragraph shall not apply to those employees who receive hazardous duty pay under RSA 99:10.

**AMENDED ANALYSIS**

This bill grants security personnel, pharmacists, and dieticians at the New Hampshire hospital, a salary differential of \$5 per week.

Adopted.

Majority report adopted and referred to Finance.

**HB 1304-FN**, relative to the qualifications and compensation of division directors of the department of environmental services. OUGHT TO PASS

Rep. Merton S. Dyer for Executive Departments and Administration: This bill will place the air resources, waste management and water division directors at the same salary grade and require that all will be qualified by reason of education and experience before being nominated to the governor and council for appointment. This change will delete specific qualifications for each position. This was the original intent of HB 430, Chapter 202 in 1986 but it was amended in the senate to add specific qualifications for some of the positions. The position is a managerial position that requires expertise in the field. This change will allow the agency to get qualified persons for these positions. The present qualifications unduly restrict the agency in the recruiting of directors for these positions. Some committee members felt that the requirements should be included in the requirement of a professional engineer. There are many professional engineers in the divisions now to assist the director. The requirements in the bill will not prevent the hiring of a professional engineer if the candidate has the other qualifications. Vote 12-6.

Adopted and referred to Finance.

**HB 1337-FN**, making technical corrections in laws related to the department of corrections. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Murphy for Executive Departments and Administration: This bill, requested by the Department of Corrections, makes certain grammatical changes throughout the statutes dealing with the administration of the prison system, the most extensive of which is pluralizing the word "prison" throughout RSA 622. In addition, it includes certain substantive changes: in RSA 21-H:8 the biennial report to the governor and council will now be annual and the commissioner is directed to designate the assistant commissioner to take over in his absence; in RSA 622 equipment purchases for the support and employment of prisoners requiring approval are increased from \$1000 to \$10,000 and the bill changes from a misdemeanor to class B felony the penalty for a prison employee who knowingly allows a controlled substance to be passed to a prisoner. The final section of the bill increases the salary of the director of administration. Vote 14-3.

#### Amendment (0648h)

Amend RSA 622:11 as inserted by section 6 of the bill by replacing it with the following:

622:11 Illegal Privileges. A person employed in the prisons is guilty of a misdemeanor if he negligently suffers a prisoner to be at large, or to be visited, comforted, or relieved contrary to the regulations of the prisons or the terms of the sentence of the prisoner, *and is guilty of a class B felony if he knowingly allows a controlled substance to be passed to a prisoner.*

Amend the bill by replacing section 17 with the following:

17 Salary Change. Amend RSA 94:1-a by:

- I. Deleting in group M: director of administration, department of corrections.
- II. Inserting in group N: director of administration, department of corrections.

#### AMENDED ANALYSIS

This bill allows the commissioner of the department of corrections to delegate authority to the assistant commissioner in the commissioner's absence. The bill changes the penalty for a prison employee who knowingly allows a controlled substance to be passed to a prisoner from a misdemeanor to a class B felony. The bill allows the department of corrections to make certain equipment purchase of up to \$10,000 without the approval of governor and council and the fiscal committee.

The bill changes "prison" to "prisons" in the RSA chapters governing the administration of state prison facilities.

The bill also increases the salary of the director of administration of the department of corrections.

This bill was requested by the department of corrections.

Adopted.

Report adopted and referred to Finance.

**HB 1377-FN**, establishing a state commission on the status of men. OUGHT TO PASS WITH AMENDMENT

Rep. Howard C. Dickinson, Jr. for Executive Departments and Administration: The commission on the status of women has existed for the past 30 years. It has served New Hampshire women well

at very little cost. This bill was introduced to establish a commission on the status of men along similar lines. In view of the provisions which sunset this commission on September 1, 2003, and requires annual reports each November, the committee believes that a commission to serve the needs of men, as we have served the needs of women, is most appropriate at this time. Vote 14-4.

#### Amendment 0644h)

Amend RSA 19-H:4 - 19-H:6 as inserted by section 1 of the bill by replacing them with the following:  
19-H:4 Duties. The duties of the commission shall include, but not be limited to:

I. Examining issues and effects of cultural discrimination beginning with childhood experiences and progress in public schools, and extending to include a study of male suicide and adult concerns such as family relations.

II. Studying health problems unique to men or which predominantly affect men, and making appropriate recommendations.

III. Promoting initiatives and programs that will enable men to develop career skills and continue their education so that they become productive and responsible citizens.

19-H:5 Cooperation. The commission shall cooperate with any state or federal agency or any private organization in conducting investigations and studies in the area of the status of men. All state agencies shall assist the commission in carrying out its duties.

19-H:6 Report. The commission shall submit an annual report of its activities on or before November 1 to the governor and council, the commissioner of administrative services, the president of the senate, and the speaker of the house. The report may include any recommendations the commission has for legislation.

Amend RSA 19-H:9 as inserted by section 1 of the bill by replacing it with the following:

19-H:9 Administratively Attached. The commission shall be administratively attached to the department of administrative services.

Amend the bill by replacing section 2 with the following:

2 Prospective Repeal of Chapter. RSA 19-H, relative to the state commission on the status of men, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect September 1, 2003.

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

#### AMENDED ANALYSIS

This bill establishes a state commission on the status of men, and prospectively repeals the provisions of the bill effective September 1, 2003.

Adopted.

Rep. John Pratt spoke against.

Rep. Dickinson spoke in favor and yielded to questions.

Rep. Luebker requested a roll call; sufficiently seconded.

The question being the adoption of the report.

#### YEAS 220 NAYS 90

#### YEAS 220

#### BELKNAP

Boriso, Thomas  
Lawton, David  
Thomas, John

Boyce, Robert  
Lawton, Robert  
Turner, Robert

Holbrook, Robert  
Rosen, Ralph

Laflam, Robert  
Salatiello, Thomas

#### CARROLL

Babson, David, Jr.  
Howard, Godfrey  
Philbrick, Donald

Bradley, Jeb  
Kenney, Joseph

Chandler, Gene  
Lyman, L. Randy

Dickinson, Howard, Jr.  
Patten, Betsey

#### CHESHIRE

Avery, Stephen  
Richardson, Barbara

Hunt, John  
Riley, William

McNamara, Wanda  
Robertson, Timothy

Meador, David



**COOS**

Guay, Lawrence  
Moynihan, Wayne

Horton, Lynn  
Pratt, Leighton

Mears, Edgar  
Tholl, John, Jr.

Merrill, Gerald

**GRAFTON**

AKINS, Ralph  
COBBIN, Philip  
HILL, Richard  
MIRSKI, Paul

ALGER, John  
EATON, Stephanie  
HINMAN, Harry  
TESCHNER, Douglass

ALMY, Susan  
GUARALDI, Lawrence  
LAMOTT, Paul  
TRELFA, Richard

BROWN, Channing  
HAM, Bonnie  
LOVETT, Sidney  
WEBER, Phil

**HILLSBOROUGH**

ALLEN, W. Gordon  
BARRY, William, III  
BRUNDIGE, Robert  
CHABOT, Robert  
DURHAM, Susan  
FLORA, Kathleen  
GOSSELIN, Gerald  
HERMAN, Keith  
JEAN, Claudette  
KURK, Neal  
LESSARD, Rudy  
MACGILLIVRAY, Jeffrey  
MCCARTHY, William  
MERCER, Robert  
MURCH, George  
REIDY, Frank  
THULANDER, O. Alan  
WHITE, Donald

ALUKONIS, David  
BATULA, Peter  
CALAWA, Leon, Jr.  
CLEGG, Robert, Jr.  
DYER, Merton  
FOSTER, Linda  
HAETTENSCHWILLER, Alphonse  
HOLLEY, Sylvia  
JEAN, Loren  
L'HEUREUX, Robert  
LETENDRE, Evelyn  
MACINTYRE, Doris  
MCCARTY, Winston  
MESSIER, Irene  
MURPHY, Robert  
ROWE, Robert  
VAILLANCOURT, Steve  
WHITE, Jay

AMIDON, Eleanor  
BOUTIN, David  
CARDIN, Lori  
DESROSIER, William  
EMERTON, Lawrence, Sr.  
FRANKS, Suzan  
HALL, Betty  
HOLT, David  
KELLEY, Robert  
LAROSE, Richard  
LOZEAU, Donnalee  
MARCINKOWSKI, Michael  
MCDONALD, James, Sr.  
MILLIGAN, Robert  
O'HEARN, Jane  
SARGENT, Maxwell  
WELCH, Donald

ARNOLD, Thomas, Jr.  
BRIEFS, Geoffrey  
CARLSON, Donald  
DRABINOWICZ, A. Theresa  
FIELDS, Dennis  
GINSBURG, Ruth  
HANSEN, Herbert  
HUNTER, Bruce  
KONYS, Christine  
LEFEBVRE, Roland  
LUEBKERT, Bernard  
MARTIN, Mary  
MCGOUGH, Tim  
MITTELMAN, David  
O'ROURKE, Thomas  
SEARLES, Stanley, Sr.  
WHEELER, Robert

**MERRIMACK**

ANDERSON, Eric  
DUNN, Miriam  
HOADLEY, Elizabeth  
LARRABEE, David  
NICHOLS, Avis  
YEATON, Charles

BROWN, Mary  
FRASER, Marilyn  
JACOBSON, Alf  
LEBER, William  
OWEN, Derek

BURNEY, Carol  
GILE, Mary  
LAMACH, Bernard  
LOCKWOOD, Robert  
SELDIR, Gloria

DANEAULT, Gabriel  
HESS, David  
LANGER, Ray  
MORRILL, Olive  
ST. CYR, Gerard

**ROCKINGHAM**

ABBOTT, Dennis  
BLANCHARD, MaryAnn  
CEGELIS, Mark  
DALRYMPLE, Janeen  
DOWNING, Michael  
GIBBONS, Paul  
KLEMM, Arthur, Jr.  
LETOURNEAU, Robert  
MCKINNEY, Betsy  
MORRIS, Debbie  
PITTS, Jacqueline  
SIMMONS, John Anthony  
TUFTS, J. Arthur  
WELCH, David

ARNDT, Janet  
CAMM, Kevin  
CHRISTIE, Andrew, Jr.  
DEARBORN, Bruce  
FESH, Robert  
KANE, Cecelia  
KOBEL, Rudolph  
LOVEJOY, Marian  
MIKOWSKI, Walter  
NOWE, Ronald  
RABIDEAU, Marie  
STONE, Joseph  
VARELL, Thomas  
WEYLER, Kenneth

BEAULIEU, Jon  
CARSON, Gregory  
CLARK, Martha  
DODGE, Robert  
FLANDERS, John, Sr.  
KATSAKIORES, George  
LANGLEY, Jane  
MAJOR, Norman  
MILLARD, Ralph  
PACKARD, Sherman  
RAYNOWSKA, Bernard  
STRITCH, C. Donald  
VAUGHN, Charles

BELANGER, Ronald  
CASE, Margaret  
COONEY, Richard  
DOWD, Sandra  
FRECHETTE, Joseph  
KATSAKIORES, Phyllis  
LANGONE, John  
MCCARTHY, John, Jr.  
MOORE, Benjamin  
PANTELAKOS, Laura  
SAPARETO, Frank  
SYRACUSA, Anthony  
VERANI, Giovanni

**STRAFFORD**

BERUBE, Roger  
HEON, Richard

BICKFORD, David  
KAEN, Naida

BRENNAN, William  
MCCANN, William, Jr.

CALLAGHAN, Frank  
MCKINLEY, Robert

Merritt, Deborah  
Rollo, Michael  
Torr, Ann  
Vachon, Dennis

Musler, George  
Smith, Marjorie  
Torr, Franklin  
Vincent, Francis

Pelletier, Arthur  
Spear, Barbara  
Tsiros, William

Rogers, Rose Marie  
Sullivan, Henry  
Twardus, Joseph

### SULLIVAN

Cloutier, John

Leone, Richard

Robb-Theroux, Amy

Schotanus, Merle

### NAYS 90

### BELKNAP

Calvert, Alice  
Rice, Thomas, Jr.

Clark, Charles

Hurt, George

Pilliod, James

### CARROLL

None

### CHESHIRE

Burnham, Daniel  
Lynott, Margaret  
Pratt, Irene

DePecol, Benjamin  
Manning, Joseph  
Pratt, John

Doucette, Richard  
McGuirk, Paul  
Smith, Edwin

Lynch, Margaret  
Metzger, Katherine

### COOS

Bradley, Paula

Davis, Perley

Hawkinson, Marie

### GRAFTON

Below, Clifton

Luker, Elsa

MacNeil, Allen

Nordgren, Sharon

### HILLSBOROUGH

Belvin, William  
D'Allesandro, Lou  
Dwyer, Paul, Sr.  
Hart, Nick  
Melcher, Harold  
Turgeon, Roland

Bergin, Peter  
Daigle, Robert  
Foster, Joseph  
Johnson, Lionel  
Perkins, Paul  
Williams, Carol

Buckley, Raymond  
Dawe, Eileen  
Golding, William  
Leishman, Peter  
Peterson, Andrew  
Wright, George

Cote, Peter  
Dokmo, Cynthia  
Goulet, Maurice  
Leonard, Peter  
Riley, Frances

### MERRIMACK

DeStefano, Stephen  
Marshall, Kenneth  
Reardon, Tara

Feuerstein, Martin  
Maxfield, Roy  
Wallner, Mary Jane

French, Barbara  
Moore, Carol  
Whalley, Michael

Lavoie, Gerard  
Pfaff, Terence

### ROCKINGHAM

Coes, Betsy  
Griffin, Mary  
Kelley, Jane  
Schanda, Frank

Dolan, Richard  
Heath, John  
Norelli, Terie  
Stickney, Nancy

Flanders, David  
Henderson, Warren  
Noyes, Richard  
Weatherspoon, Jackie

Francoeur, Sheila  
Hutchinson, Rebecca  
Sabella, Norma

### STRAFFORD

Cossette, Larry  
Keans, Sandra  
Taylor, Kathleen

DeChane, Marlene  
Knowles, William  
Wall, Janet

Dunlap, Patricia  
Merrill, Amanda

Estabrook, Iris  
Snyder, Clair

### SULLIVAN

Adler, Rudolf  
Ferland, Brenda

Allison, David  
Lindblade, Eric

Burling, Peter  
Palmer, Lorraine

Donovan, Thomas  
Wiggins, Celestine

and the report was adopted.  
Referred to Finance.

**HB 1506-FN**, changing the composition of the liquor commission. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Merton S. Dyer for the Majority of Executive Departments and Administration: This bill would eliminate two of the three present liquor commissioners that now oversee the liquor business in New Hampshire and place the responsibility in the hands of an executive director who would handle all the functions of a chief executive officer. Approximately three years ago this committee reported out a bill to make some changes in the structure of the department. It has been a very short time since this was passed and the results look good. This should stay in place for a while before we make sweeping changes. One present commissioner is on holdover status and under this bill the other commissioner would be released but there is no indication as to how he would be dismissed and whether the balance of his term would be bought out. There appeared to be little support from the public on this subject. Vote 12-3.

Rep. Timothy N. Robertson for the Minority of Executive Departments and Administration: There are very few organizations having three managers that are managed well. The liquor commission is no exception. It is past time that this issue is studied and action taken.

Rep. Burling spoke against and yielded to questions.

Rep. Dyer spoke in favor and yielded to questions.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 184 NAYS 125

### YEAS 184

#### BELKNAP

Boriso, Thomas  
Holbrook, Robert  
Pilliod, James

Boyce, Robert  
Hurt, George  
Rice, Thomas, Jr.

Calvert, Alice  
Lawton, David  
Thomas, John

Clark, Charles  
Lawton, Robert  
Turner, Robert

#### CARROLL

Babson, David, Jr.  
Howard, Godfrey  
Philbrick, Donald

Bradley, Jeb  
Kenney, Joseph

Chandler, Gene  
Lyman, L. Randy

Dickinson, Howard, Jr.  
Patten, Betsey

#### CHESHIRE

Avery, Stephen  
Smith, Edwin

Hunt, John

McNamara, Wanda

Metzger, Katherine

#### COOS

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
Tholl, John, Jr.

Horton, Lynn

Merrill, Gerald

#### GRAFTON

Akins, Ralph  
Eaton, Stephanie  
LaMott, Paul  
Trelfa, Richard

Alger, John  
Guaraldi, Lawrence  
MacNeil, Allen  
Weber, Phil

Brown, Channing  
Hill, Richard  
Mirski, Paul

Cobbin, Philip  
Hinman, Harry  
Teschner, Douglass

#### HILLSBOROUGH

Alukonis, David  
Belvin, William  
Calawa, Leon, Jr.  
Dawe, Eileen  
Durham, Susan  
Flora, Kathleen  
Hansen, Herbert  
Hunter, Bruce  
L'Heureux, Robert

Amidon, Eleanor  
Bergin, Peter  
Carlson, Donald  
Desrosiers, William  
Dyer, Merton  
Franks, Suzan  
Herman, Keith  
Jean, Loren  
LaRose, Richard

Arnold, Thomas, Jr.  
Briefs, Geoffrey  
Chabot, Robert  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Golding, William  
Holley, Sylvia  
Kelley, Robert  
Lefebvre, Roland

Batula, Peter  
Brundige, Robert  
Clegg, Robert, Jr.  
Drabinowicz, A. Theresa  
Fields, Dennis  
Goulet, Maurice  
Holt, David  
Kurk, Neal  
Leishman, Peter



Lessard, Rudy  
MacGillivray, Jeffrey  
McGough, Tim  
Murch, George  
Rowe, Robert  
Wheeler, Robert

Letendre, Evelyn  
MacIntyre, Doris  
McRae, Karen  
O'Hearn, Jane  
Sargent, Maxwell  
White, Donald

Lozeau, Donnalee  
Marcinkowski, Michael  
Mercer, Robert  
Peterson, Andrew  
Searles, Stanley, Sr.

Luebker, Bernard  
McCarty, Winston  
Milligan, Robert  
Riley, Frances  
Thulander, O. Alan

### MERRIMACK

Anderson, Eric  
Hoadley, Elizabeth  
Larrabee, David  
Maxfield, Roy

Brown, Mary  
Jacobson, Alf  
Lavoie, Gerard  
Morrill, Olive

Feuerstein, Martin  
Lamach, Bernard  
Leber, William  
Nichols, Avis

Hess, David  
Langer, Ray  
Marshall, Kenneth  
Whalley, Michael

### ROCKINGHAM

Arndt, Janet  
Carson, Gregory  
Cooney, Richard  
Dolan, Richard  
Flanders, John, Sr.  
Katsakiores, George  
Langley, Jane  
Major, Norman  
Moore, Benjamin  
Packard, Sherman  
Simmons, John Anthony  
Tufts, J. Arthur  
Weyler, Kenneth

Beaulieu, Jon  
Case, Margaret  
Dalrymple, Janeen  
Dowd, Sandra  
Francoeur, Sheila  
Katsakiores, Phyllis  
Langone, John  
McCarthy, John, Jr.  
Morris, Debbie  
Rabideau, Marie  
Stickney, Nancy  
Varrell, Thomas

Belanger, Ronald  
Cegelis, Mark  
Dearborn, Bruce  
Fesh, Robert  
Griffin, Mary  
Klemm, Arthur, Jr.  
Letourneau, Robert  
McKinney, Betsy  
Nowe, Ronald  
Raynowska, Bernard  
Stone, Joseph  
Verani, Giovanni

Camm, Kevin  
Christie, Andrew, Jr.  
Dodge, Robert  
Flanders, David  
Henderson, Warren  
Kobel, Rudolph  
Lovejoy, Marian  
Mikowski, Walter  
Noyes, Richard  
Sapareto, Frank  
Stritch, C. Donald  
Welch, David

### STRAFFORD

Bickford, David  
Musler, George  
Vincent, Francis

Cossette, Larry  
Torr, Ann

Kaen, Naida  
Torr, Franklin

McKinley, Robert  
Tsiros, William

### SULLIVAN

Adler, Rudolf  
Robb-Theroux, Amy

Donovan, Thomas  
Schotanus, Merle

Leone, Richard

Lindblade, Eric

### NAYS 125

### BELKNAP

Rosen, Ralph

Salatiello, Thomas

### CARROLL

None

### CHESHIRE

Burnham, Daniel  
Lynott, Margaret  
Pratt, Irene  
Robertson, Timothy

DePecol, Benjamin  
Manning, Joseph  
Pratt, John

Doucette, Richard  
McGuirk, Paul  
Richardson, Barbara

Lynch, Margaret  
Meader, David  
Riley, William

### COOS

Bradley, Paula

Hawkinson, Marie

Mears, Edgar

Moynihan, Wayne

### GRAFTON

Almy, Susan  
Luker, Elsa

Below, Clifton  
Nordgren, Sharon

Ham, Bonnie

Lovett, Sidney

**HILLSBOROUGH**

Allen, W. Gordon	Barry, William, III	Bernier, Shannon	Boutin, David
Buckley, Raymond	Cardin, Lori	Cote, Peter	D'Allesandro, Lou
Daigle, Robert	Dwyer, Paul, Sr.	Foster, Joseph	Foster, Linda
Ginsburg, Ruth	Gosselin, Gerald	Haettenschwiller, Alphonse	Hall, Betty
Hart, Nick	Jean, Claudette	Johnson, Lionel	Konys, Christine
Leonard, Peter	Martin, Mary	McCarthy, William	McDonald, James, Sr.
Melcher, Harold	Messier, Irene	Mittelman, David	Murphy, Robert
O'Rourke, Thomas	Perkins, Paul	Reidy, Frank	Turgeon, Roland
Vaillancourt, Steve	Welch, Donald	White, Jay	Williams, Carol

**MERRIMACK**

Burney, Carol	Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam
Fraser, Marilyn	French, Barbara	Gile, Mary	Lockwood, Robert
Moore, Carol	Owen, Derek	Reardon, Tara	Seldin, Gloria
St. Cyr, Gerard	Wallner, Mary Jane	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Coes, Betsy
Downing, Michael	Frechette, Joseph	Gibbons, Paul	Heath, John
Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane	Millard, Ralph
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Sabella, Norma
Schanda, Frank	Syracusa, Anthony	Vaughn, Charles	Weatherspoon, Jackie

**STRAFFORD**

Beube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Hemon, Roland	Heon, Richard
Keans, Sandra	Knowles, William	Merrill, Amanda	Merritt, Deborah
Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spear, Barbara	Sullivan, Henry	Taylor, Kathleen
Twardus, Joseph	Vachon, Dennis	Wall, Janet	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Palmer, Lorraine	Wiggins, Celestine		

and the majority report was adopted.

Rep. McCann declared a conflict of interest and did not participate.

**HB 1508-FN, regulating the practice of hypnotherapy. INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Executive Departments and Administration: Hypnotherapists provide a variety of services, such as smoking cessation, stress reduction, weight loss, etc. These are areas that do not qualify as medical disorders and are not considered psychopathologies. We do have many hypnotists working in New Hampshire many who use hypnotherapy as an adjunct to their professional practice in medicine, dentistry, chiropractic, etc. However, we must conclude that there are fundamental differences between a skill, a craft, and a learned profession. One striking comment was made that hypnosis is a procedure and we don't license procedures. Because hypnotherapy is currently practiced openly in New Hampshire, and certain health plans can reimburse some of these services when they have been medically referred, it was decided that licensure is not warranted at this time. Vote 11-6.

Adopted.

**HB 1523-FN, adding security officers of the New Hampshire hospital campus security force to group II of the New Hampshire retirement system. INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: The purpose of this bill was to transfer the security personnel from group I of the New Hampshire Retirement System into group II of the system. The security personnel are trained to the level of part-time police

officers and as emergency medical personnel for assisting the staff of the hospital with difficult patients. Their present training does not meet the requirements of group II membership as full time police officers as outlined in RSA 100-A:3. Passage of this bill would mandate to the New Hampshire State Hospital that they be required to provide additional training to make the members eligible for this change. The majority of the committee felt that this was not a proper action to take. Vote 14-2.  
Adopted.

**HB 1524-FN**, licensing bail recovery agents. REFER FOR INTERIM STUDY  
Rep. Howard C. Dickinson, Jr. for Executive Departments and Administration: While this bill has the support of several law enforcement agencies and all who testified at the hearing, the committee wishes to hold the bill for further study because several other states and the federal government are working on this subject. It is important that the committee be in a position to advise the house on any future legislation pertaining to the licensing of bail recovery agents. Vote 10-7.  
Adopted.

**HB 1528**, relative to the transfer of certain administratively attached agencies from the secretary of state to the department of administrative services. REFER FOR INTERIM STUDY  
Rep. Nancy C. Stickney for Executive Departments and Administration: The intent of this bill is to remove boards and commissions which are presently attached and/or linked to the office of secretary of state to administrative services. There is a concern that some boards and commissions under this constitutional office do not have to adhere to RSA 541:A rulemaking process. The committee would like to look into incorporating in this study the feasibility of administratively attaching other unattached boards and commissions to the department of administrative services as well. More information is needed to make the appropriate decision. Vote 12-6.  
Adopted.

**HB 1616-FN-L**, requiring the department of revenue administration to make available to the public certain tax and real estate assessing software. INEXPEDIENT TO LEGISLATE  
Rep. Merton S. Dyer for Executive Departments and Administration: This bill would make the software developed by the Department of Revenue Administration available to the public. The majority of the committee felt that this was not in the best interest of the state. The department is under a mandate from the legislature, who appropriated the fund to develop this program, to make this information available for a fee to help offset the set-up costs. To provide this to the public and keep it current and provide support for the software program would require additional staff which is not provided in the bill and to provide this software for a small fee and no support or updates would lead to a great deal of confusion. The use and control of this software can be accomplished through the rules process (RSA 541-A). Given these facts, a majority of the committee voted inexpedient to legislate. Vote 15-2.  
Adopted.

**HB 1288-FN-A-L**, relative to reimbursement of funds for recipients in nursing homes. INEXPEDIENT TO LEGISLATE  
Rep. W. Gordon Allen for Finance: This bill proposes a major increase in the proportion of nursing home costs paid by the state with a corresponding decrease by the counties. While the bill raises the important issue of what the proper sharing should be and the lack of rationale for the current split of 30.55% for counties and 19.45% for the state, the Committee felt it prudent to not pass the bill at this time because the issue is being negotiated by the Department of Health and Human Services as part of the long-term care plan and the state has no budgeted funds to pay any increased share. Vote 14-4.  
Reps. Hart and Cobbin spoke against.  
Rep. Allen spoke in favor.  
Rep. Kurk spoke in favor and yielded to questions.  
Rep. Kurk requested a roll call; sufficiently seconded.  
The question being the adoption of the report.



**YEAS 182 NAYS 126****YEAS 182****BELKNAP**

Boriso, Thomas  
Lawton, David  
Turner, Robert

Boyce, Robert  
Rice, Thomas, Jr.

Calvert, Alice  
Rosen, Ralph

Holbrook, Robert  
Thomas, John

**CARROLL**

Bradley, Jeb  
Howard, Godfrey  
Philbrick, Donald

Chandler, Gene  
Kenney, Joseph

Cooper, Kipp  
Lyman, L. Randy

Dickinson, Howard, Jr.  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Metzger, Katherine

Hunt, John  
Smith, Edwin

McNamara, Wanda

Meader, David

**COOS**

Davis, Perley  
Mears, Edgar

Guay, Lawrence  
Merrill, Gerald

Hawkinson, Marie  
Pratt, Leighton

Horton, Lynn  
Tholl, John, Jr.

**GRAFTON**

Akins, Ralph  
Brown, Channing  
Hinman, Harry  
Teschner, Douglass

Alger, John  
Guaraldi, Lawrence  
Luker, Elsa  
Trelfa, Richard

Almy, Susan  
Ham, Bonnie  
MacNeil, Allen

Below, Clifton  
Hill, Richard  
Nordgren, Sharon

**HILLSBOROUGH**

Allen, W. Gordon  
Belvin, William  
Brundige, Robert  
Dawe, Eileen  
Dyer, Merton  
Foster, Linda  
Herman, Keith  
Jean, Loren  
LaRose, Richard  
Luebker, Bernard  
McGough, Tim  
Mittelman, David  
Sargent, Maxwell  
Wheeler, Robert

Alukonis, David  
Bergin, Peter  
Calawa, Leon, Jr.  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Golding, William  
Holley, Sylvia  
Kelley, Robert  
Leishman, Peter  
MacGillivray, Jeffrey  
McRae, Karen  
O'Hearn, Jane  
Searles, Stanley, Sr.  
Wright, George

Amidon, Eleanor  
Boutin, David  
Chabot, Robert  
Drabinowicz, A. Theresa  
Fields, Dennis  
Goulet, Maurice  
Hunter, Bruce  
Kurk, Neal  
Letendre, Evelyn  
MacIntyre, Doris  
Mercer, Robert  
Peterson, Andrew  
Thulander, O. Alan

Arnold, Thomas, Jr.  
Briefs, Geoffrey  
Clegg, Robert, Jr.  
Durham, Susan  
Flora, Kathleen  
Hansen, Herbert  
Jean, Claudette  
L'Heureux, Robert  
Lozeau, Donnalee  
McCarty, Winston  
Milligan, Robert  
Rowe, Robert  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Gile, Mary  
Lamach, Bernard  
Lockwood, Robert  
Plaff, Terence

Daneault, Gabriel  
Hager, Elizabeth  
Larrabee, David  
Morrill, Olive  
Wallner, Mary Jane

DeStefano, Stephen  
Hess, David  
Lavoie, Gerard  
Nichols, Avis  
Whalley, Michael

Dunn, Miriam  
Hoadley, Elizabeth  
Leber, William  
Owen, Derek  
Yeaton, Charles

**ROCKINGHAM**

Arndt, Janet  
Case, Margaret  
Dalrymple, Janeen  
Felch, Charles, Sr.

Beaulieu, Jon  
Christie, Andrew, Jr.  
Dodge, Robert  
Fesh, Robert

Blanchard, MaryAnn  
Coes, Betsy  
Dolan, Richard  
Flanders, John, Sr.

Carson, Gregory  
Cooney, Richard  
Dowd, Sandra  
Francoeur, Sheila

Griffin, Mary  
Katsakiores, Phyllis  
Langone, John  
McKinney, Betsy  
Noyes, Richard  
Sabella, Norma  
Tufts, J. Arthur  
Weyler, Kenneth

Heath, John  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
Moore, Benjamin  
Packard, Sherman  
Simmons, John Anthony  
Varrell, Thomas

Henderson, Warren  
Kobel, Rudolph  
Major, Norman  
Norelli, Terie  
Rabideau, Marie  
Stickney, Nancy  
Vaughn, Charles

Katsakiores, George  
Langley, Jane  
McCarthy, John, Jr.  
Nowe, Ronald  
Raynowska, Bernard  
Stone, Joseph  
Welch, David

### STRAFFORD

Berube, Roger  
Knowles, William  
Rogers, Rose Marie  
Wall, Janet

Bickford, David  
Merrill, Amanda  
Torr, Ann

Cossette, Larry  
Merritt, Deborah  
Torr, Franklin

DeChane, Marlene  
Musler, George  
Vincent, Francis

### SULLIVAN

Burling, Peter

Ferland, Brenda

Lindblade, Eric

Robb-Theroux, Amy

### NAYS 126

### BELKNAP

Clark, Charles  
Salatiello, Thomas

Hurt, George

Lawton, Robert

Pilliod, James

### CARROLL

Babson, David, Jr.

### CHESHIRE

Burnham, Daniel  
Lynott, Margaret  
Richardson, Barbara

DePecol, Benjamin  
Manning, Joseph  
Riley, William

Doucette, Richard  
McGuirk, Paul  
Robertson, Timothy

Lynch, Margaret  
Pratt, Irene

### COOS

Bradley, Paula

Moynihan, Wayne

### GRAFTON

Cobbin, Philip  
Weber, Phil

LaMott, Paul

Lovett, Sidney

Mirski, Paul

### HILLSBOROUGH

Batula, Peter  
Carlson, Donald  
Desrosiers, William  
Haettenschwiller, Alphonse  
Johnson, Lionel  
Lessard, Rudy  
McDonald, James, Sr.  
Murphy, Robert  
Riley, Frances  
White, Jay

Bernier, Shannon  
Cote, Peter  
Dwyer, Paul, Sr.  
Hall, Betty  
Konys, Christine  
Marcinkowski, Michael  
Melcher, Harold  
O'Rourke, Thomas  
Turgeon, Roland  
Williams, Carol

Buckley, Raymond  
D'Allesandro, Lou  
Ginsburg, Ruth  
Hart, Nick  
Lefebvre, Roland  
Martin, Mary  
Messier, Irene  
Perkins, Paul  
Welch, Donald

Cardin, Lori  
Daigle, Robert  
Gosselin, Gerald  
Holt, David  
Leonard, Peter  
McCarthy, William  
Murch, George  
Reidy, Frank  
White, Donald

### MERRIMACK

Brown, Mary  
French, Barbara  
Maxfield, Roy  
St. Cyr, Gerard

Burney, Carol  
Jacobson, Alf  
Moore, Carol

Feuerstein, Martin  
Langer, Ray  
Reardon, Tara

Fraser, Marilyn  
Marshall, Kenneth  
Seldin, Gloria

**ROCKINGHAM**

Abbott, Dennis	Belanger, Ronald	Camm, Kevin	Clark, Martha
Dearborn, Bruce	Downing, Michael	Flanders, David	Frechette, Joseph
Gibbons, Paul	Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane
Mikowski, Walter	Millard, Ralph	Morris, Debbie	Pantelakos, Laura
Pitts, Jacqueline	Sapareto, Frank	Schanda, Frank	Stitch, C. Donald
Syracusa, Anthony	Verani, Giovanni	Weatherspoon, Jackie	

**STRAFFORD**

Brennan, William	Callaghan, Frank	Dunlap, Patricia	Estabrook, Iris
Hemon, Roland	Heon, Richard	Kaen, Naida	Keans, Sandra
McCann, William, Jr.	McKinley, Robert	Pelletier, Arthur	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spear, Barbara	Sullivan, Henry
Taylor, Kathleen	Tsiros, William	Twardus, Joseph	Vachon, Dennis

**SULLIVAN**

Adler, Rudolf	Allison, David	Cloutier, John	Donovan, Thomas
Leone, Richard	Palmer, Lorraine	Schotanus, Merle	Wiggins, Celestine

and the report was adopted.

**HB 1514-FN**, setting the biennial rate for the medicaid enhancement tax. **OUGHT TO PASS**  
Rep. O. Alan Thulander for Finance: This bill continues the biennial rate at 6% for the medicaid enhancement tax through June 30, 2001. The tax is imposed upon gross patient services of every hospital with revenues estimated to be \$109.0 and \$112.3 million in years 2000 and 2001. Current law states that should the legislature fail to set the rate by April 1 preceding the first fiscal year of the biennium, such rate shall be zero for that biennium. Vote 18-0.

Rep. Thulander yielded to questions.

Adopted and ordered to third reading.

**HB 1521-FN-A**, making supplemental appropriations to certain academic institutions within the university system of New Hampshire for fiscal years 1998 and 1999. **INEXPEDIENT TO LEGISLATE**  
Rep. O. Alan Thulander for Finance: This bill requested supplemental appropriations to the University System of New Hampshire for the current biennium from money in the treasury not otherwise appropriated in the amount of \$1,170,638. Proponents of the bill were hopeful that this additional appropriation would reduce the impact on in-state tuition rates. Chancellor Farrell felt that the budget process and reallocations were a fait accompli and that he could not support the initiative at this time. The committee, recognizing that there is no executive support or surplus revenues available, voted the bill Inexpedient to Legislate. Vote 12-6.

Adopted.

**HB 1631-FN**, extending the moratorium on new nursing home beds. **OUGHT TO PASS**  
Rep. Frances L. Riley for Finance: Because there has been evidence of a decreased need for nursing home beds over the past few years, the Department of Health and Human Services reorganization act placed a moratorium on new nursing home beds through December 31, 1998. This bill extends the moratorium through December 31, 2000, at the request of the department. It is one part of a major restructuring of the state's long-term care programs. Vote 17-0.

Adopted and ordered to third reading.

**HB 1219-FN**, relative to the provision of free potable water at outdoor public events. **REFER FOR INTERIM STUDY**

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: The committee felt that this bill merited further study to address questions raised by a proposed amendment. Vote 13-3.

Adopted.

**HB 1564-FN**, relative to testing for AIDS when necessary to protect the health of law enforcement officers. **INEXPEDIENT TO LEGISLATE**

Rep. Paul Perkins for Health, Human Services and Elderly Affairs: The committee was certainly sensitive to the fact that law enforcement officers may be frequently exposed to HIV



but felt that testing the perpetrator would not provide protection. At the present time post-exposure prophylactic therapy can begin immediately and seems to be the best course of action at this time. Vote 14-2.

Adopted.

### SUSPENSION OF RULES

Rep. Jacobson moved that the Rules be so far suspended as to permit consideration at the present time of a non-germane amendment to **HB 1338-FN-A**, authorizing the extension and expanding the powers of the committee on investigations of the late John C. Fairbanks and others and making an appropriation therefor.

Rep. Jacobson spoke in favor.

Adopted by the necessary two-thirds.

**HB 1338-FN-A**, authorizing the extension and expanding the powers of the committee on investigations of the late John C. Fairbanks and others and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alf E. Jacobson for Judiciary and Family Law: The amended version of this bill aims at establishing a committee to study three parts of the New Hampshire Constitution that relate to the judiciary as recommended by the Fairbanks II Committee. A committee of seven members of the House Judiciary and Family Law Committee will review the relationship between the constitutional authority of the judiciary and the public with special attention to the issues that relate to the interplay of the public and the judiciary. The committee will file its report by November 1, 1998. Vote 9-3.

#### Amendment (0678h)

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

**AN ACT** establishing a house study committee to examine the adoption of articles 41, 72-a and 73-a of the second part of the New Hampshire constitution.

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

1 House Committee Established. There is established a committee to study the 1966 adoption of part II, article 41 of the constitution, relative to the powers of the governor; the 1966 adoption of part II, article 72-a of the constitution, relative to the judicial powers of the courts; and the 1977 adoption of part II, article 73-a, relative to the supreme court and its administration. The committee shall also examine why the wording for these articles in the questions approved by the voters differed from the wording for these articles which is currently in the constitution.

#### 2 Membership and Compensation.

I. The members of the committee shall be 7 members of the judiciary and family law committee of the house of representatives, appointed by the speaker of the house.

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

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

4 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1998.

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

#### AMENDED ANALYSIS

This bill establishes a house study committee to examine the adoption of part II, article 41 of the state constitution, relative to the powers of the governor, and the adoption of part II, articles 72-a and 73-a of the state constitution, relative to the judicial powers of the courts and the supreme court and its administration.

Adopted.

Report adopted and ordered to third reading.

**REGULAR CALENDAR (CONT'D.)**

**HB 1433-FN**, relative to physician aid-in-dying for certain persons suffering from a terminal condition. MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Marjorie K. Smith for the Majority of Judiciary and Family Law: The committee spent several hours discussing this bill and worked hard to sort through the complex issues raised. That earlier motions of OTP and ITL each failed by a 9-11 vote reflects the importance the committee placed on this bill and the inability to reach a reasoned decision within the time available. The committee therefore asks the House to support the motion to send this bill to interim study in order to insure that the issues raised receive due consideration. Vote 13-7.

Rep. Paul M. Mirski for the Minority of Judiciary and Family Law: There is no getting around the fact that this bill invites doctors to become accomplices in the killing of patients. Advocating enactment of any law which would diminish public advocacy on behalf of the enhancement of human life is bad public policy. It is also bad public policy to promote the idea that parties other than principals ought to be invited to make subjective, thumbs up, thumbs down, life or death decisions concerning the wisdom of the continued existence of those principals. The very idea that the state should advocate that a doctor's oath to "first do no harm" ought to include the active hastening of a patient's death creates an unresolvable irrationality for the practice of medicine. Enactment of such public policy would also create a breeding ground for suspicion concerning the motivation of those responsible for providing medical care - especially when the intentions of occasionally self-interested heirs are considered. There is no way to "fix" this bill.

Rep. Mirski spoke against.

Reps. Marjorie Smith and Cooper spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 223 NAYS 86****YEAS 223****BELKNAP**

Calvert, Alice  
Pilliod, James

Holbrook, Robert  
Salatiello, Thomas

Lawton, David  
Thomas, John

Lawton, Robert  
Turner, Robert

**CARROLL**

Babson, David, Jr.  
Dickinson, Howard, Jr.

Bradley, Jeb  
Howard, Godfrey

Chandler, Gene  
Patten, Betsy

Cooper, Kipp  
Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
Lynch, Margaret  
Meader, David  
Richardson, Barbara

Burnham, Daniel  
Lynott, Margaret  
Metzger, Katherine  
Riley, William

DePecol, Benjamin  
McGuirk, Paul  
Pratt, Irene  
Robertson, Timothy

Hunt, John  
McNamara, Wanda  
Pratt, John  
Smith, Edwin

**COOS**

Bradley, Paula  
Mears, Edgar

Davis, Perley  
Merrill, Gerald

Hawkinson, Marie  
Moynihan, Wayne

Horton, Lynn  
Tholl, John, Jr.

**GRAFTON**

Akins, Ralph  
Brown, Channing  
Lovett, Sidney  
Teschner, Douglass

Alger, John  
Eaton, Stephanie  
Luker, Elsa  
Trelfa, Richard

Almy, Susan  
Ham, Bonnie  
MacNeil, Allen  
Williams, William, Jr.

Below, Clifton  
Hill, Richard  
Nordgren, Sharon

**HILLSBOROUGH**

Allen, W. Gordon  
Bernier, Shannon  
Cardin, Lori

Alukonis, David  
Briefs, Geoffrey  
Chabot, Robert

Amidon, Eleanor  
Buckley, Raymond  
Cote, Peter

Barry, William, III  
Calawa, Leon, Jr.  
D'Allesandro, Lou

Daigle, Robert  
 Durham, Susan  
 Foster, Linda  
 Haettenschwiller, Alphonse  
 Jean, Claudette  
 Kurk, Neal  
 Leonard, Peter  
 MacIntyre, Doris  
 Melcher, Harold  
 Murphy, Robert  
 Reidy, Frank  
 Thulander, O. Alan  
 White, Jay

Dawe, Eileen  
 Dyer, Merton  
 Franks, Suzan  
 Hart, Nick  
 Johnson, Lionel  
 L'Heureux, Robert  
 Lessard, Rudy  
 McCarthy, William  
 Mercer, Robert  
 O'Hearn, Jane  
 Rowe, Robert  
 Vaillancourt, Steve  
 Williams, Carol

Dokmo, Cynthia  
 Emerton, Lawrence, Sr.  
 Ginsburg, Ruth  
 Holt, David  
 Kelley, Robert  
 Lefebvre, Roland  
 Letendre, Evelyn  
 McCarty, Winston  
 Mercer, Irene  
 Perkins, Paul  
 Sargent, Maxwell  
 Welch, Donald  
 Wright, George

Drabinowicz, A. Theresa  
 Fields, Dennis  
 Golding, William  
 Hunter, Bruce  
 Konys, Christine  
 Leishman, Peter  
 Lozeau, Donnalee  
 McRae, Karen  
 Milligan, Robert  
 Peterson, Andrew  
 Searles, Stanley, Sr.  
 Wheeler, Robert

### MERRIMACK

Anderson, Eric  
 Fraser, Marilyn  
 Hoadley, Elizabeth  
 Larrabee, David  
 Moore, Carol  
 Pfaff, Terence  
 Wallner, Mary Jane

Burney, Carol  
 French, Barbara  
 Jacobson, Alf  
 Lockwood, Robert  
 Morrill, Olive  
 Reardon, Tara  
 Whalley, Michael

DeStefano, Stephen  
 Gile, Mary  
 Lamach, Bernard  
 Marshall, Kenneth  
 Nichols, Avis  
 Seldin, Gloria  
 Yeaton, Charles

Dunn, Miriam  
 Hess, David  
 Langer, Ray  
 Maxfield, Roy  
 Owen, Derek  
 St. Cyr, Gerard

### ROCKINGHAM

Abbott, Dennis  
 Camm, Kevin  
 Coes, Betsy  
 Felch, Charles, Sr.  
 Heath, John  
 Katsakiores, George  
 Kobel, Rudolph  
 Norelli, Terie  
 Sapareto, Frank  
 Stone, Joseph  
 Vaughn, Charles

Beaulieu, Jon  
 Carson, Gregory  
 Cooney, Richard  
 Flanders, David  
 Henderson, Warren  
 Katsakiores, Phyllis  
 Letourneau, Robert  
 Pantelakos, Laura  
 Schanda, Frank  
 Stritch, C. Donald  
 Verani, Giovanni

Belanger, Ronald  
 Case, Margaret  
 Dearborn, Bruce  
 Francoeur, Sheila  
 Hutchinson, Rebecca  
 Kelley, Jane  
 Lovejoy, Marian  
 Rabideau, Marie  
 Simmons, John Anthony  
 Syracuse, Anthony  
 Weatherspoon, Jackie

Blanchard, MaryAnn  
 Clark, Martha  
 Dodge, Robert  
 Frechette, Joseph  
 Kane, Cecelia  
 Klemm, Arthur, Jr.  
 Major, Norman  
 Raynowska, Bernard  
 Stickney, Nancy  
 Tufts, J. Arthur

### STRAFFORD

Bickford, David  
 Estabrook, Iris  
 Keans, Sandra  
 Pelletier, Arthur  
 Snyder, Clair  
 Torr, Ann  
 Vachon, Dennis

Brennan, William  
 Hemon, Roland  
 McKinley, Robert  
 Pelletier, Marsha  
 Spear, Barbara  
 Torr, Franklin  
 Vincent, Francis

DeChane, Marlene  
 Heon, Richard  
 Merritt, Deborah  
 Rogers, Rose Marie  
 Sullivan, Henry  
 Tsiros, William  
 Wall, Janet

Dunlap, Patricia  
 Kaen, Naida  
 Musler, George  
 Smith, Marjorie  
 Taylor, Kathleen  
 Twardus, Joseph

### SULLIVAN

Allison, David  
 Palmer, Lorraine

Burling, Peter  
 Robb-Theroux, Amy

Donovan, Thomas  
 Schotanus, Merle

Ferland, Brenda  
 Wiggins, Celestine

### NAYS 86

### BELKNAP

Boriso, Thomas  
 Rosen, Ralph

Boyce, Robert

Clark, Charles

Rice, Thomas, Jr.

### CARROLL

Kenney, Joseph

Lyman, L. Randy



**CHESHIRE**

Doucette, Richard	Manning, Joseph
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**COOS**

Guay, Lawrence	Pratt, Leighton
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**GRAFTON**

Cobbin, Philip	Guaraldi, Lawrence	Hinman, Harry	LaMott, Paul
Mirski, Paul	Weber, Phil		

**HILLSBOROUGH**

Arnold, Thomas, Jr.	Batula, Peter	Belvin, William	Bergin, Peter
Boutin, David	Brundige, Robert	Carlson, Donald	Clegg, Robert, Jr.
Desrosiers, William	Dwyer, Paul, Sr.	Flora, Kathleen	Foster, Joseph
Gosselin, Gerald	Goulet, Maurice	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Jean, Loren	LaRose, Richard	Luebker, Bernard
MacGillivray, Jeffrey	Marcinkowski, Michael	Martin, Mary	McDonald, James, Sr.
McGough, Tim	Mittelman, David	Murch, George	O'Rourke, Thomas
Riley, Frances	Turgeon, Roland	White, Donald	

**MERRIMACK**

Brown, Mary	Daneault, Gabriel	Feuerstein, Martin	Lavoie, Gerard
Leber, William			

**ROCKINGHAM**

Arndt, Janet	Dalrymple, Janeen	Dolan, Richard	Dowd, Sandra
Downing, Michael	Fesh, Robert	Flanders, John, Sr.	Gibbons, Paul
Griffin, Mary	Langley, Jane	Langone, John	McCarthy, John, Jr.
McKinney, Betsy	Mikowski, Walter	Millard, Ralph	Morris, Debbie
Nowe, Ronald	Noyes, Richard	Packard, Sherman	Pitts, Jacqueline
Sabella, Norma	Varrell, Thomas	Welch, David	Weyler, Kenneth

**STRAFFORD**

Berube, Roger	Callaghan, Frank	Cossette, Larry	Knowles, William
McCann, William, Jr.			

**SULLIVAN**

Adler, Rudolf	Cloutier, John	Leone, Richard	Lindblade, Eric
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and the majority report was adopted.

**HB 1534**, granting an accused or aggrieved party the right to inform the jury of its right to find the defendant not guilty under certain circumstances when the state or a political subdivision is the opposing party. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. David C. Allison for the Majority of Judiciary and Family Law: This bill, if passed, would permit a judge to say to a jury, "If you do not like the law this defendant is found guilty of, you are free to find the defendant not guilty." The committee votes to kill this bill because the committee fears that such a license could be the cause of confusion and courtroom mischief. Vote 11-5. Rep. Paul M. Mirski for the Minority of Judiciary and Family Law: The minority believes knowledge is power. Plaintiffs and defendants have a right to a fully informed jury. Majority report adopted.

**HB 1296-FN**, allowing race track licensees to offer telephone and account wagering. **OUGHT TO PASS** Rep. Betsy McKinney for Local and Regulated Revenues: Telephone account wagering now exists. A bettor in New Hampshire can call New Jersey or Pennsylvania and place bets on races running at Rockingham Park now. The money goes out of state and New Hampshire tracks, horse owners and state coffers see no share of this wagering. The Pari-Mutuel commission stated that this is the way to regulate this aspect of the industry and they will promulgate rules. Vote 11-9.

On a division vote, 125 members having voted in the affirmative and 175 in the negative, the report failed.

Reps. Eaton and Stone voted yea and intended to vote nay.

Rep. Kurk moved Inexpedient to Legislate.

Adopted.

**HB 1352-FN-A**, authorizing electronic games of chance at pari-mutuel licensee locations. REFER FOR INTERIM STUDY

Rep. Jean R. Wallin for Local and Regulated Revenues: Video gambling at racetracks in other states produces millions of dollars of revenue. It is incumbent on this legislature to research whether New Hampshire could benefit from similar action here. This bill is an appropriate vehicle to facilitate this study. Local and Regulated Revenues has spent no time as a committee studying the issue in spite of polls indicating that a plurality of New Hampshire citizens support this source of revenue over all others being mentioned. When this bill is sent to interim study, the committee will be required to examine statistics, projections, social ramifications and other pertinent information for its report back to the house. Furthermore, at least one important bill was not allowed in as a late filing solution to the Claremont dilemma because HB 1352 was already under consideration. We believe that an educated committee is best able to define issues surrounding this concept. A majority of Local and Regulated Revenues feel it is appropriate to place this subject matter in interim study to preserve all viable options for raising revenue to fund education Vote 11-9.

On a division vote, 187 members having voted in the affirmative and 116 in the negative, the report was adopted.

**HB 1254-FN-L**, relative to the taxation of land held for water supply purposes. INEXPEDIENT TO LEGISLATE

Rep. Joseph E. Stone for Municipal and County Government: This bill would regulate agreements between municipalities for payment in lieu of taxes for property owned or held by one municipality in another municipality for the purpose of water supply. This bill establishes a water supply mediation board to determine a fair amount of payment in lieu of taxes if the municipalities cannot come to agreement. It was brought forth in the public hearing that there were no problems existing at the present time. The committee presently has an interim study committee working on HB 543 relative to valuation of aeronautical facilities for purposes of payment in lieu of property taxes. Both that bill and this one relate to properties being in other towns and the committee feels that they should be studied as one. The committee voted ITL with the understanding that the contents of this bill would be fully considered and explored in conjunction with the study on HB 543. Vote 12-6.

Adopted.

**HB 1315-L**, relative to leasing of state-owned property. INEXPEDIENT TO LEGISLATE

Rep. Gene G. Chandler for Public Works and Highways: This bill would prohibit any state agency from leasing state-owned property unless specifically authorized by the legislature. While well intentioned, the committee felt that passage of this measure would present untold problems, delays and unnecessary expense for the many leases the state is and will be involved with. Presently, any state property subject to lease is presented to the Council on Resources and Development, a committee made up of a representative of each state agency to make sure no state agency has a need for the property in question. If approved, the request then goes to the Long Range Planning and Utilization Committee, made up of members of the House, Senate and a designee from the Governor's office. If approved by this legislative committee, the request then goes to the Executive Council. The Public Works and Highways Committee feels these administrative procedures are sufficient safeguards dealing with state leases. The committee turned down one amendment to the bill and found the bill inexpedient to legislate. At a later date the committee reconsidered its action so that the sponsor could offer another amendment. That amendment was also defeated, and the bill was found inexpedient to legislate. Vote 13-3.

Adopted.

**HJR 24-FN**, requiring the department of transportation to re-elm U.S. Route 1. OUGHT TO PASS WITH AMENDMENT

Rep. Marlene M. DeChane for Public Works and Highways: Thoughtful reconsideration of this bill as amended, supports the re-elm of US Rte. 1. It further urges the Department of Transporta-

tion, Office of State Planning, as well as conservation groups, businesses, local communities and residents to join in a voluntary cooperative effort to re-elm US Rte. 1. One of America's oldest highways, Rte. 1 is also known as Main Street America. The Elm Research Institute founded in Harrisville, NH is working from the Canadian border to Key West, Florida, in a cooperative effort to re-elm one of our more scenic byways. The passage of this resolution does not incur any cost to the Department of Transportation. Vote 12-8.

#### Amendment (0531h)

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

A RESOLUTION supporting the initiative to re-elm U.S. Route 1 and urging the department of transportation, the office of state planning, and affected local communities, businesses, residents, and conservation groups to join in and cooperate with voluntary efforts to once again line U.S. Route 1 with elm trees.

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

Whereas, dating back to the time of the American Revolution when it served as a rallying point for the Sons of Liberty and became known as the "Liberty Tree", the majestic elm has been a part of the landscape and the fabric of the culture of our state and nation; and

Whereas, for centuries the elm provided shade and beauty and enhanced the environment of our cities and towns, standing as a graceful sentinel on almost every street and square, lining and giving protection and definition to roadways and public spaces across our land; and

Whereas, in the 1930's a disease known as the Dutch Elm disease began to spread throughout the countryside destroying millions of elms and the magnificent green archways that lined our streets; and

Whereas, in 1967 the Elm Research Institute was founded in Harrisville, New Hampshire with the twin goals of prolonging the lives of the remaining elm trees and to perpetuate the species by developing a disease resistant elm; and

Whereas, in recent years the Elm Research Institute and others have succeeded in developing disease resistant elms that hold the promise that once again the elm may grace our landscape and enhance our communities and our lives; and

Whereas, U.S. Route 1, running 2,209 miles through 14 states, including New Hampshire, from Fort Kent, Maine on the Canadian border to Key West at the tip of Florida, is one of the country's oldest highways and is rightfully known as "Main Street America", was once graced with a canopy of elms on much of its length; and

Whereas, an initiative is underway to re-elm "Main Street America" through the voluntary cooperation and partnership of conservation and civic groups, businesses and residential landowners, and local municipal governments; and

Whereas the re-elm of U.S. Route 1 would have a beneficial impact upon the natural environment, culture, and aesthetics of U.S. Route 1 in New Hampshire and the nation; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the general court endorses and applauds the effort to re-elm U.S. Route 1 with disease resistant elms and urges support of such efforts by the state department of transportation, the office of state planning, affected New Hampshire municipalities, and New Hampshire citizens; and

That a copy of this resolution be sent by the house clerk to the executive councilors, the commissioner of transportation, the director of the office of state planning, and the municipal officers and planning boards of the state's U.S. Route 1 communities.

#### AMENDED ANALYSIS

This house joint resolution supports the effort to re-elm U.S. Route 1 and urges the department of transportation, the office of state planning, and affected local communities, business, residents and conservation groups to support such an initiative.

Adopted.

Report adopted and ordered to third reading.

**HB 1426-FN**, relative to structures in or over public waters. **INEXPEDIENT TO LEGISLATE**  
Rep. William E. Williams, Jr. for Resources, Recreation and Development: This piece of legislation is a request for registration of existing structures over water. The bill states that the structures "shall be registered by the owner", however, it further states "no owner shall be penalized or prosecuted for



failure to register a structure". The Department of Environmental Services was unable to fully explain the necessity of this registration other than to say "it would be nice to have". Since the Wetlands Division of DES is in the process of revising rules, criteria, etc. for all permitting, the committee felt that this was a meaningless addition to their already gigantic workload. Vote 12-7.

Rep. Lovett spoke against.

Rep. William Williams spoke in favor.

Rep. Martin spoke against and yielded to questions.

Rep. Whalley spoke in favor and yielded to questions.

Rep. Whalley requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 219 NAYS 86

### YEAS 219

#### BELKNAP

Boriso, Thomas	Boyce, Robert	Calvert, Alice	Clark, Charles
Holbrook, Robert	Lawton, David	Lawton, Robert	Pilliod, James
Rice, Thomas, Jr.	Salatiello, Thomas	Thomas, John	Turner, Robert

#### CARROLL

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
Patten, Betsy	Philbrick, Donald		

#### CHESHIRE

Avery, Stephen	Hunt, John	Lynott, Margaret	Manning, Joseph
McNamara, Wanda	Meader, David	Metzger, Katherine	Pratt, John
Riley, William	Smith, Edwin		

#### COOS

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Tholl, John, Jr.		

#### GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Below, Clifton
Brown, Channing	Cobbin, Philip	Eaton, Stephanie	Ham, Bonnie
Hill, Richard	Hinman, Harry	LaMott, Paul	MacNeil, Allen
Teschner, Douglass	Trelfa, Richard	Weber, Phil	Williams, William, Jr.

#### HILLSBOROUGH

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Bergin, Peter	Boutin, David	Brundige, Robert
Calawa, Leon, Jr.	Chabot, Robert	Clegg, Robert, Jr.	Dawe, Eileen
Dokmo, Cynthia	Durham, Susan	Dyer, Merton	Emerton, Lawrence, Sr.
Fields, Dennis	Flora, Kathleen	Foster, Linda	Franks, Suzan
Golding, William	Goulet, Maurice	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Holt, David	Hunter, Bruce	Jean, Claudette
Jean, Loren	Johnson, Lionel	Kelley, Robert	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Leishman, Peter	Lessard, Rudy
Letendre, Evelyn	Lozeau, Donnalee	Luebker, Bernard	MacGillivray, Jeffrey
MacIntyre, Doris	Marcinkowski, Michael	McCarthy, William	McCarty, Winston
McDonald, James, Sr.	McGough, Tim	McRae, Karen	Mercer, Robert
Messier, Irene	Milligan, Robert	Mittelman, David	Murch, George
Murphy, Robert	O'Hearn, Jane	O'Rourke, Thomas	Peterson, Andrew
Riley, Frances	Rowe, Robert	Sargent, Maxwell	Searles, Stanley, Sr.
Thulander, O. Alan	Turgeon, Roland	Vaillancourt, Steve	Wheeler, Robert
White, Donald	White, Jay	Wright, George	

**MERRIMACK**

Anderson, Eric	Brown, Mary	Daneault, Gabriel	DeStefano, Stephen
Feuerstein, Martin	Fraser, Marilyn	Hess, David	Hoadley, Elizabeth
Lamach, Bernard	Langer, Ray	Larrabee, David	Lavoie, Gerard
Leber, William	Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy
Morrill, Olive	Nichols, Avis	Pfaff, Terence	Whalley, Michael

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Camm, Kevin	Case, Margaret	Christie, Andrew, Jr.	Coes, Betsy
Cooney, Richard	Dalrymple, Janeen	Dearborn, Bruce	Dodge, Robert
Dolan, Richard	Dowd, Sandra	Felch, Charles, Sr.	Fesh, Robert
Flanders, David	Flanders, John, Sr.	Francoeur, Sheila	Frechette, Joseph
Gibbons, Paul	Griffin, Mary	Henderson, Warren	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langone, John	Letourneau, Robert
Lovejoy, Marian	Major, Norman	McCarthy, John, Jr.	McKinney, Betsy
Mikowski, Walter	Millard, Ralph	Morris, Debbie	Nowe, Ronald
Noyes, Richard	Packard, Sherman	Rabideau, Marie	Raynowska, Bernard
Sapareto, Frank	Schanda, Frank	Simmons, John Anthony	Stickney, Nancy
Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony	Tufts, J. Arthur
Varrell, Thomas	Vaughn, Charles	Verani, Giovanni	Welch, David

**STRAFFORD**

Berube, Roger	Bickford, David	Cossette, Larry	DeChane, Marlene
Hemon, Roland	Kaen, Naida	McKinley, Robert	Musler, George
Rollo, Michael	Snyder, Clair	Spear, Barbara	Sullivan, Henry
Torr, Ann	Torr, Franklin	Tsiros, William	Twardus, Joseph
Vachon, Dennis	Vincent, Francis		

**SULLIVAN**

Adler, Rudolf	Donovan, Thomas	Ferland, Brenda	Leone, Richard
Lindblade, Eric	Palmer, Lorraine	Schotanus, Merle	

**NAYS 86****BELKNAP**

Lafiam, Robert	Rosen, Ralph
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**CARROLL**

None

**CHESHIRE**

Burnham, Daniel	DePecol, Benjamin	Doucette, Richard	Lynch, Margaret
McGuirk, Paul	Pratt, Irene	Richardson, Barbara	Robertson, Timothy

**COOS**

Bradley, Paula	Hawkinson, Marie	Mears, Edgar	Moynihan, Wayne
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**GRAFTON**

Lovett, Sidney	Luker, Elsa	Nordgren, Sharon
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**HILLSBOROUGH**

Allen, W. Gordon	Barry, William, III	Bernier, Shannon	Buckley, Raymond
Cardin, Lori	Carlson, Donald	Cote, Peter	D'Allesandro, Lou
Daigle, Robert	Desrosiers, William	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.
Foster, Joseph	Ginsburg, Ruth	Gosselin, Gerald	Haettenschwiller, Alphonse

Hall, Betty  
Leonard, Peter  
Reidy, Frank

Hart, Nick  
Martin, Mary  
Welch, Donald

Konys, Christine  
Melcher, Harold

Lefebvre, Roland  
Perkins, Paul

### MERRIMACK

Burney, Carol  
Jacobson, Alf  
Seldin, Gloria

Dunn, Miriam  
Moore, Carol  
St. Cyr, Gerard

French, Barbara  
Owen, Derek  
Wallner, Mary Jane

Gile, Mary  
Reardon, Tara  
Yeaton, Charles

### ROCKINGHAM

Blanchard, MaryAnn  
Kane, Cecelia  
Pantelakos, Laura

Clark, Martha  
Kelley, Jane  
Pitts, Jacqueline

Downing, Michael  
Langley, Jane  
Weatherspoon, Jackie

Heath, John  
Norelli, Terie

### STRAFFORD

Brennan, William  
Heon, Richard  
Merritt, Deborah  
Smith, Marjorie

Callaghan, Frank  
Keans, Sandra  
Pelletier, Arthur  
Taylor, Kathleen

Dunlap, Patricia  
Knowles, William  
Pelletier, Marsha  
Wall, Janet

Estabrook, Iris  
McCann, William, Jr.  
Rogers, Rose Marie

### SULLIVAN

Allison, David  
Wiggins, Celestine

Burling, Peter

Cloutier, John

Robb-Theroux, Amy

and the report was adopted.

Rep. Mirski declared a conflict of interest and did not participate.

**HB 1443**, relative to the time frame for the department of environmental services to act on certain wetlands applications. **OUGHT TO PASS WITH AMENDMENT**

Rep. H. Charles Royce for Resources, Recreation and Development: This is a simple notification bill for the Department of Environmental Services (DES) Wetlands Bureau. When an individual submits an application for wetlands work, the department has 7 (seven) working days to reply to the applicant and the applicants agent. This will only indicate the application has been received by DES. When the application is approved or disapproved, the applicant and agent will be notified in writing by the DES Wetlands Bureau. Vote 17-1.

### Amendment (0619h)

Amend the bill by replacing section 1 with the following:

1 Water Management and Protection; Fill and Dredge in Wetlands; Excavating and Dredging Permit; Communications to Owner and Notice to Town or City Clerk of Complete Application Added. Amend RSA 482-A:3, I to read as follows:

I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department. The permit application together with a detailed plan and a map showing the exact location of the proposed project, along with 4 copies of the permit application, plan, and map, shall be submitted to the town or city clerk, accompanied by a filing fee in the form of a check made out by the applicant to the state of New Hampshire. The permit application fee shall be \$50 for minimum impact projects. Fees for minor and major projects shall be assessed based on the area of dredge, fill, or construction proposed and the number of boat slips requested. The rates shall be \$100 per boat slip and \$0.04 per square foot for all proposed projects under this chapter. At the time the permit application is submitted to the city or town clerk, the applicant shall provide postal receipts or copies, verifying that abutters, as defined in the rules of the department, and except as further provided in said rules, have been notified by certified mail. The postal receipts or copies shall be retained by the municipality. The town or city clerk shall immediately sign the application and forward by certified mail, the application, plan, map and filing fee to the department. The town or city clerk shall then immediately send a copy of the permit application, plan and map to the local governing body, the municipal planning board, if any, and the municipal conservation commission,



if any, and may require an administrative fee not to exceed \$10 plus the cost of postage by certified mail. One copy shall remain with the city or town clerk, and shall be made reasonably accessible to the public. *The department shall send notice that the application has been received to the owner of the real estate and to the town or city clerk within 7 working days of receipt of the application from the clerk. The notice shall neither be construed to imply that the department has reviewed the contents of the application for accuracy nor that the department will not request additional information relative to the application. The department shall send copies of their written communications relative to the application, including notices and approvals, to the owner of the real estate and to the applicant and agent of the owner, if such person is different from the owner.* The foregoing procedure notwithstanding, applications and fees for projects by agencies of the state may be filed directly with the department, with 4 copies of the application, plan, and map filed at the same time with the town or city clerk to be distributed as set forth above. Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

### AMENDED ANALYSIS

This bill requires the department of environmental services to send notice to the town or city clerk when an application for an excavating and dredging permit for wetlands has been received and to forward all communications relating to the application to the owner and the applicant.

Adopted.

Report adopted and ordered to third reading.

**HB 1368**, relative to distribution services and metering and billing in electric utility restructuring. OUGHT TO PASS WITH AMENDMENT

Rep. Clifton C. Below for Science, Technology and Energy: This bill clarifies the electric utility restructuring policy principles to provide that metering and billing services be subject to competition and customer choice when it is appropriate and feasible to do so. The Public Utilities Commission is authorized to require unbundling of metering and billing after finding that it is in the public interest. The amendment refines the bill as introduced, limits the commission's authority to require unbundling until the later of July 1, 2000 or the date that electric competition exists in 70% of the state, and requires a report on unbundling of metering and billing by the commission to the legislature by December 1, 1998. The bill also makes a technical correction to the electricity consumption tax to allow for unbundling of metering. Vote 18-0.

### Amendment (0757h)

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

1 Findings. The legislature finds that technological advances have made it possible for customers to choose among competitive suppliers for metering and billing services relating to the provision of electricity. Allowing customers to choose competitive metering and billing suppliers will, over time, increase service options and lead to lower prices for those services. The legislature further finds that the commission should allow unbundling of metering and billing but only after extensive review that insures reliable service, customer benefits, and true competition among providers.

2 Electricity Consumption Tax; Instruments, Books, Records, Papers, and Other Documents; Metering. Amend RSA 83-E:7, I to read as follows:

I. *In this paragraph, "responsible entity" means the entity responsible for metering a consumer's electric consumption.* Every *responsible entity* [~~provider liable for collection of tax under this chapter~~] shall provide and keep the necessary instruments and records to show the amount expressed in kilowatt hours of electrical energy distributed, redistributed, or transmitted by such provider for consumption in this state. *Every responsible entity shall report to the provider such consumer's electricity consumption, in order for the provider to collect and remit the tax to the state pursuant to RSA 83-E:3.* Every consumer making direct tax payments to the department shall provide and keep the necessary instruments and records to show the amount expressed in kilowatt hours of electrical energy consumed by such consumer.

3 Electric Utility Restructuring; Policy Principles; Regulation and Unbundling of Services and Rates; Traditional Distribution Services. Amend RSA 374-F:3, III to read as follows:

III. Regulation and Unbundling of Services and Rates. When customer choice is introduced, services and rates should be unbundled to provide customers clear price information on the cost components of generation, transmission, distribution, and any other ancillary charges. Generation

services should be subject to market competition and minimal economic regulation and at least functionally separated from transmission and distribution services which should remain regulated for the foreseeable future *except for metering and billing which may be subjected to customer choice when it is appropriate and feasible to do so*. However, distribution service companies should not be absolutely precluded from owning small scale distributed generation resources as part of a strategy for minimizing transmission and distribution costs. Performance based or incentive regulation should be considered for transmission and distribution services. Upward revaluation of transmission and distribution assets is not a preferred mechanism as part of restructuring. Retail electricity suppliers who do not own transmission and distribution facilities, should, at a minimum, be registered with the commission.

4 Electric Utility Restructuring; Implementation; Authority of Commission; Unbundling of Distribution. Amend RSA 374-F:4, VIII to read as follows:

VIII. The commission is authorized to order such charges and other service provisions and to take such other actions that are necessary to implement restructuring and that are substantially consistent with the principles established in this chapter. The commission is authorized to require that distribution and electricity supply services be provided by separate affiliates. *The commission is authorized to require the unbundling of metering and billing if the commission determines it to be in the public interest. Distribution service entities shall be allowed to compete for providing metering and billing services, subject to cost allocation regulation by the commission. When determining the public interest, the commission must find that unbundling of metering and billing is substantially consistent with the restructuring policy principles of this chapter, is technically feasible, is consistent with safe and reliable delivery of electricity, does not create significant customer confusion, and does not create unreasonable cost shifting among customers or customer classes. However, the commission shall not require unbundling of metering and billing until the later of July 1, 2000 or the date that competition has been certified, pursuant to RSA 38:36, to exist in at least 70 percent of the state.*

5 Report by Public Utilities Commission on Unbundling of Metering and Billing Services. The public utilities commission shall study the issue of unbundling metering and billing and report by December 1, 1998 to the legislative oversight committee on electric utility restructuring, the senate executive departments and administration committee, and the house science, technology and energy committee. The commission shall report its findings to date on the following subjects relative to unbundling of metering and billing services: the technological feasibility; its relation to the safe and reliable delivery of electricity; the likelihood of customer confusion; possible cost shifting among customers or customer classes; cost allocation regulation; dispute resolution among competitive electricity suppliers and distribution companies; how the obligation to connect customers is consistent with this unbundling of services; how loads will be estimated; how shutoffs will be handled; how the electricity consumption tax will be collected; how entry barriers will be minimized; how market power issues will be minimized; how potential stranded costs will be recovered; and a time line for implementation of unbundling of metering and billing for all customer classes.

6 Contingency. Section 2 shall take effect at 12:01 a.m. on the date that RSA 83-E becomes effective pursuant to 1997, 347:6. In the event that RSA 83-E does not take effect, section 2 shall not take effect.

7 Effective Date.

I. Section 2 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.

#### AMENDED ANALYSIS

This bill makes the metering entity responsible for measuring electricity for consumption tax purposes and provides for the unbundling of metering and billing services. This bill also requires the public utilities commission to submit a report by December 1, 1998 on the unbundling of metering and billing services.

Adopted.

Report adopted and ordered to third reading.

Rep. Joseph Foster declared a conflict of interest and did not participate.

**HB 1513-FN-L**, extending the start date for the auto emissions testing program and requiring the commissioner of environmental services to propose for legislative consideration a diesel opacity testing program and a mobile source remote sensing pilot program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: This bill repeals the existing motor vehicle emissions tail-pipe inspection and maintenance law, and in accordance with a tentative agreement between the State of New Hampshire and the Environmental Protection Agency, replaces it with other more effective, less burdensome, less expensive emission reduction programs. The bill adds to the annual safety inspection an anti-tampering visual check for the presence of certain originally-installed emission control equipment. The bill also creates a roadside opacity testing program for diesel vehicles, to reduce smoke emissions from the dirtiest trucks. The agreement with EPA also requires that additional emissions reductions be made at electric generation stations owned by PSNH, and the State of New Hampshire is close to agreement with PSNH on the details of these reductions; the bill provides that expenditures to create these additional emission reductions will be recoverable through the fuel and purchased power clause. The committee thanks all of the state officials who contributed to the agreement with EPA to substitute this package of emission reductions, determined by recent science to be more environmentally beneficial than the tail-pipe testing originally envisioned by the Clear Air Act. Vote 18-0.

#### Amendment (0752h)

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

AN ACT relative to vehicle emissions control equipment and testing.

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

1 New Section; Recovery of Public Utility Expenditures. Amend RSA 125-C by inserting after section 19 the following new section:

125-C:19-a Recovery of Public Utility Expenditures. All costs and expenses directly incurred by electric generating facilities for pollution reductions that are a component of, or are required in connection with, any vehicle inspection and maintenance program adopted by the state of New Hampshire and approved by the federal Environmental Protection Agency, or substitute for such program, shall be recoverable through the fuel and purchased power adjustment clause.

2 Emissions Trading Advisory Committee Renamed; Air Pollution Advisory Committee. Amend RSA 125-J:11 to read as follows:

125-J:11 Advisory Committee.

I. There is established the ~~[emissions trading]~~ **air pollution** advisory committee composed of the following members:

(a) ~~[Three]~~ **Four** representatives, appointed by the speaker of the house, of whom ~~[one is]~~ **at least 3 are** from the house science, technology, and energy committee; ~~one is from the house environment and agriculture committee; and one is from the house commerce, small business, consumer affairs and economic development committee].~~ **At least** one of the ~~[3]~~ **4** representatives shall be a member of a minority party.

(b) ~~[Three]~~ **Four** senators, appointed by the senate president; ~~of whom 2 are from the senate environment committee, and one is from the senate economic development committee].~~

(c) ~~The commissioner of environmental services, or designee.~~

~~(d) The director of the division of air resources, department of environmental services.~~

~~(e) The commissioner of resources and economic development, or designee.~~

~~(f) The chairperson of the public utilities commission, or designee.~~

~~(g) The governor, or designee.~~

~~(h) The attorney general, or designee.~~

~~(i) Two members of the public, of whom one shall represent business and industry, and one shall represent an environmental organization, appointed by the governor.]~~

**I-a. The following additional members, whose terms shall be coterminous with their terms of office, shall be non-voting members of the committee and shall supply the committee with any information that it requests concerning matters subject to its purview.**

**(a) The commissioner of safety, or designee.**

**(b) The commissioner of environmental services, or designee.**



II. ~~[The speaker of the house shall convene the first meeting no later than July 1, 1994.]~~ The committee shall elect a chairperson and vice-chairperson, and ~~[subsequent]~~ meetings shall be at the call of the chair or ~~[6]~~ 4 or more committee members. The terms of the members shall be co-terminous with their terms of office. ~~[The terms of the public members shall be 2 years.]~~

III. The committee shall perform an ongoing evaluation of the effectiveness of the ~~[emissions reduction credits trading program]~~ *following subjects* and report its findings and recommendations to the governor and council, the speaker of the house, the senate president, the senate clerk, the house clerk, the state library, the house environment and agriculture, the science, technology and energy, and the commerce, small business, consumer affairs and economic development committees and the senate environment and economic development committees by October 1 of each year[-]:

(a) *The effectiveness of vehicle emission related portions of the motor vehicle safety inspection.*

(b) *The effectiveness of the emission reductions credits trading program.*

IV. The committee shall also review and make recommendations to the commissioner on any proposed rule to be adopted under this chapter.

3 Reference Changed. Amend RSA 125-J:12, II to read as follows:

II. Any proposed special temporary rules to be adopted under paragraph I shall be submitted for review and recommendation to the ~~[emissions trading]~~ *air pollution* advisory committee and the air resources council at least 30 days prior to adoption. Any proposed rules to be adopted pursuant to RSA 541-A shall be submitted to the ~~[emissions trading]~~ *air pollution* advisory committee for review and recommendation at least 30 days prior to filing a notice of proposed rule with the director of legislative services under RSA 541-A:6.

4 Diesel Testing; Penalties to Highway Fund. Amend RSA 266:25, VI to read as follows:

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, ~~RSA 266:59-c~~, and RSA 266:63 through 72-a shall accrue to the highway fund.

5 New Sections; Equipment of Motor Vehicles; Emission Control Equipment and Diesel Emission Testing. Amend RSA 266 by adding after section 59-a the following new sections:

266:59-b Emission Control Equipment.

I. Every motor vehicle driven on the ways of this state which is subject to inspection after December 31, 1998 under this chapter shall be equipped with all of the emission control equipment which was part of that motor vehicle as originally equipped, and be properly connected to prevent excessive emissions. Motor vehicle inspections conducted in accordance with this chapter shall visually check for the presence and proper connection of the following equipment on vehicles so equipped:

(a) Catalytic converter.

(b) Gas cap and properly fitting fuel inlet restrictor.

(c) Positive crankcase ventilation (PCV) valve and properly configured hoses.

(d) Properly connected air injection pump/pulse air systems.

II. If the commissioner determines oxygen sensor testing to be effective and appropriate, the commissioner, after public hearing and consultation with the commissioner of the department of environmental services and the air pollution advisory committee, and notification of the house science, technology and energy committee and the senate environment committee, and with the approval of the air pollution advisory committee not earlier than January 1, 2000, shall adopt rules under RSA 541-A, which require every motor vehicle driven on the ways of this state which is subject to state safety inspection, after a date specified by the commissioner, but not earlier than March 31, 2000, to be tested for failures of the oxygen sensor, on vehicles originally so equipped, using an appropriate combination of an on-board diagnostic (OBD) I malfunction indicator light illumination check, a visual and voltage meter functional check, and/or vehicle characteristics.

III. For motor vehicles equipped with on-board diagnostic sensors meeting the federal Environmental Protection Agency (EPA) OBD II standards, after the EPA has implemented OBD II emission test requirements, the commissioner, after public hearing and consultation with the commissioner of the department of environmental services and the air pollution advisory committee, and notification of the house science, technology and energy committee and the senate environment committee, and with the approval of the air pollution advisory committee, shall adopt rules under RSA 541-A, which require every motor vehicle driven on the ways of this state which is

subject to state safety inspection, after a date specified by the commissioner, to be tested for OBD II indications of failures. To the extent allowed by EPA OBD II policy, OBD II data may be substituted for visual and functional tests required by paragraphs I and II.

IV. This section shall not apply to vehicles manufactured prior to the 1975 model year.

266:59-c Diesel Emission Testing.

I. The commissioner shall adopt rules under RSA 541-A to implement a roadside diesel opacity testing program for vehicles registered either in New Hampshire or outside New Hampshire utilizing the SAE (Society of Automotive Engineers) J1667 ("Snap Acceleration") test procedure. The commissioner may provide for recognition of results of recent similar tests performed by other states on the same motor vehicle.

II. The department may impose an administrative fine for any violation of this section or rule adopted under the provisions of this section. The maximum amount of the fine which may be assessed for each violation shall be \$500. The commissioner shall have the authority to waive or reduce the amount of a fine assessed during the first 6 months of the implementation of a diesel emission testing program established pursuant to this section.

III. Notwithstanding any other provision of law, in case the expenditure of additional funds over budget estimates is necessary to implement and enforce this section, 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.

6 Oxygen Sensor Test Pilot Program; Report Required; Intent.

I. The commissioner of the department of safety, in consultation with the commissioner of the department of environmental services, shall conduct a voluntary pilot program to examine failures of the oxygen sensor, on vehicles originally so equipped, using a combination of an OBD I malfunction indicator light illumination check, a visual and voltage meter functional check, and/or vehicle characteristics. The pilot program shall include testing only, and shall not require repair of any vehicle. The commissioner of the department of safety, in consultation with the commissioner of the department of environmental services, shall study the costs and the effectiveness of this pilot program and shall report any findings and recommendations to the air pollution advisory committee upon completion of the pilot program.

II. It is the intent of the legislature that the commissioner of the department of safety use the authority of RSA 266:59-b, II to implement oxygen sensor testing as part of the motor vehicle safety inspection unless the pilot program shows that this testing will not be appropriate and effective.

7 Mobile Source Remote Sensing Pilot Program; Report Required.

I. The commissioner of the department of environmental services, in consultation with the commissioner of the department of safety, shall study the effectiveness of options for a remote sensing pilot program for sensing emissions of nitrogen oxides (NOx) from some or all mobile sources of air pollution, and shall report findings and recommendations of the study to the air pollution advisory committee by November 1, 1998.

II. The commissioner of the department of safety, in consultation with the commissioner of the department of environmental services, shall study and propose for legislative consideration implementation of a remote sensing pilot program for sensing emissions of nitrogen oxides (NOx) from some or all mobile sources of air pollution, and shall report findings and recommendations to the air pollution advisory committee by November 1, 1998.

8 Exemption for Rulemaking. The rulemaking required by the commissioner of safety under RSA 266:59-b, I and RSA 266:59-c as provided in section 5 of this act, shall be exempt from the provisions of RSA 541-A to the degree necessary to implement the provisions of RSA 266:59-b, I and RSA 266:59-c, for any rules adopted by the commissioner prior to January 1, 1999. RSA 541-A shall apply to any rules adopted after December 31, 1998 under the authority established in RSA 266:59-b, I and RSA 266:59-c as provided in section 5 of this act.

9 Repeal. The following are repealed:

I. RSA 261:72-a, relative to emissions certificates.

II. RSA 261:72-b, relative to 10-day emissions registration.

III. RSA 268, relative to vehicle emissions testing.

IV. RSA 541-A:21, I(p), relative to rulemaking exception for emissions testing.

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

## AMENDED ANALYSIS

This bill:

I. Establishes requirements for motor vehicle emissions inspections as part of the annual safety inspection.

II. Repeals the existing motor vehicle emissions inspection and maintenance law.

III. Establishes roadside opacity testing for diesel vehicles.

IV. Requires the establishment of a pilot program on oxygen sensor testing.

V. Requires the study of options for a pilot program on remote emissions sensing.

VI. Combines the emissions trading advisory committee and the vehicle emissions advisory committee into the air pollution advisory committee.

Adopted.

Report adopted and referred to Finance.

**HB 1560-FN-A**, reestablishing the New Hampshire energy authority, making an appropriation therefor, and directing it to explore the acquisition of the transmission and distribution system of the Public Service Company of New Hampshire. REFER FOR INTERIM STUDY

Rep. Clifton C. Below for Science, Technology and Energy: The committee examined the issue of re-enacting the N.H. Energy Authority. It was determined that this idea should be studied as the legislation may be necessary if resolution of electric industry restructuring cannot be accomplished in a timely fashion. Vote 18-0.

Adopted.

**HB 1409-FN**, relative to licenses for taking lobster and crab. OUGHT TO PASS WITH AMENDMENT  
Rep. Allen K. MacNeil for Wildlife and Marine Resources: This bill was entered at the request of the Fish and Game Department in order for the state to comply with the mandates of the Atlantic States Marine Fisheries requirements to decrease the fishing pressure upon the lobster resources in our limited coastal waters. The bill basically divides lobster fishermen into two groups of commercial lobstermen-the number of traps allowed by each to be determined by administrative rule. The number of commercial licenses would be limited, until 2004 at which time it could be increased. The amendment became the bill, minus the effective date and made many minor changes in verbiage, plus lowered the cost of a commercial license from \$500 to \$300 dollars. Vote 12-0.

## Amendment (0748h)

Amend the bill by replacing sections 1 and 2 with the following:

1 Lobster and Crab License; Authority of Executive Director. Amend RSA 211:18, I to read as follows:

I. No person shall take lobsters and crabs from any water under the jurisdiction of this state without first procuring a ~~[special]~~ *valid and proper* license to do so *as provided in paragraph III*. No such taking shall occur during the time from sunset to one hour before sunrise. The executive director shall adopt rules pursuant to RSA 541-A relative to the ~~[special]~~ licenses to be issued *under paragraph III* including, but not limited to, terms, limits, *eligibility*, transferability, sale, exemptions, revocation, *trap tag fees*, and control of entry date~~[-provided that any limitation on the number of licenses issued shall require legislation authorizing such a limitation].~~

2 New Paragraphs; Lobster Licenses Established; Fees. RSA 211:18, III is repealed and reenacted to read as follows:

III. The following fees shall apply to the following licenses:

(a) If a person does not take lobsters or crabs for the purpose of selling them and does not use more than 5 traps, the person may receive a noncommercial license for the fee of \$35.

(b)(1) Any individual meeting the requirements under RSA 211:23 and who possessed a valid commercial lobster and crab license or resident wholesale dealer's license pursuant to RSA 211:49-c or the provisions of former RSA 211:39-a in any year from 1994 to 1998, inclusive, and who had documented landings of more than 12,000 pounds of lobster and crab in at least 2 of those years shall be eligible to receive a commercial lobster and crab license for the fee of \$300.

(2) Notwithstanding subparagraph (b)(1), the executive director may, no earlier than January 1, 2004, increase the number of commercial licenses available under this subparagraph by 5



percent, from only those individuals who hold a valid limited commercial license, provided that the National Marine Fisheries Service does not consider the fishery under the jurisdiction of the department to be overfished.

(c) Any individual who is not eligible for the commercial license under subparagraph (b) and any other individual engaged in commercial taking of lobster and crab may receive a limited commercial license for the fee of \$103.

IV. The fees and fines collected under this subdivision and the expenses of enforcing the subdivision shall be accounted for separately by the executive director.

V. Nothing in this section shall pertain to the taking of green crabs.

Adopted.

Report adopted and referred to Finance.

### SUSPENSION OF RULES

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit consideration at the present time without the required notice of *HB 1664-FN*, authorizing salary increases for state law enforcement officers.

Adopted by the necessary two-thirds.

**HB 1664-FN**, authorizing salary increases for state law enforcement officers. OUGHT TO PASS Rep. Arthur P. Klemm, Jr. for Finance: This bill deals with the pay raise for the state troopers. A pay raise of 5% is effective January 1, 1998 and another 5% May 14, 1999. The money to cover this pay raise for the troopers was included in Chapter 351, Laws of 1997 (the trailer bill) along with the pay raise for all other state employees. The Finance Committee received assurances from Commissioner Flynn that no additional funding would be necessary or requested. This action approves the action of the Joint Employee Relations Committee. Vote 17-0.

Adopted and ordered to third reading.

### REGULAR CALENDAR (CONT'D.)

**HB 1176**, prohibiting charges for the use of electronic customer service terminals. INEXPEDIENT TO LEGISLATE

Rep. David T. Mittelman for Commerce: This bill is one of three proposals (HB 1176, HB 1179, HB 1348) to regulate Automated Teller Machine (ATM) fees. In particular, HB 1176 prohibits any and all fees affiliated with ATMs. As with the other two bills, the committee unanimously agrees that artificially dictating the cost of ATMs is neither prudent policy nor consistent with traditions of New Hampshire. Government should not decide the price of a private transaction. Rather, the marketplace should be allowed to set its own course. ATMs are an optional service provided for the convenience of banking customers. No one is required to use an ATM nor is anyone charged a fee without being warned in advance. The choice belongs to the customer, and the committee believes it should remain there. Vote 15-0.

Reps. Arthur Pelletier and Marsha Pelletier spoke against.

Rep. Mittelman spoke in favor and yielded to questions.

Rep. Hunt spoke in favor.

Rep. Buckley requested a roll call; sufficiently seconded.

The question being the adoption of the report.

### YEAS 221 NAYS 76

#### YEAS 221

#### BELKNAP

Boyce, Robert  
Lawton, David  
Rosen, Ralph

Calvert, Alice  
Lawton, Robert  
Thomas, John

Clark, Charles  
Pilliod, James  
Turner, Robert

Holbrook, Robert  
Rice, Thomas, Jr.

#### CARROLL

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Patten, Betsey

Bradley, Jeb  
Howard, Godfrey  
Philbrick, Donald

Chandler, Gene  
Kenney, Joseph

Cooper, Kipp  
Lyman, L. Randy

**CHESHIRE**

Avery, Stephen  
Manning, Joseph  
Pratt, Irene

Burnham, Daniel  
McNamara, Wanda  
Richardson, Barbara

Hunt, John  
Meader, David  
Smith, Edwin

Lynott, Margaret  
Metzger, Katherine

**COOS**

Bradley, Paula  
Horton, Lynn  
Tholl, John, Jr.

Davis, Perley  
Merrill, Gerald

Guay, Lawrence  
Moynihan, Wayne

Hawkinson, Marie  
Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Brown, Channing  
Hill, Richard  
Luker, Elsa  
Trelfa, Richard

Alger, John  
Cobbin, Philip  
Hinman, Harry  
Mirski, Paul  
Weber, Phil

Almy, Susan  
Eaton, Stephanie  
LaMott, Paul  
Nordgren, Sharon  
Williams, William, Jr.

Below, Clifton  
Ham, Bonnie  
Lovett, Sidney  
Teschner, Douglass

**HILLSBOROUGH**

Allen, W. Gordon  
Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Durham, Susan  
Flora, Kathleen  
Golding, William  
Hansen, Herbert  
Jean, Claudette  
Konys, Christine  
Leishman, Peter  
Luebckert, Bernard  
McCarty, Winston  
Messier, Irene  
O'Hearn, Jane  
Sargent, Maxwell  
Wheeler, Robert

Alukonis, David  
Belvin, William  
Calawa, Leon, Jr.  
Clegg, Robert, Jr.  
Dyer, Merton  
Foster, Joseph  
Gosselin, Gerald  
Herman, Keith  
Jean, Loren  
Kurk, Neal  
Lessard, Rudy  
MacGillivray, Jeffrey  
McGough, Tim  
Mittelman, David  
Peterson, Andrew  
Searles, Stanley, Sr.  
Wright, George

Amidon, Eleanor  
Bergin, Peter  
Cardin, Lori  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Foster, Linda  
Goulet, Maurice  
Holley, Sylvia  
Johnson, Lionel  
L'Heureux, Robert  
Letendre, Evelyn  
MacIntyre, Doris  
McRae, Karen  
Murch, George  
Riley, Frances  
Thulander, O. Alan

Arnold, Thomas, Jr.  
Boutin, David  
Carlson, Donald  
Drabinowicz, A. Theresa  
Fields, Dennis  
Franks, Suzan  
Haettenschwiller, Alphonse  
Holt, David  
Kelley, Robert  
LaRose, Richard  
Lozeau, Donnalee  
McCarthy, William  
Mercer, Robert  
Murphy, Robert  
Rowe, Robert  
Turgeon, Roland

**MERRIMACK**

Anderson, Eric  
DeStefano, Stephen  
Lamach, Bernard  
Lockwood, Robert  
Nichols, Avis

Brown, Mary  
Feuerstein, Martin  
Larrabee, David  
Marshall, Kenneth  
Pfaff, Terence

Burney, Carol  
Hoadley, Elizabeth  
Lavoie, Gerard  
Maxfield, Roy  
Reardon, Tara

Daneault, Gabriel  
Jacobson, Alf  
Leber, William  
Morrill, Olive  
Whalley, Michael

**ROCKINGHAM**

Abbott, Dennis  
Camm, Kevin  
Coes, Betsy  
Dodge, Robert  
Felch, Charles, Sr.  
Francoeur, Sheila  
Henderson, Warren  
Langley, Jane  
Major, Norman  
Millard, Ralph  
Noyes, Richard  
Stickney, Nancy  
Tufts, J. Arthur  
Welch, David

Arndt, Janet  
Case, Margaret  
Cooney, Richard  
Dolan, Richard  
Fesh, Robert  
Frechette, Joseph  
Katsakiores, George  
Langone, John  
McCarthy, John, Jr.  
Morris, Debbie  
Rabideau, Marie  
Stone, Joseph  
Varrell, Thomas  
Weyler, Kenneth

Beaulieu, Jon  
Christie, Andrew, Jr.  
Dalrymple, Janeen  
Dowd, Sandra  
Flanders, David  
Gibbons, Paul  
Katsakiores, Phyllis  
Letourneau, Robert  
McKinney, Betsy  
Norelli, Terie  
Raynowska, Bernard  
Stritch, C. Donald  
Vaughn, Charles

Belanger, Ronald  
Clark, Martha  
Dearborn, Bruce  
Downing, Michael  
Flanders, John, Sr.  
Griffin, Mary  
Kobel, Rudolph  
Lovejoy, Marian  
Mikowski, Walter  
Nowe, Ronald  
Simmons, John Anthony  
Syracusa, Anthony  
Verani, Giovanni

**STRAFFORD**

Bickford, David  
Rollo, Michael  
Torr, Ann  
Wall, Janet

Cossette, Larry  
Smith, Marjorie  
Torr, Franklin

McKinley, Robert  
Spear, Barbara  
Tsiros, William

Musler, George  
Sullivan, Henry  
Twardus, Joseph

**SULLIVAN**

Adler, Rudolf  
Leone, Richard

Allison, David  
Lindblade, Eric

Burling, Peter  
Schotanus, Merle

Ferland, Brenda  
Wiggins, Celestine

**NAYS 76****BELKNAP**

Boriso, Thomas

**CARROLL**

None

**CHESHIRE**

DePecol, Benjamin  
Pratt, John

Doucette, Richard  
Robertson, Timothy

Lynch, Margaret

McGuirk, Paul

**COOS**

Mears, Edgar

**GRAFTON**

None

**HILLSBOROUGH**

Barry, William, III  
D'Allesandro, Lou  
Ginsburg, Ruth  
Leonard, Peter  
Melcher, Harold  
Reidy, Frank  
White, Jay

Bernier, Shannon  
Daigle, Robert  
Hall, Betty  
Marcinkowski, Michael  
Milligan, Robert  
Vaillancourt, Steve

Buckley, Raymond  
Desrosiers, William  
Hart, Nick  
Martin, Mary  
O'Rourke, Thomas  
Welch, Donald

Cote, Peter  
Dwyer, Paul, Sr.  
Hunter, Bruce  
McDonald, James, Sr.  
Perkins, Paul  
White, Donald

**MERRIMACK**

Dunn, Miriam  
Langer, Ray  
St. Cyr, Gerard

Fraser, Marilyn  
Moore, Carol  
Wallner, Mary Jane

French, Barbara  
Owen, Derek  
Yeaton, Charles

Gile, Mary  
Seldin, Gloria

**ROCKINGHAM**

Heath, John  
Pitts, Jacqueline  
Weatherspoon, Jackie

Kane, Cecelia  
Sabella, Norma

Kelley, Jane  
Sapareto, Frank

Pantelakos, Laura  
Schanda, Frank

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia  
Kaen, Naida  
Pelletier, Arthur  
Taylor, Kathleen

Brennan, William  
Estabrook, Iris  
Keans, Sandra  
Pelletier, Marsha  
Vachon, Dennis

Callaghan, Frank  
Hemon, Roland  
Knowles, William  
Rogers, Rose Marie  
Vincent, Francis

DeChane, Marlene  
Heon, Richard  
McCann, William, Jr.  
Snyder, Clair

**SULLIVAN**

Cloutier, John

Donovan, Thomas

Palmer, Lorraine

Robb-Theroux, Amy

and the report was adopted.

Rep. Robb-Theroux voted nay and intended to vote yea.

Rep. Packard did not vote and wished to be recorded in favor.



**HB 1179**, limiting fees charged by financial institutions for use of electronic customer service terminals. **INEXPEDIENT TO LEGISLATE**

Rep. David T. Mittelman for Commerce: This bill is one of three proposals (HB 1176, HB 1179, HB 1348) to regulate Automated Teller Machine (ATM) fees. In particular, HB 1179 prohibits banks from imposing fees upon ATM users who are not that bank's customers. As with the other two bills, the committee unanimously agrees that artificially dictating the cost of ATMs is neither prudent policy nor consistent with traditions of New Hampshire. Government should not decide the price of a private transaction. Rather, the marketplace should be allowed to set its own course. ATMs are an optional service provided for the convenience of banking customers. No one is required to use an ATM nor is anyone charged a fee without being warned in advance. The choice belongs to the customer, and the committee believes it should remain there. Vote 15-0.  
Adopted.

**HB 1583-FN-L**, transferring the county attorneys' offices and the county sheriffs' offices to the department of justice and the unified court system, respectively. **INEXPEDIENT TO LEGISLATE**  
Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill transfers the county attorney's offices to the department of justice and the sheriff's offices to the unified court system. One of the arguments that was made was that this would reduce taxes locally (the county) and that is true. However, this ends up being a huge cost shift to the state. Absorbing these twenty departments into the state budget would be a huge financial burden and one that our committee was not willing to recommend. There are two other difficult problems that we felt conflicted with our beliefs. First, we did not want the attorney general to assume total control over the ten county attorneys by merging them into one agency. The closer to the people, the better. Secondly, we could never accept giving control of an executive branch of government (the sheriff's offices) to a judicial branch - the unified court system. The separation of powers of the three branches of government must remain intact. Vote 15-0.

Rep. Jacobson spoke against.

Rep. David Welch spoke in favor.

On a division vote, 229 members having voted in the affirmative and 57 in the negative, the report was adopted.

**HB 1416-FN-L**, requiring the state to pay for special education costs and to make tax information on special education services available to the public. **INEXPEDIENT TO LEGISLATE**

Rep. J. Arthur Tufts for Education: Only the sponsor spoke in favor of this measure. The Governor's office, New Hampshire Education Department and parents, spoke in opposition. The fiscal note stated FY 1998 increased state general fund by \$163,290,967. Paragraph III opened school records of pupils and stated that tax information shall not be exempt under this chapter. This is a violation of the Family Educational Rights and Privacy Act of 1974. Vote 15-0.

Rep. Cobbin spoke against.

Rep. Tufts spoke in favor.

Adopted.

**HB 1522-FN**, establishing the offices of inspector general. **INEXPEDIENT TO LEGISLATE**

Rep. Howard C. Dickinson, Jr. for Executive Departments and Administration: Although the idea of establishing an office of inspector general is intriguing, the thought of placing an inspector general in each of 30 agencies and the cost associated with such a program is staggering. Furthermore, we understand that over the next 12 months, the attorney general's office is planning to examine its organization and has an interest in adding inspector general functions. For these reasons, the committee gave its unanimous support to a vote of ITL. Vote 15-0.

Rep. Dickinson yielded to questions.

Adopted.

**HB 1545-FN**, increasing the salaries of the labor commissioner and the deputy labor commissioner. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill with amendment will change the letter grade of the commissioner and deputy commissioner of labor and will change the term of office of the commissioner to 4 years, which is the norm for unclassified personnel appointed by the governor and council and it will change the deputy commissioner to a four year term.

The deputy commissioner will be nominated by the commissioner for approval by the governor and council, again the norm in state government. The present director will hold his present appointment and this amendment will only apply to the next deputy director. Vote 17-0.

### Amendment (0556h)

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

AN ACT increasing the salaries and changing the terms of office of the labor commissioner and the deputy labor commissioner.

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

1 Salaries of Labor Commissioner and Deputy Labor Commissioner. Amend RSA 94:1-a, I by deleting:

I. In group K, deputy labor commissioner.

II. In group N, labor commissioner.

2 Salaries of Labor Commissioner and Deputy Labor Commissioner. Amend RSA 94:1-a, I by inserting:

I. In group M, deputy labor commissioner.

II. In group P, labor commissioner.

3 Commissioner; Term of Office. Amend RSA 273:2 to read as follows:

273:2 Term of Commissioner; Removal. The commissioner shall hold office for [3] 4 years from the date of [his] appointment and until [his] a successor shall be appointed and qualified, and may be removed for cause by the governor, with the advice and consent of the council.

4 Deputy Commissioner; Term; Consent of Council Added. Amend RSA 273:7 and 8 to read as follows:

273:7 Deputy Commissioner. The commissioner shall ~~appoint~~ *nominate for appointment by the governor* a deputy labor commissioner, *with the consent of the council. The deputy labor commissioner shall serve for a term of 4 years.* Said deputy shall exercise the powers and perform the duties of the commissioner whenever the labor commissioner is incapacitated, absent, unable to act from any cause, or whenever the commissioner deems it advisable and in the interest of all parties concerned. Whenever there is a vacancy in the office of labor commissioner the deputy shall have the powers and duties of the commissioner until another commissioner is appointed and qualified.

273:8 Compensation. The salary of the deputy labor commissioner shall be that as fixed by RSA ~~[94:1]~~ *94:1-a.*

5 Application of Term of Deputy Labor Commissioner. The term of office for the deputy commissioner of the department of labor, as provided for in RSA 273:3 as amended by section 4 of this act, shall apply to the deputy commissioner holding the office only after the incumbent deputy commissioner prior to the effective date of this act leaves the position.

6 Applicability; Salary of Incumbent Labor Commissioner and Deputy Labor Commissioner.

I. The incumbent labor commissioner on the effective date of this act shall be placed at step 3 in group P, as provided in section 2 of this act on the effective date of this act.

II. The incumbent deputy labor commissioner on the effective date of this act shall be placed at step 4 in group M, as provided in section 2 of this act on the effective date of this act.

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

### AMENDED ANALYSIS

This bill increases the salary ranges and changes the terms of office of the labor commissioner and the deputy labor commissioner.

Adopted.

Reps. Larrabee and Hart spoke against.

Reps. Dyer and Mercer spoke in favor and yielded to questions.

Rep. Larrabee requested a roll call; sufficiently seconded.

### MOTION TO LAY ON THE TABLE

Rep. Hart moved that *HB 1545-FN*, increasing the salaries and changing the terms of office of the labor commissioner and deputy labor commissioner, be laid on the table.

On a division vote, 82 members having voted in the affirmative, and 198 in the negative, the motion failed.

The question now being the adoption of the report.

**YEAS 202 NAYS 83****YEAS 202****BELKNAP**

Boriso, Thomas  
Lawton, David  
Turner, Robert

Calvert, Alice  
Lawton, Robert

Clark, Charles  
Pilliod, James

Holbrook, Robert  
Thomas, John

**CARROLL**

Bradley, Jeb  
Howard, Godfrey  
Patten, Betsey

Chandler, Gene  
Kenney, Joseph  
Philbrick, Donald

Cooper, Kipp  
Lyman, L. Randy

Dickinson, Howard, Jr.  
Mock, Henry

**CHESHIRE**

Avery, Stephen  
Hunt, John  
Meader, David  
Robertson, Timothy

Burnham, Daniel  
Lynch, Margaret  
Metzger, Katherine  
Smith, Edwin

DePecol, Benjamin  
Lynott, Margaret  
Pratt, Irene

Doucette, Richard  
McGuirk, Paul  
Richardson, Barbara

**COOS**

Bradley, Paula  
Horton, Lynn

Davis, Perley  
Mears, Edgar

Guay, Lawrence  
Moynihan, Wayne

Hawkinson, Marie  
Tholl, John, Jr.

**GRAFTON**

Almy, Susan  
Hill, Richard  
Luker, Elsa  
Williams, William, Jr.

Below, Clifton  
Hinman, Harry  
Nordgren, Sharon

Brown, Channing  
LaMott, Paul  
Teschner, Douglass

Eaton, Stephanie  
Lovett, Sidney  
Trelfa, Richard

**HILLSBOROUGH**

Allen, W. Gordon  
Barry, William, III  
Brundige, Robert  
Cote, Peter  
Drabinowicz, A. Theresa  
Fields, Dennis  
Franks, Suzan  
Goulet, Maurice  
Jean, Claudette  
Kurk, Neal  
Leishman, Peter  
McGough, Tim  
Milligan, Robert  
Peterson, Andrew  
Turgeon, Roland  
White, Jay

Alukonis, David  
Belvin, William  
Calawa, Leon, Jr.  
D'Allesandro, Lou  
Durham, Susan  
Flora, Kathleen  
Ginsburg, Ruth  
Haettenschwiller, Alphonse  
Johnson, Lionel  
L'Heureux, Robert  
Leonard, Peter  
Melcher, Harold  
Murphy, Robert  
Reidy, Frank  
Welch, Donald

Amidon, Eleanor  
Bernier, Shannon  
Cardin, Lori  
Daigle, Robert  
Dyer, Merton  
Foster, Joseph  
Golding, William  
Hall, Betty  
Kelley, Robert  
LaRose, Richard  
Lozeau, Donnalee  
Mercer, Robert  
O'Hearn, Jane  
Rowe, Robert  
Wheeler, Robert

Arnold, Thomas, Jr.  
Boutin, David  
Chabot, Robert  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Foster, Linda  
Gosselin, Gerald  
Holley, Sylvia  
Konys, Christine  
Lefebvre, Roland  
MacIntyre, Doris  
Messier, Irene  
O'Rourke, Thomas  
Sargent, Maxwell  
White, Donald

**MERRIMACK**

Brown, Mary  
Dunn, Miriam  
Hoadley, Elizabeth  
Marshall, Kenneth  
Reardon, Tara  
Yeaton, Charles

Burney, Carol  
Feuerstein, Martin  
Jacobson, Alf  
Morrill, Olive  
Seldin, Gloria

Daneault, Gabriel  
Gile, Mary  
Langer, Ray  
Nichols, Avis  
Wallner, Mary Jane

DeStefano, Stephen  
Hess, David  
Lockwood, Robert  
Pfaff, Terence  
Whalley, Michael

**ROCKINGHAM**

Abbott, Dennis  
Christie, Andrew, Jr.  
Dodge, Robert

Arndt, Janet  
Clark, Martha  
Dowd, Sandra

Beaulieu, Jon  
Cooney, Richard  
Downing, Michael

Case, Margaret  
Dalrymple, Janeen  
Felch, Charles, Sr.



Flanders, David  
 Heath, John  
 Katsakiores, Phyllis  
 Lovejoy, Marian  
 Norelli, Terie  
 Rabideau, Marie  
 Stickney, Nancy  
 Vaughn, Charles

Flanders, John, Sr.  
 Henderson, Warren  
 Kelley, Jane  
 Major, Norman  
 Nowe, Ronald  
 Raynowska, Bernard  
 Stone, Joseph  
 Weatherspoon, Jackie

Frechette, Joseph  
 Kane, Cecelia  
 Langley, Jane  
 McCarthy, John, Jr.  
 Pantelakos, Laura  
 Sapareto, Frank  
 Syracuse, Anthony  
 Weyler, Kenneth

Gibbons, Paul  
 Katsakiores, George  
 Langone, John  
 McKinney, Betsy  
 Pitts, Jacqueline  
 Schanda, Frank  
 Tufts, J. Arthur

### STRAFFORD

Brennan, William  
 Knowles, William  
 Spear, Barbara  
 Wall, Janet

Cossette, Larry  
 McCann, William, Jr.  
 Torr, Ann

Estabrook, Iris  
 Rogers, Rose Marie  
 Torr, Franklin

Kaen, Naida  
 Smith, Marjorie  
 Twardus, Joseph

### SULLIVAN

Allison, David  
 Leone, Richard  
 Schotanus, Merle

Burling, Peter  
 Lindblade, Eric  
 Wiggins, Celestine

Cloutier, John  
 Palmer, Lorraine

Donovan, Thomas  
 Robb-Theroux, Amy

### NAYS 83

### BELKNAP

Boyce, Robert

Laffam, Robert

Rice, Thomas, Jr.

Rosen, Ralph

### CARROLL

Babson, David, Jr.

### CHESHIRE

Manning, Joseph

McNamara, Wanda

Pratt, John

### COOS

Pratt, Leighton

### GRAFTON

Akins, Ralph  
 Ham, Bonnie

Alger, John  
 Mirski, Paul

Cobbin, Philip  
 Weber, Phil

Guaraldi, Lawrence

### HILLSBOROUGH

Batula, Peter  
 Clegg, Robert, Jr.  
 Herman, Keith  
 Lessard, Rudy  
 Marcinkowski, Michael  
 McRae, Karen  
 Searles, Stanley, Sr.

Bergin, Peter  
 Dwyer, Paul, Sr.  
 Holt, David  
 Letendre, Evelyn  
 McCarthy, William  
 Murch, George  
 Thulander, O. Alan

Buckley, Raymond  
 Hansen, Herbert  
 Hunter, Bruce  
 Luebker, Bernard  
 McCarty, Winston  
 Perkins, Paul  
 Vaillancourt, Steve

Carlson, Donald  
 Hart, Nick  
 Jean, Loren  
 MacGillivray, Jeffrey  
 McDonald, James, Sr.  
 Riley, Frances  
 Wright, George

### MERRIMACK

Anderson, Eric  
 Leber, William

French, Barbara  
 St. Cyr, Gerard

Lamach, Bernard

Larrabee, David

### ROCKINGHAM

Belanger, Ronald  
 Fesh, Robert  
 Letourneau, Robert  
 Packard, Sherman  
 Varrell, Thomas

Camm, Kevin  
 Francoeur, Sheila  
 Mikowski, Walter  
 Sabella, Norma  
 Verani, Giovanni

Dearborn, Bruce  
 Griffin, Mary  
 Millard, Ralph  
 Simmons, John Anthony  
 Welch, David

Dolan, Richard  
 Kobel, Rudolph  
 Noyes, Richard  
 Stritch, C. Donald

**STRAFFORD**

Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia	Hemon, Roland
Heon, Richard	Keans, Sandra	Pelletier, Arthur	Pelletier, Marsha
Rollo, Michael	Taylor, Kathleen	Tsiros, William	Vachon, Dennis

**SULLIVAN**

Adler, Rudolf	Ferland, Brenda
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and the report was adopted.  
Referred to Finance.

**HB 1260**, limiting use of appropriated funds to influence state contracting and financial transactions and legislation. **INEXPEDIENT TO LEGISLATE**

Rep. Arthur P. Klemm, Jr. for Finance: This bill would prohibit lobbying by any state agency, non-profit organization or private business which receives state funds. The bill would have the effect of prohibiting state agencies from appearing before legislative committees without being invited, as an example. The committee felt that this bill could prohibit input that may be important in the decision-making process. Vote 18-0.

Rep. Cobbin spoke against.

Rep. Lynch spoke in favor.

Rep. Cobbin requested a roll call; not sufficiently seconded.

Report adopted.

**HB 1362**, requiring a vote of 2/3 of the house and senate to pass any bill approving the issuance of bonds which would increase state indebtedness. **INEXPEDIENT TO LEGISLATE**

Rep. Marie C. Hawkinson for Finance: We already have a number of mechanisms to assure fiscal restraint in the expenditure of funds: article 28(a), bicameral legislature, Governor's veto, House rule for balanced budget, oversight of all money bills by the Finance Committee. This bill is not necessary. Vote 16-2.

Reps. Alger and Mirski spoke against.

Rep. Vaughn spoke in favor.

Rep. Camm requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 220 NAYS 63**

**YEAS 220****BELKNAP**

Boriso, Thomas	Calvert, Alice	Clark, Charles	Holbrook, Robert
Lawton, David	Lawton, Robert	Pilliod, James	Rosen, Ralph
Thomas, John	Turner, Robert		

**CARROLL**

Bradley, Jeb	Chandler, Gene	Cooper, Kipp	Kenney, Joseph
Lyman, L. Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

**CHESHIRE**

Avery, Stephen	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Hunt, John	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	McNamara, Wanda	Meador, David	Metzger, Katherine
Pratt, Irene	Richardson, Barbara	Robertson, Timothy	Smith, Edwin

**COOS**

Bradley, Paula	Davis, Perley	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Mears, Edgar	Moynihan, Wayne	Tholl, John, Jr.

**GRAFTON**

Almy, Susan	Below, Clifton	Brown, Channing	Eaton, Stephanie
Hill, Richard	LaMott, Paul	Lovett, Sidney	Luker, Elsa
Nordgren, Sharon	Teschner, Douglass	Trelfa, Richard	Williams, William, Jr.

**HILLSBOROUGH**

Allen, W. Gordon	Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.
Barry, William, III	Belvin, William	Bergin, Peter	Bernier, Shannon
Boutin, David	Brundige, Robert	Calawa, Leon, Jr.	Cardin, Lori
Chabot, Robert	Cote, Peter	D'Allesandro, Lou	Daigle, Robert
Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.
Dyer, Merton	Emerton, Lawrence, Sr.	Fields, Dennis	Flora, Kathleen
Foster, Joseph	Foster, Linda	Ginsburg, Ruth	Golding, William
Gosselin, Gerald	Goulet, Maurice	Haettenschwiller, Alphonse	Hall, Betty
Hansen, Herbert	Hart, Nick	Herman, Keith	Holley, Sylvia
Holt, David	Jean, Claudette	Johnson, Lionel	Kelley, Robert
Konys, Christine	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Leishman, Peter	Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee
MacIntyre, Doris	Marcinkowski, Michael	McCarthy, William	McCarty, Winston
McDonald, James, Sr.	Mercer, Robert	Messier, Irene	Milligan, Robert
Murphy, Robert	O'Hearn, Jane	Perkins, Paul	Reidy, Frank
Sargent, Maxwell	Searles, Stanley, Sr.	Thulander, O. Alan	Turgeon, Roland
Vaillancourt, Steve	Welch, Donald	Wheeler, Robert	White, Jay

**MERRIMACK**

Burney, Carol	Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam
Feuerstein, Martin	French, Barbara	Gile, Mary	Hess, David
Jacobson, Alf	Larrabee, David	Leber, William	Lockwood, Robert
Marshall, Kenneth	Morrill, Olive	Nichols, Avis	Pfaff, Terence
Reardon, Tara	Seldin, Gloria	St. Cyr, Gerard	Wallner, Mary Jane
Whalley, Michael	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Case, Margaret
Christie, Andrew, Jr.	Clark, Martha	Cooney, Richard	Dearborn, Bruce
Dolan, Richard	Dowd, Sandra	Downing, Michael	Felch, Charles, Sr.
Flanders, John, Sr.	Francoeur, Sheila	Frechette, Joseph	Gibbons, Paul
Henderson, Warren	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Langone, John
Lovejoy, Marian	Major, Norman	McCarthy, John, Jr.	Millard, Ralph
Norelli, Terie	Nowe, Ronald	Packard, Sherman	Pantelakos, Laura
Pitts, Jacqueline	Rabideau, Marie	Raynowska, Bernard	Sabella, Norma
Schanda, Frank	Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony
Tufts, J. Arthur	Vaughn, Charles	Weatherspoon, Jackie	Welch, David

**STRAFFORD**

Brennan, William	Callaghan, Frank	Cossette, Larry	DeChane, Marlene
Dunlap, Patricia	Hemon, Roland	Heon, Richard	Kaen, Naida
Keans, Sandra	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Spear, Barbara	Taylor, Kathleen
Torr, Ann	Torr, Franklin	Tsiros, William	Twardus, Joseph
Wall, Janet			

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Leone, Richard	Lindblade, Eric	Palmer, Lorraine
Robb-Theroux, Amy	Schotanus, Merle	Wiggins, Celestine	



**NAYS 63****BELKNAP**

Boyce, Robert	Laflam, Robert	Rice, Thomas, Jr.
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**CARROLL**

Babson, David, Jr.	Dickinson, Howard, Jr.	Howard, Godfrey
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**CHESHIRE**

Pratt, John

**COOS**

Pratt, Leighton

**GRAFTON**

Akins, Ralph	Alger, John	Cobbin, Philip	Guaraldi, Lawrence
Ham, Bonnie	Hinman, Harry	Mirski, Paul	Weber, Phil

**HILLSBOROUGH**

Batula, Peter	Buckley, Raymond	Carlson, Donald	Clegg, Robert, Jr.
Jean, Loren	Lefebvre, Roland	Letendre, Evelyn	Luebker, Bernard
MacGillivray, Jeffrey	McGough, Tim	McRae, Karen	Melcher, Harold
Murch, George	O'Rourke, Thomas	Riley, Frances	Rowe, Robert
White, Donald	Wright, George		

**MERRIMACK**

Anderson, Eric	Brown, Mary	Hoadley, Elizabeth	Lamach, Bernard
Langer, Ray	Lavoie, Gerard		

**ROCKINGHAM**

Beaulieu, Jon	Camm, Kevin	Dalrymple, Janeen	Dodge, Robert
Fesh, Robert	Flanders, David	Griffin, Mary	Heath, John
Letourneau, Robert	McKinney, Betsy	Mikowski, Walter	Noyes, Richard
Sapareto, Frank	Simmons, John Anthony	Stickney, Nancy	Varrell, Thomas
Verani, Giovanni	Weyler, Kenneth		

**STRAFFORD**

Bickford, David	McCann, William, Jr.	McKinley, Robert	Vachon, Dennis
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**SULLIVAN**

Adler, Rudolf

and the report was adopted.

**CACR 34**, relating to broad-based sales or income taxes. Providing that adopting a broad-based sales or income tax is prohibited. **INEXPEDIENT TO LEGISLATE**

Rep. Avis B. Nichols for Finance: This bill proposes a constitutional amendment to prohibit a broad-base sales or income tax. This would tie the hands of the legislature in the event of an emergency, or any unforeseen situation. The legislature should be able to make this decision after taking all facts into consideration on an individual basis although under normal circumstances the majority of the legislators as well as the public have demonstrated they do not want these taxes. Vote 16-2.

Rep. Mary Brown spoke against.

Rep. Vaughn spoke in favor.

Rep. Mary Brown requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 206 NAYS 74****YEAS 206****BELKNAP**

Boriso, Thomas  
Lawton, Robert

Calvert, Alice  
Pilliod, James

Clark, Charles  
Thomas, John

Holbrook, Robert  
Turner, Robert

**CARROLL**

Bradley, Jeb  
Patten, Betsey

Chandler, Gene  
Philbrick, Donald

Dickinson, Howard, Jr.

Lyman, L. Randy

**CHESHIRE**

Avery, Stephen  
Hunt, John  
McGuirk, Paul  
Pratt, Irene  
Smith, Edwin

Burnham, Daniel  
Lynch, Margaret  
McNamara, Wanda  
Pratt, John

DePecol, Benjamin  
Lynott, Margaret  
Meader, David  
Richardson, Barbara

Doucette, Richard  
Manning, Joseph  
Metzger, Katherine  
Robertson, Timothy

**COOS**

Bradley, Paula  
Horton, Lynn

Davis, Perley  
Mears, Edgar

Guay, Lawrence  
Moynihan, Wayne

Hawkinson, Marie  
Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Luker, Elsa  
Williams, William, Jr.

Almy, Susan  
Hill, Richard  
Nordgren, Sharon

Below, Clifton  
LaMott, Paul  
Teschner, Douglass

Brown, Channing  
Lovett, Sidney  
Trelfa, Richard

**HILLSBOROUGH**

Allen, W. Gordon  
Belvin, William  
Cardin, Lori  
Daigle, Robert  
Dwyer, Paul, Sr.  
Foster, Joseph  
Gosselin, Gerald  
Holt, David  
Konys, Christine  
Leishman, Peter  
McCarty, Winston  
Messier, Irene  
O'Rourke, Thomas  
Sargent, Maxwell  
Vaillancourt, Steve

Alukonis, David  
Bergin, Peter  
Chabot, Robert  
Dokmo, Cynthia  
Dyer, Merton  
Foster, Linda  
Haettenschwiller, Alphonse  
Jean, Claudette  
Kurk, Neal  
Leonard, Peter  
McDonald, James, Sr.  
Milligan, Robert  
Perkins, Paul  
Searles, Stanley, Sr.  
Welch, Donald

Amidon, Eleanor  
Brundige, Robert  
Cote, Peter  
Drabinowicz, A. Theresa  
Emerton, Lawrence, Sr.  
Ginsburg, Ruth  
Hall, Betty  
Johnson, Lionel  
LaRose, Richard  
Lozeau, Donnalee  
Melcher, Harold  
Murphy, Robert  
Reidy, Frank  
Thulander, O. Alan  
Wheeler, Robert

Arnold, Thomas, Jr.  
Calawa, Leon, Jr.  
D'Allesandro, Lou  
Durham, Susan  
Fields, Dennis  
Golding, William  
Hart, Nick  
Kelley, Robert  
Lefebvre, Roland  
McCarthy, William  
Mercer, Robert  
O'Hearn, Jane  
Rowe, Robert  
Turgeon, Roland  
White, Jay

**MERRIMACK**

Burney, Carol  
Feuerstein, Martin  
Jacobson, Alf  
Pfaff, Terence  
Wallner, Mary Jane

Daneault, Gabriel  
French, Barbara  
Lamach, Bernard  
Reardon, Tara  
Whalley, Michael

DeStefano, Stephen  
Gile, Mary  
Lockwood, Robert  
Seldin, Gloria  
Yeaton, Charles

Dunn, Miriam  
Hess, David  
Nichols, Avis  
St. Cyr, Gerard

**ROCKINGHAM**

Abbott, Dennis  
Christie, Andrew, Jr.  
Dowd, Sandra

Arndt, Janet  
Clark, Martha  
Felch, Charles, Sr.

Belanger, Ronald  
Cooney, Richard  
Flanders, John, Sr.

Case, Margaret  
Dearborn, Bruce  
Francoeur, Sheila

Frechette, Joseph  
Katsakiores, George  
Langley, Jane  
Millard, Ralph  
Packard, Sherman  
Schanda, Frank  
Tufts, J. Arthur

Gibbons, Paul  
Katsakiores, Phyllis  
Langone, John  
Norelli, Terie  
Pantelakos, Laura  
Stone, Joseph  
Vaughn, Charles

Heath, John  
Kelley, Jane  
Lovejoy, Marian  
Nowe, Ronald  
Pitts, Jacqueline  
Stritch, C. Donald  
Weatherspoon, Jackie

Kane, Cecelia  
Kobel, Rudolph  
McCarthy, John, Jr.  
Noyes, Richard  
Sabella, Norma  
Syracusa, Anthony  
Welch, David

### STRAFFORD

Bickford, David  
DeChane, Marlene  
Kaen, Naida  
Pelletier, Marsha  
Spear, Barbara  
Tsiros, William

Brennan, William  
Dunlap, Patricia  
Keans, Sandra  
Rogers, Rose Marie  
Taylor, Kathleen  
Twardus, Joseph

Callaghan, Frank  
Hemon, Roland  
McCann, William, Jr.  
Rollo, Michael  
Torr, Ann  
Vachon, Dennis

Cossette, Larry  
Heon, Richard  
Pelletier, Arthur  
Smith, Marjorie  
Torr, Franklin  
Wall, Janet

### SULLIVAN

Allison, David  
Ferland, Brenda  
Robb-Theroux, Amy

Burling, Peter  
Leone, Richard  
Schotanus, Merle

Cloutier, John  
Lindblade, Eric  
Wiggins, Celestine

Donovan, Thomas  
Palmer, Lorraine

### NAYS 74

### BELKNAP

Boyce, Robert  
Rosen, Ralph

Lafiam, Robert

Lawton, David

Rice, Thomas, Jr.

### CARROLL

Babson, David, Jr.  
Mock, Henry

Cooper, Kipp

Howard, Godfrey

Kenney, Joseph

### CHESHIRE

None

### COOS

Tholl, John, Jr.

### GRAFTON

Alger, John  
Hinman, Harry

Cobbin, Philip  
Mirski, Paul

Guaraldi, Lawrence  
Weber, Phil

Ham, Bonnie

### HILLSBOROUGH

Batula, Peter  
Clegg, Robert, Jr.  
Herman, Keith  
Lessard, Rudy  
MacIntyre, Doris  
Murch, George

Boutin, David  
Flora, Kathleen  
Holley, Sylvia  
Letendre, Evelyn  
Marcinkowski, Michael  
Riley, Frances

Buckley, Raymond  
Goulet, Maurice  
Jean, Loren  
Luebkert, Bernard  
McGough, Tim  
White, Donald

Carlson, Donald  
Hansen, Herbert  
L'Heureux, Robert  
MacGillivray, Jeffrey  
McRae, Karen  
Wright, George

### MERRIMACK

Anderson, Eric  
Larrabee, David

Brown, Mary  
Lavoie, Gerard

Hoadley, Elizabeth  
Leber, William

Langer, Ray  
Morrill, Olive

### ROCKINGHAM

Beaulieu, Jon  
Dolan, Richard  
Griffin, Mary

Camm, Kevin  
Downing, Michael  
Henderson, Warren

Dalrymple, Janeen  
Fesh, Robert  
Letourneau, Robert

Dodge, Robert  
Flanders, David  
Major, Norman



McKinney, Betsy  
Sapareto, Frank  
Verani, Giovanni

Mikowski, Walter  
Simmons, John Anthony  
Weyler, Kenneth

Rabideau, Marie  
Stickney, Nancy

Raynowska, Bernard  
Varrell, Thomas

### STRAFFORD

McKinley, Robert

### SULLIVAN

Adler, Rudolf

and the report was adopted.

**HB 1593-FN**, codifying and revising the existing cooperative agreement between the department of health and human services and the judiciary. **INEXPEDIENT TO LEGISLATE**

Rep. Andrew R. Peterson for Judiciary and Family Law: The sponsor's stated intent in offering this legislation was not, in fact, to pass the bill, but to encourage the formation of a study committee to look into the issue of potential conflicted interest which could occur when an agency of government indirectly pays a part of the salary of a marital master who sits on a case to which the department is a party. The committee found that there was in fact no undue pressure on marital masters to reach a particular decision, and that they are in fact diligent in their efforts at impartiality. The contract, the terms of which are described in the bill, is designed to allow the maximum pass through of federal monies to help fund these services. This flexibility is required to respond to changing federal requirements. This biennial agreement must be approved by governor and council and pass muster of the legislature in the budget process. The committee felt that placing the language of the current contract in statute would be counterproductive. Funding these obligations out of the general fund would cost the taxpayers an estimated additional \$790,000 in the current biennium. Vote 19-1.

Reps. Cobbin and Pfaff spoke in favor.

Adopted.

**HB 1594-FN**, transferring the authority of the judicial conduct committee to the legislature. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Bergin for Judiciary and Family Law: The Judicial Conduct committee was formed in 1977 and has under gone a number of reforms. Currently it is made up of 11 members: 4 judges, 2 attorneys and 5 lay people. The main function is to process complaints against the judiciary. Currently the process is to review the complaint, if the complaint is voted, a public hearing is held and a discussion rendered. The long-standing concern has been the public's perception of how complaints are handled. This bill as presented to the committee would not solve this problem. Vote 19-1.

Reps. Cobbin and McCann spoke against.

Rep. Bergin spoke in favor.

Rep. Cobbin requested a roll call; sufficiently seconded.

The question being the adoption of the report.

### YEAS 211 NAYS 63

#### YEAS 211

#### BELKNAP

Boriso, Thomas  
Lawton, Robert

Calvert, Alice  
Pilliod, James

Holbrook, Robert  
Thomas, John

Lawton, David  
Turner, Robert

#### CARROLL

Bradley, Jeb  
Howard, Godfrey  
Patten, Betsey

Chandler, Gene  
Kenney, Joseph  
Philbrick, Donald

Cooper, Kipp  
Lyman, L. Randy

Dickinson, Howard, Jr.  
Mock, Henry

#### CHESHIRE

Avery, Stephen  
Hunt, John  
McGuirk, Paul  
Pratt, John

Burnham, Daniel  
Lynch, Margaret  
McNamara, Wanda  
Richardson, Barbara

DePecol, Benjamin  
Lynott, Margaret  
Metzger, Katherine  
Smith, Edwin

Doucette, Richard  
Manning, Joseph  
Pratt, Irene

**COOS**

Bradley, Paula  
Horton, Lynn  
Tholl, John, Jr.

Davis, Perley  
Mears, Edgar

Guay, Lawrence  
Moynihan, Wayne

Hawkinson, Marie  
Pratt, Leighton

**GRAFTON**

Almy, Susan  
Hill, Richard  
Teschner, Douglass

Below, Clifton  
LaMott, Paul  
Trelfa, Richard

Eaton, Stephanie  
Luker, Elsa

Guaraldi, Lawrence  
Nordgren, Sharon

**HILLSBOROUGH**

Allen, W. Gordon  
Bergin, Peter  
Cardin, Lori  
Dokmo, Cynthia  
Dyer, Merton  
Foster, Linda  
Gosselin, Gerald  
Hansen, Herbert  
Jean, Claudette  
Kurk, Neal  
Lessard, Rudy  
McCarthy, Winston  
Mercer, Robert  
O'Hearn, Jane  
Thulander, O. Alan  
White, Jay

Alukonis, David  
Boutin, David  
Chabot, Robert  
Drabinowicz, A. Theresa  
Emerton, Lawrence, Sr.  
Franks, Suzan  
Goulet, Maurice  
Hart, Nick  
Johnson, Lionel  
L'Heureux, Robert  
Lozeau, Donnalee  
McDonald, James, Sr.  
Messier, Irene  
Perkins, Paul  
Turgeon, Roland  
Wright, George

Amidon, Eleanor  
Brundige, Robert  
Cote, Peter  
Durham, Susan  
Fields, Dennis  
Ginsburg, Ruth  
Haettenschwiller, Alphonse  
Herman, Keith  
Kelley, Robert  
LaRose, Richard  
MacIntyre, Doris  
McGough, Tim  
Milligan, Robert  
Reidy, Frank  
Wheeler, Robert

Belvin, William  
Calawa, Leon, Jr.  
D'Allesandro, Lou  
Dwyer, Paul, Sr.  
Flora, Kathleen  
Golding, William  
Hall, Betty  
Holt, David  
Konys, Christine  
Leishman, Peter  
McCarthy, William  
Melcher, Harold  
Murphy, Robert  
Sargent, Maxwell  
White, Donald

**MERRIMACK**

Anderson, Eric  
Dunn, Miriam  
Jacobson, Alf  
Lockwood, Robert  
Reardon, Tara  
Whalley, Michael

Burney, Carol  
Feuerstein, Martin  
Langer, Ray  
Morrill, Olive  
Seldin, Gloria  
Yeaton, Charles

Daneault, Gabriel  
Gile, Mary  
Larrabee, David  
Nichols, Avis  
St. Cyr, Gerard

DeStefano, Stephen  
Hess, David  
Leber, William  
Pfaff, Terence  
Wallner, Mary Jane

**ROCKINGHAM**

Abbott, Dennis  
Christie, Andrew, Jr.  
Dolan, Richard  
Fesh, Robert  
Frechette, Joseph  
Katsakiores, George  
Langley, Jane  
Major, Norman  
Norelli, Terie  
Pantelakos, Laura  
Schanda, Frank  
Vaughn, Charles

Arndt, Janet  
Clark, Martha  
Dowd, Sandra  
Flanders, David  
Griffin, Mary  
Katsakiores, Phyllis  
Langone, John  
McCarthy, John, Jr.  
Nowe, Ronald  
Pitts, Jacqueline  
Simmons, John Anthony  
Verani, Giovanni

Belanger, Ronald  
Cooney, Richard  
Downing, Michael  
Flanders, John, Sr.  
Henderson, Warren  
Kelley, Jane  
Letourneau, Robert  
Mikowski, Walter  
Noyes, Richard  
Rabideau, Marie  
Stone, Joseph  
Welch, David

Case, Margaret  
Dearborn, Bruce  
Felch, Charles, Sr.  
Francoeur, Sheila  
Kane, Cecelia  
Kobel, Rudolph  
Lovejoy, Marian  
Millard, Ralph  
Packard, Sherman  
Sabella, Norma  
Tufts, J. Arthur

**STRAFFORD**

Brennan, William  
Heon, Richard  
Rollo, Michael  
Torr, Ann  
Wall, Janet

Callaghan, Frank  
Kaen, Naida  
Smith, Marjorie  
Torr, Franklin

Cossette, Larry  
Keans, Sandra  
Spear, Barbara  
Tsiros, William

Dunlap, Patricia  
McKinley, Robert  
Taylor, Kathleen  
Vachon, Dennis

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Leone, Richard	Lindblade, Eric	Palmer, Lorraine
Robb-Theroux, Amy	Schotanus, Merle	Wiggins, Celestine	

**NAYS 63****BELKNAP**

Boyce, Robert	Clark, Charles	Laflam, Robert	Rice, Thomas, Jr.
Rosen, Ralph			

**CARROLL**

Babson, David, Jr.

**CHESHIRE**

Meador, David	Robertson, Timothy
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**COOS**

None

**GRAFTON**

Alger, John	Cobbin, Philip	Hinman, Harry	Lovett, Sidney
Mirski, Paul	Weber, Phil	Williams, William, Jr.	

**HILLSBOROUGH**

Arnold, Thomas, Jr.	Batula, Peter	Buckley, Raymond	Carlson, Donald
Clegg, Robert, Jr.	Daigle, Robert	Holley, Sylvia	Jean, Loren
Lefebvre, Roland	Leonard, Peter	Letendre, Evelyn	Luebker, Bernard
MacGillivray, Jeffrey	Marcinkowski, Michael	McRae, Karen	Murch, George
O'Rourke, Thomas	Riley, Frances	Rowe, Robert	Vaillancourt, Steve
Welch, Donald			

**MERRIMACK**

Adams, Stephen	Brown, Mary	French, Barbara	Hoadley, Elizabeth
Lamach, Bernard	Lavoie, Gerard		

**ROCKINGHAM**

Beaulieu, Jon	Camm, Kevin	Dalrymple, Janeen	Dodge, Robert
Gibbons, Paul	McKinney, Betsy	Raynowska, Bernard	Sapareto, Frank
Stickney, Nancy	Stritch, C. Donald	Syracusa, Anthony	Varrell, Thomas
Weyler, Kenneth			

**STRAFFORD**

Bickford, David	DeChane, Marlene	Hemon, Roland	McCann, William, Jr.
Pelletier, Arthur	Pelletier, Marsha	Twardus, Joseph	

**SULLIVAN**

Adler, Rudolf

and the report was adopted.

**HB 1392, relative to student drivers. OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This legislation is the result of a study directed by HB 695, Chapter 154 from the 1997 session. This simple change in when a student may start driver education will make a significant improvement over current law. Currently students may start driver education at age 15 ½ years old, complete the course in 5 or 6 weeks, then wait four and half months until their 16<sup>th</sup> birthday to receive their license without the benefit of further behind the wheel experience. This has proven to be a very fatal error in the law. The amendment



clarifies the date a student may start an approved driver education course, two months before his or her 16<sup>th</sup> birthday. A teen may still start learning to drive with a parent at age 15 ½, the purpose of this legislation is to have teens complete their formal driver education as close to their 16<sup>th</sup> birthday as possible. Vote 16-0.

### Amendment (0472h)

Amend RSA 263:19, II as inserted by section 1 of the bill by replacing it with the following:

**II.** An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training, in accordance with rules adopted pursuant to RSA 541-A, published jointly by the commissioner of education and the commissioner of safety, such standards to be not less than those presently required. *Behind the wheel driver training may continue upon completion of classroom instruction. A person may not begin an approved driver education course until 2 months before the person has reached 16 years of age.*

### AMENDED ANALYSIS

This bill provides that a person may not begin an approved driver education course until 2 months before the person has reached 16 years of age and allows behind the wheel driver training after the completion of classroom instruction.

Adopted.

Report adopted and ordered to third reading.

### RECONSIDERATION

Having voted on the prevailing side, Rep. Moynihan moved that the House reconsider its action where by it voted Inexpedient to Legislate on **HB 1296-FN**, allowing race track licensees to offer telephone and account wagering, and spoke in favor.

Rep. DePecol spoke in favor.

Rep. Henderson spoke against.

Reconsideration failed.

### RESOLUTION

Rep. Wheeler 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, March 5, 1998 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 1235-FN**, relative to the small business innovation research program.

**HB 1474**, establishing a study committee on a unified corrections system.

**HB 1247**, establishing a study committee relative to access to public school facilities and programs by home school students.

**HB 1475**, relative to revising certain programs within the postsecondary education commission.

**HB 1493-L**, relative to clarifying school district liability for certain placements of children pursuant to juvenile proceedings.

**HB 1661**, relative to eligibility for postsecondary education tuition grants.

**HB 1115-L**, relative to boundary markers.

**HB 1170-FN**, allowing municipalities to designate areas and conditions for the placement of political advertising and relative to the removal of improperly placed political advertising.

**HB 1333-FN-L**, relative to the erection of voting booths at polling places.

**HB 1444**, requiring a special primary for all parties if there are at least 2 candidates for election from one party.

**HB 1488**, amending the definition of candidate and requiring additional reporting under the political expenditures and contributions act.

**HB 1222**, increasing the membership of the Christa McAuliffe planetarium commission.

**HB 1233**, relative to administrative attachment of regulatory boards and commissions.

**HB 1245**, relative to the management of New Hampshire retirement system funds by the board of trustees.

**HB 1262-FN-A**, relative to authority for the board of medicine to employ a medical review sub-committee administrator.

**HB 1497**, establishing a committee to study adoption of a single factor method of apportionment for business taxation purposes.

**HB 1555-FN**, relative to including revocable trusts for medicaid estate recovery purposes.

**HB 1396-FN**, relative to licensure and training programs for emergency medical services instructor/coordinators.

**HB 1158**, changing the process for designating a part-time district court justice a full-time district court justice.

**HB 1347**, preserving relationships between siblings who are separated as a result of court ordered out-of-home placements.

**HB 1406**, increasing the maximum amount for a small claim action.

**HB 1500**, relative to powers of appointment.

**HB 1130-FN**, relative to the distribution of beverages.

**HB 1313**, requiring brew pub licensee's to report delinquencies by wholesale distributors.

**HB 1395-L**, relative to property tax exemptions for water and pollution control facilities.

**HB 1480-L**, allowing a city or town to petition the liquor commission to revoke the liquor license of a licensee located within the city or town.

**HB 1146**, relative to the use of capital reserve funds for multiple payments of lease/purchase agreements.

**HB 1138-FN-L**, relative to New Hampshire route 111.

**HB 1208**, authorizing the housing finance authority to sell or transfer certain land.

**HB 1284-FN-A**, directing the liquor commission to study and investigate the location of a new liquor store and possible welcome center and New Hampshire products store in the city of Keene.

**HB 1531-FN**, relative to reimbursement for removal of petroleum storage facilities from the oil pollution control fund.

**HB 1223-FN**, repealing the alternative fuel motor vehicle law.

**HB 1527**, relative to unauthorized switching of telecommunications or energy-related service providers.

**HJR 23**, supporting the state's petition to the federal Environmental Protection Agency to reduce interstate transport of air pollutants from other states, requesting that Congress make certain changes in the federal Clean Air Act, and requesting that the Environmental Protection Agency enforce certain existing provisions of the Clean Air Act regarding interstate transport of air pollution.

**HCR 25**, requesting the U.S. Postal Service to issue a stamp commemorating the 200<sup>th</sup> anniversary of the United States naval shipyards.

**HB 1114**, relative to registration procedures for the use of antique plates.

**HB 1198**, relative to the registration of vehicles owned by trusts.

**HB 1201-FN**, relative to the use of motor vehicle repair plates.

**HB 1345**, requiring drivers of motor vehicles to obey school crossing guards.

**HB 1605**, establishing a study committee on marine patrol services.

**HB 1481**, granting rulemaking authority to the executive director of fish and game to determine the legal length of lobsters.

**HB 1336**, defining medical necessity for managed care insurance purposes.

**HB 1540-FN**, allowing non-banks to establish cash dispensing machines.

**HB 1526-FN-A**, requiring the department of education to publish an annual report of special education statistics.

**HB 1156-FN-L**, relative to primary elections and absentee ballots.

**HB 1204**, relative to political party expenditures.

**HB 1514-FN**, setting the biennial rate for the medicaid enhancement tax.

**HB 1631-FN**, extending the moratorium on new nursing home beds.

**HB 1338-FN-A**, establishing a house study committee to examine the adoption of articles 41, 72-a and 73-a of the second part of the New Hampshire constitution.

**HJR 24**, supporting the initiative to re-elm U.S. Route 1 and urging the department of transportation, the office of state planning, and affected local communities, businesses, residents, and conservation groups to join in and cooperate with voluntary efforts to once again line U.S. Route 1 with elm trees.

**HB 1443**, relative to the time frame for the department of environmental services to act on certain wetlands applications.

**HB 1368**, relative to distribution services and metering and billing in electric utility restructuring.

**HB 1664-FN**, authorizing salary increases for state law enforcement officers.

**HB 1392**, relative to student drivers.

### ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 84.  
Rep. Pfaff for the Committee

### UNANIMOUS CONSENT

Reps. Jacobson, Dunn, Tufts, Fuller Clark and Mirski addressed the House.

Rep. Lockwood moved that the remarks made by Rep. Jacobson be printed in the Journal.

Adopted.

Rep. Jacobson. Thank you, Madam Speaker. I apologize for doing this. I thought maybe it would happen tomorrow. Tomorrow is the 53<sup>rd</sup> anniversary of the Battle of Iwo Jima. Someone asked me why I make these little speeches. The answer is because of love and affection for all of those who fought with me and those who never had the great joys, the great experiences of life that I have enjoyed for these 53 years. I am compelled to get up and to remember these brave men, thousands of them, who never came back but they gave their lives in the interest of freedom for all of us. Thank you.

Rep. Burling moved that the remarks made by Rep. Dunn be printed in the Journal.

Adopted.

Rep. Dunn: Thank you, Madam Speaker. I also apologize for the lateness of the hour, although it is not my fault either. Rep. Jacobson mentioned an historic event and I would like to briefly mention another historic event which is the 1998 Olympics; the women's Team USA ice hockey team which won the gold and I'm sure that you are all aware of it. I would like to use a four-letter word, Madam Speaker, with your permission, because sometimes a word is very important. The word is spelled, G-I-R-L. If you listened to the male sportscasters on this hockey game, you'll see how hard they tried not to use this no-no word. I have no problem, whatsoever. I looked at the roster last night of 25 players and counted nine from New Hampshire. That is almost one-third. Not only is that unusual, I think it is quite incredible. There are two from Dartmouth College. There are four from UNH and there are three homegrown New Hampshire women, or girls, on that team. I thought that without New Hampshire there would be no gold medal. There might not even be a Team USA for women's hockey. The three women who are on that team are from three towns with which I have a particular personal affiliation and I have never met. Tricia Dunn, who is not a relative in any way, is from Derry. I spent two fine years at Pinkerton Academy in Derry. The second is Katie King from the town of Salem. I lived in Windham in the 1940s and we used to go the race track, my doctor dad and I, at 4:00 in the morning to watch the thoroughbreds exercise. That was before pacers and trotters came in and it was before Route 93 ever came in. And last, but not least, I am a Concord representative and incidentally, represent Tara Mounsey. I have been a Concord resident since 1966. I would like to suggest, Madam Speaker, that this House consider a New Hampshire House party. I don't mean a slumber party, but I mean a non-partisan, non-sexist party. I think that when the girls return home from their week in Hawaii, they may be available for some kind of a celebration. I have not polled the Concord Delegation to see if we would team up with the Derry and the Salem Delegations to work on some kind of a celebration. Some of you may or may not realize that the Concord Delegation involves 13 representatives here, all girls. I did not split out the Derry and Salem Delegations by sex, but I do know that a former classmate of mine at Pinkerton Academy is a Derry delegate, and George Katsakiores is no girl. We could also invite the Governor, she's a girl, and we have a Senator for this district who is a girl on the other side. I only hope that perhaps we could work together. This is a team to be really proud of and the State of New Hampshire is responsible for the gold medal that Team USA has won. Thank you very much.



**RECESS MOTION**

Rep. Henderson moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 5:45 p.m.

**RECESS**

(Rep. Mock in the Chair)

**RESOLUTION**

Their introduction having been approved by the Rules Committee:

Rep. Gene Chandler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1000, 1665 and 1666, 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****First, second reading and referral**

**HB 1000-FN-L**, relative to a 10-year transportation plan and authorizing construction on the Spaulding Turnpike. (G. Chandler, Carr 1: Public Works and Highways)

**HB 1665-FN-L**, relative to the Manchester airport authority security force. (Dodge, Rock 4; Camm, Rock 17; Dolan, Rock 12; Francoeur, Dist 14; Whipple, Dist 8: Municipal and County Government)

**HB 1666-FN-A-L**, establishing a new statewide tax on land values to fund a constitutionally adequate education. (Noyes, Rock 26: Finance)

**RECESS**

(Rep. Amanda Merrill in the Chair)

**RESOLUTION**

Their introduction having been approved by the Rules Committee:

Rep. Wheeler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1667 and 1668, 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****First, second reading and referral**

**HB 1667**, to place a question concerning electronic gaming machines to the voters on the November 1998 state general election ballot. (Guay, Coos 6; Thomas, Belk 3; Cooper, Carr 2; Hill, Graf 1; Horton, Coos 3; F. King, Dist 1: Education)

**HB 1668-FN-A-L**, establishing a personal income tax and a statewide school property tax to fund public education and making an appropriation therefor. (Below, Graf 13; Hager, Merr 18; W. Williams, Graf 3; Feuerstein, Merr 13; Allen, Hills 1: Finance)

**RESOLUTION**

Rep. Wheeler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 91, 140, 191, 210, 302, 303, 305, 307-309, 313, 320, 322, 324, 327, 328, 336-338, 340, 344, 348, 357, 365, 366, 370, 372, 377, 391, 399, 402, 403, 405, 412, 428, 431, 433, 447, 452, 462, 476, 483, 486 and 495 and SCR 6 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 AND SCR

### First, second reading and referral

- SB 91-FN**, relative to the water well board. (Executive Departments and Administration)
- SB 140**, relative to the obligations of joint owners to the nuclear decommissioning finance fund. (Science, Technology and Energy)
- SB 191**, relative to mental health providers. (Executive Departments and Administration)
- SB 210-FN**, relative to an exemption from licensing for day care in private homes. (Health, Human Services and Elderly Affairs)
- SB 302-FN-L**, naming certain portions of U.S. Route 3 after Trooper Leslie Lord and Trooper Scott Phillips and naming a portion of New Hampshire Route 28 after Officer Jeremy Charron. (Public Works and Highways)
- SB 303-FN-L**, changing the name of Blue Mountain to Bunnell Mountain. (Public Works and Highways)
- SB 305-FN**, naming the bridge over the Souhegan River on the F.E. Everett turnpike in the town of Merrimack, New Hampshire, Merrill's Marauders bridge. (Public Works and Highways)
- SB 307**, relative to the display of the POW-MIA flag. (State-Federal Relations and Veterans Affairs)
- SB 308**, relative to the board of directors of Delta Dental Plan of New Hampshire, Inc. (Commerce)
- SB 309**, relative to distributors and suppliers of bingo equipment. (Local and Regulated Revenues)
- SB 313**, requiring compliance with the Military Selective Service Act as a condition to receiving certain state education and employment benefits. (State-Federal Relations and Veterans Affairs)
- SB 320**, relative to notice by a state agency to certain persons of proposed rulemaking activity. (Executive Departments and Administration)
- SB 322**, repealing the prospective repeal relative to an exemption for certain rules regarding the radiological health program from drafting and numbering requirements of the rulemaking process. (Executive Departments and Administration)
- SB 324-FN**, relative to entertainers on premises of an on-sale liquor licensee and relative to penalties for manufacture, sale, and possession of false identification. (Local and Regulated Revenues)
- SB 327-L**, allowing local political subdivisions to adopt biennial budgets. (Municipal and County Government)
- SB 328**, allowing liquor and beverage licensees and other liquor and beverage industry members not licensed in New Hampshire to furnish draft beer equipment and representatives to dispense and promote their beverages at licensed beer festivals. (Local and Regulated Revenues)
- SB 336**, relative to small group and individual insurance. (Commerce)
- SB 337**, relative to the order of distribution of claims from an insurer's estate. (Commerce)
- SB 338**, relative to special meetings. (Municipal and County Government)
- SB 340**, relative to the filing fee for securities in a combined prospectus offered for sale in New Hampshire by a mutual fund. (Commerce)
- SB 344**, clarifying requirements regarding certain trusts. (Commerce)
- SB 348**, relative to property left behind by tenants. (Judiciary and Family Law)
- SB 357**, establishing a committee to study insurance coverage for infertility. (Commerce)
- SB 365**, relative to including the upper and lower Merrimack Rivers, the Lamprey River, the Swift River, and the mainstream and north branch of the Contoocook River under the shoreland protection act and deleting the deadline for local approval of the designation of the Exeter River as a rural river. (Resources, Recreation and Development)
- SB 366**, establishing a study committee to examine the purging of archaic laws. (Legislative Administration)
- SB 370-L**, establishing an international trade corridor and border crossing planning and development advisory committee. (Commerce)
- SB 372**, relative to forms and rates for large scale commercial insurance policies. (Commerce)
- SB 377**, authorizing the organization of merchant banks to provide equity financing and related services to small businesses and exempting certain New Hampshire banks from the aging requirement of the interstate acquisition and merger laws. (Commerce)
- SB 391-FN-A**, exempting personal property which is subject to taxation under the legacies and successions tax from the 2 percent tax on transfers of personal property of nonresident decedents. (Finance)
- SB 399**, correcting a reference in the insurance laws. (Commerce)

- SB 402*, extending the reporting date for the pet overpopulation committee. (Environment and Agriculture)
- SB 403*, relative to mooring on Spofford Lake. (Resources, Recreation and Development)
- SB 405-FN*, relative to a specific time period by which the state is required to have an audited financial statement available to the public. (Finance)
- SB 412*, designating skiing as the official New Hampshire sport. (Resources, Recreation and Development)
- SB 428-FN*, relative to firearm lock boxes in state facilities. (Criminal Justice and Public Safety)
- SB 431-FN-A*, establishing a statewide database licensing program of the New Hampshire automated information system and making an appropriation therefor. (Executive Departments and Administration)
- SB 433-FN*, relative to computing average weekly wages for the purpose of determining workers' compensation benefits. (Labor, Industrial and Rehabilitative Services)
- SB 447-FN*, exempting siblings of a decedent who are unable to engage in substantial gainful employment from the legacies and successions tax. (Finance)
- SB 452-FN-L*, allowing students to choose alternatives to dissection as part of a course exercise. (Education)
- SB 462-FN*, relative to any general fund surplus at the close of the current biennium. (Finance)
- SB 476-FN*, relative to ambulatory surgical facilities. (Health, Human Services and Elderly Affairs)
- SB 483-FN*, exempting certain businesses from the electronic filing requirement under the meals and rooms tax. (Finance)
- SB 486*, relative to old age and survivors' insurance. (Executive Departments and Administration)
- SB 495*, relative to the university system study committee. (Education)
- SCR 6*, urging Congress to establish a centralized registry for security interests in intellectual property to be located in New Hampshire. (State-Federal Relations and Veterans Affairs)

## RECESS

### (Rep. Lozeau in the Chair)

Their introduction having been approved by the Rules Committee:

Rep. Gene Chandler offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1669 and 1670 and Constitutional Amendment Concurrent Resolutions numbered 46 and 47, 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 AND CACRS

### First, second reading and referral

*HB 1669-FN-A-L*, adding a capital gains tax to the interest and dividends tax, and designating all revenues from the interest and dividends tax for funding education. (Almy, Graf 14; Finance)

*HB 1670-FN-A-L*, relative to a statewide school tax on income for purposes of funding a constitutionally adequate education and making an appropriation therefor. (Jacobson, Merr 2; French, Merr 3; Finance)

*CACR 46*, relating to the right of each educable child to an adequate education, and the proportionality and reasonableness of local taxes for education. Providing that the right of every child to an adequate education shall be enforced by appropriate legislation, that the state may delegate to its political subdivisions the duty to provide an adequate education, and that a tax imposed to implement such a delegated duty shall be proportional and reasonable. (G. Chandler, Carr 1; Carson, Rock 29; F. Riley, Hills 44; Finance)

*CACR 47*, relating to use of personal income taxes. Providing that the general court shall use net revenues from personal income taxes exclusively for educational purposes. (Hager, Merr 18; Below, Graf 13; Allen Hills 1; W. Williams, Graf 3; Feuerstein, Merr 13; French, Merr 3; Finance)

## RECESS



(Rep. MacNeil in the Chair)

### RESOLUTION

Their introduction having been approved by the Rules Committee:

Rep. Richardson offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1671, through 1673, 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

#### First, second reading and referral

*HB 1671-FN-A-L*, establishing a securities transfer excise tax to meet state obligations in funding education. (McCann, Straf 11; A. Pelletier, Straf 12; Hemon, Straf 11: Finance)

*HB 1672-FN-A-L*, replacing the business profits tax and the business enterprise tax with a reform business tax and establishing a committee to recommend a rate for the reform business tax. (Lovett, Graf 6: Finance)

*HB 1673-FN-L*, requiring the state board of education to establish a uniform salary schedule for public school teachers. (Melcher, Hills 11: Education)

### RECESS

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 6**

Thursday, March 5, 1998

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, Reverend Lynne Hubley from the First Baptist Church in Bradford.

God of Truth and Wisdom: We come before You today seeking Your presence in our midst. May that presence provide strength and clarity, and direction to these representatives who have many tasks and challenges before them. Enable these particular leaders in this session to use the gifts and the power that have been given to them wisely and for the common good of the people whom they are serving. May their work and efforts be fruitful and may they be unified, despite their differences, as they strive to work as one body. We pray to You, O God, as one who hears all our prayers. Amen.

Rep. Cecelia Kane led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. George Brown, Ferguson, Robert Foster, Gage, Healy, Robert Johnson, Nowe, O'Rourke, Pantelakos, Pepino, Rubin, Russell, Paul Taylor and Thulander, the day, illness.

Reps. Briefs, Clegg, Coes, Flint, MacAuslan, Morello, Robb-Theroux, Simmons and Woods, the day, important business.

Rep. Hunter, the day, death in the family.

Reps. Burney, Carney and Carson, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Teachers, chaperons and students of the Bicentennial School in Nashua, guests of the Nashua Delegation. Christine Pina, guest of Reps. Nordgren and Weatherspoon. Students of the 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> grades at the Mountain Shadow School in Dublin, their teacher Casey Jones and Head of the school, Nancy Brighton, guests of Rep. Peterson. Greg, Cathy and Megan Kettmann, guests of Rep. Daniels. Andy Martel, John Lyons, Theresa Chabot, Lloyd Basnar, Linda Gerrish and Michael Quinlan, guests of Rep. Vaillancourt. Todd Ptak, guest of Rep. Belvin. The Sunapee High School Senior Class, Mr. Jack Iacopino and Mr. Frank Hammond, guests of Rep. Leone. Pat Champagne, guest of Rep. Haley. Don Madore, guest of Rep. McCarty.

**SPECIAL GUEST**

Megan Kettmann, winner of the Robert Frost Youth Poet Award, guest of the House.

**COMMUNICATION**

March 4, 1998

Karen Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Hillsborough 47, Ernest E. Chabot, r, Manchester (146 Cartier St.) 03012

William M. Gardner, Secretary of State

**RESOLUTION**

Rep. Wheeler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 73, 304, 311, 315, 342, 349, 353, 394, 467, 484, 493 and 497, 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 73-FN**, providing that telecommunications poles and lines be subject to the property tax. (Local and Regulated Revenues)

**SB 304**, allowing juvenile case and court records to be unsealed in certain cases. (Criminal Justice and Public Safety)

**SB 311**, establishing the Uniform International Wills Act. (Judiciary and Family Law)

**SB 315**, relative to divorce proceedings. (Judiciary and Family Law)

**SB 342**, relative to capital appropriations for the Glenclyff home for the elderly. (Public Works and Highways)

**SB 349**, enabling a town or school district moderator to postpone the deliberative session of a meeting because of a weather emergency. (Municipal and County Government)

**SB 353-FN**, relative to official ballot procedures. (Municipal and County Government)

**SB 394**, providing for revocation of wills by divorce. (Judiciary and Family Law)

**SB 467-FN**, requiring the department of transportation to construct sound barriers along certain streets in Nashua. (Public Works and Highways)

**SB 484**, prohibiting triple-trailer trucks from the ways of this state. (Transportation)

**SB 493**, establishing a commission to determine the feasibility of a new public-private partnership to conserve New Hampshire's priority natural, cultural, and historical resources. (Resources, Recreation and Development)

**SB 497**, relative to disbursement of tobacco settlement funds received by the state. (Finance)

## SENATE MESSAGES

### CONCURRENCE

**HCR 12**, a resolution urging the United States Senate to consider the Convention on the Elimination of All Forms of Discrimination Against Women.

**HB 1664-FN**, authorizing salary increases for state law enforcement officers.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 517**, relative to aggravated felonious sexual assault. (Amendment printed SJ 2, 1/29/98)

Rep. David Welch moved that the House concur.

Adopted.

**HB 1119**, relative to the town line between the towns of Groton and Plymouth, New Hampshire. (Amendment printed SJ 4, 2/19/98)

Rep. Metzger moved that the House concur.

Adopted.

### ENROLLED BILL AMENDMENT

**SB 96-FN**, relative to the priority of charges in probate of estates. (Amendment printed SJ 5, 3/5/98)

Adopted.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 648, 1119 and 1664.

Rep. Pfaff, Sen. Barnes for the Committee

### RESOLUTION

Their introduction having been approved by the Rules Committee:

Rep. Wheeler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 1674 and Constitutional Amendment Concurrent Resolution numbered 48, 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 BILL AND CACR

#### First, second reading and referral

**HB 1674-FN-A-L**, establishing a proportional statewide property tax to provide equal per student funding for state-mandated education and funding for kindergarten and making an appropriation therefor. (Sapareto, Rock 13; Allen, Hills 1; Sabella, Rock 13; Wallin, Merr 15; Dodge, Rock 4; Finance)



**CACR 48**, relating to restricting any statewide property tax to education funding. Providing that all revenues resulting from a statewide property tax shall be used exclusively for elementary and secondary education. (Sapareto, Rock 13; Allen, Hills 1: Finance)

## COMMITTEE REPORTS

### CONSENT CALENDAR

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

**HB 1178**, relative to automobile leasing, removed by Rep. William McCarthy.

**HB 1529**, reinstating the corporate charter of Hampstead Garage, Inc, removed by Rep. Hunt.

**HB 1598-FN**, prohibiting the use of social security numbers except for taxation purposes and providing certain rights to victims of credit card fraud, removed by Rep. Donald White.

**HB 1654**, relative to consumer credit solicitations, removed by Rep. Sapareto.

**HB 1327**, clarifying enforcement when structures such as manufactured housing are relocated without payment of taxes, removed by Rep. Burling.

**HB 1559**, legalizing the possession and cultivation of marijuana for medicinal purposes, removed by Rep. Robertson.

**HB 1465**, relative to eligibility for athletic scholarships with the university system of New Hampshire, removed by Rep. Fesh.

**HB 1371**, requiring the collection of certain data on children and parents in the state case registry for use in child support enforcement, removed by Rep. Kurk.

**HB 1445**, relative to nonpublic sessions and relative to attorneys in certain proceedings, removed by Rep. Arthur Pelletier.

**HB 1565-FN-A**, establishing a joint legislative fiduciary oversight committee and making an appropriation therefor, removed by Rep. Jacobson.

**HB 1107-L**, relative to the rate setting duties of the department of revenue administration, removed by Rep. Dodge.

**HB 1136**, changing the appointing authority for board of tax and land appeals members from the supreme court to the governor and council, removed by Rep. Leishman.

Consent Calendar adopted.

**HB 1147**, relative to corporate filings with the secretary of state. OUGHT TO PASS WITH AMENDMENT

Rep. David T. Mittelman for Commerce: This bill a) clarifies which corporate officers may submit an annual report and b) repeals an expired grandfather clause relative to trade name registrations. Vote 16-0.

### Amendment (0816h)

Amend the bill by replacing section 2 with the following:

2 New Subparagraph; Annual Report. Amend RSA 293-A:16.22(a) by inserting after subparagraph (5) the following new subparagraph:

(6) The signature of an officer, director, or any other person authorized by the board of directors to execute the annual report.

### AMENDED ANALYSIS

This bill allows an annual report to be executed by an officer, director, or any other person authorized by the board of directors of a corporation.

The bill also repeals an obsolete provision concerning the registration of trade names.

**HB 1153**, establishing a committee to study uninsured and underinsured persons who have diabetes. INEXPEDIENT TO LEGISLATE

Rep. Gregory G. Carson for Commerce: The committee is currently addressing, in general, all persons who are uninsured or underinsured with consideration of HB 1411. With the passage of legislation in the last two sessions, including that supplies counseling and services be covered, the committee has addressed the issues specific to diabetes. The committee will continue to look at other issues as they arise through HB 1411. Vote 12-0.

**HB 1165**, relative to the incorporation, management, branching and merger of banks. **OUGHT TO PASS WITH AMENDMENT**

Rep. David T. Mittelman for Commerce: This bill makes technical corrections and improvements to the banking laws. In essence, these changes clarify director duties, operating procedures and parity provisions. Vote 15-0.

**Amendment (0873h)**

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

1 New Section; Change in Control of Nondepository Financial Institution. Amend RSA 383:9 by inserting after section 9-g the following new section:

383:9-h Change in Control of Nondepository Financial Institution. No change in control of a nondepository financial institution shall occur without the prior approval of the bank commissioner. The term "change of control" shall mean the direct or indirect acquisition by a person or group of persons acting in concert of 10 percent or more of the beneficial ownership or control of the voting shares. The person or group seeking to acquire control of the nondepository financial institution shall submit an application to the bank commissioner for approval which shall contain such financial, business, experience and other information as the bank commissioner shall require to determine whether such person or group is suitable to exercise control of a nondepository financial institution. Upon receipt of a complete application, the bank commissioner may hold a hearing on such application and shall make a decision within 60 days after receipt of the application.

2 Payment of Cost of Examination. Amend RSA 383:11, II(a) as follows:

(a) From banks and credit unions. Each state-chartered savings bank, commercial bank, trust company, cooperative bank, building and loan association, credit union, Morris Plan bank, or similar institution required to be examined under the provisions of RSA 383:9 shall be charged and pay such proportion of said balance applicable to such institutions under the banking department's program appropriation unit designation, as its total assets bear to the total assets of all such institutions as shown by their reports to the commissioner as of June 30 preceding such charges, except that only ~~50~~ 25 percent of the fiduciary assets shall be used in the calculation of the total assets of each institution and all such institutions.

3 Responsibilities of Directors or Trustees and Officers; Qualifications; Elections. RSA 384:3 is repealed and reenacted to read as follows:

383:3 Responsibilities of Directors or Trustees and Officers; Qualifications; Elections.

I. The governance of a state-chartered bank or savings association shall be the responsibility of the board of directors or trustees. The board shall establish the policies and procedures for the conduct of the affairs of the bank or savings association and shall supervise the affairs of the bank or savings association to ensure that such policies and procedures are being adhered to by its officers and employees and that its operations are in compliance with federal and state laws and regulations. Neither the board nor individual directors or trustees may delegate their duty to govern the bank or savings association.

II. Each director or trustee of a state-chartered bank or savings association shall discharge his or her duties under the same standards that exist for a director of a business corporation under RSA 293-A:8.30 and RSA 293-A:8.31, except that:

(a) A director or trustee of a bank or savings association which serves as a fiduciary shall be subject to a fiduciary duty when he or she is acting on matters related to the bank or savings association's fiduciary activities; and

(b) A trustee of a mutual savings bank or savings association shall be subject to a fiduciary duty when he or she is acting on matters related to the proprietary interests of depositors.

III. The president shall be responsible for carrying out the policies and procedures of the board and managing the day-to-day affairs of the bank or savings association and shall be accountable to the board of directors or trustees in the performance of his or her duties. Each officer with discretionary authority shall discharge his or her duties under the same standards that exist for an officer of a business corporation under RSA 293-A:8.42, except that any such officer of a bank or savings association which serves as a fiduciary shall be subject to a fiduciary duty when he or she is acting on matters related to the bank or savings association's fiduciary activities.

IV. Notwithstanding any other provision of law to the contrary, a state-chartered bank or savings association shall have at least 5 directors or trustees. A majority of the directors or trustees shall be

required to be citizens of and residents in the state of New Hampshire, except that this requirement shall not be applicable to the directors or trustees of a bank or savings association which is wholly owned by an out-of-state bank holding company within the meaning of RSA 384:57, VI.

4 Oath of Office. RSA 384:5 is repealed and reenacted to read as follows:

384:5 Election; Oath. Officers, directors and trustees shall be elected as frequently as the charter or bylaws of the bank or savings association may require, but not less than once every 3 years, and they shall hold office until others are elected and qualified. All officers, directors and trustees, upon election, shall be sworn to the faithful discharge of their duties, except that they shall be required to take an oath of office only on the first occasion of their election or appointment and shall not be required to take any such oath thereafter.

5 Limitation. Amend the introductory paragraph of RSA 384:5-a, I to read as follows:

I. No person shall at the same time serve as a trustee, director, or [~~officer~~] *senior executive officer who exercises significant influence over, or participates in, major policy decisions*, of more than one of the following types of financial institutions *if such financial institutions are doing business in the same assessment area as delineated under the federal Community Reinvestment Act, 12 USC 2901 et. seq., and regulations adopted thereunder*:

6 Limitation. Amend RSA 384:5-a, II to read as follows:

II. The provisions of paragraph I shall not apply:

(a) With respect to any persons who hold such positions in more than one of such financial institutions as of July 1, 1971, except where such persons are elected, appointed, re-elected or re-appointed subsequent to June 30, 1971;

(b) With respect to any person serving as trustee, director, or officer of more than one affiliate of a bank holding company as defined in RSA 384-B:1, IV and V; [~~or~~]

(c) With respect to any person serving as a trustee, director, or officer of:

(1) [~~Any one of a mutual savings bank, a guaranty savings bank, or a cooperative bank;~~] *An institution which does not engage in a trust business;* and

(2) A [~~limited~~] trust company which does not make [~~real estate mortgage~~] loans and does not accept [~~savings~~] deposits [~~from natural persons~~]; *or*

(d) *With respect to any person who is serving in a capacity that is permitted under federal laws or regulations governing depository institution management interlocks.*

7 Meetings; Records. Amend RSA 384:7 to read as follows:

384:7 Meetings; Records. The trustees or directors shall meet *on a regular basis* as often as [~~once each month~~] *necessary but not less than 9 times per year*; and at such [~~monthly~~] meetings the work for the preceding [~~month~~] *period* of the investment committee, and of all other committees appointed by the trustees or directors, shall be submitted to the board for examination. A record of the meeting shall be kept, showing the names of the trustees or directors present. A majority of the board of trustees or directors shall be a quorum for the transaction of business. *The board of trustees or directors shall adopt a policy providing standards for determining the number of absences by a director or trustee from meetings of the board or the committees which shall result in a declaration of dereliction of duty by the board and its removal of the director or trustee from office.*

8 New Sections; Action Without Meeting; Participation in Meetings. Amend RSA 384 by inserting after section 7 the following new sections:

384:7-a Action Without Meeting.

I. Unless the charter or bylaws provide otherwise, any action to be taken at a meeting of the board of directors or trustees or committee may be taken without a meeting if the action is taken by unanimous consent of all members of the board or committee. The action shall be evidenced by one or more written consents describing the action taken, signed by each director or trustee or other committee member, and included in the minutes or filed with the corporate records reflecting the action taken.

II. Action taken under this section is effective when the last director or trustee or committee member signs the consent, unless the consent specifies a different effective date.

III. A consent signed under this section has the effect of a meeting vote and may be described as such in any document.

384:7-b Participation in Meetings. Unless the charter or bylaws provide otherwise, a board of directors or trustees may permit any or all directors or trustees to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all



of the directors or trustees participating may simultaneously hear each other during the meeting. A director or trustee participating in a meeting by this means is deemed to be present in person at the meeting. However, a director or trustee shall be physically present at a majority of the meetings such director or trustee attends.

9 Branch Offices. RSA 384-B:2, IV is repealed and reenacted to read as follows:

IV. In making the decision on each application, the board shall take into consideration the following factors:

- (a) The financial history and condition of the bank or banks concerned including the adequacy of its or their capital funds;
- (b) Its or their prospects; and
- (c) The character of the management.

10 New Section; Exceptions. Amend RSA 384-B by inserting after section 2-d the following new section:

384-B:2-e Exceptions. Notwithstanding any provision to the contrary in RSA 384-B:2, I, III, IV and V and 384-B:2-c, II, a bank which is well-capitalized under applicable federal rules and regulations and has a composite camel rating of at least 2 as a result of its most recent examination by either its federal regulatory authority or the bank commissioner, may open a new branch if it does not exceed 20 percent of the dollar volume of the total deposits, time and savings, and demand of all banks, national banks, and federal savings banks and loan associations in the state as determined by the board as provided in RSA 384-B:2, I, by giving written notice to the bank commissioner at least 30 days in advance of the opening of the new branch and by paying the fee required by RSA 384-B:2, III.

11 Incorporators. RSA 386-A:1 is repealed and reenacted to read as follows:

386-A:1 Incorporators. Except as provided in this paragraph, 10 persons may subscribe to articles of agreement in writing for the purpose of forming a mutual savings bank or a guaranty savings bank and may, upon compliance with the provisions of this chapter, become a corporation with all the powers and privileges and subject to all the duties, restrictions, and liabilities of either a mutual savings bank or a guaranty savings bank, as set forth in the general laws now or hereafter in force relating to such corporations. If the bank is being organized by a bank holding company as defined by the federal Bank Holding Act of 1956, as amended, or by a savings and loan holding company as defined by the federal Savings and Loan Holding Company Act, as amended, or in connection with a reorganization of a bank into a holding company structure, then only the holding company is required to subscribe to the articles of agreement.

12 Considerations. RSA 386-A:6 is repealed and reenacted to read as follows:

386-A:6 Considerations. Before acting on any petition, the board shall consider such evidence as may be presented by the petitioners and all other interested persons, firms and corporations, including members of the general public and shall keep a permanent record of such evidence. The petitioners shall submit to the board full information as to the identity and background of each person, firm, or corporation who has subscribed to 3 percent or more of the initial capital of the proposed bank, including information on whether such person, firm, or corporation held an equity interest of 3 percent or more in or served as a director or officer of a bank which has failed. In making its decision on each petition, the board shall not take favorable action unless it determines that the following are adequate:

- I. The proposed bank's capital structure.
- II. The earning prospects of the proposed bank.
- III. The character and general standing in the community of subscribers, the prospective directors, proposed officers and other employees, and other persons connected with the petition or to be connected with the proposed bank.

IV. The banking ability and experience of proposed officers and other employees.

13 Limitations of Investments. RSA 387:3, I is repealed and reenacted to read as follows:

I. Except as otherwise provided in this chapter, not exceeding 15 percent of capital funds shall be invested in the obligations or stock of any individual, partnership or corporation except public obligations, obligations of agencies of the United States as are designated by written ruling of the bank commissioner, loans authorized by RSA 387:4, IV and V, and liabilities for money borrowed to the extent that they shall be secured, covered, underwritten or protected as to principal and interest by guaranties, or by commitments or agreements to take over or purchase the same, made by or on behalf of any federal reserve bank, or the United States or the state of New Hampshire, or

any other state, or any department, bureau, board, commission or establishment of the United States, the state of New Hampshire, or any other state including any corporation wholly owned directly or indirectly by the United States, the state of New Hampshire, or any other state, for the performance of which guaranties, commitments or agreements the faith of the United States, the state of New Hampshire, or any other state is pledged. Notwithstanding the foregoing a bank having deposits of \$1,500,000 or less may invest, in loans authorized by RSA 387:4, I, an amount to any one borrower not exceeding 2-1/2 percent of deposits or 15 percent of capital funds, whichever is greater, but in no case in excess of \$22,500, unless in such case 15 percent of capital funds exceeds said latter sum, in which case the limit shall be 15 percent of capital funds for such bank.

14 General Lending Authority. RSA 387:26 is repealed and reenacted to read as follows:

387:26 General Lending Authority. Notwithstanding any other provision of law to the contrary, a savings bank shall be authorized to make any type of secured or unsecured loan to any person, including without limitation any business or governmental entity. With respect to secured loans, a savings bank shall adopt prudent policies establishing loan-to-value ratios suitable for the type of property securing the loans. With respect to all loans, a savings bank shall adopt prudent policies establishing the creditworthiness of borrowers. The total liabilities of any person for money borrowed from a savings bank which is insured by the Federal Deposit Insurance Corporation shall not exceed the limitation prescribed for national banks under federal laws and regulations. The bank commissioner may adopt rules, pursuant to RSA 541-A, interpreting the applicability of such federal rules and regulations to savings banks. This limitation shall not apply to securities described in RSA 387:6, I-IV nor to liabilities for money borrowed to the extent that they shall be secured, covered, underwritten, or protected as to principal and interest by guaranties, or by commitments or agreements to take over or purchase the same, made by or on behalf of any federal reserve bank, or the United States or the state of New Hampshire, or any other state, or any department, bureau, board, commission, or establishment of the United States or the state of New Hampshire or any other state including any corporation wholly owned directly or indirectly by the United States or the state of New Hampshire or any other state, for the performance of which guaranties, commitments, or agreements the faith of the United States or the state of New Hampshire or any other state is pledged.

15 Fiduciary Powers. Amend RSA 390:13 to read as follows:

390:13 Power to Act as Fiduciary.

I. Any trust company [~~or similar corporation~~], *bank, or savings association* incorporated under the laws of this state, or any national bank *or federally chartered savings association* duly authorized and located within the state, may be appointed trustee or executor in any case where an individual can be appointed, upon the same conditions and subject to the same control, requirements, and penalties.

II. Any trust company [~~or similar corporation~~], *bank, or savings association* incorporated under the laws of any other state, or any national bank *or federally chartered savings association* having its principal place of business in any other state may be appointed trustee or executor as provided in this section if the state in which such trust company [~~or similar corporation~~], *bank, or savings association* incorporated under the laws of that state, or any national bank *or federally chartered savings association* duly authorized and having its principal place of business in that state similarly allows any trust company [~~or similar corporation~~], *bank, or savings association* incorporated under the laws of this state, and any national bank *or federally chartered savings association* duly authorized and located within this state to serve as appointed trustees or executors in that state.

III. Any trust company *bank, or savings association* organized under the laws of New Hampshire may be authorized and empowered to act as receiver, assignee, or agent for any person, firm, association, or corporation, public or private; and in all proceedings in court or elsewhere in relation to such trusts or agencies, all accounts and other papers may be signed and sworn to in behalf of the [~~corporation~~] *trust company, bank, or savings association* by any officer duly authorized.

IV. Nothing contained in this section shall affect the rights of religious, charitable, and eleemosynary corporations organized under the laws of New Hampshire to act in fiduciary capacities, or extend to corporations *or other forms of business entities* other than trust companies [~~and similar corporations~~] *banks, and savings associations*, or [~~any~~] national [~~bank~~] *banks and federally chartered savings associations* duly authorized and located within the state, power to act in a fiduciary capacity.

16 Limitation on Fiduciary Powers. Amend RSA 390:15 to read as follows:



390:15 Limitation. The exercise of the powers granted herein is limited to ~~[the specified corporations located]~~ *trust companies, banks and savings associations incorporated under the laws of this state and national banks and federally chartered savings associations duly authorized and having their principal place of business* in this state, except as otherwise expressly provided in RSA 390:13.

17 Establishment and Use of Common Trust by Holding Company Affiliates. Amend RSA 391:1-a to read as follows:

391:1-a Establishment and Use of Common Trust by Bank Holding Company Affiliates. Any such bank or trust company which is an affiliate of a bank holding company, as defined by ~~[RSA 384-B:1, IV and V]~~ *the federal Bank Holding Act of 1956, as amended, or of a savings and loan company as defined by the federal Savings and Loan Holding Company Act, as amended*, may establish common trust funds for the purpose of furnishing investments to itself as fiduciary, to other affiliates of the same bank holding company qualified to act as fiduciary in this state as fiduciary, or to itself and others as co-fiduciaries, or to such other affiliates and others as co-fiduciaries. Subject to the limitations upon the investment of funds held in a fiduciary capacity in common trust funds contained in RSA 391:1, the bank or trust company affiliate of a bank holding company establishing such common trust funds and other affiliates of the same bank holding company qualified to act as fiduciary in this state may, as such fiduciary or co-fiduciary, invest funds which it lawfully holds for investment in interest in such common trust funds. The bank or trust company establishing, maintaining, or so utilizing any such common trust fund shall comply with and be subject to all of the provisions of this chapter as though such bank or trust company and the other banks or trust companies participating in such common trust fund or funds were one and the same corporate entity. Any person acting as a co-fiduciary with any such bank or trust company is hereby authorized to consent to the investment in interest in a common trust fund or funds created hereunder.

18 Incorporators. RSA 392:2 is repealed and reenacted to read as follows:

392:2 Incorporators. Except as provided in this paragraph, 10 persons may subscribe to articles of agreement in writing for the purpose of forming a trust company and may, upon compliance with the provisions of this chapter, become a corporation with all the powers and privileges and subject to all the duties, restrictions and liabilities of a trust company, as set forth in the general laws now or hereafter in force relating to such corporations. If a trust company is being organized by a bank holding company as defined by the federal Bank Holding Act of 1956, as amended, or by a savings and loan holding company as defined by the federal Savings and Loan Holding Company Act, as amended, or in connection with a reorganization of a trust company into a holding company structure, then only the holding company is required to subscribe to the articles of agreement.

19 General Powers. RSA 392:33 is repealed and reenacted to read as follows:

392:33 In General. Such corporation may be authorized and empowered to receive on deposit, storage or otherwise, money, securities, jewelry, documents, evidences of debt, and other personal property of a similar character, for safekeeping, upon such terms or conditions as may be agreed upon, which said deposits may be made by corporations and persons acting individually or in any fiduciary capacity; to collect and disburse the income and principal of said property when due; to negotiate, purchase, and sell stocks, bonds, and other evidences of debt; to do a general banking business; and to conduct a savings bank business. Notwithstanding any other provision of law to the contrary, a trust company shall be authorized to make any type of secured or unsecured loan to any person, including without limitation any business or governmental entity. With respect to secured loans, a trust company shall adopt prudent policies establishing loan-to-value ratios suitable for the type of property securing the loans. With respect to all loans, a trust company shall adopt prudent policies establishing the creditworthiness of borrowers.

20 Limitations on Loans, and Holdings of Corporate Securities. RSA 392:39 is repealed and reenacted to read as follows:

392:39 Limitations of Loans, and Holdings of Corporate Securities. The total liabilities of a person for money borrowed from a state-chartered trust company which is insured by the Federal Deposit Insurance corporation shall not exceed the limitation prescribed for national banks under federal laws and regulations. The bank commissioner may adopt rules, pursuant to RSA 541-A, interpreting the applicability of such federal rules and regulations to trust companies. This limitation shall not apply to securities described in RSA 387:6, I-IV nor to liabilities for money borrowed to the extent that they shall be secured, covered, underwritten, or protected as to principal and



interest by guaranties, or by commitments or agreements to take over or purchase the same, made by or on behalf of any federal reserve bank, or the United States, the state of New Hampshire, or any other state, or any department, bureau, board, commission or establishment of the United States or the state of New Hampshire including any corporation wholly owned directly or indirectly by the United States, the state of New Hampshire, or any other state, for the performance of which guaranties, commitments, or agreements the faith of the United States or the state of New Hampshire is pledged.

21 Repeal. The following are repealed:

I. RSA 384:8, relative to absences.

II. RSA 384:9, relative to exceptions.

III. RSA 386:3, relative to report of stock ownership.

IV. RSA 386:5, relative to eligibility as affected by occupation.

V. RSA 392:8, III, relative to decision based on consideration of the convenience and need of the community.

VI. RSA 392:40, relative to limitations qualified.

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

### AMENDED ANALYSIS

This bill makes technical corrections to the banking laws, most specifically with regard to incorporation and management of banks. The bill changes provisions governing the lending authority and holdings of corporate securities by banks.

The bill establishes criteria for the board of trust incorporation to consider when deciding on applications for branch offices.

**HB 1203**, establishing a committee to study methods of increasing the funding for the insurance fraud investigation unit. **INEXPEDIENT TO LEGISLATE**

Rep. George Hurt for Commerce: The committee found with testimony presented that current methods being used to alleviate fraud within the insurance marketplace is adequately being addressed within the legal framework of the insurance industry and the state insurance department. Vote 12-0.

**HB 1237**, relative to "salvage" motor vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Keith R. Herman for Commerce: The sponsor thought this bill was a lemon law for used vehicles. The bill doesn't accomplish this. The bill would require any owner of a vehicle which has a title with a salvage designation to report such designation when selling or transferring the vehicle. Current law requires any vehicle which has a salvage designation to have a sticker on the door frame. In addition, it is possible for an individual to trade in a used vehicle to a dealership and unknowingly be subject to this law. Vote 12-0.

**HB 1257**, authorizing landlords to conduct criminal background checks on prospective tenants with the consent of the prospective tenants. **INEXPEDIENT TO LEGISLATE**

Rep. Barbara L. Spear for Commerce: There are certain tenants who can be a problem for a landlord. Doing a criminal background check on each tenant applicant would burden local authorities and the FBI. Also, the report back to the landlord could take several weeks longer. Vote 11-1.

**HB 1308**, protecting the rights of distributors. **REFER FOR INTERIM STUDY**

Rep. David T. Mittelman for Commerce: The intent of this bill is to create a level playing field for negotiations between manufacturers and distributors. The committee would like additional time to examine the scope and impact of the problem, as well as the approach by other states. Vote 12-0.

**HB 1311**, adopting the 1994 revisions to article 8 of the uniform commercial code relative to investment securities. **OUGHT TO PASS WITH AMENDMENT**

Rep. David T. Mittelman for Commerce: This bill brings New Hampshire into conformity with other states relative to certificated securities, which serve to reduce the need for paper-based indicia of ownership by allowing registration as an alternative. UCC 8, in turn, governs this intermediation between issuers and beneficial owners. The 1994 revisions simply clarify and modernize the customs and usage of these certificated securities. Vote 12-0.

**Amendment (0858h)**

Amend the article title of RSA 382-A:8 as inserted by section 1 of the bill by replacing it with the following:

**ARTICLE 8****INVESTMENT SECURITIES**

Amend RSA 382-A:8-203-8-205 as inserted by section 1 of the bill by replacing them with the following:

382-A:8-203 Staleness as Notice of Defect or Defense. After an act or event, other than a call that has been revoked, creating a right to immediate performance of the principal obligation represented by a certificated security or setting a date on or after which the security is to be presented or surrendered for redemption or exchange, a purchaser is charged with notice of any defect in its issue or defense of the issuer, if the act or event:

(1) requires the payment of money, the delivery of a certificated security, the registration of transfer of an uncertificated security, or any of them on presentation or surrender of the security certificate, the money or security is available on the date set for payment or exchange, and the purchaser takes the security more than one year after that date; or

(2) is not covered by paragraph (1) and the purchaser takes the security more than 2 years after the date set for surrender or presentation or the date on which performance became due.

382-A:8-204 Effect of Issuer's Restriction on Transfer. A restriction on transfer of a security imposed by the issuer, even if otherwise lawful, is ineffective against a person without knowledge of the restriction unless:

(1) the security is certificated and the restriction is noted conspicuously on the security certificate; or

(2) the security is uncertificated and the registered owner has been notified of the restriction.

382-A:8-205 Effect of Unauthorized Signature on Security Certificate. An unauthorized signature placed on a security certificate before or in the course of issue is ineffective, but the signature is effective in favor of a purchaser for value of the certificated security if the purchaser is without notice of the lack of authority and the signing has been done by:

(1) an authenticating trustee, registrar, transfer agent, or other person entrusted by the issuer with the signing of the security certificate or of similar security certificates, or the immediate preparation for signing of any of them; or

(2) an employee of the issuer, or of any of the persons listed in paragraph (1), entrusted with responsible handling of the security certificate.

Amend the bill by replacing section 7 with the following:

7 Definitions and Index of Definitions. Amend RSA 382-A:9-105(1)(h) and (i) to read as follows:

(h) "Goods" includes all things which are movable at the time the security interest attaches or which are fixtures (Section 9-313), but does not include money, documents, instruments, *investment property*, accounts, chattel paper, general intangibles, or minerals or the like (including oil and gas) before extraction. "Goods" also includes standing timber which is to be cut and removed under a conveyance or contract for sale, the unborn young of animals, and growing crops;

(i) "Instrument" means a negotiable instrument (defined in Section 3-104), ~~or~~ a certificated security (defined in Section 8-102), *a certificate of deposit (defined in Section 3-104(j))*, or any other writing which evidences a right to the payment of money and is not itself a security agreement or lease and is of a type which is in ordinary course of business transferred by delivery with any necessary indorsement or assignment.

Amend the bill by replacing section 9 with the following:

9 Definitions; Account; General Intangibles. Amend RSA 382-A:9-106 to read as follows:

382-A:9-106 Definitions: "Account"; "General Intangibles". "Account" means any right to payment for goods sold or leased or for services rendered which is not evidenced by an instrument or chattel paper, whether or not it has been earned by performance. "General intangibles" means any personal property (including things in action) other than goods, accounts, chattel paper, documents, instruments, *investment property*, and money. All rights to payment earned or unearned under a charter or other contract involving the use or hire of a vessel and all rights incident to the charter or contract are accounts.

Amend the bill by replacing section 11 with the following:

11 Attachment and Enforceability of Security Interest; Proceeds; Formal Requisites. Amend the introductory language of RSA 382-A:9-203(1) and RSA 382-A:9-203(1)(a) to read as follows:

(1) Subject to the provisions of Section 4-210 on the security interest of a collecting bank, ~~[Section 8-321 on security interests in securities]~~ *Sections 9-115 and 9-116 on security interests in investment property*, and Section 9-113 on a security interest arising under the Article on Sales, a security interest is not enforceable against the debtor or third parties with respect to the collateral and does not attach unless:

(a) the collateral is in the possession of the secured party pursuant to agreement, *the collateral is investment property and the secured party has control pursuant to agreement*, or the debtor has signed a security agreement which contains a description of the collateral and in addition, when the security interest covers crops growing or to be grown or timber to be cut, a description of the land concerned; and

Amend the bill by replacing section 21 with the following:

#### 21 Savings Clause.

I. This act does not affect an action or proceeding commenced before January 1, 1999.

II. If a security interest in a security is perfected at the date this act takes effect, and the action by which the security interest was perfected would suffice to perfect a security interest under this act, no further action is required to continue perfection. If a security interest in a security is perfected at the date this act takes effect, but the action by which the security interest was perfected would not suffice to perfect a security interest under this act, the security interest remains perfected for a period of 4 months after the effective date and continues perfected thereafter if appropriate action to perfect under this act is taken within that period. If a security interest is perfected at the date this act takes effect, and the security interest can be perfected by filing under this act, a financing statement signed by the secured party instead of the debtor may be filed within that period to continue perfection or thereafter to perfect.

**HB 1312**, adopting the 1995 revisions to article 5 of the uniform commercial code relative to letters of credit. **OUGHT TO PASS**

Rep. Tara G. Reardon for Commerce: This bill revises and modernizes Article 5 of the Uniform Commercial Code use of letters of credit and makes conforming and miscellaneous amendments to Articles 1, 2, and 9. Letters of credit use is increasing in international and domestic transactions. From time to time New Hampshire must modernize and coordinate our laws with the uniform laws to keep up custom, practice and to provide solid standards for the governance of letter of credit transactions. Vote 14-0.

**HB 1314**, relative to enforceable provisions in retail installment contracts for motor vehicles. **OUGHT TO PASS WITH AMENDMENT**

Rep. David T. Mittelman for Commerce: This bill expands the exceptions to the prohibition against acceleration of a motor vehicle installment contract to include improper insurance coverage, unauthorized transfers and other significant impairments to the realization of the collateral. Vote 16-0.

#### Amendment (0837h)

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

1 Retail Installment Sales of Motor Vehicles; Prohibitions as to Retail Installment Contracts; Acceleration of Principal Balance for Default; Exceptions Added. Amend RSA 361-A:7, IX(b) to read as follows:

(b) Any provision permitting the holder to accelerate the principal balance under the contract for default for any cause other than:

(1) Non-payment of any amount due under the terms of the contract~~[or]~~.

(2) Failure to insure the vehicle which secures the contract against loss, if such insurance is required by the terms of the contract ~~[and except where the contract provides for the holder to purchase such insurance and collect the premiums for the insurance from the borrower]~~. *Provided, however, that the holder may not accelerate the principal balance solely as a result of the failure to insure until the holder gives the buyer written notice conspicuously stating that the buyer has the opportunity to cure the default under this subparagraph by submitting proof of insurance to the holder within 15 days of the mailing of the notice. If no proof of insurance is submitted to*



*the holder within 15 days of mailing of notice, the holder may accelerate the principal balance. This subparagraph shall not apply if the contract obligates the holder to purchase such insurance and collect the premiums for the insurance from the buyer.*

*(3) Removal of the collateral from the United States or Canada without the holder's permission.*

*(4) Sale, rental, lease, or other transfer of an interest in the collateral without the holder's permission.*

*(5) Commencement of a proceeding in bankruptcy by or against the buyer.*

*(6) Other significant impairment of the realization of the collateral, limited to encumbrance of the vehicle, abandonment of the vehicle, or loss, theft, or destruction of the vehicle that is not covered by insurance.*

2 New Subparagraph; Retail Installment Sales of Motor Vehicles; Prohibitions as to Retail Installment Contracts; Waiver of Right Benefit, or Privilege. Amend RSA 361-A:7, IX by inserting after subparagraph (c) the following new subparagraph:

(d) Any provision under which a buyer waives any right, benefit, or privilege which is conferred upon the buyer under this chapter.

3 Effective Date. This act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill expands the exceptions to the prohibition against acceleration of a motor vehicle retail installment contract by the holder to include transfer by the buyer and proceedings in bankruptcy against the buyer. This bill also adds provisions under which a buyer waives a right, benefit, or privilege to the motor vehicle retail installment contract prohibitions.

**HB 1379**, making attorneys subject to the Consumer Protection Act. **INEXPEDIENT TO LEGISLATE**

Rep. Keith R. Herman for Commerce: The Consumer Protection Act doesn't apply to entities which are regulated by the state. Lawyers are regulated by the court system and the NH Bar Association. In addition, making an exception for lawyers would set a bad precedent. Vote 12-0.

**HB 1380-FN**, relative to energy costs for persons dependent upon life-support equipment. **REFER FOR INTERIM STUDY**

Rep. Keith R. Herman for Commerce: The bill as drafted is poorly crafted. However, the subject matter sparked some inquiry into the dilemma expressed by the proponents. The committee will be seeking input from the Health & Human Services, Science, Technology & Energy, and Finance Committees as to how best to address this issue. Vote 12-0.

**HB 1391**, requiring insurance coverage for the screening and treatment of glaucoma. **REFER FOR INTERIM STUDY**

Rep. Martha Fuller Clark for Commerce: The committee recognizes that glaucoma is a serious disease which can only be detected through screening and is a disease which will become increasingly prevalent as NH's population ages. The committee believes that the issue of mandating coverage for glaucoma clearly deserves more study. Currently, we lack an understanding of how prevalent are riders to cover this condition. Nor do we have a clear picture of how such mandates might affect the price of premiums in the individual market, which is already in such a precarious state in New Hampshire. Vote 14-0.

**HB 1458**, requiring health maintenance organizations to provide certain written statements. **INEXPEDIENT TO LEGISLATE**

Rep. Keith R. Herman for Commerce: This bill repeats efforts being made in SB 371 to ensure relevant information is provided to individuals when a health carrier makes an "adverse determination". The committee believes this bill is not necessary and the committee is committed to follow through on the intent of this legislation. Vote 15-0.

**HB 1461**, relative to the definition of "destroyed" and "transfer" involving cashier's checks. **INEXPEDIENT TO LEGISLATE**

Rep. David T. Mittelman for Commerce: The sponsor requested this bill's withdrawal because its focus is already adequately addressed in current law. Vote 12-0.

**HB 1484**, relative to motor vehicle insurance. INEXPEDIENT TO LEGISLATE

Rep. Keith R. Herman for Commerce: The bill as drafted prevents insurance companies forcing a specific repair shop be used for auto repairs. This House passed this law two years ago, so the bill as drafted is not necessary. The sponsor's intent was to require all auto repairs to be made using Original Equipment Manufacturer parts. The committee feels that this mandate would only lead to higher insurance premiums and that there are sufficient consumer protections in place to ensure auto repairs are made in a safe manner. Vote 12-0.

**HB 1512-FN**, relative to credit card rates and payments. INEXPEDIENT TO LEGISLATE

Rep. Eric N. Lindblade for Commerce: The sponsor asked to withdraw the bill. There is no way that this law could be enforced. Credit card companies in other states cannot be controlled by our banking department. There also is no mention of how to deal with variable rates. Vote 12-0.

**HB 1536**, establishing a committee to study women's health care and relative to breast feeding a baby. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce: This bill creates a study committee to look into women's health care issues. The amendment removes a provision allowing breast feeding in public. The committee wants to emphasize that the issue of breast feeding is a societal concern that the sponsor will be taking a closer look into to ensure that all concerns are addressed. Vote 12-0.

**Amendment (0755h)**

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

AN ACT establishing a committee to study women's health care.

Amend the bill by deleting sections 6 and 7 and renumbering the original section 8 to read as 6.

**AMENDED ANALYSIS**

This bill establishes a committee to study women's health care.

**HB 1551-FN**, adding dental insurance to the continuing insurance coverage for certain employees. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce: This bill expands the COBRA law to dental insurance as it relates to state employees. State employees (including legislators) may extend their dental coverage for 18 months after termination if they choose to pay for it. The amendment simply clarifies that this applies to state employees only. Vote 12-0.

**Amendment (0655h)**

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

2 Dental Insurance Added. Amend RSA 420-F:1, III to read as follows:

III. Delta shall be governed by this chapter and shall be exempt from this title, except for the provisions of RSA 400-A:39, *415:18, VII(g)(1), relative to continuation of dental insurance*, and 1961, 345; provided, however, if any of the provisions of 1961, 345 are inconsistent with this chapter the provisions of this chapter shall prevail. Delta and its agents shall be subject to the fees prescribed for ~~[hospital and medical]~~ *health* service corporations under RSA 400-A:29, VII.

3 Reference Change. Amend the introductory paragraph of RSA 400-A:29, VII to read as follows:

VII. ~~[Hospital and medical]~~ *Health* service corporations.

4 Effective Date. This act shall take effect January 1, 1999.

**HB 1604**, relative to ownership of shares of professional corporations and relative to shareholders of firms practicing public accountancy. REFER FOR INTERIM STUDY

Rep. David T. Mittelman for Commerce: This bill would allow professionals such as accountants to place their corporations' shares into a trust for estate planning purposes. While this goal is sound, the details need further refinement. Vote 15-0.

**HB 1628**, relative to health care liability. INEXPEDIENT TO LEGISLATE

Rep. Keith R. Herman for Commerce: This bill would allow individuals to sue HMOs for decisions which doctors within the HMOs network make, regardless of whether or not the HMO had anything to do with that decision. As it turns out, individuals in New Hampshire already have the ability under common law to file suits against HMOs. In addition, the state of Texas has a similar law being challenged as unconstitutional. Vote 12-0.

**HB 1633**, restricting unsolicited commercial electronic mail. **INEXPEDIENT TO LEGISLATE**  
Rep. Gregory G. Carson for Commerce: This legislation requires the Consumer Protection and Antitrust Bureau to maintain a list of Internet Service Providers (ISP's) who register as a restricted solicitation electronic mail provider. The intent of the legislation is to reduce the number of unsolicited e-mails. This and similar services are currently available from ISPs' in the marketplace. While this is yet to be a significant issue, you can delete e-mail easier than throwing junk mail in the trash. The committee feels the work currently underway at the federal level better addresses the intent of this legislation. Vote 12-0.

**HB 1129**, relative to the penalty and substance abuse treatment for multiple DWI offenders who have previously successfully completed a multiple DWI offender intervention detention center program. **OUGHT TO PASS**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill is applicable to persons who have committed and been convicted of three or more DWI offenses. Currently, a 28 day treatment programs is required. This bill will replace the 28 day program requirement to a treatment program, with no set time, the duration of which is determined by an evaluation by a licensed alcohol and other drug counselor. Vote 14-1.

**HB 1149**, relative to the power to detain an accused person without a warrant for breach of conditions of release on bail. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill was introduced for the purpose of adding the basic language of RSA 173:B-8,I(a), violation of protective orders, penalty, and RSA 594:10, I(a+b), arrest without a warrant, into RSA 597:7-a, detention and sanctions for default or breach of conditions. Now, the domestic violence chapter, the arrest chapter, and the bail chapter will reflect the same interest. The amendment adds probation and parole officers to those who may detain as they may be assigned to supervise people on bail. Vote 13-1.

#### **Amendment (0697h)**

Amend the introductory paragraph of RSA 597:7-a, I(a) as inserted by section 1 of the bill by replacing it with the following:

I.(a) A peace officer, including a probation or parole officer, may detain an accused person without a warrant until such accused person can be brought before a justice if the peace officer has:

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

2 New Paragraph; Probation or Parole Officer; Authority to Detain Accused Person Without Warrant. Amend RSA 504-A:12 by inserting after paragraph V the following new paragraph:

V-a. To detain an accused person without a warrant until such accused person can be brought before a justice in accordance with RSA 597:7-a.

#### **AMENDED ANALYSIS**

This bill authorizes a peace officer, including a probation or parole officer, to detain, without a warrant, an accused person who has been released on bail; if the officer views a breach of conditions of release or if the officer has probable cause to believe there was a breach of conditions of release within the 6 hours prior to the detention.

**HB 1183**, relative to use of force to prevent an unlawful taking of property. **INEXPEDIENT TO LEGISLATE**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The intent of this bill is to use force to stop the taking of property by the government through its public servants. Most of the testimony was in opposition to the bill for many reasons including using force against regulatory taking, using force against the police when taking of firearms pursuant to a domestic violence order, using force in response to a bank foreclosure. Most of these situations end in some sort of court order. The courts are the impartial trier of fact under our system of government and although we sometimes disagree with the decisions, we must abide by them and not let those few who don't agree take the law into their own hands. None of the sponsors appeared to testify on behalf of this bill. Vote 18-0.



**HB 1227-FN**, authorizing extended terms of imprisonment for persons who assault emergency medical personnel and fire services personnel. **INEXPEDIENT TO LEGISLATE**  
 Rep. Bruce F. Hunter for Criminal Justice and Public Safety: Testimony indicated present statutes have not been used by EMS personnel. This bill would enhance a penalty for assaulting EMS, fire or emergency room personnel. If that statute is not being invoked, it does not make sense to increase the penalty. Nothing in this bill would provide protection for emergency services people that they don't already have. Vote 18-0.

**HB 1258**, establishing a committee to study and investigate issues related to The State of New Hampshire v. Edward Silva. **REFER FOR INTERIM STUDY**  
 Rep. William V. Knowles for Criminal Justice and Public Safety: The committee would like the opportunity to address the concerns of the sponsors of this legislation which relates to convictions of sex offenders. We would like to have time to study this over the summer which would allow us time to research any problems that may exist. Vote 18-0.

**HB 1265**, establishing a study committee on the enactment of laws which would allow the office of the attorney general to freeze assets in white collar crime cases. **INEXPEDIENT TO LEGISLATE**  
 Rep. Doris R. MacIntyre for Criminal Justice and Public Safety: It was the unanimous decision of the committee that this bill is too far reaching. It calls for the freezing of assets during the investigative stage of an alleged crime. Although we understand the sponsor's concerns, the committee felt that to freeze a persons assets prior to being charged with a crime is contrary to a basic tenet of our judicial system, "innocent until proven guilty". Vote 14-0.

**HB 1307**, relative to penalties for habitual offenders. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill adds some language to RSA 262:19, IV Procedures of the Dept. of Safety in Habitual Defendant Hearing. Presently, the wording says "no conviction .... shall be annulled until at least 7 years after the conviction date." Presently, some cases are being continued at the motor vehicle hearing level and then the person goes to court and asks that they vacate the conviction. If the court does this, then the motor vehicle hearing officer has no option other than to dismiss the habitual offender hearing. By adding the words, "vacate, expunge, delete, cancel, or otherwise remove such a conviction...", we feel we have corrected this loophole in the law. Vote 14-1.

#### Amendment (0627h)

Amend RSA 262:19, IV as inserted by section 1 of the bill by replacing it with the following:

IV. No conviction for an offense specified under RSA 259:39 shall be annulled until at least 7 years after the conviction date. *No court shall vacate, expunge, delete, cancel or otherwise remove such a conviction for at least 7 years subsequent to the conviction date, unless it is determined by a court of competent jurisdiction that the conviction was illegal or otherwise improper and invalid.*

**HB 1378-FN**, making the penalty for the offense of official oppression a felony. **INEXPEDIENT TO LEGISLATE**

Rep. Richard F. Doucette for Criminal Justice and Public Safety: This bill increases the penalty for a public servant who commits an unauthorized act within the scope of his office to benefit to himself or to harm another. There was no evidence submitted that it was necessary to increase this penalty. There were no sponsors present at the public hearing. Vote 19-0.

**HB 1448**, relative to confidential communication between victims and counselors. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation exempts domestic violence and sexual assault counselors from the duty to report under RSA 169-C:29 where a minor is 14 years of age or older, and is alleging abuse as defined by RSA 173-B:1, sexual assault as defined by RSA 632-A, stalking as defined by 633:3a, or sexual harassment as defined by state or federal law, and the alleged perpetrator is not related to the minor by consanguinity or affinity and does not reside either permanently or temporarily with the minor. Testimony indicated that confidentiality was very important to minors in the lower age category and they would be more likely to seek help from domestic violence and sexual assault counselors. The counselor is required to report child abuse under circumstances where such counselor has reason to believe a minor aged 14 or older is or may be in imminent danger of physical harm. Vote 14-0.

**Amendment (0783h)**

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

1 Definitions; Confidential Communications. Amend RSA 173-C:1, I to read as follows:

I. "Confidential communication" means information transmitted between a victim, as defined in paragraph VI, of an alleged sexual assault [or], alleged domestic abuse, *alleged sexual harassment, or alleged stalking*, and a sexual assault or domestic violence counselor in the course of that relationship and in confidence by means which, so far as the victim is aware, does not disclose the information to a third person. The presence of an interpreter for the hearing impaired, a foreign language interpreter, or any other interpreter necessary for that communication to take place shall not affect the confidentiality of the communication nor shall it be deemed a waiver of the privilege. The term includes all information received by the sexual assault or domestic violence counselor in the course of that relationship.

2 Definitions; Victim. Amend RSA 173-C:1, VI to read as follows:

VI. "Victim" means any person alleging sexual assault under RSA 632-A [or], domestic abuse as defined in RSA 173-B:1, *stalking under RSA 633:3-a, or sexual harassment as defined under state or federal law*, who consults a sexual assault counselor [or], a domestic violence counselor for the purpose of securing support, counseling or assistance concerning a mental, physical, emotional, legal, housing, medical, or financial problem caused by an alleged act of sexual assault or domestic abuse, *stalking, or sexual harassment*, or an alleged attempted sexual assault [or] domestic abuse.

3 Exceptions to Counselor's Duty to Report Child Abuse. RSA 173-C:10 is repealed and reenacted to read as follows:

173-C:10 Counselor's Duty to Report Child Abuse. The domestic violence or sexual assault counselor shall have the same reporting duties under RSA 169-C:29 as other professionals, provided that, notwithstanding RSA 169-C:32, this duty shall not apply where a minor is 14 years of age or older, and is alleging abuse as defined by RSA 173-B:1, sexual assault as defined by RSA 632-A, stalking as defined by 633:3-a, or sexual harassment as defined by state or federal law, and the alleged perpetrator is not related to the minor by consanguinity or affinity, *and does not reside either permanently or temporarily with the minor. Nothing in this section shall be construed to alter, modify, or relieve a domestic violence or sexual assault counselor's duty to report child abuse under circumstances where such counselor has reason to believe a minor aged 14 or older is or may be in imminent danger of physical harm.*

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

**AMENDED ANALYSIS**

This bill exempts, under certain circumstances, domestic violence and sexual assault counselors from the reporting requirements found in current law, and expands the definitions of "confidential communication" and "victim" to include instances of alleged stalking or sexual harassment.

**HB 1472**, relative to employment of prisoners. INEXPEDIENT TO LEGISLATE

Rep. Lori Cardin for Criminal Justice and Public Safety: The committee felt this bill was inexpedient to legislate because the decision to employ prisoners should be made by the city or town and the county, not by the legislature. Further, such restrictions can be part of a collective bargaining agreement. There was no evidence presented to indicate that a problem exists. Vote 13-1.

**HB 1547-FN-L**, relative to mandatory incarceration for violators of protective orders. INEXPEDIENT TO LEGISLATE

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill would allow an individual who allegedly has violated a protective order to be arrested under a warrant and detained without bail until a hearing takes place. The committee unanimously felt that the defendant should not be incarcerated without an opportunity for bail or an immediate hearing as to whether he should be found in civil or criminal contempt of court and punished therefor. Vote 15-0.

**HB 1561-FN**, preventing computer pornography and child exploitation and increasing penalties for possession under the child pornography laws. OUGHT TO PASS WITH AMENDMENT

Rep. Lori Cardin for Criminal Justice and Public Safety: This bill, as amended, establishes penalties for child pornography and exploitation committed by means of computer. This strengthens

the state's child pornography laws to include online crimes. This technology is a new challenge for law enforcement who need new laws to help with those challenges. The penalty for possession is raised to a felony if a person knowingly buys, procures, possesses or controls any visual representation of a child engaging in sexual activity or causes same to be imported into the state. Vote 17-0.

### Amendment (0852h)

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

1 Penalties for Offenses Increased; Misdemeanor to Felony. Amend RSA 649-A:3 to read as follows: 649-A:3 Offenses.

I. A person is guilty of a felony if ~~he~~ *such person*:

(a) Sells, delivers or provides, or offers or agrees to sell, deliver or provide, any visual representation of a child engaging in sexual activity; or

(b) Presents or directs a visual representation of a child engaging in sexual activity, or participates in that portion of such visual representation which consists of a child engaging in sexual activity; or

(c) Publishes, exhibits or otherwise makes available any visual representation of a child engaging in sexual activity; or

(d) Possesses any visual representation of a child engaging in sexual activity for purposes of sale or other commercial dissemination[-]; or

(e) *Knowingly buys, procures, possesses, or controls any visual representation of a child engaging in sexual activity; or*

(f) *Knowingly brings or causes to be brought into this state any visual representation of a child engaging in sexual activity.*

II. An offense under paragraph I shall be:

(a) A class B felony if such person has had no prior convictions in this state or another state for the conduct prohibited by paragraph I;

(b) A class A felony if such person has had one or more prior convictions in this state or another state for the conduct prohibited by paragraph I.

~~III. A person is guilty of a misdemeanor if he:~~

~~(a) Buys, procures, possesses, or controls any visual representation of a child engaging in sexual activity; or~~

~~(b) Brings or causes to be brought into this state any visual representation of a child engaging in sexual activity.]~~

2 New Chapter; Computer Pornography and Child Exploitation Prevention. Amend RSA by inserting after chapter 649-A the following new chapter:

### CHAPTER 649-B

#### COMPUTER PORNOGRAPHY AND CHILD EXPLOITATION PREVENTION

649-B:1 Short Title. This chapter shall be known and may be cited as the "Computer Pornography and Child Exploitation Prevention Act of 1998."

649-B:2 Definition. In this chapter, "child" means any person under the age of 16 years.

649-B:3 Computer Pornography Prohibited.

I. No person shall *knowingly*:

(a) Compile, enter into, or transmit by means of computer;

(b) Make, print, publish, or reproduce by other computerized means;

(c) Cause or allow to be entered into or transmitted by means of computer; or

(d) Buy, sell, receive, exchange, or disseminate by means of computer,

any notice, statement, or advertisement, or any minor's name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information, for purposes of facilitating, encouraging, offering, or soliciting sexual conduct of or with any child, or the visual depiction of such conduct.

II. The fact that an undercover operative or law enforcement officer was involved in the detection and investigation of an offense under this section shall not constitute a defense to a prosecution under this section.



III. Any person who violates the provisions of this section is guilty of a class B felony.

649-B:4 Certain Uses of Computer Services Prohibited. Any person who knowingly utilizes a computer on-line service, internet service, or local bulletin board service to seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child or another person believed by the person to be a child, to commit any of the following is guilty of a class B felony:

I. Any offense under RSA 632-A, relative to sexual assault and related offenses.

II. Indecent exposure and lewdness under RSA 645:1; or

III. Endangering a child, as defined in RSA 639:3.

649-B:5 Owners or Operators of Computer Services Liable.

I. It shall be a class A misdemeanor for any owner or operator of a computer on-line service, internet service, or local bulletin board service knowingly to permit a subscriber to utilize the service to commit a violation of this chapter.

II. Any out-of-state computer service company doing business in New Hampshire which receives a subpoena from the state of New Hampshire resulting from an investigation of a violation of this chapter shall respond to such subpoena within 14 days. Failure to respond may result in the suspension or revocation of such company's right to do business in New Hampshire.

649-B:6 State Criminal Jurisdiction. A person is subject to prosecution for engaging in any conduct proscribed by this chapter within this state, or for engaging in such conduct outside this state if by such conduct the person commits a violation of this chapter involving a child or an individual the person believes to be a child, residing within this state.

3 Authorization for Interception of Telecommunications or Oral Communications; Child Pornography Crimes. Amend RSA 570-A:7 to read as follows:

570-A:7 Authorization for Interception of Telecommunications or Oral Communications. The attorney general, deputy attorney general, or a county attorney, upon the written approval of the attorney general or deputy attorney general, may apply to a judge of competent jurisdiction for an order authorizing or approving the interception of telecommunications or oral communications, and such judge may grant, in conformity with RSA 570-A:9, an order authorizing or approving the interception of telecommunications or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offenses as to which the application is made, when such interception may provide, or has provided, evidence of the commission of organized crime, as defined in RSA 570-A:1, XI, or evidence of the commission of the offenses of homicide, kidnapping, gambling, theft as defined in RSA 637, corrupt practices as defined in RSA 640, *child pornography under RSA 649-A, computer pornography and child exploitation under RSA 649-B*, criminal conduct in violation of the securities law, as defined in RSA 421-B:3, 421-B:4, 421-B:5, 421-B:19, and 421-B:24, criminal conduct in violation of the security takeover disclosure laws, as defined in RSA 421-A:3, 421-A:7, 421-A:8, 421-A:11, and 421-A:13, robbery as defined in RSA 636:1, arson as defined in RSA 634:1, hindering apprehension or prosecution as defined in RSA 642:3, tampering with witnesses and informants as defined in RSA 641:5, aggravated felonious sexual assault as defined in RSA 632-A:2, felonious sexual assault as defined in RSA 632-A:3, escape as defined in RSA 642:6, bail jumping as defined in RSA 642:8, dealing in narcotic drugs, marijuana, or other dangerous drugs, hazardous waste violations under RSA 147-A:4, I, or any conspiracy to commit any of the foregoing offenses.

4 Effective Date. This act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill establishes penalties for child pornography, exploitation, and abuse offenses committed by means of computer. The bill makes owners and operators of computer services criminally liable for knowingly permitting subscribers to utilize their services to commit such offenses.

The bill also increases the penalty for possession offenses under the child pornography laws from a misdemeanor to a class B felony.

**HB 1588-FN**, making it a felony to cause bodily injury to a police dog or horse. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The bill was brought forward to increase the penalty for injuring a police dog or horse from a misdemeanor to a class B felony. In

another section of the law, RSA 644:8, cruelty to animals, it was already a class B felony to beat, torture, whip, or mutilate any animal. Therefore, our amendment repeals 644:8-d dealing with police dogs or horses but adds police dog or horse to the definition of animal in RSA 644:8,II. We think this simplifies and clarifies the statute. Vote 14-0.

#### Amendment (0817h)

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

AN ACT relative to causing injury to a police dog or horse.

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

1 Reference Added. Amend RSA 644:8, II to read as follows:

II. In this section, "animal" means a domestic animal, *including a police dog or horse*, a household pet, or a wild animal in captivity

2 Repeal. RSA 644:8-d, relative to interference with police dogs or horses, is repealed.

3 Effective Date. This act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill repeals the law relating to interfering with police dogs or horses. A penalty for cruelty to police dogs and horses is included in the law relative to cruelty to animals.

**HB 1626-FN**, relative to illegal gambling businesses. INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The subject matter of this bill is contained in the amendment to HB 1011-FN. Vote 18-0.

**HB 1646-FN**, removing the intent requirement for crimes of possession under the controlled drug law and increasing penalties for violations of the controlled drug law involving marijuana and hashish. INEXPEDIENT TO LEGISLATE

Rep. Frank M. Schanda for Criminal Justice and Public Safety: This bill would remove from RSA 318-B:2, I and 1-a, the "intent" requirement for crimes of possession, under the controlled drug law and increase the penalties for violation of the controlled drug law involving marijuana and hashish. This bill would increase state expenditures each year, depending on the level of prosecution. It was the consensus of the committee that this bill needed more work if it were to be of any value in the war on drugs. Vote 19-0.

**HB 1209**, revising the interagency agreement for special education. OUGHT TO PASS WITH AMENDMENT

Rep. William A. Riley for Education: This bill, as amended, revises the interagency agreement for special education. Its purpose is to bring collaboration between the Department of Education and Health and Human Services for special education purposes. The amendment changes the date of the report from 1 May 1998 to 1 January 1999. Vote 19-0.

#### Amendment (0463h)

Amend RSA 186-C:7-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The commissioners of education and health and human services shall submit a copy of the initial interagency agreement for special education to the appropriate standing committees of each house of the general court on or before September 1, 1985, *and shall submit a revision to the agreement no later than January 1, 1999*. Any subsequent proposed amendments or revisions to the agreement shall be submitted to the appropriate standing committees of the house and senate.

Amend the bill by replacing section 2 with the following:

2 Interagency Agreement for Special Education; Guidelines for Revision.

I. The department of education and the department of health and human services shall review the interagency agreement between the 2 departments dated August 23, 1985, and subsequently amended July 14, 1987 and April 20, 1990 executed pursuant to RSA 186-C:7-a. The department of education and the department of health and human services shall report the results of their review and any recommendation for legislative change necessary to the house education committee on or before January 1, 1999.

II. The review shall include, but not be limited to, the following issues:

(a) The population covered by the agreement.

(b) The roles and responsibilities of each department for services provided to the population covered by the agreement.

- (c) The costs of room and board and its relationship to the provision of special education.
- (d) The costs of educationally related services which have a medical component.
- (e) The administration of the Medicaid to Schools Program.
- (f) Establishment of rates for educationally related services for which local school districts seek reimbursement, in whole or in part, from either department.
- (g) Provisions for monitoring delivery of special education and educationally related services.
- (h) Provisions to resolve disputes between the departments and school districts or state agencies.

III. This review is not intended to limit the responsibility and authority of local school districts to identify and provide services needed by educationally disabled students.

IV. The commissioner of the department of education and the commissioner of the department of health and human service shall, within 30 days of the effective date of this paragraph, designate 2 or more representatives to participate in this review. The designated staff shall meet on or before March 15, 1998, and as often as necessary thereafter to complete the review.

**HB 1320**, amending provisions of the advisory committee on the education of students with disabilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Iris Estabrook for Education: This bill amends the membership structure of the advisory committee on the education of students with disabilities. These changes are consistent with the 1997 federal reauthorization of IDEA (Individuals with Disabilities Education Act). The amendment assures that the membership be a majority of people associated with the special education community and gives specific duties to the committee. Vote 16-3.

#### Amendment (0754h)

Amend RSA 186-C:3-b, II (q) as inserted by section 1 of the bill by replacing it with the following:

(q) Parents of children/students with disabilities, appointed by the governor. A simple majority of the members of the committee shall be individuals with disabilities or parents of children/students with disabilities.

Amend RSA 186-C:3-b, IV as inserted by section 1 of the bill by inserting after subparagraph (d) the following:

(e) Advise the department of education in developing corrective action plans to address findings identified in federal monitoring reports.

(f) Advise the department of education in developing and implementing policies relating to the coordination of services for children/students with disabilities.

**HB 1356-L**, revising the procedures for withdrawal from a cooperative school district. **INEXPEDIENT TO LEGISLATE**

Rep. Warren C. Henderson for Education: If adopted, this bill would have permitted any town which had joined a multi-town cooperative school district to unilaterally withdraw without concern for the adverse impact of those towns which remain in the cooperative. The committee felt that this process would result in discord among the towns of the cooperative and could be financially devastating if one large town withdrew from a co-op and left several small towns financially strained. Since every town involved must vote to form a school cooperative, every town in the co-op should have a say in any withdrawal initiative. Vote 19-1.

**HB 1386**, to establish a committee to study alternative school systems. **INEXPEDIENT TO LEGISLATE**

Rep. Marie Rabideau for Education: This bill creates a committee charged with studying educational organizations, non-traditional attendance areas, and alternative sources of funding. The objective of the sponsors, as understood by the committee, was to study alternative school systems as a vehicle for innovation and change. The committee found that the charge of the study committee was not in line with the sponsors' intent. Also, it was entirely unclear what the sponsors meant by "alternative school systems" even after considerable testimony. There exist opportunities for districts to do this now. Vote 17-2.

**HB 1428**, establishing requirements for teachers and teacher preparation programs to ensure that teachers are prepared to teach a broad range of students, including disabled students. **OUGHT TO PASS WITH AMENDMENT**

Rep. David E. Larrabee, Sr. for Education: This bill, as originally written, established requirements for teachers and teacher preparation programs to ensure that teachers are prepared to teach a broad



range of students, including disabled students. The amendment addresses the concerns of the committee so the range of students will be broadened to "exceptional learners" which includes gifted and special education students. Vote 17-1.

#### Amendment (0769h)

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

AN ACT establishing requirements for teachers and teacher preparation programs to ensure that teachers are prepared to teach to a broad range of students including exceptional learners.

Amend RSA 21-N:9, II (z) as inserted by section 1 of the bill by replacing it with the following:

(z) Establishing requirements for teachers and teacher preparation programs to ensure that all teachers are prepared to teach to a broad range of students' needs, including, but not limited to, the needs of exceptional learners, using a variety of methods, materials, and instructional techniques.

Amend RSA 186:8, IV as inserted by section 2 of the bill by replacing it with the following:

IV. Establishing requirements for teachers and teacher preparation programs to ensure that all teachers are prepared to teach to a broad range of students' needs, including, but not limited to, the needs of exceptional learners.

#### AMENDED ANALYSIS

This bill would grant rulemaking authority to the state board of education to establish requirements for teachers and teacher preparation programs to ensure that teachers are prepared to teach a broad range of students including exceptional learners.

**HB 1429**, amending state board of education rulemaking authority relative to certain educational personnel. OUGHT TO PASS WITH AMENDMENT

Rep. Charles B. Yeaton for Education: This bill brings the statute up to date by including special education administrators as personnel for which certification standards should be set and eliminates several categories which no longer are regulated by the state board of education. The amendment corrects the "special education director" to the appropriate term "special education administrator". Vote 16-0.

#### Amendment (0618h)

Amend RSA 21-N:9, II (s) as inserted by section 1 of the bill by replacing it with the following:

(s) Certification standards for educational personnel, including teachers, paraprofessionals, superintendents, assistant superintendents, ~~[teacher consultants,]~~ *special education administrators*, 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, emergency medical care providers, dental hygienists,]~~ speech-language specialists, social workers, health educators, physical education teachers, home economics teachers, elementary teachers, ~~[school nurses,]~~ specialists in assessment of intellectual functioning, media supervisors, *and* media generalists ~~[and media educational associates,]~~ as authorized by RSA 186:8 and RSA 186:11, X.

#### AMENDED ANALYSIS

This bill redefines the rulemaking authority of the state board of education by excluding certain education and education-related professions and including special education administrators.

**HB 1437**, requiring the designation of alternative acceptable reading material for use in a school course following objection by a parent. INEXPEDIENT TO LEGISLATE

Rep. Warren C. Henderson for Education: This bill would establish a mechanism whereby school boards could assign alternative reading material when a parent or group of parents objected to the assigned material. While a worthy goal, the bill set no limits on how many times a parent might object, and the bill did not give school boards the discretion to reject such requests under any circumstances. This bill would encroach on matters best left to local control. Vote 15-1.

**HB 1462**, establishing an independent committee to study the university system of New Hampshire. INEXPEDIENT TO LEGISLATE

Rep. Elizabeth K. Hoadley for Education: This bill and a further amendment by the sponsor concerned specific investigation into the admissions and scholarship programs in the New Hampshire

university system. Both the amendment and the bill were voted inexpedient to legislate. Instead, the concerns of the proposed legislation will be passed to the university system oversight committee. Vote 17-0.

**HB 1487**, allowing a receiving district to withdraw from an authorized regional enrollment area school. **INEXPEDIENT TO LEGISLATE**

Rep. Richard L. Hill for Education: This bill did not satisfy the problem for area schools. The committee felt that SB 400, after a senate summer study and recent testimony, would be a better solution to the problem. Vote 18-1.

**HB 1121**, making technical corrections to the election laws. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Susan W. Almy for Election Law: This bill as amended makes minor but useful technical changes dealing with voter registration forms and supervisors of the checklist. The amendments restore original supervisor hours, and remove proposed political contribution changes. Vote 15-0.

#### Amendment (0866h)

Amend the bill by replacing section 3 with the following:

3 Voter Checklists; Session for Correction; Notice. Amend RSA 654:27 to read as follows:

654:27 Session for Correction. In cities and towns, the supervisors of the checklist shall be in session for the correction of the checklist at some suitable place in the city or town on the Saturday 10 days prior to the election and upon which all hearings shall be finally closed; provided that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and 9:00 p.m. *Notice of the day, hour, and place of each session of the board of supervisors shall be given upon the checklists first posted and shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session.* The reconvening of any session which has been adjourned shall not require the publication of notice.

Amend the bill by deleting sections 4-7 and renumbering the original sections 8-9 to read as 4-5, respectively.

Amend the bill by replacing section 4 with the following:

4 Town Elections; Voters and Checklists; Session Time Changed. Amend RSA 669:5 to read as follow:

669:5 Voters and Checklists. An updated checklist shall be used at all town meetings and elections for the same purposes a checklist is used at a state election and to insure that only qualified voters participate in town meeting discussions and votes, by voice or otherwise. The supervisors shall prepare, post, and revise the checklist for a town meeting or election in the same manner as for a state election as provided in RSA 654:25-654:31, *provided, however, that the session for correction shall be held on Saturday 6 to 13 days prior to the election.* The supervisors shall also hold one session for correction of the checklist on the day immediately prior to the first day of the filing period for candidates for town office, as provided in RSA 669:19 or 669:42, as applicable, from 7 p.m. to 9 p.m.

#### AMENDED ANALYSIS

This bill modifies the time frame for checklist correction sessions for town elections and makes other technical changes to election laws.

**HB 1124**, relative to disposal of septage or sludge. **OUGHT TO PASS**

Rep. Peter R. Leishman for Environment and Agriculture: This bill transfers the authority of notification of planned sludge and septage spreading activities from the Department of Agriculture to the Department of Environmental Services. This would consolidate the authority to regulate sludge and septage management under one agency where it should be. Vote 21-0.

**HB 1160**, relative to the definitions of the terms "farm," "agriculture," and "farming." **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth R. Marshall for Environment and Agriculture: The purpose of the act is to modernize the definition of "farm," "agriculture" and "farming" to represent what it really consists of today. The amendment merely adds "alpacas" to the list of animals, changes the word domestic to domesticated and included a sentence in the statement of intent that makes it clear that this bill cannot be construed as an exemption from any regulation nor can it be construed as a regulation. Vote 20-0.

**Amendment (0878h)**

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

I Statement of Intent. The purpose of this act is to modernize the definition of "farming" and "agriculture" to more accurately reflect the scope of agriculture as practiced today in New Hampshire. This definition shall not be construed as a regulation, or as an exemption from any regulation, except to the extent that the defined terms are actually used in other statutes, including but not limited to RSA 432:32 through 432:35, RSA 672:1, and RSA 674:32-a through 674:32-c.

2 Definitions; "Farm," "Agriculture," and "Farming." RSA 21:34-a is repealed and reenacted to read as follows:

21:34-a Farm, Agriculture, Farming.

I. The word "farm" means any land, buildings, or structures on or in which agriculture and farming activities are carried out or conducted and shall include the residence or residences of owners, occupants, or employees located on such land. Structures shall include all farm outbuildings used in the care of livestock, and in the production and storage of fruit, vegetables, or nursery stock; in the production of maple syrup; greenhouses for the production of annual or perennial plants; and any other structures used in operations named in paragraph II of this section.

II. The words "agriculture" and "farming" mean all operations of a farm, including:

(a)(1) The cultivation, conservation, and tillage of the soil.

(2) The use of and spreading of commercial fertilizer, lime, wood ash, sawdust, compost, animal manure, septage, and, where permitted by municipal and state rules and regulations, sludge and biosolids.

(3) The use of and application of agricultural chemicals.

(4) The raising and sale of livestock, which shall include, but not be limited to, dairy cows and the production of milk, beef animals, swine, sheep, goats, as well as domesticated strains of buffalo or bison, llamas, alpacas, emus, ostriches, yaks, elk (*cervus elephus canadensis*), fallow deer (*dama dama*), red deer (*cervus elephus*), and reindeer (*Rangifer tarandus*).

(5) The breeding, boarding, raising, training, riding instruction, and selling of equines.

(6) The commercial raising, harvesting, and sale of fresh water fish or other aquaculture products.

(7) The raising, breeding, or sale of poultry or game birds.

(8) The raising of bees.

(9) The raising, breeding, or sale of domesticated strains of fur-bearing animals.

(10) The production of greenhouse crops.

(11) The production, cultivation, growing, harvesting, and sale of any agricultural, floricultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, flowers, seeds, grasses, nursery stock, sod, trees and tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, or any other plant that can be legally grown and harvested extensively for profit or subsistence.

(b) Any practice on the farm incident to, or in conjunction with such farming operations, including, but not necessarily restricted to:

(1) Preparation for market, delivery to storage or to market, or to carriers for transportation to market of any products or materials from the farm.

(2) The transportation to the farm of supplies and materials.

(3) The transportation of farm workers.

(4) Forestry or lumbering operations.

(5) The marketing or selling at wholesale or retail, on-site and off-site, where permitted by local regulations, any products from the farm.

(6) Irrigation of growing crops from private water supplies or public water supplies where not prohibited by state or local rule or regulation.

III. A farm roadside stand shall remain an agricultural operation and not be considered commercial, provided, that at least 35 percent of the product sales in dollar volume is attributable to products produced on the farm or farms of the stand owner.

IV. Practices on the farm shall include technologies recommended from time to time by the university of New Hampshire cooperative extension, the New Hampshire department of agriculture, markets, and food, and other appropriate agencies of the United States Department of Agriculture.



3 Motor Vehicles; Definitions; "Agriculture" and "Farming." RSA 259:3 is repealed and reenacted to read as follows:

259:3 Agriculture and Farming. The words "agriculture" and "farming" mean all operations of a farm, including:

- I.(a) The cultivation, conservation, and tillage of the soil.
- (b) The use of and spreading of commercial fertilizer, lime, wood ash, sawdust, compost, animal manure, septage, and, where permitted by municipal and state rules and regulations, sludge and biosolids.
- (c) The use and application of agricultural chemicals.
- (d) The raising and sale of livestock, which shall include, but not be limited to, dairy cows and the production of milk, beef animals, swine, sheep, goats, as well as domesticated strains of buffalo or bison, llamas, alpacas, emus, ostriches, yaks, elk (*cervus elephus canadensis*), fallow deer (*dama dama*), red deer (*cervus elephus*), and reindeer (*Rangifer tarandus*).
- (e) The breeding, boarding, raising, training, riding instruction, and selling of equines.
- (f) The commercial raising, harvesting, and sale of fresh water fish or other aquaculture products.
- (g) The raising, breeding, or sale of poultry or game birds.
- (h) The raising of bees.
- (i) The raising, breeding, or sale of domesticated strains of fur-bearing animals.
- (j) The production of greenhouse crops.
- (k) The production, cultivation, growing, harvesting, and sale of any agricultural, floricultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, flowers, seeds, grasses, nursery stock, sod, trees and tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, or any other plant that can be legally grown and harvested extensively for profit or subsistence.
- II. Any practice on the farm incident to, or in conjunction with such farming operations, including, but not necessarily restricted to:
  - (a) Preparation for market, delivery to storage or to market, or to carriers for transportation to market of any products or materials from the farm.
  - (b) The transportation to the farm of supplies and materials.
  - (c) The transportation of farm workers.
  - (d) Forestry or lumbering operations.
  - (e) The marketing or selling at wholesale or retail, on-site and off-site, where permitted by local regulations, any products from the farm.
  - (f) Irrigation of growing crops from private water supplies or public water supplies where not prohibited by state or local rule or regulation.

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

**HB 1229**, exempting biological control agents from registration requirements for pesticides. OUGHT TO PASS WITH AMENDMENT

Rep. David L. Babson for Environment and Agriculture: This bill aligns the definitions and rules with those that are currently in place through the Federal Department of Agriculture. Vote 21-0.

#### Amendment (0863h)

Amend RSA 430:37, II as inserted by section 1 of the bill by replacing it with the following:

*II. For nematodes and beneficial insects used as biological control agents, and which are also exempt from regulation by the United States Environmental Protection Agency under 40 CFR chapter 1, subpart B, section 152.20, provided that such nematodes and beneficial insects are under a permit issued by the United States Department of Agriculture pursuant to 7 CFR 330.*

**HB 1238**, establishing a committee to study ways to manage land use and to preserve and protect the state's farmland, rural character, and environmental quality. OUGHT TO PASS WITH AMENDMENT

Rep. Harold P. Melcher for Environment and Agriculture: The committee finds this bill a useful and well crafted way to deal with a perceived problem of meaningless and undesigned growth. We feel that there are ways both to keep NH beautiful and to allow growth and development. Vote 21-0.

**Amendment (0773h)**

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

AN ACT establishing a committee to study ways to manage land use and to preserve and protect the state's farmland, rural and community character, and environmental quality against low density sprawl and the loss of sense of place.

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

1 Statement of Intent.

I. Population forecasts indicate that growth and development will continue to be a part of New Hampshire's future. Development patterns in less developed areas have historically sprawled across the landscape, often disrupting the traditional, rural character of New Hampshire's communities. This low density sprawl has contributed significantly to the loss of any sense of place by disconnecting new development from the established, village-type growth patterns of many New Hampshire communities.

II. While this type of sprawl may not seem significant one subdivision at a time, the net result can have major impacts. The subtle conversion of a 50-acre wood lot into 10 5-acre backyards, or the conversion of a hay field into 10 5-acre lawns often results in the unnecessary consumption of land. The productive nature of this formerly rural land has been lost forever as it is converted to low density residential uses.

III. Preserving rural and community character is a goal endorsed by many New Hampshire communities in their master plans. This character relates not only to the visual quality of the undeveloped open space, but to the traditional, productive, growing trees, crops, livestock, or wildlife. Village, town, and urban center patterns are based on commerce and exchange, with open space scattered inside and along the edges.

IV. These distinctions are important pieces on New Hampshire's heritage and continue to make sense today. Development patterns, which concentrate activity in village, town, and urban centers, have the dual benefit of making it easier to provide municipal services (school busing, snow plowing, rubbish collection) and keeping infrastructure costs lower while still protecting open space, water quality, wildlife habitat, and recreational uses.

2 Committee Established. There is established a committee to study ways to manage land use and to protect and preserve the state's farmland, rural character, and environmental quality against low density sprawl, urban as well as rural, and the loss of sense of place. Such management strategies include, but are not limited to, creating a village plan alternative to municipal subdivision procedures.

3 Membership.

I. The committee shall be comprised of the following voting members:

(a) Five members of the house of representatives, one of whom shall be from the resources, recreation, and development committee, 2 of whom shall be from the environment and agriculture committee, and 2 of whom shall be from the municipal and county government committee, all appointed by the speaker of the house.

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

II. The following shall serve as nonvoting members of the committee:

(a) The director of the office of state planning, or designee.

(b) The commissioner of the department of environmental services, or designee.

(c) The president of the New Hampshire Farm Bureau, or designee.

(d) The director of the New Hampshire Timberland Owners Association, or designee.

(e) The president of the New Hampshire Municipal Association, or designee.

(f) The president of the New Hampshire Home Builders Association, or designee.

(g) The president of the New Hampshire Association of Realtors, or designee.

(h) One member of the regional planning commission, appointed by the governor.

(i) The commissioner of the department of cultural affairs, or designee.

4 Duties. The committee shall examine the laws of states that provide mechanisms for local management of residential, commercial, and industrial development proposals and shall explore alternative approaches to protect and preserve the farmlands, rural and community character, and environmental quality of New Hampshire.

5 Meetings and Mileage. The first-named representative shall call the first meeting of the committee within 45 days after the effective date of this section. At the first meeting the committee shall elect a chairperson from among the voting members of the committee. All subsequent meet-

ings shall be at the call of the chairperson. Five voting members shall constitute a quorum. Legislative members shall receive mileage at the legislative rate when attending to the duties of the committee.

6 Report. The committee shall report its findings and any recommendations for legislation to the speaker of the house, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1998.

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

### AMENDED ANALYSIS

This bill establishes a committee to study ways to manage land use and to preserve and protect the state's farmland, rural and community character; and environmental quality against low density sprawl and the loss of sense of place.

**HB 1185**, creating a committee to study the feasibility of establishing an audit division within the department of justice to audit and review state contracts. **INEXPEDIENT TO LEGISLATE**  
Rep. Merton S. Dyer for Executive Departments and Administration: The testimony before the committee was limited to construction contracts and dealt with the preparation of bids. The department of justice and department of transportation review all bids and contracts prior to awarding and also audit them for compliance during the execution at the present time. The committee was unclear as to the real focus of the study and what problems were to be examined. Therefore, the vote was inexpedient to legislate. Vote 15-0.

**HB 1299**, requiring members of executive branch councils to file annual financial statements and relative to certain person's who fail to file annual financial statements. **OUGHT TO PASS**  
Rep. Robert K. Dodge for Executive Departments and Administration: This legislation, by adding a simple word, council, completes the original intent of RSA 21-G-5a and thus makes the filing of annual financial statements more inclusive and clarifies responsibility. Vote 17-0.

**HB 1361**, relative to rulemaking authority, subpoena powers, and establishment of civil penalties by the board of professional engineers. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Kipp A. Cooper for Executive Departments and Administration: This bill was introduced at the request of the engineers' board and will allow the board the ability to administer administrative fines and penalties, as well as the ability to issue subpoena with the approval of the attorney general. The committee felt this legislation will provide the engineers' board more flexibility in addressing misconduct issues among its membership and would be a positive step forward for the professional engineers and consumers alike. Vote 18-0.

### Amendment (0742h)

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

1 New Subparagraphs; Civil Penalties; Retired Status. Amend RSA 310-A:6, I(p) to read as follows:  
(p) Waiver of renewal fees for professional engineers 70 years of age or older under RSA 310-A:21[-];

(q) *Procedural and substantive requirements for assessing, compromising, and collecting civil penalties against licensees as authorized by RSA 310-A:23, V(f);*

(r) *The requirements for retired status.*

2 Subpoena Authority for Disciplinary Actions. RSA 310-A:23, II is repealed and reenacted to read as follows:

II(a). The board shall have the power to administer oaths or affirmations, preserve testimony, subpoena witnesses, and to compel, by subpoena duces tecum, the production of all books, records, files and documents, whether originals, copies, or in electronic or other form, and other materials, relevant to its investigation of any grievance, complaint, or disciplinary proceeding before the board.

(b) The board may issue subpoenas with the approval of the office of the attorney general.

(c) A minimum of 10 business days' notice shall be given for compliance with a subpoena under this chapter.

3 Disciplinary Action; Civil Penalties. RSA 310-A:23, V is repealed and reenacted to read as follows:

V. The board, upon making an affirmative finding under RSA 310-A:22, II, may take disciplinary action in any one or more of the following ways:

(a) By written reprimand.



(b) By suspension, refusal to renew, limitation or restriction of a license, or probation for a period of time determined to be reasonable by the board.

(c) By revocation of a license.

(d) By requiring the person to participate in a program of continuing education in the area or areas in which the person has been found deficient.

(e) By requiring the person to practice under the direct supervision of a licensed professional engineer for a period of time specified by the board.

(f) By assessing civil penalties in amounts established by the board which shall not exceed \$2,000 per offense or, in the case of continuing offenses, \$200 for each day the violation continues, whichever is greater.

4 Effective Date. This act shall take effect July 1, 1998.

#### AMENDED ANALYSIS

This bill adds new rulemaking authority to the board of professional engineers concerning assessing civil penalties and the requirements of retired status. The bill also expands the board's subpoena authority and grants new disciplinary authority to the board over licensees.

**HB 1415**, relative to the regulation of the practice of optometry REFER FOR INTERIM STUDY Rep. Sylvia A. Holley for Executive Departments and Administration: Although this bill was mainly crafted to do some "housekeeping" by the board of optometry, numerous issues surfaced during the public hearing and two ensuing subcommittee work sessions. One issue related to an optometrist having access to his/her office for an emergency, even if that office is located in a mall that is closed. Another issue was whether an optometrist should be required to issue a prescription for contact lenses only upon the request of the patient. Finally, numerous issues were raised regarding adjudicative hearings and subsequent concerns under RSA 541-A. The committee felt that interim study was indicated. Vote 18-0.

**HB 1455**, relative to the publication of administrative rules. OUGHT TO PASS WITH AMENDMENT Rep. Merton S. Dyer for Executive Departments and Administration: At the present time, an agency rule becomes effective when filed with the director of legislative services, usually very shortly after the final hearing before the joint legislative committee on administrative rules. The rule as filed becomes the official rule. This bill, as amended, will now require the agency to file a proofed and certified copy with the New Hampshire state library and the state supreme court law library within 120 days of filing the official rule. At the present time, official rules need editorial corrections and proofing to be sure they comply with the vote of the JLCAR committee but there is no time frame in which to file the certified copies. This bill will require that this be done in 120 days. The bill only applies to rules filed and effective after the effective date of this act but does not apply to interim rules or emergency rules. Vote 18-0.

#### Amendment (0836h)

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

1 Administrative Rules; Publishing. Amend RSA 541-A:15, I to read as follows:

I. The director of legislative services shall compile, index, and publish, or require agencies to publish all effective rules adopted by each agency. *The text of an adopted rule as filed with the director and which is effective shall be the official version of the rule, unless or until a version prepared for publication, which may have editorial changes not affecting the substance of the rule, is certified by the agency as the same in substance as originally filed. The certified version shall be the official version. The official version of the rule shall be available to the public by the agency and the director pursuant to RSA 541-A:14, IV.*

*I-a. The agency shall certify the rule under paragraph I within 120 days of the effective date of the rule. The 120-day deadline shall not apply to interim or emergency rules. A copy of each rule as filed and each as certified shall be sent by the director to the state library and the New Hampshire law library at the supreme court.*

*I-b. Compilations shall be supplemented, revised, or published as often as necessary. The compilation, indexing, or publishing of fiscal impact statements shall not be required. The director of legislative services, in consultation with state agencies, may enter into a contract for the prepa-*

ration and publishing of the compilation of agency rules or any portion of it, or may certify a commercially prepared version of the compilation. Any version or portion of the code published under this section shall conform to all requirements of this chapter.

2 Applicability. The provisions of RSA 541-A:15 as amended by section 1 of this act shall apply to rules filed and effective after the effective date of this act.

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

#### AMENDED ANALYSIS

This bill requires agencies to certify the official version of a rule within 120 days of becoming effective, and requires certified copies of such rules to be sent to the state library, and the state supreme court law library.

**HB 1459**, requiring that all administrative rules adopted by every state agency under the Administrative Procedures Act identify the specific state or federal statute or regulation which the rule is designed to implement. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: The amendment to this bill will require state agencies adopting regular rules or interim rules to identify, in the rule making notice, the specific sections of state statutes or federal regulations for which the rules are designed to implement. The amendment also requires that the reference be specific in nature and in a uniform format as specified in the drafting and procedures manual. This will aid the public and the regulated community to reference the authority for promulgating such rule. Vote 17-0.

#### Amendment (0840h)

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

AN ACT relative to the specificity of administrative rules and the identification of state and federal law in the rulemaking process.

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

1 New Section; Specificity of Rules; Identification of State or Federal Law. Amend RSA 541-A by inserting after section 3 the following new section:

541-A:3-a Specificity of Rules; Identification of State or Federal Law. If an agency proposes a rule pursuant to RSA 541-A:3 or 541-A:19, the agency shall identify in the notice required pursuant to RSA 541-A:6 and 541-A:19, II, and in the rule, the specific section or sections of state or federal statute or regulation which the rule is intended to implement. The notice shall be in such form as the director of legislative services shall prescribe until otherwise provided by the drafting and procedure manual adopted pursuant to RSA 541-A:8. The identification in the rule shall be made in the manner specified in the drafting and procedure manual. General references to the name or title of a state or federal statute or regulation shall not suffice for the purposes of this section. To the extent that specific provisions of the proposed rule are designed to implement different sections or provisions of state or federal statutes or regulations, the agency shall reference the state or federal statute or regulation with the provision of the proposed rule that is intended to implement that statute or regulation.

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

**HB 1228**, relative to notice required upon an agency's receipt of federal funds. **INEXPEDIENT TO LEGISLATE**

Rep. Margaret A. Lynch for Finance: This bill would require a state agency to notify the Legislative Fiscal Committee, Commissioner of Administrative Services, appropriate standing committees, and the coordinator of federal funds of the receipt of a federally funded grant. In the opinion of the committee, this bill serves little purpose as it simply requires notification after the fact. Current law requires Governor and Council to review, accept or refuse funds awarded outside the state budget, and in the event that a grant required the creation of a new position in any department, the Fiscal Committee would have to approve before the item could be forwarded to Governor and Council. Vote 17-0.

**HB 1303-FN-A-L**, continually appropriating boating fees and other revenues to the division of safety services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert G. Holbrook for Finance: Starting with the next biennium, this bill, as amended, requires all boating registration fees and registration fines to be deposited into a non-lapsing fund

for the Division of Safety Services, Department of Safety, that provides appropriations for navigation safety and enforcement. The effect is to increase the funding for navigation safety and enforcement from approximately \$900,000 currently to some \$1,900,000. As a result of this increase it is no longer necessary to allocate one-half of unrefunded road tolls, amounting to some \$750,000, to navigation safety, and so the bill returns it to the General Fund. Vote 17-0.

#### Amendment (0812h)

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

1 Purpose. Approximately \$2,000,000 is generated annually through boating registration fees and registration enforcement fines for use by the department of safety, division of safety services. The division of safety services is required to use this money to promote safe navigation and enforce the registration and uniform numbering requirements of vessels operating on inland public waters of the state of New Hampshire. Of the approximately \$2,000,000 generated, only approximately \$1,000,000 has actually been available to the division of safety services annually for these purposes. A nonlapsing and continual appropriation of these revenues will assure that these sums are appropriately expended on navigation safety and enforcement.

2 Administration of Motor Vehicle Laws; Road Tolls; Exception; Navigation Safety Fund Removed. Amend RSA 260:60 to read as follows:

260:60 Exception. Notwithstanding all other laws and rules to the contrary, annually, on or before June 1, the road toll administrator shall compare the number of gallons on which refunds have been made for the preceding calendar year for motor fuel used in the propulsion of boats on inland public waters of the state, with the number of gallons of such motor fuel sold and delivered directly into the fuel tanks, or supplementary fuel tanks, of boats or outboard motors upon the inland public waters for use in such boats or outboards, based on the number of boats registered in the state at 100 gallons usage per boat, and if there is any balance of unrefunded tolls so collected, the administrator shall report the same to the state treasurer who shall, on July 1, next following, credit 1/2 of said balance to ~~[a special navigation safety fund within the treasury, to be administered by the director of the division of safety services, which has jurisdiction over the navigation of such boats or motors]~~ *the general fund* and credit 1/2 of said balance to the fish and game department. ~~[Funds credited to the navigation safety fund shall be used by the division of safety services for the promotion of the safety of navigation, and]~~ The funds credited to the fish and game department shall be used by said department to carry out its program and be accounted for as the fish and game fund is accounted for. Any ~~[balances in the]~~ funds ~~[hereby]~~ credited *to the fish and game department* as above provided shall not lapse at the end of the fiscal year. ~~[Any funds in the navigation safety fund, not otherwise appropriated, may be used by the division of safety services for the promotion of the safety of navigation upon request from the commissioner of safety to the governor and council with the prior approval of the legislative fiscal committee.]~~ The department shall pay monthly to the state treasurer all revenue from the aircraft landing area toll.

3 Navigation; Vessel Registration and Numbering; Disposition of Revenues; Safety Services; Nonlapsing and Continual Appropriation. Amend RSA 270-E:7, I to read as follows:

I. Except as provided in paragraph II, all fines collected under this chapter ~~[all sums received from the state treasurer on account of the unrefunded motor vehicle road tolls,]~~ and the amount of fees generated by RSA 270-E:5, I and III shall be made available to the department of safety, division of safety services for the promotion of the safety of navigation and the administration and enforcement of this chapter. *Such sums shall be nonlapsing and shall be continually appropriated to the department of safety, division of safety services.*

4 Repeal. RSA 6:12, I(ppp), relative to the navigation safety fund general revenue exception, is repealed.

5 Effective Date. This act shall take effect July 1, 1999.

#### AMENDED ANALYSIS

This bill provides that fines and fees collected under RSA 270-E shall be nonlapsing and continually appropriated to the department of safety, division of safety services. This bill also credits the 1/2 of the unrefunded road tolls formerly credited to the navigation safety fund to the general fund.

**HB 1321-FN-A**, to provide marine patrol officers with adequate communications systems and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Stephen T. DeStefano for Finance: This bill made an appropriation of \$125,000 to the marine patrol for the purchase of communications equipment. The committee, marine patrol and sponsors



felt that this bill was not necessary based on the committee's support of HB 1303 which increases the revenue of the marine patrol by approximately \$800,000 by allowing it to keep the fines and licensing fees instead of sending them to the General Fund. Vote 22-0.

**HB 1326**, relative to applications for exemption to the state hiring delay. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill requires the department requesting an exemption from a hiring delay to obtain the approval of the Governor as well as the Fiscal Committee. The amendment adds the Governor as a recipient of the quarterly report from the Commissioner of Administrative Services concerning the savings realized from the hiring delay. This bill codifies what is existing practice. Vote 17-0.

**Amendment (0832h)**

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

2 Hiring Delay; Quarterly Report by Administrative Services; Governor Added. Amend 1997, 351:45, IV to read as follows:

IV. The commissioner of the department of administrative services shall report quarterly to the *governor and the* fiscal committee concerning the savings realized under this section. The first report shall be submitted on or before November 1, 1997.

**AMENDED ANALYSIS**

This bill requires a department requesting an exemption to the hiring delay to seek approval from the governor as well as the legislative fiscal committee. Current law only requires approval of the legislative fiscal committee. This bill also requires that the commissioner of administrative services' quarterly report concerning savings realized by the hiring delay be submitted to the governor in addition to the fiscal committee.

**HB 1384-FN-A**, making appropriations for use by the New Hampshire Commission on the Smithsonian Festival of American Folklife. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: In the summer of 1999, New Hampshire will be the featured state in a special exhibition at the Smithsonian Institution in Washington, D.C. The exhibit is being coordinated by the New Hampshire Commission on the Smithsonian Festival of American Folklife which was created by Chapter 204, Laws of 1996 and will showcase New Hampshire's cultural heritage with crafts, music, dance, storytelling, food ways, occupational skills and workshops. Also taking place on the National Mall will be a salute to New Hampshire's hometown communities with a celebration of Old Home Day, complete with parades, church suppers and other community festivities. In addition, the Commission will re-stage the festival in New Hampshire and will also generate a package containing various inter-generational learning guides, videos and compact discs which will be freely provided to all libraries and schools throughout the state.

The Finance Committee acknowledges that the festival will become a major opportunity for the state to develop and generate significant tourism and economic development partnerships. The festival is expected to attract over 1.2 million international and national visitors and will clearly serve as a major component of New Hampshire's 1999 tourism and economic development promotional activities. The bill, as amended, will provide the Commission with \$200,000 in FY 1999 which will join an additional \$2,000,000 in corporate and philanthropic gifts as well as federal funds which comprise a total Commission budget of \$2,200,000. The funds for this appropriation of \$200,000 will come from the additional \$1,000,000 budgeted for increased tourism and promotional activities at DRED in the current biennial operating budget for FY 1999. Vote 21-1.

**Amendment (0899h)**

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

**AN ACT** making an appropriation for use by the New Hampshire Commission on the Smithsonian Festival of American Folklife.

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

1 Appropriation; New Hampshire Commission on the Smithsonian Festival of American Folklife. The sum of \$200,000 for the fiscal year ending June 30, 1999 is appropriated to the New Hamp-

shire commission on the Smithsonian Festival of American Folklife for the purpose of funding the participation of the state in the Smithsonian Festival of American Folklife to be held on the National Mall in Washington DC in 1999 and featuring the state of New Hampshire.

2 Source of Funds for Appropriation. Notwithstanding any other provision of law, the appropriation made in section 1 of this act shall be funded from the general fund appropriation made to the department of resources and economic development for travel and tourism development in PAU 03, 03, 02, 03, class lines 90, 93, or 94, or any combination of these class lines within said PAU.

3 Effective Date. This act shall take effect July 1, 1998.

#### AMENDED ANALYSIS

This bill makes an appropriation for use by the New Hampshire Commission on the Smithsonian Festival of American Folklife.

**HB 1456**, relative to the budget making process. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill is the result of a study this past summer by the New Hampshire Center for Public Policy Studies in regard to preparation of our state budget. The bill requires the budget be available in electronic and printed format, that there be a narrative explanation of all appropriations recommended in the Governor's budget from a maintenance expenditure budget as well as putting into statute the ability for performance-based budgeting. The amendment states that an agency or program selected for performance-based budgeting must be approved in the budget process, not the Fiscal Committee. Vote 17-0.

#### Amendment (0790h)

Amend RSA 9:8-a, II as inserted by section 4 of the bill by replacing it with the following:

*II. Performance budgeted agencies and programs shall be exempt from the requirements in paragraph I. The budget of a performance budget agency or program shall be presented as one line item for each program objective. In this section, performance budget agency and program means an agency, PAU, or program specified in the budget for the subsequent biennium on the basis of identified goals, objectives, and verifiable outcome measures.*

Amend the bill by replacing all after section 6 with the following:

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

#### AMENDED ANALYSIS

This bill changes the budget process to require that the budget be available in printed and electronic format, clarifies proposed maintenance expenditures, and the budget process for performance based budget agencies and programs.

**HB 1548-FN-A**, providing for the health care of New Hampshire children and making an appropriation therefor. REFER FOR INTERIM STUDY

Rep. Mary Jane Wallner for Finance: This bill would provide a source of matching funds for a children's health insurance program. The federal government is making funding available to states to expand health care to low-income children. States will need to provide a source of state matching funds. At this time the committee is awaiting additional information in order to identify a source of matching funds. Vote 21-0.

**HB 1586-FN-A**, making an appropriation for the purpose of increasing coverage on highways by state troopers and for additional state troopers. INEXPEDIENT TO LEGISLATE

Rep. Stephen T. DeStefano for Finance: This bill made an appropriation of \$1,000,000 from the highway surplus account for the purpose of hiring six full-time state troopers to collect defaulted fines. The committee felt that although this was a worthwhile endeavor the price tag was far too high and the department should find other means to track down these individuals, either from within the department or through outside sources. Vote 22-0.

**HB 1644-FN-A**, relative to general fund operating budget surpluses. INEXPEDIENT TO LEGISLATE

Rep. Franklin G. Torr for Finance: The content of this bill was similar to HB 1300. Therefore, we combined the bills, and HB 1644 became unnecessary. Vote 17-0.

**HB 1118**, relative to the expiration of contact lens prescriptions. OUGHT TO PASS WITH AMENDMENT

Rep. Eileen P. Dawe for Health, Human Services and Elderly Affairs: This bill changes the expiration of a contact lens prescription under the law governing ophthalmic dispensing to match the one year expiration term under the law regulating optometrists. Vote 17-0.

**Amendment (0724h)**

Amend the bill by replacing section 1 with the following:

1 Contact Lens Prescription; Definition Changed; Expiration. RSA 327-A:1, IV is repealed and reenacted to read as follows:

IV. "Prescription for contact lenses" means a dated and signed, written direction specifying that it is for contact lenses and which shall include at least the power, size, curvature, color, and material composition of the contact lenses. A prescription for contact lenses may also include, at the prescriber's professional discretion, other parameters or instructions such as lens manufacturer, prescription expiration date, number of permitted refills, and a statement prohibiting substitutions. Such parameters or instructions shall be honored by a person filling the prescription. Unless otherwise specified by the prescriber for health reasons, a contact lens prescription shall expire one year from the date of issue.

**AMENDED ANALYSIS**

This bill changes the definition of a contact lens prescription under the law governing ophthalmic dispensing and changes the expiration term to match the one year term under the law regulating optometrists.

**HB 1150**, establishing a committee to study the authority, functions, duties, and responsibilities of the bureau of emergency medical services. OUGHT TO PASS WITH AMENDMENT

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: Currently, emergency medical services personnel guidelines, education, certification, and protocol are unclear with many unregulated options. This bill sets up a committee to study the authority, functions, duties, funding and responsibilities through a coordinated process to be set forth by the Bureau of Emergency Medical Services (a bureau within Health and Human Services). The goal is to have a coordinated and quality emergency response effort to life or death situations. Vote 17-0.

**Amendment (0654h)**

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

AN ACT establishing a committee to study the authority, functions, duties, funding, and responsibilities of the bureau of emergency medical services.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the authority, functions, duties, funding, and responsibilities of the bureau of emergency medical services, department of health and human services.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study all aspects of the authority, functions, duties, funding, and responsibilities of the bureau of emergency medical services, department of health and human services.

**AMENDED ANALYSIS**

This bill establishes a committee to study the authority, functions, duties, funding, and responsibilities of the bureau of emergency medical services, department of health and human services.

**HB 1166**, relative to the oversight committee on health and human services. OUGHT TO PASS WITH AMENDMENT

Rep. Robert Chabot for Health, Human Services and Elderly Affairs: This bill strengthens the current statute on the health and human services oversight committee by establishing a meeting and reporting schedule. Vote 15-1.

**Amendment (0628h)**

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

1 Composition Changed; Duty Added. Amend RSA 126-A:13 and RSA 126-A:14 to read as follows: 126-A:13 Oversight Committee; Establishment.



I. There shall be an oversight committee on health and human services consisting of ~~(13)~~ 8 members as follows:

- (a) 3 members of the senate, at least one of whom shall be a member of the senate public institutions/health and human services committee, appointed by the president of the senate; *and*
- (b) 5 members of the house appointed by the speaker of the house from the health, human services and elderly affairs committee; ~~and~~
- ~~{(c) 5 members from the department of health and human services, appointed by the commissioner}.~~

II. ~~[For the members appointed under subparagraphs I(a) and (b),] Membership on the oversight committee shall be for the biennium and shall be coterminous with membership in the general court.~~

126-A:14 Organization and Compensation. The oversight committee shall have a chairperson who shall be chosen by vote from among the committee membership. The chairperson's term of office shall be for the biennium. The committee shall have a clerk who shall be chosen by vote by the members of the committee. The clerk's term of office shall be for the biennium. ~~[The committee shall meet immediately upon the close of each legislative session.]~~ The ~~[legislative]~~ members of the committee shall receive legislative mileage when in performance of their duties.

2 Duties of Oversight Committee. RSA 126-A:15 is repealed and reenacted to read as follows:  
126-A:15 Duty of Oversight Committee.

I. The committee shall provide legislative oversight of the programs, policies, and rules of the department of health and human services as brought to its attention by committee members, legislators, department personnel, or others. The committee's work may include, but is not limited to, analyzing the efficacy of selected programs, studying the characteristics of target populations, researching trends affecting program costs and participation and reviewing alternate approaches to programmatic and administrative concerns. The committee shall maintain communications with the department of health and human services, and any other departments, as necessary to accomplish its work.

II. The committee shall meet at the call of the chair but in no case less than every 2 months.

III. The committee shall report no later than the first day of November of the second year of the biennium as to its activities and recommendations to the speaker of the house and the president of the senate.

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

### **HB 1298-FN-L, requiring health care providers to wear identification. OUGHT TO PASS WITH AMENDMENT**

Rep. Alice Z. Calvert for Health, Human Services and Elderly Affairs: This bill requires caregivers, including consulting doctors, volunteers and students, who come in contact with clients and residents of a health care facility (licensed under RSA 151) to wear identification which discloses name, licensure status and staff position. Health and Human Services would be notified of a fault but the facility would not be cited for a deficiency. Vote 16-0.

#### **Amendment (0663h)**

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

1 New Section; Identification Required. Amend RSA 151 by inserting after section 3-a the following new section:

151:3-b Identification Required.

I. Facilities licensed under this chapter shall require all persons, including volunteers, consulting doctors, and students, in contact with clients and residents to wear a form of identification which readily discloses the first name, licensure status, if any, and staff position. This section shall also apply to home health care providers and hospice staff.

II. Failure to comply with the requirements of paragraph I shall not result in a citation for deficiency, but shall result in a notice from the department of health and human services that such compliance is mandated by law.

2 Identification Required. Amend RSA 151:21, I to read as follows:

I. The patient shall be treated with consideration, respect, and full recognition of the patient's dignity and individuality, including privacy in treatment and personal care *and including being informed of the name, licensure status, and staff position of all those with whom the patient has contact.*

3 Identification Required. Amend RSA 151:21-b, II(a) to read as follows:

(a) Be treated with consideration, respect, and full recognition of the client's dignity and individuality, including privacy in treatment and personal care and respect for personal property *and including being informed of the name, licensure status, and staff position and employer of all persons with whom the client/resident has contact.*

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

**HB 1498**, requiring emergency medical care providers to inform patients of transport options. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: This bill is one of three that tightens up and coordinates a more professional emergency medical services response as it deals with transportation options for the patient. Emergency medical service personnel may advise individuals of their options after an assessment of signs and symptoms is made. EMS personnel are authorized to secure a signed waiver from the individual if they refuse transportation to a medical facility. Vote 15-2.

#### Amendment (0664h)

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

AN ACT authorizing emergency medical care providers to inform patients of transport options.

Amend RSA 151-B:10-a as inserted by section 1 of the bill by replacing it with the following:

151-B:10-a Transport Options. Emergency medical care providers licensed under this chapter may, under medical control, inform individuals of transport options which, in the opinion of the provider, are suitable to such individual. This information shall be provided only after the emergency medical care provider has made a physical assessment of the signs and symptoms of the individual within the provider's level of licensure. All individuals who elect not to be transported or not to be transported by an emergency medical service vehicle shall sign an agreement releasing the emergency medical care provider, hospital, and the medical control physician from liability relating to such transport decision. Nothing in this section shall be construed to require an individual to choose any particular transport option.

#### AMENDED ANALYSIS

This bill authorizes licensed emergency medical care providers to inform patients of transport options.

**HB 1652**, establishing a pilot program relative to the administration of medications in residential care facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: This bill establishes a 2-year pilot program for the administration of medications in certain residential care facilities. The amendment clearly sets out the criteria which have to be met by the Department of Health and Human Services. This lengthy amendment will appear in the session laws, not in the regular RSAs. The committee took pains to insure that the safety and well-being of these frail elderly are protected. Vote 16-0.

#### Amendment (0881h)

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

1 Statement of Intent. The general court recognizes the growing need of frail elderly in the state who require supervised living environments but do not require 24-hour per day skilled nursing services. Residential care facilities offer elders these services in a cost-effective manner and their existence enables such elders to remain as independent as possible while receiving needed care. The general court recognizes that in order to address the growing number of frail seniors in the state, alternative means and settings for providing such care must be explored. It is the intent of the general court that investment in this form of care for seniors will result in more cost-effective means to provide services to the frail elderly in the state of New Hampshire. Therefore, the general court hereby establishes a pilot program relative to medication administration in residential care facilities.

#### 2 Pilot Program.

I. The commissioner of the department of health and human services is hereby directed to create a pilot program for medication administration in residential care facilities. The commissioner may approve a waiver to He-P 804. The requirements for the pilot program shall be as follows:

## (a) Facility criteria:

- (1) Residential care facility shall have had the same administrator for 2 previous years.
- (2) Facility may have any number of beds.

## (b) Resident criteria:

- (1) Resident must be either cognitively intact, have a guardian who has power to make medical decisions, or have given power of attorney for medical decisions to another individual.
- (2) Cognitive state to be determined by bureau of health facilities, department of health and human services, needs assessment tool.
- (3) Cognitive ability to be determined within 30 days prior to application for medication waiver.

## (c) Program criteria:

- (1) Residential care facilities with 24-hour RN staff are under no restrictions on the number of residents or number and type of medications that may be administered.
- (2) Residential care facilities with an LPN on staff and supervision provided by a RN are under no restrictions on number of residents or number and type of medications.
- (3) All medication administration under subparagraph (1) and (2) shall be in accordance with RSA 326-B.

## (4) If the residential care facility does not have licensed staff, the following shall apply:

- (A) Waiver request must be specific for both the resident and the individual or individuals who will be administering medications.
- (B) The resident shall have resided in the home for at least 6 months prior to the waiver request.

(C) The resident shall have a single ordering health care practitioner and/or have a primary care practitioner sign off that he or she has reviewed all medications for compatibility.

(D) Medications (prescription and over the counter) shall come from the same pharmacy or medications shall be reviewed quarterly by a pharmacist. If a quarterly review is required, the first shall be completed prior to the waiver request. A drug review shall be completed each time a new medication is ordered.

(E) The resident shall be assessed utilizing the states' needs assessment no more than 30 days prior to request. A full resident needs assessment shall be done quarterly and sent to the bureau of health facilities within 7 days of completion.

(F) The facility shall have had no medication deficiencies which threaten the health and safety of a resident within the last year.

(G) Administration of injectable or rectal medication, class 2 or class 3 narcotics will be denied, except as deemed appropriate by the consulting RN.

(H) Administration of eyedrops shall require individualized training by an RN.

(I) All individuals administering medications shall have a minimum of a high school diploma.

(J) The number of medications shall be determined by the consulting RN based on the type of prescription, the type of medication, and the capability of the staff member.

(K) Waivers will be granted for no more than 5 residents per facility.

(L) Quarterly quality assurance reports shall be filed with the bureau of health facilities, department of health and human services using indicators developed by that bureau.

(M) Facilities shall hire a registered nurse consultant, qualified to perform the resident needs assessment.

(N) The nurse consultant shall be responsible for:

(i) implementing the program based on the requirements of He-M 1201, including staff training and procedures for documentation.

(ii) performing the quarterly resident assessments.

(iii) completing the quarterly quality assurance program.

(iv) performing any additional training required by a change in the residents' medications.

## (d) Waiver may be revoked for any of the following reasons:

(1) The bureau of health facilities, in consultation with the consulting RN, determines that medication errors threaten the well being of the residents and/or are excessive.

(2) Allowing unauthorized staff to administer medications.

(3) Failure to follow any criterion for the pilot program.



II. Due process rights of the facility shall not apply to this pilot program.

III. Administration of medications under this pilot program shall be exempt from the provisions of RSA 326-B.

IV. This pilot program shall be exempt from the provisions of RSA 541-A.

V. Facilities eligible for the pilot program shall hire a registered nurse as a consultant.

VI. This pilot program shall terminate on December 31, 2000, unless authorized to continue by the legislature.

VII. The commissioner may pursue additional funding for the pilot program in the form of grants from federal and private foundations sources and expend such grants, moneys, and any appropriation for the purpose of said program.

VIII. The commissioner shall submit a report on the activities, findings and recommendations relative to the pilot program to the speaker of the house, the president of the senate, and the governor before the termination date specified in paragraph VI of this section.

### 3 Residential Care Pilot Program Advisory Committee Established.

I. There is hereby established the residential care pilot program advisory committee to review the implementation of the pilot program established in section 2 of this act. The members of the committee shall be as follows:

(a) The commissioner of the department of health and human services, or designee.

(b) An RN from the bureau of health facilities, department of health and human services, appointed by the commissioner of the department.

(c) A representative of the New Hampshire board of nursing, appointed by the board.

(d) A representative of the New Hampshire Residential Care Association, appointed by the association.

(e) A representative of the New Hampshire Nurses Association, appointed by the association.

(f) A representative of the New Hampshire Health Care Association, appointed by the association.

(g) A representative of the New Hampshire Home Care Association, appointed by the association.

II. The committee's duties shall include, but not be limited to reviewing the implementation of the pilot program established under section 2 of this act.

4 Funding. The pilot program established in section 2 of this act shall be funded through existing appropriations to the department of health and human services.

5 Repeal. Sections 1-4 of this act, relative to the residential care pilot program, are repealed.

6 Effective Date.

I. Section 5 of this act shall take effect December 31, 2000.

II. The remainder of this act shall take effect July 1, 1998.

### AMENDED ANALYSIS

This bill requires the commissioner of health and human services to establish a pilot program for medication administration in residential care facilities. The pilot program shall terminate on December 31, 2000.

Referred to Finance.

**HB 1164**, relative to requests for changes in superior court justices assigned to trials. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra B. Keans for Judiciary and Family Law: The committee feels this bill would bring about a scheduling nightmare and dramatically increase costs. New Hampshire has a limited number of judges and therefore are assigned only 2-3 days before the trial date. Further, there are ample opportunities to challenge judges if they do not recuse themselves. The administrative judge has developed an assignment system based on "weighted" case load in order to facilitate the system. Vote 12-0.

**HB 1261-FN**, prohibiting part-time judges from sitting on courts located within 50 miles of their primary places of business. **INEXPEDIENT TO LEGISLATE**

Rep. David C. Allison for Judiciary and Family Law: The committee believes this bill is unworkable and to be a possible cause of mischief within the courts. Vote 13-0.

**HB 1266**, relative to reporting of alleged criminal conduct by the professional conduct committee and the judicial conduct committee. **INEXPEDIENT TO LEGISLATE**  
 Rep. Marjorie K. Smith for Judiciary and Family Law: This bill requires the Professional and Judicial Conduct Committees to refer allegations of criminal conduct to the attorney general and the county attorneys. This bill is not necessary because the Judicial Conduct Committee is already required by statute to report alleged criminal behavior and the Professional Conduct Committee does this in practice. Additionally the attorney general can refer criminal investigations to the county attorneys. Vote 12-0.

**HB 1302**, relative to the liability of the university system of New Hampshire for civil damages arising from snow, ice, or inclement weather. **INEXPEDIENT TO LEGISLATE**  
 Rep. Sandra B. Keans for Judiciary and Family Law: The committee did not find a need for this bill at this time. The university testified that in the last two years there were seven cases brought forward, six of which were dismissed. While the university is a non-profit institution, it is not the same as a municipality. Vote 12-2.

**HB 1325**, relative to the rooms and meals tax and occupants of rooming houses. **INEXPEDIENT TO LEGISLATE**  
 Rep. Sandra B. Keans for Judiciary and Family Law: This bill was proposed last year and turned down. The sponsor had agreed to bring in a new bill which would address the concerns. Currently, rooming houses are considered transitional housing and give the landlord 90 days in which to make a determination on the character of the tenant. During that period the tenant is a "tenant at will" and has no rights to occupancy. The committee believes a six-month period during which the tenant has no rights is too long a period. Vote 11-2.  
 Rep. Guaraldi declared a conflict of interest and did not participate.

**HB 1360**, revising the formula for determining child support. **INEXPEDIENT TO LEGISLATE**  
 Rep. Sandra B. Keans for Judiciary and Family Law: This bill does not take into consideration HB 774 which was passed this January and is now in the senate. We need to wait to evaluate how that bill, which is a result of study committee, functions. It provides for major changes to the current support guidelines. Vote 12-1.

**HB 1408**, requiring a criminal background investigation for certain child care agencies. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Marjorie K. Smith for Judiciary and Family Law: This bill, as amended, would require criminal record and central registry checks for those who are receiving state funds for providing child care but are exempt from licensing. Currently, in New Hampshire, there are 1,500 providers caring for between 1,500 and 4,500 children who fall into that category. A finding would not result in an automatic denial but the Department of Health and Human Services would have the authority to conduct an investigation as to whether the individual poses a current threat. Health and Human Services says that there will be no additional costs. Vote 12-1.

#### **Amendment (0800h)**

Amend the bill by replacing section 1 with the following:

1 New Section; Criminal Records and Central Registry Check of Child Day Care Providers Exempt From Licensing. Amend RSA 170-E by inserting after section 3 the following new section:

170-E:3-a Criminal Records and Central Registry Check of Child Day Care Providers Exempt From Licensing. Any child day care providers exempt from licensing under RSA 170-E:3 which receive state funds or subsidies in payment for the provision of child day care shall, as a condition of receiving state funds or subsidies, provide their names, birth names, birth dates and addresses, and the same information for any individual residing in the child day care provider's household who may be responsible for the care of, or is in regular contact with children, to the department prior to the receipt of state funds or subsidies on or before July 1, 1999, and every 3 years thereafter. The department shall conduct criminal records and central registry checks on these names in accordance with the provisions of RSA 170-E:7.

Amend RSA 170-E:7, I as inserted by section 2 of the bill by replacing it with the following:

I. Licensed child day care agencies *and child day care providers exempt from licensing under RSA 170-E:4 but which receive state funds or subsidies in payment for the provision of child*

*day care* shall, within 30 days of adding new staff members responsible for care of or in regular contact with children, submit the names, birth names, birth dates, and addresses of such staff members to the department.

**HB 1419**, making victims of juvenile offenses eligible for compensation from the victim's assistance fund. INEXPEDIENT TO LEGISLATE

Rep. Andrew R. Peterson for Judiciary and Family Law: The committee unanimously found that this legislation would not serve to further the intent of the sponsor that juveniles should be made more accountable to the victims of crimes which involve personal property damage. The victim's assistance fund, according to testimony from the Attorney General's office, the Department of Justice and the N.H. Police Chiefs Association would be drained of needed resources if expanded to include victims of property crimes. Vote 12-0.

**HB 1510-FN**, requiring probate court judges to report attorneys who are fiduciaries and have been cited for delinquencies in accounting by the probate court to the professional conduct committee of the supreme court. INEXPEDIENT TO LEGISLATE

Rep. Wayne T. Moynihan for Judiciary and Family Law: There was no evidence presented that this bill was necessary to solve an existing problem. No sponsors appeared and no testimony in support was received. Enacting this bill would increase state expenditures by a significant but indeterminable amount. The vast majority of delinquencies are missed deadlines by one or two weeks, and internal probate procedures now ensure that the vast majority are cured in a timely fashion. The probate court judges already have the power to report attorneys who are delinquent fiduciaries to the professional conduct committee of the supreme court when they deem it to be warranted. Vote 12-1.

**HB 1511-FN**, requiring registers of probate to send a notice to each beneficiary when a fiduciary is delinquent in filing an inventory or account. INEXPEDIENT TO LEGISLATE

Rep. Peter F. Bergin for Judiciary and Family Law: The Probate Court has rules and systems in place to take care of this. RSA 548:5 mandates that the register of probate send notice of the default to the fiduciary by first class mail within 12 days after default. The fiduciary then has 30 days to either file the inventory or account or show good cause for the failure to file. If the fiduciary neither files nor shows good cause for the failure to file, the probate judge shall issue a citation to the fiduciary to appear before the judge. RSA 548:5-a, II mandates that the register of probate send a copy of such citation by first class mail to any beneficiary. Vote 11-1.

**HB 1519**, requiring registers of probate to be consistent and uniform in the enforcement of delinquency notices, citations, and contempt charges. INEXPEDIENT TO LEGISLATE

Rep. Marjorie K. Smith for Judiciary and Family Law: The procedures identified in this bill are already in place as a result of legislation passed in 1991, 1994 and 1995 and the adoption of rules proposed by the Probate Court Forms committee, the Probate Court Procedures committee and the Probate Court Rules committee. Vote 12-0.

**HB 1554-FN**, allowing punitive damages in actions for domestic violence and sexual assault. REFER FOR INTERIM STUDY

Rep. Andrew R. Peterson for Judiciary and Family Law: Although the committee was disinclined to pass this bill allowing an expansion of the use of punitive damages in civil court, the majority felt that giving victims of abuse enhanced access to "expanded compensatory damages" merits study. Vote 14-1.

**HB 1610**, relative to back wages owed by employers. REFER FOR INTERIM STUDY

Rep. Sandra B. Keans for Judiciary and Family Law: The committee believes a problem exists in that there are small corporations that build up debt including back wages and then leave town. However, we are not sure that this bill is worded correctly to solve the problem without opening up other problems for legitimate operating companies. Vote 7-5.

**HB 1423-FN**, modifying the definition of employment under the unemployment compensation statute and assignment of unemployment compensation payments for a claimant's child support obligations. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: This bill allows the Commissioner of Employment Security to accept authorization for child support payments from a court or administrative agency of competent jurisdiction. It also allows the department to accept certain federal funds to administer the compensation statute. Vote 18-0.



**Amendment (0277h)**

Amend the bill by replacing section 1 with the following:

1 Unemployment Compensation; Definition of Employment. Amend RSA 282-A:9, IV(1) to read as follows:

(l) Service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution; *or service performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by the individual at a fixed price, his or her compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged him or her, whether or not he or she is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back;*

**HB 1109**, allowing prepayment of property taxes before April 1. OUGHT TO PASS WITH AMENDMENT

Rep. Linda T. Foster for Local and Regulated Revenues: This bill allows taxpayers to prepay their taxes if the municipality has authorized such payments. The payment allows taxpayers to maximize the IRS federal tax deductions and allows the municipality up to 16 months of early collection. Any prepayment is entirely voluntary. Vote 14-0.

**Amendment (0868h)**

Amend RSA 80:52-a as inserted by section 1 of the bill by replacing it with the following:

80:52-a Prepayment. Any town by vote at a town meeting under a proper article in the warrant or by vote of the board of selectmen or the town council and any city by vote of its governing board may authorize the prepayment of taxes and authorize the collector of taxes to accept payments in prepayment of taxes. If a town or city so votes, any person, firm or corporation owning taxable property [~~on April 1~~] may, [~~after April 1 and~~] *at any time* before notice of the amount of taxes assessed against said property [~~for that year~~] has been received, make payments on account of such taxes *as will be due* and the collector shall receive such payments and give a receipt therefor and credit the amounts paid toward the amount of the taxes eventually assessed against said property. In any town or city which shall vote to authorize the prepayment of taxes the collector of taxes shall give such bond in the form and amount which the commissioner of revenue administration shall require, and [~~he~~] *the collector* shall pay over all sums so received to the town treasurer under the provisions of RSA 41:35. *No taxpayer shall be allowed to prepay taxes more than 2 years in advance of the due date of the taxes. No interest shall accrue to the taxpayer on any prepayment, nor shall any interest be paid to the taxpayer on any prepayment which is later subject to rebate or refund.*

**AMENDED ANALYSIS**

This bill allows property taxpayers to make prepayments on their taxes up to 2 years in advance of the due date of the taxes. No interest shall accrue on any prepayment, nor shall interest be paid to the taxpayer on any prepayment which is later subject to refund or rebate.

**HB 1122**, relative to the definition of charitable organization for the purposes of conducting bingo games. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen G. Avery for Local and Regulated Revenues: This bill modifies existing law by allowing charitable organizations to play bingo and Lucky Seven in towns other than the town in which they are organized. It limits the play to one town during the term of the license and limits the charity to no more than ten game dates in one calendar month. Vote 12-1.

**Amendment (0606h)**

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

AN ACT relative to the licensure of charitable organizations to conduct bingo games or sell lucky 7 tickets in towns and cities in which the organizations have been conducting charitable activities.

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

1 Definition; Charitable Organization. Amend the introductory paragraph of RSA 287-E:1, V and subparagraphs (a) and (b) to read as follows:

V. "Charitable organization" means any bona fide religious, charitable, civic, veterans or fraternal organization which shall have been in existence *and organized under the laws of this state* for at least 2 years in [the] a town or city [in which the bingo games are to be conducted, which is organized under the laws of this state], and to which contributions are exempt from federal income tax. To be eligible for licensure under this chapter, a charitable organization shall do all of the following:

(a) Document that [it is] *contributions to the organization are* exempt from federal income tax.

(b) Establish that the religious, civic, fraternal, veterans, or charitable purposes for which it was organized, other than charitable gambling, are furthered through activities conducted in the town or city in which the [bingo games are conducted] *charitable organization is organized.*

2 License Eligibility; Charitable Organization. Amend RSA 287-E:5, VII(b) to read as follows:

(b) Establish that the religious, civic, fraternal, veterans, or charitable purposes for which it was organized, other than charitable gambling, are furthered through activities conducted in the town or city in which the [bingo games are conducted; provided that any charitable organization which was licensed to play bingo games outside of the town or city in which it is organized on June 1, 1997 shall be eligible to be licensed to continue to play bingo games outside of the town or city in which it is organized until July 1, 1998] *charitable organization is organized.*

3 Issuance of Licenses; Charitable Organizations. Amend RSA 287-E:6, II(a) to read as follows:

(a) No more than one license shall be issued to a charitable organization per calendar month, and the license shall permit no more than 10 game dates of bingo in one calendar month, *and in no more than one town or city which has authorized bingo games under RSA 287-E:27.* The license shall expire on the last game date authorized under said license.

4 Application Fee; Lucky 7. Amend RSA 287-E:19, I to read as follows:

I. The lucky 7 license application fee shall be \$10 per month *or any part of a month.*

5 Lucky 7 Licenses; Charitable Organizations. Amend RSA 287-E:20, I to read as follows:

I. The license shall specify where the tickets may be offered for sale, provided that the license shall not authorize a charitable organization to sell lucky 7 tickets except at a place where a bingo game has been authorized, or in [the town or city where the organization has existed for at least 2 years prior to the date the tickets are sold] *a town or city which has authorized the sale of lucky 7 tickets under RSA 287-E:27.*

6 New Paragraph; Organization Eligible for Lucky 7 Licensing. Amend RSA 287-E:20 by inserting after paragraph V the following new paragraph:

VI. Only charitable organizations as defined in RSA 287-E:1, V shall be eligible for licensing.

7 Sale of Lucky 7 Tickets; Locations. Amend RSA 287-E:21, II to read as follows:

II. Lucky 7 tickets may only be sold at the location specified in the license issued by the commission, which [may] *shall* include either:

(a) The regular meeting place of or a facility owned, leased or utilized by the charitable organization for its activities; or

(b) Any other location where the sale of lucky 7 tickets is conducted in conjunction with and at the same time as an event sponsored *or co-sponsored* by the charitable organization, *to be held once a year, and will be held for no more than 4 consecutive days.*

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

#### AMENDED ANALYSIS

This bill modifies the definition of "charitable organization" for the purposes of eligibility to conduct bingo games and sell lucky 7 tickets.

**HB 1131**, relative to the sale of liquor and beverages and relative to enforcement of the liquor laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert N. Kelley for Local and Regulated Revenues: This bill serves a variety of purposes in updating the operations of the liquor commission. The enforcement of liquor laws is strengthened by further tightening of photo identification requirements by increases in fines for underage possession of liquor and by more business-like reporting requirements for full service restaurant licenses. This bill is user friendly to the commission and the general public as well. No one appeared in opposition. Vote 16-0.

#### Amendment (0387h)

Amend RSA 178:20, V(j) as inserted by section 5 by replacing it with the following:

(j) Golf Facility. An operator or designee of a golf facility may be entitled to a cocktail lounge license for the sale of liquor and beverages to patrons in rooms *or any clearly defined area under the licensee's control* approved by the commission.

Amend RSA 179:10 as inserted by section 8 of the bill by replacing it with the following:

179:10 Unlawful Possession. Except as provided in RSA 179:23, any person under the age of 21 years who has in his possession any liquor or alcoholic beverage shall be guilty of a violation and shall be fined a minimum of [~~\$50~~] **\$250**. Any second and subsequent offense shall be fined at least [~~\$250~~] **\$500**. No portion of this mandatory minimum fine shall be waived, continued for sentencing or suspended by the court. Any person under the age of 21 years convicted of unlawful possession of liquor or beverage shall forfeit the same, and it shall be disposed of as the court directs. The proceeds, if any, shall be paid into the treasury of the county in which the proceedings were determined.

**HB 1188**, requiring a 24-hour rest for beer at the warehouse after delivery to the wholesale distributor by the brewer or manufacturer. **INEXPEDIENT TO LEGISLATE**

Rep. Jean R. Wallin for Local and Regulated Revenues: After hearing testimony, the committee decided this bill is unnecessary at this time. Vote 16-0.

**HB 1276**, relative to charitable organizations conducting bingo. **INEXPEDIENT TO LEGISLATE**  
Rep. Lauren Carney for Local and Regulated Revenues: The intent of this bill has been incorporated into House Bill 1122 as amended. Vote 13-0.

**HB 1277**, prohibiting beverage, wine, and liquor tasting in grocery and convenience stores. **INEXPEDIENT TO LEGISLATE**

Rep. Jean R. Wallin for Local and Regulated Revenues: Beer, wine and liquor tasting in grocery and other retail outlets has been allowed for many years. This marketing tool has been used responsibly and successfully according to the Liquor Commission. The committee sees no reason to prohibit the practice. Vote 15-0.

**HB 1381**, relative to charitable organizations eligible to sell Lucky 7 tickets. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Local and Regulated Revenues: The concerns of the sponsor were taken care of in the amendment to House Bill 1122. Vote 13-0.

**HB 1469-L**, clarifying the value of public utility property for property tax purposes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Linda T. Foster for Local and Regulated Revenues: The amendment to this bill establishes a study committee to examine the valuation of public utility property. The committee believes that the deregulation of the electric industry makes this issue especially relevant. Vote 15-0.

#### **Amendment (0798h)**

Amend the bill by replacing the title with the following:

**AN ACT** establishing a committee to examine the valuation of public utility property.

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

1 Committee Established. There is hereby established a committee to examine the valuation of public utility property.

2 Membership and Mileage.

I. The committee shall be comprised of the following members:

(a) Two representatives from the committee on science, technology and energy, appointed by the speaker of the house.

(b) Two representatives from the committee on finance, appointed by the speaker of the house.

(c) Two representatives from the committee on local and regulated revenues, appointed by the speaker of the house.

(d) Three senators, appointed by the senate president.

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

III. The first meeting of the committee shall be called by the first-named house member within 45 days after the effective date of this section. At the first meeting, members shall elect a chairperson from among the committee membership. All subsequent meetings shall be at the call of the chairperson. Five members of the committee shall constitute a quorum.



3 Duties. The committee shall examine the valuation of public utility property regulated by the public utilities commission. The committee shall address only those properties which are used in the distribution and transmission of electricity and telecommunications. The committee shall study ways to improve valuation equalization, including, but not limited to, the possible development of separate equalization ratios for such property and any other issues that arise during this study.

4 Report. The committee shall report its findings and any recommendations for legislation to the speaker of the house, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1998.

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

#### AMENDED ANALYSIS

This bill establishes a committee to study the valuation of public utility property regulated by the public utilities commission. Specifically, the committee shall examine those properties which are used in the distribution and transmission of electricity and telecommunications.

#### **HB 1492-L**, relative to limiting increases in the assessed valuation of property. **INEXPEDIENT TO LEGISLATE**

Rep. Douglass P. Teschner for Local and Regulated Revenues: Property is assessed based upon the market value of that property. This bill would change this long-standing policy by capping increases in assessed valuations at 2 percent per year. The committee believes that this change would be disruptive of local property taxation and poor public policy. Vote 15-0.

#### **HB 1566-FN-L**, providing that state-owned lands leased to or under an operating agreement with a private business entity are subject to the local property tax. **REFER FOR INTERIM STUDY**

Rep. Linda T. Foster for Local and Regulated Revenues: This bill involves subject matter which ranges from taxation to tourism. Interim Study will provide the opportunity for the thoughtful and thorough consideration which this bill deserves. Vote 15-0.

#### **HB 1111**, relative to the types of investments allowable by local treasurers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph E. Stone for Municipal and County Government: The committee has a sub-committee currently studying county government. During one of its meetings with the NH Association of Counties, the problem of repurchase agreements was brought to the sub-committee's attention by the Grafton County Treasurer. Working closely with the State Treasurer the committee amended this legislation so now it is possible for county treasurers, when they have in their custody a surplus of funds not immediately needed for the purpose of expenditure, to invest in repurchase agreements with banks incorporated under the laws of the State of New Hampshire or in banks recognized by the State Treasurer. Vote 13-0.

#### **Amendment (0784h)**

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

1 County Treasurers. Amend RSA 29:1 to read as follows:

29:1 Duties. The county treasurer shall have custody of all moneys belonging to the county, and shall pay out the same only upon orders of the commissioners. The county treasurer shall deposit the same in participation units in the public deposit investment pool established pursuant to RSA 383:22 or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to a third party custodial bank or the regional federal reserve bank collateral security for such deposits, United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. The amount of collected funds on deposit in any one bank shall not at any time exceed the sum of its paid-up capital and surplus. The county treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from the county treasury, and of all notes given by the county, with the particulars thereof. At the close of each fiscal year, the county treasurer shall make a report to the county, giving a particular account of all the treasurer's financial transactions during the year. The treasurer shall furnish to the commissioners statements from the books, and submit the books and vouchers to them and to the county auditors for examination, whenever so requested. Whenever the county treasurer has in custody an excess of funds which are

not immediately needed for the purpose of expenditure, the treasurer shall, with the approval of the commissioners, invest the same in obligations of the United States government, in participation units in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits *and repurchase agreements* of banks incorporated under the laws of the state of New Hampshire or in ~~[national] banks [located within this state or the commonwealth of Massachusetts]~~ *recognized by the state treasurer*. Any person who directly or indirectly receives any such funds or moneys for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment, an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the county. Only securities defined by the bank commissioner in rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral. At least yearly, the county treasurer, with the approval of the county commissioners, shall review and adopt an investment policy for the investment of public funds in conformance with the provisions of applicable statutes.

2 Town Treasurers. Amend RSA 41:29, IV to read as follows:

IV. Whenever the town treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the town treasurer shall, with the approval of the selectmen, invest the same in obligations of the United States government, in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits *and repurchase agreements* of banks incorporated under the laws of the state of New Hampshire or in ~~[national] banks [located within this state or the commonwealth of Massachusetts]~~ *recognized by the state treasurer*. At least yearly, the selectmen shall review and adopt an investment policy for the investment of public funds in conformance with the provisions of applicable statutes.

3 City Treasurers. Amend RSA 48:16, III to read as follows:

III. Whenever the city treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the city treasurer shall, with the approval of the mayor and a majority of the city council, invest the same in obligations of the United States government, in participation units in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits *and repurchase agreements* of banks incorporated under the laws of the state of New Hampshire or in ~~[national] banks [located within this state or the commonwealth of Massachusetts]~~ *recognized by the state treasurer*. At least yearly, the city council or board of aldermen shall review and adopt an investment policy for the investment of public funds in conformance with the provisions of applicable statutes.

4 School District Treasurers. Amend RSA 197:23-a to read as follows:

197:23-a Treasurer's Duties. The treasurer shall have custody of all moneys belonging to the district and shall pay out the same only upon orders of the school board or upon orders of the 2 or more members of the school board empowered by the school board as a whole to authorize payments. The treasurer shall deposit the moneys in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to a third party custodial bank or the regional federal reserve bank collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. The amount of collected funds on deposit in any one bank shall not at any time exceed the sum of its paid-up capital and surplus. The treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from the district treasury, and of all notes given by the district, with the particulars thereof. At the close of each fiscal year, the treasurer shall make a report to the district, giving a particular account of all of the treasurer's financial transactions during the year. The treasurer shall furnish to the school board statements from the books, and submit the books and vouchers to them and to the auditors for examination, whenever so requested. Whenever the treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the treasurer shall, with the approval of the school board, invest the same in obligations of the United States government, in participation units in the public deposit investment pool

established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits *and repurchase agreements* of banks incorporated under the laws of the state of New Hampshire or in [national] banks [~~located within this state or the commonwealth of Massachusetts~~] *recognized by the state treasurer*. Any person who directly or indirectly receives any such funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the district. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral. At least yearly, the school board shall review and adopt an investment policy for the investment of public funds in conformance with the provisions of applicable statutes.

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

#### AMENDED ANALYSIS

This bill allows county, town, city, and school district treasurers to invest excess funds in repurchase agreements and removes certain restrictions on the location of banks in which such funds may be invested.

**HB 1112**, relative to the placement of articles on the official ballot. OUGHT TO PASS

Rep. Robert A. Lockwood for Municipal and County Government: This bill clarifies that articles concerning the issuance of bonds and notes may be placed on the official ballot in municipalities that have adopted a charter authorizing such votes or have adopted the provisions of RSA 40:12-14. Vote 13-0.

**HB 1113**, relative to reports of town and school district meetings to be certified to the department of revenue administration. OUGHT TO PASS WITH AMENDMENT

Rep. Marilyn A. Fraser for Municipal and County Government: This bill provides a procedure for towns and school districts which have adopted official ballot voting, either by charter or adoption of RSA 40:13, to file their minutes and certify votes on ballots. This bill is a request of the Department of Revenue Administration. Vote 14-0.

#### Amendment (0872h)

Amend RSA 21-J:34, IV-a as inserted by section 1 of the bill by replacing it with the following:

IV-a. For municipalities which have elected to vote by official ballot either through adoption of a charter or through the adoption of RSA 40:12-14, the minutes of any meeting or any deliberative session of a municipality's legislative body at which any appropriations may be amended, voted, or rescinded shall be certified by the clerk. Such minutes shall be filed within 20 days after the date of the close of the meeting of the municipality's legislative body at which appropriations may be amended, voted, or rescinded.

**HB 1126-L**, relative to municipal debt limits. OUGHT TO PASS

Rep. Cynthia J. Dokmo for Municipal and County Government: This bill, sponsored at the request of the NH Municipal Association, would raise the municipal debt limit from 1.75% to 5%. Testimony revealed that many municipal bond counsels believe the municipal debt in New Hampshire is artificially low. A higher rate may favorably affect bond interest rates. Vote 13-1.

**HB 1172-L**, relative to the number of members on a municipal budget committee. OUGHT TO PASS

Rep. Kathleen N. Taylor for Municipal and County Government: This bill allows a municipal budget committee to consist of 3 to 12 members who shall serve staggered terms of three years. The law says 3, 6, 9 or 12 and this resulted sometimes in even numbers on a committee which would stymie progress on budget issues. Vote 12-0.

**HB 1236-L**, relative to limitations on the amendment of warrant articles in official ballot voting. OUGHT TO PASS WITH AMENDMENT

Rep. Betsey L. Patten for Municipal and County Government: During the recent official ballot process under RSA 40:13 collective bargaining agreements were amended at the first session and those amendments were required to be placed on the official ballot. Under RSA 273-A, the local



legislative body is authorized only to reject or accept a collective bargaining agreement. Any change negates the agreement and negotiations may either resume or the pre-existing contract is in force. The bill reinforces the current RSAs. If a change is necessary in the collective bargaining agreement process, then the House Labor, Industrial and Rehabilitative Services Committee needs to review RSA 273-A as it oversees the labor laws. Vote 15-0.

#### Amendment (0839h)

Amend the bill by replacing section 1 with the following:

1 Limitations on the Amendment of Warrant Articles. Amend RSA 40:13, IV(b) to read as follows:

(b) *Cost items in collective bargaining agreements shall not be amended.*

(c) Warrant articles that are amended shall be placed on the official ballot for a final vote on the main motion, as amended.

#### AMENDED ANALYSIS

This bill adds cost items in collective bargaining agreements to the types of warrant articles that cannot be amended in the first session of an annual meeting in a local political subdivision that votes by official ballot.

**HB 1239-L**, allowing school districts and village districts to independently adopt the provisions of the municipal budget law concerning establishment of a budget committee. **INEXPEDIENT TO LEGISLATE** Rep. Cynthia J. Dokmo for Municipal and County Government: The Municipal Budget Act provides a coordinated framework in which one budget committee reviews and makes recommendations on all budgets proposed by all political subdivisions of a municipality. It is an efficient system which minimizes confusion and provides an efficient comprehensive evaluation of a municipality's appropriations. The committee unanimously believed that the proposed legislation would fragment this coordinated effort, leading to additional cost, work and confusion for our citizens. Vote 17-0.

**HB 1282-L**, requiring a public hearing and vote of the town before a conservation commission may expend funds received through the current use penalty. **INEXPEDIENT TO LEGISLATE** Rep. Mary E. Griffin for Municipal and County Government: This bill requires that revenues received by a town through the current use penalty for deposit in the town's conservation fund be accounted for separately and that a public hearing and vote of the town be taken before such funds may be spent by the conservation commission to acquire real property. The sponsor of this bill stated this bill does not accomplish what he intended and therefore requests that the bill be ITL. Vote 14-0.

**HB 1343**, relative to multiple and contingent warrant articles under the official ballot voting process. **INEXPEDIENT TO LEGISLATE** Rep. Betsey L. Patten for Municipal and County Government: This bill attempted to address some issues regarding multiple and contingent warrant articles that are on the official ballot. The attempt was to provide fairness and efficiency to the process which is a laudable goal. However, the committee felt that this seemingly simple bill would change the democratic process of majority rule into rule by the minority or plurality in that there would be three choices on any given warrant article-the governing body's proposal, the amended version from the first session and a "none of the above" option. This is a fundamental change in the official ballot process and the committee felt that it was a significant change and definitely in conflict with Article 39 of the Constitution which states that "No law changing the charter or form of government of a particular city or town shall be enacted by the legislature except to become effective upon the approval of the voters or such city or town upon a referendum to be provided for in said law". Vote 13-0.

**HB 1434-L**, simplifying the charter amendment procedure for the purpose of establishing official ballot voting. **OUGHT TO PASS** Rep. Marilyn A. Fraser for Municipal and County Government: This bill references HB 141, Chapter 53, Laws of 1995 which established a charter commission for official ballot voting. HB 1434 allows a charter commission for the express purpose of official ballot voting and basically condenses and streamlines the charter process for official ballot voting. It provides that a charter commission question and the election of charter commission members shall be placed on the same ballot in situations in which the only issue to be addressed by the charter commission is the adoption of official ballot voting procedures. Vote 15-0.

**HB 1447-L**, relative to approval by the legislative body of cost items in a collective bargaining agreement. **OUGHT TO PASS**

Rep. Cynthia J. Dokmo for Municipal and County Government: This bill provides reasonable time lines in which cost items in a collective bargaining agreement must be submitted to and acted upon by the appropriate legislative body. The change was supported by the Granite State Taxpayers as well as NEA-NH. Vote 12-0.

**HB 1482**, providing a mechanism for optional fiscal year towns to use the official ballot voting procedures. **REFER FOR INTERIM STUDY**

Rep. Cynthia J. Dokmo for Municipal and County Government: This bill presents several important issues for which the committee needs additional time to thoroughly review. The issue relative to allowing May meeting dates for optional fiscal year official ballot towns will be addressed this year in Senate Bill 353, concerning the official ballot bill. Vote 15-0.

**HB 1483**, authorizing secret ballot voting at annual meeting. **INEXPEDIENT TO LEGISLATE**

Rep. Paul A. McGuirk for Municipal and County Government: Adoption of this bill would allow any municipality to conduct voting at annual and special meetings by secret ballot and require that the business portion of the meeting be conducted over two days. RSA 40:4-A, which has been on the books since 1971, provides for secret balloting, if so requested by a minimum of voters (three or five depending on the population of town), on any warrant article. The proposal to change the meeting to be conducted over a two day period was totally unacceptable to the committee. Vote 13-0.

**HB 1491**, making the second Tuesday in April, rather than the second Tuesday in March, the election day for all local offices and for official ballot voting. **INEXPEDIENT TO LEGISLATE**

Rep. Betsey L. Patten for Municipal and County Government: This bill would require the election date for local officials in all traditional and official ballot towns and school districts to change from the second Tuesday in March to the second Tuesday in April without a vote of the local legislative body. The committee feels that this mandated change without a local vote is not warranted. Vote 15-0.

**HB 1533-L**, requiring court diversion programs to provide an accounting of funds appropriated by municipalities, requiring municipalities to publish such accounting in the annual report of the municipality, and requiring municipalities to separately state anticipated expenditures for court diversion programs in the budget. **INEXPEDIENT TO LEGISLATE**

Rep. Norma A. Sabella for Municipal and County Government: To pass this bill would put the state legislature in the position of interfering with local control. Furthermore, such information is already available under the current right to know law. Vote 14-0.

**HB 1567-L**, relative to local excavation permits for bedrock quarrying or crushing operations. **REFER FOR INTERIM STUDY**

Rep. Joseph E. Stone for Municipal and County Government: This bill requires the existing local excavation permitting process be applied to certain bedrock quarrying or crushers operations and clarifies the extent of preemption of local regulations of excavation and reclamation sites. The feeling of the committee is this issue has many areas that should be studied in depth and there just was not enough time to do this. Therefore, the committee recommends continued work on the subject. Vote 15-0.

**HB 1568**, relative to the timing of special school district meetings. **OUGHT TO PASS**

Rep. Betsey L. Patten for Municipal and County Government: A request for a special meeting to raise and appropriate money or reduce or rescind an appropriation needs to be presented to the governing body no less than 60 days prior to the next annual meeting. By setting December 31 as the last day a vote may be taken to raise and appropriate or reduce or rescind an appropriation HB 1568 ensures that no special school district meetings are held so late in the property tax year that municipalities are unable to collect taxes with which to pay the school district requirement. Vote 15-0.

**HB 1608**, providing that the membership on any charter commission established in a multi-town school district shall reflect each town's proportionate membership of the district's school board. **OUGHT TO PASS**

Rep. Thomas E. Rice for Municipal and County Government: This bill is a simple exercise in fairness. It established proportional representation on a charter commission in a multi-school district along lines already established in the district. Vote 16-0.

**HB 1571**, relative to the acquisition of abandoned or inactive rail lines in the city of Lebanon. REFER FOR INTERIM STUDY

Rep. Merle W. Schotanus for Public Works and Highways: The committee learned in the public hearing on this bill that it was filed to influence or replace the ongoing negotiations between the New Hampshire Department of Transportation (NHDOT) and Guilford Transportation Co. to acquire a certain section of rail line in the city of Lebanon. The committee hopes this bill will not be needed, but concluded that is prudent to hold the bill and reactivate it in the unfortunate event that negotiations falter or breakdown. Vote 17-0.

**HB 1585**, requiring the state to notify the town or city in which state-owned real estate is located prior to a change in use of such real estate. INEXPEDIENT TO LEGISLATE

Rep. Paul I. LaMott for Public Works and Highways : The committee review of this bill and the issues to which it relates indicates the bill is not necessary. The state, as a matter of policy, routinely notifies the town or city in which state-owned property is located prior to sale, lease or change of use of the property. Vote 17-0.

**HB 1591**, relative to a width exception for highway building and maintenance equipment owned by private businesses and used for winter snow removal. INEXPEDIENT TO LEGISLATE

Rep. Robert A. Daigle for Public Works and Highways: While sympathetic with the plight of one individual constituent whose fixed blade plow exceeds the width limit, the committee could not support this bill. The plow in question is 150 inches, nearly half again as large as the 102 inch maximum currently in statutes. Considering how narrow some of our roads are, the committee felt removing this maximum width could well present a safety hazard. The largest plow used by the state's Bureau of Highway Maintenance is 12 feet, and that blade is angled. Vote 17-0.

**HB 1496**, relative to energy facility evaluation. OUGHT TO PASS WITH AMENDMENT

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: This bill updates the energy facility site evaluation laws (RSA 162-H) to be consistent with competition in electric generation. Under current RSA 162-H, proposed energy facilities are divided into "energy facilities", requiring environmental review by the site evaluation committee, and "bulk power supply facilities", requiring both this environmental review and an additional certificate from the Public Utilities Commission that the project is needed. The bill, as amended, moves all of the following from "bulk power supply facilities" to "energy facilities" and thus eliminates the need for them to obtain the certificate that the project is needed: (1) all electric plants built by entities not subject to rate regulation; (2) all electric plants built by anyone after competition exists in half of the state; and (3) transmission lines connecting generating plants to the transmission grid. The bill also exempts electric generating facilities of less than 30 megawatts from RSA 162-H, updates the purpose statement of RSA 162-H to conform with these changes, and corrects and eliminates cross references. Vote 16-0.

#### Amendment (0853h)

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

1 Public Safety and Welfare; Energy Facility Evaluation, Siting, Construction, and Operation; Declaration of Purpose. Amend RSA 162-H:1 to read as follows:

162-H:1 Declaration of Purpose.

I. The legislature recognizes that the selection of sites for energy facilities will have a significant impact upon the welfare of the population, the economic growth of the state and the environment of the state. The legislature, accordingly, finds that the public interest requires that it is essential to maintain a balance between the environment and the possible need for new energy facilities in New Hampshire; that undue delay in construction of any needed facilities be avoided; ~~[that operation of the facility be consistent with the state's least cost energy policy;]~~ and that the state ensure that the construction and operation of energy facilities is treated as a significant aspect of land-use planning in which all environmental, economic and technical issues are resolved in an integrated fashion. The legislature, therefore, hereby establishes a procedure for the review, approval, monitoring and enforcement of compliance in the planning, siting, construction and operation of energy facilities. The legislature also recognizes that it has a broad responsibility to provide both economic and environmental protection for its coastal and estuarine waters and the adjoining land areas. The legislature therefore declares it to be its policy that any offshore facility,



other than pipelines, shall be located so as to at least comply with the policies and guidelines of the Federal Environmental Protection Agency; and that this policy may be relaxed only if it is shown by clear and convincing evidence that there are compelling technological or economic reasons for doing so, that no feasible alternative exists, and that there will be no substantial environmental risk.

II. The legislature also finds that the present and predicted growth in electric power demands in the state of New Hampshire requires the development of a procedure for the selection and utilization of sites for electric generating facilities and the identification of a state position with respect to each proposed site. The legislature recognizes that the selection of sites and the routing of associated transmission lines will have a significant impact upon the welfare of the population, the location and growth of industry, and the use of the natural resources of the state. The legislature, accordingly, finds that the public interest requires that it is essential to maintain a balance between the environment and the need for new power sources; ~~[that operation of the facility be consistent with the state's least cost energy policy;]~~ that electric power supplies must be constructed on a timely basis; that in order to avoid undue delay in construction of needed facilities and to provide full and timely consideration of environmental consequences, all ~~[electric]~~ entities *planning to construct facilities* in the state should be required to ~~[engage in adequate long-range planning and]~~ provide full and complete disclosure to the public of such plans; that a certifying body be established for the preconstruction review of ~~[bulk power supply facilities]~~ *high voltage transmission lines*; that the siting of ~~[bulk power plants and]~~ *electric generating plants* and high voltage transmission lines should be treated as a significant aspect of land-use planning in which all environmental, economic and technical issues should be resolved in an integrated fashion, so as to assure the state an adequate and reliable supply of electric power in conformance with sound environmental utilization. The legislature, therefore, hereby establishes a procedure for the planning, siting, and construction of ~~[bulk power supply facilities]~~ *large electric generating facilities and high voltage transmission lines*.

2 Public Safety and Welfare; Energy Facility Evaluation, Siting, Construction, and Operation; Definitions; Energy Facility; Certain Electric Generating Station Equipment and Facilities Added. Amend RSA 162-H:2, VII to read as follows:

VII. "Energy facility" means any industrial structure, other than bulk power supply facilities, as defined in paragraph II, that may be used substantially to extract, produce, manufacture, transport or refine sources of energy, including ancillary facilities as may be used or useful in transporting, storing or otherwise providing for the raw materials or products of any such industrial structure. This shall include but not be limited to industrial structures such as oil refineries, gas plants, equipment and associated facilities designed to use any, or a combination of, natural gas, propane gas and liquefied natural gas, which store on site a quantity to provide 7 days of continuous operation at a rate equivalent to the energy requirements of a 30 megawatt electric generating station and its associated facilities, plants for coal conversion and onshore and offshore loading and unloading facilities for energy sources. Energy facility shall also include energy transmission pipelines, storage tanks, or any other facility which the applicant or 2 or more petition categories as defined in RSA 162-H:2, XI request and the committee agrees, or which the committee determines requires a certificate, consistent with the findings and purposes set forth in RSA 162-H:1. *Energy facility shall include electric generating station equipment and associated facilities only if they are designed for, or capable of, operation at a capacity of greater than 30 megawatts.*

3 New Paragraph; Public Safety and Welfare; Energy Facility Evaluation, Siting, Construction, and Operation; Prohibitions and Restrictions; Energy Facilities After Competition. Amend RSA 162-H:5 by inserting after paragraph III the following new paragraph:

IV. All electric generating facilities of capacity greater than 30 megawatts proposed and to be owned by entities not subject to rate regulation by the commission shall be considered energy facilities, and shall not be considered bulk power supply facilities. After the date when competition has been certified to exist, pursuant to RSA 38:36, in that portion of the state or in more than half of the state as a whole, all proposed electric generating facilities of capacity greater than 30 megawatts shall be considered energy facilities, and shall not be considered bulk power supply facilities. All transmission lines which would otherwise be considered bulk power supply facilities under RSA 162-H:2 and which are necessary to interconnect one electric generating facility or group of energy facilities to the transmission grid shall also be considered energy facilities, and shall not be considered bulk power supply facilities.

4 New Paragraph; Public Safety and Welfare; Energy Facility Evaluation, Siting, Construction, and Operation; Bulk Power Facility Plans; Exemption After Competition Added. Amend RSA 162-H:17 by inserting after paragraph II the following new paragraph:

III. Any utility in whose portion of the state competition has been certified to exist pursuant to RSA 38:36 shall be exempt from the requirements of this section with respect to electric generating plants.

5 Office of State Planning; Coordination; Reference Changed. Amend RSA 4-C:6, II(d) to read as follows:

(d) ~~[Bulk power supply facility]~~ Site evaluation committee as established in RSA ~~[162-F:3]~~~~162-H:3~~;

6 Fish and Game; Endangered Species Conservation Act; Exemptions and Restrictions; Reference Deleted. Amend RSA 212-A:13, III to read as follows:

III. The provisions of RSA 212-A or any rule promulgated under this chapter shall not interfere in any way with the siting or construction of any bulk power supply facility ~~[as defined in RSA 162-F:2]~~ or any energy facility as defined in RSA 162-H:2.

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

### AMENDED ANALYSIS

This bill provides that electric generating facilities of capacity greater than 30 megawatts to be owned by entities not subject to rate regulation shall not be considered bulk power facilities. This bill provides that all proposed electric generating facilities of capacity greater than 30 megawatts and certain transmission lines may no longer be certified as a bulk power supply facility after electric competition is certified to exist. This bill also exempts public utilities from certain reporting requirements relative to bulk power supply facilities after electric competition is certified to exist, and makes technical corrections in certain laws relative to bulk power supply utilities.

**HCR 23**, urging Congress to provide relief for the Palestinian Christians by direct aid or by negotiation with the government of Israel. **INEXPEDIENT TO LEGISLATE**

Rep. Leighton C. Pratt for State-Federal Relations and Veterans Affairs: While well intentioned, this resolution posed serious difficulties to the committee, particularly in asking that the Congress usurp the role of the executive branch and enter into direct negotiation with a sovereign government. The committee offered to work with the sponsor to correct the language of the resolution, but that offer was not accepted. The committee, consequently, votes unanimously ITL. Vote 12-0.

**HCR 24**, urging Congress to enact legislation amending the Social Security Act to authorize issuance of waivers to states allowing design and implementation of alternative retirement plans. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth J. MacDonald for State-Federal Relations and Veterans Affairs: It would appear that Congress plans to make changes in Social Security or "fix Social Security". We should wait to review their work. Now is not the time to remove people from the system. Vote 15-0.

### REGULAR CALENDAR

**HB 1212**, prohibiting the use of credit reports to deny property or casualty insurance. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Anthony Syracuse for the Majority of Commerce: The use of credit reports to deny Homeowner Insurance, including Tenants Homeowners Insurance was discussed in detail at the public hearing and at two subcommittee meetings. The full committee, by overwhelming majority, believes passage at this time is inappropriate. The committee and the Insurance Department want to analyze more closely if a problem on this topic exists. In addition, SB 500 addresses a similar topic and may yield additional data. The committee is committed in any case, to review this issue in conjunction with the Insurance Department and the industry to prepare legislation, if needed, next session. Vote 11-1.

Rep. Tim S. McGough for the Minority of Commerce: This bill would prevent the extremely unfair practice of denying insurance based on a bad credit report. A consumer is not more likely to be a victim of theft and have to file a claim if they have had a bad credit history. Currently, insurance companies are all too readily refusing to cover a homeowner or tenant because they have had credit problems in the distant past. It is only right to allow consumers a fair shake when dealing with large insurance underwriting companies. SB 500 also deals with the subject of credit data usage in the insurance industry. If this bill is not passed by the Senate, the chairman of the House Com-

merce committee has committed to appointing an ad hoc committee to study the use of data in the insurance industry. It is for that reason the Minority supports referring this bill for Interim Study to provide a vehicle to examine all aspects of this practice.

Majority report adopted.

**HB 1281**, eliminating the requirement for precertification from a primary care physician to access OB/GYN services in managed care plans. **OUGHT TO PASS WITH AMENDMENT**

Rep. Keith R. Herman for Commerce: This bill creates a mechanism for OB/GYN physicians to be recognized as primary care physicians. In addition, plan subscribers may access OB/GYN services without a referral for covered services and follow-up treatment. This bill, as amended, recognizes the importance of a woman to seek specialized care while protecting the basic structure of managed care. Vote 16-0.

#### Amendment (0825h)

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

AN ACT requiring managed care plans to permit a woman to select an obstetrician-gynecologist as a primary care physician or to obtain access for certain obstetrical or gynecological services.

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

I New Section; Obstetrical-Gynecological Coverage. Amend RSA 420-J by inserting after section 6 the following new section:

420-J:6-a Obstetrical-Gynecological Coverage.

I.(a) A health carrier shall permit a covered person to designate a participating in-network obstetrician-gynecologist as the covered person's primary care physician if:

(1) The obstetrician-gynecologist meets the standards established by the plan for primary care physicians;

(2) The obstetrician-gynecologist requests that the carrier make the obstetrician-gynecologist available for designation as a primary care provider;

(3) The obstetrician-gynecologist agrees to accept the payment terms applicable under the plan to primary care physicians for services other than obstetrical-gynecological services; and

(4) The obstetrician-gynecologist agrees to abide by all other terms and conditions applicable to primary care physicians under the plan generally.

(b) This paragraph shall not be construed to require an individual obstetrician-gynecologist to accept primary care physician status if the obstetrician-gynecologist does not wish to be designated as a primary care physician. This paragraph shall also not be construed to interfere with the credentialing and other selection criteria usually applied by a health benefit plan with respect to other physicians in its network.

II. If a covered person does not select an obstetrician-gynecologist as a primary care physician, the covered person shall be permitted to receive obstetrical-gynecological care from a network obstetrician-gynecologist without being required to first visit a primary care physician for covered services including but not limited to:

(a) Maternity care;

(b) Annual visits; and

(c) Followup gynecological care for conditions diagnosed during maternity care or annual visits.

III. Following each visit for gynecological care under paragraph II, the obstetrician-gynecologist shall communicate with the covered person's primary care physician concerning any diagnosis or treatment rendered. The obstetrician-gynecologist shall confer with the primary care physician before performing any diagnostic procedure that is not a covered obstetrical-gynecological service rendered during an annual visit.

2 New Paragraph; Explanation of Benefits. Amend RSA 420-H:4 by inserting after paragraph V the following new paragraph:

VI. An explanation of a covered person's option to select an obstetrician-gynecologist as the covered person's primary care physician or receive direct access to limited obstetrical-gynecological care, pursuant to RSA 420-J:6-a.

3 Effective Date. This act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill allows an individual participating in a managed care plan to select an obstetrician-gynecologist as such individual's primary care physician.

Adopted.

Report adopted and ordered to third reading.



**SPECIAL ORDER**

Rep. Hunt moved that **HB 1365**, establishing a committee to study whether any state laws were violated or any misrepresentations made up to and including the present date in the merger of Catholic Medical Center and Elliot Hospital, be made a Special Order in the Regular Calendar for Thursday, March 12, 1998 and spoke in favor.

Rep. Vaillancourt spoke against.

Rep. Buckley requested a roll call; sufficiently seconded.

The question being the adoption of the motion to Special Order.

**YEAS 203 NAYS 125****YEAS 203****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Holbrook, Robert	Lafam, Robert	Lawton, David
Lawton, Robert	Pilliod, James	Rice, Thomas, Jr.	Salatiello, Thomas
Thomas, John			

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	

**CHESHIRE**

Avery, Stephen	Hunt, John	Lynch, Margaret	Manning, Joseph
McNamara, Wanda	Metzger, Katherine	Royce, H. Charles	Smith, Edwin
Steere, Myron, III			

**COOS**

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Moynihan, Wayne	Pratt, Leighton	St. Hilaire, Paul	Tholl, John, Jr.

**GRAFTON**

Akins, Ralph	Alger, John	Brown, Channing	Chase, Paul, Jr.
Guaraldi, Lawrence	Hill, Richard	Luker, Elsa	MacNeil, Allen
Mirski, Paul	Root, John	Trelfa, Richard	Williams, William, Jr.

**HILLSBOROUGH**

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Bergin, Peter	Boutin, David	Brundige, Robert
Calawa, Leon, Jr.	Carlson, Donald	Chabot, Ernest	Clay, Susan
Daniels, Gary	Durham, Susan	Dyer, Merton	Emerton, Lawrence, Sr.
Fenton, James	Fields, Dennis	Flora, Kathleen	Golding, William
Goulet, Maurice	Haley, Robert	Hall, Betty	Hansen, Herbert
Hart, Nick	Herman, Keith	Holley, Sylvia	Jean, Loren
Kelley, Robert	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Lessard, Rudy	Lozeau, Donnalee	Luebker, Bernard	MacGillivray, Jeffrey
MacIntyre, Doris	Marcinkowski, Michael	McCarty, Winston	McGough, Tim
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Mittelman, David	Murphy, Robert	O'Hearn, Jane	Perkins, Paul
Peterson, Andrew	Piteri, Dawn	Riley, Frances	Rowe, Robert
Sargent, Maxwell	Searles, Stanley, Sr.	Wheeler, Robert	White, Donald
Wright, George			

**MERRIMACK**

Adams, Stephen	Anderson, Eric	Brown, Mary	Chandler, Earle
Colburn, Thomas	Crosby, Toni	Crowell, Peter	Daneault, Gabriel

Hess, David  
Langer, Ray  
Lockwood, Robert  
Pfaff, Terence

Hoadley, Elizabeth  
Larrabee, David  
Marshall, Kenneth  
Reardon, Tara

Jacobson, Alf  
Lavoie, Gerard  
Maxfield, Roy  
Whalley, Michael

Krueger, Patricia  
Leber, William  
Morrill, Olive  
Whittemore, James

### ROCKINGHAM

Arndt, Janet  
Camm, Kevin  
Cooney, Richard  
Downing, Michael  
Flanders, John, Sr.  
Griffin, Mary  
Katsakiores, George  
Kobel, Rudolph  
Lovejoy, Marian  
McKinney, Betsy  
Packard, Sherman  
Smith, Kevin  
Syracusa, Anthony  
Weyler, Kenneth

Battles-Peirce, Marjorie  
Case, Margaret  
Dalrymple, Janeen  
Fesh, Robert  
Francoeur, Sheila  
Guthrie, Joseph  
Katsakiores, Phyllis  
Langley, Jane  
Major, Norman  
Mikowski, Walter  
Rabideau, Marie  
Stickney, Nancy  
Tufts, J. Arthur

Beaulieu, Jon  
Cegelis, Mark  
Dearborn, Bruce  
Flanagan, Natalie  
Frechette, Joseph  
Henderson, Warren  
Kelley, Jane  
Langone, John  
Malcolm, Kenneth  
Moore, Benjamin  
Raynowska, Bernard  
Stone, Joseph  
Varrell, Thomas

Belanger, Ronald  
Christie, Andrew, Jr.  
Dowd, Sandra  
Flanders, David  
Gleason, John  
Hutchinson, Rebecca  
Klemm, Arthur, Jr.  
Letourneau, Robert  
McCarthy, John, Jr.  
Noyes, Richard  
Sapareto, Frank  
Stritch, C. Donald  
Welch, David

### STRAFFORD

Brown, Julie  
Grassie, Anne  
Spear, Barbara

Cossette, Larry  
Kaen, Naida  
Torr, Ann

Dunlap, Patricia  
Keans, Sandra  
Torr, Franklin

Estabrook, Iris  
McKinley, Robert

### SULLIVAN

Adler, Rudolf  
Schotanus, Merle

Burling, Peter

Leone, Richard

Lindblade, Eric

### NAYS 125

### BELKNAP

Golden, Paul

Rosen, Ralph

Veazey, John

### CARROLL

None

### CHESHIRE

Bonneau, Sarah  
Lynott, Margaret  
Richardson, Barbara

Burnham, Daniel  
McGuirk, Paul  
Riley, William

Champagne, Richard  
Meador, David  
Robertson, Timothy

Doucette, Richard  
Pratt, Irene  
Vogl, John

### COOS

Bradley, Paula  
Mears, Edgar

Coulombe, Henry

Coulombe, Yvonne

Hawkinson, Marie

### GRAFTON

Almy, Susan  
Lovett, Sidney

Below, Clifton  
Nordgren, Sharon

Cobbin, Philip  
Phinney, William

Copenhaver, Marion  
Weber, Phil

### HILLSBOROUGH

Allen, W. Gordon  
Buckley, Raymond  
Christiansen, Lars  
D'Allesandro, Lou  
Dwyer, Paul, Sr.  
Gosselin, Gerald  
Konys, Christine

Ameen, W.  
Burke, M. Virginia  
Clemmons, Jane  
Daigle, Robert  
Foster, Joseph  
Haettenschwiller, Alphonse  
Lefebvre, Roland

Baroody, Benjamin  
Cardin, Lori  
Cote, David  
Dokmo, Cynthia  
Foster, Linda  
Jean, Claudette  
Leishman, Peter

Barry, William, III  
Chabot, Robert  
Cote, Peter  
Drabinowicz, A. Theresa  
Gagnon, Eugene  
Johnson, Lionel  
Leonard, Peter

Letendre, Evelyn  
Murch, George  
Welch, Donald

Lynde, Harold  
Reidy, Frank  
Williams, Carol

McCarthy, William  
Turgeon, Roland

McDonald, James, Sr.  
Vaillancourt, Steve

### MERRIMACK

DeStefano, Stephen  
Gile, Mary  
Owen, Derek  
Wallin, Jean

Dunn, Miriam  
Hager, Elizabeth  
Rogers, Katherine  
Wallner, Mary Jane

Fraser, Marilyn  
Lamach, Bernard  
Seldin, Gloria  
Yeaton, Charles

French, Barbara  
Moore, Carol  
St. Cyr, Gerard

### ROCKINGHAM

Abbott, Dennis  
Dodge, Robert  
Gibbons, Paul  
Morris, Debbie  
Vaughn, Charles

Blanchard, MaryAnn  
Dolan, Richard  
Heath, John  
Norelli, Terie  
Weatherspoon, Jackie

Clark, Martha  
Dowling, Patricia  
Kane, Cecelia  
Pitts, Jacqueline

Cushing, Robert  
Dunham, Vivian  
Micklon, Stephanie  
Schanda, Frank

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Lundborn, Raymond  
Rogers, Rose Marie  
Twardus, Joseph

Bickford, David  
Hemon, Roland  
Merrill, Amanda  
Smith, Marjorie  
Vachon, Dennis

Brennan, William  
Heon, Richard  
Merritt, Deborah  
Snyder, Clair  
Vincent, Francis

Callaghan, Frank  
Knowles, William  
Pelletier, Arthur  
Sullivan, Henry  
Wall, Janet

### SULLIVAN

Allison, David  
Palmer, Lorraine

Cloutier, John  
Wiggins, Celestine

Donovan, Thomas

Ferland, Brenda

and the motion was adopted.

### REGULAR CALENDAR (CONT'D.)

**HB 1411**, establishing a committee to study the feasibility of creating a nonprofit, public corporation to facilitate the availability of affordable health insurance for the uninsured and underinsured by organizing large purchasing groups of subsidized and non-subsidized subscribers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Keith R. Herman for Commerce: This bill creates a study committee to look at an option to provide insurance to the uninsured and underinsured population. The amendment adds to the bill a "codification" of the New Hampshire Insurance Department's emergency order which creates a risk pool subsidized by the group health market. The committee feels this codification is an important first step in addressing the problems in the individual health market. Vote 10-3.

#### Amendment (0831h)

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

**AN ACT** establishing a committee to study the feasibility of creating a nonprofit, public corporation to facilitate the availability of affordable health insurance for the uninsured and underinsured by organizing large purchasing groups of subsidized and non-subsidized subscribers and establishing the individual health insurance market mandatory risk sharing plan.

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

6 New Chapter; Individual Health Insurance Market Mandatory Risk Sharing Plan. Amend RSA by inserting after chapter 404-F the following new chapter.

#### CHAPTER 404-G

#### INDIVIDUAL HEALTH INSURANCE MARKET MANDATORY RISK SHARING PLAN

404-G:1 Purpose of Provisions.

I. The purpose of this chapter is to protect the citizens of this state who participate in the individual health insurance market by providing a mechanism to equitably distribute the excessive risk associated with this market.



II. To provide this protection, an association of insurers is created to operate a mechanism for risk adjustment and subsidization whereby the risk of catastrophic claims experienced by writers of health insurance for individual policyholders is offset to a predetermined extent by a financial subsidy furnished by licensed writers of all health insurance on a proportional basis.

404-G:2 Definitions. In this chapter:

- I. "Actively marketing" means currently accepting applications for insurance.
- II. "Assessment" means the liability of the member insurer to the association.
- III. "Association" means the entity created by this chapter.
- IV. "Catastrophic claim" means an insurance liability that exceeds a certain amount.
- V. "Commissioner" means the commissioner of insurance.

VI. "Covered lives" shall include all New Hampshire lives for which a carrier provides health insurance coverage. New Hampshire covered lives include those for which an individual policy or a group certificate, evidentiary of health insurance coverage, has been issued in New Hampshire. For group excess loss insurance, or other types of group health insurance for which no certificates are issued, covered lives shall mean those New Hampshire employees and their dependents who are protected, in part, by a policy, issued in New Hampshire, and purchased by a group health insurance plan subject to the Employee Retirement Income Security Act of 1974, Public Law No. 93-406 (ERISA).

VII. "Group health insurance" means health insurance coverage other than individual health insurance coverage.

VIII. "Health insurance" means health insurance coverages issued in accordance with RSA 415, 420-A and 420-B. For the purposes of this chapter, health insurance shall not include accident only, credit, dental, vision, Medicare supplement, Medicare Risk, Managed Medicaid, long term care, disability income, coverage issued as a supplement to a liability insurance, workers' compensation or similar insurance, automobile medical payment insurance, policies or certificates of specified disease, hospital confinement indemnity, limited benefit health insurance or short term, nonrenewable individual health insurance, coverage provided through the New Hampshire healthy kids association, coverage provided through the Federal Employees' Program. Non-profit health service corporations shall exclude coverage provided through national account policies originating outside of New Hampshire to the extent the non-profit health service corporation assumes no risk for the provision of such insurance. Health insurance does include group excess loss insurance.

IX. "Individual health insurance" means health insurance sold directly to an individual and not on a group remittance basis. Individual health insurance shall include franchise health insurance.

X. "Insurer" means any entity licensed pursuant to RSA 402, RSA 420-A, or RSA 420-B.

XI. "Order" means the insurance department findings and final order dated November 26, 1997, in the matter of the individual health insurance market in New Hampshire pursuant to RSA 404-C.

XII. "Writing" means engaged in the business of insurance.

XIII. "Writer" means a writing carrier.

404-G:3 Board of Directors.

I. The board of directors of the association shall consist of 5 member insurers who are representative of categories of members of the association and the commissioner who shall be an ex-officio member.

II. Two directors shall be representative of and elected by qualified writers of group health insurance; 3 directors shall be representative of and elected by qualified writers of individual health insurance.

III. To be qualified to vote for the election of directors, a member must provide coverage for at least 500 covered lives or 5 percent of the total covered lives in either New Hampshire's individual health insurance market or New Hampshire's group health insurance market.

IV. Members of the board of directors shall be elected to terms of one year.

V. The initial board of directors shall be the same as that set forth in the order.

VI. The board of directors shall take action by affirmative vote of 4 directors.

VII. The board shall elect officers in accordance with the bylaws of the association. The bylaws of the association shall also govern the place and frequency of meetings of directors and their reimbursement for expenses incurred.

404-G:4 Association's Powers and Duties.

I. The association shall be a not-for-profit, voluntary corporation under RSA 292 and shall possess all general powers as such and additional powers that are approved by the commissioner.

## II. The association shall:

- (a) Prepare a plan of operation for approval by the commissioner;
- (b) Conduct activities in accordance with the plan of operation as approved;
- (c) Determine and collect assessments and to disburse subsidy payments, as provided in the plan of operation;
- (d) Enter into contracts as necessary or proper to administer the plan of operation;
- (e) Sue or be sued, including taking any legal action necessary or proper for the recovery of any assessments for, on behalf of, or against members of the association or other participating persons;
- (f) Appoint from among members appropriate legal, actuarial and other committees as necessary to provide technical assistance in the operation of the association, including the hiring of independent legal consultants as necessary; and
- (g) Perform any other functions within the authority of the association, as may be necessary or proper in carrying out the plan of operation.

404-G:5 Plan of Operation. The board of directors of the association shall prepare, adopt and submit to the commissioner a plan of operation which shall provide substantially the following:

I. Description of risks to be shared. Sharing shall be implemented through a risk adjustment and subsidization mechanism whereby writers in the group market will subsidize losses of writers in the individual market, but only to the predetermined extent to which individual writers incur a disproportionate number of catastrophic claims based on an appropriate standard. The mechanism shall include parameters which will limit its costs and ensure proper claims management by the nongroup writers. Only those individual health insurance writers that are currently actively marketing individual health insurance, in accordance with the provisions of RSA 420-G, shall be eligible for a subsidy. The plan of operation shall include the basis by which catastrophic claims shall be determined and the standard to be used in evaluating whether the number of catastrophic claims incurred by the individual writers was excessive.

II. Subsidy determination. Subsidies shall be determined on a calendar year basis. Subsidy calculations in a given calendar year shall be based on the experience of the prior year. Only those individual writers who are actively marketing individual health insurance, in accordance with the provisions of RSA 420-G, during the calendar year in which the subsidy calculation is made shall be eligible for a subsidy. The subsidy calculation shall be based on the risk characteristics of the eligible individual health insurance writers. The plan of operation shall include how the individual health writers' risk characteristics will be used in the subsidy determination. The use of risk characteristics in the subsidy calculation shall not violate the provisions of RSA 420-G.

## III. Assessment determination.

- (a) Assessment liabilities shall commence July 1, 1999.
- (b) Assessments shall be calculated based on the number of covered lives. The number of covered lives shall be determined each month during the calendar year. The assessment shall be calculated as the number of covered lives times a specified amount. The specified amount shall be fixed throughout the calendar year and shall be determined by the board no later than the first day of November preceding the calendar year for which the amount is to be used. The amount shall be approved by the commissioner. The board shall provide a basis for recommending the specified amount, including a projection of the calculated subsidy and consideration of any prior year shortfalls or coverages. For the calendar year 1999, the specified amount shall be 18 cents per covered life per month.

(c) Each covered life should be included in the assessment only once. The board shall adopt procedures by which affiliated carriers calculate their assessment on an aggregate basis with procedures to ensure that no covered life is counted more than once.

## IV. Administrative matters. The plan of operation shall further provide for all of the following:

- (a) Responsibility for the handling and accounting of funds and other assets of the association.
- (b) The financial and other records required to be kept, including the annual report to be submitted to the commissioner.
- (c) Such other administrative provisions as are necessary or proper for the execution of the powers and duties of the association.

404-G:6 Commissioner's Powers and Duties. In addition to duties and powers enumerated elsewhere in this chapter:

I. The commissioner shall upon request of the board of directors, serve a demand upon the member insurer to make good an assessment within a reasonable time; the failure of the member insurer to promptly comply with such demand shall not excuse the association from the performance of its powers and duties under this chapter.

II. The commissioner may suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in this state of any member insurer which fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative, the commissioner may levy a forfeiture on any member insurer which fails to pay an assessment when due. Such forfeiture shall not exceed 5 percent of the unpaid assessment per month, but no forfeiture shall be less than \$100 per month.

III. Any action of the board of directors or the association may be appealed to the commissioner by any member insurer if the appeal is taken within 30 days of the final action being appealed. If a member company is appealing an assessment, the amount assessed shall be paid to the association and available to meet association obligations during the pendency of an appeal. If the appeal on the assessment is upheld, the amount paid in error or excess shall be returned to the member company. Any final action or order of the commissioner shall be subject to judicial review pursuant to RSA 541.

IV. The commissioner may adopt rules as necessary to carry out the purposes of this chapter.

V. The powers of the commissioner enumerated in this chapter shall be in addition to those established under RSA 404-C.

VI. The commissioner may at any time prescribe provisions of the plan of operation, including, but not limited to, those requiring insurers to enter the individual health insurance market, as well as those varying any provisions of RSA 420-G as necessary to maintain an individual health insurance market in this state.

404-G:7 Examination and Annual Report. The association shall be subject to examination and regulation by the commissioner. The board of directors shall submit to the commissioner each year, not later than 120 days after the association's fiscal year, a financial report in a form approved by the commissioner and a report of its activities during the proceeding fiscal year. The association's fiscal year shall be the calendar year.

404-G:8 Tax Exemption. The association shall be exempt from payment of all fees and all taxes levied by this state or any of its subdivisions, except taxes levied on real property.

404-G:9 Immunity for Members and Employees. There shall be no liability on the part of and no cause of action of any nature shall arise against any member insurer or its agents or employees, the association or its agents or employees, members of the board of directors, or the commissioner or the commissioner's representatives, for any action or omission by them in the performance of their powers and duties under this chapter.

404-G:10 Severability. If any provisions 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.

7 Effective Date.

I. Section 6 of this act shall take effect January 1, 1999.

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

#### AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of creating a nonprofit, public corporation to facilitate the availability of affordable health insurance for the uninsured and underinsured by organizing large purchasing groups of subsidized and non-subsidized subscribers.

This bill also establishes the individual health insurance market mandatory risk sharing plan which provides a mechanism to distribute the risks associated with such market.

Adopted.

Rep Vachon offered a floor amendment.

#### Floor Amendment (0963h)

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

The committee shall solicit information and assistance from the insurance commissioner and the commissioner of health and human services.

Rep. Vachon spoke in favor.

Rep. Herman spoke against and yielded to questions.

On a division vote, 172 members having voted in the affirmative and 158 in the negative, the floor amendment was adopted.

Report adopted and ordered to third reading.



**HB 1011-FN**, prohibiting possession of gambling machines unless specifically authorized under state law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill deals with the so-called "gray machines" that are being used all over the state for illegal video gambling. The revised bill incorporates the provisions of HB 1626-FN making it a class B felony to permit gambling or gambling machines at a business or to run a gambling business. It also expands the current forfeiture provisions to include cash and proceeds of the illegal gambling operation. Additionally, the bill increases from a misdemeanor to a class B felony the unlawful possession of a gambling machine. Exceptions are included for antique machines, cruise ship machines, and machines used at charity Monte Carlo night, the state lottery or other legal uses. This does not prohibit games of skill. Vote 17-1.

#### Amendment (0888h)

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

**AN ACT** making it a felony to operate certain gambling businesses and prohibiting possession of gambling machines unless specifically authorized under state law.

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

1 Gambling. RSA 647:2 is repealed and reenacted to read as follows:

647:2 Gambling.

I. A person is guilty of a misdemeanor if such person knowingly and unlawfully:

(a) Permits gambling in any place under the person's control.

(b) Gambles, or loans money or any thing of value for the purpose of aiding another to gamble.

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

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

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

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

III. For purposes of this section:

(a) "Gambling" means to risk something of value upon a future contingent event not under one's control or influence, upon an agreement or understanding that something of value will be received in the event of a certain outcome.

(b) "Unlawfully" means not specifically authorized by law.

IV. Any property including money, proceeds, all implements, equipment, and apparatus used in violation of this section shall be forfeited.

2 New Section; Gambling Machines. Amend RSA 647 by inserting after section 2 the following new section:

647:3 Gambling Machines.

I. A person is guilty of a class B felony if such person knowingly possesses any gambling machine. Any person having any interest in a gambling machine, who knowingly receives any money or proceeds from such machine, shall also be guilty of a class B felony. Liability under this section shall not require any showing that the machine was actually used, or that the person was aware or believed that the machine was being used, for gambling as defined in RSA 647:2, III(a).

II. For purposes of this section "gambling machine" means any machine or device, whether or not it is in working order or requires some act of manipulation, repair, adjustment, or modification to render it operational, which, upon the insertion of cash or tokens, or upon the payment of any consideration to another, is available to play or simulate the play of any game of chance. As used in this paragraph, a game of chance is any game the result of which is determined totally or predominantly by chance, including but not limited to poker, keno, line-up, or blackjack.

III. Any gambling machine as defined in this section shall be seized upon detection by any police officer, sheriff, constable or deputy, and shall be forfeited.

IV. This section shall not apply to:

(a) Any machine the use or possession of which is authorized pursuant to RSA 287-C, RSA 287-D, RSA 287-E, or RSA 287-F.

(b) Any machine or device at least 25 years old which is maintained for nostalgic reasons, monetary investment, or historical interest, and which is not operated for gambling purposes.

(c) Cruise ships which are equipped with gambling machines whose primary purpose is touring. Any such cruise ship shall be allowed to temporarily enter New Hampshire coastal waters and ports for up to 48 hours, provided that all gambling machines on board are not in use or capable of being used while in New Hampshire coastal waters and ports. For the purposes of this paragraph "cruise ship" means any vessel which is capable of providing overnight accommodations for 500 or more people.

3 Effective Date. This act shall take effect January 1, 1999.

### AMENDED ANALYSIS

This bill makes it a felony for a person to operate certain gambling businesses. This bill also requires persons convicted of gambling or operating an illegal gambling business to forfeit any property used in furtherance of the crime to the state. Current law limits such forfeiture to implements, equipment, and apparatus.

The bill makes it a class B felony to knowingly possess a gambling machine, except for antique gambling machines which are not operated for gambling purposes, gambling machines on cruise ships, and gambling machines which are licensed or otherwise specifically authorized under state law. Adopted.

Reps. D'Allesandro and Gosselin spoke against.

Rep. Knowles spoke in favor.

Reps. Christie and Henderson spoke in favor and yielded to questions.

Rep. Gosselin requested a roll call; sufficiently seconded.

The question being the adoption of the report.

### YEAS 237 NAYS 106

#### YEAS 237

#### BELKNAP

Bartlett, Gordon	Boyce, Robert	Calvert, Alice	Clark, Charles
Golden, Paul	Holbrook, Robert	Pilliod, James	Thomas, John

#### CARROLL

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	Mock, Henry	Patten, Betsy
Philbrick, Donald			

#### CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Hunt, John
Lynch, Margaret	Manning, Joseph	McNamara, Wanda	Metzger, Katherine
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Royce, H. Charles	Smith, Edwin	Steere, Myron, III
Vogl, John			

#### COOS

Bradley, Paula	Davis, Perley	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Merrill, Gerald	Pratt, Leighton	Tholl, John, Jr.

#### GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Below, Clifton
Brown, Channing	Chase, Paul, Jr.	Eaton, Stephanie	Guaraldi, Lawrence
Hinman, Harry	Lovett, Sidney	MacNeil, Allen	Phinney, William
Root, John	Teschner, Douglass	Trelfa, Richard	Weber, Phil
Williams, William, Jr.			

#### HILLSBOROUGH

Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter	Belvin, William
Bergin, Peter	Boutin, David	Brundige, Robert	Burke, M. Virginia

Calawa, Leon, Jr.  
Christiansen, Lars  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Foster, Linda  
Haettenschwiller, Alphonse  
Holt, David  
Kurk, Neal  
Letendre, Evelyn  
MacIntyre, Doris  
McDonald, James, Sr.  
Messier, Irene  
Peterson, Andrew  
Sargent, Maxwell  
White, Jay

Carlson, Donald  
Clay, Susan  
Drabinowicz, A. Theresa  
Fields, Dennis  
Ginsburg, Ruth  
Hansen, Herbert  
Jean, Claudette  
L'Heureux, Robert  
Lozeau, Donnalee  
Marcinkowski, Michael  
McGough, Tim  
Mittelman, David  
Piteri, Dawn  
Searles, Stanley, Sr.  
Wright, George

Chabot, Ernest  
Daniels, Gary  
Durham, Susan  
Flora, Kathleen  
Golding, William  
Herman, Keith  
Kelley, Robert  
LaRose, Richard  
Luebker, Bernard  
McCarthy, William  
Melcher, Harold  
Murch, George  
Riley, Frances  
Wheeler, Robert

Chabot, Robert  
Dawe, Eileen  
Dyer, Merton  
Foster, Joseph  
Goulet, Maurice  
Holley, Sylvia  
Konys, Christine  
Leishman, Peter  
Lynde, Harold  
McCarty, Winston  
Mercer, Robert  
O'Hearn, Jane  
Rowe, Robert  
White, Donald

### MERRIMACK

Adams, Stephen  
Colburn, Thomas  
Dunn, Miriam  
Hager, Elizabeth  
Krueger, Patricia  
Lavoie, Gerard  
Morrill, Olive  
Whittemore, James

Anderson, Eric  
Crosby, Toni  
Fraser, Marilyn  
Hess, David  
Lamach, Bernard  
Leber, William  
Pfaff, Terence  
Yeaton, Charles

Brown, Mary  
Daneault, Gabriel  
French, Barbara  
Hoadley, Elizabeth  
Langer, Ray  
Marshall, Kenneth  
Wallin, Jean

Chandler, Earle  
DeStefano, Stephen  
Gile, Mary  
Jacobson, Alf  
Larrabee, David  
Maxfield, Roy  
Whalley, Michael

### ROCKINGHAM

Abbott, Dennis  
Case, Margaret  
Dodge, Robert  
Downing, Michael  
Flanders, David  
Gleason, John  
Henderson, Warren  
Kobel, Rudolph  
Major, Norman  
Morris, Debbie  
Rabideau, Marie  
Schanda, Frank  
Syracusa, Anthony  
Welch, David

Arndt, Janet  
Christie, Andrew, Jr.  
Dolan, Richard  
Felch, Charles, Sr.  
Flanders, John, Sr.  
Griffin, Mary  
Hutchinson, Rebecca  
Langley, Jane  
Malcolm, Kenneth  
Noyes, Richard  
Raynowska, Bernard  
Smith, Kevin  
Tufts, J. Arthur  
Weyler, Kenneth

Beaulieu, Jon  
Dalrymple, Janeen  
Dowd, Sandra  
Fesh, Robert  
Francoeur, Sheila  
Guthrie, Joseph  
Kane, Cecelia  
Langone, John  
McCarthy, John, Jr.  
Packard, Sherman  
Reardon, Neil  
Stickney, Nancy  
Varrell, Thomas

Blanchard, MaryAnn  
Dearborn, Bruce  
Dowling, Patricia  
Flanagan, Natalie  
Frechette, Joseph  
Heath, John  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
McKinney, Betsy  
Pitts, Jacqueline  
Sabella, Norma  
Stone, Joseph  
Vaughn, Charles

### STRAFFORD

Brown, Julie  
Estabrook, Iris  
Knowles, William  
Smith, Marjorie  
Torr, Ann

Callaghan, Frank  
Grassie, Anne  
McKinley, Robert  
Snyder, Clair  
Torr, Franklin

Cossette, Larry  
Kaen, Naida  
Rogers, Rose Marie  
Spear, Barbara  
Vachon, Dennis

Dunlap, Patricia  
Keans, Sandra  
Rollo, Michael  
Sullivan, Henry  
Wall, Janet

### SULLIVAN

Adler, Rudolf  
Kibbey, David

Allison, David  
Leone, Richard

Donovan, Thomas  
Lindblade, Eric

Ferland, Brenda  
Schtanus, Merle

### NAYS 106

### BELKNAP

Boriso, Thomas  
Salatiello, Thomas

Laflam, Robert  
Veazey, John

Rice, Thomas, Jr.

Rosen, Ralph



**CARROLL**

Cooper, Kipp Dickinson, Howard, Jr.

**CHESHIRE**Champagne, Richard DePecol, Benjamin Doucette, Richard Lynott, Margaret  
McGuirk, Paul Meader, David**COOS**Coulombe, Henry Coulombe, Yvonne Mears, Edgar Moynihan, Wayne  
St. Hilaire, Paul**GRAFTON**Cobbin, Philip Copenhaver, Marion Guest, Robert Hill, Richard  
LaMott, Paul Luker, Elsa Mirski, Paul Nordgren, Sharon**HILLSBOROUGH**Allen, W. Gordon Alukonis, David Ameen, W. Baroody, Benjamin  
Barry, William, III Buckley, Raymond Cardin, Lori Clemons, Jane  
Cote, David Cote, Peter D'Allesandro, Lou Daigle, Robert  
Dwyer, Paul, Sr. Fenton, James Gagnon, Eugene Gosselin, Gerald  
Haley, Robert Hall, Betty Hart, Nick Jean, Loren  
Johnson, Lionel Lefebvre, Roland Leonard, Peter Lessard, Rudy  
MacGillivray, Jeffrey Martin, Mary McRae, Karen Milligan, Robert  
Murphy, Robert Perkins, Paul Reidy, Frank Turgeon, Roland  
Vaillancourt, Steve Welch, Donald Williams, Carol**MERRIMACK**Crowell, Peter Lockwood, Robert Moore, Carol Owen, Derek  
Reardon, Tara Rogers, Katherine Seldin, Gloria St. Cyr, Gerard  
Wallner, Mary Jane**ROCKINGHAM**Battles-Peirce, Marjorie Belanger, Ronald Camm, Kevin Cegelis, Mark  
Clark, Martha Cooney, Richard Cushing, Robert Dunham, Vivian  
Gibbons, Paul Katsakiores, George Katsakiores, Phyllis Kelley, Jane  
Micklon, Stephanie Mikowski, Walter Moore, Benjamin Norelli, Terie  
Sapareto, Frank Stritch, C. Donald Weatherspoon, Jackie**STRAFFORD**Berube, Roger Bickford, David Brennan, William DeChane, Marlene  
Hemon, Roland Heon, Richard Lundborn, Raymond Merrill, Amanda  
Merritt, Deborah Pelletier, Arthur Twardus, Joseph Vincent, Francis**SULLIVAN**

Burling, Peter Cloutier, John Palmer, Lorraine Wiggins, Celestine

and the report was adopted.

Ordered to third reading.

Reps. David Lawton and Robert Lawton declared conflicts of interest and did not participate.

**REMARKS**

Rep. Dickinson moved that the remarks and the response to questions made by Rep. Christie on HB 1011, be printed in the Journal

On a division vote, 190 members having voted in the affirmative and 148 in the negative, the motion was adopted.

Rep Christie: Thank you, Madam Speaker. Members of the House, good morning. I rise in support of HB 1011. I will just give you a quick history of the bill. This is a combination of two bills, HB 1626 and HB 1011. The bill does three major things. It makes gambling businesses illegal and a

felony. It makes gambling machines illegal and a felony to have them or use them. It allows the forfeiture, as Rep. D'Allesandro spoke to, of property including money and proceeds. That is an important issue. I will address that in just a minute. Illegal gambling is a huge business in the state of New Hampshire. This bill is directed at stopping it by making the running of gambling businesses and the use of gambling machines a felony. We believe we have taken a giant step towards that goal by doing this. Last year, the state police seized over \$300,000 in cash in one raid alone. They discovered a machine that only accepted \$100 tokens; that was commonly used. This indicates the scope of the problem. Unfortunately, they probably will have to give the money back because the present statute does not allow for the forfeiture of proceeds. It only allows for the forfeiture of equipment. That is why we changed that part of the statute. The bill corrects that by adding property, including money and proceeds, to the forfeiture list. The bill further defines a gambling machine as being something to play or simulate the play of any game of chance. If we are dealing with games of skill, they are legal. If it becomes a game of chance, they are illegal. There have been some questions raised about family entertainment centers. In fact, this legislation does eliminate redemption slot machines which may be up to 15 percent of the total games in family entertainment centers. We understood what we were doing when we did that. We do not want children playing games of chance in arcades and getting rewarded where there is no skill involved. If we talk of teaching values in school, then I believe we should do our part and reward skill and ability, not luck or chance. There has also been some talk of creating a felony. Many businesses today, where there is this large handle of money, it is cheaper to pay the fine and get convicted of a misdemeanor and open up and run your business tomorrow just as usual. Our goal is to eliminate gambling businesses in the state of New Hampshire. To do that, we need to make it not economically viable. You must remember, though, that not everybody is going to go to jail if they are arrested for this. The prosecutor retains the authority in charging decisions in all felonies. If the individual is arrested and charged with a felony offense, if it is a first offense and the person has a clean record, it is very likely the prosecutor will charge the person with a misdemeanor under the first part of this Chapter. The prosecutor has the discretion to make this decision. The most significant sentence in a gambling case in the last ten years was six months in jail. This was a person who had been convicted numerous times in the past. In almost every one of these cases, if the person is convicted, he or she receives a suspended jail sentence or a minor fine. By making the possession of gambling machines and engaging in gambling businesses a felony, if the person is convicted of a felony he or she can receive absolutely no jail time. In fact this will probably be the likely outcome on the first offense. It is just as it is today for the first offense of theft, forgery, burglary, fraud or any other theft-related crime where the person has stolen even thousands of dollars. The potential penalty of up to seven years should only scare those who are making thousands of dollars a day, currently laughing at the state of New Hampshire and making a mockery out of the system. Out of all the people who are engaging in illegal gambling operations today, only a handful would go to prison on the first offense, if at all. The judge retains full authority to hand out a suspended sentence or simply place the person on probation. I don't see this as a major problem. I do see it as the elimination of gambling machines and video poker machines that are used for illegal purposes. They can be, for the places that have them and want to comply with the law made legal by the insertion or the change of a chip and I believe that to cost approximately \$75. That would turn those machines into games of skill, not games of chance. I would urge you to support the committee in its vote of 17-1, Ought to Pass, on this legislation. Thank you.

Rep. DePecol: Thank you, Madam Speaker and Rep. Christie. The part of this bill that troubles me is the forfeiture section. One of the words in the forfeiture section is "proceeds" from these machines. Would you define proceeds for me, please?

Rep. Christie: I think the proceeds from the machine is the money that the machine takes in from the gambling business. I alluded to the situation where we had \$300,000 on the table in one place. Actually, it was in a box, and they could not seize that money because the statute presently says, "implements, equipment and apparatus." So we added proceeds to that so we could seize the money. Otherwise, we are leaving them the money to pay the fine and continue on.

Rep. DePecol: Would proceeds also include anything that that money could buy, such as a house, a car or food?

Rep. Christie: I think the proposed legislation says "property" which I would assume would include or could include a house if it is used for that purpose, yes.

Rep. Cegelis: Thank you, Madam Speaker. Representative, my question is this. I have a personal computer at home and I have a disk called casino. I am curious to know if you could explain to me how this could be differentiated because it is a different type of machine; it is not table top. Could you elaborate on any of the illegality of that scenario with that type of game?

Rep. Christie: I believe that your computer at home is not defined as a machine based upon the insertion of cash or a token, or upon the payment of consideration to others, so that you may do that in your own home and that is not gambling. Further, I have been informed that in "property," we are not intending to include a house in property.

Rep. Hill: Thank you, Madam Speaker. I am a little confused. I hear games of chance. I hear games of skill. Would you please define what a game of skill is to me?

Rep. Christie: How about if I define what a game of chance is, and then everything else is skill? A game of skill would be something that you have the ability to control the outcome. Just as a simple matter, in an arcade, ski-ball is a game of skill because it is based on how you roll the ball and whether you are able to get it in the center hole. A game of chance is a slot machine where you have no control over the outcome of the game. You just play the game and hope that you get an outcome.

### SPECIAL ORDER

Rep. Lozeau moved that **HB 1025-FN**, relative to capital murder, first degree murder, and second degree murder, be made a Special Order as the first order of business on Thursday, March 12, 1998. Adopted.

### REGULAR CALENDAR (CONT'D.)

**HB 1248-FN**, establishing the crime of assault against a sports official. **INEXPEDIENT TO LEGISLATE**

Rep. Kathleen M. Flora for Criminal Justice and Public Safety: This bill creates a class "A" misdemeanor penalty for a simple assault under RSA 631:2-a. If the victim is a sports official and the assault takes place immediately prior to, during or immediately following an organized amateur or professional athletic contest. Although the committee fully understands and supports the need for the protection of sports officials from assault, the committee believes that this protection is provided in the current assault statutes Vote 12-5.

Adopted.

**HB 1499**, establishing a committee to study the circumstances and investigation of the deaths of Janet and Steven Dow; providing an exception from statutes of limitations for certain unlawful acts related to murders; relative to false reports to law enforcement officers; and nullifying the adoption of Steven Medeiros. **REFER FOR INTERIM STUDY**

Rep. Paul K. Chase, Jr. for Criminal Justice and Public Safety: The bill proposes the establishment of a committee to investigate the circumstances surrounding the deaths of Janet and Steven Dow which occurred in 1982. The proponents of the bill believe that the case was not properly or fully investigated thereby allowing an alleged murder to go unsolved. The committee heard testimony that the police investigators either did not gather or preserve some critical evidence needed to prove that the deaths were the result of murder and to prove who committed the murder. The committee does believe that mistakes were made in the investigation and that if a full and proper collection of evidence had occurred, the murders might have been solved and prosecuted. However, it is now 16 years later and although there is no statute of limitations on the prosecution of murder, the state's prosecutors have testified that they do not currently have enough evidence to charge a particular defendant or to prove beyond a reasonable doubt that the deaths were the result of murder. As the case is still open, the committee strongly urges continuing the investigation and aggressively pursuing and maintaining an ongoing review of the facts and evidence in the case. The committee also urges the attorney general to convene the grand jury when the evidence is sufficient to do so. The committee further believes that for many reasons, the legislature is not the forum for criminal investigations. The legislature does not have the resources, the training, the expertise, or the authority to investigate criminal cases. Furthermore, this would open up the possibility that every time in a criminal case there was dissatisfaction with a police investigation and/or prosecutorial decision making there would be an expectation that the legislature could solve the problem. This would raise false hope in victims of crimes that the legislature could fix every bad event. So, while the committee fully understands the frustration of the parties involved in this particular case and concedes that errors might have been



made, we do not believe that a legislative study committee is the proper vehicle to address the problem. The bill is recommended for interim study in order to inform the executive branch agency that there is strong support for continuing the investigation Vote 18-0.

Rep. Cobbin spoke in favor.

Adopted.

**HB 1543-FN-L**, relative to disbursement of income of persons held or imprisoned in a county department of corrections facility. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. William V. Knowles for the Majority of Criminal Justice and Public Safety: Current law provides that a portion of the wages or salaries from the work of all persons held for trial or sentenced to imprisonment at a county department of corrections facility may be applied to the cost of board and all other expenses of the county maintaining the facility. This proposed legislation enables the county commissioners of each county to require sentenced inmates only to pay a fraction of their income payable to them from sources other than wages or salaries, to offset the costs of incarceration when sanctioned by the sentencing court. In setting the amount of such payments, the court shall take into consideration and make allowances for the maintenance and support of an inmate's spouses dependent children, or any other persons having a legal right to support and maintenance by the inmate. This proposed legislation shall not apply to persons on pre trial detention. Vote 10-5.

Rep. Walter J. Mikowski for the Minority of Criminal Justice and Public Safety: The minority of the committee was concerned that the pensions, interest from mutual funds, interest from savings accounts, and rental income could all be taken from joint accounts of the person being prosecuted and the spouse and family, leaving the spouse and family on welfare. These concerns came from the wording of the bill and the lack of a firm definition of what was a "portion". At present, a prisoner can be dunned part of his earnings from work in jail to cover the expense of their keep. The minority felt this bill went too far and left too much discretion to the judge.

#### Amendment (0770h)

Amend RSA 30-B:19 as inserted by section 1 of the bill by replacing it with the following:

30-B:19 Application of Earnings.

*I.* The wages or salaries from the work of all persons held for trial or for any other cause or sentenced to imprisonment in a county department of corrections facility shall be disbursed by the superintendent for:

[F:] (a) Restitution or reparation or both, to the victim of his conduct for the damage or injury which was sustained, in a sum and manner determined by the court.

[H:] (b) The cost of board and all other expenses of the county maintaining the facility with the county of commitment receiving a credit for the cost of board and all other expenses.

[HH:] (c) Payment of a fine.

[FV:] (d) Incidental expenses of the person so employed.

[V:] (e) Support of the person's dependents, if any.

[VH:] (f) The account of the person so employed which shall be payable to such person upon discharge.

*II.* *The county commissioners of each county may require sentenced inmates to pay a portion of their income payable to them from sources other than wages or salaries, to offset the costs of incarceration, when sanctioned by the sentencing court. In setting the amount of such payments, the court shall take into consideration and make allowances for the maintenance and support of an inmate's spouse, dependent children, or any other persons having a legal right to support and maintenance by the inmate.*

Adopted.

Rep. Mikowski offered a floor amendment.

#### Floor Amendment (0948h)

Amend RSA 30-B:19 as inserted by section 1 of the bill by replacing it with the following:

30-B:19 Application of Earnings.

*I.* The wages or salaries from the work of all persons held for trial or for any other cause or sentenced to imprisonment in a county department of corrections facility shall be disbursed by the superintendent for:

[I:] (a) Restitution or reparation or both, to the victim of his conduct for the damage or injury which was sustained, in a sum and manner determined by the court.

[H:] (b) The cost of board and all other expenses of the county maintaining the facility with the county of commitment receiving a credit for the cost of board and all other expenses.

[HH:] (c) Payment of a fine.

[HV:] (d) Incidental expenses of the person so employed.

[V:] (e) Support of the person's dependents, if any.

[V:] (f) The account of the person so employed which shall be payable to such person upon discharge.

*II. The county commissioners of each county may require sentenced inmates to pay a portion of their income payable to them from sources other than wages or salaries, to offset the costs of incarceration, when sanctioned by the sentencing court. In setting the amount of such payments, which shall in no case exceed the lesser of 15 percent of income from sources other than wages or salaries or \$20 per day, the court shall take into consideration and make allowances for the maintenance and support of an inmate's spouse, dependent children, or any other persons having a legal right to support and maintenance by the inmate.*

Rep. Mikowski spoke in favor.

Rep. Knowles spoke against and yielded to questions.

Rep. David Welch spoke against.

The floor amendment failed.

Rep. David Welch yielded to questions.

Majority report adopted and ordered to third reading.

**HB 1562**, excepting cannabis-type drugs from forfeited drugs which may be delivered to the department of health and human services for medical use. OUGHT TO PASS

Rep. Edwin O. Smith for Criminal Justice and Public Safety: While now permissible, this type of distribution is not used by health and human services. They are not interested in starting to use this procedure for various reasons. The most important reason is the lack of quality control from possibly locally produced cannabis-type drugs. Since we do not have a need by health and human services for this bill, all cannabis-type drugs confiscated will be disposed of as is currently being done. Vote 17-0.

Adopted and ordered to third reading.

**HB 1635-FN**, establishing the crime of criminal storage of a firearm. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.

Rep. Walter J. Mikowski for the Majority of Criminal Justice and Public Safety: This bill would make it a class A misdemeanor if a person did not secure a firearm by locking it up or using a gun lock and allowed a child to get it. Although well intended, the bill does not take into account the reason many people have firearms in the home, for security of themselves and their families. The majority felt that the answer was firearm safety training at home by the parents and possibly in schools. There are many safety training courses available by different organizations that can be used for this purpose. Vote 9-5.

Rep. William V. Knowles for the Minority of Criminal Justice and Public Safety: This proposed legislation has merit but we did not have the time to clarify and refine some parts. There seemed to be a high percentage of gun owners who admitted to having unsecured loaded firearms on their premises. This bill is aimed at preventing access to firearms by children.

Majority report adopted.

## RECESS

### (Speaker Sytek in the Chair)

**CACR 42**, relating to public money used to compensate individuals for sectarian education. Providing that the provision prohibiting public money from being used to compensate individuals for education at sectarian schools be replaced with federal constitutional church-state separation protections. INEXPEDIENT TO LEGISLATE

Rep. Charles B. Yeaton for Education: This measure would open the door to the use of public money for the support of sectarian schools. The committee felt that the separation of church and state is

a long cherished tradition in our state which should be preserved. In addition, with the changes which are being considered due to the Claremont decision, now is not the time to make such a major decision. Vote 14-4.

Reps. Colburn, Alger and Mary Brown spoke against.

Rep. Estabrook spoke in favor and yielded to questions.

Rep. Durham spoke in favor.

Rep. Colburn requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 249 NAYS 89

### YEAS 249

#### BELKNAP

Boriso, Thomas  
Lawton, Robert  
Turner, Robert

Calvert, Alice  
Pilliod, James

Golden, Paul  
Salatiello, Thomas

Holbrook, Robert  
Thomas, John

#### CARROLL

Babson, David, Jr.  
Lyman, L. Randy

Bradley, Jeb  
MacDonald, Kenneth

Chandler, Gene  
Patten, Betsey

Dickinson, Howard, Jr.  
Philbrick, Donald

#### CHESHIRE

Bonneau, Sarah  
Lynch, Margaret  
Meader, David  
Riley, William  
Vogl, John

Burnham, Daniel  
Lynott, Margaret  
Metzger, Katherine  
Robertson, Timothy

DePecol, Benjamin  
Manning, Joseph  
Pratt, John  
Royce, H. Charles

Doucette, Richard  
McGuirk, Paul  
Richardson, Barbara  
Smith, Edwin

#### COOS

Bradley, Paula  
Guay, Lawrence  
Merrill, Gerald

Coulombe, Henry  
Hawkinson, Marie  
Moynihan, Wayne

Coulombe, Yvonne  
Horton, Lynn  
Pratt, Leighton

Davis, Perley  
Mears, Edgar

#### GRAFTON

Almy, Susan  
Guest, Robert  
Luker, Elsa  
Trelfa, Richard

Below, Clifton  
Hill, Richard  
MacNeil, Allen

Copenhaver, Marion  
LaMott, Paul  
Nordgren, Sharon

Eaton, Stephanie  
Lovett, Sidney  
Phinney, William

#### HILLSBOROUGH

Allen, W. Gordon  
Belvin, William  
Buckley, Raymond  
Clemons, Jane  
Daigle, Robert  
Drabinowicz, A. Theresa  
Fields, Dennis  
Gage, Ruth  
Goulet, Maurice  
Herman, Keith  
Kelley, Robert  
LaRose, Richard  
Lozeau, Donnalee  
McCarty, Winston  
Milligan, Robert  
Piteri, Dawn  
Searles, Stanley, Sr.  
Wheeler, Robert

Amidon, Eleanor  
Bergin, Peter  
Calawa, Leon, Jr.  
Cote, David  
Daniels, Gary  
Durham, Susan  
Foster, Joseph  
Gagnon, Eugene  
Haettenschwiller, Alphonse  
Holt, David  
Konys, Christine  
Leishman, Peter  
Lynde, Harold  
Melcher, Harold  
Murphy, Robert  
Reidy, Frank  
Turgeon, Roland  
White, Jay

Baroody, Benjamin  
Boutin, David  
Chabot, Robert  
Cote, Peter  
Dawe, Eileen  
Emerton, Lawrence, Sr.  
Foster, Linda  
Ginsburg, Ruth  
Hall, Betty  
Jean, Claudette  
Kurk, Neal  
Leonard, Peter  
MacIntyre, Doris  
Mercer, Robert  
O'Hearn, Jane  
Rowe, Robert  
Vaillancourt, Steve  
Williams, Carol

Batula, Peter  
Brundige, Robert  
Clay, Susan  
D'Allesandro, Lou  
Dokmo, Cynthia  
Fenton, James  
Franks, Suzan  
Gosselin, Gerald  
Hart, Nick  
Johnson, Lionel  
L'Heureux, Robert  
Lessard, Rudy  
McCarthy, William  
Messier, Irene  
Perkins, Paul  
Sargent, Maxwell  
Welch, Donald



**MERRIMACK**

Anderson, Eric	Chandler, Earle	Crowell, Peter	Daneault, Gabriel
DeStefano, Stephen	Dunn, Miriam	Fraser, Marilyn	French, Barbara
Gile, Mary	Hess, David	Hoadley, Elizabeth	Jacobson, Alf
Langer, Ray	Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Morrill, Olive	Owen, Derek	Pfaff, Terence
Reardon, Tara	Rogers, Katherine	Seldin, Gloria	St. Cyr, Gerard
Wallin, Jean	Wallner, Mary Jane	Whalley, Michael	Whittemore, James
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Battles-Peirce, Marjorie	Beaulieu, Jon
Belanger, Ronald	Blanchard, MaryAnn	Case, Margaret	Christie, Andrew, Jr.
Cooney, Richard	Cushing, Robert	Dalrymple, Janeen	Dearborn, Bruce
Dolan, Richard	Dowd, Sandra	Downing, Michael	Flanagan, Natalie
Flanders, John, Sr.	Francoeur, Sheila	Frechette, Joseph	Gleason, John
Guthrie, Joseph	Heath, John	Hutchinson, Rebecca	Kane, Cecelia
Kelley, Jane	Klemm, Arthur, Jr.	Kobel, Rudolph	Langley, Jane
Langone, John	Lovejoy, Marian	Major, Norman	Malcolm, Kenneth
McCarthy, John, Jr.	Micklon, Stephanie	Norelli, Terie	Packard, Sherman
Pitts, Jacqueline	Sabella, Norma	Stone, Joseph	Stritch, C. Donald
Syracusa, Anthony	Tufts, J. Arthur	Vaughn, Charles	Weatherspoon, Jackie
Welch, David			

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, Julie	Callaghan, Frank
Cossette, Larry	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Grassie, Anne	Hemon, Roland	Heon, Richard	Kaen, Naida
Keans, Sandra	Knowles, William	Lundborn, Raymond	McCann, William, Jr.
Merrill, Amanda	Merritt, Deborah	Musler, George	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spear, Barbara	Sullivan, Henry	Taylor, Kathleen
Torr, Ann	Tsiros, William	Twardus, Joseph	Vachon, Dennis
Vincent, Francis	Wall, Janet		

**SULLIVAN**

Adler, Rudolf	Allison, David	Burling, Peter	Cloutier, John
Donovan, Thomas	Ferland, Brenda	Kibbey, David	Leone, Richard
Lindblade, Eric	Palmer, Lorraine	Schotanus, Merle	Wiggins, Celestine

**NAYS 89****BELKNAP**

Bartlett, Gordon	Boyce, Robert	Clark, Charles	Laffam, Robert
Lawton, David	Rice, Thomas, Jr.	Rosen, Ralph	Veazey, John

**CARROLL**

Cooper, Kipp	Howard, Godfrey	Kenney, Joseph	Mock, Henry
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**CHESHIRE**

Hunt, John	McNamara, Wanda
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**COOS**

St. Hilaire, Paul	Tholl, John, Jr.
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**GRAFTON**

Akins, Ralph	Alger, John	Chase, Paul, Jr.	Cobbin, Philip
Connolly, Steven	Guaraldi, Lawrence	Hinman, Harry	Mirski, Paul
Root, John	Weber, Phil	Williams, William, Jr.	

**HILLSBOROUGH**

Alukonis, David	Ameen, W.	Arnold, Thomas, Jr.	Burke, M. Virginia
Carlson, Donald	Chabot, Ernest	Christiansen, Lars	Desrosiers, William
Dwyer, Paul, Sr.	Flora, Kathleen	Golding, William	Holley, Sylvia
Jean, Loren	Lefebvre, Roland	Letendre, Evelyn	Luebker, Bernard
MacGillivray, Jeffrey	Marcinkowski, Michael	Martin, Mary	McDonald, James, Sr.
McGough, Tim	McRae, Karen	Murch, George	Riley, Frances
White, Donald	Wright, George		

**MERRIMACK**

Adams, Stephen	Brown, Mary	Colburn, Thomas	Krueger, Patricia
Lamach, Bernard	Larrabee, David	Lavoie, Gerard	Leber, William

**ROCKINGHAM**

Camm, Kevin	Cegelis, Mark	Dodge, Robert	Dowling, Patricia
Dunham, Vivian	Fesh, Robert	Flanders, David	Gibbons, Paul
Griffin, Mary	Henderson, Warren	Katsakiores, George	Katsakiores, Phyllis
Letourneau, Robert	McKinney, Betsy	Mikowski, Walter	Noyes, Richard
Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Sapareto, Frank
Schanda, Frank	Smith, Kevin	Stickney, Nancy	Varrell, Thomas
Verani, Giovanni	Weyler, Kenneth		

**STRAFFORD**

Bickford, David	McKinley, Robert
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**SULLIVAN**

None

and the report was adopted.

**HB 1215**, establishing a committee to study the shortage of qualified and certified personnel in the delivery of services related to special education. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Clair A. Snyder for the Majority of Education: There is a vast shortage of qualified and certified personnel required to deliver services to special education students. This committee will investigate methods of enabling more graduates in these shortage areas to avail themselves of scholarships, special training programs, and interstate agreements in higher education. It would also investigate opportunities for districts to share services in these shortage areas. Vote 17-2.

Rep. Michael F. Marcinkowski for the Minority of Education: The minority feels the study is premature at this point in time. This legislative body has not addressed the major task and issue of defining adequate education nor the attendant costs of providing the level of the yet undefined definition of adequate education.

Majority report adopted and ordered to third reading.

**HB 1230-FN-L**, establishing a teacher improvement and evaluation program. REFER FOR INTERIM STUDY

Rep. Iris Estabrook for Education: It is generally recognized that improvement of teacher performance is an essential element of a successful school system. It is also essential that there be adequate teacher evaluation in order to insure fair non-renewal of teachers who do not meet the standards of the district. Since members of the committee felt this bill had some remaining problems to resolve, it is recommended that interim study be carried out so that this important issue may be properly addressed. Vote 13-7.

Adopted.

**HB 1280-L**, clarifying the procedures for background criminal checks for school employees and volunteers. OUGHT TO PASS WITH AMENDMENT

Rep. Michael F. Marcinkowski for Education: The bill and amendment clarifies that the school district shall identify the circumstances under which "designated" volunteers are required to undergo a criminal background check and to formulate appropriate procedure to govern such circumstances. Vote 18-2.

**Amendment (0435h)**

Amend RSA 189:13-a as inserted by section 1 of the bill by inserting after paragraph VI the following new paragraph:

VII. It shall be the responsibility of the local school board or other appropriate governing body in every school administrative unit, school district, and charter school in the state to identify the circumstances under which volunteers who are designated as having regular contact with pupils are required to undergo criminal background checks, and formulate an appropriate procedure to govern such circumstances. Such procedure shall be implemented within one year of the effective date of this paragraph.

Adopted.

Report adopted and ordered to third reading.

**HB 1357-L**, authorizing teachers in public schools to remove dangerous, disruptive, or uncooperative pupils from the classroom. INEXPEDIENT TO LEGISLATE

Rep. Phil A. Weber for Education: This is a well intended bill. However, this bill is not the solution to the issue of disruptive students in the classroom. Vote 15-2.

Adopted.

**HB 1369**, revising the student membership of the university system of New Hampshire board of trustees. OUGHT TO PASS WITH AMENDMENT

Rep. Amanda Merrill for Education: The original version of this bill called for the addition of two students to the university system of New Hampshire board of trustees, such that UNH, Keene State College and Plymouth State College would each have a representative. (Presently representation rotates among the three campuses.) The amendment, instead, calls for the addition of one student, such that UNH will have a student representative and the Keene and Plymouth campuses will have rotating student representation. Two students working together, one from the university campus and the other rotating member from the smaller college campuses will have more to offer the board than one isolated student representative. The bill also changes the dates of students' terms of office from June 1 - May 31 to July 1 - June 30 so that the students are dealing with the system budget near the end of their terms rather than at the beginning. Vote 11-8.

**Amendment (0702h)**

Amend the introductory paragraph of RSA 187-A:13 as inserted by section 1 of the bill by replacing it with the following:

The general government of the university system and its constituent divisions and institutions shall be vested in a single board of ~~25~~ 26 trustees composed as follows and in accordance with the following conditions:

Amend RSA 187-A:13, III as inserted by section 2 of the bill by replacing it with the following:

III. ~~[One member shall be a student enrolled at the university of New Hampshire, Keene state college or Plymouth state college. The office of student trustee shall be rotated among the 3 schools in the order in which they are listed.]~~ *Two members shall be students enrolled at institutions within the university system of New Hampshire as follows: one from the university of New Hampshire and one member chosen on a rotating basis from Keene state college and Plymouth state college, in the order in which they are listed.* The student ~~[trustee]~~ trustees shall be elected by the student body at ~~[the]~~ each school responsible for providing the student ~~[trustee]~~ trustees. Said ~~[school]~~ schools shall provide for the election of the student ~~[trustee]~~ trustees in March of the year for which the student ~~[trustee]~~ trustees shall be elected. The ~~[student trustee's term]~~ term of the student trustees shall be for one year commencing ~~[June]~~ July 1 of the year for which the student was elected and ending ~~[May 31]~~ June 30 of the next year. *Student trustees shall be expected to serve the full duration of their elected term.* In the event that a student trustee ceases for any reason to attend the school from which the student was elected, the chancellor of the university system shall declare a vacancy in ~~[the]~~ that student trustee position, and the ~~[next school in order]~~ school causing the vacancy, or, in the case of the rotating member vacancy, the next school in order, shall elect ~~[the]~~ a replacement student trustee who shall serve for the remainder of the predecessor's term and an additional one-year term, immediately following thereafter. *Graduation of a student trustee shall not constitute a vacancy under this paragraph.*



## AMENDED ANALYSIS

This bill revises the student membership on the university system of New Hampshire board of trustees from one rotating member to one permanent member from the university of New Hampshire, and one member chosen on a rotating basis from Keene state college and Plymouth state college.

Adopted.

On a division vote, 280 members having voted in the affirmative and 52 in the negative, the report was adopted.

Ordered to third reading.

**HB 1414**, relative to review of non-renewal of teachers contracts. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Susan B. Durham for the Majority of Education: The underlying intent of this bill is to help local school boards maintain excellent teachers in our schools. Local school boards recommending the non-renewal of a teacher must provide a full and fair hearing for the teacher thereby guaranteeing that the teacher is afforded all rights of due process. This bill provides that the exclusive remedy from a local school board non-renewal decision is a review by the state board of education. The amendment was added to clarify that the review will make sure that the decision of the local board is based on proper procedure and is not clearly erroneous, arbitrary or capricious, or in violation of law. (A further review by the supreme court also remains available to an aggrieved teacher.) The bill eliminates another review of local school board decisions by prohibiting grievances of the failure of a teacher to be renewed to be subject to binding arbitration. This does not interfere with existing collective bargaining agreements because a provision in the bill specifically provides that all current teacher contracts with binding arbitration provisions remain valid until the expiration of the contracts. This bill has the support of the NH School Boards Association and the NH School Administrators. The committee believes that this bill guarantees teachers receive a full and fair process for review of non-renewal decisions while at the same time streamlining the currently cumbersome process for local school boards to non-renew a teacher which is costly and time-consuming to the local school districts. Vote 15-3.

Rep. Arthur J. Pelletier for the Minority of Education: The minority recognizes that although there may be some problems with the current system regarding teacher non-renewals, the bill, even as amended, doesn't protect the rights of teachers who are non-renewed for other than poor performance. Still more serious, though, is the provision regarding grievance procedures which states, "no grievance resulting from the failure of a teacher to be renominated or re-elected pursuant to RSA 189:14-a, shall be subject to arbitration or any other binding resolution, except as provided by RSA 189:14-a and RSA 189:14-b. Any such provision in force as of the effective date of this section shall be null and void upon the expiration date of that collective bargaining agreement." This is an unwarranted interference by the state in local affairs, as it restricts the terms of a local contract while eliminating previously negotiated provisions upon expiration of a contract.

#### Amendment (0904h)

Amend RSA 189:14-b as inserted by section 1 of the bill by replacing it with the following:  
189:14-b Review by State Board.

*I. A teacher aggrieved by such decision may request the state board of education for review thereof. Such request for review by the state board of education shall be the exclusive remedy available to a teacher on the matter of the failure of such teacher to be renominated or reelected. Such request must be in writing and filed with the state board within 10 days after the issuance of the decision to be reviewed. Upon receipt of such request, the state board shall notify the school board of the request for review, and shall forthwith proceed to a consideration of the matter. Such consideration shall include a hearing if either party shall request it. The state board shall issue its decision within 15 days after the request for review is filed, and the decision of the state board shall be final and binding upon both parties.*

*II. The review by the state board of education shall be limited to:*

*(a) Determining if the school district has provided adequate notice and hearing regarding its decision not to renew the teacher's contract; and*

*(b) Determining if the school district's findings of fact are clearly erroneous, or that the reasons given for the decision not to reelect or renominate the teacher are arbitrary, capricious, or contrary to law. For the purposes of this paragraph, "arbitrary" or "capricious" means a willful and unreasonable action unsupported by or in disregard of relevant facts and evidence.*

Adopted.  
Reps. William Riley and Burling offered a floor amendment.

#### Floor Amendment (0988h)

Amend the bill by replacing section 1 with the following:

I Review by State Board; Teacher Renomination or Rehiring; Appointment of Fair Hearing Officer. Amend RSA 189:14-b as follows:

189:14-b Review by State Board.

*I. A teacher aggrieved by such decision may request the state board of education for review thereof. Such request must be in writing and filed with the state board within 10 days [after the issuance] of receipt of the decision to be reviewed. Upon receipt of such request, the state board shall notify the school board of the request for review, and shall forthwith proceed to [a consideration of the matter. Such consideration shall include a hearing if either party shall request it] review whether there is reasonable cause for non-renewal of the teacher. Such review shall be based on the full and complete record of the proceeding before the local school board. If on review the record is found to be in any way less than full and complete, the state board shall hold a de novo hearing on the issue of whether there is reasonable cause for non-renewal of the teacher. The state board shall issue its decision within [15] 30 days after the [request for review is filed, and the] review or hearing. The decision of the state board shall be final and binding upon both parties.*

*II. The state board may appoint any impartial person as a hearing officer pursuant to RSA 186:10-a. If either party objects to the person appointed by the state board on the basis of partiality, the state board shall appoint another person to act as a hearing officer.*

*III. A request for review under this section shall be the exclusive remedy available to a teacher on the matter of the failure of such teacher to be renominated or reelected.*

#### AMENDED ANALYSIS

This bill designates the state board review of a teacher's contract as the exclusive remedy in cases where a teacher is not renominated or reelected, provides for the appointment of a hearing officer to review such cases, and prohibits a teacher's grievance based on failure to be renominated or reelected from being subject to binding arbitration.

Reps. William Riley and Burling spoke in favor.

Reps. Hoadley and O'Hearn spoke against and yielded to questions.

Rep. Burling requested a roll call; sufficiently seconded.

The question being the adoption of the floor amendment.

**YEAS 137 NAYS 203**

**YEAS 137**

**BELKNAP**

Salatiello, Thomas

**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah  
Lynch, Margaret  
Richardson, Barbara

Burnham, Daniel  
Lynott, Margaret  
Riley, William

DePecol, Benjamin  
McGuirk, Paul  
Robertson, Timothy

Doucette, Richard  
Pratt, John  
Vogl, John

**COOS**

Bradley, Paula  
Mears, Edgar

Coulombe, Henry  
Moynihan, Wayne

Coulombe, Yvonne

Hawkinson, Marie

**GRAFTON**

Akins, Ralph	Almy, Susan	Below, Clifton	Copenhaver, Marion
Guest, Robert	LaMott, Paul	Lovett, Sidney	Luker, Elsa
Nordgren, Sharon			

**HILLSBOROUGH**

Allen, W. Gordon	Ameen, W.	Baroody, Benjamin	Buckley, Raymond
Clemons, Jane	Cote, David	Cote, Peter	D'Allesandro, Lou
Daigle, Robert	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.	Foster, Joseph
Foster, Linda	Franks, Suzan	Gage, Ruth	Ginsburg, Ruth
Gosselin, Gerald	Haettenschwiller, Alphonse	Hall, Betty	Hart, Nick
Jean, Claudette	Konys, Christine	Lefebvre, Roland	Leishman, Peter
Leonard, Peter	Lynde, Harold	Martin, Mary	McCarthy, William
McDonald, James, Sr.	Melcher, Harold	Murphy, Robert	Perkins, Paul
Reidy, Frank	Turgeon, Roland	Vaillancourt, Steve	Welch, Donald
White, Jay	Williams, Carol		

**MERRIMACK**

Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam	Fraser, Marilyn
French, Barbara	Gile, Mary	Jacobson, Alf	Moore, Carol
Owen, Derek	Reardon, Tara	Rogers, Katherine	Seldin, Gloria
St. Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Cooney, Richard
Cushing, Robert	Dowling, Patricia	Gibbons, Paul	Heath, John
Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane	Micklon, Stephanie
Norelli, Terie	Pitts, Jacqueline	Sabella, Norma	Schanda, Frank
Syracusa, Anthony	Vaughn, Charles	Weatherspoon, Jackie	

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Grassie, Anne
Hemon, Roland	Heon, Richard	Keans, Sandra	Knowles, William
Lundborn, Raymond	McCann, William, Jr.	Merrill, Amanda	Merritt, Deborah
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Sullivan, Henry	Taylor, Kathleen
Tsiros, William	Twardus, Joseph	Vachon, Dennis	Vincent, Francis
Wall, Janet			

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Palmer, Lorraine	Wiggins, Celestine	

**NAYS 203****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Golden, Paul	Holbrook, Robert	Lafam, Robert
Lawton, David	Lawton, Robert	Pilliod, James	Rice, Thomas, Jr.
Rosen, Ralph	Thomas, John	Turner, Robert	Veazey, John

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	Philbrick, Donald



**CHESHIRE**

Hunt, John	Manning, Joseph	McNamara, Wanda	Meader, David
Metzger, Katherine	Royce, H. Charles	Smith, Edwin	

**COOS**

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul	Tholl, John, Jr.	

**GRAFTON**

Alger, John	Chase, Paul, Jr.	Cobbin, Philip	Eaton, Stephanie
Guaraldi, Lawrence	Hill, Richard	Hinman, Harry	MacNeil, Allen
Phinney, William	Root, John	Teschner, Douglass	Trelfa, Richard
Weber, Phil	Williams, William, Jr.		

**HILLSBOROUGH**

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Bergin, Peter	Boutin, David	Brundige, Robert
Burke, M. Virginia	Calawa, Leon, Jr.	Carlson, Donald	Chabot, Ernest
Chabot, Robert	Christiansen, Lars	Clay, Susan	Daniels, Gary
Dawe, Eileen	Desrosiers, William	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James	Fields, Dennis
Flora, Kathleen	Gagnon, Eugene	Golding, William	Goulet, Maurice
Herman, Keith	Holley, Sylvia	Holt, David	Jean, Loren
Johnson, Lionel	Kelley, Robert	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Lessard, Rudy	Letendre, Evelyn	Lozeau, Donnalee
Luebker, Bernard	MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael
McCarty, Winston	McGough, Tim	McRae, Karen	Mercer, Robert
Messier, Irene	Milligan, Robert	Murch, George	O'Hearn, Jane
Peterson, Andrew	Piteri, Dawn	Riley, Frances	Rowe, Robert
Sargent, Maxwell	Searles, Stanley, Sr.	Wheeler, Robert	White, Donald
Wright, George			

**MERRIMACK**

Adams, Stephen	Anderson, Eric	Brown, Mary	Chandler, Earle
Colburn, Thomas	Crowell, Peter	Hager, Elizabeth	Hess, David
Hoadley, Elizabeth	Krueger, Patricia	Lamach, Bernard	Langer, Ray
Larrabee, David	Leber, William	Lockwood, Robert	Marshall, Kenneth
Maxfield, Roy	Morrill, Olive	Pfaff, Terence	Whalley, Michael
Whittemore, James			

**ROCKINGHAM**

Arndt, Janet	Battles-Peirce, Marjorie	Beaulieu, Jon	Belanger, Ronald
Camm, Kevin	Case, Margaret	Cegelis, Mark	Christie, Andrew, Jr.
Dalrymple, Janeen	Dearborn, Bruce	Dodge, Robert	Dolan, Richard
Dowd, Sandra	Downing, Michael	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John, Sr.	Francoeur, Sheila
Frechette, Joseph	Gleason, John	Griffin, Mary	Guthrie, Joseph
Henderson, Warren	Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Lovejoy, Marian	Major, Norman	Malcolm, Kenneth	McCarthy, John, Jr.
McKinney, Betsy	Mikowski, Walter	Millard, Ralph	Noyes, Richard
Packard, Sherman	Rabideau, Marie	Raynowska, Bernard	Reardon, Neil
Sapareto, Frank	Stickney, Nancy	Stone, Joseph	Stritch, C. Donald
Tufts, J. Arthur	Varrell, Thomas	Verani, Giovanni	Welch, David
Weyler, Kenneth			

**STRAFFORD**

Bickford, David	Cossette, Larry	Kaen, Naida	McKinley, Robert
Musler, George	Spear, Barbara	Torr, Ann	Torr, Franklin

**SULLIVAN**

Adler, Rudolf	Kibbey, David	Lindblade, Eric	Schotanus, Merle
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and the floor amendment failed.

Rep. Leone declared a conflict of interest and did not participate.

The question now being the adoption of the majority report.

Rep. Doucette requested a roll call; sufficiently seconded.

**YEAS 218 NAYS 122****YEAS 218****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Golden, Paul	Holbrook, Robert	Laflam, Robert
Lawton, David	Lawton, Robert	Pilliod, James	Rice, Thomas, Jr.
Rosen, Ralph	Thomas, John	Turner, Robert	Veazey, John

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	Philbrick, Donald

**CHESHIRE**

Hunt, John	Manning, Joseph	McNamara, Wanda	Meader, David
Metzger, Katherine	Pratt, John	Royce, H. Charles	Smith, Edwin

**COOS**

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Moynihan, Wayne	Pratt, Leighton	St. Hilaire, Paul	Tholl, John, Jr.

**GRAFTON**

Alger, John	Chase, Paul, Jr.	Cobbin, Philip	Eaton, Stephanie
Guaraldi, Lawrence	Hill, Richard	Hinman, Harry	LaMott, Paul
Lovett, Sidney	MacNeil, Allen	Phinney, William	Root, John
Teschner, Douglass	Trelfa, Richard	Weber, Phil	Williams, William, Jr.

**HILLSBOROUGH**

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Bergin, Peter	Boutin, David	Brundige, Robert
Burke, M. Virginia	Calawa, Leon, Jr.	Carlson, Donald	Chabot, Ernest
Chabot, Robert	Christiansen, Lars	Clay, Susan	Daniels, Gary
Dawe, Eileen	Desrosiers, William	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James	Fields, Dennis
Flora, Kathleen	Foster, Linda	Gagnon, Eugene	Ginsburg, Ruth
Golding, William	Goulet, Maurice	Herman, Keith	Holley, Sylvia
Holt, David	Jean, Loren	Johnson, Lionel	Kelley, Robert
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Leishman, Peter
Lessard, Rudy	Letendre, Evelyn	Lozeau, Donnalee	Luebker, Bernard
MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael	McCarty, Winston
McGough, Tim	McRae, Karen	Mercer, Robert	Messier, Irene
Milligan, Robert	Murch, George	O'Hearn, Jane	Peterson, Andrew
Piteri, Dawn	Riley, Frances	Rowe, Robert	Sargent, Maxwell
Searles, Stanley, Sr.	Wheeler, Robert	White, Donald	Wright, George

**MERRIMACK**

Adams, Stephen	Anderson, Eric	Brown, Mary	Chandler, Earle
Colburn, Thomas	Crowell, Peter	Daneault, Gabriel	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Krueger, Patricia
Lamach, Bernard	Langer, Ray	Larrabee, David	Lavoie, Gerard
Leber, William	Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy
Morrill, Olive	Pfaff, Terence	Whalley, Michael	Whittemore, James

**ROCKINGHAM**

Arndt, Janet	Battles-Peirce, Marjorie	Beaulieu, Jon	Belanger, Ronald
Camm, Kevin	Case, Margaret	Cegelis, Mark	Christie, Andrew, Jr.
Cooney, Richard	Dalrymple, Janeen	Dearborn, Bruce	Dodge, Robert
Dolan, Richard	Dowd, Sandra	Dowling, Patricia	Dunham, Vivian
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John, Sr.
Francoeur, Sheila	Frechette, Joseph	Gleason, John	Griffin, Mary
Guthrie, Joseph	Henderson, Warren	Katsakiores, George	Katsakiores, Phyllis
Klemm, Arthur, Jr.	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Lovejoy, Marian	Major, Norman	Malcolm, Kenneth
McCarthy, John, Jr.	McKinney, Betsy	Mikowski, Walter	Millard, Ralph
Noyes, Richard	Packard, Sherman	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Sapareto, Frank	Stickney, Nancy	Stone, Joseph
Stritch, C. Donald	Syracusa, Anthony	Tufts, J. Arthur	Varrell, Thomas
Vaughn, Charles	Verani, Giovanni	Welch, David	Weyler, Kenneth

**STRAFFORD**

Bickford, David	Cossette, Larry	Kaen, Naida	McKinley, Robert
Musler, George	Spear, Barbara	Torr, Ann	Torr, Franklin
Tsiros, William	Vincent, Francis		

**SULLIVAN**

Adler, Rudolf	Kibbey, David	Lindblade, Eric	Schotanus, Merle
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**NAYS 122****BELKNAP**

Salatiello, Thomas

**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Lynch, Margaret	Lynott, Margaret	McGuirk, Paul	Richardson, Barbara
Riley, William	Robertson, Timothy	Vogl, John	

**COOS**

Bradley, Paula	Coulombe, Henry	Hawkinson, Marie	Mears, Edgar
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**GRAFTON**

Akins, Ralph	Almy, Susan	Below, Clifton	Copenhaver, Marion
Guest, Robert	Luker, Elsa	Nordgren, Sharon	

**HILLSBOROUGH**

Allen, W. Gordon	Ameen, W.	Baroody, Benjamin	Buckley, Raymond
Clemons, Jane	Cote, David	Cote, Peter	D'Allesandro, Lou
Daigle, Robert	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.	Foster, Joseph
Franks, Suzan	Gage, Ruth	Gosselin, Gerald	Haettenschwiller, Alphonse



Hall, Betty  
Lefebvre, Roland  
McCarthy, William  
Perkins, Paul  
Welch, Donald

Hart, Nick  
Leonard, Peter  
McDonald, James, Sr.  
Reidy, Frank  
White, Jay

Jean, Claudette  
Lynde, Harold  
Melcher, Harold  
Turgeon, Roland  
Williams, Carol

Konys, Christine  
Martin, Mary  
Murphy, Robert  
Vaillancourt, Steve

### MERRIMACK

DeStefano, Stephen  
Gile, Mary  
Rogers, Katherine  
Wallner, Mary Jane

Dunn, Miriam  
Moore, Carol  
Seldin, Gloria  
Yeaton, Charles

Fraser, Marilyn  
Owen, Derek  
St. Cyr, Gerard

French, Barbara  
Reardon, Tara  
Wallin, Jean

### ROCKINGHAM

Abbott, Dennis  
Downing, Michael  
Kane, Cecelia  
Pitts, Jacqueline

Blanchard, MaryAnn  
Gibbons, Paul  
Kelley, Jane  
Sabella, Norma

Clark, Martha  
Heath, John  
Micklon, Stephanie  
Schanda, Frank

Cushing, Robert  
Hutchinson, Rebecca  
Norelli, Terie  
Weatherspoon, Jackie

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Hemon, Roland  
Lundborn, Raymond  
Pelletier, Arthur  
Smith, Marjorie  
Twardus, Joseph

Brennan, William  
Dunlap, Patricia  
Heon, Richard  
McCann, William, Jr.  
Pelletier, Marsha  
Snyder, Clair  
Vachon, Dennis

Brown, Julie  
Estabrook, Iris  
Keans, Sandra  
Merrill, Amanda  
Rogers, Rose Marie  
Sullivan, Henry  
Wall, Janet

Callaghan, Frank  
Grassie, Anne  
Knowles, William  
Merritt, Deborah  
Rollo, Michael  
Taylor, Kathleen

### SULLIVAN

Allison, David  
Ferland, Brenda

Burling, Peter  
Palmer, Lorraine

Cloutier, John  
Wiggins, Celestine

Donovan, Thomas

and the majority report was adopted.

Rep. Leone declared a conflict of interest and did not participate.

**HB 1420-L**, establishing a committee to study the impact of class sizes on overall educational performance. **INEXPEDIENT TO LEGISLATE**

Rep. Bernard J. Luebker for Education: Much of the comment was that class size is a local issue and should not be mandated by the state. The committee recognizes that class size is important in the educational process but a study of the issue is not necessary at this time. Vote 14-4.

Adopted.

**HB 1441**, establishing a committee to study reporting requirements for communities which pay for special education costs and the impacts of court-ordered placements and services. **INEXPEDIENT TO LEGISLATE**

Rep. Arthur Tufts for Education: The costs of special education are being assessed and are available to all. A subcommittee of the house education committee met from April 24 to October 8 of 1997 and held fifteen meetings. Most of the single proponent's testimony concerned federal concerns and not New Hampshire's concerns. Vote 16-1.

Adopted.

**HB 1476-L**, enabling school districts to allow parental choice among public and nonpublic schools. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Susan B. Durham for the Majority of Education: During an all-day hearing the committee heard from many New Hampshire residents and two experts from out-of-state. The supporters say this is just enabling, but it would allow a school district to pass this by majority vote at a special meeting. Many testified that this would cost taxpayers more overall because special education costs would remain with the local education agency. Charter schools could provide choice in public schools if the local voters felt it would be beneficial fiscally or educationally. Vote 12-5.

Rep. Phil A. Weber for the Minority of Education: School choice, and competition with the current monopolistic public school structure, is a must. We will never be able to provide quality educational opportunities until the public school system has accountability. An outstanding method of improving public education would be if parents had the ability to choose the best educational opportunities for their kids. The current system of confiscatory taxation to support a closed monopolistic structure will in the end fail, even as it has in the former Soviet Union. We must be willing to admit the truth about the shortcomings of our current system and have the courage to change.

Reps. Weber and Mary Brown spoke against.

Reps. Durham and O'Hearn spoke in favor and yielded to questions.

Rep. Mary Brown requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 227 NAYS 109

### YEAS 227

#### BELKNAP

Boriso, Thomas  
Salatiello, Thomas

Calvert, Alice  
Thomas, John

Holbrook, Robert  
Turner, Robert

Pilliod, James

#### CARROLL

Babson, David, Jr.  
MacDonald, Kenneth

Bradley, Jeb  
Patten, Betsey

Chandler, Gene  
Philbrick, Donald

Lyman, L. Randy

#### CHESHIRE

Bonneau, Sarah  
Lynch, Margaret  
Meader, David  
Riley, William  
Vogl, John

Burnham, Daniel  
Lynott, Margaret  
Metzger, Katherine  
Robertson, Timothy

DePecol, Benjamin  
Manning, Joseph  
Pratt, John  
Royce, H. Charles

Doucette, Richard  
McGuirk, Paul  
Richardson, Barbara  
Smith, Edwin

#### COOS

Bradley, Paula  
Guay, Lawrence  
Merrill, Gerald

Coulombe, Henry  
Hawkinson, Marie  
Moynihan, Wayne

Coulombe, Yvonne  
Horton, Lynn  
Pratt, Leighton

Davis, Perley  
Mears, Edgar

#### GRAFTON

Almy, Susan  
Eaton, Stephanie  
Lovett, Sidney  
Phinney, William

Below, Clifton  
Guest, Robert  
Luker, Elsa  
Trelfa, Richard

Brown, Channing  
Hill, Richard  
MacNeil, Allen

Copenhaver, Marion  
LaMott, Paul  
Nordgren, Sharon

#### HILLSBOROUGH

Allen, W. Gordon  
Bergin, Peter  
Carlson, Donald  
Cote, Peter  
Dokmo, Cynthia  
Dyer, Merton  
Foster, Linda  
Ginsburg, Ruth  
Hall, Betty  
Jean, Claudette  
Kurk, Neal  
Leonard, Peter  
MacIntyre, Doris  
Melcher, Harold

Ameen, W.  
Brundige, Robert  
Clay, Susan  
D'Allesandro, Lou  
Drabinowicz, A. Theresa  
Emerton, Lawrence, Sr.  
Franks, Suzan  
Gosselin, Gerald  
Hart, Nick  
Johnson, Lionel  
L'Heureux, Robert  
Lessard, Rudy  
McCarthy, William  
Mercer, Robert

Amidon, Eleanor  
Buckley, Raymond  
Clemons, Jane  
Daigle, Robert  
Durham, Susan  
Fields, Dennis  
Gage, Ruth  
Goulet, Maurice  
Herman, Keith  
Kelley, Robert  
LaRose, Richard  
Lozeau, Donnalee  
McCarty, Winston  
Messier, Irene

Belvin, William  
Calawa, Leon, Jr.  
Cote, David  
Dawe, Eileen  
Dwyer, Paul, Sr.  
Foster, Joseph  
Gagnon, Eugene  
Haettenschwiller, Alphonse  
Holt, David  
Kony, Christine  
Leishman, Peter  
Lynde, Harold  
McDonald, James, Sr.  
Milligan, Robert

Murphy, Robert  
Reidy, Frank  
Vaillancourt, Steve  
Williams, Carol

O'Hearn, Jane  
Sargent, Maxwell  
Welch, Donald

Perkins, Paul  
Searles, Stanley, Sr.  
Wheeler, Robert

Peterson, Andrew  
Turgeon, Roland  
White, Jay

### MERRIMACK

Anderson, Eric  
Dunn, Miriam  
Hager, Elizabeth  
Morrill, Olive  
Seldin, Gloria  
Whalley, Michael

Chandler, Earle  
Fraser, Marilyn  
Hess, David  
Owen, Derek  
St. Cyr, Gerard  
Whittemore, James

Crowell, Peter  
French, Barbara  
Jacobson, Alf  
Reardon, Tara  
Wallin, Jean  
Yeaton, Charles

Daneault, Gabriel  
Gile, Mary  
Moore, Carol  
Rogers, Katherine  
Wallner, Mary Jane

### ROCKINGHAM

Abbott, Dennis  
Christie, Andrew, Jr.  
Dearborn, Bruce  
Flanders, John, Sr.  
Guthrie, Joseph  
Kelley, Jane  
Langone, John  
Micklon, Stephanie  
Stone, Joseph  
Vaughn, Charles

Belanger, Ronald  
Clark, Martha  
Dowd, Sandra  
Francoeur, Sheila  
Heath, John  
Klemm, Arthur, Jr.  
Major, Norman  
Norelli, Terie  
Stritch, C. Donald  
Weatherspoon, Jackie

Blanchard, MaryAnn  
Cooney, Richard  
Downing, Michael  
Frechette, Joseph  
Hutchinson, Rebecca  
Kobel, Rudolph  
Malcolm, Kenneth  
Pitts, Jacqueline  
Syracusa, Anthony

Case, Margaret  
Cushing, Robert  
Flanagan, Natalie  
Gleason, John  
Kane, Cecelia  
Langley, Jane  
McCarthy, John, Jr.  
Sabella, Norma  
Tufts, J. Arthur

### STRAFFORD

Berube, Roger  
Cossette, Larry  
Grassie, Anne  
Knowles, William  
Merritt, Deborah  
Rogers, Rose Marie  
Spear, Barbara  
Torr, Franklin  
Wall, Janet

Brennan, William  
DeChane, Marlene  
Hemon, Roland  
Lundborn, Raymond  
Musler, George  
Rollo, Michael  
Sullivan, Henry  
Tsiros, William

Brown, Julie  
Dunlap, Patricia  
Heon, Richard  
McCann, William, Jr.  
Pelletier, Arthur  
Smith, Marjorie  
Taylor, Kathleen  
Twardus, Joseph

Callaghan, Frank  
Estabrook, Iris  
Keans, Sandra  
Merrill, Amanda  
Pelletier, Marsha  
Snyder, Clair  
Torr, Ann  
Vachon, Dennis

### SULLIVAN

Allison, David  
Leone, Richard

Cloutier, John  
Lindblade, Eric

Donovan, Thomas  
Palmer, Lorraine

Ferland, Brenda  
Wiggins, Celestine

### NAYS 109

### BELKNAP

Bartlett, Gordon  
Laffam, Robert  
Rosen, Ralph

Boyce, Robert  
Lawton, David  
Veazey, John

Clark, Charles  
Lawton, Robert

Golden, Paul  
Rice, Thomas, Jr.

### CARROLL

Cooper, Kipp  
Mock, Henry

Dickinson, Howard, Jr.

Howard, Godfrey

Kenney, Joseph

### CHESHIRE

Hunt, John

McNamara, Wanda

### COOS

St. Hilaire, Paul

Tholl, John, Jr.



**GRAFTON**

Alger, John	Chase, Paul, Jr.	Cobbin, Philip	Guaraldi, Lawrence
Hinman, Harry	Mirski, Paul	Root, John	Teschner, Douglass
Weber, Phil	Williams, William, Jr.		

**HILLSBOROUGH**

Alukonis, David	Arnold, Thomas, Jr.	Batula, Peter	Boutin, David
Burke, M. Virginia	Chabot, Ernest	Chabot, Robert	Christiansen, Lars
Daniels, Gary	Desrosiers, William	Fenton, James	Flora, Kathleen
Golding, William	Holley, Sylvia	Jean, Loren	Letendre, Evelyn
Luebker, Bernard	MacGillivray, Jeffrey	Marcinkowski, Michael	Martin, Mary
McGough, Tim	McRae, Karen	Murch, George	Piteri, Dawn
Riley, Frances	Rowe, Robert	White, Donald	Wright, George

**MERRIMACK**

Adams, Stephen	Brown, Mary	Colburn, Thomas	DeStefano, Stephen
Hoadley, Elizabeth	Krueger, Patricia	Lamach, Bernard	Langer, Ray
Larrabee, David	Lavoie, Gerard	Leber, William	Lockwood, Robert
Maxfield, Roy	Pfaff, Terence		

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Camm, Kevin	Cegelis, Mark
Dalrymple, Janeen	Dolan, Richard	Dowling, Patricia	Dunham, Vivian
Fesh, Robert	Flanders, David	Gibbons, Paul	Griffin, Mary
Henderson, Warren	Katsakiores, George	Katsakiores, Phyllis	Letourneau, Robert
Lovejoy, Marian	McKinney, Betsy	Mikowski, Walter	Millard, Ralph
Noyes, Richard	Packard, Sherman	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Sapareto, Frank	Schanda, Frank	Stickney, Nancy
Varrell, Thomas	Verani, Giovanni	Welch, David	Weyler, Kenneth

**STRAFFORD**

Bickford, David	Kaen, Naida	McKinley, Robert
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**SULLIVAN**

Adler, Rudolf	Burling, Peter	Kibbey, David
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and the majority report was adopted.

**HB 1478**, recognizing American sign language as the primary language of deaf citizens. **INEXPEDIENT TO LEGISLATE**

Rep. Warren C. Henderson for Education: The committee heard testimony that there are many variations of language used by the hearing impaired. Designating one as superior to the others seemed unwarranted. The bill also would permit American sign language to satisfy the college foreign language requirement. The University of New Hampshire already offers such a course for credit. It is also not the duty of the legislature to direct colleges or schools as to what to offer for credit courses. Vote 11-4.

Adopted.

**HB 1479**, establishing education partnership agreements to encourage and enhance the study of scientific and technological discipline in the public schools. **INEXPEDIENT TO LEGISLATE**

Rep. Susan B. Durham for Education: The committee is in favor of encouraging schools in New Hampshire to establish educational partnership with federal laboratories but legislation is not needed. The information about these opportunities will be sent to the school technology plan oversight committees around the state. The person in charge of technology transfer at the Cold Regions Lab in Hanover is willing to be a conduit for inquiries about partnerships with federal laboratories around the country. Vote 17-2.

Adopted.

**HB 1501**, relative to amending certain provisions of the charter school law. **OUGHT TO PASS**  
Rep. Marie Rabideau for Education: This bill amends charter school law by clarifying school districts will be “held harmless” from charter school action or inaction. It also clarifies that no duties are to be added to those of the school board and revises the method used to determine cost per pupil to reflect most recent and available data. The committee felt this was a “housekeeping” bill which refines charter school law. Vote 17-2.  
Adopted and ordered to third reading.

**HB 1530**, regarding the reappointment of teachers in their probationary period. **INEXPEDIENT TO LEGISLATE**  
Rep. Stanley N. Searles for Education: Although this bill had some support in committee, its features have some overlap with HB 1414 and certain Senate bills. The committee chose to ITL this bill and deal with these features in the Senate bills. Vote 12-5.  
Adopted.

**HB 1618-L**, requiring schools to provide evaluative materials to non-custodial parents of pupils. **INEXPEDIENT TO LEGISLATE**  
Rep. Elizabeth K. Hoadley for Education: This bill allows non-custodial parents access to evaluative materials concerning their children. The bill provides those parents will also have access to notices of school-based activities. The committee found several unresolved problems with the bill. Accordingly, the study committee investigating parental involvement in schools will be asked to consider the issues raised by this bill. Vote 17-2.  
Adopted.

**HR 52**, encouraging school districts to include special education students in drug education programs. **INEXPEDIENT TO LEGISLATE**  
Rep. William A. Riley for Education: School districts must include special education students in drug education programs by law. Therefore, HR 52 was considered to be unnecessary by the majority of the committee. Vote 15-4.  
Adopted.

**HB 1145**, relative to the definition of “livestock.” **OUGHT TO PASS WITH AMENDMENT**  
Rep. Perley E. Davis for Environment and Agriculture: This bill expands the definition of “livestock” to more clearly define the term as it is used today in agriculture, by including domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, yak, elk, fallow deer and reindeer. Vote 19-1.

#### Amendment (0877h)

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

- 1 Livestock; Definition; Humane Slaughter. Amend RSA 427:33, II to read as follows:
  - II. The term “livestock” means cattle, horses, swine, sheep, goats, *as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, yaks, elk (cervus elephus canadensis), fallow deer (dama dama), red deer (cervus elephus), reindeer (Rangifer taradus)*, and other species of animals susceptible of use in the production of meat and meat products;
- 2 Livestock; Definition; Livestock Auction. Amend RSA 427:38, III to read as follows:
  - III. “Livestock” shall mean all cattle, goats, sheep, swine, horses[;] or other equidae, *as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, yaks, elk (cervus elephus canadensis), fallow deer (dama dama), red deer (cervus elephus), reindeer (Rangifer taradus)*.
- 3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill expands the definition of “livestock” to include domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, yaks, elk, fallow deer, red deer, and reindeer.  
Adopted.

Report adopted and ordered to third reading.

**HB 1225**, restricting the land application of solid wastes within certain distances of natural, rural, and community rivers. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Peter R. Leishman for Environment and Agriculture: This bill would exempt current approved sludge and septage agricultural application practices from the 250 foot set-back requirements along

rural/community rivers. This exemption would continue for five years only for past agricultural uses and indefinitely for research done by the University of New Hampshire. The committee believes before we prohibit the use of sludge and biosolids from some of our agricultural lands, more research needs to be conducted. However, to remove the 250 foot protective set-back for new applications of sludge and bio-solids from the comprehensive Shoreland Protection Act would be unwise. Vote 20-0.

### Amendment (0774h)

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

**AN ACT** restricting the land application of solid wastes within certain distances of natural, rural, rural-community, and community rivers and exempting certain uses allowed under prior interpretations of the law.

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

#### 1 Findings and Intent.

I. The general court recognizes that land application of septage and sludge within 250 feet of the rivers designated under the rivers management and protection program was allowed under rules adopted by the department of environmental services, and that the practice has recently been prohibited due to the department reinterpreting portions of the rivers management and protection program statute.

II. The general court finds that this prohibition may create an economic hardship for those farmers who have been land applying septage and sludge in accordance with the department's rules and who are now forced to discontinue use of these materials. This prohibition will also halt a valuable research project being conducted by the University of New Hampshire concerning the land application of sludge.

III. The general court finds that it is reasonable to allow such farmers, for a 5-year period, and research scientists, for an indefinite period, to continue applying septage and sludge within 250 feet of these designated rivers, and that such allowances will not create an undue risk of harm to the public or the environment. Furthermore, the general court intends to reexamine this issue at the end of the 5-year period, taking into account all creditable scientific information concerning the safety and environmental effects of land applying septage and sludge near rivers.

2 Natural Rivers Protection; Application of Solid Waste. RSA 483:9, VI(c) is repealed and reenacted to read as follows:

(c) Any land application within the river corridor of septage, sludge, or solid waste, as defined in RSA 149-M:4, XXIV, shall be set back a minimum of 250 feet from the normal high water mark and shall be immediately incorporated into the soil. The provisions of this subparagraph shall not apply to manure, lime, or wood ash when used for agricultural purposes.

3 Rural River Protection; Application of Solid Waste. RSA 483:9-a, VII(b) is repealed and reenacted to read as follows:

(b) Any land application within the river corridor of septage, sludge, or solid waste, as defined in RSA 149-M:4, XXIV, shall be set back a minimum of 250 feet from the normal high water mark and shall be immediately incorporated into the soil. The provisions of this subparagraph shall not apply to manure, lime, or wood ash when used for agricultural purposes.

4 Rural-Community Rivers Protection; Application of Solid Waste. RSA 483:9-aa, VII(b) is repealed and reenacted to read as follows:

(b) Any land application within the river corridor of septage, sludge, or solid waste, as defined in RSA 149-M:4, XXIV, shall be set back a minimum of 250 feet from the normal high water mark and shall be immediately incorporated into the soil. The provisions of this subparagraph shall not apply to manure, lime, or wood ash when used for agricultural purposes.

5 Community Rivers Protection; Application of Solid Waste. Amend RSA 483:9-b, VII(b) is repealed and reenacted to read as follows:

(b) Any land application within the river corridor of septage, sludge, or solid waste, as defined in RSA 149-M:4, XXIV, shall be set back a minimum of 250 feet from the normal high water mark and shall be immediately incorporated into the soil. The provisions of this subparagraph shall not apply to manure, lime, or wood ash when used for agricultural purposes.

6 Temporary Use Authorization. The septage and sludge land application restrictions contained in RSA 483:9, VI(c), RSA 483:9-a, VII(b), RSA 483:9-aa, VII(b), and RSA 483:9-b, VII(b) shall



not apply until 5 years after the effective date of this act to any land upon which septage or sludge has been spread in accordance with all applicable rules adopted by the federal Environmental Protection Agency and the New Hampshire department of environmental services, during any portion of the 3-year period prior to January 1, 1998. In addition, there shall be no termination of this restriction exemption for qualifying land that is used for scientific research on septage or sludge. Any continued application of septage and sludge pursuant to this section shall comply with all applicable federal and state laws and any best management practices published by the university of New Hampshire cooperative extension.

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

#### AMENDED ANALYSIS

This bill restricts the land application of solid wastes within certain distances of natural, rural, rural-community, and community rivers.

The bill also allows current septage and sludge application practices which have been used by farmers and researchers to continue, for the next 5 years for farmers and indefinitely for researchers.

Adopted.

Report adopted and ordered to third reading.

**HB 1346**, relative to the definition of disposal under the solid waste management act. OUGHT TO PASS WITH AMENDMENT

Rep. Harold P. Melcher for Environment and Agriculture: This bill is an agency bill to make clear and consistent the regulations of incineration and disposal of solid waste. It changes no regulation and is necessary housekeeping. Vote 21-0.

#### Amendment (0725h)

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

AN ACT relative to certain definitions under the solid waste management act.

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Definition Added; Incineration. Amend RSA 149-M:4 by inserting after paragraph X the following new paragraph:

XI. "Incinerator" means a facility which employs a method of using controlled thermal combustion, including flame combustion, to thermally break down waste or other materials, including refuse-derived fuel, to an ash residue that contains little or no combustible materials.

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

#### AMENDED ANALYSIS

This bill removes incineration from the definition of disposal under RSA 149-M, the solid waste management act and adds a definition of incinerator.

This bill is a request of the department of environmental services.

Adopted.

Report adopted and ordered to third reading.

**HB 1431**, prohibiting the aerial spraying of herbicides for forestry purposes. INEXPEDIENT TO LEGISLATE

Rep. David L. Babson for Environment and Agriculture: The committee felt that the revised rules on aerial spraying of herbicides which will be in place in the near future should be given an opportunity to work. Vote 14-6.

Adopted.

**HB 1453**, relative to products from sludge-treated soil. INEXPEDIENT TO LEGISLATE

Rep. Peter R. Leishman for Environment and Agriculture: The committee felt the bill as written was unworkable and could raise issues with labeling unwarranted from evidence presented. However, there may be merit in the concept and as a result the Committee Chairman has created a study committee on labeling to report back with potential legislation next session. Vote 18-3.

Adopted.

**HB 1454**, relative to the spreading of sludge or biosolids. **REFER FOR INTERIM STUDY**  
 Rep. Betty B. Hall for Environment and Agriculture: This controversial issue, landspreading of sludge, has so many ramifications a moratorium is only one solution. More study is needed to review evolving research. New rules are in the process of adoption, random testing is currently happening and results need to be carefully analyzed. Vote 19-2.  
 Adopted.

**HB 1477**, clarifying the waste reduction goals for the state of New Hampshire. **REFER FOR INTERIM STUDY**  
 Rep. Betty B. Hall for Environment and Agriculture: The recycling sub-committee has been studying clarifying recycling goals and needs more time to complete its work. Therefore the committee recommends interim study. Vote 21-1.  
 Adopted.

**HB 1606-L**, relative to liability for response to hazardous materials accidents. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Richard T. Trelfa for Environment and Agriculture: As introduced this bill modified existing statutes to broaden liability for contamination of equipment and personnel gear occurring during response of police, fire, emergency preparedness or emergency response equipment to a discharge of hazardous or toxic wastes, and to include certain personnel costs. The bill also changed the initial appeal process for the liable person from the Commissioner of the Department of Environmental Services to the Commissioner of the Department of Safety. The amendment clarifies definition of the person liable, clarifies and limits that liable person's financial exposure and sets up appropriate mechanisms for control. Vote 17-2.

#### **Amendment (0847h)**

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

I Public Safety and Welfare; Firewards, Firefighters, and Fire Hazards; Liability Concerning Hazardous Materials Accidents. RSA 154:8-a, II-a is repealed and reenacted to read as follows:

II-a.(a) Any person whose act or omission caused the actual discharge of hazardous materials or toxic wastes which resulted in the response of police, fire, emergency preparedness, or emergency response equipment shall be responsible for payment of the cost of the equipment use or replacement of the equipment used, if damaged or expended, in containing the hazardous materials or toxic wastes.

(b) Any person whose act or omission caused the actual discharge of hazardous materials or toxic wastes shall be responsible for payment of the personnel costs of police, fire, public safety, and municipal personnel, including mutual aid standby personnel, directly involved in the emergency response, except that costs for on-duty paid personnel who have responded to the emergency involving the discharge of hazardous materials during their assigned duty shift shall not be costs eligible for reimbursement.

(c) The response to fires or other emergencies where the discharge of hazardous materials is incidental to the fire or other emergency and does not require the use of specialized hazardous materials response equipment or personnel specially trained pursuant to 40 C.F.R. section 311 shall not be costs eligible for reimbursement.

(d) Within 30 days after the equipment leaves the site of the incident, the municipality, organization, or mutual aid district which seeks payment shall submit a bill for cost of equipment use, equipment cleanup, or equipment replacement and the costs of personnel, if applicable, to the person responsible for the equipment contamination under subparagraph (a) and the costs of personnel under subparagraph (b). At the time of billing, the municipality, organization, or mutual aid district which seeks payment shall notify the billed party that an appeal may be filed with the commissioner of safety within 30 days of the receipt of the bill. Payment shall be made directly to the municipality, to the organization, or to the mutual aid district. A municipality, organization, or mutual aid district within whose jurisdiction the incident occurs is authorized to collect payment on behalf of the municipalities, organizations, or mutual aid districts that participated in the response and to disburse payment accordingly.

(e) The person responsible for the equipment contamination may appeal payment for such costs within 30 days of receipt of the bill for the costs to the commissioner of safety. The commis-

sioner shall hold an administrative hearing within 30 days after receiving the appeal, at which time the extent of liability for costs shall be determined. The commissioner shall issue a decision within 30 days after holding the hearing. Any person aggrieved by a decision of the commissioner under this section may appeal the decision to the superior court in the same manner as that prescribed in RSA 263:75, II and III.

(f) If no appeal is filed within 30 days after receipt of the bill, the person responsible for the equipment contamination shall be deemed to have waived all rights to appeal and shall be liable to the municipality, organization, or mutual aid district for the total amount billed.

(g) The commissioner of safety shall establish rates for equipment usage and personnel costs that shall be the maximum amount that may be charged by any municipality, organization, or mutual aid district in accordance with this section. The guidelines for establishing the rates shall be adopted pursuant to RSA 541-A. To the extent possible, the rates shall reflect the actual costs for emergency response to hazardous materials incidents for municipalities throughout the state.

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

Adopted.

Report adopted and ordered to third reading.

**HB 1623**, relative to a waiting period before a dog or cat may be euthanized and relative to requirements for cats. OUGHT TO PASS WITH AMENDMENT

Rep. Richard T. Trelfa for Environment and Agriculture: As introduced, this bill required a waiting period before an animal care center could consider an unlicensed cat or dog to be abandoned. It also required outdoor cats to have identification and to be spayed or neutered. The amendment replaces the original bill and accomplishes the following: 1.) Increases the waiting period before euthanization for cats which have a form of positive identification. 2.) Mandates that all animal shelter facilities (as defined in RSA 437:2, I) shall have on premises a microchip scanner (no charge to the shelter) and a file of recognized pet retrieval agencies. Where an owner is not known all shelters shall inspect for tattoos, ear tags or other forms of positive identification and shall scan for a microchip upon admission of an animal and prior to transferring ownership of an unclaimed or abandoned animal. 3.) Sets up safeguards for transfer of ownership of a cat to include a) inoculation b) issuance of a health certificate and c) establishing a form of positive identification including but not limited to a tattoo, collar, microchip, ear tag, or any other permanent form of identification approved by the commissioner of agriculture, markets and food. 4.) Changes the holding period for vaccinated ferrets from 45 days to 10 days to reflect increased knowledge of ferret immune reactions pursuant to studies by the USDA. Vote 18-1.

#### Amendment (0797h)

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

AN ACT relative to a waiting period before a cat or ferret may be euthanized, relative to requirements for cats, ferrets, and dogs transferred from animal shelter facilities, and relative to ferret rabies suspects.

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

1 Ferret Rabies Suspects. Amend RSA 436:105-b, II and III to read as follows:

II. Any *apparently healthy* ferret not vaccinated or whose vaccination status is unknown which has bitten any person and caused a puncture of the skin or which has caused a nonbite exposure of the person shall be seized and, *if the owner consents, impounded under the supervision of the local authorities for a period of not less than 10 days. If, upon examination by a licensed veterinarian, the ferret has no signs of rabies at the end of the impoundment, it may be released to the owner. Any illness in the ferret during confinement or before release shall be evaluated by a licensed veterinarian. If signs suggestive of rabies develop, the ferret shall be euthanized and the head sent for examination to the public health laboratory, department of health and human services. It shall be the responsibility of the owner for any expense for the examination and for the impoundment of the ferret. If the owner of the ferret is not known or if the owner does not consent to impoundment, the ferret shall be euthanized upon seizure and the head sent for examination to the public health laboratory, department of health and human services.* It shall be the responsibility of the owner for any expense for euthanizing the ferret and for preparing the head for shipment to the public health laboratory. If the owner of the ferret is not known, the state shall be responsible for the expense.



III. Any healthy ferret vaccinated in accordance with RSA 436:100, which has bitten any person and caused a puncture of the skin or which has caused a nonbite exposure, shall be confined by the owner or other responsible person as required by the local authorities for a period of [45] 10 days, at which time the ferret shall be examined by a licensed veterinarian. If no signs of rabies are observed by the veterinarian, the ferret may be released from confinement. Any illness in the ferret during confinement or before release shall be evaluated by a licensed veterinarian. If signs suggestive of rabies develop, the ferret shall be euthanized and the head sent for examination to the public health laboratory, department of health and human services. It shall be the responsibility of the owner for any expense for the examination and the impoundment of the ferret, for euthanizing the ferret and for preparing the head for shipment to the public health laboratory. If the owner of the ferret does not consent to the confinement or if the owner of the ferret is not known, the state shall be responsible for the expense.

2 Abandoned Cats and Ferrets; Waiting Period. Amend RSA 437:18, IV to read as follows:

IV. "Abandoned animal" means:

(a) Any animal whose owner neglects or refuses to reclaim it within 7 days after the mailing of the notification provided for in RSA 437:19[;or].

(b) Any animal left in an animal care center by a person unknown or by an owner who, when leaving the animal, gives a false name or false address.

(c) *Any ferret in the custody of the animal care center for at least 7 days.*

(d) *Any cat in the custody of the animal care center for at least 7 days which has a form of positive identification including, but not limited to a tattoo, collar, microchip, ear tag, or any other form of identification approved by the commissioner of agriculture, markets, and food pursuant to rules adopted under RSA 466:13-a.*

3 Exemption for Animal Shelters; Importation and Sale of Dogs, Cats, and Ferrets. RSA 437:10, III is repealed and reenacted to read as follows:

III. Animal shelter facilities, as defined in RSA 437:2, I, are exempt from the requirements of this subdivision relative to accepting, selling, or transferring dogs, cats, and ferrets except that:

(a) All animal shelter facilities shall have on premises a microchip scanner and shall maintain a file of recognized pet retrieval agencies including but not limited to national tattoo or microchip registries.

(b) Where an owner is not known, all animal shelter facilities shall inspect for tattoos, ear tags, or other permanent forms of positive identification and shall scan for a microchip upon admission of an unclaimed or abandoned animal as defined in RSA 437:18, IV and prior to transferring ownership of an unclaimed or abandoned animal.

(c) All animal shelters shall comply with the provisions of RSA 437:13-a, IV.

4 Health Certificates for Cats; Section Heading Changed. Amend RSA 437:13-a to read as follows: 437:13-a [Breeder's] Health Certificate *for Cats*.

I. No cat shall be [sold] *transferred by any person* in the state or out of the state [by a breeder] *for a fee* without first being inoculated against infectious diseases using a vaccine approved by the state veterinarian and unless accompanied by an official health certificate issued by a licensed veterinarian within 14 days. Said *health* certificate shall be in triplicate, of which one copy shall be sent to the state veterinarian, one copy shall be kept by the [breeder] *person transferring ownership* of said cat for a period of at least 3 years, and one copy shall be given to the [purchaser] *new owner*.

II. For purposes of this section, an official health certificate means a certificate signed by a licensed veterinarian on a form approved by the state veterinarian, containing the name and address of the [breeder] *person transferring ownership of the cat*, the age, sex, breed and description of the cat, a list of all types of vaccines or medication administered to the cat, and the certification of the veterinarian that the cat is free from visual evidence of any communicable diseases.

III. No [breeder] *person* shall deliver or cause to be delivered any cat less than 8 weeks of age.

IV. All incorporated or chartered humane societies with operating shelters in the state of New Hampshire are exempt from the requirements of this section relative to selling or transferring cats *except that all cats transferred out of an animal shelter facility shall have a form of positive identification, including but not limited to a tattoo, collar, microchip, ear tag, or any other permanent form of identification approved by the commissioner of agriculture, markets, and food and shall have been vaccinated against rabies in accordance with RSA 436.*

V. [In this section, "breeder" means any person who breeds cats for sale.

~~VH:]~~ The commissioner of the department of agriculture, markets, and food or [his] designee is hereby authorized on [his] *the commissioner's* own initiative or pursuant to complaints of other persons to investigate any complaints made pursuant to this section and to enforce the penalties of RSA ~~[437:13-a, VH]~~ *437:13-a, VI*. The commissioner shall adopt rules under RSA 541-A relative to the procedures for such investigations.

~~[VH:]~~VI. Notwithstanding the provisions of RSA title LXII, any person violating any of the provisions of this section shall be fined not less than \$100 for the first offense, \$200 for the second offense, and \$500 for each succeeding offense. Each violation shall be considered a separate offense. Fines and penalties under this section shall be delivered to the state treasurer for deposit into the general fund.

5 Section Heading Changed; Reclaiming of Animals; Application to Cats. Amend RSA 437:19 to read as follows:

437:19 Notice to Owner; *Reclaiming of Animals*. The operator of an animal care center having custody of an animal, the owner of which has refused or neglected to reclaim the animal for a period of 7 days, or has refused or neglected to pay the just fees and charges due for boarding, grooming, surgical, medical or other care of the animal for a period of 7 days, shall notify the owner by certified mail of the intention of the operator to treat the animal as an abandoned animal within the meaning of this subdivision if the owner does not reclaim the animal or pay the charges and fees within 7 days after the mailing of the notification. *Any cat not licensed in accordance with RSA 466:13-a and which is reclaimed from an animal care center shall be released to the owner only upon proof of a current, valid rabies vaccination or upon being vaccinated against rabies in accordance with RSA 436.*

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

#### AMENDED ANALYSIS

This bill:

(a) Adds requirements for a waiting period before an animal care center may consider a cat or ferret to be abandoned.

(b) Adds new requirements for cats relative to reclaiming, health certificates, and identification.

(c) Changes the procedure for ferret rabies suspects.

(d) Adds requirements for animal shelter facilities relative to dogs, cats, and ferrets.

Adopted.

Report adopted and ordered to third reading.

**HB 1438**, establishing a committee to study the regulation of personnel employed in early care and education including, but not limited to, center and family-based child care and preschools. OUGHT TO PASS WITH AMENDMENT

Rep. Miriam D. Dunn for Executive Departments and Administration: This bill creates a study committee to examine the issues of regulating personnel employed in early child care and education, including, but not limited to, center and family-based child care and preschools. The committee will review relevant research and national studies with specific attention to the role of regulation in improving the quality of care for our youngest children. The amendment expands the committee's duties to include input from the public, professionals, parents and related state agencies. Vote 14-4.

#### Amendment (0838h)

Amend the bill by replacing section 3 with the following:

3 Duties.

I. The committee shall examine the implications of implementing occupational regulation of personnel employed in early childhood programs, including directors, teachers, teacher assistants, and child care workers. Other duties shall include, but not be limited to, review and documentation of the effects of occupational regulation on the health, safety, and quality of care and education of young children; the position of the National Association for the Educators of Young Children (NAEYC) with regard to occupational regulation in early childhood education; and preparation of a report of the studies of occupational regulation and certification in early childhood education in other states with special attention to possible agreements of reciprocity.

II. The committee shall consult with the following individuals and groups to obtain additional information:

- (a) The commissioner of the department of education, or designee.
- (b) The commissioner of the department of health and human services, or designee.
- (c) The president of the New Hampshire Association for the Education of Young Children.
- (d) The president of the New Hampshire Child Care Association, or designee.
- (e) The president of the New Hampshire Child Care Directors Association, or designee.
- (f) The president of the New Hampshire Family Child Care Association, or designee.
- (g) A faculty member from an institution of higher education who teaches early childhood education.
- (h) Individual parents as the committee deems necessary.
- (i) Members of the New Hampshire Child Care Advisory Committee as established by RSA

126-A:17.

Adopted.

Report adopted and ordered to third reading.

**HB 1556-FN**, transferring the division of fire standards and training to the department of regional community-technical colleges. INEXPEDIENT TO LEGISLATE

Rep. Ray F. Langer for Executive Departments and Administration: Except for the sponsor all of the testimony the committee heard was opposed to the bill for various reasons: (1) there were no funds to support the division if the transfer was approved, (2) the firemen would have difficulties meeting training standards, and (3) such a move would place training for firefighters back 20 to 40 years. Vote 17-0.

Adopted.

**HB 1640-FN**, prohibiting the use of public resources for political purposes. REFER FOR INTERIM STUDY

Rep. Howard C. Dickinson, Jr. for Executive Departments and Administration: This bill as written made little sense, so the committee focused on the sponsor's amendment which prohibits public employees or appointed officials of the state or its political subdivisions from working on political agendas or committees for candidates. Also, these same employees or officials would be prevented from using public facilities or their office equipment or supplies or from soliciting contributions for their purposes. While this may seem to make good sense and many were surprised to discover that this was not already on the books, the amendment goes on to say that the prohibitions shall not apply to public employees who work for elected officials. Clearly, this leads to some very strange places and situations, and the committee wished to explore these further during the interim. Vote 15-3.

Adopted.

**HB 1653**, relative to the composition of the board of barbering, cosmetology, and esthetics. OUGHT TO PASS

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill changes the make up of the Board of Barbering, Cosmetology and Esthetics. One of two licensed barbers members is replaced by a licensed manicurist. This change in make up of the board more accurately reflects the membership of those licensed by the board. No other changes are made. Vote 12-5.

Rep. Goulet spoke against.

The report failed.

Rep. Goulet moved Ought to Pass with Amendment and offered a floor amendment.

#### Floor Amendment (0974h)

Amend the bill by replacing sections 1 and 2 with the following:

1 Board Composition Changed; Licensed Manicurist and Additional Public Member Added.  
Amend RSA 313-A:2, I to read as follows:

1. There shall be a board of barbering, cosmetology, and esthetics consisting of 7 members as follows: [2] *one* licensed [~~barbers~~] *barber*, [2] *one* licensed [~~cosmetologists~~] *cosmetologist*, one licensed esthetician, *one licensed manicurist*, one licensed cosmetology school owner who shall be a resident of New Hampshire or a designee of such owner who shall be a licensed cosmetolo-



gist and a resident of New Hampshire, and ~~one~~ 2 public ~~member~~ members, each to be appointed by the governor with the consent of the council to a term of 5 years. No board member shall be appointed to more than 2 consecutive terms. Only board members provided for in this paragraph shall have the authority to vote in board determinations.

2 Application; Current Board Members. Barber members and cosmetologist members of the board of barbering, cosmetology, and esthetics serving on the effective date of this act shall serve for the remainder of their terms. The appointment of a manicurist member of the board as required by RSA 313-A:2, 1 as amended in section 1 of this act shall be made upon the first expiration of the term, or other vacancy, of a barber member occurring on the board. The appointment of the additional public member of the board as required by RSA 313-A:2, 1 as amended in section 1 of this act shall be made upon the first expiration of the term, or other vacancy, of a cosmetologist member occurring on the board, who is not the cosmetology school owner or designee.

#### AMENDED ANALYSIS

This bill changes the membership on the board of barbering, cosmetology, and esthetics by replacing a member who is licensed barber with a member who is a licensed manicurist and by replacing a member who is a licensed cosmetologist with an additional public member.

Rep. Dodge spoke in favor.

Adopted.

Report adopted and ordered to third reading.

**CACR 40**, relating to imposing limitations on state government spending. Providing that the legislative and executive budgets cannot be more than 98 percent of the previous year's revenues, with the remainder being placed into a stabilization fund. **INEXPEDIENT TO LEGISLATE**

Rep. Arthur P. Klemm, Jr. for Finance: This bill, if passed, would limit the legislative and executive budgets to 98 percent of the previous year's revenues with the remainder being placed into a stabilization fund. The committee felt that we already have the power to do this and we would not be giving ourselves any new authority that we don't already possess and that there must be some flexibility to deal with the budget in good times as well as bad. Vote 17-5.

Adopted.

**HB 1217**, relative to balancing the operating budget. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Arthur P. Klemm, Jr. for Finance: This bill puts into statute what is the legislature's current practice. This bill states that the General Court must pass a balanced budget not only from the Finance Committee but the entire House and Senate. The amendment puts into statute that in creating a balanced budget neither the Governor nor the General Court can bond indebtedness to fund operating appropriations. The amendment also states that projected lapses may be used in balancing the budget. Vote 16-6.

#### Amendment (0894h)

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

1 Gender-Neutral; Governor's Budget; Transmission to the Legislature. Amend RSA 9:2 to read as follows:

9:2 Transmission to the Legislature. Not later than February 15 of the year of each biennial legislative session, the governor shall transmit to the legislature a document to be known as a budget setting forth ~~his~~ *the governor's* financial program for each of the fiscal years of the ensuing biennium and having the character and scope hereinafter set forth.

2 Governor's Budget; Form and Contents. Amend RSA 9:3 to read as follows:

9:3 Form and Contents. The budget shall consist of 3 parts, the nature and contents of which shall be as follows:

1. Part I shall consist of the governor's budget message, in which ~~he~~ *the governor* shall set forth:

~~{1}~~ *His* (a) *The governor's* program for meeting all the expenditure needs of the government for each of the years of the biennium to which the budget relates, indicating the classes of funds, general or special, from which such appropriations are to be made and the means through which such expenditures shall be financed;

~~{2}~~ (b) Financial statements giving in summary form:

[(a)] (1) The condition of the treasury at the end of the last completed fiscal year, the estimated condition of the treasury at the end of the year in progress, and the estimated condition of the treasury at the end of each of the 2 years to which the budget relates if [his] *the governor's* budget proposals are put into effect;

[(b)] (2) Statements showing the bonded indebtedness of the state, debt authorized and unissued, debt redemption and interest requirements, and condition of the sinking funds, if any;

[(c)] (3) A summary of appropriations recommended for each of the years of the biennium to which the budget relates for each department and for the state as a whole in comparison with actual expenditures for the last completed fiscal year and estimated expenditures for the year in progress;

[(d)] (4) A summary of the revenue estimated to be received by the state during each of the 2 years of the biennium to which the budget relates, classified according to sources in comparison with the actual revenue received by the state during the last completed fiscal year and estimated income during the year in progress, and

[(e)] (5) Such other financial statements, data, and comments as in [his] *the governor's* opinion are necessary or desirable in order to make known in all practicable detail the financial condition and operations of the state and the effect that the budget as proposed by [him] *the governor* will have on such condition and operations. If the estimated revenues of the state for the ensuing biennium as set forth in the budget on the basis of existing laws, plus the estimated amounts in the treasury at the close of the year in progress available for expenditure in the ensuing biennial period is less than the aggregate recommended for the ensuing biennial period as contained in the budget, the governor shall make recommendations to the legislature in respect to the manner in which such deficit shall be met, whether by an increase in the state tax or the imposition of new taxes, increased rates on existing taxes, or otherwise; and if the aggregate of such estimated revenues, plus estimated balances in the treasury is greater than such recommended appropriations for the ensuing biennial period, [he] *the governor* shall make such recommendations in reference to the application of such surplus to the reduction of debt or otherwise, to the reduction in taxation, or to such other action as in [his] *the governor's* opinion is in the interest of the public welfare. *The governor's operating budget shall not use bonded indebtedness to fund operating appropriations. Nothing contained herein shall prohibit the use of projected lapses in determining compliance with this section.*

II. Part II shall present in detail [his] *the governor's* recommendations for appropriations to meet the expenditure needs of the state from each general class of funds, classified by departments, and indicating for each the appropriations recommended for[-(a)] meeting the cost of administration, operation, and maintenance of such departments.

III. Part III shall embrace a draft or drafts of appropriation bills having for their purpose to give legal sanction to the appropriations recommended to be made in parts I and II. Such appropriation bills shall indicate the funds, general or special, from which such appropriations shall be paid, but such appropriations need not be in greater detail than to indicate the total appropriation to be made for[-(a)] administration, operation, and maintenance of each department for each fiscal year of the biennium.

3 New Section; Legislature; Adoption of Operating Budget. Amend RSA 9 by inserting after section 8-a the following new section:

9:8-b Adoption of Operating Budget. The general court shall not adopt an operating budget for any fund, or any other legislation which provides for appropriations, which exceed the state's total estimated revenues from existing, increased, or new taxes, fees, operating income and other sources. If the estimated revenues of the state for the ensuing biennium as set forth in the budget on the basis of existing laws, plus the estimated amounts in the treasury at the close of the year in progress available for expenditure in the ensuing biennial period is less than the aggregate recommended for the ensuing biennial period as contained in the budget, the general court shall adopt a budget in which such deficit shall be met, whether by an increase in the state tax or the imposition of new taxes, increased rates on existing taxes, or otherwise; and if the aggregate of such estimated revenues, plus estimated balances in the treasury is greater than such recommended appropriations for the ensuing biennial period, the general court shall adopt a budget applying such surplus to the reduction of debt or otherwise, to the reduction in taxation, or to such other action as is in the interest of the public welfare. Such operating budget shall not use bonded indebtedness to fund operating appropriations. Nothing contained herein shall prohibit the use of projected lapses in determining compliance with this section.

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

## AMENDED ANALYSIS

This bill prohibits the governor from proposing and the legislature from adopting an operating budget for any fund or any other legislation which provides for appropriations which exceed the total estimated revenues from taxes, fees, operating income, and other sources. The bill also prohibits the use of bonded indebtedness to fund operating appropriations.

Adopted.

Report adopted and ordered to third reading.

**HB 1295-FN**, relative to reimbursing the state medical assistance program. OUGHT TO PASS  
Rep. William S. Belvin for Finance: This bill is a clarification that allows the state to recover Medicaid payments from third parties, typically insurance companies. It requires that timely notice be given to the Department of Health and Human Services prior to disbursement of any third party funds to recipients. No attorneys' fees shall be deducted from the amount due the state from such award or settlement. \$250,000 of annual revenue is estimated, half of which will be returned to the federal government as their Medicaid match. Vote 12-5.

Adopted and ordered to third reading.

**HB 1300**, relative to the revenue stabilization reserve account. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill, as amended, is an attempt by the Finance Committee to build up our reserves in the "rainy day" fund and the Health Care Transition Fund. It will require at the end of the biennium any surplus be divided as follows: 25% would go into the General Fund surplus account, and the remaining 75% would be split 50/50 between the Revenue Stabilization Reserve Account and the Health Care Transition Fund. There is a cap of \$100,000,000 of principal being placed on the Health Fund with any extra money going into the Revenue Stabilization Reserve Account. The amendment also changes the cap on the "rainy day" fund from 5 to 10% of the actual General Fund unrestricted revenues for the most recently completed fiscal year as well as changing the name of the Health Care Transition Fund to the Health Care Fund. Vote 19-3.

Rep. Kurk moved Recommit to Committee and spoke in favor.

Adopted.

**HB 1310**, relative to legislative approval of expenditure of federal and other funds. OUGHT TO PASS WITH AMENDMENT

Rep. O. Alan Thulander for Finance: This bill adds the Legislative Fiscal Committee to the present procedure utilized for the acceptance and expenditure of non-state funds, i.e., federal aid, bequests, gifts, etc. by the Governor and Council for sums exceeding \$100,000. Vote 13-9.

#### Amendment (0886h)

Amend the bill by replacing sections 2 and 3 with the following:

2 New Paragraph; Fiscal Committee Approval Required for Acceptance and Expenditure of Funds Over \$100,000 From Any Non-State Source. Amend RSA 14:30-a by inserting after paragraph V the following new paragraph:

VI. Any non-state funds in excess of \$100,000, whether public or private, including refunds of expenditures, federal aid, local funds, gifts, bequests, grants, and funds from any other non-state source, which under state law require the approval of governor and council for acceptance and expenditure, may be accepted and expended by the proper persons or agencies in the state government only with the prior approval of the fiscal committee.

3 Fiscal Committee Approval Required for Expenditure of Federal Aid. Amend RSA 124:4 to read as follows:

124:4 Application for[;] and Administration of *Federal Aid*. Notwithstanding any other provision of law, the governor and council are hereby authorized to designate from time to time, as they may deem in the best interest of the state, the proper persons or agencies in the state government to take all necessary action to apply for, receive and administer any federal benefits, facilities, grants-in-aid, or other federal appropriations or services made available to assist state activities, for which the state is, or may become eligible. *All such moneys in excess of \$100,000 made available, after designation by the governor and council, may be expended by the proper persons or agencies in the state government only with the prior approval of the joint legislative fiscal com-*



*mittee*. In addition to such other instruments, documents and agreements as may be executed [~~hereunder~~] *under the authority of this section*, such persons or agencies may [~~whenever the same shall be required as a condition to the receipt of such federal assistance, with the approval of the governor and council~~] execute indemnification agreements, *with the approval of governor and council*, in the name of the state with and for the benefit of the United States *whenever such execution is required as a condition of receipt of such federal assistance*.

#### AMENDED ANALYSIS

This bill requires that acceptance and expenditures of federal aid and any other non-state funds in excess of \$100,000 be approved by the joint legislative fiscal committee.

Adopted.

Report adopted and ordered to third reading.

#### SPECIAL ORDER

Rep. Kurk moved that **HB 1397-FN-A-L**, reestablishing the investment tax credit against the business profits tax under the community development finance authority, be made a Special Order in regular calendar order for Thursday, March 12, 1998.

Adopted.

#### REGULAR CALENDAR (CONT'D.)

**HB 1399-FN**, revising certain information required in the state operating budget. **OUGHT TO PASS WITH AMENDMENT**

Rep. Margaret A. Lynch for Finance: This bill provides for the elimination of all but Class 90 accounts in the University System of New Hampshire budget. The USNH budget will show only the General Fund activity within the Class 90 accounts. This change recognizes the reality of the existing situation, which is that the state funds the University System on a grant basis. All budget details, however, would be available for executive and legislative review. The amendment removes the section of the bill requiring all departments to prepare a supplemental schedule of equipment inventories. This addition would have required the establishment of a Supervisor I labor grade 18 position. Because of the fiscal impact, this section was removed from the original bill. Vote 22-0.

#### Amendment (0906h)

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

1 New Section; General Fund Accounts; Higher Education. Amend RSA 9 by inserting after section 4-d the following new section:

9:4-e General Fund Income Accounts for Higher Education. Beginning with fiscal year 2000, for the higher education fund (06-06) the state operating budget shall show only the class 90 general fund income accounts. Nothing in this section shall prevent a legislative or executive request for detailed budgets of the institutions included in higher education.

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

#### AMENDED ANALYSIS

This bill provides for the elimination of all but class 90 accounts in the higher education portions of the budget.

Adopted.

Report adopted and ordered to third reading.

**HB 1400-FN**, relative to the powers and duties of the commissioner of health and human services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary Jane Wallner for Finance: This bill as amended makes several changes to the powers and duties of the Commissioner of Health and Human Services. The first change is restoring to the transfer of funds process the need for Fiscal Committee approval before funds are transferred. This process will end at the end of this biennium (June 30, 1999). In 1995 with HB 32, the legislature took away the bumping privileges of the employees of Health and Human Services. This bill will restore the bumping privileges. The bill also provides that a department will not need prior authorization from the Governor and Council for out-of-state trip expenses unless four or more employees are traveling. This provision of the bill pertains to all departments. In addition,

the bill requires the Department of Health and Human Services to produce quarterly reports on accounts payable and how promptly bills are being paid to providers of services. The bill also repeals the rule-making authority given to the Commissioner of Health and Human Services in HB 32. Vote 20-1.

### Amendment (0911h)

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

AN ACT relative to the powers and duties of the commissioner of health and human services and relative to out-of-state trips by state officials or employees.

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

1 Statement of Intent. In 1995, the general court granted broad powers to the commissioner of health and human services to reorganize the department and institute budgetary efficiencies while maintaining citizen services. The general court recognizes that the increased authority has largely served its purpose with respect to reorganization. It is the intent of the general court to restore comparability in powers among state agencies and reestablish the traditional system of checks and balances among the branches of government.

2 Out-of-State Trips. Amend RSA 9:25 to read as follows:

9:25 Out-of-State Trips. Expenses for ~~[out-of-the-state]~~ *out-of-state* trips by 4 or more state officials or employees shall not be a charge against the state, unless advance authorization for such trips has been procured from the governor and council.

3 Transfer Authority. Amend RSA 126-A:1(a) to read as follows:

(a) Make such transfer among any and all accounts and program appropriation units of the department as the commissioner shall deem necessary and appropriate to effect a reorganization of the department, address present or projected budget deficits, or respond to changes in federal laws, regulations or programs and otherwise as necessary for the efficient management of the department. ~~[At least 10 days prior to executing such transfer, the commissioner shall notify the legislative fiscal committee of such transfer and of the impact of such transfer on programs and services of the department. Within 10 days of the commissioner's notification to the legislative fiscal committee, the committee shall determine whether the transfer will eliminate or substantially reduce a departmental program or service. If the committee determines that the transfer eliminates or substantially reduces a departmental program or service, the committee shall inform the commissioner of its determination before the 10-day period lapses, and the commissioner shall not execute the transfer without obtaining the approval of the legislative fiscal committee and the governor. If the legislative fiscal committee makes a determination that the transfer does not eliminate or substantially reduce a departmental program or service, the committee shall notify the commissioner that the commissioner may execute the transfer. If the legislative fiscal committee does not make a determination on the transfer within the 10-day period, the commissioner may execute the transfer without the approval of the legislative fiscal committee and the governor.]~~ *The commissioner shall not execute a transfer without obtaining the approval of the legislative fiscal committee and the governor and council.*

4 New Paragraph; Quarterly Reports on Grants Required. Amend RSA 126-A:5 by inserting after paragraph II the following new paragraph:

II-a. The commissioner shall produce a quarterly report, starting with the quarter ending September 30, 1998, which shall list the quarterly and fiscal year-to-date expenditures and payables for each of the separate class 90 grant accounts administered by the department exceeding \$1,000,000 for the fiscal year. The report shall be on an accrual basis. Payables shall be aged in standard 30-day increments and aging of payables shall start with the date the bill is received by the department without regard to whether the bill is subsequently adjusted. The report shall be submitted to the legislative budget assistant, the house and senate finance committees, the house speaker, senate president, and the governor.

5 Repeal. RSA 126-A:1(a), relative to the commissioner's transfer authority is repealed.

6 Repeals. The following are repealed:

I. RSA 9:26, relative to an exception to out-of-state trips.

II. RSA 126-A:16, III relative to departmental rules.

III. RSA 99:9, IV, relative to bumping privileges.

IV. 1995, 310:3, I, relative to the prospective repeal on December 31, 1998, of the commissioner's transfer authority.

7 Effective Date.

I. Section 5 of this act shall take effect June 30, 1999.

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

### AMENDED ANALYSIS

This bill makes certain changes in the powers and duties of the commissioner of the department of health and human services. Specifically, this bill:

(1) Amends the provision of law authorizing broad transfer authority within program appropriation units.

(2) Repeals certain aspects of the commissioner's rulemaking authority.

(3) Repeals the provision of law limiting bumping privileges.

This bill requires out-of-state trips by 4 or more state officials or employees to be approved by the governor and council.

This bill also requires the commissioner of health and human services to produce certain quarterly reports.

Adopted.

Reps. Perkins and Kurk spoke in favor.

Report adopted and ordered to third reading.

Reps. Flora and Salatiello declared conflicts of interest and did not participate.

**HB 1439-FN-A**, relative to reducing the amount of meals and rooms tax retained by operators and designating the moneys to a nonlapsing fund in the department of resources and economic development for the promotion of tourism. **INEXPEDIENT TO LEGISLATE**

Rep. Marie C. Hawkinson for Finance: The Department of Revenue Administration requires businesses to keep records and submit taxes collected by them. This bill would reduce the amount of meals and rooms tax retained by operators from 3% to 1½% and put the other 1½% into a non-lapsing fund in the Department of Resources and Economic Development for the promotion of tourism. This would affect harshly many small businesses which receive the small reimbursement fee. During the last session DRED received substantial increases in its budget for printing and advertising, joint promotion advertising, and international tourism. Additional funds for this biennium are unnecessary. Vote 17-0.

Adopted.

Rep. Krueger declared a conflict of interest and did not participate.

**HB 1563**, prohibiting physicians from prescribing or administering cannabis-type drugs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Alphonse A. Haettenschwiller for the Majority of Health, Human Services and Elderly Affairs: This bill was recommitted to consider more information. The original bill called for repeal of the schedule allowing physicians to prescribe cannabis derivatives, mainly Marinol, which has been law since 1981, for treatment of some post-treatment cancer patients. As amended by the committee, the bill was passed 18-0 to permit prescribing for other medical conditions. After receiving further information, the committee majority decided to retain the bill as originally amended. Vote 15-1.

Rep. Robert K. Boyce for the Minority of Health, Human Services and Elderly Affairs: All discussion in the committee revolved around the schedule II drug, Marinol, a derivative of marijuana. There was question about whether this section allows the prescriptive use of marijuana. The consensus was that it should not. The committee rejected an amendment stating that this RSA does not allow prescriptive use of marijuana.

### Majority Amendment (0479h)

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

AN ACT relative to the professional use of cannabis-type drugs.

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

1 Professional Use of Cannabis-Type Drugs. Amend RSA 318-B:10, VI to read as follows:

VI. Notwithstanding any other law to the contrary, an attending physician, in good faith and in the course of [his] *the attending physician's* professional practice only, may prescribe and administer cannabis-type drugs, or the attending physician may cause such drugs to be administered by a nurse or intern under [his] *such physician's* direction and supervision [~~to a patient who is receiving radiation or chemotherapy treatment for cancer~~].

2 Effective Date. This act shall take effect January 1, 1999.



## AMENDED ANALYSIS

This bill clarifies the professional use of cannabis-type drugs for illness.  
 Rep. Emerton spoke against the Majority amendment.  
 The amendment failed.  
 Rep. Emerton offered a floor amendment.

## Floor Amendment (0929h)

Amend the title of the bill by replacing it with the following:  
 AN ACT relative to the professional use of cannabis-type drugs.  
 Amend the bill by replacing all after the enacting clause with the following:

1 Professional Use of Cannabis-Type Drugs. Amend RSA 318-B:10, VI to read as follows:  
 VI. Notwithstanding any other law to the contrary, an attending physician, in good faith and in the course of [his] *the attending physician's* professional practice only, may prescribe and administer *federal Food and Drug Administration approved and classified* cannabis-type drugs, or the attending physician may cause such drugs to be administered by a nurse or intern under [his] *such physician's* direction and supervision[; to a patient who is receiving radiation or chemotherapy treatment for cancer].  
 2 Effective Date. This act shall take effect January 1, 1999.

## AMENDED ANALYSIS

This bill clarifies the professional use of cannabis-type drugs for illness.  
 Rep. Emerton spoke in favor and yielded to questions.  
 Rep. Boyce spoke in favor.  
 Adopted.  
 Report adopted and ordered to third reading.

**HB 1658-FN**, relative to prohibiting the cloning of human beings in New Hampshire. OUGHT TO PASS WITH AMENDMENT

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill establishes a 5-year moratorium relative to the cloning of a human being. The bill also establishes a commission to study the issue of cloning and requires the commission to present annual reports to the house, senate and governor. Vote 11-6.

## Amendment (0859h)

Amend the bill by replacing all after section 1 with the following:  
 2 New Chapter; Human Cloning Prohibited. Amend RSA by inserting after chapter 141-H the following new chapter:

## CHAPTER 141-I

## HUMAN CLONING PROHIBITED

## 141-I:1 Human Cloning.

I. No person shall clone a human being.

II. No person shall purchase, sell, offer, make available, or have in his or her possession an ovum, zygote, embryo, or fetus for the purpose of cloning a human being.

III. For purposes of this chapter:

(a) "Clone" means the practice of creating or attempting to create a human being by transferring the nucleus from a human cell from whatever source into a human egg cell from which the nucleus has been removed for the purpose of, or to implant, the resulting product to initiate a pregnancy that could result in the birth of a human being.

(b) "Commissioner" means the commissioner of the department of health and human services.

## 141-I:2 Commission Established.

I. There is hereby established a commission on human cloning. The commission shall consist of the following members:

(a) The commissioner, or designee.

(b) Two members of the house of representatives, appointed by the speaker of the house.

(c) Two members of the senate, appointed by the president of the senate.

(d) Eight members appointed by the governor and council, one licensed physician, one each representing the fields of religion, biotechnology, genetics, law, and bioethics, and 2 public mem-

bers. The term of the members in subparagraphs (a) - (c) shall be coterminous with their terms in office. The term of office of each member appointed by the governor and council shall be 3 years and until a successor is appointed. Vacancies shall be filled in the same manner and for the unexpired terms. The legislative members of the commission shall be reimbursed for mileage when attending to the duties of the commission.

II. The commission shall evaluate the medical, ethical, and social implications of human cloning and shall review public policy of such implications.

III. The commission shall make an annual report on or before January 1 of each year to the speaker of the house of representatives, the president of the senate, and the governor.

**141-I:3 Civil Penalty; Disciplinary Actions.**

I. Any person who violates the provisions of this chapter shall be subject to a civil penalty not to exceed \$250,000 if a natural person or \$1,000,000 if any other person. In addition, any person who derives pecuniary gain from a violation of this chapter shall be assessed a civil penalty of not more than an amount equal to the amount of the gross gain multiplied by 2. All penalties collected under this section shall be deposited in the general fund.

II. Any physician, licensed pursuant to RSA 329, who violates this chapter shall be subject to disciplinary action under RSA 329:17.

III. Any business incorporated pursuant to RSA 293-A which violates the provisions of this chapter shall have its certificate of authority revoked.

**3 New Subparagraph; Human Cloning.** Amend RSA 329:17, VI by inserting after subparagraph (k) the following new subparagraph:

(l) Has violated the provisions of RSA 141-I.

**4 Applicability.** The commissioner of health and human services shall call the first meeting of the commission established in section 2 of this act within 30 days after passage of this act. The members of the commission shall elect a chairperson at the first meeting.

**5 Funding.** The department of health and human services has determined that no additional funds are necessary to implement this act.

**6 Repeal.** RSA 141-I, relative to human cloning, is repealed.

**7 Effective Date.**

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

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

Adopted.

Rep. Jacobson spoke against.

Reps. Cushing and Donovan spoke in favor and yielded to questions.

On a division vote, 224 members having voted in the affirmative and 89 in the negative, the report was adopted.

Ordered to third reading.

**CACR 31**, relating to the rulemaking authority of the supreme court. Providing that supreme court rules are effective only when not inconsistent with statute. **INEXPEDIENT TO LEGISLATE**  
Rep. Sandra B. Keans for Judiciary and Family Law: It is inappropriate to put this question before the voters because another bill setting up a study committee has been passed to deal with the same sections of the Constitution. The report of the study is due November 1, 1998. If there is a reason to go forward this CACR can be introduced in January. Vote 10-5.

Rep. Jacobson spoke against and yielded to questions.

Rep. Keans spoke in favor and yielded to questions.

Reps. Cobbin and Mirski spoke against.

Rep. Peterson spoke in favor.

Rep. Weber requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 195 NAYS 118**

**YEAS 195**

**BELKNAP**

Bartlett, Gordon  
Holbrook, Robert

Boriso, Thomas  
Lawton, Robert

Calvert, Alice  
Pilliod, James

Golden, Paul  
Turner, Robert

**CARROLL**

Bradley, Jeb	Cooper, Kipp	Howard, Godfrey	Mock, Henry
Patten, Betsey	Philbrick, Donald		

**CHESHIRE**

DePecol, Benjamin	Doucette, Richard	Hunt, John	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	McNamara, Wanda	Meader, David
Metzger, Katherine	Riley, William	Royce, H. Charles	Smith, Edwin
Vogl, John			

**COOS**

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Guay, Lawrence	Horton, Lynn	Mears, Edgar	Merrill, Gerald
Moynihn, Wayne			

**GRAFTON**

Akins, Ralph	Below, Clifton	Brown, Channing	Copenhaver, Marion
Eaton, Stephanie	Ham, Bonnie	LaMott, Paul	Luker, Elsa
Nordgren, Sharon	Teschner, Douglass		

**HILLSBOROUGH**

Aiukonis, David	Ameen, W.	Amidon, Eleanor	Brundige, Robert
Buckley, Raymond	Calawa, Leon, Jr.	Chabot, Robert	Clay, Susan
Clemons, Jane	Cote, David	Cote, Peter	Dawe, Eileen
Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton
Emerton, Lawrence, Sr.	Fenton, James	Fields, Dennis	Foster, Joseph
Foster, Linda	Franks, Suzan	Gage, Ruth	Gagnon, Eugene
Ginsburg, Ruth	Gosselin, Gerald	Goulet, Maurice	Haettenschwiller, Alphonse
Hall, Betty	Hart, Nick	Jean, Claudette	Johnson, Lionel
Kelley, Robert	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Leonard, Peter	Lozeau, Donnalee	MacIntyre, Doris	McCarty, Winston
McDonald, James, Sr.	Melcher, Harold	Messier, Irene	Milligan, Robert
Murphy, Robert	O'Hearn, Jane	Perkins, Paul	Peterson, Andrew
Reidy, Frank	Riley, Frances	Sargent, Maxwell	Searles, Stanley, Sr.
Turgeon, Roland	Vaillancourt, Steve	Welch, Donald	Wheeler, Robert
White, Jay	Williams, Carol	Wright, George	

**MERRIMACK**

Chandler, Earle	Daneault, Gabriel	Dunn, Miriam	Fraser, Marilyn
French, Barbara	Hess, David	Lockwood, Robert	Marshall, Kenneth
Moore, Carol	Morrill, Olive	Owen, Derek	Pfaff, Terence
Reardon, Tara	Rogers, Katherine	Seldin, Gloria	Wallner, Mary Jane
Whalley, Michael	Whittemore, James	Yeaton, Charles	

**ROCKINGHAM**

Arndt, Janet	Blanchard, MaryAnn	Case, Margaret	Christie, Andrew, Jr.
Clark, Martha	Dalrymple, Janean	Dowd, Sandra	Downing, Michael
Flanders, John, Sr.	Frechette, Joseph	Gleason, John	Griffin, Mary
Guthrie, Joseph	Heath, John	Henderson, Warren	Hutchinson, Rebecca
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Klemm, Arthur, Jr.	Kobel, Rudolph	Langone, John	Lovejoy, Marian
McKinney, Betsy	Micklon, Stephanie	Millard, Ralph	Norelli, Terie
Noyes, Richard	Rabideau, Marie	Reardon, Neil	Sabella, Norma
Sapareto, Frank	Stone, Joseph	Syracusa, Anthony	Tufts, J. Arthur



**STRAFFORD**

Berube, Roger	Brennan, William	Brown, Julie	Cossette, Larry
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Grassie, Anne
Hemon, Roland	Heon, Richard	Keans, Sandra	Knowles, William
Merrill, Amanda	Pelletier, Arthur	Pelletier, Marsha	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spear, Barbara	Sullivan, Henry
Taylor, Kathleen	Torr, Ann	Torr, Franklin	Tsiros, William
Twardus, Joseph	Wall, Janet		

**SULLIVAN**

Burling, Peter	Cloutier, John	Donovan, Thomas	Ferland, Brenda
Leone, Richard	Lindblade, Eric	Palmer, Lorraine	Schotanus, Merle
Wiggins, Celestine			

**NAYS 118****BELKNAP**

Boyce, Robert	Clark, Charles	Laflam, Robert	Lawton, David
Rice, Thomas, Jr.	Rosen, Ralph		

**CARROLL**

Babson, David, Jr.	Kenney, Joseph	Lyman, L. Randy	
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**CHESHIRE**

Bonneau, Sarah	Burnham, Daniel	Richardson, Barbara	Robertson, Timothy
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**COOS**

Pratt, Leighton	St. Hilaire, Paul	Tholl, John, Jr.	
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**GRAFTON**

Alger, John	Almy, Susan	Chase, Paul, Jr.	Cobbin, Philip
Guaraldi, Lawrence	Hill, Richard	Hinman, Harry	Lovett, Sidney
Mirski, Paul	Phinney, William	Root, John	Trelfa, Richard
Weber, Phil	Williams, William, Jr.		

**HILLSBOROUGH**

Arnold, Thomas, Jr.	Batula, Peter	Belvin, William	Bergin, Peter
Burke, M. Virginia	Carlson, Donald	Christiansen, Lars	Daigle, Robert
Daniels, Gary	Desrosiers, William	Dokmo, Cynthia	Flora, Kathleen
Golding, William	Herman, Keith	Holley, Sylvia	Holt, David
Jean, Loren	Konys, Christine	Lefebvre, Roland	Leishman, Peter
Lessard, Rudy	Letendre, Evelyn	Luebkert, Bernard	Lynde, Harold
MacGillivray, Jeffrey	Martin, Mary	McCarthy, William	McGough, Tim
McRae, Karen	Mercer, Robert	Murch, George	Rowe, Robert
White, Donald			

**MERRIMACK**

Adams, Stephen	Anderson, Eric	Brown, Mary	Crowell, Peter
DeStefano, Stephen	Gile, Mary	Hoadley, Elizabeth	Jacobson, Alf
Krueger, Patricia	Lamach, Bernard	Langer, Ray	Larrabee, David
Lavoie, Gerard	Leber, William	Maxfield, Roy	St. Cyr, Gerard

**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Belanger, Ronald	Camm, Kevin
Cooney, Richard	Cushing, Robert	Dearborn, Bruce	Dodge, Robert
Dolan, Richard	Dowling, Patricia	Dunham, Vivian	Fesh, Robert
Flanders, David	Francoeur, Sheila	Gibbons, Paul	Langley, Jane

Letourneau, Robert  
Packard, Sherman  
Stickney, Nancy  
Weatherspoon, Jackie

Major, Norman  
Pitts, Jacqueline  
Stritch, C. Donald  
Welch, David

Malcolm, Kenneth  
Raynowska, Bernard  
Varrell, Thomas  
Weyler, Kenneth

Mikowski, Walter  
Schanda, Frank  
Verani, Giovanni

### STRAFFORD

Bickford, David  
Merritt, Deborah

Kaen, Naida  
Rogers, Rose Marie

McCann, William, Jr.  
Vachon, Dennis

McKinley, Robert

### SULLIVAN

Kibbey, David

and the report was adopted.

### PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Cobbin requested that his protest be entered on the Journal.

The notion that the people amending the Constitution would provoke a constitutional crisis is, of course, ludicrous as is the report of the Committee and the vote of the House.

### REMARKS

Rep. Hill moved that the remarks made by Rep. Jacobson on CACR 31 be printed in the Journal. Adopted.

If you are feeling confused about the changes in the committee report regarding CACR 31, you can relax. It is only a demonstration of the power of the court's lobbyist and that of the Bar Association. The lobbyist is an attractive young woman and if it were not for the fact that I am so irascible, I also may have succumbed. In 1969, when I came to the Legislature, I was under the naïve assumption that the public good is the standard for measuring the validity of a measure, but after 24 years the public good still seems shadowy and distant as a criterion for the passage or defeat of proposed legislation. I have also learned that even if the public good is there, it oftentimes does not have a lobbyist. CACR 31, which seeks some legislative input into certain questions in the court's rule-making power with respect to Part II, Article 73-a, has, since its adoption, been more controversial than any other amendment to the New Hampshire Constitution. May I also say that this is going to be very stodgy and boring, so do not feel that I will be offended if you get up and leave for more charming conversations. So, for those who are willing to endure and in order that each member has an opportunity to understand the issue, a little bit of history is in order. For 194 years, the court operated successfully without Part II, Article 73-a, without much controversy. In the 1974 Constitutional Convention, Resolution 141 was introduced which said that the Chief Justice of the Supreme Court "shall be the administrative head of the courts." Nothing was said about any rules of procedure. However, when it came out of committee, it had the following sentence: "The rules so promulgated shall have the force and effect of law." As many of us know, this sentence has been the source of continuing controversy because it fundamentally changed the historic relationship between the court and the legislature. At this 1974 meeting, Delegate Martin Gross asked what effect that sentence would have on the legislature's ability in providing statutes on court procedures in the future. "Is my understanding correct that this amendment, if adopted, would not deprive the legislature of its right that it presently has, to regulate court procedure by statute?" Delegate Nighswander answered: "I would think that any power that they have now, they would still have." But it certainly did not turn out that way as the court now, under this amendment, claims exclusive power. Now, in the 1984 Constitutional Convention, there was Resolution 100 in which the majority report suggested that there be a legislative review of the rules so promulgated. Again, Delegate Martin Gross said, "The issue is whether authority over court procedures is to be allowed to slip from the exclusive control of the courts themselves, or whether we will continue to allow the legislature to step into reform procedures when necessary." On the other hand, Delegate Conti argued that "The court, in a government of separate powers, does not and cannot intrude on these internal rules of the legislature. The Legislature in turn, in my judgment, is without constitutional authority to intrude on the court's power to make rules." What is interesting about this is the comparison of judicial rules and legislative rules. Our constitutional right to make rules affects only those who are the members, whereas the rules of court can affect

every individual. The meeting failed to adopt that by a vote of 130-to-189. Now, we come to 1996 when the House passed HB 1549 which had to do with the rule of evidence with respect to sexual assault. It passed the House. When it got to the Senate, the bill was sent up for an advisory judicial opinion. In January of 1997, the court said that HB 1549 was unconstitutional. There was a wave of anguish in the legislature over the decision. Our distinguished House Speaker, Donna Sytek, had a wonderful response. This is what she said: "This was an attempt to walk on the rocks of this raging stream of judicial opinion and not get wet. We got splashed on this one. We may have to find some other rocks. We may have to build a bridge over that stream." The court argued that "The legislature has no more right to break down the rules prescribed by the court to assure fundamental due process in criminal trials than the court has to prescribe the mode and manner in which the legislature shall perform its legislative duties." That is exactly the same kind of thing that was argued before. I think it is important to remember that the New Hampshire Constitution's separation of powers, as in Part I, Article 37, is bound in by the consent of the governed, and the only direct appeal that the people have is through its legislature. If that be not so, we are confronted by a dangerous philosophy. What is most fascinating about this 1997 decision in support of the court with regard to judicial opinions is that the classic one used was Merrill v. Sherburne in 1818. I say classic because this is the case that established the power of judicial review in New Hampshire that is consistent with Marbury v. Madison on the federal level, and with which I agree. Prior to that, this legislature actually acted as though it were judicially, and legislatively as well, a court. But in that decision it contained some very interesting words and I would like to quote these: "Nor can they be both judicial and legislative because a marked difference exists between the employments of judicial and legislative tribunals. The former decide upon the legality of claims and conduct; the latter make rules upon which, in connection with the constitution, those decisions should be founded." In other words, it affirmed the right of the legislature to make rules with regards to procedure. What is also fascinating about this 1997 decision is that if you read it through never once does it utilize Part II, Article 73-a in its argument, but solely relies on this decision and Part I, Article 37. One could well conclude from that argument that Part II, Article 73-a is actually unnecessary. I read this rather than just talk because it is a complicated subject. What I am saying to you is, and what I believe is, that we ought to have, that is the people of New Hampshire, ought to have an opportunity to review this most controversial amendment and let them affirm it or let them deny it. Then, the matter can be settled. I leave it up to you to make that kind of decision. Thank you.

### REGULAR CALENDAR (CONT'D.)

**HB 1144**, relative to protecting personal privacy. INEXPEDIENT TO LEGISLATE

Rep. Andrew R. Peterson for Judiciary and Family Law: The committee deadlocked twice on this piece of legislation which concerns personal privacy issues to which we are all sensitive. However, the majority found that this bill, if enacted, would leave the State of New Hampshire an island in the broad ocean of credit (and other) practices in the United States and could result in serious unintended consequences to the flow of commerce. The aims of this bill, in the opinion of the majority, are better pursued through Federal legislation, as it presupposes changes which would indeed be national in scope. Vote 9-7.

Rep. Sabella spoke against and yielded to questions.

Rep. Peterson spoke in favor.

Rep. McGough requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 174 NAYS 124

YEAS 174

BELKNAP

Bartlett, Gordon  
Golden, Paul  
Pilliod, James

Boriso, Thomas  
Holbrook, Robert  
Turner, Robert

Calvert, Alice  
Lawton, David

Clark, Charles  
Lawton, Robert

CARROLL

Bradley, Jeb  
Lyman, L. Randy

Chandler, Gene  
Patten, Betsy

Cooper, Kipp  
Philbrick, Donald

Kenney, Joseph



**CHESHIRE**

Burnham, Daniel	DePecol, Benjamin	Doucette, Richard	Hunt, John
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	McNamara, Wanda
Metzger, Katherine	Robertson, Timothy	Royce, H. Charles	Smith, Edwin

**COOS**

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Moynihan, Wayne
Pratt, Leighton			

**GRAFTON**

Almy, Susan	Below, Clifton	Brown, Channing	Eaton, Stephanie
Guaraldi, Lawrence	Ham, Bonnie	Hill, Richard	LaMott, Paul
Phinney, William	Trelfa, Richard	Williams, William, Jr.	

**HILLSBOROUGH**

Alukonis, David	Amidon, Eleanor	Bergin, Peter	Brundige, Robert
Calawa, Leon, Jr.	Chabot, Robert	Christiansen, Lars	Clay, Susan
Clemons, Jane	Dawe, Eileen	Durham, Susan	Dyer, Merton
Emerton, Lawrence, Sr.	Fenton, James	Fields, Dennis	Foster, Linda
Franks, Suzan	Gagnon, Eugene	Golding, William	Gosselin, Gerald
Goulet, Maurice	Haettenschwiller, Alphonse	Hart, Nick	Herman, Keith
Holley, Sylvia	Jean, Claudette	Johnson, Lionel	Kelley, Robert
L'Heureux, Robert	Letendre, Evelyn	Lozeau, Donnalee	MacIntyre, Doris
McCarty, Winston	McDonald, James, Sr.	Melcher, Harold	Milligan, Robert
Murphy, Robert	O'Hearn, Jane	Peterson, Andrew	Reidy, Frank
Riley, Frances	Rowe, Robert	Sargent, Maxwell	Searles, Stanley, Sr.
Turgeon, Roland	Welch, Donald	Wheeler, Robert	White, Jay
Wright, George			

**MERRIMACK**

Anderson, Eric	Chandler, Earle	Daneault, Gabriel	DeStefano, Stephen
Dunn, Miriam	Fraser, Marilyn	Hess, David	Hoadley, Elizabeth
Jacobson, Alf	Krueger, Patricia	Larrabee, David	Leber, William
Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy	Morrill, Olive
Reardon, Tara	St. Cyr, Gerard	Whalley, Michael	Whittemore, James

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Camm, Kevin	Case, Margaret
Christie, Andrew, Jr.	Clark, Martha	Cooney, Richard	Dodge, Robert
Dowd, Sandra	Downing, Michael	Flanders, John, Sr.	Frechette, Joseph
Gleason, John	Griffin, Mary	Guthrie, Joseph	Heath, John
Henderson, Warren	Hutchinson, Rebecca	Kane, Cecelia	Katsakiores, George
Klemm, Arthur, Jr.	Kobel, Rudolph	Langley, Jane	Major, Norman
Malcolm, Kenneth	Millard, Ralph	Norelli, Terie	Noyes, Richard
Packard, Sherman	Raynowska, Bernard	Schanda, Frank	Stickney, Nancy
Stone, Joseph	Syracusa, Anthony	Tufts, J. Arthur	Welch, David
Weyler, Kenneth			

**STRAFFORD**

Berube, Roger	Brown, Julie	Cossette, Larry	Dunlap, Patricia
Heon, Richard	Knowles, William	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spear, Barbara	Sullivan, Henry	Torr, Ann
Torr, Franklin	Wall, Janet		

**SULLIVAN**

Ferland, Brenda	Lindblade, Eric	Palmer, Lorraine	Schotanus, Merle
Wiggins, Celestine			

**NAYS 124****BELKNAP**

Boyce, Robert	Laflam, Robert	Rice, Thomas, Jr	Rosen, Ralph
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**CARROLL**

Babson, David, Jr.	Mock, Henry
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**CHESHIRE**

Meader, David	Richardson, Barbara	Riley, William	Vogl, John
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**COOS**

Mears, Edgar	Tholl, John, Jr.
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**GRAFTON**

Atkins, Ralph	Alger, John	Chase, Paul, Jr.	Cobbin, Philip
Hinman, Harry	Lovett, Sidney	Mirski, Paul	Root, John
Teschner, Douglass	Weber, Phil		

**HILLSBOROUGH**

Ameen, W.	Arnold, Thomas, Jr.	Batula, Peter	Belvin, William
Buckley, Raymond	Burke, M. Virginia	Carlson, Donald	Cote, Peter
Daigle, Robert	Daniels, Gary	Dokmo, Cynthia	Drabinowicz, A. Theresa
Dwyer, Paul, Sr.	Flora, Kathleen	Foster, Joseph	Hall, Betty
Holt, David	Jean, Loren	Konys, Christine	Kurk, Neal
LaRose, Richard	Lefebvre, Roland	Leishman, Peter	Leonard, Peter
Lessard, Rudy	Luebker, Bernard	Lynde, Harold	MacGillivray, Jeffrey
Martin, Mary	McCarthy, William	McGough, Tim	McRae, Karen
Messier, Irene	Murch, George	Perkins, Paul	Vaillancourt, Steve
White, Donald	Williams, Carol		

**MERRIMACK**

Adams, Stephen	Brown, Mary	Crowell, Peter	French, Barbara
Gile, Mary	Lamach, Bernard	Langer, Ray	Lavoie, Gerard
Moore, Carol	Rogers, Katherine	Seldin, Gloria	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Blanchard, MaryAnn	Cushing, Robert
Dalrymple, Janeen	Dolan, Richard	Dowling, Patricia	Dunham, Vivian
Fesh, Robert	Flanders, David	Francoeur, Sheila	Gibbons, Paul
Katsakiores, Phyllis	Langone, John	Letourneau, Robert	Lovejoy, Marian
McKinney, Betsy	Micklon, Stephanie	Mikowski, Walter	Pitts, Jacqueline
Rabideau, Marie	Reardon, Neil	Sabella, Norma	Sapareto, Frank
Stritch, C. Donald	Varrell, Thomas	Verani, Giovanni	Weatherspoon, Jackie

**STRAFFORD**

Bickford, David	Brennan, William	DeChane, Marlene	Estabrook, Iris
Grassie, Anne	Hemon, Roland	Kaen, Naida	Keans, Sandra
McCann, William, Jr.	McKinley, Robert	Merrill, Amanda	Merritt, Deborah
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Taylor, Kathleen
Tsiros, William	Twardus, Joseph	Vachon, Dennis	

**SULLIVAN**

Burling, Peter	Cloutier, John	Donovan, Thomas	Kibbey, David
Leone, Richard			

and the report was adopted.

**HB 1376**, relative to co-parenting of children. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Terence R. Pfaff for the Majority of Judiciary and Family Law: In 99% of divorce cases joint legal custody is granted. This bill presumes we can legislate better communication between parents when it is the breakdown in communications which frequently precedes divorces. While the intent of this bill is to have more and better contact between children and parents, this isn't the appropriate method to achieve that. The committee believes that within the context of the best interest of the child the custody issues are extremely important and urge the court to ensure that judges and masters take advantage of every possible opportunity to receive training that will help them render fair and impartial decisions based on the very real individual circumstances of each family. Vote 13-2.

Rep. David A. Bickford for the Minority of Judiciary and Family Law: This bill recognizes the value of both parents and would create a policy to assure minor children could have frequent and significant time with each parent on a shared basis whenever possible, but not necessarily equal in time and hours. Majority report adopted.

**HB 1452**, relative to expanding the court's authority for debt collection by including license revocation and suspension. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Sandra B. Keans for the Majority of Judiciary and Family Law: The committee is sympathetic with the intent of the sponsor to use the threat of removal of a driver's license to collect debts between individuals. The courts do use this system to enforce child support payments because the state sees this as in the best interests of the child's security. However, we don't believe there is a compelling state reason to enter into the middle of financial matters between two adults. Vote 11-1.

Rep. David A. Bickford for the Minority of Judiciary and Family Law: License revocation is a collection method presently used for the benefit of custodial parents which helps alleviate jail overcrowding. This bill expands this tool to benefit all citizens. It would be of particular help to non-custodial parents to collect debts owed to them thereby reducing the need to lower child support payments. The collection of debts owed to all members of a family is paramount to supporting families. Majority report adopted.

**HB 1470**, relative to protection of religious freedoms. INEXPEDIENT TO LEGISLATE

Rep. Marjorie K. Smith for Judiciary and Family Law: This bill alludes to some serious and complex issues relating to balancing potentially competing constitutional rights. However, it was not heard by the committee until the Friday before the reporting deadline, leaving no time for appropriate consideration. There was testimony that the bill might not adequately address the issue. Some suggested that a constitutional amendment might be the appropriate solution, others favored legislation under consideration in other states. Because this is the second year of the biennium and the Judiciary and Family Law has already committed to interim study on six bills, the committee concluded that it would be appropriate to ask the sponsor to work with interested parties both within and outside of the legislature in order to come back in the next session with a bill which more closely meets the goals of the sponsors. Vote 10-3. Adopted.

**HB 1471**, allowing loss of familial relationship damages in wrongful death actions. OUGHT TO PASS

Rep. Benjamin J. DePecol for Judiciary and Family Law: At times our legal system seems to treat our children as economic property. In our non-agrarian society this concept is outdated. This bill says to the courts that our children provide we parents with comfort, society, affection, guidance, companionship and many other qualities as the parents provide to our children. This puts all concerned on an equal legal level of recovery in wrongful death cases. Vote 9-5.

Adopted and ordered to third reading.

**HB 1486**, establishing a committee to study joint physical custody and child support guidelines. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Irene A. Pratt for the Majority of Judiciary and Family Law: It appears premature to establish another study committee regarding joint physical custody and child support guideline issues when the 1995 study and findings are presently addressed in HB 774. Vote 14-1.

Rep. David F. Bickford for the Minority of Judiciary and Family Law: This bill would have merely studied what 14 other states have adopted in whole or part. Majority report adopted.



**HB 1622-FN**, relative to remedies and appeals under the whistleblowers' protection act. **OUGHT TO PASS**

Rep. David A. Bickford for Judiciary and Family Law: This bill allows compensation and attorneys' fees for employees under the whistleblowers' protection act and permits appeals to the superior court. Vote 7-5.

Rep. DePecol yielded to questions.

Adopted and ordered to third reading.

**HB 1417-L**, relative to involvement in mediation in collective bargaining negotiations by certain municipalities. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert E. Clegg, Jr. for the Majority of Labor, Industrial and Rehabilitative Services: This bill only pertains to those municipalities where the employer is also the legislative body. Under current law a mediator can require that the full employer body attend mediation in public bargaining. Being that the employer is also the legislative body, the result is that anything done during negotiations is done as a legislative body, making it impossible to separate the two functions. In at least a couple of cases the mediator has called the full body into negotiations. In those cases the employer body, recognizing the conflict, refused to participate as a whole and sent a representative(s) instead. While those known cases came to agreement, had they not the employer body could have been hit with an unfair labor practice for not following the mediator's instructions. It is worthy of noting that while mediators have instructed full employer/legislative bodies to participate in negotiations, no such requirement has ever been placed upon the union's bargaining unit—that the full legislative body of the union participate in negotiations. Those individuals serving in governing positions within municipalities currently affected want nothing more than to make the process fair, even, and beneficial for those they were elected to represent. This bill will do that. Vote 10-9.

Rep. Edgar H. Mears for the Minority of Labor, Industrial and Rehabilitative Services: The Minority contends that no compelling testimony was given to justify changes to RSA 273-A:12. Under current law, mediation is a voluntary process where either party can walk away. Furthermore, the Labor Committee is currently sponsoring public sessions to further study the public employee labor relations law. We feel it is premature to change the law at this time.

Rep. Daniels spoke against the Majority report.

The report failed.

Rep. Daniels moved Ought to Pass with Amendment and offered a floor amendment.

#### Floor Amendment (0942h)

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

1 Mediation with Certain Municipalities. Amend RSA 273-A:12, IV to read as follows:

IV. If the impasse is not resolved following the action of the legislative body, negotiations shall be reopened. Mediation may be requested by either party and may, *at the mediator's option*, involve the board of the public employer [if the mediator so chooses]. *In cases where the board of the public employer also serves as the legislative body of a political subdivision, the mediator may request no more than one less than a quorum of the legislative body to participate in the mediation.*

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

#### AMENDED ANALYSIS

This bill provides that in mediation in collective bargaining negotiations, where the public employer also serves as the legislative body of a political subdivision, the mediator may request no more than one less than a quorum of the legislative body to participate in the mediation.

Rep. Daniels spoke in favor.

Adopted.

Report adopted and ordered to third reading.

**HB 1446**, relative to certain private employers under workers' compensation. **OUGHT TO PASS**  
Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: This allows small farmers with an aggregate payroll of less than \$2,000. per calendar year to elect to carry private insurance instead of Workers' Compensation Insurance. Vote 13-5.

Adopted and ordered to third reading.

## RESOLUTION

Rep. Wheeler 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, March 12, 1998 at 10:00 a.m.  
Adopted.

## LATE SESSION

## Third reading and final passage

- HB 1147*, relative to corporate filings with the secretary of state.  
*HB 1165*, relative to the incorporation, management, branching and merger of banks.  
*HB 1311*, adopting the 1994 revisions to article 8 of the uniform commercial code relative to investment securities.  
*HB 1312*, adopting the 1995 revisions to article 5 of the uniform commercial code relative to letters of credit.  
*HB 1314*, relative to enforceable provisions in retail installment contracts for motor vehicles.  
*HB 1536*, establishing a committee to study women's health care.  
*HB 1551-FN*, adding dental insurance to the continuing insurance coverage for certain employees.  
*HB 1129*, relative to the penalty and substance abuse treatment for multiple DWI offenders who have previously successfully completed a multiple DWI offender intervention detention center program.  
*HB 1149*, relative to the power to detain an accused person without a warrant for breach of conditions of release on bail.  
*HB 1307*, relative to penalties for habitual offenders.  
*HB 1448*, relative to confidential communication between victims and counselors.  
*HB 1561-FN*, preventing computer pornography and child exploitation and increasing penalties for possession under the child pornography laws.  
*HB 1588-FN*, relative to causing injury to a police dog or horse.  
*HB 1209*, revising the interagency agreement for special education.  
*HB 1320*, amending provisions of the advisory committee on the education of students with disabilities.  
*HB 1428*, establishing requirements for teachers and teacher preparation programs to ensure that teachers are prepared to teach to a broad range of students including exceptional learners.  
*HB 1429*, amending state board of education rulemaking authority relative to certain educational personnel.  
*HB 1121*, making technical corrections to the election laws.  
*HB 1124*, relative to disposal of septage or sludge.  
*HB 1160*, relative to the definitions of the terms "farm," "agriculture," and "farming."  
*HB 1229*, exempting biological control agents from registration requirements for pesticides.  
*HB 1238*, establishing a committee to study ways to manage land use and to preserve and protect the state's farmland, rural and community character, and environmental quality against low density sprawl and the loss of sense of place.  
*HB 1299*, requiring members of executive branch councils to file annual financial statements and relative to certain person's who fail to file annual financial statements.  
*HB 1361*, relative to rulemaking authority, subpoena powers, and establishment of civil penalties by the board of professional engineers.  
*HB 1455*, relative to the publication of administrative rules.  
*HB 1459*, relative to the specificity of administrative rules and the identification of state and federal law in the rule making process.  
*HB 1303-FN-A-L*, continually appropriating boating fees and other revenues to the division of safety services.  
*HB 1326*, relative to applications for exemption to the state hiring delay.  
*HB 1384-FN-A*, making an appropriation for use by the New Hampshire Commission on the Smithsonian Festival of American Folklife.  
*HB 1456*, relative to the budget making process.  
*HB 1118*, relative to the expiration of contact lens prescriptions.

- HB 1150*, establishing a committee to study the authority, functions, duties, funding, and responsibilities of the bureau of emergency medical services.
- HB 1166*, relative to the oversight committee on health and human services.
- HB 1298-FN-L*, requiring health care providers to wear identification.
- HB 1498*, authorizing emergency medical care providers to inform patients of transport options.
- HB 1408*, requiring a criminal background investigation for certain child care agencies.
- HB 1423-FN*, modifying the definition of employment under the unemployment compensation statute and assignment of unemployment compensation payments for a claimant's child support obligations.
- HB 1109*, allowing prepayment of property taxes before April 1.
- HB 1122*, relative to the licensure of charitable organizations to conduct bingo games or sell lucky 7 tickets in towns and cities in which the organizations have been conducting charitable activities.
- HB 1131*, relative to the sale of liquor and beverages and relative to enforcement of the liquor laws.
- HB 1469-L*, establishing a committee to examine the valuation of public utility property.
- HB 1111*, relative to the types of investments allowable by local treasurers.
- HB 1112*, relative to the placement of articles on the official ballot.
- HB 1113*, relative to reports of town and school district meetings to be certified to the department of revenue administration.
- HB 1126-L*, relative to municipal debt limits.
- HB 1172-L*, relative to the number of members on a municipal budget committee.
- HB 1236-L*, relative to limitations on the amendment of warrant articles in official ballot voting.
- HB 1434-L*, simplifying the charter amendment procedure for the purpose of establishing official ballot voting.
- HB 1447-L*, relative to approval by the legislative body of cost items in a collective bargaining agreement.
- HB 1568*, relative to the timing of special school district meetings.
- HB 1608*, providing that the membership on any charter commission established in a multi-town school district shall reflect each town's proportionate membership of the district's school board.
- HB 1496*, relative to energy facility evaluation.
- HB 1281*, requiring managed care plans to permit a woman to select an obstetrician-gynecologist as a primary care physician or to obtain access for certain obstetrical or gynecological services.
- HB 1411*, establishing a committee to study the feasibility of creating a nonprofit, public corporation to facilitate the availability of affordable health insurance for the uninsured and underinsured by organizing large purchasing groups of subsidized and non-subsidized subscribers and establishing the individual health insurance market mandatory risk sharing plan.
- HB 1011-FN*, making it a felony to operate certain gambling businesses and prohibiting possession of gambling machines unless specifically authorized under state law.
- HB 1543-FN-L*, relative to disbursement of income of persons held or imprisoned in a county department of corrections facility.
- HB 1562*, excepting cannabis-type drugs from forfeited drugs which may be delivered to the department of health and human services for medical use.
- HB 1215*, establishing a committee to study the shortage of qualified and certified personnel in the delivery of services related to special education.
- HB 1280-L*, clarifying the procedures for background criminal checks for school employees and volunteers.
- HB 1369*, revising the student membership of the university system of New Hampshire board of trustees.
- HB 1414*, relative to review of non-renewal of teachers contracts.
- HB 1501*, relative to amending certain provisions of the charter school law.
- HB 1145*, relative to the definition of "livestock."
- HB 1225*, restricting the land application of solid wastes within certain distances of natural, rural, rural-community, and community rivers and exempting certain uses allowed under prior interpretations of the law.
- HB 1346*, relative to certain definitions under the solid waste management act.
- HB 1606-L*, relative to liability for response to hazardous materials accidents.
- HB 1623*, relative to a waiting period before a cat or ferret may be euthanized, relative to requirements for cats, ferrets, and dogs transferred from animal shelter facilities, and relative to ferret rabies suspects.
- HB 1438*, establishing a committee to study the regulation of personnel employed in early care and education including, but not limited to, center and family-based child care and preschools.
- HB 1653*, relative to the composition of the board of barbering, cosmetology, and esthetics.



*HB 1217*, relative to balancing the operating budget.

*HB 1295-FN*, relative to reimbursing the state medical assistance program.

*HB 1310*, relative to legislative approval of expenditure of federal and other funds.

*HB 1399-FN*, revising certain information required in the state operating budget.

*HB 1400-FN*, relative to the powers and duties of the commissioner of health and human services and relative to out-of-state trips by state officials or employees.

*HB 1563*, relative to the professional use of cannabis-type drugs.

*HB 1658-FN*, relative to prohibiting the cloning of human beings in New Hampshire.

*HB 1471*, allowing loss of familial relationship damages in wrongful death actions.

*HB 1622-FN*, relative to remedies and appeals under the whistleblowers' protection act.

*HB 1417-L*, relative to involvement in mediation in collective bargaining negotiations by certain municipalities.

*HB 1446*, relative to certain private employers under workers' compensation.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 5:20 p.m.

### RECESS

(Rep. Carol Moore in the Chair)

### RESOLUTION

Rep. Amanda Merrill offers the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 316, 350, 386, 390, 395, 397, 408, 414, 444, 451 and 457, 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 316*, authorizing insurance companies to give discounts to drivers over 55 years of age who complete an approved driver safety course. (Commerce)

*SB 350*, relative to probate court procedures. (Judiciary and Family Law)

*SB 386*, relative to eligibility for antique motor vehicle plates. (Transportation)

*SB 390*, relative to the application of the law governing foreign business entities to a merger or other reorganization of a gas utility. (Science, Technology and Energy)

*SB 395*, enacting certain provisions of the prudent investor act. (Judiciary and Family Law)

*SB 397*, relative to the composition of the pharmacy board. (Executive Departments and Administration)

*SB 408-FN*, requiring the department of safety to perform a background check to determine if an applicant for a motor vehicle registration is in default or has a warrant issued against the applicant. (Transportation)

*SB 414*, relative to official motor vehicle plates. (Transportation)

*SB 444-FN*, requiring the New Hampshire real estate commission to notify licensees of proposed rules and any changes adopted to rules. (Executive Departments and Administration)

*SB 451-FN-L*, relative to the accessibility of pupil assessment materials and the anonymity of pupil assessment results. (Education)

*SB 457-FN*, relative to the eligibility of employment program participants for workers' compensation. (Labor, Industrial and Rehabilitative Services)

### RECESS

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 7**

Thursday, March 12, 1998

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, Representative Eric Lindblade.

God of yesterday, today and tomorrow, as we plunge into the agenda of the day, remind us that each is a little life never to be lived again. Help us to be patient and forgiving in the fret and jar of our deliberations, mindful of how lonely it can be to espouse an unpopular point of view or fight for lost causes. Teach us a less strident tone of voice, a greater charity of words and more openness of mind, that when this day is past, we part content and without regret for what we have said and done. Amen.

Rep. Edwin Smith led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. George Brown, David Cote, Ferguson, Robert Foster, Gosselin, Hall, Healy, O'Rourke, Pepino, Perkins, Rubin, Paul Taylor and Carol Williams, the day, illness.

Reps. Boutin, Briefs, Channing Brown, Cegelis, Downing, Flint, Robert Kelley, MacAuslan, Morello, Irene Pratt, William Riley, Trelfa and Veazey, the day, important business.

Reps. Carney, Horton and Naida Kaen, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Kristie Conrad and Grace Bridget Cushing, wife and daughter of Rep. Cushing. Garret Lovell, guest of Rep. David Welch. Eban Colby, Tara Ray, Cpl. Bruce Mathews, Joyce Faulkner, Amy Donovan and Barbara White, son and guests of Rep. Krueger. The 4<sup>th</sup> grade class from the Hanover Street School in Lebanon, guests of Rep. Guaraldi. David Welch, guest of Rep. D'Allesandro. Kathryn Petuck and Elizabeth Higgins, wife and guest of Rep. Below. Charles Felch, son of Rep. Felch. John Curran, guest of Rep. David Lawton. Joy Falkenham, guest of Rep. Stickney. Kate Dean, Priscilla Weston, Carolyn Myrick and Walt Birdshall, guests of Reps. MacGillivray and Carlson. Robert Plante, guest of Rep. Akins. Nancy Crumbine, guest of Rep. Copenhaver. Andy Martel, Michael Quinlan, Lloyd Bashaw, Linda Gerish, John Lyons and Theresa Chabot, guests of Rep. Vaillancourt. James and Gail MacKenzie, Florence Smith, Megan Martineau, Cameron and Brett Martineau, Wayne Vetter, Maj. Ronald Allie, Capt. Jeffrey Gray, Lt. Rick Jones, Scott Kenneson, Jay and Doreen MacKenzie and Lt. Tim Acerno, guests of Rep. Stone. A class from the Broad Street Elementary School in Nashua, guests of the Nashua Delegation.

**SPECIAL GUEST**

Jim MacKenzie of Deerfield, a state Fish and Game Conservation Officer and medal winner in the 7<sup>th</sup> World Police and Fire Games in Calgary Alberta, guest of the House.

**ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 96.  
Rep. Nowe, Sen. Barnes for the Committee

**SPECIAL ORDERS**

**HB 1025-FN**, relative to capital murder, first degree murder, and second degree murder. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: Many people are surprised that our current capital murder law does not cover certain murders that are universally considered to be particularly heinous. Although we have had a capital murder statute in this state for more than 20 years, this bill provided a vehicle to consider expanding the current laws to include a few uncovered types of murder. The committee reviewed the proposed legislation and crafted an amended version which makes it a capital murder to knowingly cause the death of a child under the age of 13, the death of a witness or informer in a criminal investigation, the death of a juror, or the deaths of multiple persons (serial murder victims or single event mass murder victims). This expansion is

more limited than the original bill. The committee deleted the felony murder provision which would have made a person who participated in a felony where a death occurred guilty of a capital murder without proof of the intent to cause a death. This legislature has historically supported a capital murder statute which applies to those murders which are deemed serious crimes against society by the very nature of the victims. The committee believes that the expansion proposed here is the appropriate answer to the concern that certain heinous murders are not covered by the current capital murder law. The committee members individually have diverse opinions relative to the death penalty. Some members who voted for this amendment may have done so to present a bill that would likely meet the constitutional requirements. We believe that the amendment will meet those requirements. Vote 14-4.

### Amendment (0820h)

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

1 Statement of Policy. It is the intent of the legislature that the provisions of this act shall apply not only to the principal actor, but also to any person who is legally responsible for such conduct of the principal actor which amounts to murder, under the law of accomplice liability.

2 Capital Murder. Amend RSA 630:1 to read as follows:

630:1 Capital Murder.

I. A person is guilty of capital murder if ~~he~~ *such person* knowingly causes the death or *serious bodily injury that results in the death* of:

(a) A law enforcement officer or a judicial officer acting in the line of duty or when the death is caused as a consequence of or in retaliation for such person's actions in the line of duty;

(b) Another before, after, while engaged in the commission of, or while attempting to commit kidnapping as that offense is defined in RSA 633:1;

(c) Another by criminally soliciting a person to cause said death ~~or after having been criminally solicited by another~~ for ~~his~~ *personal pecuniary or other tangible* gain;

(d) ~~Another after having been criminally solicited by another for personal pecuniary or other tangible gain;~~

~~[(d) Another after being sentenced to life imprisonment without parole pursuant to RSA 630:1-a, III;]~~

(e) Another before, after, while engaged in the commission of, or while attempting to commit aggravated felonious sexual assault as defined in RSA 632-A:2;

(f) ~~Another when the person previously was convicted of first degree or second degree murder in this state, or a reasonably equivalent offense in this state, any other state, any territory or possession of the United States, or the District of Columbia;~~

~~[(f)](g) Another before, after, while engaged in the commission of, or while attempting to commit an offense punishable under RSA 318-B:26, I(a) or (b);~~

(h) ~~A witness or informer in a criminal investigation or case, and the death is caused as a consequence of or in retaliation for anything done by the victim as a witness or informer;~~

(i) ~~A person under the age of 13 years;~~

(j) ~~More than one person, and the deaths, or serious bodily injuries resulting in death, are caused by a course of conduct of the actor that is part of a common scheme or plan or part of a related series of acts;~~

(k) ~~More than one person, and the deaths, or serious bodily injuries resulting in death, are the result of conduct which created a substantial risk of death to one or more persons in addition to the victims of the offense.~~

II. As used in this section, a "law enforcement officer" is a sheriff or deputy sheriff of any county, a state police officer, a constable or police officer of any city or town, an official or employee of any prison, jail or corrections institution, a probation-parole officer, or a conservation officer.

II-a. As used in this section, a "judicial officer" is a judge of a district, probate, superior or supreme court; *a juror; the attorney general or an attorney* employed by the department of justice ~~or a municipal prosecutor's office~~; or a county attorney; or *an attorney* employed by ~~the~~ *a county [attorney] attorney's office or a municipal prosecutor's office.*

III. A person convicted of ~~a~~ capital murder ~~may~~ *shall* be punished by death *or life imprisonment without parole in accordance with the procedures set forth in RSA 630:5.*



IV. As used in this section and RSA 630:1-a, 1-b, 2, 3 and 4, the meaning of "another" *and of "victim" and of "person"* does not include a [foetus] fetus.

V. ~~[In no event shall any]~~ A person under ~~[the age of]~~ 17 years *of age shall not be* culpable of [a] capital murder.

3 First Degree Murder. Amend RSA 630:1-a to read as follows:

630:1-a First Degree Murder.

I. A person is guilty of murder in the first degree if [~~he~~] *such person*:

(a) Purposely causes the death *or serious bodily injury that results in the death* of another; or

(b) Knowingly causes the death *or serious bodily injury that results in the death* of:

(1) Another before, after, while engaged in the commission of, or while attempting to commit felonious sexual assault as defined in RSA 632-A:3;

(2) Another before, after, while engaged in the commission of, or while attempting to commit robbery or burglary while armed with a deadly weapon, the death being caused by the use of such weapon;

(3) Another in perpetrating or attempting to perpetrate arson as defined in RSA 634:1, I, II, or III; *or*

(4) The president or president-elect or vice-president or vice-president-elect of the United States, the governor or governor-elect of New Hampshire or any state or any member or member-elect of the Congress of the United States, or any candidate for such office after such candidate has been nominated at his party's primary, when such killing is motivated by knowledge of the foregoing capacity of the victim.

II. For the purpose of RSA 630:1-a, I(a), "purposely" shall mean that the actor's conscious object is the death of another, and that his act or acts in furtherance of that object were deliberate and premeditated.

III. A person convicted of a murder in the first degree shall be sentenced to life imprisonment and shall not be eligible for parole at any time.

4 Second Degree Murder. Amend RSA 630:1-b to read as follows:

630:1-b Second Degree Murder.

I. A person is guilty of murder in the second degree if:

(a) [~~He~~] *Such person* knowingly causes the death *or serious bodily injury that results in the death* of another; [~~or~~]

(b) [~~He~~] *Such person* causes such death recklessly under circumstances manifesting an extreme indifference to the value of human life. Such recklessness and indifference are presumed if the actor causes the death by the use of a deadly weapon [~~in the commission of, or in an attempt to commit, or in immediate flight after committing or attempting to commit any class A felony;~~]; *or*

(c) *Such person causes the death of another in the commission of, or in an attempt to commit, or in immediate flight after committing or attempting to commit any class A felony.*

II. Murder in the second degree shall be punishable by imprisonment for life or for such term as the court may order.

5 Effective Date. This act shall take effect January 1, 1999.

Rep. David Welch yielded to questions.

Adopted.

Reps. Below and Cushing offered a floor amendment.

#### Floor Amendment (0989h)

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

AN ACT abolishing the death penalty.

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

1 Capital Murder; Death Penalty Abolished. Amend RSA 630:1, III to read as follows:

III. A person convicted of a capital murder [~~may be punished by death~~] *shall be sentenced to life imprisonment and shall not be eligible for parole at any time.*

2 Repeal. RSA 630:5, relative to sentencing procedures and the death sentence in capital murder cases, is repealed.

3 Effective Date. This act shall take effect January 1, 1999.

## AMENDED ANALYSIS

This bill abolishes the death penalty.

Reps. Below, John Pratt and Cushing spoke in favor.

Reps. Lefebvre and Clegg spoke against.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being the adoption of the floor amendment.

## YEAS 155 NAYS 195

## YEAS 155

## BELKNAP

Laflam, Robert

Pilliod, James

## CARROLL

None

## CHESHIRE

Bonneau, Sarah  
Doucette, Richard  
Meader, David  
Robertson, Timothy

Burnham, Daniel  
Lynch, Margaret  
O'Connell, John  
Russell, Ronald

Champagne, Richard  
Lynott, Margaret  
Pratt, John  
Vogl, John

DePecol, Benjamin  
McGuirk, Paul  
Richardson, Barbara

## COOS

Bradley, Paula  
Moynihan, Wayne

Coulombe, Henry

Hawkinson, Marie

Mears, Edgar

## GRAFTON

Akins, Ralph  
Guaraldi, Lawrence  
Nordgren, Sharon

Almy, Susan  
Guest, Robert  
Williams, William, Jr.

Below, Clifton  
Lovett, Sidney

Copenhaver, Marion  
Luker, Elsa

## HILLSBOROUGH

Ackerman, Philip  
Barry, William, III  
Chabot, Robert  
Drabinowicz, A. Theresa  
Flora, Kathleen  
Ginsburg, Ruth  
Hart, Nick  
Jean, Loren  
Luebker, Bernard  
McDonald, James, Sr.  
Murch, George  
Rowe, Robert

Allen, W. Gordon  
Bergin, Peter  
Christiansen, Lars  
Durham, Susan  
Foster, Joseph  
Haettenschwiller, Alphonse  
Holley, Sylvia  
Konys, Christine  
Lynde, Harold  
McRae, Karen  
O'Hearn, Jane  
Vaillancourt, Steve

Amidon, Eleanor  
Carlson, Donald  
Clemons, Jane  
Dyer, Merton  
Foster, Linda  
Haley, Robert  
Hunter, Bruce  
Leishman, Peter  
Martin, Mary  
Messier, Irene  
Peterson, Andrew  
Welch, Donald

Arnold, Thomas, Jr.  
Chabot, Ernest  
Daniels, Gary  
Fenton, James  
Gage, Ruth  
Hansen, Herbert  
Jean, Claudette  
Leonard, Peter  
McCarthy, William  
Milligan, Robert  
Reidy, Frank  
White, Jay

## MERRIMACK

Burney, Carol  
Fraser, Marilyn  
Jacobson, Alf  
Reardon, Tara  
Wallin, Jean

Crosby, Toni  
French, Barbara  
Lamach, Bernard  
Rogers, Katherine  
Wallner, Mary Jane

DeStefano, Stephen  
Gile, Mary  
Lockwood, Robert  
Seldin, Gloria  
Yeaton, Charles

Dunn, Miriam  
Hager, Elizabeth  
Moore, Carol  
St. Cyr, Gerard

## ROCKINGHAM

Bishop, Franklin  
Cushing, Robert  
Fesh, Robert  
Gleason, John

Blanchard, MaryAnn  
Dalrymple, Janeen  
Flanagan, Natalie  
Heath, John

Case, Margaret  
Dolan, Richard  
Frechette, Joseph  
Hutchinson, Rebecca

Clark, Martha  
Dowling, Patricia  
Gibbons, Paul  
Kane, Cecelia

Kelley, Jane  
O'Keefe, Patricia  
Smith, Kevin

Micklon, Stephanie  
Pitts, Jacqueline  
Stickney, Nancy

Norelli, Terie  
Rabideau, Marie  
Weatherspoon, Jackie

Noyes, Richard  
Sabella, Norma

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Heon, Richard  
Merritt, Deborah  
Snyder, Clair  
Twardus, Joseph

Bickford, David  
Estabrook, Iris  
Keans, Sandra  
Pelletier, Arthur  
Spear, Barbara  
Vachon, Dennis

Brennan, William  
Grassie, Anne  
McCann, William, Jr.  
Rogers, Rose Marie  
Sullivan, Henry  
Wall, Janet

DeChane, Marlene  
Hemon, Roland  
Merrill, Amanda  
Smith, Marjorie  
Taylor, Kathleen

### SULLIVAN

Allison, David  
Palmer, Lorraine

Burling, Peter  
Wiggins, Celestine

Cloutier, John

Donovan, Thomas

### NAYS 195

### BELKNAP

Bartlett, Gordon  
Clark, Charles  
Lawton, David  
Salatiello, Thomas

Boriso, Thomas  
Golden, Paul  
Lawton, Robert  
Thomas, John

Boyce, Robert  
Holbrook, Robert  
Rice, Thomas, Jr.  
Turner, Robert

Calvert, Alice  
Hurt, George  
Rosen, Ralph

### CARROLL

Babson, David, Jr.  
Dickinson, Howard, Jr.  
MacDonald, Kenneth

Bradley, Jeb  
Howard, Godfrey  
Mock, Henry

Chandler, Gene  
Kenney, Joseph  
Patten, Betsey

Cooper, Kipp  
Lyman, L. Randy  
Philbrick, Donald

### CHESHIRE

Avery, Stephen  
Metzger, Katherine

Hunt, John  
Royce, H. Charles

Manning, Joseph  
Smith, Edwin

McNamara, Wanda  
Steere, Myron, III

### COOS

Davis, Perley  
St. Hilaire, Paul

Guay, Lawrence  
Tholl, John, Jr.

Merrill, Gerald

Pratt, Leighton

### GRAFTON

Alger, John  
Hill, Richard  
Mirski, Paul

Cobbin, Philip  
Hinman, Harry  
Phinney, William

Connolly, Steven  
LaMott, Paul  
Teschner, Douglass

Eaton, Stephanie  
MacNeil, Allen  
Weber, Phil

### HILLSBOROUGH

Alukonis, David  
Belvin, William  
Burke, M. Virginia  
Clegg, Robert, Jr.  
Dawe, Eileen  
Emerton, Lawrence, Sr.  
Goulet, Maurice  
LaRose, Richard  
MacGillivray, Jeffrey  
McGough, Tim  
Murphy, Robert  
Searles, Stanley, Sr.  
White, Donald

Ameen, W.  
Bernier, Shannon  
Calawa, Leon, Jr.  
Cote, Peter  
Desrosiers, William  
Fields, Dennis  
Herman, Keith  
Lefebvre, Roland  
MacIntyre, Doris  
Melcher, Harold  
Piteri, Dawn  
Thulander, O. Alan  
Wright, George

Baroody, Benjamin  
Brundige, Robert  
Cardin, Lori  
D'Allesandro, Lou  
Dokmo, Cynthia  
Gagnon, Eugene  
Kurk, Neal  
Lessard, Rudy  
Marcinkowski, Michael  
Mercer, Robert  
Riley, Frances  
Turgeon, Roland

Batula, Peter  
Buckley, Raymond  
Clay, Susan  
Daigle, Robert  
Dwyer, Paul, Sr.  
Golding, William  
L'Heureux, Robert  
Lozeau, Donnalee  
McCarty, Winston  
Mittelman, David  
Sargent, Maxwell  
Wheeler, Robert



**MERRIMACK**

Adams, Stephen	Anderson, Eric	Brown, Mary	Chandler, Earle
Colburn, Thomas	Crowell, Peter	Daneault, Gabriel	Feuerstein, Martin
Hess, David	Hoadley, Elizabeth	Krueger, Patricia	Langer, Ray
Larrabee, David	Lavoie, Gerard	Leber, William	Marshall, Kenneth
Maxfield, Roy	Morrill, Olive	Owen, Derek	Pfaff, Terence
Whalley, Michael	Whittemore, James		

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Battles-Peirce, Marjorie	Beaulieu, Jon
Belanger, Ronald	Camm, Kevin	Christie, Andrew, Jr.	Cooney, Richard
Dearborn, Bruce	Dodge, Robert	Dowd, Sandra	Dunham, Vivian
Felch, Charles, Sr.	Flanders, David	Flanders, John, Sr.	Francoeur, Sheila
Griffin, Mary	Guthrie, Joseph	Henderson, Warren	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Lovejoy, Marian
Major, Norman	Malcolm, Kenneth	McCarthy, John, Jr.	McKinney, Betsy
Mikowski, Walter	Moore, Benjamin	Morris, Debbie	Nowe, Ronald
Packard, Sherman	Pantelakos, Laura	Raynowska, Bernard	Reardon, Neil
Sapareto, Frank	Schanda, Frank	Simmons, John Anthony	Stone, Joseph
Stritch, C. Donald	Syracusa, Anthony	Tufts, J. Arthur	Varrell, Thomas
Vaughn, Charles	Welch, David	Weyler, Kenneth	

**STRAFFORD**

Brown, Julie	Callaghan, Frank	Cossette, Larry	Knowles, William
Lundborn, Raymond	McKinley, Robert	Musler, George	Rollo, Michael
Torr, Ann	Torr, Franklin	Tsiros, William	Vincent, Francis

**SULLIVAN**

Adler, Rudolf	Ferland, Brenda	Kibbey, David	Leone, Richard
Lindblade, Eric	Robb-Theroux, Amy	Schotanus, Merle	

and the floor Amendment failed.

The question now being the adoption of the report.

Reps. Wiggins, Loren Jean, Rowe, Amanda Merrill and Flora spoke against.

Reps. Christie and Knowles spoke in favor and yielded to questions.

Reps. Simmons and Lozeau spoke in favor.

Rep. Clegg requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 137 NAYS 215****YEAS 137****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Golden, Paul	Holbrook, Robert	Hurt, George
Lawton, David	Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph
Salatiello, Thomas	Thomas, John		

**CARROLL**

Babson, David, Jr.	Chandler, Gene	Cooper, Kipp	Dickinson, Howard, Jr.
Howard, Godfrey	Kennedy, Joseph	Lyman, L. Randy	MacDonald, Kenneth
Mock, Henry	Patten, Betsy	Philbrick, Donald	

**CHESHIRE**

Avery, Stephen	Hunt, John	McNamara, Wanda	Royce, H. Charles
Smith, Edwin	Steere, Myron, III		

**COOS**

Davis, Perley	Guay, Lawrence	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr.			

**GRAFTON**

Connolly, Steven	Hill, Richard	Hinman, Harry	LaMott, Paul
Phinney, William	Teschner, Douglass		

**HILLSBOROUGH**

Ameen, W.	Batula, Peter	Belvin, William	Bernier, Shannon
Brundige, Robert	Buckley, Raymond	Calawa, Leon, Jr.	Cardin, Lori
Clay, Susan	Clegg, Robert, Jr.	Cote, Peter	D'Allesandro, Lou
Daigle, Robert	Dawe, Eileen	Desrosiers, William	Dokmo, Cynthia
Dwyer, Paul, Sr.	Emerton, Lawrence, Sr.	Franks, Suzan	Gagnon, Eugene
Golding, William	Holt, David	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Lefebvre, Roland	Lessard, Rudy	Lozeau, Donnalee
MacIntyre, Doris	McGough, Tim	Melcher, Harold	Mittelman, David
Murphy, Robert	Piteri, Dawn	Searles, Stanley, Sr.	Thulander, O. Alan
White, Donald			

**MERRIMACK**

Adams, Stephen	Brown, Mary	Chandler, Earle	Daneault, Gabriel
Hess, David	Langer, Ray	Larrabee, David	Lavoie, Gerard
Leber, William	Morrill, Olive	Pfaff, Terence	Whittemore, James

**ROCKINGHAM**

Arndt, Janet	Battles-Peirce, Marjorie	Beaulieu, Jon	Belanger, Ronald
Camm, Kevin	Christie, Andrew, Jr.	Coes, Betsy	Cooney, Richard
Dearborn, Bruce	Dowd, Sandra	Flanders, John, Sr.	Griffin, Mary
Guthrie, Joseph	Henderson, Warren	Johnson, Robert	Klemm, Arthur, Jr.
Kobel, Rudolph	Langone, John	Letourneau, Robert	Lovejoy, Marian
McCarthy, John, Jr.	McKinney, Betsy	Mikowski, Walter	Moore, Benjamin
Morris, Debbie	Nowe, Ronald	Pantelakos, Laura	Raynowska, Bernard
Reardon, Neil	Schanda, Frank	Simmons, John Anthony	Stone, Joseph
Stritch, C. Donald	Syracusa, Anthony	Varrell, Thomas	Vaughn, Charles

**STRAFFORD**

Brown, Julie	Callaghan, Frank	Cossette, Larry	Knowles, William
Lundborn, Raymond	McKinley, Robert	Musler, George	Rollo, Michael
Torr, Franklin			

**SULLIVAN**

Leone, Richard

**NAYS 215****BELKNAP**

Laflam, Robert	Pilliod, James	Turner, Robert
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**CARROLL**

Bradley, Jeb

**CHESHIRE**

Bonneau, Sarah	Burnham, Daniel	Champagne, Richard	DePecol, Benjamin
Doucette, Richard	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	Meador, David	Metzger, Katherine	O'Connell, John
Pratt, John	Richardson, Barbara	Robertson, Timothy	Russell, Ronald
Vogl, John			

**COOS**

Bradley, Paula  
Moynihan, Wayne

Coulombe, Henry  
St. Hilaire, Paul

Hawkinson, Marie

Mears, Edgar

**GRAFTON**

Akins, Ralph  
Cobbin, Philip  
Guest, Robert  
Mirski, Paul

Alger, John  
Copenhaver, Marion  
Lovett, Sidney  
Nordgren, Sharon

Almy, Susan  
Eaton, Stephanie  
Luker, Elsa  
Weber, Phil

Below, Clifton  
Guaraldi, Lawrence  
MacNeil, Allen  
Williams, William, Jr.

**HILLSBOROUGH**

Ackerman, Philip  
Arnold, Thomas, Jr.  
Burke, M. Virginia  
Christiansen, Lars  
Durham, Susan  
Flora, Kathleen  
Ginsburg, Ruth  
Hansen, Herbert  
Hunter, Bruce  
Konys, Christine  
Lynde, Harold  
McCarty, Winston  
Messier, Irene  
Peterson, Andrew  
Sargent, Maxwell  
Wheeler, Robert

Allen, W. Gordon  
Baroody, Benjamin  
Carlson, Donald  
Clemons, Jane  
Dyer, Merton  
Foster, Joseph  
Goulet, Maurice  
Hart, Nick  
Jean, Claudette  
Leishman, Peter  
MacGillivray, Jeffrey  
McDonald, James, Sr.  
Milligan, Robert  
Reidy, Frank  
Turgeon, Roland  
White, Jay

Alukonis, David  
Barry, William, III  
Chabot, Ernest  
Daniels, Gary  
Fenton, James  
Foster, Linda  
Haettenschwiller, Alphonse  
Herman, Keith  
Jean, Loren  
Leonard, Peter  
Martin, Mary  
McRae, Karen  
Murch, George  
Riley, Frances  
Vaillancourt, Steve  
Wright, George

Amidon, Eleanor  
Bergin, Peter  
Chabot, Robert  
Drabinowicz, A. Theresa  
Fields, Dennis  
Gage, Ruth  
Haley, Robert  
Holley, Sylvia  
Johnson, Lionel  
Luebker, Bernard  
McCarthy, William  
Mercer, Robert  
O'Hearn, Jane  
Rowe, Robert  
Welch, Donald

**MERRIMACK**

Anderson, Eric  
Crowell, Peter  
Fraser, Marilyn  
Hoadley, Elizabeth  
Lockwood, Robert  
Owen, Derek  
St. Cyr, Gerard  
Yeaton, Charles

Burney, Carol  
DeStefano, Stephen  
French, Barbara  
Jacobson, Alf  
Marshall, Kenneth  
Reardon, Tara  
Wallin, Jean

Colburn, Thomas  
Dunn, Miriam  
Gile, Mary  
Krueger, Patricia  
Maxfield, Roy  
Rogers, Katherine  
Wallner, Mary Jane

Crosby, Toni  
Feuerstein, Martin  
Hager, Elizabeth  
Lamach, Bernard  
Moore, Carol  
Seldin, Gloria  
Whalley, Michael

**ROCKINGHAM**

Abbott, Dennis  
Clark, Martha  
Dolan, Richard  
Flanagan, Natalie  
Gibbons, Paul  
Kane, Cecelia  
Langley, Jane  
Norelli, Terie  
Pitts, Jacqueline  
Smith, Kevin  
Welch, David

Bishop, Franklin  
Cushing, Robert  
Dowling, Patricia  
Flanders, David  
Gleason, John  
Katsakiores, George  
Major, Norman  
Noyes, Richard  
Rabideau, Marie  
Stickney, Nancy  
Weyler, Kenneth

Blanchard, MaryAnn  
Dalrymple, Janeen  
Dunham, Vivian  
Francoeur, Sheila  
Heath, John  
Katsakiores, Phyllis  
Malcolm, Kenneth  
O'Keefe, Patricia  
Sabella, Norma  
Tufts, J. Arthur

Case, Margaret  
Dodge, Robert  
Fesh, Robert  
Frechette, Joseph  
Hutchinson, Rebecca  
Kelley, Jane  
Micklon, Stephanie  
Packard, Sherman  
Sapareto, Frank  
Weatherspoon, Jackie

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia  
Heon, Richard  
Merritt, Deborah

Bickford, David  
Estabrook, Iris  
Keans, Sandra  
Pelletier, Arthur

Brennan, William  
Grassie, Anne  
McCann, William, Jr.  
Rogers, Rose Marie

DeChane, Marlene  
Hemon, Roland  
Merrill, Amanda  
Smith, Marjorie



Snyder, Clair  
Torr, Ann  
Vincent, Francis

Spear, Barbara  
Tsiros, William  
Wall, Janet

Sullivan, Henry  
Twardus, Joseph

Taylor, Kathleen  
Vachon, Dennis

### SULLIVAN

Adler, Rudolf  
Donovan, Thomas  
Palmer, Lorraine

Allison, David  
Ferland, Brenda  
Robb-Theroux, Amy

Burling, Peter  
Kibbey, David  
Schotanus, Merle

Cloutier, John  
Lindblade, Eric  
Wiggins, Celestine

and the report failed.

Rep. David Welch moved Inexpedient to Legislate.

Adopted.

### INDEFINITE POSTPONEMENT

Rep. Jacobson moved that *HB 1025-FN*, relative to capital murder, first degree murder, and second degree murder, be Indefinitely Postponed.

Adopted.

### REMARKS

Rep. Mirski moved that the remarks made by Rep. Below on HB 1025 be printed in the Journal. On a division vote, 181 members having voted in the affirmative and 127 in the negative, the motion was adopted.

Rep. Jeb Bradley moved that the remarks made by Rep. Cushing on HB 1025 be printed in the Journal.

Adopted.

Rep. Letourneau moved that the remarks made by Rep. Lozeau on HB 1025 be printed in the Journal.

Adopted.

Rep. Below: Madam Speaker, we all know that taking the life of another human being is, as a rule, fundamentally wrong. Thou shall not kill is the fifth commandment. Most of us do recognize a couple of exceptions to this rule. It is no crime to kill in defense of one's own life or that of another innocent person. Perhaps the most difficult and heroic of acts is to face death in combat, to defend one's nation, freedom and democracy. Today, we contemplate another possible exception: the death penalty. Part I, Art. 18 of our New Hampshire Constitution says, "all penalties ought to be proportioned to the nature of the offense." We face three choices today: to expand the death penalty; leave it as it is; or, with the adoption of this amendment, to abolish it, and simply make the penalty for capital murder life imprisonment without any possibility of parole.

In truth, we all seek to do the right thing. Nothing about this issue is easy. I, myself, have felt the anger and outrage of one who has seen the precious life of another extinguished by senseless homicide. I have felt such rage, such a passion to see evil brought to justice, that if given the chance, I thought I would volunteer to be the executioner.

I have struggled to reconcile such an urge for retribution with my own core values and beliefs: that human life is sacred; that when possible, we should choose life over death, good over evil, the possibility of redemption over destruction, of healing over revenge, love over hate.

Why do we consider expanding the death penalty today? Can it make sense in a civilized society, to execute - to kill - in order to teach that killing is wrong? Why would we do this? Article 18 of our Constitution concludes that "the true design of all punishments [is] to reform, not to exterminate..." Now I suppose that if the threat of the death penalty were to deter murders, there might be an argument that its presence in law reforms society, if not the individual criminal. However, there is a complete lack of any such empirical evidence to indicate any deterrent effect. Besides, it is probably safe to assume that murderers simply do not think like us; like normal rational people. They must either think they will not be caught or do not care about consequences at the moment they kill. Deliberate consideration of the laws and their penalties, weighing life imprisonment versus lethal injection, just does not happen by those who murder.

We do have another essential task to consider: to assure that society is protected from ever again being victimized by those who commit the most heinous murders. In this "live free or die" state, we can achieve this goal by saying that for those who are guilty of capital murder, we will lock them up and throw away the key until the day they die. They will be denied their freedom for the rest of their natural lives.

Part II, Art. 83 of our Constitution makes it a duty of our office, as legislators, to "inculcate the principles of humanity and general benevolence...among the people." Inculcate - meaning to impress upon the mind by persistent urging - the principle of humanity - civilizing, refining; having what are considered the best qualities of humankind: tenderness, kindness, mercy, and we are to inculcate the principle of general or widespread benevolence, meaning any inclination to do good; goodwill; charity. Thus, it is our sworn duty, as leaders of this body politic, to foster the best qualities and the most potential for good in the people of our state.

These constitutional principles point to a very basic problem with the death penalty. It denies the possibility of redemption and reform. No matter how great the sin, or how evil the crime, who are we to deny the possibility that through God's love, a human spirit might be redeemed, changed and transformed; that true regret and remorse might lead to repentance, atonement, even some healing; that the best qualities of humanity might be more fully realized? Who are we to deny such a possibility?

Two thousand years ago, Jesus said that though "you have heard an 'Eye for an eye, and a tooth for a tooth,' I tell you that you should not set yourself against those who wrong you;...that although you have been told 'Love your neighbor, hate your enemy,' I tell you: love your enemies, and pray for those who persecute you."<sup>1</sup> Jesus espoused the dignity and worth, the potential for redemption and good, in every human being. Who are we to deny it?

Two hundred years ago, John Newton wrote the words: "Amazing grace, how sweet the sound, that saved a wretch like me, I once was lost, but now am found; was blind, but now I see." John Newton, that lost and blind wretch of a soul, was a slave trader. By his own account, scores of slaves, scores of innocent men, women and children died and were buried at sea while in his custody as he commanded slave trading ships in the 1750s. In another time and place, in another jurisdiction, John Newton might have been subjected to the death penalty for his horrific crimes against humanity, for the death that he was directly responsible for. Instead, by the amazing grace of God he saw the light, repented, was redeemed and found. Instead, John Newton became an eloquent and influential leader of the anti-slavery movement that led to the abolition of slave trade under English law and he gave us the hymn, *Amazing Grace*. Who are we to deny the possibility of redemption, true change and healing?

Early last month, the State of Texas executed Karla Faye Tucker who had brutally murdered with a pickaxe. During her 15 years on death row she underwent a religious conversion "that, according to people who knew her," was sincere and "redirected her life" in prison to serving "God and helping others."<sup>2</sup> She expressed regret for her crime and apologized to the relatives of her victims "even as she was strapped to the gurney" for her lethal injection. Some commentators have questioned or even mocked her conversion and wondered if it was just a ploy to gain leniency. Karla Fay's spiritual status is between her and her Maker. But, who are we to deny, through execution, the possibility of redemption? Who are we to foreclose, through the death penalty, "the prospect of genuine moral change?"

We have been nearly 60 years without an execution in New Hampshire. Why revive this ancient and divisive practice now? As we enter a new millenium, when virtually all civilized and democratic nations, save ours, have abolished the death penalty, and most such nations will not even extradite accused murderers to states where they might face execution, why revive and expand this practice? Our desire for justice, retribution and even revenge comes to us naturally. But why let murderers debase our values and diminish our love for life? Why allow murderers to make us participants in perpetuating cycles of violence and revenge. Why drag all of us down by placing the blood of unnecessary killing on all of our hands?

The death penalty does not advance the cause of justice. It does not deter. It is morally wrong; and, incidentally, it is a serious waste of the taxpayer's money. In case you haven't heard, each death penalty that we as a state seek to impose is likely to cost all of us on the order of \$1 to \$2 million more than the cost to impose and carry out a sentence of life imprisonment. I can think of a lot better uses for such money, especially if our goal is to reduce the incidence of crime, violence and victimization and instead, increase the peace.

<sup>1</sup> Matthew 5:38-44

<sup>2</sup> Drawn from *The Christian Science Monitor*, 2/5/98, p.20, "On execution" (editorial) and 2/6/98, p. 21, "Karla Faye." Speech given orally without attribution of quoted phrases with permission of the Christian Science Publishing Society.

In conclusion, Madam Speaker, I urge my colleagues who are in doubt about whether to expand the death penalty or to abolish it, to yield their doubt on this question to those who strongly believe that it is wrong in a democracy to place all of us, as citizens of this state, as a body politic, in the role of executioner and premeditated killer. Please yield your doubt in favor of life, humanity and general benevolence. Yield your vote now in favor of the power of love and the possibilities, yes, the possibilities, of redemption, reform, and healing. Thank you.

Rep. Cushing: Thank you, Madam Speaker. I rise to speak in support of the Below/Cushing Floor Amendment. I've thought a lot about murder. I really wish we weren't talking about murder, death and the death penalty today. I am opposed to the death penalty, but I want to talk about it in terms of crimes and victims and base my opposition in a way that acknowledges the primacy, the pain of victims and that is conscious of the fact that a discussion of the death penalty is not in and of itself a revictimization of homicide survivors. I am opposed to violence and killing first and that includes the death penalty. But, I am respectful of those who from a moral view, believe otherwise.

On June 1, 1988, Marie and Robert Cushing planted a garden in the backyard of their home at 395 Winnacunnet Road in Hampton. It was a ritual of the season in a familiar place, in the ground they had bought together in 1952 with the GI Bill. The same 12,000 square foot lot where they raised their seven children. Robert had retired as an elementary school teacher several years earlier. Marie was 17 days from her retirement after 23 years teaching reading in Newmarket. They were celebrating a new granddaughter also named Marie Cushing. The first child of their oldest son, my first daughter, who, on June 1<sup>st</sup>, marked her 59<sup>th</sup> day on earth. They were happy. Life was good. In mid-evening, I stopped off for a visit, some quick tales, some smiles, some laughs with my Dad. I left him at the kitchen table reading the nightly paper while my Mother lay on the couch watching the Celtic's playoffs. A while after I left, a stranger knocked on the front door. My father got up to answer. Two shotgun blasts were fired through the screen, lifting him up and hurling him backwards; the shrapnel lifting the life out of him.

Those who love me and love my six brothers and sisters say that from the moment that shotgun blast turned my father's chest into hamburger, my laugh and our laughs have never been the same. June 1, 1988 was a transformational day that will mark my life forever. Murder is awful. I can't tell you how painful it is to have someone you love murdered. I can't tell you about the emptiness, about the hurt. I can't begin to tell you how others treat you. When the murder is done, in a moment there is a whole series of revictimizations that begin. It is the death notification and the autopsy and the casket and the makeup and the burial and the investigation and the indictment and the trial and the hearing and the appeal. It is what I call the dead zone. I don't know if it ever gets over. I am in it right now as I speak to you. The most difficult thing I have ever had to ask anyone was for help in getting my father's blood cleaned off the floor and walls.

Survivors of crime, survivors of homicide want three things. They want to know the truth about what happened. It doesn't mean that there will be a rational understanding of events but they want to know the truth. They want to have justice in whatever fashion. I can tell you in the instance of a murder that real justice would only come if you could exchange the life of the one who killed for the life in the grave. That is justice. We can't do that. So, we have to fashion something akin to that. Finally, we want to heal. I think that is the same for individuals affected by murder or for a society. A man came up to me after my father was murdered and the individuals responsible arrested and said, "I hope they fry those people. I hope they fry them so you people can get some peace." I know that man meant to comfort, but to me that was the most horrible thing he could have possibly said, I think, at that moment.

Prior to my father's murder I had evolved a personal set of values that included a respect for life and an opposition to the death penalty. Although I am of the Irish-Catholic tradition, whose religious teachings include "Thou shalt not kill," that's not all of it. It is just more of how I want to live my life and the vision I have for the society I want to live in. For me to change my beliefs because my father was murdered would only give over more power to the killers, for they would take not just my father's life, but my values. The same is true for society. If we let those who murder turn us to murder, it gives over more power to those who do evil. We become what we say we abhor. I do not want to be consumed by hate; "an eye for an eye" leaves everyone blind. I do not want the State of New Hampshire to do to the man who murdered my



father what that man did to my family. You have to know that for some survivors of homicide, the thought of executing someone adds to the pain. Nothing makes me shudder more than the carnival atmosphere that I see surrounding executions. It is like it's a party. That is incredibly disrespectful to victims.

At the end of the day, we will be deciding whether to abolish the death penalty, to keep it as it is or to expand it. But, no matter what the outcome of today's discussion is, there is nothing to celebrate. No one should leave here feeling good about having to have a talk about murder. It represents a colossal failure of society and of individuals.

My youngest daughter's name is Grace; Amazing Grace like the song that Cliff referred to, the song written by a man who was a murderer and a slaver and turned into an abolitionist. Every day I think about murder. When I hear my children's laughter, I hear the sound of my father. I miss him. I wish I could bring him back. I'm sure a lot of people would like that. I can't bring him back. What I can do is honor his life and try to lead my life upholding the ideals that he instilled in me. I'm going to spend a long time wrestling with my father's murder. I'm going to try to figure out a way to relate to those who caused me such pain in taking from me the most influential person I have known. I don't know if it will ever be possible to come to reconciliation. I am glad they are serving life without parole instead of the death penalty. I don't want to spend my life consumed by hatred. I want to hold out the possibility that someday I'll be able to forgive. As one victim, as a colleague, I stand before you to ask that you vote to abolish the death penalty, not so much because I want murderers to live but because if the state kills them, that forever forecloses the possibility that those of us who are victims might be able to figure out how to forgive. We've lost enough already. Don't take that option for healing away, please.

Rep. Lozeau: Thank you, Madam Speaker. Let me start by telling you that I don't for one instant think that anything that any of us could say up here could change our overall feeling as it relates to the death penalty. It is what I like to call an "inney." It is something that you have to decide inside. Whether you can logically explain it or not, that's how it is.

When we looked at the death penalty this year, we thought that what we should do is take a comprehensive approach. Some of the crimes that you have heard talked about today relative to Colebrook and the Buchanan case and some of the others that we have all heard about had a little fervor going sometime ago. We were concerned that many people might get involved by choosing what they felt was more heinous than the other and that we would have multiple bills each dealing with separate pieces. Maybe the best way to handle that is to take one and take a comprehensive approach to say, "this is the '90s; here is our capital murder statute; what are the appropriate things to change?" We've done that. In 1990, I stood before this House, having been a member of the Judiciary Committee, and I asked the House to vote against the expansion of the death penalty as it related to two new crimes: one was rape and one was drug crimes. I did it for the very reasons I started to talk about, and that is I don't want to see us, year after year, choose a crime that we have now determined is just more awful than the other one and tag it on. That is not what capital punishment is about. It is about talking about the whole picture. How it effects everything across the board. The bill before you today has done that. The bill before you today talks about things that we haven't talked about before. There weren't a lot of people thinking about people who blow up buildings. Serial murders; they weren't here in New Hampshire. That was the Son of Sam and California. Those were those people. The question is, we have a death penalty and should that death penalty include crimes that we believe rise to the level of heinousness. You have heard the list a lot of times today - multiple murders, serial killers, children under 13, witnesses and informers. But, what I am very concerned about is legislative intent. I don't know how many of you have gone to Superior Court and watched two lawyers argue over what the legislature intended when they passed a law, but I have. Based on my personality, it is exceptionally difficult to sit on the back bench in the courtroom and not be able to jump up and say, "Oh, no. I was there that's not what we talked about." But lawyers do look, both sides look, and so I think it is really important today, based on all the red flags we've all heard for months now, to make sure that we are clear. What is clear is the addition of serious bodily injury. That is what we hear a lot about. We're saying that's the fight, the broken finger, the gangrene, the eyeball. We've heard them all. What's important to remember here is that every crime, no matter what it is, whether it is capital murder, first degree - any crime at all within the criminal code has two parts. Those two parts are the act, what you did, and your mental state. They have talked about *mens rea*, that is a Latin term and frankly I didn't really re-

member much of my Latin from high school, so I had to look it up. It comes from "an evil mind," that's what it means. It means what you intended when you did it. The cases that have been raised are not to be determined on the act, but are to be determined on the intent. You have to intend the serious bodily injury and you have to intend the death. Now, we have not had a rash of capital crime, capital prosecutions in this state. We all know that; 1939 was the last death. We have somebody currently charged now. But we have had cases that may have risen to that level. Pam Smart. There is a case we all recall. Based on the existing law without this addition, she would have fallen under this. But our prosecutors used their discretion and chose not to charge in that case on capital murder. Now, the Buchanan case, the rape and death of a six-year-old. Do you remember what the papers were talking about? How they were demanding that we string this guy up on the front lawn; that everybody watch because of what an awful man he was and what he did? Then the Attorney General didn't charge as capital murder and people were outraged. They were demanding that that be different. But you know what. The Attorney General was in a position that nobody else in this state was in. He knew the evidence and he knew what he had and since then we have all learned some of that evidence and we know that he used his discretion appropriately. I believe that to be the case. I believe it will continue to be the case.

The other piece of this that can make us stop and pause and wonder about "are we doing the right thing" is that poor get-away-car driver. We're worried about the person that wasn't really involved and didn't really know. Well, felony murder, which you have heard about, that has been removed from the bill and accomplice are two separate things. So, we don't have to talk about felony murder because it is not here. But, we do have to talk about accomplices. As I said, I think it is so important that I actually wrote down what I wanted to say as it relates to this piece. You can't be an accomplice to an unintended act because accomplice requires that you act with a purpose, that the crime be committed. When we adopted our criminal code and it went into effect in 1973, accomplice liability was in it. It applies to every crime. That is not new in the bill before you. It has always applied. We all know we stated it in the purpose as we opened the bill, but it still applies. What is before you today, ladies and gentlemen, is what I believe is an appropriate expansion of our death penalty, limited on things that should be included. What is missing from the debate that I've been concerned about is just plain common sense. Before you heard about the broken finger and some of the other things that you have heard about, did you think they would be up for capital murder? Of course you didn't. And, neither would a prosecutor charge and neither would a jury of 12 convict. Our system is a good system. We should have faith in the system and we should continue to believe that we will carry forward in a reasonable and a responsible manner. I feel confident in supporting this bill as Ought to Pass as Amended and I will choose to vote that way. Thank you.

#### RECESS

(Speaker Sytek in the Chair)

#### RESOLUTION

Reps. Wheeler and Burling offered the following:

RESOLVED, that the House inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of welcoming the members of the 1998 Olympic Gold-Medal-winning Women's Ice Hockey Team. Adopted.

#### RECESS

#### SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of welcoming the members of the 1998 Olympic Gold-Medal-winning Women's Ice Hockey team.

#### JOINT CONVENTION

(Speaker Sytek presiding)

#### INTRODUCTION OF GUESTS

Walter Dunn, father of Tricia Dunn; Joe and Sue King, parents of Katie King; and Sue, Mike and Mick Mounsey, the parents and brother of Tara Mounsey, guests of the Joint Convention.

Katie King of Salem, Tricia Dunn of Derry and Tara Mounsey of Concord were welcomed by the Joint Convention.

Sen. Blaisdell and Rep. Wheeler moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

## RECESS

(Speaker Sytek in the Chair)

### SPECIAL ORDERS (CONT'D.)

**HB 1365**, establishing a committee to study whether any state laws were violated or any misrepresentations made up to and including the present date in the merger of Catholic Medical Center and Elliot Hospital. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David T. Mittelman for the Majority of Commerce: At the present time, it is neither prudent nor necessary to establish a study committee to examine the merger between Catholic Medical Center and Elliot Hospital. There are already mechanisms in place for doing exactly that. On the state level, the Attorney General's office is reviewing the legality of the merger. On the local level, the mayor has created a Task Force on the Future of Healthcare in Greater Manchester. For the legislature to conduct an additional study would only duplicate these efforts. In fact, another study may only serve to distract from the Attorney General's and the Task Force's work. While it may be necessary to establish a legislative study committee in the future, to do so now would be both premature and counterproductive. Vote 11-4.

Rep. William J. McCarthy for the Minority of Commerce: With the recent and continuing controversy regarding the Optima merger of Elliot and CMC and the ensuing suspicions, it would seem to be a very prudent, responsible, considerate, respectful and effective move to keep this bill, a bill calling simply for a committee to study possible violations of ANY state laws in the merger of CMC and Elliot Hospitals, rather than dealing it a death blow now. Keeping it alive would not only be considerate of the people of Manchester who have expressed their serious concerns over this controversial merger, but would also provide the legislature with the flexibility and power to learn how to prevent possible problems in the future. The minority urges you to pass HB 1365 and thinks that an ITL recommendation is premature, peremptory and unnecessary. The House should keep its options open and pass HB 1365 which the Minority believes duplicates neither the efforts of the Attorney General or the Mayors Task Force.

Reps. William McCarthy, Robert Chabot, Donald Welch, Paul Dwyer, Reidy, Baroody, Desrosiers and Vaillancourt spoke against.

Reps. D'Allesandro and Mittleman spoke in favor and yielded to questions.

Rep. Buckley spoke against and yielded to questions.

Rep. Hunt spoke in favor.

Rep. Donald Welch requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

### YEAS 170 NAYS 155

#### YEAS 170

#### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Thomas, John

Boyce, Robert  
Hurt, George

Calvert, Alice  
Lawton, David

Clark, Charles  
Pilliod, James

#### CARROLL

Babson, David, Jr.  
Dickinson, Howard, Jr.  
MacDonald, Kenneth

Bradley, Jeb  
Howard, Godfrey  
Patten, Betsey

Chandler, Gene  
Kenney, Joseph  
Philbrick, Donald

Cooper, Kipp  
Lyman, L. Randy

#### CHESHIRE

Avery, Stephen  
McNamara, Wanda

Hunt, John  
Metzger, Katherine

Manning, Joseph  
Royce, H. Charles

McGuirk, Paul  
Smith, Edwin

#### COOS

Davis, Perley  
Tholl, John, Jr.

Merrill, Gerald

Pratt, Leighton

St. Hilaire, Paul



**GRAFTON**

Alger, John  
LaMott, Paul  
Williams, William, Jr.

Eaton, Stephanie  
MacNeil, Allen

Ham, Bonnie  
Phinney, William

Hill, Richard  
Teschner, Douglass

**HILLSBOROUGH**

Ackerman, Philip  
Belvin, William  
Cardin, Lori  
Dawe, Eileen  
Emerton, Lawrence, Sr.  
Franks, Suzan  
Holt, David  
LaRose, Richard  
Martin, Mary  
Messier, Irene  
Peterson, Andrew  
Thulander, O. Alan

Alukonis, David  
Bergin, Peter  
Clay, Susan  
Drabinowicz, A. Theresa  
Fenton, James  
Golding, William  
Hunter, Bruce  
Lozeau, Donnalee  
McCarty, Winston  
Mittelman, David  
Rowe, Robert  
Wheeler, Robert

Arnold, Thomas, Jr.  
Brundige, Robert  
D'Allesandro, Lou  
Durham, Susan  
Fields, Dennis  
Hart, Nick  
Jean, Claudette  
MacGillivray, Jeffrey  
McGough, Tim  
Murphy, Robert  
Sargent, Maxwell

Batula, Peter  
Calawa, Leon, Jr.  
Daniels, Gary  
Dyer, Merton  
Flora, Kathleen  
Herman, Keith  
Kurk, Neal  
MacIntyre, Doris  
Mercer, Robert  
O'Hearn, Jane  
Searles, Stanley, Sr.

**MERRIMACK**

Anderson, Eric  
Dunn, Miriam  
Lamach, Bernard  
Maxfield, Roy

Chandler, Earle  
Feuerstein, Martin  
Leber, William  
Morrill, Olive

Crosby, Toni  
Hess, David  
Lockwood, Robert  
Reardon, Tara

Crowell, Peter  
Hoadley, Elizabeth  
Marshall, Kenneth  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Dearborn, Bruce  
Flanagan, Natalie  
Griffin, Mary  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
Noyes, Richard  
Reardon, Neil  
Stritch, C. Donald  
Verani, Giovanni

Beaulieu, Jon  
Case, Margaret  
Dolan, Richard  
Flanders, John, Sr.  
Guthrie, Joseph  
Katsakiores, George  
Langone, John  
McCarthy, John, Jr.  
Pitts, Jacqueline  
Sapareto, Frank  
Tufts, J. Arthur  
Welch, David

Belanger, Ronald  
Christie, Andrew, Jr.  
Dowd, Sandra  
Francoeur, Sheila  
Henderson, Warren  
Katsakiores, Phyllis  
Letourneau, Robert  
Moore, Benjamin  
Rabideau, Marie  
Stickney, Nancy  
Varrell, Thomas  
Weyler, Kenneth

Bishop, Franklin  
Cooney, Richard  
Fesh, Robert  
Gleason, John  
Hutchinson, Rebecca  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
Nowe, Ronald  
Raynowska, Bernard  
Stone, Joseph  
Vaughn, Charles

**STRAFFORD**

Brown, Julie  
Grassie, Anne  
Snyder, Clair  
Vincent, Francis

Callaghan, Frank  
Lundborn, Raymond  
Spear, Barbara

Cossette, Larry  
McKinley, Robert  
Torr, Franklin

Dunlap, Patricia  
Musler, George  
Tsiros, William

**SULLIVAN**

Adler, Rudolf  
Lindblade, Eric

Allison, David  
Schotanus, Merle

Kibbey, David

Leone, Richard

**NAYS 155****BELKNAP**

Boriso, Thomas  
Rice, Thomas, Jr.

Golden, Paul  
Rosen, Ralph

Laffam, Robert  
Salatiello, Thomas

Lawton, Robert  
Turner, Robert

**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Lynch, Margaret	Lynott, Margaret	Meader, David	Pratt, John
Richardson, Barbara	Robertson, Timothy	Vogl, John	

**COOS**

Bradley, Paula	Coulombe, Henry	Hawkinson, Marie	Mears, Edgar
Moynihan, Wayne			

**GRAFTON**

Akins, Ralph	Almy, Susan	Below, Clifton	Copenhaver, Marion
Guest, Robert	Hinman, Harry	Lovett, Sidney	Luker, Elsa
Mirski, Paul	Nordgren, Sharon	Weber, Phil	

**HILLSBOROUGH**

Allen, W. Gordon	Ameen, W.	Amidon, Eleanor	Baroody, Benjamin
Barry, William, III	Bernier, Shannon	Buckley, Raymond	Burke, M. Virginia
Carlson, Donald	Chabot, Ernest	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr.	Clemons, Jane	Cote, Peter	Daigle, Robert
Desrosiers, William	Dokmo, Cynthia	Dwyer, Paul, Sr.	Foster, Joseph
Foster, Linda	Gage, Ruth	Gagnon, Eugene	Ginsburg, Ruth
Haettenschwiler, Alphonse	Holley, Sylvia	Jean, Loren	Johnson, Lionel
Konys, Christine	L'Heureux, Robert	Lefebvre, Roland	Leishman, Peter
Leonard, Peter	Lessard, Rudy	Luebker, Bernard	Lynde, Harold
Marcinkowski, Michael	McCarthy, William	McDonald, James, Sr.	McRae, Karen
Melcher, Harold	Milligan, Robert	Murch, George	Reidy, Frank
Riley, Frances	Turgeon, Roland	Vaillancourt, Steve	Welch, Donald
White, Donald	White, Jay		

**MERRIMACK**

Burney, Carol	Daneault, Gabriel	DeStefano, Stephen	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Jacobson, Alf
Krueger, Patricia	Langer, Ray	Larrabee, David	Lavoie, Gerard
Moore, Carol	Owen, Derek	Rogers, Katherine	Seldin, Gloria
St. Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane	Whittemore, James
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Cushing, Robert
Dalrymple, Janeen	Dodge, Robert	Dunham, Vivian	Flanders, David
Frechette, Joseph	Heath, John	Kane, Cecelia	Kelley, Jane
Langley, Jane	McKinney, Betsy	Micklon, Stephanie	Mikowski, Walter
Morris, Debbie	Norelli, Terie	Packard, Sherman	Pantelakos, Laura
Sabella, Norma	Schanda, Frank	Syracusa, Anthony	

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	DeChane, Marlene
Estabrook, Iris	Hemon, Roland	Heon, Richard	Keans, Sandra
McCann, William, Jr.	Merrill, Amanda	Pelletier, Arthur	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Sullivan, Henry	Taylor, Kathleen
Twardus, Joseph	Vachon, Dennis	Wall, Janet	

**SULLIVAN**

Burling, Peter	Cloutier, John	Donovan, Thomas	Ferland, Brenda
Palmer, Lorraine	Robb-Theroux, Amy	Wiggins, Celestine	

and the majority report was adopted.

Rep. Malcolm did not vote and wished to be recorded in favor.

Reps. Pfaff, Piteri and Ann Torr declared conflicts of interest and did not participate.

**HB 1397-FN-A-L**, reestablishing the investment tax credit against the business profits tax under the community development finance authority. **REFER FOR INTERIM STUDY**

Rep. Avis B. Nichols for Finance: This bill would not only extend the investment tax credit against the Business Profits Tax for investments under the Community Finance Authority but would increase the amount of the credit from \$2,000,000 per year to \$5,000,000. This could decrease state revenue each year up to \$6,200,000 in year 2002. By voting Interim Study for this bill the approved projects will continue to be funded. It will also give the legislature time to continue looking at funding for the Claremont decision before decreasing proceeds from the BPT. Vote 12-5.

Reps. Fuller Clark and Avery spoke against.

Reps. Weyler and Kurk spoke in favor and yielded to questions.

Rep. Kurk requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 154 NAYS 169

### YEAS 154

#### BELKNAP

Bartlett, Gordon	Boyce, Robert	Calvert, Alice	Clark, Charles
Golden, Paul	Holbrook, Robert	Lawton, David	Pilliod, James
Rice, Thomas, Jr.	Rosen, Ralph	Thomas, John	Turner, Robert

#### CARROLL

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsy			

#### CHESHIRE

McNamara, Wanda	Royce, H. Charles	Smith, Edwin	Steere, Myron, III
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#### COOS

Davis, Perley	Guay, Lawrence	Pratt, Leighton	Toll, John, Jr.
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#### GRAFTON

Akins, Ralph	Alger, John	Cobbin, Philip	Eaton, Stephanie
Guaraldi, Lawrence	Ham, Bonnie	Hill, Richard	Hinman, Harry
Teschner, Douglass	Weber, Phil	Williams, William, Jr.	

#### HILLSBOROUGH

Alukonis, David	Ameen, W.	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Bergin, Peter	Brundige, Robert	Burke, M. Virginia
Calawa, Leon, Jr.	Carlson, Donald	Chabot, Ernest	Chabot, Robert
Christiansen, Lars	Clegg, Robert, Jr.	Daniels, Gary	Desrosiers, William
Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton	Emerton, Lawrence, Sr.
Fenton, James	Gagnon, Eugene	Golding, William	Goulet, Maurice
Herman, Keith	Holley, Sylvia	Hunter, Bruce	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lessard, Rudy
Lozeau, Donnalee	Luebker, Bernard	MacGillivray, Jeffrey	MacIntyre, Doris
Marcinkowski, Michael	McCarthy, William	McCarty, Winston	McRae, Karen
Milligan, Robert	Mittelman, David	Murch, George	O'Hearn, Jane
Peterson, Andrew	Riley, Frances	Rowe, Robert	Sargent, Maxwell
Searles, Stanley, Sr.	Thulander, O. Alan	Wheeler, Robert	White, Donald
Wright, George			

#### MERRIMACK

Anderson, Eric	Chandler, Earle	Crowell, Peter	Feuerstein, Martin
Hess, David	Lamach, Bernard	Langer, Ray	Larrabee, David
Lavoie, Gerard	Leber, William	Marshall, Kenneth	Morrill, Olive
Whalley, Michael			



**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Camm, Kevin
Case, Margaret	Christie, Andrew, Jr.	Cooney, Richard	Dalrymple, Janeen
Dearborn, Bruce	Dodge, Robert	Dolan, Richard	Dowd, Sandra
Dunham, Vivian	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr.	Griffin, Mary	Guthrie, Joseph	Henderson, Warren
Klemm, Arthur, Jr.	Kobel, Rudolph	Letourneau, Robert	Major, Norman
Malcolm, Kenneth	McKinney, Betsy	Mikowski, Walter	Moore, Benjamin
Nowe, Ronald	Packard, Sherman	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Sapareto, Frank	Stone, Joseph	Stritch, C. Donald
Tufts, J. Arthur	Varrell, Thomas	Verani, Giovanni	Welch, David
Weyler, Kenneth			

**STRAFFORD**

Bickford, David	Cossette, Larry	Musler, George	Spear, Barbara
Torr, Franklin			

**SULLIVAN**

Adler, Rudolf	Kibbey, David
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**NAYS 169****BELKNAP**

Boriso, Thomas	Hurt, George	Laflam, Robert	Lawton, Robert
Salatiello, Thomas			

**CARROLL**

Cooper, Kipp	Dickinson, Howard, Jr.	Philbrick, Donald
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**CHESHIRE**

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Hunt, John	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Metzger, Katherine
Pratt, John	Richardson, Barbara	Robertson, Timothy	Vogl, John

**COOS**

Bradley, Paula	Coulombe, Henry	Hawkinson, Marie	Mears, Edgar
Merrill, Gerald	Moynihan, Wayne	St. Hilaire, Paul	

**GRAFTON**

Almy, Susan	Below, Clifton	Copenhaver, Marion	Guest, Robert
Lovett, Sidney	Luker, Elsa	Nordgren, Sharon	Phinney, William

**HILLSBOROUGH**

Ackerman, Philip	Allen, W. Gordon	Amidon, Eleanor	Barry, William, III
Buckley, Raymond	Clay, Susan	Clemons, Jane	Cote, Peter
D'Allesandro, Lou	Daigle, Robert	Dawe, Eileen	Dokmo, Cynthia
Drabinowicz, A. Theresa	Fields, Dennis	Flora, Kathleen	Foster, Joseph
Foster, Linda	Franks, Suzan	Gage, Ruth	Ginsburg, Ruth
Haettenschwiller, Alphonse	Hart, Nick	Holt, David	Jean, Claudette
Johnson, Lionel	Konys, Christine	Leishman, Peter	Leonard, Peter
Lynde, Harold	Martin, Mary	McDonald, James, Sr.	McGough, Tim
Melcher, Harold	Mercer, Robert	Messier, Irene	Murphy, Robert
Reidy, Frank	Turgeon, Roland	Vaillancourt, Steve	Welch, Donald
White, Jay			

**MERRIMACK**

Burney, Carol	Crosby, Toni	Daneault, Gabriel	DeStefano, Stephen
Dunn, Miriam	Fraser, Marilyn	French, Barbara	Gile, Mary

Hager, Elizabeth	Hadley, Elizabeth	Jacobson, Alf	Lockwood, Robert
Maxfield, Roy	Moore, Carol	Owen, Derek	Pfaff, Terence
Reardon, Tara	Rogers, Katherine	Seldin, Gloria	St. Cyr, Gerard
Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles	

### ROCKINGHAM

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Cushing, Robert
Francoeur, Sheila	Frechette, Joseph	Gleason, John	Heath, John
Hutchinson, Rebecca	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Langley, Jane	Langone, John	Lovejoy, Marian
Micklon, Stephanie	Morris, Debbie	Norelli, Terie	Noyes, Richard
Pantelakos, Laura	Pitts, Jacqueline	Sabella, Norma	Schanda, Frank
Stickney, Nancy	Syracusa, Anthony	Vaughn, Charles	

### STRAFFORD

Berube, Roger	Brennan, William	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Grassie, Anne
Hemon, Roland	Heon, Richard	Keans, Sandra	Lundborn, Raymond
McCann, William, Jr.	McKinley, Robert	Merrill, Amanda	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Sullivan, Henry	Taylor, Kathleen	Torr, Ann
Tsiros, William	Twardus, Joseph	Vachon, Dennis	Wall, Janet

### SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Leone, Richard	Lindblade, Eric	Palmer, Lorraine
Robb-Theroux, Amy	Schotanus, Merle	Wiggins, Celestine	

and the report failed.

Reps. Krueger and Mirski declared conflicts of interest and did not participate.

Rep. Fuller Clark moved Ought to Pass with Amendment and offered a floor amendment.

#### Floor Amendment (0976h)

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect July 1, 1999.

Rep. Fuller Clark spoke in favor.

Adopted.

Report adopted and ordered to third reading.

### REGULAR CALENDAR

**HB 1189-FN**, increasing the limits of direct off-premises sales from breweries and brew pubs.  
**OUGHT TO PASS WITH AMENDMENT**

Rep. William J. Desrosiers for Local and Regulated Revenues: This bill as amended will allow small craft brewers to sell one case of beer per person per day directly from the place of manufacture. Present law allows one 6-pack to be sold. This helps the brewer create demand for its product through tourism and "word of mouth," i.e., taste. Vote 12-3.

#### Amendment (0867h)

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

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

V. The holder of a beverage manufacturer license may sell beverages to the general public for off-premises consumption, in quantities not to exceed ~~[72 fluid ounces]~~ *the equivalent of one case of 12 ounce containers per person per day*. Package sizes shall be approved, pursuant to RSA 179:33, I and II. Such beverages shall not be sold to retail licensees for resale. Each beverage manufacturer shall pay a fee as required by RSA 178:30, I for each gallon of beverage sold under this paragraph.

2 Brew Pub; Off-Premises Sales. Amend RSA 178:10-a, II to read as follows:

II. Brew pub licenses shall authorize the licensee to manufacture and sell beer to individuals for on-sale consumption, for off-sale consumption; and additionally to sell the beer it manufactures to

wholesale distributors for distribution within the state and to transport the beer the brew pub manufacturers to the state line for sale outside the state. A brew pub, as a functional part of its premises, shall maintain a full service restaurant and may subsequently serve beverage and liquor as permitted by RSA 178:19, II(a)(1) and RSA 178:20, V(q). Off-sales of beer brewed by a brew pub, not to exceed ~~[+80 fluid ounces]~~ *the equivalent of one case of 12 ounce containers* per person per day shall be made in containers ordinary and customary to the industry which shall be approved by the commission.

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

Adopted.

Report adopted and ordered to third reading.

**HB 1467**, establishing a study committee to determine the means and criteria for generating an analysis of New Hampshire's long-term strategic options regarding the sale and distribution of distilled spirits, beer, and wine. REFER FOR INTERIM STUDY

Rep. Jean R. Wallin for Local and Regulated Revenues: This vehicle will permit the committee to review and analyze the state of New Hampshire's long term strategic options regarding the sale and distribution of distilled spirits, wine and beer. Vote 12-3.

Adopted.

**HB 1252**, relative to the right to farm. OUGHT TO PASS WITH AMENDMENT

Rep. Robert W. Brundige for Municipal and County Government: This bill provides protection for agricultural activities by creating a presumption that unless explicitly addressed through zoning, such activities are deemed permitted if conducted in accordance with best management practices adopted by the commissioner of agriculture, markets and food and with federal and state laws, regulations and rules. The amendment changed the effective date to July 1, 1999 to give municipalities the opportunity to amend their zoning laws if necessary. Vote 13-2.

#### Amendment (0849h)

Amend RSA 674:32-a as inserted by section 3 of the bill by replacing it with the following:

674:32-a Presumption. In accordance with RSA 672:1, III-d, whenever agricultural activities are not explicitly addressed with respect to any zoning district or location, they shall be deemed to be permitted there, as either a primary or accessory use, so long as conducted in accordance with best management practices adopted by the commissioner of agriculture, markets, and food and with federal and state laws, regulations, and rules.

Amend RSA 674:32-b, II(a) as inserted by section 3 of the bill by replacing it with the following:

(a) Any new establishment, re-establishment after disuse, or significant expansion of an operation involving the keeping of livestock, poultry, or other animals may be made subject to special exception or other permit, and may be regulated to the extent necessary to prevent demonstrated adverse impacts on adjacent property.

Amend RSA 674:32-c, II as inserted by section 3 of the bill by replacing it with the following:

II. Nothing in this subdivision shall exempt agricultural operations from generally applicable building and site requirements such as dimensional standards, setbacks, driveway and traffic regulations, parking requirements, noise restrictions or sign regulations; provided, however, that in circumstances where their literal application would effectively prohibit an agricultural use allowed by this subdivision, or would otherwise be unreasonable in the context of an agricultural use, the building inspector, administrative officer, or board of adjustment or building code board of appeals acting on appeal, shall grant a waiver from such requirement to the extent necessary to reasonably permit the agricultural use, unless such waiver would have a demonstrated adverse effect on public health or safety, or the value of adjacent property.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect July 1, 1999.

#### AMENDED ANALYSIS

This bill provides protections for agricultural activities by creating a presumption that unless explicitly addressed through zoning such activities are deemed permitted if conducted in accordance with best management practices adopted by the commissioner of agriculture, markets, and food and all applicable laws and regulations.

Adopted.

Report adopted and ordered to third reading.



**HB 1435-L**, relative to the vote required for a legislative body of a municipality to accept a street.  
**OUGHT TO PASS WITH AMENDMENT**

Rep. Paul A. McGuirk for Municipal and County Government: Currently, when a landowner has a tax dispute over a town boundary which affects his/her boundary, an appeal is filed. Section 1 of this bill gives the Board of Land & Tax Appeals the authority to settle the appeal instead of requiring the taxpayer to go to Superior Court. Section 2, 3 and 4 deal with conflicting and confusing appeal dates regarding Land Use Change Tax. Right now, there are two separate appeal periods for Land Use Change Tax and this portion of the bill provides a single appeal period (two months from the date of bill for an appeal to the town and eight months from date of bill for an appeal to Board of Land and Tax Appeals.) Section 5 deals with the votes required for the acceptance of streets by an authorized Planning Board. In the bill a majority of those present and voting or 2/3 of those present and voting are required, instead of a majority or 2/3 of the entire membership of the local legislative body. Section 6 deals with exempting islands served exclusively by boats from the requirement of being on an approved or platted road if the local legislative body votes to approve the policy. Vote 11-3.

**Amendment (0875h)**

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

AN ACT relative to board of tax and land appeals jurisdiction over town line disputes, relative to time limits for abatement and appeal of a land use change tax, relative to the vote required for a legislative body of a municipality to accept a street, and relative to allowing municipalities to except islands from certain requirements concerning streets.

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

1 Disputed Town Line; Certain Board of Tax and Land Appeals Added. Amend RSA 51:7 to read as follows:

51:7 Disagreement.

I. When the selectmen of adjoining towns shall disagree in renewing and establishing the lines and bounds of such towns, the superior court for the county in which the town first incorporated or paying the highest tax as aforesaid is situate, upon petition and after notice to the other towns interested, shall, either examine said disputed lines or appoint a committee for that purpose, and the court's decision thereon shall be final; and the court may order either or both towns to pay the costs, as deemed just.

*II. For a dispute as to the actual location of a town line arising in a matter on appeal before the board of tax and land appeals pursuant to RSA 76:16-a, the board of tax and land appeals shall have concurrent jurisdiction with the superior court and shall have the authority granted the superior court in paragraph I.*

2 Failure to File Inventory; References Added. Amend RSA 74:7-a, I to read as follows:

I. Any person who fails to file a fully completed inventory form on or before April 15, unless granted an extension under RSA 74:8, shall pay a penalty of one percent of the property tax for which the person is liable. In no case, however, shall the penalty be less than \$10 or more than \$50. Any person who fails to file an inventory form and who becomes liable to pay the penalty specified in this section shall lose the right to appeal the denial of an abatement [~~which is claimed on the grounds of improper assessment valuation~~] of an assessment under RSA 75:1, but shall not lose the right to apply for, or appeal the denial of, any other type of tax relief *including an appeal under RSA 72:34, an assessment under RSA 75:10, and a land use change tax under RSA 79-A:7.* This penalty has all the force of taxation and shall be treated as incident to the tax.

3 Extensions of Applications; Reference Removed. Amend the introductory paragraph of RSA 76:16-d, II to read as follows:

II. In towns with dates of notice of tax, as defined in RSA 72:1-d and RSA 76:1-a, after December 31, the uniform deadlines in exemption, deferral, and taxation applications, replies and appeals statutes, including RSA 72:33, 34, 34-a, 38-a[;] *and* RSA 76:16, 16-a, *and* 17[~~and RSA 79-A:10;~~] shall be as follows:

4 Abatement of Land Use Change Tax. RSA 79-A:10 is repealed and reenacted to read as follows:  
 79-A:10 Abatement of Land Use Change Tax.

I. Any person aggrieved by the assessment of a land use change tax may, within 2 months of the notice of tax date and not afterwards, apply in writing to the selectmen or assessors for an abatement of the land use change tax.

II. Upon receipt of an application under paragraph I, the selectmen or assessors shall review the application and shall grant or deny the application in writing within 6 months after the notice of tax date.

III.(a) If the selectmen or assessors neglect or refuse to abate the land use change tax, any person aggrieved may either:

(1) Apply in writing to the board of tax and land appeals accompanied with a \$65 filing fee; or

(2) Petition the superior court in the county.

(b) The appeal to either the board of tax and land appeals or superior court shall be filed within 8 months of the notice of tax date and not afterwards.

IV. For purposes of this section, "notice of tax date" means the date the taxing jurisdiction mails the land use change tax bill.

V. Each land use change tax bill shall require a separate abatement request and appeal.

5 Acceptance of Streets; Vote of Those Present and Voting. Amend RSA 674:40, III(a) and (b) to read as follows:

(a) If approved by the board, be approved by a majority vote of ~~the entire membership~~ *those present and voting at a regular or special meeting* of the local legislative body; or

(b) If disapproved by the planning board, be approved by not less than 2/3 of ~~the entire membership of the local legislative body in the case of a city or of a county in which there are located unincorporated towns or unorganized places, or by majority vote of the legal voters present and voting at a regular or special town or district meeting in the case of a town or district~~ *those present and voting at a regular or special meeting of the local legislative body.*

6 New Paragraph; Building Permits; Streets on Islands. Amend RSA 674:41 by inserting after paragraph II the following new paragraph:

II-a. Municipalities may except island lots for islands served exclusively by boats from the requirements of paragraphs I and II by an affirmative vote of the local legislative body, first submitted to the planning board for its approval and:

(a) If approved by the board, approved by a majority of those present and voting at a regular or special meeting of the local legislative body; or

(b) If disapproved by the planning board, approved by not less than 2/3 of those present and voting at a regular or special meeting of the local legislative body.

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

### AMENDED ANALYSIS

This bill :

I. Allows the board of tax and land appeals to decide disputes as to the location of town lines in an appeal concerning abatement of taxes.

II. Clarifies the time limits for abatement and appeal of a land use change tax.

III. Changes the vote required by a legislative body to accept a street.

IV. Allows municipalities to except islands from certain requirements concerning streets.

Adopted.

Report adopted and ordered to third reading.

**HB 1656**, relative to the law enforcement memorial. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Lou D'Allesandro for the Majority of Public Works and Highways: This bill deals with the issue of moving the previously approved Legislative Office Building location of the law enforcement memorial. New locations proposed included the Police Academy and the Justice Department. Previous legislation approving the LOB site did not include any legislative oversight, and the majority of committee members felt that since the design has been approved and work is already commencing on the memorial it was too late to throw other locations into the mix, and the committee strongly supported having the memorial remain in its previously approved location. The committee did not approve any of the offered amendments. Vote 12-4.

Rep. Katherine D. Rogers for the Minority of Public Works and Highways: This bill, if amended, would place the law enforcement memorial on the grounds of the Department of Justice. Although the design of the memorial is not what was originally envisioned or anticipated, it is impressive and a fitting tribute to those it honors. To fulfill its purpose this memorial should have the quality

of a sanctuary, a place which inspires contemplation and reflection. The lawn of the Legislative Office Building is not the most appropriate location for the memorial that has been designed. The design overwhelms rather than enhances the site. The memorial is a plaza, 42 feet in diameter, emblazoned by a flame standing 10-1/2 feet high. It does not grace the space, but consumes it. The lawn of the LOB offers little sanctuary. The memorial would stand on one of the busiest intersections in Concord. This will not provide the serenity and tranquility this memorial deserves. The grounds of the Department of Justice would offer sufficient shelter but accessible space where the memorial would foster the contemplative and reflective setting for which it is designed.

Reps. Katherine Rogers and Wallin spoke against.

Rep. D'Allesandro spoke in favor and yielded to questions.

Rep. Benjamin Moore spoke in favor.

Rep. Tholl requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 196 NAYS 115

### YEAS 196

#### BELKNAP

Bartlett, Gordon  
Clark, Charles  
Lawton, Robert

Boriso, Thomas  
Hurt, George  
Pilliod, James

Boyce, Robert  
Laffam, Robert  
Rice, Thomas, Jr.

Calvert, Alice  
Lawton, David  
Turner, Robert

#### CARROLL

Bradley, Jeb  
Howard, Godfrey  
Mock, Henry

Chandler, Gene  
Kenney, Joseph  
Patten, Betsey

Cooper, Kipp  
Lyman, L. Randy  
Philbrick, Donald

Dickinson, Howard, Jr.  
MacDonald, Kenneth

#### CHESHIRE

Avery, Stephen  
Metzger, Katherine

Burnham, Daniel  
Royce, H. Charles

Hunt, John  
Smith, Edwin

Meador, David  
Steere, Myron, III

#### COOS

Coulombe, Henry  
Moynihan, Wayne

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
Tholl, John, Jr.

Merrill, Gerald

#### GRAFTON

Akins, Ralph  
Cobbin, Philip  
Hill, Richard  
Phinney, William

Alger, John  
Eaton, Stephanie  
Hinman, Harry  
Teschner, Douglass

Almy, Susan  
Guaraldi, Lawrence  
LaMott, Paul  
Weber, Phil

Below, Clifton  
Ham, Bonnie  
Mirski, Paul  
Williams, William, Jr.

#### HILLSBOROUGH

Ackerman, Philip  
Brundige, Robert  
Chabot, Ernest  
D'Allesandro, Lou  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Gage, Ruth  
Haettenschwiller, Alphonse  
Hunter, Bruce  
LaRose, Richard  
MacIntyre, Doris  
Mercer, Robert  
O'Hearn, Jane  
Searles, Stanley, Sr.  
White, Jay

Alukonis, David  
Burke, M. Virginia  
Christiansen, Lars  
Daniels, Gary  
Drabinowicz, A. Theresa  
Fields, Dennis  
Gagnon, Eugene  
Hart, Nick  
Johnson, Lionel  
Lessard, Rudy  
McCarty, Winston  
Messier, Irene  
Riley, Frances  
Thulander, O. Alan  
Wright, George

Arnold, Thomas, Jr.  
Calawa, Leon, Jr.  
Clay, Susan  
Dawe, Eileen  
Durham, Susan  
Flora, Kathleen  
Golding, William  
Herman, Keith  
Kurk, Neal  
Lozeau, Donnalee  
McDonald, James, Sr.  
Mittelman, David  
Rowe, Robert  
Turgeon, Roland

Belvin, William  
Carlson, Donald  
Clegg, Robert, Jr.  
Desrosiers, William  
Dyer, Merton  
Foster, Linda  
Goulet, Maurice  
Holt, David  
L'Heureux, Robert  
MacGillivray, Jeffrey  
McGough, Tim  
Murphy, Robert  
Sargent, Maxwell  
Wheeler, Robert



**MERRIMACK**

Chandler, Earle	Crowell, Peter	Daneault, Gabriel	Hess, David
Jacobson, Alf	Krueger, Patricia	Lamach, Bernard	Langer, Ray
Larrabee, David	Leber, William	Lockwood, Robert	Marshall, Kenneth
Morrill, Olive	St. Cyr, Gerard	Whalley, Michael	Whittemore, James

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Camm, Kevin
Case, Margaret	Christie, Andrew, Jr.	Cooney, Richard	Dalrymple, Janeen
Dearborn, Bruce	Dodge, Robert	Dolan, Richard	Dowd, Sandra
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John, Sr.
Frechette, Joseph	Gleason, John	Griffin, Mary	Guthrie, Joseph
Henderson, Warren	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kobel, Rudolph	Langone, John	Letourneau, Robert	Lovejoy, Marian
Major, Norman	Malcolm, Kenneth	Mikowski, Walter	Moore, Benjamin
Morris, Debbie	Nowe, Ronald	Noyes, Richard	Packard, Sherman
Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Schanda, Frank
Stickney, Nancy	Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony
Varrell, Thomas	Vaughn, Charles	Verani, Giovanni	Welch, David

**STRAFFORD**

Brown, Julie	Callaghan, Frank	Cossette, Larry	DeChane, Marlene
Dunlap, Patricia	Lundborn, Raymond	McKinley, Robert	Musler, George
Rogers, Rose Marie	Spear, Barbara	Sullivan, Henry	Torr, Ann
Torr, Franklin	Tsiros, William	Twardus, Joseph	

**SULLIVAN**

Allison, David	Kibbey, David	Leone, Richard	Lindblade, Eric
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**NAYS 115****BELKNAP**

Golden, Paul	Holbrook, Robert	Rosen, Ralph	Salatiello, Thomas
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**CARROLL**

Babson, David, Jr.

**CHESHIRE**

Bonneau, Sarah	DePecol, Benjamin	Doucette, Richard	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	McNamara, Wanda
Pratt, John	Richardson, Barbara	Robertson, Timothy	Vogl, John

**COOS**

Bradley, Paula	Hawkinson, Marie
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**GRAFTON**

Copenhaver, Marion	Guest, Robert	Lovett, Sidney	Luker, Elsa
Nordgren, Sharon			

**HILLSBOROUGH**

Allen, W. Gordon	Ameen, W.	Amidon, Eleanor	Barry, William, III
Batula, Peter	Bergin, Peter	Buckley, Raymond	Chabot, Robert
Cote, Peter	Daigle, Robert	Fenton, James	Ginsburg, Ruth
Holley, Sylvia	Jean, Claudette	Jean, Loren	Konys, Christine
Leishman, Peter	Leonard, Peter	Luebkert, Bernard	Lynde, Harold
Martin, Mary	McCarthy, William	McRae, Karen	Melcher, Harold
Milligan, Robert	Murch, George	Peterson, Andrew	Reidy, Frank
Vaillancourt, Steve	Welch, Donald	White, Donald	

**MERRIMACK**

Anderson, Eric	Burney, Carol	Crosby, Toni	DeStefano, Stephen
Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn	French, Barbara
Gile, Mary	Hager, Elizabeth	Hoadley, Elizabeth	Lavoie, Gerard
Maxfield, Roy	Moore, Carol	Owen, Derek	Reardon, Tara
Rogers, Katherine	Seldin, Gloria	Wallin, Jean	Wallner, Mary Jane
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Cushing, Robert
Dunham, Vivian	Francoeur, Sheila	Heath, John	Hutchinson, Rebecca
Kane, Cecelia	Langley, Jane	McKinney, Betsy	Micklon, Stephanie
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Sabella, Norma
Sapareto, Frank	Tufts, J. Arthur		

**STRAFFORD**

Bickford, David	Brennan, William	Estabrook, Iris	Hemon, Roland
Keans, Sandra	McCann, William, Jr.	Merrill, Amanda	Pelletier, Arthur
Pelletier, Marsha	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Vachon, Dennis	Wall, Janet		

**SULLIVAN**

Adler, Rudolf	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Palmer, Lorraine	Robb-Theroux, Amy	

and the majority report was adopted.

**SUSPENSION OF RULES**

Reps. Wheeler and Burling moved that the rules be so far suspended as to permit the extension of the reporting date to April 1, 1998 for *HB 1000-FN-L*, relative to a 10-year transportation plan and authorizing construction on the Spaulding Turnpike and *HB 1663-FN*, relative to rulemaking under the administrative procedures act and to permit the extension of the reporting date to May 13, 1998 for all other bills approved for late introduction by the Rules Committee on January 20, 1998.

Adopted by the necessary two-thirds.

**RECONSIDERATION**

Having voted in the prevailing side, Rep. Hunt moved that the House reconsider its action whereby it voted Inexpedient to Legislate on *HB 1365*, establishing a committee to study whether any state laws were violated or any misrepresentations made up to and including the present date in the merger of Catholic Medical Center and Elliot Hospital, and spoke against.

Rep. Vaillancourt spoke in favor.

Rep. Hunt requested a roll call; sufficiently seconded.

The question being the motion to reconsider.

**YEAS 144 NAYS 169****YEAS 144****BELKNAP**

Golden, Paul	Laffam, Robert	Lawton, Robert	Rosen, Ralph
Salatiello, Thomas	Turner, Robert		

**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Lynch, Margaret	Lynott, Margaret	Meador, David	Pratt, John
Richardson, Barbara	Robertson, Timothy	Vogl, John	

**COOS**

Bradley, Paula Moynihan, Wayne	Coulombe, Henry	Hawkinson, Marie	Mears, Edgar
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**GRAFTON**

Akins, Ralph Copenhaver, Marion Lovett, Sidney Weber, Phil	Almy, Susan Guest, Robert Luker, Elsa	Below, Clifton Hinman, Harry Mirski, Paul	Cobbin, Philip LaMott, Paul Nordgren, Sharon
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**HILLSBOROUGH**

Ackerman, Philip Barry, William, III Chabot, Robert Cote, Peter Drabinowicz, A. Theresa Gagnon, Eugene Johnson, Lionel Leonard, Peter McDonald, James, Sr. Murch, George Vaillancourt, Steve	Allen, W. Gordon Buckley, Raymond Christiansen, Lars Daigle, Robert Dwyer, Paul, Sr. Ginsburg, Ruth Konys, Christine Luebker, Bernard McRae, Karen Murphy, Robert Welch, Donald	Ameen, W. Burke, M. Virginia Clegg, Robert, Jr. Daniels, Gary Foster, Linda Holley, Sylvia L'Heureux, Robert Martin, Mary Melcher, Harold Reidy, Frank White, Donald	Amidon, Eleanor Chabot, Ernest Clemons, Jane Dokmo, Cynthia Gage, Ruth Jean, Loren Leishman, Peter McCarthy, William Milligan, Robert Turgeon, Roland White, Jay
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**MERRIMACK**

Burney, Carol Fraser, Marilyn Langer, Ray Rogers, Katherine Wallner, Mary Jane	Daneault, Gabriel French, Barbara Lavoie, Gerard Seldin, Gloria Yeaton, Charles	DeStefano, Stephen Gile, Mary Moore, Carol St. Cyr, Gerard	Dunn, Miriam Krueger, Patricia Owen, Derek Wallin, Jean
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**ROCKINGHAM**

Abbott, Dennis Dunham, Vivian Kane, Cecelia Mikowski, Walter Pitts, Jacqueline Syracusa, Anthony	Blanchard, MaryAnn Flanders, David Kelley, Jane Morris, Debbie Sabella, Norma	Cushing, Robert Frechette, Joseph Langley, Jane Packard, Sherman Sapareto, Frank	Dalrymple, Janeen Griffin, Mary Micklon, Stephanie Pantelakos, Laura Schanda, Frank
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**STRAFFORD**

Bickford, David Estabrook, Iris Merrill, Amanda Rollo, Michael Twardus, Joseph	Brennan, William Hemon, Roland Pelletier, Arthur Smith, Marjorie Vachon, Dennis	DeChane, Marlene Keans, Sandra Pelletier, Marsha Snyder, Clair Wall, Janet	Dunlap, Patricia McCann, William, Jr. Rogers, Rose Marie Sullivan, Henry
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**SULLIVAN**

Cloutier, John Palmer, Lorraine	Donovan, Thomas Robb-Theroux, Amy	Ferland, Brenda Wiggins, Celestine	Leone, Richard
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**NAYS 169****BELKNAP**

Bartlett, Gordon Clark, Charles Pilliod, James	Boriso, Thomas Holbrook, Robert Rice, Thomas, Jr.	Boyce, Robert Hurt, George	Calvert, Alice Lawton, David
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**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Cooper, Kipp	Dickinson, Howard, Jr.
Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy	MacDonald, Kenneth
Mock, Henry	Patten, Betsey	Philbrick, Donald	

**CHESHIRE**

Avery, Stephen	Hunt, John	Manning, Joseph	McGuirk, Paul
McNamara, Wanda	Metzger, Katherine	Royce, H. Charles	Smith, Edwin
Steere, Myron, III			

**COOS**

Davis, Perley	Guay, Lawrence	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr.			

**GRAFTON**

Alger, John	Eaton, Stephanie	Gualardi, Lawrence	Ham, Bonnie
Hill, Richard	Phinney, William	Teschner, Douglass	Williams, William, Jr.

**HILLSBOROUGH**

Alukonis, David	Arnold, Thomas, Jr.	Batula, Peter	Belvin, William
Bergin, Peter	Brundige, Robert	Calawa, Leon, Jr.	Carlson, Donald
Clay, Susan	D'Allesandro, Lou	Dawe, Eileen	Durham, Susan
Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James	Fields, Dennis
Flora, Kathleen	Golding, William	Goulet, Maurice	Haettenschwiller, Alphonse
Hart, Nick	Herman, Keith	Holt, David	Hunter, Bruce
Jean, Claudette	Kurk, Neal	LaRose, Richard	Lessard, Rudy
Lozeau, Donnalee	Lynde, Harold	MacGillivray, Jeffrey	MacIntyre, Doris
McCarty, Winston	McGough, Tim	Mercer, Robert	Messier, Irene
Mittelman, David	O'Hearn, Jane	Peterson, Andrew	Riley, Frances
Rowe, Robert	Sargent, Maxwell	Searles, Stanley, Sr.	Thulander, O. Alan
Wheeler, Robert	Wright, George		

**MERRIMACK**

Anderson, Eric	Chandler, Earle	Crosby, Toni	Crowell, Peter
Feuerstein, Martin	Hager, Elizabeth	Hess, David	Hoadley, Elizabeth
Jacobson, Alf	Lamach, Bernard	Larrabee, David	Leber, William
Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy	Morrill, Olive
Reardon, Tara	Whalley, Michael	Whittemore, James	

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Camm, Kevin
Case, Margaret	Christie, Andrew, Jr.	Clark, Martha	Cooney, Richard
Dearborn, Bruce	Dodge, Robert	Dolan, Richard	Dowd, Sandra
Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr.	Francoeur, Sheila
Gleason, John	Guthrie, Joseph	Heath, John	Henderson, Warren
Hutchinson, Rebecca	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langone, John	Letourneau, Robert	Lovejoy, Marian	Major, Norman
Malcolm, Kenneth	McKinney, Betsy	Moore, Benjamin	Norelli, Terie
Nowe, Ronald	Noyes, Richard	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Stickney, Nancy	Stone, Joseph	Stritch, C. Donald
Tufts, J. Arthur	Varrell, Thomas	Vaughn, Charles	Verani, Giovanni
Welch, David	Weyler, Kenneth		

**STRAFFORD**

Brown, Julie	Callaghan, Frank	Cossette, Larry	Lundborn, Raymond
McKinley, Robert	Musler, George	Spear, Barbara	Torr, Ann
Torr, Franklin	Tsiros, William		

## SULLIVAN

Adler, Rudolf  
Lindblade, Eric

Allison, David

Burling, Peter

Kibbey, David

and reconsideration failed.

Rep. Ann Torr had declared a conflict of interest and inadvertently voted on the motion to reconsider.

## RECONSIDERATION

Having voted with the prevailing side, Rep. Avery moved that the House reconsider its action where by it ordered to third reading, *HB 1397-FN-A-L*, reestablishing the investment tax credit against the business profits tax under the community development finance authority and spoke against. Reconsideration failed.

## RESOLUTION

Rep. Wheeler 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, March 19, 1998 at 10:00 a.m.

Adopted.

## LATE SESSION

## Third reading and final passage

*HB 1397-FN-A-L*, reestablishing the investment tax credit against the business profits tax under the community development finance authority.

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

*HB 1252*, relative to the right to farm.

*HB 1435-L*, relative to board of tax and land appeals jurisdiction over town line disputes, relative to time limits for abatement and appeal of a land use change tax, relative to the vote required for a legislative body of a municipality to accept a street, and relative to allowing municipalities to except islands from certain requirements concerning streets.

## UNANIMOUS CONSENT

Rep. Loren Jean moved that the remarks made by Rep. Donald White be printed in the Journal. Adopted.

Rep. Donald White: Thank you, Madam Speaker. Before I begin, I want to tell this body of my observations today. I am impressed at the behavior of this body today and I am very pleased to have been a member today.

I was reminded this week about My Lai. The reminder was a combination of great pride co-mingled with the memory of what was the darkest moment in the country's military history. The score of non-combatants, villagers caught in an uncontrolled and murderous maelstrom of men gone wild. I cannot tell you why this happened. I know all those in their country's service could only look at their comrades and see no feasible answer. My own brother, a member of that proud group, that included the honorable Representative from New London, could only look at me and shake his head wordlessly. But, the hurt was there. I have never understood, myself, the reasons for this atrocity and probably never will because I have never felt that depth of despair and complete loss of human instinct; but, I am comforted by what I remember. World War II's GIs sharing food and candy with children, showing them how to chew gum. In north Germany, my friends still remember the kindness to the children and the injured and how they helped the population avoid starvation. These GIs fought a hated idea, but remembered who they were. In Korea, I remember the dismay on the part of the troops who fed chocolate to the children only to see them become ill because the food was too rich for them. The men of the 1<sup>st</sup> Cavalry Division, heavily engaged in that savage action throughout the entire period found time to help rebuild a children's orphanage. In Iraq, I saw on television a young sergeant pulling an Iraqi soldier, almost catatonic with fear from a trench and

telling him, "It's all right. It's all right." These are the people I know. These are the people I knew. They will fight hard for an ideal but face the vanquished with a rough kindness. This is why I commend to you the men who because they knew what is right risked their lives to end the killing even if they must fire at their own people. Hugh C. Thompson, Jr., Lawrence Colburn and Glenn Andreotta saw the My Lai massacre and knew what they must do and by their actions saved the lives of people who were strangers to them by protecting them from our soldiers. On Memorial Day, we will remember those who served and didn't return. Three men at My Lai give grace to all the monuments in memory to all those who have fallen and to all of those who have served. We may again enter the cauldron of war, and we may, once again, face those shattered by defeat and gripped by fear. If this is the case, our forces have no better example of behavior than that set by three brave men at My Lai. Thank you.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 4:30 p.m.

### RECESS

(Rep. Mercer in the Chair)

### RESOLUTION

Their introduction having been approved by the Rules Committee:

Rep. Robertson offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1675 and 1676, 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

#### First, second reading and referral

**HB 1675-FN-A-L**, establishing a referendum for a new taxation plan to fund public education. (Below, Graf 13; Feuerstein, Merr 13; Allen, Hills 1; French, Merr 3; Lynott, Ches 11: Finance)

**HB 1676-FN-A-L**, relative to collection by the state of local property taxes paid by business, industrial, and public utility properties and redistribution to municipalities for education purposes on a per pupil basis. (Lavoie, Merr 12; Larrabee, Merr 9; Daneault, Merr 12: Finance)

### RECESS

(Speaker Sytek in the Chair)

### RESOLUTION

Their introduction having been approved by the Rules Committee:

Rep. Cushing offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1677 through 1679 and Constitutional Amendment Concurrent Resolution numbered 49, 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 AND CACR

#### First, second reading and referral

**HB 1677-FN-A-L**, authorizing towns and cities to determine the method of local taxation used to support public education. (Alger, Graf 9; Leishman, Hills 13; Stickney, Rock 26; Krueger, Merr 7; Mirski, Graf 12: Local and Regulated Revenues)

**HB 1678-FN-L**, authorizing school districts to establish local educational standards and perform local education program assessments. (Alger, Graf 9; M. Brown, Merr 10; Colburn, Merr 12; Stickney, Rock 26; Mirski, Graf 12; Krueger, Hills 7; L. Jean, Hills 17; Guaraldi, Graf 14: Education)



*HB 1679-FN-A-L*, relative to local property taxation and state aid to support public education. (Hess, Merr 11: Finance)

*CACR 49*, relating to rights of parents to nurture and educate their children. Providing that: the right of parents to nurture and educate their children is a natural right, that the legislature and courts shall respect local control of education, and that a local legislative body may promote and fund education through taxes that are reasonable and proportional throughout its jurisdiction. (Alger, Graf 9; Mirski, Graf 12; Cobbin, Graf 11; M. Brown, Merr 10; Colburn, Merr 12; Guaraldi, Graf 14; D. Wheeler, Dist 11: Education)

## RESOLUTION

Rep. Cushing offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 310, 319, 331, 352, 364, 373, 385, 392, 406, 418, 419, 420 and 446, 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 310*, relative to the licensure of micropigmentation practitioners. (Executive Departments and Administration)

*SB 319*, establishing a committee to study the parole system and methods to increase its efficiency. (Criminal Justice and Public Safety)

*SB 331*, eliminating work certificates for 16 and 17 year old youths. (Labor, Industrial and Rehabilitative Services)

*SB 352*, relative to continuing education requirements for electrologists. (Executive Departments and Administration)

*SB 364*, establishing a committee to study the feasibility and advisability of consolidating building trades under a single licensing board. (Executive Departments and Administration)

*SB 373*, protecting quality assurance information of home health care providers from discovery. (Health, Human Services and Elderly Affairs)

*SB 385*, requiring the clerks of the superior courts to notify the appropriate regulatory board when a health care provider is convicted of a felony. (Judiciary and Family Law)

*SB 392*, relative to requirements for law enforcement personnel who conduct interviews of minors. (Judiciary and Family Law)

*SB 406*, establishing a legislative task force to develop a state government restructuring plan. (Executive Departments and Administration)

*SB 418-FN*, making a person driving under the influence of a controlled drug subject to an administrative loss of license. (Criminal Justice and Public Safety)

*SB 419*, raising the minimum age for marriage. (Judiciary and Family Law)

*SB 420*, preventing a child from being required to have visitation with a parent incarcerated for the murder of the other parent. (Judiciary and Family Law)

*SB 446*, relative to estate planning by a guardian. (Judiciary and Family Law)

## RECESS

### (Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 8**

Thursday, March 19, 1998

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Rabbi Richard Klein from Temple Beth Jacob in Concord. This week, Jews around the world read from the closing chapters of the Book of Exodus. These chapters tell us of the building of a wilderness sanctuary for the biblical Israelites. Primary responsibility was placed in the hands of the skilled artisans and craftspeople of the community, but everyone was given the opportunity to contribute to the project. Amazingly, the artisans had to say, "No more!" so great was the outpouring of support. May our community's leadership be blessed with such support and enthusiasm in all they undertake. Amen.

Rep. Kenneth MacDonald led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Alukonis, Bishop, Blanchard, Patricia Cote, Dowd, Ferguson, John Flanders, Robert Foster, Guest, Healy, Larrabee, Lyman, Major, Nichols, O'Rourke, Marsha Pelletier, Pepino, Rubin, Simmons, Paul Taylor and Trelfa, the day, illness.

Reps. Allison, Arndt, Adams, Channing Brown, Boutin, Cegelis, Dokmo, Eaton, Lavoie, Lynde, MacNeil, O'Keefe, Neil Reardon and Vachon, the important business.

Rep. Carol Williams, the day, death in the family.

Reps. Carney, Horton, Krueger, Piteri and Irene Pratt, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Fifth grade students from Symonds Elementary School in Keene, N. H. and their teachers Catherine Gilbert, Kristen Fortson and Mary Donnis, guests of Rep. Champagne. Alex Reno, grandnephew of Rep. Pantelakos. Bill Roberts, guest of Rep. Edwin Smith. Jean and Wayne Gorski and Pauline and Arnold Gendron, guests of Rep. Briefs.

**SPECIAL GUESTS**

The 1997 World Champion Junior League All Star baseball team from Salem, N. H., guests of the House.

**COMMUNICATION**

March 18, 1998

Karen Wadsworth, Clerk of the House

Please be advised that the following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Hillsborough 23, Joan C. Tate, r, Hudson (104 Pelham Rd.) 03051

Merrimack 12, Francis W. Davis, r, Pembroke (514 Buck St.) 03275

William M. Gardner, Secretary of State

**PARLIAMENTARY SITUATION**

The Speaker explained that the Senate passed *SB 477-FN*, relative to capital murder, and that under House Rule 20(c), this bill needs a two-thirds majority for the House to introduce because similar legislation was Indefinitely Postponed by the House during this session.

**RESOLUTION**

Rep. Wheeler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 477 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

On a division vote, 130 members having voted in the affirmative and 138 in the negative, the motion for introduction failed, lacking the necessary two-thirds.

## SENATE MESSAGES CONCURRENCE

*HB 443*, relative to push-polling.

*HB 467-FN*, clarifying the definition of "telephone cloning paraphernalia."

*HB 627-FN*, establishing a conservation number plate trust fund, and a special motor vehicle license plate and associated fees, to support New Hampshire's natural and cultural resources.

*HB 659*, modifying restrictions on televised political advertising.

*HB 670-FN*, prohibiting telephone solicitors from using caller identification blocking services.

*HB 1151*, relative to the testing of certain domestic animals.

*HB 1168-L*, relative to municipal economic development and revitalization districts.

*HB 1249*, requiring budget line item appropriations for individual and departmental dues to national and regional organizations paid from state resources.

*HB 1351-FN*, extending "The Laboratory for New Ideas in Information Technology" pilot project.

## NONCONCURRENCE

*HB 420*, relative to administrative review of suspended or revoked motor vehicle licenses.

## REQUESTS CONCURRENCE WITH AMENDMENTS

*HB 544*, relative to dwellings which extend over public waters. (Amendment printed SJ 2, 1/29/98)  
Rep. Royce moved that the House concur.

Adopted.

*HCR 21*, encouraging the designation of the Connecticut River as an American Heritage River. (Amendment printed SJ 6, 3/12/98)

Rep. Edwin Smith moved that the House concur.

Adopted.

## ENROLLED BILL AMENDMENTS

*HB 443*, relative to push-polling.

### Amendment (1107-EBA)

Amend RSA 664:2, XVII(c) as inserted by section 2 of the bill by replacing line 1 with the following:

(c) Conducting such calling in a manner which is likely to be construed by the

Amend section 3 of the bill by replacing line 1 with the following:

3 New Section; Push-polling; Submission of Information Required. Amend RSA 664 by inserting after section

3

Adopted.

*HB 659*, modifying restrictions on televised political advertising.

### Amendment (1104-EBA)

Amend RSA 664:14, IV(b) as inserted by section 3 of the bill by replacing line 4 with the following:  
*visual presentation shall be clearly legible and shall use letters equal to or greater than 12*

Amend RSA 664:14, VI as inserted by section 4 of the bill by replacing line 7 with the following:  
*presentation shall be clearly legible and shall use letters equal to or greater than 12 percent*

Adopted.

*HB 670-FN*, prohibiting telephone solicitors from using caller identification blocking services.

### Amendment (1094-EBA)

Amend RSA 359-E:5-a as inserted by section 3 of the bill by replacing line 6 with the following:  
contain a telephone number at which the telephone solicitor may receive telephone calls if the

Adopted.

## ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 517, 1151, 1168, 1249 and 1351.

Rep. Nowe, Sen. Barnes for the Committee



**REGULAR CALENDAR (CONT'D.)**

**HB 1187**, relative to breakwater permitting. REFER FOR INTERIM STUDY

Rep. David M. Lawton for Resources, Recreation and Development: This bill is an attempt to clarify the current Department of Environmental Services (DES) rules relating to breakwater permitting. The majority of this committee strongly believes that the subject matter in the bill has merit, however, current time constraints inhibit a comprehensive airing of the issues at this time. Vote 15-0. Adopted.

Rep. Mirski declared a conflict of interest and did not participate.

**HB 1341**, relative to temporary seasonal docks on lakes and ponds. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. William E. Williams, Jr. for the Majority of Resources, Recreation and Development: This legislation exempts temporary seasonal docks on lakes and ponds from excavating and dredging permit filing requirements. The bill provides specifications and conditions that the property owner must meet in order to comply with the act. The bill was amended at the suggestion of the Department of Environmental Services (DES) with the approval of the sponsor and encourages the use of a single temporary seasonal dock as a means to access the water in front of one's property. The majority believes that this bill represents a reasonable property use while not adversely impacting the public trust of lakes and ponds. Vote 10-9.

Rep. Sidney Lovett for the Minority of Resources, Recreation and Development: The minority believe that this bill has little merit. It provides a broad exemption without any accountable information to be provided to municipalities and or the Department of Environmental Services. It is simply a "give away" which evades both local control and responsible state planning.

**Amendment (0583h)**

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Excavating and Dredging Permit; Exemptions; Temporary Seasonal Docks. Amend RSA 482-A:3 by inserting after paragraph IV the following new paragraph:

IV-a. Temporary seasonal docks constructed on any lake or pond shall be exempt from the permitting requirements of this section. To qualify for this exemption, temporary seasonal docks must:

- (a) Have a length of less than 50 feet;
- (b) Have a total surface area of less than 200 square feet;
- (c) Be removed from the water for at least 5 months of every calendar year;
- (d) Have a width of 8 feet or less;
- (e) Not obstruct navigation;
- (f) Be the only structure on the frontage;
- (g) Be on at least 60 feet of frontage owned by the owner of the dock;
- (h) Be at least 20 feet from any property line or the imaginary extension of any property line into the water;
- (i) Not impact wetlands along or adjacent to the shoreline.

Adopted.

Reps. Laflam and Lovett spoke against.

Rep. William Williams spoke in favor and yielded to questions.

Rep. Whalley spoke in favor.

Rep. Royce requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 182 NAYS 152**

**YEAS 182**

**BELKNAP**

Bartlett, Gordon  
Clark, Charles  
Lawton, Robert  
Turner, Robert

Boriso, Thomas  
Holbrook, Robert  
Pilliod, James

Boyce, Robert  
Hurt, George  
Rosen, Ralph

Calvert, Alice  
Lawton, David  
Thomas, John

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	MacDonald, Kenneth
Mock, Henry	Patten, Betsey	Philbrick, Donald	

**CHESHIRE**

Avery, Stephen	Hunt, John	Lynott, Margaret	Manning, Joseph
McNamara, Wanda	Metzger, Katherine	Royce, H. Charles	Smith, Edwin
Steere, Myron, III			

**COOS**

Coulombe, Henry	Coulombe, Yvonne	Guay, Lawrence	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul	Tholl, John, Jr.	

**GRAFTON**

Alger, John	Cobbin, Philip	Guaraldi, Lawrence	Hill, Richard
Hinman, Harry	Weber, Phil	Williams, William, Jr.	

**HILLSBOROUGH**

Amidon, Eleanor	Arnold, Thomas, Jr.	Belvin, William	Bergin, Peter
Briefs, Geoffrey	Brundige, Robert	Calawa, Leon, Jr.	Chabot, Ernest
Christiansen, Lars	Clegg, Robert, Jr.	Daniels, Gary	Dawe, Eileen
Durham, Susan	Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James
Fields, Dennis	Flora, Kathleen	Foster, Linda	Franks, Suzan
Gagnon, Eugene	Ginsburg, Ruth	Golding, William	Goulet, Maurice
Haetenschwiller, Alphonse	Herman, Keith	Holt, David	Hunter, Bruce
Jean, Loren	Johnson, Lionel	Kelley, Robert	Kurk, Neal
LaRose, Richard	Leonard, Peter	Lessard, Rudy	Letendre, Evelyn
Lozeau, Donnalee	MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael
McCarty, Winston	McGough, Tim	McRae, Karen	Melcher, Harold
Mercer, Robert	Messier, Irene	Mittelman, David	Morello, Michael
Murphy, Robert	O'Hearn, Jane	Peterson, Andrew	Riley, Frances
Rowe, Robert	Sargent, Maxwell	Searles, Stanley, Sr.	Tate, Joan
Thulander, O. Alan	Turgeon, Roland	Vaillancourt, Steve	Welch, Donald
Wheeler, Robert	White, Donald		

**MERRIMACK**

Anderson, Eric	Brown, Mary	Chandler, Earle	Colburn, Thomas
Crowell, Peter	Hess, David	Hoadley, Elizabeth	Lamach, Bernard
Langer, Ray	Leber, William	Lockwood, Robert	Marshall, Kenneth
Maxfield, Roy	Morrill, Olive	Pfaff, Terence	Wallin, Jean
Whalley, Michael	Whittemore, James		

**ROCKINGHAM**

Beaulieu, Jon	Belanger, Ronald	Camm, Kevin	Carson, Gregory
Case, Margaret	Dalrymple, Janeen	Dearborn, Bruce	Dodge, Robert
Dowling, Patricia	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Francoeur, Sheila	Gleason, John	Griffin, Mary	Guthrie, Joseph
Heath, John	Henderson, Warren	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph	Langone, John
Letourneau, Robert	Malcolm, Kenneth	McKinney, Betsy	Mikowski, Walter
Moore, Benjamin	Morris, Debbie	Nowe, Ronald	Noyes, Richard
Packard, Sherman	Raynowska, Bernard	Smith, Kevin	Stickney, Nancy
Tufts, J. Arthur	Varrell, Thomas	Welch, David	Weyler, Kenneth

**STRAFFORD**

Bickford, David	Brown, Julie	Cossette, Larry	McKinley, Robert
Rollo, Michael	Spear, Barbara	Sullivan, Henry	Torr, Ann
Torr, Franklin	Tsiros, William	Vincent, Francis	

**SULLIVAN**

Adler, Rudolf	Kibbey, David	Leone, Richard	Lindblade, Eric
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**NAYS 152****BELKNAP**

Golden, Paul	Laflam, Robert	Rice, Thomas, Jr.	Salatiello, Thomas
Veazey, John			

**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah	Burnham, Daniel	Champagne, Richard	DePecol, Benjamin
Doucette, Richard	Lynch, Margaret	McGuirk, Paul	Meader, David
O'Connell, John	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Vogl, John	

**COOS**

Bradley, Paula	Davis, Perley	Hawkinson, Marie	Mears, Edgar
Moynihan, Wayne			

**GRAFTON**

Akins, Ralph	Almy, Susan	Below, Clifton	Copenhaver, Marion
Ham, Bonnie	Lovett, Sidney	Luker, Elsa	Nordgren, Sharon
Phinney, William	Root, John		

**HILLSBOROUGH**

Ameen, W.	Baroody, Benjamin	Barry, William, III	Batula, Peter
Bernier, Shannon	Buckley, Raymond	Burke, M. Virginia	Cardin, Lori
Carlson, Donald	Chabot, Robert	Clay, Susan	Clemons, Jane
Cote, David	Cote, Peter	D'Allesandro, Lou	Daigle, Robert
Desrosiers, William	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.	Foster, Joseph
Gage, Ruth	Gosselin, Gerald	Hall, Betty	Hansen, Herbert
Hart, Nick	Holley, Sylvia	Jean, Claudette	Konys, Christine
L'Heureux, Robert	Lefebvre, Roland	Leishman, Peter	MacAuslan, Rita
Martin, Mary	McCarthy, William	McDonald, James, Sr.	Milligan, Robert
Perkins, Paul	Reidy, Frank	White, Jay	Wright, George

**MERRIMACK**

Burney, Carol	Crosby, Toni	Daneault, Gabriel	Davis, Francis
DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn
French, Barbara	Gile, Mary	Jacobson, Alf	Moore, Carol
Owen, Derek	Reardon, Tara	Seldin, Gloria	St. Cyr, Gerard
Wallner, Mary Jane	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Battles-Peirce, Marjorie	Cooney, Richard	Cushing, Robert
Dolan, Richard	Downing, Michael	Flanders, David	Frechette, Joseph
Gibbons, Paul	Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane
Langley, Jane	Lovejoy, Marian	McCarthy, John, Jr.	Micklon, Stephanie
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Rabideau, Marie
Sabella, Norma	Sapareto, Frank	Schanda, Frank	Stritch, C. Donald
Syracusa, Anthony	Vaughn, Charles	Weatherspoon, Jackie	

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Grassie, Anne



Hemon, Roland  
Knowles, William  
Merritt, Deborah  
Snyder, Clair

Heon, Richard  
Lundborn, Raymond  
Pelletier, Arthur  
Taylor, Kathleen

Kaen, Naida  
McCann, William, Jr.  
Rogers, Rose Marie  
Twardus, Joseph

Keans, Sandra  
Merrill, Amanda  
Smith, Marjorie  
Wall, Janet

### SULLIVAN

Burling, Peter  
Flint, Gordon

Cloutier, John  
Palmer, Lorraine

Donovan, Thomas  
Robb-Theroux, Amy

Ferland, Brenda  
Wiggins, Celestine

and the majority report was adopted.

Ordered to third reading.

Reps. Allen and Mirski declared conflicts of interest and did not participate.

**HB 1659**, prohibiting the use of eminent domain powers by public utilities to take private property for the construction and operation of electric generating plants. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.

Rep. Clifton C. Below for the Majority of Science, Technology and Energy: This bill simply removes the right of a public utility to use eminent domain powers to take private land for the construction or operation of an electric generating plant. The amendment makes this change in policy only effective when competition for electric generation supply exists in at least 70% of the state. This policy will put competitive generation suppliers on a level playing field with public utilities that retain generation. It is also consistent with the restructuring policy principle in RSA 374-F:3, VII, that states: "The rules that govern market activity should apply to all buyers and sellers in a fair and consistent manner in order to ensure a fully competitive market". Vote 11-5.

Rep. Donald B. White for the Minority of Science, Technology and Energy: This bill is well intended as written as part of electrical restructuring. The Minority feels that this bill is premature and unnecessary prior to the time competition is in full force. This bill also leaves municipalities free of eminent domain restriction, so an unequal playing field exists. Of great concern, too, is the potential for the reduction of opportunity for new technology which is in the public interest because the cost and availability of logical sites may be priced out of reach for any buyer to construct a cost-competitive generation plant. Eminent domain for an electric energy supplier has been used only once in the past thirty years and only after demonstrating a clear public interest.

### Amendment (0765h)

Amend RSA 371:1 s inserted by section 1 of the bill by replacing it with the following:

371:1 Petition. Whenever it is necessary, in order to meet the reasonable requirements of service to the public, that any public utility should construct a line, branch line, extension, or a pipeline, conduit, line of poles, towers or wires across the land of another, or should acquire land, land for an electric [~~generating station or electric~~] substation, [~~land for a dam site;~~] or flowage, drainage, or other rights for the necessary construction, extension or improvement of any [~~plant;~~] water power[;] or other works owned or operated by such public utility, and it cannot agree with the owners of such land or rights as to the necessity or the price to be paid therefor, such public utility may petition the public utilities commission for such rights and easements or for permission to take such lands or rights as may be needed for said purposes. *No public utility may petition for permission to take private land or property rights for the construction or operation of an electric generating plant.*

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

3 Contingency. Sections 1 and 2 of this act shall take effect upon the date of certification by the chairman of the public utilities commission to the secretary of state, pursuant to RSA 38:36, that retail electric competition exists in at least 70 percent of the state.

4 Effective Date.

I. Sections 1-2 of this act shall take effect as provided in section 3.

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

Adopted.

Majority report adopted and ordered to third reading.

**HB 1662-FN**, restructuring the nuclear decommissioning finance committee and the office of the consumer advocate and amending laws relative to atomic energy to reflect the policies of electric utility restructuring. REFER FOR INTERIM STUDY

Rep. Jeb E. Bradley for Science, Technology and Energy: The committee believes that the nuclear decommissioning statutes, Chapters 162-B and 162-F, need updating due to electric utility restructuring. However, since this bill was not completed, and could not be scheduled for public hearing until February 10, the committee was unable to examine decommissioning with any thoroughness. The committee also needs ample time to study how best to accomplish the sponsors' goal of making the Office of the Consumer Advocate more accountable. The current statute provides that the Attorney General appoints the Consumer Advocate and the office is administratively attached to the Public Utilities Commission. Apparently, the current Consumer Advocate is a hold-over from a previous statute (before 1985) that provided Public Utilities Commission appointment and there is no appointment letter from the Attorney General according to a research request performed by the Office of Legislative Services. There is no term of office for the Consumer Advocate who is a classified employee and as such can be removed only for cause. The sponsors believe that were the office to have a four or five year term, with re-appointment necessary, the office would be more accountable to the public, and to the residential consumers of utility services whom the Consumer Advocate represents. The committee is sympathetic to the goals of the sponsors, but believes other states' statutes should be thoroughly studied if changes in appointment are to be made. The committee also believes that due to electric utility restructuring, the role of the Consumer Advocate must be carefully examined. Interim Study will allow for this examination. The committee takes no position on the current Consumer Advocate. Vote 16-0.

Adopted.

Rep. Joseph Foster declared a conflict of interest and did not participate.

**HCR 22**, rescinding the 1979 call for a federal constitutional convention. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Kenneth J. MacDonald for the Majority of State-Federal Relations and Veterans Affairs: In 1979, House Concurrent Resolution 8, dealing with a call for a federal constitutional convention to propose an amendment requiring a balanced federal budget, and alternatively calling on Congress to present such an amendment to the states for ratification, was passed. Over a period of years this state has stayed firm on the need for a balanced federal budget. This is not the time to back down but it is the time to stand our ground. A balanced budget is the only mechanism which can ensure our nation's economic future. Fears of a runaway convention are false due to the fact that the call for a convention would have a specific purpose, and would not have the authority other than specific purpose. Vote 10-7.

Rep. William H. Barry for the Minority of State-Federal Relations and Veterans Affairs: The minority of the committee believes that the call for a constitutional convention can not be limited to a single issue. A vote to rescind is not a vote against the balanced budget amendment. The founders did not allow for the constitutional convention to be limited to a single issue when called by the states. Disaster could result if a constitutional convention was open to amend the constitution on issues such as privacy, abortion, states rights, taxes and gun ownership.

Rep. William Riley spoke against and yielded to questions.

Rep. Teschner spoke in favor and yielded to questions.

Rep. Edwin Smith requested a roll; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 199 NAYS 136**

**YEAS 199**

**BELKNAP**

Bartlett, Gordon  
Clark, Charles  
Lawton, David  
Rosen, Ralph

Boriso, Thomas  
Golden, Paul  
Lawton, Robert  
Thomas, John

Boyce, Robert  
Holbrook, Robert  
Pilliod, James  
Turner, Robert

Calvert, Alice  
Hurt, George  
Rice, Thomas, Jr.  
Veazey, John

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	MacDonald, Kenneth
Mock, Henry	Patten, Betsey	Philbrick, Donald	

**CHESHIRE**

Avery, Stephen	Hunt, John	Manning, Joseph	McNamara, Wanda
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	

**COOS**

Coulombe, Henry	Davis, Perley	Guay, Lawrence	Merrill, Gerald
Pratt, Leighton	Tholl, John, Jr.		

**GRAFTON**

Akins, Ralph	Alger, John	Cobbin, Philip	Guaraldi, Lawrence
Ham, Bonnie	Hill, Richard	Hinman, Harry	Lovett, Sidney
Phinney, William	Root, John	Teschner, Douglass	Weber, Phil
Williams, William, Jr.			

**HILLSBOROUGH**

Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter	Belvin, William
Bergin, Peter	Briefs, Geoffrey	Brundige, Robert	Buckley, Raymond
Burke, M. Virginia	Calawa, Leon, Jr.	Carlson, Donald	Chabot, Ernest
Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr.	Daniels, Gary
Dawe, Eileen	Desrosiers, William	Durham, Susan	Dyer, Merton
Emerton, Lawrence, Sr.	Fenton, James	Fields, Dennis	Flora, Kathleen
Franks, Suzan	Gagnon, Eugene	Golding, William	Goulet, Maurice
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Holt, David
Hunter, Bruce	Johnson, Lionel	Kelley, Robert	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Leishman, Peter	Lessard, Rudy
Letendre, Evelyn	Lozeau, Donnalee	MacGillivray, Jeffrey	MacIntyre, Doris
Marcinkowski, Michael	McCarty, Winston	McDonald, James, Sr.	McGough, Tim
McRae, Karen	Mercer, Robert	Messier, Irene	Milligan, Robert
Mittelman, David	Morello, Michael	O'Hearn, Jane	Peterson, Andrew
Riley, Frances	Rowe, Robert	Sargent, Maxwell	Searles, Stanley, Sr.
Tate, Joan	Thulander, O. Alan	Turgeon, Roland	Wheeler, Robert
White, Donald	Wright, George		

**MERRIMACK**

Anderson, Eric	Brown, Mary	Chandler, Earle	Colburn, Thomas
Crowell, Peter	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Hager, Elizabeth	Hoadley, Elizabeth	Lamach, Bernard	Leber, William
Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy	Morrill, Olive
Pfaff, Terence	Whalley, Michael	Whittemore, James	

**ROCKINGHAM**

Battles-Peirce, Marjorie	Belanger, Ronald	Camm, Kevin	Carson, Gregory
Cooney, Richard	Dalrymple, Janeen	Dearborn, Bruce	Dodge, Robert
Dolan, Richard	Dowling, Patricia	Fesh, Robert	Flanagan, Natalie
Flanders, David	Francoeur, Sheila	Gibbons, Paul	Gleason, John
Griffin, Mary	Guthrie, Joseph	Henderson, Warren	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Lovejoy, Marian
Malcolm, Kenneth	McCarthy, John, Jr.	McKinney, Betsy	Mikowski, Walter
Morris, Debbie	Nowe, Ronald	Noyes, Richard	Packard, Sherman
Rabideau, Marie	Raynowska, Bernard	Sapareto, Frank	Schanda, Frank
Smith, Kevin	Stickney, Nancy	Stone, Joseph	Stritch, C. Donald
Tufts, J. Arthur	Welch, David	Weyler, Kenneth	



**STRAFFORD**

Bickford, David	Cossette, Larry	DeChane, Marlene	Rollo, Michael
Spear, Barbara	Torr, Ann	Torr, Franklin	Tsiros, William
Twardus, Joseph	Vincent, Francis		

**SULLIVAN**

Adler, Rudolf	Flint, Gordon	Kibbey, David	Leone, Richard
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**NAYS 136****BELKNAP**

Salatiello, Thomas

**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah	Burnham, Daniel	Champagne, Richard	DePecol, Benjamin
Doucette, Richard	Lynch, Margaret	Lynott, Margaret	McGuirk, Paul
Meader, David	O'Connell, John	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Russell, Ronald	Vogl, John

**COOS**

Bradley, Paula	Coulombe, Yvonne	Hawkinson, Marie	Mears, Edgar
Moynihan, Wayne	St. Hilaire, Paul		

**GRAFTON**

Almy, Susan	Below, Clifton	Copenhaver, Marion	Luker, Elsa
Mirski, Paul	Nordgren, Sharon		

**HILLSBOROUGH**

Allen, W. Gordon	Ameen, W.	Baroody, Benjamin	Barry, William, III
Bernier, Shannon	Cardin, Lori	Clay, Susan	Clemons, Jane
Cote, David	Cote, Peter	D'Allesandro, Lou	Daigle, Robert
Drabinowicz, A. Theresa	Dwyer, Paul, Sr.	Foster, Joseph	Foster, Linda
Gage, Ruth	Ginsburg, Ruth	Gosselin, Gerald	Haettenschwiller, Alphonse
Hall, Betty	Hart, Nick	Jean, Claudette	Jean, Loren
Konys, Christine	Lefebvre, Roland	Leonard, Peter	MacAuslan, Rita
Martin, Mary	McCarthy, William	Melcher, Harold	Murphy, Robert
Perkins, Paul	Reidy, Frank	Vaillancourt, Steve	Welch, Donald
White, Jay			

**MERRIMACK**

Bumey, Carol	Crosby, Toni	DeStefano, Stephen	Dunn, Miriam
Fraser, Marilyn	French, Barbara	Gile, Mary	Jacobson, Alf
Langer, Ray	Moore, Carol	Owen, Derek	Reardon, Tara
Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Case, Margaret	Cushing, Robert
Downing, Michael	Dunham, Vivian	Frechette, Joseph	Heath, John
Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane	Micklon, Stephanie
Moore, Benjamin	Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline
Sabella, Norma	Syracusa, Anthony	Varell, Thomas	Vaughn, Charles
Weatherspoon, Jackie			

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	Dunlap, Patricia	Estabrook, Iris	Grassie, Anne
Hemon, Roland	Heon, Richard	Kaen, Naida	Keans, Sandra
Knowles, William	Lundborn, Raymond	McCann, William, Jr.	McKinley, Robert
Merrill, Amanda	Pelletier, Arthur	Rogers, Rose Marie	Smith, Marjorie
Snyder, Clair	Sullivan, Henry	Taylor, Kathleen	Wall, Janet

**SULLIVAN**

Burling, Peter	Cloutier, John	Donovan, Thomas	Ferland, Brenda
Lindblade, Eric	Palmer, Lorraine	Robb-Theroux, Amy	Wiggins, Celestine

and the majority report was adopted.

**HJR 22**, requesting the government of the United States to adopt and ratify the international treaty to ban land mines. **INEXPEDIENT TO LEGISLATE**

Reps. Thomas A Varrell and Robert J. Letourneau for State-Federal Relations and Veterans Affairs: Passage of HJR 22 would greatly reduce the safety capabilities and morale of our existing armed forces. The United States currently only uses land mines in a defensive posture and maintains the exact location of all our land mines recently deployed throughout the world. In addition, our modern technology allows us to produce land mines which can be programmed to deactivate on command. As far as existing older unexploded ordinance is concerned, the United States maintains comprehensive SOFAs (Status of Forces Agreements) in all countries where American troops are deployed. All of these SOFAs contain provisions where American explosive ordinance disposal personnel shall assist the host country in the disarmament of all discovered older unexploded ordinance. This treaty has already been addressed by the Department of Defense, the Congress and the President. Under recommendation from DOD and the Congress, the President has declined to sign this treaty, since it would put our armed forces in great jeopardy. In addition, some of the other non-signatory nations are some of our greatest potential adversaries i.e. Cuba, North Korea, Iraq, Iran, Bosnia, etc. This resolution upon first blush appears to be a humanitarian treaty, which certainly has merit. However, upon closer reading of the treaty itself, the treaty is about open ended financial assistance to over 100 third world countries through the United Nations Voluntary Trust Fund. Disclosure of stockpiles of weapons, including lot numbers, would have national security concerns. The majority of the committee felt that it should leave foreign affairs of this nature up to the policy makers in our nation's capitol without interference, no matter how dignified, from state law makers. Vote 11-5.

Rep. John Pratt spoke against.

Reps. Letourneau, Belvin and Carson spoke in favor and yielded to questions.

Reps. D'Allesandro, Sabella and Bergin spoke against and yielded to questions.

Rep. Henderson spoke in favor.

Rep. Edwin Smith requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 220 NAYS 113**

**YEAS 220**

**BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Golden, Paul	Holbrook, Robert	Hurt, George
Lawton, David	Lawton, Robert	Pilliod, James	Rice, Thomas, Jr.
Rosen, Ralph	Thomas, John	Turner, Robert	Veazey, John

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	MacDonald, Kenneth
Mock, Henry	Patten, Betsy	Philbrick, Donald	

**CESHIRE**

Avery, Stephen	Burnham, Daniel	Doucette, Richard	Hunt, John
McNamara, Wanda	Meador, David	Metzger, Katherine	Royce, H. Charles
Smith, Edwin	Steere, Myron, III		

**COOS**

Davis, Perley	Guay, Lawrence	Merrill, Gerald	Pratt, Leighton
St. Hilaire, Paul	Tholl, John, Jr.		

**GRAFTON**

Alger, John	Cobbin, Philip	Ham, Bonnie	Hill, Richard
Hinman, Harry	Mirski, Paul	Phinney, William	Root, John
Teschner, Douglass	Weber, Phil	Williams, William, Jr.	

**HILLSBOROUGH**

Amidon, Eleanor	Arnold, Thomas, Jr.	Baroody, Benjamin	Barry, William, III
Batula, Peter	Belvin, William	Brundige, Robert	Burke, M. Virginia
Calawa, Leon, Jr.	Carlson, Donald	Chabot, Ernest	Chabot, Robert
Christiansen, Lars	Clegg, Robert, Jr.	Daniels, Gary	Dawe, Eileen
Desrosiers, William	Durham, Susan	Dyer, Merton	Emerton, Lawrence, Sr.
Fenton, James	Fields, Dennis	Flora, Kathleen	Franks, Suzan
Gagnon, Eugene	Golding, William	Gosselin, Gerald	Goulet, Maurice
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Holt, David
Hunter, Bruce	Jean, Loren	Johnson, Lionel	Kelley, Robert
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland
Lessard, Rudy	Letendre, Evelyn	Lozeau, Donnalee	MacGillivray, Jeffrey
MacIntyre, Doris	McCarthy, William	McCarty, Winston	McDonald, James, Sr.
McGough, Tim	McRae, Karen	Mercer, Robert	Messier, Irene
Milligan, Robert	Mittelman, David	Morello, Michael	Murphy, Robert
O'Hearn, Jane	Perkins, Paul	Peterson, Andrew	Reidy, Frank
Riley, Frances	Rowe, Robert	Sargent, Maxwell	Searles, Stanley, Sr.
Tate, Joan	Thulander, O. Alan	Turgeon, Roland	Wheeler, Robert
White, Donald	Wright, George		

**MERRIMACK**

Anderson, Eric	Brown, Mary	Chandler, Earle	Colburn, Thomas
Daneault, Gabriel	Davis, Francis	DeStefano, Stephen	Feuerstein, Martin
Hess, David	Hoadley, Elizabeth	Lamach, Bernard	Langer, Ray
Leber, William	Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy
Morrill, Olive	Pfaff, Terence	Whalley, Michael	Whittemore, James

**ROCKINGHAM**

Battles-Peirce, Marjorie	Beaulieu, Jon	Belanger, Ronald	Camm, Kevin
Carson, Gregory	Case, Margaret	Cooney, Richard	Dalrymple, Janeen
Dearborn, Bruce	Dodge, Robert	Dolan, Richard	Dowling, Patricia
Downing, Michael	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Flanders, David	Francoeur, Sheila	Frechette, Joseph	Gibbons, Paul
Gleason, John	Griffin, Mary	Guthrie, Joseph	Henderson, Warren
Hutchinson, Rebecca	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Klemm, Arthur, Jr.	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Lovejoy, Marian	Malcolm, Kenneth	McCarthy, John, Jr.
McKinney, Betsy	Mikowski, Walter	Moore, Benjamin	Morris, Debbie
Nowe, Ronald	Noyes, Richard	Packard, Sherman	Rabideau, Marie
Raynowska, Bernard	Sapareto, Frank	Smith, Kevin	Stickney, Nancy
Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony	Tufts, J. Arthur
Varrell, Thomas	Welch, David	Weyler, Kenneth	



**STRAFFORD**

Berube, Roger	Bickford, David	Brown, George	Brown, Julie
Cossette, Larry	McKinley, Robert	Rollo, Michael	Spear, Barbara
Torr, Ann	Torr, Franklin	Tsiros, William	Twardus, Joseph
Vincent, Francis			

**SULLIVAN**

Adler, Rudolf	Ferland, Brenda	Flint, Gordon	Kibbey, David
Leone, Richard	Lindblade, Eric	Robb-Theroux, Amy	Schotanus, Merle

**NAYS 113****BELKNAP**

Lafiam, Robert	Salatiello, Thomas
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**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah	Champagne, Richard	DePecol, Benjamin	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	O'Connell, John
Pratt, John	Richardson, Barbara	Robertson, Timothy	Russell, Ronald
Vogl, John			

**COOS**

Bradley, Paula	Hawkinson, Marie	Mears, Edgar	Moynihan, Wayne
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**GRAFTON**

Akins, Ralph	Almy, Susan	Below, Clifton	Copenhaver, Marion
Lovett, Sidney	Luker, Elsa	Nordgren, Sharon	

**HILLSBOROUGH**

Allen, W. Gordon	Ameen, W.	Bergin, Peter	Bernier, Shannon
Briefs, Geoffrey	Buckley, Raymond	Cardin, Lori	Clay, Susan
Clemons, Jane	Cote, David	Cote, Peter	D'Allesandro, Lou
Daigle, Robert	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.	Foster, Joseph
Foster, Linda	Gage, Ruth	Ginsburg, Ruth	Haettenschwiller, Alphonse
Hall, Betty	Hart, Nick	Jean, Claudette	Konys, Christine
Leishman, Peter	Leonard, Peter	MacAuslan, Rita	Martin, Mary
Melcher, Harold	Vaillancourt, Steve	Welch, Donald	White, Jay

**MERRIMACK**

Burney, Carol	Crosby, Toni	Fraser, Marilyn	French, Barbara
Gile, Mary	Hager, Elizabeth	Jacobson, Alf	Moore, Carol
Owen, Derek	Reardon, Tara	Rogers, Katherine	Seldin, Gloria
St. Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Coes, Betsy	Cushing, Robert	Heath, John
Kane, Cecelia	Kelley, Jane	Micklon, Stephanie	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Sabella, Norma	Schanda, Frank
Vaughn, Charles			

**STRAFFORD**

Brennan, William	Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Grassie, Anne	Hemon, Roland	Kaen, Naida
Keans, Sandra	Knowles, William	Lundborn, Raymond	McCann, William, Jr.

Merrill, Amanda  
Smith, Marjorie  
Wall, Janet

Merritt, Deborah  
Snyder, Clair

Pelletier, Arthur  
Sullivan, Henry

Rogers, Rose Marie  
Taylor, Kathleen

### SULLIVAN

Burling, Peter  
Wiggins, Celestine

Cloutier, John

Donovan, Thomas

Palmer, Lorraine

and the report was adopted.

Rep. Weatherspoon declared a conflict of interest and did not participate.

### RECESS

#### (Speaker Sytek in the Chair)

**HB 1196**, prohibiting the sale and use of lead fishing sinkers except to persons with commercial salt water fishing licenses. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.

Rep. Donald Carlson for the Majority of Wildlife and Marine Resources: As originally drafted, this bill would have outlawed the sale, possession and use of lead sinkers and jigs in New Hampshire. The committee heard testimony at the public hearing that was inconclusive as to the threat of lead fishing tackle to water birds. This bill, as amended, takes a two pronged approach. First an education program, already underway, to alert sportsmen and the public to the dangers to, not only wildlife, but also humans. (We heard testimony from health and human services that there were 250 to 300 new cases of human lead poisoning in New Hampshire, annually). Second, the Department of Fish and Game in consultation with Environmental Services and Health and Human Services and in partnership with other interested organizations shall study existing scientific literature and coordinate and compile additional studies into the causes of water bird, and in particular loon, deaths due to lead poisoning and the extent of these deaths. The Director is to report the findings to the Governor, Speaker of the House, President of the Senate and appropriate committees of the House and Senate. Should these studies prove, to a reasonable extent, the need to discontinue the use of lead sinkers and jigs, the Director of Fish and Game may make rules banning the use of the offending devices in New Hampshire's fresh waters. There does not seem to be a threat in New Hampshire's salt waters. Vote 9-1.

Rep. Dennis F. Abbott for the Minority of Wildlife and Marine Resources: The bill, as amended, offers little protection to the common loon from the effects of lead poisoning. The bill provides for a continuing study until the year 2003 ensuring that loon mortality shall escalate annually as it has in recent years. The proposed educational program may help, but until loons stop ingesting lead sinkers, they will continue to die from unnecessary and avoidable lead poisoning. The minority does support the hard work and efforts of the committee and the Fish and Game Department in grappling with this difficult issue

#### Amendment (0862h)

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

AN ACT relative to coordinating and compiling studies and establishing a lead education program concerning the effects of lead on water birds and other wildlife.

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

1 Findings. The legislature finds that the loon population of New Hampshire is increasing and further finds that this unique and popular threatened species is an integral part of the economic and social fabric of our citizenry. However, a preliminary review of research and literature on the toxicity of lead to loons and other waterbirds indicates that ingestion of lead fishing sinkers may pose a significant hazard to waterbirds. Therefore, the legislature finds a need to educate the public, acquire additional information, and review research on the effects of waterbird ingestible lead fishing gear on this important segment of our wildlife resource, and to authorize the executive director to regulate waterbird ingestible lead fishing gear if found hazardous to waterbird populations.

#### 2 Lead Studies and Reports.

I. The executive director of the department of fish and game, in consultation with the commissioners of the department of health and human services and the department of environmental services, shall coordinate and compile studies, in partnership with appropriate agencies and organizations, detailing the causative effects of lead poisoning in waterbirds.

II. The executive director shall prepare a report that makes recommendations on protecting waterbirds from the effects of lead in New Hampshire. The report shall specifically address alternatives to waterbird ingestible lead fishing gear and shall include a determination, based upon scientific studies, as to whether lead fishing gear poses a hazard to the state's waterbirds. The final report shall be submitted no later than January 1, 2003, to the governor, the speaker of the house, the senate president, the house wildlife and marine resources committee, the senate wildlife and recreation committee, and the state library. Until the final report is issued, annual interim reports shall be submitted by January 1 to these entities.

3 New Subdivision; Lead Education Program. Amend RSA 207 by inserting after section 57 the following new subdivision:

Lead Education Program

207:58 Lead Education Program.

I. To discourage the use of lead, the fish and game department, in consultation with the department of health and human services and in partnership with the department of environmental services, the Loon Preservation Committee, the New Hampshire Audubon Society, and the New Hampshire Wildlife Federation, shall institute an educational program consisting of, but not limited to, press releases or articles for all news media, an informational brochure for distribution by licensing agents and at department sponsored training programs, videos for use by television outlets, posters for boat access kiosks and other bulletin boards, and a mobile display for use at public events.

II. The purpose of the educational program is to inform the public about adverse, though unintentional, effects of lead on wildlife, and how to reduce the introduction of lead into the environment through personal action.

4 New Section; Rulemaking; Restrictions on Lead Fishing Gear. Amend RSA 211 by inserting after section 13-a the following new section:

211:13-b Rulemaking; Restrictions on Lead Fishing Gear. The executive director may adopt rules, pursuant to RSA 541-A, relative to restrictions on the use or sale of waterbird ingestible lead fishing gear. This rulemaking authority may be exercised with reference to the state as a whole or for any specified county or part thereof.

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

#### AMENDED ANALYSIS

This bill requires the department of fish and game to coordinate and compile studies detailing the causative effects of lead poisoning in waterbirds and report by January 1, 2003. This bill also establishes a lead education program and allows the executive director of fish and game to adopt rules restricting waterbird ingestible lead fishing gear.

Adopted.

Rep. Abbott offered a floor amendment.

#### Floor Amendment (1103)

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

AN ACT relative to prohibiting the sale and use of lead fishing sinkers and lead jigs in fresh waters of the state and establishing a lead education program concerning the effects of lead on water birds and other wildlife.

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

1 Findings. The legislature finds that the loon population of New Hampshire, a unique and popular threatened species, is an integral part of the economic and social fabric of our citizenry. However, a review of research and literature on the toxicity of lead to loons and other waterbirds indicates that ingestion of lead fishing sinkers and jigs poses a significant hazard to waterbirds. Therefore, the legislature finds a need to educate the public on the effects of lead fishing sinkers and jigs on this important segment of our wildlife resource, and to phase in a prohibition on the sale and use of lead fishing sinkers or jigs.

2 New Subdivision; Lead Education Program. Amend RSA 207 by inserting after section 57 the following new subdivision:

Lead Education Program

207:58 Lead Education Program.

I. To discourage the use of lead, the fish and game department, in consultation with the department of health and human services and in partnership with the department of environmental services,



the Loon Preservation Committee, the New Hampshire Audubon Society, and the New Hampshire Wildlife Federation, shall institute an educational program consisting of, but not limited to, press releases or articles for all news media, an informational brochure for distribution by licensing agents and at department sponsored training programs, videos for use by television outlets, posters for boat access kiosks and other bulletin boards, and a mobile display for use at public events.

II. The purpose of the educational program is to inform the public about adverse, though unintentional, effects of lead on wildlife, and how to reduce the introduction of lead into the environment through personal action.

3 New Section; Lead Fishing Sinkers and Jigs; Sale Prohibited. Amend RSA 211 by inserting after section 13-a the following new section:

211:13-b Lead Fishing Sinkers and Jigs; Sale Prohibited.

I. No person shall sell any lead sinker or lead jig for the taking of fish in any fresh waters of the state, except as otherwise specifically permitted in this title.

II. A person selling any such lead sinker or jig, shall, upon a first offense, receive a warning, and shall, upon a second offense, be guilty of a violation. Such devices shall be summarily seized and destroyed at any time by any law enforcement officer.

III. The executive director shall develop a fact sheet explaining the potential impact of lead sinkers and lead jigs, which shall be forwarded or given to each person found selling any lead sinker or lead jig pursuant to this section.

IV. For purposes of this section, "lead sinker" or "lead jig" means any device made from lead, the lead portion of which has a mass of one ounce or less. Lead sinkers and lead jigs shall not include lead wire used in fly tying, or lead core fishing line.

4 Lead Fishing Sinkers and Jigs; Sale or Use in Fresh Waters Prohibited. RSA 211:13-a is repealed and reenacted to read as follows:

211:13-b Lead Fishing Sinkers and Jigs; Sale or Use in Fresh Waters Prohibited.

I. No person shall sell or use a lead sinker or lead jig for the taking of fish in any fresh waters of the state, except as otherwise specifically permitted in this title.

II. A person selling any such lead sinker or jig, or a person found on any fresh waters of this state, or the shores or islands thereof, having in possession any such lead sinker or jig, shall, upon a first offense, receive a warning, and shall, upon a second offense, be guilty of a violation. Such devices shall be summarily seized and destroyed at any time by any law enforcement officer.

III. The executive director shall develop a fact sheet explaining the potential impact of lead sinkers and lead jigs, which shall be forwarded or given to each person found in possession of any lead sinker or lead jig pursuant to this section.

IV. In accordance with RSA 211:4, the executive director shall confer with the officer or board of other states having jurisdiction over lakes and ponds situated partly in this state and another state for the purpose of developing joint rules regarding the use of lead sinkers or jigs.

V. For purposes of this section, "lead sinker" or "lead jig" means any device made from lead, the lead portion of which has a mass of one ounce or less. Lead sinkers and lead jigs shall not include lead wire used in fly tying, or lead core fishing line.

5 Effective Date.

I. Section 3 of this act shall take effect July 1, 2000.

II. Section 4 of this act shall take effect July 1, 2001.

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

#### AMENDED ANALYSIS

I. Establishes a lead education program.

II. Prohibits the sale of lead fishing sinkers and lead jigs effective July 1, 2000, and prohibits their use and sale effective July 1, 2001.

III. Requires the executive director of fish and game to develop a fact sheet on the potential impact of the use of lead sinkers and jigs and to confer with other states concerning lakes and ponds partly in another state.

Reps. Abbott and Lovett spoke in favor and yielded to questions.

Rep. Carlson spoke against.

Rep. Mock spoke against and yielded to questions.

Rep. Lessard requested a roll call; sufficiently seconded.

The question being the adoption of the floor amendment.

**YEAS 144 NAYS 177****YEAS 144****BELKNAP**

Calvert, Alice	Lafam, Robert	Rice, Thomas, Jr.	Rosen, Ralph
Saliatiello, Thomas	Veazey, John		

**CARROLL**

Bradley, Jeb	Howard, Godfrey
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**CHESHIRE**

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lynch, Margaret	Lynott, Margaret	McGuirk, Paul
O'Connell, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Vogl, John			

**COOS**

Bradley, Paula	Hawkinson, Marie	Mears, Edgar	Moynihan, Wayne
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**GRAFTON**

Akins, Ralph	Almy, Susan	Below, Clifton	Copenhaver, Marion
Ham, Bonnie	Lovett, Sidney	Luker, Elsa	Nordgren, Sharon
Teschner, Douglass			

**HILLSBOROUGH**

Allen, W. Gordon	Ameen, W.	Baroody, Benjamin	Barry, William, III
Bernier, Shannon	Buckley, Raymond	Chabot, Ernest	Clay, Susan
Cote, Peter	D'Allesandro, Lou	Daigle, Robert	Drabinowicz, A. Theresa
Dwyer, Paul, Sr.	Foster, Joseph	Foster, Linda	Gage, Ruth
Ginsburg, Ruth	Gosselin, Gerald	Haettenschwiller, Alphonse	Hall, Betty
Hart, Nick	Jean, Claudette	Johnson, Lionel	Konys, Christine
Leonard, Peter	MacAuslan, Rita	MacGillivray, Jeffrey	Martin, Mary
McCarthy, William	Melcher, Harold	Messier, Irene	Peterson, Andrew
Vaillancourt, Steve	Welch, Donald	White, Jay	

**MERRIMACK**

Burney, Carol	Crosby, Toni	Daneault, Gabriel	DeStefano, Stephen
Fraser, Marilyn	French, Barbara	Hoadley, Elizabeth	Jacobson, Alf
Lamach, Bernard	Lockwood, Robert	Moore, Carol	Owen, Derek
Reardon, Tara	Rogers, Katherine	Seldin, Gloria	St. Cyr, Gerard
Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Case, Margaret	Clark, Martha	Coes, Betsy
Cooney, Richard	Cushing, Robert	Dalrymple, Janeen	Frechette, Joseph
Heath, John	Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane
Langone, John	Micklon, Stephanie	Norelli, Terie	Pantelakos, Laura
Pitts, Jacqueline	Raynowska, Bernard	Sabella, Norma	Sapareto, Frank
Schanda, Frank	Stritch, C. Donald	Syracusa, Anthony	Varrell, Thomas
Vaughn, Charles	Weatherspoon, Jackie		

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Callaghan, Frank
Dunlap, Patricia	Estabrook, Iris	Grassie, Anne	Hemon, Roland
Heon, Richard	Kaen, Naida	Keans, Sandra	Knowles, William
McCann, William, Jr.	Merrill, Amanda	Pelletier, Arthur	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Sullivan, Henry
Taylor, Kathleen	Twardus, Joseph	Wall, Janet	

**SULLIVAN**

Burling, Peter  
Robb-Theroux, Amy

Donovan, Thomas  
Schotanus, Merle

Leone, Richard  
Wiggins, Celestine

Palmer, Lorraine

**NAYS 177****BELKNAP**

Bartlett, Gordon  
Golden, Paul  
Lawton, Robert

Boriso, Thomas  
Holbrook, Robert  
Thomas, John

Boyce, Robert  
Hurt, George  
Turner, Robert

Clark, Charles  
Lawton, David

**CARROLL**

Babson, David, Jr.  
Kenney, Joseph  
Philbrick, Donald

Chandler, Gene  
MacDonald, Kenneth

Cooper, Kipp  
Mock, Henry

Dickinson, Howard, Jr.  
Patten, Betsey

**CHESHIRE**

Hunt, John  
Metzger, Katherine

Manning, Joseph  
Royce, H. Charles

McNamara, Wanda  
Smith, Edwin

Meador, David

**COOS**

Coulombe, Henry  
Merrill, Gerald

Coulombe, Yvonne  
Pratt, Leighton

Davis, Perley  
St. Hilaire, Paul

Guay, Lawrence  
Tholl, John, Jr.

**GRAFTON**

Alger, John  
Mirski, Paul

Hill, Richard  
Phinney, William

Hinman, Harry  
Root, John

LaMott, Paul  
Williams, William, Jr.

**HILLSBOROUGH**

Amidon, Eleanor  
Bergin, Peter  
Calawa, Leon, Jr.  
Clegg, Robert, Jr.  
Emerton, Lawrence, Sr.  
Franks, Suzan  
Herman, Keith  
Jean, Loren  
LaRose, Richard  
Letendre, Evelyn  
McDonald, James, Sr.  
Milligan, Robert  
O'Hearn, Jane  
Searles, Stanley, Sr.  
Wheeler, Robert

Arnold, Thomas, Jr.  
Briefs, Geoffrey  
Carlson, Donald  
Daniels, Gary  
Fenton, James  
Gagnon, Eugene  
Holley, Sylvia  
Kelley, Robert  
Lefebvre, Roland  
Lozeau, Donnalee  
McGough, Tim  
Mittelman, David  
Riley, Frances  
Tate, Joan  
White, Donald

Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Dawe, Eileen  
Fields, Dennis  
Golding, William  
Holt, David  
Kurk, Neal  
Leishman, Peter  
MacIntyre, Doris  
McRae, Karen  
Morello, Michael  
Rowe, Robert  
Thulander, O. Alan  
Wright, George

Belvin, William  
Burke, M. Virginia  
Christiansen, Lars  
Durham, Susan  
Flora, Kathleen  
Goulet, Maurice  
Hunter, Bruce  
L'Heureux, Robert  
Lessard, Rudy  
McCarty, Winston  
Mercer, Robert  
Murphy, Robert  
Sargent, Maxwell  
Turgeon, Roland

**MERRIMACK**

Anderson, Eric  
Davis, Francis  
Langer, Ray  
Morrill, Olive

Brown, Mary  
Feuerstein, Martin  
Leber, William  
Pfaff, Terence

Chandler, Earle  
Hager, Elizabeth  
Marshall, Kenneth  
Whittemore, James

Colburn, Thomas  
Hess, David  
Maxfield, Roy

**ROCKINGHAM**

Beaulieu, Jon  
Christie, Andrew, Jr.  
Dowling, Patricia  
Flanagan, Natalie  
Gleason, John

Belanger, Ronald  
Dearborn, Bruce  
Downing, Michael  
Flanders, David  
Griffin, Mary

Camm, Kevin  
Dodge, Robert  
Dunham, Vivian  
Francoeur, Sheila  
Guthrie, Joseph

Carson, Gregory  
Dolan, Richard  
Fesh, Robert  
Gibbons, Paul  
Henderson, Warren



Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.
Kobel, Rudolph	Langley, Jane	Letourneau, Robert	Lovejoy, Marian
Malcolm, Kenneth	McCarthy, John, Jr.	McKinney, Betsy	Mikowski, Walter
Moore, Benjamin	Morris, Debbie	Nowe, Ronald	Noyes, Richard
Packard, Sherman	Rabideau, Marie	Stickney, Nancy	Stone, Joseph
Tufts, J. Arthur	Welch, David	Weyler, Kenneth	

**STRAFFORD**

Bickford, David	Brown, Julie	Cossette, Larry	DeChane, Marlene
McKinley, Robert	Musler, George	Spear, Barbara	Torr, Ann
Torr, Franklin	Tsiros, William	Vincent, Francis	

**SULLIVAN**

Adler, Rudolf	Cloutier, John	Ferland, Brenda	Flint, Gordon
Kibbey, David	Lindblade, Eric		

and the floor amendment failed.

Majority report adopted and ordered to third reading.

**HB 1178**, relative to automobile leasing. **OUGHT TO PASS WITH AMENDMENT**

Rep. David T. Mittelman for Commerce: This bill allows the termination of a motor vehicle lease upon payment of an insurance settlement arising from the total loss of the vehicle. Vote 16-0.

**Amendment (0827h)**

Amend the bill by replacing sections 1-2 with the following:

1 Retail Installment Sales; Motor Vehicle Leasing; Restriction on Liability for Early Termination; Lessee Termination Rights Expanded. Amend RSA 361-D:17, I to read as follows:

1.(a) The lessee shall have the right to terminate the lease at any time:

(1) After the lessee has made 12 full periodic lease payments for which lease charges have been accrued by the holder~~[-or-]~~:

(2) In the case of a single payment lease, at the expiration of 12 months from the consummation of the lease; *or*

(3) *Upon payment of an insurance settlement as a result of the total loss of the vehicle.*

(b) Nothing in this section shall be deemed to prohibit the holder from *terminating the lease pursuant to its terms or from* permitting the lessee to terminate the lease before the expiration of 12 months.

2 Retail Installment Sales; Motor Vehicle Leasing; Restriction on Liability for Early Termination; Credits at Termination. Amend RSA 361-D:17, V to read as follows:

V. Any refundable security deposit ~~[or]~~, advance lease payment, *or single payment* held by the holder may be retained by the holder and shall be credited against the lessee's early termination obligation to the extent it has not been applied against other obligations. The amount of such *refundable* security deposit ~~[or]~~, advance lease payment, *or single payment* in excess of the amount of the lessee's early termination obligation shall be returned to the lessee. The holder is not obligated to pay interest to the lessee on ~~[the security deposit]~~ *such excess amounts returned to the lessee.*

**AMENDED ANALYSIS**

This bill modifies certain provisions relative to liability for early termination of a motor vehicle lease.

Adopted.

Report adopted and ordered to third reading.

**HB 1529**, reinstating the corporate charter of the Hampstead Garage, Inc. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tara G. Reardon for Commerce: When corporate charters lapse in the state of New Hampshire, it is necessary to petition the legislature to reinstate the charter. Although the committee was willing to remedy the immediate need of the corporation before us, we felt this was not an ongoing role that the legislature should play. This bill creates a study committee to investigate a procedure to create the scheme to reinstate these charters within the office of the Secretary of State. Vote 15-0.

**Amendment (0819h)**

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

**AN ACT** reinstating the corporate charters of Hampstead Garage, Inc. and Raycor Corporation and establishing a committee to study the process for reinstating a corporate charter.

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

2 Reinstatement of Corporate Charter of Raycor Corporation. The charter of Raycor Corporation, of Salem, New Hampshire, incorporated on February 6, 1996, was forfeited on November 2, 1992, under former RSA 293-A:95, I(a) now codified at RSA 293-A:14.21. Upon payment of any fees in arrears, a reinstatement fee of \$135 under RSA 293-A:1.22(a)(7), the filing of any annual reports required by law, the filing of an affidavit with the secretary of state stating that there are no lawsuits pending against the corporation, and obtaining a certificate of good standing from the department of revenue administration, Raycor Corporation shall be reinstated for all purposes as a New Hampshire corporation. This reinstatement shall be retroactive to November 2, 1992.

3 Committee Established. There is established a committee to study the process for reinstating a corporate charter after revocation.

4 Membership and Compensation.

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

(a) Three members of the house, appointed by the speaker of the house.

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

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

5 Duties. The committee shall study the current process for reinstating a corporate charter after revocation by the secretary of state.

6 Chairperson; Quorum. The first meeting of the committee shall be called by the first-named house member. At the first meeting, the members of the committee shall elect a chairperson from among the members. All subsequent meetings shall be at the call of the chairperson. Four members of the committee shall constitute a quorum.

7 Report. The committee shall submit a report of its findings, including any recommendations for legislation, to the speaker of the house, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1998.

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

**AMENDED ANALYSIS**

This bill reinstates the corporate charters of Hampstead Garage, Inc. and Raycor Corporation.

The bill also establishes a committee to study the corporate charter reinstatement process.

Adopted.

Rep. Hunt offered a floor amendment.

**Floor Amendment (0966h)**

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

**AN ACT** reinstating the corporate charters of Hampstead Garage, Inc., Shannon Ridge Development, Inc., and Raycor Corporation and establishing a committee to study the process for reinstating a corporate charter.

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-8 to read as 3-9, respectively:

2 Reinstatement of Corporate Charter of Shannon Ridge Development, Inc. The charter of Shannon Ridge Development, Inc., of Pelham, New Hampshire, incorporated on March 20, 1989, was forfeited on November 1, 1991, under former RSA 293-A:95, I(a) now codified at RSA 293-A:14.21. Upon payment of any fees in arrears, a reinstatement fee of \$135 under RSA 293-A:1.22(a)(7), the filing of any annual reports required by law, the filing of an affidavit with the secretary of state stating that there are no lawsuits pending against the corporation, and obtaining a certificate of good standing from the department of revenue administration, Shannon Ridge Development, Inc. shall be reinstated for all purposes as a New Hampshire corporation. This reinstatement shall be retroactive to November 1, 1991.

## AMENDED ANALYSIS

This bill reinstates the corporate charters of Hampstead Garage, Inc., Shannon Ridge Development, Inc., and Raycor Corporation.

The bill also establishes a committee to study the process for reinstating a corporate charter. Rep. Hunt spoke in favor.

Adopted.

Report adopted and ordered to third reading.

**HB 1598-FN**, prohibiting the use of social security numbers except for taxation purposes and providing certain rights to victims of credit card fraud. **INEXPEDIENT TO LEGISLATE**

Rep. Martha Fuller Clark for Commerce: This legislation, while well intended, would wreak havoc economically and socially. For example, social security numbers now are used for all health records, including Medicaid and Medicare, at both the state and federal level. These numbers are also used as a mechanism to provide instant credit by many businesses. It is the only system, other than finger printing, which provides a unique identification process for individuals and is needed in many different venues. At the same time, it is clear that there is a fraud and abuse problem in the use of these numbers. The committee did not feel it had enough information to solve this problem at the present time, but would welcome future legislation that addresses identification. Vote 10-2.

Rep. Donald White spoke against.

Rep. Fuller Clark spoke in favor and yielded to questions.

Adopted.

**HB 1654**, relative to consumer credit solicitations. **INEXPEDIENT TO LEGISLATE**

Rep. David T. Mittelman for Commerce: This bill prohibits the use of the term "pre-approved" or any similar term in the solicitation for consumer credit. The committee, however, does not see the harm in using such a phrase. "Pre-approved" simply denotes an invitation to apply for credit worthy individuals. The accuracy of the solicitations is adequately regulated by Truth-In-Lending and fair credit laws. Moreover, consumers can request a credit bureau to place their names on no solicitation lists and thereby effectively stop most if not all of these mailings. Vote 12-0.

Rep. Sapareto spoke against.

Rep. Hunt spoke in favor.

On a division vote, 194 members having voted in the affirmative and 108 in the negative, the report was adopted.

**HB 1327**, clarifying enforcement when structures such as manufactured housing are relocated without payment of taxes. **INEXPEDIENT TO LEGISLATE**

Rep. Walter J. Mikowski for Criminal Justice and Public Safety: The sponsors of this bill were unaware that the provisions in this bill were already in statutes: RSAs 477:44, 73:16 and 80:2-A. cover the concerns brought forward in this bill. The committee did not want to duplicate present laws. Vote 14-0.

Adopted.

Rep. Ann Torr declared a conflict of interest and did not participate.

**HB 1559**, legalizing the possession and cultivation of marijuana for medicinal purposes. **INEXPEDIENT TO LEGISLATE**

Rep. Paul K. Chase, Jr. for Criminal Justice and Public Safety: This bill would legalize the possession and cultivation of marijuana for medical purposes. No documentation was presented to show that there is a medical benefit to be derived from the use of marijuana other than anecdotal evidence. Because marijuana has not been shown to be a safe and/or effective drug, no physicians in this state are prescribing marijuana. This drug has not been approved by the Federal Food and Drug Administration. There was no evidence to determine which, if any, diseases might be treated effectively by marijuana. The committee thinks that the jury is still out on medicinal use of marijuana. Vote 17-2.

Rep. Robertson spoke against.

Reps. Rosen and David Welch spoke in favor and yielded to questions.

Rep. David Welch requested a roll call; sufficiently seconded.

The question being the adoption of the report.



**YEAS 229 NAYS 86****YEAS 229****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Golden, Paul	Holbrook, Robert	Hurt, George
Lafam, Robert	Lawton, David	Lawton, Robert	Pilliod, James
Rice, Thomas, Jr.	Rosen, Ralph	Thomas, John	Turner, Robert
Veazey, John			

**CARROLL**

Bradley, Jeb	Cooper, Kipp	Dickinson, Howard, Jr.	Howard, Godfrey
Kenney, Joseph	MacDonald, Kenneth	Mock, Henry	Patten, Betsey
Philbrick, Donald			

**CHESHIRE**

Avery, Stephen	Burnham, Daniel	Manning, Joseph	McNamara, Wanda
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	

**COOS**

Coulombe, Henry	Coulombe, Yvonne	Davis, Perley	Guay, Lawrence
Merrill, Gerald	Pratt, Leighton	St. Hilaire, Paul	Tholl, John, Jr.

**GRAFTON**

Akins, Ralph	Alger, John	Ham, Bonnie	Hill, Richard
Hinman, Harry	LaMott, Paul	Phinney, William	Root, John
Teschner, Douglass	Weber, Phil	Williams, William, Jr.	

**HILLSBOROUGH**

Allen, W. Gordon	Ameen, W.	Amidon, Eleanor	Arnold, Thomas, Jr.
Baroody, Benjamin	Barry, William, III	Batula, Peter	Belvin, William
Bergin, Peter	Briefs, Geoffrey	Brundige, Robert	Burke, M. Virginia
Carlson, Donald	Chabot, Ernest	Chabot, Robert	Christiansen, Lars
Clay, Susan	Clegg, Robert, Jr.	D'Allesandro, Lou	Daniels, Gary
Dawe, Eileen	Drabinowicz, A. Theresa	Durham, Susan	Dyer, Merton
Emerton, Lawrence, Sr.	Fenton, James	Fields, Dennis	Flora, Kathleen
Foster, Joseph	Foster, Linda	Franks, Suzan	Gagnon, Eugene
Golding, William	Gossellin, Gerald	Goulet, Maurice	Hart, Nick
Herman, Keith	Holley, Sylvia	Holt, David	Hunter, Bruce
Jean, Claudette	Jean, Loren	Johnson, Lionel	Kelley, Robert
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Leishman, Peter
Lessard, Rudy	Letendre, Evelyn	Lozeau, Donnalee	MacGillivray, Jeffrey
MacIntyre, Doris	Marcinkowski, Michael	Martin, Mary	McCarthy, William
McCarty, Winston	McDonald, James, Sr.	McGough, Tim	McRae, Karen
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Mittelman, David	Morello, Michael	Murphy, Robert	O'Hearn, Jane
Peterson, Andrew	Riley, Frances	Rowe, Robert	Sargent, Maxwell
Searles, Stanley, Sr.	Tate, Joan	Thulander, O. Alan	Turgeon, Roland
Wheeler, Robert	White, Donald	Wright, George	

**MERRIMACK**

Anderson, Eric	Chandler, Earle	Colburn, Thomas	Daneault, Gabriel
Davis, Francis	DeStefano, Stephen	Feuerstein, Martin	Fraser, Marilyn
Hager, Elizabeth	Hess, David	Hoadley, Elizabeth	Jacobson, Alf
Lamach, Bernard	Leber, William	Marshall, Kenneth	Maxfield, Roy
Morrill, Olive	Pfaff, Terence	Reardon, Tara	Whittemore, James

**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Belanger, Ronald	Camm, Kevin
Carson, Gregory	Case, Margaret	Christie, Andrew, Jr.	Cooney, Richard
Dalrymple, Janeen	Dearborn, Bruce	Dolan, Richard	Dowling, Patricia
Downing, Michael	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Flanders, David	Francoeur, Sheila	Frechette, Joseph	Gibbons, Paul
Gleason, John	Griffin, Mary	Guthrie, Joseph	Heath, John
Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Lovejoy, Marian	Malcolm, Kenneth
McCarthy, John, Jr.	McKinney, Betsy	Mikowski, Walter	Moore, Benjamin
Morris, Debbie	Nowe, Ronald	Noyes, Richard	Packard, Sherman
Pantelakos, Laura	Rabideau, Marie	Raynowska, Bernard	Stickney, Nancy
Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony	Tufts, J. Arthur
Varrell, Thomas	Vaughn, Charles	Welch, David	Weyler, Kenneth

**STRAFFORD**

Berube, Roger	Brown, George	Callaghan, Frank	Cossette, Larry
Dunlap, Patricia	Knowles, William	McKinley, Robert	Musler, George
Spear, Barbara	Sullivan, Henry	Taylor, Kathleen	Torr, Ann
Torr, Franklin	Wall, Janet		

**SULLIVAN**

Adler, Rudolf	Cloutier, John	Ferland, Brenda	Flint, Gordon
Kibbey, David	Leone, Richard	Lindblade, Eric	Robb-Theroux, Amy

**NAYS 86****BELKNAP**

None

**CARROLL**

Babson, David, Jr.

**CHESHIRE**

Bonneau, Sarah	DePecol, Benjamin	Doucette, Richard	Hunt, John
Lynch, Margaret	Lynott, Margaret	McGuirk, Paul	Meader, David
O'Connell, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Vogl, John			

**COOS**

Bradley, Paula	Mears, Edgar	Moynihan, Wayne
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**GRAFTON**

Almy, Susan	Copenhaver, Marion	Lovett, Sidney	Luker, Elsa
Mirski, Paul	Nordgren, Sharon		

**HILLSBOROUGH**

Buckley, Raymond	Cardin, Lori	Cote, Peter	Daigle, Robert
Dwyer, Paul, Sr.	Gage, Ruth	Ginsburg, Ruth	Haettenschwiller, Alphonse
Hall, Betty	Konys, Christine	Leonard, Peter	MacAuslan, Rita
Reidy, Frank	Vaillancourt, Steve	Welch, Donald	

**MERRIMACK**

Burney, Carol	French, Barbara	Langer, Ray	Moore, Carol
Owen, Derek	Rogers, Katherine	Seldin, Gloria	St. Cyr, Gerard
Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles	

**ROCKINGHAM**

Clark, Martha	Coes, Betsy	Cushing, Robert	Dodge, Robert
Kane, Cecelia	Kelley, Jane	Micklon, Stephanie	Norelli, Terie
Pitts, Jacqueline	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Weatherspoon, Jackie			

**STRAFFORD**

Bickford, David	Brennan, William	Brown, Julie	DeChane, Marlene
Estabrook, Iris	Grassie, Anne	Hemon, Roland	Heon, Richard
Kaen, Naida	Keans, Sandra	McCann, William, Jr.	Merrill, Amanda
Merritt, Deborah	Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Tsiros, William	Twardus, Joseph	Vincent, Francis

**SULLIVAN**

Burling, Peter	Donovan, Thomas	Palmer, Lorraine	Wiggins, Celestine
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and the report was adopted.

Rep. Rollo voted nay and intended to vote yea.

**HB 1465**, relative to eligibility for athletic scholarships with the university system of New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Marie Rabideau for Education: This bill would require 1/3 of all athletic scholarships granted within the university system be awarded to New Hampshire high school graduates and that a scholastic aptitude test (SAT) score of 1100 be required as the minimum for athletic scholarship eligibility. The committee felt that placing further restrictions on athletic scholarships was not in the best interest of the university system nor the duty of the committee to legislate. This matter would be better addressed to the university system legislative oversight committee. Vote 17-0.

Rep. Fesh spoke against.

Rep. O'Hearn spoke in favor.

Rep. Fesh requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 225 NAYS 85****YEAS 225****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Calvert, Alice	Clark, Charles
Golden, Paul	Holbrook, Robert	Hurt, George	Lawton, Robert
Pilliod, James	Rosen, Ralph	Thomas, John	Veazey, John

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Cooper, Kipp	Dickinson, Howard, Jr.
Howard, Godfrey	MacDonald, Kenneth	Mock, Henry	

**CHESHIRE**

Avery, Stephen	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Hunt, John	Lynch, Margaret	McNamara, Wanda	Meader, David
Richardson, Barbara	Riley, William	Robertson, Timothy	Royce, H. Charles
Smith, Edwin	Vogl, John		

**COOS**

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Guay, Lawrence	Mears, Edgar	Moynihan, Wayne	Pratt, Leighton

**GRAFTON**

Akins, Ralph	Alger, John	Below, Clifton	Copenhaver, Marion
Ham, Bonnie	Hill, Richard	LaMott, Paul	Lovett, Sidney
Luker, Elsa	Nordgren, Sharon	Teschner, Douglass	Williams, William, Jr.



**HILLSBOROUGH**

Allen, W. Gordon	Amidon, Eleanor	Arnold, Thomas, Jr.	Baroody, Benjamin
Barry, William, III	Batula, Peter	Belvin, William	Bergin, Peter
Buckley, Raymond	Calawa, Leon, Jr.	Cardin, Lori	Chabot, Ernest
Chabot, Robert	Christiansen, Lars	Clay, Susan	Clegg, Robert, Jr.
D'Allesandro, Lou	Daniels, Gary	Dawe, Eileen	Drabinowicz, A. Theresa
Durham, Susan	Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James
Fields, Dennis	Foster, Joseph	Foster, Linda	Franks, Suzan
Gage, Ruth	Gagnon, Eugene	Ginsburg, Ruth	Golding, William
Gosselin, Gerald	Goulet, Maurice	Haettenschwiler, Alphonse	Hall, Betty
Hart, Nick	Herman, Keith	Holt, David	Hunter, Bruce
Jean, Claudette	Johnson, Lionel	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Leonard, Peter	Letendre, Evelyn
Lozeau, Donnalee	MacAuslan, Rita	MacGillivray, Jeffrey	MacIntyre, Doris
McCarty, Winston	McDonald, James, Sr.	Melcher, Harold	Mercer, Robert
Messier, Irene	Morello, Michael	O'Hearn, Jane	Peterson, Andrew
Rowe, Robert	Sargent, Maxwell	Searles, Stanley, Sr.	Thulander, O. Alan
Turgeon, Roland	Vaillancourt, Steve	Welch, Donald	Wheeler, Robert

**MERRIMACK**

Burney, Carol	Chandler, Earle	Daneault, Gabriel	Davis, Francis
DeStefano, Stephen	Feuerstein, Martin	French, Barbara	Hager, Elizabeth
Hoadley, Elizabeth	Jacobson, Alf	Lamach, Bernard	Lockwood, Robert
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Morrill, Olive
Owen, Derek	Pfaff, Terence	Reardon, Tara	Rogers, Katherine
St. Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Carson, Gregory	Case, Margaret	Christie, Andrew, Jr.
Clark, Martha	Coes, Betsy	Dearborn, Bruce	Downing, Michael
Flanagan, Natalie	Francoeur, Sheila	Frchette, Joseph	Guthrie, Joseph
Heath, John	Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Kobel, Rudolph	Langone, John	Lovejoy, Marian
Malcolm, Kenneth	McCarthy, John, Jr.	Micklon, Stephanie	Morris, Debbie
Norelli, Terie	Nowe, Ronald	Pantelakos, Laura	Pitts, Jacqueline
Rabideau, Marie	Sabella, Norma	Schanda, Frank	Stone, Joseph
Stritch, C. Donald	Syracusa, Anthony	Tufts, J. Arthur	Varrell, Thomas
Vaughn, Charles	Weatherspoon, Jackie	Welch, David	

**STRAFFORD**

Berube, Roger	Bickford, David	Brown, George	Brown, Julie
Callaghan, Frank	Cossette, Larry	Dunlap, Patricia	Estabrook, Iris
Grassie, Anne	Hemon, Roland	Kaen, Naida	Keans, Sandra
Knowles, William	McKinley, Robert	Merrill, Amanda	Merritt, Deborah
Musler, George	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spear, Barbara	Sullivan, Henry	Taylor, Kathleen
Torr, Ann	Torr, Franklin	Tsiros, William	Vincent, Francis
Wall, Janet			

**SULLIVAN**

Adler, Rudolf	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Flint, Gordon	Lindblade, Eric	Palmer, Lorraine
Robb-Theroux, Amy	Schotanus, Merle	Wiggins, Celestine	

**NAYS 85****BELKNAP**

Boyce, Robert	Laflam, Robert	Lawton, David	Rice, Thomas, Jr.
Turner, Robert			

**CARROLL**

Kenney, Joseph	Patten, Betsey	Philbrick, Donald
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**CHESHIRE**

Lynott, Margaret	Manning, Joseph	Steere, Myron, III
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**COOS**

Merrill, Gerald	St. Hilaire, Paul	Tholl, John, Jr.
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**GRAFTON**

Hinman, Harry	Mirski, Paul	Phinney, William	Root, John
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**HILLSBOROUGH**

Ameen, W.	Brundige, Robert	Burke, M. Virginia	Carlson, Donald
Cote, Peter	Daigle, Robert	Dwyer, Paul, Sr.	Flora, Kathleen
Holley, Sylvia	Jean, Loren	Kelley, Robert	Lefebvre, Roland
Leishman, Peter	Lessard, Rudy	Marcinkowski, Michael	Martin, Mary
McCarthy, William	McGough, Tim	McRae, Karen	Milligan, Robert
Mittelman, David	Murphy, Robert	Reidy, Frank	Riley, Frances
White, Donald			

**MERRIMACK**

Anderson, Eric	Brown, Mary	Colburn, Thomas	Fraser, Marilyn
Langer, Ray	Leber, William	Seldin, Gloria	

**ROCKINGHAM**

Beaulieu, Jon	Belanger, Ronald	Camm, Kevin	Cooney, Richard
Cushing, Robert	Dalrymple, Janeen	Dodge, Robert	Dolan, Richard
Dowling, Patricia	Dunham, Vivian	Fesh, Robert	Flanders, David
Gibbons, Paul	Gleason, John	Griffin, Mary	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Langley, Jane	Letourneau, Robert
McKinney, Betsy	Mikowski, Walter	Noyes, Richard	Packard, Sherman
Raynowska, Bernard	Sapareto, Frank	Stickney, Nancy	Weyler, Kenneth

**STRAFFORD**

Brennan, William	DeChane, Marlene	Heon, Richard	McCann, William, Jr.
Pelletier, Arthur	Twardus, Joseph		

**SULLIVAN**

Leone, Richard

and the report was adopted.

Rep. O'Connell did not vote and wished to be recorded in favor.

**HB 1371**, requiring the collection of certain data on children and parents in the state case registry for use in child support enforcement. **OUGHT TO PASS WITH AMENDMENT**

Rep. Julie M. Brown for Judiciary and Family Law: This legislation provides for the entry of standardized data for children and parents for use in child support enforcement. Vote 11-2.

**Amendment (0861h)**

Amend the bill by replacing section 5 with the following:

5 Effective Date.

I. Section 2 of this act shall take effect October 1, 1998 at 12:01 a.m.

II. The remainder of this act shall take effect January 1, 1999.

Adopted.

Rep. Kurk offered a floor amendment.

### Floor Amendment (0978h)

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

3 Revocation and Denial of License; Applicability Revised. Amend RSA 161-B:11, VI-a to read as follows:

VI-a. The social security number of any applicant for a professional license, ~~commercial~~ driver's license, occupational license, or marriage license shall be recorded on the application, provided that if the use of ~~a number other than~~ the social security number is allowed *to appear on the face of the license*, the applicant shall be so advised. Any application required by this section to contain a social security number shall be confidential and not subject to the right to know law. The use of such number shall be limited to proceedings or actions to establish paternity or to establish or enforce support and shall only be provided to or entered in any out-of-state or federal data base for those cases for which the department is providing services.

4 Social Security Numbers; Driver's License Application Form; Requirements. Amend RSA 263:40-a, I and II to read as follows:

I. ~~[The application form for a driver's license or a renewal of a driver's license may request the social security number of the applicant. An applicant for a renewal of a driver's license who is a resident of New Hampshire shall be given the opportunity to determine whether to provide the social security number.]~~ *The social security number of any applicant for a driver's license or a renewal of a driver's license shall be recorded on the application but shall not appear on the driver's license.* The application form shall include ~~[a box to check off if the applicant does not wish to provide his or her social security number pursuant to this paragraph, a box to check off if the applicant does not wish to have his or her social security number appear on the license, and]~~ a box to check off if the applicant does not wish to have his or her computerized image, likeness, or photograph retained in the records of the department of safety. *Any application required by this section to contain a social security number shall be confidential and not subject to the right to know law. The use of such number shall be limited to proceedings or actions to establish paternity or to establish or enforce support and shall only be provided or entered in any out-of-state or federal data base for those cases for which the department of health and human services is providing services.*

II. An applicant for a driver's license who has established residency as provided in RSA 263:35 shall provide his *or her* social security number in the application. ~~[The social security number shall be retained in the department's records unless the applicant obtains a waiver pursuant to paragraph I.]~~

5 Effective Date.

I. Section 2 of this act shall take effect October 1, 1998 at 12:01 a.m.

II. The remainder of this act shall take effect January 1, 1999.

### AMENDED ANALYSIS

This bill provides for the entry of standardized data for children and parents in the state case registry and provides that social security numbers shall not appear on a driver's license, professional license, occupational license, or marriage license unless the applicant is so advised.

Rep. Kurk spoke in favor and yielded to questions.

Rep. John McCarthy spoke in favor.

Adopted.

Report adopted and ordered to third reading.

**HB 1445-FN**, relative to nonpublic sessions and relative to attorneys in certain proceedings. IN-EXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary and Family Law: This is a change in the right to know law. It adds the word "private" to the current statute while never defining who is referred to. For municipalities it becomes a problem because often non-public sessions are used to discuss employees who are being disciplined without the infraction becoming the object of gossip in the



community. The 3<sup>rd</sup> section adds court hearings to the right to know. The committee believes that is not a good idea, especially in cases of juveniles, incompetency hearings and civil commitments. Vote 15-0.

Rep. McCann spoke against and yielded to questions.

Rep. Moynihan spoke in favor.

On a division vote, 266 members having voted in the affirmative and 21 in the negative, the report was adopted.

**HB 1565-FN-A**, establishing a joint legislative fiduciary oversight committee and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Bergin for Judiciary and Family Law: Testimony was given that as a result of the Fairbanks investigation it was revealed that most fiduciaries are not lawyers and are not under the same conduct or rules. It was also stated that there are thousands of trusts that are inter vivos which assures privacy and as a result lack court oversight. However, uniform bonding and accounting procedures now exist. In addition, RSA 506:7 was enacted to bring the court eyes to look at judiciary responsibility. If the legislature took on the oversight responsibility it would be costly and inefficient, cut into privacy issues and cause separation of power problems. Vote 15-0.

Rep. Jacobson spoke against and yielded to questions.

Rep. Bergin spoke in favor.

On a division vote, 196 members having voted in the affirmative and 80 in the negative, the report was adopted.

**HB 1107-L**, relative to the rate setting duties of the department of revenue administration. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Local and Regulated Revenues: The committee was unanimous that this legislation was not only unnecessary but was also ill-advised and could penalize the local property tax-rate process. The checks and balances of the present system were preferred over any changes. Vote 15-0.

Rep. Dodge spoke against and yielded to questions.

Rep. Noyes spoke in favor.

On a division vote, 226 members having voted in the affirmative and 50 in the negative, the report was adopted.

**HB 1136**, changing the appointing authority for board of tax and land appeals members from the supreme court to the governor and council. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Local and Regulated Revenues: This bill would have changed the appointing authority for the board of tax and land appeals from the Supreme Court to the Governor and Council. Almost all of the testimony on this bill was in support of no change. The system is working well and no need was seen to make any changes. Vote 15-0.

Adopted.

## COMMITTEE REPORTS

### CONSENT CALENDAR

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

**HB 1344-FN**, relative to state employees receiving workers' compensation benefits, removed by Rep. McCann.

**HB 1377-FN**, establishing a state commission on the status of men, removed by Rep. Bickford.

**HB 1545-FN**, increasing the salaries and changing the terms of office of the labor commissioner and the deputy labor commissioner, removed by Rep. Kurk.

**HB 1617-FN-L**, requiring all state agencies to include in its budget request the cost for maintaining state-owned buildings based upon a formula and requiring the department of administrative services to maintain state-owned buildings, removed by Rep. McCann.

Consent Calendar adopted.

**SB 428-FN**, relative to firearm lock boxes in state facilities. **OUGHT TO PASS**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: Currently, warning signs are posted visibly at each court location and each state facility indicating that firearms are not permitted in

the facility. In many of the locations, lock boxes to store the weapons in are available but only to law enforcement and government employees. Members of the public are informed that they must make their own arrangements to leave the weapon someplace outside the facility they are visiting. Many times the only place available is their vehicle which may not be a very secure or safe place to leave the firearm particularly if observed doing so. The committee felt that the same lock box privilege afforded to state and law enforcement personnel should be made available to members of the general public who legitimately have the right to carry. Vote 13-0.  
Referred to Finance.

**HB 605-FN-L**, relative to procedures regarding delinquent children under RSA 169-B. REFER FOR INTERIM STUDY

Rep. Frances L. Riley for Finance: This bill addresses an issue of such magnitude and complexity with reference to delinquent children, and the information still coming to the Committee raised so many additional questions, that in the interest of fairness to all concerned it was determined the bill required further study. Vote 15-0.

**HB 606-FN-L**, relative to procedures regarding children in need of services under RSA 169-D. REFER FOR INTERIM STUDY

Rep. Frances L. Riley for Finance: This bill addresses issues closely allied with HB 605. It was the unanimous recommendation that both bills be studied together. Vote 15-0.

**HB 1106-FN**, relative to special deer permits. OUGHT TO PASS

Rep. Margaret A. Lynch for Finance: This bill authorizes the Director of Fish and Game to charge a fee not to exceed \$10 for all applications for special deer permits. Past experience has indicated that we can expect approximately 1400 applications to the lottery for a special deer permit and therefore we can expect a positive impact of \$14,000. Vote 15-0.

**HB 1205-FN**, making technical corrections to the securities laws. OUGHT TO PASS

Rep. Arthur P. Klemm, Jr. for Finance: This bill makes technical corrections to the securities law. Part of the change allows for an annual registration fee which will increase the state general fund revenues by \$40,000 annually. Vote 16-0.

**HB 1210-FN**, relative to the licensing rate for beverage manufacturers. OUGHT TO PASS

Rep. Robert G. Holbrook for Finance: This bill changes the beverage manufacturers' license fee for small beverage producers to \$1200, leaving the license fee of \$1692 for producers of over 15,000 barrels per year. Estimated loss of revenue is less than \$3,450. Vote 16-0.

**HB 1224**, requiring the department of environmental services to test sludge or biosolids to be used for land application and assessing fees to sludge quality certification holders. OUGHT TO PASS

Rep. Arthur P. Klemm, Jr. for Finance: This bill puts into statute a pilot project we passed last year which required the Department of Environmental Services to implement a program of random on-site inspection of samples of sludge or biosolids to be used for land application. The program will be paid by fees imposed on the eleven wastewater treatment facilities in-state and eleven facilities from out of state which are certified to land apply in New Hampshire the sludge they generate. The amount of the fee is set at \$500 per facility. Vote 16-0.

**HB 1259-FN**, relative to salary differentials for certain employees of the New Hampshire hospital. OUGHT TO PASS

Rep. Mary Jane Wallner for Finance: This bill provides a \$5 per week pay differential for security employees, pharmacists and dietitians employed at the New Hampshire Hospital. Fourteen employees will be eligible for the differential. The cost is approximately \$4,000 per year and will be covered by the existing budget. Vote 17-0.

**HB 1290-FN**, relative to the authority of the state fire marshal. OUGHT TO PASS

Rep. Margaret A. Lynch for Finance: This bill updates the authority of the State Fire Marshal to correct fire safety hazards. It does not increase the responsibilities of the Fire Marshal's office. However, it does add a criminal penalty, a violation or misdemeanor, as a result of non-compliance. A fiscal impact may be felt in the event of Judicial Council involvement in the assignment of a public defender or assigned council. Vote 16-0.

**HB 1291-FN**, relative to management of the state ski areas at Mount Sunapee and Cannon Mountain. OUGHT TO PASS

Rep. Frances L. Riley for Finance: This bill modifies the existing law regarding leasing the state-owned ski areas. It allows for the leasing of one but not necessarily both of the areas and makes a number of other changes, none of which have any current fiscal impact. Vote 15-2.

**HB 1297-FN-A**, establishing a program of integrated pest management and continually appropriating an integrated pest management fund. OUGHT TO PASS

Rep. Robert L. Wheeler for Finance: The Committee felt that given the multi-tiered registration form and the creation of integrated pest management program that a fund be created specifically for the program and that it be continually appropriated and non-lapsing. The Commissioner shall report to the Environment and Agriculture Committee on the action from the fund by October 1<sup>st</sup> of each year. The bill requires that 10% of the approximately \$400,000 received in product registration fees be placed in the fund annually. Vote 14-2.

**HB 1334-FN**, establishing the position of deputy adjutant general. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret A. Lynch for Finance: This bill establishes a Deputy Adjutant General position and outlines the tenure of office and the responsibilities of the office. There is no fiscal impact on the General Fund as the Office of Adjutant General has stated that the additional costs can be absorbed within existing agency funds. The Finance amendment allows the agency the ability to transfer funds within the sums appropriated for fiscal year 1999 to cover the costs of the position authorized by this act. Vote 14-2.

#### Amendment (0977h)

Amend the bill by replacing section 3 with the following:

3 Cost of Position; Transfers Authorized. Notwithstanding any other provision of law to the contrary, the adjutant general is authorized to transfer within the sums appropriated by 1997, 350 for fiscal year 1999 to the adjutant general the amount necessary to cover the costs for the position authorized by this act.

4 Effective Date. This act shall take effect July 1, 1998.

**HB 1402-FN**, allowing the members of the general court dental insurance and relative to excess appropriations for state employee health insurance benefits for fiscal year 1998. OUGHT TO PASS

Rep. Arthur P. Klemm, Jr. for Finance: This bill allows members of the General Court to participate at their own expense in a group dental insurance program. The bill also requires the Department of Administrative Services and the judicial and legislative branches to transfer any excess appropriations for employee health insurance benefits for fiscal year 1998 to the employee benefit adjustment account. This will transfer \$404,178 on June 30, 1998, because of the rate saving on the current state health insurance contract. Vote 16-0.

**HB 1409-FN**, relative to licenses for taking lobster and crab. OUGHT TO PASS

Rep. Margaret A. Lynch for Finance: This bill establishes new categories of lobster and crab licenses. It differentiates between the size of the commercial endeavor; it sets up a category of super commercial license (a take of 12,000 lbs. of lobster/crab) at a license fee of \$300; a limited commercial license will carry a fee of \$103. A non-commercial license, which covers up to five traps for the lobsters/crabs that are not for re-sale, is \$35. The commercial fishermen are in agreement with these changes. There should be a \$14,000 positive impact on state income. Vote 15-0.

**HB 1422-FN**, changing unemployment compensation benefits. OUGHT TO PASS WITH AMENDMENT

Rep. Franklin G. Torr for Finance: This bill raises benefit levels and adjusts the level at which employers receive reductions to their contribution rate. The fund now has a balance of \$276,000,000. This bill was requested by the Department of Employment Security. The amendment makes a technical correction. Vote 15-1.



**Amendment (0987h)**

Amend RSA 282-A:25, I as inserted by section 2 of the bill by replacing it with the following:

I. The maximum weekly benefit amount and maximum benefits payable to an eligible individual in any benefit year shall be determined by the individual's annual earnings, of which in each of 2 calendar quarters the individual must have earned not less than 1,400, as follows:

Annual Earnings of Not Less Than	Maximum Weekly Benefit Amount	Maximum Benefits
\$ 2,800	\$ 32	\$ 832
3,100	35	910
3,400	39	1,014
3,900	45	1,170
4,200	48	1,248
4,500	52	1,352
4,800	55	1,430
5,100	59	1,534
5,600	64	1,664
6,100	69	1,794
6,600	75	1,950
7,000	80	2,080
7,400	83	2,158
7,800	88	2,288
8,200	92	2,392
8,600	96	2,496
9,000	101	2,626
9,500	105	2,730
10,000	110	2,860
10,500	115	2,990
11,000	119	3,094
11,500	123	3,198
12,200	131	3,406
12,900	136	3,536
13,600	141	3,666
14,300	146	3,796
15,000	[151] 153	[3,926] 3,978
15,700	[156] 160	[4,056] 4,160
16,400	[161] 167	[4,186] 4,342
17,100	[166] 174	[4,316] 4,524
17,800	[171] 181	[4,446] 4,706
18,500	[178] 189	[4,628] 4,914
[19,200] 19,500	[185] 199	[4,810] 5,174
[19,900]	[193]	[5,018]
20,500	[197] 209	[5,122] 5,434
21,500	[207] 219	[5,382] 5,694
22,500	[217] 229	[5,642] 5,954
23,500	[226] 240	[5,876] 6,240
24,500	[236] 250	[6,136] 6,500
25,500	[246] 260	[6,396] 6,760
26,500	[255] 270	[6,630] 7,020
27,500	[266] 280	[6,916] 7,280
28,500	[275] 290	[7,150] 7,540
29,500	301	7,826

**HB 1517-FN-A-L**, establishing a fund for maintaining, dredging, and improving harbors in New Hampshire. OUGHT TO PASS WITH AMENDMENT

Rep. Franklin G. Torr for Finance: This bill sets up a non-lapsing dredging fund to be utilized to maintain harbors in New Hampshire. There is no cost in the bill and funding would occur in the next operating budget. The amendment changes the effective date to July 1, 1999. Vote 17-0.

**Amendment (0984h)**

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

AN ACT establishing a fund for dredging to maintain harbors in New Hampshire.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 1999.

**HB 1575-FN**, relative to highway modifications on lands acquired through the land conservation investment program. OUGHT TO PASS

Rep. Arthur P. Klemm, Jr. for Finance: This bill allows the Department of Transportation to obtain for state highway purposes interests in land currently held in public trust by the Council on Resources and Development in the Land Conservation Investment Program. The funds for this program would come out of the existing budget, and there would be no increase in expenditures. Vote 16-0.

**HB 1630-FN**, relative to the transportation of high-level radioactive waste. OUGHT TO PASS

Rep. Margaret A. Lynch for Finance: This bill is in response to pending federal legislation creating a temporary repository in Nevada for class C radioactive waste. This is especially timely in light of the closing of Maine Yankee. The bill provides for a permitting process established through the Department of Safety relative to the transportation of high level radioactive waste by highway, water or rail within the borders of New Hampshire. The specifics of the bill are in compliance with federal rules and the Motor Carrier Act. The cost of the program will be covered by the permit fees. Vote 17-0.

**HB 1642-FN**, relative to changing the environmental laboratory certification program administered by the department of environmental services to an accreditation program. OUGHT TO PASS

Rep. Franklin G. Torr for Finance: This bill changes the water testing laboratory certification program administered by the Department of Environmental Services to an accreditation program which has national standards approved by the National Environmental Laboratory Accreditation Conference. Dues collected from the program will be deposited in a revolving fund account. The fees established will cover the cost of the program. Vote 17-0.

**SB 302-FN-L**, naming certain portions of U.S. Route 3 after Trooper Leslie Lord and Trooper Scott Phillips and naming a portion of New Hampshire Route 28 after Officer Jeremy Charron. OUGHT TO PASS

Rep. John E. Tholl, Jr. for Public Works and Highways: This bill names certain portions of U.S. Route 3 after Troopers Leslie Lord and Scott Phillips, and a segment of NH Route 28 after police officer Jeremy Charron. The committee felt that this is an appropriate means of permanently recognizing the sacrifice that these officers made in their service to the citizens of the state of New Hampshire and their communities. Vote 18-0.

**SB 303 FN-L**, changing the name of Blue Mountain to Bunnell Mountain. OUGHT TO PASS

Rep. Gerald P. Merrill for Public Works and Highways: This bill changes the name of Blue Mountain in Columbia, NH to Bunnell Mountain to honor the memory of Vickie Bunnell whose life was dedicated to the people and environment of the North Country. This is the first step in this exercise as federal approval will still be necessary, but passage of this bill will show the state's commitment, hopefully making the federal approval move faster. Vote 18-0.

**SB 305-FN**, naming the bridge over the Souhegan River on the F.E. Everett turnpike in the town of Merrimack, New Hampshire, Merrill's Marauders bridge. OUGHT TO PASS

Rep. John P. Gleason for Public Works and Highways: The committee felt that it is most appropriate to name the bridge over the Souhegan River on the F.E. Everett turnpike in the town of Merrimack, NH, Merrill's Marauders bridge. The committee recognized from very impressive historic World War II testimony the significant military presence and operation of General Frank D. Merrill's Marauders in Southeast Asia during WWII. A number of living and deceased New Hampshire citizens served with General Merrill during his epic operation. Vote 18-0.

**SB 307**, relative to the display of the POW-MIA flag. OUGHT TO PASS

Rep. Robert J. Letourneau for State-Federal Relations and Veterans Affairs: This bill honors all those who have served the United States during times of conflict and are listed as POW or MIA. We as a state now have this opportunity to extend this recognition whenever the flag of the United States is flown over the State House. Vote 12-0.

## REGULAR CALENDAR

**HB 1234-FN**, establishing an office of volunteerism. OUGHT TO PASS

Rep. O. Alan Thulander for Finance: This bill, the result of a 1997 study committee, recognizes that volunteerism is one of the foundation pieces of our state. The intent is the promotion of volunteerism and community service, the provision of assistance in the creation and maintenance of volunteer programs for political subdivisions. It would create as a resource information and coordination for programs across the state. There is no budget effect in FY 98; and the initiative would be subject to full budget review in the next biennium. Vote 9-6.

Adopted and ordered to third reading.

**HB 1300**, relative to the revenue stabilization reserve account. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill was recommitted to Finance. The new amendment divides any surplus at the end of the biennium 50/50 between the Rainy Day Fund and the Health Care Fund (the new name of the Health Care Transition Fund). The cap on the Rainy Day Fund is raised from 5% to 10% of the actual general fund revenues, and the Health Care Fund is capped at \$100,000,000. This amendment would put more of any surplus into the Rainy Day Fund and the Health Care Fund than the current law. Vote 12-5.

**Amendment (1037h)**

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

AN ACT relative to the revenue stabilization reserve account and the health care transition fund.

Amend the bill by replacing section 1 with the following:

1 Budget and Appropriations; Deficit Control; Revenue Stabilization Reserve Account; Transfer of Surplus. Amend RSA 9:13-e, II to read as follows:

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

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 6:

3 Public Assistance; Health Care Transition Fund Changed to Health Care Fund. Amend the subdivision heading following RSA 167:68 to read as follows:

Health Care [~~Transition~~] Fund

4 Public Assistance; Health Care Transition Fund Changed to Health Care Fund. Amend RSA 167:69-70 to read as follows:

167:69 Definitions. In this subdivision:

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

II. "Department" means the New Hampshire department of health and human services.

III. "Fund" means the health care [~~transition~~] fund established in RSA 167:70.

167:70 Health Care [~~Transition~~] Fund.

I. There is hereby established in the office of the state treasurer a fund to be known as the health care [~~transition~~] fund.

II. The state treasurer shall invest and reinvest the assets of the fund in accordance with law, and the principal assets and accumulated income in the fund shall be nonlapsing.

5 Public Assistance; Health Care Transition Fund Changed to Health Care Fund; \$100,000,000 Fund Maximum. Amend RSA 167:73-74 to read as follows:

167:73 Annual Health Care Initiatives Budget. Appropriations from the health care [~~transition~~] fund shall be consistent with the purposes of the fund. Any funds not obligated shall lapse to the health care [~~transition~~] fund.



## 167:74 Fund Limitations.

I. Health care initiatives as established in RSA 167:71 shall be available for a limited time period which shall not exceed 4 years.

## II. The health care [transition] fund shall fund:

(a) Coverage for those groups established in RSA 167:68, I(a), (b), (c), (d), and (e) for those recipients who have incomes between 170 percent and 185 percent of the federal poverty level.

(b) Primary preventive health services under RSA 126-A:10-e.

(c) Health care grants, which are intended to support community-based health care initiatives, as established in RSA 167:71, necessary to promote access, improve the quality of health care services, evaluate service delivery and cost models, or improve the purchasing and cost effective utilization of health care services.

*III. At the end of the fiscal biennium, all principal assets in the fund in excess of \$100,000,000 shall be transferred to the revenue stabilization reserve account.*

## AMENDED ANALYSIS

This bill requires that a balance in excess of an amount equal to 10 percent of the actual general fund unrestricted revenues for the most recently completed fiscal year in the revenue stabilization reserve account shall be transferred to the general fund surplus account. Current law requires such transfer when the amount is equal to 5 percent. This bill changes the name of the health care transition fund to the health care fund. This bill also provides that a budget surplus shall be transferred to the revenue stabilization reserve account and the health care fund, and places a limit on the principal assets in the health care fund at \$100,000,000.

Adopted.

Report adopted and ordered to third reading.

**HB 1304-FN**, relative to the qualifications and compensation of division directors of the department of environmental services. **OUGHT TO PASS**

Rep. Margaret A. Lynch for Finance: This bill places all three directors of the Department of Environmental Services within the same labor grade. In reality the only added expenditure will be for the incumbent Director of Air Resources, who will be moved from maximum in Group N to maximum in Group P. The incumbent Director of Waste Management is currently paid at Group P pursuant to RSA 94:3-b, which allows a salary adjustment for recruitment or retention purposes. The bill also changes the required qualification for a nominee for the position of Director of Waste Management to "be qualified by reason of education and experience." The fiscal note on this bill is \$15,514 for salary adjustment and benefits. Vote 14-3.

Adopted and ordered to third reading.

Rep. MacGillivray declared a conflict of interest and did not participate.

**HB 1339-FN**, regulating the sale by mail of liquor, wine, and beer. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary E. Brown for Finance: This bill requires direct shippers of liquor, wine and beer to obtain a permit for a fee of \$228 from the Liquor Commission, and to pay a fee to the Liquor Commission for each shipment made. There are no new positions created by this bill. Direct shippers will be able to ship alcoholic beverages to New Hampshire citizens, providing that the delivery person obtains a signature and proof of age over twenty-one. The direct shipment fee is 25% of the retail price of liquor and wine and a \$.30 per gallon fee for beer. Additional revenue is unknown but may be as much as \$61,000. Vote 9-8.

**Amendment (0986h)**

Amend the bill by replacing section 11 with the following:

11 Effective Date. This act shall take effect July 1, 1998.

Adopted.

Report adopted and ordered to third reading.

**SPECIAL ORDER**

Rep. Kurk moved that *HB 1389-FN-L*, relative to agreements for telecommunications related uses of the state highway system, be made a Special Order for Wednesday, March 25, 1998 in regular calendar order.

Adopted.

Rep. Joseph Foster declared a conflict of interest and did not participate.

**REGULAR CALENDAR (CONT'D.)**

**HB 1639-A-L**, relative to the highway and bridge betterment program and making an appropriation therefor. OUGHT TO PASS

Rep. Marie C. Hawkinson for Finance: The state highway fund has realized \$8 to \$10 million more in revenues than anticipated from the diesel tax since we have moved to taxing diesel fuel at the pump. This bill adds approximately \$6 million of this additional revenue annually to the highway and bridge betterment program. There is no impact on the general fund. Vote 16-0.

Report adopted and ordered to third reading.

**SPECIAL ORDERS**

Without objection, the Speaker made the bills removed from the day's Consent Calendar Special Orders for the first order of business on Wednesday, March 25, 1998.

**RESOLUTION**

Rep. Wheeler 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 25, 1998 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 1341**, relative to temporary seasonal docks on lakes and ponds.

**HB 1659**, prohibiting the use of eminent domain powers by public utilities to take private property for the construction and operation of electric generating plants.

**HB 1196**, relative to coordinating and compiling studies and establishing a lead education program concerning the effects of lead on water birds and other wildlife.

**HB 1178**, relative to automobile leasing.

**HB 1529**, reinstating the corporate charters of Hampstead Garage, Inc., Shannon Ridge Development, Inc., and Raycor Corporation and establishing a committee to study the process for reinstating a corporate charter.

**HB 1371**, requiring the collection of certain data on children and parents in the state case registry for use in child support enforcement.

**HB 1106-FN**, relative to special deer permits.

**HB 1205-FN**, making technical corrections to the securities laws.

**HB 1210-FN**, relative to the licensing rate for beverage manufacturers.

**HB 1224**, requiring the department of environmental services to test sludge or biosolids to be used for land application and assessing fees to sludge quality certification holders.

**HB 1259-FN**, relative to salary differentials for certain employees of the New Hampshire hospital.

**HB 1290-FN**, relative to the authority of the state fire marshal.

**HB 1291-FN**, relative to management of the state ski areas at Mount Sunapee and Cannon Mountain.

**HB 1297-FN-A**, establishing a program of integrated pest management and continually appropriating an integrated pest management fund.

**HB 1334-FN**, establishing the position of deputy adjutant general.

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

**HB 1409-FN**, relative to licenses for taking lobster and crab.

*HB 1422-FN*, changing unemployment compensation benefits.

*HB 1517-FN-A-L*, establishing a fund for dredging to maintain harbors in New Hampshire.

*HB 1575-FN*, relative to highway modifications on lands acquired through the land conservation investment program.

*HB 1630-FN*, relative to the transportation of high-level radioactive waste.

*HB 1642-FN*, relative to changing the environmental laboratory certification program administered by the department of environmental services to an accreditation program.

*SB 302-FN-L*, naming certain portions of U.S. Route 3 after Trooper Leslie Lord and Trooper Scott Phillips and naming a portion of New Hampshire Route 28 after Officer Jeremy Charron.

*SB 303-FN-L*, changing the name of Blue Mountain to Bunnell Mountain.

*SB 305-FN*, naming the bridge over the Souhegan River on the F.E. Everett turnpike in the town of Merrimack, New Hampshire, Merrill's Marauders bridge.

*SB 307*, relative to the display of the POW-MIA flag.

*HB 1234-FN*, establishing an office of volunteerism.

*HB 1300*, relative to the revenue stabilization reserve account and the health care transition fund.

*HB 1304-FN*, relative to the qualifications and compensation of division directors of the department of environmental services.

*HB 1339-FN*, regulating the sale by mail of liquor, wine, and beer.

*HB 1639-A-L*, relative to the highway and bridge betterment program and making an appropriation therefor.

### RECONSIDERATION

Having voted on the prevailing side, Rep. Royce moved that the House reconsider its action whereby it ordered to third reading *HB 1341*, relative to temporary seasonal docks on lakes and ponds, and spoke against.

Rep. Lovett spoke in favor.

Reconsideration failed.

### UNANIMOUS CONSENT

Reps. Hart and Mirski addressed the House.

Rep. Peterson moved that the remarks made by Rep. Hart be printed in the Journal.

Adopted.

Rep. Hart: Thank you, Madam Speaker. Last week, New Hampshire lost a person who served in this House with distinction. His name was Henry F. Goode. He was Co-Majority Leader; he was Vice Chairman of the House Appropriations Committee and then went on to become the Legislative Budget Assistant. I would like to take one moment for us to have a silent prayer for this man who was my mentor and my best friend. Thank you.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 5:15 p.m.

### RECESS

(Rep. Gene Chandler in the Chair)

### RESOLUTION

Its introduction having been approved by the Rules Committee:

Rep. Amanda Merrill offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1680, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.



**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 1680-FN-A-L**, relative to administration of retiree's health benefits by the New Hampshire retirement system and making an appropriation therefor. (Dyer, Hills 8; J. King, Dist 18: Executive Departments and Administration)

**RESOLUTION**

Rep. Amanda Merrill offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 301, 321, 339, 341, 362, 415, 438, 439 and 448, 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 301**, relative to teacher renomination and the application of teacher professional and performance standards. (Education)

**SB 321-FN-L**, relative to creating a joint maintenance high school in certain towns. (Education)

**SB 339-L**, relative to the bidding for design and construction of a new medium security prison in the city of Berlin and to the closure of the lakes region facility and making appropriations therefor. (Public Works and Highways)

**SB 341**, relative to the decommissioning finance committee. (Science, Technology and Energy)

**SB 362**, relative to classification of certain department of corrections personnel in the retirement system. (Executive Departments and Administration)

**SB 415**, relative to the authority of zoning boards of adjustment to grant variances from certain zoning ordinances. (Municipal and County Government)

**SB 438**, exercising the authority of the state of New Hampshire to elect out of the federal Volunteer Protection Act of 1997. (Judiciary and Family Law)

**SB 439-L**, relative to the adoption of policies by local school district governing bodies concerning pupil discipline and behavior. (Education)

**SB 448**, establishing a committee to study joint maintenance agreements in school districts. (Education)

**RECESS****(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 9**

Wednesday, March 25, 1998

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 House Chaplain, Reverend Edward G. Horstmann.

O, God of life and love, we give You thanks for this day and its opportunities for service. Whenever we feel overwhelmed, help us to rest in You and find new strength. Whenever our hearts are chilled by indifference, warm us with Your energy and passion, that we may receive fresh inspiration for our work together. We pray that You will bestow upon each member of this body the courage to speak and hear the truth and to have the wisdom to look at familiar issues from new angles and the vision to use the resources of this state for the common good. Amen.

Rep. McGough led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Mary Brown, Calawa, Clay, DePecol, Dunham, Eaton, Ferguson, Flora, Robert Foster, Guest, Healy, Major, O'Rourke, Pepino, Paul Taylor and Trelfa, the day illness.

Reps. Barry, Bergin, Julie Brown, Case, Chase, David Cote, Crowell, Gage, Gile, Goulet, Hurt, Lavoie, McCann, Mirski, Morrill, Morris, Moynihan, Marsha Pelletier, Piteri, Robertson, Salatiello and Simmons, the day, important business.

Rep. Carol Williams, the day, death in the family.

Reps. Carney, Clay and Krueger, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Alida Weergang, President and members of the New Hampshire Federated Republican Women's Club, guests of the House. David Dalrymple, Misty Tisbert and Adam Friedman, son and guests of Rep. Dalrymple. Kara Therrien, guest of Rep. Kevin Smith.

**SPECIAL GUESTS**

The 1997 Girls Class-L Championship Soccer Team from Manchester West High School and the State Girls Class-S Volleyball Champions from Sunapee High School, guests of the House.

**SENATE MESSAGES****CONCURRENCE**

*HB 802*, relative to judgments on past due rent.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 443, 670 and 659 and Senate Bill numbered 305.

Rep. Pfaff, Sen. Barnes for the Committee

**COMMITTEE ASSIGNMENTS**

Rep. Ernest E. Chabot on Wildlife and Marine Resources.

Rep. Francis W. David on Wildlife and Marine Resources.

Rep. Joan C. Tate on Judiciary and Family Law.

The Ethics Committee offered the following:

**LEGISLATIVE ETHICS COMMITTEE****Proposed Amendment to Ethics Guidelines**

At its meeting on March 18, 1998, the Committee unanimously voted to amend Ethics Guidelines Sections 3 and 5, subject to approval by the General Court in accordance with RSA 14-B:3, II. The amendment, in its entirety, is printed below.

Representative Jeb E. Bradley, Chairman

**ETHICS GUIDELINES**

**3 LEGISLATOR'S FINANCIAL DISCLOSURE FORM.**

Every representative, representative-elect, senator, senator-elect, and officer of the House and Senate, shall file with the Secretary of State the following financial disclosure form on or before January 31 of each year [~~for the preceding calendar year~~].

**FINANCIAL DISCLOSURE FORM  
FOR STATE SENATORS, STATE REPRESENTATIVES AND  
OFFICERS OF THE GENERAL COURT**

Required by the Legislative Ethics Committee (RSA 14-B)

Name of Legislator/Officer \_\_\_\_\_  
(PRINT NAME)

Address \_\_\_\_\_  
STREET TOWN/CITY ZIP CODE

Office \_\_\_\_\_ County/District \_\_\_\_\_

Telephone Number \_\_\_\_\_

I. Identify below the name, address, and type of any professional, business, or other organization (including any unit of government) in which you are or were an officer, director, associate, partner, proprietor, employee, or member, or served in any advisory capacity, from which you derived any income (including retirement benefits **other than federal retirement and/or disability benefits**) in excess of \$10,000 during the preceding calendar year.

- 1) a) Name of organization \_\_\_\_\_
- b) Address of organization \_\_\_\_\_
- c) Type of organization \_\_\_\_\_
- 2) a) Name of organization \_\_\_\_\_
- b) Address of organization \_\_\_\_\_
- c) Type of organization \_\_\_\_\_
- 3) a) Name of organization \_\_\_\_\_
- b) Address of organization \_\_\_\_\_
- c) Type of organization \_\_\_\_\_

(ATTACH ADDITIONAL SHEETS IF NECESSARY)

Please note: every State Senator, State Representative, and Officer of the General Court is required to file this form. If you feel that your income during the preceding calendar year does not qualify for disclosure according to the criteria stated above, signify by checking on the line below.

My income does not qualify \_\_\_\_\_

**II. COMPLETION OF THIS SECTION IS OPTIONAL.**

*Disclosure and description below of your financial interest may eliminate the need to follow the conflict of interest procedure established in Section 5 of the Ethics Guidelines. If your participation in an official activity creates a conflict of interest not disclosed by the information on this form, you must complete and file a Declaration of Intent Form in accordance with Section 5 of the Ethics Guidelines. See Section 5 of the Ethics Guidelines for information regarding particular conflicts of interest that you may have.*

**FOR THIS SECTION, "FINANCIAL INTEREST" MEANS THAT A CHANGE IN THE LAW DEALING WITH ANY OF THESE SUBJECTS LISTED BELOW WOULD POTENTIALLY HAVE A GREATER FINANCIAL EFFECT ON YOU OR YOUR SPOUSE THAN IT WOULD ON THE GENERAL PUBLIC.**

*Do you or your spouse have a financial interest, as defined above, in any of the following businesses, professions, occupations, groups, or matters? Check any of the following which apply and describe the nature of your or your spouse's financial interest:*

- (a) any profession, occupation, or business licensed or certified by the State of New Hampshire \_\_\_\_\_



- (b) *health care* \_\_\_\_\_
- (c) *insurance* \_\_\_\_\_
- (d) *real estate, including brokers, agents, developers, and landlords* \_\_\_\_\_
- (e) *banking or financial services* \_\_\_\_\_
- (f) *State of New Hampshire, county or municipal employment* \_\_\_\_\_
- (g) *the New Hampshire Retirement System* \_\_\_\_\_
- (h) *the current use land assessment program* \_\_\_\_\_
- (i) *restaurants and lodging* \_\_\_\_\_
- (j) *the sale and distribution of alcoholic beverages* \_\_\_\_\_
- (k) *the practice of law* \_\_\_\_\_
- (l) *any business regulated by the Public Utilities Commission* \_\_\_\_\_
- (m) *horse or dog racing, or other legal forms of gambling* \_\_\_\_\_
- (n) *education* \_\_\_\_\_
- (o) *water resources* \_\_\_\_\_
- (p) *agriculture* \_\_\_\_\_
- (q) *New Hampshire taxes:*  
 *Business Profits Tax,*  *Business Enterprise Tax,*  *Interest and Dividends Tax*
- (r) *other* \_\_\_\_\_

The foregoing information is true to the best of my knowledge and belief.

\_\_\_\_\_  
 Signature of Legislator/Officer

Complete and return to the Office of Secretary of State no later than January 31, \_\_\_\_\_

## 5 CONFLICT OF INTEREST PROCEDURE.

- I. *No declaration shall be required if no benefit or detriment could reasonably be expected to accrue to the legislator as a member of a business, profession, occupation, or other group, to any greater extent than to any other member of such business, profession, occupation, or other group, provided that disclosure of the legislator's membership is made in the Financial Disclosure Form pursuant to section 3 of the Ethics Guidelines. For purposes of these guidelines, groups shall be limited to ones generally recognized and of a substantial size.*
- II. When a legislator becomes aware that a conflict of interest exists or may exist *and the conditions set forth in paragraph I are not met*, the legislator shall proceed in accordance with either subparagraph (a) or (b):
  - (a) Declare that the legislator will not participate in any official activity associated with the issue.

- (b) Declare that the legislator intends to participate in the official activity and will provide a description of the conflict of interest including:
- \* names of all entities, both public and private, which might be affected;
  - \* the nature of any benefit which may accrue to the legislator;
  - \* the nature of any financial interest in the issue;
  - \* the nature of any relationship which existed, exists or may exist between the legislator and any person or entity which might be affected;
  - \* such additional information as may be required to permit clear public awareness and understanding of the nature and extent of the conflict.

**III.** The declaration required in subparagraphs **II** (a) and (b) of this procedure shall be publicly announced prior to the legislator's initial participation in the official activity. The information required in subparagraph (b) shall be filed with the clerk of the member's respective body within 24 hours of the time of the official activity and be made available for public inspection during normal business hours.

Rep. Jeb Bradley moved that the Financial Disclosure Form, as proposed by the Ethics Committee, be adopted, spoke in favor and yielded to questions.

Rep. Jacobson spoke against.

Rep. Teschner spoke in favor.

On a division vote, 246 members having voted in the affirmative and 69 in the negative, the Financial Disclosure Form was adopted.

### SPECIAL ORDERS

**HB 1344-FN**, relative to state employees receiving workers' compensation benefits. **INEXPEDIENT TO LEGISLATE**

Rep. Arthur P. Klemm, Jr. for Finance: This bill would have allowed state employees receiving partial workers' compensation indemnity benefits to accrue leave time. The Director of Personnel testified in opposition to the bill stating that the cost of the bill was indeterminable. This issue is more appropriately viewed as a negotiated item in collective bargaining. Vote 16-0.

Adopted.

**HB 1377-FN**, establishing a state commission on the status of men. **INEXPEDIENT TO LEGISLATE**

Rep. Mary Jane Wallner for Finance: As the bill came to the Finance Committee the Commission on the Status of Men would be attached to the Department of Administrative Services, but there was no funding for the new commission. The Department of Administrative Services does not have the needed funds in its present budget to accomplish the goals of the bill. Administrative Services estimated the cost might be up to \$20,000 for the first year and \$10,000 to \$11,000 in future years; the cost of the Commission on the Status of Women is about \$45,000 annually. The Finance Committee did not feel this new commission would be a priority for funding at this time. Vote 14-3.

Reps. Bickford, Jacobson and Dickinson spoke against.

Rep. Belvin spoke in favor.

Reps. Wallner and Hager spoke in favor and yielded to questions.

Rep. Kurk yielded to questions.

Rep. Dickinson requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 182 NAYS 142**

**YEAS 182**

**BELKNAP**

Bartlett, Gordon  
Lafam, Robert  
Turner, Robert

Boriso, Thomas  
Lawton, Robert  
Veazey, John

Calvert, Alice  
Rosen, Ralph

Holbrook, Robert  
Thomas, John

**CARROLL**

Bradley, Jeb

Chandler, Gene

Howard, Godfrey

Philbrick, Donald

**CHESHIRE**

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Champagne, Richard
Doucette, Richard	Hunt, John	Lynch, Margaret	McNamara, Wanda
Meader, David	Pratt, Irene	Pratt, John	Riley, William
Royce, H. Charles	Russell, Ronald	Smith, Edwin	

**COOS**

Bradley, Paula	Coulombe, Henry	Davis, Perley	Guay, Lawrence
Hawkinson, Marie	Mears, Edgar	Merrill, Gerald	Tholl, John, Jr.

**GRAFTON**

Below, Clifton	Copenhaver, Marion	Hill, Richard	Luker, Elsa
MacNeil, Allen	Nordgren, Sharon	Phinney, William	

**HILLSBOROUGH**

Allen, W. Gordon	Alukonis, David	Ameen, W.	Amidon, Eleanor
Belvin, William	Briefs, Geoffrey	Buckley, Raymond	Carlson, Donald
Chabot, Ernest	Chabot, Robert	Cote, Peter	D'Allesandro, Lou
Daigle, Robert	Daniels, Gary	Dawe, Eileen	Desrosiers, William
Dokmo, Cynthia	Durham, Susan	Dwyer, Paul, Sr.	Emerton, Lawrence, Sr.
Foster, Joseph	Gagnon, Eugene	Golding, William	Haettenschwiler, Alphonse
Hansen, Herbert	Hart, Nick	Herman, Keith	Jean, Claudette
Johnson, Lionel	Kelley, Robert	Kurk, Neal	LaRose, Richard
Leonard, Peter	Lozeau, Donnalee	Lynde, Harold	MacIntyre, Doris
Martin, Mary	McCarty, Winston	McDonald, James, Sr.	McGough, Tim
McRae, Karen	Melcher, Harold	Morello, Michael	O'Heam, Jane
Perkins, Paul	Sargent, Maxwell	Searles, Stanley, Sr.	Thulander, O. Alan
Turgeon, Roland	Wheeler, Robert	Wright, George	

**MERRIMACK**

Anderson, Eric	Chandler, Earle	Davis, Francis	DeStefano, Stephen
Feuerstein, Martin	French, Barbara	Hager, Elizabeth	Hess, David
Lamach, Bernard	Marshall, Kenneth	Moore, Carol	Nichols, Avis
Pfaff, Terence	Reardon, Tara	Seldin, Gloria	St. Cyr, Gerard
Wallin, Jean	Wallner, Mary Jane	Whalley, Michael	

**ROCKINGHAM**

Arndt, Janet	Blanchard, MaryAnn	Christie, Andrew, Jr.	Clark, Martha
Coes, Betsy	Cote, Patricia	Dalrymple, Janeen	Dearborn, Bruce
Dowd, Sandra	Downing, Michael	Fesh, Robert	Flanders, John, Sr.
Francoeur, Sheila	Gleason, John	Griffin, Mary	Guthrie, Joseph
Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert	Kelley, Jane
Klemm, Arthur, Jr.	Langone, John	Letourneau, Robert	Malcolm, Kenneth
McKinney, Betsy	Micklon, Stephanie	Norelli, Terie	Noyes, Richard
O'Keefe, Patricia	Packard, Sherman	Raynowska, Bernard	Sabella, Norma
Schanda, Frank	Stickney, Nancy	Stritch, C. Donald	Tufts, J. Arthur
Weatherspoon, Jackie	Welch, David	Weyler, Kenneth	

**STRAFFORD**

Cossette, Larry	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Grassie, Anne	Kaen, Naida	Keans, Sandra	Knowles, William
Lundborn, Raymond	McKinley, Robert	Merrill, Amanda	Musier, George
Spear, Barbara	Taylor, Kathleen	Torr, Ann	Torr, Franklin
Twardus, Joseph	Wall, Janet		



**SULLIVAN**

Adler, Rudolf	Allison, David	Burling, Peter	Donovan, Thomas
Ferland, Brenda	Flint, Gordon	Leone, Richard	Lindblade, Eric
Palmer, Lorraine	Schotanus, Merle	Wiggins, Celestine	

**NAYS 142****BELKNAP**

Boyce, Robert	Clark, Charles	Lawton, David
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**CARROLL**

Babson, David, Jr.	Cooper, Kipp	Dickinson, Howard, Jr.	Kenney, Joseph
Lyman, L. Randy	MacDonald, Kenneth	Patten, Betsey	

**CHESHIRE**

Lynott, Margaret	Manning, Joseph	O'Connell, John	Richardson, Barbara
Steere, Myron, III			

**COOS**

Coulombe, Yvonne	Horton, Lynn	Pratt, Leighton	St. Hilaire, Paul
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**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Brown, Channing
Cobbin, Philip	Guaraldi, Lawrence	Ham, Bonnie	Hinman, Harry
Lovett, Sidney	Root, John	Teschner, Douglass	Weber, Phil
Williams, William, Jr.			

**HILLSBOROUGH**

Arnold, Thomas, Jr.	Baroody, Benjamin	Batula, Peter	Boutin, David
Brundige, Robert	Burke, M. Virginia	Cardin, Lori	Christiansen, Lars
Clemons, Jane	Drabinowicz, A. Theresa	Dyer, Merton	Fenton, James
Fields, Dennis	Foster, Linda	Franks, Suzan	Ginsburg, Ruth
Gosselin, Gerald	Hall, Betty	Holley, Sylvia	Holt, David
Hunter, Bruce	Jean, Loren	Kony, Christine	L'Heureux, Robert
Leishman, Peter	Lessard, Rudy	Letendre, Evelyn	Luebckert, Bernard
MacGillivray, Jeffrey	Marcinkowski, Michael	Mercer, Robert	Messier, Irene
Milligan, Robert	Murch, George	Murphy, Robert	Peterson, Andrew
Reidy, Frank	Rowe, Robert	Tate, Joan	Vaillancourt, Steve
Welch, Donald	White, Donald	White, Jay	

**MERRIMACK**

Adams, Stephen	Burney, Carol	Colburn, Thomas	Daneault, Gabriel
Dunn, Miriam	Hoadley, Elizabeth	Jacobson, Alf	Langer, Ray
Larrabee, David	Leber, William	Maxfield, Roy	Owen, Derek
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Battles-Peirce, Marjorie	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Camm, Kevin	Cooney, Richard	Cushing, Robert
Dodge, Robert	Dolan, Richard	Flanagan, Natalie	Flanders, David
Frechette, Joseph	Gibbons, Paul	Heath, John	Kane, Cecelia
Katsakiores, George	Kobel, Rudolph	Langley, Jane	Lovejoy, Marian
McCarthy, John, Jr.	Mikowski, Walter	Millard, Ralph	Moore, Benjamin
Nowe, Ronald	Pantelakos, Laura	Pitts, Jacqueline	Rabideau, Marie
Rubin, George	Sapareto, Frank	Smith, Kevin	Syracusa, Anthony
Varrell, Thomas	Vaughn, Charles		

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	Hemon, Roland	Heon, Richard	Merritt, Deborah
Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Sullivan, Henry	Tsiros, William	Vincent, Francis

**SULLIVAN**

Cloutier, John	Kibbey, David	Robb-Theroux, Amy
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and the report was adopted.

**HB 1545-FN**, increasing the salaries and changing the terms of office of the labor commissioner and the deputy labor commissioner. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The Committee felt that since the Labor Department has been assigned more responsibility – eleven new programs – since their last review, and has more employees and larger budgets than Banking and Insurance then they should have pay grades at least equivalent to those comparable departments. The cost to the general fund is less than \$3000. Vote 15-1.

**Amendment (1017h)**

Amend the bill by replacing section 2 with the following:

2 Salaries of Labor Commissioner and Deputy Labor Commissioner. Amend RSA 94:1-a, I by inserting:

I. In group P, deputy labor commissioner.

II. In group R, labor commissioner.

Amend the bill by replacing section 6 with the following:

6 Applicability; Salary of Incumbent Deputy Labor Commissioner and Labor Commissioner. The incumbent deputy labor commissioner and labor commissioner on the effective date of this act shall be placed at the minimum step in group P and R, respectively, as provided in section 2 of this act, on the effective date of this act.

Reps. Franklin Torr and Dyer spoke against.

The Committee amendment failed.

Rep. Dyer offered a floor amendment.

**Floor Amendment (1111h)**

Amend the bill by replacing section 2 with the following:

2 Salaries of Labor Commissioner and Deputy Labor Commissioner. Amend RSA 94:1-a, I by inserting:

I. In group N, deputy labor commissioner.

II. In group Q, labor commissioner.

Amend the bill by replacing section 6 with the following:

6 Applicability; Salary of Incumbent Deputy Labor Commissioner and Labor Commissioner. The incumbent deputy labor commissioner on the effective date of this act shall be placed at step 3 in group N, as provided in section 2 of this act, on the effective date of this act. The incumbent labor commissioner on the effective date of this act shall be placed at step 1 in group Q, as provided in section 2 of this act, on the effective date of this act.

Reps. Dyer and Wheeler spoke in favor.

Adopted.

Report adopted and ordered to third reading.

**HB 1617-FN-L**, requiring all state agencies to include in its budget request the cost for maintaining state-owned buildings based upon a formula and requiring the department of administrative services to maintain state-owned buildings. **INEXPEDIENT TO LEGISLATE**

Rep. Arthur P. Klemm, Jr. for Finance: This bill would require state agencies to include in their budget requests the cost for maintaining state-owned buildings at \$1.00 per square foot. The Committee felt that though the bill was well-intentioned it needed further work in that some agencies needed to be excluded. The bill did not deal with what would happen to funds not expended at the end of the biennium. The bill would have had an \$8,407,000 cost impact on the biennial budget. Vote 17-0.

Adopted.

**COMMITTEE REPORTS**  
**CONSENT CALENDAR**

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

**SB 495**, relative to the university system study committee. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Clair A. Snyder for Education: This bill changes the name of the university system study committee to the public higher education study committee to include the public university, the four-year colleges, and the community-technical colleges. This will bring all higher education entities under the scope of study by this committee. The amendment includes the regional community-technical colleges as part of the liaison with the university system. Vote 15-0.

**Amendment (0993h)**

Amend RSA 187-A:28-c, II as inserted by section 3 of the bill by replacing it with the following:  
II. The committee shall act as liaison between the university system, *the regional community-technical colleges*, the general court, and the public to promote better understanding and communications between ~~[the system]~~ *public higher education*, the general court, and the public.

**HB 1193-FN**, relative to installing vending machines at welcome and tourist information centers on state highways. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Kenneth L. Weyler for Finance: The intent of this bill was to add eleven new refreshment centers at state highway rest stops. The construction would be phased in from 2000 to 2004. Originally the construction would be paid for by a half share of the vending revenue going to the Department of Transportation which currently goes to the general fund. The amendment changes the funding mechanisms. At the beginning of the next biennium the split in vending revenues will be 75% to general fund and 25% to DOT. The construction funds will be from DOT. DOT will use their share of the revenues to recover construction costs and pay for maintenance and utilities. The approximately \$200,000 to the general fund will be relatively constant. Vote 19-0.

**Amendment (1130h)**

Amend RSA 230:30-a, IV as inserted by section 1 of the bill by replacing it with the following:  
IV. The state's share of the funds derived from the vending machine revenue shall be ~~[deposited as unrestricted revenue in the general fund]~~ *apportioned as follows: 75 percent to the general fund, and 25 percent to the department of transportation beginning July 1, 1999.*  
Amend the bill by replacing section 2 with the following:

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

**AMENDED ANALYSIS**

This bill revises current law regarding cost and revenue sharing for the installation of vending machines at welcome and tourist information centers on the state highway system.

This bill is a request of the department of transportation.

**HB 1337-FN**, making technical corrections in laws related to the department of corrections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary E. Brown for Finance: This bill was requested by the Department of Corrections. It makes some technical language corrections; it increases the salary of the Director of Administration of the Department of Corrections from Group M to Group P, step 1, in order to comply with the requirement that superiors should not be paid less than subordinate employees. The Committee also approved increasing from \$1,000 to \$2,500 the provision of seeking approval from both the Fiscal Committee and the Governor and Council. The fiscal impact is minimal. Vote 14-0.

**Amendment (1101h)**

Amend RSA 622:28-a, V as inserted by section 9 of the bill by replacing it with the following:  
V. All purchases of materials, supplies, and equipment into the inventory account shall be made in accordance with the provisions of RSA 21-F:11 and any equipment purchase in excess of ~~[\$1,000]~~ *\$2,500* made under the provisions of this section shall require the prior approval of both the fiscal committee of the general court and the governor and council.



Amend the bill by replacing all after section 16 with the following:

17 Salary Change. Amend RSA 94:1-a by:

I. Deleting in group M: director of administration, department of corrections.

II. Inserting in group P: director of administration, department of corrections.

18 Applicability; Salary of Incumbent Director of Administration. The incumbent director of administration of the department of corrections on the effective date of this act shall be placed at the minimum salary in group P, as provided in section 17 of this act, on the effective date of this act.

19 Effective Date.

I. Section 6 of this act shall take effect January 1, 1999.

II. Section 17 and 18 of this act shall take effect July 1, 1998.

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

#### AMENDED ANALYSIS

This bill allows the commissioner of the department of corrections to delegate authority to the assistant commissioner in the commissioner's absence. The bill changes the penalty for a prison employee who knowingly allows a controlled substance to be passed to a prisoner from a misdemeanor to a class B felony. The bill allows the department of corrections to make certain equipment purchase of up to \$2,500 without the approval of governor and council and the fiscal committee.

The bill changes "prison" to "prisons" in the RSA chapters governing the administration of state prison facilities.

The bill also increases the salary of the director of administration of the department of corrections.

This bill was requested by the department of corrections.

#### **HB 1354-FN**, relative to fishing in the Connecticut River by residents of Vermont. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret A. Lynch for Finance: The State of New Hampshire owns the rights of the Connecticut River, within its borders, to the banks on the Vermont side. Currently, licensed Vermont residents and non-residents with a valid Vermont fishing license are permitted to fish in the Connecticut River. This bill will change that situation and allow only those people licensed in New Hampshire and residents of Vermont holding a valid Vermont fishing license to legally fish in the Connecticut River. Those people from states other than Vermont will be required to purchase a New Hampshire fishing license in order to fish in the Connecticut River. There is an Interstate Memo of Agreement between New Hampshire and Vermont relative to this change, and Vermont is in full agreement. The Finance Committee amendment provides gender neutral language. The only fiscal impact would be a positive one, but it is indeterminable. Vote 14-0.

#### **Amendment (1058h)**

Amend the bill by replacing section 1 with the following:

1 Fishing in Connecticut River; Persons Changed to Residents of Vermont. Amend RSA 211:5 to read as follows:

211:5 Fishing in Connecticut River. If the laws of the state of Vermont permit fishing in that part of the Connecticut River lying within that state by persons legally licensed to fish in New Hampshire or otherwise entitled under the laws of this state to fish in that part of said river lying within this state, [persons] *residents of Vermont* legally licensed to fish in the state of Vermont or otherwise entitled under the laws of that state to fish in said part of the Connecticut River lying within the state of Vermont shall be permitted to fish in that part of the Connecticut River lying within this state. If the above reciprocal laws are in effect as to that part of the Connecticut River lying within the states of New Hampshire and Vermont the executive director is authorized to adopt special rules as to fishing in such waters, after consultation with the like officer of the state of Vermont, in the same manner and with the same effect as [he] *the executive director* is authorized to do with respect to boundary lakes under the provisions of RSA 211:4.

#### **HB 1473-FN-A**, establishing a wildlife damage control program and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill establishes a wildlife damage control program. The bill as it comes out of Finance is a compromise between the people who are most affected by this program and Fish and Game. The bill establishes a wildlife damage control advisory board as

well as a wildlife damage control program which will be funded by \$62,500 of Fish and Game funds for the primary purpose of providing fencing for a number of apple orchards. The cost of the fencing will be shared on a 50/50 basis with the orchard owner and the state. The \$5000 cap per participant is removed so larger fencing projects can be done without splitting the fencing project over a number of years. The \$62,500 of Fish and Game money will appear as a line item in the Fish and Game budget for the next ten years. Vote 14-1.

#### Amendment (1080h)

Amend RSA 207:22-c, II as inserted by section 4 of the bill by replacing it with the following:

##### II. A cooperative fencing program:

(a) Commercial growers may participate in a cost-share-fencing program on a 50/50 cost share basis. Under this program, the executive director may provide payment from funds designated for this program in the fish and game fund to an eligible commercial grower for the purchase of fencing materials and their installation, provided the commercial grower's participation and eligibility has been approved by the wildlife damage control advisory board.

(b) Commercial growers desiring to participate in the 50/50 cost share program shall submit written applications to the executive director in such manner as prescribed by the executive director on or before May 1 of each year.

(c) Maintenance costs of installed fences shall be the responsibility of the applicant.

(d) The wildlife damage control advisory board shall determine on an annual basis no later than June 30 of each year the recipients of the fencing moneys for the ensuing year. The board will make its determinations based on urgency of need for damage relief and any other factors necessary to ensure a fair and equitable allocation of funds. The decisions of the board shall be final.

(e) The failure of a commercial grower to properly install and maintain fencing purchased under this paragraph shall make the commercial grower ineligible to participate in this program until such time as approved by a majority of the wildlife damage control advisory board.

(f) The executive director shall adopt rules pursuant to RSA 541-A to implement and execute this program, which may include but not be limited to eligibility criteria, fencing specifications, funding levels, and inspection procedures.

(g) The provisions and penalties of RSA 641 concerning false statements shall apply to all reporting and documentation required pursuant to this paragraph.

(h) For purposes of this paragraph, a "commercial grower" means any person who grows an agricultural or horticultural crop from which the person has derived, or reasonably expects to derive an annual gross income from the sale of crops normally produced of at least \$2500.

Amend section 9 of the bill by replacing paragraph I with the following:

I. There is hereby appropriated the sum of \$62,500 for the fiscal year ending June 30, 1999 from the fish and game fund to the fish and game department for the purpose of funding the wildlife damage control program, established in RSA 207:22-c. These funds shall not be used for any other purpose and shall be non-lapsing.

#### AMENDED ANALYSIS

This bill establishes a wildlife damage control program and the wildlife damage control advisory board. This bill also repeals certain provisions relating to damage by game birds and game, and prospectively repeals the wildlife damage control program on December 31, 2009.

#### **HB 1513-FN-L, relative to vehicle emissions control equipment and testing. OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: This bill replaces centralized auto emissions tailpipe testing with a safety inspection anti-tampering visual check of emissions-related components such as the gas cap, fuel inlet restrictor, catalytic converter, positive crankcase ventilation valves and hoses and air injection pumps. The safety-related check may in the future include oxygen sensors as well as a check of the on-board diagnostic equipment which auto repair technicians can do with their computerized diagnostic tools. The safety-related inspection is a far cry from centralized auto emissions testing which the EPA was requiring and had sent a threatening letter to sanction New Hampshire transportation funds for non-compliance. This bill removes the threat of these very

expensive sanctions to New Hampshire. EPA's tentative approval of this bill has been made possible by Public Service of New Hampshire's commitment to reduce emissions more than required. Clearly there is a cost to PSNH though the Committee believes this cost quite favorable when compared to the cost of auto emissions testing.

The Committee believes PSNH has made a sound business decision in pursuing this environmental improvement. The decision to reduce these emissions is sound public policy because there is a much greater environmental benefit from reducing utility emissions than auto emissions and the costs to NH citizens is substantially less. In order to make this commitment, PSNH should be able to recover the costs of these additional emission reductions. This amendment was requested by the Public Utilities Commission to clarify that recovery by PSNH of these expenses is "recoverable to the same extent and subject to the same conditions as any environmental expenditure mandated by law..." The second change clarifies Department of Safety's ability to waive fines for diesel trucks that fail the roadside emissions test. At this time there is no impact on the General Fund or Highway Fund. Vote 20-0.

#### **Amendment (1100h)**

Amend RSA 125-C:19-a as inserted by section 1 of the bill by replacing it with the following:

125-C:19-a Recovery of Public Utility Expenditures. All costs and expenses directly incurred by electric generating facilities for pollution reductions that are a component of, or are required in connection with, any vehicle inspection and maintenance program adopted by the state of New Hampshire and approved by the federal Environmental Protection Agency, or substitute for such program, shall be recoverable to the same extent and subject to the same conditions as any environmental expenditure mandated by law, and shall be recoverable through the fuel and purchased power adjustment clause or any succeeding cost recovery mechanism.

Amend RSA 266:59-c, II as inserted by section 5 of the bill by replacing it with the following:

II. The department may impose an administrative fine for any violation of this section or rule adopted under the provisions of this section. The maximum amount of the fine which may be assessed for each violation shall be \$500. The commissioner shall have the authority to waive or reduce the amount of any fine assessed pursuant to this section.

#### **HB 1558-FN-L**, relative to games of chance. OUGHT TO PASS

Rep. Kenneth L. Weyler for Finance: Minor but consistently recurring abuses to the games of chance offered by charitable organizations have prompted revisions to the current law. A charitable organization must: have been in existence for at least two years, document that it is exempt from federal income tax, establish purposes for its organization, other than gambling, register with the Secretary of State, and maintain a list of bona fide members. License applications must be submitted to the attorney general and respective chief of police. Operation of the games is restricted to bona fide members or their adult family members. Allowable wagers are increased from one dollar to two. There are increased financial reporting requirements and new sections for inspections and penalties. Costs of inspections may be increased by \$15,000 to \$18,000 per year, but no additional funds are appropriated. Vote 18-2.

#### **HB 1573-FN**, changing the name of the department of cultural affairs to the department of cultural resources and establishing a fund for educational purposes and historic preservation. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill as amended by the Committee on Finance removes the provision of establishing a dedicated fund for educational and historic preservation. The mechanism already exists to keep funds that are donated to Cultural Affairs from lapsing into the general fund by either donating funds for a specific purpose or the director can go before Governor and Council and request that the donated funds not lapse into the general fund. The rest of the bill was passed as it was received from the ED&A Committee. Vote 17-1.

#### **Amendment (1059h)**

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

AN ACT changing the name of the department of cultural affairs to the department of cultural resources and changing the qualifications for the director of the division of the arts.

Amend the bill by deleting sections 1 and 4 and renumbering the original sections 2, 3, 5, and 6 to read as 1-4, respectively.



## AMENDED ANALYSIS

This bill changes the name of the department of cultural affairs to the department of cultural resources and changes qualifications for the director of the division of arts.

**HB 1597-FN**, relative to providing more cost-effective special education services. **OUGHT TO PASS**  
Rep. Charles L. Vaughn for Finance: This bill refines the cost determination for the State Board of Education and local school districts when they consider appropriate and free public education for disabled children. First: When incarcerated in an adult correctional facility, young adults ages 18 to 21 shall not be included as in "educationally disabled child" unless they were identified as having a disability and arrived at the facility with an I.E.P. (Individualized Education Program). Second: Sending districts will be notified of a court order placement and can submit cost impact statements of the placement in the district. Third: A child with unknown or unavailable parents, or guardian, will have a guardian appointed by the designee of the State Education Commissioner who will represent the educational interests of the child. Vote 20-0.

**HB 1600**, relative to the multiple DWI offender intervention detention center program. **OUGHT TO PASS WITH AMENDMENT**

Rep. W. Gordon Allen for Finance: The Committee supports the intent of the bill to increase the revenues of the DWI multiple offender program, but felt it was not prudent at this time to forgive the program's substantial debt, especially without consultation with the state's auditors, and to reduce DWI sentences for a possible unquantified increase in fees. The amendment keeps the provision allowing more persons to be eligible for the multiple offender program and removes the provisions forgiving the debt and reducing the sentence. Vote 19-0.

## Amendment (1018h)

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

1 Statement of Purpose. The general court finds that the multiple DWI offender intervention detention center program provides a valuable service to persons admitted to the program and to all New Hampshire residents. Persons who successfully complete the program have a recidivism rate of only 11 percent.

2 Multiple DWI Offender Intervention Detention Center Program; Reference Added. Amend RSA 172-B:2-b, 1 to read as follows:

1. The commissioner shall be responsible for administration and operation of the 7-day multiple DWI offender intervention detention center program which persons convicted under RSA 265:82 or RSA 265:82-a or *sentenced pursuant to RSA 651:2, V(h)* may be required to attend [~~under the provisions of RSA 265:82-b~~].

3 New Subparagraph; Alcohol-Related Offenses. Amend RSA 651:2, V by inserting after subparagraph (g) the following new subparagraph:

(h) In cases of a person convicted of a felony or class A misdemeanor, a court may sentence such person to 7 consecutive 24-hour periods to be served at the state-operated 7-day multiple DWI offender intervention detention center program established under RSA 172-B:2-b, if the evidence demonstrates that alcohol was a contributing factor in the commission of the offense and provided that space is available in the program and such person pays the fees for the program in full prior to admission.

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

## AMENDED ANALYSIS

This bill allows a court to sentence persons convicted of certain crimes in which the evidence demonstrates that alcohol was a contributing factor to the multiple DWI offender intervention detention center program.

This bill is a result of study of 1997, HB 271, which was rereferred to the house criminal justice and public safety committee.

**HB 1636-FN**, relative to the executive director of fish and game and the fish and game commission. **OUGHT TO PASS**

Rep. Arthur P. Klemm, Jr. for Finance: This bill is the result of a study committee this past summer. The Committee on Finance agreed with the ED&A Committee and made no changes in this bill. The fiscal impact of this bill is \$3,355 in FY 98 and \$13,859 in FY 99 to be paid by Fish and Game funds. There is no impact to the general fund under this bill. Vote 18-0.

**HB 1652**, establishing a pilot program relative to the administration of medications in residential care facilities. **OUGHT TO PASS**

Rep. Sharon L. Nordgren for Finance: This bill has no fiscal impact and the Committee unanimously supported the bill. Vote 21-0.

**HB 1655-FN-A**, relative to the authority of the length of service awards program committee and making an appropriation therefor. **OUGHT TO PASS**

Rep. O. Alan Thulander for Finance: The length of service awards program for volunteer firefighters and emergency medical personnel was enacted (RSA 100-B:9) in the last biennium. The Internal Revenue Service revised its rules before this program could be initiated. This bill appropriates \$3000. to fund actuarial and legal services required to bring the program into compliance with federal requirements. Vote 21-0.

**SB 414**, relative to official motor vehicle plates. **OUGHT TO PASS**

Rep. Robert J. Letourneau for Transportation: This legislation will display our state motto, "Live Free or Die," on official motor vehicle plates as we currently have on general issuance plates. This would correct a long overdue oversight regarding official state vehicle plates. Vote 17-0.

**SB 484**, prohibiting triple-trailer trucks from the ways of this state. **OUGHT TO PASS**

Rep. Thomas J. Boriso for Transportation: From a safety point, triple-trailer trucks are not needed on our New Hampshire highways. Our roadways are hilly, curvy and not flat as our sister states out West and in the Midwest. These triple-trailers are called trains in the industry, and as such should be on tracks and not on our highways. Vote 17-0.

### REGULAR CALENDAR

**SB 452-FN-L**, allowing students to choose alternatives to dissection as part of a course exercise. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley N. Searles, Sr. for Education: This bill allows an alternative to dissection in any school programs for K-12. The amendment authorizes the state board of education to adopt rules allowing student alternatives in actual dissection of animals. Vote 9-6.

Rep. O'Hearn moved Recommit to Committee and spoke in favor.

Adopted.

**HB 1100-FN**, relative to the design and construction of a new medium security prison in Berlin, removing the population cap and closing date for the lakes region department of corrections facility, and authorizing the department of corrections to establish 2 additional halfway houses and appoint additional probation and parole officers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Franklin G. Torr for Finance: This bill as amended authorizes up to \$31 million in general fund bonds to design and construct in Berlin a 500-unit prison and infrastructure, administration, and support services space capable of accommodating future expansion to 1000 beds. The bill also funds, from monies already in the budget, the following: 1. The Lakes Region Department of Corrections Facility will remain open, allowing for an additional population of 200, making a total of 500. The increased cost at the Lakes Region facility will be approximately \$1,000,000; 2. Two halfway houses will be opened, one planned for the seacoast area and one planned for the Nashua area, to accommodate a minimum of 70 persons. This would occur in the last quarter of FY 99 at a cost of about \$250,000; 3. Ten more probation/parole officers will be hired in FY 99 at a cost of some \$442,000. Vote 13-2.

### Amendment (1116h)

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

**AN ACT** relative to the design and construction of a new medium security prison in Berlin and making an appropriation therefor, removing the population cap and closing date for the lakes region department of corrections facility, authorizing the department of corrections to establish 2 additional halfway houses and appoint additional probation and parole officers, and making adjustments to the operating budget for fiscal year 1999.

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

1 Design and Construction of Medium Security Prison in Berlin; Expenditures Authorized.

I. The division of public works, department of transportation and the department of corrections shall develop and issue a request for proposals from experienced and qualified construction firms for design and construction of a medium security prison in Berlin.

II. Proposals shall be submitted on or before June 1, 1998. Anticipated notice to proceed shall be on or before July 15, 1998.

III. The requirements of RSA 228:4, 228:4-a, and 21-I:22 shall not apply to this project. The determining factors in respondent selection shall be the overall quality and conformance of the proposal to the requirements of this act as well as to the long-term lowest staffing and operational costs consistent with security and public safety. At a minimum:

(a) Respondents shall demonstrate competence and experience in similar corrections projects.

(b) While full consideration shall be given to the project cost structure, the successful bid shall not be based on cost alone. Consideration shall be given to qualifications of firms and general conditions necessary to complete the project. The state reserves the right to reject any and all proposals or to negotiate with the apparent successful proposer as determined to be in the state's best interest.

(c) Three legitimate proposals shall be submitted for design and construction of the facility.

(d) The facility shall be constructed with a capacity of 500 beds, and infrastructure, administrative, and support services space capable of accommodating future expansion to 1000 beds.

(e) Construction shall begin no later than August 15, 1998, and be completed and ready for occupancy by the department of corrections within 30 months of the commencing of such construction.

IV. Design of the facility shall be in compliance with American Correctional Association mandatory standards for adult secure institutions, and shall be approved prior to construction by the department of corrections and the division of public works, department of transportation. Design and plans for construction shall also comply with all relevant state codes and regulations.

V. The department of corrections is authorized to accept any funds from any public or private source or, with the approval of the fiscal committee, to transfer any funds available to the department for the purposes of design and construction of the new facility.

VI. Any land acquired under the appropriation made in section 2 of this act shall be purchased by the commissioner of the department of transportation with the approval of governor and council.

2 Appropriation; Department of Corrections; State Prison Facility. A sum not to exceed \$31,000,000 is hereby appropriated to the department of corrections for the purpose of design and construction of a medium security prison in the city of Berlin and for the purpose of providing furnishings and equipment for 500 inmates.

3 Bonds Authorized. To provide funds for the appropriation made in section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$31,000,000 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 RSA 6-A. Payments of principal and interest on the bonds shall be made from the general fund of the state.

4 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 this act.

II. To accept any federal funds which are, or become available for the project under section 1 of this act. The appropriation of state funds for this project for which federal funds are accepted shall be reduced by the amount of such federal funds, and the amount of bonding authorized by section 3 shall be reduced by the same amount.

5 Population Cap and Closing Date on Lakes Region Department of Corrections Facility Removed. Notwithstanding the provisions of 1991, 351:27, the population cap of 300 at the lakes region department of corrections facility may be exceeded and the authority to operate the facility shall extend beyond July 1, 1998.

6 Halfway Houses; Probation and Parole Officers. The commissioner of corrections is authorized to establish 2 additional halfway houses and to appoint 10 additional probation and parole officers, within the limits of funds already appropriated.



7 Supplemental Appropriations. In addition to any other sums for the fiscal year ending June 30, 1999, the following appropriations and changes are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

		<u>FY 1999</u>
01 General government		
08 State treasury		
04 Special general fund distrib		
Strike out		
43 Debt service (treasury)	* F	63,250,194
Insert in place thereof		
44 Debt service (treasury)	* F	61,550,194
Strike out		
Total		136,387,927
Estimated source of funds for		
Special general fund distrib		
General fund		136,387,927
Total		136,387,927
Insert in place thereof		
Total		134,687,927
Estimated source of funds for		
special general fund distrib		
General fund		134,687,927
Total		134,687,927
02 Admin of justice & public prtn.		
16 Department of corrections		
01 Office of commissioner		
01 Administration		
Strike out		
90 Correction & supervision svcs	*	7,383,848
Insert in place thereof		
90 Correction & supervision svcs	*	1,000,000
Strike out		
Total		11,650,451
Estimated source of funds for		
administration		
General fund		11,650,451
Total		11,650,451
Insert in place thereof		
Total		5,266,603
Estimated source of funds for		
administration		
General fund		5,266,603
Total		5,266,603
02 Admin of justice & public prtn		
16 Department of corrections		
04 Division of field services		
01 Bureau of district offices		
Strike out		
10 Personal services - permanent		3,283,420
Insert in place thereof		
10 Personal services - permanent		3,491,451
Strike out		
20 Current expenses		166,175
Insert in place thereof		
20 Current expenses		176,902
Insert		
30 Equipment new/replacement		143,500

Strike out		
60 Benefits		1,075,973
Insert in place thereof		
60 Benefits		1,140,461
Strike out		
70 In-state travel		73,101
Insert in place thereof		
70 In-state travel		85,801
Insert		
80 Out-of state travel		3,000
Insert		
90 Two halfway houses	*	249,982
* This appropriation may, with the approval of the fiscal committee and governor and council, be expended for the implementation of 2 new halfway houses. Expenditures may include, but are not limited to temporary personnel services.		
Strike out		
Total		5,079,411
Estimated source of funds for bureau of district offices		
General fund		5,079,441
Total		5,079,441
Insert in place thereof		
Total		5,771,869
Estimated source of funds for bureau of district offices		
General fund		5,771,869
Total		5,771,869
02 Admin of justice & public prtn		
16 Department of corrections		
07 Lakes region facility		
01 Lakes region facility		
Insert		
10 Personal services - permanent		3,078,100
Insert		
11 Personal services-unclassified		53,774
Insert		
18 Overtime		165,441
Insert		
19 Holiday pay		98,000
Insert		
20 Current expenses		144,396
Insert		
21 Food institutions	D	270,000
Insert		
22 Rents & leases other than state		4,538
Insert		
23 Heat, electricity & water		500,236
Insert		
24 Maint. other than build.& grnds		24,781
Insert		
46 Consultants		9,710
Insert		
47 Own forces maint.-build.&grnds	G	98,348
Insert		
48 Contractual maint.-build&grnds	G	72,363

Insert		
49 Transfrs to other state agencs	D	439,754
Insert		
50 Personal service-temp/appointe		27,010
Insert		
60 Benefits		1,043,759
Insert		
70 In-state travel		5,000
Insert		
91 Winnepesaukee river basin		25,000
Insert		
94 Uniforms		40,500
Insert		
95 Inmate clothes		45,000
Insert		
96 Inmate wages		128,000
Insert		
97 Gate money		7,000
Insert		
Total		6,280,710
Estimated source of funds for lakes region facility		
01 Transfers from other agencies	I	131,722
General fund		6,148,988
Total		6,280,710
02 Admin of justice & public prtn		
16 Department of corrections		
07 Lakes region facility		
03 Pathways		
Insert		
59 Part-time - benefited		948,421
Insert		
60 Benefits		294,011
Insert		
Total		1,242,432
Estimated source of funds for pathways		
General fund		1,242,432
Total		1,242,432
05 Health and social services		
01 Dept of health and human svcs		
05 Division of mental health		
03 Bureau developmental services		
03 Community residences		
Strike out		
49 Transfrs to other state agencs		
Insert in place thereof		
49 Transfrs to other state agencs		68,983
Strike out		
90 Building maintenance-Laconia		68,983
05 Health and social services		
01 Dept of health and human svcs		
05 Division of mental health		
07 Bureau of substance abuse svcs		
07 Multiple offender program		
Strike out		
49 Transfrs to other state agencs		6,500



Insert in place thereof		
49 Transfers to other state agencies		69,239
Strike out		
90 Building maintenance-Laconia		62,739
06 Education		
04 Dept of postsecondary tech edu		
04 NHTC - Berlin-Laconia		
05 Lakes region facty educ prog		
Insert		
10 Personal services - permanent		284,619
Insert		
18 Overtime		1
Insert		
20 Current expenses		11,526
Insert		
22 Rents & leases other than state		4,200
Insert		
23 Heat, electricity & water	D	100
Insert		
24 Maint. other than build .& grnds		4,000
Insert		
30 Equipment new/replacement		40,000
Insert		
47 Own forces maint.-build. & grnds	G	100
Insert		
48 Contractual maint.-build & grnds	G	100
Insert		
50 Personal service-temp/appointe		3,600
Insert		
59 Part-time - benefited		1
Insert		
60 Benefits		88,507
Insert		
70 In-state travel		1,000
Insert		
80 Out-of state travel		1,000
Insert		
94 Staff development		1,000
Insert		
Total		439,754
Estimated source of funds for Lakes region facty educ prog		
01 Transfers from other agencies	I	439,754
Total		439,754

8 Adjustment of Amounts, Figures, Estimates and Totals. The commissioner of administrative services shall adjust all amounts, figures, estimates and totals for 1997, 350, the 1998-1999 operating budget, as made necessary by the passage of this act.

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

#### AMENDED ANALYSIS

This bill authorizes the division of public works, department of transportation and the department of corrections to develop and issue a request for proposals for design and construction of a 500-bed medium security prison. The bill establishes certain criteria for the bidding process.

The bill makes an appropriation to the department of corrections for the design and construction of the new medium security prison and for furnishings and equipment for inmates of the new prison.

The bill removes the population cap on and the July 1, 1998 closing date for the lakes region department of corrections facility.

The bill authorizes the commissioner of corrections to establish 2 additional halfway houses and appoint 10 additional probation and parole officers, within the limits of funds already appropriated.

The bill also makes adjustment to the operating budget for fiscal year 1999, for the purposes of this bill.

Adopted.

Rep. Rosen spoke against.

Rep. Franklin Torr spoke in favor and yielded to questions.

Report adopted and ordered to third reading.

### PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Boyce requested that his protest be entered on the Journal.

I object to the Finance Committee amending House Bill 1100 to remove the closing date of the Laconia Prison. It is the duty of the policy committee to make policy changes, not the Finance Committee.

### REGULAR CALENDAR (CONT'D.)

**HB 1226-FN**, creating the educational credential of master teacher. OUGHT TO PASS WITH AMENDMENT

Rep. Marie C. Hawkinson for Finance: The State Board of Education would create the educational credential of master teacher including requirements of academic preparation, teaching experience and demonstrated quality teaching. This allows experienced teachers to act as mentors, supervisors and evaluators for teachers. It provides an opportunity for professional growth, and to serve as a resource for their school and district. This further allows experienced teachers to remain in the teaching role, instead of transitioning to administration. Certification fees should cover any additional costs imposed so that there should be no net effect on the general fund. Vote 14-5.

#### Amendment (1084h)

Amend the bill by replacing RSA 189:14-f as inserted by section 4 of the bill with the following: 189:14-f Master Teacher.

I. The state board of education shall establish the educational credential of master teacher and grant it to those persons who have fulfilled at least the following requirements:

(a) Academic preparation which shall include a master's level degree and graduate coursework in curriculum development, supervision, and evaluation;

(b) Teaching experience, including at least 7 years during which a teaching certificate was held; and

(c) Demonstrated quality teaching to be satisfied by meeting professional criteria developed by the professional standards board and approved by the state board of education, which criteria shall include:

(1) Quantitative evaluations of teaching quality from students, parents, peers, and administrators;

(2) At least 3 classroom observations of the candidate by an independent observer from outside the candidate's school district; and

(3) At least 4 significant and rigorous written tasks and exercises.

II. The purposes of the credential are to allow experienced teachers an opportunity for professional growth and development, and to identify highly qualified, experienced teachers to serve as resources in their areas of expertise in curriculum development, mentoring, supervising, evaluating teachers, and in other areas as may be determined by their schools and school districts.

III. Master teachers shall have no authority to effectively recommend any personnel action. However, their activities may form the basis for an independent administrative performance review.

### AMENDED ANALYSIS

This bill creates the educational credential of master teacher which allows properly certified teachers to mentor, supervise, and evaluate other teachers.

Adopted.

Report adopted and ordered to third reading.

**HB 1350-FN-A**, relative to vocational student organizations, the appointment of a vocational student organization advisor, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT** Rep. David J. Alukonis for Finance: Over the past several years, federal monies which have traditionally funded the stipends paid to the advisors of vocational student organizations have been eliminated. The Committee amendment reduces the general fund appropriation called for in HB 1350 to \$1.00 in fiscal 1999. By doing so, a PAU is created in the state budget for vocational student advisors which will be subject to the same budgetary review that is given to every other program in the budget. In the interim, the department will have the ability to partially fund these stipends through transfers as well as through any federal funds which may be made available. Additionally, the amendment reduces the amount of review which the Department of Education has over the vocational programs. Vote 17-1.

#### Amendment (1098h)

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

**AN ACT** relative to vocational student organizations and making an appropriation for vocational organization advisors.

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

1 Leadership Development. Amend RSA 188-E:5 to read as follows:

188-E:5 Program. The program in the regional vocational centers shall be broad enough to serve the reasonable needs of the area, and provide for a substantial vocational offering in the region. Each center shall make maximum utilization of cooperative arrangements with special education and vocational rehabilitation in providing vocational education for disadvantaged and disabled persons. Opportunities for out-of-school youths, including "drop outs" and others, and adult education will be provided whenever possible. *The regional vocational centers, as an integral part of each vocational offering, may provide opportunities in leadership development through participation by students in appropriate corresponding and nationally recognized vocational student organizations.*

2 Department of Education; New Class Line Added; PAU Totals Amended. Amend PAU 06, 03, 02, 02, 02 as inserted by 1997, 350:1 by inserting after class 98 the following:

	FY 1998	FY 1999
99 Vocational Student Organization	\$0	\$1
Advisors		

3 Total Adjustment. Amend the total in 1997, 350:1, 06, 03, 02, 02, 02 to read as follows:

	FY 1998	FY 1999
Total	45,970,639	<del>[45,324,315]</del> 45,324,316
Estimated Source of Funds for		
Other State Aid		
General Fund	45,970,639	<del>[45,324,315]</del> 45,324,316
Total	45,970,639	<del>[45,324,315]</del> 45,324,316

4 Effective Date. This act shall take effect July 1, 1998.

#### AMENDED ANALYSIS

This act authorizes regional vocational centers to provide leadership development opportunities and makes an appropriation for vocational student organization advisors in fiscal year 1999.

Adopted.

Rep. Alukonis yielded to questions.

Report adopted and ordered to third reading.

**HB 1387-FN**, relative to the state art fund. **OUGHT TO PASS**

Rep. William S. Belvin for Finance: This bill proposes to cap state contributions to the art fund. Currently there is no cap. One half of 1% of capital projects goes into this fund. Thus a \$30 million building such as a prison would require \$150,000 be put into the art fund. The Committee agreed that, in light of the ever-increasing cost of capital projects, it is appropriate to cap the contribution to the fund at \$75,000 for buildings costing \$15,000,000 or more. Vote 15-0.

Adopted and ordered to third reading.

RECESS



**(Speaker Sytek in the Chair)****RESOLUTION**

Rep. Wheeler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 417 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.  
Adopted.

**INTRODUCTION OF SENATE BILL****First, second reading and referral**

**SB 417-FN**, continuing the court modernization fund and its source of funding from penalty assessments. (Finance)

**SPECIAL ORDER**

**HB 1389-FN-L**, relative to agreements for telecommunications-related uses of the state highway system. **OUGHT TO PASS**

Rep. Charles L. Vaughn for Finance: This bill authorizes the installation and maintenance of telecommunications towers for commercial use in state-owned rights-of-way. The bill grants the Commissioner of Transportation authority, with subsequent approval of Governor and Council, to lease state land for no more than ten years, subject to local zoning and planning requirements, and properly assessed real estate taxes. An indeterminate increase in state and local revenues may result. Vote 13-2.

Reps. Gene Chandler and Kurk spoke against.

The report failed.

Rep. Kurk moved Ought to Pass with Amendment.

Rep. Belvin offered a floor amendment.

**Floor Amendment (1175h)**

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

1 Statement of Intent. The general court recognizes that there is a need to balance the interests of state and local planning, to preserve the scenic and historical character of New Hampshire, and to streamline the processing of visually acceptable telecommunications facility lease sites on state rights-of-way generating revenue to the state.

2 New Section; Agreements for Telecommunications-Related Uses of the State Highway System. Amend RSA 228 by inserting after section 31 the following new section:

228:31-a Agreements for Telecommunications-Related Uses of the State Highway System and State-Owned Railroad Rights-of-Way.

I. The commissioner may, with the approval of the governor and council, execute contracts, leases, licenses, and other agreements relating to the use or occupation of state-owned rights-of-way, whether easement or fee-owned, for purposes of allowing the installation and maintenance of telecommunications facilities. Such agreements, which shall be for commercially reasonable value, shall not extend for a period of more than 10 years. Any leases executed pursuant to this section shall be subject to the requirements of RSA 72:23 with regard to properly assessed real estate taxes, subject to local zoning and planning requirements. Said facilities shall take into consideration the scenic beauty of the landscape. There shall be no advertising signs on these facilities. The provisions of RSA 4:40 shall not apply to this section.

II. The commissioner of the department of transportation shall develop goals regarding telecommunications uses in the rights-of-way. These goals shall include, but not be limited to:

(a) Providing consistent guidelines to telecommunications vendors.

(b) Preserving the scenic beauty of New Hampshire by making every effort to minimize the visual and environmental impact of telecommunications facilities.

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

Reps. Belvin and Gene Chandler spoke in favor and yielded to questions.

Rep. Keans spoke against.

Rep. MacIntyre spoke in favor.

Adopted.

Report adopted and ordered to third reading.

Reps. Boutin, Joseph Foster and Kenney declared conflicts of interest and did not participate.

**REGULAR CALENDAR (CONT'D.)**

**HB 1503-FN-A-L**, relative to intergenerational homeshare programs and making an appropriation therefor. REFER FOR INTERIM STUDY

Rep. William S. Belvin for Finance: The bill's core objective of establishing a two-year intergenerational home share pilot program has real merit. The concept of matching up elderly individuals with other persons to share housing, living expenses, and to give assistance to each other has intrinsic appeal. However, the Committee is concerned about how the program would be administered within the Department of Health and Human Services, and for its startup cost appropriation of \$50,000 which is less than the fiscal note estimate of \$75,000. Also, the Department of Health and Human Services long-term care program currently is being crafted as part of SB 409, which will clarify the Department's intentions concerning "home sharing." The Committee believes that any appropriated funds should be applied at the local level. Local service agencies are more likely to truly know the individual elderly person's needs and to successfully address them, rather than through building an additional Department of Health and Human Services state bureaucracy of coordinators and counselors which may yield less satisfactory results at higher cost. Exploring these issues and finding a cost effective approach that truly meets the economic and social needs of elderly "home sharing" individuals can best be accomplished through Interim Study. Vote 15-4.  
Adopted.

**HB 1509-FN**, relative to the content of motor vehicle registrations. OUGHT TO PASS WITH AMENDMENT

Rep. Robert G. Holbrook for Finance: This bill helps law enforcement officers receive important information through electronic display as soon as technologically feasible. On the lap-top computer available in a police cruiser, information on motor vehicle registration regarding parole, probation, subject to restraining order, or release on bail, will be displayed immediately upon the motor vehicle registration being keyed into the state police dispatcher. In discussion with the courts and the Department of Safety, this change in the Department of Safety database will not require any general funds. Vote 14-4.

**Amendment (1053h)**

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Information in Department of Safety Database. Amend RSA 261:58 by inserting after paragraph II the following new paragraph:

III.(a) The department shall update its database regularly to include information regarding an individual who is:

- (1) Currently on parole.
- (2) Currently on probation.
- (3) The subject of a restraining order.

(b) The administration office of the courts shall, via computer interface, regularly update the database at the department of safety to include information regarding an individual who is released on bail.

(c) The department of safety and the administrative office of the courts shall make available the information required in subparagraphs (a) and (b) as soon as it becomes technologically feasible to do so.

**AMENDED ANALYSIS**

This bill requires the department of safety to update its database to include information regarding an individual who is out on parole, on probation, or the subject of a restraining order. In addition, it requires the administrative office of the courts to regularly update, via computer interface, the database at the department of safety to include information regarding individuals released on bail.

Adopted.

Report adopted and ordered to third reading.

**SUSPENSIONS OF RULES**

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit the extension of the deadline for final passage to April 9, 1998 on **HB 1577-FN-A**, relative to campaign finance expenditure and contribution reform and **HB 1520-FN**, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission.

Rep. Arndt spoke in favor.

On a division vote, 296 members having voted in the affirmative and 20 in the negative, the motion was adopted by the necessary two-thirds.

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit the extension of the reporting date to April 8, 1998 for *HB 1663-FN*, relative to rulemaking under the administrative procedures act, and to May 13, 1998 for *HB 1680-FN-A-L*, relative to administration of retiree's health benefits by the New Hampshire retirement system and making an appropriation therefor.

Rep. Mercer spoke in favor.

Adopted by the necessary two-thirds.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Jacobson moved that the House reconsider its action whereby it voted to Concur with the Senate Amendment to *HB 544*, relative to dwellings which extend over public waters, and spoke in favor.

Rep. Martin spoke in favor.

Rep. Cobbin spoke in favor and yielded to questions.

Reps. Royce, Dickinson and Whalley spoke against.

Rep. Royce requested a roll call; sufficiently seconded.

The question being the motion to reconsider.

### YEAS 107 NAYS 215

#### YEAS 107

#### BELKNAP

Golden, Paul

Laflam, Robert

#### CARROLL

None

#### CHESHIRE

Bonneau, Sarah  
Pratt, Irene

Burnham, Daniel  
Pratt, John

Lynch, Margaret  
Richardson, Barbara

McGuirk, Paul  
Riley, William

#### COOS

Bradley, Paula

Hawkinson, Marie

Mears, Edgar

#### GRAFTON

Almy, Susan  
Lovett, Sidney  
Weber, Phil

Below, Clifton  
Luker, Elsa

Cobbin, Philip  
Nordgren, Sharon

Copenhaver, Marion  
Phinney, William

#### HILLSBOROUGH

Allen, W. Gordon  
Carlson, Donald  
D'Allesandro, Lou  
Fenton, James  
Hall, Betty  
Leonard, Peter  
Perkins, Paul  
White, Jay

Ameen, W.  
Chabot, Robert  
Daigle, Robert  
Foster, Joseph  
Hart, Nick  
Lynde, Harold  
Reidy, Frank

Buckley, Raymond  
Clemons, Jane  
Drabinowicz, A. Theresa  
Ginsburg, Ruth  
Jean, Claudette  
Martin, Mary  
Vaillancourt, Steve

Cardin, Lori  
Cote, Peter  
Dwyer, Paul, Sr.  
Haettenschwiller, Alphonse  
Konys, Christine  
McCarty, Winston  
Welch, Donald

#### MERRIMACK

Adams, Stephen  
Dunn, Miriam  
Moore, Carol  
St. Cyr, Gerard

Burney, Carol  
Fraser, Marilyn  
Owen, Derek  
Wallner, Mary Jane

Crosby, Toni  
French, Barbara  
Reardon, Tara  
Yeaton, Charles

Daneault, Gabriel  
Jacobson, Alf  
Rogers, Katherine



**ROCKINGHAM**

Abbott, Dennis  
Cooney, Richard  
Kane, Cecelia  
O'Keefe, Patricia  
Syracusa, Anthony

Blanchard, MaryAnn  
Cushing, Robert  
Kelley, Jane  
Pitts, Jacqueline  
Weatherspoon, Jackie

Clark, Martha  
Gibbons, Paul  
Langley, Jane  
Sabella, Norma

Coes, Betsy  
Hutchinson, Rebecca  
Norelli, Terie  
Sapareto, Frank

**STRAFFORD**

Brennan, William  
Estabrook, Iris  
Merrill, Amanda  
Snyder, Clair

Brown, George  
Hemon, Roland  
Pelletier, Arthur  
Taylor, Kathleen

Callaghan, Frank  
Heon, Richard  
Rogers, Rose Marie  
Wall, Janet

Dunlap, Patricia  
Keans, Sandra  
Smith, Marjorie

**SULLIVAN**

Allison, David  
Ferland, Brenda

Burling, Peter  
Palmer, Lorraine

Cloutier, John  
Robb-Theroux, Amy

Donovan, Thomas  
Wiggins, Celestine

**NAYS 215****BELKNAP**

Bartlett, Gordon  
Clark, Charles  
Pilliod, James  
Turner, Robert

Boriso, Thomas  
Holbrook, Robert  
Rice, Thomas, Jr.  
Veazey, John

Boyce, Robert  
Lawton, David  
Rosen, Ralph

Calvert, Alice  
Lawton, Robert  
Thomas, John

**CARROLL**

Babson, David, Jr.  
Dickinson, Howard, Jr.  
MacDonald, Kenneth

Bradley, Jeb  
Howard, Godfrey  
Patten, Betsey

Chandler, Gene  
Kenney, Joseph  
Philbrick, Donald

Cooper, Kipp  
Lyman, L. Randy

**CHESHIRE**

Hunt, John  
Meader, David  
Steere, Myron, III

Lynott, Margaret  
Metzger, Katherine

Manning, Joseph  
Royce, H. Charles

McNamara, Wanda  
Smith, Edwin

**COOS**

Coulombe, Henry  
Horton, Lynn  
Tholl, John, Jr.

Coulombe, Yvonne  
Merrill, Gerald

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
St. Hilaire, Paul

**GRAFTON**

Akins, Ralph  
Guaraldi, Lawrence  
LaMott, Paul  
Williams, William, Jr.

Alger, John  
Ham, Bonnie  
MacNeil, Allen

Brown, Channing  
Hill, Richard  
Root, John

Connolly, Steven  
Hinman, Harry  
Teschner, Douglass

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Burke, M. Virginia  
Dawe, Eileen  
Emerton, Lawrence, Sr.  
Gagnon, Eugene  
Herman, Keith  
Jean, Loren  
L'Heureux, Robert  
Letendre, Evelyn

Amidon, Eleanor  
Boutin, David  
Chabot, Ernest  
Dokmo, Cynthia  
Fields, Dennis  
Golding, William  
Holley, Sylvia  
Johnson, Lionel  
LaRose, Richard  
Lozeau, Donnalee

Arnold, Thomas, Jr.  
Briefs, Geoffrey  
Christiansen, Lars  
Durham, Susan  
Foster, Linda  
Gosselin, Gerald  
Holt, David  
Kelley, Robert  
Leishman, Peter  
Luebker, Bernard

Batula, Peter  
Brundige, Robert  
Daniels, Gary  
Dyer, Merton  
Franks, Suzan  
Hansen, Herbert  
Hunter, Bruce  
Kurk, Neal  
Lessard, Rudy  
MacGillivray, Jeffrey

MacIntyre, Doris	Marcinkowski, Michael	McDonald, James, Sr.	McGough, Tim
McRae, Karen	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Mittelman, David	Murch, George	Murphy, Robert
O'Hearn, Jane	Peterson, Andrew	Riley, Frances	Rowe, Robert
Sargent, Maxwell	Searles, Stanley, Sr.	Tate, Joan	Thulander, O. Alan
Turgeon, Roland	Wheeler, Robert	White, Donald	Wright, George

### MERRIMACK

Anderson, Eric	Davis, Francis	DeStefano, Stephen	Feuerstein, Martin
Hager, Elizabeth	Hess, David	Hoadley, Elizabeth	Lamach, Bernard
Langer, Ray	Larrabee, David	Leber, William	Lockwood, Robert
Marshall, Kenneth	Maxfield, Roy	Nichols, Avis	Pfaff, Terence
Seldin, Gloria	Whalley, Michael	Whittemore, James	

### ROCKINGHAM

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Camm, Kevin	Carson, Gregory	Christie, Andrew, Jr.	Cote, Patricia
Dalrymple, Janeen	Dearborn, Bruce	Dodge, Robert	Dolan, Richard
Dowd, Sandra	Dowling, Patricia	Downing, Michael	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John, Sr.	Francoeur, Sheila
Frechette, Joseph	Gleason, John	Griffin, Mary	Guthrie, Joseph
Heath, John	Henderson, Warren	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph	Langone, John
Letourneau, Robert	Lovejoy, Marian	Malcolm, Kenneth	McCarthy, John, Jr.
McKinney, Betsy	Micklon, Stephanie	Mikowski, Walter	Millard, Ralph
Moore, Benjamin	Nowe, Ronald	Noyes, Richard	Packard, Sherman
Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Rubin, George
Schanda, Frank	Stickney, Nancy	Stone, Joseph	Stritch, C. Donald
Tufts, J. Arthur	Varrell, Thomas	Vaughn, Charles	Verani, Giovanni
Welch, David	Weyler, Kenneth		

### STRAFFORD

Cossette, Larry	DeChane, Marlene	Kaen, Naida	Knowles, William
McKinley, Robert	Musler, George	Rollo, Michael	Spear, Barbara
Sullivan, Henry	Torr, Ann	Torr, Franklin	Tsiros, William
Twardus, Joseph			

### SULLIVAN

Adler, Rudolf	Kibbey, David	Leone, Richard	Lindblade, Eric
Schotanus, Merle			

and reconsideration failed.

### PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Martin requested that her protest be entered on the Journal.

I protest the vote to disallow reconsideration of House Bill 544 and the House voice vote to concur with the Senate amendment taken on March 19, 1998.

Last week, this matter was taken up as the first order of business in violation of House Rule 57. Members who were waiting to speak to this issue were relying on the order of business so as to be present and available in the chamber. The action of addressing it out of order deprived us of our right to speak to an issue which we feel is a consummate abomination and insult to the people of our state. The membership needs to be made aware of the full scope and long-term ramifications of their vote on this issue.

All the waters in the state of New Hampshire are owned by the public and held in trust for them by the state via the Public Trust Doctrine. This legislature is appointed as guardians of the public trust and has sole authority and the responsibility to preserve and protect these waters and lands for the public good.

In some instances, waterfront property owners have exceeded their one special privilege to wharf out over public lands, (i.e. read "dock"). Some have built homes beyond their property line (the high water mark) and out over or in the water (public land). This bill says in effect, "Hey, that's OK, you can have the land." This is a "taking" of public trust lands. This creates two groups of waterfront property owners with unequal rights - unconstitutional. One group stayed within their property lines, and one did not. This legislature has the authority to give this land away, but it is certainly a violation of their responsibilities as guardians and trustees for all the people. This is a wrongful act, which we don't have the right to do.

Two years ago, we dealt with this same bill. While its long range effects were not immediately apparent, they were recognized and it was, correctly, stopped by the Senate.

Over time the Public Trust Doctrine and the people's interests have been largely disregarded by their guardians, this legislature and the Attorney General. Absent this legislative guidance and absent back-up from the Attorney General, the agency was pressured to allow repairs to these self-serving structures on the grounds that statutory law, RSA 482-A:26 which this bill proposes to change, did not include the word "repair" in the actions it prohibited.

*RSA 482-A:26 Residential Use Prohibited.*

*I. No person shall construct or reconstruct any structure intended for use as a dwelling if said structure or any part of said structure extends beyond the shoreline of any public water or publicly-owned water body. For the purposes of this paragraph, "the shoreline" shall be that shoreline which exists when the surface of the water is at the mean high water level.*

*II. No person shall convert or modify any existing structure in order to make said structure suitable as a dwelling if said structure or any part of said structure extends beyond the shoreline of any public water or publicly-owned water body. For the purposes of this paragraph, "the shoreline" shall be that shoreline which exists when the surface of the water is at the mean high water level.*

The current practice by the agency has the result of getting around the actual intent of the RSA while continuing to ignore violations in the public trust. Repeated piece-meal permits for various "repairs result in eventual "reconstruction."

House Bill 152 of 1969 was the legislation which established RSA 482-A:26. See 1969 Senate Journal 630, May 15, 1969. "The intention of House Bill 152 is to prevent the growth of dwellings built over public waters..."

House Bill 544 proposes to legitimate and reward those who have chosen to break the law and ignore their legal property line. Should we be inclined to be sympathetic to the poor fellows investment in the structure, consider that the state has already been more than generous in allowing him to recoup his investment by not enforcing its removal. Nearly 30 years ago, House minutes in 1969 state: "Rep. Mutzbauer spoke in favor...we have 2,086 miles of shoreline to protect...."

We, too, must acknowledge, address, and uphold our duty as guardians of this property owned not by us, but by all those folks who sent us here. The voice vote to concur and allow passage of this bill abdicates state sovereignty and allows/sanctions adverse possession by these squatters. It removes language prohibiting residential use and appears to legitimate some kind of right for these illegal structures to exist. Under the Public Trust Doctrine, the intended beneficiary is clearly the public and this action provides no public benefit. Rather, it conversely grants special privilege to a select and illegal few to the detriment of the public. It establishes a precedent to allow adverse possession against the state and throws out 200 years of case law. It provides for unequal protection under the law. Acting as trustees for the people, for us to agree to give away public lands to illegal squatters is a dereliction of our duty and fiduciary responsibilities to all the citizens of New Hampshire.

## RESOLUTION

Rep. Wheeler 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, April 9, 1998 at 10:00 a.m.

Adopted.



## LATE SESSION

## Third reading and final passage

**HB 1545-FN**, increasing the salaries and changing the terms of office of the labor commissioner and the deputy labor commissioner.

**SB 495**, relative to the university system study committee.

**HB 1193-FN**, relative to installing vending machines at welcome and tourist information centers on state highways.

**HB 1337-FN**, making technical corrections in laws related to the department of corrections.

**HB 1354-FN**, relative to fishing in the Connecticut River by residents of Vermont.

**HB 1473-FN-A**, establishing a wildlife damage control program and making an appropriation therefor.

**HB 1513-FN-L**, relative to vehicle emissions control equipment and testing.

**HB 1558-FN-L**, relative to games of chance.

**HB 1573-FN**, changing the name of the department of cultural affairs to the department of cultural resources and changing the qualifications for the director of the division of the arts.

**HB 1597-FN**, relative to providing more cost-effective special education services.

**HB 1600**, relative to the multiple DWI offender intervention detention center program.

**HB 1636-FN**, relative to the executive director of fish and game and the fish and game commission.

**HB 1652**, establishing a pilot program relative to the administration of medications in residential care facilities.

**HB 1655-FN-A**, relative to the authority of the length of service awards program committee, and making an appropriation therefor.

**SB 414**, relative to official motor vehicle plates.

**SB 484**, prohibiting triple-trailer trucks from the ways of this state.

**HB 1100-FN**, relative to the design and construction of a new medium security prison in Berlin and making an appropriation therefor, removing the population cap and closing date for the lakes region department of corrections facility, authorizing the department of corrections to establish 2 additional halfway houses and appoint additional probation and parole officers, and making adjustments to the operating budget for fiscal year 1999.

**HB 1226-FN**, creating the educational credential of master teacher.

**HB 1350-FN-A**, relative to vocational student organizations and making an appropriation for vocational organization advisors.

**HB 1387-FN**, relative to the state art fund.

**HB 1389-FN-L**, relative to agreements for telecommunications-related uses of the state highway system.

**HB 1509-FN**, relative to the content of motor vehicle registrations.

## MOTION TO PRINT REMARKS

Rep. Rowe moved that the debate on **HB 1389**, relative to agreements for telecommunications-related uses of the state highway system, be printed in the Journal.

On a division vote, 101 members having voted in the affirmative and 217 in the negative, the motion failed.

## UNANIMOUS CONSENT

Reps. D'Allesandro and Letourneau addressed the House.

Rep. Lozeau moved that the remarks made by Rep. Letourneau be printed in the Journal.

Adopted.

Thank you, Madam Speaker. Fellow legislators, today we passed a bill that will include our state motto "Live Free or Die" on all official state plates just as we do on general issuance plates. Those of us that seek re-election this year and are successful will see that motto on our legislative plates next year. I thought it would be appropriate at this time to give a brief history of our motto for those of us that may not be familiar with it. In July of 1777, Vermont sent an appeal to this assembly for assistance in defeating General Burgoyne's march down Champlain Valley. John Langdon, the Speaker of the House, urged them to comply. In a speech attributed to him by Isaac Hill, Langdon reputedly said, "I have a thousand dollars in hard money: I will pledge my plate for three thousand more. I have 70 hogsheads of To-

bago rum which will be sold for the most it will bring. They are at the service of the state. If we succeed in defending our firesides and our homes, I may be remunerated. If we do not, then the property will be of no value to me." To lead these troops the assembly persuaded John Stark, who had served in the French and Indian wars with Rogers Rangers, to come out of retirement. Stark not only had experience, he was a wily tactician and charismatic leader who kept his troops together when most commanders could not. The colorful Stark, who once fought his way through an Indian gauntlet yelling "I'll kiss all your women!", had, according to Colonel Potter, attracted 14 companies to his standard in as many days after the first battle at Lexington. Now, he had no trouble finding volunteers to follow him to Bennington. Stark fought the British and the Hessians from the woods as he had the French and Indians, rallying his men with the cry, "There, my boys, are your enemies, the red-coats and Tories; you must beat them or Molly Stark sleeps a widow tonight." This battle, fought on August 16, 1777, turned out to be a pivotal point in the Revolution. John Stark was promoted to Brigadier General in the Continental Army and became New Hampshire's most distinguished hero in the Revolutionary War. In 1809, General Stark was invited to be the keynote speaker at the 32nd anniversary reunion of the Battle of Bennington. He declined because of poor health. However, he sent a toast to his wartime comrades, "Live Free or Die; Death is Not the Worst of Evils." The following year, a similar invitation (also declined) said; "The toast, Sir, which you sent us in 1809, will continue to vibrate with unceasing pleasure in our ears, Live Free or Die; Death is not the Worst of Evils." In 1945, this legislature was considering a state motto, the last state to do so. The Manchester Union Leader sponsored a contest that had 3,500 responses, and a board of judges settled on "Strong and Steadfast as the Granite Hills," as proposed by Professor Curtis Page of Gilmanton, a former State Senator. The Senate approved Page's suggestion on May 2<sup>nd</sup>. It was then upset in the House of Representatives the following afternoon. Speaking for patriotic groups, Rep. Walker Wiggin of Manchester led a successful floor fight to substitute the "Live free or Die" toast for the motto. Rep. John Chandler of Warner also vigorously supported the Wiggin move. It was approved by the House in a lopsided vote of 179-85. The Senate promptly concurred without argument. In 1969, this legislature, led by Rep. Robert Lawton of Laconia, voted to place Stark's motto on all non-commercial motor vehicle plates, beginning in 1970. There have been several unsuccessful attempts to remove the motto from our plates. Throughout the course of our Nation's history, citizens of New Hampshire and other states have been called upon to defend America's freedom. Many of these men and women have paid the ultimate sacrifice to retain our freedom. It would be a dishonor to these men and women to speak in disrespect of this motto. Thank you for your indulgence.

### PERSONAL PRIVILEGE

Rep. Cobbin addressed the House.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 2:45 p.m.

### RECESS

(Rep. Gene Chandler in the Chair)

### RESOLUTION

Their introduction having been approved by the Rules Committee:

Rep. D'Allesandro offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1075 and 1681, 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****First, second reading and referral**

**HB 1075-FN-A-L**, implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all the children of New Hampshire. (Burling, Sull 1; Schotanus, Sull 3; A. Torr, Straf 12; Champagne, Ches 19; Stone, Rock 7; J. King, Dist 18; McCarley, Dist 6; Whipple, Dist 8: Finance)

**HB 1681-FN-A**, increasing the tobacco tax on all tobacco products and designating the increase in revenue for the advancing better classrooms program. (Burling, Sull. 1; Buckley, Hills. 44; N. Kaen, Straf 7; Pilliod, Belk 3; Avery Ches 8; Larsen, Dist 15; Blaisdell, Dist 10; Pignatelli, Dist 13: Finance)

**RECESS****(Rep. Hunt in the Chair)****ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 307.  
Rep. Nowe, Sen. Barnes for the Committee

**RECESS****(Rep. Channing Brown in the Chair)****ENROLLED BILL AMENDMENT**

**SB 302-FN-L**, naming certain portions of U.S. Route 3 after Trooper Leslie Lord and Trooper Scott Phillips and naming a portion of New Hampshire Route 28 after Officer Jeremy Charron. (Amendment printed SJ 9, 4/2/98)  
Adopted.

**RECESS****(Rep. Edwin Smith in the Chair)****RESOLUTION**

Rep. Dyer offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 332, 333, 335, 371, 376, 383, 393, 421, 422, 441, 443, 465, 481, 485, 487, 490, 498, 504 and 506, 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 332**, requiring that the real estate transfer questionnaire be provided to the municipality in which the property is located. (Local and Regulated Revenues)

**SB 333**, allowing any registered voter who is unable to vote in person, by reason of extended work hours, lack of transportation, or illness in the family, to vote by absentee ballot. (Election Law)

**SB 335-L**, relative to hours of polling in towns with a population of less than 3000. (Election Law)

**SB 371**, requiring health carriers to provide certain information to health care providers and consumers. (Commerce)

**SB 376**, relative to animal cruelty. (Criminal Justice and Public Safety)

**SB 383**, establishing a committee to study the use of telemedicine. (Health, Human Services and Elderly Affairs)

**SB 393**, relative to health insurance deductibles. (Commerce)

**SB 421-FN**, relative to timber harvesting and penalties for timber trespass. (Resources, Recreation and Development)

**SB 422-FN**, establishing a study committee on the procedures for and affordability of open access to judicial records. (Judiciary and Family Law)

**SB 441-FN-L**, relative to the authority of and protections for fire chiefs. (Municipal and County Government)



- SB 443-L*, establishing a committee to study the delivery of and funding for in-home support services for children with disabilities and their families. (Health, Human Services and Elderly Affairs)
- SB 465-FN*, relative to the disposition of firearms which are voluntarily surrendered to the state. (Criminal Justice and Public Safety)
- SB 481-FN-L*, relative to the availability of school building aid for year-round schools. (Education)
- SB 485*, exempting catastrophic aid payments and revenues from the municipal budget law. (Municipal and County Government)
- SB 487*, relative to the general powers and duties of a guardian over the estate of the minor. (Judiciary and Family Law)
- SB 490-FN*, relative to life and accident and health insurance and relative to certain salaries. (Commerce)
- SB 498*, clarifying the definition of "right of custody" with respect to the crime of interference with custody. (Judiciary and Family Law)
- SB 504-FN*, relative to members of predecessor systems of the New Hampshire retirement system. (Executive Departments and Administration)
- SB 506-FN*, requiring certain reports relative to independent review under managed care. (Commerce)

### RECESS

(Rep. Jeb Bradley in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 467 and 1244 and Senate Bills numbered 303 and 484.

Rep. Nowe, Sen. Barnes for the Committee

### RECESS

(Speaker Sytek in the Chair)

### RESOLUTION

Rep. Hunt offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 306, 312, 317, 354, 358, 360, 374, 379, 387, 396, 400, 404, 429, 440, 445, 456, 464, 473, 492, 494, 500, 502 and 505, shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

### INTRODUCTION OF SENATE BILLS

#### First, second reading and referral

- SB 306-L*, relative to municipal officials and their discretion over the use of traffic devices and the purchase of liability insurance. (Judiciary and Family Law)
- SB 312*, relative to the health care transition fund. (Finance)
- SB 317*, relative to the time for consideration of applications to planning boards. (Municipal and County Government)
- SB 354*, requiring insurance coverage for hospitalization and anesthesia for dental procedures for certain patients. (Commerce)
- SB 358-L*, relative to the term physician in health care provider contracts. (Commerce)
- SB 360*, establishing a child and family resource group to study and make recommendations concerning the development and coordination of wellness and primary prevention programs. (Health, Human Services and Elderly Affairs)
- SB 374*, relative to large water withdrawals and relative to exemptions from local planning and zoning requirements for public utilities. (Resources, Recreation and Development)
- SB 379*, establishing an immunization registry. (Health, Human Services and Elderly Affairs)
- SB 387*, expanding the attorney general's authority to record communications in criminal investigations. (Criminal Justice and Public Safety)
- SB 396*, requiring the commissioner of the department of youth development services to submit a quality assessment report to the legislature and to the juvenile justice commission. (Criminal Justice and Public Safety)
- SB 400*, relative to withdrawal of a school district from an area district. (Education)

*SB 404*, relative to home care. (Commerce)

*SB 429-FN*, relative to the confidentiality of drivers' motor vehicle records. (Transportation)

*SB 440-FN-L*, relative to fines payable to the division of motor vehicles; allowing civil bench warrants for defaults on such fines; authorizing bail commissioners to receive certain civil fines and fees, and authorizing the division of motor vehicles to report those in default to a consumer reporting agency. (Transportation)

*SB 445*, relative to penalties for personal use of walking disabled motor vehicle plates or placards by persons not issued the plates or placards. (Transportation)

*SB 456*, enabling school districts to allow full parental choice in education. (Education)

*SB 464-FN*, relative to limitations from civil liability for volunteers and relative to special license plates and related fees for volunteer emergency personnel with 2-way radio equipment in their vehicles. (Judiciary and Family Law)

*SB 473-FN*, relative to child day care providers. (Health, Human Services and Elderly Affairs)

*SB 492*, amending the charter of the union school district of Keene. (Municipal and County Government)

*SB 494*, establishing the voluntary small employer health insurance purchasing alliance. (Commerce)

*SB 500*, relative to obtaining automobile and homeowners insurance. (Commerce)

*SB 502-FN*, allowing federal judges to perform marriages after obtaining a special license. (Judiciary and Family Law)

*SB 505-FN*, eliminating the separate fee for licensed master plumbers who are the sole shareholders of a plumbing corporation. (Executive Departments and Administration)

## RECESS

(Rep. Daniels in the Chair)

## ENROLLED BILL AMENDMENTS

*HB 627-FN*, establishing a conservation number plate trust fund, and a special motor vehicle license plate and associated fees, to support New Hampshire's natural and cultural resources.

### Amendment (1310-EBA)

Amend section 2 of the bill by replacing lines 2-7 with the following:

Amend RSA 261 by inserting after section 97 the following new subdivision:

Conservation Number Plates and Conservation Number Plate Trust Fund

261:97-a Conservation Number Plates.

I. The director is hereby authorized to issue special conservation number plates, in lieu of other number plates. The design of these special plates shall be determined as provided in RSA 261:97-d. The plates shall retain the "live free or die" logo. Such plates shall be issued only

Amend RSA 261:97-a, II as inserted by section 2 of the bill by replacing line 2 with the following:

fee for any such vanity conservation number plate shall be the fee as provided in RSA 261:97-a, in

Amend RSA 261:97-a, III as inserted by section 2 of the bill by replacing line 4 with the following:

treasurer and distributed as provided in RSA 261:97-b. The cost of replacement number plates

Amend RSA 261:91-b as inserted by section 2 of the bill by replacing line 1 with the following:

261:97-b Conservation Number Plate Trust Fund.

Amend RSA 261:91-c as inserted by section 2 of the bill by replacing lines 1 and 2 with the following:

261:97-c Use of Funds. The moneys in the fund shall be distributed as provided in RSA 261:97-b.

The proceeds shall be used as follows:

Amend RSA 261:91-d as inserted by section 2 of the bill by replacing line 1 with the following:

267:97-d New Hampshire Conservation Number Plate Advisory Committee; Duties; Meetings.

Amend RSA 261:97-d, III (b) as inserted by section 2 of the bill by replacing line 4 with the following:

such contracts shall be deposited into the conservation trust fund created under RSA 261:97-b.

Amend RSA 261:97-d, VI as inserted by section 2 of the bill by replacing line 2 with the following:

agency authorized to receive proceeds from the trust fund created under RSA 261:97-c may be

Amend RSA 261:91-e as inserted by section 2 of the bill by replacing line 1 with the following:

261:97-e Plate Use. Plates may be used on passenger motor vehicles and recreation vehicles.

Amend RSA 261:91-f as inserted by section 2 of the bill by replacing line 1 with the following:

261:97-f Report.

Amend RSA 261:97-f, II (b) as inserted by section 2 of the bill by replacing lines 1-5 with the following:

(b) A report from each of the 5 agencies receiving proceeds under RSA 261:97-c, indicating:

(1) The amount of proceeds received under RSA 261:97-c.

(2) Total funds expended.

(3) Accomplishments achieved pursuant to RSA 261:97-c during the preceding

Amend RSA 6:12, I (rrr) as inserted by section 3 of the bill by replacing it with the following:

(rrr) The designated portion of moneys received under RSA 261:97-a, which shall be credited to the conservation number plate trust fund established in RSA 261:97-b.

Amend section 4 of the bill by replacing line 2 with the following:

issuing special conservation number plates under RSA 261:97-a on or before January 1, 1999.

Adopted.

**HB 793**, defining the responsibility of individuals engaged in equine activities.

#### **Amendment (1308-EBA)**

Amend RSA 508:19, II as inserted by section 2 of the bill by replacing lines 10-12 with the following:

care for, and control a particular equine or perform a particular equine activity, and it shall be the duty of each participant to act within the limits of the participant's own ability, to maintain reasonable control of the particular equine at all times while participating in an equine activity, to

Adopted.

#### **RECESS**

#### **(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.

Adopted.



**HOUSE JOURNAL No. 10**

Thursday, April 9, 1998

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 House Chaplain, Reverend Edward G. Horstmann.

O, God of new life, enter into the places of our lives where we have crowded out miracles and imagination and where even hope has been abandoned. Come, O, God, with healing in Your wings, to cast out our fears, to dispel our self-righteousness, and to call us beyond our clinging to what is familiar. Bring us out of our various captivities that we may love passionately, speak boldly, live gracefully and risk everything for Your sake. Amen.

Reps. Crosby and Major led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Chase, Clay, Robert Foster, Healy, O'Rourke, Pepino and Paul Taylor, the day, illness.

Reps. Allen, Cegelis, Coes, Dowd, Dunn, Fraser, Hansen, Hess, Robert Kelley, LaRose, Lynde, McNamara, Morris, O'Keefe, Marsha Pelletier, Simmons, Donald Welch and Whalley, the day, important business.

Reps. Paula Bradley, Donovan, Horton, Morello, Irene Pratt, Rabideau and Rice, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Judy Sullivan, Bonnie Berry and Dorothy Rickard, guests of Rep. Avery. Diane and Marissah Gallien, daughter and granddaughter of Rep. Letourneau. Robert Fleming, guest of Rep. Langer. Fourth grade classes from the McClelland School in Rochester and their teachers, Mrs. Gelinas and Mrs. Callaghan, guests of the Rochester Delegation.

**SPECIAL GUESTS**

Rep. Avery introduced Richard McLeod and Douglas Rickard, Bagpiper and Anna Ciglar, Jen Berry, Margaret Sullivan and Marlee Sullivan, Celtic Cupboard Highland Dancers, who performed for the House in honor of New Hampshire Tartan Day.

Rep. Rosen moved that the remarks made by Rep. Avery be printed in the Journal.

Adopted.

**REMARKS**

Rep. Avery: Thank you, Madam Speaker. Fellow Representatives, we are here this morning to recognize Tartan Day for the second time here in New Hampshire. Governor Jeanne Shaheen has issued a proclamation honoring those Scots and Scottish Americans who worked hard for the ideals of freedom on both sides of the Atlantic. Also this year, I am proud to announce that the United States Senate passed a resolution, Senate Resolution No. 155, naming April 6<sup>th</sup> of each year as National Tartan Day. As the Senate Resolution points out, almost half of the signers of the Declaration of Independence and nine of the sitting 13 Governors were of Scottish descent. This most important document was modeled after the Scottish Declaration of Arbroath which was signed on April 6, 1320. Madam Speaker, I would like to read the most stirring phrase from the Declaration of Arbroath, a phrase that I think we can all hold dear. "It is in truth, not for glory nor riches nor honors that we are fighting, but, for freedom. For that alone which no honest man gives up but with life itself." With that in mind, Madam Speaker, we not only honor all the Scots and Scottish Americans that have worked so hard for freedom but all peoples of all ethnic backgrounds who are striving for those same ideals.

The House of Representatives offered the following:

**HOUSE RESOLUTION NO. 56**

memorializing State Representative Charles H. Felch, Sr., of Seabrook

WHEREAS, it is with profound sadness and deep regret that word has come to us of the death of our esteemed legislative colleague, Charles H. Felch, Sr., known affectionately to all as Charlie, and

WHEREAS, having been an honorable and diligent member of the House of Representatives for ten terms, Charlie Felch easily did earn the esteem of his fellow Representatives while sitting on the Standing Committees on Legislative Administration, Fish & Game, and most recently Wildlife & Marine Resources, having served as Vice Chairman, and

WHEREAS, Charlie Felch was a champion of and a recognized authority on the subjects of conservation and the marine and wildlife resources of New Hampshire, and

WHEREAS, Charlie Felch, faithfully and with great enthusiasm and devotion, did serve the outdoorsmen and sportsmen of New Hampshire while always maintaining a high value on the State's marine and wildlife resources and,

WHEREAS, having been born in Seabrook and having been blessed with a great sense of community spirit fueled by high energy, Charlie Felch did serve the citizens of the town as a Selectman, Moderator, School Board member, Police Officer and Volunteer Firefighter, and

WHEREAS, Charlie Felch did serve his country during World War II as a member of the United States Navy, and later did serve as Commander of the Raymond E. Walton American Legion Post 70 in Seabrook, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Charles H. Felch, Sr., be granted highest praise and recognition for his dedicated and exemplary legislative service, and for his major service to his country and to the Town of Seabrook, 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.

### HOUSE RESOLUTION NO. 57

memorializing State Representative Charles W. Ferguson of Milford

WHEREAS, we have learned, with great sorrow, of the death of our legislative brother, Charles W. Ferguson, a man who easily did earn our admiration and affection, and who was known to us all as Charlie, and

WHEREAS, having been in his eleventh term, Charlie Ferguson did first arrive in the House and did serve seven consecutive terms beginning with the biennium of 1963-1964, and after an absence of fifteen years, did earn re-election for the biennium of 1991-1992, and did serve without interruption to the present, and

WHEREAS, during his outstanding legislative tenure, Charlie Ferguson did sit as a distinguished and esteemed member of the Standing Committees on Appropriations, Finance, Education and most recently as a member of Health, Human Services and Elderly Affairs, and

WHEREAS, having been an amicable man blessed with an abundance of energy and civic pride, Charlie Ferguson did serve the citizenry of Milford in a myriad of ways including as a member of the School Board, as School District Moderator and as Town Moderator, and

WHEREAS, having been born in Quincy, Massachusetts, Charlie Ferguson did graduate in 1951 from the University of Alabama with a bachelors degree, and in 1953 did receive his law degree from Boston University, and

WHEREAS, during World War II, Charlie Ferguson did serve his country as a member of the United States Army, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Charles W. Ferguson be saluted and granted the highest of accolades for his outstanding and dedicated 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 copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote.

Piper Douglas Rickard piped "Flowers of the Forest" in memory of Reps. Felch and Ferguson.

### SENATE MESSAGES

#### CONCURRENCE

*HB 132-FN*, allowing New Hampshire residents on active duty in the armed forces or coast guard to be issued hunting and fishing licenses at no charge.

*HB 290*, relative to digital signatures.

**HB 793**, defining the responsibility of individuals engaged in equine activities.

**HB 1222**, increasing the membership of the Christa McAuliffe planetarium commission.

**HB 1235**, relative to the small business innovation research program.

**HB 1244**, relative to collusive bidding at auctions.

**HB 1393**, extending the reporting date for the postsecondary educational assistance for members of the New Hampshire national guard study committee and extending the repeal date relative to such assistance.

**HCR 20**, recognizing the 100<sup>th</sup> anniversary of Old Home Day in New Hampshire.

### NONCONCURRENCE

**HB 1474**, establishing a study committee on a unified corrections system.

### REFERRED FOR INTERIM STUDY

**HB 1661**, relative to eligibility for postsecondary education tuition grants.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 177**, increasing the wild black bear license and tag fee. (Amendment printed SJ 8, 3/26/98)

Rep. Mock moved that the House concur.

Adopted.

**HB 385**, relative to reporting and registration requirements for lobbyists and employees of lobbyists. (Amendment printed SJ 3, 2/19/98)

Rep. Channing Brown moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Wheeler, Lozeau, Hager and Amanda Merrill

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 290, 627, 793 and 1235 and Senate Bill numbered 302.

Rep. Nowe for the Committee

### SUSPENSION OF RULES

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit the extension of the reporting date to May 14, 1998 and the date for final action to May 21, 1998, for all Bills in the possession of the House on or before May 1, 1998.

Reps. Wheeler and Burling spoke in favor.

Adopted by the necessary two-thirds.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

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

Consent Calendar adopted.

**SB 315**, relative to divorce proceedings. OUGHT TO PASS

Rep. Sandra B. Keans for Judiciary and Family Law: This bill would allow a judge to restore a former name of the person getting a divorce. Right now the judge can only change the individual's name back to the last held name, precluding a maiden name. Also, in uncontested cases, where the stipulations have been agreed to, the individuals need not appear in court. Vote 15-0.

**SB 348**, relative to property left behind by tenants. INEXPEDIENT TO LEGISLATE

Rep. Marjorie K. Smith for Judiciary and Family Law: This bill is identical to HB 802 which earlier passed the House and has passed the Senate as of 3-19-98. Therefore this bill is redundant. Vote 15-0.

**SB 350**, relative to probate court procedures. OUGHT TO PASS WITH AMENDMENT

Rep. Sandra B. Keans for Judiciary and Family Law: This is one of five bills that have been proposed by a study committee that met last year. The broad composition of the committee had as its mission the cleaning up of the probate statutes and making the court more "user friendly." Vote 17-0.



**Amendment (1281h)**

Amend the bill by deleting section 3 and renumbering sections 4-13 to read as 3-12, respectively. Amend the bill by replacing all after section 10 with the following:

11 Applicability. Section 9 of this act shall apply only to all persons dying after midnight on December 31, 1998.

12 Effective Date.

I. Section 8 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 30 days after its passage.

**SB 419**, raising the minimum age for marriage. **INEXPEDIENT TO LEGISLATE**

Rep. Paul M. Mirski for Judiciary and Family Law: The lack of support on the part of either the sponsor, or on the part of the public, for raising the minimum age of marriage persuaded the committee that a change in the law was unnecessary. Vote 12-4.

**SB 366**, establishing a study committee to examine the purging of archaic laws. **INEXPEDIENT TO LEGISLATE**

Rep. Donnalee Lozeau for Legislative Administration: This bill established a legislative study committee to study the purging of archaic laws. The committee believes that legislative staff may best be suited to look at this issue and provide information relative to those laws that may be considered archaic. As we have changed the laws over the years, we have addressed those that have been included in provisions that we have altered. Just as with gender neutral provisions, we continue to update our statutes. Vote 11-0.

**HB 1665-FN-L**, relative to the Manchester airport authority security force. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Municipal and County Government: The majority of the testimony heard by the Municipal & County Government Committee was against the need of this bill. Only the sponsors were in favor. Maybe, sometime in the future, either the Manchester Aldermen, members of the Manchester Airport Authority or someone else may feel a change is needed in providing the security of the airport. However, the feeling of this committee is there is no need to make a change at this time based on the vote of 15-1. Vote 15-1.

**SB 327-L**, allowing local political subdivisions to adopt biennial budgets. **OUGHT TO PASS**

Rep. Marilyn A. Fraser for Municipal and County Government: This bill allows local political subdivisions to adopt biennial budgets. This bill is a result of the committee studying SB 152, (1997, 98). The biennial budget will consist of two distinct 12-month fiscal years. The governing body may allow for the carry over of funds from the first fiscal year of the biennium to the second. Numerous groups spoke in favor of this bill, those groups being the Department of Revenue Administration, Finance Directors from the Cities of Concord and Manchester, board counsels, NHMA and mayors. Vote 16-0.

**SB 338**, relative to special meetings. **OUGHT TO PASS**

Rep. Robert A. Lockwood for Municipal and County Government: This bill requires that when the selectmen of a town or the school board of a school district votes to petition the Superior Court for permission to hold a special meeting, they post notices of the vote within 24 hours after the vote and within 10 days before filing the petition. This bill also requires that the Selectmen or the school board post notice of the date of the evidentiary hearing on the receipt of notice of the date from the court. Vote 15-1.

**SB 390**, relative to the application of the law governing foreign business entities to a merger or other reorganization of a gas utility. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Science, Technology and Energy: This bill as amended provides a limited exemption to a long standing statute restricting mergers between in-state and out-of-state public utilities. The exemption in this bill will allow a merger between Northern Utilities (a gas utility) and Bay State Gas in Massachusetts. The committee was sympathetic to arguments that a more general exemption to merger restrictions would be appropriate, but not all parties agreed with that course. Due to the fact there was no opposition to this merger, and as such it should proceed, the limited exemption is the appropriate action at this time. The merger still requires Public Utilities Commission approval and rate-making oversight is retained. The PUC had no objection to the bill. Vote 14-1.

**Amendment (1284h)**

Amend the bill by replacing section 1 with the following:

1 Public Utilities; General Regulations; Exception to Applicability of Foreign Business Entity Prohibitions. The provisions of RSA 374:24 shall not apply to the merger or other reorganization of a gas utility if, on the effective date of this act, such gas utility is engaged in business in this state as a public utility and is a subsidiary of a foreign corporation, provided that this act shall not otherwise alter the jurisdiction of the public utilities commission extant prior to the merger or other reorganization over such gas utility.

**SCR 6**, urging Congress to establish a centralized registry for security interests in intellectual property to be located in New Hampshire. **OUGHT TO PASS**

Rep. Robert J. Letourneau for State-Federal Relations and Veterans Affairs: This bill urges the Congress of the United States to establish a centralized registry for security interest in intellectual property in the State of NH. Should Congress establish such a registry, NH businesses, software developers, investors and entrepreneurs would benefit. Our own Franklin Pierce Law Center is ranked the number one law school for intellectual property by US News and World Report. It would make sense that a registry would be located here in New Hampshire. Vote 13-0.

**SB 386**, relative to eligibility for antique motor vehicle plates. **INEXPEDIENT TO LEGISLATE**  
Rep. George N. Katsakories for Transportation: This bill would allow those who have antique motor vehicle plates to display a registration plate which was issued in the same year in which the antique motor vehicle was manufactured. The House has already passed a bill this session that has more comprehensive language. The committee felt that this bill would only duplicate this effort. Vote 15-0.

**SB 408-FN**, requiring the department of safety to perform a background check to determine if an applicant for a motor vehicle registration is in default or has a warrant issued against the applicant. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill, while well intended, is vaguely written and is open to interpretation. Testimony revealed that the Department of Safety ran a pilot program that indicated that the process described in this bill would not produce results that were fiscally sound. The resources needed to comply could be used more efficiently in other areas. Additionally, we learned that law enforcement is beginning to use laptop computers in their cruisers, which will aid in discovering outstanding warrants. The courts are finalizing a system to use credit cards to help alleviate court defaults. Also, SB 440, which is currently in the legislative process, deals with civil bench warrants and civil fines, and this bill has the support of the Department of Safety, and the Senate will deal with this problem using resources efficiently and effectively. Vote 15-0.

**REGULAR CALENDAR**

**HB 1000 FN-L**, relative to a 10-year transportation plan and authorizing construction on the Spaulding Turnpike. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene G. Chandler for Public Works and Highways: This bill represents the latest version of the state's 10-year transportation improvement program and contains listings for the major federally assisted projects and turnpike expansion projects. The "blue book" entitled State of New Hampshire Ten Year Transportation Improvement Program 1999-2008 represents an alphabetical listing of the total 10-year plan. The first few pages of the book detail how the 10-year plan is molded and how we end up with the final product. The committee did not hear any testimony justifying any change in priorities to the plan as presented, but a strong case was made to move the Manchester to Salem I-93 widening project up in the plan. However, testimony from the Department of Transportation showed a commitment to move this project along as fast as possible, but the design and environmental approval procedures are the limiting factors in how fast the widening project can occur. The I-93 process will commence very soon with a request to the Executive Council for a \$1.7 million contract for a draft environmental impact statement. One part of the amendment to the bill allows the Department of Transportation Turnpike division to use \$311,600 from turnpike surplus for radio system upgrades for the turnpike division as part of the department's overall radio system upgrade. The second part of the amendment takes into account what may be extra federal funds coming to the state over the next few years, and the committee's intent to make sure that should extra funds become available, projects in the 10-year plan would be stepped up in order of their present priorities and the whole plan would be accelerated. Vote 15-0.

**Amendment (1253h)**

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

AN ACT relative to a 10-year transportation plan, authorizing construction on the Spaulding Turnpike, and relative to the radio system upgrade for the department of transportation.

Amend RSA 240:1 as inserted by section 1 of the bill by replacing it with the following:

240:1 Legislative Intent. This plan is predicated on the report submitted to the legislature by the governor dated December, 1997 and is intended to serve as the guideline for transportation projects in the state for the next decade. In the event the 1998 Session of Congress authorizes and appropriates to the state of New Hampshire an amount of federal highway funding in excess of the \$90,000,000 assumed in drafting this plan, the implementation of this plan shall be expedited accordingly reflecting the priorities and sequencing identified in this plan.

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

4 Funding; Radio System Upgrade. 1995, 309:4, I, A as amended by 1997,349 is repealed and reenacted to read as follows:

Radio system upgrade - statewide	\$ 3,036,600
Less turnpike funds (Fund 017 Retained Earnings)	\$ 311,600
Net State Appropriation Subparagraph A	\$ 2,725,000

5 Effective Date.

I. Section 4 of this act shall take effect upon its passage.

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

**AMENDED ANALYSIS**

This bill updates the 10-year transportation plan to maintain the highways and bridges in the state.

The bill authorizes certain construction on the Spaulding Turnpike.

The bill also increases the sum detailed for statewide radio system upgrade for the department of transportation.

Adopted.

Report adopted and referred to Finance.

**SUSPENSION OF RULES**

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit consideration at the present time, without the required notice, of **SB 339-L**, relative to the bidding for design and construction of a new medium security prison in the city of Berlin and to the closure of the lakes region facility and making appropriations therefor.

Adopted by the necessary two-thirds.

**REGULAR CALENDAR (CONT'D.)**

**SB 339-L**, relative to the bidding for design and construction of a new medium security prison in the city of Berlin and to the closure of the lakes region facility and making appropriations therefor.

**OUGHT TO PASS WITH AMENDMENT**

Rep. Katherine D. Rogers for Public Works and Highways: This bill, as amended, is identical to HB 1100 as previously passed by the House. It will provide for the construction of a 500 bed prison facility in Berlin, remove the population cap and closing date for the Lakes Region Department of Corrections facility, authorize the Department of Corrections to establish two additional halfway houses, and appoint ten additional probation and parole officers. Vote 20-1.

**Amendment (1315h)**

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

AN ACT relative to the design and construction of a new medium security prison in Berlin and making an appropriation therefor, removing the population cap and closing date for the lakes region department of corrections facility, authorizing the department of corrections to establish 2 additional halfway houses and appoint additional probation and parole officers, and making adjustments to the operating budget for fiscal year 1999.

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

1 Design and Construction of Medium Security Prison in Berlin; Expenditures Authorized.



I. The division of public works, department of transportation and the department of corrections shall develop and issue a request for proposals from experienced and qualified construction firms for design and construction of a medium security prison in Berlin.

II. Proposals shall be submitted on or before June 1, 1998. Anticipated notice to proceed shall be on or before July 15, 1998.

III. The requirements of RSA 228:4, 228:4-a, and 21-I:22 shall not apply to this project. The determining factors in respondent selection shall be the overall quality and conformance of the proposal to the requirements of this act as well as to the long-term lowest staffing and operational costs consistent with security and public safety. At a minimum:

(a) Respondents shall demonstrate competence and experience in similar corrections projects.

(b) While full consideration shall be given to the project cost structure, the successful bid shall not be based on cost alone. Consideration shall be given to qualifications of firms and general conditions necessary to complete the project. The state reserves the right to reject any and all proposals or to negotiate with the apparent successful proposer as determined to be in the state's best interest.

(c) Three legitimate proposals shall be submitted for design and construction of the facility.

(d) The facility shall be constructed with a capacity of 500 beds, and infrastructure, administrative, and support services space capable of accommodating future expansion to 1000 beds.

(e) Construction shall begin no later than August 15, 1998, and be completed and ready for occupancy by the department of corrections within 30 months of the commencing of such construction.

IV. Design of the facility shall be in compliance with American Correctional Association mandatory standards for adult secure institutions, and shall be approved prior to construction by the department of corrections and the division of public works, department of transportation. Design and plans for construction shall also comply with all relevant state codes and regulations.

V. The department of corrections is authorized to accept any funds from any public or private source or, with the approval of the fiscal committee, to transfer any funds available to the department for the purposes of design and construction of the new facility.

VI. Any land acquired under the appropriation made in section 2 of this act shall be purchased by the commissioner of the department of transportation with the approval of governor and council.

2 Appropriation; Department of Corrections; State Prison Facility. A sum not to exceed \$31,000,000 is hereby appropriated to the department of corrections for the purpose of design and construction of a medium security prison in the city of Berlin and for the purpose of providing furnishings and equipment for 500 inmates.

3 Bonds Authorized. To provide funds for the appropriation made in section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$31,000,000 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 RSA 6-A. Payments of principal and interest on the bonds shall be made from the general fund of the state.

4 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 this act.

II. To accept any federal funds which are, or become available for the project under section 1 of this act. The appropriation of state funds for this project for which federal funds are accepted shall be reduced by the amount of such federal funds, and the amount of bonding authorized by section 3 shall be reduced by the same amount.

5 Population Cap and Closing Date on Lakes Region Department of Corrections Facility Removed. Notwithstanding the provisions of 1991, 351:27, the population cap of 300 at the lakes region department of corrections facility may be exceeded and the authority to operate the facility shall extend beyond July 1, 1998.

6 Halfway Houses; Probation and Parole Officers. The commissioner of corrections is authorized to establish 2 additional halfway houses and to appoint 10 additional probation and parole officers, within the limits of funds already appropriated.

7 Supplemental Appropriations. In addition to any other sums for the fiscal year ending June 30, 1999, the following appropriations and changes are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

01 General government		<u>FY 1999</u>
08 State treasury		
04 Special general fund distrib		
Strike out		
43 Debt service (treasury)	* F	63,250,194
Insert in place thereof		
44 Debt service (treasury)	* F	61,550,194
Strike out		
Total		136,387,927
Estimated source of funds for Special general fund distrib		
General fund		136,387,927
Total		136,387,927
Insert in place thereof		
Total		134,687,927
Estimated source of funds for special general fund distrib		
General fund		134,687,927
Total		134,687,927
02 Admin of justice & public prtn.		
16 Department of corrections		
01 Office of commissioner		
01 Administration		
Strike out		
90 Correction & supervision svcs	*	7,383,848
Insert in place thereof		
90 Correction & supervision svcs	*	1,000,000
Strike out		
Total		11,650,451
Estimated source of funds for administration		
General fund		11,650,451
Total		11,650,451
Insert in place thereof		
Total		5,266,603
Estimated source of funds for administration		
General fund		5,266,603
Total		5,266,603
02 Admin of justice & public prtn		
16 Department of corrections		
04 Division of field services		
01 Bureau of district offices		
Strike out		
10 Personal services - permanent		3,283,420
Insert in place thereof		
10 Personal services - permanent		3,491,451
Strike out		
20 Current expenses		166,175
Insert in place thereof		
20 Current expenses		176,902
Insert		
30 Equipment new/replacement		143,500

Strike out		
60 Benefits		1,075,973
Insert in place thereof		
60 Benefits		1,140,461
Strike out		
70 In-state travel		73,101
Insert in place thereof		
70 In-state travel		85,801
Insert		
80 Out-of state travel		3,000
Insert		
90 Two halfway houses	*	249,982

\* This appropriation may, with the approval of the fiscal committee and governor and council, be expended for the implementation of 2 new halfway houses. Expenditures may include, but are not limited to temporary personnel services.

Strike out		
Total		5,079,411
Estimated source of funds for bureau of district offices		
General fund		5,079,441
Total		5,079,441
Insert in place thereof		
Total		5,771,869
Estimated source of funds for bureau of district offices		
General fund		5,771,869
Total		5,771,869
02 Admin of justice & public prtn		
16 Department of corrections		
07 Lakes region facility		
01 Lakes region facility		
Insert		
10 Personal services - permanent		3,078,100
Insert		
11 Personal services-unclassified		53,774
Insert		
18 Overtime		165,441
Insert		
19 Holiday pay		98,000
Insert		
20 Current expenses		144,396
Insert		
21 Food institutions	D	270,000
Insert		
22 Rents & leases other than state		4,538
Insert		
23 Heat, electricity & water		500,236
Insert		
24 Maint. other than build.& grnds		24,781
Insert		
46 Consultants		9,710
Insert		
47 Own forces maint.-build.&grnds	G	98,348
Insert		
48 Contractual maint.-build&grnds	G	72,363



Insert		
49 Transfers to other state agencies	D	439,754
Insert		
50 Personal service-temp/appointee		27,010
Insert		
60 Benefits		1,043,759
Insert		
70 In-state travel		5,000
Insert		
91 Winnepesaukee river basin		25,000
Insert		
94 Uniforms		40,500
Insert		
95 Inmate clothes		45,000
Insert		
96 Inmate wages		128,000
Insert		
97 Gate money		7,000
Insert		
Total		6,280,710
Estimated source of funds for lakes region facility		
01 Transfers from other agencies	I	131,722
General fund		6,148,988
Total		6,280,710
02 Admin of justice & public prtn		
16 Department of corrections		
07 Lakes region facility		
03 Pathways		
Insert		
59 Part-time - benefited		948,421
Insert		
60 Benefits		294,011
Insert		
Total		1,242,432
Estimated source of funds for pathways		
General fund		1,242,432
Total		1,242,432
05 Health and social services		
01 Dept of health and human svcs		
05 Division of mental health		
03 Bureau developmental services		
03 Community residences		
Strike out		
49 Transfers to other state agencies		
Insert in place thereof		
49 Transfers to other state agencies		68,983
Strike out		
90 Building maintenance-Laconia		68,983
05 Health and social services		
01 Dept of health and human svcs		
05 Division of mental health		
07 Bureau of substance abuse svcs		
07 Multiple offender program		
Strike out		
49 Transfers to other state agencies		6,500

Insert in place thereof		
49 Transfers to other state agencies		69,239
Strike out		
90 Building maintenance-Laconia		62,739
06 Education		
04 Dept of postsecondary tech edu		
04 NHTC - Berlin-Laconia		
05 Lakes region facty educ progm		
Insert		
10 Personal services - permanent		284,619
Insert		
18 Overtime		1
Insert		
20 Current expenses		11,526
Insert		
22 Rents & leases other than state		4,200
Insert		
23 Heat, electricity & water	D	100
Insert		
24 Maint. other than build .& grnds		4,000
Insert		
30 Equipment new/replacement		40,000
Insert		
47 Own forces maint.-build. & grnds	G	100
Insert		
48 Contractual maint.-build & grnds	G	100
Insert		
50 Personal service-temp/appointe		3,600
Insert		
59 Part-time - benefited		1
Insert		
60 Benefits		88,507
Insert		
70 In-state travel		1,000
Insert		
80 Out-of state travel		1,000
Insert		
94 Staff development		1,000
Insert		
Total		439,754
Estimated source of funds for Lakes region facty educ progm		
01 Transfers from other agencies	I	439,754
Total		439,754

8 Adjustment of Amounts, Figures, Estimates and Totals. The commissioner of administrative services shall adjust all amounts, figures, estimates and totals for 1997, 350, the 1998-1999 operating budget, as made necessary by the passage of this act.

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

#### AMENDED ANALYSIS

This bill authorizes the division of public works, department of transportation and the department of corrections to develop and issue a request for proposals for design and construction of a 500-bed medium security prison. The bill establishes certain criteria for the bidding process.

The bill makes an appropriation to the department of corrections for the design and construction of the new medium security prison and for furnishings and equipment for inmates of the new prison.

The bill removes the population cap on and the July 1, 1998 closing date for the lakes region department of corrections facility.

The bill authorizes the commissioner of corrections to establish 2 additional halfway houses and appoint 10 additional probation and parole officers, within the limits of funds already appropriated.

The bill also makes adjustment to the operating budget for fiscal year 1999, for the purposes of this bill.

Adopted.

Rep. Rosen spoke against and yielded to questions.

Rep. Gene Chandler spoke in favor.

Report adopted and ordered to third reading.

**SB 342**, relative to capital appropriations for the Glencliff home for the elderly. OUGHT TO PASS WITH AMENDMENT

Rep. Paul I. LaMott for Public Works and Highways: The last capital budget appropriated funds for a new building at the Glencliff Home for the Elderly, but, unfortunately, the low bid for the project was higher than the appropriation. This bill transfers \$490,000 from other Health & Human Services capital appropriations to allow the completion of this much needed facility at Glencliff. The transfer comes from three projects, \$200,000 from the M & S and Thayer buildings at the NH Hospital, \$200,000 for porch renovations at Glencliff, and \$90,000 for flooring replacement also at Glencliff. The porch renovations and flooring replacement projects still need to be done at some future date, and undoubtedly will appear as requested items in the next capital budget. There are no immediate plans or needs to do the work at the M & S and Thayer buildings. The committee amendment requires that any state agency that wishes to lease any land, buildings or space for a period longer than five years shall be reviewed and approved by the Long Range Capital Planning and Utilization Committee prior to submission to the Executive Council, thus giving the legislative branch some input into long term leases utilized by state agencies. Vote 16-0.

**Amendment (1299h)**

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

AN ACT relative to capital appropriations for the Glencliff home for the elderly and relative to approval of certain leases by state agencies.

Amend the bill by replacing section 4 with the following:

4 New Section; Approval of State Agency Leases Exceeding 5 Years; Long Range Capital Planning and Utilization Committee. Amend RSA 4 by inserting after section 39-a the following new section:

4:39-b Approval of State Agency Leases Exceeding 5 Years. Any lease of land, buildings, or space to be used by any state agency, as defined in RSA 21-G:5, III, and which exceeds a term of 5 years, including all options, shall be reviewed and approved by the long range capital planning and utilization committee established in RSA 17-M prior to submission to the governor and council for approval.

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

**AMENDED ANALYSIS**

This bill changes certain capital appropriations to the department of health and human services to be used for the Brown building addition and renovation at the Glencliff home for the elderly.

The bill also requires approval by the long range capital planning and utilization committee of certain leases by state agencies.

Adopted.

Report adopted and referred to Finance.

**REMOVED FROM THE TABLE**

Rep. Pfaff moved that **HB 1520-FN**, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission, be removed from the table. (Pending question is the adoption of the committee amendment.)

Adopted.

Rep. Arndt moved adoption of the Committee amendment.

**Amendment (0692h)**

Amend the bill by replacing section 4 with the following:

4 Political Expenditure Limitation Amounts. Amend RSA 664:5-b to read as follows:



664:5-b Political Expenditure Limitation Amounts. Total expenditures by a candidate who voluntarily agrees to limit campaign expenditures as provided in RSA 664:5-a shall be as follows:

I. For governor:

- (a) ~~[\$500,000]~~ \$625,000 in a state primary election.
- (b) ~~[\$500,000]~~ \$625,000 in a state general election.

I-a. For United States senator:

- (a) ~~[\$500,000]~~ \$625,000 in a state primary election.
- (b) ~~[\$500,000]~~ \$625,000 in a state general election.

II. For representative to Congress:

- (a) ~~[\$250,000]~~ \$350,000 in a state primary election.
- (b) ~~[\$250,000]~~ \$350,000 in a state general election.

III. For executive council:

- (a) \$50,000 in a state primary election.
- (b) \$50,000 in a state general election.

IV. For state senate:

- (a) \$20,000 in a state primary election.
- (b) \$20,000 in a state general election.

V. For representative to the general court and all county offices, based upon the latest figures filed with the secretary of state:

- (a) \$.50 per registered voter in the district or the county in a state primary election.
- (b) \$.50 per registered voter in the district or the county in a state general election.

VI. For the purposes of this section, RSA 664:5-a and the enforcement provisions of this chapter, "total expenditures" shall mean the sum of all expenditures made to influence either a state primary or a state general election made by a candidate and those made on ~~[his]~~ *the candidate's* behalf by ~~[his]~~ *the candidate's* committee or committees, ~~[his]~~ *the candidate's* party, and ~~[his]~~ *the candidate's* immediate family. *For candidates for governor, United States senator, and representative to Congress, "total expenditures" shall include any such expenditures made after January 1 of the election year, regardless of when the person actually declares his or her candidacy.* Each campaign expenditure limitation amount shall apply solely and independently to either the state primary election or the state general election.

Amend the bill by deleting section 5 and renumbering the original sections 6-7 to read as 5-6, respectively.

Amend the bill by replacing section 5 with the following:

5 Campaign Disclosure Information; 1998 Election Cycle. For the 1998 election cycle, each candidate or candidate's committee for governor and executive council shall file the reports required by RSA 664:7 on a computer disk, in addition to a paper copy. Candidates or candidates' committees for state senate may file their reports, as required by RSA 664:7, on a computer disk, in addition to a paper copy. The secretary of state is encouraged to make available on the Internet all campaign reports filed on a computer disk on the third business day after the filing is due. Campaign finance filings for United States Senate and representatives to Congress shall be available through a link from the secretary of state's website to the Federal Election Commission.

#### AMENDED ANALYSIS

This bill:

I. Modifies the language required on primary petitions for candidates that do not voluntarily accept expenditure limitations;

II. Replaces the notarization with an oath on primary petitions;

III. Requires primary petitions to be filed alphabetically;

IV. Increases primary expenditure limitations for governor, United States senator, and representative to Congress;

V. Specifies that any expenditures made after January 1 of the election year shall be counted towards expenditure limitations for governor, United States senator, and representative to Congress, regardless of when the person actually declares his or her candidacy;

VI. Requires certain candidates to file reports on a computer disk for the 1998 election cycle; and  
 VII. Encourages the secretary of state to post campaign disclosure information relating to the 1998 election on the Internet.

The Committee amendment failed.

Rep. Arndt offered a floor amendment.

### Floor Amendment (1341h)

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

1 Elections; Nominations by Primary; Filing Fees; Filing of Petitions Deleted. Amend RSA 655:19, I to read as follows:

I. At the time of filing declarations of candidacy, each candidate for the following offices shall pay to the official with whom the declarations are filed the following filing fees~~[-, and shall file with the appropriate official the requisite number of primary petitions as provided in RSA 655:20 and 655:22, unless the candidate agrees to limit his expenditures in accordance with RSA 664:5-a]~~. At the time of filing declarations of intent, each candidate for the following offices shall pay to the secretary of state the following filing fees, and the following filing fees shall be paid in addition to the requisite number of nomination papers which must be submitted and filed. The filing fee paid under this section shall be in addition to the administrative assessment paid under RSA 655:19-c. The filing fees shall be as follows:

- (a) For governor, United States senator, and representative to Congress, \$5,000.
- (b) For executive councilor, \$500.
- (c) For county officer, \$100.
- (d) For state senator, \$100.
- (e) For state representative, \$25.

2 Elections; Nominations by Primary; Waiver of Filing Fee and Primary Petitions; Petitions Deleted. Amend RSA 655:19-b to read as follows:

655:19-b Waiver of Filing Fee ~~[and Primary Petitions]~~.

I. A candidate for any of the offices enumerated in RSA 655:19 who, pursuant to RSA 664:5-a, voluntarily accepts the expenditure limitation set forth in RSA 664:5-b shall have the filing fee under RSA 655:19 either waived or refunded~~[-, and shall have the requirement for filing petitions under RSA 655:20 waived]~~, as provided in paragraph II.

II. If a candidate files the affidavit as specified in RSA 664:5-a at the time he *or she* files the declaration of candidacy or declaration of intent, the filing fee required under RSA 655:19 ~~[and the petitions required to be filed under RSA 655:20]~~ shall be waived. If such affidavit is filed within 3 days following the filing of the declaration of candidacy, the appropriate officer shall refund the filing fee paid by the candidate as soon as practicable.

3 Elections; Nominations by Primary; Administrative Assessment, Primary Petitions and Nomination Papers; Reference Deleted. Amend RSA 655:19-c, I to read as follows:

I. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of candidacy shall pay the administrative assessment in paragraph I or file primary petitions as provided in paragraph III in addition to the filing fee ~~[and primary petition]~~ requirements of RSA 655:19 ~~[and 655:20]~~. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of intent shall pay the administrative assessment in paragraph I in addition to the filing fee required by RSA 655:19 and shall meet the requirements of RSA 655:40-45 for nomination by nomination papers. Neither the administrative assessment which is paid nor the primary petitions which are filed under this section, nor the nomination papers which must be submitted under RSA 655:41 and filed under RSA 655:43, shall be waived or refunded for a candidate for any of the offices listed in this section who, pursuant to RSA 664:5-a, voluntarily accepts the expenditure limitation set forth in RSA 664:5-b. At the time of filing declarations of candidacy or declarations of intent, the administrative assessment shall be as follows:

- (a) For governor and United States senator, \$100.
- (b) For representative to Congress, \$50.
- (c) For executive councilor, \$25.
- (d) For state senator, \$10.
- (e) For county officer, \$10.
- (f) For state representative, \$2.

4 Primary Petition Form Modified. Amend RSA 655:21 to read as follows:  
655:21 Form. Primary petitions shall be made in the following form:

State of New Hampshire

County of....., ss.

City (Town) of .....

I do hereby join in a petition for the printing on the primary ballot of the name of .....  
whose domicile is in the city (town) of ..... (ward, street and number, if in a city), in  
the county of ....., for the office of ..... to be voted for on  
Tuesday, the ..... day of September, 19....., and certify that I am qualified to vote for  
a candidate for said office, that I am a registered member of the ..... party, and am not  
at this time a signer of any other similar petition for any other candidate for the above office; that  
my domicile is in the city (town) of ..... (ward, street and number, if in a city), in the  
county of ..... I certify that to my knowledge the above-named candidate is not a  
candidate for incompatible offices as defined in RSA 655:10, and that he *or she* is not a federal  
employee which makes him *or her* ineligible to file as a candidate for this office. I further certify  
that I believe the above-named person is especially qualified to fill said office.

*I hereby swear, under penalty of perjury, that the information above is true and correct to the  
best of my knowledge and belief.*

.....  
Print Voter's name

.....  
Voter's Signature

[State of New Hampshire

County of....., ss.

City (town) of ....., 19.....

The above-named, ....., personally known to me, appeared and made oath that the above  
petition, by him subscribed, is true:

Before me;

.....  
—Justice of the Peace or Notary Public]

5 Elections; Nominations by Primary; Number of Petitions; Nonacceptance of Expenditure Limi-  
tations Reference Deleted. Amend RSA 655:22 to read as follows:

655:22 Number of Petitions. The number of primary petitions to be filed for each office under RSA  
655:20 shall be as follows: for governor and United States senator, 2,000; for representative in Con-  
gress, 1,000; for executive councilor, 500; for county officer, 100; for state senator, 100; for state rep-  
resentative, 10. Candidates for delegate to the state convention shall not be required to submit any pri-  
mary petitions. [The provisions of this section shall apply to candidates who do not, pursuant to RSA  
664:5-a, voluntarily accept the expenditure limitations set forth in RSA 664:5-b.] Primary petitions filed  
under this section shall be in addition to the number of petitions filed under RSA 655:19-c.

6 New Section; Order of Primary Petitions. Amend RSA 655 by inserting after section 22 the  
following new section:

655:22-a Order of Petitions. Petitions to be filed shall be ordered alphabetically by municipality  
in which the voter is domiciled. Petitions shall be further ordered by surname of voter for any  
municipality represented by more than one petition.

7 Elections; Political Expenditures and Contributions; Definitions; Candidate. RSA 664:2, II is  
repealed and reenacted to read as follows:

II. "Candidate" means any person publicly declared as such and for whom votes are sought in  
an election. For the purposes of this chapter, a person shall be deemed to be a candidate:

(a) Upon filing for candidacy during the filing period set forth in RSA 652:21;

(b) If the person has received contributions aggregating in excess of \$5,000 or made expendi-  
tures aggregating in excess of \$5,000, for the purpose of exploring the person's candidacy for  
political office; or

(c) If the person has given his or her consent to another person or political committee to  
receive contributions or make expenditures on behalf of the person for the purpose of exploring



the person's candidacy for political office and the other person has received such contributions aggregating in excess of \$5,000 or has made such expenditures aggregating in excess of \$5,000, whichever occurs first.

8 Elections; Political Expenditures and Contributions; Definitions; Independent Expenditures. Amend RSA 664:2, XI to read as follows:

XI. "Independent expenditures" means expenditures by a person, political committee, or other entity [~~expressly~~] advocating the election or defeat of a clearly identified candidate which are *not* made [~~without cooperation or consultation~~] *in conjunction or in coordination* with any candidate, or any authorized committee or agent of such candidate, and which are not made in [~~concert~~] *co-ordination* with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. As used in this paragraph, "clearly identified" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

9 New Paragraph; Elections; Political Expenditures and Contributions; Definitions; Coordinated Expenditure. Amend RSA 664:2 by inserting after paragraph XVI the following new paragraph:

XVII. "Coordinated expenditure" means an expenditure by a political party, a political committee of a political party, or other entity, on behalf of a candidate or candidate's committee in a state primary or general election with the consent of the candidate. Any expenditure that is not an independent expenditure or direct expenditure shall be considered to be a coordinated expenditure.

10 Political Expenditure Limitation Amounts. Amend RSA 664:5-b to read as follows:

664:5-b Political Expenditure Limitation Amounts. Total expenditures by a candidate who voluntarily agrees to limit campaign expenditures as provided in RSA 664:5-a shall be as follows:

I. For governor:

- (a) [~~\$500,000~~] **\$625,000** in a state primary election.
- (b) [~~\$500,000~~] **\$625,000** in a state general election.

I-a. For United States senator:

- (a) [~~\$500,000~~] **\$625,000** in a state primary election.
- (b) [~~\$500,000~~] **\$625,000** in a state general election.

II. For representative to Congress:

- (a) [~~\$250,000~~] **\$350,000** in a state primary election.
- (b) [~~\$250,000~~] **\$350,000** in a state general election.

III. For executive council:

- (a) \$50,000 in a state primary election.
- (b) \$50,000 in a state general election.

IV. For state senate:

- (a) \$20,000 in a state primary election.
- (b) \$20,000 in a state general election.

V. For representative to the general court and all county offices, based upon the latest figures filed with the secretary of state:

- (a) \$.50 per registered voter in the district or the county in a state primary election.
- (b) \$.50 per registered voter in the district or the county in a state general election.

VI. For the purposes of this section, RSA 664:5-a and the enforcement provisions of this chapter, "total expenditures" shall mean the sum of all expenditures made to influence either a state primary or a state general election made by a candidate and those made on [~~his~~] *the candidate's* behalf by [~~his~~] *the candidate's* committee or committees, [~~his~~] *the candidate's* party, and [~~his~~] *the candidate's* immediate family. *For candidates for governor, United States senator, and representative to Congress, "total expenditures" shall include any such expenditures made after January 1 of the election year, regardless of when the person actually declares his or her candidacy.* Each campaign expenditure limitation amount shall apply solely and independently to either the state primary election or the state general election.

11 Elections; Political Expenditures and Contributions; Reports; Reporting by Political Committee; Reporting by Candidates. RSA 664:6-7 are repealed and reenacted to read as follows:

664:6 Reporting by Political Committee.

I. Any political committee whose receipts of contributions or whose expenditures, including, without limitation, coordinated and independent expenditures on behalf of candidates and general operating expenditures of the committee, in support of or in opposition to a candidate, measure, or political party, exceed in the aggregate \$500, shall file with the secretary of state an itemized state-

ment, in accordance with the provisions of RSA 664:7-b. The statement shall be signed by the chairperson and treasurer of the political committee and shall list each contribution, in alphabetical order by the last name of the contributor, with the amount of the contribution, the date it was received, all of the information as is set forth in RSA 664:7-b, and the aggregate total for each election for each contributor. The statement shall be filed not later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. The statement shall contain the date of each expenditure, the name and address of the person or entity to whom each expenditure was made, the name of the candidate in whose behalf or against whom each expenditure was made, the amount of each expenditure, the purpose of each expenditure, and the aggregate amount of all previous expenditures.

II. An itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday 3 weeks immediately preceding a primary election, before 5 o'clock in the afternoon. The statement shall summarize the period under paragraph I if a statement is filed and shall itemize all receipts of contributions and expenditures made since the cutoff of that statement up until the Monday preceding the filing of the statement under this paragraph.

III. A statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday immediately preceding a primary election, before 5 o'clock in the afternoon. The statement shall summarize the statements under paragraphs I and II if such statements are filed and itemize all receipts of contributions and expenditures made since the cutoff of the statement under paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the secretary of state shall be notified by the fiscal agent within 24 hours of any contribution or contributions exceeding \$500 in the aggregate which is received after the statement under this paragraph is filed and prior to the day of primary election.

IV. An itemized statement in the same form as in paragraph I, summarizing the previous statements if such statements are filed, and itemizing all receipts of contributions and expenditures made since the cutoff of the previous report up until the Monday preceding the filing of the statement, shall be filed with the secretary of state before 5 o'clock in the afternoon on each of the following days: the Wednesdays 4 weeks, 2 weeks and immediately preceding the general election and the Wednesday 2 weeks after the general election. In addition to the reporting requirements contained in this section, during the last week before the general election, the secretary of state shall be notified by the fiscal agent within 24 hours of any contribution or contributions exceeding \$500 in the aggregate which are received after the statement under this paragraph is filed and prior to the day of the general election.

V. Any political committee whose receipts of contributions or expenditures in the aggregate do not exceed \$500 for a reporting period need not file. However, when a committee's accumulated receipts of contributions or expenditures for an election in the aggregate exceed \$500 the committee shall file a statement at the next reporting deadline.

VI. Any political committee which has any outstanding debt, obligation, or surplus following the election shall file reports at least once every 6 months thereafter in the same form as in paragraph I until the obligation or indebtedness is entirely satisfied or surplus deleted, at which time a final report shall be filed.

VII. Copies of the statements required by paragraphs I through VI of the state committee of a political party shall be filed with the secretary of state in sufficient numbers so as to provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.

VIII. Any national political party committee of a party as defined in RSA 652:11 may make contributions or expenditures on behalf of state candidates without complying with the requirements of paragraphs I through VI, provided that the total contribution or expenditure made in behalf of a candidate or political committee in this state whether directly or indirectly does not exceed the limit for personal contributions in RSA 664:4.

IX. The provisions of this paragraph shall apply only to a political committee for an individual candidate who is seeking a federal office whose holder is chosen by the voters of this state only. Such a committee which is required by federal law to file with the federal government reports relative to receipts of contributions and expenditures in support of such one candidate may choose,

at the time of registering under RSA 664:3, I, to file with the secretary of state copies of reports made to the federal government in accordance with the timetable established by federal laws for such reports in lieu of complying with the other reporting requirements of this section.

**664:7 Reporting by Candidates.**

I. Each candidate at the primary or general election for governor, councilor, state senator, representative to general court, or county officer, who receives contributions or makes expenditures in the aggregate that exceed \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6 I, II, III, IV, V, and VI, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries.

II. Candidates for the offices of speaker of the house, president of the senate, secretary of state, state treasurer, and clerks, assistant clerks, and sergeants-at-arms of the house and senate, shall report contributions and expenditures exceeding \$500 in the aggregate in like manner and detail as prescribed in RSA 664:6, I, except that the filing of statements for these offices shall be limited to one week and three weeks after the general election and one week after the election for these offices.

III. The candidate shall report all contributions received and expenditures made for the purpose of exploring or promoting such candidacy in the first report filed.

12 New Sections; Elections; Political Expenditures and Contributions; Reports; Form of Contributions; Content of Disclosure Reports; Campaign Finance Disclosure Record. Amend RSA 664 by inserting after section 7 the following new sections:

**664:7-a Form of Contributions.** No contribution may be accepted unless accompanied by the disclosure information set forth in RSA 664:7-b

**664:7-b Content of Disclosure Reports.** All contributions reported pursuant to RSA 664:6 or RSA 664:7 shall be listed on forms or other means prescribed by the secretary of state. The disclosure information shall include the name; address; employer, business organization, or primary source of income; principal place of business; and occupation of the contributor. Contributions shall be categorized as in-state or out-of-state. A summary of the contribution totals by category shall be included with each scheduled report. All expenditures, as defined in RSA 664:2, IX and XVII shall be reported in similar detail on forms or other means prescribed by the secretary of state.

**664:7-c Campaign Finance Disclosure Record.**

I. Disclosure reports required under RSA 664:6 and RSA 664:7 of candidates for governor, United States senator, and representative to Congress may be filed in electronic format. The secretary of state shall enter these reports into an electronic campaign finance disclosure record. The secretary of state shall ensure that these disclosure reports are available through the Internet site of the state of New Hampshire. Such reports shall also be available for paper or electronic copying at a reasonable cost.

II. The secretary of state shall compile and maintain separate cumulative disclosure reports filed under this act by political committees, political action committees, political committees of political parties, and candidates for executive councilor, state senator, state representative, county office, and the offices referenced in RSA 664:7, II.

13 Elections; Political Expenditures and Contributions; Reports; Social Activities. RSA 664:10 is repealed and reenacted to read as follows:

**664:10 Social Activities.** All contributions and expenditures for outings, dinners, and social affairs, conducted by political committees, clubs, and others, shall be reported, including the name, address, employer or business organization, principal place of business, and occupation of contributors, and a detailed listing of expenditures on forms prescribed by the secretary of state. However, if such contributions or expenditures do not exceed \$100 in aggregate, no report shall be required.

14 Campaign Disclosure Information; 1998 Election Cycle. For the 1998 election cycle, each candidate or candidate's committee for governor shall file the reports required by RSA 664:7 on a computer disk, in addition to a paper copy. All other state candidates or state candidates' committees may file their reports, as required by RSA 664:7, on a computer disk, in addition to a paper copy. Campaign finance filings for United States Senate and representatives to Congress shall be available through a link from the secretary of state's website to the Federal Election Commission.

15 Repeal. RSA 655:20, II, relative to primary petitions to be filed by candidates who do not voluntarily accept expenditure limitations, is repealed.

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



### AMENDED ANALYSIS

This bill:

I. Modifies the language required on primary petitions for candidates that do not voluntarily accept expenditure limitations.

II. Replaces the notarization with an oath on primary petitions.

III. Requires primary petitions to be filed alphabetically.

IV. Modifies the definitions of "candidate" and "independent expenditures" and defines "coordinated expenditure."

V. Modifies the reporting requirements for political committees and candidates.

VI. Increases total expenditure limitations for candidates for governor, United States senator, and representative to Congress who voluntarily agree to limit campaign expenditures.

VII. Specifies that any expenditures made after January 1 of the election year shall be counted towards expenditure limitations for governor, United States senator, and representative to Congress, regardless of when the person actually declares his or her candidacy.

VIII. Repeals the requirement that candidates who do not voluntarily accept expenditure limitations must file supplemental primary petitions.

IX. Allows candidates for governor, United States senator, and representative to Congress, to file campaign disclosure reports in electronic format.

X. Prohibits accepting contributions unaccompanied by disclosure information.

XI. Requires the secretary of state to compile and maintain cumulative disclosure reports.

Reps. Buckley and Arnold spoke in favor and yielded to questions.

### LAID ON THE TABLE

Rep. Arnold moved that *HB 1520-FN*, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission, be laid on the table.

Adopted.

### RESOLUTION

Rep. Wheeler 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, April 23, 1998 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

*SB 315*, relative to divorce proceedings.

*SB 350*, relative to probate court procedures.

*SB 327-L*, allowing local political subdivisions to adopt biennial budgets.

*SB 338*, relative to special meetings.

*SB 390*, relative to the application of the law governing foreign business entities to a merger or other reorganization of a gas utility.

*SCR 6*, a urging Congress to establish a centralized registry for security interests in intellectual property to be located in New Hampshire.

*SB 339-L*, relative to the bidding for design and construction of a new medium security prison in the city of Berlin and to the closure of the lakes region facility and making appropriations therefor.

### UNANIMOUS CONSENT

Reps. D'Allesandro, Vaughn and Burling addressed the House.

Rep. Stone moved that the remarks made by Rep. D'Allesandro be printed in the Journal.

Adopted.

Rep. D'Allesandro: I was particularly impressed this morning that we honored two of our colleagues who have passed away. I want to speak very briefly about one of our colleagues and that is Charlie Ferguson. I came to this House in 1973 and had the privilege and the pleasure of meeting Charlie

Ferguson. In those days, Charlie was on Appropriations. I was a rookie in this House. It was my first term in the House of Representatives. Charlie was very helpful in pointing you in the way that you needed to go in terms of getting something done legislatively. Charlie had that million-dollar smile that was always apparent. He was intelligent. He was a person who was dedicated to what he was doing and he never, never missed an opportunity to help someone who needed help along the way. Charlie Ferguson was a great family man. But, more important to me, he was a person who made serving in this legislature worthwhile. He cared about legislation. He cared about people. He was always there to help. People like Charlie Ferguson who come here and spend 11 terms, spend 12 terms, dedicate their lives to public service, and it seems to be that by honoring Charlie Ferguson we honor ourselves in that we carry on the work that Charlie Ferguson began. In 1974, in the Special Session, I had a bill that had about a snowball's chance in heck of getting passed. It was the food stamp bill. It was opposed by everybody in the administration. But, with the help of people like Charlie Ferguson we got it passed and we did the work of the people of the State of New Hampshire and did it well. Charlie Ferguson's memory is firmly imbedded in my mind and I would hope that all of you who knew Charlie remember him for his quality as a human being, his dedication to public service and his respect and commitment to this House of Representatives. Thank you very much.

Rep. Weyler moved that the remarks made by Rep. Vaughn be printed in the Journal.  
Adopted.

Rep. Vaughn: Thank you very much, indeed, Madam Speaker and my honorable colleagues and you are, indeed, all honorable, I rise today to mention the fact that the Veteran's Administration has designated April as Prisoner of War month. On this occasion, the Senator from Arizona, John McCain, is opening a POW museum in Andersonville, Georgia. Many of you will recall the great Civil War prison where many, many Union soldiers died of deprivation and starvation. I think that Senator McCain exemplifies the American spirit, a sense of freedom, for the seven years that he put in in the prison camp up in Hanoi. I also want to mention the fact that the Veteran's Administration here in the state of New Hampshire has a get-together here on the 17<sup>th</sup> of April and I will have that information later. But, let me read one statement in closing that I think all POWs remember and why so many of them give service to their state and nation. This is something that General Omar Bradley said in one of the books that he wrote, and I quote, "Of Athenians, in the end, more than they wanted freedom they wanted security. They wanted a comfortable life and they lost it all; security, comfort and freedom. When the Athenians finally wanted not to give to society but society to give to them and when the freedom they wished for most was freedom from responsibility, then Athenians ceased to be free." Thank you.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 11:50 a.m.

### RECESS

(Rep. Kurk in the Chair)

### RESOLUTION

Rep. Hawkinson offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 367 and 409 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 367**, relative to the public protection fund administered by the New Hampshire Bar Association. (Judiciary and Family Law)

**SB 409-FN**, relative to long-term care and extending the moratorium on new nursing home beds. (Health, Human Services and Elderly Affairs)

### RECESS

**(Rep. Hill in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 132, 544 and 802 and Senate Bill numbered 414.

Rep. Nowe for the Committee

RECESS

**(Rep. Keans in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 734, 1159 and 1192.

Rep. Nowe, Sen. Barnes for the Committee

RECESS

**(Rep. Nowe in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1150, 1222, 1247 and HJR 21.

Rep. Nowe, Sen. Barnes for the Committee

RECESS

**(Rep. Packard in the Chair)**

**ENROLLED BILL AMENDMENTS**

**HB 1393**, extending the reporting date for the postsecondary educational assistance for members of the New Hampshire national guard study committee and extending the repeal date relative to such assistance.

**Amendment (1365-EBA)**

Amend section 2 of the bill by replacing line 1 with the following:

2 Repeal Date Extended. Amend 1996, 237:7, 1 to read as follows:

Adopted.

**HB 1394**, extending the reporting date for the school building aid system study committee.

**Amendment (1387-EBA)**

Amend 1997, 145:5 as inserted by section 1 of the bill by replacing line 2 with the following: legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the

Adopted.

**HB 1497**, establishing a committee to study adoption of a single factor method of apportionment for business taxation purposes.

**Amendment (1400-EBA)**

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

**AN ACT** establishing a committee to study adoption of a single sales factor method of apportionment for business taxation purposes.

Adopted.

RECESS



(Rep. Royce in the Chair)

### RESOLUTION

Rep. Whalley offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 356, 423, 427, 437, 471, 472, 488, 501 and 503 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 356-L**, relative to the bond required as a condition for filing an intent to cut or receiving a permit to cut. (Local and Regulated Revenues)

**SB 423-FN**, relative to eligibility for cost of living adjustments for retired members or beneficiaries in the New Hampshire retirement system. (Executive Departments and Administration)

**SB 427-FN**, establishing a revolving fund for loans for intrastate energy pipeline facilities improvements. (Commerce)

**SB 437-FN**, requiring a one year mandatory prison sentence for a third DWI conviction. (Criminal Justice and Public Safety)

**SB 471-FN**, creating the presumption that a juvenile charged with a driving while intoxicated felony offense, shall be certifiable as an adult. (Criminal Justice and Public Safety)

**SB 472-FN-L**, relative to filing security interests under the Uniform Commercial Code. (Commerce)

**SB 488-FN**, directing the department of environmental services to create a model for managing the flow of water in the Winnepesaukee River watershed and creating an advisory committee. (Resources, Recreation and Development)

**SB 501-FN-A**, relative to authorizing an attorney for prosecutions by the board of medicine and making an appropriation therefor. (Executive Departments and Administration)

**SB 503-FN**, relative to the New Hampshire community-technical college system. (Education)

### RECESS

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 11**

Thursday, April 23, 1998

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of startling grace, help us to live fully in the sacrament of the present moment. Save us from clinging to the past or striving too greedily for the future. But, fill us with the fullness of Your presence in this time, in this place so that we may be with each other as You are with us and for each other as You are for us. Amen.

Reps. Ferland and Hill led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Belvin, Julie Brown, Champagne, Clay, Cooper, Dalrymple, Flint, Robert Foster, Gibbons, Healy, Cecelia Kane, Langley, O'Rourke, Pepino, Perkins, Paul Taylor and Carol Williams, the day, illness.

Reps. Adler, Allen, Bonneau, Carney, Case, Cegelis, Coes, Dawe, Franks, Fraser, Guay, Hager, Ham, Hoadley, Hurt, Claudette Jean, Robert Kelley, Klemm, Lefebvre, MacNeil, William McCarthy, James McDonald, Nowe, Pantelakos, Marsha Pelletier, Simmons, Ann Torr, Donald Welch and Whittemore, the day, important business.

Reps. Cushing, Irene Pratt and Rice, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Vincent Dunn, Jr. and Patrick Dunn, son and grandson of Rep. Dunn. Rodney Woodill, guest of Rep. DeChane. Gail Currier, daughter of Rep. Kathleen Taylor. Hon. Joan Quennell, guest of Rep. Lovett. Gerard Murphy, guest of Rep. Hess. Brenda Leighton, guest of members of the Legislative Speechcraft Class.

**SPECIAL GUESTS**

The American Studies Class from Hollis/Brookline High School and their advisors, guests of the House.

**SENATE MESSAGES****CONCURRENCE**

**HB 111-FN**, establishing a committee to study the preservation of and access to records of legislation in the state archives.

**HB 152**, relative to permissible fireworks.

**HB 552-L**, clarifying the authority of municipalities to regulate the use of their highways which provide sole access to properties in adjoining municipalities.

**HB 579-FN-L**, providing that a person who, having made all reasonable efforts to preserve employment, leaves a job in order to protect himself or herself from domestic abuse, shall not be denied unemployment compensation.

**HB 642**, clarifying the effect of subdivision on property tax assessment and collection.

**HB 734-FN**, establishing a study committee on district court evening sessions.

**HB 1111**, relative to the types of investments allowable by local treasurers.

**HB 1115-L**, relative to boundary markers.

**HB 1122**, relative to the licensure of charitable organizations to conduct bingo games or sell lucky 7 tickets in towns and cities in which the organizations have been conducting charitable activities.

**HB 1124**, relative to disposal of septage or sludge.

**HB 1125**, repealing laws relative to trading stamp companies and solar equipment warranties.

**HB 1130-FN**, relative to the distribution of beverages.

**HB 1135**, relative to the use of watercraft and boats on Ledge Pond in the town of Sunapee.

**HB 1146**, relative to the use of capital reserve funds for multiple payments of lease/purchase agreements.

**HB 1150**, establishing a committee to study the authority, functions, duties, funding, and responsibilities of the bureau of emergency medical services.

**HB 1154**, establishing a committee to study the issue of updating New Hampshire laws related to fences.

**HB 1155**, relative to wastewater in low flow areas.

**HB 1157**, relative to the layout of highways.

**HB 1159**, establishing a committee to study strategies for increasing parental involvement in public education.

**HB 1162**, relative to permit applications before the hazardous waste facility siting board.

**HB 1192**, permitting the city of Concord to combine the positions of tax collector and treasurer.

**HB 1213**, relative to the authority of a town to appoint agents to expend funds for certain purposes.

**HB 1247**, establishing a study committee relative to access to public school facilities and programs by home school students.

**HB 1313**, requiring brew pub licensee's to report delinquencies by wholesale distributors.

**HB 1340-L**, establishing a committee to study the upgrade of Dean Memorial Airport in North Haverhill, New Hampshire.

**HB 1394**, extending the reporting date for the school building aid system study committee.

**HB 1395**, relative to property tax exemptions for water and pollution control facilities.

**HB 1406**, increasing the maximum amount for a small claim action.

**HB 1457**, permitting physician assistants to possess, compound, administer, or distribute prescription drugs.

**HB 1480**, allowing a city or town to petition the liquor commission to revoke the liquor license of a licensee located within the city or town.

**HB 1497**, establishing a committee to study adoption of a single factor method of apportionment for business taxation purposes.

**HB 1502**, extending the reporting date for the statewide school technology plan study committee.

**HB 1518-L**, increasing the minimum purchase amount by a county requiring competitive bidding.

**HB 1526-FN-A**, requiring the department of education to publish an annual report of special education statistics.

**HB 1592**, relative to the enhanced 911 data base.

**HB 1634**, relative to amending the definition of "educational institution" under the New Hampshire municipal bond bank educational institutions bond financing act.

**HB 1651**, establishing a committee to study the protection of cable consumers and the enhancement of cable electronic services.

**HJR 21**, requesting that the United States Congress return to the states the authority to regulate campaign finance.

**HJR 23**, supporting the state's petition to the federal Environmental Protection Agency to reduce interstate transport of air pollutants from other states, requesting that Congress make certain changes in the federal Clean Air Act, and requesting that the Environmental Protection Agency enforce certain existing provisions of the Clean Air Act regarding interstate transport of air pollution.

**HCR 25**, requesting the U.S. Postal Service to issue a stamp commemorating the 200<sup>th</sup> anniversary of the United States naval shipyards.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 1126-L**, relative to municipal debt limits. (Amendment printed SJ 10, 4/9/98)

Rep. Metzger moved that the House concur.

Adopted.

**HB 1330-FN**, naming the bridge over the Newfound River on route 104 west in the town of Bristol, New Hampshire, the Richard W. Musgrove bridge. (Amendment printed SJ 10, 4/9/98)

Rep. Gene Chandler moved that the House concur and spoke in favor.

Adopted.

**HB 1158**, changing the process for designating a part-time district court justice a full-time district court justice. (Amendment printed SJ 10, 4/9/98)

Rep. John McCarthy moved that the House concur.

Adopted.



## COMMITTEE REPORTS CONSENT CALENDAR

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

**SB 337**, relative to the order of distribution of claims from an insurer's estate. **OUGHT TO PASS**  
Rep. Keith R. Herman for Commerce: A recent U. S. Supreme Court decision forces claims of the federal government to be paid immediately after administration costs and policyholder claims when an insurance company's assets are liquidated. New Hampshire statute lists the order in which liquidated assets are distributed. This bill simply changes the order to comply with the Supreme Court ruling. Vote 14-0.

**SB 357**, establishing a committee to study insurance coverage for infertility. **OUGHT TO PASS**  
Rep. Martha Fuller Clark for Commerce: Treatment for infertility is a rapidly evolving science dealing with one of life's personal issues, the ability to have children. This is an issue which involves both women and men and has profound emotional, social and economic issues for individuals and for society. The cost of infertility treatment and the ability of insurance companies to provide or deny coverage of such services is also of critical concern. Opponents to the bill were anxious that such a study would automatically lead to another insurance mandate. The majority of the committee disagreed, believing that before any infertility legislation could be introduced, a comprehensive study of the issue, both within the state and nationwide, is essential. Vote 12-3.

**SB 452-FN-L**, allowing students to choose alternatives to dissection as part of a course exercise. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley N. Searles, Sr. for Education: The committee feels that it is important to review the current statutory requirement regarding vivisection which is found in the criminal code as well as the provision of this bill relating to dissection and to place the provision within the context of education laws. In order to do this the education committee has asked the Department of Education to prepare a legislative proposal to address both vivisection and dissection. Vote 14-0.

**SB 91-FN**, relative to the water well board. **OUGHT TO PASS**

Rep. Howard C. Dickinson, Jr. for Executive Departments and Administration: This bill and the passage of HB 632 last year resolved previous problems between the water well board, the drillers and Department of Environmental Services. This also assures that the public have a vehicle to easily present difficulties or concerns they may have with faulty wells. Vote 14-0.

**SB 310**, relative to the licensure of micropigmentation practitioners. **INEXPEDIENT TO LEGISLATE**  
Rep. Nancy C. Stickney for Executive Departments and Administration: Micropigmentation is another name for cosmetic tattooing. (That is placing inert, non-toxic dye under the skin of a living being). Licensing requirements, hygienic standards for establishments and practitioners are already in place under RSA 314-A with special rules in place for cosmetic tattooing, therefore, the committee decided this bill is not necessary. Vote 18-0.

**SB 397**, relative to the composition of the pharmacy board. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Sylvia A. Holley for Executive Departments and Administration: The amended senate bill would have increased the pharmacy board from six to nine members. Testimony before our committee indicated there were no problems with the current composition of the board. The committee decided, as it has with other licensing boards, that more public representation would be helpful. The amendment replaces the senate bill and adds one more public member to the board. Vote 18-0.

### Amendment (1232h)

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

1 Pharmacy Board; Public Member Added. Amend RSA 318:2 to read as follows:

318:2 Board. There shall be a pharmacy board consisting of [6] 7 members; including 5 practicing pharmacists and [one] 2 public [member] members, each to be appointed by the governor, with the approval of the council, to a term of 5 years. No member shall be appointed to more than 2 consecutive terms. Only board members provided for in this section shall have the authority to vote in board determinations.

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

## AMENDED ANALYSIS

This bill adds a public member to the pharmacy board.

**SB 431-FN-A**, establishing a statewide database licensing program of the New Hampshire automated information system and making an appropriation therefor REFER FOR INTERIM STUDY Rep. Miriam D. Dunn for Executive Departments and Administration: This bill has full support of the committee with all testimony in favor. Interim study accomplishes two things: first by keeping the bill alive, the state library can continue its research relative to licensed program vendors for this data base, which will then be available to municipalities through libraries and schools, as well as to the general public. Savings will be realized when the data base replaces the need for subscriptions to newspapers, periodicals and other publications which now cost a considerable portion of library and school budgets. Secondly, although a one-dollar appropriation is in the bill, the fiscal impact projections are large. Interim study allows time for more realistic figures to be presented for implementation of the project. Vote 13-0.

**SB 373**, protecting quality assurance information of home health care providers from discovery. OUGHT TO PASS

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill extends the quality assurance process now provided hospitals to home health care providers. The process excludes the scrutiny of the legal profession from documents and records utilized during quality assurance procedures. Vote 12-0.

**SB 311**, establishing the Uniform International Wills Act. OUGHT TO PASS

Rep. Andrew R. Peterson for Judiciary and Family Law: The bill, which establishes the Uniform International Wills Act, is permissive legislation which allows New Hampshire residents the option to attach to their will a certificate which conforms to language agreed to by international convention. This would be particularly helpful to individuals who, for example, own real estate in other countries and wish to provide for expedited probate processes for their foreign-held assets. Vote 14-0.

**SB 433-FN**, relative to computing average weekly wages for the purpose of determining workers' compensation benefits, INEXPEDIENT TO LEGISLATE

Rep. Wanda McNamara for Labor, Industrial and Rehabilitative Services: The committee found this bill inexpedient to legislate based on three factors. When HB 630 passed in 1985, it was the intent of the legislature to ensure that all of the people government depends on to serve and protect the public do not suffer financial loss if injured performing that service. People who serve part-time, or volunteer, are recognized in this law to receive maximum benefits. The administrative hearing that raised the issue that prompted SB 433, has been overturned by the Department of Labor Appeals Board which ruled that RSA 105:1 includes all police and fire-fighters, whether full or part-time. The Department of Labor and the Attorney General's Office both agreed that the original intent of the existing statute included part-time police and fire personnel. The committee has a letter from the Department of Labor stating that further rulings will be based on statutory intent. Therefore, this bill is not needed. Vote 14-0.

**SB 73-FN**, providing that telecommunications poles and lines be subject to the property tax. OUGHT TO PASS WITH AMENDMENT

Rep. Linda T. Foster for Local and Regulated Revenues: The amendment, which replaces the bill, upholds the House position on this issue. This position has passed the house twice as recommended by both the policy and finance committees. Vote 15-1.

## Amendment (1283h)

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

AN ACT relative to municipal taxation of telecommunications poles and conduits.

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

1 New Section; Property Taxation of Telecommunications Poles and Conduits. Amend RSA 72 by inserting after section 8 the following new section:

72:8-a Telecommunications Poles and Conduits. All structures, poles, towers, and conduits employed in the transmission of telecommunication or cable services shall be taxed as real estate in the town in which such property or any part of its is situated. Wires, fiber optics, switching

equipment, and other telecommunications or cable services transmission devices and equipment owned by a person or corporation operating as a telecommunications or cable services provider shall not be taxable as real property.

2 Effective Date. This act shall take effect April 1, 1998.

### AMENDED ANALYSIS

This bill clarifies the types of telecommunications property which are subject to property taxation by municipalities.

**SB 332**, requiring that the real estate transfer questionnaire be provided to the municipality in which the property is located. **OUGHT TO PASS**

Rep. Stephen G. Avery for Local and Regulated Revenues: This legislation will, with a minimum of effort, allow tax assessors and selectmen immediate access to the selling price of property and relevant conditions of the sale within their jurisdiction so that they may keep property assessments current. Vote 15-1.

**SB 412**, designating skiing as the official New Hampshire sport. **OUGHT TO PASS**

Rep. Robert J. Laflam for Resources, Recreation and Development: This bill designates skiing as the official New Hampshire sport. The Committee recognized the contribution of all forms of outdoor recreation to the economic development and quality of life to New Hampshire's residents and visitors. Recognizing the dynamic impact this sport has had over all the state for over 60 years from its youth outreach programs to its major contribution to economic development the committee concluded that the sport of skiing in our state was most worthy of being designated as our state sport. Vote 12-3.

**SB 140**, relative to the obligations of joint owners to the nuclear decommissioning finance fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Science, Technology and Energy: This bill is the result of much hard work in both the Senate and House Committees. The bill came as a result of a Nuclear Regulatory Commission (NRC) concern that one of the joint owners (Great Bay Power—12% share) of the Seabrook Power Plant does not have retail customers from whom decommissioning charges could be collected. Great Bay sells power into the wholesale market. The NRC gave Great Bay a one (1) year extension in which to solve this funding assurance problem which is of great concern also to members of the committee. Great Bay is currently up-to-date with all payments to the nuclear decommissioning fund. Great Bay has agreed, however, to accelerate funding for decommissioning on the basis of a 25-year life expectancy of the nuclear plant, rather than the current 36 years. The other joint owners will proportionally guarantee Great Bay's twelve percent (12%) share of Seabrook decommissioning costs under the terms of SB 140. The other joint owners have agreed to this accelerated funding mechanism for Great Bay. The other portion of the bill merges the contents of SB 341, which deals with the make-up of the Nuclear Decommissioning Finance Committee (NDFC). Currently, only members of the Fiscal Committee can serve on the NDFC. Under the proposed amendment, one member from each of the respective House and Senate policy committees would be appointed, as would one member from each body. The director of the Governor's Office of Energy and Community Services would replace a representative of the lead joint owners. There was no opposition to these changes in the composition of the NDFC at the public hearing. The Seabrook joint owners are also supporting this bill as amended. Vote 14-0.

### Amendment (1421h)

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

**AN ACT** relative to the obligations of joint owners to the nuclear decommissioning financing fund and relative to the membership of the nuclear decommissioning financing committee.

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

1 Public Safety and Welfare; Decommissioning of Nuclear Electric Generating Facilities; Committee Established; Composition. Amend RSA 162-F:15, II to read as follows:

II. Each committee shall consist of one person who is a resident of the town or city in which the facility is to be located and who shall be appointed by the selectmen of the town or the mayor and council of the city, the chairman of the public utilities commission, [~~one senator, who is a member of the legislative fiscal committee~~] 2 senators, at least one of whom shall be a member of the executive depart-



*ments and administration committee, or its successor, and one of whom shall be familiar with fiscal issues, to be appointed by the senate president, [~~one house member, who is a member of the legislative fiscal committee~~] 2 house members, at least one of whom shall be a member of the science, technology, and energy committee, or its successor, and one of whom shall be familiar with fiscal issues, to be appointed by the speaker of the house, the state treasurer or designee, the commissioner of the department of health and human services or designee, the commissioner of the department of safety or designee, and [~~a representative of the lead company as designated by the owner or owners of the facility~~] the director of the governor's office of energy and community services or designee.*

2 Decommissioning of Nuclear Electric Generating Facilities; Guarantee of Payment; Default of Payment.

I. As used in this act, "joint owner of the facility without a franchise territory" means an owner of a facility, as defined in RSA 162-F:14, III, which does not have, either directly or indirectly through a subsidiary, affiliate, or contractual relationship, a retail electricity distribution franchise territory from which to collect decommissioning costs, on the effective date of this section.

II. The joint owners of a facility shall be proportional guarantors of the decommissioning obligations of any joint owner of the facility without a franchise territory.

III. The nuclear decommissioning financing committee shall designate the joint owners of a facility as proportional guarantors of any joint owners of the facility that are unable to meet their obligations as proportional guarantors of the decommissioning obligations of any joint owner of the facility without a franchise territory.

IV. If a joint owner of the facility without a franchise territory defaults on its decommissioning obligations, the committee shall require the remaining owners of the facility to submit for the committee's approval a plan for the fulfillment of the defaulting owner's decommissioning obligations. The plan shall be submitted within 30 days after the default. The plan may include the sale of the defaulting owner's share of the power generated by the facility, and the application of the proceeds of such sale to the defaulting owner's decommissioning obligations. For purposes of this section, "default" means the failure by an owner to make 2 consecutive payments to the fund required by RSA 162-F.

V. If there is no plan submitted and approved pursuant to paragraph III, the committee may prepare and implement a plan for recovering the decommissioning costs in default.

VI. Notwithstanding any other provision of law, a utility that is required to pay a proportional share as guarantor pursuant to this section may charge all or some of the amount to customers on a per kilowatt hour basis only upon approval by the public utilities commission after a finding that such a charge is just and reasonable and in the public good.

VII. Any obligation incurred by an owner as a guarantor pursuant to this section shall be enforceable under the provisions of RSA 162-F.

3 Repeal. Section 2, relative to decommissioning of nuclear electric generating facilities, is repealed.

4 Contingency. Section 3 of this act shall take effect 30 days after the chairman of the nuclear decommissioning financing committee has certified to the secretary of state that comprehensive funding assurance for decommissioning has been implemented.

5 Effective Date.

I. Section 3 of this act shall take effect as provided in section 4.

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

### AMENDED ANALYSIS

This bill designates joint owners of a facility as guarantors of the decommissioning obligations of a joint owner without a franchise territory. This bill provides that the nuclear decommissioning finance committee shall require a plan for the fulfillment of the decommissioning obligations of a joint owner of a facility without a franchise territory that defaults. This bill also changes the membership of the nuclear decommissioning financing committee.

### REGULAR CALENDAR

**SB 308**, relative to the board of directors of Delta Dental Plan of New Hampshire, Inc. OUGHT TO PASS WITH AMENDMENT

Rep. John B. Hunt for Commerce: Delta Dental Plan of New Hampshire (DDPNH) was enabled by the Legislature through passage of Chapter 345 on 6/30/61. Accordingly, DDPNH is under the purview of the Legislature. DDPNH was incorporated on 7/26/66, recorded as a Voluntary Corporation under RSA 292 on 3/20/68, and was granted its tax exempt status on 2/21/73 as a 501c(4) organization.

In 1992, the Legislature enacted RSA 420-F which brought DDPNH's rate filing and other activities under the jurisdiction of the Department of Insurance. As a not-for-profit, DDPNH has a special obligation to promote the spread of affordable dental care to the citizens of New Hampshire. As documented recently by Michael DeLucia, Director of Charitable Trust, DDPNH's requirements for maintaining its tax exempt status include the promotion of "social welfare" – the activities of the organization must benefit the community as a whole, rather than merely benefiting the organization's membership.

Senate Bill 308, as passed by the Senate, was extremely controversial because it changed the election of board members by the dentists to the election of board members by the subscribers only, leaving the dentists out of the process.

After five(5) Public Work sessions, the Commerce Committee ("Committee of the whole") amended the original SB 308 to address concerns raised by both opponents and proponents of the Senate's version of SB 308.

The committee's amendment is a compromise now supported by the original proponents of the bill, the DDPNH Corporation, group purchasers, subscribers and dentist members, carefully crafted after over one month of negotiations. While retaining the current 7 dentist composition of the DDPNH board – everyone agrees that dentist input on the DDPNH board is important – an External Nominating Committee will now develop board candidates as terms expire and members of the board of directors will elect their own members from a slate developed by this impartial Nominating Committee. The board will no longer be elected by dentists in the state, eliminating perceived and potentially real conflict of interest in the current process. Dentists, however, retain their status as the sole members of the corporation and can approve DDPNH corporate by-laws by a majority vote. The by-laws also must be approved by 2/3 majority of the board. Vote 14-1.

#### Amendment (1409h)

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

1 Definition Clarified. RSA 420-F:1, I(g) is repealed and reenacted to read as follows:

(g) "Public member" means a member of the general public who may or may not be eligible for benefits under a Delta service plan, who shall not be in a position to make the dental plan purchasing decision for a group or be associated with the dental profession. Family members of persons in a position to make group dental plan purchasing decisions and family members of persons associated with the dental profession may not serve as public members.

2 New Subparagraph; Purchaser Member. Amend RSA 420-F:1, I by inserting after subparagraph (g) the following new subparagraph:

(gg) "Purchaser member" means an employer, association, union or other entity which is a current Delta group contract holder.

3 Board of Directors. RSA 420-F:2 is repealed and reenacted to read as follows:

420-F:2 Directors.

I. The board of directors who shall manage the business and affairs of Delta shall be composed of 7 participating dentists, 4 public members, and 4 purchaser members.

II. A nominating committee composed of 2 participating dentists, one member of the general public and 2 purchasers, none of whom are members of the board, selected by a majority vote of the entire board, shall develop recommendations for board nominees, as board vacancies occur, which nominees shall be approved to serve on the board by a majority vote of the entire board. The nominating committee may use an outside consultant in selecting new board members as vacancies occur.

4 New Section; Bylaws. Amend RSA 420-F by inserting after section 2 the following new section:

420-F:2-a Bylaws. Any bylaw developed by the board of directors or developed by the members shall require approval of both 2/3 of the members of the board and a simple majority of all the members of Delta.

5 Initial Board Selection Committee. There shall be an initial board selection committee to select the members enumerated in section 3 of this act which shall be used as vacancies occur and until the provisions of section 3 are in place. The committee shall be composed as follows: the dentist members of the current board of directors, under RSA 420-F:2, shall select 2 participating dentists who are not board members, and Delta's senior management shall select one public member and 2 purchaser members none of whom are board members. In selecting the permanent board, the initial board selection committee shall use an outside consultant.

6 Applicability. The articles of agreement, bylaws, and all governing documents as they exist on the effective date of this act shall survive, except as expressly modified by this law; provided that there shall be no changes to existing bylaws or new bylaws made after March 17, 1998 until the new board is seated.

7 Effective Date. This act shall take effect July 1, 1998.

### AMENDED ANALYSIS

This bill modifies the qualifications of the board of directors of Delta Dental Plan of New Hampshire, Inc. and changes the composition of the board.

Adopted.

Report adopted and ordered to third reading.

### **HB 1663-FN**, relative to rulemaking under the administrative procedures act. OUGHT TO PASS WITH AMENDMENT

Reps. Robert S. Mercer for Executive Departments and Administration: This amendment corrects most of the problems that the original bill addressed without taking away legislative oversight of the administrative rulemaking process: 1. The commissioner of administrative services has been given the responsibility to set up an administrative rules unit to train agencies, boards, and commissions in rule drafting procedures and to help these agencies, boards and commissions in the writing of proposed rules prior to the public hearings and before these rules are presented to the Joint Legislative Committee on Administrative Rules (JLCAR). 2. It directs the Commissioner of Administrative Services to complete his review of the rulemaking manual and to fulfill his obligation to have rules for all of his respective departments. 3. Several sections of the bill make technical changes to RSA 541-A which some agencies requested. These changes simplify and streamline the rule making process without jeopardizing legislative oversight, or the protection of the interests of the legislature, business, and the public. 4. To strengthen legislative oversight we included a "sunset provision" for agencies, boards and commissions that do not comply with the statutory authority to promulgate rules granted them by the legislature. 5. The original bill cut JLCAR staff by three people. This amendment leaves the staff intact and authorizes them to notify the chair of appropriate standing committees in the house and senate when agencies do not comply with 541-A or when JLCAR recommendations are made to agencies relative to legislation as a result of JLCAR's review of proposed or adopted rules. 6. JLCAR and its staff should be reviewing all proposed legislation dealing with rulemaking and assisting legislative policy committees in their consideration of such legislation. This will help policy committees draft proper rulemaking authority in pending legislation so that it is clear what authority will be given to the agency, board, or commission. 7. Finally, a legislative study committee is recommended to oversee the new responsibilities granted to the Commissioner of Administrative Services and to make recommendations for further changes to the rule making process if the need is justified. Vote 16-1.

### **Amendment (1318h)**

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

**AN ACT** relative to rulemaking under the administrative procedures act and the responsibilities of the office of legislative services and the department of administrative services, and establishing a committee to study procedures in administrative rulemaking.

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

1 Findings and Purpose. It is the understanding of both the legislative and executive branches of state government that administrative rules and the rulemaking process are important and that both branches are committed to providing the necessary resources and expertise to prepare, review, and enforce administrative rules, with the understanding that rules have the force and effect of law and profoundly impact the lives and livelihoods of every citizen of New Hampshire.

2 Office of the Commissioner of Administrative Services; Number of Units Deleted. Amend the introductory paragraph of RSA 21-I:4 to read as follows:

21-I:4 Office Established. There is hereby established an office of the commissioner consisting of the following [5] units:

3 New Paragraph; Administrative Rules Unit. Amend RSA 21-I:4 by inserting after paragraph V the following new paragraph:



VI. Administrative rules.

4 New Section; Administrative Rules Unit. Amend RSA 21-I by inserting after section 7-b the following new section:

21-I:7-c Administrative Rules Unit.

I. There is hereby established in the office of the commissioner of administrative services an administrative rules unit. The commissioner is authorized to employ personnel as necessary.

II. The administrative rules unit shall be responsible for:

(a) Developing and operating a training program to train and improve all executive branch departments, boards, and commissions in the appropriate rulemaking procedures according to RSA 541-A.

(b) Assisting all executive branch departments, boards, and commissions in drafting proposed rules under RSA 541-A.

(c) Carrying out the duties of the commissioner in developing a user friendly drafting and procedures manual pursuant to RSA 541-A:8 with the director of legislative services or staff of the office of legislative services and the joint legislative committee on administrative rules.

(d) Drafting all administrative rules required to be adopted by the commissioner of administrative services pursuant to RSA 541-A.

III. To carry out the responsibilities under subparagraphs II(a)-(c), the commissioner shall receive the full support and assistance of all executive branch departments, boards, and commissions, including but not limited to the use of personnel, equipment, and facilities.

5 New Paragraph; Definition Added; Department. Amend RSA 541-A:1 by inserting after paragraph V the following new paragraph:

V-a. "Department" means the department of administrative services.

6 Joint Legislative Committee on Administrative Rules. Amend RSA 541-A:2 to read as follows: 541-A:2 Joint Legislative Committee on Administrative Rules.

I. There is hereby created a joint legislative committee to be known as the joint legislative committee on administrative rules. The committee shall be composed of 10 members of the general court and 4 alternates to be appointed for 2-year terms ending on the first Wednesday in December of even-numbered years as follows: 5 members of the house of representatives, appointed by the speaker of the house in consultation with the minority leader, not more than 3 of whom shall be from the same party; 5 members of the senate, appointed by the senate president in consultation with the minority leader, not more than 3 of whom shall be from the same party; 2 alternate members of the house of representatives appointed by the speaker of the house in consultation with the minority leader, not more than one of whom shall be from the same party; and 2 alternate members of the senate, appointed by the senate president in consultation with the minority leader, not more than one of whom shall be from the same party. If a member of the committee is unable, for any reason, to attend a meeting or a portion of a meeting of the committee, the ~~[chairman]~~ **chair** shall designate an alternate member to serve ~~[in his place]~~ regardless of the number of other senators or representatives who attend the meeting. The committee shall elect a ~~[chairman]~~ **chair** and a ~~[vice-chairman]~~ **vice-chair** from among its members, provided that the ~~[chairmanship]~~ **chair** shall rotate biennially between the house and senate members.

II. The committee shall meet at least once each month and more often as necessary for the prompt discharge of its duties ~~[and may use the staff and services of the director of legislative services].~~ **The director of legislative services shall provide services and shall employ full-time staff, including clerical support and specially designated committee legal counsel, in a division of administrative rules established within the office of legislative services, to the extent the committee deems necessary.** The committee shall adopt rules to govern its operation and organization. A quorum of the committee shall consist of 6 members. Members of the committee shall be entitled to legislative mileage as provided to members for attendance at sessions of the general court.

III. The committee may hold public hearings on a proposed or previously adopted rule on its own initiative. The committee shall give public notice of any hearing at least 7 days in advance in the rulemaking register. Any public hearing shall be scheduled at a time and place chosen to afford opportunity for affected persons to present their views. As appropriate, the committee may consult with the standing legislative committee having jurisdiction in the area of the rule under review.

IV. In addition to its ongoing review of proposed and adopted rules, the committee shall:

(a) Petition an agency under RSA 541-A:4 to adopt rules if the agency has clear rulemaking authority which it has not used.

(b) Review statutory passages granting rulemaking authority. On the basis of this review, the committee shall, before each regular legislative session, make written recommendations to the president of the senate and the speaker of the house as to how such passages should be amended to eliminate confusing, inefficient, or unnecessary statutory language.

(c) Make written recommendations, when appropriate, to the president of the senate and the speaker of the house as to how the legislative oversight of rulemaking might be improved. These recommendations may include proposed amendments to RSA 541-A.

(d) Have the authority to amend and provide the final approval of the drafting and procedure manual developed by the director of legislative services and the commissioner of administrative services under RSA 541-A:8.

*(e) Notify the chairpersons of appropriate standing committees of the general court in writing when committee recommendations are made to agencies relative to legislation as a result of reviewing proposed and adopted rules.*

*(f) Make written recommendations, when appropriate, to the president of the senate, the speaker of the house of representatives, and the chairs of standing committees of the general court having jurisdiction over the subject matter of an agency concerning the amendment or repeal of the statutory authority of an agency that has enforced rules which are not effective or not otherwise valid, or that has not commenced rulemaking or adopted rules as required by statute.*

7 Petition for Adoption of Rules. Amend RSA 541-A:4 to read as follows:

541-A:4 Petition for Adoption of Rules.

I. Any interested person may petition an agency to adopt, amend, or repeal a rule. Within 30 days of receiving the petition, the agency shall determine whether to grant or deny the petition and notify the petitioner. If the agency decides to deny the petition, the agency shall notify the petitioner of its decision in writing and shall state its reasons for denial. If the agency grants the petition, it shall notify the petitioner and commence the rulemaking proceeding by requesting a fiscal impact statement pursuant to RSA 541-A:5 within 120 days of receipt of the petition and continuing the proceeding as specified in RSA 541-A:3.

*II. Notwithstanding paragraph I, if the committee petitions an agency to adopt, amend, or repeal a rule, and the agency does not notify the committee that rulemaking has commenced within one year of receiving the petition, or does not file a final proposal under RSA 541-A:12 within 2 years of receiving the petition, the committee may file legislation to repeal the agency's rulemaking authority or otherwise amend the agency authority.*

8 Gender Neutral. Amend RSA 541-A:5, I and II to read as follows:

I. The agency shall provide the legislative budget assistant with adequate details of the intended action and supporting data to enable **[him]** *the legislative budget assistant* to prepare a fiscal impact statement.

II. The legislative budget assistant shall develop a form which shall specify the details and supporting data necessary **[for him]** to assess the fiscal impact of the proposed rule.

9 Gender Neutral. Amend the introductory paragraph of RSA 541-A:5, IV to read as follows:

IV. The fiscal impact statement issued by the legislative budget assistant shall not be limited to dollar amounts, but shall include a discussion of the methodology used **[by him and the agency]** to reach any stated amounts. In addition, the fiscal impact statement shall consist of:

10 Gender Neutral. Amend RSA 541-A:6, II and III to read as follows:

II. The director of legislative services may refuse to publish a notice if **[he]** *the director* determines that there is significant noncompliance with the requirements of paragraph I **[above]**.

III. The agency shall send notice to the director of legislative services, to the president of the senate, to the speaker of the house of representatives, to the **[chairman]** *chair* of the fiscal committee, to the **[chairmen]** *chairs* of the legislative committees having jurisdiction over the subject matter, and to all persons who have made timely request for advance notice of rulemaking proceedings and to all persons regulated by the proposed rules who hold occupational licenses issued by the agency. Notice shall be made not less than 20 days before the first agency public hearing required by RSA 541-A:11. Notice to occupational licensees shall be by U.S. Mail, agency bulletin or newsletter, public notice advertisement in a publication of daily statewide circulation, or in such other manner deemed sufficient by the committee.

11 Drafting and Procedure Manual. Amend RSA 541-A:8 to read as follows:

541-A:8 Drafting and Procedure Manual.

I. Each agency shall conform to a drafting and procedure manual for rules, developed by the director of legislative services and the commissioner of administrative services, subject to amend-



ment and final approval by the committee. *The manual shall be submitted for approval by the committee no later than December 31, 1998. If no manual is submitted by such date, the committee shall have the authority to develop, and approve the manual. In either case, the committee shall provide final approval of the drafting and procedure manual no later than March 31, 1999. After March 31, 1999, the committee may propose further amendments to the manual. Any further amendments shall be subject to final approval by the committee.*

*II. The department shall assist an agency as often as necessary both prior to and during a rulemaking proceeding in drafting proposed rules to conform to the manual.*

*III. The director may require any agency to rewrite any rule submitted for filing to conform to this manual until that rule is adopted and filed under RSA 541-A:14 or RSA 541-A:19.*

12 New Subparagraph; Rulemaking Register; List of Proposals. Amend RSA 541-A:9, I by inserting after subparagraph (i) the following new subparagraph:

(j) A list of proposals filed under RSA 541-A:12, I and proposed interim rules filed under RSA 541-A:19, II, and placed on the agenda for committee review at a regularly scheduled or special committee meeting.

13 Proposed Rule Text; Review by Department of Administrative Services. Amend RSA 541-A:10 to read as follows:

541-A:10 Filing of Proposed Rule Text.

*I. At the same time the notice required by RSA 541-A:6, I is filed, the agency shall file the text of the proposed rule with the director of legislative services who shall provide copies for staff designated to the committee and to the department.*

*II. The department shall review the proposed rule for compliance with the drafting and procedure manual pursuant to RSA 541-A:8.*

*III. The text as filed shall not be changed or established as the text of the final proposal until after the conclusion of the public comment period established pursuant to RSA 541-A:11 and after certification by the department pursuant to RSA 541-A:12, II(f).*

14 Submission of Materials to Board or Commission. Amend RSA 541-A:11, I to read as follows:

*I. Each agency shall hold at least one public hearing on all proposed rules and shall afford all interested persons reasonable opportunity to testify and to submit data, views, or arguments in writing or, if practicable for the agency, in electronic format, in accordance with the terms of the notice and the provisions of this section. The legal counsel designated to the committee may provide oral or written comments on potential bases for committee objection under RSA 541-A:13, IV. Each agency shall require all materials submitted in writing to be signed by the person who submits them, and the agency shall transfer to hard copy, if practicable for the agency, all materials submitted as diskette, electronic mail, or other electronic format. Copies of the proposed rule shall be available to the public under RSA 91-A and at least 5 days prior to the hearing. For rules proposed by a board or commission, a period of at least [5] 7 days after the hearing shall be provided for the submission of [such-written] materials in writing or electronic format, unless a shorter period is specified in the notice. If a shorter period is specified in the notice, the deadline for the submission of [written] such materials shall not be earlier than the scheduled conclusion of the public hearing. For rules proposed by an agency official, a period of at least [5] 7 days after the hearing shall be provided in all instances. If a hearing is continued or postponed as provided in paragraph III or IV of this section, the period for the submission of [written] materials in writing or electronic format shall be extended.*

15 Public Comment; Extension of Deadlines. Amend RSA 541-A:11, III to read as follows:

*III. To provide reasonable opportunity for public comment, the agency may continue a public hearing past the scheduled time or to another date, or may extend the deadline for submission of written comment. If the agency continues the hearing or extends the deadline, it shall notify the public by any means it deems appropriate, including notice in the rulemaking register whenever practicable.*

16 New Paragraph; Filing Final Proposal; Placement on Agenda. Amend RSA 541-A:12, I to read as follows:

*I. After considering fully public comment and any committee or designated legal counsel comments received pursuant to RSA 541-A:11, and any other relevant information, a quorum of the members of the agency or the agency official having rulemaking authority shall establish the text of the final proposed rule. After the text of the final proposed rule has been established, the*



agency shall file the final proposal no earlier than 21 days and no later than 150 days after the date of publication of the notice in the rulemaking register. If an agency is required to rewrite a rule in accordance with RSA 541-A:8, the agency shall have up to 180 days after the date of publication of the notice in the rulemaking register to file the final proposal. The agency shall file the final proposal with the director of legislative services, *who shall provide copies to staff designated to the committee and to the department*. Final proposals filed no later than ~~14~~ 28 days before a regularly scheduled committee meeting shall be placed on the agenda for that meeting. Final proposals filed fewer than ~~14~~ 28 days before a regularly scheduled committee meeting shall be placed on the agenda of the following regularly scheduled committee meeting, *unless included on the agenda of an earlier meeting if the committee determines that such action is appropriate*.

*I-a. Legal counsel designated to the committee shall review the final proposal and identify potential bases for committee objection pursuant to RSA 541-A:13, IV. Legal counsel shall notify the committee and the agency filing the rule as soon as possible of any potential bases for objection.*

17 New Paragraph. Amend RSA 541-A:12 by inserting after paragraph II (e) the following new paragraph:

*(f) Certification from the department that the rule has been reviewed by the department and conforms to the requirements in the drafting and procedures manual under RSA 541-A:8.*

18 Procedure Changed; Review by Joint Legislative Committee on Administrative Rules. RSA 541-A:13 is repealed and reenacted to read as follows:

541 -A:13 Review by the Joint Legislative Committee on Administrative Rules.

I. Within 60 days of the filing of a final proposal with the director of legislative services, the committee may approve the rule or object under paragraph V. Objections to a rule may be made only once.

II.(a) After filing a final proposal pursuant to RSA 541-A:12, an agency may file a proposed amendment to the final proposal with the director for review by the committee and request that the committee approve the rule with the amendment. Both the request and the amendment shall be in writing and shall be filed at least 7 days prior to the regularly scheduled meeting or special meeting for which the final proposal has been placed on the agenda.

(b) The committee may:

- (1) Approve the rule as originally filed pursuant to RSA 541-A:12;
- (2) Approve the rule with the amendment; or
- (3) Object under paragraph V.

(c) If the committee approves the rule as filed pursuant to RSA 541-A:12, or with the amendment, it shall notify the agency in writing of its approval.

(d) Failure to give take action under subparagraph II(a) by the end of the 60-day period shall be deemed approval.

III. If the rule is approved under subparagraph II(c) or (d), the agency may adopt the rule.

IV. The committee may object to a proposed rule if the rule is:

- (a) Beyond the authority of the agency;
- (b) Contrary to the intent of the legislature;
- (c) Determined not to be in the public interest; or
- (d) Deemed by the committee to have a substantial economic impact not recognized in the fiscal impact statement.

V. The following procedures shall govern committee objections:

(a) If the committee objects to the rule, it shall promptly send the agency a preliminary written objection stating the basis for the objection. A preliminary objection shall require the assent of a majority of the votes cast, a quorum being present.

(b) The agency shall respond to the preliminary objection by withdrawing the rule, by amending the rule to remove the basis for objection, or by making no change. The agency shall respond to a committee objection only once, except as provided in subparagraph V(d).

(c) The quorum of the board or commission or the agency official having rulemaking authority may respond in writing prior to the adjournment of the committee meeting during which the preliminary objection was made. The committee may address the response in the same meeting. The agency shall otherwise report its response in writing to the committee within 45 days of the committee's vote to make a preliminary objection. Failure to respond to the committee within

45 days shall mean the rulemaking procedure for that proposed rule is invalid; however, the agency is not precluded from initiating the process over again for a similar rule. After receipt of the agency response, the committee may modify its objections made under paragraph IV or approve the rule.

(d) After submitting its preliminary objection response and prior to the final committee vote on the final proposal, and in all cases, prior to the adoption of the rule by the agency, the agency may request the committee to approve the rule with further amendment or to issue a revised objection. The committee may approve the rule with further amendment only if the agency submits the request and proposed amendment in writing to the committee at least 7 days prior to the committee meeting at which the agency presents the rule. Submission of such a request shall not preclude the agency from requesting a revised objection if the committee does not approve the rule as requested.

(e) A revised objection may be made only once by the committee and may be made only at the request of the agency. The agency shall respond and the committee may review the response in the same manner as a preliminary objection. No further amendment may be made by the agency after it responds to the committee except as provided in RSA 541-A:14, II.

(f) If the agency responds but the basis for the committee's preliminary or revised objection has not been removed or the response creates a new basis for objection, the committee may, by majority vote of the entire committee, file a final objection. The final objection shall be filed in certified form with the director of legislative services, who shall publish the objection in the next issue of the rulemaking register.

VI. After a final objection by the committee to a provision in the rule is filed with the director under subparagraph V(f), the burden of proof shall be on the agency in any action for judicial review or for enforcement of the provision to establish that the part objected to is within the authority delegated to the agency, is consistent with the intent of the legislature, is in the public interest, or does not have a substantial economic impact not recognized in the fiscal impact statement. If the agency fails to meet its burden of proof, the court shall declare the whole or a portion of the rule objected to invalid. The failure of the committee to object to a rule shall not be an implied legislative authorization of its substantive or procedural lawfulness.

VII.(a) The provisions of this paragraph may be used by the committee as an alternative to or in addition to the final objection procedure employed by the committee in paragraph V.

(b) If an agency responds to a preliminary or revised objection but the basis for objection has not been removed or the response creates a new basis for objection, the committee may, within 45 days from the date on which the objection response was due and by majority vote of the entire committee, recommend legislative action through sponsorship of a joint resolution to implement its recommendation. Such vote shall prevent the rule from being adopted and filed by the agency for the period of time specified in subparagraph VII(c).

(c) If the committee votes to sponsor a joint resolution pursuant to subparagraph VII(b), the agency shall be prevented from adopting and filing such rule until final legislative action is taken on the resolution or the passage of 90 consecutive calendar days during which the general court shall have been in session, whichever occurs first. The 90 calendar day period shall commence on the date such joint resolution has been introduced. If the session of the general court adjourns prior to the sixtieth calendar day after such joint resolution has been introduced, then the agency shall be prevented from adopting and filing such rule until 90 calendar days, beginning with the next session of the general court, have passed.

(d) The provisions of this paragraph shall apply to only the portion of the agency's rule identified in the joint resolution. The provisions of this paragraph shall not prevent an agency from adopting and filing the remainder of the rules in the final proposal under RSA 541-A while the committee pursues legislative action under this paragraph, nor shall it prevent the committee from also voting to enter a final objection pursuant to paragraph V.

(e) Nothing in this section shall prevent the general court from introducing legislation which addresses any matter included in a joint resolution introduced under the provisions of this section.

(f) Notwithstanding any house or senate rules to the contrary, a joint resolution which the committee votes to sponsor under subparagraph VII(b) may be introduced at any time during the legislative session. It shall be subject to the same rules as any other bill introduced at the beginning of the legislative session.

19 Final Adoption of Rules. Amend RSA 541-A:14, I-II to read as follows:

I. An agency may adopt a properly filed final proposed rule after:

- (a) The passage of [~~45~~] 60 days from filing of a final proposal under RSA 541-A:12 without receiving notice of objection from the committee;
- (b) Receiving notice of approval from the committee *under RSA 541-A:13*;
- (c) Passage of the [~~45-day~~] 60-day period for committee review of the preliminary objection response, or revised objection response, if applicable, provided that the committee has not voted to sponsor a joint resolution pursuant to RSA 541-A:13, VII; or
- (d) Final legislative action, as defined in RSA 541-A:1, VI-a, is taken on the joint resolution sponsored pursuant to RSA 541-A:13, VII(b) or the passage of the 90 consecutive calendar days specified by RSA 541-A:13, VII(c), whichever occurs first.

II. The text of the adopted rule shall be the same as the text of the final proposed rule submitted under RSA 541-A:12, except that any specific change may be made by the agency in direct response to the committee's [~~written~~] *preliminary or revised objection or as approved pursuant to RSA 541-A:13*. The director of legislative services may refuse to accept for filing any final rule which contains changes, other than minor editorial changes, that are not specifically authorized in the committee's written objection. The agency shall identify each minor editorial change in writing to the director of legislative services.

III. The agency shall file *2 copies of* all adopted rules with the director of legislative services, *who shall provide copies to staff designated to the committee and to the department*.

20 Administrative Rules; Publishing. Amend RSA 541-A:15, I to read as follows:

I. The director of legislative services shall compile, index, and publish, or require agencies to publish all effective rules adopted by each agency. *The text of an adopted rule as filed with the director and which is effective shall be the official version of the rule, unless or until a version prepared for publication, which may have editorial changes not affecting the substance of the rule, is certified by the agency as the same in substance as originally filed. The certified version shall be the official version. The official version of the rule shall be available to the public by the agency and the director pursuant to RSA 541-A:14, IV.*

I-a. The agency shall certify the rule under paragraph I within 120 days of the effective date of the rule. The 120-day deadline shall not apply to interim or emergency rules. A copy of each rule as filed and each as certified shall be sent by the director to the state library and the New Hampshire law library at the supreme court.

I-b. Compilations shall be supplemented, revised, or published as often as necessary. The compilation, indexing, or publishing of fiscal impact statements shall not be required. The director of legislative services, in consultation with state agencies, may enter into a contract for the preparation and publishing of the compilation of agency rules or any portion of it, or may certify a commercially prepared version of the compilation. Any version or portion of the code published under this section shall conform to all requirements of this chapter.

21 Application of Deadline; Commissioner Added. Amend RSA 541-A:16, IV to read as follows:

IV. If any deadline for action by an agency, the public, *the commissioner*, or the committee, imposed by this chapter falls on a Saturday, Sunday, or state legal holiday, the deadline for such action shall be extended to the next day that is not a Saturday, Sunday, or state legal holiday.

22 Time Limit; Reference to Manual Added. Amend RSA 541-A:17, I to read as follows:

I. No rule shall be effective for a period of longer than 8 years, but the agency may adopt an identical rule under RSA 541-A:5 through RSA 541-A:14, *in conformance with the drafting and procedure manual*.

23 Emergency Rules. Amend RSA 541-A:18, II to read as follows:

II. Notwithstanding RSA 541-A:16, III, emergency rules adopted under this section shall not remain in effect for more than 120 days from the date and time of filing with the director of legislative services, *who shall provide copies to staff designated to the committee and to the department*. An agency may propose a permanent rule on the same subject at the same time that it adopts an emergency rule, but it shall not adopt the same emergency rule when the emergency rule expires.

24 New Paragraph; Interim Rules. Amend RSA 541-A:19 by inserting after paragraph II the following new paragraph:

II-a. The director of legislative services shall provide copies of proposed interim rules to staff designated to the committee and to the department.



25 Committee Procedure on Interim Rules. Amend RSA 541-A:19, VIII to read as follows:

VIII. The following procedures shall govern committee objections:

(a) If the committee objects to the proposed interim rule, it shall notify the agency promptly by sending the agency a written objection stating the basis for the objection ~~and recommending that the agency amend or withdraw the proposed interim rule~~. An objection shall require the assent of a majority of the votes cast, a quorum being present.

(b) If the committee makes an objection to the proposed interim rule, the agency may cure the defect or withdraw the interim rule. The agency shall respond to a committee objection only once ~~and~~. *The quorum of the board or commission or the agency official having rulemaking authority may respond in writing prior to the adjournment of the committee meeting during which the objection was made. The committee may address the response in the same meeting. The agency shall otherwise report its response in writing to the committee prior to its next regularly scheduled meeting. Failure to respond to the committee ~~in accordance with this subparagraph~~ prior to the next regularly scheduled committee meeting shall mean the rulemaking procedure for that proposed interim rule is invalid; however, the agency is not precluded from initiating the process over again for a similar rule, provided that the conditions in paragraph I are met.*

(c) The committee shall review the response and vote to approve the response or continue the objection.

(d) The committee's objection shall not preclude the agency from adopting the substance of an interim rule by meeting the requirements of RSA 541-A:3.

26 Adoption of Proposed Interim Rule; Effective Period Increased. Amend RSA 541-A:19, X to read as follows:

X. No proposed interim rule shall be adopted unless the committee has voted to approve the proposed interim rule. An adopted interim rule shall be filed with the director of legislative services no later than 30 days following committee approval. *The director shall provide copies of adopted interim rules to the designated staff of the committee and to the department.* An interim rule shall be effective under RSA 541-A:16, III on the day after filing with the director of legislative services, or at a later date, provided the agency so specifies in a letter to the director of legislative services and the effective date is within 30 days following committee approval. Interim rules shall be effective for a period not to exceed ~~120~~ 180 days. During the time an interim rule shall be in effect, the agency may propose a permanent rule to replace the interim rule once it expires, but it shall not adopt another interim rule to replace the expiring interim rule.

27 Gender Neutral; Executive Orders. Amend RSA 541-A:28 to read as follows:

541-A:28 Executive Orders and Opinions of the Attorney General. The secretary of state shall transmit each executive order received from the governor to the director of legislative services, who shall publish the text of the executive order in the register of notice of rulemaking proceedings. The attorney general shall transmit a copy of every non-confidential opinion relative to rulemaking or rulemaking authority issued by ~~him~~ the attorney general or in ~~his~~ the attorney general's name to the director of legislative services. The director shall publish such opinions in the rulemaking register.

28 Gender Neutral. Amend RSA 541-A:31, V(b) to read as follows:

(b) In order to facilitate proceedings and encourage informal disposition, the presiding officer may, upon motion of any party, or upon ~~his~~ the presiding officer's own motion, schedule one or more informal prehearing conferences prior to beginning formal proceedings. The presiding officer shall provide notice to all parties prior to holding any prehearing conference.

29 Gender Neutral. Amend RSA 541-A:35 to read as follows:

541-A:35 Decisions and Orders. A final decision or order adverse to a party in a contested case shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency rules, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Parties shall be notified either personally or by mail of any decision or order. Upon request, a copy of the decision or order shall be delivered or mailed promptly to each party and to ~~his~~ a party's recognized representative.

30 Gender Neutral; Suspension of Provisions. Amend RSA 541-A:40, I to read as follows:

I. To the extent necessary to avoid a denial of funds or services from the United States which would otherwise be available to the state, the governor may suspend, in whole or in part, one or

more provisions of this chapter. When the governor determines that a suspension is no longer necessary to prevent the loss of funds or services from the United States, [he] *the governor* shall issue an order specifying the dates of termination of a suspension.

31 **Validity of Existing Rules.** All rules adopted and effective on the effective date of this act shall remain valid until amended, repealed, or expired.

32 **Application of Procedure Changes in Rulemaking Process.**

I. The provisions of sections 13, 14, and 17 of this act shall apply beginning on August 1, 1998.

II. The provisions of sections 16, 18, 19, 23, 24, and 26 of this act shall apply beginning on August 10, 1998.

33 **Required Information By Department of Administrative Services.** The administrative rules unit in the office of the commissioner of administrative services, established in RSA 21-I:7-c, as inserted by section 4 of this act, shall provide, as soon as possible, information to all agencies having rulemaking authority of the procedural and other changes required by this act in order to facilitate rulemaking by agencies.

34 **Applicability of Rules Publication Changes.** The provisions of RSA 541-A:15 as amended by section 20 of this act shall apply to rules filed and effective after the effective date of this act.

35 **Study Committee Established.** There is established a committee to study procedures in administrative rulemaking.

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

(a) Four members of the house of representatives, one of whom shall be a member of the joint legislative committee on administrative rules, appointed by the speaker of the house.

(b) Four members of the senate, one of whom shall be a member of the joint legislative committee on administrative rules, appointed by the president of the senate

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

III. The duties of the committee shall include but not be limited to:

(a) Examining all relevant aspects of HB 1663-FN of the 1998 session.

(b) Exploring the ways that administrative rulemaking under RSA 541-A may be enforced.

(c) Recommending ways to improve the public notification of and involvement in pending rulemaking under RSA 541-A.

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

V. The committee, in each of the next 2 years, shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the joint legislative committee on administrative rules, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1998, and November 1, 1999.

36 **Effective Date.** This act shall take effect July 1, 1998.

#### AMENDED ANALYSIS

This bill establishes an administrative rules unit in the office of the commissioner of administrative services and changes the rulemaking procedure for agencies under RSA 541-A. This bill also establishes a committee to study the procedures for administrative rulemaking.  
Adopted.

Rep. Mercer yielded to questions.

Report adopted and referred to Finance.

**SB 406**, establishing a legislative task force to develop a state government restructuring plan. INEXPEDIENT TO LEGISLATE

Rep. James P. Pilliod for Executive Departments and Administration: This bill suggests a task force to develop a state government restructuring plan in about six months with a report due on or before November 1, 1998. The committee considered carefully the merits of such a task force and despite many benefits that might accrue decided that the task assigned was too monumental to accomplish in such a short time. It was noted that a prior effort of a task force in 1991 and 1992

was not eminently successful. Documentation of spotty and early successes elsewhere were considered to be interesting but inconclusive. Many reforms that are needed could probably be initiated without new legislation. The makeup of the task force as proposed does not include members from the executive branch or the public. Vote 12-5.

Rep. Loren Jean requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 237 NAYS 71

### YEAS 237

#### BELKNAP

Boriso, Thomas	Calvert, Alice	Clark, Charles	Golden, Paul
Holbrook, Robert	Lawton, David	Lawton, Robert	Pilliod, James
Rosen, Ralph	Salatiello, Thomas	Thomas, John	Turner, Robert
Veazey, John			

#### CARROLL

Babson, David, Jr.	Chandler, Gene	Howard, Godfrey	Kenney, Joseph
Mock, Henry	Patten, Betsey	Philbrick, Donald	

#### CHESHIRE

Avery, Stephen	DePecol, Benjamin	Doucette, Richard	Hunt, John
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
McNamara, Wanda	Meador, David	Metzger, Katherine	Pratt, John
Richardson, Barbara	Riley, William	Robertson, Timothy	Royce, H. Charles
Russell, Ronald	Smith, Edwin	Steere, Myron, III	Vogl, John

#### COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Hawkinson, Marie	Horton, Lynn	Mears, Edgar	Merrill, Gerald
Moynihan, Wayne	Pratt, Leighton	Tholl, John, Jr.	

#### GRAFTON

Almy, Susan	Brown, Channing	Copenhaver, Marion	Hill, Richard
LaMott, Paul	Lovett, Sidney	Nordgren, Sharon	Phinney, William
Williams, William, Jr.			

#### HILLSBOROUGH

Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter	Bergin, Peter
Briefs, Geoffrey	Brundige, Robert	Calawa, Leon, Jr.	Cardin, Lori
Carlson, Donald	Chabot, Ernest	Chabot, Robert	Clemons, Jane
Cote, David	Cote, Peter	D'Allesandro, Lou	Daigle, Robert
Daniels, Gary	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A. Theresa
Durham, Susan	Dyer, Merton	Emerton, Lawrence, Sr.	Fields, Dennis
Foster, Joseph	Foster, Linda	Gagnon, Eugene	Ginsburg, Ruth
Golding, William	Gosselin, Gerald	Goulet, Maurice	Hall, Betty
Hansen, Herbert	Hart, Nick	Herman, Keith	Holt, David
Johnson, Lionel	Konys, Christine	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Lessard, Rudy	Lozeau, Donnalee	Luebker, Bernard
Lynde, Harold	McCarty, Winston	McRae, Karen	Mercer, Robert
Messier, Irene	Morello, Michael	Murch, George	Murphy, Robert
O'Hearn, Jane	Peterson, Andrew	Reidy, Frank	Riley, Frances
Rowe, Robert	Sargent, Maxwell	Searles, Stanley, Sr.	Tate, Joan
Thulander, O. Alan	Turgeon, Roland	Vaillancourt, Steve	Wheeler, Robert
Wright, George			



**MERRIMACK**

Adams, Stephen  
Daneault, Gabriel  
French, Barbara  
Lamach, Bernard  
Marshall, Kenneth  
Pfaff, Terence  
Wallner, Mary Jane

Anderson, Eric  
Davis, Francis  
Gile, Mary  
Langer, Ray  
Moore, Carol  
Rogers, Katherine  
Whalley, Michael

Chandler, Earle  
DeStefano, Stephen  
Hess, David  
Lavoie, Gerard  
Morrill, Olive  
Seldin, Gloria

Crosby, Toni  
Feuerstein, Martin  
Jacobson, Alf  
Lockwood, Robert  
Nichols, Avis  
St. Cyr, Gerard

**ROCKINGHAM**

Abbott, Dennis  
Carson, Gregory  
Dearborn, Bruce  
Dowling, Patricia  
Flanders, John, Sr.  
Griffin, Mary  
Katsakiores, George  
Langone, John  
McCarthy, John, Jr.  
Millard, Ralph  
Packard, Sherman  
Sapareto, Frank  
Syracusa, Anthony  
Welch, David

Arndt, Janet  
Clark, Martha  
Dodge, Robert  
Downing, Michael  
Francoeur, Sheila  
Guthrie, Joseph  
Katsakiores, Phyllis  
Letourneau, Robert  
McKinney, Betsy  
Moore, Benjamin  
Pitts, Jacqueline  
Schanda, Frank  
Tufts, J. Arthur

Beaulieu, Jon  
Cooney, Richard  
Dolan, Richard  
Fesh, Robert  
Frechette, Joseph  
Henderson, Warren  
Kelley, Jane  
Major, Norman  
Micklon, Stephanie  
Noyes, Richard  
Raynowska, Bernard  
Stone, Joseph  
Varrell, Thomas

Belanger, Ronald  
Cote, Patricia  
Dowd, Sandra  
Flanders, David  
Gleason, John  
Johnson, Robert  
Kobel, Rudolph  
Malcolm, Kenneth  
Mikowski, Walter  
O'Keefe, Patricia  
Sabella, Norma  
Stritch, C. Donald  
Vaughn, Charles

**STRAFFORD**

Cossette, Larry  
Kaen, Naida  
Merrill, Amanda  
Rollo, Michael  
Sullivan, Henry  
Twardus, Joseph

DeChane, Marlene  
Keans, Sandra  
Merritt, Deborah  
Smith, Marjorie  
Taylor, Kathleen  
Vincent, Francis

Dunlap, Patricia  
Knowles, William  
Pelletier, Arthur  
Snyder, Clair  
Torr, Franklin  
Wall, Janet

Heon, Richard  
Lundborn, Raymond  
Rogers, Rose Marie  
Spear, Barbara  
Tsiros, William

**SULLIVAN**

Burling, Peter  
Leone, Richard  
Schotanus, Merle

Cloutier, John  
Lindblade, Eric  
Wiggins, Celestine

Donovan, Thomas  
Palmer, Lorraine

Ferland, Brenda  
Robb-Theroux, Amy

**NAYS 71****BELKNAP**

Bartlett, Gordon

Boyce, Robert

**CARROLL**

Bradley, Jeb

Dickinson, Howard, Jr. Lyman, L. Randy

MacDonald, Kenneth

**CHESHIRE**

Burnham, Daniel

**COOS**

St. Hilaire, Paul

**GRAFTON**

Akins, Ralph  
Guest, Robert  
Weber, Phil

Alger, John  
Mirski, Paul

Cobbin, Philip  
Root, John

Guaraldi, Lawrence  
Teschner, Douglass

**HILLSBOROUGH**

Alukonis, David	Ameen, W.	Boutin, David	Buckley, Raymond
Burke, M. Virginia	Christiansen, Lars	Clegg, Robert, Jr.	Dwyer, Paul, Sr.
Fenton, James	Flora, Kathleen	Gage, Ruth	Haettenschwiller, Alphonse
Holley, Sylvia	Hunter, Bruce	Jean, Loren	Leonard, Peter
Letendre, Evelyn	MacGillivray, Jeffrey	Marcinkowski, Michael	McGough, Tim
Melcher, Harold	Milligan, Robert	Mittelman, David	White, Donald

**MERRIMACK**

Brown, Mary	Colburn, Thomas	Crowell, Peter	Krueger, Patricia
Larrabee, David	Leber, William	Owen, Derek	Reardon, Tara
Yeaton, Charles			

**ROCKINGHAM**

Bishop, Franklin	Camm, Kevin	Dunham, Vivian	Flanagan, Natalie
Heath, John	Hutchinson, Rebecca	Lovejoy, Marian	Morris, Debbie
Rabideau, Marie	Reardon, Neil	Rubin, George	Stickney, Nancy
Weyler, Kenneth			

**STRAFFORD**

Bickford, David	Brennan, William	Brown, George	Callaghan, Frank
Estabrook, Iris	Grassie, Anne	McKinley, Robert	

**SULLIVAN**

Allison, David

and the report was adopted.

Rep. DeStefano voted yea and intended to vote nay.

Rep. Musler declared a conflict of interest and did not participate.

**SB 476-FN**, relative to ambulatory surgical facilities. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Alice Z. Calvert for Health, Human Services and Elderly Affairs: After much collaboration an amendment replacing the entire bill was generated. Because the data from the two-year pilot program allowing 24-hour stay in an ambulatory surgical facility was not adequate to reach a conclusion, the pilot will be extended for two years. The facility will continue to offer two 24-hour beds. On October 1, 1999, the health services and review board will issue a report of findings and recommendations. The legislature can use these recommendations to further assure that public protection is in place. In July of 2000 ambulatory surgical centers, still under pilot program regulations, may offer 5 beds for 24-hour stays. As these facilities are already a part of our health care system, this bill will help assure consumer safety. Vote 12-3.

**Amendment (1350h)**

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

I Statement of Intent.

I. 1996, 299:4 created a 2-year ambulatory surgical facilities pilot program to study the need for and efficiency of overnight beds in ambulatory surgical facilities. The pilot program permits ambulatory surgical facilities licensed on or before July 1, 1996, to provide beds for the overnight stay of patients. The pilot program is due to terminate on July 1, 1998.

II. The general court recognizes that the pilot program established pursuant to 1996, 299:4 regarding overnight beds in ambulatory surgical facilities seeks to:

(a) Reduce health care costs to consumers, costs to third party payors, and aggregate costs to the public;

(b) Improve the standards of health care delivery; and

(c) Provide increased choices and/or access for patients.

III. The pilot program created by 1996, 299:4 began receiving data from some participating facilities pursuant to He-Hea 1500 (effective date 10/13/97) in December, 1997. Pursuant to RSA 126:25, hospitals report ambulatory surgical care data on a semi-annual basis, 6 months after the close of the reporting period.

IV. In order to avoid the discontinuation of the pilot program prior to the completion of the study, the general court wishes to extend the pilot program to July 1, 2000, and to include within the pilot program ambulatory surgical facilities licensed after July 1, 1996. The report on the extended pilot program will be due on or before October 1, 1999, to permit legislative action, if any is needed, during the 2000 session of the general court.

2 Ambulatory Surgical Facilities. Amend RSA 151-C:2-a to read as follows:

151-C:2-a Ambulatory Surgical Facilities.

I. An ambulatory surgical facility licensed ~~[on or before July 1, 1996]~~ *by the state which is participating in the pilot program established pursuant to 1996, 299:4, as amended*, may provide 2 beds for the overnight stay of patients, not to exceed 24 hours. An individual patient shall be discharged in an ambulatory condition ~~[without danger to the continued well-being of the patient]~~ or shall be transferred to a ~~[hospital]~~ *health care facility*.

II. An ambulatory surgical facility licensed ~~[after July 1, 1996]~~ *by the state which is not participating in the pilot program established pursuant to 1996, 299:4, as amended*, shall not provide beds or other accommodations for the overnight stay of patients. An individual patient shall be discharged in an ambulatory condition ~~[without danger to the continued well-being of the patient]~~ or shall be transferred to a ~~[hospital]~~ *health care facility*.

3 Pilot Program. Amend 1996, 299:4 to read as follows:

299:4 Ambulatory Surgical Facility Pilot Program. The health services planning and review board (board) shall establish ~~[a 2-year]~~ *an* ambulatory surgical facility pilot program to study ~~[the need for and efficiency of]~~ overnight beds in ambulatory surgical facilities. This pilot program shall terminate July 1, ~~[1998]~~ *2000*. Ambulatory surgical facilities licensed by the state of New Hampshire ~~[on or prior to July 1, 1996]~~, which elect to provide overnight stays under RSA 151-C:2-a, I, shall participate in the pilot program by notifying the board and fulfilling licensure requirements established in accordance with RSA 151. The commissioner of health and human services shall adopt rules, pursuant to RSA 541-A, regarding quality and safety standards for overnight beds in ambulatory surgical facilities. The board shall require participating facilities to submit utilization and financial data in order for the board to complete its study. ~~[Upon completion of the pilot program]~~ *On or before October 1, 1999*, the board shall issue a report *containing findings and recommendations* to the governor, the president of the senate, the speaker of the house, the senate clerk, the house clerk, and the state library regarding ~~[the future need, if any, for overnight beds in ambulatory surgical facilities]:~~

I. Reduction in health care costs to consumers, costs to third party payors, and aggregate costs to the public;

II. Improvement in the standards of health care delivery;

III. Provision of increased choices and/or access for patients; and

*IV. Need for and use of overnight stays in ambulatory surgical facilities.*

4 Ambulatory Surgical Facilities. RSA 151-C:2-a is repealed and reenacted to read as follows:

151-C:2-a Ambulatory Surgical Facilities. An ambulatory surgical facility may provide beds or other accommodations for the overnight stay of up to 5 patients not to exceed 24 hours from the time of admission. Thereafter, an individual patient shall be discharged in an ambulatory condition or shall be transferred to a health care facility. The rules adopted pursuant to 1996, 299:4 regarding quality and safety standards for overnight beds in ambulatory surgical facilities shall remain in effect.

5 Repeals.

I. 1996, 299:3 and 5, relative to ambulatory surgical facilities, are repealed.

II. 1996, 299:6, relative to the effective date of the prospective repeal of overnight stays, is repealed.

6 Effective Date.

I. Section 4 of this act shall take effect July 1, 2000.

II. The remainder of this act shall take effect June 30, 1998.

#### AMENDED ANALYSIS

This bill extends the ambulatory surgical facilities pilot program to July 1, 2000.

Adopted.

Report adopted and ordered to third reading.



**SB 309**, relative to distributors and suppliers of bingo equipment. **OUGHT TO PASS**

Rep. William J. Desrosiers for Local and Regulated Revenues: This bill would provide for a better tracking system of bingo paper sales in order to prevent possible illegal lost revenue to charitable organizations. Vote 13-3.

Adopted and ordered to third reading.

**SB 467-FN**, requiring the department of transportation to construct sound barriers along certain streets in Nashua. **INEXPEDIENT TO LEGISLATE**

Rep. Gene G. Chandler for Public Works and Highways: This bill, if enacted, would require the Department of Transportation to construct sound barriers in two locations along the F.E. Everett Turnpike at an estimated cost of \$800,000. Those two areas that are the focus of this bill are the Freshwater Court and Tempo Topaz developments. Testimony before the committee revealed that the Freshwater Court development came well after all hearings regarding the expansion of the turnpike, location of sound barriers, landscaping plans, etc., were finalized. In a letter to residents of the area from the Mayor of Nashua, he states that the New Hampshire Department of Transportation has the right-of-way to all land utilized in the turnpike expansion, and had the expansion plans, including sound walls, completed several years before Freshwater Court was developed. The Mayor also states that the Planing Board of Nashua took several steps to ensure that prospective homeowners were well aware of the turnpike expansion, and the city of Nashua allowed prospective purchasers to make their own decisions concerning the discounted house prices at Freshwater Court due to the location. The committee felt it would be setting a bad precedent to require after the fact sound barriers in the Freshwater Court area. The Tempo Topaz area is a different situation, as the turnpike expansion affected existing homes, and both the committee and the Department of Transportation felt there was an obligation to provide sound relief in this area. The Department met with residents of the area, and the outcome of those discussions was a commitment by the Department of Transportation to construct 1400 feet of treated timber fencing varying in height from eight to ten feet. In addition, further tree planting and landscaping will be done in both areas. The committee feels that both areas highlighted in SB 467 have been taken care of in an appropriate manner, and the bill is unnecessary at this time. Vote 11-5.

Reps. D'Allesandro and Gene Chandler spoke to the report.

Rep. Jane Clemons requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 256 NAYS 54****YEAS 256****BELKNAP**

Bartlett, Gordon  
Clark, Charles  
Lawton, Robert  
Thomas, John

Boriso, Thomas  
Golden, Paul  
Pilliod, James  
Turner, Robert

Boyce, Robert  
Holbrook, Robert  
Rosen, Ralph  
Veazey, John

Calvert, Alice  
Lawton, David  
Salatiello, Thomas

**CARROLL**

Babson, David, Jr.  
Howard, Godfrey  
Mock, Henry

Bradley, Jeb  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L. Randy  
Philbrick, Donald

Dickinson, Howard, Jr.  
MacDonald, Kenneth

**CHESHIRE**

Avery, Stephen  
McNamara, Wanda  
Riley, William  
Steere, Myron, III

Hunt, John  
Meader, David  
Robertson, Timothy

Lynch, Margaret  
Metzger, Katherine  
Royce, H. Charles

Manning, Joseph  
Pratt, John  
Smith, Edwin

**COOS**

Bradley, Paula  
Horton, Lynn  
St. Hilaire, Paul

Coulombe, Henry  
Merrill, Gerald  
Tholl, John, Jr.

Coulombe, Yvonne  
Moynihan, Wayne

Davis, Perley  
Pratt, Leighton

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Brown, Channing
Cobbin, Philip	Copenhaver, Marion	Guaraldi, Lawrence	Hill, Richard
Mirski, Paul	Nordgren, Sharon	Phinney, William	Root, John
Teschner, Douglass	Weber, Phil	Williams, William, Jr.	

**HILLSBOROUGH**

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Bergin, Peter	Boutin, David	Buckley, Raymond	Burke, M. Virginia
Calawa, Leon, Jr.	Carlson, Donald	Chabot, Ernest	Chabot, Robert
Christiansen, Lars	Clegg, Robert, Jr.	Cote, Peter	Daigle, Robert
Daniels, Gary	Desrosiers, William	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James	Fields, Dennis
Flora, Kathleen	Gagnon, Eugene	Golding, William	Goulet, Maurice
Hall, Betty	Hansen, Herbert	Hart, Nick	Herman, Keith
Holley, Sylvia	Holt, David	Hunter, Bruce	Jean, Loren
Johnson, Lionel	Kurk, Neal	L'Heureux, Robert	Leonard, Peter
Lessard, Rudy	Letendre, Evelyn	Lozeau, Donnalee	Luebker, Bernard
Lynde, Harold	MacGillivray, Jeffrey	Marcinkowski, Michael	McCarty, Winston
McGough, Tim	McRae, Karen	Melcher, Harold	Messier, Irene
Milligan, Robert	Mittelman, David	Morello, Michael	Murch, George
Murphy, Robert	O'Hearn, Jane	Peterson, Andrew	Reidy, Frank
Riley, Frances	Rowe, Robert	Sargent, Maxwell	Searles, Stanley, Sr.
Tate, Joan	Thulander, O. Alan	Turgeon, Roland	Vaillancourt, Steve
Wheeler, Robert	White, Donald	Wright, George	

**MERRIMACK**

Adams, Stephen	Brown, Mary	Chandler, Earle	Colburn, Thomas
Crosby, Toni	Crowell, Peter	Daneault, Gabriel	Davis, Francis
DeStefano, Stephen	Feuerstein, Martin	Gile, Mary	Hess, David
Jacobson, Alf	Krueger, Patricia	Lamach, Bernard	Langer, Ray
Larrabee, David	Lavoie, Gerard	Leber, William	Lockwood, Robert
Marshall, Kenneth	Morrill, Olive	Nichols, Avis	Pfaff, Terence
Reardon, Tara	Rogers, Katherine	Whalley, Michael	

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Battles-Peirce, Marjorie	Beaulieu, Jon
Belanger, Ronald	Bishop, Franklin	Camm, Kevin	Carson, Gregory
Cote, Patricia	Dearborn, Bruce	Dodge, Robert	Dolan, Richard
Dowd, Sandra	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John, Sr.
Francoeur, Sheila	Frechette, Joseph	Gleason, John	Griffin, Mary
Guthrie, Joseph	Heath, John	Henderson, Warren	Hutchinson, Rebecca
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kobel, Rudolph	Langone, John	Letourneau, Robert	Lovejoy, Marian
Major, Norman	Malcolm, Kenneth	McCarthy, John, Jr.	McKinney, Betsy
Mikowski, Walter	Millard, Ralph	Moore, Benjamin	Morris, Debbie
Noyes, Richard	Packard, Sherman	Pitts, Jacqueline	Rabideau, Marie
Raynowska, Bernard	Reardon, Neil	Sabella, Norma	Schanda, Frank
Smith, Kevin	Stickney, Nancy	Stone, Joseph	Stitch, C. Donald
Tufts, J. Arthur	Varrell, Thomas	Welch, David	Weyler, Kenneth

**STRAFFORD**

Bickford, David	Brennan, William	Callaghan, Frank	Cossette, Larry
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Grassie, Anne
Heon, Richard	Kaen, Naida	Keans, Sandra	Knowles, William

Lundborn, Raymond  
Pelletier, Arthur  
Taylor, Kathleen  
Vincent, Francis

McKinley, Robert  
Snyder, Clair  
Torr, Franklin

Merrill, Amanda  
Spear, Barbara  
Tsiros, William

Merritt, Deborah  
Sullivan, Henry  
Twardus, Joseph

### SULLIVAN

Allison, David  
Lindblade, Eric  
Wiggins, Celestine

Burling, Peter  
Palmer, Lorraine

Ferland, Brenda  
Robb-Theroux, Amy

Leone, Richard  
Schotanus, Merle

### NAYS 54

### BELKNAP

None

### CARROLL

None

### CHESHIRE

Burnham, Daniel  
McGuirk, Paul

DePecol, Benjamin  
Richardson, Barbara

Doucette, Richard  
Russell, Ronald

Lynott, Margaret  
Vogl, John

### COOS

Hawkinson, Marie

Mears, Edgar

### GRAFTON

Guest, Robert

LaMott, Paul

Lovett, Sidney

### HILLSBOROUGH

Ameen, W.  
Clemons, Jane  
Dwyer, Paul, Sr.  
Ginsburg, Ruth  
LaRose, Richard

Briefs, Geoffrey  
Cote, David  
Foster, Joseph  
Gosselin, Gerald  
Mercer, Robert

Brundige, Robert  
D'Allesandro, Lou  
Foster, Linda  
Haettenschwiller, Alphonse

Cardin, Lori  
Drabinowicz, A. Theresa  
Gage, Ruth  
Konys, Christine

### MERRIMACK

Anderson, Eric  
Owen, Derek  
Yeaton, Charles

Dunn, Miriam  
Seldin, Gloria

French, Barbara  
St. Cyr, Gerard

Moore, Carol  
Wallner, Mary Jane

### ROCKINGHAM

Clark, Martha  
Sapareto, Frank

Cooney, Richard  
Syracusa, Anthony

Micklon, Stephanie  
Vaughn, Charles

O'Keefe, Patricia

### STRAFFORD

Brown, George  
Wall, Janet

Rogers, Rose Marie

Rollo, Michael

Smith, Marjorie

### SULLIVAN

Cloutier, John

Donovan, Thomas

and the report was adopted.

### REMOVED FROM THE TABLE

Rep. Pfaff moved that *HB 1520-FN*, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission, be removed from the table. (Pending question is the adoption of the committee floor amendment.)

On a division vote, 235 members having voted in the affirmative and 77 in the negative, the motion was adopted.



**Floor Amendment (1341h)**

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

1 Elections; Nominations by Primary; Filing Fees; Filing of Petitions Deleted. Amend RSA 655:19, I to read as follows:

I. At the time of filing declarations of candidacy, each candidate for the following offices shall pay to the official with whom the declarations are filed the following filing fees; ~~and shall file with the appropriate official the requisite number of primary petitions as provided in RSA 655:20 and 655:22, unless the candidate agrees to limit his expenditures in accordance with RSA 664:5-a~~. At the time of filing declarations of intent, each candidate for the following offices shall pay to the secretary of state the following filing fees, and the following filing fees shall be paid in addition to the requisite number of nomination papers which must be submitted and filed. The filing fee paid under this section shall be in addition to the administrative assessment paid under RSA 655:19-c. The filing fees shall be as follows:

- (a) For governor, United States senator, and representative to Congress, \$5,000.
- (b) For executive councilor, \$500.
- (c) For county officer, \$100.
- (d) For state senator, \$100.
- (e) For state representative, \$25.

2 Elections; Nominations by Primary; Waiver of Filing Fee and Primary Petitions; Petitions Deleted. Amend RSA 655:19-b to read as follows:

655:19-b Waiver of Filing Fee ~~[and Primary Petitions]~~.

I. A candidate for any of the offices enumerated in RSA 655:19 who, pursuant to RSA 664:5-a, voluntarily accepts the expenditure limitation set forth in RSA 664:5-b shall have the filing fee under RSA 655:19 either waived or refunded; ~~and shall have the requirement for filing petitions under RSA 655:20 waived~~, as provided in paragraph II.

II. If a candidate files the affidavit as specified in RSA 664:5-a at the time he *or she* files the declaration of candidacy or declaration of intent, the filing fee required under RSA 655:19 ~~[and the petitions required to be filed under RSA 655:20]~~ shall be waived. If such affidavit is filed within 3 days following the filing of the declaration of candidacy, the appropriate officer shall refund the filing fee paid by the candidate as soon as practicable.

3 Elections; Nominations by Primary; Administrative Assessment, Primary Petitions and Nomination Papers; Reference Deleted. Amend RSA 655:19-c, I to read as follows:

I. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of candidacy shall pay the administrative assessment in paragraph I or file primary petitions as provided in paragraph III in addition to the filing fee ~~[and primary petition]~~ requirements of RSA 655:19 ~~[and 655:20]~~. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of intent shall pay the administrative assessment in paragraph I in addition to the filing fee required by RSA 655:19 and shall meet the requirements of RSA 655:40-45 for nomination by nomination papers. Neither the administrative assessment which is paid nor the primary petitions which are filed under this section, nor the nomination papers which must be submitted under RSA 655:41 and filed under RSA 655:43, shall be waived or refunded for a candidate for any of the offices listed in this section who, pursuant to RSA 664:5-a, voluntarily accepts the expenditure limitation set forth in RSA 664:5-b. At the time of filing declarations of candidacy or declarations of intent, the administrative assessment shall be as follows:

- (a) For governor and United States senator, \$100.
- (b) For representative to Congress, \$50.
- (c) For executive councilor, \$25.
- (d) For state senator, \$10.
- (e) For county officer, \$10.
- (f) For state representative, \$2.

4 Primary Petition Form Modified. Amend RSA 655:21 to read as follows:

655:21 Form. Primary petitions shall be made in the following form:

State of New Hampshire  
County of....., ss.  
City (Town) of .....

I do hereby join in a petition for the printing on the primary ballot of the name of ..... whose domicile is in the city (town) of ..... (ward, street and number, if in a city), in the county of ..... for the office of ..... to be voted for on Tuesday, the ..... day of September, 19....., and certify that I am qualified to vote for a candidate for said office, that I am a registered member of the ..... party, and am not at this time a signer of any other similar petition for any other candidate for the above office; that my domicile is in the city (town) of ..... (ward, street and number, if in a city), in the county of ..... I certify that to my knowledge the above-named candidate is not a candidate for incompatible offices as defined in RSA 655:10, and that he *or she* is not a federal employee which makes him *or her* ineligible to file as a candidate for this office. I further certify that I believe the above-named person is especially qualified to fill said office.

*I hereby swear, under penalty of perjury, that the information above is true and correct to the best of my knowledge and belief.*

.....  
Print Voter's name

.....  
Voter's Signature

[State of New Hampshire  
County of....., ss:  
City (town) of ....., 19.....

The above-named, ....., personally known to me, appeared and made oath that the above petition, by him subscribed, is true:

Before me;

.....  
—Justice of the Peace or Notary Public]

5 Elections; Nominations by Primary; Number of Petitions; Nonacceptance of Expenditure Limitations Reference Deleted. Amend RSA 655:22 to read as follows:

655:22 Number of Petitions. The number of primary petitions to be filed for each office under RSA 655:20 shall be as follows: for governor and United States senator, 2,000; for representative in Congress, 1,000; for executive councilor, 500; for county officer, 100; for state senator, 100; for state representative, 10. Candidates for delegate to the state convention shall not be required to submit any primary petitions. [~~The provisions of this section shall apply to candidates who do not, pursuant to RSA 664:5-a, voluntarily accept the expenditure limitations set forth in RSA 664:5-b.~~] Primary petitions filed under this section shall be in addition to the number of petitions filed under RSA 655:19-c.

6 New Section; Order of Primary Petitions. Amend RSA 655 by inserting after section 22 the following new section:

655:22-a Order of Petitions. Petitions to be filed shall be ordered alphabetically by municipality in which the voter is domiciled. Petitions shall be further ordered by surname of voter for any municipality represented by more than one petition.

7 Elections; Political Expenditures and Contributions; Definitions; Candidate. RSA 664:2, II is repealed and reenacted to read as follows:

II. "Candidate" means any person publicly declared as such and for whom votes are sought in an election. For the purposes of this chapter, a person shall be deemed to be a candidate:

(a) Upon filing for candidacy during the filing period set forth in RSA 652:21;

(b) If the person has received contributions aggregating in excess of \$5,000 or made expenditures aggregating in excess of \$5,000, for the purpose of exploring the person's candidacy for political office; or

(c) If the person has given his or her consent to another person or political committee to receive contributions or make expenditures on behalf of the person for the purpose of exploring the person's candidacy for political office and the other person has received such contributions aggregating in excess of \$5,000 or has made such expenditures aggregating in excess of \$5,000, whichever occurs first.

8 Elections; Political Expenditures and Contributions; Definitions; Independent Expenditures. Amend RSA 664:2, XI to read as follows:

XI. "Independent expenditures" means expenditures by a person, political committee, or other entity ~~expressly~~ advocating the election or defeat of a clearly identified candidate which are *not* made ~~[without cooperation or consultation]~~ *in conjunction or in coordination* with any candidate, or any authorized committee or agent of such candidate, and which are not made in ~~[concert]~~ *co-ordination* with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. As used in this paragraph, "clearly identified" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

9 New Paragraph; Elections; Political Expenditures and Contributions; Definitions; Coordinated Expenditure. Amend RSA 664:2 by inserting after paragraph XVI the following new paragraph:

XVII. "Coordinated expenditure" means an expenditure by a political party, a political committee of a political party, or other entity, on behalf of a candidate or candidate's committee in a state primary or general election with the consent of the candidate. Any expenditure that is not an independent expenditure or direct expenditure shall be considered to be a coordinated expenditure.

10 Political Expenditure Limitation Amounts. Amend RSA 664:5-b to read as follows:

664:5-b Political Expenditure Limitation Amounts. Total expenditures by a candidate who voluntarily agrees to limit campaign expenditures as provided in RSA 664:5-a shall be as follows:

I. For governor:

- (a) ~~[\$500,000]~~ \$625,000 in a state primary election.
- (b) ~~[\$500,000]~~ \$625,000 in a state general election.

I-a. For United States senator:

- (a) ~~[\$500,000]~~ \$625,000 in a state primary election.
- (b) ~~[\$500,000]~~ \$625,000 in a state general election.

II. For representative to Congress:

- (a) ~~[\$250,000]~~ \$350,000 in a state primary election.
- (b) ~~[\$250,000]~~ \$350,000 in a state general election.

III. For executive council:

- (a) \$50,000 in a state primary election.
- (b) \$50,000 in a state general election.

IV. For state senate:

- (a) \$20,000 in a state primary election.
- (b) \$20,000 in a state general election.

V. For representative to the general court and all county offices, based upon the latest figures filed with the secretary of state:

- (a) \$.50 per registered voter in the district or the county in a state primary election.
- (b) \$.50 per registered voter in the district or the county in a state general election.

VI. For the purposes of this section, RSA 664:5-a and the enforcement provisions of this chapter, "total expenditures" shall mean the sum of all expenditures made to influence either a state primary or a state general election made by a candidate and those made on ~~[his]~~ *the candidate's* behalf by ~~[his]~~ *the candidate's* committee or committees, ~~[his]~~ *the candidate's* party, and ~~[his]~~ *the candidate's* immediate family. *For candidates for governor, United States senator, and representative to Congress, "total expenditures" shall include any such expenditures made after January 1 of the election year, regardless of when the person actually declares his or her candidacy.* Each campaign expenditure limitation amount shall apply solely and independently to either the state primary election or the state general election.

11 Elections; Political Expenditures and Contributions; Reports; Reporting by Political Committee; Reporting by Candidates. RSA 664:6-7 are repealed and reenacted to read as follows:

664:6 Reporting by Political Committee.

I. Any political committee whose receipts of contributions or whose expenditures, including, without limitation, coordinated and independent expenditures on behalf of candidates and general operating expenditures of the committee, in support of or in opposition to a candidate, measure, or political party, exceed in the aggregate \$500, shall file with the secretary of state an itemized statement, in accordance with the provisions of RSA 664:7-b. The statement shall be signed by the chairperson and treasurer of the political committee and shall list each contribu-



tion, in alphabetical order by the last name of the contributor, with the amount of the contribution, the date it was received, all of the information as is set forth in RSA 664:7-b, and the aggregate total for each election for each contributor. The statement shall be filed not later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. The statement shall contain the date of each expenditure, the name and address of the person or entity to whom each expenditure was made, the name of the candidate in whose behalf or against whom each expenditure was made, the amount of each expenditure, the purpose of each expenditure, and the aggregate amount of all previous expenditures.

II. An itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday 3 weeks immediately preceding a primary election, before 5 o'clock in the afternoon. The statement shall summarize the period under paragraph I if a statement is filed and shall itemize all receipts of contributions and expenditures made since the cutoff of that statement up until the Monday preceding the filing of the statement under this paragraph.

III. A statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday immediately preceding a primary election, before 5 o'clock in the afternoon. The statement shall summarize the statements under paragraphs I and II if such statements are filed and itemize all receipts of contributions and expenditures made since the cutoff of the statement under paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the secretary of state shall be notified by the fiscal agent within 24 hours of any contribution or contributions exceeding \$500 in the aggregate which is received after the statement under this paragraph is filed and prior to the day of primary election.

IV. An itemized statement in the same form as in paragraph I, summarizing the previous statements if such statements are filed, and itemizing all receipts of contributions and expenditures made since the cutoff of the previous report up until the Monday preceding the filing of the statement, shall be filed with the secretary of state before 5 o'clock in the afternoon on each of the following days: the Wednesdays 4 weeks, 2 weeks and immediately preceding the general election and the Wednesday 2 weeks after the general election. In addition to the reporting requirements contained in this section, during the last week before the general election, the secretary of state shall be notified by the fiscal agent within 24 hours of any contribution or contributions exceeding \$500 in the aggregate which are received after the statement under this paragraph is filed and prior to the day of the general election.

V. Any political committee whose receipts of contributions or expenditures in the aggregate do not exceed \$500 for a reporting period need not file. However, when a committee's accumulated receipts of contributions or expenditures for an election in the aggregate exceed \$500 the committee shall file a statement at the next reporting deadline.

VI. Any political committee which has any outstanding debt, obligation, or surplus following the election shall file reports at least once every 6 months thereafter in the same form as in paragraph I until the obligation or indebtedness is entirely satisfied or surplus deleted, at which time a final report shall be filed.

VII. Copies of the statements required by paragraphs I through VI of the state committee of a political party shall be filed with the secretary of state in sufficient numbers so as to provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.

VIII. Any national political party committee of a party as defined in RSA 652:11 may make contributions or expenditures on behalf of state candidates without complying with the requirements of paragraphs I through VI, provided that the total contribution or expenditure made in behalf of a candidate or political committee in this state whether directly or indirectly does not exceed the limit for personal contributions in RSA 664:4.

IX. The provisions of this paragraph shall apply only to a political committee for an individual candidate who is seeking a federal office whose holder is chosen by the voters of this state only. Such a committee which is required by federal law to file with the federal government reports relative to receipts of contributions and expenditures in support of such one candidate may choose,

at the time of registering under RSA 664:3, I, to file with the secretary of state copies of reports made to the federal government in accordance with the timetable established by federal laws for such reports in lieu of complying with the other reporting requirements of this section.

664:7 Reporting by Candidates.

I. Each candidate at the primary or general election for governor, councilor, state senator, representative to general court, or county officer, who receives contributions or makes expenditures in the aggregate that exceed \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6 I, II, III, IV, V, and VI, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries.

II. Candidates for the offices of speaker of the house, president of the senate, secretary of state, state treasurer, and clerks, assistant clerks, and sergeants-at-arms of the house and senate, shall report contributions and expenditures exceeding \$500 in the aggregate in like manner and detail as prescribed in RSA 664:6, I, except that the filing of statements for these offices shall be limited to one week and three weeks after the general election and one week after the election for these offices.

III. The candidate shall report all contributions received and expenditures made for the purpose of exploring or promoting such candidacy in the first report filed.

12 New Sections; Elections; Political Expenditures and Contributions; Reports; Form of Contributions; Content of Disclosure Reports; Campaign Finance Disclosure Record. Amend RSA 664 by inserting after section 7 the following new sections:

664:7-a Form of Contributions. No contribution may be accepted unless accompanied by the disclosure information set forth in RSA 664:7-b

664:7-b Content of Disclosure Reports. All contributions reported pursuant to RSA 664:6 or RSA 664:7 shall be listed on forms or other means prescribed by the secretary of state. The disclosure information shall include the name; address; employer, business organization, or primary source of income; principal place of business; and occupation of the contributor. Contributions shall be categorized as in-state or out-of-state. A summary of the contribution totals by category shall be included with each scheduled report. All expenditures, as defined in RSA 664:2, IX and XVII shall be reported in similar detail on forms or other means prescribed by the secretary of state.

664:7-c Campaign Finance Disclosure Record.

I. Disclosure reports required under RSA 664:6 and RSA 664:7 of candidates for governor, United States senator, and representative to Congress may be filed in electronic format. The secretary of state shall enter these reports into an electronic campaign finance disclosure record. The secretary of state shall ensure that these disclosure reports are available through the Internet site of the state of New Hampshire. Such reports shall also be available for paper or electronic copying at a reasonable cost.

II. The secretary of state shall compile and maintain separate cumulative disclosure reports filed under this act by political committees, political action committees, political committees of political parties, and candidates for executive councilor, state senator, state representative, county office, and the offices referenced in RSA 664:7, II.

13 Elections; Political Expenditures and Contributions; Reports; Social Activities. RSA 664:10 is repealed and reenacted to read as follows:

664:10 Social Activities. All contributions and expenditures for outings, dinners, and social affairs, conducted by political committees, clubs, and others, shall be reported, including the name, address, employer or business organization, principal place of business, and occupation of contributors, and a detailed listing of expenditures on forms prescribed by the secretary of state. However, if such contributions or expenditures do not exceed \$100 in aggregate, no report shall be required.

14 Campaign Disclosure Information; 1998 Election Cycle. For the 1998 election cycle, each candidate or candidate's committee for governor shall file the reports required by RSA 664:7 on a computer disk, in addition to a paper copy. All other state candidates or state candidates' committees may file their reports, as required by RSA 664:7, on a computer disk, in addition to a paper copy. Campaign finance filings for United States Senate and representatives to Congress shall be available through a link from the secretary of state's website to the Federal Election Commission.

15 Repeal. RSA 655:20, II, relative to primary petitions to be filed by candidates who do not voluntarily accept expenditure limitations, is repealed.

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

## AMENDED ANALYSIS

This bill:

I. Modifies the language required on primary petitions for candidates that do not voluntarily accept expenditure limitations.

II. Replaces the notarization with an oath on primary petitions.

III. Requires primary petitions to be filed alphabetically.

IV. Modifies the definitions of "candidate" and "independent expenditures" and defines "coordinated expenditure."

V. Modifies the reporting requirements for political committees and candidates.

VI. Increases total expenditure limitations for candidates for governor, United States senator, and representative to Congress who voluntarily agree to limit campaign expenditures.

VII. Specifies that any expenditures made after January 1 of the election year shall be counted towards expenditure limitations for governor, United States senator, and representative to Congress, regardless of when the person actually declares his or her candidacy.

VIII. Repeals the requirement that candidates who do not voluntarily accept expenditure limitations must file supplemental primary petitions.

IX. Allows candidates for governor, United States senator, and representative to Congress, to file campaign disclosure reports in electronic format.

X. Prohibits accepting contributions unaccompanied by disclosure information.

XI. Requires the secretary of state to compile and maintain cumulative disclosure reports.

Rep. Arndt spoke against.

On a division vote, 9 members having voted in the affirmative and 304 in the negative, the committee floor amendment failed.

Reps. Arndt and Joseph Foster offered a floor amendment.

#### Floor Amendment (1467h)

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

1 Elections; Nominations by Primary; Posting Notice of Primary; References to Fees Deleted. Amend RSA 655:12 to read as follows:

655:12 Posting Notice of Primary. Each city clerk shall distribute such notices to the ward clerks in his *or her* city. Each town and ward clerk shall, within 10 days after the receipt of such notice, cause notice of such primary to be posted in 2 public places in ~~his~~ *the* town or ward. Such notice shall prescribe the hour the polls are to open and the hour before which they may not close as provided in RSA 659. It shall state the offices for which candidates are to be nominated, the delegates to be elected, and any questions to be voted on, as well as the location of the central polling place and of any additional polling places. It shall also state the date before which declarations of candidacy must be filed to place names upon the ballots to be used at such primary[;] *and* the officers with whom they must be filed, the ~~fees~~ *administrative assessment* to be paid at the time of filing such papers and the number of primary petitions which may be submitted in lieu of the ~~filing fees~~ *administrative assessment*.

2 Elections; Nominations by Primary; Filing: General Provisions; Filing Fee, Primary Petitions Deleted. Amend RSA 655:14 to read as follows:

655:14 Filing: General Provisions. The name of any person shall not be printed upon the ballot of any party for a primary unless ~~he~~ *the person* is a registered member of that party, ~~he~~ *the person* shall have met the age and domicile qualifications for the office he *or she* seeks at the time of the general election, ~~he~~ *the person* meets all the other qualifications at the time of filing, and ~~he~~ *the person* shall file with the appropriate official between the first Wednesday in June and the Friday of the following week a declaration of candidacy as provided in RSA 655:17[; ~~and~~

~~I. The appropriate filing fee as provided in RSA 655:19; or~~

~~II. The appropriate number of primary petitions as provided in RSA 655:20 and 655:22 and an assent to candidacy as provided in RSA 655:25].~~

3 Elections; Nominations by Primary; Administrative Assessment, Primary Petitions and Nomination Papers; Order of Primary Petitions Added; Filing Fee References Deleted. Amend RSA 655:19-c to read as follows:

655:19-c Administrative Assessment[;] *and* Primary Petitions[; ~~Nomination Papers~~].

I. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of candidacy shall



pay the administrative assessment in paragraph I or file primary petitions as provided in paragraph III [in addition to the filing fee and primary petition requirements of RSA 655:19 and 655:20. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of intent shall pay the administrative assessment in paragraph I in addition to the filing fee required by RSA 655:19 and shall meet the requirements of RSA 655:40-45 for nomination by nomination papers. Neither the administrative assessment which is paid nor the primary petitions which are filed under this section; nor the nomination papers which must be submitted under RSA 655:41 and filed under RSA 655:43; shall be waived or refunded for a candidate for any of the offices listed in this section who, pursuant to RSA 664:5-a, voluntarily accepts the expenditure limitation set forth in RSA 664:5-b]. At the time of filing declarations of candidacy or declarations of intent, the administrative assessment shall be as follows:

- (a) For governor and United States senator, \$100.
- (b) For representative to Congress, \$50.
- (c) For executive councilor, \$25.
- (d) For state senator, \$10.
- (e) For county officer, \$10.
- (f) For state representative, \$2.

II. The administrative assessment paid to a town or city clerk by candidates for state representative shall be forwarded to the treasurer of the town or city and shall be for the use of the town or city. The administrative assessment paid to the secretary of state shall be deposited by [him] *the secretary of state* into the general fund.

III. Any person otherwise qualified to run for office who chooses not to pay the administrative assessment as prescribed in paragraph I may have his *or her* name printed on the primary ballot of any party by filing with the appropriate official the requisite number of primary petitions made by members of the party, together with one written assent to candidacy. The number of primary petitions to be filed for each office shall be as follows: for governor and United States senator, 200; for representative in Congress, 100; for executive councilor and county officer, 50; for state senator, 20; for state representative, 5. Candidates for delegate to the state convention shall not be required to submit any primary petitions. *Petitions to be filed shall be ordered alphabetically by municipality in which the voter is domiciled. Petitions shall be further ordered by surname of voter for any municipality represented by more than one petition.*

4 Primary Petition Form Modified. Amend RSA 655:21 to read as follows:

655:21 Form. Primary petitions shall be made in the following form:

State of New Hampshire

County of....., ss.

City (Town) of .....

I do hereby join in a petition for the printing on the primary ballot of the name of ..... whose domicile is in the city (town) of ..... (ward, street and number, if in a city), in the county of ....., for the office of ..... to be voted for on Tuesday, the ..... day of September, 19....., and certify that I am qualified to vote for a candidate for said office, that I am a registered member of the ..... party, and am not at this time a signer of any other similar petition for any other candidate for the above office; that my domicile is in the city (town) of ..... (ward, street and number, if in a city), in the county of ..... I certify that to my knowledge the above-named candidate is not a candidate for incompatible offices as defined in RSA 655:10, and that he *or she* is not a federal employee which makes him *or her* ineligible to file as a candidate for this office. I further certify that I believe the above-named person is especially qualified to fill said office.

*I hereby swear, under penalty of perjury, that the information above is true and correct to the best of my knowledge and belief.*

.....  
Print Voter's name

.....  
Voter's Signature

[State of New Hampshire

County of ..... ss.

City (town) of ....., 19.....

The above-named, ....., personally known to me, appeared and made oath that the above petition, by him subscribed, is true:

Before me;

.....  
—Justice of the Peace or Notary Public]

5 Election Procedure; Canvass and Declaration: State Primary Election; Write-In Votes and Nomination; Declaration of Candidacy; Filing Fees Provisions Deleted. Amend RSA 659:88, I(b) to read as follows:

(b) A person whose name was not printed anywhere on the official state primary election ballot, and who receives the nomination of a party by write-in vote in a primary election and wishes to accept the nomination, shall file a declaration of candidacy with the secretary of state no later than the second Monday after the primary. The declaration of candidacy shall be filed with the understanding that, where the form says "primary election," it shall be construed to mean "general election." [~~A person who files a declaration of candidacy under this section shall be subject to the requirements of RSA 655:19 and 655:19-b relative to filing fees. The person may have the filing fee waived if he is unable to pay the fee by reason of indigency.~~] Such person shall not, however, be required to pay the administrative assessment under RSA 655:19-c.

6 Elections; Political Expenditures and Contributions; Definitions; Candidate. RSA 664:2, II is repealed and reenacted to read as follows:

II. "Candidate" means any person publicly declared as such and for whom votes are sought in an election. For the purposes of this chapter, a person shall be deemed to be a candidate:

(a) Upon filing for candidacy during the filing period set forth in RSA 652:21;

(b) If the person has received contributions aggregating in excess of \$5,000 or made expenditures aggregating in excess of \$5,000, for the purpose of exploring the person's candidacy for political office; or

(c) If the person has given his or her consent to another person or political committee to receive contributions or make expenditures on behalf of the person for the purpose of exploring the person's candidacy for political office and the other person has received such contributions aggregating in excess of \$5,000 or has made such expenditures aggregating in excess of \$5,000, whichever occurs first.

7 Elections; Political Expenditures and Contributions; Definitions; Independent Expenditures. Amend RSA 664:2, XI to read as follows:

XI. "Independent expenditures" means expenditures by a person, political committee, or other entity [~~expressly~~] advocating the election or defeat of a clearly identified candidate which are *not* made [~~without cooperation or consultation~~] *in conjunction or in coordination* with any candidate, or any authorized committee or agent of such candidate, and which are not made in [~~concert~~] *coordination* with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. As used in this paragraph, "clearly identified" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

8 New Paragraph; Elections; Political Expenditures and Contributions; Definitions; Coordinated Expenditure. Amend RSA 664:2 by inserting after paragraph XVI the following new paragraph:

XVII. "Coordinated expenditure" means an expenditure by a political party, a political committee of a political party, or other entity, on behalf of a candidate or candidate's committee in a state primary or general election with the consent of the candidate. Any expenditure that is not an independent expenditure or direct expenditure shall be considered to be a coordinated expenditure.

9 Political Expenditure Limitation Amounts; Governor, United States Senator and Representative to Congress. Amend RSA 664:5-b, I-II to read as follows:

664:5-b Political Expenditure Limitation Amounts. Total expenditures by a candidate who voluntarily agrees to limit campaign expenditures as provided in RSA 664:5-a, I-II shall be as follows:

I. For governor:

(a) [~~\$500,000~~] **\$625,000** in a state primary election.

(b) [~~\$500,000~~] **\$625,000** in a state general election.

I-a. For United States senator:

(a) [~~\$500,000~~] **\$625,000** in a state primary election.

(b) [~~\$500,000~~] **\$625,000** in a state general election.

II. For representative to Congress:

(a) [~~\$250,000~~] **\$350,000** in a state primary election.

(b) [~~\$250,000~~] **\$350,000** in a state general election.

10 Political Expenditure Limitation Amounts; Total Expenditures. Amend RSA 664:5-b, VI to read as follows:

VI. For the purposes of this section, RSA 664:5-a and the enforcement provisions of this chapter, "total expenditures" shall mean the sum of all expenditures made to influence either a state primary or a state general election made by a candidate and those made on [his] *the candidate's* behalf by [his] *the candidate's* committee or committees, [his] *the candidate's* party, and [his] *the candidate's* immediate family. *For candidates for governor, United States senator, and representative to Congress, "total expenditures" shall include any such expenditures made after January 1 of the election year, regardless of when the person actually declares his or her candidacy.* Each campaign expenditure limitation amount shall apply solely and independently to either the state primary election or the state general election.

11 Elections; Political Expenditures and Contributions; Reports; Reporting by Political Committee; Reporting by Candidates. RSA 664:6-7 are repealed and reenacted to read as follows:

664:6 Reporting by Political Committee.

I. Any political committee whose receipts of contributions or whose expenditures, including, without limitation, coordinated and independent expenditures on behalf of candidates and general operating expenditures of the committee, in support of or in opposition to a candidate, measure, or political party, exceed in the aggregate \$500, shall file with the secretary of state an itemized statement, in accordance with the provisions of RSA 664:7-b. The statement shall be signed by the chairperson and treasurer of the political committee and shall list each contribution, in alphabetical order by the last name of the contributor, with the amount of the contribution, the date it was received, all of the information as is set forth in RSA 664:7-b, and the aggregate total for each election for each contributor. The statement shall be filed not later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. The statement shall contain the date of each expenditure, the name and address of the person or entity to whom each expenditure was made, the name of the candidate in whose behalf or against whom each expenditure was made, the amount of each expenditure, the purpose of each expenditure, and the aggregate amount of all previous expenditures.

II. An itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday 3 weeks immediately preceding a primary election, before 5 o'clock in the afternoon. The statement shall summarize the period under paragraph I if a statement is filed and shall itemize all receipts of contributions and expenditures made since the cutoff of that statement up until the Monday preceding the filing of the statement under this paragraph.

III. A statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday immediately preceding a primary election, before 5 o'clock in the afternoon. The statement shall summarize the statements under paragraphs I and II if such statements are filed and itemize all receipts of contributions and expenditures made since the cutoff of the statement under paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the secretary of state shall be notified by the fiscal agent within 24 hours of any contribution or contributions exceeding \$500 in the aggregate which is received after the statement under this paragraph is filed and prior to the day of primary election.

IV. An itemized statement in the same form as in paragraph I, summarizing the previous statements if such statements are filed, and itemizing all receipts of contributions and expenditures made since the cutoff of the previous report up until the Monday preceding the filing of the statement, shall be filed with the secretary of state before 5 o'clock in the afternoon on each of the following days: the Wednesday one week after the primary election, the Wednesdays 4 weeks, 2 weeks and immediately preceding the general election and the Wednesday 2 weeks after the general election. In addition to the reporting requirements contained in this section, during the last week before the



general election, the secretary of state shall be notified by the fiscal agent within 24 hours of any contribution or contributions exceeding \$500 in the aggregate which are received after the statement under this paragraph is filed and prior to the day of the general election.

V. Any political committee whose receipts of contributions or expenditures in the aggregate do not exceed \$500 for a reporting period need not file. However, when a committee's accumulated receipts of contributions or expenditures for an election in the aggregate exceed \$500 the committee shall file a statement at the next reporting deadline.

VI. Any political committee which has any outstanding debt, obligation, or surplus following the election shall file reports at least once every 6 months thereafter in the same form as in paragraph I until the obligation or indebtedness is entirely satisfied or surplus deleted, at which time a final report shall be filed.

VII. Copies of the statements required by paragraphs I through VI of the state committee of a political party shall be filed with the secretary of state in sufficient numbers so as to provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.

VIII. Any national political party committee of a party as defined in RSA 652:11 may make contributions or expenditures on behalf of state candidates without complying with the requirements of paragraphs I through VI, provided that the total contribution or expenditure made in behalf of a candidate or political committee in this state whether directly or indirectly does not exceed the limit for personal contributions in RSA 664:4.

IX. The provisions of this paragraph shall apply only to a political committee for an individual candidate who is seeking a federal office whose holder is chosen by the voters of this state only. Such a committee which is required by federal law to file with the federal government reports relative to receipts of contributions and expenditures in support of such one candidate may choose, at the time of registering under RSA 664:3, I, to file with the secretary of state copies of reports made to the federal government in accordance with the timetable established by federal laws for such reports in lieu of complying with the other reporting requirements of this section.

#### 664:7 Reporting by Candidates.

I. Each candidate at the primary or general election for governor, councilor, state senator, representative to general court, or county officer, who receives contributions or makes expenditures in the aggregate that exceed \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6 I, II, III, IV, V, and VI, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries.

II. Candidates for the offices of speaker of the house, president of the senate, secretary of state, state treasurer, and clerks, assistant clerks, and sergeants-at-arms of the house and senate, shall report contributions and expenditures exceeding \$500 in the aggregate in like manner and detail as prescribed in RSA 664:6, I, except that the filing of statements for these offices shall be limited to the Wednesdays one week and 3 weeks after the general election and the Wednesday one week after the election for these offices.

III. The candidate shall report all contributions received and expenditures made for the purpose of exploring or promoting such candidacy in the first report filed.

12 New Sections; Elections; Political Expenditures and Contributions; Reports; Form of Contributions; Content of Disclosure Reports; Campaign Finance Disclosure Record. Amend RSA 664 by inserting after section 7 the following new sections:

664:7-a Form of Contributions. No contribution may be accepted unless accompanied by the disclosure information set forth in RSA 664:7-b

664:7-b Content of Disclosure Reports. All contributions reported pursuant to RSA 664:6 or RSA 664:7 shall be listed on forms or other means prescribed by the secretary of state. The listing for each contribution exceeding \$25 shall include disclosure information. The disclosure information shall include the name; address; employer, business organization, or primary source of income; principal place of business; and occupation of the contributor. Contributions shall be categorized as in-state or out-of-state. A summary of the contribution totals by category shall be included with each scheduled report. The report shall also list the aggregate total received from each contributor

whose total contributions exceed \$100 and the contributor's disclosure information. All expenditures, as defined in RSA 664:2, IX and XVII shall be reported in similar detail on forms or other means prescribed by the secretary of state.

664:7-c Campaign Finance Disclosure Record.

I. Disclosure reports required under RSA 664:6 and RSA 664:7 of candidates for governor, and any disclosure reports filed by candidates for United States senator and representative to Congress may be filed in electronic format. The secretary of state shall enter these reports into an electronic campaign finance disclosure record. The secretary of state shall ensure that these disclosure reports are available through the Internet site of the state of New Hampshire. Such reports shall also be available for paper or electronic copying at a reasonable cost.

II. The secretary of state shall compile and maintain separate cumulative disclosure reports filed under this subdivision by political committees, political committees of political parties, and candidates for executive councilor, state senator, state representative, county office, and the offices referenced in RSA 664:7, II.

13 Campaign Disclosure Information; 1998 Election Cycle. Notwithstanding RSA 664:7-c, I, for the 1998 election cycle, each candidate or candidate's committee for governor shall file the reports required by RSA 664:7 on a computer disk, in addition to a paper copy. All other state candidates or state candidates' committees may file their reports, as required by RSA 664:7, on a computer disk, in addition to a paper copy. Campaign finance filings for United States Senate and representatives to Congress shall be available through a link from the secretary of state's website to the Federal Election Commission.

14 Repeal. The following are repealed:

- I. RSA 655:19, relative to election filing fees.
- II. RSA 655:19-b, relative to waiver of filing fee and primary petitions.
- III. RSA 655:20, relative to primary petitions.
- IV. RSA 655:22, relative to number of primary petitions.

15 Effective Date.

- I. Sections 6 and 10 of this act shall take effect January 1, 1999.
- II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill:

- I. Requires candidates for governor and permits other candidates, to file campaign disclosure reports on a computer disk for the 1998 election cycle.
- II. Replaces the notarization with an oath on primary petitions.
- III. Requires primary petitions to be filed alphabetically.
- IV. Modifies the definitions of "candidate" and "independent expenditures" and defines "coordinated expenditure."
- V. Modifies the reporting requirements for political committees and candidates.
- VI. Increases total expenditure limitations for candidates for governor, United States senator, and representative to Congress who voluntarily agree to limit campaign expenditures.
- VII. Specifies that any expenditures made after January 1 of the election year shall be counted towards expenditure limitations for governor, United States senator, and representative to Congress, regardless of when the person actually declares his or her candidacy.
- VIII. Repeals the requirement that candidates who do not voluntarily accept expenditure limitations must file supplemental primary petitions.
- IX. Allows candidates for governor, United States senator, and representative to Congress, to file campaign disclosure reports in electronic format.
- X. Prohibits accepting contributions unaccompanied by disclosure information.
- XI. Requires the secretary of state to compile and maintain cumulative disclosure reports.
- XII. Eliminates election filing fees.

Reps. Hart, Krueger, Stritch and Cobbin spoke against.

Reps. Joseph Foster, Arnold, Pfaff and Arndt spoke in favor and yielded to questions

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the adoption of the Arndt/J. Foster floor amendment.

**YEAS 231 NAYS 91****YEAS 231****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Golden, Paul	Holbrook, Robert
Lawton, David	Salatiello, Thomas	Thomas, John	Turner, Robert

**CARROLL**

Bradley, Jeb	Chandler, Gene	Dickinson, Howard, Jr.	Kenney, Joseph
Lyman, L. Randy	MacDonald, Kenneth	Mock, Henry	Patten, Betsey
Philbrick, Donald			

**CHESHIRE**

Avery, Stephen	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Hunt, John	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	McNamara, Wanda	Meador, David	Metzger, Katherine
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Royce, H. Charles	Russell, Ronald	Smith, Edwin	Steere, Myron, III
Vogl, John			

**COOS**

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Hawkinson, Marie	Horton, Lynn	Mears, Edgar	Merrill, Gerald
Moynihn, Wayne	Pratt, Leighton		

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Brown, Channing
Copenhaver, Marion	Guaraldi, Lawrence	Guest, Robert	Hill, Richard
Hinman, Harry	Lovett, Sidney	Nordgren, Sharon	Teschner, Douglass
Williams, William, Jr.			

**HILLSBOROUGH**

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Baroody, Benjamin
Batula, Peter	Bergin, Peter	Boutin, David	Brundige, Robert
Buckley, Raymond	Calawa, Leon, Jr.	Cardin, Lori	Chabot, Ernest
Chabot, Robert	Christiansen, Lars	Clemons, Jane	Cote, David
Cote, Peter	D'Allesandro, Lou	Daigle, Robert	Daniels, Gary
Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan
Dwyer, Paul, Sr.	Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James
Fields, Dennis	Foster, Joseph	Foster, Linda	Gage, Ruth
Gagnon, Eugene	Ginsburg, Ruth	Golding, William	Gosselin, Gerald
Goulet, Maurice	Haettenschwiller, Alphonse	Hall, Betty	Hansen, Herbert
Herman, Keith	Hunter, Bruce	Konys, Christine	Kurk, Neal
L'Heureux, Robert	Leonard, Peter	Lozeau, Donnalee	Lynde, Harold
Martin, Mary	McCarty, Winston	Melcher, Harold	Mercer, Robert
Messier, Irene	Milligan, Robert	Mittelman, David	Morello, Michael
Murphy, Robert	O'Hearn, Jane	Peterson, Andrew	Piteri, Dawn
Reidy, Frank	Sargent, Maxwell	Searles, Stanley, Sr.	Thulander, O. Alan
Turgeon, Roland	Vaillancourt, Steve	Wheeler, Robert	

**MERRIMACK**

Adams, Stephen	Anderson, Eric	Chandler, Earle	Crosby, Toni
Crowell, Peter	Daneault, Gabriel	Davis, Francis	DeStefano, Stephen
Dunn, Miriam	French, Barbara	Gile, Mary	Hess, David
Lamach, Bernard	Langer, Ray	Leber, William	Moore, Carol
Morrill, Olive	Owen, Derek	Pfaff, Terence	Reardon, Tara
Rogers, Katherine	Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean
Wallner, Mary Jane	Whalley, Michael	Yeaton, Charles	



**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Carson, Gregory	Christie, Andrew, Jr.
Clark, Martha	Dearborn, Bruce	Dodge, Robert	Dowd, Sandra
Downing, Michael	Flanders, David	Flanders, John, Sr.	Francoeur, Sheila
Frechette, Joseph	Gleason, John	Griffin, Mary	Heath, John
Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert	Kelley, Jane
Kobel, Rudolph	Lovejoy, Marian	Major, Norman	Malcolm, Kenneth
McCarthy, John, Jr.	McKinney, Betsy	Micklon, Stephanie	Noyes, Richard
O'Keefe, Patricia	Packard, Sherman	Pitts, Jacqueline	Rabideau, Marie
Rubin, George	Sapareto, Frank	Schanda, Frank	Stone, Joseph
Syracusa, Anthony	Vaughn, Charles	Welch, David	

**STRAFFORD**

Brennan, William	Brown, George	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Grassie, Anne	Hemon, Roland	Heon, Richard
Kaen, Naida	Knowles, William	Lundborn, Raymond	McCann, William, Jr.
Merrill, Amanda	Merritt, Deborah	Musler, George	Pelletier, Arthur
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spear, Barbara	Sullivan, Henry	Taylor, Kathleen	Torr, Franklin
Twardus, Joseph	Vachon, Dennis	Vincent, Francis	Wall, Janet

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Leone, Richard	Lindblade, Eric	Palmer, Lorraine	Robb-Theroux, Amy
Wiggins, Celestine			

**NAYS 91****BELKNAP**

Boyce, Robert	Calvert, Alice	Clark, Charles	Lawton, Robert
Pilliod, James	Rosen, Ralph	Veazey, John	

**CARROLL**

Babson, David, Jr.	Howard, Godfrey
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**CHESHIRE**

None

**COOS**

St. Hilaire, Paul	Tholl, John, Jr.
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**GRAFTON**

Cobbin, Philip	LaMott, Paul	Mirski, Paul	Phinney, William
Root, John	Weber, Phil		

**HILLSBOROUGH**

Ameen, W.	Briefs, Geoffrey	Burke, M. Virginia	Carlson, Donald
Clegg, Robert, Jr.	Flora, Kathleen	Hart, Nick	Holley, Sylvia
Holt, David	Jean, Loren	Johnson, Lionel	LaRose, Richard
Lessard, Rudy	Letendre, Evelyn	Luebker, Bernard	MacGillivray, Jeffrey
Marcinkowski, Michael	McGough, Tim	McRae, Karen	Murch, George
Riley, Frances	Rowe, Robert	Tate, Joan	White, Donald
Wright, George			

**MERRIMACK**

Brown, Mary	Colburn, Thomas	Feuerstein, Martin	Jacobson, Alf
Krueger, Patricia	Larrabee, David	Lavoie, Gerard	Lockwood, Robert
Marshall, Kenneth	Nichols, Avis		

**ROCKINGHAM**

Battles-Peirce, Marjorie	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Camm, Kevin	Cooney, Richard	Cote, Patricia	Dolan, Richard
Dowling, Patricia	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Guthrie, Joseph	Katsakiores, George	Katsakiores, Phyllis	Langone, John
Letourneau, Robert	Mikowski, Walter	Millard, Ralph	Moore, Benjamin
Morris, Debbie	Raynowska, Bernard	Reardon, Neil	Sabella, Norma
Smith, Kevin	Stickney, Nancy	Stritch, C. Donald	Tufts, J. Arthur
Varrell, Thomas	Weyler, Kenneth		

**STRAFFORD**

Bickford, David	Cossette, Larry	Dunlap, Patricia	Keans, Sandra
McKinley, Robert	Tsiros, William		

**SULLIVAN**

Ferland, Brenda	Kibbey, David	Schotanus, Merle
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and the Arndt/J. Foster floor amendment was adopted.

Report adopted and ordered to third reading.

**RECONSIDERATION**

Rep. Pfaff moved that the House reconsider its action whereby it ordered to third reading **HB 1520-FN**, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission, and spoke against.

Reconsideration failed.

**VACATE**

Rep. Kurk moved that the House vacate the reference to the Committee on Finance of **SB 428-FN**, relative to firearm lock boxes in state facilities.

Rep. Kurk spoke in favor.

Adopted and referred to Criminal Justice and Public Safety.

**RESOLUTION**

Rep. Wheeler 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 7, 1998 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**SB 337**, relative to the order of distribution of claims from an insurer's estate.

**SB 357**, establishing a committee to study insurance coverage for infertility.

**SB 91-FN**, relative to the water well board.

**SB 397**, relative to the composition of the pharmacy board.

**SB 373**, protecting quality assurance information of home health care providers from discovery.

**SB 311**, establishing the Uniform International Wills Act.

**SB 73-FN**, providing that telecommunications poles and lines be subject to the property tax.

**SB 332**, requiring that the real estate transfer questionnaire be provided to the municipality in which the property is located.

**SB 412**, designating skiing as the official New Hampshire sport.

**SB 140**, relative to the obligations of joint owners to the nuclear decommissioning finance fund.

**SB 308**, relative to the board of directors of Delta Dental Plan of New Hampshire, Inc.

**SB 476-FN**, relative to ambulatory surgical facilities.

**SB 309**, relative to distributors and suppliers of bingo equipment.

**HB 1520-FN**, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission.

## UNANIMOUS CONSENT

Rep. Root addressed the House.

Rep. Avery moved that the remarks made by Rep. Root be printed in the Journal.

Adopted.

Rep. Root: Thank you, Madam Speaker. A couple of weeks ago, we in this chamber were privileged to recognize those of Scottish heritage with the wearing of the tartans and kilts and the sound of bagpipes. A few weeks before that many of us celebrated our real or adopted Irish heritage on St. Patrick's Day. Personally, having visited Ireland and the town of Kilkenny, which was the home of my maternal great-grandmother, only last fall, St. Patrick's Day held a special significance for me this year. I think, Madam Speaker, it is appropriate to recognize that since we last met in this House, there has been a major break-through for peace in Northern Ireland and I'm sure that all of us prayed for its success. Today, as has been noted in eloquent debate, is April the 23<sup>rd</sup>, which is St. George's Day, the National Day of England, the land of my birth. I could mark this day by recounting the victories of English Armies or the heritage of law, of literature, of language and customs that England has given us. Let me tell you a little bit about my ancestors that first came to this country in 1637 and 1640, John and Thomas Root from the little village of Badby in Northamptonshire. Their ancestors and their descendants contributed to this wonderful country that we all enjoy here today. Two of their descendants ended up in the town of Plymouth, Ohio and they had a machine shop where they made farm implements and they developed an automobile that they named after the name of that town, the Plymouth. Unfortunately, they sold it to a man named Chrysler and the money went with it. But there was another famous Root, Elihu of Hamilton, New York who ended up being the Secretary of War and the Secretary of State for President Roosevelt and won the Nobel Peace Prize. I'm very proud of that. I didn't get to this country until 1952. Time will tell what contributions the family will make in the future. If you will indulge me for a few moments on this St. George's Day, I'd like to mark it by reciting to you the first verse of one of my favorite poems. A poem that reflects my pride in my English national heritage. It was written by Sir Cecil Spring-Rice who was England's Ambassador to the United States during the First World War. He wrote it at the Embassy in Washington on his very last night there as Ambassador. It is entitled, *I Vow To Thee, My Country*. *I vow to thee, my country, all earthly things above, Entire and whole and perfect, the service of my love; The love that asks no question, The love that stands the test, That lays upon the altar the dearest and the best; The love that never falters, The love that pays the price, The love that makes undaunted the final sacrifice.* Madam Speaker, these United States are now home to people from countries from all over the globe. President Franklin Delano Roosevelt once said, "we are all immigrants." So, I say to all of you, my colleagues, be as proud of your national heritage, whatever it may be, as I am of mine and thank you for allowing me these few brief moments to reflect upon it. Happy St. George's Day.

Rep. Rosen addressed the House.

Rep. Avery moved that the remarks made by Rep. Rosen be printed in the Journal.

Adopted.

Rep. Rosen: Thank you, Madam Speaker. This must be a day that we endure history class in this House. Last session, two weeks ago, we were treated to a strong display of Scottish pride on New Hampshire's Tartan Day. We heard the pipers in full uniform and we listened to Rep. Avery's eloquent recounting of the contributions to the state and nation of those men and women of Scottish ancestry. I would like to make a special note of one man, born in Scotland, he was not only of Scottish ancestry, he was born there. He was among a handful of genuine heroes who made possible the United State of America. To me, as to all others who have served in my former profession, a Naval officer, he is regarded as the father of the United States Navy. He is, of course, John Paul Jones. His daring exploits and successes against the vastly superior British fleet during the Revolutionary War have served as an inspiration to Naval personnel of all ranks since that struggle. His tomb, in Annapolis, is the Navy's most highly regarded shrine. Many books have been written about John Paul Jones covering not only his colorful career and tactical successes that he enjoyed, but also the guiding principles of conduct that he laid down in writing and by personal example. Incidentally, he was no stranger to New Hampshire. He took command of two ships at different times in Portsmouth, including the original Ranger. He ranged far and



wide securing battle victories in capturing ships, not only in the western Atlantic but as far away as France and the coastal waters of Great Britain itself. Could we have won the war without him? I don't know. But if we were to make a short list of the founders of our country, John Paul Jones would certainly be on it. Thank you.

Reps. D'Allesandro, Mirski and Seldin addressed the House.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 12:20 p.m.

### RECESS

(Rep. Searles in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 111, 152, 177, 642, 1111, 1125, 1130, 1146, 1213, 1340, 1394, 1406, 1480, 1497, 1518, 1592 and 1651 and Senate Bills numbered, 315, 327 and 338.

Rep. Nowe, Sen. Barnes for the Committee

### RECESS

(Rep. Mercer in the Chair)

### ENROLLED BILL AMENDMENTS

**HB 1313**, requiring brew pub licensee's to report delinquencies by wholesale distributors.

#### Amendment (1397-EBA)

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

AN ACT requiring brew pub licensees to report delinquencies by wholesale distributors.

Adopted.

**HB 1502**, extending the reporting date for the statewide school technology plan study committee.

#### Amendment (1438-EBA)

Amend section 1 of the bill by replacing line 4 with the following:

legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the

Adopted.

### RECESS

(Rep. Mercer in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 552, 1115, 1122, 1124, 1135, 1154, 1155, 1162, 1393, 1395, 1457, 1526, 1634 and HJR 23.

Rep. Nowe, Sen. Barnes for the Committee

### RECESS

(Rep. Teschner in the Chair)

### ENROLLED BILL AMENDMENT

**HB 1157**, relative to the layout of highways.

**Amendment (1482-EBA)**

Amend the RSA 230:13, II (c) as inserted by section 1 of the bill by replacing line 1 with the following:

*(c) Provide rest areas, parking strips, and roadside and landscape development for*  
Amend the RSA 230:14, II (c) as inserted by section 1 of the bill by replacing line 1 with the following:

*(c) Provide rest areas, parking strips, and roadside and landscape development for*  
Adopted.

RECESS

**(Rep. Boutin in the Chair)**

**ENROLLED BILL AMENDMENT**

*SB 337*, relative to the order of distribution of claims from an insurer's estate. (Amendment printed SJ 14, 5/7/98)

Adopted.

RECESS

**(Rep. Burling in the Chair)**

**RESOLUTION**

Rep. David Welch offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, SCR numbered 7 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF SENATE CONCURRENT RESOLUTION****First, second reading and referral**

*SCR 7*, supporting economic security in retirement of all Americans. (State-Federal Relations and Veterans Affairs)

RECESS

**(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 12**

Thursday, May 7, 1998

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, Reverend David Kerr, Pastor of the Wesley United Methodist Church in Concord.

Most gracious God, we pray that You would invoke Your blessings upon this legislative body. Inspire them, our Governor and all other elected officials with the spirit of truth, honor and integrity. May they be gracious in debate and dispute, may they hear one another in love and truth. Help them to use their position and power for the good of all; to see that justice is consistent and inclusive. Help them to act by conviction and with integrity by giving them guidance and wisdom that will allow for insight. May they face the issues of state and community without giving in to emotion or self-interest. Free them from the prisons of old patterns and ideas that do not speak to today's issues and dilemmas. May they have the resolution to act in the best interest of the citizenry, both present and future. In a world of half truths that are spoken with an air of sincerity, grant this body the ability to disseminate love, truth and equity. O Lord, may the actions of this august body help create better days and better ways for all. Give them the joy of seeing the fruits of their labors in a peaceful, just, and secure society. We pray all these things in Your holy name. Amen.

Reps. Piteri and Verani led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Julie Brown, Flint, Robert Foster, Healy, Noyes, O'Rourke, Pepino, Paul Taylor, Trelfa and Carol Williams, the day, illness.

Reps. Abbott, Arndt, Baroody, Burney, Carney, Cegelis, Coes, Gosselin, Griffin, Ham, Hansen, Robert Kelley, L'Heureux, Morris, Musler, Murch, O'Keefe, Marsha Pelletier, Perkins, Spear and Wiggins, the day, important business.

Reps. Clay, Horton, Lovejoy, Martin, Amanda Merrill and Rice, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Dick McCarthy, guest of Rep. Edwin Smith. Jane Vachon and Mizuho Tsuji, wife and guest of Rep. Vachon. D. J. Withee, guest of Rep. Flora. Helen Holbrook, wife of Rep. Holbrook. Don and Barbara Sisson guests of Rep. Nowe. Kristen Oliveri, guest of Rep. Letourneau. Eleanor and Frank Kelly and Christopher Messier, guests of Rep. Messier. T. C. Wang, Daniel Christiansen and Peter Lapore, guests of Rep. Christiansen. Dorothy Crisp, guest of Rep. Whittemore. Peg Laflam, wife of Rep. Laflam. Mary Rauh, guest of Rep. Burling. Mayor Don Davidson, guest of the Nashua Delegation. Former New Hampshire Representative Gary Greenburg, guest of Rep. Cobbin. Students from Merrimack Valley High School, guests of the Concord Delegation.

**RESOLUTION**

Reps. Wheeler and Burling offered the following:

RESOLVED, that the House inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of hearing an address by the Speaker of the United States House of Representatives, the Honorable Newt Gingrich.

**SENATE MESSAGE**

The Senate is ready to meet in Joint Convention for the purpose of hearing an address by the Speaker of the United States House of Representatives, the Honorable Newt Gingrich.

**RECESS****JOINT CONVENTION**

(Speaker Sytek presiding)



## GUESTS

Former New Hampshire Congressman William Zeliff and former New Hampshire House Speakers, Marshall Cobleigh, George Roberts and Harold Burns, guests of the Joint Convention.

## RECESS

## CLERK'S NOTE

On May 7, 1998, the joint convention was addressed by Speaker of the US House of Representatives, Newt Gingrich.

On May 20, 1998, a motion to print those remarks in the Journal was defeated.

On May 28, 1998, a motion of reconsideration was adopted. A motion to lay on the table was then defeated. The motion to print the remarks was adopted.

For ease of reference and reading, the remarks and all of those actions have been chronologically compiled in this Journal.

## (Speaker Sytek presiding)

The Speaker introduced Speaker Newt Gingrich who addressed the Joint Convention.

## REMARKS

Speaker Gingrich: Thank you very much, Madam Speaker and Mr. President. It is a great honor to be here and I appreciate very much this warm welcome. I should confess that I was aware of your state amphibian because when Governor Sununu was Chief of Staff and I would go into a meeting with him he would routinely turn and say, "Well, the red spotted Newt has arrived." It is great to be here. It is true that when Bill Zeliff had me up and we were wandering around trying to find a moose, there was a brief period of desperation. My wife had come up a day earlier and had gone to the outlet stores and had a doubly successful day. She had done very well at the stores and she had seen a moose. She was about to get a T-shirt made that said, "I saw my moose. Where's Newt's?" Bill, who had promised me, guaranteed me, that we would see a moose, was desperate. In fact, at one point they had a stuffed moose available just to be able to say, "Look, we did the best we could. What can we tell you?" But, I think we ended up on that trip having helped the tourism industry up here a fair amount because it was a summer opportunity to explain why you should come up here to the beautiful North country. We ended up having a bus and a half full of photographers. These were all political photographers. You see them every four years because they come for the primary. I'd never realized, I think both Bill and I were shocked, these people had spent so much time shooting boring politicians in boring settings; that letting them out in the woods, running around looking for moose, they were like kids at summer camp. It was one of the most amazing things I've ever done. MaryAnn and I both have very, very fond memories and I'm delighted to be back.

I want to start with the notion that one of the reasons I really appreciate a chance to come and talk to you is that a major part of what we are trying to do, which I think is a real turning point in American political history, is we are trying to move back to a partnership with the state and local communities where you advise us. As I talk about a couple of major issues today, I hope you will feel that we are in the same business. We have to run for office, we have to win an election. We have to serve constituents. You are much closer to the people than we are, both by virtue of the fact that you get to go home regularly and you are in a situation where you actually have more members per thousand people than we do by a big margin. I think as a result you can come back and say to us, "Well, here are the nine things you ought to do at the federal level to make life easier in New Hampshire." I want you to know that unlike the politics of the past where the federal government showed up to tell you what to do, we really are serious and we've tried to develop a relationship with governors and legislatures and also with county commissions and school boards and city councils where you tell us what federal reporting makes no sense, let's cut it out; what federal regulations are actually counterproductive, let's eliminate them; what federal bureaucracies aren't doing their jobs, let's clean them up. So, you really become, in a sense, scouts for modernization where your various committees can look at the federal role and say, "Here is what you are doing." I'll give you one example. We have an absolute obligation - and this is something I want to particularly credit Charlie Bass and Senator Judd Gregg for - we have a particular obligation for the

federal government to meet its commitment in funding the Individuals with Disabilities Education Act because it is not fair to have a federal mandate that crushes local communities when the federal government doesn't need to tell you what to do. That is an example of the kind of feedback where we learn from local communities right here in New Hampshire that the effect of the act, because of the nature of local schools, was really in some cases to virtually bankrupt the system when the act, with the best of intents, was designed to help people, when, in fact, it was forcing an enormous diversion of resources because the federal government had not met its obligation. It said it would fund 40 percent of the cost. It is only funding seven and we are making meeting that funding one of our highest priorities as we look at the budget this year. But, that sort of thinking will help us across the board.

Let me also say that on the way up this morning - I tried to get up last night and fog wouldn't let us get in so we came up very early this morning - on the way up I was looking at various newspaper reports. It was announced yesterday that the surplus in April alone, as people pay their taxes, is so large that the federal government is actually going to make a substantial down payment this month on paying down the federal debt for the first time, I think, in our life time. I confess that we have a long way to go in Washington to meet the New Hampshire standard of frugality. We have a very long way to go in Washington. We may never quite get as far as the New Hampshire standard. But we have started to move. We passed welfare reform and the result is today 2.2 million fewer people are on the tax rolls taking money and 2,200,000 more people are in the private sector earning a living and paying taxes. You have been a help. We did that in cooperation with the states. We saved medicare without raising taxes by focusing on additional choice for senior citizens, on preventive care for diabetes, breast cancer, colon-rectal cancer and prostate and the result is that we think for at least a decade we have saved medicare without a tax increase. We now have a commission to work on saving medicare for the baby boomers and their children, again without a tax increase. We want to provide better services through better choices, through better science. We don't want to just raise more taxes to hire more bureaucrats to have more control in Washington. It is a very different model than the one that we used to have. In addition, we did cut taxes and, in fact, to my delight, the morning newspapers indicate that one of the major reasons for the large surge in revenue is that the capital gains tax cut, once again as it always has, increased government revenue because a lower capital gains rate leads more people to cash in their capital gains and lower rate times more transactions is higher revenue for the government. So, I will be introducing in the near future a bill to cut capital gains to 15 percent to create even more revenue next year. We also, as part of our tax cuts last year, cut the death tax but that is not good enough. We will be introducing a bill to eliminate the death tax in this country. It is wrong to punish parents and grandparents who work all their lives to save for their children and grandchildren. A healthy society encourages parents and grandparents to care for their children and grandchildren. The fact is this is not just a dream. In California in 1982 when abolishing the inheritance tax was on the ballot, 65 percent of the people of California voted "yes" because they know that it is wrong to ask somebody to visit the undertaker and the IRS the same week. I believe we can abolish the inheritance tax and allow people to pass on their farms, their businesses and their personal estates to their children without having to pay a second tax on it. The result of all this effort is that we saved \$600 billion. Here again, I want to commend Senator Smith and Senator Gregg and Congressmen Sununu and Bass because we had to work as a team. We saved \$600 billion in entitlements; \$100 billion in domestic discretionary spending. We made a commitment to the Federal Reserve that we would balance the budget as a result of which interest rates are two percentage points lower than they would have been at this stage of an economic cycle if we had run a deficit. Since the federal government is the largest interest payer in the United States, if you have lower interest rates - the United States Government, you the taxpayers, pay more for interest on the federal debt than you pay for the Army, Navy, Air Force and Marine Corps combined. So, lower interest rates mean the federal government pays lower interest payments. The combination of entitlement reform, discretionary cuts and lower interest payments with the additional economic growth of the capital gains cut - we did not get to a balanced budget in the year 2002, which is our promise in the Contract with America, we got to a balanced budget in 1998, four years ahead of schedule. We now have projected a balanced budget for the next ten years, the longest period since the 1920's that we've ever had a projection of a balanced budget. Our job, frankly, is to use that surplus wisely to get the money back home before anybody in Washington can figure out how to spend it.

So, building on the successes of the Contract with America, we are proposing four goals for our generation as the logical next positive stage. Three of the four goals really require that we work with you which is part of why I was so delighted to have a chance to come and talk with you because they are only going to succeed if we have a real involvement with state legislatures all over the country and with city and county governments. Let me mention them briefly and then I want to talk about each one for just a minute or two. I think the four goals we ought to establish as the next stage where we are going beyond the Contract with America are: first, to win the war on drugs and violent crime to save our children's future; second, to reform education and learning so we have the best system in the world and truly mean that, not just have a slogan but do what it takes to have the best system in the world; third, to take the surpluses and return them back home so that we save Social Security by increasing the retirement opportunities for the baby boomers and their children while guaranteeing that our parents get every penny they should get; and, fourth, work together to modernize and reform government on the principal that no citizen in a free society should have to work longer than Monday and half of Tuesday to pay taxes. In a free society in peacetime, you should be able to work the rest of the week for your family, your church or synagogue, your favorite charity, your own retirement. But that it is wrong in peacetime for a free society to take more than 25 percent from its citizens. That is state, federal, local combined. That would require a one-third cut in taxation and we in the federal government should lead the way to make that possible.

Let me start with the war on drugs and violent crime. Let me make two points as a history teacher. This really is why I love having a chance come out because my natural instinct is to be a teacher and to talk about lessons we can learn. I want to make two key points because this is not just some slogan. Under Ronald Reagan and George Bush, drug use in America dropped 72 percent. Over a 12-year period we brought down - I don't mean this as a partisan statement, just as a statement of fact - over a 12-year period, drug use came down 72 percent. That is an enormous change in the right direction. Over the last five and one-half years, drug use has gone back up. We have clear historic proof. We know we can bring it down because in our lifetime we brought it down. I met yesterday with the Vice Premier of Singapore where they have virtually no drug use because they are very strict. I'm not recommending that we become Singapore, but I'll tell you this, you look at 20,000 Americans a year dying from drugs and you have to do something. That understates the total damage. One of the members of my staff had her 19-year-old sister go out on a date, take a synthetic drug overdose, end up in a coma and that young girl has celebrated her 20<sup>th</sup> and 21<sup>st</sup> birthdays in a nursing home in a coma and will never recover. This is not an abnormal experience. If we lost 20,000 people a year in Bosnia or Iraq, we would have people in the streets every day. We lose 20,000 Americans a year according to federal statistics to drugs. That is how serious it is. So, one, we know historically we can bring it down because in our lifetime we have. Two, the way you win a war if you are Americans is you pay attention. Now, think about this. World War II for the United States was December 7, 1941 to September 1945. In less than four years we mobilized a country, defeated Nazi Germany, Fascist Italy and Imperial Japan and said, "Fine, the war is over let's go home." Now, that is less than four years. Because when it really matters Americans really pay attention. We have been piddling around with a so-called war on drugs with a so-called

Drug Czar in a way that is childish. We have a union work rule. If you cross the border and the customs agent thinks you have a person in your trunk, they don't open the trunk, they get a drug enforcement agent, border patrol. But if they think there is contraband, they open the trunk. I was thinking about this. These are both tax-paid federal employees. We know, for example, that triple fencing works. Triple fencing is simple. It is three fences but space is in between the fences. Along the San Diego border, the most heavily crossed border in the United States, they now have four miles of triple fence. They have zero people crossing the triple fence. There are another 90 miles they need to do and we are gradually doing it now because Congress and Duncan Hunter have insisted on it. He has gathered up all of the surplus airport mats from Desert Storm and that is what they are using to keep the cost down. Yet, we know that it is between 98 and 100 percent effective in stopping illegal immigration and stopping illegal drugs but we haven't done it. So you go place to place. Senator Lawton and I have a bill in that is very straightforward. If you cross the American border with a commercial quantity of illegal drugs and it is the first time you have done it, you get life without parole. If the jury decides you are a professional narcotics trafficker and you cross the border repeatedly, you get a mandatory death penalty. You will see



a dramatic drop off in the number of people who show up in this country. By the way, this includes a commitment to have drug-free prisons. I talked to Sheriff Kirkland of Reno, Nevada who I saw on Sunday. He is a fabulous guy. Three years ago he became sheriff. The prisoners all work. One-third of their salaries go to pay compensation to the victims. One-third of their salary goes to pay for their own board and keep. They have to put 10 percent aside in a savings account so that when they leave prison they have both a work record and they have money to tide them over in the transition and they have to get a GED if they don't already have one, when they get to prison. He has drug dogs in the prison all day, every day and it is drug free. If he has any doubts, you get tested immediately. Now, it is a totally different model but you have prisons where the prisoners run the prison. If we can't have a drug-free prison, it is highly unlikely we are going to get a drug-free neighborhood. If all we are doing is putting drug-addicted prisoners back on the street, why should we be shocked that they show back up in prison seven months later having committed 37 crimes in between? We would love your help and your advice. You let us know what you think the federal role is in making sure that New Hampshire is drug free and I'll do everything I can to get the money, to get the resources, to get the changes in bureaucracy, the changes in regulations. But from education to rehabilitation, to interdiction, to going after the drug dealers overseas, to going after their money, we should do this full time with serious effort; make it our highest priority and win it. Then give our children a safe, much less violent and relatively drug-free America and I believe it is worth it.

Our second goal is to have a world-class system of education and learning for every American. Now, I am not going to get in the middle of all the excitement you all have had up here in being able to work on education. What one of the virtues of our federal system, the way we would do it is, you should actually run your system in New Hampshire the way you want to and not have Washington try to micromanage what happens in Manchester or Nashua or Concord or anywhere because the truth is no federal bureaucrat can educate a single child in New Hampshire and the real key is to have local schools, local teachers, local parents and local students find a local solution because if money were the answer the DC schools would be among the best in the country and the money just gets thrown away. I will be clear. I am very proud that last week we in the House passed a scholarship program to create 7,000 scholarships for the children of DC because that school system, your national capital school system, is so bad. It fails the children so miserably and it spends between \$7,300 and \$10,000 a child. Nobody actually knows because there is no accurate count of the number of children nor an accurate count of the number of teachers. This gives you some idea that the system is not particularly well run. But, here's how bad it is. Ted Forstman, a New York businessman who America has been very good to, decided he would give away 1,000 scholarships out of his personal money, went to Washington and announced it. They had 8,000 applicants for 1,000 scholarships. And, here is the catch, you had to put up \$500 per child yourself to be eligible for the scholarship. You had welfare mothers and mothers working at minimum wage who were doing everything they could to gather together, by saving, by talking to their relatives, by going to their churches - they were pulling together \$500 because they were so desperate to get their children out of the school. So, they had a free school over here that was failing and they were willing to put up \$500 to save their child's life. Ted Forstman gave away 1,000 scholarships. They estimate next year they will have 25,000 applications out of a school system of 70,000. That is the context in which we passed the scholarships. My challenge to my friends who say, "Oh, that is a bad idea," you put your child in the DC schools. When I see politicians who send their children to private schools, who preach to the poor about why they have to be sacrificed on the altar of a bad system, there is something profoundly wrong. I think that we need to make sure that choice is an option in schools that are that terrible. We also need, frankly, to design a better system. Let me put this in context. I am a product of the public schools. My wife is a product of the public schools. Both of my daughters graduated from public schools and I taught in a public high school, as well as a public college. So, I am passionate about public education and public learning. But I think it has to be real. I have just three ideas for you all to consider and I said consider - no mandate, no federal law - consider. I am just here as a citizen. One, there is one standard that we ought to have that is pretty simple but it ought to be adopted at the state and local levels, but it is very simple. Every child ought to be able to read and write at the end of the first grade or they should be immersed totally in reading and writing. They should be able to read and write in English because it is the language of opportunity and prosperity for this country. Let me just suggest to all of you,

you don't need a \$70 million culturally norm, statistically accurate computerized test. That is make-work for statisticians. What you need is to be able to have an adult and the child with a book and if they can read the book the odds are fairly high they can read. If they can't read the book, even if they pass the computerized test, they can't read. We have had too much reliance on testing which leads to teaching to the test, which leads to studying for the test, so nobody knows anything after the test is over but, boy, did they score well for an hour and 12 minutes. We need to go back to the basics. Can you really read? Can you really write? I have a second proposal and this is probably less necessary up here because you all have been so different as a state than most of the states. But, in states that have big systems with big union contracts, I've been making the following proposal and it may not apply to New Hampshire at all. I've suggested that we adopt the principle that if your school is in the bottom 20 percent there is no tenure, there is no union contract, there is no bureaucracy, there is no credentialing. You have the right to change the school in the middle of the year if necessary as soon as you learn the children are being cheated because the only measure of a school should be whether or not the children are learning. Saving the children should take precedence over every other rule and regulation. Third, I have suggested, and I know in California they have adopted this, I don't know yet how they are implementing it, but I have suggested that we consider seriously making it a law at the state level, not federal, that every school, one day a year from 1<sup>st</sup> through 12<sup>th</sup> grade, spend an entire day studying the Constitution and the Declaration of Independence to learn how we became American and what it means to be American. Let me explain for just a minute why I think this is so vital. We are the only learned civilization in the world. You can be born Caucasian, you can be born African, you can be born Chinese. You become American. You can come from anywhere in the world and become American because to be American is to pursue happiness, to have the rule of law, the right to private property, free speech, free elections, independent judiciary. It is a collection of things which are learnable. But, if you don't teach it, why do you think anybody is going to learn it? I think the core document is the Declaration. If I might, just for a minute as a history teacher, I really want to share three points out of the Declaration that I think we need to emphasize and reemphasize and re-reemphasize. Maybe in Washington more than anywhere. First, the phrase, "We hold these truths to be self-evident." It is very important in the modern world. The founding fathers did not create the United States because they had a proposition, a theory, an idea. They believed these were discovered truths. The word *truth* mattered to them. They swore their lives, their fortunes and their sacred honor and they meant it. They put an army in the field against the most powerful nation in the world for seven years. I would just suggest the word *truth* is one Washington could think about for a long time because it has real meaning. It is at the center of the society. Second, probably the most important single phrase in American civilization, "We are endowed by our Creator with certain unalienable rights among which are life, liberty and the pursuit of happiness." In the European model, power went from God to the King and was loaned to the citizens. This is why the Brussels bureaucracy in the end will be worse than the IRS. The center of power in Europe is the state. In the second model, tracing all the way back to the Magna Carta and the English Civil War, power goes from God to the citizen and the citizen loans power to the state. Which is why we get so mad at the IRS and other agencies. It is a very, very powerful difference in the nature of American society. The third point I would make is the word *Creator*. Every public school, every year, should have to wrestle with the question, "Where did *American* come from?" The founding fathers were unequivocal. Intellectuals will tell you, we have some great sophisticated intellectuals here, I had a wonderful time up at Dartmouth a couple of weeks ago and I am sure that on some campus, somewhere, there will be a faculty member who can tell you through deconstructionism that the word *Creator* actually meant large banana mythically in the sky doing something. That is just not true. It is an interesting theory and you can probably get tenure for it, but is not true. The fact is the founding fathers meant God. It was a very clear reference to God. Now, you will be told by some people, "Well, Jefferson wrote that and Jefferson was a Deist." Now, they actually don't know what Deist means, but they are confident it means he was not a Baptist and this assures them. Since I am a Baptist I am allowed to say that. But, I would just suggest to you to tell people to read Washington's first Inaugural, Washington's farewell address, Jefferson's second Inaugural, Lincoln's second Inaugural which is short enough to be engraved in stone in the Lincoln Memorial and refers to God 14 times. If they doubt that Jefferson believed in God tell them to go the Jefferson Memorial in Washington, DC. Around the top it reads, "I have sworn upon the altar of God Almighty, eternal hostility against all



forms of tyranny over the minds of men," and ask them what do they think that Jefferson meant when he wrote, "I have sworn upon the altar of God Almighty." I am a conservative because I think Jefferson knew English remarkably well and he probably meant, "I have sworn upon the altar of God Almighty." But the reason this is central is not sectarian. It is not Baptist. It is not Catholic. It is not Jewish. It is not Moslem. It is the core difference in the nature of being human. If being human means we are randomly gathered protoplasm open to being exploited by anybody clever and more savage as long as they have a good trial lawyer, that's one model and that is the model of a jungle. If being human means we have been endowed by God and if you kill somebody you are killing a child of God; if you rape somebody you are raping a child of God; if you sell drugs to somebody you are, in fact, addicting a child of God. That is a totally different cultural model and they are antithetical to each other. For at least 35 years, we have been in a great struggle in this society between a situation ethic, exploit-each-other, get-away-with-it, say-what-you-need-to model, and, we truly do owe God for America's liberties and we truly had better figure out what that means. They are very different models. It is the second one, the belief in a Creator, which was at the heart of founding America. It is historically accurate to teach it that way and our kids ought to learn it that way.

Beyond education in the traditional sense, let me just say one word about learning in the information age. There is a great new program, a company called Netschools that we have been working with which has produced a child-proof computer. It is a personal computer in a magnesium case. You can slam it against the wall. You can stand on it. You can pour milk on it and it still works. It is designed for kids from first grade on. I've talked to one Governor who may propose that they quit issuing text books in their state and just issue PCs because they are the media centers of the 21<sup>st</sup> century. You have a great museum right on your border, the Montshire Museum of Science, which I visited recently. It is fabulous. It is part of the future. The reason our children now score 21<sup>st</sup> out of 29 countries in science is that somewhere between the fourth and the eighth grade we kill discovery, wonder, amazement and doing, and we replace them with facts and facts have nothing to do with science. Science changes all the time. Facts are the temporary place holders of the next breakthrough. When we get into a system where somebody who doesn't know any science and doesn't do any science, instead of teaching science teaches facts we bore the kids to death and they quit doing science. If you have never been to the Montshire, go visit it. But here is the bigger point. We can now build for rural America an Internet-based system which allows - I was the first electronic visitor to the Smithsonian - we are right at the edge of technologies where literally every school in this state could visit everywhere in the world, study it and then go see it. We are in a situation where we can bring the greatest experts in the world by distance learning to the smallest school. It is a totally different way of learning. And, when you start doing that, the learning is available seven days a week, 24 hours a day. The reason the PC matters is those kids can take that computer home so the poorest child in a school district now has a computer at home they plug into the telephone. They are now attached all summer long. They are attached every night. They are attached on a rainy Saturday. They have a chance to learn all the time. It is a totally different way about thinking about the future and it also means that adults get to learn. I met with Tony Trujillo who is the brilliant school superintendent of one of three systems in El Paso, Texas; 48,000 students, 80 percent Hispanic, 70 percent poverty level. His goal for that system is very simple. Every child, every child, will graduate fluently bi-lingual and be able to do college work in all major subjects: four years of math, four years of science, four years of English, all the way through and he means it. Their drop-out rate now is down to about 500 a year, which he says is too many and one of his tricks is to say to the principal, "Who has dropped out?" Not how many, but who. Did you personally visit their homes? Did you recruit them back in? It is a totally different model. But part of what he is doing is that he has computers that are going home to learn literacy because he has found out that the parents who are embarrassed to come in to a literacy class will sit at home with their children and learn. It is a very different model. He also requires the parents to enroll for summer school if the kids do. The parents have to come in one night a week for two hours if their children are going to be in summer school. The result is a totally different model. But I think we have a chance, particularly in rural areas, to make the world available electronically and then to make it available 24 hours a day and we'd love to work with you in places like the Montshire, with the American Museum of Natural History, the Smithsonian, to create an opportunity for the poorest neighborhood in the smallest school in the most rural place to have access to the entire world. I think we can do it in the next three or four years in a way that will be very, very exciting.



Let me just say one brief word about surpluses and Social Security. We are going to run a surplus this year at the federal level of somewhere between \$40 billion and \$80 billion. The biggest surplus in American history was \$11 billion. The last surplus was in 1969. The last time we ran a decade of surpluses was the 1920's. I believe we will currently, barring a war, if we remain fiscally conservative, we will currently run a projected \$1.3 trillion of surpluses over the next ten years. I believe it is vital to get that money out of Washington faster than they can figure out how to spend it. My recommendation is that we build a Social Security savings account for every FICA taxpayer, return their pro rata share of the surplus back home every October so you have a tax-free build up of an account you control which allows you to make sure you will have your share of retirement and you use the power of compound interest and the power of investment so that over your lifetime you actually retire with more money than you would get under the current system. So, we save Social Security for my mother and my mother-in-law. They get every penny. They are totally safe. But, for the baby boomers and their children we begin to give them a chance to have even better incomes that they control; that are not controlled by Washington. Let me just give you one example. A 20-year-old today who could take his Social Security tax and put it into this kind of account with the average paid by the stock market since 1920, including the great Depression, he would retire at average income, he would retire with \$975,000 in his account which would give him a retirement income of \$68,000 a year without drawing on capital. So, he could keep the \$975,000 sitting there for a nursing home or medical emergency. If he didn't have such an emergency, when he passed away he would leave his children almost \$1 million which in our model would be tax free since there would be no inheritance tax. The actuarial value for a 20-year old today given how long he will live is \$1.7 million. By contrast the current system, which is terrific for my mother, mediocre for me and terrible for my two daughters who are in their thirties, if you are 20 today you get a minus 1.9 percent-a-year return. You lose money. So, you get \$175,000 as the projected retirement for a 20-year-old under the current system, \$1,700,000 is the projected system. I was up at Dartmouth. I asked the college students there if you had a choice of two checks, one for \$1.7 million, one for \$175,000 - I could tell liberalism had not set in yet because every single person wanted the bigger check. I think, frankly, we ought to move this year because the surpluses are so much bigger than anybody projected and so much faster that we need to set up a principle that money belongs to the American taxpayer. That money does not belong to the Washington bureaucrats and the Washington politicians.

Our fourth goal, I want to be honest, is meddling and I'm going to keep it fairly short for today but I want you to think about it very deeply. I believe you can take the principles of Peter Drucker and Edwards Deming. You can take the opportunities of the information age and you can dramatically improve government by creating schools of public entrepreneurship rather than schools of public administration. I believe the Max Weber, bureaucratic, civil service reform model of traditional paper bureaucracy is over and that there are virtually no governments that have figured out the solution. I'll give you an example. In Arizona, you can now buy your license tag on the Internet. What they have discovered is if people are at home on a Friday night, relaxed, and they decide to buy their license tags, they are more likely to buy vanity plates. I don't know why they are more relaxed when they are at home buying their vanity plates, but they seem to be. The result is, think about this result, at greater convenience to the taxpayer, with less bureaucracy, the state of Arizona is making more money because a higher percentage are buying vanity plates. That is a win, win, win system. But I want to give you just two examples of the scale of change we need. Let me ask you a test question. How many of you, since you are this close to Canada my guess is the answer is very high, how many of you have ever been outside the United States and used a credit card? Just raise your hand. Okay, most of you. When I was a child my Dad was stationed in Orleans, France in the U.S. Army. We were paid in U.S. scrip. We were not given greenbacks because the French franc was so weak. If I had gone around Orleans and said to people in 1958, "Someday you will show up with plastic, buy whatever you want, no cash will be exchanged", they would have thought I was nuts. What do we do nowadays? You go to five different countries, stay in five different hotels, go to five different restaurants, buy things in five different stores. Thirty days later you get a letter in the mail. You were in this country, in this town, at this hotel, you spent this amount translated into dollars, then you went to this restaurant that night and you spent this amount, then you went to this store and you bought this and you spent this amount. At the bottom, they have this number and they say send it in. Is this a common experience? I don't want to go any further if this

is unusual and doesn't happen in New Hampshire. I was in Davos, Switzerland at the World Economic Forum with MaryAnn. We had a few minutes off in the afternoon. We walked down to this little village and we went into a very high quality German knife and scissors store. Now, those of you who shop a lot recognize that the term "very high quality" means expensive. The shopkeeper recognized me and we chatted and he brought out some extremely high quality, hand crafted German scissors with handles that were hand crafted to resemble a crane. My wife saw them and thought our two daughters each needed some and that she needed a whole bunch. Well, I was being gallant. I was in a good mood. It was a great time to be there. I whipped out my American Express card. I gave it to the shopkeeper, he walked over to the telephone, he ran it through the system, called American Express - I have a Marietta, Georgia address - he walked back over 40 seconds later with a funny look on his face, handed me the card and said, "Mr. Speaker, your card ran out three days ago." Luckily, MaryAnn had seven optional cards available, which, I might note, she has used in the outlet stores of New Hampshire, so she has done her share here at home, too. But, here is the point I want you to take back as you think about state and local government. Here, on the one hand, is an information system so sophisticated that in Davos, Switzerland a small store can ring up my account in Marietta, Georgia in real time while I am standing there. Then you call the Social Security Administration, the Healthcare Financing Administration, the Immigration and Naturalization Service, the IRS. The United States Government paid for the first computer ever built. We paid for the invention of software and we created the Internet as a government project and we have not been able to transform government from public administration to public entrepreneurship. We can get such breakthroughs if we are serious. If you will help us figure it out, we'll get breakthroughs that will save you administrative money and us administrative costs. One of my goals is to get state and local governments and school boards to say to us, "This paperwork is nonsense, let's cut it out." Then go system by system and modernize the entire system so that we reduce everybody's costs while improving the speed and proficiency and I think we can do it in a way that is quite remarkable. I want to work with you to do it so then we can lower taxes by a third so that no American ever pays more than 25 percent of his income in peacetime because I think in a free society you ought to be able to keep three-quarters of what you make in peacetime. You have a surge in wartime. That is different. But, in peacetime our freedoms are based on having money and resources so we can take care of our own children and our own neighborhood and our own community and be volunteers in our own.

Finally, let me just comment for a minute on the problem we have in Washington that I think relates directly to your state motto, "Live Free or Die." The United States was established in what was really a very long process. It goes back to the Magna Carta. It goes to the English Civil War. It goes to John Locke writing about the concept of freedom and contract in the 1690's. It goes to the entire Whig insurgency against the Tory government of Britain in the mid-eighteenth century. It goes to the evolution of people like George Mason, James Madison, Thomas Jefferson, John Adams, ultimately George Washington and Benjamin Franklin. It had a couple of core principles that I have begun to talk out about because I feel so deeply about what we are living through. Let me say up front, what I'm going to say here has nothing to do with scandals. I am as tired and as exhausted as any other American at the nightly gossip that is supposed to be news, at the salacious comments that are supposed to be news, at hints about sexuality that are supposed to be news. I think most of that stuff, frankly, ought to be just off the table and certainly off the airwaves, unless you are going to have an X-rated news program for adults only. I think a lot of that stuff was irrelevant to the running of the United States, but that is not what I am going to talk about. We have three principles that I think are at the core of our society. First, if a crime, notice crime, has been committed the American people have the right to know. Second, under our Constitution no one is above the law and that includes the President of the United States. Third, the President of the United States is the chief law enforcement officer of the United States. It is not good enough to be passive. The President has an active, positive obligation to get to the heart of crimes. I'll just give you one example to think about because I find this one out of many, but I find it very troubling. Web Hubbell was the chosen person to run the justice department. He did all the real running of that department. He had to resign to go to jail. Between resigning and going to jail he got \$720,000 from 18 different sources including \$100,000 from Indonesians. People can walk out, but what I am saying is a fact about a crime. Let me just say how sad I am about the people who just walked out. I don't remember Howard Baker ever walking out. I don't remember in 1973 anybody who

said let's cover up the crime in the legislative branch. I don't remember at any of the Watergate hearings anything like we have been living through. I would not have spoken out now - many of you saw me on TV day-after-day - I got attacked from my own allies because I said day after day, be patient, wait for Judge Starr, don't get involved in this until you have the facts. Two weeks ago, by 18-0, the other party voted to block four witnesses from speaking in the U.S. Congress, four witnesses who had been cleared by the Clinton Administration's Justice Department, four witnesses to illegal foreign campaign contributions. Those are crimes and that is why I spoke out. I am very sad and I apologize if in any way I have offended the hospitality of this group by telling the truth about the problems we have in Washington, DC, but, when you learn that the Indonesians gave a senior justice department official \$100,000-plus on the way to jail as a felon while the U.S. government is asking for \$18 billion for the international monetary fund, much of which will go to Indonesia, you the American people, you the taxpayers - if Live Free or Die has any meaning, it has the meaning that you have the right to know what happened if a law is broken and you have the right to know that law will be applied equally to everybody. If that makes some people uncomfortable, than I don't know how to frankly serve as Speaker of the House and uphold my duty to the Constitution unless I speak out about the facts and the truth. I'm pretty comfortable telling the truth in a modest way and everything I just said everybody agrees is true. I have not made any allegations. I have not claimed any one person did this stuff, but I find the facts that I just gave you very troubling. All I would ask of all of you as citizens is to be for the rule of law and to be for the American public's right to know, not to prejudge anyone. But we are going decay and become Indonesia where every official is bribed, where corruption is rampant, if we don't insist on the rule of law. This is a grave time for our country and there are enormous things at stake. I could not have come here and spoken publicly without telling you about what I think is a challenge at the heart of our system and without talking about the rule of law.

I thank you for your kindness. I look forward to working with you on everyone of the issues I described earlier. I think we have a chance to give our children a safer more prosperous and freer America and I think that New Hampshire is one of the places that leads the way to that kind of freedom and safety. Thank you very, very much.

Rep. Wheeler and Sen. Blaisdell moved that the Joint Convention arise.  
Adopted.

## RECESS

(Speaker Sytek in the Chair)

### MOTION TO PRINT REMARKS

(made May 20, 1998)

Rep. McGough moved that the remarks made by Speaker of the United States House of Representatives, Newt Gingrich, in Joint Convention on May 7, 1998, be printed in the Journal.

Rep. Burling spoke in favor.

Rep. Hurt requested a roll call; sufficiently seconded.

**YEAS 137 NAYS 142**

**YEAS 137**

**BELKNAP**

Boyce, Robert  
Pilliod, James

Clark, Charles  
Thomas, John

Hurt, George  
Turner, Robert

Lawton, David

**CARROLL**

Chandler, Gene  
MacDonald, Kenneth

Dickinson, Howard, Jr.  
Patten, Betsy

Kenney, Joseph

Lyman, L. Randy

**CHESHIRE**

Avery, Stephen  
Steele, Myron, III

Metzger, Katherine

Royce, H. Charles

Smith, Edwin



**COOS**

Bradley, Paula	Davis, Perley	Guay, Lawrence	St. Hilaire, Paul
Tholl, John, Jr.			

**GRAFTON**

Akins, Ralph	Alger, John	Cobbin, Philip	Guaraldi, Lawrence
Hinman, Harry	LaMott, Paul	Lovett, Sidney	Teschner, Douglass
Weber, Phil			

**HILLSBOROUGH**

Ackerman, Philip	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Boutin, David	Brundige, Robert	Burke, M. Virginia	Calawa, Leon, Jr.
Chabot, Ernest	Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr.
Daniels, Gary	Dawe, Eileen	Fields, Dennis	Flora, Kathleen
Gagnon, Eugene	Golding, William	Goulet, Maurice	Herman, Keith
Holley, Sylvia	Holt, David	Hunter, Bruce	Jean, Loren
L'Heureux, Robert	Lefebvre, Roland	Lessard, Rudy	Letendre, Evelyn
Lozeau, Donnalee	MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael
McCarty, Winston	McDonald, James, Sr.	McGough, Tim	Mercer, Robert
Messier, Irene	Milligan, Robert	Murch, George	Riley, Frances
Rowe, Robert	Sargent, Maxwell	Searles, Stanley, Sr.	Wheeler, Robert
White, Donald			

**MERRIMACK**

Anderson, Eric	Chandler, Earle	Davis, Francis	Hoadley, Elizabeth
Larrabee, David	Lavoie, Gerard	Leber, William	Marshall, Kenneth
Morrill, Olive	Nichols, Avis	Rogers, Katherine	Whittemore, James

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Bishop, Franklin	Camm, Kevin
Carson, Gregory	Cooney, Richard	Dodge, Robert	Dowd, Sandra
Dowling, Patricia	Downing, Michael	Dunham, Vivian	Flanagan, Natalie
Flanders, John, Sr.	Gleason, John	Griffin, Mary	Henderson, Warren
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.
Kobel, Rudolph	Langley, Jane	Langone, John	Major, Norman
Malcolm, Kenneth	McCarthy, John, Jr.	Mikowski, Walter	Packard, Sherman
Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Sapareto, Frank
Stritch, C. Donald	Varrell, Thomas	Welch, David	Weyler, Kenneth

**STRAFFORD**

Cossette, Larry	Kaen, Naida	Knowles, William	Merrill, Amanda
Sullivan, Henry	Torr, Franklin		

**SULLIVAN**

Burling, Peter	Ferland, Brenda	Kibbey, David	Leone, Richard
Robb-Theroux, Amy	Schotanus, Merle		

**NAYS 142****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Calvert, Alice	Holbrook, Robert
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**CARROLL**

Bradley, Jeb
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**CHESHIRE**

Burnham, Daniel	Doucette, Richard	Hunt, John	Lynch, Margaret
Manning, Joseph	McGuirk, Paul	McNamara, Wanda	Meador, David
Pratt, John	Richardson, Barbara	Robertson, Timothy	Russell, Ronald
Vogl, John			

**COOS**

Coulombe, Henry	Coulombe, Yvonne	Hawkinson, Marie	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Pratt, Leighton	

**GRAFTON**

Almy, Susan	Below, Clifton	Eaton, Stephanie	Guest, Robert
Luker, Elsa	Pinney, William	Trelfa, Richard	Williams, William, Jr.

**HILLSBOROUGH**

Alukonis, David	Ameen, W.	Belvin, William	Buckley, Raymond
Cardin, Lori	Carlson, Donald	Cote, Peter	D'Allesandro, Lou
Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan
Dwyer, Paul, Sr.	Dyer, Merton	Foster, Joseph	Foster, Linda
Franks, Suzan	Gage, Ruth	Ginsburg, Ruth	Gosselin, Gerald
Haettenschwiller, Alphonse	Hall, Betty	Hansen, Herbert	Hart, Nick
Jean, Claudette	Johnson, Lionel	Kurk, Neal	LaRose, Richard
Leishman, Peter	Leonard, Peter	Martin, Mary	McCarthy, William
McRae, Karen	Melcher, Harold	Murphy, Robert	O'Hearn, Jane
Reidy, Frank	Tate, Joan	Thulander, O. Alan	Turgeon, Roland
Vaillancourt, Steve	Welch, Donald	White, Jay	Wright, George

**MERRIMACK**

Burney, Carol	Crosby, Toni	Daneault, Gabriel	Dunn, Miriam
Feuerstein, Martin	Fraser, Marilyn	French, Barbara	Gile, Mary
Hess, David	Lamach, Bernard	Lockwood, Robert	Moore, Carol
Owen, Derek	Reardon, Tara	Wallner, Mary Jane	Whalley, Michael
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Belanger, Ronald	Blanchard, MaryAnn	Christie, Andrew, Jr.
Clark, Martha	Cushing, Robert	Dalrymple, Janeen	Dearborn, Bruce
Dolan, Richard	Francoeur, Sheila	Frechette, Joseph	Gibbons, Paul
Guthrie, Joseph	Heath, John	Kane, Cecelia	Kelley, Jane
McKinney, Betsy	Micklon, Stephanie	Norelli, Terie	Pantelakos, Laura
Pitts, Jacqueline	Rubin, George	Schanda, Frank	Syracusa, Anthony
Vaughn, Charles			

**STRAFFORD**

Brennan, William	Brown, George	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Hemon, Roland	Keans, Sandra	McKinley, Robert
Merritt, Deborah	Musler, George	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Smith, Marjorie	Snyder, Clair	Spear, Barbara
Torr, Ann	Tsiros, William	Vachon, Dennis	Wall, Janet

**SULLIVAN**

Adler, Rudolf	Donovan, Thomas	Palmer, Lorraine
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and the motion failed.

**MOTION OF RECONSIDERATION**

(made May 28, 1998)

Having voted with the prevailing side, Rep. Hunt moved that the House reconsider its action whereby it voted against printing the remarks made by Speaker of the United States House of Representatives Newt Gingrich, made on May 7, 1998, spoke in favor and yielded to questions. Rep. Henderson spoke in favor and yielded to questions.

On a division vote, 179 members having voted in the affirmative and 129 in the negative, reconsideration prevailed.

The question now being the motion by Rep. McGough to print the remarks of Speaker Gingrich.

**MOTION TO LAY ON THE TABLE**

(made May 28, 1998)

Rep. Wallin moved that the motion to print the remarks be laid upon the table until such time as a House policy or rule on the printing of certain remarks in the Journal can be established.

On a division vote, 134 members having voted in the affirmative and 174 in the negative, the motion failed.

**MOTION TO PRINT REMARKS**

(made May 28, 1998)

The question now being the motion by Rep. McGough to print the remarks of Speaker Gingrich. Rep. Burling spoke in favor.

Adopted.

(End of Chronology)

**SENATE MESSAGES****CONCURRENCE**

**HB 371**, relative to the authority of the department of fish and game to regulate the management, preservation, propagation, and taking of state fish, game, and wildlife resources.

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

**HB 1210-FN**, relative to the licensing rate for beverage manufacturers.

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

**HB 1225**, restricting the land application of solid wastes within certain distances of natural, rural, rural-community, and community rivers and exempting certain uses allowed under prior interpretations of the law.

**HB 1229**, exempting biological control agents from registration requirements for pesticides.

**HB 1233-FN-L**, relative to administrative attachment of regulatory boards and commissions.

**HB 1326**, relative to applications for exemption to the state hiring delay.

**HB 1333**, relative to the erection of voting booths at polling places.

**HB 1334-FN**, establishing the position of deputy adjutant general.

**HB 1335-FN**, authorizing the department of administrative services to accept donations, gifts, and grants for the purpose of funding a design to expand the veterans' home in the town of Tilton and establishing the patients' needs committee.

**HB 1346**, relative to certain definitions under the solid waste management act.

**HB 1422-FN**, changing unemployment compensation benefits.

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

**HB 1438**, establishing a committee to study the regulation of personnel employed in early care and education including, but not limited to, center and family-based child care and preschools.

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

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

**HB 1608**, providing that the membership on any charter commission established in a multi-town school district shall reflect each town's proportionate membership of the district's school board.

**HB 1621**, relative to the membership of the advisory committee on shore fisheries.



**HB 1639-A-L**, relative to the highway and bridge betterment program and making an appropriation therefor.

**HB 1650-FN**, relative to benefits under the unemployment compensation laws.

**HB 1653**, relative to the composition of the board of barbering, cosmetology, and esthetics.

### NONCONCURRENCE

**HB 753-FN**, relative to the board of auctioneers.

**HB 1429**, amending state board of education rulemaking authority relative to certain educational personnel.

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

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 170-L**, exempting temporary, demountable, plastic-covered greenhouses from property taxation. (Amendment printed SJ 10, 4/9/98)

Rep. Hess moved that the House nonconcur and request a committee of Conference.

Adopted.

The Speaker appointed Reps. Hess, Teschner, Noyes and Coes.

**HB 497**, excluding domestic septage from regulation as sludge or biosolids. (Amendment printed SJ 11, 4/16/98)

Rep. McRae moved that the House concur.

Adopted.

**HB 529**, relative to excluding from the definition of subdivision the placement and maintenance of wireless communication facilities. (Amendment printed SJ 12, 4/23/98)

Rep. Metzger moved that the House concur, spoke in favor and yielded to questions.

On a division vote, 112 members having voted in the affirmative and 195 in the negative, the motion failed.

Rep. Metzger moved that the House nonconcur and request a Committee of Conference.

Reps. Wheeler and Belvin spoke in favor.

Adopted.

The Speaker appointed Reps. Dokmo, Stone, Brundige and Fraser.

**HB 697-FN-A-L**, establishing a homeless coordination council. (Amendment printed SJ 10, 4/9/98)

Rep. Emerton moved that the House concur.

Adopted.

**HB 1120**, establishing a commission to study the effects of and jurisdiction over alternative agricultural products. (Amendment printed SJ 13, 4/30/98)

Rep. Mock moved that the House concur.

Adopted.

**HB 1123**, relative to the control of wolf hybrids. (Amendment printed SJ 12, 4/23/98)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Mock, MacNeil, Rose Marie Rogers and L'Heureux.

**HB 1128-FN**, relative to space heaters. (Amendment printed SJ 11, 4/16/98)

Rep. David Welch moved that the House concur.

Adopted.

**HB 1131**, relative to the sale of liquor and beverages and relative to enforcement of the liquor laws. (Amendment printed SJ 11, 4/16/98)

Rep. Hess moved that the House concur.

Adopted.

**HB 1165**, relative to the incorporation, management, branching and merger of banks. (Amendment printed SJ 14, 5/7/98)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 1468**, clarifying the legal status of home brewers of beer. (Amendment printed SJ 10, 4/9/98)  
Rep. Hess moved that the House concur and spoke in favor.  
Adopted.

**HB 1536**, establishing a committee to study women's health care. (Amendment printed SJ 12, 4/23/98)  
Rep. Hunt moved that the House concur.  
Adopted.

**HB 1627**, relative to deposits with the state treasurer of amounts due certain stockholders and creditors on the dissolution of a corporation. (Amendment printed SJ 10, 4/9/98)  
Rep. Kurk moved that the House concur and spoke in favor.  
Adopted.

### ENROLLED BILL AMENDMENTS

**HB 1225**, restricting the land application of solid wastes within certain distances of natural, rural, rural-community, and community rivers and exempting certain uses allowed under prior interpretations of the law.

#### Amendment (1595-EBA)

Amend RSA 483:9, VI(c) as inserted by section 2 of the bill by replacing line 2 with the following: defined in RSA 149-M:4, XXII, shall be set back a minimum of 250 feet from the normal high water  
Amend RSA 483:9-a, VII(b) as inserted by section 3 of the bill by replacing line 2 with the following: defined in RSA 149-M:4, XXII, shall be set back a minimum of 250 feet from the normal high water  
Amend RSA 483:9-aa, VII(b) as inserted by section 4 of the bill by replacing line 2 with the following: defined in RSA 149-M:4, XXII, shall be set back a minimum of 250 feet from the normal high water  
Amend RSA 483:9-b, VII(b) as inserted by section 5 of the bill by replacing line 2 with the following: defined in RSA 149-M:4, XXII, shall be set back a minimum of 250 feet from the normal high water  
Adopted.

**HB 1422-FN**, changing unemployment compensation benefits.

#### Amendment (1590-EBA)

Amend section 3 of the bill by replacing line 1 with the following:

3 Employer's Minimum Contribution Rate Changed. Amend RSA 282-A:82, I-III to read as follows:

Adopted.

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

#### Amendment (1599-EBA)

Amend the bill by replacing section 2 with the following:

2 Unemployment Compensation; Definition of Employment; Election Official or Election Worker Exemption Added. Amend RSA 282-A:9, IV(o)(6) to read as follows:

(6) As described in subparagraphs (p)(3) and (4), for the state or any of its political subdivisions;

*(7) As an election official or election worker if the amount of remuneration received by the individual during the calendar year for all such services is less than \$1,000.*

Amend RSA 282-A:140-a as inserted by section 5 of the bill by replacing line 3 with the following: U.S.C. 1103), as amended, for federal fiscal years 2000, 2001, and 2002 solely to pay expenses incurred by

Adopted.

**HB 1650-FN**, relative to benefits under the unemployment compensation laws.

#### Amendment (1593-EBA)

Amend section 3 of the bill by replacing line 2 with the following: introductory paragraph of subparagraph I(e) to read as follows:

Amend the introductory paragraph of RSA 282-A:30, I(e) as inserted by section 3 of the bill by replacing line 5 with the following:

*subparagraph I(d) are met:*

Adopted.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 579, 1126, 1148, 1157, 1158, 1211, 1225, 1233, 1313, 1326, 1330, 1334, 1438, 1502, 1538, 1551, 1621 and 1653 and Senate Bills numbered 91, 309, 332, 357, 373 and 412.

Rep. Pfaff, Sen. Barnes for the Committee

### COMMITTEE REPORTS

#### CONSENT CALENDAR

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

Consent Calendar adopted.

**SB 465-FN**, relative to the disposition of firearms which are voluntarily surrendered to the state. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill amends RSA 159:25 by eliminating state agencies from the "voluntary surrender and destroy" firearms programs. Testimony indicated that only 3 or 4 firearms were surrendered to the state police in 1997. This is not a big problem. For those people who want their firearms destroyed, they can turn them in to their local police departments who do have the authority to destroy them. The committee also amended RSA 159:6-c, Appeal from Denial, Suspension, or Revocation of a Pistol Permit. Presently, if a permit is denied, suspended or revoked, a person may appeal the action to the district court within 30 days and after a hearing the court must issue its decision within 14 days. To this part of the statute, we added that "the burden shall be on the issuing authority to demonstrate by clear and convincing proof why any denial, suspension, or revocation was justified." Failure to do this will result in a court order to issue or reinstate the petitioners pistol permit. Vote 13-0.

#### Amendment (1470h)

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

AN ACT relative to the disposition of firearms which are voluntarily surrendered to the state and relative to appeals from a denial, suspension, or revocation of a license to carry a loaded pistol or revolver.

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

2 Burden of Proof; Appeal From Denial, Suspension or Revocation. Amend RSA 159:6-c to read as follows:

159:6-c Appeal from Denial, Suspension, or Revocation. Any person whose application for a license to carry a loaded pistol or revolver has been denied pursuant to RSA 159:6 or whose license to carry a loaded pistol or revolver has been suspended or revoked pursuant to RSA 159:6-b may within 30 days thereafter, petition the district or municipal court in the jurisdiction in which such person resides to determine whether the petitioner is entitled to a license. The court shall conduct a hearing within 14 days after receipt of the petition [and]. *During this hearing the burden shall be upon the issuing authority to demonstrate by clear and convincing proof why any denial, suspension, or revocation was justified, failing which the court shall enter an order directing the issuing authority to grant, or reinstate, the petitioner's license. The court shall issue its decision not later than 14 days after the hearing on whether the petitioner is entitled to a license.*

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 1999.

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

#### AMENDED ANALYSIS

This bill prohibits state agencies from operating a firearm "voluntary surrender and destroy" program. Firearms which are voluntarily surrendered to state agencies shall be sold at public auction or kept by the state agencies for their own use.



The bill also places the burden of proof in an appeals hearing on the issuing authority to demonstrate, by clear and convincing evidence, why a denial, suspension, or revocation of a license to carry a loaded pistol or revolver is justified.

**SB 448**, establishing a committee to study joint maintenance agreements in school districts. **OUGHT TO PASS**

Rep. Susan B. Durham for Education: Joint maintenance agreements have not been used in the last 40 years. However, due to the interest shown by Barnstead and Pittsfield in this option in the last year, this is a good time to study such agreements. Implications of this option on cooperative school districts should be reviewed for such issues as governance, collective bargaining, and apportionment of costs. Vote 15-1.

**SB 402**, extending the reporting date for the pet overpopulation committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Phinney for Environment and Agriculture: This bill codifies the present pet overpopulation committee. It is changed from an appointed committee to a permanent committee with staggered terms of appointments and the committee becomes a permanent part of RSA 437:A. The committee is required to submit an annual report and include the House Environment and Agriculture Committee. Vote 13-0.

**Amendment (1490h)**

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

**AN ACT** codifying the pet overpopulation committee.

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

1 New Subdivision; Pet Overpopulation Committee. Amend RSA 437-A by inserting after section 6 the following new subdivision:

Pet Overpopulation Committee

437-A:7 Committee Established; Membership.

I. There is hereby established a committee to study pet overpopulation in New Hampshire and its relationship to the spread of rabies and threat to the public health. The committee membership shall be as follows:

- (a) Two members of the house of representatives, appointed by the speaker of the house.
- (b) Two members of the senate, or their designees, appointed by the president of the senate.
- (c) The commissioner of agriculture, or designee.
- (d) The director of the division of public health services, or designee.
- (e) The executive director of the fish and game department, or designee.
- (f) A representative of the New Hampshire Veterinary Medical Association, appointed by such organization.

(g) A representative of the New Hampshire Federation of Humane Organizations, appointed by such organization.

(h) A representative of the New Hampshire Municipal Association, appointed by such organization.

(i) A representative of the City and Town Clerks Association, appointed by such organization.

(j) A representative of dog breeders, appointed by the governor.

(k) A public member, appointed by the governor.

(l) A representative of cat breeders, appointed by the governor.

II. The term of office for the members appointed pursuant to subparagraphs I(f) - (l) shall be 3 years; provided that the initial terms shall be as follows: the members in subparagraphs (f) and (h) shall serve for 3 years, the members in subparagraphs (g), (j), and (k) shall serve for 2 years, and the members in subparagraphs (i) and (l) shall serve for one year. The members in subparagraphs I(a) - (e) shall serve terms which are coterminous with their terms in office.

III. The members shall elect annually from among their number a chairperson. A member shall hold office until a successor has been appointed and qualified. The members shall serve without compensation; provided that the legislative members shall receive mileage at the legislative rate.

437-A:8 Duties. The primary duties of the committee shall be to study the economic, human, and public health impacts of cat and dog overpopulation in the state and the lack of compliance with dog licensing and rabies vaccination statutes. The committee shall make recommendations to

reduce the number of stray and homeless cats and dogs in the state, to reduce the number of healthy cats and dogs killed in animal shelters and to increase compliance with dog licensing and rabies vaccination statutes.

437-A:9 Report. The committee shall submit an annual report its findings and recommendations, including any proposed legislation, to the speaker of the house, the house environment and agriculture committee, the president of the senate, and the governor beginning on or before November 1, 1998.

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

#### AMENDED ANALYSIS

This bill codifies the pet overpopulation committee and requires the committee to submit an annual report.

**HB 1680-FN-A-L**, relative to administration of retiree's health benefits by the New Hampshire retirement system and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Merton S. Dyer for Executive Departments and Administration: This bill will increase the number of unclassified positions at the New Hampshire retirement system. These two positions will process the paper work necessary for retirees who have health insurance with deductions from their annuity checks. The system is mandated by law to do this for the various political subdivisions and does this for retired state employees. The work load has increased tremendously since the system first started this function. The cost of these employees will be met through the administrative account. Vote 15-0.

#### Amendment (1403h)

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

**AN ACT** authorizing positions for the administration of retiree's health benefits by the New Hampshire retirement system and making an appropriation therefor.

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

1 Positions Authorized. The New Hampshire retirement system is authorized to employ a program specialist I, salary grade 18, and a program assistant I, salary grade 11, for the purpose of the administration of health benefits of state agency retirees.

2 Appropriation. The sum of \$74,850 is hereby appropriated for fiscal year 1999 to the New Hampshire retirement system for the purpose of salary, benefits, and equipment for the positions authorized in section 1 of this act. The appropriation made pursuant to this section shall be made from the general fund or other applicable state agency funding sources. The governor is authorized to draw a warrant for any general fund sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1998.

#### AMENDED ANALYSIS

The bill allows the retirement system to hire 2 positions for the purpose of administering health care benefits for state agency retirees.

Referred to Finance.

**SB 322**, repealing the prospective repeal relative to an exemption for certain rules regarding the radiological health program from drafting and numbering requirements of the rulemaking process. **OUGHT TO PASS**

Rep. Robert E. Murphy for Executive Departments and Administration: In 1995, it was determined that in order to ensure compatibility between state and federal regulatory criteria for radioactive materials and timely licensing of the same for use by academic institutions, businesses, and industries, the rules of the division of public health services should be exempted from the drafting and numbering requirements of RSA 541-A. This was accomplished by the enactment of RSA 541-A:21 IV in 1994. Again, this section was repealed to be effective July 1, 1999 by SB 74, Chapter 179:3, Laws of 1995. This bill would re-instate the original exemption of the requirement for drafting and numbering of RSA 541-A at the request of the agency. Vote 14-0.

**SB 352**, relative to continuing education requirements for electrologists. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary Stuart Gile for Executive Departments and Administration: This bill addresses continuing education requirements for the renewal of licenses to practice electrology. The amendment

requires applicants to complete continuing education hours related to the practice of electrology during the two years prior to application for renewal and specifies that half of such continuing education be in live courses. Vote 17-0.

#### Amendment (1368h)

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

1 Electrologists; Continuing Education Requirements. Amend RSA 314:5 to read as follows:  
 314:5 Renewal of License; *Continuing Education Requirement*. Licenses issued under this chapter shall be subject to renewal every 2 years and shall expire unless renewed in accordance with rules adopted by the commissioner under RSA 314:8, IV, and upon payment of any fees required under RSA 314:10. *Applicants for renewal shall also be required to complete 20 hours of continuing education related to the practice of electrology during the prior 2 years; provided that 10 hours of such continuing education shall be in didactic, live courses.*

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

**SB 364**, establishing a committee to study the feasibility and advisability of consolidating building trades under a single licensing board. OUGHT TO PASS

Rep. Miriam D. Dunn for Executive Departments and Administration: It is most timely that this study committee be created to resolve inefficiencies and confusion for the public now present in multiple boards and multiple trades in the building industry. The feasibility of consolidating these trades should be considered, including consultation with the list of ten "non-voting" members stated in the bill. Vote 15-0.

**SB 504-FN**, relative to members of predecessor systems of the New Hampshire retirement system. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: There is one individual remaining in the predecessor systems to the New Hampshire retirement systems. This individual would now like to join the New Hampshire retirement system. This bill will allow this to occur with the payment of any accrued liability by the individual involved. There will be no cost to the state or political subdivisions involved. Vote 14-0.

#### Amendment (1404h)

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

1 New Section; Members of Predecessor Systems. Amend RSA 100-A by inserting after section 33 the following new section:

100-A:33-a Members of Predecessor Systems. Notwithstanding RSA 100-A:33 or any other provisions of law, any person who is a member of any predecessor system of the New Hampshire retirement system and is currently receiving benefits, or upon that person's retirement, death, disability, or termination, shall, upon the payment of any actuarially determined accrued liability cost, be considered to have been a full member of the New Hampshire retirement system for the entire period of creditable service in either system and shall receive all benefits to which he or she is entitled as a full member of the New Hampshire retirement system.

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

#### AMENDED ANALYSIS

This bill provides that members of predecessor systems of the retirement system, RSA 100-A, shall, after payment of certain costs, be considered full members entitled to benefits of the retirement system.

Referred to Finance.

**HB 1672-FN-A-L**, replacing the business profits tax and the business enterprise tax with a reform business tax and establishing a committee to recommend a rate for the reform business tax. REFER FOR INTERIM STUDY

Rep. Kenneth L. Weyler for Finance: This bill proposes to replace the business profits tax and business enterprise tax with a single tax. The sponsor was the only one who spoke in favor; one other spoke against. The sponsor admits the bill is a work in progress and requests further study. The Committee felt it was time to examine the dynamic of the two taxes. Vote 20-2.



**SB 405-FN**, relative to a specific time period by which the state is required to have an audited financial statement available to the public. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Robert G. Holbrook for Finance: In the interests of good open government, the annual audit of the state's finances should be in a regular timely basis which this bill will require with an exception if a good cause of extension is approved by the Fiscal Committee. Vote 19-1.

**Amendment (1294h)**

Amend the bill by replacing section 1 with the following:

1 Audited Financial Report; Available to the Public. Amend RSA 21-I:8, I(h) to read as follows:

(h) Not later than 90 days after the close of the fiscal year, unless the governor and council for good cause shall extend such period, complete a comprehensive annual report concerning the preceding fiscal year that details the financial condition and operation of the state during that period in a manner consistent with generally accepted accounting principles. Said report shall subsequently be audited by the legislative budget assistant who may designate a certified public accountant not employed in the state service to conduct the annual audit and may accept the findings and report of the certified public accountant as fulfilling the provisions of this section provided that in either case said audit shall be conducted in accordance with prevailing standards and practices of governmental auditing specified by authoritative national standard setting bodies. *The audited report shall be completed and available to the public by December 31 of each year unless for good cause the joint legislative fiscal committee shall extend such period.*

**SB 360**, establishing a child and family resource group to study and make recommendations concerning the development and coordination of wellness and primary prevention programs. **OUGHT TO PASS**

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: This bill establishes a child and family resource group to study and make recommendations concerning the development and coordination of wellness and primary prevention programs. The intent of this bill is to provide input necessary to implement this program. Vote 13-0.

**SB 383**, establishing a committee to study the use of telemedicine. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael Morello for Health, Human Services and Elderly Affairs: The use of telemedicine has great potential for the medical field. There was no opposition to the passage of this bill. It is an extension of current practice through use of new technology. However, further study of this technology is recommended. There are questions on establishing guidelines and/or licensing, questions on quality of care, liability and privacy. Vote 13-0.

**Amendment (1517h)**

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

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

(a) Three members of the senate, one of whom shall be a member of the public institutions, health and human services committee, appointed by the president of the senate.

(b) Three members of the house of representatives, one of whom shall be a member of the health, human services, and elderly affairs committee, appointed by the speaker of the house.

Amend the bill by replacing section 6 with the following:

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

**SB 473-FN**, relative to child day care providers. **OUGHT TO PASS**

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: This bill is the result of the study committee on SB 103, Chapter 64, Laws of 1997. It requires licensed providers to carry insurance or to disclose to parents that they are uninsured. It requires unlicensed providers who receive compensation from the state to register with health and human services and to provide a list of those in contact with children so that criminal checks can be made and corrective action taken, if needed. It further requires the commissioner to make certain changes in certification and safety requirements. Vote 13-0.

Referred to Finance.

**SB 385**, requiring the clerks of the superior courts to notify the appropriate regulatory board when a health care provider is convicted of a felony. **OUGHT TO PASS**

Rep. Sandra B. Keans for Judiciary and Family Law: This is a consumer oriented bill. It provides that any licensed practitioner who is convicted of a felony will have his or her name forwarded to the appropriate regulatory board to be placed on file. It would still be the client's responsibility to call the appropriate board to get any information on that practitioner. Vote 14-0.

**SB 392**, relative to requirements for law enforcement personnel who conduct interviews of minors. **OUGHT TO PASS WITH AMENDMENT**

Rep. Wayne T. Moynihan for Judiciary and Family Law: This bill modifies sections of RSA 169-C, the statute that establishes the civil process associated with the protection of children from abuse and neglect through the District court and DHHS/DCYF. Existing language in RSA 169-C:38 IV and V allows that, under certain circumstances, police or DCYF officials may interview a child "without the consent or notification of the parent or parents," and that in such cases "every effort" would be made to video-tape or record the interview. Significant evidence was presented to the committee establishing that under the existing language some interviews with children are only partially recorded; that video taping of such interviews is more possible today; that video taping is a more desirable public policy; and that complete taping or recording should be accomplished in all cases, regardless of whether the parents have or have not consented to the interview. The bill as amended corrects the problems that were demonstrated. Vote 15-1.

#### Amendment (1167h)

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

1 Report to Law Enforcement; Child Interview. Amend the introductory paragraph of RSA 169-C:38, IV to read as follows:

IV. Law enforcement personnel or department employees who are trained caseworkers shall have the right to enter any public place, including but not limited to schools and child care agencies, for the purpose of conducting an interview with a child, *with or* without the consent or notification of the parent or parents of such child, if there is reason to believe that the child has been:

2 Interview of Child; Video or Audio Recording Required. Amend RSA 169-C:38, V to read as follows:

V. For any interview conducted pursuant to paragraph IV, ~~every effort shall be made to video-tape the interview with the child. If the interview cannot be video-taped, it shall be recorded~~ *the interview with the child shall be video-taped if possible. If the interview is video-taped, it shall be video-taped in its entirety. If the interview cannot be video-taped in its entirety, an audio recording of the entire interview shall be made.*

3 Effective Date. This act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill requires that when interviewing a minor, with or without the consent of such minor's parent or parents, law enforcement personnel make either a video tape or audio tape recording of the entire interview.

**SB 394**, providing for revocation of wills by divorce. **OUGHT TO PASS**

Rep. Wayne T. Moynihan for Judiciary and Family Law: This bill modifies RSA 551:13 on the "revocation of wills" by providing that, after a divorce of a married couple by a decree of the Superior Court, those portions of the parties' last will and testament that had been signed prior to the divorce and that left property to the former spouse are automatically revoked by law. If former spouses still wish to benefit the other former spouse by will, they may do so by signing a new will after the divorce. If a couple is legally separated, but not divorced, the revocation does not occur. If a divorced couple subsequently remarries, the terms of the will, if never changed, are revived. The majority concluded that, since the divorce process results in a just and generally equitable distribution of a married couple's real and personal property, it is good public policy to prevent the unintended windfalls that have and could again benefit a former spouse because a person neglected to promptly change their will after a divorce. The bill came to the House with the full support of the Senate Judiciary Committee. It was also endorsed by the ad hoc Probate/Trust Committee organized by the probate court. Vote 10-6.

**SB 395**, enacting certain provisions of the prudent investor act. OUGHT TO PASS

Rep. Marjorie K. Smith for Judiciary and Family Law: This bill updates trust investment law in recognition of the alterations that have occurred in investment practice. It provides more comprehensive guidelines for trustee conduct and provides those charged with oversight of such trustees with standards against which to measure the trustee's conduct. Vote 14-0.

**SB 438**, exercising the authority of the state of New Hampshire to elect out of the federal Volunteer Protection Act of 1997. OUGHT TO PASS

Rep. Marjorie K. Smith for Judiciary and Family Law: The federal statute permits a state to opt out of the Federal Volunteer Protection Act for those civil actions "in a state court against a volunteer in which all parties are citizens of the state". Existing New Hampshire law provides some protection from liability for non-economic loss, a protection which does not exist in federal law. The majority of the committee chooses to continue this protection. For cases that would be subject to the jurisdiction of the federal courts, the federal statute would govern. Vote 9-4.

**SB 446**, relative to estate planning by a guardian. OUGHT TO PASS WITH AMENDMENT

Rep. Sandra B. Keans for Judiciary and Family Law: This bill applies only to estate planning for guardianships of adults under RSA 464-A (incompetency) with the consent of the probate court. This would allow guardians of those individuals to plan for avoidance of federal taxes and future medical needs just as competent individuals now do with estate planning. Vote 15-0.

**Amendment (1280h)**

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 1998.

**SB 498**, clarifying the definition of "right of custody" with respect to the crime of interference with custody. OUGHT TO PASS WITH AMENDMENT

Rep. Sandra B. Keans for Judiciary and Family Law: This bill deals with interference of custody and makes it a felony if the non-physical custody parent knowingly takes the child from the state. The bill is to clear up any misunderstanding in the way courts interpret whether a non-physical custody parent must adhere to the visitation stipulations. Vote 15-0.

**Amendment (1472h)**

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

2 Interference With Custody. Amend RSA 633:4, I and II to read as follows:

I. A person is guilty of a class B felony if:

(a) ~~He~~] *such person* knowingly takes from this state or entices away from this state any child under the age of 18, or causes any such child to be taken from this state or enticed away from this state, with the intent to detain or conceal such child from a parent, guardian or other person having lawful [~~charge of such child~~; and

(b) ~~He does not have a right of custody with respect to such child~~] *physical custody or physical custodial rights as described in RSA 458:17, IV.*

II. A person is guilty of a misdemeanor if:

(a) ~~He~~] *such person* knowingly takes, entices away, detains or conceals any child under the age of 18, or causes any such child to be taken, enticed away, detained or concealed, with the intent to detain or conceal such child from a parent, guardian or other person having lawful [~~charge of such child~~; and

(b) ~~He does not have a right of custody with respect to such child~~] *physical custody or physical custodial rights as described in RSA 458:17.*

**SB 502-FN**, allowing federal judges to perform marriages after obtaining a special license. OUGHT TO PASS WITH AMENDMENT

Rep. Peter F. Bergin for Judiciary and Family Law: Currently, a federal judge or federal magistrate cannot perform a marriage in the state of New Hampshire. This bill would extend a courtesy to any federal judge or magistrate to perform a marriage in the state of New Hampshire after obtaining a special license and paying a nominal fee. Vote 11-4.



**Amendment (1491h)**

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

1 Solemnization of Marriages; Federal Judges and Magistrates Added. Amend RSA 457:31 to read as follows:

457:31 Who May Solemnize. Marriage may be solemnized by a justice of the peace as commissioned in the state; by any minister of the gospel in the state who has been ordained according to the usage of his *or her* denomination, resides in the state, and is in regular standing with the denomination; by any clergyman who is not ordained but is engaged in the service of the religious body to which he *or she* belongs, resides in the state, after being licensed therefor by the secretary of state; and within his *or her* parish, by any minister residing out of the state, but having a pastoral charge wholly or partly in this state; *by judges of the United States appointed pursuant to Article III of the United States Constitution, or by United States magistrate judges appointed pursuant to federal law.*

2 New Section; License and Fee; Judges of the United States. Amend RSA 457 by inserting after section 32 the following new section:

457:32-a Judges of the United States. The secretary of state may issue a special lifetime license to a judge of the United States residing in this state who is appointed pursuant to Article III of the United States Constitution, or to a United States magistrate judge residing in this state and appointed pursuant to federal law, to marry a couple within the state. There shall be a one time fee of \$25 for such license and the secretary of state shall maintain a record of all special lifetime licenses issued. A copy of the marriage license of the couple proposed to be married shall be filed with the secretary of state who shall maintain a permanent record of all such marriage licenses and the name and residence of the judge or magistrate performing the ceremony.

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

**SB 441-FN-L**, relative to the authority of and protections for fire chiefs. **OUGHT TO PASS**  
Rep. Robert W. Brundige for Municipal and County Government: This bill grants authority to appointed fire chiefs, chief fireward or engineer to direct and control department employees. Further, in the event of suspension or dismissal, it provides for a hearing on the merits and reasonableness of the action in superior court in the county in which the municipality is located. These powers are identical to those granted to police chiefs under RSA 105:2-a. Vote 14-0.

**SB 493**, establishing a commission to determine the feasibility of a new public-private partnership to conserve New Hampshire's priority natural, cultural, and historical resources. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rudolf A. Adler for Resources, Recreation and Development: This bill establishes a 19 member commission to determine the feasibility of a new public-private partnership to conserve New Hampshire's priority natural, cultural, and historical resources. A preliminary report will be due by November 30, 1998 with a final report, if necessary, due by November 30, 1999. Vote 13-0.

**Amendment (1314h)**

Amend the bill by replacing section 3 with the following:

3 Membership. The members of the commission shall be as follows:

I. Six members appointed by the president of the senate as follows:

(a) Two members of the senate; and

(b) Four public members who shall represent the following interests: natural resources; cultural resources; business and industry; and municipalities.

II. Six members appointed by the speaker of the house of representatives as follows:

(a) Two members of the house; and

(b) Four public members who shall represent the following interests: natural resources; cultural resources; travel and tourism; and recreation.

III. The commissioner of the department of cultural affairs, or designee.

IV. The commissioner of the department of environmental services, or designee.

V. The commissioner of the department of resources and economic development, or designee.

VI. The commissioner of the department of agriculture, markets, and food, or designee.

VII. The executive director of the fish and game department, or designee.

VIII. Three public members appointed by the governor, who shall represent the following interests: natural resources; cultural resources; and; regional and local planning.

Amend the bill by replacing sections 5-6 with the following:

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

6 Report. The commission shall report its preliminary findings and any recommendations for action to the senate president, the speaker of the house of representatives, and the governor on or before November 30, 1998. The commission shall submit its final report of findings and recommendations for action to the senate president, the speaker of the house of representatives, and the governor on or before November 30, 1999.

## RECESS

(Speaker Sytek in the Chair)

### REGULAR CALENDAR

**SB 321-FN-L**, relative to creating a joint maintenance high school in certain towns. OUGHT TO PASS WITH AMENDMENT

Rep. Marie N. Rabideau for Education: This bill, as amended, provides that if any combination of the towns of Barnstead, Gilmanton, and Pittsfield enter into a joint maintenance agreement (JMA), they will be considered a single cooperative school district for the purpose of obtaining building aid. The provision in statute enabling the formation of a JMA has not been used in almost 100 years. Perhaps this is why this type of joint venture has not been addressed relative to building aid, until now, when other types of agreements (i.e. Authorized Regional Enrollment Area [AREA's] or co-ops) do not meet their needs. (SB 448, an act establishing a committee to study JMA's is also offered to this body for consideration.) The committee felt that the long standing school building issues and needs in these towns are well served by passing this bill as amended. Vote 14-2.

#### Amendment (1560h)

Amend RSA 198:15-b, VI as inserted by section 1 of the bill by replacing it with the following:

VI. For the purposes of calculating a grant under this section, should the school districts of Barnstead, Gilmanton, and Pittsfield, or any combination thereof, enter into a joint maintenance agreement prior to July 1, 2003, to build a high school pursuant to RSA 194:21, any 2 or more such districts shall be considered a single cooperative school district in accordance with RSA 195.

### AMENDED ANALYSIS

This bill provides that if the towns of Barnstead, Gilmanton, and Pittsfield, or any combination thereof, enter a joint maintenance agreement to build a high school, any 2 or more such districts will be considered a single cooperative school district for the purposes of obtaining school building aid.

Adopted.

Report adopted and ordered to third reading.

**SB 451-FN-L**, relative to the accessibility of pupil assessment materials and the anonymity of pupil assessment results. OUGHT TO PASS WITH AMENDMENT

Rep. Charles B. Yeaton for Education: This bill puts into statute what is currently being carried out by the state department of education permitting a parent to review test materials after the test has been administered. The amendment requires that the department of education formalize these procedures through the adoption of rules. Vote 15-0.

#### Amendment (1471h)

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

1 New Sections: Accessibility of Assessment Materials; Anonymity of Results. Amend RSA 193-C by inserting after section 9 the following new sections:

193-C:10 Accessibility of Assessment Materials. After the assessment results are released to the department, a pupil's parent or legal guardian shall have the right to inspect and review their child's

assessment booklet and answer or response sheets. A parent or legal guardian shall direct their request for inspection or review to the department, and the department shall have no more than 45 days to comply with such request. The commissioner shall adopt rules, pursuant to RSA 541-A, to implement procedures for the review and inspection of assessment materials. These rules shall provide parents and legal guardians with the same rights accorded to them under the Family Educational and Privacy Rights Act, 20 U.S.C. 1232g.

193-C:11 Anonymity of Pupil Assessment Results; Parental Authorization Required. Individual pupil names or codes contained in the statewide assessment results, scores, or other evaluative materials shall be deleted for the purposes of records maintenance and storage of such results or scores at the department of education, unless a parent or legal guardian provides written authorization otherwise, or as required under federal law. Individual pupil results shall be made available to a parent, a legal guardian, or the pupil's school in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. section 1232g.

2 Effective Date. This act shall take effect January 1, 1999.

### AMENDED ANALYSIS

This bill guarantees parents and legal guardians the right to inspect and review a pupil's assessment materials within 45 days of a request made to the department of education. The bill also provides that assessment results obtained from the statewide education assessment and improvement program stored at the department of education shall not include individual pupil names or codes.

Adopted.

Report adopted and ordered to third reading.

**SB 505-FN**, eliminating the separate fee for licensed master plumbers who are the sole shareholders of a plumbing corporation. **OUGHT TO PASS**

Rep. Robert K. Dodge for Executive Departments and Administration: The majority of the committee felt that sole proprietors should not be required to obtain a dual license if they choose to incorporate. Vote 8-6.

Adopted and ordered to third reading.

**HB 1000-FN-L**, relative to a 10-year transportation plan, authorizing construction on the Spaulding Turnpike, and relative to the radio system upgrade for the department of transportation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert G. Holbrook for Finance: The Finance Committee applauds the work of the Public Works and Highways Committee in drafting the 10-year transportation plan and added an amendment to raise the bond limit to \$586,050,000 as needed by this bill and added the appropriation clause for up-grading the Department of Transportation radio system. Vote 22-0.

### Amendment (1496h)

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

4 Revenue Bonds. Amend RSA 237-A:2 to read as follows:

237-A:2 Issuance of Revenue Bonds. The state may issue bonds under this chapter to be known as "turnpike system revenue bonds." The bonds may be issued from time to time for the purpose of financing the project costs of construction of any turnpike or of paying or refunding any bonds issued pursuant to RSA 237 or interest thereon. Any such bonds issued to pay or refund bonds issued pursuant to RSA 237 or interest thereon may be issued in sufficient amount to cover items described in RSA 237-A:7. Bonds issued hereunder shall be special obligations of the state and the principal of, premium, if any, and interest on all bonds shall be payable solely from the particular funds provided therefor under this chapter. The bonds shall be issued by the treasurer in such amounts as the governor and council shall determine, not exceeding in the aggregate [~~\$550,000,000~~] **\$586,050,000**. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate or other method as may be determined by the treasurer, and shall mature at such time or times as may be determined by the treasurer, except that no bond shall mature more than 40 years from the date of its issue. Bonds may be made redeemable before maturity either at the option of the state or at the option of the holder, or on the occurrence of specified events, at such price or prices and under such terms and conditions as may be fixed by the treasurer prior to the issue of bonds. The treasurer shall determine the form and details of bonds.



Subject to RSA 93-A, the bonds shall be signed by the treasurer and countersigned by the governor. The bonds may be sold in such manner, either at public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest, as the treasurer may determine.

5 Appropriation. In addition to any other funds appropriated to the department of transportation, there is hereby appropriated to the department the sum of \$311,600 for the biennium ending June 30, 1999, for the purposes of the radio system upgrade-statewide in 1995, 309:4, I, A as amended by 1997, 349:34, XXXVI. This appropriation shall be a charge against the turnpike fund.

6 Effective Date.

I. Section 5 of this act shall take effect upon its passage.

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

Adopted.

Rep. Franklin Torr yielded to questions.

Report adopted and ordered to third reading.

**SB 210-FN**, relative to an exemption from licensing for day care in private homes. **OUGHT TO PASS** Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: This bill exempts from licensure those who provide child care in a private home for their own children or those of relatives. Vote 11-2.

Adopted and ordered to third reading.

**SB 422-FN**, establishing a study committee on the procedures for and affordability of open access to judicial records. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. Sandra B. Keans for the Majority of Judiciary and Family Law: The committee believes the scope of this bill is not focused enough. 99% of court records are currently open to the public. We recognize it is not inexpensive to get transcripts. However, the protections gained by requiring court proceedings to be done by a specialized court stenographer, while expensive, are important for all parties. There is a technical flaw in the bill in that the court modernization funds referred to are set to lapse on July 1. Lately, many members believed that a true study of this important topic should not be scheduled in the second year of the session when some members would not be returning and others members would have their time filled with campaigning. Vote 12-1.

Rep. David A. Bickford for the Minority of Judiciary and Family Law: Many members of the public feel the high cost of court records forces them to give up possible evidence; therefore feeling justice is unaffordable. Even a representative of the court acknowledged the problem. This bill was voted unanimous in the Senate and had no opposition in committee.

Rep. Bickford spoke against.

Rep. Bergin spoke in favor and yielded to questions.

Rep. Cobbin requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 239 NAYS 76

### YEAS 239

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Calvert, Alice	Clark, Charles
Golden, Paul	Holbrook, Robert	Pilliod, James	Rosen, Ralph
Salatiello, Thomas	Thomas, John	Turner, Robert	

#### CARROLL

Bradley, Jeb	Chandler, Gene	Cooper, Kipp	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald		

#### CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Hunt, John	Lynch, Margaret	Manning, Joseph
McGuirk, Paul	McNamara, Wanda	Meador, David	Metzger, Katherine
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Royce, H. Charles	Russell, Ronald	Smith, Edwin	Vogl, John

**COOS**

Bradley, Paula  
Guay, Lawrence  
Moynihan, Wayne

Coulombe, Henry  
Hawkinson, Marie  
Pratt, Leighton

Coulombe, Yvonne  
Mears, Edgar

Davis, Perley  
Merrill, Gerald

**GRAFTON**

Below, Clifton  
Hill, Richard  
Phinney, William

Brown, Channing  
Lovett, Sidney

Copenhaver, Marion  
MacNeil, Allen

Eaton, Stephanie  
Nordgren, Sharon

**HILLSBOROUGH**

Ackerman, Philip  
Barry, William, III  
Brundige, Robert  
Chabot, Ernest  
Cote, Peter  
Dokmo, Cynthia  
Dyer, Merton  
Flora, Kathleen  
Gagnon, Eugene  
Haettenschwiller, Alphonse  
Holley, Sylvia  
Kony, Christine  
Leonard, Peter  
MacIntyre, Doris  
McRae, Karen  
Morello, Michael  
Reidy, Frank  
Searles, Stanley, Sr.  
Wheeler, Robert

Alukonis, David  
Belvin, William  
Buckley, Raymond  
Chabot, Robert  
D'Allesandro, Lou  
Drabinowicz, A. Theresa  
Emerton, Lawrence, Sr.  
Foster, Linda  
Ginsburg, Ruth  
Hall, Betty  
Hunter, Bruce  
Kurk, Neal  
Lessard, Rudy  
McCarty, Winston  
Melcher, Harold  
Murphy, Robert  
Riley, Frances  
Tate, Joan  
Wright, George

Ameen, W.  
Bergin, Peter  
Calawa, Leon, Jr.  
Christiansen, Lars  
Daigle, Robert  
Durham, Susan  
Fenton, James  
Franks, Suzan  
Golding, William  
Hart, Nick  
Jean, Claudette  
LaRose, Richard  
Lozeau, Donnalee  
McDonald, James, Sr.  
Messier, Irene  
O'Hearn, Jane  
Rowe, Robert  
Thulander, O. Alan

Amidon, Eleanor  
Boutin, David  
Cardin, Lori  
Cote, David  
Dawe, Eileen  
Dwyer, Paul, Sr.  
Fields, Dennis  
Gage, Ruth  
Goulet, Maurice  
Herman, Keith  
Johnson, Lionel  
Leishman, Peter  
MacAuslan, Rita  
McGough, Tim  
Milligan, Robert  
Piteri, Dawn  
Sargent, Maxwell  
Turgeon, Roland

**MERRIMACK**

Anderson, Eric  
Dunn, Miriam  
Hess, David  
Leber, William  
Morrill, Olive  
Seldin, Gloria  
Whalley, Michael

Chandler, Earle  
Feuerstein, Martin  
Hoadley, Elizabeth  
Lockwood, Robert  
Pfaff, Terence  
St. Cyr, Gerard  
Whittemore, James

Daneault, Gabriel  
Fraser, Marilyn  
Langer, Ray  
Marshall, Kenneth  
Reardon, Tara  
Wallin, Jean  
Yeaton, Charles

DeStefano, Stephen  
French, Barbara  
Larrabee, David  
Maxfield, Roy  
Rogers, Katherine  
Wallner, Mary Jane

**ROCKINGHAM**

Belanger, Ronald  
Christie, Andrew, Jr.  
Dowling, Patricia  
Flanders, John, Sr.  
Gleason, John  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Langley, Jane  
Malcolm, Kenneth  
Norelli, Terie  
Reardon, Neil  
Stone, Joseph  
Verani, Giovanni

Bishop, Franklin  
Cote, Patricia  
Downing, Michael  
Francoeur, Sheila  
Guthrie, Joseph  
Johnson, Robert  
Kelley, Jane  
Langone, John  
McKinney, Betsy  
Nowe, Ronald  
Sapareto, Frank  
Stritch, C. Donald  
Welch, David

Blanchard, MaryAnn  
Dalrymple, Janeen  
Flanagan, Natalie  
Frechette, Joseph  
Heath, John  
Kane, Cecelia  
Klemm, Arthur, Jr.  
Letourneau, Robert  
Micklon, Stephanie  
Packard, Sherman  
Schanda, Frank  
Syracusa, Anthony

Case, Margaret  
Dowd, Sandra  
Flanders, David  
Gibbons, Paul  
Henderson, Warren  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
Mikowski, Walter  
Pantelakos, Laura  
Simmons, John Anthony  
Tufts, J. Arthur

**STRAFFORD**

Berube, Roger  
Cossette, Larry  
Merritt, Deborah  
Snyder, Clair  
Torr, Franklin

Brennan, William  
Dunlap, Patricia  
Pelletier, Arthur  
Sullivan, Henry  
Twardus, Joseph

Brown, George  
Estabrook, Iris  
Rollo, Michael  
Taylor, Kathleen  
Vincent, Francis

Callaghan, Frank  
Lundborn, Raymond  
Smith, Marjorie  
Torr, Ann  
Wall, Janet

**SULLIVAN**

Allison, David  
Lindblade, Eric

Burling, Peter  
Palmer, Lorraine

Ferland, Brenda  
Robb-Theroux, Amy

Leone, Richard  
Schotanus, Merle

**NAYS 76****BELKNAP**

Boyce, Robert

Hurt, George

**CARROLL**

Babson, David, Jr.

Dickinson, Howard, Jr.

**CHESHIRE**

Lynott, Margaret

Robertson, Timothy Steere, Myron, III

**COOS**

St. Hilaire, Paul

Tholl, John, Jr.

**GRAFTON**

Akins, Ralph  
Guaraldi, Lawrence  
Teschner, Douglass

Alger, John  
Hinman, Harry  
Weber, Phil

Almy, Susan  
Mirski, Paul

Cobbin, Philip  
Root, John

**HILLSBOROUGH**

Arnold, Thomas, Jr.  
Clegg, Robert, Jr.  
Holt, David  
Luebker, Bernard  
McCarthy, William  
Welch, Donald

Batula, Peter  
Clemons, Jane  
Jean, Loren  
Lynde, Harold  
Mercer, Robert  
White, Donald

Burke, M. Virginia  
Daniels, Gary  
Lefebvre, Roland  
MacGillivray, Jeffrey  
Mittelman, David

Carlson, Donald  
Foster, Joseph  
Letendre, Evelyn  
Marcinkowski, Michael  
Vaillancourt, Steve

**MERRIMACK**

Adams, Stephen  
Krueger, Patricia

Davis, Francis  
Lamach, Bernard

Gile, Mary  
Lavoie, Gerard

Jacobson, Alf  
Nichols, Avis

**ROCKINGHAM**

Beaulieu, Jon  
Dolan, Richard  
Pitts, Jacqueline  
Sabella, Norma  
Weyler, Kenneth

Camm, Kevin  
Dunham, Vivian  
Rabideau, Marie  
Smith, Kevin

Cushing, Robert  
Fesh, Robert  
Raynowska, Bernard  
Stickney, Nancy

Dearborn, Bruce  
Moore, Benjamin  
Rubin, George  
Vaughn, Charles

**STRAFFORD**

Bickford, David  
McKinley, Robert

DeChane, Marlene  
Rogers, Rose Marie

Hemon, Roland  
Tsiros, William

Kaen, Naida  
Vachon, Dennis

**SULLIVAN**

Adler, Rudolf

Cloutier, John

and the majority report was adopted.



**SB 487**, relative to the general powers and duties of a guardian over the estate of the minor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie K. Smith for the Majority of Judiciary and Family Law: This bill is the result of a 1996 probate study committee. It applies in those situations where there is no will and therefore where the parents had not indicated their intentions. Under current law a guardian would necessarily be appointed to protect the minor and the minor's assets. This bill would give the guardian, with court authorization, the power to create and fund a trust for the benefit of the minor. The trust could terminate at some time after the termination of the guardianship but no later than the 25<sup>th</sup> birthday of the minor. The majority concluded that this flexible approach best balanced the possible competing forces of independence and responsibility. Vote 12-3.

Rep. Benjamin F. DePecol for the Minority Judiciary and Family Law: The minority of the committee believe that this is big government at its worst. This bill would allow the courts and guardians to deny a person, (who may be qualified to go to war or serve on a jury) access and discretion over funds properly left to that person until the courts or guardian decide that the person is qualified to control those funds. The court and/or guardian can deny this access and discretion until the person reaches the age of 25.

### Amendment (1344h)

Amend RSA 463:19, II as inserted by section 1 of the bill by replacing it with the following:

II. Except as limited by statute or order of the court, the guardian of the estate shall have the power to perform, without court authorization, every act which persons of prudence, discretion, and intelligence, and exercising judgment and care as in the management of their own affairs, would perform, including but not limited to, the powers specified in the Uniform Trustee's Powers Act pursuant to RSA 564-A:3. *The guardian of the estate, with court authorization, shall have the power to create and fund a trust, to terminate at some time after the termination of the guardianship, for the benefit of the minor into which all or part of such minor's estate may be transferred. Except in the case of a special needs trust as defined in RSA 564:23, II, the trust shall not continue beyond the twenty-fifth birthday of the minor.*

Adopted.

Reps. Bickford and DePecol spoke against and yielded to questions.

Rep. Cobbin spoke against.

Reps. Marjorie Smith and Pfaff spoke in favor and yielded to questions.

Rep. Bickford requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

### YEAS 165 NAYS 149

#### YEAS 165

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Calvert, Alice	Golden, Paul
Pilliod, James	Rosen, Ralph	Turner, Robert	

#### CARROLL

Bradley, Jeb	Chandler, Gene	Howard, Godfrey	MacDonald, Kenneth
Patten, Betsey	Philbrick, Donald		

#### CHESHIRE

Bonneau, Sarah	Burnham, Daniel	Doucette, Richard	Hunt, John
Manning, Joseph	McGuirk, Paul	Metzger, Katherine	Pratt, Irene
Pratt, John	Richardson, Barbara	Royce, H. Charles	Russell, Ronald
Smith, Edwin			

#### COOS

Bradley, Paula	Coulombe, Yvonne	Guay, Lawrence	Hawkinson, Marie
Mears, Edgar	Merrill, Gerald	Moynihn, Wayne	Pratt, Leighton
Tholl, John, Jr.			

**GRAFTON**

Brown, Channing  
Nordgren, Sharon

Copenhaver, Marion  
Phinney, William

Eaton, Stephanie  
Teschner, Douglass

Hill, Richard

**HILLSBOROUGH**

Ackerman, Philip  
Barry, William, III  
Buckley, Raymond  
Cote, Peter  
Drabinowicz, A. Theresa  
Fenton, James  
Gage, Ruth  
Goulet, Maurice  
Hunter, Bruce  
LaRose, Richard  
McCarty, Winston  
Messier, Irene  
O'Hearn, Jane  
Tate, Joan

Alukonis, David  
Belvin, William  
Calawa, Leon, Jr.  
D'Allesandro, Lou  
Dwyer, Paul, Sr.  
Fields, Dennis  
Gagnon, Eugene  
Haettenschwiller, Alphonse  
Johnson, Lionel  
Leonard, Peter  
McDonald, James, Sr.  
Mittelman, David  
Reidy, Frank  
Turgeon, Roland

Ameen, W.  
Bergin, Peter  
Chabot, Ernest  
Daigle, Robert  
Dyer, Merton  
Foster, Joseph  
Ginsburg, Ruth  
Hall, Betty  
Konys, Christine  
Letendre, Evelyn  
Melcher, Harold  
Morello, Michael  
Rowe, Robert  
Wheeler, Robert

Amidon, Eleanor  
Bernier, Shannon  
Chabot, Robert  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Foster, Linda  
Golding, William  
Hart, Nick  
Kurk, Neal  
Lozeau, Donnalee  
Mercer, Robert  
Murphy, Robert  
Searles, Stanley, Sr.

**MERRIMACK**

Chandler, Earle  
Dunn, Miriam  
Gile, Mary  
Lockwood, Robert  
Nichols, Avis  
Yeaton, Charles

Crosby, Toni  
Feuerstein, Martin  
Hess, David  
Marshall, Kenneth  
Pfaff, Terence

Daneault, Gabriel  
Fraser, Marilyn  
Jacobson, Alf  
Maxfield, Roy  
Seldin, Gloria

DeStefano, Stephen  
French, Barbara  
Leber, William  
Morrill, Olive  
Wallner, Mary Jane

**ROCKINGHAM**

Blanchard, MaryAnn  
Flanders, John, Sr.  
Kane, Cecelia  
Kobel, Rudolph  
Micklon, Stephanie  
Stritch, C. Donald

Case, Margaret  
Heath, John  
Katsakiores, George  
Langley, Jane  
Reardon, Neil  
Vaughn, Charles

Christie, Andrew, Jr.  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Langone, John  
Schanda, Frank  
Welch, David

Downing, Michael  
Johnson, Robert  
Klemm, Arthur, Jr.  
Malcolm, Kenneth  
Stone, Joseph

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia  
Pelletier, Arthur  
Sullivan, Henry  
Vincent, Francis

Brennan, William  
Estabrook, Iris  
Rogers, Rose Marie  
Taylor, Kathleen  
Wall, Janet

Brown, George  
Hemon, Roland  
Smith, Marjorie  
Torr, Ann

Callaghan, Frank  
Kaen, Naida  
Snyder, Clair  
Torr, Franklin

**SULLIVAN**

Allison, David  
Robb-Theroux, Amy

Burling, Peter  
Schotanus, Merle

Leone, Richard

Palmer, Lorraine

**NAYS 149****BELKNAP**

Boyce, Robert  
Salatiello, Thomas

Clark, Charles  
Thomas, John

Holbrook, Robert

Hurt, George

**CARROLL**

Babson, David, Jr.  
Lyman, L. Randy

Cooper, Kipp  
Mock, Henry

Dickinson, Howard, Jr.

Kenney, Joseph

**CHESHIRE**

Avery, Stephen  
McNamara, Wanda  
Vogl, John

DePecol, Benjamin  
Meader, David

Lynch, Margaret  
Robertson, Timothy

Lynott, Margaret  
Steere, Myron, III

**COOS**

Coulombe, Henry

Davis, Perley

St. Hilaire, Paul

**GRAFTON**

Akins, Ralph  
Guaraldi, Lawrence  
Mirski, Paul

Alger, John  
Hinman, Harry  
Root, John

Almy, Susan  
Lovett, Sidney  
Weber, Phil

Cobbin, Philip  
MacNeil, Allen  
Williams, William, Jr.

**HILLSBOROUGH**

Arnold, Thomas, Jr.  
Burke, M. Virginia  
Clegg, Robert, Jr.  
Dawe, Eileen  
Holley, Sylvia  
Lefebvre, Roland  
Lynde, Harold  
Marcinkowski, Michael  
Milligan, Robert  
Sargent, Maxwell  
White, Donald

Batula, Peter  
Cardin, Lori  
Clemons, Jane  
Durham, Susan  
Holt, David  
Leishman, Peter  
MacAuslan, Rita  
McCarthy, William  
Peterson, Andrew  
Thulander, O. Alan  
Wright, George

Boutin, David  
Carlson, Donald  
Cote, David  
Franks, Suzan  
Jean, Claudette  
Lessard, Rudy  
MacGillivray, Jeffrey  
McGough, Tim  
Piteri, Dawn  
Vaillancourt, Steve

Brundige, Robert  
Christiansen, Lars  
Daniels, Gary  
Herman, Keith  
Jean, Loren  
Luebker, Bernard  
MacIntyre, Doris  
McRae, Karen  
Riley, Frances  
Welch, Donald

**MERRIMACK**

Adams, Stephen  
Hoadley, Elizabeth  
Larrabee, David  
Wallin, Jean

Anderson, Eric  
Krueger, Patricia  
Lavoie, Gerard  
Whalley, Michael

Brown, Mary  
Lamach, Bernard  
Rogers, Katherine  
Whittemore, James

Davis, Francis  
Langer, Ray  
St. Cyr, Gerard

**ROCKINGHAM**

Beaulieu, Jon  
Cote, Patricia  
Dolan, Richard  
Fesh, Robert  
Frechette, Joseph  
Henderson, Warren  
McKinney, Betsy  
Packard, Sherman  
Rubin, George  
Smith, Kevin  
Verani, Giovanni

Belanger, Ronald  
Dalrymple, Janeen  
Dowd, Sandra  
Flanagan, Natalie  
Gibbons, Paul  
Kelley, Jane  
Mikowski, Walter  
Pitts, Jacqueline  
Sabella, Norma  
Stickney, Nancy  
Weyler, Kenneth

Bishop, Franklin  
Dearborn, Bruce  
Dowling, Patricia  
Flanders, David  
Gleason, John  
Letourneau, Robert  
Moore, Benjamin  
Rabideau, Marie  
Sapareto, Frank  
Syracusa, Anthony

Camm, Kevin  
Dodge, Robert  
Dunham, Vivian  
Francoeur, Sheila  
Guthrie, Joseph  
Major, Norman  
Nowe, Ronald  
Raynowska, Bernard  
Simmons, John Anthony  
Tufts, J. Arthur

**STRAFFORD**

Bickford, David  
McKinley, Robert  
Twardus, Joseph

Cossette, Larry  
Merritt, Deborah  
Vachon, Dennis

DeChane, Marlene  
Rollo, Michael

Lundborn, Raymond  
Tsiros, William

**SULLIVAN**

Adler, Rudolf

Cloutier, John

Ferland, Brenda

Lindblade, Eric

and the majority report was adopted.  
Ordered to third reading.



**RECONSIDERATION**

Rep. Pfaff moved that the House reconsider its action whereby it ordered to third reading *SB 487*, relative to the general powers and duties of a guardian over the estate of the minor, and spoke against.

Rep. Cooper spoke in favor and yielded to questions.

Rep. Steer spoke in favor.

Rep. Cobbin requested a roll call; sufficiently seconded.

The question being the motion to reconsider.

**YEAS 151 NAYS 162****YEAS 151****BELKNAP**

Boriso, Thomas	Boyce, Robert	Clark, Charles	Holbrook, Robert
Hurt, George	Rosen, Ralph	Salatiello, Thomas	Thomas, John

**CARROLL**

Babson, David, Jr.	Cooper, Kipp	Dickinson, Howard, Jr.	Kenney, Joseph
Lyman, L. Randy			

**CHESHIRE**

Avery, Stephen	DePecol, Benjamin	Lynch, Margaret	Lynott, Margaret
McNamara, Wanda	Meador, David	Pratt, John	Robertson, Timothy
Russell, Ronald	Steere, Myron, III		

**COOS**

Coulombe, Henry	Davis, Perley	Pratt, Leighton	St. Hilaire, Paul
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**GRAFTON**

Akins, Ralph	Alger, John	Cobbin, Philip	Guaraldi, Lawrence
Hinman, Harry	Lovett, Sidney	MacNeil, Allen	Mirski, Paul
Root, John	Weber, Phil	Williams, William, Jr.	

**HILLSBOROUGH**

Arnold, Thomas, Jr.	Batula, Peter	Boutin, David	Brundige, Robert
Buckley, Raymond	Burke, M. Virginia	Cardin, Lori	Carlson, Donald
Christiansen, Lars	Clegg, Robert, Jr.	Clemons, Jane	Daniels, Gary
Dawe, Eileen	Durham, Susan	Franks, Suzan	Holley, Sylvia
Holt, David	Jean, Claudette	Jean, Loren	Kurk, Neal
Lefebvre, Roland	Leishman, Peter	Lessard, Rudy	Letendre, Evelyn
Luebker, Bernard	Lynde, Harold	MacAuslan, Rita	MacGillivray, Jeffrey
Marcinkowski, Michael	McCarthy, William	McGough, Tim	McRae, Karen
Mercer, Robert	Milligan, Robert	Peterson, Andrew	Piteri, Dawn
Sargent, Maxwell	Thulander, O. Alan	Vaillancourt, Steve	Welch, Donald
White, Donald			

**MERRIMACK**

Adams, Stephen	Brown, Mary	Davis, Francis	Gile, Mary
Hoadley, Elizabeth	Krueger, Patricia	Lamach, Bernard	Langer, Ray
Larrabee, David	Lavoie, Gerard	Nichols, Avis	Rogers, Katherine
St. Cyr, Gerard	Wallin, Jean	Whalley, Michael	Whittemore, James

**ROCKINGHAM**

Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin	Camm, Kevin
Dalrymple, Janeen	Dearborn, Bruce	Dodge, Robert	Dolan, Richard
Dowd, Sandra	Dowling, Patricia	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Flanders, David	Frechette, Joseph	Gibbons, Paul

Gleason, John  
Langley, Jane  
Mikowski, Walter  
Rabideau, Marie  
Sapareto, Frank  
Syracusa, Anthony

Guthrie, Joseph  
Letourneau, Robert  
Moore, Benjamin  
Raynowska, Bernard  
Smith, Kevin  
Tufts, J. Arthur

Katsakiores, Phyllis  
Major, Norman  
Nowe, Ronald  
Rubin, George  
Stickney, Nancy  
Verani, Giovanni

Kelley, Jane  
McKinney, Betsy  
Pitts, Jacqueline  
Sabella, Norma  
Stritch, C. Donald  
Weyler, Kenneth

### STRAFFORD

Bickford, David  
Lundborn, Raymond  
Taylor, Kathleen  
Vachon, Dennis

Cossette, Larry  
Merritt, Deborah  
Torr, Franklin

DeChane, Marlene  
Pelletier, Arthur  
Tsiros, William

Hemon, Roland  
Rollo, Michael  
Twardus, Joseph

### SULLIVAN

Adler, Rudolf

Ferland, Brenda

Lindblade, Eric

### NAYS 162

### BELKNAP

Bartlett, Gordon  
Turner, Robert

Calvert, Alice

Golden, Paul

Pilliod, James

### CARROLL

Bradley, Jeb  
Patten, Betsey

Chandler, Gene  
Philbrick, Donald

Howard, Godfrey

MacDonald, Kenneth

### CHESHIRE

Bonneau, Sarah  
Manning, Joseph  
Richardson, Barbara  
Vogl, John

Burnham, Daniel  
McGuirk, Paul  
Riley, William

Doucette, Richard  
Metzger, Katherine  
Royce, H. Charles

Hunt, John  
Pratt, Irene  
Smith, Edwin

### COOS

Bradley, Paula  
Moynihan, Wayne

Coulombe, Yvonne  
Tholl, John, Jr.

Guay, Lawrence

Merrill, Gerald

### GRAFTON

Almy, Susan  
Eaton, Stephanie  
Teschner, Douglass

Below, Clifton  
Hill, Richard

Brown, Channing  
Nordgren, Sharon

Copenhaver, Marion  
Phinney, William

### HILLSBOROUGH

Ackerman, Philip  
Barry, William, III  
Calawa, Leon, Jr.  
Cote, Peter  
Drabinowicz, A. Theresa  
Fenton, James  
Gage, Ruth  
Goulet, Maurice  
Herman, Keith  
LaRose, Richard  
McCarty, Winston  
Mittelman, David  
Reidy, Frank  
Tate, Joan

Alukonis, David  
Belvin, William  
Chabot, Ernest  
D'Allesandro, Lou  
Dwyer, Paul, Sr.  
Fields, Dennis  
Gagnon, Eugene  
Haettenschwiller, Alphonse  
Hunter, Bruce  
Leonard, Peter  
McDonald, James, Sr.  
Morello, Michael  
Riley, Frances  
Turgeon, Roland

Ameen, W.  
Bergin, Peter  
Chabot, Robert  
Daigle, Robert  
Dyer, Merton  
Foster, Joseph  
Ginsburg, Ruth  
Hall, Betty  
Johnson, Lionel  
Lozeau, Donnalée  
Melcher, Harold  
Murphy, Robert  
Rowe, Robert  
Wheeler, Robert

Amidon, Eleanor  
Bernier, Shannon  
Cote, David  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Foster, Linda  
Golding, William  
Hart, Nick  
Konys, Christine  
MacIntyre, Doris  
Messier, Irene  
O'Hearn, Jane  
Searles, Stanley, Sr.  
Wright, George

**MERRIMACK**

Anderson, Eric	Chandler, Earle	Crosby, Toni	Daneault, Gabriel
DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn
French, Barbara	Hess, David	Jacobson, Alf	Leber, William
Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy	Morrill, Olive
Pfaff, Terence	Seldin, Gloria	Wallner, Mary Jane	Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn	Case, Margaret	Christie, Andrew, Jr.	Cote, Patricia
Downing, Michael	Flanders, John, Sr.	Francoeur, Sheila	Heath, John
Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Klemm, Arthur, Jr.	Kobel, Rudolph	Langone, John
Malcolm, Kenneth	Micklon, Stephanie	Packard, Sherman	Reardon, Neil
Schanda, Frank	Simmons, John Anthony	Stone, Joseph	Vaughn, Charles
Welch, David			

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Callaghan, Frank
Dunlap, Patricia	Estabrook, Iris	Kaen, Naida	McKinley, Robert
Rogers, Rose Marie	Smith, Marjorie	Snyder, Clair	Sullivan, Henry
Torr, Ann	Vincent, Francis	Wall, Janet	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Leone, Richard
Palmer, Lorraine	Robb-Theroux, Amy	Schotanus, Merle	

and reconsideration failed.

**REGULAR CALENDAR (CONT'D.)**

**SB 374**, relative to large water withdrawals and relative to exemptions from local planning and zoning requirements for public utilities. **OUGHT TO PASS**

Rep. Martin Feuerstein for Resources, Recreation and Development: New groundwater withdrawals amounting to 57,600 gallons (40 gallons per minute) or more in 24 hours from a well will have to give written notice to the municipalities of contribution. Department of Environmental Services is to adopt rules regarding these withdrawals. Public water utilities are exempt from local planning and zoning requirements. This will give towns a voice in new water withdrawals. Individual private wells are not affected by this legislation. Vote 9-4.

Adopted and ordered to third reading.

**SB 341**, relative to the decommissioning finance committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Science, Technology and Energy: The committee, after two public hearings and several long full committee work sessions, recommends passage of this bill which amends Chapter 374-F, the electric utility restructuring statute. (1) The amendment urges consideration of negotiated settlements. (2) The amendment calls for the Public Utilities Commission (PUC) to create an option for New Hampshire residents and businesses who choose not to choose a competitive electricity supplier. Under the amendment, this option called transition service, would be available for customers for two to four years. Transition service would be procured through competitive means and would have stable and predictable ceiling prices that are consistent with the near term rate relief principle. Those prices would rise over time in order to encourage customers to choose competitive suppliers. However, during the two to four year transition period, customers electing to take this service would have known electricity prices while they learn about the unfolding market and can assess their needs and options realistically. (3) The amendment also would exempt any new electricity generation facility from being a public utility. This amendment is intended to create a favorable regulatory climate for New Hampshire as many new gas generating plants are being proposed in New England and not all will be built. The amendment also allows existing generation units to be exempt from public utility status once divestiture of assets occurs. The amendment retains



the PUC's authority to regulate electric generation facilities for reliability and safety purposes. (4) The amendment lastly allows the PUC to delay the electric utility restructuring implementation date passed July 1, 1998 if the PUC finds that delay is required due to events beyond their control of the commission, such as ongoing litigation. Vote 16-0.

#### Amendment (1531h)

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

AN ACT relative to the implementation of electric utility restructuring.

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

1 Statement of Intent. The general court finds that:

I. Circumstances beyond the control of the public utilities commission may delay implementation of electric utility restructuring and customer choice beyond July 1, 1998. Further delay will harm the state's economy and cause a continued burden on the state's citizens, commerce, and industry.

II. Delays resulting from court orders have heightened the need to consider negotiated settlements to expedite restructuring, near term rate relief for customers, and customer choice.

III. The distinction between transition service and default service needs to be clarified.

IV. There should be a transition service procured through competitive means. The commission should ensure that the terms of transition service accomplish the principle of near term rate relief while taking into account the need for developing customer choice.

V. Procuring transition service through competitive means in RSA 374-F:3, V, as amended by this act, includes, but is not limited to:

(a) The option of establishing a ceiling price for transition service, separate from or in conjunction with the competitive sale of electric-utility-owned or affiliate-owned generation assets, entitlements, and power purchase contracts, whereby such ceiling pricing constitutes a fixed rate or price path, that rises over time; and

(b) The option of having transition service supplied by the current owner of such generation assets while the sale is pending and by the purchaser of such generation assets after the sale is closed, for the duration of the term that transition service is available.

2 New Section; Public Utilities; Definition of Terms; Utilities Exempted; Electric Generation Companies, When Public Utilities. Amend RSA 362 by inserting after section 4-b the following new section:

362:4-c Electric Generation Companies, When Public Utilities.

I. The term "public utility" shall not include any corporation, company, association, limited liability company, joint stock association, partnership or person, their lessees, trustees or receivers appointed by any court, solely by virtue of owning, operating, or managing any plant or equipment or any part of the same which has received a certificate of site and facility as an energy facility or as a bulk power supply facility pursuant to RSA 162-H after July 1, 1998, or are sold after July 1, 1998, for the generation or sale of electricity or for transmission of electricity from such a plant to an interconnection with the transmission grid. General or facility-specific safety and reliability standards established by the commission for electric generation facilities shall also apply to those facilities exempted from public utility regulation under this paragraph.

II. Any entity exempted by this section may seek public utility status from the commission if it so chooses.

3 New Paragraph; Public Utilities; Electric Utility Restructuring; Definitions; Default Service Added. Amend RSA 374-F:2 by inserting after paragraph I the following new paragraph:

I-a. "Default service" means electricity supply that is available to retail customers who are otherwise without an electricity supplier and are ineligible for transition service.

4 New Paragraph; Public Utilities; Electric Utility Restructuring; Definitions; Transition Service Added. Amend RSA 374-F:2 by inserting after paragraph IV the following new paragraph:

V. "Transition service" means electricity supply that is available to existing retail customers prior to each customer's first choice of a competitive electricity supplier and to others, as deemed appropriate by the commission.

5 Public Utilities; Electric Utility Restructuring; Restructuring Policy Principles; Universal Service; Transition Service and Default Service. Amend RSA 374-F:3, V to read as follows:

V. Universal Service.

(a) Electric service is essential and should be available to all customers. A utility providing distribution services must have an obligation to connect all customers in its service territory to the distribution system. A restructured electric utility industry should provide adequate safeguards to assure universal service. Minimum residential customer service safeguards and protections should be maintained. Programs and mechanisms that enable residential customers with low incomes to manage and afford essential electricity requirements should be included as a part of industry restructuring.

(b) *As competitive markets emerge, customers should have the option of stable and predictable ceiling electricity prices through a reasonable transition period, consistent with the near term rate relief principle of RSA 374-F:3, XI. Upon the implementation of retail choice, transition service should be available for at least 2 but not more than 4 years after the start of competition, for customers who have not yet chosen a competitive electricity supplier. Transition service should be procured through competitive means and may be administered by independent third parties. The price of transition service should increase over time to encourage customers to choose a competitive electricity supplier during the transition period. Such transition service should be separate and distinct from default service.*

(c) *Default service should be designed to provide a temporary safety net and to assure universal access and system integrity. Default service should be procured through the competitive market and based on short-term market prices, and may be administered by independent third parties. The cost of administering default service should be borne by the customers of default service. If the commission determines it to be in the public interest, the commission may implement measures to discourage misuse, or long-term use, of default service. Revenues, if any, generated from such measures should be used to defray stranded costs.*

(d) *The commission should establish transition and default service appropriate to the particular circumstances of each jurisdictional utility.*

6 Public Utilities; Electric Utility Restructuring; Implementation; Date. RSA 374-F:4, I is repealed and reenacted to read as follows:

I. The commission is authorized to require the implementation of retail choice of electric suppliers for all customer classes of utilities providing retail electric service under its jurisdiction. The commission shall require such implementation at the earliest date determined to be in the public interest by the commission. However, in no event may the implementation be delayed beyond July 1, 1998 without legislative approval or a finding of public interest by the commission that delay is required due to events beyond the control of the commission. In addition, at the earliest practical date, the commission should make effective the unbundling of components of rates into at least distribution, transmission, and generation for each jurisdictional utility.

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

#### AMENDED ANALYSIS

This bill establishes electric utility restructuring policy principles for default service and transition service. This bill also provides that implementation of electric utility restructuring may be delayed by a finding of the public utilities commission that delay is required due to events beyond the control of the commission.

Adopted.

Rep. Jeb Bradley yielded to questions.

Report adopted and ordered to third reading.

Rep. Joseph Foster declared a conflict of interest and did not participate.

#### SUSPENSION OF RULES

Rep. Edwin Smith moved that the Rules be so far suspended as to permit consideration at the present time of a non-germane amendment to **SB 313**, requiring compliance with the Military Selective Service Act as a condition to receiving certain state education and employment benefits.

On a division vote, 223 members having voted in the affirmative and 77 in the negative, the motion was adopted by the necessary two-thirds.

**SB 313**, requiring compliance with the Military Selective Service Act as a condition to receiving certain state education and employment benefits. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Dennis Fields for the Majority of State-Federal Relations and Veterans Affairs: This bill requires registration with the Selective Service Act in order to receive certain state education and employment benefits. Those students or individuals who do not register shall not be eligible to enroll in or to receive loans, grants or scholarships or other financial assistance at a state supported institution of post secondary or higher education. Currently, applicants for federal scholarships or student loans can automatically be registered when they submit their applications for financial aid by checking a "yes" box on the application. Federal law requires that an applicant for federal scholarships, grants or employment register before receiving such assistance or employment. The language of the bill follows a national model and was reviewed by the New Hampshire Selective Service Board prior to being submitted as legislation. To date, 21 states have passed similar laws. The General Counsel for the University System submitted testimony in full support of this bill. The proposed language for the application has already been drafted. State officials have determined that the state's obligations under this law will be fulfilled with the inclusion of the question on the application. The committee amendment corrects a wording problem with legislation passed last year. This technical change is necessary to allow continued payment of the Gulf War Veteran's bonus. Vote 9-5.

Rep. John M. Pratt for the Minority of State-Federal Relations and Veterans Affairs: The minority retains the Persian Gulf War bonus payments while stripping the Selective Service provisions from the bill. Four quick reasons for doing so: (1) No second chance: Once it had been discovered that a young man, who had been hired by the State or by any Town or City or by any school district, had failed to register for the draft, he would have to be fired immediately and NEVER EVER for the rest of his life be eligible to hold a State or local government job, or hold State or local office, or enroll (even at his own expense) in a state-supported institution of post secondary or higher education. Too Draconian. (2) Since the bill only applies to males, and the harsh punishments required under it will only affect males, it is clearly gender-based legislation. Too sexist. (3) Guess how much it will cost the State, the Towns, the Cities and all the school districts to "assure themselves" (Whatever that means??) that all applicants for employment or enrollment or financial aid are really registered for the draft???? Too expensive if done correctly. (4) The Selective Service Act is federal legislation. Why should we stick our noses into the Congress's Business? Let them determine the compliance requirements for their own laws. Too unnecessary.

#### Amendment (1450h)

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

AN ACT requiring compliance with the Military Selective Service Act as a condition to receiving certain state education and employment benefits, and clarifying the procedure for making Persian Gulf War service bonus payments.

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

2 Persian Gulf War Service Bonus Payments; Manifest and Warrant Added. Amend RSA 115-A:10 to read as follows:

The director of the veterans council shall from time to time prepare a roster of the names of persons who have qualified for the bonus *under RSA 115-A:9*, and shall certify the same to the state treasurer, *and prepare a manifest to authorize the state treasurer to make payments from funds not otherwise appropriated. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.*

#### AMENDED ANALYSIS

This act requires compliance with the Military Selective Service Act as a condition for receiving state educational and employment benefits including: state employment, enrollment in a state-supported institution of higher education, and the receipt of state funded educational assistance, including federally funded aid accepted by the state. This act also authorizes the governor to draw a warrant to pay Persian Gulf War service bonus payments to eligible veterans.

Adopted.

Rep. John Pratt offered the Minority amendment.



**Amendment (1546h)**

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

AN ACT clarifying the procedure for making Persian Gulf War service bonus payments.

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

1 Persian Gulf War Service Bonus Payments; Manifest and Warrant Added. Amend RSA 115-A:10 to read as follows:

115-A:10 Roster. The director of the veterans council shall from time to time prepare a roster of the names of persons who have qualified for the bonus *under RSA 115-A:9*, and shall certify the same to the state treasurer, *and prepare a manifest to authorize the state treasurer to make payments from funds not otherwise appropriated. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.*

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

**AMENDED ANALYSIS**

This act authorizes the governor to draw a warrant to pay Persian Gulf War service bonus payments to eligible veterans.

Reps. John Pratt and Bickford spoke in favor and yielded to questions.

Reps. Lynott and MacAuslan spoke in favor.

Reps. D'Allesandro, James MacDonald and Edwin Smith spoke against and yielded to questions.

Rep. Bickford requested a roll call; sufficiently seconded.

The question being the adoption of the minority amendment.

**YEAS 124 NAYS 176****YEAS 124****BELKNAP**

Boriso, Thomas	Hurt, George	Salatiello, Thomas
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**CARROLL**

Howard, Godfrey	Lyman, L. Randy
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**CHESHIRE**

Bonneau, Sarah	DePecol, Benjamin	Doucette, Richard	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meador, David
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Steere, Myron, III	

**COOS**

Bradley, Paula	Coulombe, Henry	Mears, Edgar	Moynihan, Wayne
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**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Below, Clifton
Cobbin, Philip	Copenhaver, Marion	Guaraldi, Lawrence	Lovett, Sidney
Mirski, Paul	Nordgren, Sharon	Weber, Phil	Williams, William, Jr.

**HILLSBOROUGH**

Ackerman, Philip	Allen, W. Gordon	Arnold, Thomas, Jr.	Barry, William, III
Bergin, Peter	Bernier, Shannon	Buckley, Raymond	Cardin, Lori
Christiansen, Lars	Clemons, Jane	Cote, David	Cote, Peter
Dokmo, Cynthia	Drabinowicz, A. Theresa	Foster, Joseph	Foster, Linda
Gage, Ruth	Haettenschwiller, Alphonse	Hall, Betty	Holt, David
Jean, Claudette	Jean, Loren	Konys, Christine	Leishman, Peter
Leonard, Peter	Luebker, Bernard	Lynde, Harold	MacAuslan, Rita
MacGillivray, Jeffrey	Marcinkowski, Michael	Peterson, Andrew	Vaillancourt, Steve
Welch, Donald	White, Donald		

**MERRIMACK**

Crosby, Toni	Davis, Francis	Fraser, Marilyn	French, Barbara
Gile, Mary	Jacobson, Alf	Lamach, Bernard	Lavoie, Gerard
Rogers, Katherine	Seldin, Gloria	Wallin, Jean	Wallner, Mary Jane
Yeaton, Charles			

**ROCKINGHAM**

Bishop, Franklin	Blanchard, MaryAnn	Dodge, Robert	Dolan, Richard
Fesh, Robert	Francoeur, Sheila	Frechette, Joseph	Hutchinson, Rebecca
Kobel, Rudolph	Micklon, Stephanie	Pitts, Jacqueline	Rabideau, Marie
Raynowska, Bernard	Reardon, Neil	Rubin, George	Sabella, Norma
Schanda, Frank	Stickney, Nancy	Syracusa, Anthony	Weyler, Kenneth

**STRAFFORD**

Bickford, David	Brown, George	DeChane, Marlene	Estabrook, Iris
Kaen, Naida	Merritt, Deborah	Pelletier, Arthur	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Taylor, Kathleen
Tsiros, William	Twardus, Joseph	Vachon, Dennis	Wall, Janet

**SULLIVAN**

Adler, Rudolf	Allison, David	Burling, Peter	Ferland, Brenda
Palmer, Lorraine			

**NAYS 176****BELKNAP**

Bartlett, Gordon	Boyce, Robert	Calvert, Alice	Clark, Charles
Golden, Paul	Holbrook, Robert	Rosen, Ralph	Thomas, John
Turner, Robert			

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Kenney, Joseph	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald		

**CHESHIRE**

Avery, Stephen	Hunt, John	McNamara, Wanda	Metzger, Katherine
Royce, H. Charles	Smith, Edwin	Vogl, John	

**COOS**

Coulombe, Yvonne	Davis, Perley	Guay, Lawrence	Merrill, Gerald
Pratt, Leighton	Tholl, John, Jr.		

**GRAFTON**

Brown, Channing	Eaton, Stephanie	Hill, Richard	Hinman, Harry
MacNeil, Allen	Phinney, William	Root, John	Teschner, Douglass

**HILLSBOROUGH**

Alukonis, David	Ameen, W.	Amidon, Eleanor	Batula, Peter
Belvin, William	Brundige, Robert	Burke, M. Virginia	Carlson, Donald
Chabot, Ernest	Chabot, Robert	Clegg, Robert, Jr.	D'Allesandro, Lou
Daigle, Robert	Daniels, Gary	Dawe, Eileen	Durham, Susan
Dwyer, Paul, Sr.	Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James
Fields, Dennis	Franks, Suzan	Gagnon, Eugene	Ginsburg, Ruth
Golding, William	Goulet, Maurice	Hart, Nick	Herman, Keith

Holley, Sylvia	Hunter, Bruce	Johnson, Lionel	Kurk, Neal
LaRose, Richard	Lefebvre, Roland	Lessard, Rudy	Letendre, Evelyn
Lozeau, Donnalee	MacIntyre, Doris	McCarthy, William	McCarty, Winston
McDonald, James, Sr.	McGough, Tim	McRae, Karen	Melcher, Harold
Mercer, Robert	Messier, Irene	Milligan, Robert	Mittelman, David
Murphy, Robert	O'Hearn, Jane	Reidy, Frank	Riley, Frances
Rowe, Robert	Sargent, Maxwell	Searles, Stanley, Sr.	Tate, Joan
Thulander, O. Alan	Turgeon, Roland	Wheeler, Robert	Wright, George

**MERRIMACK**

Adams, Stephen	Anderson, Eric	Brown, Mary	Chandler, Earle
Daneault, Gabriel	DeStefano, Stephen	Feuerstein, Martin	Hess, David
Hoadley, Elizabeth	Langer, Ray	Larrabee, David	Leber, William
Lockwood, Robert	Marshall, Kenneth	Morrill, Olive	Nichols, Avis
Pfaff, Terence	St. Cyr, Gerard	Whalley, Michael	Whittemore, James

**ROCKINGHAM**

Beaulieu, Jon	Belanger, Ronald	Camm, Kevin	Case, Margaret
Christie, Andrew, Jr.	Cote, Patricia	Dalrymple, Janeen	Dearborn, Bruce
Dowd, Sandra	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Flanagan, Natalie	Flanders, John, Sr.	Gleason, John	Guthrie, Joseph
Heath, John	Henderson, Warren	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Langley, Jane
Langone, John	Letourneau, Robert	Major, Norman	Malcolm, Kenneth
McKinney, Betsy	Mikowski, Walter	Moore, Benjamin	Nowe, Ronald
Packard, Sherman	Sapareto, Frank	Stone, Joseph	Stritch, C. Donald
Tufts, J. Arthur	Vaughn, Charles	Verani, Giovanni	Weich, David

**STRAFFORD**

Berube, Roger	Brennan, William	Cossette, Larry	Dunlap, Patricia
Knowles, William	Lundborn, Raymond	McKinley, Robert	Sullivan, Henry
Torr, Ann	Torr, Franklin	Vincent, Francis	

**SULLIVAN**

Cloutier, John	Leone, Richard	Lindblade, Eric	Robb-Theroux, Amy
Schotanus, Merle			

and the minority amendment failed.

The question now being the adoption of the majority report.

Rep. Bickford requested a roll call; not sufficiently seconded.

On a division vote, 189 members having voted in the affirmative and 111 in the negative, the majority report was adopted.

Ordered to third reading.

**REVENUE ESTIMATES**

Rep. Weyler spoke to the Revenue Estimates and yielded to questions.

The Revenue Estimates, dated May 7, 1998, are printed on the following two pages.



STATE OF NEW HAMPSHIRE  
HOUSE FINANCE COMMITTEE REPORT  
May 7, 1998

	(A)	(B)		(C)		(D)		(E)		(F)		(G)
	FY 1997	Official Estimate	Official Estimate	FY 1998 Committee Estimate	FY 1998 Committee Estimate	Variance	Official Estimate	Official Estimate	Official Estimate	FY 1998 Committee Estimate	FY 1998 Committee Estimate	Variance
GENERAL FUNDS: (Dollars in Millions)	Actual					(\$2,900)						(\$16,000)
(1) Business Profits Tax	\$170.760	\$187.900	\$185.000	\$185.000	\$185.000	(\$2,900)	\$201.000	\$201.000	\$201.000	\$185.000	\$185.000	(\$16,000)
(2) Business Enterprise Tax	39.137	37.000	64.000	64.000	64.000	27.000	39.000	39.000	39.000	64.000	64.000	25.000
(3) Meals & Rooms Tax	118.721	122.700	127.000	127.000	127.000	4.300	129.600	129.600	129.600	131.000	131.000	1.400
(4) Liquor Sales	73.251	70.700	75.000	75.000	75.000	4.300	73.200	73.200	73.200	77.000	77.000	3.800
(5) Interest & Dividends Tax	52.699	55.000	61.500	61.500	61.500	6.500	58.000	58.000	58.000	62.000	62.000	4.000
(6) Insurance Tax	57.202	54.400	54.500	54.500	54.500	0.100	56.500	56.500	56.500	56.600	56.600	0.000
(7) Tobacco Tax	49.837	72.100	76.000	76.000	76.000	3.900	72.700	72.700	72.700	73.700	73.700	1.000
(8) Other	37.660	39.000	40.000	40.000	40.000	1.000	39.000	39.000	39.000	40.000	40.000	1.000
(9) Communications Tax	38.263	43.500	41.000	41.000	41.000	(2.500)	46.100	46.100	46.100	44.800	44.800	(1.300)
(10) Estate & Legacy Tax	41.235	37.400	42.000	42.000	42.000	4.600	37.700	37.700	37.700	40.000	40.000	2.300
(11) Real Estate Transfer Tax	32.424	38.000	41.000	41.000	41.000	3.000	38.700	38.700	38.700	42.500	42.500	3.800
(12) Court Fines & Fees	20.075	19.900	20.500	20.500	20.500	0.600	19.900	19.900	19.900	20.500	20.500	0.600
(13) Utility Tax	17.562	18.000	17.500	17.500	17.500	(0.500)	18.000	18.000	18.000	17.500	17.500	(0.500)
(14) Securities Revenue	18.042	18.500	20.000	20.000	20.000	1.500	19.000	19.000	19.000	20.500	20.500	1.500
(15) Board & Care Revenue	37.985	14.300	14.300	14.300	14.300	0.000	14.300	14.300	14.300	14.300	14.300	0.000
(16) Beer Tax	11.261	11.100	11.100	11.100	11.100	0.000	11.100	11.100	11.100	11.100	11.100	0.000
(17) Horse Racing	2.799	2.650	2.100	2.100	2.100	(0.550)	2.650	2.650	2.650	2.100	2.100	(0.550)
(18) Dog Racing	2.229	1.600	1.000	1.000	1.000	(0.600)	1.600	1.600	1.600	1.000	1.000	(0.600)
(19) TOTAL STATE SOURCES	\$821.142	\$843.750	\$893.500	\$893.500	\$893.500	\$49.750	\$878.150	\$878.150	\$878.150	\$903.600	\$903.600	\$25.450

STATE OF NEW HAMPSHIRE  
HOUSE FINANCE COMMITTEE REPORT  
May 7, 1998

	(A)	(B)		(C)		(D)		(E)		(F)		(G)
	FY 1997 Actual	Official Estimate	Official Estimate	FY 1998 Committee Estimate	FY 1998 Committee Estimate	Variance	Variance	Official Estimate	Official Estimate	FY 1999 Committee Estimate	FY 1999 Committee Estimate	Variance
<b>GENERAL FUNDS:</b> (Dollars in Millions)												
Medicaid Enhancements:												
(20) Board and Care	\$23.704	\$25.000	\$23.000	\$23.000	\$23.000	(\$2.000)		\$25.000	\$25.000	\$23.000	\$23.000	(\$2.000)
(21) Uncompensated Care Pool	49.512	51.400	52.500	52.500	52.500	1.100		52.900	52.900	52.900	52.900	0.000
(22) Total Medicaid Enhancements	73.216	76.400	75.500	75.500	75.500	(0.900)		77.900	77.900	75.900	75.900	(2.000)
(23) TOTAL GENERAL FUND	\$894.358	\$920.150	\$959.000	\$959.000	\$959.000	\$48.850		\$956.050	\$956.050	\$979.500	\$979.500	\$23.450
(24) HHS-Third Party Reimbursements	\$1.577	\$8.400	\$1.000	\$1.000	\$1.000	(\$7.400)		\$10.000	\$10.000	\$2.000	\$2.000	(\$8.000)
<b>HIGHWAY FUNDS:</b> (Dollars in Millions)												
(25) Road Tot	\$110.836	\$113.506	\$120.000	\$120.000	\$120.000	\$6.494		\$116.911	\$116.911	\$123.600	\$123.600	\$6.689
(26) Motor Vehicle Fees	62.485	63.838	63.838	63.838	63.838	0.000		65.753	65.753	65.700	65.700	(0.053)
(27) Miscellaneous	9.761	11.356	10.162	10.162	10.162	(1.194)		11.736	11.736	10.500	10.500	(1.236)
(28) TOTAL HIGHWAY FUNDS	\$183.082	\$188.700	\$194.000	\$194.000	\$194.000	\$5.300		\$194.400	\$194.400	\$199.800	\$199.800	\$5.400
<b>FISH &amp; GAME FUNDS:</b> (Dollars in Millions)												
(29) Fish & Game Licenses	\$6.367	\$6.354	\$6.354	\$6.354	\$6.354	\$0.000		\$6.354	\$6.354	\$6.354	\$6.354	\$0.000
(30) Miscellaneous	0.988	0.967	0.967	0.967	0.967	0.000		0.975	0.975	0.975	0.975	0.000
(31) TOTAL FISH & GAME FUNDS	\$7.355	\$7.321	\$7.321	\$7.321	\$7.321	\$0.000		\$7.329	\$7.329	\$7.329	\$7.329	\$0.000
<b>SWEEPSTAKE FUNDS:</b> (Dollars in Millions)												
(32) Sweepstakes Revenue	\$54.207	\$55.000	\$53.100	\$53.100	\$53.100	(\$1.900)		\$56.000	\$56.000	\$56.000	\$56.000	\$0.000
(33) TOTAL SWEEPSTAKES FUNDS	\$54.207	\$55.000	\$53.100	\$53.100	\$53.100	(\$1.900)		\$56.000	\$56.000	\$56.000	\$56.000	\$0.000

### RESOLUTION

Rep. Wheeler 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 14, 1998 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**SB 465-FN**, relative to the disposition of firearms which are voluntarily surrendered to the state.

**SB 448**, establishing a committee to study joint maintenance agreements in school districts.

**SB 402**, extending the reporting date for the pet overpopulation committee.

**SB 322**, repealing the prospective repeal relative to an exemption for certain rules regarding the radiological health program from drafting and numbering requirements of the rulemaking process.

**SB 352**, relative to continuing education requirements for electrologists.

**SB 364**, establishing a committee to study the feasibility and advisability of consolidating building trades under a single licensing board.

**SB 405-FN**, relative to a specific time period by which the state is required to have an audited financial statement available to the public.

**SB 360**, establishing a child and family resource group to study and make recommendations concerning the development and coordination of wellness and primary prevention programs.

**SB 383**, establishing a committee to study the use of telemedicine.

**SB 385**, requiring the clerks of the superior courts to notify the appropriate regulatory board when a health care provider is convicted of a felony.

**SB 392**, relative to requirements for law enforcement personnel who conduct interviews of minors.

**SB 394**, providing for revocation of wills by divorce.

**SB 395**, enacting certain provisions of the prudent investor act.

**SB 438**, exercising the authority of the state of New Hampshire to elect out of the federal Volunteer Protection Act of 1997.

**SB 446**, relative to estate planning by a guardian.

**SB 498**, clarifying the definition of "right of custody" with respect to the crime of interference with custody.

**SB 502-FN**, allowing federal judges to perform marriages after obtaining a special license.

**SB 441-FN-L**, relative to the authority of and protections for fire chiefs.

**SB 493**, establishing a commission to determine the feasibility of a new public-private partnership to conserve New Hampshire's priority natural, cultural, and historical resources.

**SB 321-FN-L**, relative to creating a joint maintenance high school in certain towns.

**SB 451-FN-L**, relative to the accessibility of pupil assessment materials and the anonymity of pupil assessment results.

**SB 505**, eliminating the separate fee for licensed master plumbers who are the sole shareholders of a plumbing corporation.

**HB 1000-FN-L**, relative to a 10-year transportation plan, authorizing construction on the Spaulding Turnpike, and relative to the radio system upgrade for the department of transportation.

**SB 210-FN**, relative to an exemption from licensing for day care in private homes.

**SB 487**, relative to the general powers and duties of a guardian over the estate of the minor.

**SB 374**, relative to large water withdrawals and relative to exemptions from local planning and zoning requirements for public utilities.

**SB 341**, relative to the decommissioning finance committee.

**SB 313**, requiring compliance with the Military Selective Service Act as a condition to receiving certain state education and employment benefits.

### UNANIMOUS CONSENT

Reps. Jacobson and Lockwood addressed the House



**RECESS MOTION**

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 4:25 p.m.

**RECESS**

**(Rep. Gagnon in the Chair)**

**ENROLLED BILL AMENDMENT**

*SB 311*, establishing the Uniform International Wills Act. (Amendment printed SJ 15, 5/14/98)

Adopted.

**RESOLUTION**

Rep. Wheeler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 479 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF SENATE BILL**

**First, second reading and referral**

*SB 479-FN*, establishing a committee to study the supervision of juvenile delinquents on probation or parole. (Criminal Justice and Public Safety)

**RECESS**

**(Rep. Rabideau in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 371, 1210, 1229, 1423, 1608, 1639 and 1650 and Senate Bill numbered 337.

Rep. Nowe, Sen. Barnes for the Committee

**RECESS**

**(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 13**

Thursday, May 14, 1998

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the podium for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Brent Carey, Curate of the Christ Episcopal Church in Exeter.

To the living God, known to us by many names, we give thanks today for the opportunity and privilege of serving the people of New Hampshire as elected representatives, appointed officials and administrators. This opportunity is a sacred one, something that we should keep in mind always and treasure in our hearts. We give thanks as well for the many resources available to us in New Hampshire today; remembering especially the natural beauty of our state and the creativity and energy of our residents, especially our children. As this deliberative body meets today, let each member be conscious of the burdens of elected office and be lifted up by the delight with which they serve. Grant to every member here a sense of clear purpose and fair play so that all decisions made are made in the spirit of compassion and love. Guide the members of the House to wise decisions to the glory of God and in service to the people of New Hampshire. Bless this state and all its people. And let every decision made here today raise the standard of caring and abundance which each of us so richly deserves. All these things we ask in the name of the living God. Amen.

Rep. Donald White led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps John Flanders, Robert Foster, Healy, Noyes, Paul Taylor and Trelfa, the day, illness.

Reps. Avery, Channing Brown, Case, Cegelis, Coes, Colburn, Griffin, MacAuslan and Kenneth MacDonald, the day, important business.

Rep. David Cote, the day, death in the family.

Rep. Clay, illness in the family.

**INTRODUCTION OF GUESTS**

Cynthia Herman, wife of Rep. Herman. Linda Horsely, guest of Rep. Hunt. Judy Pilliod, wife of Rep. Pilliod. Phyllis Raynowska, wife of Rep. Raynowska. Grade 4 students from the Epsom Central School, guests of Rep. Yeaton. Yvonne Duritz, Julie Ward, Steve Bolton, Nashua Mayor Donald Davidson and former New Hampshire Senator Mary Nelson, guests of the Nashua Delegation. Bob Thomas, guest of Rep. Bergin. Theresa and Michael Palermo and Palma and J. Andrew Roberge, guests of Rep. Krueger. Nathalie Sullivan, wife of Rep. Sullivan.

**SPECIAL GUESTS**

The B-Naturals, a student choral group from Alvirne High School in Hudson performed for the House. The students and their director, Candace Friborg, were the guests of Rep. Searles and the House.

**SPECIAL ORDER**

Reps. Wheeler and Burling moved that the Consent and Regular Calendars be made Special Orders for consideration at the present time.

Adopted.

**COMMITTEE REPORTS****CONSENT CALENDAR**

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

Consent Calendar adopted.

**SB 336**, relative to small group and individual insurance. OUGHT TO PASS WITH AMENDMENT Rep. Keith R. Herman for Commerce: This bill defines the term "credible coverage" as it relates to health insurance in the RSA. The Insurance Department requested this legislation to address federal regulation changes. The committee amendment clarifies the definition and changes grammatical errors. Vote 11-0.

#### Amendment (1273h)

Amend RSA 420-G:2, III as inserted by section I of the bill by replacing it with the following:

III. "Creditable coverage" means any public or private health insurance or health benefit plan, whether insured or self-insured, unless that coverage consists solely of benefits excluded from the definitions of "health coverage" in paragraph IX or "individual health coverage" in paragraph XI. *Notwithstanding the exclusion in paragraph IX, short-term, nonrenewable individual policies for medical, hospital, or major medical coverage issued pursuant to RSA 415:5, III or other law shall be considered "credible coverage."*

**SB 340**, relative to the filing fee for securities in a combined prospectus offered for sale in New Hampshire by a mutual fund. REFER FOR INTERIM STUDY

Rep. Eric N. Lindblade for Commerce: This bill would require a filing fee only for funds offered for sale in New Hampshire. Filing fees are currently levied on all funds in a prospectus if that prospectus is distributed in New Hampshire. The committee felt that additional study was needed to determine how many funds would be affected and what impact this would have on the sale of funds in the state. Vote 13-2.

**SB 372**, relative to forms and rates for large scale commercial insurance policies. OUGHT TO PASS WITH AMENDMENT

Rep. George Hurt for Commerce: This legislation authorizes a limited program of commercial liability insurance deregulation to enable large scale commercial insurance customers, particularly businesses operating in several states, to purchase packages of liability insurance specially tailored to their specific needs, and at negotiated prices, without approval from the Insurance Department for forms and rates that may be included in such packages. Further, and equally important, is the issue of premium tax payments. Large scale insurance customers will now be able to purchase affordable insurance without sacrificing coverage offered by insurance companies licensed to operate in this state. Moreover, this legislation now will encourage those large scale insurance customers to keep their businesses in New Hampshire and attract commercial insurance companies to underwrite these risks, thus enhancing the premium tax base. To the extent this legislation authorizes the Insurance Department to issue a bulletin to insurers in assisting the implementation of this program, it further requires that the Insurance Department monitor said program and report their results to the General Court within 6 months after the expiration of four years following the effective date of this act. Vote 10-1.

#### Amendment (1376h)

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

1 New Paragraph; Exemption from Approval of Form. Amend RSA 412:2 by inserting after paragraph I the following new paragraph:

I-a.(a) The requirements of paragraph I shall not apply to policies covered by RSA 412:1 which are issued to a large scale commercial insured. The form of any policy issued to a large scale commercial insured pursuant to this paragraph shall be kept available by the insurer for inspection by the insurance commissioner, upon request.

(b) For the purposes of this paragraph, a large scale commercial insured is an insured certifying that it presently pays annual aggregate insurance premiums of \$500,000 or more and meets any of the following additional criteria:

(1) Generates annual net revenues or sales in excess of \$100,000,000.

(2) Employs more than 500 employees per individual insured or is a member of an affiliated group employing more than 1000 employees in the aggregate.

(3) Procures its insurance through use of a full time employee acting as an insurance manager or buyer, or through the services of a regularly and continuously retained qualified insurance consultant.



(4) Possesses a net worth in excess of \$50,000,000.

(5) Is a not-for-profit organization or a public body or agency generating annual budgeted expenditures of at least \$45,000,000.

(6) Is a municipality with a population in excess of 50,000 persons.

(c) Policies issued pursuant to this paragraph shall contain a disclaimer in language similar to the following: "The form of this policy has not been filed with or approved by the New Hampshire insurance department."

(d) The provisions of this paragraph shall not apply to policies governed by RSA 412:8.

(e) The insurance department may issue a bulletin to assist in and to monitor implementation of this paragraph, without limiting the provisions thereof.

2 New Paragraph; Exemption from Rate Filing Requirement. Amend RSA 414:4 by inserting after paragraph X the following new paragraph:

XI.(a) The requirements of this section shall not apply to policies of insurance which are issued to a large scale commercial insured. Information relating to classifications, rules and rates applicable to any policy issued to a large scale commercial insured pursuant to this paragraph shall be kept available by the insurer for inspection by the insurance commissioner, upon request.

(b) For the purposes of this paragraph, a large scale commercial insured is an insured certifying that it presently pays annual aggregate insurance premiums of \$500,000 or more and meets any of the following additional criteria:

(1) Generates annual net revenues or sales in excess of \$100,000,000.

(2) Employs more than 500 employees per individual insured or is a member of an affiliated group employing more than 1000 employees in the aggregate.

(3) Procures its insurance through use of a full time employee acting as an insurance manager or buyer, or through the services of a regularly and continuously retained qualified insurance consultant.

(4) Possesses a net worth in excess of \$50,000,000.

(5) Is a not-for-profit organization or a public body or agency generating annual budgeted expenditures of at least \$45,000,000.

(6) Is a municipality with a population in excess of 50,000 persons.

(c) Policies issued pursuant to this paragraph shall contain a disclaimer in language similar to the following: "The rates provided for in this policy have not been filed with or approved by the New Hampshire insurance department."

(d) The provisions of this paragraph shall not apply to policies governed by RSA 412:8.

(e) The insurance department is authorized to issue a bulletin to insurers to assist in and to monitor implementation of this paragraph, without limiting the provisions thereof.

3 Report of Insurance Department. Within 6 months after the expiration of 4 years following the effective date of this act, the commissioner of insurance shall report to the speaker of the house and president of the senate with recommendations on whether RSA 412:2, 1-a and RSA 414:4, XI should be amended.

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

#### AMENDED ANALYSIS

This bill exempts policies issued to large scale commercial insureds from certain form and rate filing requirements.

The bill also requires the insurance department to report to the legislature 4 years after the effective date of this act concerning the changes made by this act.

#### **SB 393**, relative to health insurance deductibles. OUGHT TO PASS

Rep. David T. Mittelman for Commerce: This bill provides a mechanism to preserve deductibles accrued by an insured in the event the insured's health carrier terminates business operations in the state. Vote 11-0.

#### **SB 399**, correcting a reference in the insurance laws. OUGHT TO PASS

Rep. Keith R. Herman for Commerce: This bill is a request of the Insurance Department. The bill simply changes a reference to current RSA. There was no opposition to this change. Vote 11-0.

**SB 333**, allowing any registered voter who is unable to vote in person, by reason of extended work hours, lack of transportation, or illness in the family, to vote by absentee ballot **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Election Law: This bill, as amended, clarifies existing law by specifying that a voter absent from town *during polling hours* may have an absentee ballot. Vote 10-0.

#### Amendment (1629h)

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

AN ACT relative to absentee voting.

Amend the bill by replacing sections 1-2 with the following:

1 Absentee Voting; Eligibility; Unable to Appear Causes Added. Amend RSA 657:1 to read as follows:

657:1 Absence, Religious Observance, and Disability Absentee Voting. Any person who is absent *during polling hours* on the day of any state election from the city, town, or unincorporated place in which ~~he~~ *the person* is registered to vote or who cannot appear in public on any election day because of ~~his~~ *the person's* observance of a religious commitment or who is unable to vote there in person by reason of physical disability, may vote at such elections as provided in this chapter.

2 Town Elections; Official Ballot; Absentee Voting; Unable to Appear Causes Added. Amend RSA 669:26 to read as follows:

669:26 Absentee Voting. Every town which has adopted an official ballot system for town elections as provided in RSA 669:12 or 669:13 shall provide for absentee voting. Any registered voter or armed services voter who is absent from such a town *during polling hours* on the day of a town election, or who cannot appear in public on election day because of ~~his~~ *the person's* observance of a religious commitment, or who, by reason of physical disability, is unable to vote in person may vote at a town election in accordance with the provisions of this section and RSA 669:27-29.

#### AMENDED ANALYSIS

This bill provides that a registered voter who is absent from the city, town, or place during polling hours may vote by absentee ballot.

**SB 423-FN**, relative to eligibility for cost of living adjustments for retired members or beneficiaries in the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill will make supplemental allowances, authorized by the fiscal committee, payable on the anniversary of a member's retirement starting 24 months after the members retirement. Vote 17-0.

#### Amendment (1594h)

Amend RSA 100-A:41-a, I as inserted by section 1 of the bill by replacing it with the following:

I. [~~On July 1, 1994, and on every July 1 thereafter,~~] Any retired member of the New Hampshire retirement system or any of its predecessor systems, who has been retired for at least 24 months, or any beneficiary of such member who is receiving an allowance, shall be entitled to receive supplemental allowances, also known as cost of living adjustments or COLA's, *on the retired member's latest anniversary date*. The amount of such supplemental allowances shall be limited to from one percent to 5 percent, with increments of no less than 1/2 of one percent.

#### AMENDED ANALYSIS

This bill allows retired members or their beneficiaries in the retirement system to receive cost of living adjustments on the retired member's latest anniversary date.

Referred to Finance.

**SB 501-FN-A**, relative to authorizing an attorney for prosecutions by the board of medicine and making an appropriation therefor. **OUGHT TO PASS**

Rep. Nancy C. Stickney for Executive Departments and Administration: This bill will provide a full time attorney for the Board of Medicine. At present, the board has a backlog of over 50 cases awaiting adjudication. This backlog could be potentially dangerous because some of the practitioners are still in practice. The costs associated with this position will be funded by the Board of Medicine. Vote 14-0.

**SB 497**, relative to disbursement of tobacco settlement funds received by the state. **OUGHT TO PASS WITH AMENDMENT**

Rep. William S. Belvin for Finance: The purpose of SB 497 as amended is to ensure that any tobacco-related funds from settlements with tobacco companies, or from taxes imposed by the Congress that come to the states, would require the legislature to appropriate these funds before they could be expended. This ensures that the executive branch would not gain access to major unappropriated funds, without legislative participation and approval. The amendment replaces the entire bill. As originally passed in the Senate, the only settlement funds referenced were the \$368.5 billion in the 1997 proposed settlement between the tobacco companies and the states' attorneys general. The amendment broadens the language to include the previously referenced funds and any additional tobacco-related payments whether they come from a settlement or new federal legislation. Vote 24-0.

#### **Amendment (1622h)**

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

AN ACT relative to disbursement of tobacco-related funds received by the state.

Amend the bill by replacing section 1 with the following:

1 New Section; Disbursement of Tobacco-Related Funds. Amend RSA 124 by inserting after section 13-a the following new section:

124:13-b Disbursement of Tobacco-Related Funds. Any tobacco-related funds, including funds from settlements and grants, received by the state shall be subject to the same department and agency planning requirements as federal block grants under this subdivision. No tobacco-related funds shall be expended until specifically appropriated by the legislature. This section shall not apply to tobacco-related funds raised by the state of New Hampshire.

#### **AMENDED ANALYSIS**

This bill establishes requirements for the expenditure of any tobacco-related funds received by the state.

**SB 328**, allowing liquor and beverage licensees and other liquor and beverage industry members not licensed in New Hampshire to furnish draft beer equipment and representatives to dispense and promote their beverages at licensed beer festivals. **OUGHT TO PASS**

Rep. Stephen G. Avery for Local and Regulated Revenues: This bill allows liquor and beverage licensees and other liquor and beverage industry members, not licensed in New Hampshire, to furnish draft beer equipment and representatives to dispense and promote their beverages at licensed beer festivals. Vote 12-0.

**SB 356-L**, relative to the bond required as a condition for filing an intent to cut or receiving a permit to cut. **OUGHT TO PASS**

Rep. Stephen G. Avery for Local and Regulated Revenues: This bill allows the assessing officials in a municipality to require an owner, who owns land in the town where the owner intends to cut, to post a bond as a condition for filing an intent to cut or receiving a permit to cut, if the owner is delinquent on town timber taxes or property taxes. Vote 11-1.

**SB 415**, relative to the authority of zoning boards of adjustment to grant variances from certain zoning ordinances. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul A. McGuirk for Municipal and County Government: When this bill is enacted, zoning boards of adjustment will be empowered to grant variances to zoning ordinances for a person or persons having a recognized physical disability. However, any variances granted under RSA 674:33 V will survive only so long as the particular person has a continuing need to use the premises. Other variances or special exceptions, once granted, go with the property. Vote 12-0.

#### **Amendment (1463h)**

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Zoning Board of Adjustment; Variances. Amend RSA 674:33 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding subparagraph I(b), any zoning board of adjustment may grant a variance from the terms of a zoning ordinance without finding a hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that:



(a) Any variance granted under this paragraph shall be in harmony with the general purpose and intent of the zoning ordinance.

(b) In granting any variance pursuant to this paragraph, the zoning board of adjustment may provide, in a finding included in the variance, that the variance shall survive only so long as the particular person has a continuing need to use the premises.

### AMENDED ANALYSIS

This bill allows zoning boards of adjustment to grant variances to zoning ordinances for a person or persons having a recognized physical disability, which may be granted for as long as the particular person has a need to use the premises.

### SB 492, amending the charter of the union school district of Keene. OUGHT TO PASS WITH AMENDMENT

Rep. Robert A. Lockwood for Municipal and County Government: This bill amends the charter of the Union School District of Keene to allow the City Clerk to facilitate the official ballot election of the second session of the annual meeting, and to provide for the coordination of ballots between the School District and the City of Keene. The committee amendment restores the bill to its original language as requested by the sponsors and the Clerk of the School District. Vote 15-0.

### Amendment (1563h)

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

1 Second Session Official Ballot. Amend 1967, 566:2 as amended by 1971, 186:1, and 1977, 309:1 to read as follows:

566:2 Elections.

*I. [After the effective date of this act,] The district shall elect its district officers, except the treasurer and 3 trustees of trust funds, annually at the regular municipal election for the city of Keene held in November in odd numbered years and at the regular biennial election held in said city in November in even numbered years. The election officials for said city shall conduct the election for school district officers under the same provisions that govern the election of city officials. All members of the school board shall be elected at large.*

*II. The official ballot election for the second session of the annual meeting as may be required under RSA 40:13 shall be conducted by the district clerk who in cooperation with city election officials shall employ such officials and equipment as are necessary for the second session.*

2 Preparation of School District Ballot; Coordination of School District Ballot With City Election. Amend 1967, 556:4 as amended by 1977, 229:1, and 1995, 40:1 to read as follows:

556:4 Declarations of Candidacy; Ballots. A candidate for school district office shall file a declaration of candidacy for the office with the district clerk during the same filing period as is established for a non-partisan town election. ~~[The district clerk shall prepare ballots for the election of said officials in the same form as nearly may be, as is presently used for ballots for the election of school officials for the union school district of Keene, except that such ballots shall be designed to be folded.]~~ *The district clerk and the city clerk of the city of Keene shall coordinate the preparation of ballots for the election of said officials with such other voting materials as are in use for the election and may combine school district and city ballots. The costs of the preparation of such combined ballots shall be divided as the city and school district clerks shall determine. If the clerks do not coordinate the preparation of a combined city and school ballot, then the school district clerk shall prepare ballots for the election of school district officials in an appropriate form as will enable city election officials to handle the ballots and count them efficiently.* The district clerk shall deliver said ballots to the city clerk of the city of Keene, who shall deliver the same to the election officials in the several wards at the same time the ballots for the election of city or state officials are delivered.

3 Referendum. The clerks of the union school district of Keene and the city of Keene shall prepare referendum ballots for use by the voters at the municipal election of the city of Keene to be held in November, 1998, upon which shall be printed the question: "Are you in favor of amending the charter of the union school district of Keene to permit the school district and city clerks to coordinate the preparation of ballots for the municipal election; and shall the provisions of an act entitled "An act amending the charter of the union school district of Keene" enacted by the 1998

session of the legislature be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with an oval immediately opposite each such word in which the voter may indicate his or her choice. If a majority of the voters present and voting on the question shall signify their approval thereof, this act shall be declared adopted. Ballots cast on said question shall be counted and the results announced by the city election officials in the manner prescribed in RSA 659. Ward moderators shall forthwith certify the results of said vote in their respective wards to the district clerk; and the district clerk shall within 10 days after said election certify to the secretary of state the result of the vote on said question.

#### 4 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 3.

II. The remainder of this act shall take effect July 1, 1998.

### AMENDED ANALYSIS

This bill amends the charter of the union school district of Keene to allow the school district clerk to facilitate the official ballot election of the second session of the annual meeting, and to provide for the coordination of ballots between the school district and the city of Keene.

### SPECIAL ORDER

Reps. Wheeler and Burling moved that **HB 1075-FN-A-L**, implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all children of New Hampshire, be made a Special Order for the first order of business on the Regular Calendar. Adopted.

### REGULAR CALENDAR

**HB 1075-FN-A-L**, implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all the children of New Hampshire. OUGHT TO PASS WITH AMENDMENT

Rep. Neal M. Kurk for Finance: This bill as amended establishes a legislative response to the Claremont II decision. It proposes a profound change in the way in which New Hampshire defines, delivers and finances primary and secondary public education. This change reflects the shared vision of the House Education and Finance committees.

There are three basic parts to the new education policy. First, an adequate education is defined as the essential knowledge and skills we expect high school graduates to have so they can pursue higher education and participate successfully in the workforce. These include English, mathematics, science, government, economics, geography, history, arts, languages, literature, wellness and technology.

Second, performance and accountability measures are established that continue local control. School districts must file local improvement and assessment plans with the Department of Education, which can comment on the plans but has no authority to approve them. An annual "report card" will rank districts and schools on statewide assessment and other tests. This will provide benchmarks for local school districts. As now, minimum standards must be met. Technical assistance is made available both to school districts which request it and to school districts which have been designated by the Department of Education as not meeting quality standards.

Third, the state will ensure that every school district has the funds necessary to provide an adequate education. A new statewide, uniform property tax will provide most of the necessary resources. The tax rate will be computed by dividing the total cost of providing an adequate education in the state by the total equalized property value in the state. Supplemental state aid will be provided to school districts that cannot raise the revenue necessary for an adequate education through the uniform education property tax rate. Communities where the amount raised by the tax rate exceeds the cost of an adequate education will receive abatements. A severability clause provides that, if these abatements are declared unconstitutional, the rest of the bill, other than certain study commissions, will be invalid. As a result, no funds will be redistributed from property-rich to property-poor school districts. The bill appropriates the funds necessary to make the supplemental payments.

The uniform education property tax will be phased in. For the tax year beginning April 1, 1999, a total of \$161 million (including \$95 million in new funds) will be distributed under the current foundation aid formula, primarily to property-poor school districts. The bill as amended appropriates this sum. Meanwhile, a study commission will report to the next session of the General Court its recommendations on a formula to determine the cost of an adequate education and the method

of distributing grants to school districts. \$50,000 is appropriated to the commission to pay for necessary consultants. On the basis of the report, it is expected that an appropriate formula will be adopted by the General Court, and the uniform education property tax will be implemented in the tax year beginning April 1, 2000.

Should that not happen, the bill as amended contains a back-up formula which would go into effect at that time. In general terms, the back-up formula establishes a per pupil cost of an adequate education at the elementary, middle and high school levels. State grants to school districts are based on the number of pupils at each level. The grants include the costs of special education, vocational education, pupil support services, instructional support services, plant operations and administration costs. In addition to those grants, the back-up formula provides for the continuation of catastrophic aid, building aid and kindergarten aid. The current foundation aid program is terminated, but no district will receive less money under the back-up formula than it will under the 1998/9 foundation aid distribution. The back-up formula requires a total of \$189 million (including \$123 million in new funds) in supplemental state aid. The bill as amended appropriates this sum.

Other important parts of the bill as amended allow school districts to spend more money than is required to provide an adequate education. School districts are not required to provide programs or services identical to other districts, but they must appropriate at least the amount required to provide an adequate education. However, appropriations for current operational expenses (including contingency accounts) and transfers to reserves or trust funds count, and appropriations to contingency, which are not in fact spent, lapse to surplus. This reduces the property tax rate the next year.

Several significant study and oversight mechanisms are established. A legislative oversight committee will continually examine the goals, operation and financing of the program and report its findings every two years. Another committee will study special education issues and report by December 1, 1998. A study of public school facilities and the distribution of building aid will be commissioned. A report on new school accounting standards will be made by December 1, 1999. And an on-going review of minimum standards will be undertaken.

Finally, the bill as amended makes appropriations to administer its provisions. Two positions are established in the Department of Education this biennium at a cost of \$115,000 to carry out financial and educational reporting requirements. And the Department of Revenue Administration is appropriated \$240,000 to fulfill its additional responsibilities this biennium. Vote 19-6.

#### **Amendment (1631h)**

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

##### **1 Preamble.**

In December 1997, the New Hampshire supreme court declared that the right to an adequate education is a fundamental right of all New Hampshire children. Furthermore, the supreme court determined that it is the state's duty to define and to provide a constitutionally adequate education. The supreme court held that, under part II, article 5, of the New Hampshire constitution, all taxes levied by the state, with respect to funding a constitutionally adequate education, must be proportional in substance and just and reasonable in application. The supreme court reaffirmed that, under the principles of separation of powers, the legislature has wide latitude in choosing the means by which the funding of a constitutionally adequate education is to be achieved.

An educated populace is essential to the long-term health and prosperity of the state. Recognizing that it is the state's obligation to provide a constitutionally adequate education, this act establishes a framework to ensure that the children of New Hampshire will have the opportunity to acquire the knowledge and skills necessary to prepare them for successful participation in society.

Local control of public schools is the best method of ensuring parental and community involvement in the education of the children of New Hampshire. The use of property value as a base for the calculation of the contribution of New Hampshire citizens to support their schools encourages and nurtures local and parental interest and participation in the education of children. That participation is a crucial component of effective schools. The roles of the state board of education and the state department of education are to work with local officials, parents, and other members of the community to ensure that the public schools provide children with the best education possible.

The use of the total statewide equalized value of real property is reasonable to establish the base rate of a tax on property to fund a constitutionally adequate education for all public school students of the state. Any legislative application of the supreme court's decision that uses real prop-



erty taxed at an equal base rate must, in order to be just and reasonable, include a constitutionally valid state tax policy which incorporates and provides exemptions for the elderly, veterans, the legally blind, and the totally and permanently disabled; abatements to avoid inequitable tax burdens; and assessments for current use to support the conservation of our precious land. Rational exceptions dictated by sound public policy will minimize the effect of the single tax rate and will avoid undue and unjust burdens on New Hampshire's citizens.

Furthermore, the state recognizes that the provision of a constitutionally adequate education to the children in the cities and towns whose property base is insufficient to support the funding of such an education is an obligation of all citizens of the state of New Hampshire, and not solely the responsibility of the citizens of those cities and towns whose property base is more than sufficient to provide such an education. Accordingly, this act provides state grants in order to ensure each child a constitutionally adequate education funded in a just, fair, and reasonable manner.

2 New Chapter; Providing Constitutionally Adequate Public Education to All the Students of New Hampshire. Amend RSA by inserting after chapter 193-D the following new chapter:

## CHAPTER 193-E

### ADVANCING BETTER CLASSROOMS

#### 193-E:1 Policy and Purpose.

I. It is the policy of the state of New Hampshire that public elementary and secondary education shall provide all students with the opportunity to acquire the knowledge and skills necessary to prepare them for successful participation in the social, economic, scientific, technological, and political systems of a free government, now and in the years to come; an education that is consistent with the curriculum and student proficiency standards specified in state school approval rules and New Hampshire curriculum frameworks.

II. Respecting New Hampshire's long tradition of community involvement, it is the purpose of this chapter to ensure that appropriate means are established to provide a constitutionally adequate education through an integrated system of shared responsibility between state and local government. In this system, the state establishes, through school approval and student proficiency standards and curriculum guidelines, the framework for the delivery of educational services at the local level. School districts then have flexibility in implementing diverse educational approaches tailored to meet student needs.

193-E:2 Criteria for a Constitutionally Adequate Education. A constitutionally adequate education shall provide all students with the opportunity to acquire:

I. Skill in reading, writing, and speaking English to enable them to communicate effectively and think creatively and critically.

II. Skill in mathematics and familiarity with methods of science to enable them to analyze information, solve problems, and make rational decisions.

III. Knowledge of the biological, physical, and earth sciences to enable them to understand and appreciate the world around them.

IV. Knowledge of civics and government, economics, geography, and history to enable them to participate in the democratic process and to make informed choices as responsible citizens.

V. Grounding in the arts, languages, and literature to enable them to appreciate our cultural heritage and develop lifelong interests and involvement in these areas.

VI. Sound wellness and environmental practices to enable them to enhance their own well-being, as well as that of others.

VII. Skills for lifelong learning, including interpersonal and technological skills, to enable them to learn, work, and participate effectively in a changing society.

#### 193-E:3 Methodology for Calculating the Per Pupil Cost of an Adequate Education.

##### I. In this section:

(a) "Total statewide aggregated cost" means the total of the costs of delivering an adequate education at the elementary school level as calculated in subparagraph II(a).

(b) "Adjusted total statewide aggregated cost" means the total statewide aggregated cost at the elementary school level adjusted by deducting certain revenue as explained in subparagraph II(b).

(c) "Statewide total average daily membership in residence" means the state total number of students as calculated in RSA 189:1-d, IV.

(d) "Elementary school" has the same meaning as in RSA 189:25.

(e) "Recognized middle or junior high school" has the same meaning as in RSA 189:25.

(f) "High school" has the same meaning as in RSA 194:23.

II.(a) For the biennium beginning July 1, 1999, the department of education shall calculate the statewide per pupil cost of an adequate education at the elementary school level based on district-level financial information reported to the department of education for the 1996-1997 school year and aggregated for the state as a whole. The cost factors to be aggregated shall be: instruction, including regular, special, and vocational education; pupil support services; instructional support services; other support services; operations and maintenance of plant; and administrative costs capped at 8 percent of the total costs. This amount shall be designated the total statewide aggregated cost. The following formula represents this calculation:

Total statewide aggregated cost = [total cost of instruction + total cost of pupil support services + total cost of instructional support services + other support services + total cost of operations and maintenance of plant] ÷ 0.92.

(b)(1) The total statewide aggregated cost shall be adjusted by deducting the amount of the following revenues attributable to the elementary school level:

(A) Tuition fees counted as revenue by receiving districts.

(B) Other revenue from local sources, except food service revenue and sale of fixed food service assets.

(C) Revenue from state except for foundation aid, school building aid, vocational school transportation, vocational school building, and child nutrition.

(D) Cost of operating restricted federal grant programs except child nutrition deducted on the basis of revenue.

(E) Unrestricted grants and other revenue from the federal government.

(2) This amount shall be designated the adjusted total statewide aggregated cost. The following formula represents this calculation:

Adjusted total statewide aggregated cost = total statewide aggregated cost - [tuition fees + other revenue from local sources except food service revenue and sale of fixed food service assets + revenue from state except for foundation aid, school building aid, vocational school transportation, vocational school building, and child nutrition + revenue from federal sources except revenue for child nutrition].

(c) The statewide per pupil cost of an adequate education at the elementary school level for the biennium shall be calculated by dividing the adjusted total statewide aggregated cost by the state total average daily membership in residence at the elementary school level calculated by the department of education for the 1996-1997 school year. The following formula represents this calculation:

Statewide per pupil cost of an adequate education at the elementary school level = adjusted total statewide aggregated cost ÷ statewide average daily membership in residence at the elementary school level.

III. For each subsequent biennium, the statewide per pupil cost of an adequate education at the elementary school level shall be adjusted by the change in the New England Consumer Price Index.

IV. In calculating the state education tax rate pursuant to RSA 76:3-a and in determining the state grants to municipalities for education under RSA 193-E:7, the average daily membership in residence shall be adjusted in accordance with the weights calculated by the department of education which reflect the proportional costs determined using the same cost factors and methodology provided in paragraph II for educating students at the elementary, recognized middle or junior high, and high school levels.

V.(a) The governing body of each school district or the board of trustees of approved public academies shall ensure that the information needed by the department of education, as specified in RSA 198:4-d and RSA 189:28, to calculate the statewide per pupil cost of an adequate education is submitted to the department of education and to the department of revenue administration on or before September 1 of each year.

(b) When a school district is audited by an independent public accountant, the information required under this section shall be reviewed during the school district's annual audit and shall be commented on by the auditor.

VI. The commissioner of the department of education shall report the figures for the statewide per pupil cost of an adequate education, the statewide average daily membership in residence, and the average daily membership in residence for each municipality to the commissioner of the department of revenue administration by December 1 of each year.

193-E:4 Delivery of a Constitutionally Adequate Education. In order to implement New Hampshire's policy of providing all students with the opportunity to acquire a constitutionally adequate education, each school district shall implement the following quality standards:

I. By June 30, 2000, and every 3 years thereafter, each school district, through a process involving parents, teachers, employers, and other community members, shall prepare and implement a local education improvement and assessment plan and file such plan with the department of education. The department of education shall comment to the district on the plan in a timely fashion. Districts may reference the statewide education improvement and assessment plan established in RSA 193-E:5, I, in preparing the district plan. At a minimum, the plan shall include:

(a) Curriculum and achievement standards for all students.

(b) School and district performance goals based on reported data on educational indicators listed in paragraph II.

(c) Procedures for aligning curriculum, instructional practices, and student and programmatic assessments, including annual reporting of results.

(d) Local assessment measures which focus on individual student performance.

(e) Role of support services and programs.

(f) Role of instructional leadership.

(g) Strategies to promote family and community involvement.

(h) Staff supervision and evaluation and performance-based professional development.

II. By April 1, 2000, and annually thereafter, each school district shall report to the department of education its data for the previous 12 months on its school and district performance indicators. The requirements for data keeping and the form of the report shall be established in accordance with rules adopted by the state board of education.

(a) Performance indicators shall include the following areas:

(1) Attendance and drop-out rates.

(2) School environment indicators, such as safe-schools data.

(3) Proportion of graduating students going on to post-secondary education, military service, and the workplace.

(4) Performance on state tests administered pursuant to RSA 193-C and other standardized tests administered at local option.

(b) In addition, local districts shall report on locally developed performance indicators and assessment measures.

(c) These indicators and assessment measures shall be reported along with other data collected and analyzed by the department of education in the annual report on the condition of education established in paragraph V.

III. Each elementary, middle, junior high, and/or high school in the school district shall meet the standards for school approval adopted by the state board of education.

IV. Beginning December 1, 2001, and annually thereafter, the commissioner of education shall determine the extent to which each school district is meeting the quality standards established in paragraphs I, II, and III. Any school district that does not meet the quality standards shall be designated by the commissioner of education as a district in need of assistance. The commissioner of education, annually, shall provide a report of such determinations to the department of revenue administration.

V. No later than December 1, 2000, and annually thereafter, the department of education shall issue a report on the condition of education statewide and on a district-by-district and school-by-school basis. This report shall include demographic and student performance data including, but not limited to, school and district performance on state tests administered pursuant to RSA 193-C, other standardized tests administered at local option by at least 25 percent of school districts, data provided under paragraph II, as well as other relevant statistics. Comparisons with state averages and with the condition of each district and school in comparison with previous years shall be provided, including, but not limited to, statewide rankings of each district and school on the state tests administered pursuant to RSA 193-C and on other standardized tests administered at local option by at least 25 percent of school districts. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local education improvement and assessment plan.



VI. Within 45 days of the issuance of the annual report on the condition of education, each school district shall provide an opportunity for public discussion of the report at a meeting of the governing body called for the exclusive purpose of reviewing the report. At least 7 days advance public notice shall be given.

VII. A school district that meets or exceeds the quality standards shall receive formal recognition from the state board of education and the governor. Any school district, school, or teacher that demonstrates a best practice worthy of recognition shall also receive formal recognition from the state board of education and the governor. Such school districts, schools, or teachers may be eligible to receive funds from a special projects and district improvement fund administered by the department of education. Such funds shall be used to disseminate best practices throughout the state.

VIII.(a) A school district, in response to the annual report on the condition of education, may request from the department of education the assistance available under paragraph IX.

(1) If a school district requesting assistance has not been designated as a school district in need of assistance pursuant to paragraph IV, then the assistance requested under this section and provided by the department of education shall be based on availability of resources as determined by the commissioner of education.

(2) If a school district requesting assistance has been designated as a district in need of assistance, then that school district shall receive the assistance it requests from the department of education in accordance with subparagraph IX(a)(3).

(b) If a school district has received notice pursuant to paragraph XI, then that school district shall receive assistance from the department of education in accordance with subparagraph IX(a)(3).

IX. The department of education and the state board of education shall work cooperatively with either a school district requesting assistance or a school district designated as a district in need of assistance as follows:

(a)(1) Within one month of a school district's request for assistance pursuant to subparagraph VIII(a)(1), the commissioner of education may appoint a quality assurance team to review the educational programming and effectiveness of the school district. In cooperation with local officials, the team shall prepare and present a report at a regularly scheduled public meeting of the local school board and to the state board of education. This report shall be issued within 4 months of the team's appointment. Based on this report, the local school board and superintendent shall, within 6 months of the issuance of the report, prepare a corrective action plan and submit it to the state board of education for approval. The school district may decide to implement its corrective action plan on its own, through the use of a technical assistance advisor, or through the use of a peer review team. Any such decision shall be included in the corrective action plan.

(2) Within one month of a school district's request for assistance pursuant to subparagraph VIII(a)(2), the commissioner of education shall appoint a quality assurance team to review the educational programming and effectiveness of the school district. In cooperation with local officials, the team shall prepare and present a report at a regularly scheduled public meeting of the local school board and to the state board of education. This report shall be issued within 4 months of the team's appointment. Based on this report, the local school board and superintendent shall, within 6 months of the issuance of the report, prepare a corrective action plan and submit it to the state board of education for approval. The school district may decide to implement its corrective action plan on its own, through the use of a technical assistance advisor, or through the use of a peer review team. Any such decision shall be included in the corrective action plan.

(3) Within one month of the issuance of a notice to a school district pursuant to paragraph XI, the commissioner of education shall appoint a quality assurance team to review the educational programming and effectiveness of the school district. In cooperation with local officials, the team shall prepare and present a report at a regularly scheduled public meeting of the local school board and to the state board of education. This report shall be issued within 4 months of the team's appointment. Based on this report, the local school board and superintendent shall, within 6 months of the issuance of the report, prepare a corrective action plan and submit it to the state board of education for approval. The school district may decide to implement its corrective action plan on its own, through the use of a technical assistance advisor, or through the use of a peer review team. Any such decision shall be included in the corrective action plan. If the state board of education does not approve a corrective action plan, then the commissioner of education shall work

with the school district to revise its corrective action plan. If the school district fails to revise its corrective action plan or the state board of education does not approve the revised corrective action plan, then the commissioner of education shall submit a corrective action plan, including methods for implementing it, to the state board of education for approval without further action of the school district.

(b) If an approved corrective action plan includes the use of a technical assistance advisor, then the commissioner of education shall appoint a technical assistance advisor who is authorized to access the state special projects and district improvement fund to provide assistance to the local school district staff in the implementation of the corrective action plan until the goals of the corrective action plan are met.

(c) If an approved corrective action plan includes the use of a peer review team, then the commissioner of education shall name a peer review team consisting of an appointee of the local school district, an appointee of the state board of education, and a third member chosen by the local and state appointees to advise the school district's superintendent and the local school board relative to the implementation of the corrective action plan until the goals of the corrective action plan are met.

X. If, by the time of the annual school district meeting in a town or by April 30 in a city, the governing body of a school district that has been designated a district in need of assistance in accordance with paragraph IV has not submitted a request for assistance under paragraph VIII, then the legislative body of the school district may vote to direct the governing body to submit a request for assistance under paragraph VIII. If a majority of the legislative body votes in favor of requesting assistance, then that assistance shall be requested and provided in accordance with paragraphs VIII and IX.

XI. A school district shall have one year from the date of the designation as a district in need of assistance pursuant to paragraph IV to remedy identified problems at the local level. If a school district is designated as a district in need of assistance and that school district does not request assistance under paragraph VIII within one year of that designation, then on December 1 of the year following the designation, if that school district continues to be designated as a district in need of assistance, the commissioner of education shall issue a notice to that school district and shall initiate a process for assistance pursuant to subparagraph IX(a)(3), without further action of the school district.

XII. School districts are authorized to dedicate additional resources to schools and to develop educational programs beyond those required for a constitutionally adequate public education.

XIII. Nothing in this chapter shall be construed to entitle any student to educational programs or services identical to those received by students in the same or any other school district.

193-E:5 Assistance to Local School Districts. In order to assist local school districts, the department of education shall implement the following:

I. By June 30, 2000, and every 3 years thereafter, the state board of education shall review and update the statewide education improvement plan developed in accordance with RSA 193-C that describes how the department of education will help schools and school districts improve student achievement, through a process that provides opportunities for public input from parents, employers, educators, and other citizens. The plan shall include goals and strategies for the delivery of technical assistance and professional development, the sharing of best practices, the modification or expansion of existing programs, and the establishment of new programs.

II.(a) Notwithstanding any other provision of law, no later than June 30, 2001, and every 5 years thereafter, the state board of education shall review and update school approval standards based on input from parents, employers, educators, and other citizens.

(b) The state board of education shall work with a joint select committee of the house and senate education committees, whose members shall be appointed by the speaker of the house and the president of the senate, to identify amendments that should be made to the school approval standards to reflect the provisions of RSA 193-E. Further, any proposed amendments should be reviewed by the house and senate education committees, which may submit comments on the proposed amendments to the state board of education. The state board of education shall consider such comments in revising proposed amendments to the school approval standards.

III. Beginning no later than January 1, 1999, the commissioner of education shall ensure that the state curriculum frameworks adopted pursuant to RSA 193-C shall be reviewed on a staggered, 5-year cycle such that no more than 2 frameworks are being reviewed at the same time.

IV. No later than June 30, 1999, the state board of education shall adopt rules establishing the requirements for data keeping and the form of the report as required in RSA 193-E:4, II.

V. No later than December 1, 2001, the state board of education shall adopt rules for the approval of corrective action plans as required in RSA 193-E:4, IX(a).

VI. The department of education shall implement credible procedures to review compliance with school approval standards.

VII. A special projects and district improvement fund shall be established in the department of education and continually appropriated to the department. The department of education shall use moneys appropriated for this fund to provide grants pursuant to RSA 193-E:4, VII. The department of education shall also use moneys appropriated for this fund to support the implementation of corrective action plans. The technical assistance advisor assigned to work in these school districts shall be authorized to access this fund in accordance with procedures established by the department of education.

193-E:6 Definition. As used in RSA 193-E:7-9, "municipality" means a city, town, or unincorporated place.

193-E:7 State Grants to Municipalities for Education.

I. Except for municipalities that constitute school districts which provide education to their pupils by paying tuition to other institutions, the state shall pay annually to each municipality an amount of money that is the greater of zero and the average daily membership in residence for the municipality determined pursuant to RSA 189:28 times the statewide per pupil cost of an adequate education at the elementary school level as adjusted pursuant to RSA 193-E:3, IV minus the amount of state education tax apportioned to it pursuant to RSA 76:8.

II. For municipalities that constitute school districts which provide education to their pupils by paying tuition to other institutions, the state shall pay annually to each municipality the lesser of the following 2 calculations:

(a) The amount calculated in accordance with paragraph I; and

(b) The total amount paid for items of current education expense minus the amount of state education tax apportioned to the municipality pursuant to RSA 76:8; provided, however, that the amount shall not be less than zero.

193-E:8 Commissioner's Report; Appropriation; Timing of Payments.

I. The commissioner of revenue administration shall report to the governor, the house of representatives, and the senate, on or before the February 1 immediately preceding the beginning of a biennium, the amount to be paid to each municipality pursuant to RSA 193-E:7.

II. The general court is constitutionally obligated to fund the cost of an adequate education, and there are hereby appropriated the funds necessary to make the payments required by RSA 193-E:7. The governor is authorized to draw a warrant for such sums out of any money in the treasury not otherwise appropriated.

III. The payments required by RSA 193-E:7 shall be made over the biennium in 4 approximately equal installments. Installment payments shall be made on or before November 1 and April 1 of each year of the biennium.

IV. The payments required under RSA 193-E:7 shall be made to the municipalities. Each municipality receiving a payment shall, within 10 days of receipt, pay the money over to the municipality's school district or districts.

193-E:9 Use of Funds for Education Purposes.

I. Annually, each school district shall appropriate an amount that equals or exceeds the amount necessary to fund a constitutionally adequate education for the pupils in that district, as determined under RSA 193-E:3. Notwithstanding any other provision of law, in the event a school district fails to appropriate at least the required amount, that amount shall be assessed and collected by the municipality, paid over to the school district, appropriated to the school district and expended for educational purposes in accordance with paragraph IV without a vote of the school district.

II. On or before June 30 of each year, the individual with fiscal responsibility in each municipality shall submit a statement to the commissioner of education that the funds collected by the municipality pursuant to RSA 76:8 and the funds received from the state pursuant to RSA 193-E:7 have been paid over to the municipality's school district or districts and have not been used for any other purpose except as provided in paragraph IV. The statement shall include the following: "*I certify, under the pains and penalties of perjury, that all of the information contained in this document is true, accurate, and complete.*"



III. If a municipality uses any part of the funds collected pursuant to RSA 76:8 and received pursuant to RSA 193-E:7 for non-educational purposes, the municipality shall pay to the school district an amount equal to the portion of funds used for such non-educational purposes.

IV. The funds collected by municipalities pursuant to RSA 76:8 and the funds received from the state pursuant to RSA 193-E:7 shall be appropriated by a school district only for current education expenses or transfers to reserves or trust funds and shall not be used for any other purpose.

V. On or before June 30 of each year, the individual with fiscal responsibility in each school district shall submit a statement to the commissioner of education that an amount of money that equals the amount necessary to fund an adequate education for the pupils in that district as determined under RSA 193-E:3 was used in accordance with paragraph IV. The statement shall include the following: *"I certify, under the pains and penalties of perjury, that all of the information contained in this document is true, accurate, and complete."*

193-E:10 Legislative Oversight Committee.

I. An oversight committee shall be established consisting of:

- (a) The chairperson of the house education committee, or a designee.
- (b) The chairperson of the senate education committee, or a designee.
- (c) One member of the house of representatives, appointed by the speaker of the house.
- (d) One member of the senate, appointed by the senate president.
- (e) One member of the house finance committee, appointed by the speaker of the house.
- (f) One member of the senate finance committee, appointed by the senate president.

II. The chair of the oversight committee shall rotate biennially between the chairperson of the house education committee and the chairperson of the senate education committee. The first chairperson shall be the chairperson of the house education committee. A member shall only serve while a member of the general court. The members shall not be compensated but shall receive mileage at the legislative rate when carrying out their duties.

III. The oversight committee shall examine the goals, purposes, organization, operation, and financing of the state's program to provide a constitutionally adequate education, and it shall evaluate and make recommendations for the continued provisions and improvement of the program.

IV. The oversight committee shall review the development and implementation of the program to ensure that they are in accordance with legislative policy.

V. The oversight committee shall submit a report to the general court by June 30, of each even-numbered year. Copies of the report shall be submitted to the governor, the senate finance and education committees, the house finance and education committees, the department of education, the department of revenue administration and to any other individual or organization as the committee deems advisable.

3 Creation of a Commission to Study Costs of Providing an Adequate Education and Methods of Distributing Grants to Municipalities.

I. Within 14 days after the effective date of this section, a commission shall be established to undertake a rigorous and complete review of both the methodology used to calculate the cost of a constitutionally adequate education and the formula used to distribute grants to municipalities. The department of justice shall provide the commission with such legal assistance as the commission deems necessary.

II. The issues considered shall include, but not be limited to, education system delivery efficiencies and geographic and demographic factors.

III.(a) The voting members of the commission shall be:

- (1) Three members of the house of representatives, appointed by the speaker of the house.
- (2) Three members of the senate, appointed by the president of the senate.
- (3) Three individuals appointed by the governor.

(b) The nonvoting members of the commission shall be:

- (1) The commissioner of the department of education, or designee.
- (2) The commissioner of the department of revenue administration, or designee.

(c) The commission shall elect its own chairperson from among the membership of the commission.

IV. The commission shall issue its report and recommendation to the speaker of the house, the senate president, the house clerk, the senate clerk, the state library, and the governor no later than December 1, 1998. Any legislative changes to the cost methodology or the method for distributing the state grants for education under RSA 193-E:7 shall be implemented for the fiscal year beginning July 1, 2000.

V. The sum of \$50,000 for the fiscal year ending June 30, 1999, is hereby appropriated for the purposes of this section. The governor is authorized to draw a warrant for this sum out of any money in the treasury not otherwise appropriated.

4 Creation of a Commission to Study Special Education Issues.

I. Within 14 days after the effective date of this section, a commission shall be established to review and analyze special education issues. Such issues shall include, but not be limited to, identification of students with disabilities, delivery of special education and educationally-related services, unique needs or circumstances of individual districts, and costs and funding of services. The department of justice shall provide the commission with such legal assistance as the commission deems necessary.

II.(a) The voting members of the commission shall include:

(1) Three members of the house of representatives, appointed by the speaker of the house.

(2) Three members of the senate, appointed by the president of the senate.

(3) Three individuals appointed by the governor.

(b) The commissioner of the department of education, or designee, shall serve as a nonvoting member of the commission.

(c) The commission shall elect its own chairperson from among the membership of the commission.

III. The commission's final report shall be filed with the speaker of the house, the senate president, the senate clerk, the house clerk, the state library, and the governor by December 1, 1998.

IV. The sum of \$5,000 for the fiscal year ending June 30, 1999, is hereby appropriated for the purposes of this section. The governor is authorized to draw a warrant for this sum out of any money in the treasury not otherwise appropriated.

5 Interim State Grants to Municipalities for Education.

I. Notwithstanding the calculation for the state grants to municipalities for education in RSA 193-E:7 and in lieu thereof, for the fiscal year beginning July 1, 1999, distributions shall be made pursuant to this section and RSA 198:36.

II. The distribution provided for in paragraph I shall be paid at the time provided for under RSA 198 and shall be in lieu of the amounts provided therein.

III. No municipality shall receive less money under the distribution provided for in paragraph I than it would under the foundation aid formula funded at the level provided for in fiscal year 1999.

IV. No expenditure of funds received by a municipality under paragraph I in excess of the level provided for in the state biennial budget for the fiscal years 1998-1999 shall be made unless approved by the legislative body of the local school district to which such funds are apportioned. Notwithstanding RSA 197:3, a special school district meeting may be held pursuant to RSA 197:2 for this purpose without court approval.

V. There are hereby appropriated the funds necessary to make the payments required under this section. The governor is authorized to draw a warrant for such sums out of any money in the treasury not otherwise appropriated.

6 Commission Study Concerning Public School Facilities and the Distribution of Building Aid. By July 1, 1999, the state board of education shall commission a statewide qualitative study to determine the adequacy and condition of all New Hampshire public school facilities and to review the current method for distributing school building aid. Based on this study, the board shall make recommendations to the legislature and the governor by September 1, 2000.

7 Transition During Fiscal Year Beginning July 1, 2000. For the fiscal year beginning July 1, 2000, if the foundation aid apportioned to a municipality for fiscal year 1999 under RSA 198:27 through RSA 198:37 exceeds the amount calculated under RSA 193-E:7, the amount paid to that municipality in each year shall be the fiscal year 1999 foundation aid apportionment.

8 Repeal. RSA 198:27 through 198:37, relative to foundation aid and alternative foundation aid, are repealed.

9 State Education Tax. RSA 76:3 is repealed and reenacted to read as follows:

76:3 State Education Tax. An annual state education tax at the rate specified for the biennium in RSA 76:3-a is hereby imposed on all persons and property taxable pursuant to RSA 72 and 73, except such property subject to tax under RSA 82.

10 New Section; State Education Tax Rate. Amend RSA 76 by inserting after section 3 the following new section:

76:3-a State Education Tax Rate. The state education tax rate for each biennium shall be that calculated by the commissioner of revenue administration pursuant to the authority granted in RSA 21-J:35, I-a. Such rate shall be calculated by the commissioner on or before December 15 of the year immediately preceding the biennium.

11 What Taxes Assessed. Amend RSA 76:5 to read as follows:

76:5 What Taxes Assessed. The selectmen shall seasonably assess all state and county taxes for which they have the warrants of the ~~[state]~~ **commissioner of revenue administration** and county treasurers respectively; all taxes duly voted in their towns; and all school~~[-schoolhouse;]~~ and village district taxes authorized by law or by vote of any school or village district duly certified to them; and all sums required to be assessed by RSA 33.

12 Commissioner's Warrant. RSA 76:8 is repealed and reenacted to read as follows:

76:8 Commissioner's Warrant.

I. The commissioner of revenue administration shall calculate for the biennium the proportion of state education tax to be raised by each town by multiplying the state education tax rate by the total equalized value of all property in the town as determined under RSA 21-J:3, XIII, and used to calculate the biennial rate.

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I, less any amount specially abated according to RSA 76:16-e, to the selectmen of each town on or before September 1 directing them to assess such sum and pay to the town for the use of the school district or districts such sums and at such times as may be prescribed for other taxes assessed by such selectmen.

13 Commissioner's Report. RSA 76:9 is repealed and reenacted to read as follows:

76:9 Commissioner's Report. The commissioner of revenue administration shall report to the governor, the house of representatives, and the senate, each year on or before October 1, a statement of the state education tax warrants issued for the previous year.

14 Information Required. Amend RSA 76:11-a, I to read as follows:

I. The tax bill which is sent to every person taxed, as provided in RSA 76:11, shall show the rate for municipal, ~~[school]~~ **local education, state education**, and county taxes separately, the assessed valuation of all lands and buildings for which said person is being taxed, and the right to apply in writing to the selectmen or assessors for an abatement of the tax assessed as provided under RSA 76:16. The department of revenue administration shall compute for each town and city the rates which are to appear on the tax bills and shall furnish the required information to the appropriate town or city.

15 New Section; Special Abatement. Amend RSA 76 by inserting after section 16-d the following new section:

76:16-e Special Abatement. The amount of state education tax apportioned to each town pursuant to RSA 76:8, I, in excess of the product of the statewide per pupil cost of an adequate education at the elementary school level times the average daily membership in residence for the town determined pursuant to RSA 189:28, as adjusted pursuant to RSA 193-E:3, IV, shall be abated by the commissioner in each year of assessment.

16 Statistical Reports. Amend RSA 189:28 to read as follows:

189:28 Statistical Reports. School boards of every school district or city, and the board of trustees of approved public academies, shall, on or before September 1 in each year, submit to the department of education those statistical reports necessary to compute the average daily membership of pupils attending each school district, and the average daily membership of pupils resident in each school district. Information relating to the ~~[operation of each school district]~~ **fall enrollment, teacher and administrator census, and average teacher salary**, as of October 1 of each school year, shall be submitted to the department of education on or before October 15. **Each statistical report submitted under this section shall include a certification, signed by the superintendent of the school district, that states: "I certify, under the pains and penalties of perjury, that all of the information contained in this document is true, accurate, and complete." The statistical report shall also include a certification, signed by the chairperson of the school district's governing body or the chairperson of the board of trustees of approved public academies, that states: "I certify, that, to the best of my knowledge, all of the information contained in this document is true, accurate, and complete."**

17 Reports Required. Amend RSA 198:4-d, III to read as follows:



III. A financial report for each city and school district shall be filed showing the summary of receipts and expenditures, according to uniform classifications, during the preceding fiscal year, and a balance sheet showing assets and liabilities at the close of the year. This report shall be submitted on or before September 1 of each year[~~unless the filing date is extended by the commissioner of education for just cause. Failure to file may subject the noncomplying city or school district to the penalty provided in RSA 198:4-f~~]. *Each statistical report submitted under this section shall include a certification signed by the chairperson of the school district's governing body or the chairperson of the board of trustees of approved public academies that states: "I certify, under the pains and penalties of perjury, to the best of my knowledge and belief, that all of the information contained in this document is true, accurate and complete."*

18 New Paragraph; School Accounting Standards. Amend RSA 198:4-d by inserting after paragraph III the following new paragraph:

III-a. The department of education and the department of revenue administration together shall develop and recommend school accounting standards. The departments shall report to the speaker of the house, the senate president, and the governor concerning such accounting standards on or before December 1, 1999.

19 Copies of Audited Financial Statements. Amend RSA 198:4-d, V to read as follows:

V. [H] *When* a city or school district is audited by an independent public accountant, it shall submit a copy of the audited financial statements in accordance with RSA 21-J:19, III *and* RSA 193-E:3, V(b).

20 Gender Reference Change. Amend the introductory paragraph of RSA 21-J:3 to read as follows:

In addition to the powers, duties, and functions otherwise vested by law, including RSA 21-G, in the commissioner of the department of revenue administration, [he] *the commissioner* shall:

21 Duties of Commissioner. Amend RSA 21-J:3, V to read as follows:

V. Exercise general supervision over the administration of the assessment and taxation laws of the state, *the appraisal for ad valorem taxation purposes of property within the state*, and over all assessing officers in the performance of their duties, except the board of tax and land appeals, to the end that all assessments of property be made in compliance with the laws of the state.

22 Duties of Commissioner. Amend RSA 21-J:3, XIII to read as follows:

XIII. Equalize annually the valuation of the property in the several towns, cities, and unincorporated places in the state by adding to or deducting from the aggregate valuation of the property [as assessed] in towns, cities, and unincorporated places such sums as will bring such valuations to the true and market value of the property, including the equalized value of property formerly taxed pursuant to the provisions of RSA 72:7; 72:15, I, V, VII, VIII, IX, X, and XI; 72:16; 72:17; 73:26; 73:27; and 73:11 through 16 inclusive, which were relieved from taxation by the laws of 1970, 5:3; 5:8; 57:12; and 57:15, the equalized valuation of which is to be determined by the amount of revenue returned in such year in accordance with RSA 31-A, and by making such adjustments in the value of other property from which the towns, cities, and unincorporated places receive taxes *or payments in lieu of taxes* as may be equitable and just, so that any public taxes that may be apportioned among them shall be equal and just. *In carrying out the duty to equalize the valuation of property, the commissioner shall follow the procedures set forth in RSA 21-J:9-a.*

23 New Paragraph; Duties of Commissioner. Amend RSA 21-J:3 by inserting after paragraph XXIV the following new paragraph:

XXV. Petition the board of tax and land appeals to issue an order for reassessment of property pursuant to the board's powers under RSA 71-B:16 - 19 whenever, in the commissioner's belief, the valuation of property for equalization purposes in a particular city, town, or unincorporated place is disproportional to the valuation for equalization purposes in other cities, towns, or unincorporated places in the state.

24 Division of Property Appraisal; Department of Revenue Administration. RSA 21-J:9 is repealed and reenacted to read as follows:

21-J:9 Division of Property Appraisal. There is established within the department the division of property appraisal, under the supervision of a classified director of property appraisal who shall be responsible for the following functions, in accordance with applicable laws:

I. Assisting and supervising municipalities and appraisers in appraisals and valuations as provided in RSA 21-J:10 and RSA 21-J:11.

II. Appraising state-owned forest and recreation land under RSA 227-H and RSA 216-A.

III. Annually determining the total equalized valuation of properties in the cities and towns and unincorporated places according to the requirements of RSA 21-J:9-a.

IV. Preparing a standard appraisal manual which may be used by assessing officials, and holding meetings throughout the state with such officials to instruct them in appraising property.

25 New Section; Equalization Procedure. Amend RSA 21-J by inserting after section 9 the following new section:

21-J:9-a Equalization Procedure. The following procedures shall apply in determining the equalization of property within the cities, towns, and unincorporated places as required by RSA 21-J:3, XIII:

I. The commissioner shall annually conduct a sales-assessment ratio study which shall include arm's length sales or transfers of property that occurred 6 months prior to and 6 months following April 1 of the tax year for which such equalization is made.

II. In determining the arm's length sales or transfers that are included in the sales-assessment ratio study, the commissioner may use a randomly selected sample of such sales and transfers the size of which shall be determined by the total taxable parcels in the city, town, or unincorporated place.

III. If less than 2 percent of the total taxable parcels in a city, town, or unincorporated place has been transferred by an arm's length sale or transfer during the 6 months prior to and 6 months following April 1 of the tax year for which such equalization is made, the commissioner may choose one or more of the following options:

(a) Include appraisals of any of the taxable property of such city, town, or unincorporated place in the sales-assessment ratio study. Such appraisals shall be based on full and true market value pursuant to RSA 75:1 and shall be performed by department appraisers. The property to be appraised shall be selected by the commissioner.

(b) Consider recent equalization ratio activity in adjoining cities, towns, or unincorporated places.

(c) Include arm's length sales or transfers in the city, town, or unincorporated place, within 2-1/2 years preceding April 1 of the year preceding the tax year for which such equalization is made.

IV. The commissioner shall use the inventory of property transfers authorized by RSA 74:18 in determining the equalized value of property and may consider such other evidence as may be available to the commissioner on or before the time the final equalized value is determined.

26 Appraisals of Property for Ad Valorem Tax Purposes. RSA 21-J:11 is repealed and reenacted to read as follows:

21-J:11 Appraisals of Property For Ad Valorem Tax Purposes.

I. Every person, firm, or corporation intending to engage in the business of making appraisals on behalf of a municipality for tax assessment purposes in this state shall notify the commissioner of that intent in writing. No person, firm, or corporation engaged in the business of making appraisals of taxable property for municipalities and taxing districts shall enter into any contract or agreement with any town, city, or other governmental division without first submitting the proposed contract or agreement to the commissioner for examination and approval and submitting to the commissioner evidence of financial responsibility and professional capability of personnel to be employed under the contract.

II. The commissioner, at no expense to the municipality, shall monitor appraisals of property and supervise appraisers as follows:

(a) Assure that appraisals comply with all applicable statutes and rules;

(b) Assure that appraisers are complying with the terms of any appraisal contract;

(c) Review the accuracy of appraisals by inspection, evaluation, and testing, in whole or in part, of data collected by the appraisers; and

(d) Report to the governing body on the progress and quality of the municipality's appraisal process.

III. The commissioner shall adopt rules under RSA 541-A relative to the provisions required of all contracts for appraisal services and the methodology for inspection, evaluation, and testing of data for the purposes of appraisal monitoring.

27 Reports Required. Amend the introductory paragraph of RSA 21-J:34 to read as follows:

The governing body of each city, town, unincorporated town, unorganized place, school district, and village district, and the clerk of each county convention shall submit to the commissioner of revenue administration the following reports necessary to compute and establish *the state educa-*

*tion tax rate and* the tax rate for each city, town, unincorporated town, unorganized place, school district, village district, and county. The commissioner shall adopt rules under RSA 541-A establishing the form and content of these reports:

28 New Paragraph; Reports Required. Amend RSA 21-J:34 by inserting after paragraph XIV the following new paragraph:

XV. A report filed by the assessing officials of each city, town, and unincorporated place shall certify sales-assessment information necessary for the department to conduct the annual sales-assessment ratio study required by RSA 21-J:9-a. This report shall be filed within 45 days after receipt from the department.

29 New Paragraph; Setting of Tax Rates by Commissioner. Amend RSA 21-J:35 by inserting after paragraph I the following new paragraph:

I-a. The commissioner shall calculate the biennial state education tax rate as follows:

(a) Multiply the statewide per pupil cost of an adequate education at the elementary school level as determined under RSA 193-E:3, II, by the average daily membership in residence for the state for the most recent school year determined pursuant to RSA 189:28, as adjusted pursuant to RSA 193-E:3, IV;

(b) Divide the total state educational adequacy funding calculated in subparagraph (a) by the total equalized value as determined in RSA 21-J:3, XIII, and reported in the most recent annual report of the department of revenue administration.

30 Department of Education; Findings; Policy Statement. Amend RSA 21-N:1, I to read as follows:

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.

31 Department of Education; Findings; Policy Statement. Amend RSA 21-N:1, II(c) to read as follows:

(c) The paramount goal of the state shall be to provide ~~[quality] an adequate~~ education for all school-age children in the state, ~~[to the end that each such child shall be provided the opportunity to reach the child's full educational potential and shall have been exposed to the widest possible variety of educational and cultural experiences]~~ consistent with ~~[sound basic education]~~ *RSA 193-E*.

32 Department of Education; Findings; Policy Statement. Amend RSA 21-N:1, II(e) to read as follows:

(e) *In accordance with RSA 193-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].~~

33 Duties of Commissioner; Department of Education. Amend RSA 21-N:4, VIII to read as follows:

VIII. Administer the provisions of RSA 193-C relative to the statewide educational improvement and assessment program *and RSA 193-E, relative to advancing better classrooms*.

34 Repeal. RSA 21-N:6, V, relative to standards for approving elementary and secondary schools, is repealed.

35 New Subparagraph; Rulemaking. Amend RSA 21-N:9, II by inserting after subparagraph (y) the following new subparagraph:

(z) The provision of an adequate education as authorized by RSA 193-E:5.

36 Board of Tax and Land Appeals; Authority. Amend RSA 71-B:5, II to read as follows:

II. To hear and determine ~~[any]~~ appeals *by towns* relating to the ~~[equalization of valuation performed]~~ *equalized valuation of property determined* by the commissioner of revenue administration pursuant to RSA 21-J:3, XIII. Any town aggrieved by ~~[an]~~ *its* equalized valuation as determined by the commissioner of revenue administration must appeal to the board in writing within 30 days of ~~[the town's notification]~~ *notice* of ~~[the]~~ *its final* equalized valuation by the commissioner. *The board shall hear and make a final ruling on such appeal within 45 days of its receipt by the board. The board's decision on such appeal shall be final and not appealable.*

37 New Paragraph; Order for Reassessment. Amend RSA 71-B:16, IV to read as follows:



IV. When a complaint is filed with the board alleging that all of the taxable real estate or taxable property in a taxing district should be reassessed or newly assessed for any reason, provided that such complaint must be signed by at least 50 property taxpayers or 1/3 of the property taxpayers in the taxing district, whichever is less[-]; *or*

V. *When the commissioner of revenue administration files a petition with it pursuant to RSA 21-J:3, XXV.*

38 New Section; Inventory of Property Transfers. Amend RSA 74 by inserting after section 17 to following new section:

74:18 Inventory of Property Transfers.

I. In order to properly equalize the value of property under RSA 21-J:3, XIII, an inventory of property transfers shall be filed with the department of revenue administration and with the municipality where the property is located for each transfer of real estate or interest in real estate. Each form may include the following information:

(a) The buyer and seller's names and post transaction addresses and the name and address of a contact person if the buyer or seller is a trust or corporation.

(b) A description of the exact location of the property by town, street, and the assessor's map, lot, and block number.

(c) The acreage included in the sale.

(d) An accurate description of the property included in the sale, the neighborhood where the property is located, and the type and style of the property sold.

(e) The buyer's ownership interest in the property.

(f) The sale price, date of transfer, and the amount mortgaged.

(g) The description of the type of transfer that has taken place.

(h) The amount of personal property included in the sale price.

(i) Whether the property was previously occupied and whether the property will serve as the buyer's primary residence.

(j) The financing arrangements made to purchase the property to be answered at the option of the buyer.

(k) Whether any concessions were made in the sale.

(l) Whether the property was in current use.

(m) Whether land use taxes were considered in the sale.

(n) The buyer's dated signature certifying that the information indicated on the form is true.

II. The inventory of property transfers required by this section shall be filed with the department of revenue administration and with the municipality where the property is located by the purchaser, grantee, assignee, or transferee, no later than 30 days from the recording of the deed at the register of deeds or transfer of real estate, whichever is later. Persons required to file the inventory of property transfers who willfully fail to file or willfully make false statements on the forms shall be guilty of a violation.

III. No deed, recording a transfer of real estate or any interest in real estate, executed before October 1, 1995, shall be required to comply with this section.

IV. Failure to comply with this section shall not be construed to cloud title.

V. Any information provided to the department pursuant to this section shall be exempt from the right-to-know law, RSA 91-A.

39 Repeal. RSA 78:20, relative to the prohibition on imposing a state tax, is repealed.

40 Repeal. RSA 78-B:10-a, relative to the real estate transfer questionnaire, is repealed.

41 Repeal. RSA 83-D, relative to the tax on nuclear station property, is repealed.

42 Duties of State Board of Education. Amend the introductory paragraph of RSA 186:11 to read as follows:

The state board of education shall, in addition to the duties assigned by [~~RSA 21-N:9~~] *RSA 21-N:11*:

43 Repeal. RSA 186:11, XI, relative to local funds, is repealed.

44 Appropriations; How Listed. Amend the introductory paragraph of RSA 186:13 to read as follows:

*Except for money provided pursuant to RSA 193-E:6-9*, all *other* money appropriated by the legislature for general educational purposes, in addition to the literary fund and all other funds created for the purposes enumerated in this section, shall be used for the following purposes:

45 Educational Improvement. Amend RSA 186:13, III to read as follows:

III. ~~[EQUALIZATION AND GENERAL AID. For equalizing educational opportunity and improving the]~~ **EDUCATIONAL IMPROVEMENT. For educational improvement for public elementary and high schools.**

46 Repeal. RSA 186:13, IX, relative to tuition, is repealed.

47 Policy and Purpose. Amend RSA 186-C:1 to read as follows:

186-C:1 Policy and Purpose. It is hereby declared to be the policy of the state that all children in New Hampshire be provided with equal ~~[educational opportunities]~~ **access to an adequate education.** It is the purpose of this chapter to insure that the state board of education and the school districts of the state provide a free and appropriate public education for all educationally disabled children.

48 Days of School. Amend RSA 189:1 to read as follows:

189:1 Days of School. The school board of every district shall provide ~~[standard]~~ **approved** schools for at least 180 days in each year ~~[at such places in the district as will best serve the interests of education and give to all the pupils within the district as nearly equal advantages as are practicable].~~

49 Duty to Provide Education. Amend RSA 189:1-a to read as follows:

189:1-a Duty to Provide Education. It shall be the duty of the school board to provide ~~[at district expense,]~~ **an adequate** elementary and secondary education ~~[to]~~ **for** all pupils who reside in the district until such time as the pupil has acquired a high school diploma or has reached age 21, whichever occurs first; provided, that the board may exclude specific pupils for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school; and further provided, that this section shall not apply to pupils who have been exempted from school attendance in accordance with RSA 193:5.

50 Reduction of Time. Amend RSA 189:2 to read as follows:

189:2 Reduction of Time. If the school board of any district shall decide that, by reason of special conditions or circumstances, the maintenance of ~~[standard]~~ **approved** schools for 180 days in said district is undesirable, said school board may so represent in writing to the state board. If, upon hearing, the state board, or the commissioner when authorized by the state board, shall be of the opinion that the representation is true, it may reduce the time of maintaining such schools in said district to such limits as it may deem wise. Provided, however, that the state board, or the commissioner if authorized, shall not reduce the days during which schools shall be in session, as provided in RSA 189:1, on account of workshops, conventions or teachers' institutes.

51 Repeal. RSA 189:3, relative to other modifications, is repealed.

52 Repeal. RSA 189:4, relative to decisions of the state board, is repealed.

53 Repeal. RSA 189:12, relative to fuel and repairs, is repealed.

54 Approved School. Amend RSA 189:24 to read as follows:

189:24 ~~[Standard]~~ **Approved School.** ~~[A standard]~~ **An approved school, in addition to meeting school approval standards adopted by the board of education pursuant to RSA 541-A,** is one maintained for at least 180 days in each year, in a suitable and sanitary building, ~~[equipped with approved]~~ **supplied with** furniture, books, ~~[maps]~~ and other ~~[necessary appliances, taught]~~ **necessary instructional equipment and materials approved by the local school board, staffed by** teachers, directed and supervised by principal and superintendent, each of whom shall hold valid educational credentials issued by the state board of education, with suitable provision for the care of the health and physical welfare of all pupils.

55 Repeal. RSA 189:29, relative to the penalty for failing to file statistical reports, is repealed.

56 Duty of Parent; Compulsory Attendance by Pupil; Change in Reference. Amend RSA 193:1, I(c) to read as follows:

(c) The relevant school district superintendent has excused a child from attendance because the child is physically or mentally unable to attend school, or has been temporarily excused upon the request of the parent for purposes agreed upon by the school authorities and the parent. Such excused absences shall not be permitted if they cause a serious adverse effect upon the student's educational progress. Students excused for such temporary absences may be claimed as full-time pupils for purposes of calculating state aid under RSA 186-C:18 and ~~[RSA 198:27-37]~~ **RSA 193-E:6-9.**

57 Statement of Purpose. Amend RSA 193-C:1, VI to read as follows:

VI. The purpose of the statewide education improvement and assessment program is not to establish a statewide curriculum. It is, rather, to establish what New Hampshire students should

know and be able to do and to develop and implement effective methods for assessing that learning and its application so that local decisions about curriculum development and delivery can be made *and assessment data can be used in accordance with RSA 193-E.*

58 Program Established; Goals. Amend the introductory paragraph of RSA 193-C:3, IV to read as follows:

IV. The assessment system shall generate data [~~which may~~] to be used:

59 Local Education Improvement and Assessment Plan; Assistance Program. Amend the introductory paragraph of RSA 193-C:9, I to read as follows:

I. Each school district in New Hampshire [~~is encouraged to~~] *shall* develop a local education improvement and assessment plan which builds upon and complements the goals established for the program, including:

60 New Subparagraph; Local Education Improvement and Assessment; Assistance Program. Amend RSA 193-C:9, I by inserting after subparagraph (d) the following new subparagraph:

(e) The components specified in RSA 193-E:4, I.

61 Local Education Improvement and Assessment Plan; Assistance Program. Amend RSA 193-C:9, II(c) and (d) to read as follows:

(c) A strong emphasis shall be placed on identifying [~~model teachers in the areas included in the statewide education improvement and assessment program~~] *distinguished educators* and providing them with opportunities to share their expertise and enthusiasm with local educators and community members [~~in developing local education improvement and assessment plans~~].

(d) *The department shall work with local districts to improve the capacity of teachers and administrators to design and implement instructional programs to help all students reach high standards. Therefore, funds may also be used to implement statewide professional development initiatives including, but not limited to, mentoring programs for beginning educators and leadership development academies for teachers, administrators, and school board members.*

(e) In implementing this program, the department may enter into grants or contracts with *school districts, school administrative units*, institutions of higher education, regional consortia, and *organizations and* private businesses. Grant recipients and contractors shall work in coordination with, and under the broad supervision of, the department of education.

62 Repeal. RSA 194:20, relative to establishment of high schools, is repealed.

63 Contracts with Schools. Amend RSA 194:22 to read as follows:

194:22 Contracts With Schools. Any school district may make a contract with an *approved public* academy[;] *or public* high school [~~or other literary institution~~] located in this *state* or, when distance or transportation facilities make it necessary, in another state, and raise and appropriate money to carry the contract into effect. If the contract is approved by the state board, the school with which it is made shall be deemed a high school maintained by the district.

64 Repeal. RSA 194:23-c, relative to standards and uniformity, is repealed.

65 Repeal. RSA 194:23-d, relative to state financial aid, is repealed.

66 Registers; Reports. Amend RSA 194:31 to read as follows:

194:31 Registers; Reports. All academies, private schools and public schools shall be furnished with copies of the school register, and shall make an annual statistical report to the department of education by September 1 *as required in RSA 189:28*. [~~The school board of every school district or city, and the board of trustees of approved public academies shall have a 30-day grace period if it fails to file the report due under this section by September 1. At the end of 30 days the commissioner of the department of education shall notify the governing body that all state aid to education for the upcoming fiscal year shall be withheld until the report is filed.~~]

67 Charter and Open Enrollment Schools; Funding. Amend RSA 194-B:11, VIII to read as follows:

VIII. For the purposes of determining the *statewide* per-pupil [~~portion of foundation aid~~], *cost of an adequate education, the state education tax rate pursuant to RSA 76:3, and the state grants for education under RSA 193-E:6-9*, all resident pupils shall be counted, regardless of which public school they may attend.

68 Charter Schools; Operations; Curriculum. Amend RSA 194-B:13, III to read as follows:

III. The board of trustees, in consultation with teachers and the principal, shall *develop the charter school's annual budget and shall* determine the charter school's curriculum [~~and develop the school's annual budget~~] *including the components to be used to provide pupils with the opportunity to acquire an education consistent with RSA 193-E:2.*



69 Superintendent Services. Amend 194-C:4, II(d) to read as follows:

(d) Compliance with laws, regulations, and rules regarding special education, Title IX, the Americans with Disabilities Act, *delivery of an adequate education*, home education, minimum standards, student records, sexual harassment, and other matters as may from time to time occur.

70 Annual School Meetings. Amend RSA 197:1 to read as follows:

197:1 Annual. A meeting of every school district shall be held annually between March 1 and March 25, inclusive, or in accordance with RSA 40:13 if that provision is adopted in the district, for raising and appropriating money, *in accordance with RSA 193-E:9*, for the support of schools for the fiscal year beginning the next July 1, for the transaction of other district business and, in those districts not electing their district officers at town meeting, for the choice of district officers.

71 Repeal. RSA 198:1, relative to an annual tax, is repealed.

72 Repeal. RSA 198:2, relative to expenditures, is repealed.

73 Repeal. RSA 198:3, relative to a penalty, is repealed.

74 Repeal. RSA 198:4, relative to estimates, is repealed.

75 Repeal. RSA 198:4-f, relative to a penalty for failing to file report, is repealed.

76 Assessment. Amend 198:5 to read as follows:

198:5 Assessment. The selectmen of the town, in their next annual assessment, shall assess upon the taxable property of the district a sum sufficient to meet the obligations above enumerated, [~~with such alterations thereof~~] *appropriated pursuant to RSA 193-E:9 and such other sums* as may be voted by the district, and shall pay the same over to the district treasurer as the school board shall require for the maintenance of schools.

77 Payment in Lieu of Taxes. Amend RSA 227-H:17 to read as follows:

227-H:17 Payment in Lieu of Taxes. The commissioner of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to forms for application to the commissioner of revenue administration for payment for lost taxes. [~~In any year in which no state tax is levied,~~] Any town in which national forestlands and land held by the state for operation and development as state forestlands, as defined by the department for the purposes of this section, are situated, whether acquired by gift, devise, purchase, or in any other manner, may apply, by its selectmen, to the commissioner of revenue administration on forms provided by the commissioner, annually before September 1, for the payment of an amount not exceeding the taxes for all purposes which such town might have received from taxes on such lands in such year had such lands been taxable. In the event that the amount appropriated in any biennium shall be insufficient for the purposes under this section, then the towns entitled to benefits under this section shall be reimbursed proportionately, unless otherwise subsequently ordered by the legislature.

78 Special Fund for Moneys Received from Sweepstakes Commission. RSA 284:21-j is repealed and reenacted to read as follows:

284:21-j Special Fund for Moneys Received from Sweepstakes Commission. The state treasurer shall credit all moneys received from the sweepstakes commission, and interest received on such moneys, to a special fund from which the state treasurer shall pay all expenses of the commission incident to the administration of this subdivision and RSA 287-E. Any balance left in said special fund after such expenses are paid shall be continually appropriated to the department of education for the sole purpose of funding state aid to education under RSA 193-E:7.

79 Positions Established; Appropriations.

I. To carry out the financial and educational reporting requirements of this act, there are hereby established within the department of education the following permanent, full-time classified positions:

(a) Technical support specialist III; and

(b) Technical support specialist V.

II. The sum of \$115,000 for the biennium ending June 30, 1999, is hereby appropriated to the department of education to fund the establishment of the 2 positions created in paragraph I. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

III. The sum of \$240,000 for the biennium ending June 30, 1999, is appropriated to the department of revenue administration to fund the costs necessary to implement this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

80 Footnote Removed. Amend the totals of 1997, 350:1, 01, 07, 01, 03 to read as follows:

	FY 1998	FY 1999
TOTAL	1,458,027	1,500,790
ESTIMATED SOURCE OF FUNDS FOR PROPERTY APPRAISAL		
07 AGENCY INCOME [*]	770,000	770,000
08 AGENCY INCOME **	48,858	47,358

[\*]

IN THE EVENT THAT REVENUE, AND COSTS ASSOCIATED WITH STATE APPRAISALS, LEASE NEGOTIATIONS, AND LEASED FACILITY BUILD-OUT COMPLIANCE MONITORING, IS LESS THAN BUDGETED, THE TOTAL APPROPRIATION SHALL BE REDUCED BY THE AMOUNT OF THE SHORTFALL IN EITHER ACTUAL OR PROJECTED BUDGET REVENUE. THE AGENCY HEAD SHALL NOTIFY THE BUREAU OF ACCOUNTS FORTHWITH, IN WRITING, AS TO PRECISELY WHICH LINE ITEM APPROPRIATION AND IN WHAT SPECIFIC AMOUNTS REDUCTIONS ARE TO BE MADE IN ORDER TO FULLY COMPENSATE FOR THE TOTAL REVENUE DEFICIT.]

\*\*

REVENUE IN EXCESS OF THE ESTIMATE MAY BE EXPENDED WITH PRIOR APPROVAL OF THE FISCAL COMMITTEE AND THE APPROVAL OF THE GOVERNOR AND COUNCIL. THESE FUNDS SHALL NOT LAPSE UNTIL THE DEBT ON THE C.A.M.A. PROJECT HAS BEEN PAID IN FULL.

TOTAL	1,458,027	1,500,790
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81 Authority. The attorney general has authority to enforce any and all provisions of this act, in accordance with New Hampshire law, through appropriate civil and equitable proceedings, including but not limited to injunctive relief.

82 Severability. If any provision of this act or the application thereof to any person or circumstance is deemed invalid, the invalidity does not affect the other provisions or applications of the act which can be given effect without the invalid provisions or applications and to this end the provisions of this act are severable; provided, however, that if section 15 is deemed invalid, all other section of this act shall be invalid except sections 3, 4, and 6.

83 Removing Reference to the Tax on Nuclear Station Property. Amend RSA 77-A:5-a to read as follows:

77-A:5-a Tax Expenditure Report. On or before February 1 of every calendar year the commissioner shall certify to the general court and the governor an analysis of each of the past year's credits allowed under RSA 77-A, RSA 77-E, RSA 83-C, ~~[RSA 83-D,]~~ and RSA 400-A against the business profits tax imposed by this chapter and the apportionment factors under RSA 77-A:3, II(a).

84 Removing Reference to Foundation Aid. Amend RSA 198:21, V to read as follows:

V. No pupil counted by any school district for the purpose of calculating the amount of a grant to be paid pursuant to this section shall for the same school year by the same district be ~~[included in average daily membership for the purposes of foundation aid or]~~ counted for the purposes of grants pursuant to RSA 198:22.

85 Removing Reference to Foundation Aid. Amend RSA 198:22, V to read as follows:

V. No pupil counted by any school for the purpose of calculating the amount of a grant to be paid pursuant to this section shall for the same school year by the same district be ~~[included in average daily membership for the purposes of foundation aid or]~~ counted for the purpose of grants pursuant to RSA 198:21.

86 District Foundation Aid. Amend RSA 198:36, IV to read as follows:

IV. The foundation amount shall be ~~[\$4,000]~~ \$5,250 per weighted pupil.

87 Contingency Fund. Amend RSA 198:4-b to read as follows:

198:4-b Contingency Fund. Every school district usually by an article in the warrant, and the governing body of a city upon recommendation of the school board, when the operation of the schools is by a department of the city, may establish a contingency fund to meet the cost of unanticipated expenses that may arise during the year. ~~[Such fund shall not exceed one percent of the amount appropriated for school purposes, exclusive of capital expenditures and amortization of debt, during the preceding year.]~~ A detailed report of all expenditures from the contingency fund shall be made annually by the school board and published with their report.

88 Repeal. The following are repealed:

I. RSA 21-J:3, XXIII, relative to the commissioner of revenue administration's duty to determine local per capita income for purposes of foundation aid.

II. RSA 21-J:13, XI, relative to the form and content of the real estate transfer questionnaire.  
89 Effective Date.

I. Section 80 of this act shall take effect on June 30, 1998.

II. Sections 41 and 83 of this act shall take effect March 31, 1999.

III. Sections 8, 67, 78, and 84-85 of this act shall take effect July 1, 2000.

IV. Section 86 of this act shall take effect July 1, 1999.

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

### AMENDED ANALYSIS

This bill:

I. Establishes the criteria necessary for an adequate education.

II. Creates a methodology for calculating the per pupil cost of an adequate education.

III. Requires each school district to prepare and implement a local education improvement assessment program.

IV. Establishes a special projects and district improvement fund to provide grants to school districts that meet or exceed quality standards.

V. Establishes a formula for the distribution of state grants to be funded, in part, by a state education tax on property and sweepstakes revenues.

VI. Establishes a commission to study costs of providing an adequate education and methods of distributing grants to municipalities.

VII. Establishes a commission to study special education issues.

VIII. Repeals the nuclear station property tax and foundation aid and alternative foundation aid.

Reps. Weyler, Cobbin, Mirski and Wallin spoke against.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Burling requested a quorum count. The Speaker declared a quorum present.

Rep. Amanda Merrill spoke in favor and yielded to questions.

Rep. Jacobson spoke against and yielded to questions.

Reps. Schotanus and Henderson spoke in favor.

Reps. Wheeler and Burling requested a roll call; sufficiently seconded.

The question being the adoption of the amendment.

### YEAS 260 NAYS 87

#### YEAS 260

#### BELKNAP

Bartlett, Gordon  
Laflam, Robert  
Salatiello, Thomas

Calvert, Alice  
Lawton, David  
Thomas, John

Golden, Paul  
Pilliod, James  
Turner, Robert

Holbrook, Robert  
Rosen, Ralph

#### CARROLL

Bradley, Jeb  
Mock, Henry

Chandler, Gene  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

Lyman, L. Randy

#### CHESHIRE

Bonneau, Sarah  
Doucette, Richard  
Meador, David  
Richardson, Barbara  
Steere, Myron, III

Burnham, Daniel  
Hunt, John  
Metzger, Katherine  
Riley, William

Champagne, Richard  
Lynch, Margaret  
Pratt, Irene  
Royce, H. Charles

DePecol, Benjamin  
McNamara, Wanda  
Pratt, John  
Smith, Edwin

#### COOS

Bradley, Paula  
Guay, Lawrence  
Merrill, Gerald  
Tholl, John, Jr.

Coulombe, Henry  
Hawkinson, Marie  
Moynihan, Wayne

Coulombe, Yvonne  
Horton, Lynn  
Pratt, Leighton

Davis, Perley  
Mears, Edgar  
St. Hilaire, Paul



**GRAFTON**

Almy, Susan	Below, Clifton	Connolly, Steven	Copenhaver, Marion
Eaton, Stephanie	Guest, Robert	Hill, Richard	LaMott, Paul
Luker, Elsa	MacNeil, Allen	Nordgren, Sharon	Teschner, Douglass

**HILLSBOROUGH**

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Baroody, Benjamin
Batula, Peter	Belvin, William	Bergin, Peter	Brundige, Robert
Buckley, Raymond	Calawa, Leon, Jr.	Carlson, Donald	Camey, Lauren
Chabot, Ernest	Chabot, Robert	Clegg, Robert, Jr.	D'Allesandro, Lou
Daniels, Gary	Desrosiers, William	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James	Fields, Dennis
Flora, Kathleen	Foster, Linda	Gage, Ruth	Golding, William
Gosselin, Gerald	Goulet, Maurice	Hansen, Herbert	Hart, Nick
Herman, Keith	Holley, Sylvia	Holt, David	Johnson, Lionel
Kurk, Neal	L'Heureux, Robert	Lefebvre, Roland	Leishman, Peter
Letendre, Evelyn	Lozeau, Donnalee	Lynde, Harold	MacGillivray, Jeffrey
McIntyre, Doris	McCarty, Winston	McGough, Tim	Melcher, Harold
Mercer, Robert	Messier, Irene	Mittelman, David	Morello, Michael
Murch, George	Murphy, Robert	O'Hearn, Jane	O'Rourke, Thomas
Perkins, Paul	Reidy, Frank	Riley, Frances	Rowe, Robert
Sargent, Maxwell	Searles, Stanley, Sr.	Tate, Joan	Thulander, O. Alan
Vaillancourt, Steve	Wheeler, Robert		

**MERRIMACK**

Adams, Stephen	Anderson, Eric	Brown, Mary	Chandler, Earle
Crosby, Toni	Crowell, Peter	Daneault, Gabriel	Davis, Francis
DeStefano, Stephen	Dunn, Miriam	French, Barbara	Gile, Mary
Hager, Elizabeth	Hess, David	Hoadley, Elizabeth	Langer, Ray
Larabee, David	Lavoie, Gerard	Leber, William	Lockwood, Robert
Marshall, Kenneth	Moore, Carol	Morrill, Olive	Nichols, Avis
Owen, Derek	Pfaff, Terence	Reardon, Tara	Seldin, Gloria
St. Cyr, Gerard	Whalley, Michael	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Battles-Peirce, Marjorie	Bishop, Franklin
Blanchard, MaryAnn	Carson, Gregory	Christie, Andrew, Jr.	Clark, Martha
Cooney, Richard	Cote, Patricia	Cushing, Robert	Dalrymple, Janeen
Dearborn, Bruce	Dowd, Sandra	Dowling, Patricia	Downing, Michael
Dunham, Vivian	Fesh, Robert	Francoeur, Sheila	Frechette, Joseph
Gibbons, Paul	Gleason, John	Heath, John	Henderson, Warren
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Lovejoy, Marian	Malcolm, Kenneth
McCarthy, John, Jr.	Mikowski, Walter	Millard, Ralph	Morris, Debbie
Norelli, Terie	Nowe, Ronald	O'Keefe, Patricia	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Reardon, Neil	Schanda, Frank
Simmons, John Anthony	Smith, Kevin	Stone, Joseph	Stritch, C. Donald
Syracusa, Anthony	Tufts, J. Arthur	Vaughn, Charles	Verani, Giovanni
Welch, David	Woods, Deborah		

**STRAFFORD**

Berube, Roger	Brown, George	Brown, Julie	Callaghan, Frank
Cossette, Larry	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Grassie, Anne	Hemon, Roland	Heon, Richard	Kaen, Naida
Keans, Sandra	Knowles, William	Lundborn, Raymond	McKinley, Robert

Merrill, Amanda  
Pelletier, Marsha  
Spear, Barbara  
Torr, Franklin

Merritt, Deborah  
Rogers, Rose Marie  
Sullivan, Henry  
Twardus, Joseph

Musler, George  
Smith, Marjorie  
Taylor, Kathleen  
Vincent, Francis

Pelletier, Arthur  
Snyder, Clair  
Torr, Ann  
Wall, Janet

### SULLIVAN

Allison, David  
Ferland, Brenda  
Palmer, Lorraine

Burling, Peter  
Flint, Gordon  
Robb-Theroux, Amy

Cloutier, John  
Leone, Richard  
Schotanus, Merle

Donovan, Thomas  
Lindblade, Eric  
Wiggins, Celestine

### NAYS 87

### BELKNAP

Boyce, Robert

Clark, Charles

Hurt, George

### CARROLL

Babson, David, Jr.

Cooper, Kipp

Dickinson, Howard, Jr.

### CHESHIRE

Lynott, Margaret

Manning, Joseph

McGuirk, Paul

Robertson, Timothy

### COOS

None

### GRAFTON

Akins, Ralph  
Ham, Bonnie  
Phinney, William

Alger, John  
Hinman, Harry  
Root, John

Cobbin, Philip  
Lovett, Sidney  
Weber, Phil

Guaraldi, Lawrence  
Mirski, Paul  
Williams, William, Jr.

### HILLSBOROUGH

Allen, W. Gordon  
Burke, M. Virginia  
Daigle, Robert  
Franks, Suzan  
Hunter, Bruce  
LaRose, Richard  
McCarthy, William  
Piteri, Dawn

Barry, William, III  
Cardin, Lori  
Dawe, Eileen  
Ginsburg, Ruth  
Jean, Claudette  
Lessard, Rudy  
McRae, Karen  
White, Donald

Boutin, David  
Christiansen, Lars  
Drabinowicz, A. Theresa  
Haettenschwiller, Alphonse  
Jean, Loren  
Marcinkowski, Michael  
Milligan, Robert  
Wright, George

Briefs, Geoffrey  
Clemons, Jane  
Foster, Joseph  
Hall, Betty  
Konys, Christine  
Martin, Mary  
Pepino, Leo

### MERRIMACK

Burney, Carol  
Lamach, Bernard  
Wallner, Mary Jane

Feuerstein, Martin  
Maxfield, Roy

Jacobson, Alf  
Rogers, Katherine

Krueger, Patricia  
Wallin, Jean

### ROCKINGHAM

Beaulieu, Jon  
Dolan, Richard  
Kelley, Jane  
Rabideau, Marie  
Sapareto, Frank

Belanger, Ronald  
Flanagan, Natalie  
Major, Norman  
Raynowska, Bernard  
Stickney, Nancy

Camm, Kevin  
Flanders, David  
Micklon, Stephanie  
Rubin, George  
Varrell, Thomas

Dodge, Robert  
Guthrie, Joseph  
Moore, Benjamin  
Sabella, Norma  
Weyler, Kenneth

### STRAFFORD

McCann, William, Jr.

Rollo, Michael

Vachon, Dennis

### SULLIVAN

Adler, Rudolf

Kibbey, David

and the amendment was adopted.

Reps. Bickford, Fraser, Russell, Vogl and Donald Welch did not vote and wished to be recorded in favor.

**PROTEST**

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Cobbin requested that his protest be entered on the Journal.

The proponents of this bill claim to support local control. However, this amendment eviscerates local control and begins a process of consolidating education into a centralized command and control regimen. As such, I am compelled to protest the vote of the House which strikes a mortal blow to the core principle of this republican government: that this republican government was founded to insure the people have a representative government. The vote of the House replaces representative government at the local level with bureaucrats whose jobs are well insulated from the vote of the people. Secondly, the House elects to cede legislative power to an unrelated cartel of education bureaucrats and interests and agrees to limit severely the power of the House to oversee the behavior of state agents and officers. In the end, I cannot support the amendment nor the bill as they remind me of the difference between fascism and communism: the difference being without any degree, shall we be shot or stabbed.

**MOTION TO LAY ON THE TABLE**

Rep. McGough moved that *HB 1075-FN-A-*, implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all the children of New Hampshire, be laid on the table.

Rep. McGough requested a roll call; sufficiently seconded.

The question being the motion to lay on the table.

**YEAS 66 NAYS 292****YEAS 66****BELKNAP**

Boyce, Robert	Hurt, George	Veazey, John
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**CARROLL**

Babson, David, Jr.	Cooper, Kipp	Dickinson, Howard, Jr.	Kenney, Joseph
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**CHESHIRE**

None

**COOS**

St. Hilaire, Paul

**GRAFTON**

Akins, Ralph	Alger, John	Cobbin, Philip	Guaraldi, Lawrence
Hinman, Harry	Mirski, Paul	Phinney, William	Root, John
Weber, Phil			

**HILLSBOROUGH**

Batula, Peter	Briefs, Geoffrey	Burke, M. Virginia	Clegg, Robert, Jr.
Daigle, Robert	Goulet, Maurice	Herman, Keith	Hunter, Bruce
Jean, Loren	L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland
Marcinkowski, Michael	McGough, Tim	McRae, Karen	Milligan, Robert
Murch, George	Riley, Frances	Wright, George	

**MERRIMACK**

Adams, Stephen	Brown, Mary	Gile, Mary	Krueger, Patricia
Lamach, Bernard	Langer, Ray	Larrabee, David	Lavoie, Gerard
Maxfield, Roy	Wallin, Jean		

**ROCKINGHAM**

Beaulieu, Jon	Belanger, Ronald	Camm, Kevin	Cooney, Richard
Cote, Patricia	Dolan, Richard	Dunham, Vivian	Flanagan, Natalie



Flanders, David  
Morris, Debbie  
Sapareto, Frank

Major, Norman  
Rabideau, Marie  
Weyler, Kenneth

Malcolm, Kenneth  
Raynowska, Bernard

Moore, Benjamin  
Rubin, George

## STRAFFORD

None

## SULLIVAN

Adler, Rudolf

Kibbey, David

## NAYS 292

## BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Rosen, Ralph

Calvert, Alice  
Lafiam, Robert  
Salatiello, Thomas

Clark, Charles  
Lawton, David  
Thomas, John

Golden, Paul  
Pilliod, James  
Turner, Robert

## CARROLL

Bradley, Jeb  
Philbrick, Donald

Chandler, Gene

Lyman, L. Randy

Patten, Betsey

## CHESHIRE

Bonneau, Sarah  
Doucette, Richard  
Manning, Joseph  
Metzger, Katherine  
Riley, William  
Smith, Edwin

Burnham, Daniel  
Hunt, John  
McGuirk, Paul  
Pratt, Irene  
Robertson, Timothy  
Steere, Myron, III

Champagne, Richard  
Lynch, Margaret  
McNamara, Wanda  
Pratt, John  
Royce, H. Charles  
Vogl, John

DePecol, Benjamin  
Lynott, Margaret  
Meador, David  
Richardson, Barbara  
Russell, Ronald

## COOS

Bradley, Paula  
Guay, Lawrence  
Merrill, Gerald

Coulombe, Henry  
Hawkinson, Marie  
Moynihan, Wayne

Coulombe, Yvonne  
Horton, Lynn  
Pratt, Leighton

Davis, Perley  
Mears, Edgar  
Tholl, John, Jr.

## GRAFTON

Almy, Susan  
Eaton, Stephanie  
LaMott, Paul  
Nordgren, Sharon

Below, Clifton  
Guest, Robert  
Lovett, Sidney  
Teschner, Douglass

Connolly, Steven  
Ham, Bonnie  
Luker, Elsa  
Williams, William, Jr.

Copenhaver, Marion  
Hill, Richard  
MacNeil, Allen

## HILLSBOROUGH

Ackerman, Philip  
Arnold, Thomas, Jr.  
Bergin, Peter  
Calawa, Leon, Jr.  
Chabot, Ernest  
Cote, Peter  
Desrosiers, William  
Dyer, Merton  
Flora, Kathleen  
Gage, Ruth  
Haettenschwiller, Alphonse  
Holley, Sylvia  
Konys, Christine  
Letendre, Evelyn  
MacIntyre, Doris  
McDonald, James, Sr.

Allen, W. Gordon  
Baroody, Benjamin  
Boutin, David  
Cardin, Lori  
Chabot, Robert  
D'Allesandro, Lou  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Foster, Joseph  
Ginsburg, Ruth  
Hall, Betty  
Holt, David  
Kurk, Neal  
Lozeau, Donnalee  
Martin, Mary  
Melcher, Harold

Alukonis, David  
Barry, William, III  
Brundige, Robert  
Carlson, Donald  
Christiansen, Lars  
Daniels, Gary  
Drabinowicz, A. Theresa  
Fenton, James  
Foster, Linda  
Golding, William  
Hansen, Herbert  
Jean, Claudette  
Leishman, Peter  
Lynde, Harold  
McCarthy, William  
Mercer, Robert

Amidon, Eleanor  
Belvin, William  
Buckley, Raymond  
Carney, Lauren  
Clemons, Jane  
Dawe, Eileen  
Durham, Susan  
Fields, Dennis  
Franks, Suzan  
Gosselin, Gerald  
Hart, Nick  
Johnson, Lionel  
Lessard, Rudy  
MacGillivray, Jeffrey  
McCarty, Winston  
Messier, Irene

Mittelman, David  
O'Rourke, Thomas  
Piteri, Dawn  
Searles, Stanley, Sr.  
Vaillancourt, Steve  
White, Jay

Morello, Michael  
Pepino, Leo  
Reidy, Frank  
Tate, Joan  
Welch, Donald

Murphy, Robert  
Perkins, Paul  
Rowe, Robert  
Thulander, O. Alan  
Wheeler, Robert

O'Hearn, Jane  
Peterson, Andrew  
Sargent, Maxwell  
Turgeon, Roland  
White, Donald

### MERRIMACK

Anderson, Eric  
Crowell, Peter  
Dunn, Miriam  
Hager, Elizabeth  
Leber, William  
Morrill, Olive  
Reardon, Tara  
Wallner, Mary Jane

Burney, Carol  
Daneault, Gabriel  
Feuerstein, Martin  
Hess, David  
Lockwood, Robert  
Nichols, Avis  
Rogers, Katherine  
Whalley, Michael

Chandler, Earle  
Davis, Francis  
Fraser, Marilyn  
Hoadley, Elizabeth  
Marshall, Kenneth  
Owen, Derek  
Seldin, Gloria  
Whittemore, James

Crosby, Toni  
DeStefano, Stephen  
French, Barbara  
Jacobson, Alf  
Moore, Carol  
Pfaff, Terence  
St. Cyr, Gerard  
Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
Blanchard, MaryAnn  
Cushing, Robert  
Dowd, Sandra  
Francoeur, Sheila  
Guthrie, Joseph  
Johnson, Robert  
Kelley, Jane  
Langone, John  
Micklon, Stephanie  
Nowe, Ronald  
Pitts, Jacqueline  
Simmons, John Anthony  
Stritch, C. Donald  
Vaughn, Charles

Arndt, Janet  
Carson, Gregory  
Dalrymple, Janeen  
Dowling, Patricia  
Frechette, Joseph  
Heath, John  
Kane, Cecelia  
Klemm, Arthur, Jr.  
Letourneau, Robert  
Mikowski, Walter  
O'Keefe, Patricia  
Reardon, Neil  
Smith, Kevin  
Syracusa, Anthony  
Verani, Giovanni

Battles-Peirce, Marjorie  
Christie, Andrew, Jr.  
Dearborn, Bruce  
Downing, Michael  
Gibbons, Paul  
Henderson, Warren  
Katsakiores, George  
Kobel, Rudolph  
Lovejoy, Marian  
Millard, Ralph  
Packard, Sherman  
Sabella, Norma  
Stickney, Nancy  
Tufts, J. Arthur  
Welch, David

Bishop, Franklin  
Clark, Martha  
Dodge, Robert  
Fesh, Robert  
Gleason, John  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Langley, Jane  
McCarthy, John, Jr.  
Norelli, Terie  
Pantelakos, Laura  
Schanda, Frank  
Stone, Joseph  
Varrell, Thomas  
Woods, Deborah

### STRAFFORD

Berube, Roger  
Cossette, Larry  
Grassie, Anne  
Keans, Sandra  
McKinley, Robert  
Pelletier, Arthur  
Smith, Marjorie  
Taylor, Kathleen  
Twardus, Joseph

Brown, George  
DeChane, Marlene  
Hemon, Roland  
Knowles, William  
Merrill, Amanda  
Pelletier, Marsha  
Snyder, Clair  
Torr, Ann  
Vachon, Dennis

Brown, Julie  
Dunlap, Patricia  
Heon, Richard  
Lundborn, Raymond  
Merritt, Deborah  
Rogers, Rose Marie  
Spear, Barbara  
Torr, Franklin  
Vincent, Francis

Callaghan, Frank  
Estabrook, Iris  
Kaen, Naida  
McCann, William, Jr.  
Musler, George  
Rollo, Michael  
Sullivan, Henry  
Tsiros, William  
Wall, Janet

### SULLIVAN

Allison, David  
Ferland, Brenda  
Palmer, Lorraine

Burling, Peter  
Flint, Gordon  
Robb-Theroux, Amy

Cloutier, John  
Leone, Richard  
Schotanus, Merle

Donovan, Thomas  
Lindblade, Eric  
Wiggins, Celestine

and the motion failed.

### CONSIDERATION OF HB 1075-FN-A-L (CONT'D.)

Rep. Mirski offered a floor amendment.

#### Floor Amendment (1709h)

Amend RSA 193-E:8, II as inserted by section 2 of the bill by replacing it with the following:

II. The general court is not constitutionally obligated to fund the cost of an adequate education. Nevertheless the general court may appropriate the funds necessary to make the payments required by RSA 193--E:7.

Amend RSA 193-E:9, I as inserted by section 2 of the bill by replacing it with the following:

I. Annually, the state shall distribute and each school district shall apply an amount that equals or exceeds the amount necessary to fund a constitutionally adequate education for the pupils in that district, as determined under RSA 193-E:3.

Rep. Mirski spoke in favor and withdrew his floor amendment.

Rep. Alger offered a floor amendment.

#### Floor Amendment (1754h)

Amend the bill by inserting after section 87 the following and renumbering the original sections 88 and 89 to read as 89 and 90, respectively:

88 Compliance with the Requirements of Article 28-A of Part I of the New Hampshire Constitution.

I. The general court recognizes that part I, article 28-a of the New Hampshire constitution requires that the state pay the cost of any work required by the state of any town, city, or school district, unless the legislative body of the town, city, or school district approves payment of those costs.

II. The state, therefore, through the department of revenue administration, agrees to payment of any additional expenses under this act incurred by any New Hampshire town, city, or school district. Requests for payment shall be accumulated with reference to the provision of law providing the mandate, the personnel and other expenses involved, the dates of the expenses, and the name of the town, city, or school district involved. Invoices with these expenses may be submitted monthly to the department of revenue administration. The department shall pay those expenses within 60 days of receipt of the invoice or, within 7 days, shall request additional information. Upon receipt of such additional information, the department shall make payment within 60 days.

III. The following is a list of mandates reference to which shall satisfy the requirements of paragraph II. This list is not intended to be all inclusive.

- (a) RSA 193-E:3, III, linking increases in per pupil cost to consumer price index.
- (b) RSA 193-E:4, I, requiring districts to prepare and implement local education improvement and assessment plans.
- (c) RSA 193-E:4, III, requiring schools to meet state board of education approval standards.
- (d) RSA 193-E:4, V, requires certain information from local school districts for a department of education report.
- (e) RSA 193-E:9, I, requires school districts to appropriate mandated amounts.
- (f) RSA 193-E:9, II, requires municipalities to make reports on school district spending.
- (g) RSA 193-E:9, V, requires school districts to make reports on school district spending.
- (h) RSA 76:3, mandates a state education tax.
- (i) RSA 76:5, requires the selectmen to assess the tax.
- (j) RSA 76:8, relative to the issuance of a warrant directing selectmen to assess taxes.
- (k) RSA 76:11-a, I, requiring modifications to local tax bills.
- (l) RSA 189:28, requiring statistical reports by local school boards.
- (m) RSA 198:4-d, III, requiring financial reports of cities and school districts.
- (n) RSA 198:4-d, V, requiring development of new accounting standards.
- (o) RSA 21-J:9, relative to property appraisals.
- (p) RSA 21-J:9-a, relative to the equalization procedure.
- (q) RSA 21-J:11, relative to state monitoring of the appraisal process.
- (r) Introductory paragraph of RSA 21-J:34, requiring reports from local governing bodies to establish the state education tax rate.
- (s) RSA 21-J:34, XV, requiring reports from local assessing officials.
- (t) RSA 71-B:5, II, relative to appeals by towns relating to the equalized value of property.
- (u) RSA 74:18, III, relative to new format for the recording of deeds.
- (v) RSA 189:1, requiring school boards to provide approved schools.
- (w) RSA 189:24, requiring approved schools to meet state board of education standards.
- (x) RSA 193-C:9, I, requiring school districts to adopt local education improvement and assessment plans.
- (y) RSA 194:22, requiring school districts to contact with only approved schools.



(z) RSA 194:31, requiring schools to make statistical reports to the department of education.

(aa) RSA 194-B:13, III, requiring charter schools to comply with state standards.

(bb) RSA 197:1, requiring school district annual meetings to appropriate moneys in accord with RSA 193-E:9.

(cc) RSA 198:5, relative to assessments by selectmen.

Rep. Alger spoke in favor.

Rep. Vaughn spoke against and yielded to questions.

The Alger floor amendment failed.

Rep. Hemon offered a floor amendment.

### Floor Amendment (1755h)

Amend the bill by replacing section 1 with the following:

#### 1 Preamble.

From article 83, part II of the New Hampshire constitution: "Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government, and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end..."

as well as for continued economic health of the state of New Hampshire, it is good and necessary, that the general court from time to time study and investigate thoroughly existing educational policies and funding relative to the current needs, as well as of the future, and make suitable changes if necessary. This act establishes a framework to ensure, that the mandate and command of article 83, part II of the New Hampshire constitution is carried out, such that opportunity to acquire the knowledge and skills necessary to prepare the children of this state for successful participation in the political and economic life of the state of New Hampshire in their future lives, shall be assured.

A free people participating in a government of the people, by the people, and for the people can accept nothing less than a total commitment to education, that is adequate and even excellent, this being the foundation for the survival of any civilization.

Local control of public schools is the best method of ensuring parental and community involvement in the education of the children of New Hampshire. The use of property value as a base for the calculation of the contribution of New Hampshire citizens to support their schools encourages and nurtures local and parental interest and participation in the education of children. That participation is a crucial component of effective schools. The roles of the state board of education and the state department of education are to work with local officials, parents, and other members of the community to ensure that the public schools provide children with the best education possible.

The use of the total statewide equalized value of real property is reasonable to establish the base rate of a tax on property to fund a constitutionally adequate education for all public school students of the state. Any legislative application, that uses real property taxed at an equal base rate must, in order to be just and reasonable, include a constitutionally valid state tax policy which incorporates and provides exemptions for the elderly, veterans, the legally blind, and the totally and permanently disabled, abatements to avoid inequitable tax burdens, and assessments for current use to support the conservation of our precious land. Rational exceptions dictated by sound public policy will minimize the effect of the single tax rate and will avoid undue and unjust burdens on New Hampshire's citizens.

Furthermore, the state recognizes that the provision of a constitutionally adequate education to the children in the cities and towns whose property base is insufficient to support the funding of such an education, is an obligation of all citizens of the state of New Hampshire, and not solely the responsibility of the citizens of those cities and towns whose property base is more than sufficient to provide such an education. Accordingly, this act provides state grants in order to ensure each child a constitutionally adequate education funded in a just, fair and reasonable manner.

Under no circumstances must the general court seek an advisory opinion on HB 1075 from the supreme court as article 5, part II states:

"And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties, or without, so as the same be not repugnant or contrary to this constitution."

Article 5, part II gives complete legislative control and authority to the general court, which must be free and without coercion, from whatever source and under all circumstances. Similarly, the taxing authority granted by article 28, part I is the sole prerogative of the general court, that should be exercised freely and without coercion, from whatever source and under all circumstances. Anything other than this results in an infringement and violation of article 37, part I of the New Hampshire constitution, separation of powers as defined above, and therefore unconstitutional and is an exercise of arbitrary power and oppression.

Article 10, Part I of the New Hampshire Constitution:

"...The doctrine of nonresistance against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind."

Rep. Hemon spoke in favor.

The Hemon floor amendment failed.

Rep. Holt requested a quorum court. The Speaker declared a quorum present.

Rep. Jane Clemons offered a floor amendment.

### Floor Amendment (1745h)

Amend the bill by replacing section 5 with the following:

#### 5 Interim State Grants to Municipalities for Education.

I. Notwithstanding the calculation for the state grants to municipalities for education in RSA 193-E:7 and in lieu thereof, for the fiscal year beginning July 1, 1999, distributions shall be made pursuant to this section.

II. The sum of \$123,455,798 is hereby appropriated to the department of education for the fiscal year beginning July 1, 1999, for distribution to municipalities through the foundation aid formula. Such sum shall be in addition to any other moneys appropriated to the department. The governor is authorized to draw a warrant for such sum out of any money in the treasury not otherwise appropriated.

III. The sum of \$38,037,758 is hereby appropriated to the department of education for the fiscal year beginning July 1, 1999, for distribution to the municipalities through the foundation aid formula. Such distribution shall take place after the distribution in paragraph II has been completed. The governor is authorized to draw a warrant for such sum out of any money in the treasury not otherwise appropriated.

IV. The distribution provided for in paragraphs II and III shall be paid at the time provided for under RSA 198 and shall be in lieu of the amounts provided therein.

V. No municipality shall receive less money under the distribution provided for in paragraph II than it would under the foundation aid formula funded at the level provided for in fiscal year 1999.

VI. No expenditure of funds received by a municipality under paragraphs II and III in excess of the level provided for in the state biennial budget for the fiscal years 1998-1999 shall be made unless approved by the legislative body of the local school district to which such funds are apportioned. Notwithstanding RSA 197:3, a special school district meeting may be held pursuant to RSA 197:2 for this purpose without court approval.

Rep. McGuirk requested a quorum count. The Speaker declared a quorum present.

Reps. Jane Clemons, Boutin, McGuirk and Holt spoke in favor.

Rep. Franks spoke in favor and yielded to questions.

Rep. Kurk spoke against and yielded to questions.

Reps. DeStefano and Henderson spoke against.

Rep. Dawe requested a roll call; sufficiently seconded.

The question being the adoption of the Jane Clemons floor amendment.

**YEAS 97 NAYS 263**

**YEAS 97**

**BELKNAP**

Hurt, George

Lawton, David

**CARROLL**

Cooper, Kipp

Dickinson, Howard, Jr.

**CHESHIRE**

Bonneau, Sarah	Lynott, Margaret	McGuirk, Paul	Vogl, John
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**COOS**

Moynihan, Wayne
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**GRAFTON**

Almy, Susan	Below, Clifton	Guaraldi, Lawrence	Guest, Robert
Nordgren, Sharon	Phinney, William		

**HILLSBOROUGH**

Ackerman, Philip	Allen, W. Gordon	Barry, William, III	Bergin, Peter
Boutin, David	Briefs, Geoffrey	Cardin, Lori	Clemons, Jane
Cote, Peter	Daigle, Robert	Dawe, Eileen	Dokmo, Cynthia
Drabinowicz, A. Theresa	Foster, Joseph	Foster, Linda	Franks, Suzan
Ginsburg, Ruth	Haettenschwiller, Alphonse	Hall, Betty	Holley, Sylvia
Holt, David	Jean, Claudette	Konys, Christine	L'Heureux, Robert
LaRose, Richard	Lefebvre, Roland	Lessard, Rudy	Lynde, Harold
Martin, Mary	McRae, Karen	Mercer, Robert	Murch, George
Piteri, Dawn	Rowe, Robert	White, Donald	

**MERRIMACK**

Adams, Stephen	Brown, Mary	Daneault, Gabriel	French, Barbara
Lamach, Bernard	Langer, Ray	Lavoie, Gerard	Lockwood, Robert
Rogers, Katherine	Wallin, Jean		

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Camm, Kevin	Clark, Martha
Cooney, Richard	Dalrymple, Janeen	Dodge, Robert	Downing, Michael
Frechette, Joseph	Guthrie, Joseph	Klemm, Arthur, Jr.	Major, Norman
Micklon, Stephanie	Morris, Debbie	O'Keefe, Patricia	Pitts, Jacqueline
Rabideau, Marie	Raynowska, Bernard	Rubin, George	Stickney, Nancy
Stritch, C. Donald	Syracusa, Anthony		

**STRAFFORD**

Brown, George	Dunlap, Patricia	Hemon, Roland	Keans, Sandra
Knowles, William	McCann, William, Jr.	Pelletier, Arthur	Pelletier, Marsha
Rollo, Michael	Taylor, Kathleen	Tsiros, William	

**SULLIVAN**

Adler, Rudolf	Cloutier, John	Donovan, Thomas	Leone, Richard
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**NAYS 263****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Golden, Paul	Holbrook, Robert	Lafam, Robert
Pilliod, James	Rosen, Ralph	Salatiello, Thomas	Thomas, John
Turner, Robert			

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Kenney, Joseph
Lyman, L. Randy	Mock, Henry	Patten, Betsy	Philbrick, Donald

**CHESHIRE**

Burnham, Daniel	Champagne, Richard	DePecol, Benjamin	Doucette, Richard
Hunt, John	Lynch, Margaret	Manning, Joseph	McNamara, Wanda



Meader, David  
Robertson, Timothy  
Steere, Myron, III

Metzger, Katherine  
Royce, H. Charles

Pratt, John  
Russell, Ronald

Richardson, Barbara  
Smith, Edwin

### COOS

Bradley, Paula  
Guay, Lawrence  
Merrill, Gerald

Coulombe, Henry  
Hawkinson, Marie  
Pratt, Leighton

Coulombe, Yvonne  
Horton, Lynn  
St. Hilaire, Paul

Davis, Perley  
Mears, Edgar  
Tholl, John, Jr.

### GRAFTON

Akins, Ralph  
Copenhaver, Marion  
Hinman, Harry  
MacNeil, Allen  
Weber, Phil

Alger, John  
Eaton, Stephanie  
LaMott, Paul  
Mirski, Paul  
Williams, William, Jr.

Cobbin, Philip  
Ham, Bonnie  
Lovett, Sidney  
Root, John

Connolly, Steven  
Hill, Richard  
Luker, Elsa  
Teschner, Douglass

### HILLSBOROUGH

Alukonis, David  
Baroody, Benjamin  
Brundige, Robert  
Carlson, Donald  
Christiansen, Lars  
Durham, Susan  
Fenton, James  
Golding, William  
Hart, Nick  
Johnson, Lionel  
Letendre, Evelyn  
MacIntyre, Doris  
McDonald, James, Sr.  
Milligan, Robert  
O'Hearn, Jane  
Peterson, Andrew  
Searles, Stanley, Sr.  
Vaillancourt, Steve  
Wright, George

Ameen, W.  
Batula, Peter  
Buckley, Raymond  
Carney, Lauren  
Clegg, Robert, Jr.  
Dwyer, Paul, Sr.  
Fields, Dennis  
Gosselin, Gerald  
Herman, Keith  
Kurk, Neal  
Lozeau, Donnalee  
Marcinkowski, Michael  
McGough, Tim  
Mittelman, David  
O'Rourke, Thomas  
Reidy, Frank  
Tate, Joan  
Welch, Donald

Amidon, Eleanor  
Belvin, William  
Burke, M. Virginia  
Chabot, Ernest  
D'Allesandro, Lou  
Dyer, Merton  
Flora, Kathleen  
Goulet, Maurice  
Hunter, Bruce  
Leishman, Peter  
Luebker, Bernard  
McCarthy, William  
Melcher, Harold  
Morello, Michael  
Pepino, Leo  
Riley, Frances  
Thulander, O. Alan  
Wheeler, Robert

Arnold, Thomas, Jr.  
Bernier, Shannon  
Calawa, Leon, Jr.  
Chabot, Robert  
Daniels, Gary  
Emerton, Lawrence, Sr.  
Gage, Ruth  
Hansen, Herbert  
Jean, Loren  
Leonard, Peter  
MacGillivray, Jeffrey  
McCarty, Winston  
Messier, Irene  
Murphy, Robert  
Perkins, Paul  
Sargent, Maxwell  
Turgeon, Roland  
White, Jay

### MERRIMACK

Anderson, Eric  
Crowell, Peter  
Feuerstein, Martin  
Hess, David  
Larrabee, David  
Moore, Carol  
Reardon, Tara  
Whalley, Michael

Burney, Carol  
Davis, Francis  
Fraser, Marilyn  
Hoadley, Elizabeth  
Leber, William  
Morrill, Olive  
Seldin, Gloria  
Whittemore, James

Chandler, Earle  
DeStefano, Stephen  
Gile, Mary  
Jacobson, Alf  
Marshall, Kenneth  
Owen, Derek  
St. Cyr, Gerard  
Yeaton, Charles

Crosby, Toni  
Dunn, Miriam  
Hager, Elizabeth  
Krueger, Patricia  
Maxfield, Roy  
Pfaff, Terence  
Wallner, Mary Jane

### ROCKINGHAM

Abbott, Dennis  
Blanchard, MaryAnn  
Cushing, Robert  
Dowling, Patricia  
Flanders, David  
Heath, John  
Kane, Cecelia  
Kobel, Rudolph  
Lovejoy, Marian

Battles-Peirce, Marjorie  
Carson, Gregory  
Dearborn, Bruce  
Dunham, Vivian  
Francoeur, Sheila  
Henderson, Warren  
Katsakiores, George  
Langley, Jane  
Malcolm, Kenneth

Beaulieu, Jon  
Christie, Andrew, Jr.  
Dolan, Richard  
Fesh, Robert  
Gibbons, Paul  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Langone, John  
McCarthy, John, Jr.

Bishop, Franklin  
Cote, Patricia  
Dowd, Sandra  
Flanagan, Natalie  
Gleason, John  
Johnson, Robert  
Kelley, Jane  
Letourneau, Robert  
Mikowski, Walter

Millard, Ralph	Moore, Benjamin	Norelli, Terie	Nowe, Ronald
Packard, Sherman	Pantelakos, Laura	Reardon, Neil	Sabella, Norma
Sapareto, Frank	Schanda, Frank	Simmons, John Anthony	Smith, Kevin
Stone, Joseph	Tufts, J. Arthur	Varrell, Thomas	Vaughn, Charles
Verani, Giovanni	Welch, David	Weyler, Kenneth	Woods, Deborah

### STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, Julie
Callaghan, Frank	Cossette, Larry	DeChane, Marlene	Estabrook, Iris
Grassie, Anne	Heon, Richard	Kaen, Naida	Lundborn, Raymond
McKinley, Robert	Merrill, Amanda	Merritt, Deborah	Musler, George
Rogers, Rose Marie	Smith, Marjorie	Snyder, Clair	Spear, Barbara
Sullivan, Henry	Torr, Ann	Torr, Franklin	Twardus, Joseph
Vincent, Francis	Wall, Janet		

### SULLIVAN

Allison, David	Burling, Peter	Ferland, Brenda	Kibbey, David
Lindblade, Eric	Palmer, Lorraine	Robb-Theroux, Amy	Schotanus, Merle
Wiggins, Celestine			

and the Jane Clemons floor amendment failed.  
Rep. Hinman offered a floor amendment.

### Floor Amendment (1742h)

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

AN ACT establishing interim state grants to municipalities for education for the fiscal year beginning July 1, 1999.

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

I Interim State Grants to Municipalities for Education. For the fiscal year beginning July 1, 1999, in addition to any money municipalities are receiving under foundation aid, municipalities shall receive from the state a supplemental amount equal to a percentage of the amount the municipality would have received for fiscal year 1999 had the foundation aid formula been fully funded. Such percentage shall be based on the municipality's foundation aid equalization factor, as determined under RSA 198:29 for fiscal year 1999 in accordance with the following schedule:

I. Municipalities with an equalization factor of 3.49 and greater shall receive 130 percent of the amounts they would have received had foundation aid been fully funded in fiscal year 1999.

II. Municipalities with an equalization factor of 3 to 3.48 shall receive 120 percent of the amounts they would have received had foundation aid been fully funded in fiscal year 1999.

III. Municipalities with an equalization factor of 2.5 - 2.99 shall receive 110 percent of the amounts they would have received had foundation aid been fully funded in fiscal year 1999.

IV. Municipalities with an equalization factor of 1.3 - 2.49 shall receive 100 percent of the amounts they would have received had foundation aid been fully funded in fiscal year 1999.

V. Municipalities with an equalization factor of 1.25 - 1.29 shall receive 80 percent of the amounts they would have received had foundation aid been fully funded in fiscal year 1999.

VI. Municipalities with an equalization factor of 1.2 - 1.24 shall receive 70 percent of the amounts they would have received had foundation aid been fully funded in fiscal year 1999.

VII. Municipalities with an equalization factor of 1.15 - 1.19 shall receive 60 percent of the amounts they would have received had foundation aid been fully funded in fiscal year 1999.

VIII. Municipalities with an equalization factor of 1.1 - 1.14 shall receive 50 percent of the amounts they would have received had foundation aid been fully funded in fiscal year 1999.

IX. Municipalities with an equalization factor of 0 - 1.09 shall receive no interim state grants to municipalities for education.

2 Appropriation. For the fiscal year beginning July 1, 1999, the sum of \$50,000,000 is hereby appropriated to the department of education for the purposes of section 1 of this act. The governor is authorized to draw a warrant for said sum out of any moneys in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1999.

**AMENDED ANALYSIS**

This bill creates a schedule of interim grants to municipalities for education for fiscal year 2000. Such grants shall be equal to a percentage of the amount the municipality would have received had foundation aid been fully funded for fiscal year 1999. The percentage for each municipality shall be based on the municipality's foundation aid equalization factor for fiscal year 1999.

Rep. Hinman spoke in favor and yielded to questions

Rep. Lovett spoke in favor.

Rep. Kurk spoke against.

The Hinman floor amendment failed.

Rep. John Pratt offered a floor amendment.

**Floor Amendment (1730h)**

Amend the bill by replacing section 82 with the following:

82 Severability. If any provision of this act or the application thereof to any person or circumstance is deemed invalid, the invalidity does not affect the other provisions or applications of the act which can be given effect without the invalid provisions or applications and to this end the provisions of this act are severable.

Rep. John Pratt spoke in favor.

Rep. Wallin spoke in favor and yielded to questions.

Reps. Alukonis and Kurk spoke against and yielded to questions.

Rep. John Pratt requested a roll call; sufficiently seconded.

The question being the adoption of the John Pratt floor amendment.

**YEAS 83 NAYS 273****YEAS 83****BELKNAP**

Salatiello, Thomas

**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah  
McGuirk, Paul  
Russell, Ronald

DePecol, Benjamin  
Pratt, John  
Vogl, John

Lynch, Margaret  
Richardson, Barbara

Lynott, Margaret  
Robertson, Timothy

**COOS**

Coulombe, Henry

Coulombe, Yvonne

Moynihan, Wayne

**GRAFTON**

Below, Clifton

Guest, Robert

Lovett, Sidney

Luker, Elsa

**HILLSBOROUGH**

Ackerman, Philip  
Barry, William, III  
Buckley, Raymond  
Ginsburg, Ruth  
Lynde, Harold  
O'Rourke, Thomas  
White, Jay

Allen, W. Gordon  
Bergin, Peter  
Cardin, Lori  
Gosselin, Gerald  
Martin, Mary  
Vaillancourt, Steve

Ameen, W.  
Bernier, Shannon  
Cote, Peter  
Hall, Betty  
McCarthy, William  
Welch, Donald

Baroody, Benjamin  
Briefs, Geoffrey  
Daigle, Robert  
Jean, Claudette  
Murphy, Robert  
White, Donald

**MERRIMACK**

Burney, Carol  
French, Barbara  
Owen, Derek  
Yeaton, Charles

Davis, Francis  
Hager, Elizabeth  
Rogers, Katherine

Feuerstein, Martin  
Maxfield, Roy  
Wallin, Jean

Fraser, Marilyn  
Moore, Carol  
Wallner, Mary Jane



**ROCKINGHAM**

Abbott, Dennis	Bishop, Franklin	Cooney, Richard	Cushing, Robert
Kelley, Jane	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Syracusa, Anthony			

**STRAFFORD**

Bickford, David	Brennan, William	Brown, George	Hemon, Roland
McCann, William, Jr.	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Smith, Marjorie	Sullivan, Henry	Taylor, Kathleen	Twardus, Joseph
Vachon, Dennis			

**SULLIVAN**

Allison, David	Cloutier, John	Donovan, Thomas	Robb-Theroux, Amy
Wiggins, Celestine			

**NAYS 273****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Golden, Paul	Holbrook, Robert	Hurt, George
Lawton, David	Pilliod, James	Rosen, Ralph	Thomas, John
Turner, Robert			

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Kenney, Joseph	Lyman, L. Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald		

**CHESHIRE**

Burnham, Daniel	Champagne, Richard	Doucette, Richard	Hunt, John
Manning, Joseph	McNamara, Wanda	Meader, David	Metzger, Katherine
Riley, William	Royce, H. Charles	Smith, Edwin	Steere, Myron, III

**COOS**

Bradley, Paula	Davis, Perley	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Mears, Edgar	Merrill, Gerald	Pratt, Leighton
St. Hilaire, Paul	Toll, John, Jr.		

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Cobbin, Philip
Connolly, Steven	Eaton, Stephanie	Guaraldi, Lawrence	Ham, Bonnie
Hill, Richard	Hinman, Harry	LaMott, Paul	MacNeil, Allen
Mirski, Paul	Nordgren, Sharon	Phinney, William	Root, John
Teschner, Douglass	Weber, Phil	Williams, William, Jr.	

**HILLSBOROUGH**

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Boutin, David	Brundige, Robert	Burke, M. Virginia
Calawa, Leon, Jr.	Carlson, Donald	Corney, Lauren	Chabot, Ernest
Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr.	Clemons, Jane
D'Allesandro, Lou	Daniels, Gary	Dawe, Eileen	Dokmo, Cynthia
Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton
Emerton, Lawrence, Sr.	Fenton, James	Fields, Dennis	Flora, Kathleen
Foster, Joseph	Foster, Linda	Franks, Suzan	Gage, Ruth
Golding, William	Goulet, Maurice	Haettenschwiller, Alphonse	Hansen, Herbert
Hart, Nick	Herman, Keith	Holley, Sylvia	Holt, David
Hunter, Bruce	Jean, Loren	Johnson, Lionel	Kony, Christine

Kurk, Neal  
Leonard, Peter  
Luebker, Bernard  
McCarty, Winston  
Mercer, Robert  
Morello, Michael  
Perkins, Paul  
Riley, Frances  
Tate, Joan  
Wright, George

LaRose, Richard  
Lessard, Rudy  
MacGillivray, Jeffrey  
McGough, Tim  
Messier, Irene  
Murch, George  
Peterson, Andrew  
Rowe, Robert  
Thulander, O. Alan

Lefebvre, Roland  
Letendre, Evelyn  
MacIntyre, Doris  
McRae, Karen  
Milligan, Robert  
O'Hearn, Jane  
Piteri, Dawn  
Sargent, Maxwell  
Turgeon, Roland

Leishman, Peter  
Lozeau, Donnalee  
Marcinkowski, Michael  
Melcher, Harold  
Mittelman, David  
Pepino, Leo  
Reidy, Frank  
Searles, Stanley, Sr.  
Wheeler, Robert

### MERRIMACK

Adams, Stephen  
Crosby, Toni  
Dunn, Miriam  
Krueger, Patricia  
Lavoie, Gerard  
Morrill, Olive  
Seldin, Gloria

Anderson, Eric  
Crowell, Peter  
Hess, David  
Lamach, Patricia  
Leber, William  
Nichols, Avis  
St. Cyr, Gerard

Brown, Mary  
Daneault, Gabriel  
Hoadley, Elizabeth  
Langer, Ray  
Lockwood, Robert  
Pfaff, Terence  
Whalley, Michael

Chandler, Earle  
DeStefano, Stephen  
Jacobson, Alf  
Larrabee, David  
Marshall, Kenneth  
Reardon, Tara  
Whittemore, James

### ROCKINGHAM

Arndt, Janet  
Blanchard, MaryAnn  
Clark, Martha  
Dodge, Robert  
Downing, Michael  
Flanders, David  
Gleason, John  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Letourneau, Robert  
McCarthy, John, Jr.  
Moore, Benjamin  
O'Keefe, Patricia  
Rabideau, Marie  
Simmons, John Anthony  
Stritch, C. Donald  
Verani, Giovanni

Battles-Peirce, Marjorie  
Camm, Kevin  
Cote, Patricia  
Dolan, Richard  
Dunham, Vivian  
Francoeur, Sheila  
Guthrie, Joseph  
Johnson, Robert  
Kobel, Rudolph  
Lovejoy, Marian  
Micklon, Stephanie  
Morris, Debbie  
Packard, Sherman  
Raynowska, Bernard  
Smith, Kevin  
Tufts, J. Arthur  
Welch, David

Beaulieu, Jon  
Carson, Gregory  
Dalrymple, Janeen  
Dowd, Sandra  
Fesh, Robert  
Frechette, Joseph  
Heath, John  
Kane, Cecelia  
Langley, Jane  
Major, Norman  
Mikowski, Walter  
Norelli, Terie  
Pantelakos, Laura  
Reardon, Neil  
Stickney, Nancy  
Varrell, Thomas  
Weyler, Kenneth

Belanger, Ronald  
Christie, Andrew, Jr.  
Dearborn, Bruce  
Dowling, Patricia  
Flanagan, Natalie  
Gibbons, Paul  
Henderson, Warren  
Katsakiores, George  
Langone, John  
Malcolm, Kenneth  
Millard, Ralph  
Nowe, Ronald  
Pitts, Jacqueline  
Rubin, George  
Stone, Joseph  
Vaughn, Charles  
Woods, Deborah

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Heon, Richard  
Lundborn, Raymond  
Musler, George  
Torr, Ann

Brown, Julie  
Dunlap, Patricia  
Kaen, Naida  
McKinley, Robert  
Rollo, Michael  
Tsiros, William

Callaghan, Frank  
Estabrook, Iris  
Keans, Sandra  
Merrill, Amanda  
Snyder, Clair  
Vincent, Francis

Cossette, Larry  
Grassie, Anne  
Knowles, William  
Merritt, Deborah  
Spear, Barbara  
Wall, Janet

### SULLIVAN

Adler, Rudolf  
Leone, Richard

Burling, Peter  
Lindblade, Eric

Ferland, Brenda  
Palmer, Lorraine

Kibbey, David  
Schotanus, Merle

and the John Pratt floor amendment failed.  
Rep. Below offered a floor amendment.

### Floor Amendment (1714h)

Amend the bill by replacing section 82 with the following:

82 Severability. If any provision of this act or the application thereof to any person or circumstance is deemed invalid, the invalidity does not affect the other provisions or applications of the

act which can be given effect without the invalid provisions or applications and to this end the provisions of this act are severable; provided, however, that if section 15 is deemed invalid, then sections 9 through 14 of this act shall be invalid and all other sections of this act shall be invalid as of midnight June 30, 2000, except sections 3, 4, and 6.

Amend section 89 of the bill by replacing paragraph V with the following:

V. Sections 9-15 of this act shall take effect April 1, 2000.

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

Rep. Below spoke in favor.

Rep. Kurk spoke against and yielded to questions.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

The question being the adoption of the Below floor amendment.

## YEAS 98 NAYS 253

### YEAS 98

#### BELKNAP

None

#### CARROLL

None

#### CHESHIRE

Bonneau, Sarah

DePecol, Benjamin

Lynch, Margaret

Lynott, Margaret

McGuirk, Paul

Pratt, John

Richardson, Barbara

Robertson, Timothy

Russell, Ronald

Vogl, John

#### COOS

Hawkinson, Marie

Mears, Edgar

Moynihan, Wayne

#### GRAFTON

Almy, Susan

Below, Clifton

Copenhaver, Marion

Guest, Robert

Luker, Elsa

Nordgren, Sharon

#### HILLSBOROUGH

Ackerman, Philip

Allen, W. Gordon

Baroody, Benjamin

Barry, William, III

Buckley, Raymond

Cardin, Lori

Clemons, Jane

Cote, Peter

Daigle, Robert

Drabinowicz, A. Theresa

Foster, Joseph

Gage, Ruth

Ginsburg, Ruth

Haettenschwiller, Alphonse

Hall, Betty

Jean, Claudette

Konys, Christine

Lefebvre, Roland

Lynde, Harold

Martin, Mary

McCarthy, William

Melcher, Harold

Vaillancourt, Steve

Welch, Donald

White, Jay

#### MERRIMACK

Burney, Carol

Crosby, Toni

Davis, Francis

Feuerstein, Martin

Fraser, Marilyn

French, Barbara

Hager, Elizabeth

Hess, David

Lamach, Bernard

Marshall, Kenneth

Maxfield, Roy

Moore, Carol

Owen, Derek

Reardon, Tara

Rogers, Katherine

Wallin, Jean

Wallner, Mary Jane

Yeaton, Charles

#### ROCKINGHAM

Abbott, Dennis

Blanchard, MaryAnn

Clark, Martha

Cushing, Robert

Heath, John

Hutchinson, Rebecca

Kelley, Jane

Norelli, Terie

O'Keefe, Patricia

Rubin, George

Sapareto, Frank

Schanda, Frank

Syracusa, Anthony

#### STRAFFORD

Berube, Roger

Bickford, David

Brennan, William

Brown, George

Estabrook, Iris

Grassie, Anne

Hemon, Roland

Keans, Sandra



Knowles, William  
Pelletier, Marsha  
Taylor, Kathleen

McCann, William, Jr.  
Rogers, Rose Marie  
Vachon, Dennis

Merrill, Amanda  
Smith, Marjorie

Pelletier, Arthur  
Sullivan, Henry

### SULLIVAN

Allison, David  
Wiggins, Celestine

Cloutier, John

Donovan, Thomas

Robb-Theroux, Amy

### NAYS 253

### BELKNAP

Bartlett, Gordon  
Clark, Charles  
Lawton, David  
Thomas, John

Boriso, Thomas  
Golden, Paul  
Pilliod, James  
Turner, Robert

Boyce, Robert  
Holbrook, Robert  
Rosen, Ralph

Calvert, Alice  
Hurt, George  
Salatiello, Thomas

### CARROLL

Babson, David, Jr.  
Kenney, Joseph  
Philbrick, Donald

Chandler, Gene  
Lyman, L. Randy

Cooper, Kipp  
Mock, Henry

Dickinson, Howard, Jr.  
Patten, Betsey

### CHESHIRE

Burnham, Daniel  
Manning, Joseph  
Riley, William

Champagne, Richard  
McNamara, Wanda  
Royce, H. Charles

Doucette, Richard  
Meader, David  
Steere, Myron, III

Hunt, John  
Metzger, Katherine

### COOS

Bradley, Paula  
Guay, Lawrence  
St. Hilaire, Paul

Coulombe, Henry  
Horton, Lynn  
Tholl, John, Jr.

Coulombe, Yvonne  
Merrill, Gerald

Davis, Perley  
Pratt, Leighton

### GRAFTON

Akins, Ralph  
Eaton, Stephanie  
Hinman, Harry  
Phinney, William  
Williams, William, Jr.

Alger, John  
Guaraldi, Lawrence  
LaMott, Paul  
Root, John

Cobbin, Philip  
Ham, Bonnie  
MacNeil, Allen  
Teschner, Douglass

Connolly, Steven  
Hill, Richard  
Mirski, Paul  
Weber, Phil

### HILLSBOROUGH

Alukonis, David  
Batula, Peter  
Briefs, Geoffrey  
Carlson, Donald  
Christiansen, Lars  
Dawe, Eileen  
Dyer, Merton  
Flora, Kathleen  
Gosselin, Gerald  
Herman, Keith  
Jean, Loren  
Leishman, Peter  
Lozeau, Donnalee  
Marcinkowski, Michael  
Messier, Irene  
Murch, George  
Pepino, Leo

Ameen, W.  
Belvin, William  
Brundige, Robert  
Carney, Lauren  
Clegg, Robert, Jr.  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Foster, Linda  
Goulet, Maurice  
Holley, Sylvia  
Johnson, Lionel  
Leonard, Peter  
Luebkert, Bernard  
McCarty, Winston  
Milligan, Robert  
Murphy, Robert  
Perkins, Paul

Amidon, Eleanor  
Bergin, Peter  
Burke, M. Virginia  
Chabot, Ernest  
D'Allesandro, Lou  
Durham, Susan  
Fenton, James  
Franks, Suzan  
Hansen, Herbert  
Holt, David  
Kurk, Neal  
Lessard, Rudy  
MacGillivray, Jeffrey  
McGough, Tim  
Mittelman, David  
O'Hearn, Jane  
Peterson, Andrew

Arnold, Thomas, Jr.  
Boutin, David  
Calawa, Leon, Jr.  
Chabot, Robert  
Daniels, Gary  
Dwyer, Paul, Sr.  
Fields, Dennis  
Golding, William  
Hart, Nick  
Hunter, Bruce  
LaRose, Richard  
Letendre, Evelyn  
MacIntyre, Doris  
McRae, Karen  
Morello, Michael  
O'Rourke, Thomas  
Piteri, Dawn

Reidy, Frank  
Searles, Stanley, Sr.  
Wheeler, Robert

Riley, Frances  
Tate, Joan  
White, Donald

Rowe, Robert  
Thulander, O. Alan  
Wright, George

Sargent, Maxwell  
Turgeon, Roland

### MERRIMACK

Adams, Stephen  
Crowell, Peter  
Hoadley, Elizabeth  
Larrabee, David  
Morrill, Olive  
St. Cyr, Gerard

Anderson, Eric  
Daneault, Gabriel  
Jacobson, Alf  
Lavoie, Gerard  
Nichols, Avis  
Whalley, Michael

Brown, Mary  
DeStefano, Stephen  
Krueger, Patricia  
Leber, William  
Pfaff, Terence  
Whittemore, James

Chandler, Earle  
Dunn, Miriam  
Langer, Ray  
Lockwood, Robert  
Seldin, Gloria

### ROCKINGHAM

Arndt, Janet  
Bishop, Franklin  
Cooney, Richard  
Dodge, Robert  
Downing, Michael  
Flanders, David  
Gleason, John  
Kane, Cecelia  
Langley, Jane  
Major, Norman  
Mikowski, Walter  
Nowe, Ronald  
Rabideau, Marie  
Simmons, John Anthony  
Stritch, C. Donald  
Verani, Giovanni

Battles-Peirce, Marjorie  
Camm, Kevin  
Cote, Patricia  
Dolan, Richard  
Dunham, Vivian  
Francoeur, Sheila  
Guthrie, Joseph  
Katsakiores, George  
Langone, John  
Malcolm, Kenneth  
Millard, Ralph  
Packard, Sherman  
Raynowska, Bernard  
Smith, Kevin  
Tufts, J. Arthur  
Welch, David

Beaulieu, Jon  
Carson, Gregory  
Dalrymple, Janeen  
Dowd, Sandra  
Fesh, Robert  
Frechette, Joseph  
Henderson, Warren  
Katsakiores, Phyllis  
Letourneau, Robert  
McCarthy, John, Jr.  
Moore, Benjamin  
Pantelakos, Laura  
Reardon, Neil  
Stickney, Nancy  
Varrell, Thomas  
Weyler, Kenneth

Belanger, Ronald  
Christie, Andrew, Jr.  
Dearborn, Bruce  
Dowling, Patricia  
Flanagan, Natalie  
Gibbons, Paul  
Johnson, Robert  
Kobel, Rudolph  
Lovejoy, Marian  
Micklon, Stephanie  
Morris, Debbie  
Pitts, Jacqueline  
Sabella, Norma  
Stone, Joseph  
Vaughn, Charles  
Woods, Deborah

### STRAFFORD

Brown, Julie  
Dunlap, Patricia  
McKinley, Robert  
Spear, Barbara  
Vincent, Francis

Callaghan, Frank  
Heon, Richard  
Musler, George  
Torr, Ann  
Wall, Janet

Cossette, Larry  
Kaen, Naida  
Rollo, Michael  
Tsiros, William

DeChane, Marlene  
Lundborn, Raymond  
Snyder, Clair  
Twardus, Joseph

### SULLIVAN

Adler, Rudolf  
Leone, Richard

Burling, Peter  
Lindblade, Eric

Ferland, Brenda  
Palmer, Lorraine

Kibbey, David  
Schotanus, Merle

and the Below floor amendment failed.  
The question now being the adoption of the committee report.

### APPEAL

Rep. Vachon requested that the question be divided.  
The Speaker ruled that the question was not divisible.  
Rep. Vachon appealed the ruling of the Chair; sufficiently seconded.  
The question now being shall the ruling of the Chair be sustained.  
Rep. Vachon spoke against.  
Rep. Lozeau spoke in favor and yielded to questions.  
The ruling of the Chair was sustained.  
The question now being the adoption of the committee report.  
Rep. Root spoke against.  
Reps. Burling and Gene Chandler spoke in favor.  
Reps. Wheeler and Burling requested a roll call; sufficiently seconded.

**YEAS 233 NAYS 122****YEAS 233****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Turner, Robert

Boriso, Thomas  
Pilliod, James

Calvert, Alice  
Salatiello, Thomas

Golden, Paul  
Thomas, John

**CARROLL**

Babson, David, Jr.  
Mock, Henry

Bradley, Jeb  
Patten, Betsey

Chandler, Gene

Lyman, L. Randy

**CHESHIRE**

Bonneau, Sarah  
Doucette, Richard  
Metzger, Katherine  
Russell, Ronald

Burnham, Daniel  
Hunt, John  
Richardson, Barbara  
Smith, Edwin

Champagne, Richard  
Lynch, Margaret  
Riley, William  
Steere, Myron, III

DePecol, Benjamin  
Meader, David  
Robertson, Timothy

**COOS**

Bradley, Paula  
Guay, Lawrence  
Merrill, Gerald  
Tholl, John, Jr.

Coulombe, Henry  
Hawkinson, Marie  
Moynihan, Wayne

Coulombe, Yvonne  
Horton, Lynn  
Pratt, Leighton

Davis, Perley  
Mears, Edgar  
St. Hilaire, Paul

**GRAFTON**

Almy, Susan  
Eaton, Stephanie  
Luker, Elsa  
Teschner, Douglass

Below, Clifton  
Guest, Robert  
MacNeil, Allen

Connolly, Steven  
Hill, Richard  
Nordgren, Sharon

Copenhaver, Marion  
LaMott, Paul  
Root, John

**HILLSBOROUGH**

Alukonis, David  
Barody, Benjamin  
Buckley, Raymond  
Chabot, Robert  
Dwyer, Paul, Sr.  
Flora, Kathleen  
Haettenschwiller, Alphonse  
Johnson, Lionel  
Leonard, Peter  
McCarty, Winston  
Morello, Michael  
Perkins, Paul  
Sargent, Maxwell  
Turgeon, Roland  
White, Jay

Ameen, W.  
Belvin, William  
Calawa, Leon, Jr.  
D'Allesandro, Lou  
Dyer, Merton  
Foster, Linda  
Hansen, Herbert  
Kurk, Neal  
Lozeau, Donnalee  
Melcher, Harold  
Murphy, Robert  
Peterson, Andrew  
Searles, Stanley, Sr.  
Vaillancourt, Steve

Amidon, Eleanor  
Bergin, Peter  
Carlson, Donald  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Gage, Ruth  
Hart, Nick  
Lefebvre, Roland  
Lynde, Harold  
Mercer, Robert  
O'Hearn, Jane  
Reidy, Frank  
Tate, Joan  
Welch, Donald

Arnold, Thomas, Jr.  
Boutin, David  
Chabot, Ernest  
Durham, Susan  
Fields, Dennis  
Gosselin, Gerald  
Herman, Keith  
Leishman, Peter  
MacIntyre, Doris  
Messier, Irene  
O'Rourke, Thomas  
Rowe, Robert  
Thulander, O. Alan  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Davis, Francis  
Fraser, Marilyn  
Hoadley, Elizabeth  
Nichols, Avis  
St. Cyr, Gerard  
Yeaton, Charles

Chandler, Earle  
DeStefano, Stephen  
French, Barbara  
Lockwood, Robert  
Owen, Derek  
Wallin, Jean

Crosby, Toni  
Dunn, Miriam  
Gile, Mary  
Marshall, Kenneth  
Reardon, Tara  
Whalley, Michael

Daneault, Gabriel  
Feuerstein, Martin  
Hager, Elizabeth  
Morrill, Olive  
Seldin, Gloria  
Whittemore, James



**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Battles-Peirce, Marjorie	Bishop, Franklin
Blanchard, MaryAnn	Christie, Andrew, Jr.	Clark, Martha	Cushing, Robert
Dalrymple, Janeen	Dearborn, Bruce	Dowd, Sandra	Dowling, Patricia
Downing, Michael	Fesh, Robert	Francoeur, Sheila	Frechette, Joseph
Gibbons, Paul	Gleason, John	Heath, John	Henderson, Warren
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Lovejoy, Marian	McCarthy, John, Jr.
Micklon, Stephanie	Millard, Ralph	Norelli, Terie	Nowe, Ronald
O'Keefe, Patricia	Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline
Reardon, Neil	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony	Tufts, J. Arthur
Vaughn, Charles	Welch, David	Woods, Deborah	

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	Cossette, Larry	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Grassie, Anne	Heon, Richard
Kaen, Naida	Keans, Sandra	Knowles, William	Lundborn, Raymond
McKinley, Robert	Merrill, Amanda	Musler, George	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Smith, Marjorie	Snyder, Clair
Spear, Barbara	Sullivan, Henry	Taylor, Kathleen	Torr, Ann
Torr, Franklin	Tsiros, William	Twardus, Joseph	Vincent, Francis
Wall, Janet			

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Leone, Richard	Lindblade, Eric	Palmer, Lorraine
Robb-Theroux, Amy	Schotanus, Merle	Wiggins, Celestine	

**NAYS 122****BELKNAP**

Boyce, Robert	Clark, Charles	Hurt, George	Rosen, Ralph
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**CARROLL**

Cooper, Kipp	Dickinson, Howard, Jr.	Kenney, Joseph	Philbrick, Donald
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**CHESHIRE**

Lynott, Margaret	Manning, Joseph	McGuirk, Paul	McNamara, Wanda
Pratt, John	Vogl, John		

**COOS**

None

**GRAFTON**

Akins, Ralph	Alger, John	Cobbin, Philip	Guaraldi, Lawrence
Ham, Bonnie	Hinman, Harry	Mirski, Paul	Phinney, William
Weber, Phil	Williams, William, Jr.		

**HILLSBOROUGH**

Ackerman, Philip	Allen, W. Gordon	Barry, William, III	Batula, Peter
Briefs, Geoffrey	Brundige, Robert	Burke, M. Virginia	Cardin, Lori
Carney, Lauren	Christiansen, Lars	Clegg, Robert, Jr.	Clemons, Jane
Cote, Peter	Daigle, Robert	Daniels, Gary	Dawe, Eileen
Drabinowicz, A. Theresa	Fenton, James	Foster, Joseph	Franks, Suzan

Ginsburg, Ruth  
 Holley, Sylvia  
 Jean, Loren  
 Lessard, Rudy  
 Marcinkowski, Michael  
 McRae, Karen  
 Pepino, Leo  
 Wright, George

Golding, William  
 Holt, David  
 Konys, Christine  
 Letendre, Evelyn  
 Martin, Mary  
 Milligan, Robert  
 Piteri, Dawn

Goulet, Maurice  
 Hunter, Bruce  
 L'Heureux, Robert  
 Luebker, Bernard  
 McCarthy, William  
 Mittelman, David  
 Riley, Frances

Hall, Betty  
 Jean, Claudette  
 LaRose, Richard  
 MacGillivray, Jeffrey  
 McGough, Tim  
 Murch, George  
 White, Donald

### MERRIMACK

Adams, Stephen  
 Hess, David  
 Langer, Ray  
 Maxfield, Roy

Brown, Mary  
 Jacobson, Alf  
 Larrabee, David  
 Pfaff, Terence

Burney, Carol  
 Krueger, Patricia  
 Lavoie, Gerard  
 Rogers, Katherine

Crowell, Peter  
 Lamach, Bernard  
 Leber, William  
 Wallner, Mary Jane

### ROCKINGHAM

Beaulieu, Jon  
 Cooney, Richard  
 Dunham, Vivian  
 Kelley, Jane  
 Moore, Benjamin  
 Rubin, George  
 Varrell, Thomas

Belanger, Ronald  
 Cote, Patricia  
 Flanagan, Natalie  
 Major, Norman  
 Morris, Debbie  
 Simmons, John Anthony  
 Verani, Giovanni

Camm, Kevin  
 Dodge, Robert  
 Flanders, David  
 Malcolm, Kenneth  
 Rabideau, Marie  
 Smith, Kevin  
 Weyler, Kenneth

Carson, Gregory  
 Dolan, Richard  
 Guthrie, Joseph  
 Mikowski, Walter  
 Raynowska, Bernard  
 Stickney, Nancy

### STRAFFORD

Hemon, Roland

McCann, William, Jr.

Rollo, Michael

Vachon, Dennis

### SULLIVAN

Adler, Rudolf

Kibbey, David

and the committee report was adopted.

Ordered to third reading.

Reps. David Lawton and Merritt did not vote and wished to be recorded against.

Reps. Carol Moore and Royce did not vote and wished to be recorded in favor.

### PROTESTS

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Reps. Hall and Below requested that their protest, and that of the undersigned members, be entered on the Journal.

May 14, 1998

We the undersigned Members of the New Hampshire House of Representatives, whether voting in favor of or opposition to the committee report on HB 1075, move to have our protest, or dissent, with the following reasons, entered on to the House Journal, pursuant to our right under Article 24, Part II of the State Constitution.

We are concerned that Section 15 of HB 1075, establishing abatements or exemptions to the state property tax created in Section 9-15, is unconstitutional and inequitable. Under Section 15, taxpayers residing in towns with taxable property wealth per pupil greater than the approximate state average will enjoy abatements or exemptions from the state education tax not enjoyed by residents and taxpayers in communities with less than average property wealth per pupil, regardless of the particular circumstances or ability to pay of each individual taxpayer. In fact, the greater the property wealth per student that a town enjoys, the greater the abatement or exemption from taxation and less proportionate burden the taxpayers in those towns bear. Our concern is that this provision appears to fly in the face of the requirements for equal protection of the law and proportionate and reasonable taxation established under Articles 1, 10 and 12 of Part I and Article 5 of Part II of our New Hampshire Constitution. The following excerpts from prior opinions of the Supreme Court of New Hampshire indicate the basis of our concern.

## OPINION OF THE JUSTICES, 4 N.H. 565 (1829)

"... the taxes, laid upon inhabitants, and residents, and upon estates are not only to be proportional, but 'reasonable.' The word 'reasonable,' in this clause of the constitution, seems to be used as having the same meaning with the word **just**, and the sense of the clause to be, that taxes shall be laid, not merely proportionally, but in due proportion, so that each individual's just share, and no more, shall fall upon him. ... No tax is ever imposed upon a single county by the General Court ... No tax is ever imposed upon a single town by the legislature. ... The taxes imposed by the legislature for the support of schools do not form an exception. For these are, in their nature, state taxes, and fall in due proportion upon every town in the state."

## MORRISON V. MANCHESTER 58 N.H. 538 (1879)

"The supreme legislative power, vested in the senate and house of representatives by the second article of the constitution, includes the power of taxation, which is the power of causing a constitutional division to be made, among the members of the community, of the public expense, of which each one is, by the twelfth article of the bill of rights, bound to contribute his share. Each one is bound to contribute his share of the expense incurred by all in protecting the life, liberty, and property of each, and promoting the common welfare. What each is bound to contribute being a debt of constitutional origin and obligation, no part of the share of one can be constitutionally exacted of another. And as any one's payment of less than his share leaves more than their shares to be paid by his neighbors, his non-payment of his full share is a violation of their constitutional right."

## GOULD V. RAYMOND 59 N.H. 260 (1879)

"The right of the tax-payers of a town to contribute no more than their share of the public expense would not be a constitutional right, if the obligation of other towns to contribute their shares could be evaded by verbal ingenuity. Constitutional equality would have no meaning, if [a] burden ... could be put upon some towns, and not upon all. ... the principle of local self-government ... does not authorize an unequal division, among New Hampshire tax-payers, of a non-local expense ... [To put upon] some towns ... a burden not put upon others [is] an act of unequal taxation."

"The power of requiring the tax-payers of every town to pay their share of [a] tax, ... does not include a power of requiring one town to pay their share, and not requiring others to pay theirs. ... The difference between a law that requires them all to perform a common and justly apportioned duty, and a law that submits to each the question whether they will perform their part or not, is the difference between equality and inequality. The principle of local self-government allows, between towns, much inequality of taxation for local purposes, but not for purposes not local. ... The obligation of every member of the community to contribute his share of the public expense, is a part of the foundation which neither branch of the government is authorized to remove."

## RAILROAD v. THE STATE, 60 N.H. 87 (1880)

"The unconstitutionality of unequal taxation is too plainly declared by our constitution, and too well settled by repeated decisions made during the last fifty-three years, to be debatable. A disproportional, unequal assessment, so far as it is disproportional and unequal, is an act, not of taxation, but of confiscation destitute of that element of equal rights which, under our constitution, is an essential part of the definition of law. "Equality is the corner-stone of every just and wholesome system of taxation. Every departure from this principle, no matter what the pretext may be, shifts upon one class a share of the burden of taxation that belongs to another." Rep. Tax Com'rs (1878), p. 10."

"Taxation requires a uniform valuation and a uniform rate. The expenditures of some towns and counties being greater than those of others, taxes must be higher in some than in others. But the rule of uniformity is coextensive with the territory to which a tax applies, and prevents unjust discriminations. A state tax must be uniform throughout the state, a county tax throughout the county, a town tax throughout the town."

## STATE v. EXPRESS CO., 60 N.H. 219 (1880)

"... the true constitutional idea and basis of all taxation is equality and justice; and that each person and his estate shall bear his proportional and reasonable share of the public burdens. ... The unconstitutionality of an unequal division of public expense among New Hampshire tax-payers has been settled too long, and by too many decisions, to be a subject of debate or doubt. The difficulty



of dividing public expense into the shares which the members of the community are bound to contribute, does not insert in their contract a power of imposing the share of one man, family, or class of men upon another man, family, or class.”

SOCIETY v. MANCHESTER, 60 N.H. 342 (1880)

“The right of the legislature to make a partial exemption rests “upon the same basis as its right to make a total exemption. Every exemption is an indirect tax upon other property, and can only be justified where a direct tax upon other property in its behalf would be within the power of the legislature.”

“The supreme power [of taxation, lodged in the representative body of the people is] limited only to equality and proportion in assessment. ... No exclusion of any individuals, classes, or property of any kind was made; but it was explicitly set forth, that “every member of the community” “is bound to contribute his share,” and that the legislature had “full power and authority” to impose the “proportional and reasonable assessments” upon “all the inhabitants and residents” and “all the estates” within the state.”

STATE v. PENNOYER, 65 N.H. 113 (1889)

“The law cannot discriminate in favor of one citizen to the detriment of another. The principle of equality pervades the entire constitution. ... All taxation must be equal. ... This is merely an example of the universal equality of right which the constitution secures to all. ... No one citizen or class of citizens can by law be charged with the performance of duties or subjected to burdens not by law made incumbent upon all other citizens in the same circumstances. ...” Equality of protection,” says Field, J., “implies ... equal exemption with others in like condition from charges and liabilities of every kind.””

STATE v. GRIFFIN, 86 N.H. 609 (1894)

“A state law selecting a ... municipal collection of persons for favors and privileges withheld from others is at war with a principle which this court is not authorized to surrender. ... There is no limit to the injustice and tyranny that can be practiced if uniformity and equality are not essential parts of law.”

Representatives:

Donovan	Lynch	Wallin	Sapareto
Katherine Rogers	Arthur Pelletier	Marsha Pelletier	Allen
McGuirk	Robb-Thereux	Lynde	DePecol
Cushing	Allison	Robertson	Wiggins
Wiggins	Vincent	Luker	Hutchinson
Abbott	Lovett	Lamach	Meador
John Pratt	Vachon	Jacobson	Lynott
Marjorie Smith	Fraser	Owen	George Brown
French	Mary Brown	Kevin Smith	Hinman
Manning	Loren Jean	Mirski	Hemon
McCann	William Williams	Steere	Varrell
Maxfield	Carol Moore	Wallner	Merritt
Rubin	Richardson	Bonneau	William Riley

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Hager requested that her protest, and that of the undersigned members, be entered on the Journal.

The undersigned legislators wish to enter on the Journal a protest on the passage of House Bill 1075 by reason of questions concerning the constitutionality of certain of the bill’s provisions.

Representatives:

Norelli	Arthur Pelletier	Julie Brown	Bergin
Dokmo	Leishman	Daigle	Hemon
Christiansen	Burney	Allison	Adler
Steere	Dodge	Feuerstein	Maxfield
Marshall	Hutchinson	Gile	Seldin
Hall	Melcher	Brennan	Heath
Marsha Pelletier	McCann	Hemon	DeChane
Rollo	Dalrymple	Drabinowicz	Frances Riley
Fenton	Bickford	Letendre	Pepino
Hunter	Morris	Carney	Akins

Langer	Babson	Flanagan	Fesh
Keans	Jacobson	Holt	Bonneau
Marjorie Smith	Wallner	Carol Moore	Jane Clemons
French	Katherine Rogers	Buckley	Sapareto
Kathleen Taylor	Mirski	Wallin	Krueger
McRae	Franks	Vachon	Piteri
Camm	Marcinkowski	Kenney	Malcolm
Manning	Dickinson	Cobbin	Root
Weber	Beaulieu	Milligan	Charles Clark
Loren Jean	Wright	Christiansen	Varrell
Boutin	Belanger	Goulet	Dawe
Jane Clemons	St. Hilaire	Cooper	McGuirk
Vogl	Gerald Merrill	Daniels	Weyler
David Lawton	Murch	Carson	Messler
Sabella	William Williams	Hinman	Phinney
John Pratt	Vaillancourt	Simmons	Jane Kelley
Veazey	Philbrick	Hurt	Laflam

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Reps. Weber and Cobbin requested that their protest be entered on the Journal.

It is with great regret this experiment in democracy we have experienced these last couple of centuries is all but over. People, in whom we have entrusted our freedom, seek through lies and a perversion of the rules of government and humanity to deliver us to slavery. Many members of this House have, without thought, without reason or philosophy, trusted a leadership whom through their action clearly and ardently work for the evolution of the totalitarian state, which today is certain. These people will certainly be remembered in posterity for the plague against reason they have incubated this day. Certainly, there is no defense for these actions, fifty years ago Nuremberg taught us all that lesson. Those who support this de-evolution of democracy will not be spared judgment of time or Providence.

This bill which passes this House this day seeks to create a state indoctrination plan for our children. In order for the Fascist to rule, they must first corrupt the minds of the young, destroying truth and the ability to reason. In this scheme hatched out by the henchmen and women of evil, our singular identity, that which makes us human, our God given existence, our purpose for being, will be completely destroyed. All will live to serve only the state. In the end, those among us who will surely never surrender, will die or be rounded up like cattle and taken to the concentration camps, these creatures who hate humanity will surely build. This day we say these words not because they are popular and common, we say them because they are true.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Root moved that the House reconsider its action whereby it ordered to third reading *HB 1075-FN-A-L*, implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all the children of New Hampshire. Reconsideration failed.

### APPEAL

Rep. Sapareto requested that a House Resolution be drafted and introduced requesting an Opinion of the Justices on the constitutionality of *HB 1075-FN-A-L*, implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all the children of New Hampshire.

The Speaker ruled that a two-thirds vote was necessary for drafting and introduction.

Rep. Wallin appealed the ruling of the Chair; sufficiently seconded.

The question now being shall the ruling of the Chair be sustained.

Rep. Wallin spoke against and yielded to questions.

Rep. Sapareto spoke against.

Reps. Burling and Henderson spoke in favor.

Rep. Lessard requested a roll call; not sufficiently seconded.

On a division vote, 232 members having voted in the affirmative and 120 in the negative, the ruling of the Chair was sustained.

**PROTEST**

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Cobbin requested that his protest be entered on the Journal.

The vote in support of the Chair is a vote for anarchy. Clearly and on the face of them, the Rules support Rep. Sapareto. Rep. Dickinson clearly and correctly pointed this out. The legislature has devolved into a session of raw political power. While I disagree with the substance, I defend the right as a member.

**MOTION TO PRINT REMARKS**

Rep. Fuller Clark moved that the debate on House Bill 1075 be printed in the journal and spoke in favor.

Reps. Burling and Cobbin spoke in favor.

Rep. Carson spoke against.

On a division vote, 166 members having voted in the affirmative and 178 in the negative, the motion failed.

**MOTION TO DRAFT AND INTRODUCE LEGISLATION**

Rep. Sapareto moved that a House Resolution be drafted and introduced requesting an Opinion of the Justices on the constitutionality of *HB 1075-FN-A-L*, implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all the children of New Hampshire.

Rep. Sapareto requested a roll call; sufficiently seconded.

The question being the motion to draft and introduce a House Resolution.

**YEAS 162 NAYS 183****YEAS 162****BELKNAP**

Boyce, Robert	Clark, Charles	Lawton, David	Rosen, Ralph
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**CARROLL**

Cooper, Kipp	Dickinson, Howard, Jr.	Kenney, Joseph	Mock, Henry
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**CHESHIRE**

Bonneau, Sarah	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Richardson, Barbara	Robertson, Timothy	Smith, Edwin
Steere, Myron, III	Vogl, John		

**COOS**

Mears, Edgar	Pratt, Leighton	St. Hilaire, Paul
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**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Below, Clifton
Cobbin, Philip	Copenhaver, Marion	Guest, Robert	Hinman, Harry
Lovett, Sidney	Mirski, Paul	Nordgren, Sharon	Phinney, William
Root, John	Teschner, Douglass	Weber, Phil	Williams, William, Jr.

**HILLSBOROUGH**

Allen, W. Gordon	Baroody, Benjamin	Barry, William, III	Batula, Peter
Bergin, Peter	Boutin, David	Brundige, Robert	Buckley, Raymond
Burke, M. Virginia	Cardin, Lori	Carlson, Donald	Carney, Lauren
Chabot, Ernest	Christiansen, Lars	Clemons, Jane	Cote, Peter
Daigle, Robert	Daniels, Gary	Dokmo, Cynthia	Drabinowicz, A. Theresa
Fenton, James	Flora, Kathleen	Foster, Joseph	Franks, Suzan
Ginsburg, Ruth	Golding, William	Goulet, Maurice	Hall, Betty
Holley, Sylvia	Holt, David	Hunter, Bruce	Jean, Loren
L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland	Lessard, Rudy



Letendre, Evelyn  
McGough, Tim  
Milligan, Robert  
Vaillancourt, Steve  
Wright, George

Marcinkowski, Michael  
McRae, Karen  
Mittelman, David  
Welch, Donald

Martin, Mary  
Mercer, Robert  
Riley, Frances  
White, Donald

McCarthy, William  
Messier, Irene  
Turgeon, Roland  
White, Jay

### MERRIMACK

Anderson, Eric  
Davis, Francis  
Hager, Elizabeth  
Lamach, Bernard  
Marshall, Kenneth  
Rogers, Katherine

Brown, Mary  
Feuerstein, Martin  
Hess, David  
Langer, Ray  
Nichols, Avis  
Wallner, Mary Jane

Burney, Carol  
Fraser, Marilyn  
Jacobson, Alf  
Larrabee, David  
Owen, Derek  
Yeaton, Charles

Crowell, Peter  
French, Barbara  
Krueger, Patricia  
Lavoie, Gerard  
Reardon, Tara

### ROCKINGHAM

Beaulieu, Jon  
Carson, Gregory  
Dodge, Robert  
Flanagan, Natalie  
Kelley, Jane  
Moore, Benjamin  
Rabideau, Marie  
Sapareto, Frank  
Stritch, C. Donald

Belanger, Ronald  
Cooney, Richard  
Dolan, Richard  
Flanders, David  
Lovejoy, Marian  
Nowe, Ronald  
Raynowska, Bernard  
Simmons, John Anthony  
Varrell, Thomas

Bishop, Franklin  
Cushing, Robert  
Dunham, Vivian  
Guthrie, Joseph  
Major, Norman  
O'Keefe, Patricia  
Rubin, George  
Smith, Kevin  
Weyler, Kenneth

Camm, Kevin  
Dalrymple, Janeen  
Fesh, Robert  
Hutchinson, Rebecca  
Malcolm, Kenneth  
Pitts, Jacqueline  
Sabella, Norma  
Stickney, Nancy

### STRAFFORD

Bickford, David  
Pelletier, Arthur  
Twardus, Joseph

DeChane, Marlene  
Pelletier, Marsha  
Vachon, Dennis

McCann, William, Jr.  
Rollo, Michael

Merrill, Amanda  
Taylor, Kathleen

### SULLIVAN

Cloutier, John

Ferland, Brenda

Kibbey, David

Robb-Theroux, Amy

### NAYS 183

### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Turner, Robert

Boriso, Thomas  
Pilliod, James

Calvert, Alice  
Salatiello, Thomas

Golden, Paul  
Thomas, John

### CARROLL

Bradley, Jeb  
Philbrick, Donald

Chandler, Gene

Lyman, L. Randy

Patten, Betsey

### CHESHIRE

Burnham, Daniel  
Hunt, John  
Pratt, John

Champagne, Richard  
Lynch, Margaret  
Russell, Ronald

DePecol, Benjamin  
McNamara, Wanda

Doucette, Richard  
Metzger, Katherine

### COOS

Bradley, Paula  
Guay, Lawrence  
Moynihan, Wayne

Coulombe, Henry  
Hawkinson, Marie  
Tholl, John, Jr.

Coulombe, Yvonne  
Horton, Lynn

Davis, Perley  
Merrill, Gerald

### GRAFTON

Connolly, Steven  
LaMott, Paul

Eaton, Stephanie  
Luker, Elsa

Guaraldi, Lawrence  
MacNeil, Allen

Hill, Richard

**HILLSBOROUGH**

Ackerman, Philip	Alukonis, David	Ameen, W.	Amidon, Eleanor
Arnold, Thomas, Jr.	Belvin, William	Briefs, Geoffrey	Calawa, Leon, Jr.
Chabot, Robert	Clegg, Robert, Jr.	D'Allesandro, Lou	Dawe, Eileen
Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton	Emerton, Lawrence, Sr.
Fields, Dennis	Foster, Linda	Gage, Ruth	Gosselin, Gerald
Haettenschwiller, Alphonse	Hansen, Herbert	Hart, Nick	Herman, Keith
Jean, Claudette	Johnson, Lionel	Konys, Christine	Kurk, Neal
Leishman, Peter	Leonard, Peter	Lozeau, Donnalee	Luebker, Bernard
Lynde, Harold	MacGillivray, Jeffrey	MacIntyre, Doris	McCarty, Winston
Melcher, Harold	Morello, Michael	Murch, George	Murphy, Robert
O'Hearn, Jane	O'Rourke, Thomas	Pepino, Leo	Perkins, Paul
Peterson, Andrew	Piteri, Dawn	Reidy, Frank	Rowe, Robert
Sargent, Maxwell	Searles, Stanley, Sr.	Tate, Joan	Thulander, O. Alan
Wheeler, Robert			

**MERRIMACK**

Adams, Stephen	Chandler, Earle	Crosby, Toni	Daneault, Gabriel
DeStefano, Stephen	Dunn, Miriam	Hoadley, Elizabeth	Leber, William
Lockwood, Robert	Morrill, Olive	Pfaff, Terence	Seldin, Gloria
St. Cyr, Gerard	Whittemore, James		

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Battles-Peirce, Marjorie	Blanchard, MaryAnn
Christie, Andrew, Jr.	Clark, Martha	Cote, Patricia	Dearborn, Bruce
Dowd, Sandra	Dowling, Patricia	Downing, Michael	Francoeur, Sheila
Frechette, Joseph	Gibbons, Paul	Gleason, John	Heath, John
Henderson, Warren	Johnson, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	McCarthy, John, Jr.	Micklon, Stephanie
Mikowski, Walter	Millard, Ralph	Norelli, Terie	Packard, Sherman
Pantelakos, Laura	Reardon, Neil	Schanda, Frank	Stone, Joseph
Syracusa, Anthony	Tufts, J. Arthur	Vaughn, Charles	Verani, Giovanni
Welch, David	Woods, Deborah		

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	Cossette, Larry	Dunlap, Patricia	Estabrook, Iris
Grassie, Anne	Hemon, Roland	Heon, Richard	Kaen, Naida
Keans, Sandra	Knowles, William	Lundborn, Raymond	McKinley, Robert
Rogers, Rose Marie	Smith, Marjorie	Snyder, Clair	Spear, Barbara
Sullivan, Henry	Torr, Ann	Torr, Franklin	Tsiros, William
Vincent, Francis	Wall, Janet		

**SULLIVAN**

Allison, David	Burling, Peter	Donovan, Thomas	Leone, Richard
Lindblade, Eric	Palmer, Lorraine	Schotanus, Merle	

and the motion failed.

**REGULAR CALENDAR (CONT'D.)**

**SB 409-FN**, relative to long-term care and extending the moratorium on new nursing home beds. **OUGHT TO PASS**

Rep. Lawrence A. Emerton for Health, Human Services and Elderly Affairs: This bill is a result of over two years of work by the health and human services department and considerable work by the Senate. After extensive deliberation by our committee at several meetings, the numerous interested parties proposed over 40 amendments. The committee felt that the bill would be better if kept intact, rather than add amendments at this time.

This legislation is an initial step towards rebalancing the long term care continuum by adding more resources and support to the home and community based service infrastructure to make it more responsive to increased consumer demand. The long term care system, which provides a variety of personal care and other supportive services to the frail elderly and physically disabled or chronically ill adult populations, needs to be rebalanced. To a great extent, the current system relies on nursing facilities to provide this kind of care. While the quality of care provided in New Hampshire's nursing facilities is superior to other states, an increasing elderly and disabled population and decreasing public financial resources are causing the state to re-evaluate how long term care services are provided. Moreover, many long term care consumers and potential consumers have expressed that they prefer to be cared for at home or in other less acute settings. Because we spend far more on nursing facility care than on home and community based care, there is an inherent dichotomy between the state's present long term care system and consumer choice.

The major components of this very complex bill are: 1) A determination by the department of health and human services of the most cost effective and clinically appropriate level of residential long-term care services. The assessment shall be voluntary for all applicants, except for those who have applied for or have been determined to be eligible for medicaid benefits. 2) Extends the moratorium on new nursing homes from December 31, 1998 to December 31, 2001. 3) Establishes an adult family care program to provide services to elderly and disabled persons. 4) Changes the ratio of reimbursement funds required by the counties and state for nursing home care. 5) Requires the department of health and human services to establish an acuity-based reimbursement system for nursing homes.

Finally, this bill provides that the new long term care reimbursement system between the state and county will "sunset" in five years. Vote 16-1.

Rep. Emerton spoke in favor.

Rep. Kurk spoke in favor and yielded to questions.

Adopted and referred to Finance.

Rep. Merritt declared a conflict of interest and did not participate.

### SUSPENSION OF RULES

Reps. Wheeler and Burling moved that the Rules be so far suspended as to allow the reporting date for all bills in the House be extended to May 28, 1998 and that June 4, 1998 be established as the deadline for action on all bills.

Adopted by the necessary two-thirds.

### MOTION TO DIVIDE THE QUESTION

Rep. Weyler moved that the third reading motion be divided and that **HB 1075-FN-A-L**, implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all the children of New Hampshire, be considered separately.

The Speaker ruled that the question was divisible.

### RESOLUTION

Rep. Wheeler offered the following: RESOLVED that the business of the late session be in order at the present time and that **HB 1075-FN-A-L**, implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all the children of New Hampshire be read a third time and passed.

On a division vote, 243 members having voted in the affirmative and 83 in the negative, House Bill 1075 was read a third time and passed.

### LATE SESSION

#### Third reading and final passage

**HB 1075-FN-A-L**, implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all the children of New Hampshire.

### PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Mirski requested that his protest be entered on the Journal.

In order to preserve the taxing authority reserved to the people of New Hampshire by the state constitution and in order to preserve the power granted the legislature to represent the interests of



the people, the New Hampshire House and Senate must set aside the aspects of the Claremont I and Claremont II rulings which require the state to “*guarantee*” funding of a constitutionally adequate education. Article 28 of Part I of the New Hampshire Constitution asserts that: “*No subsidy, tax, import or duty, shall be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature, or authority derived from that body.*”

For the New Hampshire House to accede to the court’s Claremont I ruling, reaffirmed in Claremont II, that the state “*guarantee*” funding of a constitutionally adequate education would be to affirm that sums equivalent to two-thirds or more of local (municipal) appropriations and taxes be formally earmarked for education before the first tax dollar could be raised and appropriated for any other purpose. To bow to the court would be to concede that education spending should preempt spending for public safety, public health, disaster relief, public welfare, job creation, infrastructure improvements, criminal justice, the judiciary and the courts, pollution control, recreation, natural resources and the environment, public parks and the administration of government itself. To concur that education funding be “*guaranteed*” by the state would be to agree that about \$1.1 billion dollars of public spending be removed from the meaningful public debate. To concur with the court would be to deny the people’s constitutional right, under Part I, Article 28, to vote on which of those services of government are most important to them and to determine to what extent elected services are worthy of financial sacrifice. To agree with the court’s order that the people and their elected representatives *must approve* education funding mandated by the Supreme Court would be to preside over the extinction of representative government in New Hampshire.

As constitutional officers, members of the New Hampshire House and Senate are compelled to support the constitution of New Hampshire. We are compelled to maintain constitutional separation of powers and to insure that the cost of government not be imposed on the people without their consent. The court’s holding that the state “*guarantee*” education funding irresolvable conflicts with Part I, Article 28.

If allowed to stand, the Supreme Court’s rulings will materially affect the separation and balance of power among the three branches of government in ways which transcend taxes and spending. The court’s rulings shift government power from the people to the Governor and to the courts. As the debate over what constitutes educational adequacy plays out, judges will define and redefine what constitutes educational adequacy. Judges are appointed by the Governor. The Governor also appoints members of the State Board of Education. The Governor, through the State Board of Education, administers and directs the state’s educational bureaucracy. Since education funding and content will effectively be beyond control of the legislature, the Governor will gain enormous influence over the disposition of what presently amounts to more than a billion dollars of spending statewide. The political leverage which will accrue to the Governor as a result of influence over such significant sums will diminish the power of the House and Senate to control taxes and spending. The House, where all money bills must originate, will find its tax and spending options substantially curtailed by the demands of education funding. It will also find its policy options in all other areas of government materially affected by the preemptive demands of the education lobby. The court’s requirement that “*adequate education’s*” appetite for appropriations be satisfied before the needs of any other state or municipal service will cause the funding demands of “*adequate education*” to dominate virtually all public and legislative debate. Since funding of education will be required regardless of the state of the economy, during recessions educators and educrats will be guaranteed their livelihoods while taxpayers suffer lost jobs. During recessions or whenever state revenues fail to meet expectations, in order to guarantee education funding, state taxes and fees will either have to be increased or state services cut. State employees in all areas of government other than education will be laid off or dismissed in order to accommodate funding shortfalls, no matter how well meaning, by elevating educators to privileged economic status, the supreme court aborts the fundamental intent of government articulated in Part I, Article 10 of the New Hampshire Constitution which states that “*Government...*” is “*...instituted for the common benefit, protection, and security, of the whole community and not for the private interest or emolument of any one man, family or class of men...*” If permitted to stand, the “*state must guarantee funding*” component of the Claremont I and II decision’s will convert the New Hampshire House of Representatives, the most representative legislature in the world, to an institution utterly subservient to forces beyond its control.

A resolution to the education funding disparities which exist between New Hampshire towns and cities must be found. Property tax inequities must also be resolved. No resolution of either of these problems can be considered appropriate however, if the fundamental right of the people to control government is sacrificed in the process. The Claremont I and II rulings of the New Hampshire Supreme Court usurp the right of the people to determine how and for what purposes they may elect to tax themselves. The Claremont rulings abrogate the right of the people to representative government and they violate the separation of powers provisions of the state constitution. For these reasons the court's requirement that education funding be "guaranteed" must be formally rejected by the New Hampshire House and Senate. The passage of House Bill 1075 enshrines the wrong-headed rulings of the court to the great detriment of the people of the great state of New Hampshire and to the detriment of the honorable House of Representatives.

### RESOLUTION

Rep. Wheeler 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, May 20, 1998 at 10:00 a.m. Adopted.

### LATE SESSION

#### Third reading and final passage

**SB 336**, relative to small group and individual insurance.

**SB 372**, relative to forms and rates for large scale commercial insurance policies.

**SB 393**, relative to health insurance deductibles.

**SB 399**, correcting a reference in the insurance laws.

**SB 333**, allowing any registered voter who is unable to vote in person, by reason of extended work hours, lack of transportation, or illness in the family, to vote by absentee ballot.

**SB 501-FN-A**, relative to authorizing an attorney for prosecutions by the board of medicine and making an appropriation therefor.

**SB 497**, relative to disbursement of tobacco settlement funds received by the state.

**SB 328**, allowing liquor and beverage licensees and other liquor and beverage industry members not licensed in New Hampshire to furnish draft beer equipment and representatives to dispense and promote their beverages at licensed beer festivals.

**SB 356-L**, relative to the bond required as a condition for filing an intent to cut or receiving a permit to cut.

**SB 415**, relative to the authority of zoning boards of adjustment to grant variances from certain zoning ordinances.

**SB 492**, amending the charter of the union school district of Keene.

### UNANIMOUS CONSENT

Reps. Pepino and Langley addressed the House.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 4:50 p.m.

### RECESS

(Rep. Buckley in the Chair)

### RESOLUTION

Rep. Boutin offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 507 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF SENATE BILL****First, second reading and referral**

**SB 507**, establishing a committee to study pharmaceutical assistance for the elderly. (Health, Human Services and Elderly Affairs)

**ENROLLED BILL AMENDMENTS**

**HB 1346**, relative to certain definitions under the solid waste management act.

**Amendment (1614-EBA)**

Amend line 1 of RSA 149-M:4, XI as inserted by section 2 of the bill by replacing it with the following:

X-a. "Incinerator" means a facility which employs a method of using controlled thermal  
Adopted.

**HB 1333-FN-L**, relative to the erection of voting booths at polling places.

**Amendment (1615-EBA)**

Amend RSA 658:9, II as inserted by section 1 of the bill by replacing lines 11-13 with the following: and one of the voting booths described in paragraph III at any polling place. *The number of booths erected at the polling place shall be the number estimated by the selectmen to be necessary for the efficient conduct of the election plus any additional number requested by the moderator.*  
Adopted.

**RECESS**

**(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.

Adopted.



**HOUSE JOURNAL No. 14**

Wednesday, May 20, 1998

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, Reverend Hays M. Junkin from St. Andrews Episcopal Church in Hopkinton.

Almighty God, ruler of all peoples of the earth: forgive, we beseech Thee, our shortcomings as a nation and state; purify our hearts to see and love truth; give wisdom to our counselors and steadfastness to our people; and bring us at last to that fair city of peace whose foundations are mercy, justice, and goodwill, and whose builder and maker Thou art; in God's name we pray. Amen.

Rep. Leighton Pratt led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Julie Brown, Patricia Cote, Flint, Robert Foster, Healy, Langer, Noyes, O'Connell, Pepino and Paul Taylor, the day, illness.

Reps. Adams, Bergin, Channing Brown, Case, Chase, Connolly, Copenhagen, David Cote, DePecol, Golden, Robert Kelley, Laflam, Lovejoy, MacAuslan, MacNeil, Mirski, Morello, Morris, Moynihan, Nordgren, O'Keefe, Perkins, Piteri, Sabella, Simmons and Stone, the day, important business.

Rep. Lindblade, the day, death in the family.

Reps. Clay, Jane Clemons, Coes and Fenton, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Mrs. Caroline Clough, Mrs. Joan McLaughlin and Mrs. Ann Harvey, mother-in-law and guests of Speaker Sytek. Martha, Benjamin and Luke Teschner, wife and sons of Rep. Teschner. Jennifer Thorlby, guest of Rep. Trelfa. Dan Griffin, Garry Christman, Bill Oswell and Steve Pelky, guests of Reps. Royce and Manning.

**SPECIAL GUESTS**

The 1998 Class M Boys Basketball Champions from Conant High School in Jaffrey, guests of Rep. Manning and the House.

**SUSPENSION OF RULES**

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit all dates in Rule 64 from May 14, 1998 on be suspended so as to permit the following:

May 28, 1998 - Last day to report all bills, excluding those related to the Claremont decision.

June 9, 1998 - Last day to act on all bills, excluding those related to the Claremont decision.

June 12, 1998 - Final day to sign-off all Committee of Conference Reports at 5:00 p.m., excluding those related to the Claremont decision.

June 17, 1998 - Last day to act on Committee of Conference Reports, excluding those related to the Claremont decision.

June 19, 1998 - All bills to the Governor, excluding those related to the Claremont decision.

And that after June 4, 1998, any bills or messages which are received from the Senate concerning the Claremont decision shall be subject to deadlines to be established at a future date.

Adopted by the necessary two-thirds.

**SENATE MESSAGES****CONCURRENCE**

**HB 234-FN-L**, relative to disposition by counties of funds of deceased patients of county nursing homes.

**HB 717-FN-A**, relative to taxation of qualified investment capital companies.

**HB 1142**, making technical corrections on behalf of the department of revenue administration.

**HB 1147**, relative to corporate filings with the secretary of state.

**HB 1166**, relative to the oversight committee on health and human services.

**HB 1172**, relative to the number of members on a municipal budget committee.

**HB 1193-FN**, relative to installing vending machines at welcome and tourist information centers on state highways.

**HB 1198**, relative to the registration of vehicles owned by trusts.

**HB 1259-FN**, relative to salary differentials for certain employees of the New Hampshire Hospital.

**HB 1271-FN**, relative to the board of acupuncture licensing.

**HB 1274-FN**, relative to enforcement of air pollution laws by the department of environmental services.

**HB 1275**, relative to training for marine patrol officers.

**HB 1300**, relative to the revenue stabilization reserve account and the health care transition fund.

**HB 1354-FN**, relative to fishing in the Connecticut River by residents of Vermont.

**HB 1396-FN**, relative to licensure and training programs for emergency medical services instructor/coordinators.

**HB 1399-FN**, revising certain information required in the state operating budget.

**HB 1408**, requiring a criminal background investigation for certain child care agencies.

**HB 1409-FN**, relative to licenses for taking lobster and crab.

**HB 1414**, relative to review of non-renewal of teachers contracts.

**HB 1456**, relative to the budget making process.

**HB 1475**, relative to revising certain programs within the postsecondary education commission.

**HB 1563**, relative to professional use of cannabis-type drugs.

**HB 1597-FN**, relative to providing more cost-effective special education services.

**HB 1630-FN**, relative to the transportation of high level radioactive waste.

**HB 1642-FN**, relative to changing the environmental laboratory certification program administered by the department of environmental services to an accreditation program.

**HJR 24**, supporting the initiative to re-elm U.S. Route 1 and urging the department of transportation, the office of state planning, and affected local communities, businesses, residents, and conservation groups to join in and cooperate with voluntary efforts to once again line U.S. Route 1 with elm trees.

### CONCURRENCE WITH AMENDMENTS

**SB 26**, preventing recovery by a nonsupporting parent in a wrongful death claim or action on behalf of the nonsupported child until child support arrearages are paid in full.

**SB 100**, establishing a New Hampshire film and television commission.

**SB 350**, relative to probate court procedures.

**SB 390**, relative to the application of the law governing foreign business entities to a merger or other reorganization of a gas utility.

**SB 493**, establishing a commission to determine the feasibility of a new public-private partnership to conserve New Hampshire's priority natural, cultural, and historical resources.

### NONCONCURRENCE

**HB 1149**, relative to the power to detain an accused person without a warrant for breach of conditions of release on bail.

**HB 1178**, relative to automobile leasing.

**HB 1190**, encouraging alternative dispute resolution as an alternative to litigation in domestic relations cases.

**HB 1299**, requiring members of executive branch councils to file annual financial statements and relative to certain person's who fail to file annual financial statements.

### ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

**HB 170-L**, exempting temporary, demountable, plastic-covered greenhouses from property taxation. The President appointed Sens. Frederick King, Johnson and Blaisdell.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 147**, relative to disclosure of certain information relating to tobacco products. (Amendment printed SJ 15, 5/14/98)

Rep. Hunt moved that the House concur.

Adopted.

**HB 505**, relative to smoking in indoor public places. (Amendment printed SJ 14, 5/7/98)

Rep. Hunt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hunt, Martha Fuller Clark, Tsiros and Belanger.

**HB 707-L**, relative to municipal taxation of telecommunications poles and conduits. (Amendment printed SJ 10, 4/9/98)

Rep. Hess moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hess, Alukonis, Linda Foster and Teschner.

**HB 1112**, relative to the placement of articles on the official ballot. (Amendment printed SJ 13, 4/30/98)

Rep. Metzger moved that the House concur.

Adopted.

**HB 1114**, relative to registration procedures for the use of antique plates. (Amendment printed SJ 15, 5/14/98)

Rep. Packard moved that the House concur.

Adopted.

**HB 1118**, relative to the expiration of contact lens prescriptions. (Amendment printed SJ 14, 5/7/98)

Rep. Emerton moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Emerton, Morello, French and Dawe.

**HB 1167-L**, relative to a reapproval process for community mental health programs and area agencies. (Amendment printed SJ 15, 5/14/98)

Rep. Emerton moved that the House concur.

Adopted.

**HB 1175**, relative to authorizing the state board of education to adopt rules on teacher education programs, teacher certification fees, and recertification standards. (Amendment printed SJ 11, 4/16/98)

Rep. O'Hearn moved that the House nonconcur and spoke in favor.

Adopted.

**HB 1189-FN**, increasing the limits of direct off-premises sales from breweries and brew pubs. (Amendment printed SJ 12, 4/23/98)

Rep. Hess moved that the House concur.

Adopted.

**HB 1209**, revising the interagency agreement for special education. (Amendment printed SJ 14, 5/7/98)

Rep. O'Hearn moved that the House concur.

Adopted.

**HB 1215**, establishing a committee to study the shortage of qualified and certified personnel in the delivery of services related to special education. (Amendment printed SJ 14, 5/7/98)

Rep. O'Hearn moved that the House concur.

Adopted.

**HB 1320**, amending provisions of the advisory committee on the education of students with disabilities. (Amendment printed SJ 14, 5/7/98)

Rep. O'Hearn moved that the House concur.

Adopted.

**HB 1328-FN**, extending the exemption period for motor vehicle titles and modifying the process for obtaining a duplicate motor vehicle certificate. (Amendment printed SJ 12, 4/23/98)

Rep. Packard moved that the House concur.

Adopted.



**HB 1374**, relative to increasing the minimum amount of a state capital improvement project requiring competitive bidding and relative to contracts for major capital projects of the departments of fish and game and resources and economic development. (Amendment printed SJ 13, 4/30/98)  
Rep. Gene Chandler moved that the House concur.  
Adopted.

**HB 1407**, clarifying the unlawful practice of medicine. (Amendment printed SJ 15, 5/14/98)  
Rep. Emerton moved that the House concur.  
Adopted.

**HB 1421**, relative to review of drugs by the board of nursing and the joint health council. (Amendment printed SJ 15, 5/14/98)  
Rep. Emerton moved that the House concur.  
Adopted.

**HB 1428**, establishing requirements for teachers and teacher preparation programs to ensure that teachers are prepared to teach to a broad range of students including exceptional learners. (Amendment printed SJ 13, 4/30/98)  
Rep. O'Hearn moved that the House concur.  
Adopted.

**HB 1448**, relative to confidential communication between victims and counselors. (Amendment printed SJ 15, 5/14/98)  
Rep. David Welch moved that the House nonconcur and request a Committee of Conference.  
Adopted.  
The Speaker appointed Reps. Lyman, Sargent, Wiggins and Knowles.

**HB 1527**, relative to unauthorized switching of telecommunications or energy-related service providers. (Amendment printed SJ 14, 5/7/98)  
Rep. Jeb Bradley moved that the House concur.  
Adopted.

**HB 1529**, reinstating the corporate charters of Hampstead Garage, Inc., Shannon Ridge Development, Inc., and Raycor Corporation and establishing a committee to study the process for reinstating a corporate charter. (Amendment printed SJ 15, 5/14/98)  
Rep. Hunt moved that the House concur.  
Adopted.

**HB 1605**, establishing a study committee on marine patrol services. (Amendment printed SJ 14, 5/7/98)  
Rep. Packard moved that the House concur.  
Adopted.

### NONCONCURS WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

**SB 102-FN**, relative to the possession of certain weapons in the commission of a violent crime. The President appointed Sens. Gordon, David Wheeler and Hollingworth.  
Rep. David Welch moved that the House accede.  
Adopted.  
The Speaker appointed Reps. Lyman, Christie, Mikowski and Knowles.

### COMMITTEE REPORTS CONSENT CALENDAR

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

**SB 354**, requiring insurance coverage for hospitalization and anesthesia for dental procedures for certain patients, removed by Rep. Donald Welch.

**SB 358-L**, relative to the term physician in health care provider contracts, removed by Rep. Donald Welch.

**SB 404**, relative to home care, removed by Rep. Donald Welch.

**SB 472-FN-L**, relative to filing security interests under the Uniform Commercial Code, removed by Rep. Joseph Foster.

**SB 494**, establishing the voluntary small employer health insurance purchasing alliance, removed by Rep. Donald Welch.

**SB 506**, requiring certain reports relative to independent review under managed care, removed by Rep. Donald Welch.

**SB 376**, relative to animal cruelty, removed by Rep. Mirski.

**SB 437-FN**, requiring a one year mandatory prison sentence for a third DWI conviction, removed by Rep. Mirski.

**HB 1667**, to place a question concerning electronic gaming machines to the voters on the November 1998 state general election ballot, removed by Rep. Guay.

**SB 420**, preventing a child from being required to have visitation with a parent incarcerated for the murder of the other parent, removed by Rep. Cushing.

**SCR 7**, supporting the economic security in retirement of all Americans, removed by Rep. John Pratt. Consent Calendar adopted.

**SB 316**, authorizing insurance companies to give discounts to drivers over 55 years of age who complete an approved driver safety course. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Commerce: This bill, as written, was simply enabling legislation and did not mandate anything. Since the committee is concerned about helping elderly drivers become more aware of their declining driving skills, it was decided that a study committee was the best way to find new incentives for the elderly to take appropriate courses. Vote 10-1.

#### Amendment (1635h)

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

AN ACT establishing a committee to study participation in driver training programs for older drivers.

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

1 Committee Established. There is established a committee to study the creation of incentives for participation in driver training programs for older drivers.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house.

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

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

3 Duties. The committee shall explore and develop methods of encouraging older drivers to participate in driver training programs designed specifically for older drivers. Incentives developed by the committee shall not include any requirement that insurance companies provide discounts upon the successful completion of an approved driver safety course. The committee shall solicit input from the commissioner of the department of safety, or designee.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1998.

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

#### AMENDED ANALYSIS

This bill establishes a committee to study participation in driver training programs for older drivers.

**SB 370-L**, establishing an international trade corridor and border crossing planning and development advisory committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Toni M. Crosby for Commerce: This bill establishes an advisory committee to coordinate efforts among New Hampshire, Maine and Vermont, as these states work toward creating an international trade corridor across northern New Hampshire and look at cross border planning and

development opportunities for each state. In addition, the committee will study the feasibility of creating an east-west highway among the three states using Rte 2. The amendment includes the appointment of a Public Works and Highways committee member. Vote 11-0.

#### **Amendment (1634h)**

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

(c) One member of the house public works and highways committee, appointed by the chairperson of the committee.

**SB 427-FN**, establishing a revolving fund for loans for intrastate energy pipeline facilities improvements. **OUGHT TO PASS WITH AMENDMENT**

Rep. Keith R. Herman for Commerce: The amendment calls for a report to be made, in each biennium, to the Governor, House and Senate. This report will detail the status of the fund and the extent of projects undertaken. This bill will generate economic growth and activity by expanding the infrastructure of energy pipelines with no cost to the state. Vote 11-0.

#### **Amendment (1676h)**

Amend RSA 162-I:3-b as inserted by section 4 of the bill by inserting after paragraph VII the following new paragraph:

VIII. The state treasurer shall submit a report by December 1 of each even-numbered year to the governor, to the chairperson of the house commerce committee, and to the chairperson of the senate economic development committee. The report shall be prepared in consultation with the executive director of the business finance authority and shall describe the activity of the revolving loan fund established pursuant to this section.

Referred to Finance.

**SB 304**, allowing juvenile case and court records to be unsealed in certain cases. **INEXPEDIENT TO LEGISLATE**

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill covers the issue of confidentiality of juvenile case and court records for the purposes of sentencing. This bill then converts the records to "public records". This subject was thoroughly dealt with earlier this session under HB 1101. Currently, the judges have access to prior records when sentencing. ADULT case and court records are not public records. It could be determined to be discriminatory if a record became public only because of a past history of a juvenile activities. The majority of the committee is in agreement that to break the law of confidentiality would be a detriment to rehabilitation. In cases of "serious" crime juveniles are generally tried as adults. Vote 15-0.

**SB 319**, establishing a committee to study the parole system and methods to increase its efficiency. **OUGHT TO PASS WITH AMENDMENT**

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill as amended creates a committee of seven to study the adult parole system. Due to the demands on time for all parties and the importance of the subject matter, it was the consensus of the committee and the sponsor that an increase to the size of the committee would be in order. The amended version does this. Two members of the senate and five members of the house will constitute the study committee. Vote 14-0.

#### **Amendment (1418h)**

Amend subparagraph I(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Five members of the house of representatives, appointed by the speaker of the house. Amend the bill by replacing section 4 with the following:

4 Chairperson. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days after the effective date of this section. Rep. Kenneth MacDonald declared a conflict of interest and did not participate.

**SB 387**, expanding the attorney general's authority to record communications in criminal investigations. **INEXPEDIENT TO LEGISLATE**

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill expands the ability of law enforcement, through the attorney general's office, to apply to a judge of the superior court for an



order authorizing or approving the interception of telecommunications or oral communications. The expansion would include "attempt or criminal solicitation of certain offenses, first degree assault, endangering welfare of a child". The consensus of the committee was that the requested expansion was too broad. Questions such as "at what point would something be considered an "attempt" that could rise to the level to justify a "wire tap"? First degree assault is quite often a spontaneous action... when could it rise to the level to justify a "wire tap" or an "oral recording". The right of privacy is a serious one and should not be taken away lightly. Vote 13-2.

**SB 396**, requiring the commissioner of the department of youth development services to submit a quality assessment report to the legislature and to the juvenile justice commission. OUGHT TO PASS Rep. Doris R. MacIntyre for Criminal Justice and Public Safety: This bill expands the duties of the commissioner of the department of youth services to include a report to the speaker of the house and president of the senate no later than November 1, each year in addition to a requirement to send a quality assurance report to the juvenile justice commission. The report shall include an analysis of the youths served by the department during the year categorized by age, race, gender and recidivism rates and an analysis of those issues involving staffing and the ability to deliver necessary services. The committee agrees that these reports are needed. Vote 15-0.

**SB 418-FN**, making a person driving under the influence of a controlled drug subject to an administrative loss of license. INEXPEDIENT TO LEGISLATE

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill would extend the penalty of "mandatory loss of license" pursuant to RSA 265:91 for persons who refused to submit to a test that would disclose the use of controlled drugs other than a controlled drug which has been legally prescribed. The sponsors intentions are commendable and the committee agrees wholeheartedly that the impaired drivers, whether impaired by alcohol, drugs or a medical incident, are a danger to the public safety. It was acknowledged that some "over the counter" medications can cause a person to become an "impaired driver". Invasion of privacy, the determination of the number of drugs to be screened, the cost of the testing, what type of information would be disclosed by the screening, the number of individuals who would have access to a medical report, were all issues of serious concern to the committee. The majority consensus of the committee was that this type of enhancement to the DWI provisions of the law would have little effect on determent of "impaired driving" caused by a medical situation. Vote 13-2.

**HB 1673-FN-L**, requiring the state board of education to establish a uniform salary schedule for public school teachers. INEXPEDIENT TO LEGISLATE

Rep. Warren C. Henderson for Education: The committee did not feel that discarding the current system where local school boards negotiate with the teachers of the district to set local salaries in favor of salaries negotiated statewide by the state board of education was wise. The existing system is superior to that which this bill would enact. Vote 13-1.

**SB 400**, relative to withdrawal of a school district from an area district. OUGHT TO PASS WITH AMENDMENT

Rep. Marie N. Rabideau for Education: This bill changes the procedures whereby a school district may withdraw from an area district. This bill also provides for the expiration and extension of area school plans, and deletes certain exceptions to the tuition obligations of school districts for pupils attending schools in other districts. The amendment creates a level of state board involvement in the withdrawal process which insures that the interests of all affected parties will be considered. The committee felt the bill as amended significantly improves on current statute by balancing power between sending and receiving districts. Vote 16-1.

#### Amendment (1738h)

Amend RSA 195-A:3, XI as inserted by section 3 of the bill by replacing it with the following:

XI. An area plan adopted by the voters of the sending and receiving districts shall be valid for a period of 10 years from the date of its adoption, amendment, or the withdrawal of a district. The area plan may be renegotiated at the request of a sending or receiving district or extended for additional 10-year periods upon a mutual vote of each sending and receiving school district legislative body 2 years prior to the expiration of the area plan. An area plan approved prior to the effective date of this paragraph shall remain effective until July 1, 2008.

Amend RSA 195-A:14, III as inserted by section 4 of the bill by replacing it with the following:

III. After the third anniversary of the date of operating responsibility a sending or receiving school district, at an annual or special school district meeting, may vote to undertake a study of the feasibility and suitability of a withdrawal from the area. The study shall be conducted by a committee composed of 2 school board members from each district of the AREA, the superintendent of schools, and 2 members of the town or city governing body from the school district requesting the study. Within 120 days after the date of its formation, the committee shall submit to the state board of education either a report that withdrawal is not feasible or suitable or a report that includes a withdrawal plan prepared in accordance with paragraph IV. If the committee determines that withdrawal is not feasible or suitable, the district which voted to undertake the study may submit a minority report at the same time as the committee report is filed with the state board of education. If the committee report does not include a withdrawal plan, the minority report may include a withdrawal plan prepared in accordance with paragraph IV.

Amend RSA 195-A:14, VII as inserted by section 4 of the bill by replacing it with the following:

VII. The committee established pursuant to paragraph III shall submit a copy of all reports, including any minority reports, to the state board of education. If a report includes a plan for withdrawal, the state board of education shall review the proposed plan to determine whether or not the proposed plan meets the requirements of paragraph IV. If, in the opinion of the state board, the requirements have been properly addressed, the state board shall recommend for or against its adoption based on its assessment of the plan's feasibility. If, in the opinion of the state board, the requirements have not been properly addressed, the deficiencies shall be noted and the plan shall be promptly returned for revision. When the plan is resubmitted, the state board shall promptly review the revised plan, return the plan, and make a recommendation for or against its adoption based on its assessment of the plan's feasibility. The state board's recommendation shall be reported to the legislative body of the area districts. The state board shall forward the plan for withdrawal to the school board of the withdrawing school district. The school board shall publish the withdrawal plan once in a newspaper generally circulated within the area districts. The school board shall file the plan for withdrawal with the clerk of the withdrawing district and shall insert the plan in the warrant for the next annual meeting. The article in the warrant for the district meeting and the question on the ballot to be used at the meeting shall be in substantially the following form:

"Shall the school district accept the provisions of RSA 195-A:14, as amended, providing for the withdrawal of the sending (or receiving) district of \_\_\_\_\_ from the \_\_\_\_\_ area in accordance with the provisions of the proposed withdrawal plan filed with the school district clerk?"

Yes \_\_\_\_\_ No \_\_\_\_\_

If a majority of the voters present and voting shall vote in the affirmative, the clerk of the school district shall forthwith send to the state board of education a certified copy of the warrant, certificate of posting, evidence of publication, and minutes of the meeting. If the board finds that a majority of the voters present and voting have voted in favor of the withdrawal plan, it shall be conclusive evidence of the withdrawal of the district and the continuation of the area or the dissolution of a 2-district area.

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

5 Education; Area Schools; Review of Area Plan and Withdrawal of Districts; Area School Plan Review Board. Amend RSA 195-A:14, I to read as follows:

I. After the third anniversary of the date of operating responsibility [~~a joint board meeting held under RSA 195-A:5 may vote to establish~~], *if requested by either a sending or receiving district governing body, an area school plan review board shall be established.* The review board shall consist of 3 members from the school board of each school district which belongs to the area plan, and such members shall be selected by and from their respective school boards. The review board may also include 3 members from the school board of each of any one or more school districts located in proximity to the authorized regional enrollment area. The review board shall organize by the election of a chairman and a clerk, and may adopt rules for the calling and conduct of its meetings. It shall be the duty of the review board to consider the effectiveness of the area school plan as a method for providing improved educational services. If the review board by a majority vote of all its members determines that the area school plan should be modified, it shall submit an

amended area school plan to the state board for its approval. An amended area school plan may provide for the addition of one or more new sending districts, the withdrawal of one or more sending districts, the withdrawal of the receiving district [and], the substitution of a different district as the receiving district, a change in the grades covered by the area plan, or any combination of the foregoing, or for the dissolution of the area; and it shall provide for the equitable adjustment of the rights and responsibilities of each member of the plan, whether present or prospective, with respect to area school facilities. If such provisions include payments from one school district to another, they may be made over a period of not more than 10 years, but the obligation to make such payments shall not be deemed indebtedness of the obligor school district for the purpose of determining its borrowing capacity under RSA 33. In addition to the foregoing powers, an area school plan review board may act as a cooperative school district planning board pursuant to RSA 195-A:15; and instead of submitting an amended area school plan, the review board may prepare and recommend the adoption of articles of agreement for a cooperative school district.

6 Applicability. Section 3 of this act shall apply to all area plans adopted before and after its effective date.

7 Effective Date.

I. Section 3 of this act shall take effect July 1, 1998.

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

**SB 439-L**, relative to the adoption of policies by local school district governing bodies concerning pupil discipline and behavior. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley N. Searles for Education: Current law, within the state's minimum educational standards and school approval process, has policies and procedures on discipline, suspension, and expulsion. Maintaining the discipline needed today is a legitimate concern of the committee. Better implementation of existing law, standards, and policy is supported by the committee. This legislation did not remedy the need for consistent, sound educational practices and policy. Vote 13-2.

**SB 335-L**, relative to hours of polling in towns with a population of less than 3,000. **OUGHT TO PASS WITH AMENDMENT**

Rep. Raymond C. Buckley for Election Law: This bill, as amended, allows all communities to adopt more appropriate voting hours for their situation. The amendment calls for the vote to change the hours to be placed on the November ballot as it was in 1994. The committee believes this bill, as amended, is a responsible solution to the concerns expressed by many small communities throughout the state. Vote 14-0.

#### **Amendment (1719h)**

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

**AN ACT** relative to polling hours in towns.

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

1 Pre-Election Procedure; Warrant; General Election; Reference Modified. Amend RSA 658:1 to read as follows:

658:1 General Election. At least 14 days before any state general election, the selectmen shall post a warrant at all the polling places and at the office of the town or city clerk or at the town hall. Said warrant shall prescribe the hour the polls are to open and the hour before which they may not close as provided in ~~[RSA 659]~~ **RSA 659:4 and RSA 659:4-a**. It shall also state all offices and questions which are to be voted on and the location of the central polling place and of any additional polling places. If the selectmen neglect to issue a warrant for the state general election, or if they neglect to cause copies of such warrant to be posted agreeably to any vote of the town, they shall for each offense be guilty of a violation and any fines collected shall be remitted to the town.

2 New Section; Election Procedure; Hours of Polling; Change of Polling Hours in Towns. Amend RSA 659 by inserting after section 4 the following new section:

659:4-a Change of Polling Hours in Towns.

I. At any annual town meeting, any town may vote to place a question on the state election ballot to change the hours at which polls shall open, provided that the polls shall not open later than 11 o'clock in the morning and shall not close earlier than 7 o'clock in the evening. Such vote shall be under an article inserted into the warrant pursuant to RSA 39:3. The wording of the question shall be as follows:



"Polling hours in the town of \_\_\_\_\_ (name of town) are now \_\_\_\_\_ (hour at which polls now open) to \_\_\_\_\_ (hour at which polls now close). Shall we place a question on the state election ballot to change polling hours so that polls shall open at \_\_\_\_\_ (proposed hour at which polls would open) and close at \_\_\_\_\_ (proposed hour at which polls would close) for all regular state elections beginning \_\_\_\_\_ (next state election)?"

II. Upon an affirmative vote on the question in paragraph I, the governing body of the town shall notify the secretary of state, by the filing deadline established in RSA 655:14, of the approved times for the question to be printed on the next state general election ballot. The secretary of state shall place the following question on the next state general election ballot in the form prescribed by RSA 656:13:

"Polling hours in the town of \_\_\_\_\_ (name of town) are now \_\_\_\_\_ (hour at which polls now open) to \_\_\_\_\_ (hour at which polls now close). Shall we change polling hours so that polls shall open at \_\_\_\_\_ (proposed hour at which polls would open) and close at \_\_\_\_\_ (proposed hour at which polls would close) for all regular state elections beginning \_\_\_\_\_ (next state election)?"

III. In a town with a town council as the legislative body, the town council may vote to place a question on the state election ballot to change the hours at which polls shall open, provided that the polls shall not open later than 11 o'clock in the morning and shall not close earlier than 7 o'clock in the evening. The governing body shall notify the secretary of state of the question to be placed on the ballot in accordance with the requirements of paragraph II.

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

#### AMENDED ANALYSIS

This bill allows towns to vote to change polling hours.

**SB 362**, relative to classification of certain department of corrections personnel in the retirement system. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill will provide an appeal process for certain positions within the department of corrections that were de-certified from group II in 1989. The director of personnel de-certified certain positions in 1989 in response to legislation passed in 1988. The director of personnel will review the job descriptions as well as the supplemental job descriptions for those positions de-certified in 1989 as well as any other positions within the same job classifications series that have been added since the last review. The director of personnel will report the results of the review to the board of trustees of the New Hampshire retirement system. The trustees will review the information and, subject to RSA 100-A:3, IX, will determine whether the person holding the job is an employee/teacher, in group I or a permanent policeman/fireman in group II as defined in RSA 100-A:1. Any changes in the retirement groups will be prospective at the date of the final determination by the trustees. The trustees shall report their actions in this matter to the president of the senate and the speaker of the house. Vote 17-0.

#### Amendment (1670h)

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

1 Purpose. This act is intended to provide a process for appeal of the decision in 1989 by the director of personnel, division of administrative services, to not certify certain positions within the department of corrections as meeting the qualifications of RSA 100-A:1, VII. The provisions of this act are limited only to those positions which were decertified in 1989. All other positions and any future positions require legislation to be included in group II of the New Hampshire retirement system.

2 Certain Department of Corrections Personnel; Determination by Director of Personnel. The director of personnel, department of administrative services, shall review and determine within 3 months of the effective date of this act whether certain line personnel jobs within the department of corrections that were previously approved as group II jobs and were subsequently certified by the director of personnel as group I jobs, are properly certified as group I jobs. The review and determination of certification shall specifically address the requirements of RSA 100-A:1, VII(b). The director of personnel shall report any such determination and any findings on those previously certified jobs to the board of trustees of the retirement system. The department of corrections shall provide any information required by the director of personnel in making the determination.

3 Certain Department of Corrections Personnel; Determination by Board of Trustees of Retirement System. Notwithstanding the provisions of the introductory paragraph of RSA 100-A:1, VII, the board of trustees of the retirement system shall determine within 6 months of the effective date of this act whether certain line personnel jobs within the department of corrections that were certified by the director of personnel as group I jobs are properly certified as group I jobs. If the board of trustees by a 2/3 vote determines that a person holding such a job meets the requirements of RSA 100-A:1, VII(b), such person shall be prospectively classified as a group II member. The board of trustees shall report its determination to the speaker of the house and the senate president. The department of corrections shall provide any information required by the board of trustees in making the determination. Any person determined to be classified as a group II member shall be entitled upon retirement to split benefits as provided under RSA 100-A:19-a through RSA 100-A:19-h.

4 Effective Date. This act shall take effect July 1, 1998.

#### AMENDED ANALYSIS

This bill requires the director of personnel to review and determine the certification of certain department of corrections jobs and to report to the board of trustees of the retirement system for classification within the retirement system.

**SB 486**, relative to old age and survivors' insurance. OUGHT TO PASS

Rep. Merton S. Dyer for Executive Departments and Administration: This bill updates the old age and survivors' insurance act that was passed in 1951. There have been many changes in the terminology since that time. Certain sections that apply to the predecessor systems of the New Hampshire retirement system that are now not relevant will be repealed. Vote 13-0.

**SB 379**, establishing an immunization registry. OUGHT TO PASS

Rep. Alice Z. Calvert for Health, Human Services and Elderly Affairs: The bill establishes an immunization registry. Participation is optional for patients or their parents or guardians. Registry access is limited to primary care physicians, nurses and other appropriate health care providers. The registry information tracks immunization rates, helps ensure registrants receive all recommended immunizations on time, and aids in controlling communicable disease outbreaks. Vote 10-1.

**SB 443-L**, establishing a committee to study the delivery of and funding for in-home support services for children with disabilities and their families. OUGHT TO PASS

Rep. Alice Z. Calvert for Health, Human Services and Elderly Affairs: This bill establishes a committee to study the delivery of, and funding for, in-home support services for children with disabilities and their families. This is an attempt to fill a gap in funding for respite care. Funding has been scant to nil so it is hoped the committee will be able to make better use of funds available and perhaps find more. Additional funds would help prevent children from having to be placed outside the home. Vote 12-0.

**SB 306-L**, relative to municipal officials and their discretion over the use of traffic devices and the purchase of liability insurance. INEXPEDIENT TO LEGISLATE

Rep. Wayne T. Moynihan for Judiciary and Family Law: This bill proposed the codification into statute of the degree of immunity from lawsuits that the New Hampshire Supreme Court has found to exist in certain cases. These are cases of governmental entities and their officials, when complaints are filed concerning their decisions regarding design and placement of traffic-control devices. The committee had objections to the language of the bill which included reference to specific opinions of the Supreme Court in the language of the statute itself. This form implied legislative deferral to, or dependence upon, opinions of the Court. Furthermore, the committee concluded that the concerns or problems raised by the proponents of the bill, as justification for it, were not supported by actual evidence or experience. Given the unclear need for the bill, and the unclear degree of expanded immunity included within it, the public interest would not be served by passage. Vote 12-0.

**SB 367**, relative to the public protection fund administered by the New Hampshire Bar Association. REFER FOR INTERIM STUDY

Rep. Paul M. Mirski for Judiciary and Family Law: The majority of the committee wishes to further examine whether or not the Supreme Court possesses constitutional authority to impose fi-

nancial assessments upon members of the unified bar. Article 28, Part 1 of the Constitution suggests not. Further study may conclude that the legislature must provide statutory authority for the Supreme Court to make such assessments. If so, legislation may be recommended for consideration in the next biennium - in order to confer such authority on the court. In the meantime, the present system of assessing members of the bar, by the court, will remain in place without alteration. Vote 8-6.

Rep. Moynihan declared a conflict of interest and did not participate.

**SB 464-FN**, relative to limitations from civil liability for volunteers and relative to special license plates and related fees for volunteer emergency personnel with 2-way radio equipment in their vehicles. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sandra B. Keans for Judiciary and Family Law: Part one of this bill as amended eliminates the cumbersome process whereby volunteers are required to sign a form prior to any activities on behalf of a non-profit organization. Instead it requires that the organization maintain an updated file of volunteers. This will be especially helpful in times of natural disasters when time is of the essence. The second part stresses the need for state agencies to take strong responsibility and affirmative actions to bring their data systems into compliance for the year 2000 computer problem. It reiterates that the commissioner of Administrative Services will continue to monitor the various agencies and publish his findings on a quarterly basis. The purchase of non-compliant equipment may be suspended. Vote 13-0.

#### Amendment (1743h)

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

**AN ACT** relative to limitations from civil liability for volunteers and relative to state agency preparedness for the year 2000 computer problem.

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

1 Volunteers; Nonprofit Organizations; Liability Limited. Amend RSA 508:17, I to read as follows:

I. Any *person who is a* volunteer of a nonprofit organization or government entity shall be immune from civil liability in any action brought on the basis of any act or omission resulting in damage or injury to any person if:

(a) [~~The volunteer had prior written approval from the organization to act on behalf of the organization~~] *The nonprofit organization or government entity has a record indicating that the person claiming to be a volunteer is a volunteer for such organization or entity;* and

(b) The volunteer was acting in good faith and within the scope of his official functions and duties with the organization; and

(c) The damage or injury was not caused by willful, wanton, or grossly negligent misconduct by the volunteer.

2 Repeal. RSA 508:17, I-a, relative to the form of written approval for volunteers, is repealed.

3 Responsibilities of State Agencies, Boards, Departments, and Commissions; Year 2000 Computer Preparedness.

I. The management of each agency, board, department, and commission of the state (collectively referred to as agencies) is responsible for assessing its year 2000 preparedness and bringing its essential systems into compliance, or devising replacement and contingency plans for insuring smooth operations through the turn of the century. Agencies shall also protect their essential systems from imports of other systems' data which are not year 2000 compliant.

II. Agencies shall develop a year 2000 project work plan in accordance with guidelines furnished by the department of administrative services. The work plan shall contain an assessment of year 2000 compliance, and shall outline strategies for ensuring that no critical state program experiences disruption because of the year 2000 problem. Work plans shall identify additional resources, with estimated costs, that will be required to ensure completion of all project tasks, including testing. Agencies shall make maximum practical use of existing resources. Work plans shall be submitted to the department of administrative services by September 1, 1998.

III. Each agency shall cooperate fully in carrying out the policies and practices of the state, and shall report to the department of administrative services such information as the department may require.

4 Year 2000 Computer Preparedness; Reporting by Commissioner of Administrative Services.



I. The commissioner of administrative services shall publish a year 2000 noncompliance report by October 1, 1998. The report shall list all state agencies that have not demonstrated adequate year 2000 computer compliance, including testing, and shall estimate any anticipated computer-related costs which cannot be absorbed by the state agency within its current budget. Copies of the report shall be forwarded to the governor, the president of the senate, the speaker of the house of representatives, the chairman of the house finance committee, the chairman of the science, technology and energy committee, and the legislative budget assistant.

II. After publishing this report, the commissioner of administrative services shall monitor and require quarterly update reports from every state agency which has not yet demonstrated year 2000 computer compliance, including testing. The commissioner of administrative services shall publish quarterly year 2000 noncompliance reports until such time that all agencies demonstrate adequate year 2000 compliance.

III. Notwithstanding any other provision of law, the commissioner of administrative services may suspend any new purchases of computer hardware, software, or services for agencies, boards, departments and commissions until such time they demonstrate adequate year 2000 compliance.

5 Effective Date.

I. Section 3-4 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill removes a requirement that a volunteer have written approval to act on behalf of an organization from RSA 508:17, which limits liability for volunteers of nonprofit organizations.

This bill requires state agencies to demonstrate adequate year 2000 compliance. The bill requires reporting relative to the year 2000 problem by state agencies and by the commissioner of administrative services. The bill also allows the commissioner of administrative services to suspend new purchases of computer hardware, software, or services for state agencies until they demonstrate adequate year 2000 compliance.

**SB 457-FN**, relative to the eligibility of employment program participants for workers' compensation. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: This bill provides protection for the state and employer/sponsor under Workers' Compensation statutes in reference to the alternative employment experience program which is part of the welfare reform in the state. Any Workers' Compensation will be paid out of the Temporary Assistance to Needy Families (TANF) funds. Vote 16-0.

#### Amendment (1408h)

Amend RSA 167:91-a, IV as inserted by section 2 by replacing it with the following:

IV. Participants in the alternative employment experience program administered by the state shall be considered employees of *both* the state *and the sponsor* for workers' compensation purposes only, and any claims for workers' compensation thereunder shall be charged to the temporary assistance to needy families program. *The state and the sponsor shall both be entitled to the exclusivity of remedy provisions of RSA 281-A:8. For purposes other than workers' compensation, the state shall not be vicariously liable for the actions or omissions of the sponsor and the sponsor shall not be vicariously liable for the actions or omissions of the state. Nothing in this section shall prohibit any direct contractual liability between the state and the sponsor.*

Referred to Finance.

**SB 317**, relative to the time for consideration of applications to planning boards. OUGHT TO PASS WITH AMENDMENT

Rep. Betsey L. Patten for Municipal and County Government: The intention of this bill is to clarify the practical process of "submitting" an application, determining "complete" or "incomplete" giving a time limit on planning board action and deleting the word "designee" from RSA 676:4.1, c. In this bill the local planning board is required to determine if a submitted application is "complete" according to the board's regulation and shall vote on the application's "acceptance" at their next regular board meeting or within 30 days following the delivery of the application, for which notice can be given. If an application is considered "incomplete" according to the board's regula-

tion, that information and required remedies to make the application "complete" will be given to the applicant. Once the local planning board has determined that a "submitted" application is "complete" they must approve, conditionally approve or disapprove within 45 days. Vote 11-2.

#### Amendment (1605h)

Amend RSA 676:4, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c)(1) The board shall ~~[begin formal consideration of the application within 30 days after receipt of the completed application by the board or its designee]~~, *at the next regular meeting or within 30 days following the delivery of the application, for which notice can be given in accordance with the requirements of subparagraph (b), determine if a submitted application is complete according to the board's regulation and shall vote upon its acceptance.* Upon determination by the board ~~[or its designee]~~ that a submitted application is incomplete according to the board's regulations, the board ~~[or its designee]~~ shall notify the applicant of the determination in accordance with RSA 676:3, *which shall describe the information, procedure, or other requirement necessary for the application to be complete.* ~~[The board]~~ *Upon determination by the board that a submitted application is complete according to the board's regulations, the board shall begin formal consideration and shall act to approve, conditionally approve as provided in subparagraph (i), or disapprove within [90] 65 days [after receipt of the completed application by the board or its designee], subject to extension or waiver as provided in subparagraph (f). Upon failure of the board to approve, conditionally approve, or disapprove the application, the selectmen or city council shall, upon request of the applicant, immediately issue an order directing the board to act on the application within 30 days. If the planning board does not act on the application within that 30-day time period, then within 40 days of the issuance of the order, the selectmen or city council shall certify on the applicant's application that the plat is approved pursuant to this paragraph, unless within those 40 days the selectmen or city council has identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the application does not comply. Such a certification, citing this paragraph, shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.*

**SB 349**, enabling a town or school district moderator to postpone the deliberative session of a meeting because of a weather emergency. OUGHT TO PASS WITH AMENDMENT

Rep. Norma Sabella for Municipal and County Government: During the voting process a weather emergency may happen that makes attending the deliberative session or voting day a hazardous duty. This bill allows the moderator, up to two (2) hours prior to the scheduled session, to postpone and reschedule the deliberative session or voting day to a date, place and time certain. In municipalities that have adopted RSA 40:13, the postponement shall not delay the deliberative session more than 72 hours because of the time restraint for the printing of absentee ballots. The moderator shall employ whatever means necessary to inform the citizens of the postponement and rescheduling. Vote 14-0.

#### Amendment (1592h)

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

AN ACT enabling a town or school district moderator to postpone the deliberative session or voting day of a meeting because of a weather emergency.

Amend RSA 40:4, II as inserted by section 1 of the bill by replacing it with the following:

*II. In the event a weather emergency occurs on or before the date of a deliberative session or voting day of a meeting in a town, which the moderator reasonably believes may cause the roads to be hazardous or unsafe, the moderator may, up to 2 hours prior to the scheduled session, postpone and reschedule the deliberative session or voting day of the meeting to another reasonable date, place, and time certain. The date originally scheduled shall continue to be deemed the deliberative session or voting day of the meeting for purposes of satisfying statutory meeting date requirements; provided, that in towns or districts that have adopted RSA 40:13, the postponement shall not delay the deliberative session more than 72 hours. The moderator shall employ whatever means are available to inform citizens of the postponement and the rescheduled deliberative session or voting day.*

## AMENDED ANALYSIS

This bill enables a town or school district moderator to postpone and reschedule the deliberative session or voting day of a meeting because of a weather emergency.

**SB 485-L**, exempting catastrophic aid payments and revenues from the municipal budget law. **INEXPEDIENT TO LEGISLATE**

Rep. Paul A. McGuirk for Municipal and County Government: The sponsors of this bill requested that catastrophic aid payments and revenues be exempt from the municipal budget law (RSA 32). The problem is that currently catastrophic special education aid is reimbursed to school districts the year after the expense is incurred. Sometimes this payment does not occur in a timely manner. The committee felt the process needs attention and further recognized that HB 1075 will set up a commission on special education that will review and analyze special education issues. A letter will be sent to the commission stating the issue of reimbursement and asking them to address the problem. In light of this action, the committee voted to ITL. Vote 15-0.

**SB 421-FN**, relative to timber harvesting and penalties for timber trespass. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael W. Downing for Resources, Recreation and Development: This amended Senate Bill corrects a law that the Attorney General's Office feels is currently unworkable. It raises the culpable state of mind from negligently to recklessly and adds a criminal penalty for theft of timber or deceptive forestry practices. The changes will allow the state to assist where a landowner is not remunerated for timber cut from their own land, while leaving the civil penalties intact. This bill has the support of the Attorney General's Office, Department of Resources and Economic Development Division of Forest and Lands and the Department of Revenue Administration. Vote 16-0.

**Amendment (1661h)**

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

**AN ACT** relative to timber harvesting and penalties for timber trespass and deceptive forestry practices.

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

1 Notice of Intent to Cut; Violation for Starting Before Official Signature. Amend RSA 227-J:5 to read as follows:

227-J:5 Notice of Intent to Cut and Report of Wood Cut. Pursuant to RSA 79, an owner conducting a cutting operation shall file an intent to cut and a report of wood cut as outlined in RSA 79. *Starting an operation before the appropriate notice of intent to cut has been filed with the city or town and signed by the appropriate municipal officials shall constitute a violation by the owner or any other person doing the cutting, or both.* Failure to comply with these requirements may result in penalties under RSA 79.

2 Section Heading; Timber Trespass; Civil Penalties. Amend the section heading of RSA 227-J:8 to read as follows:

227-J:8 Trespass; *Civil Penalty.*

3 New Section; Timber Trespass; Criminal Penalty. Amend RSA 227-J by inserting after section 8 the following new section:

227-J:8-a Trespass; Criminal Penalty.

I. No person shall recklessly cut, fell, destroy, injure, or carry away any tree, timber, log, wood, pole, underwood, or bark which is on the land of another person, or aid in such actions without the permission of that person or the person's agent.

II. A person who violates the provisions of paragraph I shall be guilty of a class B felony if the loss is greater than \$1,000, or a misdemeanor for any other loss.

4 New Subparagraphs; Deceptive Forestry Practices; Penalty Changed. Amend RSA 227-J:15, I to read as follows:

I. A person is guilty of a *class B felony if the loss is greater than \$1,000 or otherwise guilty of a misdemeanor* who in the course of buying and selling of a forest product, as defined under RSA 227-G:4, VII:

(a) Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity as provided under RSA 438; or



(b) Sells, offers, or exposes for sale or delivers less than the represented quantity of any commodity or service; or

(c) Takes or attempts to take more than the represented quantity of any commodity or service when as buyer the person furnishes the weight or measure; or

(d) Sells, offers, or exposes for sale adulterated or mislabeled commodities; or

(e) *Does not remunerate the owner of the timber for the value of the forest products pursuant to a written or verbal contract; or*

(f) *Does not furnish the owner, upon request, with all scale slips to verify the amount of the forest products removed from the owner's property.*

5 Effective Date. This act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill adds certain penalties for violations of the timber harvesting law relative to notice of intent to cut, timber trespass, and deceptive forestry practices.

**SB 488-FN**, directing the department of environmental services to create a model for managing the flow of water in the Winnepesaukee River watershed and creating an advisory committee.  
**OUGHT TO PASS WITH AMENDMENT**

Rep. Micheal D. Whalley for Resources, Recreation and Development: As amended this bill directs the Department of Environmental Services to develop and implement a model for managing the flow of water in the Winnepesaukee River Watershed. The model shall be developed with input from the Winnepesaukee River Watershed Advisory Committee established by this bill. The Department shall prepare an annual report and shall certify to the General Court and to the Governor when implementation of the plan has begun. The Winnepesaukee River Watershed Committee shall sunset one year after certification of the implementation of the model. Vote 15-0.

#### Amendment (1641h)

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

1 New Chapter; Winnepesaukee River Watershed Advisory Committee. Amend RSA by inserting after chapter 483-C the following new chapter:

#### CHAPTER 483-D

##### WINNIPESAUKEE RIVER WATERSHED ADVISORY COMMITTEE

483-D:1 Model Required. The department of environmental services shall develop and implement a model for managing the flow of water in the Winnepesaukee River watershed. The department shall develop the model with input from the Winnepesaukee River watershed advisory committee.

483-D:2 Winnepesaukee River Watershed Advisory Committee Established.

I. There is established the Winnepesaukee River watershed advisory committee. Committee membership shall be as follows:

(a) One member of the senate environment committee, appointed by the senate president.

(b) One member of the house resources, recreation and development committee, appointed by the speaker of the house of representatives.

(c) A member of the Silver Lake Association, selected by the association.

(d) A member representing hydro power industry interests selected by the Winnepesaukee Hydropower Association.

(e) A member representing marina and boating interests selected by the New Hampshire Marine Trades Association.

(f) A member of the New Hampshire Lakes Association, selected by the association.

(g) A member of the educational community experienced in the development of hydrologic models selected by the water resources research center.

II. The terms of the members of the senate and the house of representatives shall be coterminous with their terms in office. The other members shall serve a 3-year term. Vacancies shall be filled for the unexpired term of office in the same manner as the original appointment. Members may serve successive terms, and the legislative members shall be reimbursed for mileage at the legislative rate.

III. The members shall elect a chairperson. Four members shall constitute a quorum. Each member shall have one vote in matters before the committee.

IV. The committee shall meet at least annually and at such other times as the chairperson deems necessary. At least once annually, the committee shall meet with the commissioner of environmental services or designee.

483-D:3 Powers and Duties of Winnepesaukee River Watershed Advisory Committee. The Winnepesaukee River watershed advisory committee shall:

I. Offer recommendations on the development and implementation of the waterflow model by the department of environmental services.

II. Solicit input relative to the model from residents of the Winnepesaukee River watershed area.

483-D:4 Reports. The department of environmental services shall prepare an annual report to be presented no later than January 1 of each year to the president of the senate, the speaker of the house of representatives, the governor and council, the state library, and the selectmen of all towns in the Winnepesaukee River watershed district. The report shall include a summary of the relevant activities and findings conducted in the most recent year. The report shall also include a summary of the development and/or implementation of the model to date, and any recommendations for legislation.

2 First Meeting of the Winnepesaukee River Watershed Advisory Committee. The first meeting of the committee shall be called by the senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

3 Certification of Implementation. On the initial date of the implementation of the model for managing the flow of water in the Winnepesaukee River watershed, the commissioner of environmental services shall certify to the general court and to the governor that such implementation has begun.

4 Repeal of the Winnepesaukee River Watershed Advisory Committee. The repeal of RSA 483-D by section 5 of this act shall take effect one year after the certification in section 3 of this act.

5 Repeal. RSA 483-D, relative to the Winnepesaukee River watershed advisory committee, is repealed.

6 Effective Date.

I. Section 5 of this act shall take effect as provided in section 4 of this act.

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

#### AMENDED ANALYSIS

This bill directs the department of environmental services to create a model for managing the flow of water in the Winnepesaukee River watershed and creates an advisory committee to assist the department in developing the model.

Referred to Finance.

**SB 429-FN**, relative to the confidentiality of drivers' motor vehicle records. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill, as originally presented to the committee, had very broad language that would have opened up motor vehicle records to a wide range of individuals who, under current law, are not allowed access. This bill, as amended, will tighten up the laws to prevent access by individuals who are considered ineligible to access these records. The committee felt very strongly about the citizens' privacy issues during the lengthy discussion of this bill. The Department of Safety is working to streamline the process in order to help the private investigators who legitimately need access for their work. Vote 16-0.

#### Amendment (1651h)

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

1 Motor Vehicle Records and Certification; Availability of Information. Amend RSA 260:14, III to read as follows:

III. Motor vehicle records shall be made available in response to a request from a state, a political subdivision of a state, ~~[pursuant to a court order,]~~ the federal government, ~~[or]~~ a law enforcement agency, *or a court* for use in official business.

2 Motor Vehicle Records and Certification; Availability of Information. Amend RSA 260:14, V(a) (4)-(6) to read as follows:

(4) For use by a legitimate business in research activities, ~~[and for use by legitimate business in statistical reports, so long as any personal information is not published, redisclosed, or used to contact individuals]~~ *provided such business receives compensation in connection with motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle alterations, motor*

*vehicle recalls and advisories, performance monitoring of motor vehicles, motor vehicle parts and dealers, motor vehicle market research activities which includes survey research, and removal of non-owner records from original owner records of motor vehicle manufacturers, and for use by a legitimate business which produces statistical reports as a primary function of its business, so long as any personal information is not published, redisclosed, or used to contact another individual.*

(5) For use with respect to a request for [~~a named person's motor vehicle records~~] *the name of a registered owner of a vehicle* in providing notice to the owners of towed or impounded vehicles *where the towing company submits a registration or a vehicle identification number.*

(6) For us with respect to a request for a named person's motor vehicle records by any private investigative agency or security service licensed by this state for any purpose permitted under subparagraph V(a) other than [~~subparagraph~~] *subparagraphs V(a)(5) and V(a)(8).*

3 Motor Vehicle Records and Certification; Availability of Information. Amend RSA 260:14, V(b) (1) to read as follows:

(1) A person who does not wish to have any personal information pertaining to such person made available as provided in subparagraphs V(a)(1)-(9) shall inform the department in writing; and request or have already requested a waiver, pursuant to RSA 263:40-a, I[~~or H~~], *unless the person is licensed pursuant to RSA 263:86.*

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

**SB 440-FN-L**, relative to fines payable to the division of motor vehicles; allowing civil bench warrants for defaults on such fines; authorizing bail commissioners to receive certain civil fines and fees, and authorizing the division of motor vehicles to report those in default to a consumer reporting agency. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gordon E. Bartlett for Transportation: This bill clarifies procedures for payment of fines by mail to the Department of Motor Vehicles and allows payment by credit card. At the present time, court defaults are in the \$6 - \$8 million dollar range, and it is hoped this will speed the collection of money that is in default. This money is to be deposited in a special fund, and will be used to pay costs of law enforcement to make arrests under bench warrants per RSA 263:56-d. Vote 18-0.

#### Amendment (1532h)

Amend RSA 263:56-a, II(b) as inserted by section 4 of the bill by replacing it with the following:

(b) The director shall ~~not~~ purge the record of [~~any suspension under this section during the defendant's lifetime until the defendant's driver's license or driving privilege is reinstated~~] *violations in default, related suspensions, and all fees and fines assessed against these defaults and suspensions under this section that have been on file for more than 7 years; provided, however, that the director shall not purge such records for a violation of RSA 265:79, RSA 265:82, RSA 265:82-a, RSA 265:115, RSA 265:117, and any offense which is a misdemeanor or felony during the defendant's lifetime until the defendant's driver's license or driving privilege is reinstated.* All courts shall notify the director of any such failure on a form prescribed by the director.

Amend the bill by replacing all after section 7 with the following:

8 Reference Change. Amend RSA 6:12, I(rr) to read as follows:

(rr) Money received by the commissioner of safety under RSA 263:56-d, which shall be credited to the [~~DWI~~] *default* bench warrant fund.

9 DWI Bench Warrant Fund Changed to Default Bench Warrant Fund. Amend RSA 263:56-d to read as follows:

263:56-d Suspension for Forfeitures of Recognizances. Notwithstanding the provisions of RSA 263:56-a, the procedure for suspension of licenses and collection of payments for forfeited recognizances for driving offenses shall be in accordance with RSA 597:38-b. Payments collected by the court under RSA 597:38-b shall be deposited into a special fund, known as the [~~DWI~~] *default* bench warrant fund. The commissioner may draw on such fund to pay the cost of state, county and local law enforcement officials who make arrests pursuant to bench warrants issued for persons improperly at large for [~~driving while intoxicated~~] *driving-related* offenses up to a maximum amount of \$100 per bench warrant. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the disbursement of moneys from the [~~DWI~~] *default* bench warrant fund to pay the costs



related to law enforcement officials and bench warrants. *The commissioner may also draw upon such fund to pay the cost of breath analyzer machines, upon the recommendation of the advisory committee on breath analyzer machines pursuant to RSA 106-G:1.*

10 DWI Bench Warrant Fund Changed to Default Bench Warrant Fund. Amend RSA 597:38-b, II to read as follows:

II. Payments of the forfeited recognizance under paragraph I shall be sent to the department of safety and deposited into a special fund, known as the ~~[DWI]~~ **default** bench warrant fund, established in RSA 263:56-d to pay the costs of state, county and local law enforcement officials who make arrests pursuant to bench warrants issued for persons improperly at large for ~~[driving while intoxicated]~~ **driving-related offenses and to pay the cost of breath analyzer machines.**

11 Effective Date.

I. Section 2 of this act shall take effect as provided in section 7 of this act.

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

III. The remainder of this act shall take effect January 1, 1999.

### AMENDED ANALYSIS

This bill clarifies the procedures for payments of fines by mail to the division of motor vehicles. The bill allows civil bench warrants for defaults on such fines.

The bill authorizes bail commissioners to receive certain civil fines and fees and allows payment by credit card of fines and fees which are payable by mail.

The bill authorizes the director of the division of motor vehicles to report those in default of an appearance, a fine, or an order issued by the division or a court to a consumer reporting agency.

The bill also changes the DWI bench warrant fund to the default bench warrant fund and allows moneys from the fund to be used to pay the costs of making arrests pursuant to bench warrants issued for driving-related offenses and to pay the costs of breath analyzer machines.

Referred to Finance.

**SB 445**, relative to penalties for personal use of walking disabled motor vehicle plates or placards by persons not issued the plates or placards. **OUGHT TO PASS WITH AMENDMENT**  
Rep. George N. Katsakiores for Transportation: Complaints continue to reach the legislature for action. This bill addresses those concerns. The Senate amendment added the specific language making illegal handicap parking a violation. The committee added a minimum fine of \$250 upon conviction. Hopefully, this effort will reduce abuses. The Department of Safety has agreed to stamp the handicap accessibility symbol on licenses of qualified holders and to issue ID cards to those who qualify but have no license. Vote 18-0.

### Amendment (1562h)

Amend the bill by replacing section 1 with the following:

1 Parking Privileges for the Walking Disabled; Penalties. Amend RSA 265:74 to read as follows:

265:74 Parking Privileges for Persons with Walking Disability. Any motor vehicle carrying the special plates or hanging windshield placard issued to a person with a walking disability under RSA 261:88, or a similar license plate displaying the international accessibility symbol shall be allowed free parking in any city or town, including any state or municipal parking facility where a fee is charged. Each city or town shall have the discretion to set the time periods using guidelines which shall be provided by the governor's commission on disability. The free parking shall only be allowed if the person who qualifies for the special plates or hanging placard is being transported in the vehicle to or from the parking place. Parking places designated for persons with walking disabilities shall be utilized only if a person with a walking disability is being transported in the vehicle to or from the parking place. *Notwithstanding the provisions of any local ordinance which has been adopted to regulate parking in places designated for persons with walking disabilities, any person who is convicted under this section shall be guilty of a violation and fined not less than \$250.*

### REGULAR CALENDAR

**SB 344**, clarifying requirements regarding certain trusts. **OUGHT TO PASS WITH AMENDMENT**  
Rep. David T. Mittelman for Commerce: Currently, a court can only remove a trustee if that trustee is insane or incompetent. This bill expands the reasons for removal to include a variety of reason-

able and rational factors. The amendment removes a provision that would have allowed trustees of charitable trusts to draw compensation from both income and principal. The committee believes that retaining the current income-only standard will better serve to act as a check on the amount of fees charged. Vote 9-2.

### Amendment (1704h)

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

AN ACT relative to trustees.

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

1 Removal or Replacement of Trustee. RSA 564:9 is repealed and reenacted to read as follows:  
564:9 Removal or Replacement.

I. A trustee who, in the opinion of the judge, becomes incompetent, unsuitable, or who shall neglect or refuse to comply with the provisions of this chapter may be removed following a hearing which is preceded by notice to the trustee, all known beneficiaries, and such other persons determined by the judge to be interested in the trust.

II. A beneficiary or co-trustee of a trust who believes that the existing trustee should be replaced by a more suitable trustee may petition the court for such replacement. Upon receiving such a petition, and upon the court's determination that all other known beneficiaries have been notified, the court may remove the existing trustee and appoint a replacement trustee when, upon considering all relevant factors, the court finds that a change in trustee would be in keeping with the intent of the grantor, provided further that in deciding whether to replace a trustee, the court may consider the following additional factors in making such determination:

(a) It would substantially improve or benefit the administration of the trust.

(b) The relationship between the grantor and the trustee as it existed at the time the trust was created.

(c) Changes in the nature of the trustee since the creation of the trust.

(d) The relationship of the trustee with the beneficiaries.

(e) The responsiveness of the trustee to the beneficiaries.

(f) The experience and level of skill of the trustee.

(g) The investment performance of the trustee.

(h) The charges for services performed by the trustee.

(i) Any other reasonable factors pertaining to the administration of the trust.

2 Effective Date. This act shall take effect January 1, 1999.

Adopted.

Report adopted and ordered to third reading.

**SB 371**, requiring health carriers to provide certain information to health care providers and consumers. OUGHT TO PASS

Rep. Sheila T. Francoeur for Commerce: This bill provides that a consumer or health care provider who requests information concerning an adverse determination from a health carrier, will receive a written statement explaining the adverse determination, as well as, the name and credentials of the individual responsible for that determination. The issue of proprietary information as an obstacle to release of information relating to an adverse determination was a concern to the committee, but the health carriers gave assurance that such proprietary information would not obstruct a written explanation. Vote 11-0.

Adopted and ordered to third reading.

**SB 377**, authorizing the organization of merchant banks to provide equity financing and related services to small businesses and exempting certain New Hampshire banks from the aging requirement of the interstate acquisition and merger laws. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.

Rep. Sheila T. Francoeur for the Majority of Commerce: This bill allows for the creation of merchant banks whose primary purpose is assisting small business. A merchant bank may be organized by one or more New Hampshire Financial Institutions as a non-depository trust company. Merchant banks will be an asset to those companies who are currently not helped by commercial banks or venture capitalists. These banks will be in a position to assist entrepreneurs and as a result, will be an important factor in economic development for the state of New Hampshire. Vote 6-5 .

Rep. David T. Mittelman for the Minority of Commerce: Proponents of this bill claim that “merchant banks” will infuse venture capital into small businesses unable to obtain loans. This bill, unfortunately, will not achieve that goal. As written, this bill contains sweeping language that essentially allows commercial banks to establish subsidiaries to engage in any type of investment activity, whether or not it truly assists small businesses. Granting such broad powers does a disservice to small businesses and endangers the safety and soundness of commercial banks. Indeed, this bill contains few safeguards to protect depositors, whose funds are invested by banks, and taxpayers, who are called upon to bail out banks when those investments fail. The simple truth is that commercial banks already can establish “small business investment companies,” supervised by the Small Business Administration, to infuse venture capital into small businesses unable to obtain loans. New Hampshire should encourage these efforts, rather than allowing the unproven entities envisioned in this vaguely-worded bill. Maine is the only other state that allows “merchant banks” and that state has zero “merchants banks”. Moreover, Congress is on the verge of enacting a financial services proposal that could render any New Hampshire “merchant bank” law irrelevant, inadequate, or invalid. As such, the prudent course for this “merchant bank” bill is to refer it for interim study. Additional study of “merchant banks” will serve the interests of small businesses, depositors, and taxpayers.

#### Amendment (1724h)

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

AN ACT authorizing the organization of merchant banks to provide equity financing and related services to small businesses.

Amend the bill by replacing section 1 with the following:

1 Purpose. The purpose of RSA 392-A as inserted by section 2 of this act is to address a need for the investment of equity capital and subordinated loans in small businesses. Small businesses play a vital role in the economy by creating jobs and wealth, but do not have access to capital and subordinated loans to the same extent as their larger counterparts. RSA 392-A as inserted by section 2 of this act authorizes financial institutions to invest in small businesses through separately chartered merchant banks that are specifically empowered to engage in such activity and serve as financial intermediaries to facilitate the investment in small businesses by other types of investors. Amend RSA 392-A:1 as inserted by section 2 of this bill by inserting after paragraph III the following:

IV. “Small business” means a “smaller business” or term of like import as defined in the rules and regulations of the United States Small Business Administration relating to small business investment companies, as amended from time to time.

Amend RSA 392-A:2, III as inserted by section 2 of this bill by replacing it with the following:

III. Any New Hampshire financial institution is authorized to invest in a merchant bank organized under this chapter. The amount of the investment shall not exceed 25 percent of the New Hampshire financial institution’s capital and surplus, except that if the New Hampshire financial institution owns all or a majority of the voting shares of the merchant bank, its investment shall not exceed the investment limitation set forth in RSA 384:16-b, I for service corporations which is 10 percent of its savings deposits or capital funds, whichever may be greater. One or more accredited investors may participate in the organization of, and invest in, a merchant bank, provided that at least a majority of the voting rights of the merchant bank are controlled at all times directly or indirectly by one or more New Hampshire financial institutions. The organizers of the merchant bank shall submit a list of all investors in the bank and the amount of their respective investments. This list shall be accompanied by a certificate signed by each investor attesting to its eligibility to invest in the merchant bank, as part of the petition submitted under RSA 392:5.

Amend RSA 392-A:4-6 as inserted by section 2 of the bill by replacing them with the following:

392-A:4 Business of Merchant Banks. Except as provided in this chapter, a merchant bank has all the powers of and is entitled to engage in the business of a trust company, including without limitation, powers with respect to investments, loans, and fiduciary and trust functions and transactions. In furtherance of assisting small businesses, a merchant bank may provide commercial and investment banking services, act as a securities broker or dealer or an investment advisor, underwrite securities, invest in the equity or debt securities of any company and, in general, engage in any financial service activity which assists, supports, or benefits small businesses. A merchant bank shall comply with applicable federal and state securities laws. A merchant bank shall not solicit,



receive, or accept money or its equivalent as a savings deposit, time deposit, demand deposit, or any other type of instrument or facility of like character or nature. No initial investment by the merchant bank in a small business shall constitute "control" as such term is defined in the rules and regulations of the United States Small Business Administration with respect to investments of small business investment companies, as amended from time to time, except as is permitted in such rules and regulations. No financial institution which is an owner of an interest in a merchant bank shall condition the extension of credit to a small business that meets its ordinary underwriting standards on a requirement that the merchant bank be allowed to invest in, or obtain rights with respect to the equity capital, of the small business.

392-A:5 Policy for Business Activities. The board of directors of a merchant bank if it is a corporation, or its equivalent governing body if it is any other type of business entity, shall establish a written policy under which the merchant bank's business activities are conducted. The policy shall also address conflicts of interest and shall preclude a merchant bank from making an investment in a small business if the effect is to create the potential of a conflict in interest with a person having an ownership interest in the merchant bank. The policy for business activities shall be reviewed and ratified by the board of directors or equivalent governing body at least annually and shall be submitted to the bank commissioner. If the bank commissioner finds that the policy does not adequately regulate the business activities of the merchant bank, the bank commissioner may require the board of directors or equivalent governing body to take corrective action.

392-A:6 Reports; Change in Control. In addition to any reports that are required to be submitted by a trust company under state laws and regulations, a merchant bank shall submit a quarterly report to the bank commissioner describing its business activities for the quarter. The merchant bank shall also submit an annual report to the bank commissioner listing all of the investors in the bank and the amount of their respective investments and voting rights, which report shall be accompanied by a certificate signed by each investor who has not previously submitted a certificate to the bank commissioner attesting to its eligibility to invest in the merchant bank. No change in control of a merchant bank shall occur without the prior approval of the bank commissioner. The term "change of control" shall mean the direct or indirect acquisition by a person or group of persons acting in concert of 10 percent or more of the beneficial ownership or control of the voting shares. The person or group seeking to acquire control of the merchant shall submit an application to the bank commissioner for approval which shall contain such financial, business, experience and other information as the bank commissioner shall require to determine whether such person or group is suitable to exercise control of a merchant bank. Upon receipt of a complete application, the bank commissioner may hold a hearing on such application and shall make a decision within 60 days after receipt of the application.

Amend the bill by deleting sections 3-4 and renumbering the original section 5 to read as 3.

#### AMENDED ANALYSIS

This bill authorizes the organization of merchant banks in this state to provide equity financing and related services to small businesses. The bill grants the bank commissioner rulemaking authority relative to such merchant banks.

Adopted.

Rep. Hunt offered a floor amendment.

#### Floor Amendment (1817h)

Amend RSA 392-A:3 as inserted by section 2 of the bill by replacing it with the following:

392-A:3 Capital; Other Funds. A merchant bank shall maintain capital at a level which is commensurate with the risk undertaken in connection with its loans, investments, and other activities, as determined by its board of directors, if it is a corporation, or its equivalent governing body if it is any other type of business entity, but in no event shall its capital be less than 6 percent of its assets. The initial capital of a merchant bank shall consist of common stock in the amount of at least \$2,500,000 paid in the form of cash or its equivalent. The balance of any capital required by the board of trust company of incorporation may consist of preferred stock or other equity capital, subordinated notes, or debentures, as approved by said board. Notwithstanding the foregoing, the capital structure of a New Hampshire financial institution that reorganizes into a merchant bank may continue in the same form and amount as existed at the time of reorganization, provided that

the capital is at least \$2,500,000. A merchant bank may borrow funds to engage in the merchant banking business only from accredited investors. Following the organization or reorganization of a merchant bank, if the bank commissioner finds that the capital is inadequate based on the risk profile of its investments, the bank commissioner may require that the capital be increased by an amount necessary to protect the safety and soundness of the merchant bank.

Amend RSA 392-A:4 as inserted by section 2 of the bill by replacing it with the following:

**392-A:4 Business of Merchant Banks.** Except as provided in this chapter, a merchant bank has all the powers of and is entitled to engage in the business of a trust company, including without limitation, powers with respect to investments, loans, and fiduciary and trust functions and transactions. In furtherance of assisting small businesses, a merchant bank may provide commercial and investment banking services, act as a securities broker or dealer or an investment advisor, underwrite securities of small businesses, and invest in the equity or debt securities of any small business. A merchant bank shall comply with applicable federal and state securities laws. A merchant bank shall not solicit, receive, or accept money or its equivalent as a savings deposit, time deposit, demand deposit, or any other type of instrument or facility of like character or nature. No initial investment by the merchant bank in a small business shall constitute "control" as such term is defined in the rules and regulations of the United States Small Business Administration with respect to investments of small business investment companies, as amended from time to time, except as is permitted in such rules and regulations. No financial institution which is an owner of an interest in a merchant bank shall condition the extension of credit to a small business that meets its ordinary underwriting standards on a requirement that the merchant bank be allowed to invest in, or obtain rights with respect to the equity capital, of the small business.

Rep. Hunt spoke in favor

Adopted.

Majority report adopted and ordered to third reading.

**SB 490-FN**, relative to life and accident and health insurance and relative to certain salaries. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Keith R. Herman for the Majority of Commerce: This bill defines "indebtedness" as it relates to credit life insurance, changes salary scales for two positions in the Insurance Department and clarifies current law regarding utilization review for mental health purposes. There was much debate about the mental health portion of the bill. Three years ago, this legislature mandated that health insurers allow five visits to a mental health provider, prior to utilization review. The Insurance Department requested we clarify the scope of legislative intent as it related to this provision. The intent was to have these five visits occur in each contract year. The amendment makes this clarification. The committee was asked to look into expanding the mandate to seven visits, to allow a patient to change provider without impacting the five visits. Under the current law, the patient can already have two separate diagnostic visits with two different mental health providers. The majority feels an expansion of benefits, at this time, is not necessary since New Hampshire is recognized as having one of the best mental health systems in the country. Vote 7-4.

Rep. Martha Fuller Clark for the Minority of Commerce: Although the bill as amended improves existing legislative language by making it clear that the limitation of five pre-utilization review visits for mental health care is applicable in each contract year, those voting in the minority believe the amendment did not go far enough. Currently, there is no legislative language which addresses the issue of how to handle pre-utilization visits when and if a client changes his or her mental health care provider. The minority believes that the same pre-utilization model of two diagnostic visits and three treatment visits should be available at least one additional time if and when a patient needs to seek a different therapist. Those opposing such language believed such cases, which are not that frequent, would be an unwarranted expansion of visits. Needless to say, the minority disagreed because the current limitation is potentially punitive to a patient who gets a "false" start.

#### Amendment (1541h)

Amend RSA 420-B:8-b, I(b) as inserted by section 2 of the bill by replacing it with the following:

(b) In addition to the requirements of subparagraph (a), every health maintenance organization offering such benefits shall provide to its subscribers a list of psychiatrists and mental health

care providers within the organization's network. The health maintenance organization shall allow its subscribers 2 visits for diagnosis followed by up to 3 treatment visits *in each contract year*. Subsequent visits *within the contract year* may be subject to utilization review. The policy shall also include a statement that a primary care physician may refer an enrolled participant to a psychiatrist or other mental health care provider within the organization's network. There shall be no economic penalty to the primary care physician for such a referral.

#### AMENDED ANALYSIS

This bill:

- (1) Clarifies the definition of indebtedness with respect to credit life insurance.
- (2) Clarifies the coverage for mental and nervous conditions under health maintenance organizations.
- (3) Changes certain salaries.

On a division vote, 196 members having voted in the affirmative and 59 in the negative, the majority amendment was adopted.

Majority report adopted and referred to Finance.

**SB 500**, relative to obtaining automobile and homeowners insurance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sheila T. Francoeur for Commerce: The original bill would have prohibited the use of credit reports for automobile or homeowners insurance. The committee heard testimony that although rates were higher for some because of bad credit reports, for the majority of consumers, the rates were lower as a result of good credit reports. At this time, only two insurance companies are using credit reports to raise rates. Because it is a valid tool and additional companies will be using these reports, the committee felt that the Insurance Department should establish guidelines and regulations regarding the use of this information. All credit scoring models will be subject to approval by the Insurance Department. Rules will also be established by the department to afford consumer protection and confidentiality. Vote 11-3.

#### Amendment (1643h)

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

**AN ACT** relative to the use of credit data for certain insurance purposes.

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

1 New Section; Use of Credit Reports, Credit Histories, and Credit Scoring Models in Underwriting and Rating. Amend RSA 412 by inserting after section 14 the following:

412:14-a Use of Credit Reports, Credit Histories, and Credit Scoring Models in Underwriting and Rating. The use of information contained in credit reports, credit histories, and credit scoring models for underwriting or for rating purposes shall be based upon objective, documented, and measurable standards and shall be used in a manner which affords appropriate consumer protections, including consumer notice provisions and confidentiality protections. The insurance commissioner shall, pursuant to RSA 541-A, adopt such rules as may be necessary to regulate the use of such information in the underwriting and rating of motor vehicle insurance. Underwriting models and rate filings which rely upon information in credit reports, credit histories, or credit scoring models shall be subject to express approval by the insurance department.

2 New Paragraph; Use of Credit Reports, Credit Histories, and Credit Scoring Models in Underwriting and Rating. Amend RSA 414:3 by inserting after paragraph VIII the following new paragraph:

IX. The use of credit reports, credit histories, and credit scoring models for underwriting and rating purposes shall be based upon objective, documented, and measurable standards and shall be used in a manner which affords appropriate consumer protections, including consumer notice provisions and confidentiality protections. The insurance commissioner shall, pursuant to RSA 541-A, adopt such rules as may be necessary to regulate the use of such information in the underwriting and rating of homeowners insurance. Underwriting models and rate filings which rely upon information in credit reports, credit histories, or credit scoring models shall be subject to express approval by the insurance department.

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



## AMENDED ANALYSIS

This bill establishes procedures for the use of credit data for certain insurance purposes.  
Adopted.

Report adopted and ordered to third reading.

**SB 428-FN**, relative to firearm lock boxes in state facilities. REFER FOR INTERIM STUDY  
Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill originally required any state facility that currently offers use of firearm lock boxes to law enforcement personnel to also offer such lock boxes to members of the general public who lawfully carry firearms. The bill passed the criminal justice and public safety committee and was referred to the finance committee who thought the bill would be in conflict with RSA 159:19, courtroom security. An amendment was drafted to clarify "areas used by a court" and a 1985 courtroom security study was unearthed that was the basis for the creation of RSA 159:19. Members of the court and the sheriffs who currently provide security at the state's courts had difficulty accepting and implementing a bill that affected all the courts noting that all courts have different security concerns. The committee voted to study the matter further. Vote 9-6.  
Adopted.

**SB 471-FN**, creating the presumption that a juvenile charged with a driving while intoxicated felony offense, shall be certifiable as an adult. OUGHT TO PASS WITH AMENDMENT  
Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill in it's amended state adds "negligent homicide as defined in RSA 630:3,II "as an offense that permits a minor to be charged as an adult providing certain criteria is met. This type of expansion places the "burden of proof" on the minor (acting through his attorney) to show why the "minor should not be charged as adult" rather than placing the "burden of proof" on the state through the prosecutor. Before a minor can be charged as an adult the prosecutor has to petition the courts for approval, the judge of district court reviews petition and has to address eight specified issues in law, then transfers the petition to the superior court where the same eight issues are reviewed again and the decision made. The process is the same regardless of whether or not the state or the minor has the "burden of proof". The majority of the committee was in agreement that "negligent homicide," a charge dealing with the taking of a life, was consistent with other offenses in this category. Vote 9-6.

## Amendment (1707h)

Amend RSA 169-B:24, IV as inserted by section 2 of the bill by replacing it with the following:

IV. When the felony offense charged is first degree murder, second degree murder, attempted murder, manslaughter, first degree assault, second degree assault (except when the allegation is a violation of RSA 631:2, I(d)), aggravated felonious sexual assault, kidnapping, criminal restraint, robbery punishable as a class A felony, a violation of RSA 318-B:26, I(a) or (b), *or negligent homicide under RSA 630:3, II*, or when the minor is charged with any felony and, prior to the filing of the felony petition, the minor has been petitioned to the court on 4 or more occasions and adjudicated delinquent in 4 separate adjudicatory hearings which alleged misdemeanor or felony offenses, and the minor commits the act after the minor's fifteenth birthday, there shall be a presumption that the factors listed in RSA 169-B:24, I support transfer to the superior court.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 New Subparagraph; Criminal Responsibility of Juvenile Offenders; Negligent Homicide Added.  
Amend RSA 628:1, II by inserting after subparagraph (h) the following new subparagraph:

(i) *Negligent homicide as defined in RSA 630:3, II.*

## AMENDED ANALYSIS

This bill proposes the "Brooke Blanchard Act" which would create the presumption that a juvenile charged with negligent homicide shall be certifiable as an adult.

Adopted.

On a division vote, 181 members having voted in the affirmative and 108 in the negative, the report was adopted.

Ordered to third reading.

**CACR 49**, relating to rights of parents to nurture and educate their children. Providing that the right of parents to nurture and educate their children is a natural right, that the legislature and courts shall respect local control of education, and that a local legislative body may promote and fund education through taxes that are reasonable and proportional throughout its jurisdiction. **INEXPE-DIENT TO LEGISLATE**

Rep. William A. Riley for Education: The right of parents to nurture and educate their children is already in the New Hampshire Constitution (Part I Art. 2). The majority of the committee agreed that the language in CACR 49 concerning local control and funding of education is being actively addressed in other CACRs within the Finance Committee. Vote 11-4.

Rep. Alger spoke against.

Rep. O'Hearn spoke in favor.

Rep. Mary Brown requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 227 NAYS 80

### YEAS 227

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Calvert, Alice	Holbrook, Robert
Pilliod, James	Salatiello, Thomas	Thomas, John	Turner, Robert
Veazey, John			

#### CARROLL

Bradley, Jeb	Howard, Godfrey	Lyman, L. Randy	Patten, Betsey
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#### CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Champagne, Richard
Doucette, Richard	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	Meador, David	Metzger, Katherine	Pratt, Irene
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Royce, H. Charles	Russell, Ronald	Smith, Edwin	Steere, Myron, III
Vogl, John			

#### COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Guay, Lawrence	Hawkinson, Marie	Horton, Lynn	Mears, Edgar
Tholl, John, Jr.			

#### GRAFTON

Almy, Susan	Below, Clifton	Guest, Robert	Ham, Bonnie
LaMott, Paul	Lovett, Sidney	Luker, Elsa	Phinney, William
Teschner, Douglass	Williams, William, Jr.		

#### HILLSBOROUGH

Ackerman, Philip	Ameen, W.	Amidon, Eleanor	Belvin, William
Brundige, Robert	Buckley, Raymond	Calawa, Leon, Jr.	Cardin, Lori
Carlson, Donald	Chabot, Ernest	Chabot, Robert	Cote, Peter
D'Allesandro, Lou	Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A. Theresa
Durham, Susan	Dwyer, Paul, Sr.	Emerton, Lawrence, Sr.	Fields, Dennis
Foster, Linda	Franks, Suzan	Gage, Ruth	Gagnon, Eugene
Ginsburg, Ruth	Gosselin, Gerald	Goulet, Maurice	Hall, Betty
Hart, Nick	Herman, Keith	Holley, Sylvia	Jean, Claudette
Johnson, Lionel	Konys, Christine	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Leishman, Peter	Leonard, Peter	Lozeau, Donnalee
MacGillivray, Jeffrey	MacIntyre, Doris	McCarty, Winston	McDonald, James, Sr.
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Murphy, Robert	O'Hearn, Jane	Peterson, Andrew	Reidy, Frank

Rowe, Robert  
Turgeon, Roland  
Williams, Carol

Sargent, Maxwell  
Vaillancourt, Steve

Searles, Stanley, Sr.  
Welch, Donald

Tate, Joan  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Crowell, Peter  
Dunn, Miriam  
Gile, Mary  
Jacobson, Alf  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Burney, Carol  
Daneault, Gabriel  
Feuerstein, Martin  
Hager, Elizabeth  
Leber, William  
Morrill, Olive  
Seldin, Gloria  
Whalley, Michael

Chandler, Earle  
Davis, Francis  
Fraser, Marilyn  
Hess, David  
Lockwood, Robert  
Nichols, Avis  
St. Cyr, Gerard  
Whittemore, James

Crosby, Toni  
DeStefano, Stephen  
French, Barbara  
Hoadley, Elizabeth  
Marshall, Kenneth  
Owen, Derek  
Wallin, Jean  
Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
Blanchard, MaryAnn  
Cushing, Robert  
Downing, Michael  
Gibbons, Paul  
Henderson, Warren  
Katsakiores, Phyllis  
Langone, John  
Nowe, Ronald  
Rubin, George  
Tufts, J. Arthur

Battles-Peirce, Marjorie  
Christie, Andrew, Jr.  
Dalrymple, Janeen  
Flanders, John, Sr.  
Gleason, John  
Johnson, Robert  
Kelley, Jane  
McCarthy, John, Jr.  
Pantelakos, Laura  
Sapareto, Frank  
Vaughn, Charles

Belanger, Ronald  
Clark, Martha  
Dearborn, Bruce  
Francoeur, Sheila  
Guthrie, Joseph  
Kane, Cecelia  
Klemm, Arthur, Jr.  
Mikowski, Walter  
Pitts, Jacqueline  
Schanda, Frank  
Welch, David

Bishop, Franklin  
Cooney, Richard  
Dowling, Patricia  
Frechette, Joseph  
Heath, John  
Katsakiores, George  
Kobel, Rudolph  
Norelli, Terie  
Reardon, Neil  
Syracusa, Anthony

### STRAFFORD

Berube, Roger  
Cossette, Larry  
Grassie, Anne  
Knowles, William  
Pelletier, Arthur  
Snyder, Clair  
Torr, Ann

Brennan, William  
DeChane, Marlene  
Hemon, Roland  
Lundborn, Raymond  
Rogers, Rose Marie  
Spear, Barbara  
Torr, Franklin

Brown, George  
Dunlap, Patricia  
Kaen, Naida  
Merrill, Amanda  
Rollo, Michael  
Sullivan, Henry  
Twardus, Joseph

Callaghan, Frank  
Estabrook, Iris  
Keans, Sandra  
Merritt, Deborah  
Smith, Marjorie  
Taylor, Kathleen  
Wall, Janet

### SULLIVAN

Allison, David  
Ferland, Brenda  
Schotanus, Merle

Burling, Peter  
Leone, Richard  
Wiggins, Celestine

Cloutier, John  
Palmer, Lorraine

Donovan, Thomas  
Robb-Theroux, Amy

### NAYS 80

### BELKNAP

Boyce, Robert

Clark, Charles

Hurt, George

Rosen, Ralph

### CARROLL

Cooper, Kipp  
Mock, Henry

Dickinson, Howard, Jr.  
Philbrick, Donald

Kenney, Joseph

MacDonald, Kenneth

### CHESHIRE

Hunt, John

McNamara, Wanda

### COOS

Merrill, Gerald

Pratt, Leighton

St. Hilaire, Paul



**GRAFTON**

Akins, Ralph	Alger, John	Cobbin, Phillip	Guaraldi, Lawrence
Hinman, Harry	Trelfa, Richard	Weber, Phil	

**HILLSBOROUGH**

Alukonis, David	Batula, Peter	Briefs, Geoffrey	Burke, M. Virginia
Carney, Lauren	Christiansen, Lars	Clegg, Robert, Jr.	Daniels, Gary
Desrosiers, William	Flora, Kathleen	Golding, William	Hansen, Herbert
Holt, David	Hunter, Bruce	Jean, Loren	Lefebvre, Roland
Letendre, Evelyn	Marcinkowski, Michael	Martin, Mary	McCarthy, William
McGough, Tim	McRae, Karen	Mittelman, David	Murch, George
Riley, Frances	Thulander, O. Alan	White, Donald	Wright, George

**MERRIMACK**

Brown, Mary	Krueger, Patricia	Lamach, Bernard	Larrabee, David
Lavoie, Gerard			

**ROCKINGHAM**

Beaulieu, Jon	Camm, Kevin	Dodge, Robert	Dolan, Richard
Dowd, Sandra	Dunham, Vivian	Fesh, Robert	Flanders, David
Griffin, Mary	Langley, Jane	Letourneau, Robert	Major, Norman
Malcolm, Kenneth	McKinney, Betsy	Moore, Benjamin	Packard, Sherman
Rabideau, Marie	Raynowska, Bernard	Smith, Kevin	Stickney, Nancy
Varrell, Thomas	Weyler, Kenneth		

**STRAFFORD**

McKinley, Robert

**SULLIVAN**

Adler, Rudolf	Kibbey, David
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and the report was adopted.

Rep. Boutin did not vote and wished to be recorded in favor.

**HB 1660-FN-L**, relative to defining educational adequacy within the public school system. **INEXPEDIENT TO LEGISLATE**

Rep. Amanda A. Merrill for Education: The committee addressed the issue of defining educational adequacy through its recommendations on HB 1075, all of which were incorporated into that legislation. Vote 13-2.

Adopted.

**HB 1678-FN-L**, authorizing school districts to establish local educational standards and perform local education program assessments. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley N. Searles, Sr. for Education: As desirable as local control is to the districts, some provisions of this bill are questionable as to constitutionality due to Claremont II Supreme Court decision. Though educational standards are addressed locally, this bill would allow for different standards and different assessments throughout the state without any uniformity and without any direction. It would make professional standards, safe school zones, assessment, home schooling, record keeping, accreditation and rules only advisory to the local school district, therefore jeopardizing the accreditation process, local record keeping, and educational programs. Vote 11-3.

Rep. Alger spoke against.

Rep. O'Hearn spoke in favor.

Adopted.

**SB 301**, relative to teacher renomination and the application of teacher professional and performance standards. **OUGHT TO PASS**

Rep. Elizabeth K. Hoadley for Education: Under this bill, a first year teacher shall be an employee at will. Further, a school district will not be required to provide a reason to a probationary teacher

for his/her non-renewal. Accordingly, any rights to have such a reason provided to probationary teachers will be voided. Grievances from such non-renewal shall not be subject to arbitration or any other binding resolution. The bill, however, holds in place dismissal of any teacher found to be immoral or incompetent. Also unchanged are the rights of experienced teachers to notification, hearings and grievance procedures. Vote 11-5.

Adopted and ordered to third reading.

**SB 456**, enabling school districts to allow full parental choice in education. REFER FOR INTERIM STUDY

Rep. Susan B. Durham for Education: There are many questions on how this pilot parental choice proposal would be carried out on the local level. Members of the committee had concerns about who should get vouchers and how they should be used in the school systems. The topic needs more time, thus the vote for interim study. Vote 14-4.

Rep. Rabideau spoke against.

Rep. Durham spoke in favor and yielded to questions.

Rep. Weber spoke against and yielded to questions.

Rep. O'Hearn spoke in favor.

Rep. Mary Brown requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 212 NAYS 107**

**YEAS 212**

**BELKNAP**

Boriso, Thomas  
Salatiello, Thomas

Calvert, Alice  
Thomas, John

Holbrook, Robert  
Turner, Robert

Pilliod, James  
Veazey, John

**CARROLL**

Chandler, Gene  
Philbrick, Donald

Lyman, L. Randy

Mock, Henry

Patten, Betsey

**CHESHIRE**

Bonneau, Sarah  
Lynch, Margaret  
Meador, David  
Richardson, Barbara  
Russell, Ronald

Burnham, Daniel  
Lynott, Margaret  
Metzger, Katherine  
Riley, William  
Smith, Edwin

Champagne, Richard  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy  
Vogl, John

Doucette, Richard  
McGuirk, Paul  
Pratt, John  
Royce, H. Charles

**COOS**

Bradley, Paula  
Guay, Lawrence  
Merrill, Gerald

Coulombe, Henry  
Hawkinson, Marie

Coulombe, Yvonne  
Horton, Lynn

Davis, Perley  
Mears, Edgar

**GRAFTON**

Almy, Susan  
Ham, Bonnie  
Phinney, William

Below, Clifton  
LaMott, Paul

Eaton, Stephanie  
Lovett, Sidney

Guest, Robert  
Luker, Elsa

**HILLSBOROUGH**

Ackerman, Philip  
Belvin, William  
Cardin, Lori  
D'Allesandro, Lou  
Drabinowicz, A. Theresa  
Emerton, Lawrence, Sr.  
Gagnon, Eugene  
Hall, Betty

Ameen, W.  
Brundige, Robert  
Chabot, Ernest  
Daigle, Robert  
Durham, Susan  
Fields, Dennis  
Ginsburg, Ruth  
Hansen, Herbert

Amidon, Eleanor  
Buckley, Raymond  
Chabot, Robert  
Dawe, Eileen  
Dwyer, Paul, Sr.  
Foster, Linda  
Gosselin, Gerald  
Hart, Nick

Baroody, Benjamin  
Calawa, Leon, Jr.  
Cote, Peter  
Dokmo, Cynthia  
Dyer, Merton  
Gage, Ruth  
Haettenschwiler, Alphonse  
Jean, Claudette

Johnson, Lionel  
Leishman, Peter  
McCarty, Winston  
Messier, Irene  
Reidy, Frank  
Thulander, O. Alan  
Wheeler, Robert

Konys, Christine  
Leonard, Peter  
McDonald, James, Sr.  
Milligan, Robert  
Sargent, Maxwell  
Turgeon, Roland  
White, Jay

L'Heureux, Robert  
Lozeau, Donnalee  
Melcher, Harold  
Murphy, Robert  
Searles, Stanley, Sr.  
Vaillancourt, Steve  
Williams, Carol

LaRose, Richard  
McCarthy, William  
Mercer, Robert  
O'Hearn, Jane  
Tate, Joan  
Welch, Donald  
Wright, George

### MERRIMACK

Anderson, Eric  
Crowell, Peter  
Feuerstein, Martin  
Hager, Elizabeth  
Marshall, Kenneth  
Owen, Derek  
Seldin, Gloria  
Whalley, Michael

Burney, Carol  
Daneault, Gabriel  
Fraser, Marilyn  
Hess, David  
Moore, Carol  
Pfaff, Terence  
St. Cyr, Gerard  
Whittemore, James

Chandler, Earle  
Davis, Francis  
French, Barbara  
Jacobson, Alf  
Morrill, Olive  
Reardon, Tara  
Wallin, Jean  
Yeaton, Charles

Crosby, Toni  
Dunn, Miriam  
Gile, Mary  
Lockwood, Robert  
Nichols, Avis  
Rogers, Katherine  
Wallner, Mary Jane

### ROCKINGHAM

Abbott, Dennis  
Christie, Andrew, Jr.  
Dearborn, Bruce  
Francoeur, Sheila  
Henderson, Warren  
Katsakiores, Phyllis  
McCarthy, John, Jr.  
Pitts, Jacqueline  
Vaughn, Charles

Battles-Peirce, Marjorie  
Clark, Martha  
Dowd, Sandra  
Frechette, Joseph  
Johnson, Robert  
Kelley, Jane  
Micklon, Stephanie  
Schanda, Frank

Bishop, Franklin  
Cooney, Richard  
Downing, Michael  
Gibbons, Paul  
Kane, Cecelia  
Kobel, Rudolph  
Norelli, Terie  
Syracusa, Anthony

Blanchard, MaryAnn  
Cushing, Robert  
Flanders, John, Sr.  
Heath, John  
Katsakiores, George  
Langone, John  
Nowe, Ronald  
Tufts, J. Arthur

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Hemon, Roland  
Lundborn, Raymond  
Pelletier, Arthur  
Spear, Barbara  
Torr, Franklin

Brennan, William  
Dunlap, Patricia  
Kaen, Naida  
Merrill, Amanda  
Rogers, Rose Marie  
Sullivan, Henry  
Tsiros, William

Brown, George  
Estabrook, Iris  
Keans, Sandra  
Merritt, Deborah  
Rollo, Michael  
Taylor, Kathleen  
Twardus, Joseph

Callaghan, Frank  
Grassie, Anne  
Knowles, William  
Musler, George  
Smith, Marjorie  
Torr, Ann  
Wall, Janet

### SULLIVAN

Allison, David  
Ferland, Brenda  
Schotanus, Merle

Burling, Peter  
Leone, Richard  
Wiggins, Celestine

Cloutier, John  
Palmer, Lorraine

Donovan, Thomas  
Robb-Theroux, Amy

### NAYS 107

### BELKNAP

Bartlett, Gordon  
Lawton, David

Boyce, Robert  
Rosen, Ralph

Clark, Charles

Hurt, George

### CARROLL

Bradley, Jeb  
Kenney, Joseph

Cooper, Kipp  
MacDonald, Kenneth

Dickinson, Howard, Jr.

Howard, Godfrey

### CHESHIRE

Avery, Stephen

Hunt, John

McNamara, Wanda

Steere, Myron, III

### COOS

Pratt, Leighton

St. Hilaire, Paul

Tholl, John, Jr.



**GRAFTON**

Akins, Ralph	Alger, John	Cobbin, Philip	Guaraldi, Lawrence
Hinman, Harry	Teschner, Douglass	Trelfa, Richard	Weber, Phil
Williams, William, Jr.			

**HILLSBOROUGH**

Alukonis, David	Batula, Peter	Briefs, Geoffrey	Burke, M. Virginia
Carlson, Donald	Carney, Lauren	Christiansen, Lars	Clegg, Robert, Jr.
Daniels, Gary	Desrosiers, William	Fiora, Kathleen	Franks, Suzan
Golding, William	Goulet, Maurice	Herman, Keith	Holley, Sylvia
Holt, David	Hunter, Bruce	Jean, Loren	Kurk, Neal
Lefebvre, Roland	Lessard, Rudy	Letendre, Evelyn	MacGillivray, Jeffrey
MacIntyre, Doris	Marcinkowski, Michael	Martin, Mary	McGough, Tim
McRae, Karen	Mittelman, David	Murch, George	Riley, Frances
Rowe, Robert	White, Donald		

**MERRIMACK**

Brown, Mary	DeStefano, Stephen	Hoadley, Elizabeth	Krueger, Patricia
Lamach, Bernard	Larrabee, David	Lavoie, Gerard	Leber, William

**ROCKINGHAM**

Beaulieu, Jon	Belanger, Ronald	Camm, Kevin	Dalrymple, Janeen
Dodge, Robert	Dolan, Richard	Dowling, Patricia	Dunham, Vivian
Fesh, Robert	Flanders, David	Gleason, John	Griffin, Mary
Guthrie, Joseph	Klemm, Arthur, Jr.	Langley, Jane	Letourneau, Robert
Major, Norman	Malcolm, Kenneth	McKinney, Betsy	Mikowski, Walter
Moore, Benjamin	Packard, Sherman	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Rubin, George	Sapareto, Frank	Smith, Kevin
Stickney, Nancy	Varrell, Thomas	Welch, David	Weyler, Kenneth

**STRAFFORD**

Cossette, Larry	McKinley, Robert	Vachon, Dennis
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**SULLIVAN**

Adler, Rudolf	Kibbey, David
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and the report was adopted.

Rep. Boutin did not vote and wished to be recorded in favor.

**SB 481-FN-L**, relative to the availability of school building aid for year-round schools. REFER FOR INTERIM STUDY

Rep. Susan B. Durham for Education: There needs to be a discussion of year round schools in conjunction with extending the school year and with better educational use of our school buildings. This bill will be the vehicle for such discussion along with the use of building aid as an incentive for either option. Year round schools is accepted as good policy but further study of year round schools is needed. Vote 11-1.

Adopted.

**SB 503-FN**, relative to the New Hampshire community technical college system. OUGHT TO PASS WITH AMENDMENT

Rep. David E. Larrabee, Sr. for Education: This bill replaces the regional community-technical college board of governors with a board of trustees and revises the duties of such board. It also creates a commission on the status of community technical education in New Hampshire to investigate the possibility of an orderly transition toward a more independent and self-governing system of community technical education. This bill also authorizes degree granting authority to the regional community-technical colleges, adds a member from the law enforcement community to the board of trustees, and exempts positions directly responsible for academic instruction from state employee hiring delays. Vote 16-0.

**Amendment (1655h)**

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-39 to read as 4-40 respectively:

3 New Section; Authority to Grant Degrees. Amend RSA 188-F by inserting after section 2 the following new section:

188-F:2-a Authority to Grant Degrees. The regional community-technical colleges are hereby authorized to grant and confer in the name of the regional community-technical colleges all such degrees, literary titles, honors, and distinctions as regional community-technical colleges may of right do.

Amend RSA 188-F:3-a, I as inserted by section 4 of the bill by replacing it with the following:

I. The governance of the regional community-technical colleges shall be vested in a board of trustees which shall consist of 25 members comprised as follows:

(a) Nine non-voting, ex officio members: the governor of the state, the commissioner and deputy commissioner of the regional community-technical colleges, the presidents of the 4 regional community-technical colleges, the commissioner of the department of resources and economic development, and the commissioner of the department of education.

(b) Four members shall be from the fields of business and industry; 2 of whom shall serve a 4-year term, and 2 of whom shall serve a 2-year term followed by an additional 4-year term if reappointed.

(c) One member shall be a high school vocational director.

(d) One member shall be an alumni member from one of the regional community-technical colleges who shall serve a 2-year term followed by an additional 4-year term if reappointed.

(e) One member shall be from the field of education or technology.

(f) One member shall be from the health services professions who shall serve a 2-year term followed by an additional 4-year term if reappointed.

(g) Two members shall be from the field of labor; one of whom shall serve a 4-year term, and the other shall serve a 2-year term followed by an additional 4-year term if reappointed.

(h) Two members shall be from the general public; one of whom shall serve a 4-year term, and the other shall serve a 2-year term followed by an additional 4-year term if reappointed.

(i) One member shall be from the community service sector.

(j) Two members shall be full-time students who shall be New Hampshire residents and enrolled in one of the community-technical colleges. The student trustees shall be voted from the 7 community-technical college campus locations proceeding in alphabetical order, and shall be elected by the student body of the campuses responsible for providing the student trustees. The student trustees shall serve a one year term commencing June 1 of the year elected through May 31 of the following year. In the event that a student trustee ceases for any reason to be a student at the school from which such trustee was elected, the commissioner of the regional community-technical colleges shall declare a vacancy in the student trustee position, and the next school in order shall elect the student trustee who shall serve for the remainder of the predecessor's term, and an additional one year term following immediately thereafter.

(k) One member from the law enforcement community who shall serve a 4-year term.

Amend RSA 188-F:3-a, II (d) as inserted by section 4 of the bill by replacing it with the following:

(d) Nine of the voting members shall constitute a quorum required to transact official business.

Amend RSA 188-F:13, as inserted by section 8 of the bill by replacing it with the following:

188-F:13 Personnel.

I. 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.

*II. Notwithstanding RSA 4:15, the commissioner in consultation with the chairperson of the board of trustees, shall be authorized to enter into educational service agreements and contracts, and accept and expend funds associated with such contracts and agreements within current and available appropriations, for the purpose of delivering education, customized training or retraining, technical assistance and services, and managerial consulting services to New Hampshire businesses, non-profit organizations, professional associations, communities, state and local governmental agencies, and any other interested parties.*

*III. Notwithstanding RSA 4:15, under emergency conditions, the commissioner shall be authorized to enter into contracts and service agreements, and accept and expend funds associated with such contracts and agreements within current and available appropriations, for the purpose of maintenance and care for all colleges and their divisions and units. These contracts shall include maintenance and service agreements that support administrative and academic computing and technology. For the purposes of this section, an emergency shall be defined as any condition or situation out of the ordinary which requires immediate action to avoid loss of property or resources, or to prevent disruption of services or operations. Any impact to conditions of employment or work usually performed by employees of the collective bargaining unit will be governed by the existing collective bargaining agreement.*

Amend RSA 188-F:14, I as inserted by section 9 of the bill to read as follows:

I. 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. However, the board of [governors] trustees is authorized to transfer funds between line items within any budgetary unit. 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.

Amend RSA 188-F:14-b, VI as inserted by section 11 of the bill by replacing it with the following:

VI. Upon approval of the board of [governors] trustees as provided by RSA 188-F:14, transfer funds between and among line items within the department regardless of funding source or funding mix, except [for] such transfers to the police standards and training council training fund or any other funds granted to the police standards and training council, which shall not be commingled with any other funds. By October 1 and quarterly thereafter, the department shall submit a report to the fiscal committee detailing all transfers made under this paragraph during the prior quarter and the reasons for them.

Amend RSA 188-F:24, VII as inserted by section 15 of the bill by replacing it with the following:

VII. The council shall report annually to the governor and executive council, with a copy to the board of [governors] trustees of the department of regional community-technical colleges, on its activities, and may make such other reports as it deems desirable.

Amend the bill by inserting after section 38 the following and renumbering the original sections 39-40 to read as 40-41 respectively:

39 State Employee Hiring Delay; Exemptions. Amend 1997, 351:45, II to read as follows:

II. The department of corrections, the department of health and human services, including but not limited to the Glencliff home for the elderly and the New Hampshire hospital, and the department of youth development services shall be exempt from the hiring delay imposed in paragraph I. *In addition, those positions within the regional community-technical colleges that are directly responsible for academic instruction, including but not limited to academic faculty and counseling shall be exempt from the hiring delay imposed in paragraph I.*

Adopted.

Report adopted and referred to Finance.

**SB 191**, relative to mental health providers. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Maurice E. Goulet for the Majority of Executive Departments and Administration: This bill will establish a new Board of Mental Health, consisting of 2 public members and one each of the following: psychologist, clinical social worker, marriage and family therapist, pastoral counselor and mental health counselor. It replaces the previous board of 11 members. The bill will not impact psychiatrists (M.D.s) or psychiatric nurse practitioners (A.R.N.P.). The amendment also provides that alternative mental health practitioners may elect to register with the Board of Mental Health Practice at no cost. At the request of the attorney general's office, we have retained the current statutory language regarding violations. This bill will protect the public and provide a strong message to practitioners. Vote 11-8.

Reps. Sylvia A. Holley, Howard, C. Dickinson, Jr., Jon P. Beaulieu, Ray F. Langer, Benjamin E. Moore, Kipp A. Cooper, Robert K. Dodge, James P. Pilliod for the Minority of Executive Departments and



Administration: This bill has eleven pages of amendments, and, among many things, calls for licensure of a diverse group of mental health professionals that differ widely in terms of education and training; calls for a new Board along with board subcommittees numbering 25 people; and allows the registration of "alternative providers" without providing a "gatekeeper". With only 6 complaint calls coming in to the board's office a month, no adjudicative hearings necessary so far in 1998, (only 2 in 1997) and no public testimony in favor of the bill for consumer protection, the minority felt total board reorganization and licensure of the big "5" was not justified at this time.

#### Amendment (1433h)

Amend RSA 330-A:2, I as inserted by section 1 of the bill by replacing it with the following:

I. "Alternative provider" means a person who, for remuneration, engages in any aspect of mental health practice as defined in RSA 330-A:2, VI, but does not hold a license issued under this chapter to practice as a licensed psychologist, pastoral psychotherapist, clinical social worker, clinical mental health counselor, or marriage and family therapist, and who may elect to be registered with the board.

Amend RSA 330-A:2, IV as inserted by section 1 of the bill by replacing it with the following:

IV. "Former client" means a person who was given psychotherapy within the previous 7 years.

Amend RSA 330-A:2, VI and VII as inserted by section 1 of the bill by replacing it with the following:

VI. "Mental health practice" means the observation, description, evaluation, interpretation, diagnosis, and modification of human behavior by the application of psychological and systems principles, methods, and procedures for the purpose of preventing or eliminating symptomatic, maladapted, or undesirable behavior and of enhancing interpersonal relationships, work and life adjustments, personal effectiveness, behavioral health, and mental health, as well as the diagnosis and treatment of the psychological and social aspects of physical illness, accident, injury, or disability. Mental health practice may include, but shall not be limited to, those services based on diagnosis and treatment of mental and emotional disorders and psycho-educational or consultative techniques integral to the treatment of such disorders when diagnosis is specified in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association, or an equivalent of such manual as determined by the licensing boards. Notwithstanding any other provision to the contrary, no person licensed or registered under this chapter shall assess the need for medications, prescribe medications, or otherwise practice medicine as defined in RSA 329.

VII. "Mental health practitioner" means persons licensed under this chapter as psychologists, pastoral psychotherapists, clinical social workers, clinical mental health counselors, or marriage and family therapists. For purposes of this chapter, the term clinical social worker shall include independent clinical social worker.

Amend RSA 330-A:2 as inserted by section 1 of the bill by deleting paragraph VIII and renumbering the original paragraphs IX - XI to read as VIII - X, respectively.

Amend RSA 330-A:3 as inserted by section 1 of the bill by replacing it with the following:

330-A:3 Board.

I. There shall be a board of mental health practice composed of the following members: one licensed psychologist, one licensed pastoral psychotherapist, one licensed clinical social worker, one licensed marriage and family therapist, one licensed clinical mental health counselor, and 2 public members. The members shall be appointed to a term of 3 years by the governor with the approval of the council. The members of the board shall elect a chairperson on an annual basis. No discipline's representative and no public member shall serve as chairperson for consecutive terms.

II. The board members shall not serve more than 2 consecutive 3-year terms.

Amend RSA 330-A:4, II as inserted by section 1 of the bill by replacing it with the following:

II. The advisory committees shall be composed of at least 3 persons and no more than 5 persons, including the chair, all of whom shall be licensed in their applicable professions. No advisory committee member shall serve more than 2 consecutive 3-year terms.

Amend RSA 330-A:10, XII as inserted by section 1 of the bill by replacing it with the following:

XII. Procedures, standards, and supervision requirements for candidates for licensure as a member of one of the licensed mental health disciplines, consistent with the standards established by the advisory committee for each of the licensed mental health disciplines. All candidates for licensure shall be documented with the board.

Amend RSA 330-A:10, XVII - XXII as inserted by section 1 of the bill by replacing it with the following:

XVII. The content of the materials and information to be distributed under RSA 330-A:14.

XVIII. Requirements to be met by licensees relative to the disclosure of information to patients and the general public concerning the nature of mental health care and the responsibilities of mental health practitioners to clients in RSA 330-A:15.

XIX. The establishment of all fees required under this chapter. There shall be no fee for the registration of alternative providers.

XX. Procedures and mechanisms for providing interdisciplinary collaboration among the mental health disciplines.

XXI. Procedures for the registration of alternative providers of mental health care electing to register under this chapter. Such procedures shall include at a minimum that applicants for registration provide a description of the type of mental health therapy which they practice.

Amend RSA 330-A:14 as inserted by section 1 of the bill by replacing it with the following:

330-A:14 Information on Sexual Misconduct. The board shall inform all applicants for licensure under this chapter that the board deems sexual misconduct as provided in RSA 330-A:36 to be unethical, unprofessional, and dishonorable conduct subject to disciplinary action by the board. The board shall make available to all licensees, or persons applying for licensure, under this chapter information and materials, as determined by the board, pursuant to rules adopted under RSA 541-A, regarding such sexual misconduct.

Amend RSA 330-A:20, I as inserted by section 1 of the bill by replacing it with the following:

I. The board shall issue a provisional clinical mental health counselor license to any person who has at least 5 years demonstrated clinical mental health experience and has a master's degree with a concentration in the field of counseling or psychology from a regionally accredited institution, but who may not meet all of the requirements of RSA 330-A:19. This provisional license shall expire on July 1, 2001 unless the provisional licensee successfully completes the remainder of the 60 hours of graduate credit in RSA 330-A:19, I, and passes the clinical mental health counselor's examination of the National Board for Certified Counselors, Inc., if permitted by such board to take the examination. If the provisional licensee successfully completes the 60 hours of graduate credit and is not allowed by the National Board for Certified Counselors, Inc. to take the examination, then the provisional licensee shall be granted a clinical mental health counselor license.

Amend the introductory paragraph of RSA 330-A:22, I, as inserted by section 1 of the bill by replacing it with the following:

I. The advisory committee for each mental health discipline may review applications for mental health licensure to ensure that each applicant:

Amend RSA 330-A:23, I as inserted by section 1 of the bill by replacing it with the following:

I. Except as provided in RSA 330-A:34, it shall be unlawful for any person to be engaged in mental health practice unless that person is licensed by the board, working as a candidate under the direct supervision of a person licensed by the board or is engaged in the practice of other mental health services as an alternative provider as defined in RSA 330-A:2, I. The license or the registration of such person shall be current and valid. It shall be unlawful for any person to practice as or to refer to oneself as a psychologist, a pastoral psychotherapist, a clinical social worker, a clinical mental health counselor, or a marriage and family therapist, or use the word "psychotherapist," or any variation of, in such person's title unless that person is licensed by the board or working as a candidate under the direct supervision of a person licensed by the board. Psychiatrists licensed under RSA 329 and psychiatric nurse practitioners licensed under RSA 326-B:10 may refer to themselves as psychotherapists.

Amend RSA 330-A:23, III as inserted by section 1 of the bill by replacing it with the following:

III. Any person whose license under this chapter has been suspended or revoked by the board for disciplinary action under RSA 330-A:27 or sexual misconduct under RSA 330-A:36 shall not engage in mental health practice as defined in RSA 330-A:2, VI unless and until the suspension or revocation of the license has been lifted.

Amend RSA 330-A:26 - RSA 330-A:39 as inserted by section 1 of the bill by replacing them with the following:

330-A:26 Applicants From Other States. The board may license any applicant who is licensed in any other state, provided the other state's licensure requirements are substantially equivalent to or higher than those of this state.

330-A:27 Disciplinary Action.

I. The board may, for just cause, undertake an investigation or disciplinary proceedings:

(a) Upon its own initiative.

(b) Upon referral from any of the advisory committees.

(c) Upon written complaint of any person which charges that a person licensed under this chapter has committed misconduct under paragraph II and which specifies the grounds for such charges.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include any allegations of:

(a) The practice of fraud or deceit in procuring or attempting to procure a license to practice under this chapter.

(b) Conviction of a felony or any offense involving moral turpitude.

(c) Any unprofessional conduct or dishonorable conduct, unworthy of and affecting the practice of the profession, including sexual misconduct as provided in RSA 330-A:36.

(d) Unfitness or incompetency by reason of negligent habits or other causes, or negligent or willful acts performed in a manner inconsistent with the health or safety of persons under the care of the licensee.

(e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the licensee unfit to practice under this chapter.

(f) Mental or physical incapacity to practice under this chapter, as established by an independent medical or psychiatric evaluation.

(g) Willful or repeated violation of the provisions of this chapter.

(h) Suspension or revocation of a license or registration, similar to one issued under this chapter, in another jurisdiction and not reinstated.

III. The board may take disciplinary action in any one or more of the following ways:

(a) By reprimand.

(b) By suspension, limitation, or restriction of a license for a period of up to 5 years.

(c) By revocation of license.

(d) By requiring the person to participate in a program of continuing education, supervision, or treatment in the area or areas in which the person has been found deficient.

(e) By assessing administrative fines in amounts established by the board which shall not exceed \$2,000 per offense, or, in the case of continuing offenses, \$200 for each day not exceeding \$2,000.

IV. No civil action shall be maintained against the board or any member of the board or its agents or employees with regard to any action or activity taken in the performance of any duty or authority established by this chapter. No civil action shall be maintained against any organization or its members or against any other person for or by reason of any good faith statement, report, communication, or testimony to the board or determination by the board in relation to proceedings under this chapter.

V. Nothing in this chapter shall be construed to restrict the right of appeal under RSA 541.

#### 330-A:28 Investigations and Complaints.

I. The board may investigate possible misconduct by licensees and other matters within the scope of this chapter. Investigations may be conducted formally, after issuance of a board order setting forth the general scope of the investigation, or informally without such an order. In either case, board investigations and the information gathered in such investigations shall be exempt from the public disclosure provisions of RSA 91-A, except to the extent such information may later become the subject of a public disciplinary hearing. The board may disclose information acquired in an investigation to law enforcement or health licensing agencies in this state or any other jurisdiction, or in response to specific statutory requirements or court orders. A licensee under this chapter shall be promptly informed of the nature and scope of any pending investigation.

II. The board may employ or retain hearing officers, legal counsel, medical advisors, mental health advisors, or investigators to assist with any investigation and with the conduct of hearings. Members of the board are not eligible for retention.

III. The form taken by an investigation is a matter reserved to the discretion of the board. The board may, with just cause, conduct investigations on an ex parte basis only if there is an imminent danger to life or health of a client.



IV.(a) The board or its designee may administer oaths or affirmations, preserve testimony, and issue subpoenas for witnesses and for documents and objects only in a formal investigation or an adjudicatory hearing, except that subpoenas for mental health records as provided in paragraph V may be issued at any time.

(b) The board may serve a subpoena on a licensee by certified mail in accordance with the procedures and fee schedules used in superior court.

(c) Any subpoena related to appearance at a hearing or investigatory proceeding issued by the board shall be annotated "Fees Guaranteed by the New Hampshire Board of Mental Health Practice" in order to be valid.

(d) A minimum of 48 hours' notice shall be given for compliance with a subpoena issued under this chapter.

V. The board may, with just cause, at any time subpoena mental health records from its licensees and from hospitals and other health care providers licensed in this state. Such subpoenas shall be served by certified mail or by personal delivery to the address shown on the respondent's current license. A minimum of 15 days' advance notice shall be allowed for complying with a subpoena duces tecum issued under this paragraph.

VI. All licensees shall have the duty to notify the board of their current business and residence addresses, and shall notify the board of any change to either address within 30 days of the change.

VII. On its own motion, with just cause, or in response to a complaint received by one of the advisory committees, the board shall informally mail a copy of a complaint to any licensee who is the subject of the complaint, and require the licensee to provide a detailed and good faith written response to the allegations identified by the board. The licensee shall provide complete copies of the licensee's office records concerning any patient identified in the complaint. The licensee shall respond to such request within a reasonable time period of not less than 15 days, as the board shall specify in its written request.

VIII. Any person may file a written complaint with the board which charges that a person licensed under this chapter has committed misconduct. The board may dismiss complaints when the undisputed allegations do not warrant disciplinary actions and may settle complaints informally with the consent of the licensee. Some or all of the allegations in a complaint may be consolidated with another complaint or with issues which the board chooses to investigate or hear on its own motion. If an investigation of a complaint results in an offer of settlement by the licensee, the board may settle the allegations against the licensee without the consent of a complainant, provided that the complainant is given an opportunity to comment on the terms of the proposed settlement.

#### 330-A:29 Hearings.

I. Any complaint not dismissed or settled informally shall be heard by the board. Such hearing shall be an open public hearing. Any member of the board shall have the authority to preside at such a hearing and to issue oaths or affirmations to witnesses.

II. The board shall furnish the respondent and the complainant, if any, at least 15 days' written notice of the date, time and place of a hearing, except as otherwise provided in this chapter. Such notice shall include an itemization of the issues to be heard, and, in the case of a disciplinary hearing, a statement as to whether the action has been initiated by a written complaint or upon the board's own motion, or both. If a written complaint is involved, the notice shall provide the complainant with a reasonable opportunity to intervene as a party.

III. The board may, before or after the commencement of an adjudicatory hearing, dispose of disciplinary or licensure allegations arising under this chapter by order of dismissal, settlement, default, consent order or summary judgment order. In disciplinary hearings, the board may hold prehearing conferences which shall be exempt from the provisions of RSA 91-A, but all final disciplinary actions, including those which occur without holding a public hearing, shall be publicly released at the time they are served upon the parties.

IV. The respondent shall be heard in his or her defense either in person or by counsel and may produce witnesses and testify in his or her behalf. A stenographic record of the hearing shall be taken and preserved. The hearing may be adjourned from time to time.

V. Every final disciplinary action and other adjudicatory decisions made final by the board shall be reduced to writing and served upon the parties. Such decisions shall not be public until they are served upon the parties.

VI. The board shall have no obligation or authority to appoint or provide an attorney to any person appearing at a board hearing or investigation.

VII. Final licensure and disciplinary actions of the board may be appealed to the supreme court under the procedures set forth in RSA 541. However, no sanction imposed by the board shall be stayed during appeal.

330-A:30 Temporary Suspension Where Imminent Threat. In cases involving imminent danger to life or health, the board may order suspension of a licensee pending hearing for a period of not more than 90 days. In such cases, the basis for the board's finding of imminent danger to life or health shall be reduced to writing and combined with a hearing notice which complies with RSA 330-A:28, II. A licensee may be allowed additional time to prepare for a hearing, but any additional time for preparation shall result in an extension of license suspension commensurate with the additional time extended.

330-A:31 Expirations and Renewals. Licenses shall be valid for a period of 2 years and shall become invalid on the expiration date unless renewed. It shall be the duty of the board to notify every person licensed by the board under this chapter of the date of expiration of the license and the amount of the fee that shall be required for its renewal for 2 years. Such notice shall be mailed at least one month in advance of the date of expiration of such license. Renewal shall be conditional upon filing a timely and complete renewal application and payment of the fee as set by the board.

330-A:32 Privileged Communications. The confidential relations and communications between any person licensed under provisions of this chapter and such licensee's 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 licensed 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 licensed 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 or RSA 464-A.

330-A:33 Prior Certification. Any psychologist, pastoral psychotherapist, clinical social worker, marriage and family therapist, or clinical mental health counselor who was certified on July 1, 1998, under the provisions of former RSA 330-A, shall be issued a license in the respective discipline by the board.

330-A:34 Persons Exempted. Nothing in this chapter shall be construed to limit:

I. The psychotherapy activities, services, or use of official title of a person in the employ of a federal, state, county, or municipal agency, other political subdivision, or duly chartered educational institution, insofar as such activities and services are a part of the duties of such person in that salaried position.

II. The psychotherapy activities and services of a student, intern, or resident in a mental health discipline regulated by the board, who is pursuing a course of study approved by a regionally accredited degree-granting institution or at another training site approved as providing qualifying training and experience constituting a part of the supervised course of study.

III. The counseling activities and services of rabbis, priests, ministers, Christian Science practitioners, clergy, or members of religious orders when their counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally recognized church or denomination.

IV. The psychotherapy activities and services of any other person providing mental health services as an employee of or consultant to an institution, facility, or nonprofit institution or agency which provides clinical mental health services and which provides clinical supervision of its staff and which assumes professional, ethical, and legal responsibility for such mental health services.

V. The psychotherapy activities and services of physicians licensed under RSA 329, and advanced registered nurse practitioners, licensed under RSA 326-B:10.

VI. This chapter shall not be construed to prevent or restrict the mental health practice activities of individuals who volunteer their services to non-profit charitable organizations and receive no remuneration for their services.

Duty to Warn of Violent Acts of Clients

330-A:35 Civil Liability; Duty to Warn.

I. Any person licensed under this chapter has a duty to warn of, or to take reasonable precautions to provide protection from, a client's violent behavior when the client has communicated to such licensee a serious threat of physical violence against a clearly identified or reasonably identifiable victim or victims, or a serious threat of substantial damage to real property.

II. The duty may be discharged by, and no monetary liability or cause of action shall arise against, any person licensed under this chapter if the licensee makes reasonable efforts to communicate the threat to the victim or victims, notifies the police department closest to the client's or potential victim's residence, or obtains civil commitment of the client to the state mental health system.

III. No monetary liability and no cause of action may arise concerning client privacy or confidentiality against any person licensed under this chapter for information disclosed to third parties in an effort to discharge a duty under paragraph II.

#### Sexual Misconduct

330-A:36 Sexual Misconduct Subject to Disciplinary Action. Sexual relations with a client or a former client shall be considered sexual misconduct and shall be subject to disciplinary action under RSA 330-A and the duty to inform established in RSA 330-A:37.

#### 330-A:37 Sexual Misconduct; Duty to Inform.

I. If, during the course of mental health therapy a client alleges that a person licensed under this chapter has engaged with the client in sexual misconduct as defined in RSA 330-A:36, the person licensed under this chapter shall have a duty to inform the client in the manner provided for in paragraph II.

II. The duty may be discharged by, and no monetary liability or cause of action may arise against, any person licensed under this chapter, if the licensee informs the client of the unethical, unprofessional, and dishonorable conduct of the previous psychotherapist's actions. Any person licensed under this chapter shall also advise the client that such sexual misconduct is cause for disciplinary action by the board.

III. No civil or criminal liability shall arise concerning client privacy or confidentiality against a person licensed under this chapter for information disclosed to the board or any other statutorily created medical occupational licensing board conducting disciplinary proceedings in discharging the responsibilities established under this subdivision, provided that such information is disclosed in good faith.

IV. No civil action shall be maintained against any board member, the board or its agents or 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.

V. If the client decides to report such sexual misconduct to the board, the person licensed under this chapter shall provide, either directly or indirectly through referral, support and advocacy to such client in reporting the incident to the board.

Amend the bill by replacing section 3 with the following:

3 Cross Reference Revised. Amend RSA 135-C:19-a to read as follows:

#### 135-C:19-a Disclosure of Certain Information.

I. Notwithstanding RSA 329:26 and RSA ~~[330-A:19]~~ 330-A:32, a community mental health center or state facility providing services to seriously or chronically mentally ill clients may disclose information regarding diagnosis, admission to or discharge from a treatment facility, functional assessment, the name of the medicine prescribed, the side effects of any medication prescribed, behavioral or physical manifestations which would result from failure of the client to take such prescribed medication, treatment plans and goals and behavioral management strategies to a family member or other person, if such family member or person lives with the client or provides direct care to the client. The mental health center or facility shall provide a written notice to the client which shall include the name of the person requesting the information, the specific information requested and the reason for the request. Prior to the disclosure, the mental health center or facility shall request in writing the consent of the client. If consent cannot be obtained, the client shall be informed of the reason for the intended disclosure, the specific information to be released and the person or persons to whom the disclosure is to be made.



II. Notwithstanding RSA 329:26 and RSA [330-A:19] 330-A:32, when the medical director or designee determines that obtaining information is essential to the care or treatment of a person admitted pursuant to RSA 135-C:27-54, a designated receiving facility may request, and any health care provider which previously provided services to any person involuntarily admitted to the facility may provide, information about such person limited to medications prescribed, known medication allergies or other information essential to the medical or psychiatric care of the person admitted. Prior to requesting such information the facility shall in writing request the person's consent for such request for information. If the consent cannot be obtained, the facility shall inform the person in writing of the care providers who have been requested to provide information to the facility pursuant to this section. The facility may disclose such information as is necessary to identify the person and the facility which is requesting the information. No care provider who discloses otherwise confidential information to a designated receiving facility following a request made pursuant to this section shall be held civilly or criminally liable for disclosing such information.

Amend the bill by replacing all after section 15 with the following:

16 Cross Reference Revised. Amend RSA 622:47 to read as follows:

622:47 Medical Records. Notwithstanding the provisions of RSA 329:26 and RSA [330-A:19] 330-A:32, medical and mental health records concerning current patients shall be exchanged between other state medical and mental health facilities and the unit to facilitate treatment.

17 Initial Appointments to Board; Limit on Terms of Members of Existing Board. The initial appointment of members to the board of mental health practice as established in RSA 330-A:3, as inserted by section 1 of this act, shall be as follows: the initial term of the marriage and family therapist member shall be for one year; the initial terms of the psychologist and the pastoral psychotherapist shall be for 2 years; and the initial terms of the clinical social worker and the clinical mental health counselor shall be for 3 years. Any term served on the board of examiners of psychology and mental health practice prior to the effective date of this act by a person appointed to the board of mental health practice shall apply to the limitation on consecutive terms required under RSA 330-A:3, II.

18 Transition of Administrative Rules. All existing effective rules adopted by the board of examiners of psychology and mental health practice under former RSA 330-A shall continue in full force and effect until such rules, in accordance with RSA 541-A, expire, or are amended or repealed by the board of mental health practice pursuant to RSA 330-A:10.

19 Transfer of Budget. Any budgeted sums remaining from the moneys appropriated to the board of examiners of psychology and mental health practice under former RSA 330-A for the biennium ending June 30, 1999, shall be transferred to the board of mental health practice for the purposes of this act.

20 Effective Date. This act shall take effect October 31, 1998.

Adopted.

Rep. Holley spoke against.

Rep. Dyer spoke in favor.

Rep. Cooper spoke against and yielded to questions.

Rep. Goulet spoke in favor and yielded to questions.

Rep. Holley requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 202 NAYS 115

### YEAS 202

#### BELKNAP

Boriso, Thomas  
Lawton, David

Calvert, Alice  
Salatiello, Thomas

Clark, Charles  
Thomas, John

Holbrook, Robert

#### CARROLL

Bradley, Jeb  
Patten, Betsey

Chandler, Gene  
Philbrick, Donald

MacDonald, Kenneth

Mock, Henry

#### CHESHIRE

Avery, Stephen  
Lynch, Margaret

Bonneau, Sarah  
Lynott, Margaret

Burnham, Daniel  
Manning, Joseph

Doucette, Richard  
McGuirk, Paul

McNamara, Wanda  
Pratt, John  
Royce, H. Charles

Meador, David  
Richardson, Barbara  
Russell, Ronald

Metzger, Katherine  
Riley, William  
Smith, Edwin

Pratt, Irene  
Robertson, Timothy  
Vogl, John

### COOS

Bradley, Paula  
Mears, Edgar

Davis, Perley  
Pratt, Leighton

Hawkinson, Marie

Horton, Lynn

### GRAFTON

Almy, Susan  
Lovett, Sidney

Below, Clifton  
Luker, Elsa

Guest, Robert  
Teschner, Douglass

Ham, Bonnie  
Williams, William, Jr.

### HILLSBOROUGH

Ackerman, Philip  
Amidon, Eleanor  
Cardin, Lori  
Daigle, Robert  
Dwyer, Paul, Sr.  
Foster, Linda  
Gosselin, Gerald  
Hansen, Herbert  
L'Heureux, Robert  
MacIntyre, Doris  
Mercer, Robert  
Reidy, Frank  
Turgeon, Roland  
White, Jay

Allen, W. Gordon  
Baroody, Benjamin  
Chabot, Ernest  
Dawe, Eileen  
Dyer, Merton  
Franks, Suzan  
Goulet, Maurice  
Hart, Nick  
Leonard, Peter  
McCarthy, William  
Messier, Irene  
Sargent, Maxwell  
Vaillancourt, Steve  
Williams, Carol

Alukonis, David  
Buckley, Raymond  
Cote, Peter  
Drabinowicz, A. Theresa  
Emerton, Lawrence, Sr.  
Ginsburg, Ruth  
Haettenschwiller, Alphonse  
Jean, Claudette  
Letendre, Evelyn  
McCarty, Winston  
Murphy, Robert  
Searles, Stanley, Sr.  
Welch, Donald  
Wright, George

Ameen, W.  
Calawa, Leon, Jr.  
D'Allesandro, Lou  
Durham, Susan  
Fields, Dennis  
Golding, William  
Hall, Betty  
Konys, Christine  
Lozeau, Donnalee  
Melcher, Harold  
O'Hearn, Jane  
Thulander, O. Alan  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Daneault, Gabriel  
Feuerstein, Martin  
Hess, David  
Moore, Carol  
Reardon, Tara  
Wallin, Jean  
Yeaton, Charles

Burney, Carol  
Davis, Francis  
French, Barbara  
Jacobson, Alf  
Morrill, Olive  
Rogers, Katherine  
Wallner, Mary Jane

Chandler, Earle  
DeStefano, Stephen  
Gile, Mary  
Lockwood, Robert  
Nichols, Avis  
Seldin, Gloria  
Whalley, Michael

Crosby, Toni  
Dunn, Miriam  
Hager, Elizabeth  
Marshall, Kenneth  
Pfaff, Terence  
St. Cyr, Gerard  
Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
Cushing, Robert  
Flanders, John, Sr.  
Johnson, Robert  
Kelley, Jane  
Major, Norman  
Pantelakos, Laura  
Sapareto, Frank  
Tufts, J. Arthur

Christie, Andrew, Jr.  
Dalrymple, Janeen  
Frechette, Joseph  
Kane, Cecelia  
Kobel, Rudolph  
McCarthy, John, Jr.  
Pitts, Jacqueline  
Schanda, Frank  
Vaughn, Charles

Clark, Martha  
Dearborn, Bruce  
Griffin, Mary  
Katsakiores, George  
Langley, Jane  
Micklon, Stephanie  
Raynowska, Bernard  
Stickney, Nancy  
Welch, David

Cooney, Richard  
Dowling, Patricia  
Heath, John  
Katsakiores, Phyllis  
Langone, John  
Nowe, Ronald  
Reardon, Neil  
Syracusa, Anthony

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Kaen, Naida  
Merrill, Amanda  
Rollo, Michael  
Sullivan, Henry  
Tsiros, William

Brennan, William  
Dunlap, Patricia  
Keans, Sandra  
Merritt, Deborah  
Smith, Marjorie  
Taylor, Kathleen  
Twardus, Joseph

Brown, George  
Estabrook, Iris  
Knowles, William  
Pelletier, Arthur  
Snyder, Clair  
Torr, Ann  
Vachon, Dennis

Callaghan, Frank  
Hemon, Roland  
Lundborn, Raymond  
Rogers, Rose Marie  
Spear, Barbara  
Torr, Franklin  
Wall, Janet

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Palmer, Lorraine	Robb-Theroux, Amy	Wiggins, Celestine

**NAYS 115****BELKNAP**

Bartlett, Gordon	Boyce, Robert	Hurt, George	Pilliod, James
Rosen, Ralph	Turner, Robert		

**CARROLL**

Cooper, Kipp	Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy			

**CHESHIRE**

Champagne, Richard	Hunt, John	Steere, Myron, III
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**COOS**

Guay, Lawrence	Merrill, Gerald	St. Hilaire, Paul	Tholl, John, Jr.
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**GRAFTON**

Akins, Ralph	Alger, John	Cobbin, Philip	Eaton, Stephanie
Guaraldi, Lawrence	Hinman, Harry	LaMott, Paul	Phinney, William
Trelfa, Richard	Weber, Phil		

**HILLSBOROUGH**

Batula, Peter	Belvin, William	Briefs, Geoffrey	Brundige, Robert
Burke, M. Virginia	Carlson, Donald	Carney, Lauren	Chabot, Robert
Christiansen, Lars	Clegg, Robert, Jr.	Daniels, Gary	Desrosiers, William
Dokmo, Cynthia	Gage, Ruth	Gagnon, Eugene	Herman, Keith
Holley, Sylvia	Holt, David	Hunter, Bruce	Jean, Loren
Johnson, Lionel	Kurk, Neal	LaRose, Richard	Lefebvre, Roland
Leishman, Peter	Lessard, Rudy	MacGillivray, Jeffrey	Marcinkowski, Michael
Martin, Mary	McDonald, James, Sr.	McGough, Tim	McRae, Karen
Milligan, Robert	Mittelman, David	Murch, George	Riley, Frances
Rowe, Robert	Tate, Joan	White, Donald	

**MERRIMACK**

Brown, Mary	Crowell, Peter	Fraser, Marilyn	Hoadley, Elizabeth
Krueger, Patricia	Larrabee, David	Lavoie, Gerard	Leber, William
Owen, Derek			

**ROCKINGHAM**

Arndt, Janet	Battles-Peirce, Marjorie	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Blanchard, MaryAnn	Camm, Kevin	Carson, Gregory
Dodge, Robert	Dolan, Richard	Dowd, Sandra	Downing, Michael
Dunham, Vivian	Fesh, Robert	Flanders, David	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Guthrie, Joseph	Henderson, Warren
Klemm, Arthur, Jr.	Letourneau, Robert	Malcolm, Kenneth	McKinney, Betsy
Mikowski, Walter	Moore, Benjamin	Packard, Sherman	Rabideau, Marie
Rubin, George	Smith, Kevin	Varrell, Thomas	Weyler, Kenneth

**STRAFFORD**

Cossette, Larry	McKinley, Robert	Musler, George
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## SULLIVAN

Adler, Rudolf

Kibbey, David

Leone, Richard

Schotanus, Merle

and the majority report was adopted.

Reps. Boutin and Lamach did not vote and wished to be recorded in favor.

Reps. Flora and Joseph Foster declared conflicts and did not participate.

## UNANIMOUS CONSENT

Rep. Teschner addressed the House.

Rep. Trelfa moved that the remarks made by Rep. Teschner be printed in the Journal.

Adopted.

Rep. Teschner: Thank you, Madam Speaker. As I thought about standing here today, the well-known passage from Ecclesiastes came to mind: "To everything there is a season, and a time for every purpose under heaven."

These past ten years as a member of this House have been very special, but heart and mind tell me it is time for a new season.

I have never been a big fan of term limits, believing that, while voters have the ultimate power, we legislators should limit ourselves. So, after five terms, I will not be filing for re-election. It is time to give someone else the opportunity to serve.

Sitting in this hall in recent weeks, I've done a lot of thinking about this great institution, about those who have served before and those who will come in the future.

Back when I was a freshman on the Environment and Agriculture Committee, there was a contentious fight over a gravel bill. Leadership was pushing for passage, but committee members had concerns. I asked a lot of questions, and remember George Musler, then vice chair, telling me, "Doug, it's new blood that keeps this place honest."

I always remembered that. I think it speaks to something important. The members of this House change, people come and go, and yet the process carries forward and the questions do get asked. There is a great Native American saying: "The first thing you need to do in life is to find a sacred place to live." I chose to live in Pike, a village in the Town of Haverhill, a beautiful area where Connecticut River dairy farms bump up against the White Mountains.

When I first ran for the House back in 1988, I was little known in town. That's one of the strengths of our 400-member citizen legislature - just about anybody who works at it can get elected. I don't think that's true in a lot of other states, and I believe it enhances our connections to people at the local level. For me, constituent work has been the most rewarding aspect of this job, more important than any legislation I authored or shepherded through committee.

As you all know, people call us with their problems, and often this leads to a kind of intimate involvement in their lives. Sometimes it feels like a window opening into people's souls. I think especially of a foster parent couple I worked with, over many years, through a complicated adoption and many trials and tribulations with DCYF.

There was the elderly man who flagged down my pickup truck to thank me, and the woman who wrote a letter to the editor after I intervened on a health insurance problem involving her elderly mother.

My constituents from Haverhill, Piermont, Orford and Bath have enriched my life, giving more than I could have given them. I am grateful for their advice, their friendship and, of course, their votes.

With respect to legislation, the bills that directly impacted my district, like the Lake Tarleton project and the Woodsville technical college program, are the most memorable. I recently attended groundbreaking at Bedell Bridge State Park and Glencliff Home for the Elderly, where I was given a golden shovel. I even got Terry Morton to autograph it!

These were tough battles and many people helped, too many to name, I'm afraid. We would be here all day. You can't pass legislation without an awful lot of help. Thank you all.

This legislature is a great place to learn and grow. My predecessor, Ezra "Bart" Mann, taught me my first legislative lesson. Shortly after being elected, I was having a problem with a government agency as chair of the local Red Cross chapter. Representative Mann advised me, "You have a boot, use it!" I accomplished a lot using Bart's boot!

Crow Dickinson, in a moment of my despair over a lost amendment important to my district, you showed me how to get a bill introduced and passed in both houses on the same day! I have had a lot of great teachers, people like Merle Schotanus, Gene Chandler and Dave Scanlan. Also, Execu-

tive Councilor Ray Burton, a great public servant, who taught me almost everything I know about constituent work. I hope I was able to help new members half as much as some of these people helped me.

One thing I learned early on is that it is critical to have a good working relationship with your state senator. Ned Gordon, an outstanding senator, and Wayne King before him, have stood by me on local projects through thick and thin. Both were former House members and I think that helps.

Sometimes, as you know, politics can be a pretty tough business. Winston Churchill once said, "In war, you can only be killed once, but in politics many times."

I have never been in combat, but I have been in some pretty intense mountaineering situations, including a time, in the winter of 1983, when I found a dead man and his severely injured partner on Mt. Washington. So I think I know a little something about this subject. I like to say that "politics is the only blood sport with no visible blood."

As I look back on ten years in this House, I remember some of the more intense battles and the relationships and bonds forged in those fights, of people who, when they made a commitment, stood their ground and didn't cut and run when the going got tough.

Jeb Bradley, you and I have been there. And, Terry Pfaff, you have the heart of a warrior. I am also grateful for the many opportunities that came because I was a legislator. Like jumping out of an airplane with Loren Jean and Gary Gilmore, attending the GOP convention in San Diego and being selected as a Council of State Governments Toll Fellow. By the way, congratulations to Terry Pfaff who learned yesterday that he will represent our state this fall in the Toll Fellows Class of 1998.

And I remember the time I went to a Lenten lunch with Secretary of State Bill Gardner and unexpectedly became guest speaker, a last-minute fill in for the absent governor.

These and so many other experiences never would have happened if I hadn't been a member of this House. What a gift, what a blessing, what a privilege this has been!

I recall the great quote from Thoreau, "I wanted to live deep and suck all the marrow out of life." I compare legislative service to my time in the Peace Corps. You really have to experience it to understand it. You just can't explain it, or read about it in a book.

I also want to thank my family, including my mother, my wife Marte and sons, Ben and Luke, who put up with so many night meetings and the weekends I worked to make up for lost time while at the State House. I also want to thank my employer, Riverbend Community Mental Health, which gave me flexibility without which I never could have served.

It has been quite a challenge, balancing work, family and the House, but it has been more than worth it. Lastly, I want to say one word of caution, echoing the words of Representative D'Allesandro from a few weeks ago. The level of civility among members has declined in recent years. This seems to be happening at all levels of government and, indeed, throughout society. We can show people a better way. Earlier, I talked about living in a sacred space. Well, this House, this chamber, is a sacred place, too.

I am not sure what the future holds for me. I have confidence there will be new challenges and new mountains to climb. Maybe I'll even run again someday. I don't know.

But wherever I go, whatever I do, I will cherish these past ten years. They have become a vital part of who I am.

It's time to pass on Bart's boot. I'm sure the next person will use it well and give a few swift kicks! Thank you all. God bless you and God bless this House.

## RECESS

(Speaker Sytek in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 497, 1120, 1128, 1142, 1147, 1259, 1275, 1333, 1335, 1346, 1354, 1396, 1399, 1409, 1422, 1468 and 1536 and Senate Bills numbered 311, 322, 360, 364, 374, 385, 394, 395, 438, 448 and 505.

Rep. Pfaff, Sen. Barnes for the Committee

### REGULAR CALENDAR (CONT'D.)

**SB 320**, relative to notice by a state agency to certain persons of proposed rulemaking activity. **OUGHT TO PASS**

Rep. Ray F. Langer for Executive Departments and Administration: This bill revises the requirement that notices of rulemaking proceedings need be sent to the president of the senate, the speaker

of the house, the chairman of the fiscal committee and chairman of legislative committees having jurisdiction over the subject matter unless if they requested such notice. It provides that all others affected by the rulemaking procedures shall continue to receive notice automatically. Vote 14-2. Adopted and Ordered to third reading.

**SB 444-FN**, requiring the New Hampshire real estate commission to notify licensees of proposed rules and any changes adopted to rules. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Maurice E. Goulet for the Majority of Executive Departments and Administration: This bill, as amended, will require the Real Estate Commission to distribute a newsletter to all licensees regarding any changes to statutes or rules, as they pertain to real estate issues. This will provide greater information to licensees, similar to other major licensing boards. Vote 14-1.

Rep. Robert K. Dodge for the Minority of Executive Departments and Administration: The committee recognizes the intent of the legislation, however, RSA 541-A-6III does allow the agency to notify the licensees of any rulemaking proceedings, by various means at their disposal. In addition "Webster" <http://www.state.nh.us> will be carrying the rulemaking register. The rulemaking register RSA 541-A-9III is available upon request at prices fixed by the director of legislative services to cover mailing and publication costs.

#### **Amendment (1630h)**

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

**AN ACT** requiring the New Hampshire real estate commission to notify licensees of proposed rules changes, changes in adopted rules, and changes in New Hampshire law.

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

1 New Paragraph; Real Estate Commission; Notice of Changes to Rules and Law. Amend RSA 331-A:7 by inserting after paragraph VI the following new paragraph:

VII. Provide notice in a publication of the commission sent by U.S. mail to all persons licensed under this chapter of any proposed rulemaking undertaken by the commission, any changes to administrative rules adopted by the commission, and any pertinent changes in New Hampshire law. The funds necessary for the printing, postage, and mailing of such notice shall be expended from funds of the commission not otherwise appropriated.

2 Effective Date. This act shall take effect January 1, 1999.

#### **AMENDED ANALYSIS**

This bill requires the real estate commission to notify licensees in a publication of the commission of any proposed rules, changes in adopted rules, or changes in New Hampshire law.

Adopted.

Rep. Dodge spoke against and yielded to questions.

Rep. Goulet spoke in favor and yielded to questions.

On a division vote, 192 members having voted in the affirmative and 89 in the negative, the majority report was adopted.

Reps. Peterson and William Williams declared conflict of interests and did not participate.

**SB 331**, eliminating work certificates for 16 and 17 year old youths **OUGHT TO PASS**

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: Youth employment certificates will no longer be required of youths 16 or 17 years old. Testimony from the study committee which met last summer, and from hearings in the House and Senate this year, showed the certificates were not useful to schools in assuring academic excellence since revocations of certificates were always overridden by parents. Permission slips from parents or legal guardian will now be required to be held on file by the employer. This requirement was added to keep parents informed of where their child worked as well as to allow parents to revoke permission to work when necessary. Vote 14-2.

#### **MOTION TO LAY ON THE TABLE**

Rep. Mears moved that **SB 331**, eliminating work certificates for 16 and 17 year old youths, be laid on the table.

Rep. Daniels requested a roll call; sufficiently seconded.



**YEAS 60 NAYS 240****YEAS 60****BELKNAP**

Salatiello, Thomas

**CARROLL**

None

**CHESHIRE**Doucette, Richard  
Robertson, TimothyLynch, Margaret  
Russell, Ronald

Pratt, Irene

Richardson, Barbara

**COOS**

Bradley, Paula

Coulombe, Yvonne

Hawkinson, Marie

Mears, Edgar

**GRAFTON**

Almy, Susan

Below, Clifton

Guest, Robert

**HILLSBOROUGH**Ameen, W.  
Drabinowicz, A. Theresa  
Jean, Claudette  
Murphy, Robert  
Williams, CarolBaroody, Benjamin  
Dwyer, Paul, Sr.  
Johnson, Lionel  
Reidy, FrankBuckley, Raymond  
Haettenschwiller, Alphonse  
Konys, Christine  
Turgeon, RolandDaigle, Robert  
Hall, Betty  
Marcinkowski, Michael  
Welch, Donald**MERRIMACK**Burney, Carol  
Moore, Carol  
Yeaton, CharlesCrosby, Toni  
Reardon, TaraFrench, Barbara  
Rogers, KatherineGile, Mary  
St. Cyr, Gerard**ROCKINGHAM**

Blanchard, MaryAnn

Cushing, Robert

Kane, Cecelia

Micklon, Stephanie

**STRAFFORD**Brennan, William  
Lundborn, Raymond  
Rogers, Rose Marie  
Vachon, DennisDeChane, Marlene  
Merrill, Amanda  
Rollo, MichaelDunlap, Patricia  
Pelletier, Arthur  
Snyder, ClairKeans, Sandra  
Pelletier, Marsha  
Sullivan, Henry**SULLIVAN**

Allison, David

Burling, Peter

Palmer, Lorraine

**NAYS 240****BELKNAP**Bartlett, Gordon  
Clark, Charles  
Pilliod, JamesBoriso, Thomas  
Holbrook, Robert  
Rosen, RalphBoyce, Robert  
Hurt, George  
Thomas, JohnCalvert, Alice  
Lawton, David  
Turner, Robert**CARROLL**Bradley, Jeb  
Kenney, Joseph  
Patten, BetseyChandler, Gene  
Lyman, L. RandyDickinson, Howard, Jr.  
MacDonald, KennethHoward, Godfrey  
Mock, Henry

**CHESHIRE**

Avery, Stephen  
Manning, Joseph  
Metzger, Katherine  
Steere, Myron, III

Burnham, Daniel  
McGuirk, Paul  
Pratt, John  
Vogl, John

Hunt, John  
McNamara, Wanda  
Royce, H. Charles

Lynott, Margaret  
Meader, David  
Smith, Edwin

**COOS**

Coulombe, Henry  
Merrill, Gerald

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
St. Hilaire, Paul

Horton, Lynn  
Tholl, John, Jr.

**GRAFTON**

Akins, Ralph  
Hinman, Harry  
Phinney, William  
Williams, William, Jr.

Alger, John  
LaMott, Paul  
Teschner, Douglass

Cobbin, Philip  
Lovett, Sidney  
Trelfa, Richard

Eaton, Stephanie  
Luker, Elsa  
Weber, Phil

**HILLSBOROUGH**

Ackerman, Philip  
Batula, Peter  
Calawa, Leon, Jr.  
Chabot, Robert  
D'Allesandro, Lou  
Durham, Susan  
Foster, Joseph  
Gagnon, Eugene  
Goulet, Maurice  
Holley, Sylvia  
Kurk, Neal  
Leishman, Peter  
Lozeau, Donnalee  
McCarthy, William  
McRae, Karen  
Milligan, Robert  
Riley, Frances  
Tate, Joan  
White, Donald

Alukonis, David  
Belvin, William  
Cardin, Lori  
Christiansen, Lars  
Daniels, Gary  
Dyer, Merton  
Foster, Linda  
Ginsburg, Ruth  
Hansen, Herbert  
Holt, David  
L'Heureux, Robert  
Leonard, Peter  
MacGillivray, Jeffrey  
McCarty, Winston  
Melcher, Harold  
Mittelman, David  
Rowe, Robert  
Thulander, O. Alan  
White, Jay

Amidon, Eleanor  
Boutin, David  
Carlson, Donald  
Clegg, Robert, Jr.  
Dawe, Eileen  
Fields, Dennis  
Franks, Suzan  
Golding, William  
Hart, Nick  
Hunter, Bruce  
LaRose, Richard  
Lessard, Rudy  
MacIntyre, Doris  
McDonald, James, Sr.  
Mercer, Robert  
Murch, George  
Sargent, Maxwell  
Vaillancourt, Steve  
Wright, George

Arnold, Thomas, Jr.  
Brundige, Robert  
Chabot, Ernest  
Cote, Peter  
Dokmo, Cynthia  
Flora, Kathleen  
Gage, Ruth  
Gosselin, Gerald  
Herman, Keith  
Jean, Loren  
Lefebvre, Roland  
Letendre, Evelyn  
Martin, Mary  
McGough, Tim  
Messier, Irene  
O'Hearn, Jane  
Searles, Stanley, Sr.  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Daneault, Gabriel  
Feuerstein, Martin  
Hoadley, Elizabeth  
Lavoie, Gerard  
Morrill, Olive  
Whalley, Michael

Brown, Mary  
Davis, Francis  
Fraser, Marilyn  
Jacobson, Alf  
Leber, William  
Nichols, Avis  
Whittemore, James

Chandler, Earle  
DeStefano, Stephen  
Hager, Elizabeth  
Lamach, Bernard  
Lockwood, Robert  
Owen, Derek

Crowell, Peter  
Dunn, Miriam  
Hess, David  
Larrabee, David  
Marshall, Kenneth  
Pfaff, Terence

**ROCKINGHAM**

Abbott, Dennis  
Bishop, Franklin  
Clark, Martha  
Dolan, Richard  
Dunham, Vivian  
Flanders, John, Sr.  
Gleason, John  
Henderson, Warren  
Kelley, Jane

Arndt, Janet  
Camm, Kevin  
Cooney, Richard  
Dowd, Sandra  
Fesh, Robert  
Francoeur, Sheila  
Griffin, Mary  
Johnson, Robert  
Klemm, Arthur, Jr.

Beaulieu, Jon  
Carson, Gregory  
Dalrymple, Janeen  
Dowling, Patricia  
Flanagan, Natalie  
Frechette, Joseph  
Guthrie, Joseph  
Katsakiores, George  
Kobel, Rudolph

Belanger, Ronald  
Christie, Andrew, Jr.  
Dodge, Robert  
Downing, Michael  
Flanders, David  
Gibbons, Paul  
Heath, John  
Katsakiores, Phyllis  
Langley, Jane

Langone, John  
 McCarthy, John, Jr.  
 Packard, Sherman  
 Raynowska, Bernard  
 Schanda, Frank  
 Tufts, J. Arthur  
 Weyler, Kenneth

Letourneau, Robert  
 Mikowski, Walter  
 Pantelakos, Laura  
 Reardon, Neil  
 Stickney, Nancy  
 Varrell, Thomas

Major, Norman  
 Moore, Benjamin  
 Pitts, Jacqueline  
 Rubin, George  
 Stritch, C. Donald  
 Vaughn, Charles

Malcolm, Kenneth  
 Norelli, Terie  
 Rabideau, Marie  
 Sapareto, Frank  
 Syracuse, Anthony  
 Welch, David

### STRAFFORD

Brown, George  
 Knowles, William  
 Spear, Barbara  
 Tsiros, William

Cossette, Larry  
 McKinley, Robert  
 Taylor, Kathleen  
 Wall, Janet

Hemon, Roland  
 Merritt, Deborah  
 Torr, Ann

Kaen, Naida  
 Musler, George  
 Torr, Franklin

### SULLIVAN

Adler, Rudolf  
 Kibbey, David

Cloutier, John  
 Leone, Richard

Donovan, Thomas  
 Robb-Theroux, Amy

Ferland, Brenda  
 Schotanus, Merle

and the motion failed.

The question now being the adoption of the Committee report on **SB 331**, eliminating work certificates for 16 and 17 year old youths.

Adopted and ordered to third reading.

### SPECIAL ORDER

Rep. Alger moved that **HB 1677-FN-A-L**, authorizing towns and cities to determine the method of local taxation used to support public education, be made a Special Order for the first order of business on the Regular Calendar for May 28, 1998 and spoke in favor.

Rep. Hess spoke in favor.

Adopted.

### REGULAR CALENDAR (CONT'D.)

**SB 324-FN**, relative to entertainers on premises of an on-sale liquor licensee and relative to penalties for manufacture, sale, and possession of false identification. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Avery for Local and Regulated Revenues: This bill lowers the minimum age for entertainers in cocktail lounges and dining rooms licensed to sell liquor from 17 to 15 years, with the exception that dancers must have attained the age of majority. The bill also establishes criminal penalties for the manufacture, sale and possession of false photographic identification cards which purport to be official government documents. Vote 12-0.

#### Amendment (1360h)

Amend the bill by replacing section 1 with the following:

1 Entertainers and Dancers. Amend RSA 179:19 to read as follows:

179:19 Entertainment and Entertainers.

#### I. In this section:

(a) "*Dancer*" means a person or group of people who, with or without compensation, perform in the premise approved to sell alcoholic beverages. "*Dancer*" shall not be construed to mean a person or group of individuals who perform dances based upon ethnic, cultural, or historical customs.

(b) "*Entertainer*" means a person, paid or unpaid, who performs on a premise licensed to sell alcoholic beverages for the benefit of the licensee.

II. On-sale licensees may provide entertainment and dancing, in clearly defined areas on their licensed premises, provided they have received written authorization by the town or city and they have provided the commission with a copy of that authorization. A cover charge may be assessed to cover the cost of live entertainment. *Notwithstanding any other provision of law, paragraphs III and IV shall not be construed to permit a person under the age of majority to perform, paid or unpaid, as a dancer in any licensed premise.*



~~[H:]~~ **III.** No person licensed to sell liquor or beverage under RSA 178 may employ as an entertainer any person who is under ~~[+7]~~ 15 years of age in a cocktail lounge where liquor or beverages are sold.

~~[H:]~~ **IV.** A person under ~~[+7]~~ 15 years of age may serve as an entertainer in a licensed dining room.

~~[V:]~~ **V.** On-sale or off-sale licensees may install amusement machines on their premises. Nothing in this paragraph shall be construed in any way to limit the powers of municipalities under RSA 31:41-d to adopt bylaws relative to licensing amusement machines and to determining the number, location, and types of machines allowed in the municipality.

~~[V:]~~ **VI.** Licensees shall not allow gambling or wagering on their premises.

~~[V:]~~ **VII.** The use of darts shall be allowed in clearly defined areas.

Amend RSA 179:62, I as inserted by section 2 of the bill by replacing it with the following:

I. No person shall knowingly manufacture, sell, advertise for sale, solicit orders for, deliver or cause to be delivered, or produce in any manner any photographic identification card that purports to be an official document issued by a local, state, or federal government, or any political subdivision thereof, which contains false or inaccurate information regarding the name, address, date of birth, or height and weight characteristics of the cardholder. A person who violates this paragraph shall be guilty of class B felony.

Amend RSA 179:62, III as inserted by section 2 of the bill by replacing it with the following:

III. Interests in any tools, instruments, computer or computerized records, products, and equipment of any kind, or other paraphernalia used in the manufacture, sale, advertising for sale, delivery, or solicitation of any order for sale, of a false identification card, shall, upon petition of the attorney general, be subject to forfeiture to the state and shall be vested in the state.

#### AMENDED ANALYSIS

This bill lowers the minimum age for entertainers in cocktail lounges and dining rooms licensed to sell liquor to sell liquor from 17 to 15 years, with the exception that dancers must have attained the age of majority. The bill also establishes criminal penalties for the manufacture, sale and possession of false photographic identification cards which purport to be official government documents.

The bill was requested by the liquor commission.

Adopted.

Rep. Avery yielded to questions.

Rep. Avery requested a roll call; sufficiently seconded.

The question being the adoption of the report.

#### YEAS 162 NAYS 142

##### YEAS 162

##### BELKNAP

Boriso, Thomas	Boyce, Robert	Clark, Charles	Holbrook, Robert
Lawton, David	Pilliod, James	Rosen, Ralph	Thomas, John
Turner, Robert			

##### CARROLL

Bradley, Jeb	Chandler, Gene	Dickinson, Howard, Jr.	Howard, Godfrey
Lyman, L. Randy	MacDonald, Kenneth	Mock, Henry	

##### CHESHIRE

Avery, Stephen	Doucette, Richard	Hunt, John	Lynch, Margaret
Lynott, Margaret	McGuirk, Paul	McNamara, Wanda	Meader, David
Metzger, Katherine	Pratt, John	Richardson, Barbara	Robertson, Timothy
Russell, Ronald	Smith, Edwin		

##### COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Guay, Lawrence
Hawkinson, Marie	Horton, Lynn	Mears, Edgar	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul	Tholl, John, Jr.	

**GRAFTON**

Below, Clifton	Guest, Robert	LaMott, Paul	Teschner, Douglass
Williams, William, Jr.			

**HILLSBOROUGH**

Ackerman, Philip	Alukonis, David	Amidon, Eleanor	Boutin, David
Brundige, Robert	Calawa, Leon, Jr.	Chabot, Ernest	Chabot, Robert
D'Allesandro, Lou	Dawe, Eileen	Dyer, Merton	Fields, Dennis
Flora, Kathleen	Foster, Linda	Franks, Suzan	Gagnon, Eugene
Golding, William	Gosselin, Gerald	Goulet, Maurice	Hall, Betty
Hansen, Herbert	Holley, Sylvia	Holt, David	Johnson, Lionel
Konys, Christine	Leonard, Peter	MacGillivray, Jeffrey	McCarty, Winston
McGough, Tim	McRae, Karen	Mercer, Robert	Messier, Irene
Milligan, Robert	Murphy, Robert	O'Hearn, Jane	Riley, Frances
Rowe, Robert	Sargent, Maxwell	Searles, Stanley, Sr.	Thulander, O. Alan
Turgeon, Roland	Vaillancourt, Steve	Welch, Donald	White, Donald
White, Jay	Williams, Carol		

**MERRIMACK**

Chandler, Earle	Crosby, Toni	DeStefano, Stephen	Dunn, Miriam
Fraser, Marilyn	French, Barbara	Hager, Elizabeth	Hess, David
Hoadley, Elizabeth	Jacobson, Alf	Lamach, Bernard	Lavoie, Gerard
Leber, William	Lockwood, Robert	Marshall, Kenneth	Moore, Carol
Nichols, Avis	Reardon, Tara	St. Cyr, Gerard	Wallner, Mary Jane
Whalley, Michael	Whittemore, James		

**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Camm, Kevin	Christie, Andrew, Jr.	Clark, Martha	Cushing, Robert
Fesh, Robert	Flanagan, Natalie	Flanders, David	Griffin, Mary
Heath, John	Johnson, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Letourneau, Robert	Major, Norman
McCarthy, John, Jr.	McKinney, Betsy	Micklon, Stephanie	Pantelakos, Laura
Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Schanda, Frank
Stritch, C. Donald	Tufts, J. Arthur	Vaughn, Charles	

**STRAFFORD**

Brennan, William	Brown, George	Cossette, Larry	DeChane, Marlene
Kaen, Naida	Knowles, William	Lundborn, Raymond	Merritt, Deborah
Sullivan, Henry	Torr, Ann	Torr, Franklin	Tsiros, William
Wall, Janet			

**SULLIVAN**

Allison, David	Kibbey, David	Robb-Theroux, Amy	Schotanus, Merle
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**NAYS 142****BELKNAP**

Bartlett, Gordon	Calvert, Alice	Hurt, George	Salatiello, Thomas
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**CARROLL**

Kenney, Joseph	Patten, Betsey
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**CHESHIRE**

Burnham, Daniel	Manning, Joseph	Pratt, Irene	Riley, William
Royce, H. Charles	Steere, Myron, III	Vogl, John	

## COOS

Davis, Perley

## GRAFTON

Akins, Ralph  
Eaton, Stephanie  
Luker, ElsaAlger, John  
Guaraldi, Lawrence  
Phinney, WilliamAlmy, Susan  
Hinman, Harry  
Trelfa, RichardCobbin, Philip  
Lovett, Sidney  
Weber, Phil

## HILLSBOROUGH

Ameen, W.  
Belvin, William  
Carlson, Donald  
Daigle, Robert  
Durham, Susan  
Ginsburg, Ruth  
Hunter, Bruce  
L'Heureux, Robert  
Lessard, Rudy  
Marcinkowski, Michael  
Melcher, Harold  
Tate, JoanArnold, Thomas, Jr.  
Buckley, Raymond  
Christiansen, Lars  
Daniels, Gary  
Dwyer, Paul, Sr.  
Haettenschwiller, Alphonse  
Jean, Claudette  
LaRose, Richard  
Letendre, Evelyn  
Martin, Mary  
Mittelman, David  
Wheeler, RobertBaroody, Benjamin  
Burke, M. Virginia  
Clegg, Robert, Jr.  
Dokmo, Cynthia  
Foster, Joseph  
Hart, Nick  
Jean, Loren  
Lefebvre, Roland  
Lozeau, Donnalee  
McCarthy, William  
Murch, George  
Wright, GeorgeBatula, Peter  
Cardin, Lori  
Cote, Peter  
Drabinowicz, A. Theresa  
Gage, Ruth  
Herman, Keith  
Kurk, Neal  
Leishman, Peter  
MacIntyre, Doris  
McDonald, James, Sr.  
Reidy, Frank

## MERRIMACK

Anderson, Eric  
Daneault, Gabriel  
Larrabee, David  
Yeaton, CharlesBrown, Mary  
Davis, Francis  
Morrill, OliveBurney, Carol  
Feuerstein, Martin  
Owen, DerekCrowell, Peter  
Gile, Mary  
Paff, Terence

## ROCKINGHAM

Arndt, Janet  
Dalrymple, Janeen  
Dowling, Patricia  
Francoeur, Sheila  
Guthrie, Joseph  
Langley, Jane  
Moore, Benjamin  
Rubin, George  
Varrell, ThomasBlanchard, MaryAnn  
Dodge, Robert  
Downing, Michael  
Frechette, Joseph  
Henderson, Warren  
Langone, John  
Norelli, Terie  
Sapareto, Frank  
Welch, DavidCarson, Gregory  
Dolan, Richard  
Dunham, Vivian  
Gibbons, Paul  
Klemm, Arthur, Jr.  
Malcolm, Kenneth  
Packard, Sherman  
Stickney, Nancy  
Weyler, KennethCooney, Richard  
Dowd, Sandra  
Flanders, John, Sr.  
Gleason, John  
Kobel, Rudolph  
Mikowski, Walter  
Pitts, Jacqueline  
Syracusa, Anthony

## STRAFFORD

Dunlap, Patricia  
Merrill, Amanda  
Rogers, Rose Marie  
Taylor, KathleenHemon, Roland  
Musler, George  
Rollo, Michael  
Vachon, DennisKeans, Sandra  
Pelletier, Arthur  
Snyder, ClairMcKinley, Robert  
Pelletier, Marsha  
Spear, Barbara

## SULLIVAN

Adler, Rudolf  
Ferland, BrendaBurling, Peter  
Leone, RichardCloutier, John  
Palmer, Lorraine

Donovan, Thomas

and the report was adopted.  
Referred to Criminal Justice and Public Safety.

**SB 353-FN**, relative to official ballot procedures. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Betsey L. Patten for Municipal and County Government: This bill deals with the official ballot procedures in RSA 40:13-15 (commonly known as SB 2). Technical issues addressed were: a one time expenditure definition; the wording of the adoption or rescission question; the addition of other appropriations, not just special warrant articles, in the operating budget; proposal of the official



ballot (SB 2) and charter (HB 141) on the same ballot with the proposed charter taking precedence over and superseding the official ballot; having a procedural defect in official ballot voting section; repealing RSA 671:26-a, relative to coordinating certain town and school district elections; and directing that all polling places within a cooperative school district be open during the same hours. The amendment sets up a time line for SB 2 towns that have adopted an optional fiscal year according to RSA 31:94-a and have voted for the town meeting date of the second Tuesday in May according to RSA 39:1-a with this amendment there are two distinct time lines for those towns which have adopted RSA 40:13-15, second Tuesday in March and second Tuesday in May. The school districts do not have the option currently for switching to May. Vote 11-4.

#### Amendment (1624h)

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

1 Reference to Meeting Time Lines. Amend RSA 40:13, II and ii-a to read as follows:

II. The warrant for any annual meeting shall prescribe the place, day and hour for each of 2 separate sessions of the meeting, and notice shall be given in accordance with ~~[paragraph H-a]~~ *paragraphs II-a and II-b, as applicable.*

II-a. Notwithstanding any other provision of law, all local political subdivisions which adopt this subdivision, *and which do not hold their annual meetings in May pursuant to RSA 39:1-a and RSA 31:94-a*, shall comply with the following schedule pertaining to notice, petitioned articles, hearings, and warrants for the annual meeting:

(a) The final date for posting notice of budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a shall be the first Tuesday in January.

(b) The "budget submission date" as defined in RSA 273-A:1, III and the final date for submission of petitioned articles under RSA 39:3 and RSA 197:6 shall be the second Tuesday in January.

(c) Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a and RSA 675:3 shall be held on or before the third Tuesday in January.

(d) Warrants under RSA 39:5 and RSA 197:7 and budgets shall be posted and copies available to the general public on or before the last Monday in January.

2 New Paragraphs; May Time Line; Voter Checklist. Amend RSA 40:13 by inserting after paragraph II-a the following new paragraphs:

II-b. Notwithstanding any other provision of law, all political subdivisions which hold their annual meetings in May, pursuant to RSA 39:1-a and RSA 31:94-a, and which adopt this subdivision shall comply with the following schedule pertaining to notice, petitioned articles, hearings, and warrants for the annual meeting:

(a) The final date for posting notice of budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a shall be the first Tuesday in March.

(b) The "budget submission date" as defined in RSA 273-A:1, III and the final date for submission of petitioned articles under RSA 39:3 and RSA 197:6 shall be the second Tuesday in March.

(c) Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a and RSA 675:3 shall be held on or before the third Tuesday in March.

(d) Warrants under RSA 39:5 and RSA 197:7 and budgets shall be posted and copies available to the general public on or before the last Monday in March.

II-c. The voter checklist shall be updated in accordance with RSA 669:5 for each session of the annual meeting.

3 Reference to March and May Meetings. Amend RSA 40:13, III to read as follows:

III. The first session of the annual meeting, which shall be for the transaction of all business other than voting by official ballot shall be held between the first and second Saturdays following the last Monday in January, inclusive of those Saturdays, *or the first and second Saturdays following the last Monday in March, inclusive of those Saturdays* at a time prescribed by the local political subdivision's governing body.

4 Reference May Meetings. Amend RSA 40:13, VII to read as follows:

VII. The second session of the annual meeting, to elect officers of the local political subdivision by official ballot, to vote on questions required by law to be inserted on said official ballot, and to vote on all warrant articles from the first session on official ballot, shall be held on the second

Tuesday in March *or the second Tuesday in May, as applicable. All polling places within a cooperative school district shall be open during the same hours.* Notwithstanding RSA 669:1, 670:1, or 671:2, the second session shall be deemed the annual election date for purposes of all applicable election statutes including, but not limited to, RSA 669:5, 669:19, 669:30, 670:3, 670:4, 670:11, 671:15, 671:19, and 671:30-32; and votes on zoning ordinances, historic district ordinances, and building codes under RSA 675.

5 Official Ballot Meeting; Operating Budget Not Adopted. Amend RSA 40:13, X to read as follows:

X. If no operating budget article is adopted, the local political subdivision either shall be deemed to have approved the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, contracts, *one-time expenditures contained in either the operating budget or in any separate warrant articles adopted for the previous year*, and other obligations previously incurred or mandated by law, or the governing body may hold a special meeting pursuant to paragraph XVI to take up the issue of a revised operating budget only; provided that RSA 31:5 and RSA 197:3 shall not apply to such a special meeting. If no operating budget article is adopted the estimated revenues shall nevertheless be deemed to have been approved. *For purposes of this paragraph, one-time expenditures shall be appropriations not likely to recur in the succeeding budget, as determined by the governing body of the local political subdivision.*

6 Official Ballot Meeting; Previous Year's Operating Budget. Amend RSA 40:13, XI to read as follows:

XI. The amount of the previous year's operating budget, as adjusted pursuant to paragraph X, shall be disclosed to the voters at the first session. This amount shall not be amended by the legislative body. However, this amount may be adjusted by the governing body, acting on relevant new information at any time before the ballots are printed. The wording of the second session ballot question concerning the operating budget shall be as follows:

"Shall the (local political subdivision) raise and appropriate as an operating budget, not including appropriations by special warrant articles *and other appropriations voted separately*, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$\_\_\_\_\_? Should this article be defeated, the operating budget shall be \$\_\_\_\_\_, which is the same as last year, with certain adjustments required by previous action of the (local political subdivision) or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only."

7 Official Ballot Adoption Question. Amend RSA 40:14, V to read as follows:

V. The wording of the question shall be: "Shall we adopt the provisions of RSA 40:13 (*known as SB 2*) to allow official ballot voting on all issues before the (local political subdivision)?"

8 Official Ballot Meeting; Rescission of Official Ballot Form of Meeting. Amend RSA 40:14, VII to read as follows:

VII. Any local political subdivision which has adopted RSA 40:13 may consider rescinding its action in the manner described in RSA 40:13, III-VI. The wording of the question shall be: "Shall *we rescind* the provisions of *RSA 40:13 (known as SB 2)*, as adopted by [~~for voting by official ballot on all issues before~~] the (local political subdivision) *on (date of adoption)*, so that *the official ballot will no longer be used for voting on all questions, but only for the [under RSA 40:13 be limited to]* election of officers and certain other questions *for which the official ballot is required by state law*?" A 3/5 majority of those voting on the question shall be required to rescind the provisions of this subdivision, except in the case of repeal by charter enactment under RSA 49-D. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

9 Official Ballot Meeting; Proposal of Official Ballot and Charter. RSA 40:14, IX is repealed and reenacted to read as follows:

IX. The legislative body of a local political subdivision may consider and take action on adoption of both RSA 40:13 and a proposed charter under RSA 49-B at the same meeting. Adoption of a proposed charter under RSA 49-B shall take precedence and supersede adoption of RSA 40:13.

10 New Subdivision; Procedural Defects in Official Ballot Voting. Amend RSA 40 by inserting after section 15 the following new subdivision:

### Procedural Defects in Official Ballot Voting

40:16 Legalization of Meetings. When irregularities or procedural defects in the actions of local political subdivisions are discovered in local political subdivisions using the official ballot, the local political subdivision may, on the authority of the governing body, call a special meeting for the exclusive purpose of curing such defect according to RSA 31:5-b with a single session for deliberating and voting to cure such defect.

11 Applicability. The annual meetings of local political subdivisions that adopted RSA 40:13, RSA 31:94-a, and RSA 39:1-a prior to the effective date of this act shall be governed by the May meeting time line established in RSA 40:13, II-b.

12 Repeal. RSA 671:26-a, relative to coordinating certain town and school district elections, is repealed.

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

### AMENDED ANALYSIS

This bill affects changes to the laws regarding local political subdivisions which have adopted official ballot voting, including:

I. Providing a time line for May meetings.

II. Clarifying procedures in the event an operating budget is not adopted.

III. Providing a mechanism for correcting procedural defects.

Adopted.

Rep. Dokmo yielded to questions.

Report adopted and ordered to third reading.

**SB 365**, relative to including the upper and lower Merrimack Rivers, the Lamprey River, the Swift River, and the mainstream and north branch of the Contoocook River under the shoreland protection act and deleting the deadline for local approval of the designation of the Exeter River as a rural river. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE

Rep. Paula E. Bradley for the Majority of Resources, Recreation and Development: This Senate Bill will include the upper and lower Merrimack Rivers, The Lamprey River, The Swift River, and the main stem and north branch of the Contoocook River under The Comprehensive Shoreland Protection Act (CSPA). In recent years our rivers, lakes and coastal areas have come under increasing pressure from use and development. The CSPA sets minimum standards necessary to protect our waters for future generations. The shoreland buffer created by CSPA is essential to protect these rivers from nonpoint sources of pollution. Thereby preserving the economic benefits of these waters to the state. The Resources, Recreation and Development Committee received overwhelming support for this bill from DES, Conservation Commissions, Boards of Selectmen, Local River Advisory Committees, and individuals throughout the state. This legislation will bring the above rivers into the CSPA along with others that already receive this protection. Vote 10-7.

Rep. David D. Kibbey for the Minority of Resources, Recreation and Development: There is currently a rivers management law on the books in NH. During testimony of this proposal it became apparent that bureaucrats were not gaining control of our riverfront owners property at a fast enough pace. There is not scientific or statistical data to support this governmental expansion to these riverfront land owners. Nor was there any demonstration of riverfront degradation necessitating this action. In fact, the DES publication-Status of Surface Waters of NH, 1996 states that "There are about 10,881 miles of rivers and streams in NH. The overall quality of fresh surface water in NH is excellent, with 99.4% of all freshwater rivers and streams fully supporting all uses." There was no testimony from actual riverfront owners asking to have their rights diminished. Only bureaucrats and river protection groups spoke in favor seeking more government control of private property. This bill will remove some rights of riverfront property owners and subject them to fines or jail for using and enjoying their property. One day law abiding, conscientious people and the next, lawbreakers. When one day you can use and enjoy your property and the next day you can't, or else be subject to fines and jail, you have lost something. That is a taking. And without compensation. These special riverfront property owners are being subjected to land use law and restrictions unique to them and not subjected to all citizens of the state under the guise



of "protecting our natural resources". Environmental laws should be equitable and fair to all tracts and not to limited classes of people. Please support the minority and strive to have ALL properties participate in the state's environmental protection.

Reps. Camm and Kibbey spoke against and yielded to questions.

Rep. Donald White spoke against.

Reps. Jeb Bradley, Dickinson and Merritt spoke in favor and yielded to questions.

Rep. Camm requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 205 NAYS 92

### YEAS 205

#### BELKNAP

Bartlett, Gordon	Calvert, Alice	Clark, Charles	Pilliod, James
Salatiello, Thomas	Thomas, John		

#### CARROLL

Bradley, Jeb	Chandler, Gene	Dickinson, Howard, Jr.	Howard, Godfrey
Kennedy, Joseph	MacDonald, Kenneth	Patten, Betsy	

#### CHESHIRE

Burnham, Daniel	Doucette, Richard	Hunt, John	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meader, David
Metzger, Katherine	Pratt, John	Richardson, Barbara	Robertson, Timothy
Royce, H. Charles	Russell, Ronald	Steere, Myron, III	Vogl, John

#### COOS

Bradley, Paula	Coulombe, Yvonne	Davis, Perley	Guay, Lawrence
Hawkinson, Marie	Horton, Lynn	Mears, Edgar	

#### GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Below, Clifton
Guest, Robert	Hinman, Harry	Lovett, Sidney	Luker, Elsa
Phinney, William	Teschner, Douglass	Trelfa, Richard	

#### HILLSBOROUGH

Ackerman, Philip	Ameen, W.	Amidon, Eleanor	Belvin, William
Brundige, Robert	Buckley, Raymond	Cardin, Lori	Carlson, Donald
Chabot, Ernest	Chabot, Robert	Cote, Peter	D'Allesandro, Lou
Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan
Dyer, Merton	Fields, Dennis	Flora, Kathleen	Foster, Joseph
Foster, Linda	Franks, Suzan	Gage, Ruth	Gagnon, Eugene
Ginsburg, Ruth	Golding, William	Gosselin, Gerald	Haettenschwiller, Alphonse
Hall, Betty	Hansen, Herbert	Holley, Sylvia	Jean, Claudette
Johnson, Lionel	Kony, Christine	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Lefebvre, Roland	Leishman, Peter	Leonard, Peter
Lozeau, Donnalee	MacGillivray, Jeffrey	MacIntyre, Doris	Martin, Mary
McCarty, Winston	Melcher, Harold	Messier, Irene	Milligan, Robert
Mittelman, David	Murphy, Robert	O'Hearn, Jane	Reidy, Frank
Sargent, Maxwell	Searles, Stanley, Sr.	Thulander, O. Alan	Turgeon, Roland
Welch, Donald	Wheeler, Robert	White, Jay	Williams, Carol
Wright, George			

#### MERRIMACK

Anderson, Eric	Burney, Carol	Daneault, Gabriel	Davis, Francis
Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn	French, Barbara
Gile, Mary	Hager, Elizabeth	Hess, David	Jacobson, Alf

Lamach, Bernard  
Rogers, Katherine  
Yeaton, Charles

Marshall, Kenneth  
St. Cyr, Gerard

Owen, Derek  
Wallner, Mary Jane

Reardon, Tara  
Whalley, Michael

### ROCKINGHAM

Abbott, Dennis  
Carson, Gregory  
Cushing, Robert  
Flanders, John, Sr.  
Gleason, John  
Kane, Cecelia  
Langley, Jane  
Micklon, Stephanie  
Rabideau, Marie  
Syracusa, Anthony  
Weyler, Kenneth

Arndt, Janet  
Christie, Andrew, Jr.  
Dolan, Richard  
Francoeur, Sheila  
Guthrie, Joseph  
Katsakiores, Phyllis  
Langone, John  
Norelli, Terie  
Sapareto, Frank  
Tufts, J. Arthur

Bishop, Franklin  
Clark, Martha  
Dowd, Sandra  
Frechette, Joseph  
Heath, John  
Kelley, Jane  
Malcolm, Kenneth  
Pantelakos, Laura  
Schanda, Frank  
Vaughn, Charles

Blanchard, MaryAnn  
Cooney, Richard  
Downing, Michael  
Gibbons, Paul  
Henderson, Warren  
Klemm, Arthur, Jr.  
McCarthy, John, Jr.  
Pitts, Jacqueline  
Stritch, C. Donald  
Welch, David

### STRAFFORD

Brennan, William  
Dunlap, Patricia  
Keans, Sandra  
Merritt, Deborah  
Rogers, Rose Marie  
Spear, Barbara  
Tsiros, William

Brown, George  
Estabrook, Iris  
Knowles, William  
Musler, George  
Rollo, Michael  
Sullivan, Henry  
Vachon, Dennis

Cossette, Larry  
Hemon, Roland  
Lundborn, Raymond  
Pelletier, Arthur  
Smith, Marjorie  
Torr, Ann  
Wall, Janet

DeChane, Marlene  
Kaen, Naida  
Merrill, Amanda  
Pelletier, Marsha  
Snyder, Clair  
Torr, Franklin

### SULLIVAN

Allison, David  
Leone, Richard

Burling, Peter  
Palmer, Lorraine

Cloutier, John  
Robb-Theroux, Amy

Donovan, Thomas  
Schatanus, Merle

### NAYS 92

### BELKNAP

Boriso, Thomas  
Turner, Robert

Boyce, Robert

Hurt, George

Lawton, David

### CARROLL

Lyman, L. Randy

Mock, Henry

### CHESHIRE

Avery, Stephen

McNamara, Wanda

Smith, Edwin

### COOS

Coulombe, Henry  
Tholl, John, Jr.

Merrill, Gerald

Pratt, Leighton

St. Hilaire, Paul

### GRAFTON

Cobbin, Philip  
Weber, Phil

Eaton, Stephanie  
Williams, William, Jr.

Guaraldi, Lawrence

LaMott, Paul

### HILLSBOROUGH

Alukonis, David  
Burke, M. Virginia  
Daniels, Gary  
Hart, Nick  
Jean, Loren  
McCarthy, William  
Mercer, Robert  
Tate, Joan

Arnold, Thomas, Jr.  
Calawa, Leon, Jr.  
Dawe, Eileen  
Herman, Keith  
Lessard, Rudy  
McDonald, James, Sr.  
Murch, George  
Vaillancourt, Steve

Batula, Peter  
Christiansen, Lars  
Dwyer, Paul, Sr.  
Holt, David  
Letendre, Evelyn  
McGough, Tim  
Riley, Frances  
White, Donald

Boutin, David  
Clegg, Robert, Jr.  
Goulet, Maurice  
Hunter, Bruce  
Marcinkowski, Michael  
McRae, Karen  
Rowe, Robert

**MERRIMACK**

Brown, Mary	Chandler, Earle	Crowell, Peter	Hoadley, Elizabeth
Larrabee, David	Lavoie, Gerard	Leber, William	Lockwood, Robert
Morrill, Olive	Nichols, Avis	Whittemore, James	

**ROCKINGHAM**

Beaulieu, Jon	Belanger, Ronald	Camm, Kevin	Dalrymple, Janeen
Dearborn, Bruce	Dodge, Robert	Dowling, Patricia	Dunham, Vivian
Fesh, Robert	Flanagan, Natalie	Griffin, Mary	Johnson, Robert
Katsakiores, George	Kobel, Rudolph	Letourneau, Robert	Major, Norman
McKinney, Betsy	Mikowski, Walter	Moore, Benjamin	Packard, Sherman
Raynowska, Bernard	Reardon, Neil	Rubin, George	Stickney, Nancy
Varrell, Thomas			

**STRAFFORD**

McKinley, Robert

**SULLIVAN**

Adler, Rudolf	Ferland, Brenda	Kibbey, David
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and the majority report was adopted.  
Ordered to third reading.

**SB 403**, relative to mooring on Spofford Lake. **INEXPEDIENT TO LEGISLATE**

Rep. Loren J. Jean for Resources, Recreation and Development: The input in the public hearing on this bill was roughly 5-1 opposed. Testimony was heard by safety and law enforcement personnel that did not support the safety concerns cited by the sponsor. The Committee felt that the mooring laws should be revisited as a whole, but this bill was not a timely vehicle to accomplish this. The Resources, Recreation and Development Committee will visit the mooring laws and lack of mooring laws on all bodies of water held in the public trust. Vote 12-5.  
Adopted.

**SB 354**, requiring insurance coverage for hospitalization and anesthesia for dental procedures for certain patients. **OUGHT TO PASS WITH AMENDMENT**

Rep. Keith R. Herman. for Commerce: This bill has been referred to as the "dental anesthesia" bill. This bill defines under what conditions health insurers must reimburse for dental care performed under anesthesia. Generally, insurers won't reimburse for dental benefits unless the dental care requires surgery in a hospital or outpatient facility. There are cases where young children and persons with severe mental/physical disabilities cannot receive care in a dentist's office. This bill is needed to address these sensitive issues and the amendment ensures minimal impact on health costs and increasing utilization by defining what situations will be affected by this legislation. Vote 11-0.

**Amendment (1716h)**

Amend the bill by replacing sections 1-4 with the following:

1 Statement of Purpose.

I. The general court finds that:

(a) Denial of medical benefits otherwise payable just because dental procedures are performed is inherently unfair when the justification for general anesthesia is the same regardless of the procedure.

(b) Denial of medical benefits effectively eliminates the option of general anesthesia for most families. Children and persons with disabilities suffer most. There are no comparable alternatives to general anesthesia for this group. Comparable results and outcomes are not obtained when general anesthesia is denied.

(c) General anesthesia is the accepted standard of care for this population group. General anesthesia for dental treatment is available under federal medicaid guidelines, but effectively unavailable for private patients. Care under general anesthesia is supported by the American Dental Association, the American Academy of Pediatric Dentistry, the American Medical Association, the U.S. Department of Health and Human Services, and most other professional dental and medical organizations.



(d) There is little consistency in the insurance industry concerning such benefits. Benefits are often extended to one insured and denied to others insured by the same company and even under the same policy. Policy holders are unlikely to be aware of these exclusions at the time of policy purchase. Aggressive and determined parents are sometimes able to force the payment of benefits that the majority of less well-connected, well-educated, or financially well-off parents are denied.

(e) Pediatric dentists estimate overwhelmingly that parental acceptance of general anesthesia would increase if artificial financial barriers were removed. When over 1500 members of the American Academy of Pediatric Dentistry responded to a 1995 survey, they reported that when general anesthesia was indicated and denied, comparable treatment results could be achieved in less than half their cases. In fully 60 percent of these cases, patients either received compromised outcomes or were denied treatment altogether.

II. Therefore, the general court hereby requires insurance coverage when dental care is provided under general anesthesia.

III. This act is not intended to encourage the administration of general anesthesia in any medical setting as a substitute for sound patient management practices.

2 New Sections; Coverage for Dental Procedures; Medical or Hospital. Amend RSA 415 by inserting after section 18-f the following new sections:

415:18-g Coverage for Dental Procedures; Medical or Hospital; Group.

I. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of New Hampshire, coverage for the medically necessary hospital or surgical day care facility charges and administration of general anesthesia administered by a licensed anesthesiologist or anesthetist for dental procedures performed on a covered person who:

(a) Is a child under the age of 4 who is determined by a licensed dentist in conjunction with a licensed physician to have a dental condition of significant dental complexity which requires certain dental procedures to be performed in a surgical day care facility or hospital setting; or

(b) Is a person who has exceptional medical circumstances or a developmental disability as determined by a licensed physician which place the person at serious risk.

II. All of the terms and conditions of the covered person's policy shall apply to these services.

415:18-h Coverage for Dental Procedures; Dental Offices.

I. Each dental insurer or other similar entity, including Delta under RSA 420-F, that issues or renews any policy of group insurance providing benefits for oral surgical procedures, shall provide to each certificate holder who is a resident of New Hampshire coverage for the administration of general anesthesia administered by a licensed dentist for dental procedures performed in a dentist's office on a covered person who:

(a) Is a child under the age of 4 who is determined by a licensed dentist in conjunction with a licensed physician to have a dental condition of significant complexity which requires the child to receive general anesthesia for the treatment of such condition; or

(b) Is a person who has exceptional medical circumstances or a developmental disability as determined by a licensed physician which place the person at serious risk.

II. All of the terms and conditions of the covered person's policy shall apply to these services.

3 New Section; Coverage for Dental Procedures. Amend RSA 420-A by inserting after section 17-a the following new section:

420-A:17-b Coverage for Dental Procedures.

I. Every health service corporation and every similar corporation licensed under the laws of another state that issues or renews any group policy or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each covered individual or certificate holder who is a resident of New Hampshire coverage for the medically necessary hospital or surgical day care facility charges and administration of general anesthesia administered by a licensed anesthesiologist or anesthetist for dental procedures performed on a covered person who:

(a) Is a child under the age of 4 who is determined by a licensed dentist in conjunction with a licensed primary care physician to have a dental condition of significant dental complexity which requires certain dental procedures to be performed in a surgical day care facility or hospital setting; or

(b) Is a person who has exceptional medical circumstances or a developmental disability as determined by a licensed primary care physician which place the person at serious risk.

II. All of the terms and conditions of the covered person's policy shall apply to these services.

4 New Section; Coverage for Dental Procedures. Amend RSA 420-B by inserting after section 8-e the following new section:

420-B:8-ee Coverage for Dental Procedures.

I. Every health maintenance organization and every other similar corporation licensed under the laws of another state that issues or renews any group policy or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each covered individual or certificate holder who is a resident of New Hampshire coverage for the medically necessary hospital or surgical day care facility charges and administration of general anesthesia administered by a licensed anesthesiologist or anesthesiologist for dental procedures performed on a covered person who:

(a) Is a child under the age of 4 who is determined by a licensed dentist in conjunction with a licensed primary care physician to have a dental condition of significant dental complexity which requires certain dental procedures to be performed in a surgical day care facility or hospital setting; or

(b) Is a person who has exceptional medical circumstances or a developmental disability as determined by a licensed primary care physician which place the person at serious risk.

II. All of the terms and conditions of the covered person's policy shall apply to these services.

Adopted.

Rep. Donald Welch spoke in favor.

Adopted and ordered to third reading.

**SB 358-L**, relative to the term physician in health care provider contracts. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce: This bill clarifies in law the current practice of contractual relationships between health providers and health insurers. The bill states that the term "physician" cannot be used to deny a contract with a provider. Health insurers now contract, regularly, with providers who are not physicians as defined by statute. This will have minimal impact on provider networks. The amendment adds a sentence to clarify the legislature's intent. Vote 11-0.

#### Amendment (1721h)

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

1 New Section; Use of Term Physician in Provider Contracts. Amend RSA 415-A by inserting after section 2-a the following new section:

415-A:2-b Use of Term Physician in Provider Contracts. No contract shall use the term physician for the purpose of allowing a health care insurer to avoid contracting with other health care professionals for health care services. A physician shall mean a person licensed to practice medicine under RSA 329. Nothing in this section shall be construed to require a health care insurer to contract with a health care provider.

2 New Paragraph; Preferred Provider Agreements; Use of Term Physician. Amend RSA 420-C:5-a by inserting after paragraph II the following new paragraph:

III. No contract shall use the term physician for the purpose of allowing a health care insurer to avoid contracting with other health care professionals for health care services. A physician shall mean a person licensed to practice medicine under RSA 329. Nothing in this section shall be construed to require a health care insurer to contract with a health care provider.

3 New Paragraph; Provider Contract Standards; Use of Term Physician. Amend RSA 420-J:8 by inserting after paragraph V the following new paragraph:

VI. No contract shall use the term physician for the purpose of allowing a health carrier to avoid contracting with other health care professionals for health care services. A physician shall mean a person licensed to practice medicine under RSA 329. Nothing in this section shall be construed to require a health carrier to contract with a health care provider.

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

Adopted.

Report adopted and ordered to third reading.

**SB 404**, relative to home care. REFER FOR INTERIM STUDY

Rep. Martha Fuller Clark for Commerce: This bill is a very important and legitimate piece of legislation which will guarantee New Hampshire residents of continuing care facilities who are enrollees

of a Medicare HMO, the right to return home and receive covered care at the in-house nursing facility within their own retirement community. The vote for interim study is in support of this legislation and will provide the needed time to work on both technical and substantive issues within the bill which could not be amply addressed within the current legislative time frame. Vote 11-0.

Adopted.

**SB 472-FN-L**, relative to filing security interests under the Uniform Commercial Code. OUGHT TO PASS WITH AMENDMENT

Rep. Sheila T. Francoeur for Commerce: This bill makes certain changes relative to filing security interests under the Uniform Commercial Code. Filings will be able to be made with the clerk of any city or town participating in the centralized filing system administered by the Secretary of State. This bill will allow Uniform Commercial Code filings to be electronically filed. The Secretary of State's office will co-ordinate and provide training for town and city clerks to transition to this system commencing July, 2001. Vote 11-0.

#### Amendment (1667h)

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

1 New Paragraph; Liability for Loss or Damages. Amend RSA 382-A:9-401 by inserting after paragraph (6) the following new paragraph:

(7) The secretary of state, county recorders, city or town clerks, and their employees and agents shall not be liable for any loss or damages arising from errors in or omissions from information entered into the records maintained under this chapter, nor for any errors or omissions in indexing such information.

2 Place of Filing. Amend RSA 382-A:9-401 to read as follows:

382-A:9-401 Place of Filing; Erroneous Filing; Removal of Collateral.

(1) The proper place to file in order to perfect a security interest is as follows:

(a) ~~[when the collateral is equipment used in farming operations, or farm products, or accounts or general intangibles arising from or relating to the sale of farm products by a farmer, or consumer goods, then in the office of the clerk of the town where the debtor resides or if the debtor is not a resident of this state then in the office of the clerk of the town where the goods are kept, and in addition when the collateral is crops growing or to be grown in the office of the clerk of the town where the land is located;~~

(b) when the collateral is timber to be cut or is minerals or the like (including oil and gas), accounts subject to subsection (5) of Section 9-103, or manufactured housing as defined in RSA 674:31, or when the financing statement is filed as a fixture filing (Section 9-313) and the collateral is goods which are or are to become fixtures, then in the office where a mortgage on the real estate would be filed or recorded;

~~[(c) (b) in all other cases, in the office of the clerk of any city or town participating in the centralized filing system administered by secretary of state [and in addition, if the debtor has a place of business in only one town of this state, also in the office of the clerk of such town, or, if the debtor has no place of business in this state, but resides in the state, also in the office of the clerk of the town in which he resides].~~

(2) A filing which is made in good faith in an improper place ~~[or not in all of the places required by this section]~~ is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this Article and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement.

(3) A filing which is made in the proper place in this state continues effective even though ~~[the debtor's residence or place of business or]~~ the location of the collateral or its use, whichever controlled the original filing, is thereafter changed.

(4) The rules stated in Section 9-103 determine whether filing is necessary in this state.

(5) Notwithstanding the preceding subsections, and subject to sub-section (3) of Section 9-302, the proper place to file in order to perfect a security interest in collateral, including fixtures, of a transmitting utility is the office of the secretary of state. This filing constitutes a fixture filing (Section 9-313) as to the collateral described therein which is or is to become fixtures.

(6) For the purposes of this section, the residence of an organization is its place of business if it has one or its chief executive office if it has more than one place of business.



(7) The secretary of state, county recorders, city or town clerks, and their employees and agents shall not be liable for any loss or damages arising from errors in or omissions from information entered into the records maintained under this chapter, nor for any errors or omissions in indexing such information.

3 Financing Statement Amend RSA 382-A:9-402 to read as follows:

382-A:9-402 Formal Requisites of Financing Statement; Amendments; Mortgage as Financing Statement.

(1) A financing statement is sufficient if it gives the names of the debtor and the secured party, is signed by the debtor, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers crops growing or to be grown, the statement must also contain a description of the real estate concerned. When the financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of Section 9-103, or when the financing statement is filed as a fixture filing (Section 9-313) and the collateral is goods which are or are to become fixtures, the statement must also comply with subsection (5). A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by the debtor. ~~[A carbon, photographic or other reproduction of a security agreement or a financing statement is sufficient as a financing statement if the security agreement so provides or if the original has been filed in this state.]~~

(2) A financing statement which otherwise complies with subsection (1) is sufficient when it is signed by the secured party instead of the debtor if it is filed to perfect a security interest in

(a) Collateral already subject to a security interest in another jurisdiction when it is brought into this state, or when the debtor's location is changed to this state. Such a financing statement must state that the collateral was brought into this state or that the debtor's location was changed to this state under such circumstances; or

(b) Proceeds under Section 9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral; or

(c) Collateral as to which the filing has lapsed; or

(d) collateral acquired after a change of name, identity or corporate structure of the debtor (subsection (7)).

(3) A form substantially as follows is sufficient to comply with subsection (1):

Name of debtor (or assignor) \_\_\_\_\_

Address \_\_\_\_\_

Name of secured party (or assignee) \_\_\_\_\_

Address \_\_\_\_\_

1. This financing statement covers the following types (or items) of property:

(Describe) \_\_\_\_\_

2. (If collateral is crops) The above described crops are growing or are to be grown on: (Describe Real Estate) \_\_\_\_\_

3. (If applicable) The above goods are to become fixtures on\* \*Where appropriate substitute "The above minerals or the like (including oil and gas) or accounts will be financed at the wellhead or minehead of well or mine located on \_\_\_\_\_"

(Describe Real Estate) \_\_\_\_\_ and this financing statement is to be filed for record in the real estate records. (If the debtor does not have an interest of record) The name of a record owner is \_\_\_\_\_

4. (If products of collateral are claimed) Products of the collateral are also covered.

\_\_\_\_\_  
Signature of Debtor (or Assignor)

(use whichever is applicable)

\_\_\_\_\_  
Signature of Secured Party (or Assignor)

(4) A financing statement may be amended by filing a writing signed by both the debtor and the secured party. An amendment does not extend the period of effectiveness of a financing statement. If any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment. In this Article, unless the context otherwise requires, the term "financing statement" means the original financing statement and any amendments. *On and after July 1, 2001, any amendment to a financing statement filed in a city or town or with the secretary of state under section 401(a) or (c) of this article prior to July 1, 2001 shall only be filed with the clerk of a city or town participating in the centralized filing system administered by the secretary of state.*

(5) A financing statement covering timber to be cut or covering minerals or the like (including oil and gas) or accounts subject to subsection (5) of Section 9-103, or a financing statement filed as a fixture filing (Section 9-313) where the debtor is not a transmitting utility, must show that it covers this type of collateral, must recite that it is to be filed for record in the real estate records, and the financing statement must contain a description of the real estate. If the debtor does not have an interest of record in the real estate, the financing statement must show the name of a record owner.

(6) A mortgage is effective as a financing statement filed as a fixture filing from the date of its recording if

(a) The goods are described in the mortgage by item or type; and

(b) The goods are or are to become fixtures related to the real estate described in the mortgage; and

(c) the mortgage complies with the requirements for a financing statement in this section other than a recital that it is to be filed in the real estate records; and

(d) The mortgage is duly recorded.

No fee with reference to the financing statement is required other than the regular recording and satisfaction fees with respect to the mortgage.

(7) A financing statement sufficiently shows the name of the debtor if it gives the individual, partnership or corporate name of the debtor, whether or not it adds other trade names or names of partners. Where the debtor so changes his name or in the case of an organization its name, identity or corporate structure that a filed financing statement becomes seriously misleading, the filing is not effective to perfect a security interest in collateral acquired by the debtor more than four months after the change, unless a new appropriate financing statement is filed before the expiration of that time. A filed financing statement remains effective with respect to collateral transferred by the debtor even though the secured party knows of or consents to the transfer.

(8) A financing statement substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.

4 What Constitutes Filing. Amend RSA 382-A:9-403(3) and (4) to read as follows:

(3) A continuation statement may be filed by the secured party within six months prior to the expiration of the five year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and state that the original statement is still effective. A continuation statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of Section 9-405, including payment of the required fee. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it immediately if he has retained a microfilm, *electronic*, or other [photographic] record *conforming to the requirements of section 410 of this article*, or in other cases after one year after the lapse. The filing officer shall so arrange matters by physical annexation of financing statements to continuation statements or other related filings, or by other means, that if he physically destroys or *electronically erases* the financing statements of a period more than five years past, those which have been continued by a continuation statement or which are still effective under subsection (6) shall be retained. *On and after July 1, 2001, any continuation statement*

*to a financing statement filed in a city or town or with the secretary of state under section 401(a) or (c) of this article prior to July 1, 2001 shall only be filed with the clerk of a city or town participating in the centralized filing system administered by the secretary of state.*

(4) Except as provided in subsection (7) a filing officer shall mark each [statement] *fil-*  
*ing* with a file number and with the date and hour of filing and shall hold the statement or a micro-  
film or other [~~photographic copy~~] *record* thereof *satisfying the requirements of RSA 382-A:9-410*  
for public inspection. In addition the filing officer shall index the statement according to the name  
of the debtor and shall note in the index the file number and the address of the debtor given in the  
statement.

5 New Paragraph; Filing Officers. Amend RSA 382-A:9-403 by inserting after paragraph (7) the  
following new paragraph:

(8) On and after July 1, 2001, the secretary of state, registers of deeds, and those clerks  
of cities and towns participating in the centralized filing system administered by the secretary of  
state are filing officers for the purposes of this chapter and for all other filings required by law to  
be made with or through them in accordance with this chapter, including, but not limited to, filings  
under RSA 21-J, RSA 147-B, RSA 161-C, RSA 204-C, RSA 282-A, RSA 450, RSA 454-B, RSA  
511, and RSA 511-A.

6 New Paragraph; Filing. Amend RSA 382-A:9-404 by inserting after paragraph (3) the follow-  
ing new paragraph:

(4) *On and after July 1, 2001, any termination statement relating to a financing state-*  
*ment filed in a city or town or with the secretary of state under section 401(a) or (c) of this ar-*  
*ticle prior to July 1, 2001 shall only be filed with the clerk of a city or town participating in the*  
*centralized filing system administered by the secretary of state.*

7 New Paragraph; Filing. Amend RSA 382-A:9-405 by inserting after paragraph (3) the follow-  
ing new paragraph:

(4) *On and after July 1, 2001, any assignment of a secured party's rights under a fi-*  
*ncancing statement filed in a city or town or with the secretary of state under section 401(a) or*  
*(c) of this article prior to July 1, 2001 shall only be filed with the clerk of a city or town parti-*  
*cipating in the centralized filing system administered by the secretary of state.*

8 Filing. Amend RSA 382-A:9-406 to read as follows:

382-A:9-406 Release of Collateral; Duties of Filing Officer; Fees. A secured party of record may  
by his signed statement release all or a part of any collateral described in a filed financing state-  
ment. The statement of release is sufficient if it contains a description of the collateral being re-  
leased, the name and address of the debtor, the name and address of the secured party, and the file  
number of the financing statement. A statement of release signed by a person other than the se-  
cured party of record must be accompanied by a separate written statement of assignment signed  
by the secured party of record and complying with subsection (2) of Section 9-405, including  
payment of the required fee. Upon presentation of such a statement of release to the filing officer  
he shall mark the statement with the hour and date of filing and shall note the same upon the margin  
of the index of the filing of the financing statement. *On and after July 1, 2001, any release of a*  
*financing statement filed in a city or town or with the secretary of state under section 401(a) or*  
*(c) of this article prior to July 1, 2001 shall only be filed with the clerk of a city or town parti-*  
*cipating in the centralized filing system administered by the secretary of state.* The uniform fee for  
filing and noting such a statement of release shall be in accordance with the fees established pur-  
suant to RSA 478:17-g.

9 Information From Filing Officer. Amend RSA 382-A:9-407(2) to read as follows:

(2) Upon request of any person, the filing officer shall issue his certificate showing  
whether there is on file on the date and hour stated therein, any presently effective financing state-  
ment naming a particular debtor and any statement of assignment thereof and if there is, giving the  
date and hour of filing of each such statement and the names and addresses of each secured party  
therein. [~~The uniform fee for such a certificate shall be \$5 if the request for the certificate is in the  
standard form prescribed by the secretary of state and otherwise shall be \$7. Upon request the fil-~~  
~~ing officer shall furnish a copy of any filed financing statement or statement of assignment for a~~  
~~uniform fee of \$.75 per page.] *The fee for such a certificate shall be the sum of:*~~

(a) *\$5 if the request for the certificate is in the standard form prescribed by the secretary*  
*of state and otherwise \$7, plus*



*(b) A database search fee determined by the secretary of state pursuant to RSA 382-A:9-411(d) for any search or compilation of data in the centralized files maintained by the secretary of state.*

*In the case of certificates issued by the clerk of a city or town the fee charged under subparagraph (a) shall be retained by the city or town and the search fee under subparagraph (b) shall be transferred to the state treasurer to be administered in accord with RSA 293-A:1.37. The secretary of state may provide certificated and uncertificated search reports or compilations of data, charging database search fees to be determined by the secretary of state pursuant to RSA 382-A:9-411(d), and the resulting funds shall be administered in accordance with RSA 293-A:1.37.*

10 New Sections; Fraudulent Filing. Amend RSA 382-A:9 by inserting after RSA 382-A:9-408 the following new sections:

382-A:9-409 Fraudulent Filing.

(1) A person may not intentionally or knowingly present for filing or cause to be presented for filing a financing statement if the person knows that the financing statement:

- (a) Is forged;
- (b) Contains a material false statement (including a false name or identification number); or
- (c) Is groundless.

(2) A person who violates subsection (1) is liable to the owner of property covered by the financing statement or the secured party, as the case may be, for:

- (a) The greater of \$5,000 or the person's actual damages;
- (b) Court costs; and
- (c) Reasonable attorney's fees.

(3) An owner of an interest in property covered by a fraudulent financing statement described in subsection (a) may, in addition to any other remedy provided by law, file suit in a court of suitable jurisdiction, requesting specific relief including, but not limited to, release or cancellation of such fraudulent financing statement. A successful plaintiff shall be entitled to reasonable attorney's fees and costs of court to be assessed against the person who filed the fraudulent financing statement. In the event the person who filed the fraudulent financing statement cannot be located or is a fictitious person, then the owner may serve the known or unknown defendant by certified mail to the address indicated on the financing statement.

382-A:9-410 Facsimile and Electronic Signatures; Filing and Recording in Electronic Form.

(1) Any signature on any writing or filing authorized to be filed under this article may be a facsimile, an electronic signature under RSA 294-D:3, or any other symbol made or adopted by a party with present intention to authenticate the writing or filing.

(2) The secretary of state may permit any writing authorized to be filed under this article to be filed by teletype, telefacsimile, or any form of electronic or other medium which produces an accurate tangible copy or an accurate record which is retrievable in perceivable form.

(3) The secretary of state may maintain any or all filings, records, notations, or indexes required or authorized under this article in any form of electronic or other medium which produces an accurate tangible copy or an accurate record which is retrievable in perceivable form.

382-A:9-411 Computerized Filing System.

(a) The secretary of state shall plan for and implement a statewide, consolidated, computer filing system and database to accumulate, record, and disseminate information relative to lien statements, financing statements, and other public documents authorized to be filed with the secretary of state or under other provisions of law specifying filing in the records maintained under this article, other than those required to be filed in the office where a mortgage on real estate would be recorded.

(b) The system shall, by July 1, 2001, permit filings to be made in electronic form from the clerk's office of any participating city or town.

(c) In developing the statewide computer filing system and database the secretary of state is authorized to conduct studies and to recommend any legislation necessary or desirable for implementing the system.

(d) The fees for expedited services and any other services supplied by the secretary of state from its central database shall be determined in the same manner as those provided for in RSA 293-A:1.22(e) and (f), and shall be available to the secretary of state in the same manner as provided in RSA 293-A:1.37(b) and (c).

11 Fees; Register of Deeds. Amend RSA 478:17-g to read as follows:

478:17-g Fees. Unless otherwise specified, the register of deeds *and other filing officers* shall be entitled to the following fees:

I. For recording each deed, mortgage, attachment of real estate, lease, agreement, assignment, release, partial discharge, or any like document, \$10 for the first recorded page, plus \$4 for each additional recorded page, except that assignments of mortgages shall be \$10 for the first assignment per recorded document, plus \$5 for each subsequent mortgage being assigned, plus \$4 for each additional recorded page. The complete discharge of a mortgage, filings pursuant to RSA 382-A, or discharge of a lien shall be \$15. Filing officers shall be entitled to a \$4 charge for each additional page of filing pursuant to RSA 382-A. These charges shall include all charges for information furnished in compliance with RSA 478:14.

II. For recording plans, \$9 for the first 200 square inches or part thereof and \$2.50 for each additional 100 square inches or part thereof.

III. For copying any document or providing any other service, the charge shall be established and posted by the register of deeds.

*IV. Commencing July 1, 2001 the secretary of state shall cease to accept filings of financing statements or amendments, assignments, releases, continuations, or terminations thereof (except for those pertaining to security interests in collateral of a transmitting utility). Commencing July 1, 2001 the secretary of state shall also cease to accept filings of attachments of personal property under RSA 511 and RSA 511-A. All such filings shall be made through the office of the clerk of a city or town participating in the centralized filing system administered by the secretary of state under RSA 382-A:9-411. Clerks of those cities and towns participating in the centralized filing system administered by the secretary of state under RSA 382-A shall charge a single fee of \$30 for the first page of each filing under RSA 382-A and \$8 for each additional page, one half of which shall be held for the use of the state and transferred quarterly to the state treasurer.*

12 Administration of Chapters. Amend RSA 293-A:1.37(b) and (c) to read as follows:

(b) The state treasurer shall pay the expenses of administering this chapter, *RSA 382-A:9, and other information technology costs of the secretary of state* out of any money in the treasury not otherwise appropriated until the fees collected pursuant to RSA 293-A:1.22(a), *RSA 382-A:9, and other information technology services* have been received by him. Thereafter he shall pay the expenses of administering this chapter, *RSA 382-A:9, and other information technology costs of the secretary of state* out of the fees collected under RSA 293-A:1.22(a) *and RSA 382-A:9-411(d)* and shall reimburse the treasury for previous expenses paid by him. The governor is authorized to draw his warrant for the sums authorized by this section out of any money in the treasury not otherwise appropriated.

(c) Fees collected by the secretary of state pursuant to RSA 293-A:1.22(e) *and RSA 382-A:9-411* shall be deposited in the same manner as fees collected pursuant to RSA 293-A:1.22(a) and shall be available to the secretary of state to administer the provisions of this chapter *and RSA 382-A:9* in the same manner as provided in subsection (b) of this section.

13 Place of Filing; Federal Tax Liens. RSA 454-B:2, III(d) is repealed and reenacted to read as follows:

(d) In all other cases, notices shall be filed in the central database maintained by the secretary of state under RSA 382-A by filing through the office of the clerk of any participating city or town.

14 New Paragraph; Policy of Article. Amend RSA 382-A:9-102 by inserting after paragraph (3) the following new paragraph:

(4) The filing system maintained under this article shall also serve as a comprehensive system for recording attachments, statutory liens and other interests in personal property as provided from time to time by the legislature, including, but not limited to, filings under RSA 21-J, RSA 147-B, RSA 161-C, RSA 204-C, RSA 282-A, RSA 450, RSA 454-B, RSA 511, and RSA 511-A.

15 Destruction of Certain Records. Amend RSA 361:10-a to read as follows:

361:10-a Destruction of Certain Records Authorized. Any town or city clerk may destroy ~~[at the end of 10 years from the date of filing records of conditional sales contracts in his possession]~~ *any financing statement required to be filed in a town under RSA 382-A:9-401(1)(c) as effective until*

*July 1, 2001, and any amendments, continuation statements, termination statements, or other documents and records relating thereto after July 1, 2006. Any town or city clerk may destroy any financing statement required to be filed under RSA 382-A:9-401(1)(a) and any amendments, continuation statements, termination statements, or other documents and records relating thereto 6 years after the filing of the last continuation statement.*

16 Effective Date.

I. Sections 2 and 13 of this act shall take effect July 1, 2001.

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

Adopted.

Report adopted and ordered to third reading.

**SB 494**, establishing the voluntary small employer health insurance purchasing alliance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Anthony Syracuse for Commerce: The bill as presented would create an innovative opportunity to expand the availability of health care insurance to small business groups. The complexities associated with organizing this new structure, in conjunction with session time restraints, dictates the use of chapter study committee to ensure it is done properly. Vote 11-0.

#### **Amendment (1722h)**

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

**AN ACT** establishing a committee to study the feasibility of allowing private nonprofit small business health care insurance purchasing groups to form and conduct business in New Hampshire.

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

1 Committee Established. There is established a committee to study the feasibility, efficacy, and potential impact on the state's health care insurance system of allowing private nonprofit small business health care insurance purchasing groups to form and conduct business in New Hampshire.

2 Membership and Compensation.

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

(a) Four members of the house of representatives, one of whom shall be from the commerce committee, one of whom shall be from the finance committee, and one of whom shall be from health, human services and elderly affairs committee, appointed by the speaker of the house.

(b) Three members of the senate, one of whom shall be from the insurance committee, one of whom shall be from the finance committee, and one of whom shall be from the public institutions, health and human services committee, appointed by the president of the senate.

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

3 Duties.

I. The committee shall study the feasibility, efficacy, and potential impact on the state's health care insurance system of allowing private nonprofit small business health care insurance purchasing groups to form and conduct business in New Hampshire. The committee's study shall include, but not be limited to the following issues:

(a) The statutory modification required to allow small business purchasing groups to form in New Hampshire for the sole purpose of creating a private nonprofit small employer health care insurance purchasing alliance that is dedicated to assisting small employers in obtaining health care coverage for their employees.

(b) The extent to which this new health care insurance purchasing entity will need to be regulated by the department of insurance as well as the department's additional cost to administer and regulate the new entity.

(c) Enrollment requirements that may be required for a nonprofit small employer purchasing alliance to be successful taking into consideration experiences of other states that have allowed nonprofit private health care purchasing alliances.

(d) The modifications that may be requested to the state's small group health care reforms that could result in greater health care insurance cost savings to private nonprofit small business alliance members.



(e) The ability of small business health care insurance purchasing alliances to increase bargaining power and provide meaningful statistical information about health care that will benefit all small employers taking into consideration the experience of other states and their application in New Hampshire.

(f) The impact on the small businesses that do not participate in a health care insurance purchasing alliance taking into consideration the experience of other states and their application in New Hampshire.

II. The committee may seek input from outside sources including state agencies.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1998.

6 Effective Date. This act shall take effect 30 days after its passage.

### AMENDED ANALYSIS

This amendment establishes a study committee to collect and analyze information regarding the value and efficacy of allowing private nonprofit voluntary small employer health care insurance purchasing alliances to form and operate in New Hampshire.

Adopted.

Report adopted and ordered to third reading.

**SB 506-FN**, requiring certain reports relative to independent review under managed care. **OUGHT TO PASS**

Rep. Martha Fuller Clark for Commerce: The committee, having heard considerable testimony over the past several years on the issue of grievances and managed care, especially with regard to grievances from individuals with developmental disabilities, chronic illness and mental illness, unanimously agreed that the reports generated by SB 506 from the Department of Insurance would provide important information essential to determining whether or not an external grievance procedure is needed in New Hampshire. Vote 11-0.

Adopted and ordered to third reading.

### SPECIAL ORDERS

Rep. Vaillancourt moved that **SB 376**, relative to animal cruelty, be made a Special Order for May 28, 1998, and spoke in favor.

Rep. David Welch spoke in favor.

Adopted.

Rep. Vaillancourt moved that **SB 437-FN**, requiring a one year mandatory prison sentence for a third DWI conviction, be made a Special Order for May 28, 1998, and spoke in favor.

Rep. David Welch spoke in favor.

Adopted.

### REGULAR CALENDAR (CONT'D.)

**HB 1667**, to place a question concerning electronic gaming machines to the voters on the November 1998 state general election ballot. **INEXPEDIENT TO LEGISLATE**

Rep. David E. Larrabee, Sr. for Education: We do not legislate by referendum because we are elected to make these tough decisions. Towns and communities have opportunities to place issues like this as an article in town warrants and on ballots in an effort to determine community positions. A state law is not necessary to make these types of determinations. The wording of this bill is general and subject to different interpretations and therefore confusing. Vote 14-0.

Rep. Guay spoke against and yielded to questions.

Rep. Henderson spoke in favor.

Rep. Teschner requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 221 NAYS 59****YEAS 221****BELKNAP**

Boyce, Robert	Calvert, Alice	Clark, Charles	Hurt, George
Pilliod, James	Thomas, John	Turner, Robert	

**CARROLL**

Bradley, Jeb	Chandler, Gene	Kenney, Joseph	Lyman, L. Randy
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	

**CHESHIRE**

Burnham, Daniel	Doucette, Richard	Hunt, John	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meador, David
Metzger, Katherine	Pratt, John	Richardson, Barbara	Robertson, Timothy
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	Vogl, John

**COOS**

Bradley, Paula	Coulombe, Yvonne	Davis, Perley	Hawkinson, Marie
Mears, Edgar	Pratt, Leighton	Tholl, John, Jr.	

**GRAFTON**

Almy, Susan	Below, Clifton	Eaton, Stephanie	Guaraldi, Lawrence
Guest, Robert	LaMott, Paul	Lovett, Sidney	Luker, Elsa
Phinney, William	Teschner, Douglass	Weber, Phil	Williams, William, Jr.

**HILLSBOROUGH**

Alukonis, David	Ameen, W.	Amidon, Eleanor	Arnold, Thomas, Jr.
Batula, Peter	Belvin, William	Boutin, David	Brundige, Robert
Burke, M. Virginia	Calawa, Leon, Jr.	Carlson, Donald	Chabot, Ernest
Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr.	D'Allesandro, Lou
Daniels, Gary	Dawe, Eileen	Dokmo, Cynthia	Drabinowicz, A. Theresa
Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton	Fields, Dennis
Flora, Kathleen	Foster, Joseph	Foster, Linda	Gagnon, Eugene
Ginsburg, Ruth	Golding, William	Gosselin, Gerald	Goulet, Maurice
Haettenschwiller, Alphonse	Hall, Betty	Hansen, Herbert	Hart, Nick
Herman, Keith	Holley, Sylvia	Holt, David	Hunter, Bruce
Jean, Claudette	Johnson, Lionel	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Leishman, Peter	Leonard, Peter	Letendre, Evelyn
Lozeau, Donnalee	MacGillivray, Jeffrey	MacIntyre, Doris	McCarthy, William
McCarty, Winston	McDonald, James, Sr.	McGough, Tim	McRae, Karen
Melcher, Harold	Mercer, Robert	Messier, Irene	Murch, George
Murphy, Robert	O'Hearn, Jane	Reidy, Frank	Riley, Frances
Rowe, Robert	Sargent, Maxwell	Searles, Stanley, Sr.	Tate, Joan
Thulander, O. Alan	Welch, Donald	Wheeler, Robert	White, Donald
White, Jay	Wright, George		

**MERRIMACK**

Anderson, Eric	Burney, Carol	Chandler, Earle	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Dunn, Miriam	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Hess, David
Hoadley, Elizabeth	Lamach, Bernard	Larrabee, David	Lavoie, Gerard
Leber, William	Lockwood, Robert	Marshall, Kenneth	Morrill, Olive
Nichols, Avis	Owen, Derek	Reardon, Tara	Rogers, Katherine
Wallner, Mary Jane	Whalley, Michael	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Blanchard, MaryAnn
Camm, Kevin	Carson, Gregory	Christie, Andrew, Jr.	Cooney, Richard
Cushing, Robert	Dearborn, Bruce	Dodge, Robert	Dolan, Richard
Downing, Michael	Dunham, Vivian	Flanagan, Natalie	Flanders, John, Sr.
Francoeur, Sheila	Frechette, Joseph	Gleason, John	Griffin, Mary
Guthrie, Joseph	Heath, John	Henderson, Warren	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langone, John
Major, Norman	Malcolm, Kenneth	McCarthy, John, Jr.	McKinney, Betsy
Mikowski, Walter	Norelli, Terie	Packard, Sherman	Pitts, Jacqueline
Rabideau, Marie	Reardon, Neil	Stritch, C. Donald	Syracusa, Anthony
Varrell, Thomas	Vaughn, Charles	Welch, David	Weyler, Kenneth

**STRAFFORD**

Brown, George	Cossette, Larry	Dunlap, Patricia	Estabrook, Iris
Hemon, Roland	Kaen, Naida	Knowles, William	Merrill, Amanda
Merritt, Deborah	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spear, Barbara
Sullivan, Henry	Torr, Ann	Torr, Franklin	Wall, Janet

**SULLIVAN**

Adler, Rudolf	Burling, Peter	Ferland, Brenda	Leone, Richard
Palmer, Lorraine	Robb-Theroux, Amy	Schotanus, Merle	

**NAYS 59****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Lawton, David
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**CARROLL**

Dickinson, Howard, Jr.

**CHESHIRE**

Avery, Stephen	McNamara, Wanda	Russell, Ronald
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**COOS**

Coulombe, Henry	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
St. Hilaire, Paul			

**GRAFTON**

Akins, Ralph	Alger, John	Cobbin, Philip	Hinman, Harry
Trelfa, Richard			

**HILLSBOROUGH**

Ackerman, Philip	Buckley, Raymond	Cardin, Lori	Cote, Peter
Daigle, Robert	Franks, Suzan	Gage, Ruth	Jean, Loren
Lefebvre, Roland	Lessard, Rudy	Marcinkowski, Michael	Martin, Mary
Milligan, Robert	Turgeon, Roland	Vaillancourt, Steve	

**MERRIMACK**

Whittemore, James

**ROCKINGHAM**

Belanger, Ronald	Bishop, Franklin	Clark, Martha	Dalrymple, Janeen
Dowd, Sandra	Dowling, Patricia	Gibbons, Paul	Kane, Cecelia
Kelley, Jane	Klemm, Arthur, Jr.	Langlely, Jane	Letourneau, Robert
Micklon, Stephanie	Pantelakos, Laura	Raynowska, Bernard	Rubin, George
Sapareto, Frank	Schanda, Frank		



**STRAFFORD**

Brennan, William	DeChane, Marlene	Keans, Sandra	McKinley, Robert
Musler, George	Tsiros, William		

**SULLIVAN**

Donovan, Thomas  
and the report was adopted.

**SB 420**, preventing a child from being required to have visitation with a parent incarcerated for the murder of the other parent. **INEXPEDIENT TO LEGISLATE**

Rep. Barbara Hull Richardson for Judiciary and Family Law: There are situations where a child should be allowed to visit a parent incarcerated for the murder of the other parent such as when one parent kills the other in self protection for severe domestic violence. The child may be placed with the parents of the murdered partner. These grandparents may not want the child to visit the imprisoned parent, but if visitation were prevented, both child and parent would be deprived of an important relationship. Currently, the judge decides whether visits should take place, based on circumstances and information from the guardian ad litem and other parties. Vote 9-3.  
Adopted.

**SCR 7**, supporting economic security in retirement of all Americans. **OUGHT TO PASS**

Rep. Robert Letourneau for State-Federal Relations and Veterans Affairs: This bill is crafted to send a message to our congressional delegation that we the citizens of New Hampshire are concerned about the security of our retirement system. (Social Security System) Further, this bill challenges the Federal Government to reform our current system in a way that it would not be vulnerable to changing demographics and to be fiscally sound. Vote 11-0.

Reps. Burling, John Pratt and Dolan spoke against.

Reps. Edwin Smith and Wheeler spoke in favor.

Rep. Edwin Smith requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 156 NAYS 124**

**YEAS 156****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Holbrook, Robert	Hurt, George	Lawton, David
Pilliod, James	Thomas, John	Turner, Robert	

**CARROLL**

Bradley, Jeb	Chandler, Gene	Dickinson, Howard, Jr.	Kenney, Joseph
Lyman, L. Randy	MacDonald, Kenneth	Patten, Betsey	

**CHESHIRE**

Hunt, John	McNamara, Wanda	Metzger, Katherine	Royce, H. Charles
Smith, Edwin	Steere, Myron, III		

**COOS**

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul	Tholl, John, Jr.	

**GRAFTON**

Akins, Ralph	Alger, John	Cobbin, Philip	Eaton, Stephanie
Guaraldi, Lawrence	Hinman, Harry	LaMott, Paul	Phinney, William
Teschner, Douglass	Trelfa, Richard	Weber, Phil	Williams, William, Jr.

**HILLSBOROUGH**

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Boutin, David	Brundige, Robert	Burke, M. Virginia

Calawa, Leon, Jr.  
Clegg, Robert, Jr.  
Durham, Susan  
Franks, Suzan  
Hansen, Herbert  
Hunter, Bruce  
LaRose, Richard  
Lozeau, Donnalee  
McGough, Tim  
Milligan, Robert  
Rowe, Robert  
Thulander, O. Alan

Chabot, Ernest  
Daniels, Gary  
Dyer, Merton  
Gagnon, Eugene  
Herman, Keith  
Jean, Loren  
Lefebvre, Roland  
MacGillivray, Jeffrey  
McRae, Karen  
Murch, George  
Sargent, Maxwell  
Turgeon, Roland

Chabot, Robert  
Dawe, Eileen  
Fields, Dennis  
Golding, William  
Holley, Sylvia  
Kurk, Neal  
Lessard, Rudy  
MacIntyre, Doris  
Mercer, Robert  
O'Hearn, Jane  
Searles, Stanley, Sr.  
Wheeler, Robert

Christiansen, Lars  
Dokmo, Cynthia  
Flora, Kathleen  
Goulet, Maurice  
Holt, David  
L'Heureux, Robert  
Letendre, Evelyn  
McCarty, Winston  
Messier, Irene  
Riley, Frances  
Tate, Joan  
White, Donald

### MERRIMACK

Anderson, Eric  
Hoadley, Elizabeth  
Marshall, Kenneth  
Whittemore, James

Chandler, Earle  
Lamach, Bernard  
Morrill, Olive

Feuerstein, Martin  
Lavoie, Gerard  
Nichols, Avis

Hess, David  
Leber, William  
Whalley, Michael

### ROCKINGHAM

Arndt, Janet  
Christie, Andrew, Jr.  
Dodge, Robert  
Flanders, John, Sr.  
Henderson, Warren  
Kobel, Rudolph  
Malcolm, Kenneth  
Rabideau, Marie  
Varrell, Thomas

Beaulieu, Jon  
Cooney, Richard  
Dowd, Sandra  
Frechette, Joseph  
Johnson, Robert  
Langley, Jane  
McKinney, Betsy  
Reardon, Neil  
Welch, David

Belanger, Ronald  
Dalrymple, Janeen  
Dunham, Vivian  
Gleason, John  
Katsakiores, George  
Letourneau, Robert  
Mikowski, Walter  
Rubin, George  
Weyler, Kenneth

Camm, Kevin  
Dearborn, Bruce  
Flanagan, Natalie  
Griffin, Mary  
Klemm, Arthur, Jr.  
Major, Norman  
Packard, Sherman  
Sapareto, Frank

### STRAFFORD

Cossette, Larry  
Sullivan, Henry

McKinley, Robert  
Torr, Franklin

Musler, George

Spear, Barbara

### SULLIVAN

Adler, Rudolf

Kibbey, David

Schotanus, Merle

### NAYS 124

### BELKNAP

None

### CARROLL

None

### CHESHIRE

Avery, Stephen  
Lynott, Margaret  
Pratt, John  
Vogl, John

Burnham, Daniel  
Manning, Joseph  
Richardson, Barbara

Doucette, Richard  
McGuirk, Paul  
Robertson, Timothy

Lynch, Margaret  
Meador, David  
Russell, Ronald

### COOS

Bradley, Paula  
Mears, Edgar

Coulombe, Henry

Coulombe, Yvonne

Hawkinson, Marie

### GRAFTON

Almy, Susan  
Luker, Elsa

Below, Clifton

Guest, Robert

Lovett, Sidney

**HILLSBOROUGH**

Ackerman, Philip	Ameen, W.	Buckley, Raymond	Cardin, Lori
Carlson, Donald	Cote, Peter	D'Allesandro, Lou	Daigle, Robert
Drabinowicz, A. Theresa	Dwyer, Paul, Sr.	Foster, Joseph	Foster, Linda
Gage, Ruth	Ginsburg, Ruth	Gosselin, Gerald	Haettenschwiler, Alphonse
Hall, Betty	Hart, Nick	Jean, Claudette	Johnson, Lionel
Leishman, Peter	Leonard, Peter	Marcinkowski, Michael	Martin, Mary
McCarthy, William	McDonald, James, Sr.	Melcher, Harold	Murphy, Robert
Reidy, Frank	Vaillancourt, Steve	Welch, Donald	White, Jay.
Wright, George			

**MERRIMACK**

Burney, Carol	Crosby, Toni	Daneault, Gabriel	Davis, Francis
Dunn, Miriam	Fraser, Marilyn	French, Barbara	Gile, Mary
Larrabee, David	Lockwood, Robert	Moore, Carol	Owen, Derek
Reardon, Tara	Rogers, Katherine	Wallner, Mary Jane	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Bishop, Franklin	Blanchard, MaryAnn	Clark, Martha
Cushing, Robert	Dolan, Richard	Dowling, Patricia	Downing, Michael
Francoeur, Sheila	Gibbons, Paul	Guthrie, Joseph	Heath, John
Kane, Cecelia	Katsakiores, Phyllis	Kelley, Jane	Langone, John
McCarthy, John, Jr.	Micklon, Stephanie	Norelli, Terie	Pantelakos, Laura
Pitts, Jacqueline	Raynowska, Bernard	Schanda, Frank	Stritch, C. Donald
Syracusa, Anthony	Vaughn, Charles		

**STRAFFORD**

Brennan, William	Brown, George	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Hemon, Roland	Kaen, Naida	Keans, Sandra
Knowles, William	Merrill, Amanda	Merritt, Deborah	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Smith, Marjorie	Snyder, Clair
Torr, Ann	Tsiros, William	Vachon, Dennis	Wall, Janet

**SULLIVAN**

Burling, Peter	Donovan, Thomas	Ferland, Brenda	Leone, Richard
Palmer, Lorraine	Robb-Theroux, Amy		

and the report was adopted.

Ordered to third reading.

Rep. Carson declared a conflict of interest and did not participate.

**RECONSIDERATION**

Having voted with the prevailing side, Rep. Edwin Smith moved that the House reconsider its action whereby it voted to send to third reading, *SCR 7*, supporting economic security in retirement of all Americans, and spoke against.

Reconsideration failed.

**RESOLUTION**

Rep. Wheeler 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 28, 1998 at 10:00 a.m.

Adopted.



## LATE SESSION

## Third reading and final passage

- SB 316**, authorizing insurance companies to give discounts to drivers over 55 years of age who complete an approved driver safety course.
- SB 370-L**, establishing an international trade corridor and border crossing planning and development advisory committee.
- SB 319**, establishing a committee to study the parole system and methods to increase its efficiency.
- SB 396**, requiring the commissioner of the department of youth development services to submit a quality assessment report to the legislature and to the juvenile justice commission.
- SB 400**, relative to withdrawal of a school district from an area district.
- SB 335-L**, relative to hours of polling in towns with a population of less than 3000.
- SB 362**, relative to classification of certain department of corrections personnel in the retirement system.
- SB 486**, relative to old age and survivors' insurance.
- SB 379**, establishing an immunization registry.
- SB 443-L**, establishing a committee to study the delivery of and funding for in-home support services for children with disabilities and their families.
- SB 464-FN**, relative to limitations from civil liability for volunteers and relative to special license plates and related fees for volunteer emergency personnel with 2-way radio equipment in their vehicles.
- SB 317**, relative to the time for consideration of applications to planning boards.
- SB 349**, enabling a town or school district moderator to postpone the deliberative session of a meeting because of a weather emergency.
- SB 421**, relative to timber harvesting and penalties for timber trespass.
- SB 429**, relative to the confidentiality of drivers' motor vehicle records.
- SB 445**, relative to penalties for personal use of walking disabled motor vehicle plates or placards by persons not issued the plates or placards.
- SB 344**, clarifying requirements regarding certain trusts.
- SB 371**, requiring health carriers to provide certain information to health care providers and consumers.
- SB 377**, authorizing the organization of merchant banks to provide equity financing and related services to small businesses and exempting certain New Hampshire banks from the aging requirement of the interstate acquisition and merger laws.
- SB 500**, relative to obtaining automobile and homeowners insurance.
- SB 471-FN**, creating the presumption that a juvenile charged with a driving while intoxicated felony offense, shall be certifiable as an adult.
- SB 301**, relative to teacher renomination and the application of teacher professional and performance standards.
- SB 191**, relative to mental health providers.
- SB 320**, relative to notice by a state agency to certain persons of proposed rulemaking activity.
- SB 444-FN**, requiring the New Hampshire real estate commission to notify licensees of proposed rules and any changes adopted to rules.
- SB 331**, eliminating work certificates for 16 and 17 year old youths.
- SB 353-FN**, relative to official ballot procedures.
- SB 365**, relative to including the upper and lower Merrimack Rivers, the Lamprey River, the Swift River, and the mainstream and north branch of the Contoocook River under the shoreland protection act and deleting the deadline for local approval of the designation of the Exeter River as a rural river.
- SB 354**, requiring insurance coverage for hospitalization and anesthesia for dental procedures for certain patients.
- SB 358-L**, relative to the term physician in health care provider contracts.
- SB 472-FN-L**, relative to filing security interests under the Uniform Commercial Code.
- SB 494**, establishing the voluntary small employer health insurance purchasing alliance.
- SB 506-FN**, requiring certain reports relative to independent review under managed care.
- SCR 7**, supporting economic security in retirement of all Americans.

**RECESS MOTION**

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 4:35 p.m.

**RECESS**

**(Rep. Holbrook in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 1300 and Senate Bills numbered 210, 390 and 441.

Rep. Pfaff, Sen. Barnes for the Committee

**RECESS**

**(Rep. Burling in the Chair)**

**ENROLLED BILL AMENDMENTS**

**SB 26**, preventing recovery by a nonsupporting parent in a wrongful death claim or action on behalf of the nonsupported child until child support arrearages are paid in full. (Amendment printed SJ 16 5/21/98)

Adopted.

**SB 350**, relative to probate court procedures. (Amendment printed SJ 16, 5/21/98)

Adopted.

**RECESS**

**(Rep. Hager in the Chair)**

**RESOLUTION**

Rep. David Welch offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 326, 346, 363 and 475 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 326**, relative to representation and costs in utility rate proceedings. (Science, Technology and Energy)

**SB 346**, establishing a task force to study the foster care system. (Health, Human Services and Elderly Affairs)

**SB 363-L**, relative to notification to and jurisdiction of municipalities concerning governmental use of property. (Public Works and Highways)

**SB 475**, relative to medicaid reimbursement rates and dental care. (Finance)

**ENROLLED BILL AMENDMENTS**

**HB 234-FN-L**, relative to disposition by counties of funds of deceased patients of county nursing homes.

**Amendment (1783-EBA)**

Amend RSA 151-A:5, I as inserted by section 5 of the bill by replacing line 1 with the following:

I. That no applicant for [~~license~~] *licensure* as a nursing home administrator shall be admitted to such

Amend RSA 151-A:15, II as inserted by section 12 of the bill by replacing line 1 with the following:

II. Notwithstanding the provisions of RSA 561, if all just debts of the deceased have been Adopted.

**HB 697-FN-A-I**, changing the emergency shelter commission to any emergency shelter and homeless coordination commission.

**Amendment (1788-EBA)**

Amend RSA 126-A:32, I as inserted by section 1 of the bill by replacing line 2 with the following: to advise the commissioner on the program established under this subdivision and the needs of Adopted.

**HB 1131**, relative to the sale of liquor and beverages and relative to enforcement of the liquor laws.

**Amendment (1804-EBA)**

Amend RSA 175:1, IX as inserted by section 1 of the bill by replacing line 3 with the following: beverage vendor importer [or], wholesale distributor, or *beverage manufacturer* license.

Amend RSA 178:15, II as inserted by section 3 of the bill by replacing line 5 with the following:

*year*. Only wine and liquor donated to the [station] *special licensee* may be auctioned under this paragraph; provided,

Amend RSA 179:23, IV as inserted by section 9 of the bill by replacing line 5 with the following:

in charge of the licensed premises. For the purposes of this section, any person designated as a person Adopted.

**HB 1165**, relative to the incorporation, management, branching, and merger of banks and exempting certain New Hampshire banks from the aging requirement of the interstate acquisition and merger laws.

**Amendment (1792-EBA)**

Amend section 1 of the bill by replacing line 1 with the following:

1 New Section; Change in Control of Nondepository Financial Institution. Amend RSA 383 by Amend section 3 of the bill by replacing lines 1-3 with the following:

3 Responsibilities of Directors or Trustees and Officers; Qualifications. RSA 384:3 is repealed and reenacted to read as follows:

384:3 Responsibilities of Directors or Trustees and Officers; Qualifications.

Amend RSA 384:3, IV as inserted by section 3 of the bill by replacing lines 5-6 with the following:

is wholly owned by an out-of-state bank holding company within the meaning of RSA 384:57, VI, or to the directors of a nondepository financial institution which is wholly owned by an out-of-state

Amend RSA 384:5-a, 1 as inserted by section 5 of the bill by replacing line 5 with the following: *Reinvestment Act, 12 U.S.C. section 2901 et seq., and regulations adopted thereunder:*

Amend RSA 384-B:2-e as inserted by section 10 of the bill by replacing lines 2-4 with the following: and V and RSA 384-B:2-c, II, a bank which is well-capitalized under applicable federal rules and regulations and has a composite CAMEL rating of at least 2 as a result of its most recent examination by either its federal regulatory authority or the bank commissioner, may open a new branch if the bank does

Amend RSA 386-A:1 as inserted by section 11 of the bill by replacing line 7 with the following: defined by the federal Bank Holding Company Act of 1956, as amended, or by a savings and loan holding

Amend RSA 391:1-a as inserted by section 18 of the bill by replacing line 3 with the following: *B-1, IV and V] the federal Bank Holding Company Act of 1956, as amended, or of a savings and loan*

Amend RSA 392:2 as inserted by section 19 of the bill by replacing line 6 with the following: holding company as defined by the federal Bank Holding Company Act of 1956, as amended, or by a Adopted.

**HB 1271-FN**, relative to the board of acupuncture licensing.



**Amendment (1753-EBA)**

Amend section 1 of the bill by replacing line 1 with the following:

1 Council Added. Amend the introductory paragraph of RSA 328-G:3, I(a) to read as follows:

Amend section 2 of the bill by replacing line 1 with the following:

2 Council Added. Amend the introductory paragraph of RSA 328-G:3, I(b) to read as follows:

Adopted.

**HB 1627**, relative to deposits with the state treasurer of amounts due certain stockholders and creditors on the dissolution of a corporation, and relative to the college tuition savings plan.

**Amendment (1784-EBA)**

Amend section 6 of the bill by replacing line 1 with the following:

6 Applicability. In order to comply with recent changes in federal law, sections 1-3 of this act Amend paragraph I of section 7 of the bill by replacing it with the following:

I. Sections 1-3 and 6 of this act shall take effect upon its passage.  
Adopted.

## RECESS

(Rep. David Welch in the Chair)

**ENROLLED BILL AMENDMENTS**

**HB 1475**, relative to revising certain programs within the postsecondary education commission.

**Amendment (1781-EBA)**

Amend RSA 188-D:18, VII as inserted by section 3 of the bill by replacing lines 3-9 with the following:

(a) *Engaged in a course of study, at least on a half-time basis, at an institution of higher education;*

(b) *Serving on active duty as a member of the armed services of the United States, serving as a member of VISTA, the Peace Corps, or Americorps, for a period not to exceed 3 years;*

(c) *Temporarily totally disabled, as established by sworn affidavit of a qualified physician, for a period not to exceed 3 years; or*

Amend RSA 188-D:18, X as inserted by section 3 of the bill by replacing lines 4 and 5 with the following:

*established on the basis of a sworn affidavit of a qualified physician;*

(b) *The recipient has received relief under federal bankruptcy laws; or*

Amend RSA 188-D:18-e, VII as inserted by section 5 of the bill by replacing lines 2-7 with the following:

(a) Engaged in a course of study, at least on a half-time basis, at an institution of higher education;

(b) Serving on active duty as a member of the armed services of the United States, serving as a member of VISTA, the Peace Corps, or Americorps, for a period not to exceed 3 years;

(c) Temporarily totally disabled, as established by sworn affidavit of a qualified physician, for a period not to exceed 3 years; or

Amend RSA 188-D:18-e, X as inserted by section 5 of the bill by replacing lines 3 and 4 with the following:

*established on the basis of a sworn affidavit of a qualified physician;*

(b) *The recipient has received relief under federal bankruptcy laws; or*

Adopted.

**HB 1630-FN**, relative to the transportation of high-level radioactive waste.

**Amendment (1790-EBA)**

Amend RSA 107-D:4, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Failure to pay the fee shall subject the carrier and the owner of the shipment to a civil action for the recovery of the amount of such fee, plus costs and reasonable attorney's fees, for which the carrier and owner shall be jointly and severally liable. Such action may be filed in the superior court of the county in which the shipment originated or in which it was or should have been inspected pursuant to RSA 107-D:5. Operating as a carrier engaged in the transportation of irradiated reactor fuel or high-level radioactive waste in this state or shipping irradiated reactor fuel or high-level radioactive waste on the public highways or by water or on the railroads of this state shall constitute submission to the jurisdiction of the courts of this state for the purposes of such an action.  
Adopted.

RECESS

**(Rep. Emerton in the Chair)**

**ENROLLED BILL AMENDMENT**

*SB 100-FN*, establishing a New Hampshire film and television commission. (Amendment printed SJ 16, 5/21/98)

Adopted.

RECESS

**(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 15

Thursday, May 28, 1998

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 Hays Junkin from St. Andrews Episcopal Church in Hopkinton.

O, Judge of the nations, we remember before You with grateful hearts the men and women of our country who in the day of decision ventured much for the liberties we now enjoy. Grant that we may not rest until all the people of this land share the benefits of true freedom and gladly accept its disciplines. This we ask in the name of God. Amen.

Rep. Joan Tate led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Champagne, Jane Clemons, Dowd, Flint, Robert Foster, Healy, Robert Kelley, Noyes, O'Connell, Pepino and Paul Taylor, the day, illness.

Reps. Adams, Allison, Alukonis, Barry, Battles Pierce, Briefs, Burke, Cardin, Cegelis, Ernest Chabot, Coes, Colburn, Connolly, Copenhaver, Peter Cote, Dowling, Fesh, Fuller Clark, Guest, Claudette Jean, L'Heureux, Leishman, Letendre, Lovett, Kenneth MacDonald, MacIntyre, John McCarthy, McRae, Meader, Mittelman, Morris, Nordgren, O'Keefe, Marsha Pelletier, Frances Riley, William Riley, Seldin, Simmons and Donald Welch, the day, important business.

Rep. Laflam, the day, death in the family.

Reps. Clay, Irene Pratt and Rice, the day, illness in the family.

### INTRODUCTION OF GUESTS

Shannon McNamara, daughter of Rep. McNamara. Sean O'Dwyer and Brian Dick, guests of Rep. McGough. Megan Konys, daughter of Rep. Konys. Members of Mrs. Bergeron's and Mr. Adam's 10<sup>th</sup> grade American Government Class at Kingswood Regional High School in Wolfeboro, guests of Reps. Babson and Jeb Bradley. Rotary Group Study Exchange Team from St. Petersburg, Russia Irina Liveshits-Anitropova, Igor Medvedkin, Elena Krijanovskaya, and Michael Djanelidze, guests of Reps. Anderson and DeStefano. Jennifer Peterson, daughter of Rep. Peterson.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 234, 697, 717, 1165, 1166, 1172, 1193, 1198, 1271, 1274, 1408, 1414, 1475, 1563, 1627 and 1642, and Senate Bills numbered 26, 328, 350, 356, 383, 393, 399, 443, 493 and 501.

Rep. Pfaff, Sen. Barnes for the Committee

### SENATE MESSAGES

#### CONCURRENCE

**HB 1262-FN-A**, relative to authority for the board of medicine to employ a medical review subcommittee administrator.

**HB 1311**, adopting the 1994 revisions to article 8 of the uniform commercial code relative to investment securities.

**HB 1312**, adopting the 1995 revisions to article 5 of the uniform commercial code relative to letters of credit.

#### CONCURRENCE WITH AMENDMENTS

**SB 140**, relative to the obligations of joint owners to the nuclear decommissioning finance fund.

**SB 308**, relative to the board of directors of Delta Dental Plan of New Hampshire, Inc.

**SB 383**, establishing a committee to study the use of telemedicine.

**SB 392**, relative to requirements for law enforcement personnel who conduct interviews of minors.

**SB 446**, relative to estate planning by a guardian

**SB 487**, relative to the general powers and duties of a guardian over the estate of the minor.



**NONCONCURRENCE**

**HB 1443**, relative to the time frame for the department of environmental services to act on certain wetlands applications.

**HB 1658**, relative to prohibiting the cloning of human beings in New Hampshire.

**ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE**

**HB 529**, relative to excluding from the definition of subdivision the placement and maintenance of wireless communications facilities.

The President appointed Sens. Rubens, Whipple and Barnes.

**HB 1118**, relative to expiration of contact lens prescriptions.

The President appointed Sens. David Wheeler, McCarley and Squires.

**REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 1103-L**, relative to the state representative districts of towns. (Amendment printed SJ 15, 5/14/98)  
Rep. Arndt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Arnold, Horton, Jane Clemons and Gibbons.

**HB 1113**, relative to reports of town and school district meetings to be certified to the department of revenue administration. (Amendment printed SJ 15, 5/14/98)

Rep. Metzger moved that the House concur.

Adopted.

**HB 1182**, establishing an oversight committee to review the allocation of funds dispersed for the developmental disabilities waitlist. (Amendment printed SJ 16, 5/21/98)

Rep. Emerton moved that the House concur.

Adopted.

**HB 1205-FN**, making technical corrections to the securities laws. (Amendment printed SJ 16, 5/21/98)

Rep. Hunt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lindblade, William McCarthy, Mittelman and Klemm.

**HB 1221-L**, relative to the acceptance of personal property donated to towns or village districts. (Amendment printed SJ 15, 5/14/98)

Rep. Metzger moved that the House concur.

Adopted.

**HB 1234-FN**, establishing an office of volunteerism. (Amendment printed SJ 15, 5/14/98)

Rep. Mercer moved that the House nonconcur and requested a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dyer, Thulander, Stickney and Gile.

**HB 1238**, establishing a committee to study ways to manage land use and to preserve and protect the state's farmland, rural and community character, and environmental quality against low density sprawl and the loss of sense of place. (Amendment printed SJ 15, 5/14/98)

Rep. Musler moved that the House concur and spoke in favor.

Adopted.

**HB 1245**, relative to the management of New Hampshire retirement system funds by the board of trustees. (Amendment printed SJ 10, 4/9/98)

Rep. Mercer moved that the House concur.

Adopted.

**HB 1291**, relative to management of the state ski areas at Mount Sunapee and Cannon Mountain. (Amendment printed SJ 16, 5/21/98)

Rep. Royce moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Royce, Whalley, Paula Bradley and Franklin Torr.

**HB 1295-FN**, relative to reimbursing the state medical assistance program. (Amendment printed SJ 15, 5/14/98)

Rep. Kurk moved that the House concur.

Adopted.

**HB 1298-FN-L**, requiring health care providers to wear identification. (Amendment printed SJ 16, 5/21/98)

Rep. Emerton moved that the House concur.

Adopted.

**HB 1339**, regulating the sale by mail of liquor, wine, and beer. (Amendment printed SJ 14, 5/7/98)

Rep. Hess moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Franklin Torr, Klemm, Robert Kelley and Pantelakos.

**HB 1347**, preserving relationships between siblings who are separated as a result of court ordered out-of-home placements. (Amendment printed SJ 15, 5/14/98)

Rep. Pfaff moved that the House concur.

Adopted.

**HB 1361**, relative to rulemaking authority, subpoena powers, and establishment of civil penalties by the board of professional engineers. (Amendment printed SJ 14, 5/7/98)

Rep. Mercer moved that the House concur.

Adopted.

**HB 1371**, requiring the collection of certain data on children and parents in the state case registry for use in child support enforcement. (Amendment printed SJ 15, 5/14/98)

Rep. Pfaff moved that the house nonconcur and request a Committee of Conference.

Adopted.

The Speaker announced that the members would be appointed at a later date.

**HB 1384-FN-A**, making an appropriation for use by the New Hampshire Commission on the Smithsonian Festival of American Folklife. (Amendment printed SJ 14, 5/7/98)

Rep. Kurk moved that the House nonconcur and request a Committee of Conference

Adopted.

The Speaker appointed Reps. Klemm, Alukonis, Holbrook and Lynch.

**HB 1493**, relative to clarifying school district liability for certain placements of children pursuant to juvenile proceedings. (Amendment printed SJ 15, 5/14/98)

Rep. O'Hearn moved that the House concur.

Adopted.

**HB 1498**, authorizing emergency medical care providers to inform patients of transport options. (Amendment printed SJ 16, 5/21/98)

Rep. Emerton moved that the House concur.

Adopted.

**HB 1501**, relative to amending certain provisions of the charter school law. (Amendment printed SJ 15, 5/14/98)

Rep. O'Hearn moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Belvin, O'Hearn, Durham and Snyder.

**HB 1513-FN-L**, relative to vehicle emissions control equipment and testing. (Amendment printed SJ 16, 5/21/98)

Rep. Jeb Bradley moved that the House concur.

Adopted.

**HB 1514-FN**, setting the biennial rate for the medicaid enhancement tax. (Amendment printed SJ 14, 5/7/98)

Rep. Kurk moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Weyler, Nichols, Dowd and Dwyer.

**HB 1517**, establishing a fund for dredging to maintain harbors in New Hampshire. (Amendment printed SJ 16, 5/21/98)

Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Gene Chandler, Kurk, Klemm and Vaillancourt.

**HB 1539**, relative to property tax billing procedures for land parcels having multiple owners. (Amendment printed SJ 15, 5/14/98)

Rep. Metzger moved that the House concur.

Adopted.

**HB 1562**, excepting cannabis-type drugs from forfeited drugs which may be delivered to the department of health and human services for medical use. (Amendment printed SJ 16, 5/21/98)

Rep. David Welch moved that the House concur.

Adopted.

**HB 1652**, establishing a pilot program relative to the administration of medications in residential care facilities. (Amendment printed SJ 13, 4/30/98)

Rep. Emerton moved that the House concur and spoke in favor.

Adopted.

### NONCONCURS WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

**SB 333**, allowing any registered voter who is unable to vote in person, by reason of extended work hours, lack of transportation, or illness in the family, to vote by absentee ballot.

The President appointed Sens. Roberge, Whipple and Katherine Wheeler.

Rep. Arndt moved that the House accede.

Adopted.

The Speaker appointed Reps. Ann Torr, Flanagan, Langley and Buckley.

### SUSPENSION OF RULES

Reps. Wheeler and Amanda Merrill moved that the Rules be so far suspended as to permit the suspension of all House Rules relating to deadlines for committees to report bills in their possession.

Adopted by the necessary two-thirds.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

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

**HB 1680-FN-A-L**, authorizing positions for the administration of retiree's health benefits by the New Hampshire retirement system and making an appropriation therefor, removed by Rep. Dyer.

**SB 473-FN**, relative to child day care providers, removed by Rep. O'Hearn.

**SB 483-FN**, exempting certain businesses from the electronic filing requirement under the meals and rooms tax, removed by Rep. Manning.

Consent Calendar adopted.

**SB 479-FN**, establishing a committee to study the supervision of juvenile delinquents on probation or parole. OUGHT TO PASS

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill establishes a committee to study all aspects of the supervision of juvenile delinquents on probation or parole, as well as the feasibility of transfer of such supervision from the department of health and human services to the



department of youth services. The committee will also study the effect such a change will have on municipal, county and general fund appropriations, on federal appropriations and grants, and every other aspect of a change of this type. Vote 13-0.

**SB 342**, relative to capital appropriations for the Glencliff home for the elderly. OUGHT TO PASS WITH AMENDMENT

Rep. Robert G. Holbrook for Finance: This bill readjusts the budget lines to allow improvements to continue at Glencliff Home for the Elderly after the final bid was higher than budgeted for the construction planned. No additional funds are appropriated. The amendment combines the appropriations for the Department of Safety capital projects at Dover Point Substation and the Epping Station Warehouse to allow the projects to be completed. Again, no additional funds are appropriated. The amendment also allows certain unexpended capital appropriations to be used to plan for future use of the old Department of Revenue Administration building on Spring Street in Concord. Finally, the amendment changes the effective date to upon passage. Vote 19-0.

#### Amendment (1665h)

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

AN ACT relative to capital appropriations for the Glencliff home for the elderly and for certain department of safety projects, relative to approval of certain leases by state agencies, and relative to renovations to a certain state office building.

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

4 Capital Appropriation to Department of Safety; Projects Sums Combined. Amend 1997, 349:4, II, and the total state appropriation paragraph II, to read as follows:

#### II. Department of safety

A. Dover Point Substation addition,	<del>[\$ 195,000</del>
B-) Warehouse/Epping station	<del>[\$ 195,000] \$390,000</del>
[C-) Microwave system upgrade *	<u>\$ 500,000</u>
Total state appropriation paragraph II	<u>\$ 890,000</u>

5 New Section; Approval of State Agency Leases Exceeding 5 Years; Long Range Capital Planning and Utilization Committee. Amend RSA 4 by inserting after section 39-a the following new section:

4:39-b Approval of State Agency Leases Exceeding 5 Years. Any lease of land, buildings, or space to be used by any state agency, as defined in RSA 21-G:5, III, and which exceeds a term of 5 years, including all options, shall be reviewed and approved by the long range capital planning and utilization committee established in RSA 17-M prior to submission to the governor and council for approval.

6 Department of Administrative Services; Use of Appropriated Funds for Certain State Office Building. The commissioner of administrative services is authorized to expend any unused balance of funds originally appropriated by 1991, 355:115 to be used for the study, design, and necessary renovation of the state office building located in Concord at 61 South Spring Street for state office space. Funds shall not be spent, obligated, or encumbered for renovations until the commissioner submits an action plan for approval by the capital budget overview committee.

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

#### AMENDED ANALYSIS

This bill:

I. Changes certain capital appropriations to the department of health and human services to be used for the Brown building addition and renovation at the Glencliff home for the elderly.

II. Changes certain capital appropriations to the department of safety for certain projects.

III. Requires approval by the long range capital planning and utilization committee of certain leases by state agencies.

IV. Authorizes certain funds to be used for renovations of the state office building at 61 South Spring Street in Concord.

**SB 391-FN-A**, exempting personal property which is subject to taxation under the legacies and successions tax from the 2 percent tax on transfers of personal property of nonresident decedents. OUGHT TO PASS

Rep. Charles L. Vaughn for Finance: This bill repeals obsolete statute RSA 89:1 which imposed a tax on personal property located in the state belonging to persons whose domicile is without

the state which shall, upon the death of the owner, be subject to a tax of 2% of its value. This tax is difficult to effectively administer by the Department of Revenue Administration because only honest individuals comply with the law. About \$37,000 a year in general fund revenues will be lost, offset to some extent by reducing the workload required to review and audit the tax returns. Vote 17-0.

**SB 447-FN**, exempting siblings of a decedent who are unable to engage in substantial gainful employment from the legacies and successions tax. REFER FOR INTERIM STUDY  
Rep. Paul J. Dwyer, Sr. for Finance: To correct technical and policy issues, this bill needs to be studied along with HB 108, studying the legacies and succession tax in its entirety. Vote 16-0.

**SB 504-FN**, relative to members of predecessor systems of the New Hampshire retirement system. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill would allow one member of the old teachers' retirement system to transfer to the New Hampshire Retirement System. The amendment says that the accrued liability cost of \$22,000 shall not be a draw on any state funds. Therefore there is no fiscal impact to the state. Vote 19-0.

#### Amendment (1740h)

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

1 New Section; Members of Predecessor Systems. Amend RSA 100-A by inserting after section 33 the following new section:

100-A:33-a Members of Predecessor Systems. Notwithstanding RSA 100-A:33 or any other provisions of law, any person who is a member of any predecessor system of the New Hampshire retirement system and is currently receiving benefits, or upon that person's retirement, death, disability, or termination, shall, upon the payment of any actuarially determined accrued liability cost, be considered to have been a full member of the New Hampshire retirement system for the entire period of creditable service in either system and shall receive all benefits to which he or she is entitled as a full member of the New Hampshire retirement system. Any funds made available for payment of such accrued liability cost shall not be a draw on any state funds.

2 Effective Date. This act shall take effect July 1, 1998.

**SB 507**, establishing a committee to study pharmaceutical assistance for the elderly. OUGHT TO PASS  
Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: This bill recommends the formation of a study committee to address the pharmaceutical assistance needs for the elderly. There is no question that some seniors are forced by monetary circumstances to make choices on whether or not to buy medications. Medicaid assists some of our elderly on this matter, but too many are left in dire need of assistance. Vote 12-0.

#### SPECIAL ORDERS

**HB 1677-FN-A-L**, authorizing towns and cities to determine the method of local taxation used to support public education. INEXPEDIENT TO LEGISLATE

Rep. John J. O'Connell for Local and Regulated Revenues: While some members of the committee felt the legislation had merit, the majority of the committee believes this bill would most likely create confusion in the individual towns and cities of New Hampshire. Vote 9-3.

Rep. Alger spoke against.

Rep. Linda Foster spoke in favor and yielded to questions.

Rep. Wallin spoke against and yielded to questions.

#### MOTION TO LAY ON THE TABLE

Rep. Alger moved that **HB 1677-FN-A-L**, authorizing towns and cities to determine the method of local taxation used to support public education, be laid on the table.

The motion failed.

The question now being the adoption of the report.

Rep. Hess spoke in favor.

On a division vote, 252 members having voted in the affirmative and 52 in the negative, the report was adopted.

**SB 376**, relative to animal cruelty. OUGHT TO PASS WITH AMENDMENT

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation allows the court to prohibit any person convicted of animal cruelty from having future ownership or custody of other animals for any period of time the court deems reasonable for the protection of the animal. Vote 14-1.

**Amendment (1473h)**

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

IV. In addition to being guilty of crimes as provided in paragraphs III and III-a, any person charged with cruelty to animals may have his *or her* animal confiscated by the arresting officer and, upon said person's conviction of cruelty to animals, the court may dispose of said animal in any manner it decides. *Courts shall give cases in which animals have been confiscated by an arresting officer priority on the court calendar.* The costs, if any, incurred in boarding and treating the animal, pending disposition of the case, and in disposing of the animal, upon a conviction of said person for cruelty to animals, shall be borne by the person so convicted. *In addition, the court may prohibit any person convicted of animal cruelty from having future ownership or custody of other animals for any period of time the court deems reasonable or impose any other reasonable restrictions on the person's future ownership or custody of animals as necessary for the protection of the animals.*

Adopted.

Rep. Mirski offered a floor amendment.

**Floor Amendment (1907h)**

Amend the bill by replacing section 1 with the following:

1 Prohibition Added. Amend RSA 644:8, IV to read as follows:

IV. In addition to being guilty of crimes as provided in paragraphs III and III-a, any person charged with cruelty to animals may have his animal confiscated by the arresting officer and, upon said person's conviction of cruelty to animals, the court may dispose of said animal in any manner it decides. *Courts shall give cases in which animals have been confiscated by an arresting officer priority on the court calendar.* The costs, if any, incurred in boarding and treating the animal, pending disposition of the case, and in disposing of the animal, upon a conviction of said person for cruelty to animals, shall be borne by the person so convicted.

**AMENDED ANALYSIS**

This bill provides that a court shall give cases in which animals have been confiscated priority on the court calendar.

Rep. Mirski spoke in favor.

Reps. Hill and Knowles spoke against.

On a division vote, 32 members having voted in the affirmative and 258 in the negative, the floor amendment failed.

Report adopted and ordered to third reading.

**SB 437-FN**, requiring a one year mandatory prison sentence for a third DWI conviction. OUGHT TO PASS WITH AMENDMENT

Rep. William V. Knowles for Criminal Justice and Public Safety: If a person is convicted of a third DWI offense after having completed the 7 day multiple offender program previously, such person shall be sentenced to imprisonment for one year. While imprisoned, the person shall complete an alcohol and drug treatment program at such person's expense. Good time will not be earned if there is not meaningful participation. Vote 14-1.

**Amendment (1715h)**

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

AN ACT requiring a one year mandatory prison sentence and certain substance treatment for a third DWI conviction.

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

1 Third DWI Conviction; Mandatory One Year Prison Sentence. Amend RSA 265:82-b, II(b)(2) to read as follows:

(2) If the person has completed the state-operated 7-day multiple DWI offender intervention detention center program as required under subparagraph (a)(3) upon conviction for a prior



offense, the person shall be sentenced to imprisonment for a period of not less than [~~30 consecutive 24-hour periods~~] *one year, no more than 3 months of which may be suspended*, and shall complete [~~at the person's own expense a 28-day~~] *during imprisonment an intensive course of substance abuse treatment [program], including residential treatment if appropriate, based on a formal evaluation by a licensed alcohol and other drug counselor designated by the department of health and human services*, before the driver's license may be restored. *Such treatment program shall be at the person's own expense unless the recommended treatment is already provided by the correctional facility at no cost.*

2 New Subparagraphs; Participation in Treatment Program; Restoration of Driver's License. Amend RSA 265:82-b, II(b) by inserting after subparagraph (2) the following new subparagraphs:

(3) Unless there is meaningful participation in the recommended program, the person's conduct will not be considered meritorious under RSA 651:18.

(4) Subject to the provisions of this section, satisfactory completion of the recommended program may qualify the person for the return of such person's driver's license after the period of revocation.

3 Effective Date. This act shall take effect January 1, 1999.

### AMENDED ANALYSIS

This bill requires that a person convicted of a third DWI offense be sentenced to one year in prison, and complete an intensive course of substance abuse treatment during imprisonment.

Adopted.

Reps. Mirski, Robertson and Vaillancourt spoke against.

Rep. Christie spoke in favor and yielded to questions.

Rep. Knowles spoke in favor.

Rep. Mirski moved Recommit to Committee and spoke in favor.

Rep. David Welch spoke against.

Rep. MacGillivray requested a roll call; sufficiently seconded.

The question being the motion to Recommit to Committee.

### YEAS 108 NAYS 204

#### YEAS 108

#### BELKNAP

Pilliod, James                      Rosen, Ralph                      Veazey, John

#### CARROLL

Babson, David, Jr.                      Bradley, Jeb                      Cooper, Kipp                      Mock, Henry

#### CHESHIRE

Bonneau, Sarah                      Burnham, Daniel                      Lynch, Margaret                      Lynott, Margaret  
Manning, Joseph                      McGuirk, Paul                      McNamara, Wanda                      Pratt, John  
Richardson, Barbara                      Robertson, Timothy                      Russell, Ronald                      Vogl, John

#### COOS

Bradley, Paula                      Davis, Perley                      Hawkinson, Marie                      Merrill, Gerald  
Moynihan, Wayne                      St. Hilaire, Paul

#### GRAFTON

Akins, Ralph                      Almy, Susan                      Below, Clifton                      Guaraldi, Lawrence  
Ham, Bonnie                      LaMott, Paul                      Mirski, Paul

#### HILLSBOROUGH

Bergin, Peter                      Buckley, Raymond                      Carlson, Donald                      Chabot, Robert  
Christiansen, Lars                      Daigle, Robert                      Dawe, Eileen                      Desrosiers, William  
Dyer, Merton                      Fenton, James                      Gage, Ruth                      Goulet, Maurice  
Hart, Nick                      Jean, Loren                      Lynde, Harold                      Marcinkowski, Michael

McCarthy, William  
Piteri, Dawn  
Williams, Carol

Messier, Irene  
Rowe, Robert

Morello, Michael  
Vaillancourt, Steve

Perkins, Paul  
White, Jay

### MERRIMACK

Anderson, Eric  
French, Barbara  
Lavoie, Gerard  
St. Cyr, Gerard

Brown, Mary  
Gile, Mary  
Lockwood, Robert  
Wallin, Jean

Feuerstein, Martin  
Jacobson, Alf  
Reardon, Tara

Fraser, Marilyn  
Krueger, Patricia  
Rogers, Katherine

### ROCKINGHAM

Abbott, Dennis  
Cushing, Robert  
Hutchinson, Rebecca  
Norelli, Terie  
Stickney, Nancy

Bishop, Franklin  
Dalrymple, Janeen  
Langley, Jane  
Pitts, Jacqueline  
Weyler, Kenneth

Blanchard, MaryAnn  
Francoeur, Sheila  
Major, Norman  
Rabideau, Marie

Camm, Kevin  
Gibbons, Paul  
McKinney, Betsy  
Sapareto, Frank

### STRAFFORD

Bickford, David  
Grassie, Anne  
Merrill, Amanda  
Smith, Marjorie  
Vincent, Francis

Brennan, William  
Hemon, Roland  
Merritt, Deborah  
Taylor, Kathleen

DeChane, Marlene  
Keans, Sandra  
Pelletier, Arthur  
Tsiros, William

Dunlap, Patricia  
Lundborn, Raymond  
Rogers, Rose Marie  
Vachon, Dennis

### SULLIVAN

Adler, Rudolf

Donovan, Thomas

### NAYS 204

### BELKNAP

Bartlett, Gordon  
Golden, Paul  
Turner, Robert

Boriso, Thomas  
Holbrook, Robert

Boyce, Robert  
Salatiello, Thomas

Calvert, Alice  
Thomas, John

### CARROLL

Chandler, Gene  
Lyman, L. Randy

Dickinson, Howard, Jr.  
Patten, Betsey

Howard, Godfrey  
Philbrick, Donald

Kenney, Joseph

### CHESHIRE

Avery, Stephen  
Metzger, Katherine

DePecol, Benjamin  
Royce, H. Charles

Doucette, Richard  
Smith, Edwin

Hunt, John  
Steere, Myron, III

### COOS

Guay, Lawrence  
Tholl, John, Jr.

Horton, Lynn

Mears, Edgar

Pratt, Leighton

### GRAFTON

Alger, John  
Hill, Richard  
Root, John  
Williams, William, Jr.

Brown, Channing  
Hinman, Harry  
Teschner, Douglass

Chase, Paul, Jr.  
MacNeil, Allen  
Trelfa, Richard

Eaton, Stephanie  
Phinney, William  
Weber, Phil

### HILLSBOROUGH

Ackerman, Philip  
Amidon, Eleanor  
Boutin, David  
Clegg, Robert, Jr.  
Dokmo, Cynthia

Allen, W. Gordon  
Arnold, Thomas, Jr.  
Brundige, Robert  
Cote, David  
Drabinowicz, A. Theresa

Alukonis, David  
Batula, Peter  
Calawa, Leon, Jr.  
D'Allesandro, Lou  
Durham, Susan

Ameen, W.  
Belvin, William  
Carney, Lauren  
Daniels, Gary  
Dwyer, Paul, Sr.

Emerton, Lawrence, Sr.	Fields, Dennis	Flora, Kathleen	Foster, Joseph
Foster, Linda	Franks, Suzan	Gagnon, Eugene	Ginsburg, Ruth
Golding, William	Gosselin, Gerald	Haettenschwiller, Alphonse	Hall, Betty
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Holt, David
Hunter, Bruce	Johnson, Lionel	Konys, Christine	Kurk, Neal
LaRose, Richard	Lefebvre, Roland	Lessard, Rudy	Lozeau, Donnalee
Luebker, Bernard	MacGillivray, Jeffrey	McCarty, Winston	McGough, Tim
Melcher, Harold	Mercer, Robert	Milligan, Robert	Murphy, Robert
O'Hearn, Jane	Peterson, Andrew	Reidy, Frank	Sargent, Maxwell
Searles, Stanley, Sr.	Tate, Joan	Thulander, O. Alan	Turgeon, Roland
Wheeler, Robert	White, Donald	Wright, George	

### MERRIMACK

Burney, Carol	Chandler, Earle	Crosby, Toni	Crowell, Peter
Daneault, Gabriel	Davis, Francis	DeStefano, Stephen	Dunn, Miriam
Hager, Elizabeth	Hess, David	Hoadley, Elizabeth	Langer, Ray
Larrabee, David	Leber, William	Marshall, Kenneth	Moore, Carol
Morrill, Olive	Nichols, Avis	Owen, Derek	Pfaff, Terence
Whalley, Michael	Whittemore, James	Yeaton, Charles	

### ROCKINGHAM

Ardt, Janet	Beaulieu, Jon	Belanger, Ronald	Carson, Gregory
Case, Margaret	Christie, Andrew, Jr.	Cooney, Richard	Cote, Patricia
Dodge, Robert	Dolan, Richard	Downing, Michael	Dunham, Vivian
Flanagan, Natalie	Flanders, David	Flanders, John, Sr.	Frechette, Joseph
Gleason, John	Griffin, Mary	Guthrie, Joseph	Heath, John
Henderson, Warren	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Klemm, Arthur, Jr.	Kobel, Rudolph	Langone, John
Letourneau, Robert	Lovejoy, Marian	Malcolm, Kenneth	Micklton, Stephanie
Mikowski, Walter	Moore, Benjamin	Nowe, Ronald	Packard, Sherman
Pantelakos, Laura	Raynowska, Bernard	Reardon, Neil	Rubin, George
Smith, Kevin	Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony
Tufts, J. Arthur	Varrell, Thomas	Vaughn, Charles	Verani, Giovanni
Welch, David	Woods, Deborah		

### STRAFFORD

Berube, Roger	Brown, Julie	Callaghan, Frank	Cossette, Larry
Estabrook, Iris	Heon, Richard	Kaen, Naida	Knowles, William
McKinley, Robert	Musler, George	Rollo, Michael	Snyder, Clair
Spear, Barbara	Sullivan, Henry	Torr, Ann	Torr, Franklin
Twardus, Joseph	Wall, Janet		

### SULLIVAN

Burling, Peter	Cloutier, John	Ferland, Brenda	Leone, Richard
Palmer, Lorraine	Robb-Theroux, Amy	Schotanus, Merle	Wiggins, Celestine

and the motion failed.

Rep. Martin did not vote and wished to be recorded against.

The question now being the adoption of the report.

Rep. David Welch requested a roll call; sufficiently seconded.

**YEAS 210 NAYS 104**

**YEAS 210**

### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Golden, Paul	Holbrook, Robert	Rosen, Ralph	Salatiello, Thomas
Thomas, John	Turner, Robert		



**CARROLL**

Bradley, Jeb  
Howard, Godfrey  
Philbrick, Donald

Chandler, Gene  
Kenney, Joseph

Cooper, Kipp  
Lyman, L. Randy

Dickinson, Howard, Jr.  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Manning, Joseph  
Steere, Myron, III

DePecol, Benjamin  
Metzger, Katherine

Doucette, Richard  
Royce, H. Charles

Hunt, John  
Smith, Edwin

**COOS**

Davis, Perley  
Mears, Edgar

Guay, Lawrence  
Pratt, Leighton

Hawkinson, Marie  
St. Hilaire, Paul

Horton, Lynn  
Tholl, John, Jr.

**GRAFTON**

Akins, Ralph  
Chase, Paul, Jr.  
Hinman, Harry  
Trelfa, Richard

Alger, John  
Eaton, Stephanie  
MacNeil, Allen  
Weber, Phil

Almy, Susan  
Guaraldi, Lawrence  
Phinney, William  
Williams, William, Jr.

Brown, Channing  
Hill, Richard  
Teschner, Douglass

**HILLSBOROUGH**

Ackerman, Philip  
Arnold, Thomas, Jr.  
Brundige, Robert  
Cote, David  
Dokmo, Cynthia  
Fields, Dennis  
Franks, Suzan  
Gosselin, Gerald  
Holley, Sylvia  
Kurk, Neal  
Lozeau, Donnalee  
McGough, Tim  
Milligan, Robert  
Reidy, Frank  
Tate, Joan  
White, Donald

Alukonis, David  
Batula, Peter  
Calawa, Leon, Jr.  
D'Allesandro, Lou  
Durham, Susan  
Flora, Kathleen  
Gagnon, Eugene  
Goulet, Maurice  
Holt, David  
LaRose, Richard  
Luebker, Bernard  
Melcher, Harold  
Murphy, Robert  
Rowe, Robert  
Thulander, O. Alan  
Wright, George

Ameen, W.  
Belvin, William  
Carney, Lauren  
Daniels, Gary  
Dwyer, Paul, Sr.  
Foster, Joseph  
Ginsburg, Ruth  
Hall, Betty  
Hunter, Bruce  
Lefebvre, Roland  
MacGillivray, Jeffrey  
Mercer, Robert  
O'Hearn, Jane  
Sargent, Maxwell  
Turgeon, Roland

Amidon, Eleanor  
Boutin, David  
Clegg, Robert, Jr.  
Dawe, Eileen  
Emerton, Lawrence, Sr.  
Foster, Linda  
Golding, William  
Hansen, Herbert  
Johnson, Lionel  
Lessard, Rudy  
Martin, Mary  
Messier, Irene  
Peterson, Andrew  
Searles, Stanley, Sr.  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Crosby, Toni  
DeStefano, Stephen  
Hoadley, Elizabeth  
Leber, William  
Pfaff, Terence

Brown, Mary  
Crowell, Peter  
Dunn, Miriam  
Jacobson, Alf  
Marshall, Kenneth  
Whalley, Michael

Burney, Carol  
Daneault, Gabriel  
Hager, Elizabeth  
Langer, Ray  
Morrill, Olive  
Whittemore, James

Chandler, Earle  
Davis, Francis  
Hess, David  
Larrabee, David  
Nichols, Avis

**ROCKINGHAM**

Abbott, Dennis  
Camm, Kevin  
Cote, Patricia  
Downing, Michael  
Flanders, John, Sr.  
Guthrie, Joseph  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman

Ardm, Janet  
Carson, Gregory  
Cushing, Robert  
Dunham, Vivian  
Frechette, Joseph  
Heath, John  
Katsakiores, Phyllis  
Langone, John  
Malcolm, Kenneth

Beaulieu, Jon  
Case, Margaret  
Dodge, Robert  
Flanagan, Natalie  
Gleason, John  
Henderson, Warren  
Kelley, Jane  
Letourneau, Robert  
Micklon, Stephanie

Belanger, Ronald  
Christie, Andrew, Jr.  
Dolan, Richard  
Flanders, David  
Griffin, Mary  
Johnson, Robert  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
Mikowski, Walter

Moore, Benjamin  
Rubin, George  
Tufts, J. Arthur  
Welch, David

Nowe, Ronald  
Smith, Kevin  
Varrell, Thomas  
Weyler, Kenneth

Packard, Sherman  
Stone, Joseph  
Vaughn, Charles  
Woods, Deborah

Pantelakos, Laura  
Syracusa, Anthony  
Verani, Giovanni

### STRAFFORD

Berube, Roger  
Knowles, William  
Snyder, Clair  
Torr, Ann

Brown, Julie  
McKinley, Robert  
Spear, Barbara  
Torr, Franklin

Callaghan, Frank  
Musler, George  
Sullivan, Henry  
Twardus, Joseph

Cossette, Larry  
Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

### SULLIVAN

Burling, Peter  
Palmer, Lorraine

Cloutier, John  
Robb-Theroux, Amy

Ferland, Brenda  
Schotanus, Merle

Leone, Richard

### NAYS 104

### BELKNAP

Pilliod, James

Veazey, John

### CARROLL

Babson, David, Jr.

Mock, Henry

### CHESHIRE

Bonneau, Sarah  
McGuirk, Paul  
Robertson, Timothy

Burnham, Daniel  
McNamara, Wanda  
Russell, Ronald

Lynch, Margaret  
Pratt, John  
Vogl, John

Lynott, Margaret  
Richardson, Barbara

### COOS

Bradley, Paula

Merrill, Gerald

Moynihan, Wayne

### GRAFTON

Below, Clifton  
Mirski, Paul

Cobbin, Philip  
Root, John

Ham, Bonnie

LaMott, Paul

### HILLSBOROUGH

Allen, W. Gordon  
Chabot, Robert  
Drabinowicz, A. Theresa  
Haettenschwiller, Alphonse  
Konys, Christine  
McCarty, Winston  
Vaillancourt, Steve

Bergin, Peter  
Christiansen, Lars  
Dyer, Merton  
Hart, Nick  
Lynde, Harold  
Morello, Michael  
White, Jay

Buckley, Raymond  
Daigle, Robert  
Fenton, James  
Herman, Keith  
Marcinkowski, Michael  
Perkins, Paul  
Williams, Carol

Carlson, Donald  
Desrosiers, William  
Gage, Ruth  
Jean, Loren  
McCarthy, William  
Piteri, Dawn

### MERRIMACK

Feuerstein, Martin  
Krueger, Patricia  
Owen, Derek  
Wallin, Jean

Fraser, Marilyn  
Lavoie, Gerard  
Reardon, Tara  
Yeaton, Charles

French, Barbara  
Lockwood, Robert  
Rogers, Katherine

Gile, Mary  
Moore, Carol  
St. Cyr, Gerard

### ROCKINGHAM

Bishop, Franklin  
Francoeur, Sheila  
McKinney, Betsy  
Raynowska, Bernard  
Stritch, C. Donald

Blanchard, MaryAnn  
Gibbons, Paul  
Norelli, Terie  
Reardon, Neil

Cooney, Richard  
Hutchinson, Rebecca  
Pitts, Jacqueline  
Sapareto, Frank

Dalrymple, Janeen  
Langley, Jane  
Rabideau, Marie  
Stickney, Nancy

**STRAFFORD**

Bickford, David	Brennan, William	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Grassie, Anne	Hemon, Roland	Heon, Richard
Kaen, Naida	Keans, Sandra	Lundborn, Raymond	Merrill, Amanda
Merritt, Deborah	Pelletier, Arthur	Rogers, Rose Marie	Smith, Marjorie
Tsiros, William	Vachon, Dennis	Vincent, Francis	

**SULLIVAN**

Adler, Rudolf	Donovan, Thomas	Wiggins, Celestine
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and the report was adopted.

Ordered to third reading.

Rep. Below voted nay and intended to vote yea.

**REGULAR CALENDAR**

**HB 1663-FN**, relative to rulemaking under the administrative procedures act and the responsibilities of the office of legislative services and the department of administrative services, and establishing a committee to study procedures in administrative rulemaking. REFER FOR INTERIM STUDY Rep. Robert G. Holbrook for Finance: This very complex bill received many hours of debate from committees, departments, agencies and interested parties. As there were many difficult issues with no resolutions in sight, it was deemed strategic to refer this bill for interim study. Vote 17-0. Adopted.

**HB 1680-FN-A-L**, authorizing positions for the administration of retiree's health benefits by the New Hampshire retirement system and making an appropriation therefor. REFER FOR INTERIM STUDY Rep. Arthur P. Klemm, Jr. for Finance: This bill would have added two positions to administer the health benefits for retirees to the New Hampshire Retirement System. There are a number of financial issues related to this bill, and the Finance Committee would like to take more time to study this issue. Vote 19-0.

Rep. Kurk moved Recommit to Committee and spoke in favor.

Adopted.

**SB 473-FN**, relative to child day care providers. OUGHT TO PASS WITH AMENDMENT

Rep. William S. Belvin for Finance: This bill provides that child care providers that are not required to be licensed, but do receive state funds, register with the Department of Health and Human Services. Providers required to register shall be subject to the same criminal records check as licensed child day care agencies. Enhanced certification was removed due to the cost of additional employees needed at DHHS to carry out its provisions. Vote 17-0.

**Amendment (1854h)**

Amend the bill by replacing section 4 with the following:

4 New Paragraph; Registration Process. Amend RSA 170-E:11 by inserting after paragraph VII the following new paragraph:

VIII. Administration and enforcement of the registration process and maintenance of the registry established under RSA 170-E:6-a.

**AMENDED ANALYSIS**

This bill:

I. Requires child care providers that are licensed as child day care agencies or that receive state funds to either carry liability insurance or disclose to parents that they are uninsured.

II. Provides that child day care providers that are not required to be licensed, but do receive state funds, register with the department of health and human services. Child care providers required to register shall be subject to the same criminal records check as licensed child day care agencies.

III. Directs the commissioner of health and human services not to require more stringent health and safety requirements for licensed day care agencies with regard to school-age children than exist for public schools.

Adopted.

Rep. O'Hearn offered a floor amendment.



### Floor Amendment (1906h)

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

AN ACT relative to child day care providers and clarifying the procedures for background criminal checks for school employees and volunteers.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 7:

5 School Employee and Volunteer Background Investigations. Amend RSA 189:13-a to read as follows:

189:13-a School Employee *and Volunteer* Background Investigations.

I. The employing school administrative unit, school district, or charter school shall complete a background investigation, including a criminal history records check, on every selected applicant for employment [~~in any position in the~~] *with, and, by decision of the appropriate governing body, on any designated volunteer position with a school administrative unit, school district, or charter school prior to a final offer of employment or acceptance of volunteer services. For the purposes of this section, the governing body of a charter school shall be the governing body of the school district.*

II. The selected applicant for employment *with or a designated volunteer position with a school administrative unit, school district, or charter school shall submit to the employer a notarized criminal history records release form and a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the school administrative unit, school district, or charter school.*

III. The school administrative unit, school district, or charter school shall submit the criminal history records release form to the New Hampshire state police which shall conduct a criminal history record inquiry through its records and through the Federal Bureau of Investigation. *Upon completion of the background investigation, the state police shall examine the list of crimes constituting grounds for non-approval of employment, or non-acceptance of volunteer services in that school administrative unit, school district, or charter school, and shall report the presence or absence of any such crime to the school administrative unit, school district, or charter school. Under no circumstances shall the original criminal records be released to the school administrative unit, school district, or charter school.*

IV. The school administrative unit, school district, or charter school may require the selected applicant for employment *or designated volunteer* to pay the actual costs of the background investigation, including a criminal history records check.

V. Any person who has been convicted of murder, child pornography, aggravate felonious sexual assault, felonious sexual assault, or kidnapping in this state, or under any statute prohibiting the same conduct in another state, territory or possession of the United States, shall not be hired by a school administrative unit, school district, or charter school. *By decision of the appropriate governing body, a school administrative unit, school district, or charter school may add any class B felony in this state, or under any statute prohibiting the same conduct in another state, territory, or possession of the United States, to the list of crimes to be checked.*

VI. This section applies to any employee [or], selected applicant for employment, *or designated volunteer* with private businesses and agencies, *or volunteer organizations* which contract with school administrative units, school districts, or charter schools to provide services, including but not limited to cafeteria workers, school bus drivers, custodial personnel, or any other service where the contractor or employees of the contractor provide services directly to students of the district or charter school. The cost for background investigations, including criminal history records checks, for employees or selected applicants for employment with such contractors shall be borne by the contractor.

VII. *It shall be the responsibility of the local school board or other appropriate governing body in every school administrative unit, school district, and charter school in the state to identify the circumstances under which volunteers who are designated as having regular contact with pupils are required to undergo criminal background checks, and formulate an appropriate procedure to govern such circumstances. Such procedure shall be implemented within one year of the effective date of this paragraph.*

VIII. *The department of safety shall establish a maximum period of time during which criminal records obtained from outside the state as part of such a background investigation may*

*be retained. Under no circumstances shall criminal records obtained from outside the state as part of such a background investigation be kept longer than 6 months after their receipt. Such records shall be destroyed prior to the conclusion of such period.*

6 Removal of Criminal Records. Under no circumstances shall any school administrative unit, school district, or charter school which has received any criminal records prior to the effective date of this act retain such records for more than 6 months after the effective date of this act. Such records shall be destroyed prior to the conclusion of this 6-month period.

### AMENDED ANALYSIS

This bill:

I. Requires child care providers that are licensed as child day care agencies or that receive state funds to either carry liability insurance or disclose to parents that they are uninsured.

II. Provides that child day care providers that are not required to be licensed, but do receive state funds, register with the department of health and human services. Child care providers required to register shall be subject to the same criminal records check as licensed child day care agencies.

III. Requires the commissioner of health and human services to develop a system of certification for licensed day care agencies that provide greater services, such as preschool education.

IV. Directs the commissioner of health and human services not to require more stringent health and safety requirements for licensed day care agencies with regard to school-age children than exist for public schools.

V. Requires criminal background investigations of all school volunteers designated as having regular contact with pupils and establishes a maximum time period for retaining criminal records used in such background checks.

This bill is a recommendation of the study committee on SB 103 (1997, 64).

Rep. O'Hearn spoke in favor and yielded to questions.

Adopted.

Report adopted and ordered to third reading.

**SB 483-FN**, exempting certain businesses from the electronic filing requirement under the meals and rooms tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Vaughn for Finance: This bill, as amended, permits returns from the meals and rooms tax to be filed by mail or through electronic data submission. Electronic data submission has proved most successful. Nonetheless, small entrepreneurs and renters of summer cottages prefer, at this time, to file by mail. The amendment stipulates that if filing is done by mail, business persons shall forfeit any amounts retained pursuant to RSA 78-A: 7 III - the 3 percent refund. One person currently processes the tele-file returns and would continue to do so, without additional expense to the state under the bill as amended. Vote 15-2.

Rep. Kurk moved Recommit to Committee and spoke in favor.

Adopted.

### RESOLUTION

Rep. Wheeler 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, June 4, 1998 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**SB 479-FN**, establishing a committee to study the supervision of juvenile delinquents on probation or parole.

**SB 342**, relative to capital appropriations for the Glencliff home for the elderly.

**SB 391-FN-A**, exempting personal property which is subject to taxation under the legacies and successions tax from the 2 percent tax on transfers of personal property of nonresident decedents.

**SB 504-FN**, relative to members of predecessor systems of the New Hampshire retirement system.

*SB 507*, establishing a committee to study pharmaceutical assistance for the elderly.

*SB 376*, relative to animal cruelty.

*SB 437*, requiring a one year mandatory prison sentence for a third DWI conviction.

*SB 473-FN*, relative to child day care providers.

### MOTION TO SUSPEND RULES

Rep. Hemon moved that the Rules be so far suspended as to allow the drafting and introduction, after the deadline, of two resolutions of impeachment pursuant to Article 17, Part II and Article 38, Part II of the New Hampshire Constitution, the one directed at the seven justices of the New Hampshire Supreme Court and the other directed to the 15 Senators who voted to request an opinion from them with respect to Senate Bill 508 and House Bill 1280.

Rep. Hemon spoke in favor and withdrew his motion.

Rep. Burling requested a quorum count. The Speaker declared a quorum present.

### UNANIMOUS CONSENT

Rep. Ann Torr addressed the House.

Rep. Jeb Bradley moved that the remarks made by Rep. Ann Torr be printed in the Journal.

Adopted by acclamation.

Rep. Ann Torr: Thank you, Madam Speaker. A little more than 14 years ago, I stood before this body for the first time feeling the nervousness of a freshman on her first bill. It is with considerable sadness that I stand before you today to tell you that I plan to retire from serving in the New Hampshire House following the end of this legislative session. It has been a great 14 years.

Having served under four House Speakers and four Governors, I learned the ways of parliamentary procedure and how to recite the third reading motion — really fast. More notably, I have served the citizens of New Hampshire alongside some of the finest people I have ever known. We shared our wisdom, some sage advice and many responsibilities. And although we did not all agree on the matters of the day, friendships, in this chamber, are never indefinitely postponed.

In saying thank you to my peers here today, and those in the past, I want to recognize the precedent that you, Madam Speaker, and Governor Jeanne Shaheen have set for the women of New Hampshire. And in acknowledgment of your responsibility and tenacity, I wish you many years of continued success.

Unfortunately, fate has led me down a path of degenerative eyesight. As my vision continues to diminish with time, I have decided to devote my pursuits to the other loves I have besides serving in the Legislature. By that I mean my family, my wonderful husband, Frank, my grandchildren, and my enjoyment of travel and antique collecting.

Having hoped for nothing when entering this chamber years ago, through hard work, dedication, and honesty, I was able to experience many positions of responsibility for which I am truly grateful and proud. It is a misfortune to undergo a continued loss of sight at this stage in my life but I am not sad. In these chambers, I received more than I had ever hoped for and for that I feel richly blessed.

As I stand here for the final time in this cherished well, I feel compelled to thank each and every one of you for your love, your respect, and the wonderful memories. It has indeed been a privilege. Thank you.

Reps. David Welch, Lozeau and Eaton addressed the House.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 1:12 p.m.

### RECESS

(Rep. David Welch in the Chair)

### ENROLLED BILL AMENDMENTS

*SB 320*, relative to notice by a state agency to certain persons of proposed rulemaking activity. (Amendment printed SJ 18, 6/4/98)

Adopted.



**SB 371**, requiring health carriers to provide certain information to health care providers and consumers. (Amendment printed SJ 18, 6/4/98)  
Adopted.

## RECESS

(Rep. Amanda Merrill in the Chair)

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1215 and 1630.

Rep. Pfaff, Sen. Barnes for the Committee

**ENROLLED BILL AMENDMENT**

**HB 1597-FN**, relative to providing more cost-effective special education services.

**Amendment (1864-EBA )**

Amend RSA 186-C:2, I as inserted by section 2 of the bill by replacing line 9 with the following:  
*placement prior to his or her incarceration in an adult correctional facility was not actually*  
Adopted.

## RECESS

(Rep. Jacobson in the Chair)

**RESOLUTION**

Rep. Alukonis offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Constitutional Amendment Concurrent Resolution numbered 51 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.  
Adopted.

**INTRODUCTION OF SENATE CACR****First, second reading and referral**

**CACR 51**, relating to establishing a restricted education trust fund. Providing that: an education trust fund be established, that all moneys designated for the purpose of state aid to education shall be directly transferred to such trust fund, and that the moneys in such trust fund shall be used exclusively for state aid to education. (Finance)

**ENROLLED BILL AMENDMENTS**

**SB 140**, relative to the obligations of joint owners to the nuclear decommissioning financing fund and relative to the membership of the nuclear decommissioning financing committee. (Amendment printed SJ 18, 6/4/98)  
Adopted.

**SB 301**, relative to teacher renomination and the application of teacher professional and performance standards. (Amendment printed SJ 18, 6/4/98)  
Adopted.

## RECESS

(Rep. Hunt in the Chair)

**ENROLLED BILL AMENDMENT**

**SB 486**, relative to old age and survivors' insurance. (Amendment printed SJ 18, 6/4/98)  
Adopted.

## RECESS

(Speaker Sytek in the Chair)

Rep. Channing Brown moved that the House adjourn.  
Adopted.

## HOUSE JOURNAL No. 16

Thursday, June 4, 1998

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O, God of great encouragement, as these representatives enter a season of their work which requires of them exceptional perseverance and collegiality, grant unto them Your enthusiasm that they may not grow weary in their labors and bestow upon them Your kindness so that they may welcome each other with care and consideration. May all representatives and staff members who support them find in the midst of their work the presence of Your grace and the abundance of Your wisdom. Amen.

Rep. Fenton led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Champagne, Robert Foster, Healy, Mears, Noyes, Pepino, Sabella, Paul Taylor, Tholl and Weber, the day, illness.

Reps. Allen, Allison, Barry, Paula Bradley, Carney, Cegelis, Coes, Colburn, Connolly, Peter Cote, Ham, Heon, Robert Kelley, Laflam, Lavoie, Lynde, Messier, Moynihan, O'Keefe, Marsha Pelletier, Phinney, Neil Reardon, Salatiello, Simmons, Marjorie Smith, Steere, Trelfa and Vaughn, the day, important business.

Reps. Clay and Rice, the day, illness in the family.

### INTRODUCTION OF GUESTS

Jenni Virtanen and Annika Ilveskoski, guests of Rep. Robertson. Bob Batchlder, guest of Rep. John Pratt. Shannon McNamara, Erica Dorland and James Lichoulas, daughter and guests of Rep. McNamara. The American Government class from Kingswood Regional High School, guests of Reps. Babson and Jeb Bradley. The fourth grade class from the Kensington Elementary School, guests of the Exeter Delegation.

### SPECIAL GUESTS

University of New Hampshire student Jerry Azumah, recipient of the 1997 Gold Helmet Award, guest of Rep. D'Allesandro and the House.

Winners of the 1998 Granite State Challenge from Salem High School, Mike Smith, Carolyn LaChance, Mark Vareschi, Bernie Campbell, Kate Ciarametaro and Shian Sung, their coach, John Sytek, and Salem High School Principal Patrick Corbin, guests of the House.

### CONFEREE APPOINTMENTS

**HB 1371**, requiring the collection of certain data on Children and parents in the state case registry for use in child support enforcements.

The Speaker appointed Reps. Pfaff, Keans, Kurk and Wall.

### SENATE MESSAGES

#### CONCURRENCE

**HB 1121**, making technical corrections to the election laws.

**HB 1435**, relative to board of tax and land appeals jurisdiction over town line disputes, relative to time limits for abatement and appeal of a land use change tax, relative to the vote required for a legislative body of a municipality to accept a street, and relative to allowing municipalities to except islands from certain requirements concerning streets.

**HB 1447**, relative to approval by the legislative body of cost items in a collective bargaining agreement.

**HB 1543-FN-L**, relative to disbursement of income of persons held or imprisoned in a county department of corrections facility.

**CONCURRENCE WITH AMENDMENTS**

**SB 161-FN-A**, relative to a master plan of Odiorne Point State Park.

**SB 319**, establishing a committee to study the parole system and methods to increase its efficiency.

**SB 321-FN-L**, relative to creating a joint maintenance high school in certain towns.

**SB 341**, relative to the implementation of electric utility restructuring.

**SB 377**, authorizing the organization of merchant banks to provide equity financing and related services to small businesses.

**SB 415**, relative to the authority of zoning boards of adjustment to grant variances from certain zoning ordinances.

**SB 471-FN**, creating the presumption that a juvenile charged with a driving while intoxicated felony offense, shall be certifiable as an adult.

**SB 495**, relative to the university system study committee.

**NONCONCURRENCE**

**HB 1170-FN**, allowing municipalities to designate areas and conditions for the placement of political advertising and relative to the removal of improperly placed political advertising.

**HB 1204**, relative to political party expenditures.

**HB 1446**, relative to certain private employers under workers' compensation.

**HB 1488**, amending the definition of candidate and requiring additional reporting under the political expenditures and contributions act.

**HB 1622-FN**, relative to remedies and appeals under the whistleblowers' protection act.

**REFERRED FOR INTERIM STUDY**

**HB 1252**, relative to the right to farm.

**HB 1500**, relative to powers of appointment.

**REFUSES TO ACCEDE TO REQUEST FOR COMMITTEE OF CONFERENCE**

**HB 505**, relative to smoking in indoor public places.

**ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE**

**HB 1291-FN**, relative to management of the state ski areas at Mount Sunapee and Cannon Mountain. The President appointed Sens. Frederick King, Johnson and Hollingworth.

**HB 1448**, relative to confidential communication between victims and counselors. The President appointed Sens. Gordon, Pignatelli and David Wheeler.

**NONCONCURS WITH AMENDMENTS****REQUESTS COMMITTEES OF CONFERENCE**

**SB 197-FN**, relative to final dispositional orders in child protection cases.

The President appointed Sens. Gordon, Squires and Pignatelli.

Rep. Pfaff moved that the House accede.

Adopted.

The Speaker appointed Reps. Julie Brown, Richardson, Pfaff and Dowling.

**SB 397**, relative to the composition of the pharmacy board.

The President appointed Sens. Danais, John King and Francoeur.

Rep. Mercer moved that the House accede.

Adopted.

The Speaker appointed Reps. Goulet, Stickney, Sapareto and Gile.

**REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 485**, relative to limited electrical energy producers. (Amendment printed SJ 16, 5/21/98)

Rep. Jeb Bradley moved that the House concur.

Adopted.

**HB 1109**, allowing prepayment of property taxes before April 1. (Amendment printed SJ 15, 5/14/98)

Rep. Hess moved that the House concur.

Adopted.



**HB 1129**, relative to the penalty and substance abuse treatment for multiple DWI offenders who have previously successfully completed a multiple DWI offender intervention detention center program. (Amendment printed SJ 17, 5/28/98)

Rep. David Welch moved that the House concur.

Adopted.

**HB 1196**, relative to coordinating and compiling studies and establishing a lead education program concerning the effects of lead on water birds and other wildlife. (Amendment printed SJ 16, 5/21/98)

Rep. Mock moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Mock, Nowe, Carlson and Rollo.

**HB 1224**, requiring the department of environmental services to test sludge or biosolids to be used for land application and assessing fees to sludge quality certification holders. (Amendment printed SJ 14, 5/7/98)

Rep. McRae moved that the House concur.

Adopted.

**HB 1226**, creating the educational credential of master teacher. (Amendment printed SJ 17, 5/28/98)

Rep. O'Hearn moved that the House concur.

Adopted.

**HB 1279**, relative to the procedures for vacating uninhabitable or unsafe buildings. (Amendment printed SJ 17, 5/28/98)

Rep. David Welch moved that the House concur.

Adopted.

**HB 1314**, relative to enforceable provisions in retail installment contracts for motor vehicles. (Amendment printed SJ 16, 5/21/98)

Rep. Hunt moved that the House concur.

Adopted.

**HB 1369**, revising the student membership of the university system of New Hampshire board of trustees. (Amendment printed SJ 15, 5/14/98)

Rep. O'Hearn moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Henderson, Dearborn, Luebker and Guest.

**HB 1411**, establishing a committee to study the feasibility of creating a nonprofit, public corporation to facilitate the availability of affordable health insurance for the uninsured and underinsured by organizing large purchasing groups of subsidized and non-subsidized subscribers and establishing the individual health insurance market mandatory risk sharing plan. (Amendment printed SJ 17, 5/28/98)

Rep. Hunt moved that the House concur.

Adopted.

**HB 1430**, relative to political expenditure limitation amounts. (Amendment printed SJ 9, 4/2/98)

Rep. Arndt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Arndt, Horton, Joseph Foster and Pfaff.

**HB 1444**, requiring a special primary for all parties if there are at least 2 candidates for election from one party. (Amendment printed SJ 16, 5/21/98)

Rep. Arndt moved that the House concur and spoke in favor.

Adopted.

**HB 1496**, relative to energy facility evaluation. (Amendment printed SJ 17, 5/26/98)

Rep. Jeb Bradley moved that the House concur and spoke in favor.

Adopted.

**COMMITTEE REPORTS**  
**CONSENT CALENDAR**

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

Consent Calendar adopted.

**SB 417-FN**, continuing the court modernization fund and its source of funding from penalty assessments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert G. Holbrook for Finance : This bill re-establishes the Court Modernization Fund until June 30, 2001 and the amendment appropriates \$59,780 to the Department of Administrative Services for maintenance of the new judicial branch administration building as it appears to be ready for occupancy earlier than expected. Vote 18-0.

**Amendment (1890h)**

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

**AN ACT** continuing the court modernization fund and its source of funding from penalty assessments and making an appropriation for maintenance of the new judicial branch administration building.

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

4 Appropriation; Administrative Services. The sum of \$59,780 for the fiscal year ending June 30, 1999, is hereby appropriated to the department of administrative services to provide funding for maintenance of the new judicial branch administration building. This sum shall be utilized for the following purposes: \$4,000 for current expense; \$47,880 for utilities; \$1,000 for building security safety; and \$6,900 for building and grounds maintenance. This appropriation shall be in addition to any other sums appropriated to the department of administrative services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date.

I. Section 4 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect June 29, 1998.

**AMENDED ANALYSIS**

This bill continues the court modernization fund and its source of funding from penalty assessments until July 1, 2001.

The bill also makes an appropriation to the department of administrative services for maintenance of the new judicial branch administration building.

**SB 423-FN**, relative to eligibility for cost of living adjustments for retired members or beneficiaries in the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Arthur P. Klemm, Jr. for Finance: This bill allows COLAs on the members' latest anniversary date of their retirement. The amendment changes the waiting period a person must be retired before they are eligible for a COLA from 24 months to 12 months. The reason for this is that as of June 30, 1997 there was \$234.6 million in the special account with the expected balance as of June 30, 1998 to increase to \$267 million. The cost of a COLA depending upon the percentage of increase would be between \$1 million and \$5 million. The Committee felt that, since this was the members' own money, they should be allowed a COLA after 12 months instead of 24. Vote 17-0.

**Amendment (1841h)**

Amend RSA 100-A:41-A, I as inserted by section 1 of the bill by replacing it with the following:

I. [~~On July 1, 1994, and on every July 1 thereafter,~~] Any retired member of the New Hampshire retirement system or any of its predecessor systems, who has been retired for at least ~~[24]~~ 12 months, or any beneficiary of such member who is receiving an allowance, shall be entitled to receive supplemental allowances, also known as cost of living adjustments or COLA's, *on the retired member's latest anniversary date*. The amount of such supplemental allowances shall be limited to from one percent to 5 percent, with increments of no less than 1/2 of one percent.

**SB 457-FN**, relative to the eligibility of employment program participants for workers' compensation. OUGHT TO PASS

Rep. Robert G. Holbrook for Finance: This bill clarifies certain statutory provisions whereby participants in the New Hampshire employment program are eligible for workers' compensation benefits. The participants are to be considered employees of the state and the sponsor for workers' compensation purposes only. There is no fiscal effect on the state budget. Vote 19-0.

**SB 490-FN**, relative to life and accident and health insurance and relative to certain salaries. OUGHT TO PASS

Rep. Arthur P. Klemm, Jr. for Finance: This bill as it came over from the Senate clarified the definition of indebtedness with respect to credit life insurance, clarifies the coverage for mental and nervous conditions under HMO's and swaps the salary grades of two positions in the Department of Insurance. Since the salary level of the two positions was approved in the current budget, there is no additional fiscal impact to this bill. Vote 19-0.

**SB 503-FN**, relative to the New Hampshire community technical college system. OUGHT TO PASS

Rep. David J. Alukonis for Finance: This bill initiates the first step in assisting the regional community technical college system to attain a greater level of independence from the state in accordance with the recommendations made by the joint legislative university oversight committee. The bill will allow greater flexibility in the operation of the college system while allowing the legislature to maintain its current level of budgetary control. The bill will also exempt instructional staff from the hiring freeze which affects the current biennium. This exemption will impact the general fund by a maximum of \$60,000 during the last six months of FY 1999. Vote 19-0.

**SB 346**, establishing a task force to study the foster care system. OUGHT TO PASS

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill establishes a task force to study the foster care system, including the issues of overall efficiency, retention, foster parent training, and monetary reimbursement within the system. Vote 16-0.

### REGULAR CALENDAR

**SB 312**, relative to the health care transition fund. OUGHT TO PASS WITH AMENDMENT

Rep. Neal M. Kurk for Finance: This bill is intended to protect the principal of the Health Care Transition Fund. The Committee amendment provides that, after the current biennium, the principal in the fund cannot be diminished except by separate legislation whose content relates to the fund only. A non-germane amendment, on which a public hearing was held, was added to the bill. Through it, the legislature approves a settlement of a suit by the NH Health Care Association against the state. This is required by RSA 14:35-b for any settlement the value of which exceeds 1/4 of one percent of state general fund revenues. The settlement involves the payment in FY 1998 of some \$2.6 million to private and county nursing homes and provides for two 3% nursing home rate increases in the future. The Department of Health and Human Services states that current appropriations in their budget's nursing home line are sufficient to cover the cost of the settlement in this biennium. Vote 13-6.

#### Amendment (1914h)

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

**AN ACT** relative to the health care transition fund and approving the settlement between the department of health and human services and the county nursing homes.

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

1 New Paragraphs; Limitations Added. Amend RSA 167:74 by inserting after paragraph III the following new paragraphs:

IV. Notwithstanding any law to the contrary and beginning with the fiscal biennium ending June 30, 2001, the amount of principal in the health care transition fund established in RSA 167 shall remain at least the same at the end of each biennium as it was at the beginning of the biennium, unless specifically authorized by both houses of the general court in separate legislation, specifically containing only legislation relative to the health care transition fund established in RSA 167.

V. Notwithstanding paragraph IV or any other law to the contrary, the cap on the health care transition fund shall be \$100,000,000



2 Legislative Approval of Settlement. Notwithstanding any other provision of law, the agreement executed by and between the New Hampshire department of health and human services, Terry L. Morton, commissioner, the New Hampshire Health Care Association by and on behalf of all its members and member facilities and the New Hampshire Association of Counties by and on behalf of all of its members and member facilities, in resolution of the dispute between them including all issues related to the amendments to the New Hampshire Medicaid state plan implemented in October 1995 and October 1996 and the lawsuit entitled *The New Hampshire Health Care Association on behalf of all its association members, Petitioner v. Terry L. Morton, individually and as he is the Commissioner of the Department of Health and Human Services of the State of New Hampshire and the State of New Hampshire, Department of Health and Human Services, Respondents* (Docket No. 97-E-0106), is a settlement of a court claim against the state requiring the approval of the legislature pursuant to RSA 14:35-b and the legislature hereby approves such settlement.

3 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.

### AMENDED ANALYSIS

The bill requires the principal in the health care transition fund to remain at least the same amount at the end of each biennium as at the beginning of such biennium, unless specifically authorized by the general court. The bill caps the fund at \$100,000,000.

The bill also establishes that the agreement by and between the department of health and human services and the county nursing homes is a settlement of a court claim which, if it is in excess of ¼ of one percent of the total reported general fund revenues for the previous fiscal year, shall be subject to the approval of the legislature and that the legislature approves such settlement.

Rep. Kurk yielded to questions.

On a division vote, 219 members having voted in the affirmative and 96 in the negative, the amendment was adopted.

Report adopted and ordered to third reading.

### SB 462-FN, relative to any general fund surplus at the close of the current biennium. OUGHT TO PASS WITH AMENDMENT

Rep. Robert G. Holbrook for Finance: This amended bill creates three study commissions as described in HB 1075, dealing with the cost of a constitutionally adequate education, special education and school facilities. \$55,000 is appropriated to the commissions to facilitate this work. These studies need to be started this year. Also, the sum of \$163,000 is appropriated to the New Hampshire Veterans' Home for unanticipated expenses, especially medical expenses and utility costs. Vote 16-2.

### Amendment (1892h)

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

AN ACT establishing certain commissions relative to educational issues, and making an appropriation therefor, and making an appropriation to the New Hampshire Veterans' Home.

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

1 Creation of a Commission to Study Costs of Providing an Adequate Education and Methods of Distributing Grants to Municipalities.

I. Within 14 days after the effective date of this section, a commission shall be established to undertake a rigorous and complete review of both the methodology used to calculate the cost of a constitutionally adequate education and the formula used to distribute grants to municipalities. The department of justice shall provide the commission with such legal assistance as the commission deems necessary.

II. The issues considered shall include, but not be limited to, education system delivery efficiencies and geographic and demographic factors.

III. (a) The voting members of the commission shall be:

- (1) Three members of the house of representatives, appointed by the speaker of the house.
- (2) Three members of the senate, appointed by the president of the senate.
- (3) Three individuals appointed by the governor.

(b) The nonvoting members of the commission shall be:

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

(2) The commissioner of the department of revenue administration, or designee.

(c) The commission shall elect its own chairperson from among the membership of the commission.

IV. The commission shall issue its report and recommendation to the speaker of the house, the senate president, the house clerk, the senate clerk, the state library, and the governor no later than December 1, 1998.

V. The sum of \$50,000 for the fiscal year ending June 30, 1999, is hereby appropriated for the purposes of this section. The governor is authorized to draw a warrant for this sum out of any money in the treasury not otherwise appropriated.

## 2 Creation of a Commission to Study Special Education Issues.

I. Within 14 days after the effective date of this section, a commission shall be established to review and analyze special education issues. Such issues shall include, but not be limited to, identification of students with disabilities, delivery of special education and educationally-related services, unique needs or circumstances of individual districts, and costs and funding of services. The department of justice shall provide the commission with such legal assistance as the commission deems necessary.

II. (a) The voting members of the commission shall include:

(1) Three members of the house of representatives, appointed by the speaker of the house.

(2) Three members of the senate, appointed by the president of the senate.

(3) Three individuals appointed by the governor.

(b) The commissioner of the department of education, or designee, shall serve as a nonvoting member of the commission.

(c) The commission shall elect its own chairperson from among the membership of the commission.

III. The commission's final report shall be filed with the speaker of the house, the senate president, the senate clerk, the house clerk, the state library, and the governor by December 1, 1998.

IV. The sum of \$5,000 for the fiscal year ending June 30, 1999, is hereby appropriated for the purposes of this section. The governor is authorized to draw a warrant for this sum out of any money in the treasury not otherwise appropriated.

3 Commission Study Concerning Public School Facilities and the Distribution of Building Aid. By July 1, 1999, the state board of education shall commission a statewide qualitative study to determine the adequacy and condition of all New Hampshire public school facilities and to review the current method for distributing school building aid. Based on this study, the board shall make recommendations to the legislature and the governor by September 1, 2000.

4 Appropriation; New Hampshire Veterans' Home. The sum of \$163,000 for the fiscal year ending June 30, 1998, is hereby appropriated to the New Hampshire veterans' home. This appropriation shall be in addition to any other sums appropriated to the New Hampshire veterans' home. Of this \$163,000, \$153,000 is appropriated to PAU 05, 02, 01 to fund unanticipated increases in the costs of prescription drugs and medical supplies, the payment of holiday pay for the remainder of the fiscal year, and the payment of compensatory pay for direct care personnel accumulated for more than one year, and \$10,000 is appropriated to PAU 05, 02, 02 to fund higher than expected utility costs. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. For the fiscal year ending June 30, 1999, federal revenue received by the New Hampshire veterans' home in excess of the amounts provided in the operating budget shall be transferred to the general fund until the total of such transfers equals \$163,000.

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

Adopted.

Rep. Alger requested that the question be divided. The Speaker ruled that the question was divisible. The question now being the adoption of Sections 1, 2 and 3 of the bill.

Reps. Alger and Root spoke against.

Reps. O'Hearn and Kurk spoke in favor and yielded to questions.

On a division vote, 246 members having voted in the affirmative and 73 in the negative, Sections 1, 2 and 3 of the bill were adopted.

The question now being the adoption of Sections 4 and 5 of the bill.

The remainder of the bill was adopted.

Ordered to third reading.

**SENATE MESSAGE****ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE**

**HB 1430**, relative to political expenditure limitation amounts.

The President appointed Sens. Roberge, Patenaude and Whipple.

**COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL 1291**

**HB 1291-FN**, relative to management of the state ski areas of Mount Sunapee and Cannon Mountain. (Report printed SJ 18, 6/4/98)

Rep. Wiggins spoke against.

Reps. Royce and Merritt spoke in favor and yielded to questions.

Rep. Franklin Torr yielded to questions.

**MOTION TO LAY ON THE TABLE**

Rep. Katherine Rogers moved that the Committee of Conference report on **HB 1291-FN**, relative to management of the state ski areas of Mount Sunapee and Cannon Mountain, be laid upon the table.

Rep. Wheeler requested a roll call; sufficiently seconded.

**YEAS 127 NAYS 198****YEAS 127****BELKNAP**

None

**CARROLL**

Babson, David, Jr.

**CHESHIRE**

Bonneau, Sarah  
Lynott, Margaret  
Robertson, Timothy

Burnham, Daniel  
Pratt, Irene  
Vogl, John

Doucette, Richard  
Pratt, John

Lynch, Margaret  
Richardson, Barbara

**COOS**

Hawkinson, Marie

**GRAFTON**

Akins, Ralph  
Lovett, Sidney

Almy, Susan  
Nordgren, Sharon

Copenhaver, Marion

Guest, Robert

**HILLSBOROUGH**

Ackerman, Philip  
Briefs, Geoffrey  
Clemons, Jane  
Foster, Joseph  
Gosselin, Gerald  
Jean, Claudette  
Lefebvre, Roland  
Martin, Mary  
Murphy, Robert  
Vaillancourt, Steve

Ameen, W.  
Brundige, Robert  
Cote, David  
Foster, Linda  
Haettenschwiller, Alphonse  
Johnson, Lionel  
Leishman, Peter  
McCarthy, William  
Perkins, Paul  
Welch, Donald

Baroody, Benjamin  
Buckley, Raymond  
Daigle, Robert  
Gage, Ruth  
Hall, Betty  
Konys, Christine  
Leonard, Peter  
Melcher, Harold  
Reidy, Frank  
Wright, George

Bernier, Shannon  
Cardin, Lori  
Dwyer, Paul, Sr.  
Ginsburg, Ruth  
Hart, Nick  
L'Heureux, Robert  
Marcinkowski, Michael  
Milligan, Robert  
Turgeon, Roland

**MERRIMACK**

Burney, Carol  
Dunn, Miriam  
Krueger, Patricia  
Rogers, Katherine  
Wallner, Mary Jane

Crosby, Toni  
French, Barbara  
Langer, Ray  
Seldin, Gloria  
Whittemore, James

Daneault, Gabriel  
Gile, Mary  
Owen, Derek  
St. Cyr, Gerard  
Yeaton, Charles

DeStefano, Stephen  
Jacobson, Alf  
Reardon, Tara  
Wallin, Jean



**ROCKINGHAM**

Abbott, Dennis	Battles-Peirce, Marjorie	Blanchard, MaryAnn	Clark, Martha
Cushing, Robert	Dolan, Richard	Dunham, Vivian	Heath, John
Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane	Langone, John
Malcolm, Kenneth	Micklon, Stephanie	Norelli, Terie	Pantelakos, Laura
Pitts, Jacqueline	Sapareto, Frank	Schanda, Frank	Stickney, Nancy
Stone, Joseph	Syracusa, Anthony		

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Grassie, Anne
Keans, Sandra	Lundborn, Raymond	McCann, William, Jr.	Merrill, Amanda
Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael	Snyder, Clair
Taylor, Kathleen	Tsiros, William	Twardus, Joseph	Wall, Janet

**SULLIVAN**

Burling, Peter	Cloutier, John	Donovan, Thomas	Ferland, Brenda
Flint, Gordon	Leone, Richard	Palmer, Lorraine	Robb-Theroux, Amy
Wiggins, Celestine			

**NAYS 198****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Golden, Paul	Holbrook, Robert	Hurt, George	Pilliod, James
Rosen, Ralph	Thomas, John	Turner, Robert	Veazy, John

**CARROLL**

Bradley, Jeb	Chandler, Gene	Dickinson, Howard, Jr.	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald		

**CHESHIRE**

Avery, Stephen	Hunt, John	Manning, Joseph	McGuirk, Paul
McNamara, Wanda	Meader, David	Metzger, Katherine	Riley, William
Royle, H. Charles	Russell, Ronald	Smith, Edwin	

**COOS**

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	St. Hilaire, Paul		

**GRAFTON**

Alger, John	Below, Clifton	Brown, Channing	Eaton, Stephanie
Guaraldi, Lawrence	Hill, Richard	Hinman, Harry	LaMott, Paul
MacNeil, Allen	Mirski, Paul	Root, John	Teschner, Douglass
Williams, William, Jr.			

**HILLSBOROUGH**

Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter	Belvin, William
Bergin, Peter	Boutin, David	Burke, M. Virginia	Calawa, Leon, Jr.
Carlson, Donald	Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr.
D'Allesandro, Lou	Daniels, Gary	Dawe, Eileen	Dokmo, Cynthia
Drabinowicz, A. Theresa	Durham, Susan	Dyer, Merton	Emerton, Lawrence, Sr.
Fenton, James	Flora, Kathleen	Franks, Suzan	Gagnon, Eugene
Golding, William	Goulet, Maurice	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Holt, David	Hunter, Bruce	Jean, Loren
Kurk, Neal	LaRose, Richard	Lessard, Rudy	Letendre, Evelyn

Lozeau, Donnalee  
 McCarty, Winston  
 Mercer, Robert  
 O'Hearn, Jane  
 Rowe, Robert  
 Thulander, O. Alan

Luebker, Bernard  
 McDonald, James, Sr.  
 Mittelman, David  
 Peterson, Andrew  
 Sargent, Maxwell  
 Wheeler, Robert

MacGillivray, Jeffrey  
 McGough, Tim  
 Morello, Michael  
 Piteri, Dawn  
 Searles, Stanley, Sr.  
 White, Donald

MacIntyre, Doris  
 McRae, Karen  
 Murch, George  
 Riley, Frances  
 Tate, Joan

### MERRIMACK

Adams, Stephen  
 Crowell, Peter  
 Hager, Elizabeth  
 Leber, William  
 Morrill, Olive

Anderson, Eric  
 Davis, Francis  
 Hess, David  
 Lockwood, Robert  
 Nichols, Avis

Brown, Mary  
 Feuerstein, Martin  
 Hoadley, Elizabeth  
 Marshall, Kenneth  
 Pfaff, Terence

Chandler, Earle  
 Fraser, Marilyn  
 Larrabee, David  
 Maxfield, Roy  
 Whalley, Michael

### ROCKINGHAM

Arndt, Janet  
 Camm, Kevin  
 Cooney, Richard  
 Dodge, Robert  
 Flanagan, Natalie  
 Frechette, Joseph  
 Guthrie, Joseph  
 Katsakiores, Phyllis  
 Letourneau, Robert  
 McKinney, Betsy  
 Nowe, Ronald  
 Rubin, George  
 Varrell, Thomas

Beaulieu, Jon  
 Carson, Gregory  
 Cote, Patricia  
 Dowd, Sandra  
 Flanders, David  
 Gibbons, Paul  
 Henderson, Warren  
 Klemm, Arthur, Jr.  
 Lovejoy, Marian  
 Mikowski, Walter  
 Packard, Sherman  
 Smith, Kevin  
 Verani, Giovanni

Belanger, Ronald  
 Case, Margaret  
 Dalrymple, Janeen  
 Downing, Michael  
 Flanders, John, Sr.  
 Gleason, John  
 Johnson, Robert  
 Kobel, Rudolph  
 Major, Norman  
 Moore, Benjamin  
 Rabideau, Marie  
 Stritch, C. Donald  
 Welch, David

Bishop, Franklin  
 Christie, Andrew, Jr.  
 Dearbom, Bruce  
 Fesh, Robert  
 Francoeur, Sheila  
 Griffin, Mary  
 Katsakiores, George  
 Langley, Jane  
 McCarthy, John, Jr.  
 Morris, Debbie  
 Raynowska, Bernard  
 Tufts, J. Arthur  
 Weyer, Kenneth

### STRAFFORD

Brown, Julie  
 McKinley, Robert  
 Torr, Ann

Cossette, Larry  
 Merritt, Deborah  
 Torr, Franklin

Kaen, Naida  
 Spear, Barbara  
 Vincent, Francis

Knowles, William  
 Sullivan, Henry

### SULLIVAN

Adler, Rudolf

Kibbey, David

Lindblade, Eric

Schotanus, Merle

and the motion failed.

The question now being the adoption of the Committee of Conference report.

Reps. Katherine Rogers and Jacobson spoke against and yielded to questions.

Reps. Whalley and Gene Chandler spoke in favor and yielded to questions.

Rep. Wheeler requested a roll call; sufficiently seconded.

**YEAS 221 NAYS 101**

**YEAS 221**

### BELKNAP

Bartlett, Gordon  
 Golden, Paul  
 Rosen, Ralph

Boriso, Thomas  
 Holbrook, Robert  
 Thomas, John

Boyce, Robert  
 Hurt, George  
 Turner, Robert

Calvert, Alice  
 Pilliod, James

### CARROLL

Babson, David, Jr.  
 Howard, Godfrey  
 Mock, Henry

Bradley, Jeb  
 Kenney, Joseph  
 Patten, Betsey

Chandler, Gene  
 Lyman, L. Randy  
 Philbrick, Donald

Dickinson, Howard, Jr.  
 MacDonald, Kenneth

**CHESHIRE**

Avery, Stephen	Hunt, John	Manning, Joseph	McGuirk, Paul
McNamara, Wanda	Meader, David	Metzger, Katherine	Riley, William
Royce, H. Charles	Smith, Edwin		

**COOS**

Davis, Perley	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Merrill, Gerald	Pratt, Leighton	St. Hilaire, Paul	

**GRAFTON**

Akins, Ralph	Alger, John	Below, Clifton	Brown, Channing
Eaton, Stephanie	Guaraldi, Lawrence	Hill, Richard	Hinman, Harry
LaMott, Paul	Mirski, Paul	Root, John	Teschner, Douglass
Williams, William, Jr.			

**HILLSBOROUGH**

Ackerman, Philip	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Bergin, Peter	Boutin, David	Briefs, Geoffrey
Brundige, Robert	Burke, M. Virginia	Calawa, Leon, Jr.	Carlson, Donald
Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr.	Daniels, Gary
Dawe, Eileen	Dokmo, Cynthia	Durham, Susan	Dyer, Merton
Emerton, Lawrence, Sr.	Fenton, James	Fields, Dennis	Flora, Kathleen
Foster, Linda	Franks, Suzan	Gagnon, Eugene	Ginsburg, Ruth
Golding, William	Gosselin, Gerald	Goulet, Maurice	Haettenschwiller, Alphonse
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Holt, David
Hunter, Bruce	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Leishman, Peter	Lessard, Rudy	Letendre, Evelyn
Lozeau, Donnalee	Luebker, Bernard	MacGillivray, Jeffrey	MacIntyre, Doris
McCarty, Winston	McGough, Tim	Mercer, Robert	Mittelman, David
Morello, Michael	Murch, George	O'Hearn, Jane	Peterson, Andrew
Piteri, Dawn	Riley, Frances	Rowe, Robert	Sargent, Maxwell
Searles, Stanley, Sr.	Tate, Joan	Thulander, O. Alan	Vaillancourt, Steve
Wheeler, Robert	White, Donald	Wright, George	

**MERRIMACK**

Adams, Stephen	Anderson, Eric	Brown, Mary	Chandler, Earle
Crosby, Toni	Crowell, Peter	Daneault, Gabriel	Davis, Francis
DeStefano, Stephen	Feuerstein, Martin	Fraser, Marilyn	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Krueger, Patricia	Langer, Ray
Larrabee, David	Leber, William	Lockwood, Robert	Marshall, Kenneth
Maxfield, Roy	Morrill, Olive	Nichols, Avis	Pfaff, Terence
Reardon, Tara	Whalley, Michael	Whittemore, James	

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Blanchard, MaryAnn	Camm, Kevin	Case, Margaret	Christie, Andrew, Jr.
Clark, Martha	Cooney, Richard	Cote, Patricia	Dearborn, Bruce
Dodge, Robert	Dolan, Richard	Dowd, Sandra	Downing, Michael
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John, Sr.
Francoeur, Sheila	Frechette, Joseph	Gleason, John	Griffin, Mary
Guthrie, Joseph	Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Lovejoy, Marian
Major, Norman	McCarthy, John, Jr.	McKinney, Betsy	Mikowski, Walter
Moore, Benjamin	Morris, Debbie	Norelli, Terie	Nowe, Ronald
Packard, Sherman	Rabideau, Marie	Raynowska, Bernard	Rubin, George



Schanda, Frank  
Tufts, J. Arthur  
Weyler, Kenneth

Smith, Kevin  
Varrell, Thomas

Stitch, C. Donald  
Verani, Giovanni

Syracusa, Anthony  
Welch, David

### STRAFFORD

Berube, Roger  
Estabrook, Iris  
McKinley, Robert  
Torr, Ann

Bickford, David  
Grassie, Anne  
Merritt, Deborah  
Torr, Franklin

Brown, Julie  
Kaen, Naida  
Spear, Barbara  
Tsiros, William

Cossette, Larry  
Knowles, William  
Sullivan, Henry  
Vincent, Francis

### SULLIVAN

Kibbey, David

Schotanus, Merle

### NAYS 101

### BELKNAP

None

### CARROLL

None

### CHESHIRE

Bonneau, Sarah  
Lynott, Margaret  
Robertson, Timothy

Burnham, Daniel  
Pratt, Irene  
Russell, Ronald

Doucette, Richard  
Pratt, John  
Vogl, John

Lynch, Margaret  
Richardson, Barbara

### COOS

None

### GRAFTON

Almy, Susan  
Nordgren, Sharon

Copenhaver, Marion

Guest, Robert

Lovett, Sidney

### HILLSBOROUGH

Ameen, W.  
Cardin, Lori  
Daigle, Robert  
Gage, Ruth  
Johnson, Lionel  
Marcinkowski, Michael  
McRae, Karen  
Reidy, Frank

Baroody, Benjamin  
Clemons, Jane  
Drabinowicz, A. Theresa  
Hall, Betty  
Konys, Christine  
Martin, Mary  
Melcher, Harold  
Turgeon, Roland

Bernier, Shannon  
Cote, David  
Dwyer, Paul, Sr.  
Hart, Nick  
Lefebvre, Roland  
McCarthy, William  
Murphy, Robert  
Welch, Donald

Buckley, Raymond  
D'Allesandro, Lou  
Foster, Joseph  
Jean, Claudette  
Leonard, Peter  
McDonald, James, Sr.  
Perkins, Paul  
Williams, Carol

### MERRIMACK

Burney, Carol  
Jacobson, Alf  
St. Cyr, Gerard

Dunn, Miriam  
Owen, Derek  
Wallin, Jean

French, Barbara  
Rogers, Katherine  
Wallner, Mary Jane

Gile, Mary  
Seldin, Gloria  
Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
Dunham, Vivian  
Kelley, Jane  
Pitts, Jacqueline

Battles-Peirce, Marjorie  
Gibbons, Paul  
Malcolm, Kenneth  
Sapareto, Frank

Cushing, Robert  
Heath, John  
Micklon, Stephanie  
Stickney, Nancy

Dalrymple, Janeen  
Kane, Cecelia  
Pantelakos, Laura  
Stone, Joseph

### STRAFFORD

Brennan, William  
Keans, Sandra  
Pelletier, Arthur  
Taylor, Kathleen

Callaghan, Frank  
Lundborn, Raymond  
Rogers, Rose Marie  
Twardus, Joseph

DeChane, Marlene  
McCann, William, Jr.  
Rollo, Michael  
Wall, Janet

Dunlap, Patricia  
Merrill, Amanda  
Snyder, Clair

## SULLIVAN

Adler, Rudolf

Burling, Peter

Cloutier, John

Donovan, Thomas

Ferland, Brenda

Flint, Gordon

Lindblade, Eric

Palmer, Lorraine

Robb-Theroux, Amy

Wiggins, Celestine

and the Committee of Conference report was adopted.  
Rep. Wall voted nay and intended to vote yea.

## RECONSIDERATION

Having voted on the prevailing side, Rep. Boutin moved that the House reconsider its action whereby it adopted the Committee of Conference report on **HB 1291-FN**, relative to management of the state ski areas of Mount Sunapee and Cannon.

Reconsideration failed.

## SUSPENSION OF RULES

Reps. Wheeler and Burling move that Rules be so far suspended as to permit the deadlines in House Rule 64 to read:

June 10, 1998 - Last day to act on all bills, excluding those related to the Claremont decision.

June 16, 1998 - Final day to sign-off all Committee of Conference Reports at 5:00 p.m., excluding those related to the Claremont decision.

June 18, 1998- Last day to act on Committee of Conference Reports, excluding those related to the Claremont decision.

June 22, 1998- All bills to the Governor, excluding those related to the Claremont decision.

Adopted by the necessary two-thirds.

## SUSPENSION OF RULES

Reps. Wheeler and Burling moved that the rules be so far suspended as to permit consideration at the present time, without the proper notice, of the Committee of Conference report on **HB 1430**, relative to political expenditure limitation amounts.

Adopted by the necessary two-thirds.

## COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL 1430

**HB 1430**, relative to political expenditure limitation amounts. (Report printed SJ 18, 6/4/98)

Rep. Arndt spoke in favor.

Adopted.

## RESOLUTION

Rep. Wheeler 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, June 10, 1998 at 10:00 a.m.

Adopted.

## LATE SESSION

## Third reading and final passage

**SB 417-FN**, continuing the court modernization fund and its source of funding from penalty assessments.

**SB 423-FN**, relative to eligibility for cost of living adjustments for retired members or beneficiaries in the New Hampshire retirement system.

**SB 457-FN**, relative to the eligibility of employment program participants for workers' compensation.

**SB 490**, relative to life and accident and health insurance and relative to certain salaries.

**SB 503-FN**, relative to the New Hampshire community technical college system.

**SB 346**, establishing a task force to study the foster care system.

**SB 312**, relative to the health care transition fund.

**SB 462-FN**, relative to any general fund surplus at the close of the current biennium.

## UNANIMOUS CONSENT

Rep. Schotanus addressed the House.

Rep. Teschner moved that the remarks made by Rep. Schotanus be printed in the Journal.  
Adopted.

Rep. Schotanus: Thank you, Madam Speaker. This is something new to me. I have never taken Unanimous Consent before, but I feel deeply enough about this to take it this time to express my very deep appreciation for the 14-year journey that I have taken through the legislative process as a member of this House. As you know, this is my last session. I am going to seek a seat in the upper chamber. So, six months from now I am either going to be a retired representative or the senator from the fifth district. But, I am not here to talk to you about where I intend to go, I am here to talk to you about where I have been and to express my very deep appreciation for this long and wonderful journey that I've had since 1985 when my good friend Ann Torr and I were freshmen.

My days started on the Environment and Agriculture committee. In those days we used to call it the cows and garbage committee. Unfortunately, we had more garbage then we did cows. In fact, we were such a close knit committee in those days that we had a little gold lapel button that we wore to identify ourselves as members of the committee. It was a gold garbage can, with cover on. We worked under the tutelage of the grand dame of today's environmental policy in this great state, a woman who has since passed to heaven, Representative Betty Greene from Rye. We were very busy in those days setting solid waste laws. We had just gotten into the air emissions problem. We were talking about superfund, current use, pesticides and a whole array of other problems, and she gave me a piece of advice which I took heed to and it made me recall something that happened to me 30 years earlier. She said, "Merle, as a freshman the best advice that I can give you is to learn how the system works before you decide how you are going to work the system." That was good advice that was given to me 30 years earlier when I reported to the Pentagon in Washington as a young Army officer on the Army General Staff. Some crusty old two-star general said the same thing and it came back to me in a rush. So, I didn't do much the first year but the second year I began to work the system. I cut my teeth in floor debate the second year on a subject very close to my heart, the historic rehabilitation of the Cornish covered bridge over the Connecticut River. I went to the floor and debated that and I won the debate. Of course I did. I was the only one that spoke. I requested a roll call vote and in those days it didn't take so many seconds because in those days we didn't use the roll call vote so frequently as we do today. I got as close to a perfect roll call vote as anybody I've ever seen. I got a 350 to 1 vote which passed the bill. What I was really trying to do was to set-up a situation where I could take the bill over to then-Senator Torr, in the Senate Capital Budget committee and convince him that this was the way we ought to go on the Cornish-Windsor bridge. After the debate that day, I found out who was the one dissenting vote. It was Maurice Doucette of Manchester. I walked up to him and asked him why he thought he didn't like my position. He said, "Well, it's very simple. You just talked too long." Well, folks, I must tell you I learned a lesson that day but I also made a friend and that was the beginning of the rest of the journey. It went from there to eight years on the Appropriations committee, what is now called the Finance committee and to my present position on the Public Works committee. Through those remaining ten years I have crossed many, many milestones in many, many subjects including building four biennial budgets and a capital budget and a ten-year highway plan and highway fund diversions, shoreland protection, dams and dam fees, firetowers and you name it, many, many more and kindergarten incentive and wound up here with the ABCs. I still remember what Betty Greene told me in those days, the system and how it works. I can tell you that I would not have ever been able to successfully negotiate that wonderful trip without the support or the advice and the guidance of the hundred or so folks that we call our legislative staff. I'd like to take an opportunity to thank personally Madam Clerk who was also a classmate of mine in 1985 and her outstanding staff; and Mr. Callahan who works for her and has an uncanny talent of committing puddles of purple passion to house resolutions which he wrote many of for me. Ann Fitzgerald and her house research staff who, without the work of that staff, the committees could not function. Rob Johnson and his hardworking staff who take care of protocol, security and keeps the bills moving. The LBA which always kept me straight on financial data whether I liked it or not and a couple of committee assistants, Ruth Page from the Finance committee and Anna Mae Twigg from Public Works and all of the other committee assistants that make the engines of this legislature run, that is the committees.



Now, many of you who are finishing up your freshman year, in fact of those who are probably in your second year, have probably reached that time of the year when the frustration levels have gone up because we are, after all, into the hardball season. You are beginning to have some doubts about the efficiency of the place, the number of bills we're required to pass, the size, the pay and everything else that goes with it. I think you need to know that the Legislature of the State of New Hampshire enjoys one of the best reputations in the country among our other 49 legislative bodies. I can tell you that with some confidence because I had the pleasure of serving this state as its representative on a standing committee of the National Conference of State Legislatures. I can tell you that they stand in awe of us. They stand in awe of us because they can't understand how we can work so hard for so little pay. They also hold us in great esteem because of the efficiency with which this 400-member body works. I can tell you that New Hampshire was one of the first states in the nation to computerize its legislative process thanks to the leadership of this House and thanks to Stan Kelley and his absolutely outstanding computer staff. In fact, bills that this state produces are held up as examples of the right way to do things. I can tell you that reputation is in no small measure due to the efforts of a couple of our own representatives. I'd like to thank personally our Majority Leader Emeritus and my very good friend from Dover, Ann Torr, who spent three years on the Executive Committee of the NCSL, and our Madam Speaker who now serves on the Executive Committee of that body. It is due to their leadership that we are in, in great part, that we hold the reputation that we do. So, those folks who are frustrated, take heart, stick around, stay tuned. There is a lot more to come and it is all good, I can guarantee that. So, whatever happens come November, folks, I can assure you of one thing. I can assure you that I know where my legislative roots are and I shall not forget them. Thank you.

Reps. Buckley, Benjamin Moore, Lefebvre and Mirski addressed the House.

Rep. Katherine Rogers addressed the House.

Rep. Jeb Bradley moved that the remarks made by Rep. Katherine Rogers be printed in the Journal. Adopted.

Rep. Katherine Rogers: Thank you, Madam Speaker and thank you, members of the House, for giving me a few moments. I rise today to take my last opportunity to speak to this body. I am resigning my seat representing Merrimack District 22 as of June 12<sup>th</sup> in order to take a seat on the Merrimack County Board of Commissioners. It is with great anticipation and excitement for the work ahead that I take this step. However, it is with genuine sadness and regret that I leave the New Hampshire House of Representatives.

I came to the New Hampshire House full of ideas and plans for great change. I also came here with many prejudices and great impatience. I believed that most issues were partisan and every issue was black and white. I believed there would never be a difficult choice to make and that anyone who was my friend would always vote with me and my enemies would always vote against me. Since that beginning, I have changed and become more realistic and yes, even more impatient. I now know that my support, my guidance, and my impatience come from the most unexpected places.

I want to thank certain individuals for helping me to evolve into what, I hope, is a better public servant. First, Rep. Gene Chandler. On my first day in the New Hampshire House, I understood that my committee chairman went to the then-Speaker and asked why he was being punished with me as a member of his committee. I was contentious, argumentative, and downright difficult, and this was just when we were talking about committee procedures. I am still contentious, argumentative and difficult, but now, thanks to Rep. Chandler, I know how to do all this without stepping on every single toe in the room. Gene, thank you for your fairness, your patience and your lessons in vote counting.

Rep. Neal Kurk, I never thought I would find myself in the position of agreeing with you, much less actually working with you on anything. You have taught me that allies come in the strangest places. I thank you for your continued words of encouragement when others shied away or suggested I back off. Thank you, Neal, for your lessons in informed judgment, civil and thoughtful disagreement, and your willingness to listen, not agree, but listen.

To my greatest teacher, Rep. Jean Wallin. You are one of the bravest, most determined and persistent people I have ever known. You have listened to my ideas, challenged me to be better and taught me that true courage never backs away from a fight or lacks humor.

The Democratic Leader, Rep. Peter Burling, I admire your determination, your loyalty and your willingness to let everyone be heard. You have the knack of making everyone feel part of the solution and bringing us all together to make us better than our separate selves could ever be. Thank you for your leadership and your support.

The former Democratic Leader and my dear friend, Rick Trombly. Rick taught me never to give up, never to back down and to believe in my judgment. In short, Rick taught me to be strong in the face of difficult odds. I have missed him this term in the House.

And finally, my best friend, Rep. Raymond Buckley, who has known me for more years than either of us want to mention, then you would know how old we really are. Raymond has taught me much in this House as in my life. Thank you, Raymond, for sticking by me even when I wanted to move trees. And, thank you for teaching me that "it is never the wrong time to do the right thing."

I want to leave this House by quoting a Democratic President of the United States, Andrew Jackson. Mr. Jackson was a man who often spoke for those not considered to be "civilized members of society", my kind of folks. He once said, "Every man is equally entitled to protection by laws; but when laws undertake to add...exclusive privileges to make the rich richer and the potent more powerful, the humble members of society who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their government."

This Legislature has the opportunity and the responsibility to correct the injustices thrust upon the citizens of New Hampshire and my biggest impatience with this body has been its continued willingness to put off action in the hope that problems will be forgotten. I have fought that in my time here and hope that others will continue to fight that inaction in the future.

And, lastly, in light of what I've usually said up here, I hope that you will remember the words of the great radical thinker, Karl Marx: "The philosophers have only interpreted the world in various ways. The point, however, is to change it."

I leave this body as I entered, committed to change and committed to equity and justice in all things. Thank you and goodbye.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and forming of Committees of Conference only. Adopted.

The House recessed at 1:15 p.m.

### RECESS

(Rep. Avery in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 147, 1112, 1131, 1167, 1189, 1262, 1374, 1407, 1421, 1428, 1527, 1529, 1597 and 1605, and Senate Bills numbered 100, 308, 319, 331, 365, 379, 392, 396, 446, 487 and 506.

Rep. Pfaff, Sen. Barnes for the Committee

### RECESS

(Rep. Christie in the Chair)

### ENROLLED BILL AMENDMENT

*HB 1430*, relative to political expenditure limitation amounts.

### Amendment (2031-EBA)

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

AN ACT relative to waiver of filing fees and petitions for candidates for certain offices.

Adopted.

### RECESS

**(Rep. Burling in the Chair)****ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1430 and 1444.

Rep. Pfaff for the Committee

**RECESS****(Rep. Pfaff in the Chair)****ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 1291.

Rep. Pfaff for the Committee

**RECESS****(Rep. Royce in the Chair)****ENROLLED BILL AMENDMENTS**

**HB 1114**, relative to registration procedures for the use of antique plates.

**Amendment (1927-EBA)**

Amend section 1 of the bill by replacing lines 1-4 with the following:

1 Antique Motor Vehicle, Motorcycle, or Trailer Plates. Amend RSA 261:89-a to read as follows:  
261:89-a Antique Motor [~~C~~ar] *Vehicle, Motorcycle, or Trailer* Plates.

*I.* The director may permit the owner of an antique motor [~~c~~ar] *vehicle or motorcycle*, as defined in RSA 259:4, *or trailer, as defined in paragraph II of this section*, to use a registration  
Adopted.

**HB 1209**, revising the interagency agreement for special education

**Amendment (2009-EBA)**

Amend subparagraph II(e) of section 2 of the bill by replacing it with the following:

(e) The administration of the medicaid reimbursement program.

Adopted.

**HB 1320**, amending provisions of the advisory committee on the education of students with disabilities.

**Amendment (1879-EBA)**

Amend RSA 186-C:3-b, I as inserted by section 1 of the bill by replacing line 1 with the following:

1. In accordance with the provisions of 20 U.S.C. section 1413(a)(12) and 34 C.F.R. sections 300.650-300.653, there is

Amend RSA 186-C:3-b, I as inserted by section 1 of the bill by replacing line 6 with the following:  
their impact on the programs and delivery of services to children/students with disabilities.

Amend RSA 186-C:3-b, II(c) as inserted by section 1 of the bill by replacing line 2 with the following:  
with the provision of transition services to children/students with disabilities, appointed by the

Amend RSA 186-C:3-b, IV(d) as inserted by section 1 of the bill by replacing line 3 with the following:  
Individuals with Disabilities Education Act.

Adopted.

**HB 1328-FN**, extending the exemption period for motor vehicle titles and relative to penalties and bond requirements imposed on certain motor vehicle dealers, transporters, and repairers.

**Amendment (1938-EBA)**

Amend section 7 of the bill by replacing line 1 with the following:

7 Bond Required by Auto Dealer. Amend RSA 261:100, I to read as follows:

Amend section 9 of the bill by replacing line 2 with the following:

Commissioner. Amend RSA 261:177, I by inserting after subparagraph (b) the following new  
Adopted.

**HB 1456**, relative to the budget making process.



**Amendment (1962-EBA)**

Amend the bill by replacing section 4 with the following:

4 PAU Format. RSA 9:8-a is repealed and reenacted to read as follows:

9:8-a Program Appropriation Unit Format.

I. All budgets provided for by this subdivision shall be in program appropriation unit format. For expository purposes, the budget may be presented as a summarized 3 class line document consisting of personnel services, operating expenses, and other expenses; provided, however, that the final budget as passed and the warrants issued by the commissioner of administrative services shall be classified into the following classes as appropriate: personnel services, current expense, equipment, other personnel services, benefits, travel in-state, travel out-of-state, individual and departmental dues to national and regional organizations, and other expenditures.

II. Performance budgeted agencies and programs shall be exempt from the requirements in paragraph I. The budget of a performance budget agency or program shall be presented as one line item for each program objective. In this section, performance budget agency and program means an agency, PAU, or program specified in the budget for the subsequent biennium on the basis of identified goals, objectives, and verifiable outcome measures.

Adopted.

**HJR 24-FN**, supporting the initiative to re-elm U.S. Route 1 and urging the department of transportation, the office of state planning, and affected local communities, businesses, residents, and conservation groups to join in and cooperate with voluntary efforts to once again line U.S. Route 1 with elm trees.

**Amendment (1941-EBA)**

Amend the fourth paragraph of the resolution by replacing line 2 with the following:

the twin goals of prolonging the lives of the remaining elm trees and perpetuating the species by

Amend the sixth paragraph of the resolution by replacing line 3 with the following:

oldest highways and is rightfully known as "Main Street America", and was once graced with a canopy of

Amend the seventh paragraph of the resolution by replacing line 2 with the following:

cooperation and partnership of conservation and civic groups, business and residential landowners,

Adopted.

**SB 377**, authorizing the organization of merchant banks to provide equity financing and related services to small businesses. (Amendment printed SJ 19, 6/10/98)

Adopted.

**SB 471-FN**, creating the presumption that a juvenile charged with a driving while intoxicated felony offense, shall be certifiable as an adult. (Amendment printed SJ 19, 6/10/98)

Adopted.

**SB 495**, relative to the university system study committee. (Amendment printed SJ 19, 6/10/98)

Adopted.

**RECESS**

**(Rep. Boutin in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1113, 1121, 1221, 1238, 1245, 1298, 1312, 1347, 1361, 1447, 1493, 1513, 1539 and 1543 and Senate Bills numbered 140, 321, 341, 391, 415 and 507.

Rep. Nowe, Sen. Barnes for the Committee

**RECESS**

**(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 17**

Wednesday, June 10, 1998

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 House Chaplain, Reverend Edward G. Horstmann.

Most merciful God, we give You thanks for the warmth and beauty of this day and for the vitality of Your Spirit which gives us new life and hope. In hours of intense activity and through long periods of waiting inspire us with Your grace, sustain us with Your patience and empower us with Your strength that we might live as people for whom nothing matters but the doing of Your will, in Your way, for Your world. Amen.

Reps. Hart and Root led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Julie Brown, Carson, Case, Doucette, Flint, Robert Foster, Healy, Heon, Golden, Noyes, O'Rourke, Palmer, Sabella, Paul Taylor and Wallner, the day, illness.

Reps. Battles-Pierce, Belvin, Brundige, Callaghan, Cegelis, Connolly, Dearborn, Fesh, Joseph Foster, Frechette, Fuller Clark, Haettenschwiller, Hansen, Lionel Johnson, Robert Kelley, Laflam, Langer, Leishman, Lovejoy, Lynde, MacNeil, Marcinkowski, William McCarthy, Morris, Moynihan, O'Connell, Marsha Pelletier, Salatiello, Simmons, Steere and Vogl, the day, important business.

Reps. Clay, Adams, Alukonis, Bickford, Coes, Irene Pratt and Rice, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Hobie Harmon and Joan Plimpton, guests of Rep. Root. Major James MacFarlane, guest of Rep. Hemon. Judy Pilliod and Mary Enard, wife and sister of Rep. Pilliod.

**COMMUNICATIONS**

May 26, 1998

Donna Sytek, Speaker

It is with mixed emotions that I submit to you my resignation from the House of Representatives, effective June 17, 1998.

When I retired from 30 years of service to my country in the United States Air Force, my wife and I decided that for ten years we would return to New Hampshire in order to allow me to pursue my passion for political activism. After that we agreed we would seek a warmer climate and the company of many former military friends in the hill country north of San Antonio, Texas. That time has now come. I leave with a sense of having done my duty, and of having held fast to my convictions. I know that there are things that I would have liked to have done, but time and circumstances did now allow it. I leave them to others and to the future.

Rest assured that I will stay involved. I have already asked Rep. Charlie Bass to introduce me to Rep. Lamar Smith, his colleague on the House Budget Committee and the Congressman representing the district in which I will reside. Likewise, I will continue my active membership on the board of directors of the Education Leaders Council, the new reform-minded national group that I was privileged to help establish three years ago. Service to my community, state and nation is part of my very nature. I cannot let it go.

I have and will continue to hold a very special place in my heart for the great state of New Hampshire, its people and this House. It has been an honor and privilege to serve them all.

John M. Root, Graf. 8

The Speaker accepted the resignation with regret.

June 5, 1998

Donna Sytek, Speaker of the House

By this letter, I write to inform you that I will resign my seat representing Merrimack County District 22 in the New Hampshire House of Representatives, effective at noon on Friday, June 12, 1998.

This action is necessitated by the fact that I will be sworn in as a member of the Merrimack County Commission at 1:00 p.m. on that same date.

I look forward to the many challenges ahead, and will remember my service in the House with great fondness.

Thank you for your attention to this correspondence.

Katherine D. Rogers, Merr. 22

The Speaker accepted the resignation with regret.

## SENATE MESSAGES CONCURRENCE

*HB 272*, relative to boat docking facilities.

*HB 747-FN-A*, establishing a wildlife habitat stamp or license for persons engaged in taking wild animals or birds and continually appropriating the funds for wildlife habitats.

*HB 1106-FN*, relative to special deer permits.

*HB 1331-FN*, relative to granting special hunting and fishing licenses to persons aged 68 or over for trapping.

*HB 1600*, relative to the multiple DWI offender intervention detention center program.

## NONCONCURRENCE

*HB 1283*, establishing a 4-year term for the commissioner of the department of corrections.

*HB 1304-FN*, relative to the qualifications and compensation of division directors of the department of environmental services.

## CONCURRENCE WITH AMENDMENTS

*SB 10*, relative to funds for prearranged funerals or burial plans.

*SB 53-FN*, relative to payment by the retirement system of certain medical benefits for group II members and for certain permanent firemen on disability retirement.

*SB 68-FN-L*, providing health care coverage for the spouse and dependents of any group I or group II retirement system member who is killed in the line of duty.

*SB 191*, relative to mental health providers.

*SB 313*, requiring compliance with the Military Selective Service Act as a condition to receiving certain state education and employment benefits, and clarifying the procedure for making Persian Gulf War service bonus payments.

*SB 316*, establishing a committee to study participation in driver training programs for older drivers.

*SB 317*, relative to the time for consideration of applications to planning boards.

*SB 335-L*, relative to polling hours in towns.

*SB 336*, relative to small group and individual insurance.

*SB 349*, enabling a town or school district moderator to postpone the deliberative session or voting day of a meeting because of a weather emergency.

*SB 354*, requiring insurance coverage for hospitalization and anesthesia for dental procedures for certain patients.

*SB 358-L*, relative to the term physician in health care provider contracts.

*SB 362*, relative to classification of certain department of corrections personnel in the retirement system.

*SB 370-L*, establishing an international trade corridor and border crossing planning and development advisory committee.

*SB 372*, relative to forms and rates for large scale commercial insurance policies.

*SB 376*, relative to animal cruelty.

*SB 402*, codifying the pet overpopulation committee.

*SB 444-FN*, requiring the New Hampshire real estate commission to notify licensees of proposed rules changes, changes in adopted rules, and changes in New Hampshire law.

*SB 445*, relative to penalties for personal use of walking disabled motor vehicle plates or placards by persons not issued the plates or placards.

*SB 465-FN*, relative to the disposition of firearms which are voluntarily surrendered to the state and relative to appeals from a denial, suspension, or revocation of a license to carry a loaded pistol or revolver.

*SB 472-FN-L*, relative to filing security interests under the Uniform Commercial Code.

*SB 497*, relative to disbursement of tobacco-related funds received by the state.

*SB 498*, clarifying the definition of "right of custody" with respect to the crime of interference with custody.



**ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE**

**HB 1123**, relative to the control of wolf hybrids.

The President appointed Sens. Roberge, Katherine Wheeler and Danais.

**HB 1234-FN**, establishing an office of volunteerism.

The President appointed Sens. Barnes, Roberge and Whipple.

**HB 1339-FN**, regulating the sale by mail of liquor, wine, and beer.

The President appointed Sens. Blaisdell, Danais and Frederick King.

**HB 1384-FN-A**, making an appropriation for use by the New Hampshire Commission on the Smithsonian Festival of American Folklife.

The President appointed Sens. Barnes, Danais and Hollingworth.

**HB 1501**, relative to amending certain provisions of the charter school law.

The President appointed Sens. Rubens, Francoeur and Whipple.

**HB 1514-FN**, setting the biennial rate for the medicaid enhancement tax.

The President appointed Sens. Blaisdell, Frederick King and Fraser.

**REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 555**, exempting an individual's pensions and individual retirement accounts from bankruptcy attachment. (Amendment printed SJ 18, 6/4/98)

Rep. John McCarthy moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Keans, Letendre, Moynihan and Mirski.

**HB 583-FN-L**, relative to felonious disarming of a law enforcement officer. (Amendment printed SJ 18, 6/4/98)

Rep. David Welch moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hunter, David Welch, Lyman and Knowles.

**HB 630-FN-L**, relative to additional voluntary contributions to provide for early retirement by members of the retirement system. (Amendment printed SJ 17, 5/28/98)

Rep. Mercer moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dyer, Langer, Robertson and Mary Brown.

**HB 676-FN-L**, relative to distribution of proceeds from the sale of tax-deeded property and repurchase of tax-deeded property by a former owner. (Amendment printed SJ 17, 5/28/98)

Rep. Metzger moved that the House concur.

Adopted.

**HB 730-FN**, relative to aggravated felonious sexual assault. (Amendment printed SJ 17, 6/4/98)

Rep. David Welch moved that the House concur.

Adopted.

**HB 798**, relative to the regulation of health clubs. (Amendment printed SJ 17, 5/28/98)

Rep. Hunt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hunt, Lindblade, Syracuse and Herman.

**HB 1100-FN**, relative to the design and construction of a new medium security prison in Berlin and making an appropriation therefor, removing the population cap and closing date for the lakes region department of corrections facility, authorizing the department of corrections to establish 2 additional halfway houses and appoint additional probation and parole officers, and making adjustments to the operating budget for fiscal year 1999. (Amendment printed SJ 18, 6/4/98)

Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Gene Chandler, Lozeau, Franklin Torr and Rogers.

**HB 1141-FN**, relative to a design study for conversion of the Walker building on the New Hampshire hospital grounds and making an appropriation therefor. (Amendment printed SJ 18, 6/4/98)  
Rep. Gene Chandler moved that the House concur.  
Adopted.

**HB 1191**, relative to limiting the liability of governmental units under certain circumstances. (Amendment printed SJ 18, 6/4/98)  
Rep. John McCarthy moved that the House concur.  
Adopted.

**HB 1217**, relative to balancing the operating budget. (Amendment printed SJ 18, 6/4/98)  
Rep. Kurk moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Holbrook, Robert Johnson, Kurk and DeStefano.

**HB 1338-FN-A**, establishing a house study committee to examine the adoption of articles 41, 72-a and 73-a of the second part of the New Hampshire constitution. (Amendment printed SJ 18, 6/4/98)  
Rep. John McCarthy moved that the House concur.  
Adopted.

**HB 1424**, relative to filling a vacancy in the position of a county officer. (Amendment printed SJ 17, 5/28/98)  
Rep. Metzger moved that the House concur and yielded to questions.  
Adopted.

**HB 1455**, relative to the publication of administrative rules. (Amendment printed SJ 18, 6/4/98)  
Rep. Mercer moved that the House concur.  
Adopted.

**HB 1459**, relative to the specificity of administrative rules and the identification of state and federal law in the rulemaking process. (Amendment printed SJ 18, 6/4/98)  
Rep. Mercer moved that the House concur.  
Adopted.

**HB 1481**, granting rulemaking authority to the executive director of fish and game to determine the legal length of lobsters. (Amendment printed SJ 17, 5/28/98)  
Rep. Mock moved that the House nonconcur and request a Committee of Conference.  
Adopted.  
The Speaker appointed Reps. Nowe, Abbott, Lessard and Carlson.

**HB 1516**, requiring a criminal background investigation for certain department of health and human services personnel who come into direct contact with children. (Amendment printed SJ 17, 5/28/98)  
Rep. John McCarthy moved that the House concur.  
Adopted.

**HB 1540-FN**, allowing non-banks to establish cash dispensing machines. (Amendment printed SJ 18, 6/4/98)  
Rep. Hunt moved that the House nonconcur and request a Committee of Conference.  
Adopted.  
The Speaker appointed Reps. Hunt, Lindblade, Franklin Torr and Fuller Clark.

**HB 1636-FN**, relative to the executive director of fish and game and the fish and game commission. (Amendment printed SJ 18, 6/4/98)  
Rep. Mercer moved that the House concur and spoke in favor.  
Adopted.

## NONCONCURS WITH AMENDMENTS

### REQUESTS COMMITTEES OF CONFERENCE

**SB 73-FN**, providing the telecommunications poles and lines be subject to the property tax.  
The President appointed Sens. Frederick King, Gordon and Blaisdell.

Rep. Hess moved that the House accede.

Adopted.

The Speaker appointed Reps. Hess, Teschner, Alukonis and Linda Foster.

**SB 205-FN-L**, establishing a special school district to provide special education for eligible inmates in the state prison system.

The President appointed Sens. Gordon, McCarley and Francoeur.

Rep. O'Hearn moved that the House accede.

Adopted.

The Speaker appointed Reps. O'Hearn, Dearborn, Snyder and Alukonis.

**SB 339-L**, relative to the bidding for design and construction of a new medium security prison in the city of Berlin and to the closure of the lakes region facility and making appropriations therefor.

The President appointed Sens. Fraser, Frederick King and Larsen.

Rep. Gene Chandler moved that the House accede.

Adopted.

The Speaker appointed Reps. Gene Chandler, Lozeau, Franklin Torr and Rogers.

**SB 344**, clarifying requirements regarding certain trusts.

The President appointed Sens. Fraser, Katherine Wheeler and Gordon.

Rep. Hunt moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Mittelman, Hurt and Tara Reardon.

**SB 353**, relative to official ballot procedures.

The President appointed Sens. Rubens, Whipple and Roberge.

Rep. Metzger moved that the House accede.

Adopted.

The Speaker appointed Reps. Patten, Fraser, Leone and Griffin.

**SB 400**, relative to withdrawal of a school district from an area district.

The President appointed Sens. Johnson, Rubens and Katherine Wheeler.

Rep. O'Hearn moved that the House accede.

Adopted.

The Speaker appointed Reps. Henderson, Hoadley, O'Hearn and Estabrook.

**SB 429-FN**, relative to the confidentiality of drivers' motor vehicle records.

The President appointed Sens. Roberge, Patenaude and Whipple.

Rep. Packard moved that the House accede.

Adopted.

The Speaker appointed Reps. Packard, Letourneau, Langone and Ferland.

**SB 451-FN-L**, relative to the accessibility of pupil assessment materials and the anonymity of pupil assessment results.

The President appointed Sens. Rubens, Francoeur and McCarley.

Rep. O'Hearn moved that the House accede.

Adopted.

The Speaker appointed Reps. Durham, Larrabee, Searles and Yeaton.

**SB 502-FN**, allowing federal judges to perform marriages after obtaining a special license.

The President appointed Sens. Roberge, Francoeur and Whipple.

Rep. John McCarthy moved that the House accede.

Adopted.

The Speaker appointed Reps. Peterson, Bergin, Allison and Wall.

## COMMITTEE REPORTS

### CONSENT CALENDAR

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



**SB 427-FN**, establishing a revolving fund for loans for intrastate energy pipeline facilities improvements, removed by Rep. Alger.

Consent Calendar adopted.

**HB 1680-FN-A-L**, authorizing positions for the administration of retiree's health benefits by the New Hampshire retirement system and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen T. DeStefano for Finance: This bill would allow the retirement system to hire two new persons. The Committee felt the addition of new personnel should be addressed through the budget process. Vote 15-0.

**SB 440-FN-L**, relative to fines payable to the division of motor vehicles; allowing civil bench warrants for defaults on such fines; authorizing bail commissioners to receive certain civil fines and fees, and authorizing the division of motor vehicles to report those in default to a consumer reporting agency. **OUGHT TO PASS WITH AMENDMENT**

Rep. Arthur P. Klemm, Jr. for Finance: This bill deals with fines payable to the Division of Motor Vehicles. The bill would allow the Division of Motor Vehicles to contact the 80,000 default violators that are currently outstanding and notify them that they can now pay their fines by credit card by dialing an 800 number. The Department feels that they will be able to collect on 10,000 of the default warrants which would translate to \$1,500,000 into the General Fund. The bill also changes the name of the DWI Bench Warrant Fund to the Default Bench Warrant Fund. The fund will be funded by the default bench warrant penalty assessment money and will be used to systematically replace the 66 breath analyzer machines across the state over the next three years. The fund will also be used to reimburse the costs related to law enforcement officials enforcing bench warrants. Vote 16-1.

#### Amendment (2033h)

Amend RSA 502-A:19-b, III(c) as inserted by section 2 of the bill by replacing it with the following:

(c) A person arrested pursuant to this section shall be given the option to pay the outstanding fine and fees in full to a bail commissioner. Upon such payment, the matter shall be deemed closed, and the civil bench warrant vacated. All payments received by bail commissioners pursuant to this section shall be transmitted to the court or the division of motor vehicles within 5 business days. The bail commissioner shall be entitled to a fee for services as set forth in RSA 597:20.

**SB 483-FN**, exempting certain businesses from the electronic filing requirement under the meals and rooms tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: The Department of Revenue Administration is attempting to have all meals and rooms tax filers use electronic filing by 2002. This bill exempts filers collecting \$25,000 or less in meals and rooms revenue from losing the 3% administrative fee if they continue to file paper returns. All others collecting revenue above \$25,000 will lose the 3% if they do not file electronically. Since the \$25,000 is a tenfold increase over the original small business exemption, there could be several hundred filers going back to paper filing. This would increase administrative costs at the DRA. The amendment increases their budget by \$33,000 to print new forms, instruction books and hire an additional clerk. Should the level of paper filing not increase substantially, most of this appropriation will not be spent. If a large number of filers, collecting more than \$25,000 each, choose to file by paper and give up the administrative fee, then the tax revenue will increase proportionally. Vote 17-0.

#### Amendment (2008h)

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

**AN ACT** exempting certain businesses from the electronic filing requirement under the meals and rooms tax and making an appropriation therefor.

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

4 Appropriation. The sum of \$33,000 is hereby appropriated to the department of revenue administration for the fiscal year ending June 30, 1999, for the purposes of this act. Such sum shall be in addition to any other funds appropriated to the department. The governor is authorized to draw a warrant out of any moneys in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July 1, 1998.

## AMENDED ANALYSIS

This bill allows businesses to choose to file their meals and rooms tax returns by mail or by electronic data submission. Those businesses that choose to file by mail shall forfeit any amounts retained as commission to cover the costs of manual paper filing. Businesses with under \$25,000 in meals and rooms taxable revenue in the prior calendar year shall be exempt from the forfeiture.

The bill also make an appropriation to the department of revenue administration.

**SB 488-FN**, directing the department of environmental services to create a model for managing the flow of water in the Winnepesaukee River watershed and creating an advisory committee. OUGHT TO PASS

Rep. Robert G. Holbrook for : This bill directs the Department of Environmental Services to develop and implement a model for managing the flow of water in the Winnepesaukee River. To aid in the planning of the model, this bill establishes a Winnepesaukee River Watershed Advisory Committee to report annually on the 31<sup>st</sup> of December. Any implementation shall be certified by the Department of Environmental Services to the General Court and Governor. The estimated \$200,000 cost will be funded in the next biennial capital budget. Vote 17-0.

**SB 326**, relative to representation and costs in utility rate proceedings. REFER FOR INTERIM STUDY Rep. Jeb E. Bradley for Science, Technology and Energy: This bill came late in the session. As proposed, the bill would allow intervenors at the Public Utility Commission to recover the costs of intervention at any PUC proceeding. An intervenor could recover costs only if it helped to achieve ratepayer savings and this cost recovery was deemed reasonable by the Commission. During the public hearing several problems were identified in the bill including; (a) that there was no monetary cap, (b) that it applied to any PUC proceeding, (c) that it could create additional regulatory costs and burdens to New Hampshire consumers. Through the interim study process, the committee will determine if this is good public policy and if so, how to implement in a way that protects the interests of all parties that appear before the PUC. Vote 16-0.

## REGULAR CALENDAR

**SB 324-FN**, relative to entertainers on premises of an on-sale liquor licensee and relative to penalties for manufacture, sale, and possession of false identification. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The committee amendment makes it a misdemeanor to manufacture or sell phony photographic identification cards and increases the penalty to a class B felony for a third or subsequent offense or for a person who is engaged in the business of manufacturing phony identification cards. It is a misdemeanor to possess a phony identification card. A person under the age of seventeen is prohibited from being employed as an entertainer in a cocktail lounge where liquor is sold. Vote 11-0.

## Amendment (1899h)

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

1 Entertainers and Dancers. Amend RSA 179:19 to read as follows:

179:19 Entertainment and Entertainers.

## I. In this section:

(a) *“Dancer” means a person or group of people who, with or without compensation, perform in the premise approved to sell alcoholic beverages. “Dancer” shall not be construed to mean a person or group of individuals who perform dances based upon ethnic, cultural, or historical customs.*

(b) *“Entertainer” means a person, paid or unpaid, who performs on a premise licensed to sell alcoholic beverages for the benefit of the licensee.*

II. On-sale licensees may provide entertainment and dancing, in clearly defined areas on their licensed premises, provided they have received written authorization by the town or city and they have provided the commission with a copy of that authorization. A cover charge may be assessed to cover the cost of live entertainment. *Notwithstanding any other provision of law, paragraphs III and IV shall not be construed to permit a person under the age of majority to perform, paid or unpaid, as a dancer in any licensed premise.*

~~[H:]~~ III. No person licensed to sell liquor or beverage under RSA 178 may employ as an entertainer any person who is under 17 years of age in a cocktail lounge where liquor or beverages are sold.

~~[H:]~~ IV. A person under ~~[17]~~ 15 years of age may serve as an entertainer in a licensed dining room.

~~[V:]~~ V. On-sale or off-sale licensees may install amusement machines on their premises. Nothing in this paragraph shall be construed in any way to limit the powers of municipalities under RSA 31:41-d to adopt bylaws relative to licensing amusement machines and to determining the number, location, and types of machines allowed in the municipality.

~~[V:]~~ VI. Licensees shall not allow gambling or wagering on their premises.

~~[V:]~~ VII. The use of darts shall be allowed in clearly defined areas.

2 New Section; Manufacture, Sale, and Possession of False Identification. Amend RSA 179 by inserting after section 61 the following new section:

179:62 Manufacture, Sale, and Possession of False Identification.

I. No person shall knowingly manufacture, sell, advertise for sale, solicit orders for, deliver or cause to be delivered, or produce in any manner any photographic identification card that purports to be an official document issued by a local, state, or federal government, or any political subdivision thereof, which contains false or inaccurate information regarding the name, address, date of birth, or height and weight characteristics of the cardholder. A person who violates this paragraph shall be guilty of:

(a) A misdemeanor.

(b) A class B felony if such person has had 2 or more prior convictions in this state or another state for the conduct described in this paragraph.

(c) A class B felony if such person is engaged in the business of manufacturing, selling, advertising for sale, soliciting orders for, delivering, or causing to be delivered photographic identification cards in violation of this paragraph.

II. In this section, "engaged in the business" means manufacturing, selling, advertising for sale, soliciting orders for, delivering, or causing to be delivered 5 or more photographic identification cards in violation of paragraph I.

III. No person shall possess a photographic identification card that purports to be an official document issued by a local, state, or federal government, or any political subdivision thereof, which contains false or inaccurate information regarding the name, address, date of birth, or height and weight characteristics of the card holder. Any person who violates this paragraph shall be guilty of a misdemeanor.

IV. Interests in any tools, instruments, computer or computerized records, products, and equipment of any kind, or other paraphernalia used in the manufacture, sale, advertising for sale, delivery, or solicitation of any order for sale, of a false identification card, shall, upon petition of the attorney general, be subject to forfeiture to the state and shall be vested in the state.

3 Effective Date. This act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

This bill lowers the minimum age for entertainers in dining rooms licensed to sell liquor to sell liquor from 17 to 15 years, with the exception that dancers must be 21. The bill also establishes criminal penalties for the manufacture, sale and possession of false photographic identification cards which purport to be official government documents.

Rep. Avery requested that the question be divided. The Speaker ruled that the question was divisible.

Rep. Avery moved that Section 1 of the amendment be voted on separately.

The remainder of the amendment was adopted.

The question now being the adoption of Section 1.

Reps. Avery and Dolan spoke against.

Rep. Hess spoke in favor and yielded to questions.

On a division vote, 217 members having voted in the affirmative and 73 in the negative, Section 1 of the amendment was adopted.

Reps. Hess and David Welch offered a floor amendment.

#### Floor Amendment (2030h)

Amend RSA 179:19, I(a) and (b) as inserted by section 1 of the bill by replacing them with the following:



(a) *“Dancer” means a person or a group of people who, with or without compensation, move their feet, or body, or both, to the accompaniment of music in a premises approved to sell alcoholic beverages. “Dancer” shall not be construed to mean a person or group of individuals who perform dances based upon ethnic, cultural, or historical customs.*

(b) *“Entertainer” means a person who, with or without compensation, performs in a premises licensed to sell alcoholic beverages. “Entertainer” shall not include a “dancer” as defined under subparagraph 1(a).*

Rep. Hess spoke in favor and yielded to questions.

Rep. David Welch spoke in favor.

The Hess/David Welch floor amendment was adopted.

Rep. David Welch offered a floor amendment.

### Floor Amendment (2059h)

Amend RSA 179:19, III as inserted by section 1 of the bill by replacing it with the following:

[H:] III. No person licensed to sell liquor or beverage under RSA 178 may employ as an entertainer any person who is under [~~17~~] 15 years of age in a cocktail lounge where liquor or beverages are sold.

### AMENDED ANALYSIS

This bill lowers the minimum age for entertainers in cocktail lounges and dining rooms licensed to sell liquor from 17 to 15 years, with the exception that dancers must be 21. The bill also establishes criminal penalties for the manufacture, sale and possession of false photographic identification cards which purport to be official government documents.

Rep. David Welch spoke to the floor amendment and yielded to questions.

Rep. Avery spoke in favor and yielded to questions.

Rep. Henderson spoke against and yielded to questions.

Reps. Henderson and Rollo requested a roll call; sufficiently seconded.

The question being the adoption of the David Welch floor amendment.

### YEAS 52 NAYS 254

#### YEAS 52

#### BELKNAP

None

#### CARROLL

Babson, David, Jr.                      Cooper, Kipp

#### CHESHIRE

Avery, Stephen	Bonneau, Sarah	DePecol, Benjamin	Lynch, Margaret
Lynott, Margaret	Pratt, John	Richardson, Barbara	Russell, Ronald

#### COOS

Mears, Edgar

#### GRAFTON

Below, Clifton	Copenhaver, Marion	Guest, Robert	Luker, Elsa
Mirski, Paul			

#### HILLSBOROUGH

Allen, W. Gordon	Desrosiers, William	Foster, Linda	Franks, Suzan
Gage, Ruth	McRae, Karen	Vaillancourt, Steve	Williams, Carol

#### MERRIMACK

Brown, Mary	Burney, Carol	Crosby, Toni	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Reardon, Tara	Rogers, Katherine
Wallin, Jean			

**ROCKINGHAM**

Cushing, Robert	Dowling, Patricia	Hutchinson, Rebecca	McKinney, Betsy
O'Keefe, Patricia	Pantelakos, Laura	Rabideau, Marie	Raynowska, Bernard
Sapareto, Frank			

**STRAFFORD**

Brennan, William	Estabrook, Iris	Kaen, Naida	Knowles, William
Lundborn, Raymond	Merritt, Deborah	Vincent, Francis	

**SULLIVAN**

Allison, David	Robb-Theroux, Amy	Wiggins, Celestine
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**NAYS 254****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Holbrook, Robert	Lawton, David	Pilliod, James	Rosen, Ralph
Thomas, John	Turner, Robert		

**CARROLL**

Bradley, Jeb	Chandler, Gene	Dickinson, Howard, Jr.	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald		

**CHESHIRE**

Burnham, Daniel	Champagne, Richard	Hunt, John	Manning, Joseph
McGuirk, Paul	McNamara, Wanda	Meader, David	Metzger, Katherine
Riley, William	Robertson, Timothy	Royce, H. Charles	

**COOS**

Bradley, Paula	Davis, Perley	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Merrill, Gerald	Pratt, Leighton	St. Hilaire, Paul
Tholl, John, Jr.			

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Brown, Channing
Guaraldi, Lawrence	Ham, Bonnie	Hill, Richard	Hinman, Harry
Lovett, Sidney	Nordgren, Sharon	Phinney, William	Root, John
Teschner, Douglass	Williams, William, Jr.		

**HILLSBOROUGH**

Ackerman, Philip	Ameen, W.	Amidon, Eleanor	Arnold, Thomas, Jr.
Baroody, Benjamin	Barry, William, III	Batula, Peter	Bergin, Peter
Boutin, David	Briefs, Geoffrey	Buckley, Raymond	Burke, M. Virginia
Calawa, Leon, Jr.	Cardin, Lori	Carlson, Donald	Chabot, Ernest
Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr.	Cote, David
Cote, Peter	D'Allesandro, Lou	Daigle, Robert	Daniels, Gary
Dawe, Eileen	Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan
Dwyer, Paul, Sr.	Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James
Fields, Dennis	Flora, Kathleen	Gagnon, Eugene	Ginsburg, Ruth
Golding, William	Goulet, Maurice	Hall, Betty	Hart, Nick
Herman, Keith	Holley, Sylvia	Holt, David	Hunter, Bruce
Jean, Claudette	Jean, Loren	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland	Leonard, Peter
Lessard, Rudy	Letendre, Evelyn	Lozeau, Donnalee	Luebker, Bernard
MacAuslan, Rita	MacGillivray, Jeffrey	MacIntyre, Doris	Martin, Mary
McCarty, Winston	McDonald, James, Sr.	McGough, Tim	Melcher, Harold

Mercer, Robert  
Morello, Michael  
Perkins, Paul  
Riley, Frances  
Thulander, O. Alan  
Wright, George

Messier, Irene  
Murphy, Robert  
Peterson, Andrew  
Rowe, Robert  
Turgeon, Roland

Milligan, Robert  
O'Hearn, Jane  
Piteri, Dawn  
Sargent, Maxwell  
Wheeler, Robert

Mittelman, David  
Pepino, Leo  
Reidy, Frank  
Searles, Stanley, Sr.  
White, Donald

### MERRIMACK

Anderson, Eric  
Daneault, Gabriel  
Feuerstein, Martin  
Hoadley, Elizabeth  
Larrabee, David  
Morrill, Olive  
Seldin, Gloria  
Yeaton, Charles

Chandler, Earle  
Davis, Francis  
Fraser, Marilyn  
Jacobson, Alf  
Lavoie, Gerard  
Nichols, Avis  
St. Cyr, Gerard

Colburn, Thomas  
DeStefano, Stephen  
French, Barbara  
Krueger, Patricia  
Leber, William  
Owen, Derek  
Whalley, Michael

Crowell, Peter  
Dunn, Miriam  
Hager, Elizabeth  
Lamach, Bernard  
Lockwood, Robert  
Pfaff, Terence  
Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
Bishop, Franklin  
Dalrymple, Janeen  
Downing, Michael  
Flanders, John, Sr.  
Griffin, Mary  
Johnson, Robert  
Kelley, Jane  
Langone, John  
McCarthy, John, Jr.  
Norelli, Terie  
Rubin, George  
Stritch, C. Donald  
Vaughn, Charles

Arndt, Janet  
Camm, Kevin  
Dodge, Robert  
Dunham, Vivian  
Franchoeur, Sheila  
Guthrie, Joseph  
Kane, Cecelia  
Klemm, Arthur, Jr.  
Letourneau, Robert  
Micklon, Stephanie  
Nowe, Ronald  
Schanda, Frank  
Syracusa, Anthony  
Welch, David

Beaulieu, Jon  
Christie, Andrew, Jr.  
Dolan, Richard  
Flanagan, Natalie  
Gibbons, Paul  
Heath, John  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
Mikowski, Walter  
Packard, Sherman  
Stickney, Nancy  
Tufts, J. Arthur  
Weyler, Kenneth

Belanger, Ronald  
Cooney, Richard  
Dowd, Sandra  
Flanders, David  
Gleason, John  
Henderson, Warren  
Katsakiores, Phyllis  
Langley, Jane  
Malcolm, Kenneth  
Moore, Benjamin  
Pitts, Jacqueline  
Stone, Joseph  
Varrell, Thomas

### STRAFFORD

Berube, Roger  
Hemon, Roland  
Musler, George  
Smith, Marjorie  
Taylor, Kathleen  
Twardus, Joseph

Cossette, Larry  
Keans, Sandra  
Pelletier, Arthur  
Snyder, Clair  
Torr, Ann  
Vachon, Dennis

DeChane, Marlene  
McKinley, Robert  
Rogers, Rose Marie  
Spear, Barbara  
Torr, Franklin  
Wall, Janet

Dunlap, Patricia  
Merrill, Amanda  
Rollo, Michael  
Sullivan, Henry  
Tsiros, William

### SULLIVAN

Adler, Rudolf  
Ferland, Brenda

Burling, Peter  
Leone, Richard

Cloutier, John  
Lindblade, Eric

Donovan, Thomas  
Schotanus, Merle

and the David Welch floor amendment failed.  
Report adopted and ordered to third reading.

**SB 409-FN**, relative to long-term care and extending the moratorium on new nursing home beds.  
**REFER FOR INTERIM STUDY**

Rep. William S. Belvin for Finance: This bill addresses the vital concern of long term care primarily for the impoverished elderly and those that are physically disabled or chronically ill. The bill's core objectives are twofold: to provide individuals with choices that serve their needs from among several appropriate alternative levels of care in addition to nursing homes, and to set in place shared state and county financial responsibility based on sustainable and affordable costs. While there was unanimous committee agreement on the bill's concept, the linkages between the broad objectives and actual application to eligible individuals, long term care facilities, counties and the state were the subject of numerous amendments and policy concerns.



It is clear that very few, if any, persons seek nursing home care because of its institutional environment and loss of autonomy. It is also clear that the \$191.6 million of expenditures (FY 1999) in support of these entitled needy persons for nursing home and home nursing care will likely grow with the aging of the state's population. Consequently it is very important that the eligibility requirements, methodologies, and state/county cost share formulas, and their long term consequences, be thoroughly understood and agreeable to all parties if we are to achieve the variety of quality care needed and desired by our elderly at an affordable cost. Given the bill's late arrival in the House, and despite expedited efforts by both the Health and Human Services and Finance committees, the issues involved could not be resolved in the time allowed, and the bill was voted Interim Study. Going forward, both committees will collaborate in the interim study and will begin the effort early in the summer. Vote 17-0.

Rep. Manning spoke in favor.

Rep. Kurk spoke in favor and yielded to questions.

Adopted.

### **SB 475-FN-L, relative to medicaid reimbursement rates and dental care. OUGHT TO PASS WITH AMENDMENT**

Rep. William S. Belvin for Finance: This bill came to the House dealing with medicaid reimbursement rates for children's dental care. It mandated an increase in the reimbursement rates from 65% to 73% of the "usual and customary charges." The Finance Committee amendment sets up a two-year pilot program for the next biennium and requires the Department of Health and Human Services to report on how effective the higher dentist reimbursements are in increasing the number of children receiving dental care. The estimated cost is \$875,000 in FY 2000 and \$1.3 million in FY 2001.

Two additional issues were added as amendments after public hearings. One amendment deals with significant separation of powers concerns relating to the authority to define eligibility for programs tied to the Federal poverty level. At present, the executive branch may unilaterally expand eligibility for such programs or create new ones, such as the proposed children's health insurance program, setting the stage for higher future appropriations. The Committee believes some legislative participation is required to balance the executive branch's authority, and the amendment requires that any such expansion first be approved by the legislative Fiscal Committee.

The other amendment is an appropriation of \$1,532,500 as the required state match for the Federal funds received as a result of the January 1998 ice, snow and wind storms and their associated damage. Vote 11-6.

### **Amendment (2034h)**

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

**AN ACT** relative to medicaid reimbursement rates and dental care, relative to eligibility levels for certain programs, and making an appropriation to the office of emergency management.

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

1 Intent. The legislature finds that it is the state's responsibility to ensure that the greatest number of children possible receive adequate dental care. Therefore, this act provides that, as of July 1, 1999, the medicaid reimbursement rates for dental services to children shall be not less than 73 percent of the usual and customary charges for such services.

2 Medicaid Reimbursement. For the period of July 1, 1999 through June 30, 2001, medicaid reimbursement rates for dental services to children shall be not less than 73 percent of the usual and customary charges for such services.

3 Funding; Department of Health and Human Services. The department of health and human services shall include in its next biennial budget the costs of funding medicaid reimbursement rates for dental services to children at not less than 73 percent of the usual and customary charges for such services.

4 Report. The department of health and human services shall, on or before January 1, 2001, submit a report to the governor, the senate president, and the speaker of the house which analyzes the effect of the percentage increase in section 2 of this act on the number of children who participate in the dental care program. This report shall include, but not be limited to, identifying barriers to participation by children in the medicaid reimbursed dental care program and recommending approaches to address those barriers in future programs or legislation.

5 New Section; Eligibility Levels. Amend RSA 126-A by inserting after section 5 the following new section:

126-A:5-a Eligibility Levels. Notwithstanding RSA 126-A, RSA 167 or any other provision of state law to the contrary and to the extent allowed by federal law, percentage eligibility levels under any new and existing programs administered by the department of health and human services or any other department which are partially or fully funded by state general funds and which are tied to the federal poverty guidelines as set by the United States Department of Health and Human Services shall not be raised from their levels as approved by the federal government as of May 22, 1998 without the prior approval of the legislative fiscal committee.

6 Appropriation; Emergency Management. The sum of \$1,532,500, of which \$250,000 shall be a charge against the highway fund, for the biennium ending June 30, 1999, is hereby appropriated to the office of emergency management to provide a state match for federal funds received as a result of damages sustained from severe ice storms, high winds, and snow in the month of January 1998. This appropriation shall be in addition to any other sums appropriated to the office of emergency management. Said sum may be a charge against any appropriate fund. The governor is authorized to draw a warrant out of any money in the treasury not otherwise appropriated.

7 Repeal. Sections 1-4 of this act, relative to the medicaid reimbursement rate for dental services to children and a report, are repealed.

8 Effective Date.

I. Sections 1-4 of this act shall take effect July 1, 1999.

II. Section 7 of this act shall take effect June 30, 2001.

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

#### AMENDED ANALYSIS

This bill requires medicaid reimbursement rates for dental service for children to be at least 73 percent of the usual and customary charges for such services for the period of July 1, 1999 to June 30, 2001.

This bill freezes eligibility levels for certain programs.

This bill also makes an appropriation to the office of emergency management to match federal funds received as a result of January 1998 storms.

Rep. Amanda Merrill requested that the amendment be divided. The Speaker ruled that the question was divisible.

Rep. Amanda Merrill moved that Section 5 of the amendment be voted on separately.

The remainder of the amendment was adopted.

The question now being the adoption of Section 5 of the amendment.

Reps. Jacobson and Manning spoke against.

Reps. Kurk and Ann Torr spoke in favor and yielded to questions.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the adoption of Section 5 of the amendment.

#### YEAS 174 NAYS 124

#### YEAS 174

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Holbrook, Robert	Lawton, David	Pilliod, James	Rosen, Ralph
Thomas, John	Turner, Robert		

#### CARROLL

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Lyman, L. Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald		

#### CHESHIRE

Avery, Stephen	Hunt, John	McNamara, Wanda	Metzger, Katherine
Royce, H. Charles			

**COOS**

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
St. Hilaire, Paul

Horton, Lynn  
Tholl, John, Jr.

Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Hill, Richard  
Root, John

Alger, John  
Hinman, Harry  
Teschner, Douglass

Brown, Channing  
Mirski, Paul  
Williams, William, Jr.

Guaraldi, Lawrence  
Phinney, William

**HILLSBOROUGH**

Amidon, Eleanor  
Boutin, David  
Carlson, Donald  
Daniels, Gary  
Dyer, Merton  
Golding, William  
Holt, David  
LaRose, Richard  
MacGillivray, Jeffrey  
McRae, Karen  
Mittelman, David  
Pepino, Leo  
Rowe, Robert  
Wheeler, Robert

Arnold, Thomas, Jr.  
Briefs, Geoffrey  
Chabot, Ernest  
Desrosiers, William  
Emerton, Lawrence, Sr.  
Goulet, Maurice  
Hunter, Bruce  
Lessard, Rudy  
MacIntyre, Doris  
Mercer, Robert  
Morello, Michael  
Peterson, Andrew  
Sargent, Maxwell  
White, Donald

Batula, Peter  
Burke, M. Virginia  
Chabot, Robert  
Dokmo, Cynthia  
Flora, Kathleen  
Herman, Keith  
Jean, Loren  
Letendre, Evelyn  
McCarty, Winston  
Messier, Irene  
Murphy, Robert  
Piten, Dawn  
Searles, Stanley, Sr.  
Wright, George

Bergin, Peter  
Calawa, Leon, Jr.  
Clegg, Robert, Jr.  
Durham, Susan  
Gagnon, Eugene  
Holley, Sylvia  
Kurk, Neal  
Luebkert, Bernard  
McGough, Tim  
Milligan, Robert  
O'Hearn, Jane  
Riley, Frances  
Thulander, O. Alan

**MERRIMACK**

Anderson, Eric  
Crowell, Peter  
Lamach, Bernard  
Marshall, Kenneth  
Pfaff, Terence

Brown, Mary  
Davis, Francis  
Larrabee, David  
Maxfield, Roy  
Whalley, Michael

Chandler, Earle  
Feuerstein, Martin  
Lavoie, Gerard  
Morrill, Olive

Colburn, Thomas  
Hoadley, Elizabeth  
Leber, William  
Nichols, Avis

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Dodge, Robert  
Dunham, Vivian  
Francoeur, Sheila  
Henderson, Warren  
Klemm, Arthur, Jr.  
Letourneau, Robert  
McKinney, Betsy  
Packard, Sherman  
Stickney, Nancy  
Welch, David

Beaulieu, Jon  
Christie, Andrew, Jr.  
Dolan, Richard  
Flanagan, Natalie  
Gleason, John  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
Mikowski, Walter  
Rabideau, Marie  
Stone, Joseph  
Weyler, Kenneth

Belanger, Ronald  
Cooney, Richard  
Dowd, Sandra  
Flanders, David  
Griffin, Mary  
Katsakiores, George  
Langley, Jane  
Malcolm, Kenneth  
Moore, Benjamin  
Rubin, George  
Tufts, J. Arthur

Bishop, Franklin  
Dalrymple, Janeen  
Dowling, Patricia  
Flanders, John, Sr.  
Guthrie, Joseph  
Katsakiores, Phyllis  
Langone, John  
McCarthy, John, Jr.  
Nowe, Ronald  
Sapareto, Frank  
Varrell, Thomas

**STRAFFORD**

Berube, Roger  
Spear, Barbara

Cossette, Larry  
Torr, Ann

McKinley, Robert  
Torr, Franklin

Musler, George  
Vincent, Francis

**SULLIVAN**

Adler, Rudolf

Leone, Richard

Robb-Theroux, Amy

Schotanus, Merle

**NAYS 124****BELKNAP**

None



**CARROLL**

Kenney, Joseph

**CHESHIRE**

Bonneau, Sarah  
Lynch, Margaret  
Meader, David  
Robertson, Timothy

Burnham, Daniel  
Lynott, Margaret  
Pratt, John  
Russell, Ronald

Champagne, Richard  
Manning, Joseph  
Richardson, Barbara

DePecol, Benjamin  
McGuirk, Paul  
Riley, William

**COOS**

Bradley, Paula

Hawkinson, Marie

Mears, Edgar

**GRAFTON**

Almy, Susan  
Ham, Bonnie

Below, Clifton  
Lovett, Sidney

Copenhaver, Marion  
Luker, Elsa

Guest, Robert  
Nordgren, Sharon

**HILLSBOROUGH**

Ackerman, Philip  
Barry, William, III  
Cote, Peter  
Drabinowicz, A. Theresa  
Foster, Linda  
Hall, Betty  
L'Heureux, Robert  
Perkins, Paul  
Williams, Carol

Allen, W. Gordon  
Buckley, Raymond  
D'Allesandro, Lou  
Dwyer, Paul, Sr.  
Franks, Suzan  
Hart, Nick  
Martin, Mary  
Reidy, Frank

Ameen, W.  
Christiansen, Lars  
Daigle, Robert  
Fenton, James  
Gage, Ruth  
Jean, Claudette  
McDonald, James, Sr.  
Turgeon, Roland

Baroody, Benjamin  
Cote, David  
Dawe, Eileen  
Fields, Dennis  
Ginsburg, Ruth  
Konyms, Christine  
Melcher, Harold  
Vaillancourt, Steve

**MERRIMACK**

Burney, Carol  
Dunn, Miriam  
Jacobson, Alf  
Reardon, Tara  
Wallin, Jean

Crosby, Toni  
Fraser, Marilyn  
Lockwood, Robert  
Rogers, Katherine  
Whittemore, James

Daneault, Gabriel  
French, Barbara  
Moore, Carol  
Seldin, Gloria  
Yeaton, Charles

DeStefano, Stephen  
Hager, Elizabeth  
Owen, Derek  
St. Cyr, Gerard

**ROCKINGHAM**

Abbott, Dennis  
Heath, John  
Micklon, Stephanie  
Raynowska, Bernard  
Vaughn, Charles

Cushing, Robert  
Hutchinson, Rebecca  
Norelli, Terie  
Schanda, Frank

Downing, Michael  
Kane, Cecelia  
O'Keefe, Patricia  
Stritch, C. Donald

Gibbons, Paul  
Kelley, Jane  
Pitts, Jacqueline  
Syracusa, Anthony

**STRAFFORD**

Brennan, William  
Hemon, Roland  
Lundborn, Raymond  
Rogers, Rose Marie  
Sullivan, Henry  
Vachon, Dennis

DeChane, Marlene  
Kaen, Naida  
Merrill, Amanda  
Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

Dunlap, Patricia  
Keans, Sandra  
Merritt, Deborah  
Smith, Marjorie  
Tsiros, William

Estabrook, Iris  
Knowles, William  
Pelletier, Arthur  
Snyder, Clair  
Twardus, Joseph

**SULLIVAN**

Allison, David  
Ferland, Brenda

Burling, Peter  
Lindblade, Eric

Cloutier, John  
Wiggins, Celestine

Donovan, Thomas

and Section 5 was adopted.

Rep. Lozeau declared a conflict of interest and did not participate.

The question now being the adoption of the report.

Rep. Burling spoke against.

Rep. Wheeler spoke in favor.

On a division vote, 175 members having voted in the affirmative and 121 in the negative, the report was adopted.

Ordered to third reading.

Rep. Lozeau declared a conflict of interest and did not participate.

## RECESS

(Speaker Sytek in the Chair)

### SUSPENSION OF RULES

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit consideration at the present time, beyond the deadline and without the proper notice, of *SB 363-L*, relative to notification and jurisdiction of municipalities concerning governmental use of property.

Adopted by the necessary two-thirds.

**SB 363-L**, relative to notification to and jurisdiction of municipalities concerning governmental use of property. OUGHT TO PASS WITH AMENDMENT

Rep. Merle W. Schotanus for Public Works and Highways: This bill as amended is intended to strengthen existing law relative to notification to municipalities regarding government use of property. The bill makes clear that private use of government property does not enjoy the same exemption from local regulation that government uses do. The Public Works & Highways committee amendment specifies lead time required for notification and exempts installation of fiber optics facilities and apparatus in highway and railroad rights of ways. Vote 13-6.

### Amendment (2070h)

Amend RSA 674:54, II as inserted by section 2 of the bill by replacing it with the following:

II. The state, university system, county, town, city, school district, or village district shall give written notification to *the governing body and planning board, if such exists, of* a municipality of any proposed governmental use of property within its jurisdiction, which constitutes a substantial change in use or a substantial new use. Written notification shall contain plans, specifications, ~~and~~ explanations of proposed changes available at the time, *a statement of the governmental nature of the use as set forth in paragraph I, and a proposed construction schedule. Such notification shall be provided at least 60 days prior to the beginning of construction. [A] Either the governing body or planning board of the municipality* ~~[or its designated land use board]~~ may conduct a public hearing relative to the proposed governmental use. ~~[If the municipality chooses to hold a hearing, the]~~ *Any such* hearing shall be held within 30 days after receipt of notice by the ~~[municipality]~~ *governing body or planning board*. A representative of the governmental entity which provided notice shall be available to present the plans, specifications, ~~[or]~~ *and construction schedule, and to provide* explanations. The ~~[municipality shall provide]~~ *governing body or planning board may issue* nonbinding written comments relative to conformity *or nonconformity of the proposal* with normally applicable land use regulations to the sponsor of the governmental use within 30 days after the hearing.

Amend RSA 674:54, III as inserted by section 2 of the bill by replacing it with the following:

III. This section shall not apply to:

(a) The layout or construction of public highways of any class, or to the distribution lines or transmission apparatus of governmental utilities, provided that the erection of a highway or utility easement across a parcel of land, shall not, in and of itself, be deemed to subdivide the remaining land into 2 or more lots or sites for conveyance for development purposes in the absence of subdivision approval under this title. *For purposes of this subparagraph, "transmission apparatus" shall not include wireless communication facilities.*

(b) *The erection, installation, or maintenance of poles, structures, conduits and cables, or wires in, under, or across any public highways under RSA 231, or licenses or leases for telecommunication facilities in, under, or across railroad rights of way. For purposes of this subparagraph, "structures" shall not include wireless communications facilities.*

Adopted.

Rep. Gene Chandler spoke in favor.

Adopted and ordered to third reading.

**REGULAR CALENDAR (CONT'D.)**

**SB 427-FN**, establishing a revolving fund for loans for intrastate energy pipeline facilities improvements. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Vaughn for Finance: This bill, as amended, establishes a revolving loan fund of \$10 million to permit natural gas companies which create and expand intrastate pipelines to obtain financing at reduced interest rates through tax-exempt bonds issued by the Business Finance Authority (BFA). These nonpolluting energy projects will tap into the 30-inch gas pipeline coming into the state from southwestern states, western Canada and from the huge Sable Island gas field off the coast of Nova Scotia. Tax-exempt financing lowers costs for current and future industrial, commercial and residential users of natural gas. Gas utilities requesting loans under the bill would be required to receive applicable local, state and federal permits. Further, these utilities must pass muster with the BFA which would determine credit-worthiness, and terms and conditions of any loan. The Public Utilities Commission also reviews improvements and expansions of pipelines. Finally, Governor and Council must approve loans. The state treasurer indicated that this bill would not adversely affect the state's bonding capacity, as BFA bonds create self-supporting debt. Vote 17-0.

**Amendment (1924h)**

Amend the bill by replacing section 4 with the following:

4 New Section; Public Safety and Welfare; Business Finance Authority Revenue Bonds; Intrastate Energy Pipeline Facility Revolving Loan Fund. Amend RSA 162-1 by inserting after section 3- a the following new section:

**162-I:3-b Intrastate Energy Pipeline Facility Revolving Loan Fund.**

I. There is hereby established in the office of the state treasurer a fund to be known as the intrastate energy pipeline facility revolving loan fund which shall be kept separate and distinct from all other funds. Moneys in the fund shall be nonlapsing and shall be continually appropriated to the authority, and shall be used to provide loans for the construction of intrastate energy pipeline facilities in the state in order to increase the state's ability to meet the energy needs of its citizens and businesses at the lowest reasonable cost, while providing for the reliability and diversity of energy sources. The intrastate energy pipeline facilities shall be eligible for the revolving funds upon the operator receiving all applicable local, state, and federal permits. Loans provided to operators of intrastate energy pipeline facilities shall be approved by the governor and council.

II. The operator of the intrastate energy pipeline facility provided a loan under this section shall furnish assurance to the authority by a signed agreement that the facility intends to operate as an intrastate energy provider for the life of the capital improvement for which the funds are loaned.

III. The operator of the intrastate energy pipeline facility shall repay any loan made pursuant to this section upon such terms and conditions as are required by the authority. The term of the loan shall be no less than 5 years and no longer than 20 years, and shall to the extent possible consistent with this section be determined so as to match the useful life of the improvements funded by the loan. The terms and conditions shall be contained in the binding agreement between the state and the operator of the intrastate energy pipeline facility and shall be sufficient to fully reimburse the state for the principal and interest payments on that portion of the bonds authorized to fund the loan. The authority shall execute all such binding agreements on behalf of the state. All money received through reimbursement shall be deposited by the state treasurer in the intrastate energy pipeline facility revolving loan fund.

IV. In addition to such other terms and conditions that the authority may impose with regard to collateral for a loan, a lien on the property and equipment of the operator of the intrastate energy pipeline facility, including the improved property or equipment, shall be created in favor of the state in an amount which equals the sum of principal and interest to be repaid by the operator of the intrastate energy pipeline facility. The lien shall be recorded in the registry of deeds of the county or counties in which the improved property is situated and shall not supersede any pre-existing lien created by a mortgage, bond indenture, or similar form of security instrument affecting such property. The lien shall expire only when the loan has been fully repaid.

V. To provide funds for the revolving loan fund established pursuant to this section, the state treasurer, as may be requested from time to time by the authority, is authorized to borrow from time to time upon the credit of the state such amounts so that the aggregate principal amount of the bonds outstanding at any time shall not exceed \$10,000,000 and for said purposes may issue bonds and notes



at such time in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The authority shall request and the treasurer shall issue bonds only for such amounts from time to time as are required for the purposes of this section and provided that the principal and interest payments can be satisfied from sums in the fund established in paragraph I.

VI. The payments of principal and interest on the bonds issued under paragraph V shall be made when due from the special fund established by paragraph I.

VII. While the authority shall administer the fund as set forth in this section, and shall have the authority to charge borrowers to whom funds are loaned a fee to reimburse the authority for the services provided by it and costs incurred by it, the authority shall have no financial responsibility for the bonds issued under this section, said bonds being the obligation of the state as set forth in this section.

VIII. The operator of the intrastate pipeline facility shall reimburse the state treasurer for any expenses incurred in connection with the issuance of bonds under this section.

IX. The state treasurer shall submit a report by December 1 of each even-numbered year to the governor, to the chairperson of the house commerce committee, and to the chairperson of the senate economic development committee. The report shall be prepared in consultation with the executive director of the business finance authority and shall describe the activity of the revolving loan fund established pursuant to this section.

Adopted.

Rep. Weyler yielded to questions.

Rep. Hunt spoke in favor.

On a division vote, 233 members having voted in the affirmative and 25 in the negative, the report was adopted.

Ordered to third reading.

### SUSPENSION OF RULES

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit consideration at the present time without the required referral to committee, hearing and notice of **SB 491**, relative to residential care facilities.

On a division vote, 190 members having voted in the affirmative and 68 in the negative, the motion was adopted by the necessary two-thirds.

### CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to take any action.

### RESOLUTION

Reps. Wheeler and Burling offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 491 shall be by this resolution read a first and second time by the therein listed title.

Adopted by the necessary two-thirds.

### INTRODUCTION OF SENATE BILL

#### First, second reading and referral

**SB 491**, relative to residential care facilities.

### CONSIDERATION OF SENATE BILL 491

**SB 491**, relative to residential care facilities.

Rep. Kurk moved Refer for Interim Study and spoke in favor.

Rep. Linda Foster spoke against and yielded to questions.

Rep. Wallner spoke in favor.

Rep. Kurk yielded to questions.

Rep. Chabot spoke against.

Reps. Emerton and Wheeler spoke in favor and yielded to questions.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the motion to refer to interim study.

**YEAS 134 NAYS 117****YEAS 134****BELKNAP**

Boriso, Thomas  
Lawton, David

Boyce, Robert  
Rosen, Ralph

Holbrook, Robert  
Thomas, John

Hurt, George  
Turner, Robert

**CARROLL**

Bradley, Jeb  
Mock, Henry

Chandler, Gene  
Patten, Betsey

Dickinson, Howard, Jr.  
Philbrick, Donald

MacDonald, Kenneth

**CHESHIRE**

Burnham, Daniel  
Royce, H. Charles

Hunt, John

McNamara, Wanda

Metzger, Katherine

**COOS**

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
St. Hilaire, Paul

Horton, Lynn  
Tholl, John, Jr.

Merrill, Gerald

**GRAFTON**

Brown, Channing  
Teschner, Douglass

Hill, Richard

Hinman, Harry

LaMott, Paul

**HILLSBOROUGH**

Ameen, W.  
Christiansen, Lars  
Dwyer, Paul, Sr.  
Herman, Keith  
Jean, Loren  
Lessard, Rudy  
MacGillivray, Jeffrey  
Mercer, Robert  
Pepino, Leo  
Wheeler, Robert

Boutin, David  
Clegg, Robert, Jr.  
Fenton, James  
Holley, Sylvia  
Kurk, Neal  
Letendre, Evelyn  
McCarty, Winston  
Milligan, Robert  
Riley, Frances  
Wright, George

Burke, M. Virginia  
Daniels, Gary  
Flora, Kathleen  
Holt, David  
L'Heureux, Robert  
Lozeau, Donnalee  
McGough, Tim  
Mittelman, David  
Searles, Stanley, Sr.

Calawa, Leon, Jr.  
Dokmo, Cynthia  
Goulet, Maurice  
Hunter, Bruce  
LaRose, Richard  
Luebker, Bernard  
McRae, Karen  
Murphy, Robert  
Thulander, O. Alan

**MERRIMACK**

Anderson, Eric  
Davis, Francis  
Leber, William  
Wallner, Mary Jane

Brown, Mary  
Hager, Elizabeth  
Lockwood, Robert  
Whalley, Michael

Chandler, Earle  
Hoadley, Elizabeth  
Nichols, Avis

Crowell, Peter  
Larrabee, David  
Pfaff, Terence

**ROCKINGHAM**

Arndt, Janet  
Christie, Andrew, Jr.  
Dowling, Patricia  
Gleason, John  
Katsakiores, George  
Langone, John  
McCarthy, John, Jr.  
Packard, Sherman  
Rubin, George  
Stritch, C. Donald  
Welch, David

Beaulieu, Jon  
Cooney, Richard  
Flanagan, Natalie  
Griffin, Mary  
Katsakiores, Phyllis  
Letourneau, Robert  
McKinney, Betsy  
Rabideau, Marie  
Sapareto, Frank  
Tufts, J. Arthur  
Weyler, Kenneth

Belanger, Ronald  
Dalrymple, Janeen  
Flanders, John, Sr.  
Henderson, Warren  
Klemm, Arthur, Jr.  
Major, Norman  
Mikowski, Walter  
Raynowska, Bernard  
Stickney, Nancy  
Varrell, Thomas

Camm, Kevin  
Dowd, Sandra  
Francoeur, Sheila  
Johnson, Robert  
Kobel, Rudolph  
Malcolm, Kenneth  
Nowe, Ronald  
Reardon, Neil  
Stone, Joseph  
Verani, Giovanni

**STRAFFORD**

Cossette, Larry  
Wall, Janet

Musler, George

Torr, Ann

Torr, Franklin

**SULLIVAN**

Adler, Rudolf	Leone, Richard	Schotanus, Merle
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**NAYS 117****BELKNAP**

Pilliod, James
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**CARROLL**

Kenney, Joseph	Lyman, L. Randy
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**CHESHIRE**

DePecol, Benjamin	Manning, Joseph	McGuirk, Paul	Meader, David
Richardson, Barbara	Robertson, Timothy	Russell, Ronald	

**COOS**

Bradley, Paula	Hawkinson, Marie	Mears, Edgar
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**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Below, Clifton
Copenhaver, Marion	Guaraldi, Lawrence	Guest, Robert	Ham, Bonnie
Lovett, Sidney	Luker, Elsa	Nordgren, Sharon	

**HILLSBOROUGH**

Ackerman, Philip	Amidon, Eleanor	Arnold, Thomas, Jr.	Barry, William, III
Batula, Peter	Buckley, Raymond	Carlson, Donald	Chabot, Ernest
Chabot, Robert	Cote, David	Daigle, Robert	Durham, Susan
Dyer, Merton	Emerton, Lawrence, Sr.	Fields, Dennis	Foster, Linda
Gage, Ruth	Gagnon, Eugene	Ginsburg, Ruth	Golding, William
Hall, Betty	Hart, Nick	Lefebvre, Roland	MacAuslan, Rita
MacIntyre, Doris	Martin, Mary	Melcher, Harold	Messier, Irene
Peterson, Andrew	Reidy, Frank	Rowe, Robert	Sargent, Maxwell
Turgeon, Roland	Vaillancourt, Steve	White, Donald	Williams, Carol

**MERRIMACK**

Burney, Carol	Crosby, Toni	Daneault, Gabriel	DeStefano, Stephen
Dunn, Miriam	Fraser, Marilyn	French, Barbara	Jacobson, Alf
Lamach, Bernard	Morrill, Olive	Seldin, Gloria	St. Cyr, Gerard
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Bishop, Franklin	Cushing, Robert	Dodge, Robert
Dunham, Vivian	Gibbons, Paul	Guthrie, Joseph	Hutchinson, Rebecca
Kane, Cecelia	Kelley, Jane	Langley, Jane	Micklon, Stephanie
O'Keefe, Patricia	Pitts, Jacqueline	Schanda, Frank	Vaughn, Charles

**STRAFFORD**

Berube, Roger	Brennan, William	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Hemon, Roland	Kaen, Naida	Keans, Sandra
Knowles, William	McKinley, Robert	Merrill, Amanda	Merritt, Deborah
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spear, Barbara	Sullivan, Henry	Twardus, Joseph	Vachon, Dennis
Vincent, Francis			

**SULLIVAN**

Burling, Peter	Cloutier, John	Donovan, Thomas	Ferland, Brenda
Lindblade, Eric	Wiggins, Celestine		

and the motion failed lacking the necessary two-thirds.



### MOTION TO LAY ON THE TABLE

Rep. Wheeler moved that *SB 491-FN*, relative to residential care facilities, be laid on the table. On a division vote, 154 members having voted in the affirmative and 96 in the negative, the motion failed lacking the necessary two-thirds.

### MOTION TO SUSPEND RULES

Rep. Burling moved that the Rules be so far suspended as to permit the referral of *SB 491-FN*, relative to residential care facilities, to the Committee on Health, Human Services and Elderly Affairs, spoke in favor and withdrew his motion.

### SENATE MESSAGES

#### CONCURRENCE WITH AMENDMENTS

*SB 342*, relative to capital appropriations for the Glencliff home for the elderly and for certain department of safety projects, relative to approval of certain leases by state agencies, and relative to renovations to certain state office buildings.

*SB 405-FN*, relative to a specific time period by which the state is required to have an audited financial statement available to the public.

*SB 417-FN*, continuing the court modernization fund and its source of funding from penalty assessments and making an appropriation for maintenance of the new judicial branch administration building.

*SB 462-FN*, establishing certain commissions relative to educational issues, and making an appropriation therefor, and making an appropriation to the New Hampshire Veterans' Home.

*SB 464-FN*, relative to limitations from civil liability for volunteers and relative to state agency preparedness for the year 2000 computer problem.

*SB 492*, amending the charter of the union school district of Keene.

*SB 500*, relative to the use of credit data for certain insurance purposes.

*SB 504-FN*, relative to members of predecessor systems of the New Hampshire retirement system.

#### ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

*HB 707-L*, providing that the telecommunications poles and lines be subject to the property tax. The President appointed Sens. Frederick King, Gordon and Blaisdell.

*HB 1196*, relative to coordinating and compiling studies and establishing a lead education program concerning the effects of lead on water birds and other wildlife.

The President appointed Sens. Johnson, Cohen and Russman.

*HB 1371*, requiring the collection of certain data on children and parents in the state case registry for use in child support enforcement.

The President appointed Sens. Squires, Hollingworth and Podles.

*HB 1517-FN-A-L*, establishing a fund for dredging to maintain harbors in New Hampshire.

The President appointed Sens. Squires, Frederick King and Cohen.

#### NONCONCURS WITH AMENDMENTS

#### REQUESTS COMMITTEES OF CONFERENCE

*SB 66*, allowing a state resident to obtain a license for a pistol or revolver for life.

The President appointed Sens. Francoeur, David Wheeler and Whipple.

Rep. David moved that the House refuse to accede and spoke in favor.

Adopted by the necessary two-thirds.

*SB 352*, relative to continuing education requirements for electrologists.

The President appointed Sens. David Wheeler, Katherine Wheeler and Podles.

Rep. Mercer moved that the House accede.

Adopted by the necessary two-thirds.

The Speaker appointed Reps. Goulet, Stickney, Holley and Gile.

**SB 421**, relative to timber harvesting and penalties for timber trespass.

The President appointed Sens. Gordon, Francoeur and Whipple.

Rep. Royce moved that the House accede.

Adopted by the necessary two-thirds.

The Speaker appointed Reps. Royce, Crowell, Adler and Downing.

**SB 440-FN-L**, relative to fines payable to the division of motor vehicles; allowing civil bench warrants for defaults on such fines; authorizing bail commissioners to receive certain civil fines and fees, and authorizing bail commissioners to receive certain civil fines and fees, and authorizing the division of motor vehicles to report those in default to a consumer reporting agency.

The President appointed Sens. Podles, Gordon and Pignatelli.

Rep. Packard moved that the House accede.

Adopted by the necessary two-thirds.

The Speaker appointed Reps. Packard, Bartlett, Franklin Torr and Peter Cote.

**SB 475-FN-L**, relative to medicaid reimbursement rates and dental care.

The President appointed Sens. David Wheeler, Francoeur and Blaisdell.

Rep. Kurk moved that the House accede.

Adopted by the necessary two-thirds.

The Speaker appointed Reps. Dowling, Thulander, Kurk and Wheeler.

**SB 494**, establishing the voluntary small employer health insurance purchasing alliance.

The President appointed Sens. Fraser, Danais and Katherine Wheeler.

Rep. Hunt moved that the House accede.

Adopted by the necessary two-thirds.

The Speaker appointed Reps. Herman, Hurt, Syracuse and Francoeur.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 256-FN**, establishing uniform adjudicative proceedings for state agencies. (Amendment printed SJ 19, 6/10/98)

Rep. Mercer moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 490**, relative to the confidentiality of medical information. (Amendment printed SJ 19, 6/10/98)

Rep. Emerton moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 559-FN**, allowing courts to impose an extended term of imprisonment upon persons of any age who have committed certain crimes against persons under 13 years of age. (Amendment printed SJ 19, 6/10/98)

Rep. David Welch moved that the House nonconcur and request a Committee of Conference.

Adopted by the necessary two-thirds.

The Speaker appointed Reps. Lyman, Flora, Mikowski and Schanda.

**HB 587-FN**, relative to the system benefits charge. (Amendment printed SJ 18, 6/4/98)

Rep. Jeb Bradley moved that the House nonconcur and request a Committee of Conference.

Adopted by the necessary two-thirds.

The Speaker appointed Reps. Jeb Bradley, Kurk, Below and MacGillivray.

**HB 651-FN-L**, relative to electric rate reduction financing. (Amendment printed SJ 18, 6/4/98)

Rep. Jeb Bradley moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 682-FN-L**, requiring the division of state police to maintain a central offender registry and relative to public access to information contained in the registry. (Amendment printed SJ 19, 6/10/98)

Rep. David Welch moved that the House concur.

Rep. Knowles spoke in favor.

Adopted by the necessary two-thirds.

**HB 686-FN-A**, relative to financing child day care facilities. (Amendment printed SJ 18, 6/4/98)  
Rep. Emerton moved that the House concur.

Adopted by the necessary-two-thirds.

**HB 749-FN**, relative to disability retirement benefits for retirement system members permanently incapacitated for duty. (Amendment printed SJ 19, 6/10/98)

Rep. Mercer moved that the House nonconcur and request a Committee of Conference.

Adopted by the necessary two-thirds.

The Speaker appointed Reps. Dyer, Mercer, Klemm and Robertson.

**HB 774-FN**, relative to child support, custodial rights, and visitation. (Amendment printed SJ 19, 6/10/98)

Rep. John McCarthy moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 1011-FN**, making it a felony to operate certain gambling businesses and prohibiting possession of gambling machines unless specifically authorized under state law. (Amendment printed SJ 19, 6/10/98)

Rep. David Welch moved that the House nonconcur.

Rep. Henderson spoke in favor.

Rep. Vaillancourt spoke against.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

The question being the motion to nonconcur.

### YEAS 174 NAYS 34

#### YEAS 174

#### BELKNAP

Boyce, Robert  
Turner, Robert

Holbrook, Robert

Rosen, Ralph

Thomas, John

#### CARROLL

Bradley, Jeb  
Mock, Henry

Chandler, Gene  
Patten, Betsy

Lyman, L. Randy  
Philbrick, Donald

MacDonald, Kenneth

#### CHESHIRE

Burnham, Daniel  
Meador, David  
Royce, H. Charles

DePecol, Benjamin  
Metzger, Katherine

Hunt, John  
Richardson, Barbara

McNamara, Wanda  
Robertson, Timothy

#### COOS

Davis, Perley  
Tholl, John, Jr.

Guay, Lawrence

Horton, Lynn

Pratt, Leighton

#### GRAFTON

Alger, John  
Guaraldi, Lawrence  
Lovett, Sidney

Almy, Susan  
Guest, Robert  
Nordgren, Sharon

Below, Clifton  
Hinman, Harry  
Teschner, Douglass

Copenhaver, Marion  
LaMott, Paul

#### HILLSBOROUGH

Ackerman, Philip  
Boutin, David  
Carlson, Donald  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Golding, William  
Holley, Sylvia  
Lefebvre, Roland  
MacGillivray, Jeffrey

Amidon, Eleanor  
Buckley, Raymond  
Clegg, Robert, Jr.  
Durham, Susan  
Fields, Dennis  
Goulet, Maurice  
Holt, David  
Lozeau, Donnalee  
MacIntyre, Doris

Arnold, Thomas, Jr.  
Burke, M. Virginia  
Daigle, Robert  
Dwyer, Paul, Sr.  
Flora, Kathleen  
Hart, Nick  
Hunter, Bruce  
Luebker, Bernard  
Martin, Mary

Barry, William, III  
Calawa, Leon, Jr.  
Daniels, Gary  
Dyer, Merton  
Foster, Linda  
Herman, Keith  
Kurk, Neal  
MacAuslan, Rita  
McCarty, Winston



McGough, Tim  
Messier, Irene  
Reidy, Frank  
Searles, Stanley, Sr.  
Wheeler, Robert

McRae, Karen  
Milligan, Robert  
Riley, Frances  
Thulander, O. Alan  
White, Donald

Melcher, Harold  
Mittelman, David  
Rowe, Robert  
Turgeon, Roland  
Williams, Carol

Mercer, Robert  
Peterson, Andrew  
Sargent, Maxwell  
Vaillancourt, Steve  
Wright, George

### MERRIMACK

Anderson, Eric  
Daneault, Gabriel  
Hager, Elizabeth  
Morrill, Olive  
Seldin, Gloria  
Yeaton, Charles

Brown, Mary  
Davis, Francis  
Larrabee, David  
Nichols, Avis  
Wallner, Mary Jane

Chandler, Earle  
Fraser, Marilyn  
Leber, William  
Pfaff, Terence  
Whalley, Michael

Crowell, Peter  
French, Barbara  
Lockwood, Robert  
Rogers, Katherine  
Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
Christie, Andrew, Jr.  
Flanagan, Natalie  
Henderson, Warren  
Langone, John  
McKinney, Betsy  
Reardon, Neil  
Stritch, C. Donald  
Weyler, Kenneth

Beaulieu, Jon  
Dalrymple, Janeen  
Flanders, John, Sr.  
Kane, Cecelia  
Letourneau, Robert  
Micklon, Stephanie  
Sapareto, Frank  
Varrell, Thomas

Belanger, Ronald  
Dodge, Robert  
Francoeur, Sheila  
Kobel, Rudolph  
Major, Norman  
Nowe, Ronald  
Schanda, Frank  
Verani, Giovanni

Bishop, Franklin  
Dowling, Patricia  
Gleason, John  
Langley, Jane  
Malcolm, Kenneth  
Rabideau, Marie  
Stone, Joseph  
Welch, David

### STRAFFORD

Brennan, William  
Hemon, Roland  
Merritt, Deborah  
Snyder, Clair  
Twardus, Joseph

Cossette, Larry  
Kaen, Naida  
Musler, George  
Spear, Barbara  
Vachon, Dennis

DeChane, Marlene  
McKinley, Robert  
Rogers, Rose Marie  
Torr, Ann  
Wall, Janet

Dunlap, Patricia  
Merrill, Amanda  
Rollo, Michael  
Torr, Franklin

### SULLIVAN

Burling, Peter  
Leone, Richard

Cloutier, John  
Lindblade, Eric

Donovan, Thomas  
Schotanus, Merle

Ferland, Brenda  
Wiggins, Celestine

### NAYS 34

### BELKNAP

Pilliod, James

### CARROLL

Dickinson, Howard, Jr.

### CHESHIRE

None

### COOS

None

### GRAFTON

Brown, Channing

Ham, Bonnie

### HILLSBOROUGH

Chabot, Robert  
Gagnon, Eugene  
LaRose, Richard

Christiansen, Lars  
Ginsburg, Ruth  
Lessard, Rudy

Fenton, James  
Hall, Betty  
Murphy, Robert

Gage, Ruth  
Jean, Loren

**MERRIMACK**

Burney, Carol	Jacobson, Alf	Lamach, Bernard	St. Cyr, Gerard
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**ROCKINGHAM**

Camm, Kevin	Cooney, Richard	Dunham, Vivian	Gibbons, Paul
Griffin, Mary	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Mikowski, Walter	Raynowska, Bernard	Vaughn, Charles	

**STRAFFORD**

Berube, Roger	Keans, Sandra	Sullivan, Henry	Vincent, Francis
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**SULLIVAN**

None

and the motion was adopted by the necessary two-thirds.

Rep. Berube voted nay and intended to vote yea.

Rep. David Lawton declared a conflict of interest and did not participate.

**HB 1156-FN-L**, relative to primary elections and absentee ballots. (Amendment printed SJ 19, 6/10/98)

Rep Arndt moved that the House concur.

Adopted by the necessary two-thirds.

**HB 1169-L**, clarifying the authority of the ballot law commission relative to the examination of programs used to count voted. (Amendment printed SJ 19, 6/10/98)

Rep. Arndt moved that the House nonconcur and request a Committee of Conference.

Adopted by the necessary two-thirds.

The Speaker appointed Reps. Arndt, Arnold, Buckley and Ann Torr.

**HB 1174**, establishing a committee to study the state substance abuse treatment delivery system

and relative to certain tests for alcohol concentration. (Amendment printed SJ 18, 6/4/98)

Rep. Emerton moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 1236-L**, relative to limitations on the amendment of warrant articles in official ballot voting.

(Amendment printed SJ 19, 6/10/98)

Rep. Metzger moved that the House nonconcur and request a Committee of Conference.

Adopted by the necessary two-thirds.

The Speaker appointed Reps. Metzger, McGuirk, Flint and Patricia Cote.

**HB 1272-L**, requiring the long range capital planning and utilization committee and the Skyhaven airport operation commission to develop a plan to transfer the Skyhaven airport to a local public entity. (Amendment printed SJ 19, 6/10/98.

Rep. Gene Chandler moved that the House concur, spoke in favor and yielded to questions.

Adopted by the necessary two-thirds.

**HB 1281**, requiring managed care plans to permit a woman to select an obstetrician-gynecologist as a primary care physician or to obtain access for certain obstetrical or gynecological services. (Amendment printed SJ 19, 6/10/98)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 1290-FN**, relative to the authority of the state fire marshal. (Amendment printed SJ 19, 6/10/98)

Rep. David Welch moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 1297-FN-A**, establishing a program of integrated pest management and continually appropriating an integrated pest management fund. (Amendment printed SJ 19, 6/10/98)

Rep. Musler moved that the House nonconcur and request a Committee of Conference.

Adopted by the necessary two-thirds.

The Speaker appointed Reps. Babson, Leighton Pratt, Brennan and Franklin Torr.

**HB 1303-FN**, continually appropriating boating fees and other revenues to the division of safety services. (Amendment printed SJ 19, 6/10/98)

Rep. Kurk moved that the House nonconcur and request a Committee of Conference.

Adopted by the necessary two-thirds.

The Speaker appointed Reps. Klemm, Franklin Torr, Robert Johnson and Lynch.

**HB 1337-FN**, making technical corrections in laws related to the department of corrections. (Amendment printed SJ 19, 6/10/98)

Rep. Mercer moved that the House concur.

Rep. Dyer spoke in favor.

Adopted by the necessary two-thirds.

**HB 1389-FN-L**, relative to agreements for telecommunications-related uses of the state highway system. (Amendment printed SJ 18, 6/4/98)

Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted by the necessary two-thirds.

The Speaker appointed Reps. McCarty, Leber, Belvin and D'Allesandro.

**HB 1515-FN**, relative to discharge of persons imprisoned for failure to pay a penalty assessment or an administrative fee. (Amendment printed SJ 19, 6/10/98)

Rep. David Welch moved that the House concur.

Rep. Christie spoke in favor.

Adopted by the necessary two-thirds.

**HB 1531-FN**, relative to reimbursement for removal of petroleum storage facilities from the oil pollution control fund. (Amendment printed SJ 19, 6/10/98)

Rep. Royce moved that the House nonconcur and request a Committee of Conference.

Adopted by the necessary two-thirds.

The Speaker appointed Reps. Whalley, Royce, David Cote and Holbrook.

**HB 1553-FN**, prohibiting the possession or use of rohypnol, ketamine, and GHB. (Amendment printed SJ 18, 6/4/98)

Rep. David Welch moved that the House concur.

Rep. Flora spoke in favor.

Adopted by the necessary two-thirds.

**HB 1568**, relative to the timing of special school district meetings. (Amendment printed SJ 19, 6/10/98)

Rep. Metzger moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 1575**, relative to highway modifications on lands acquired through the land conservation investment program. (Amendment printed SJ 19, 6/10/98)

Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted by the necessary two-thirds.

The Speaker appointed Reps. Schotanus, Calawa, Gene Chandler and DeStefano.

**HB 1588**, relative to causing injury to a police dog or horse. (Amendment printed SJ 19, 6/10/98)

Rep. David Welch moved that the House concur.

Rep. Christie spoke in favor.

Adopted by the necessary two-thirds.

**HB 1623**, relative to a waiting period before a cat or ferret may be euthanized, relative to requirements for cats, ferrets, and dogs transferred from animal shelter facilities, and relative to ferret rabies suspects. (Amendment printed SJ 19, 6/10/98)

Rep. Musler moved that the House nonconcur and request a Committee of Conference, and spoke in favor.

Adopted by the necessary two-thirds.

The Speaker appointed Reps. Trelfa, Phinney, Davis and Owen.



## RECONSIDERATION

Having voted with the prevailing side, Rep. Musler moved that the House reconsider its action whereby it nonconcurred and requested a Committee of Conference on **HB 1623**, relative to a waiting period before a cat or ferret may be euthanized, relative to requirements for cats, ferrets, and dogs transferred from animal shelter facilities, and relative to ferret rabies suspects, and spoke in favor.

Reconsideration prevailed by the necessary two-thirds.

### REQUESTS CONCURRENCE WITH AMENDMENTS (CONT'D.)

**HB 1623**, relative to a waiting period before a cat or ferret may be euthanized, relative to requirements for cats, ferrets, and dogs transferred from animal shelter facilities, and relative to ferret rabies suspects. (Amendment printed SJ 19, 6/10/98)

Rep. Musler moved that the House concur.

Adopted by the necessary two-thirds.

**HB 1631-FN**, extending the moratorium on new nursing beds. (Amendment printed SJ 19, 6/10/98)

Rep. Kurk moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 1657**, extending the consultant's reporting date for surveying the department of youth development services' facilities. (Amendment printed SJ 18, 6/4/98)

Rep. Franklin Torr moved that the House concur.

Rep. Lozeau spoke in favor.

Adopted by the necessary two-thirds.

**HB 1659**, prohibiting the use of eminent domain powers by public utilities to take private property for the construction and operation of electric generating plants. (Amendment printed SJ 18, 6/4/98)

Rep. Jeb Bradley moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

## ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1114, 1209, 1320, 1328, 1456 and HJR 24 and Senate Bills numbered 161, 316, 320, 362, 371, 479 and 486.

Rep. Pfaff, Sen. Barnes for the Committee

## RESOLUTION

Rep. Wheeler 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, June 18, 1998 at 10:30 a.m.

Adopted by the necessary two-thirds.

## LATE SESSION

### Third reading and final passage

**SB 440**, relative to fines payable to the division of motor vehicles; allowing civil bench warrants for defaults on such fines; authorizing bail commissioners to receive certain civil fines and fees, and authorizing the division of motor vehicles to report those in default to a consumer reporting agency.

**SB 483-FN**, exempting certain businesses from the electronic filing requirement under the meals and rooms tax.

**SB 488-FN**, directing the department of environmental services to create a model for managing the flow of water in the Winnepesaukee River watershed and creating an advisory committee.

**SB 324-FN**, relative to entertainers on premises of an on-sale liquor licensee and relative to penalties for manufacture, sale, and possession of false identification.

**SB 475**, relative to medicaid reimbursement rates and dental care.

**SB 363-L**, relative to notification to and jurisdiction of municipalities concerning governmental use of property.

**SB 427**, establishing a revolving fund for loans for intrastate energy pipeline facilities improvements.

### UNANIMOUS CONSENT

Rep. Burling addressed the House.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and forming Committees of Conference only.

Adopted by the necessary two-thirds.

The House recessed at 5:45 p.m.

### RECESS

(Rep. Emerton in the Chair)

### ENROLLED BILL AMENDMENTS

**HB 1311**, adopting the 1994 revisions to article 8 of the uniform commercial code relative to investment securities.

#### Amendment (2042-EBA)

Amend the bill by replacing all after section 21 of the bill with the following:

22 Territorial Application of Chapter; Parties Power to Choose Applicable Law. Amend RSA 382-A:1-105(2) to read as follows:

(2) Where one of the following provisions of this Act specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law (including the conflict of laws rules) so specified:

Rights of creditors against sold goods. Section 2-402.

Applicability of the Article on Leases. Sections 2A-105 and 2A-106.

Applicability of the Article on Bank Deposits and Collections. Section 4-102.

Applicability of the Article on Investment Securities. Section [~~8-106~~] **8-110**.

Perfection provisions of the Article on Secured Transactions. Section 9-103.

Governing law in the Article on Fund Transfers. Section 4A-507.

Letters of Credit. Section 5-116.

23 Other Definitions. Amend RSA 382-A:9-105(2) and (3) to read as follows:

(2) Other definitions applying to this Article and the sections in which they appear are:

“Account.” Section 9-106.

“Attach.” Section 9-203.

“**Commodity contract.**” Section **9-115**.

“**Commodity customer.**” Section **9-115**.

“**Commodity intermediary.**” Section **9-115**.

“Construction mortgage.” Section 9-313 (1).

“Consumer goods.” Section 9-109(1).

“**Control.**” Section **9-115**.

“Equipment.” Section 9-109(2).

“Farm products.” Section 9-109(3).

“Fixture.” Section 9-313(1).

“Fixture filing.” Section 9-313(1).

“General intangibles.” Section 9-106.

“Inventory.” Section 9-109(4).

“**Investment property.**” Section **9-115**.

“Lien creditor.” Section 9-301(3).

“Proceeds.” Section 9-306 (1).

“Purchase money security interest.” Section 9-107.

“United States.” Section 9-103. (3)

(3) The following definitions in other Articles apply to this Article:

**“Broker.” Section 8-102.**

**“Certificate Security.” Section 8-102.**

**“Check.” Section 3-104.**

**“Clearing corporation.” Section 8-102.**

**“Contract for sale.” Section 2-106.**

**“Control.” Section 8-106.**

**“Delivery.” Section 8-301.**

**“Entitlement holder.” Section 8-102.**

**“Financial asset.” Section 8-102.**

**“Holder in due course.” Section 3-302.**

**“Letter of Credit.” Section 5-102.**

**“Note.” Section 3-104.**

**“Proceeds of a Letter of Credit.” Section 5-114(a).**

**“Sale.” Section 2-106.**

**“Securities intermediary.” Section 8-102.**

**“Security.” Section 8-102.**

**“Security certificate.” Section 8-102.**

**“Security entitlement.” Section 8-102.**

**“Uncertificated security.” Section 8-102.**

24 Definitions; Account; General Intangibles. Amend RSA 382-A:9-106 to read as follows:

382-A:9-106 Definitions: “Account”; “General Intangibles”. “Account” means any right to payment for goods sold or leased or for services rendered which is not evidenced by an instrument or chattel paper, whether or not it has been earned by performance. “General intangibles” means any personal property (including things in action) other than goods, accounts, chattel paper, documents, instruments, rights to proceeds of written letters of credit, *investment property*, and money. All rights to payment earned or unearned under a charter or other contract involving the use or hire of a vessel and all rights incident to the charter or contract are accounts.

25 Perfection of Security Interest in Instruments, Documents, Proceeds of a Written Letter of Credit and Goods Covered by Documents; Perfection by Permissive Filing; Temporary Perfection Without Filing or Transfer of Possession. Amend RSA 382-A:9-304 to read as follows:

382-A:9-304 Perfection of Security Interest in Instruments, Documents, Proceeds of a Written Letter of Credit, and Goods Covered by Documents; Perfection by Permissive Filing; Temporary Perfection Without Filing or Transfer of Possession.

(1) A security interest in chattel paper or negotiable documents may be perfected by filing. A security interest in the rights to proceeds of a written letter of credit can be perfected only by the secured party’s taking possession of the letter of credit. A security interest in money or instruments (other than [~~certificated securities or~~] instruments which constitute part of chattel paper) can be perfected only by the secured party’s taking possession, except as provided in subsections (4) and (5) of this section and subsections (2) and (3) of Section 9-306 on proceeds.

(2) During the period that goods are in the possession of the issuer of a negotiable document therefor, a security interest in the goods is perfected by perfecting a security interest in the document, and any security interest in the goods otherwise perfected during such period is subject thereto.

(3) A security interest in goods in the possession of a bailee other than one who has issued a negotiable document therefor is perfected by issuance of a document in the name of the secured party or by the bailee’s receipt of notification of the secured party’s interest or by filing as to the goods.

(4) A security interest in instruments [~~(other than certificated securities)~~], *certificated securities*, or negotiable documents is perfected without filing or the taking of possession for a period of 21 days from the time it attaches to the extent that it arises for new value given under a written security agreement.

(5) A security interest remains perfected for a period of 21 days without filing where a secured party having a perfected security interest in an instrument [~~(other than a certificated security)~~] a *certificated security*, a negotiable document or goods in possession of a bailee other than one who has issued a negotiable document therefor



(a) makes available to the debtor the goods or documents representing the goods for the purpose of ultimate sale or exchange or for the purpose of loading, unloading, storing, shipping, transshipping, manufacturing, processing or otherwise dealing with them in a manner preliminary to their sale or exchange, but priority between conflicting security interests in the goods is subject to subsection (3) of Section 9-312; or

(b) delivers the instrument *or certified security* to the debtor for the purpose of ultimate sale or exchange or of presentation, collection, renewal or registration of transfer.

(6) After the 21-day period in subsections (4) and (5) perfection depends upon compliance with applicable provisions of this Article.

26 When Possession by Secured Party Perfects Security Interest Without Filing. Amend RSA 382-A:9-305 to read as follows:

382-A:9-305 When Possession by Secured Party Perfects Security Interest Without Filing. A security interest in goods, instruments [~~other than certificated securities~~], money, negotiable documents or chattel paper may be perfected by the secured party's taking possession of the collateral. A security interest in the rights to proceeds of a written letter of credit can be perfected only by the secured party's taking possession of the letter of credit. If such collateral other than goods covered by a negotiable document is held by a bailee, the secured party is deemed to have possession from the time the bailee receives notification of the secured party's interest. A security interest is perfected by possession from the time possession is taken without relation back and continues only so long as possession is retained, unless otherwise specified in this Article. The security interest may be otherwise perfected as provided in this Article before or after the period of possession by the secured party.

27 Contingency; HB 1312. If HB 1312 of the 1998 session becomes law then sections 22-26 of this act shall take effect January 1, 1999 at 12:01 a.m. and sections 2, 5, 8, 9, 15, and 16 shall not take effect. If HB 1312 of the 1998 session does not become law then sections 22-26 of this act shall not take effect and sections 2, 5, 8, 9, 15, and 16 shall take effect January 1, 1999.

28 Effective Date.

I. Sections 2, 5, 8, 9, 15, 16, and 22-26 of this act shall take effect as provided in section 27.

II. The remainder of this act shall take effect January 1, 1999.

Adopted by the necessary two-thirds.

**HB 1295-FN**, relative to reimbursing the state medical assistance program.

#### Amendment (2027-EBA)

Amend section 2 of the bill by replacing line 1 with the following:

2 New Paragraph; Procedure for Disbursement of Settlements. Amend RSA 167:14-a by Adopted by the necessary two-thirds.

**HB 1435-L**, relative to board of tax and land appeals jurisdiction over town line disputes, relative to time limits for abatement and appeal of a land use change tax, relative to the vote required for a legislative body of a municipality to accept a street, and relative to allowing municipalities to exempt islands from certain requirements concerning streets.

#### Amendment (2047-EBA)

Amend RSA 74:7-a, I as inserted by section 2 of the bill by replacing lines 6-8 with the following: ~~grounds of improper assessment valuation~~ *of an appraisal under RSA 75:1*, but shall not lose the right to apply for, or appeal the denial of, any other type of tax relief *including an appeal under RSA 72:34-a, an appraisal under RSA 75:11, or a land use change tax under RSA 79-* Adopted by the necessary two-thirds.

**HB 1498**, authorizing emergency medical care providers to inform patients of transport options.

#### Amendment (2020-EBA)

Amend section 1 of the bill by replacing lines 1-3 with the following:

1 New Section; Transport Options. Amend RSA 151-B by inserting after section 10-a the following new section:

151-B:10-b Transport Options. Emergency medical care providers licensed under this chapter Adopted by the necessary two-thirds.

**HB 1562**, repealing the authority of the department of health and human services to request certain controlled drugs.

**Amendment (2026-EBA)**

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

2 Repeal. RSA 318-B:17, II and III, relative to the department's authority to request controlled drugs, are repealed.

Adopted by the necessary two-thirds.

**HB 1652**, establishing a pilot program relative to the administration of medications in residential care facilities.

**Amendment (2099-EBA)**

Amend subparagraph I(b)(2) of section 2 of the bill by replacing line 1 with the following:

(2) Cognitive state shall be determined by bureau of health facilities, department of

Amend subparagraph I(c)(4)(E) of section 2 of the bill by replacing line 1 with the following:

(E) The resident shall be assessed utilizing the state's needs assessment no more

Amend subparagraph I(c)(4)(G) of section 2 of the bill by replacing line 2 with the following: shall be denied, except as deemed appropriate by the consulting RN.

Adopted by the necessary two-thirds.

RECESS

**(Rep. Dyer in the Chair)**

**SENATE MESSAGES**

**REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 204-FN-L**, granting responsibility for court security and custody and control of prisoners while in the courthouse to the county sheriff and providing for state reimbursement of the sheriff for the costs of such security services. (Amendment printed SJ 19, 6/10/98)

Rep. Dolan moved that the House nonconcur and request a Committee of Conference.

Adopted by the necessary two-thirds.

The Chair appointed Reps. Hunter, David Welch, Knowles and Kurk.

**HB 1000**, relative to a 10-year transportation plan, authorizing construction on the Spaulding Turnpike, and relative to the radio system upgrade for the department of transportation. (Amendment printed SJ 19, 6/10/98)

Rep. Dolan moved that the House nonconcur and request a Committee of Conference.

Adopted by the necessary two-thirds.

The Chair appointed Reps. Gene Chandler, Calawa, Gerald Merrill and D'Allesandro.

**HB 1336-FN**, defining medical necessity for insurance purpose. (Amendment printed SJ 19, 6/10/98)

Rep. Dolan moved that the House nonconcur and request a Committee of Conference.

Adopted by the necessary two-thirds.

The Chair appointed Reps. Hunt, Herman, Hurt and Syracuse.

**HB 1341**, relative to temporary seasonal docks on lakes and ponds. (Amendment printed SJ 19, 6/10/98)

Rep. Dolan moved that the House nonconcur and request a Committee of Conference.

Adopted by the necessary two-thirds.

The Chair appointed Reps. Whalley, David Lawton, Royce and Rowe.

**HB 1417-L**, relative to involvement in mediation in collective bargaining negotiations by certain municipalities. (Amendment printed SJ 19, 6/10/98)

Rep. Dolan moved that the House nonconcur and request a Committee of Conference.

Adopted by the necessary two-thirds.

The Chair appointed Reps. Daniels, Turner, Clegg and Jane Kelley.

**HB 1541**, creating a position in the insurance department. (Amendment printed SJ 19, 6/10/98)

Rep. Dolan moved that the House nonconcur and request a Committee of Conference.

Adopted by the necessary two-thirds.

The Chair appointed Reps. Hunt, Fuller Clark, Herman and Hurt.

**HB 1558-FN-L**, relative to games of chance. (Amendment printed SJ 19, 6/10/98)  
Rep. Dolan moved that the House nonconcur and request a Committee of Conference.  
Adopted by the necessary two-thirds.  
The Chair appointed Reps. Hess, Teschner, Pantelakos and Nichols.

**HB 1655-FN-A**, relative to the authority of the length of service awards program committee, and making an appropriation therefor. (Amendment printed SJ 19, 6/10/98)  
Rep. Dolan moved that the House nonconcur and request a Committee of Conference.  
Adopted by the necessary two-thirds.  
The Chair appointed Reps. Dodge, Dyer, Mercer and Thulander.

## RECESS

(Rep. Lindblade in the Chair)

## SENATE MESSAGE

## REQUESTS CONCURRENCE WITH AMENDMENT

**HB 1555-FN**, relative to including revocable trusts for medicaid estate recovery purposes. (Amendment printed SJ 19, 6/10/98)  
Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.  
Adopted by the necessary two-thirds.  
The Chair appointed Reps. Thulander, Camm, Frances Riley and Wallner.

## RECESS

(Rep. Katherine Rogers in the Chair)

## ENROLLED BILL AMENDMENTS

**SB 313**, requiring compliance with the Military Selective Service Act as a condition to receiving certain state education and employment benefits, and clarifying the procedure for making Persian Gulf War service bonus payments. (Amendment printed SJ 19, 6/10/98)  
Adopted by the necessary two-thirds.

**SB 402**, codifying the pet overpopulation committee. (Amendment printed SJ 19, 6/10/98)  
Adopted by the necessary two-thirds.

## RECESS

(Rep. O'Hearn in the Chair)

## SENATE MESSAGE

## REQUESTS CONCURRENCE WITH AMENDMENT

**HB 1520-FN**, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission. (Amendment printed SJ 19, 6/10/98)  
Rep. Durham moved that the House nonconcur and request a Committee of Conference.  
Adopted by the necessary two-thirds.  
The Chair appointed Reps. Arndt, Horton, Lozeau and Joseph Foster.

## RECESS

(Rep. Kurk in the Chair)

## SENATE MESSAGES

## REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 1246**, relative to enforcement of oil spillage laws. (Amendment printed SJ 19, 6/10/98)  
Rep. Lozeau moved that the House nonconcur and request a Committee of Conference.  
Adopted by the necessary two-thirds.  
The Chair appointed Reps. Royce, Whalley, Adler and Downing.



**HB 1307**, relative to penalties for habitual offenders. (Amendment printed SJ 19, 6/10/98)  
Rep. Lozeau moved that the House nonconcur and request a Committee of Conference.  
Adopted by the necessary two-thirds.  
The Chair appointed Reps. Hunter, Christie, David Welch and Schanda.

**HB 1310**, relative to legislative approval of expenditure of federal and other funds. (Amendment printed SJ 19, 6/10/98)  
Rep. Lozeau moved that the House nonconcur and request a Committee of Conference.  
Adopted by the necessary two-thirds.  
The Chair appointed Reps. Kurk, Holbrook, Robert Johnson and DeStefano.

**HB 1350-FN-A**, relative to vocational student organizations and making an appropriation for vocational organization advisors. (Amendment printed SJ 19, 6/10/98)  
Rep. Lozeau moved that the House nonconcur and request a Committee of Conference.  
Adopted by the necessary two-thirds.  
The Chair appointed Reps. O'Hearn, Larrabee, Amanda Merrill and Dowd.

**HB 1545-FN**, increasing the salaries and changing the terms of office of the labor commissioner and the deputy labor commissioner. (Amendment printed SJ 19, 6/10/98)  
Rep. Lozeau moved that the House nonconcur and request a Committee of Conference.  
Adopted by the necessary two-thirds.  
The Chair appointed Reps. Langer, Dyer, Murphy and Kurk.

#### NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEES OF CONFERENCE

**SB 312**, relative to the health care transition fund.  
The President appointed Sens. Squires, David Wheeler and Katherine Wheeler.  
Rep. Lozeau moved that the House accede.  
Adopted by the necessary two-thirds.  
The Chair appointed Reps. Belvin, Camm, Thulander and Frances Riley.

**SB 437-FN**, requiring a one year mandatory prison sentence for a third DWI conviction.  
The President appointed Sens. Gordon, Podles and Pignatelli.  
Rep. Lozeau moved that the House accede.  
Adopted by the necessary two-thirds.  
The Chair appointed Reps. Christie, Morrill, Knowles and Schanda.

**SB 473-FN**, relative to child day care providers.  
The President appointed Sens. Gordon, Squires and Katherine Wheeler.  
Rep. Lozeau moved that the House accede.  
Adopted by the necessary two-thirds.  
The Chair appointed Reps. Emerton, Batula, Estabrook and Dowling.

**SB 488-FN**, directing the department of environmental services to create a model for managing the flow of water in the Winnepesaukee River watershed and creating an advisory committee.  
The President appointed Sens. Russman, Patenaude and Cohen.  
Rep. Lozeau moved that the House accede.  
Adopted by the necessary two-thirds.  
The Chair appointed Reps. Royce, Whalley, Rowe and Downing.

**SB 490-FN**, relative to life and accident and health insurance and relative to certain salaries.  
The President appointed Sens. Squires, Danais and Katherine Wheeler.  
Rep. Lozeau moved that the House accede.  
Adopted by the necessary two-thirds.  
The Chair appointed Reps. Hunt, Herman, Syracuse and Klemm.

(Rep. Gene Chandler in the Chair)

**REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 1471**, allowing loss of familial relationship damages in wrongful death actions. (Amendment printed SJ 19, 6/10/98)

Rep. David Welch moved that the House nonconcur and request a Committee of Conference. Adopted by the necessary two thirds.

The Chair appointed Reps. John McCarthy, Bergin, Wall and Lionel Johnson.

**HB 1561-FN**, preventing computer pornography and child exploitation and increasing penalties for possession under the child pornography laws. (Amendment printed SJ 19, 6/10/98)

Rep. David Welch moved that the House nonconcur and request a Committee of Conference. Adopted by the necessary two-thirds.

The Chair appointed Reps. Hunter, Christie, David Welch and Schanda.

**ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE**

**HB 204-FN-L**, granting responsibility for court security and custody and control of prisoners while in the courthouse to the county sheriff and providing for state reimbursement of the sheriff for the costs of such security services.

The President appointed Sens. Frederick King, Roberge and McCarley.

**HB 385**, relative to reporting and registration requirements for lobbyists and employees of lobbyists.

The President appointed Sens. Russman, Danaïs and John King.

**HB 555**, exempting an individual's pensions and individual retirement accounts from bankruptcy attachment.

The President appointed Sens. David Wheeler, Francoeur and Katherine Wheeler.

**HB 559-FN**, allowing courts to impose an extended term of imprisonment upon persons of any age who have committed certain crimes against persons under 13 years of age.

The President appointed Sens. Roberge, Cohen and Francoeur.

**HB 583-FN-L**, relative to felonious disarming of a law enforcement officer.

The President appointed Sens. David Wheeler, Francoeur and Blaisdell.

**HB 587-FN**, relative to the system benefits charge.

The President appointed Sens. Rubens, Francoeur and Larsen.

**HB 630-FN-L**, relative to additional voluntary contributions to provide for early retirement by members of the retirement system.

The President appointed Sens. Francoeur, David Wheeler and Hollingworth.

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

The President appointed Sens. Fraser, Squires and Blaisdell.

**HB 798**, relative to the regulation of health clubs.

The President appointed Sens. Gordon, Squires and Larsen.

**HB 1000-FN-L**, relative to a 10-year transportation plan, authorizing construction on the Spaulding Turnpike, and relative to the radio system upgrade for the department of transportation.

The President appointed Sens. Frederick King, Fraser and Cohen.

**HB 1100-FN**, relative to the design and construction of a new medium security prison in Berlin and making an appropriation therefor, removing the population cap and closing date for the lakes region department of corrections facility, authorizing the department of corrections to establish 2 additional halfway houses and appoint additional probation and parole officers, and making adjustments to the operating budget for fiscal year 1999.

The President appointed Sens. Frederick King, Fraser and Larsen. Alternate: Sen. Gordon.

**HB 1103-L**, relative to the state representative districts of towns.  
The President appointed Sens. Roberge, Rubens and McCarley.

**HB 1205-FN**, making technical corrections to the securities laws.  
The President appointed Sens. Fraser, Danais and Blaisdell.

**HB 1217**, relative to balancing the operating budget.  
The President appointed Sens. Blaisdell, Danais and Frederick King.

**HB 1236-L**, relative to limitations on the amendment of warrant articles in official ballot voting.  
The President appointed Sens. Roberge, Rubens and McCarley.

**HB 1246**, relative to enforcement of oil spillage laws.  
The President appointed Sens. Francoeur, Patenaude and Cohen.

**HB 1297-FN-A**, establishing a program of integrated pest management and continually appropriating an integrated pest management fund.  
The President appointed Sens. Russman, Cohen and Johnson.

**HB 1303-FN-A-L**, continually appropriating boating fees and other revenues to the division of safety services.  
The President appointed Sens. Russman, Patenaude and Pignatelli.

**HB 1307**, relative to penalties for habitual offenders.  
The President appointed Sens. Podles, Gordon and Cohen.

**HB 1310**, relative to legislative approval of expenditure of federal and other funds.  
The President appointed Sens. Frederick King, Barnes and Blaisdell.

**HB 1336**, defining medical necessity for managed care insurance purposes.  
The President appointed Sens. Squires, Danais and Katherine Wheeler.

**HB 1341**, relative to temporary seasonal docks on lakes and ponds.  
The President appointed Sens. Danais, Patenaude and McCarley.

**HB 1350-FN-A**, relative to vocational student organizations and making an appropriation for vocational organization advisors.  
The President appointed Sens. Frederick King, Johnson and John King.

**HB 1369**, revising the student membership of the university system of New Hampshire board of trustees.  
The President appointed Sens. Rubens, McCarley and Danais.

**HB 1389-FN-L**, relative to agreements for telecommunications-related uses of the state highway system.  
The President appointed Sens. Russman, Cohen and Patenaude.

**HB 1417-L**, relative to involvement in mediation in collective bargaining negotiations by certain municipalities.  
The President appointed Sens. Francoeur, McCarley and Roberge.

**HB 1471**, allowing loss of familial relationship damages in wrongful death actions.  
The President appointed Sens. Squires, Francoeur and Cohen.

**HB 1481**, granting rulemaking authority to the executive director of fish and game to determine the legal length of lobsters.  
The President appointed Sens. Cohen, Roberge and Johnson.

**HB 1520-FN**, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission.  
The President appointed Sens. Barnes, Patenaude and McCarley.

**HB 1531-FN**, relative to reimbursement for removal of petroleum storage facilities from the oil pollution control fund.  
The President appointed Sens. Russman, Cohen and Frederick King.



**HB 1540-FN**, allowing non-banks to establish cash dispensing machines.  
The President appointed Sens. Fraser, Blaisdell and Johnson.

**HB 1541-FN-A**, creating a position in the insurance department.  
The President appointed Sens. Squires, Francoeur and Hollingworth.

**HB 1545-FN**, increasing the salaries and changing the terms of office of the labor commissioner and the deputy labor commissioner.  
The President appointed Sens. Barnes, Fraser and Blaisdell.

**HB 1555-FN**, relative to including revocable trusts for medicaid estate recovery purposes.  
The President appointed Sens. Fraser, Danais and John King.

**HB 1558-FN-L**, relative to games of chance.  
The President appointed Sens. Frederick King, Johnson and Pignatelli.

**HB 1561**, preventing computer pornography and child exploitation and increasing penalties for possession under the child pornography laws.  
The President appointed Sens. Squires, Francoeur and Pignatelli.

**HB 1575-FN**, relative to highway modifications on lands acquired through the land conservation investment program.  
The President appointed Sens. Russman, Cohen and Frederick King.

**HB 1655-FN-A**, relative to the authority of the length of service awards program committee, and making an appropriation therefor.  
The President appointed Sens. Barnes, Blaisdell and Frederick King.

## RECESS

(Rep. Gene Chandler in the Chair)

### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 1629**, relative to walking disability plates and placards. (Amendment printed SJ 19, 6/10/98)  
Rep. Wheeler moved that the House nonconcur and request a Committee of Conference.  
Adopted by the necessary two-thirds.  
The Chair appointed Reps. Packard, John Flanders, Pilliod and Turgeon.

### ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

**HB 1629-FN**, relative to walking disability plates and placards.  
The President appointed Sens. Podles, Gordon and Pignatelli.

### CONFEREES CHANGES

**SB 451-FN-L**, relative to the accessibility of pupil assessment materials and the anonymity of pupil assessment results.  
Rep. Snyder replaced Rep. Yeaton. Rep. O'Hearn replaced Rep. Searles. Rep. Belvin replaced Rep. Larrabee.

**HB 1369**, revising the student membership the university system of New Hampshire board of trustees.  
Rep. Durham replaced Rep. Dearborn.

**HB 1100-FN**, relative to the design and construction of a new medium security prison in Berlin and making an appropriation therefor, removing the population cap and closing date for the lakes region department of corrections facility, authorizing the department of corrections to establish 2 additional halfway houses and appoint additional probation and parole officers, and making adjustments to the operating budget for fiscal year 1999.  
Rep. Cloutier replaced Rep. Katherine Rogers.

**SB 339-L**, relative to the bidding for design and construction of a new medium security prison in the city of Berlin and to the closure of the lakes region facility and making appropriations therefor.  
Rep. Cloutier replaced Rep. Katherine Rogers.

**SB 437-FN**, requiring a one year mandatory prison sentence for a third DWI conviction. Rep. Mikowski replaced Rep. Morrill.

**HB 1629**, relative to walking disability plates and placards. Rep. Letourneau replaced Rep. John Flanders.

### RECESS

(Rep. Hunter in the Chair)

### ENROLLED BILL AMENDMENTS

**HB 272**, relative to boat docking facilities.

#### Amendment (2077-EBA)

Amend RSA 482-A:3, XIII(c) as inserted by section 1 of the bill by replacing line 1 with the following:

(c) Notwithstanding the provisions of subparagraph (a), boat docking facilities may be located

Adopted by the necessary two-thirds.

**HB 1182**, establishing an oversight committee to review the allocation of funds dispersed for the developmental disabilities waitlist.

#### Amendment (2109-EBA)

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

AN ACT establishing an oversight committee to review the allocation of funds disbursed for the developmental disabilities waitlist.

Adopted by the necessary two-thirds.

**HB 1224**, requiring the department of environmental services to test sludge or biosolids to be used for land application and assessing fees to sludge quality certification holders.

#### Amendment (2081-EBA)

Amend section 2 of the bill by replacing lines 3-6 with the following:

Samples. Amend RSA 485-A:4 by inserting after paragraph XVI-b the following new paragraph:

XVI-c. To implement a program of random on-site testing and inspection of sludge or biosolids samples to be used for any land application by any person obtaining a permit under RSA 485-A:4, XVI-b, provided that inspection shall not be required before the issuance of a permit.

Amend section 3 of the bill by replacing lines 2 and 3 with the following:

Application of Sludge. Amend RSA 485-A by inserting after section 5-c the following new section:

485-A:5-d Land Application of Sludge. Sludge or biosolids which are to be land applied in New  
Amend the bill by replacing section 4 with the following:

4 Authorization for Contingent Renumbering. If any other act of the 1998 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into paragraph I of such section becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any RSA sections inserted by this or any other act as necessary to conform said sections to proper RSA format. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1998 session laws.

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

Adopted by the necessary two-thirds.

**HB 1331-FN**, relative to granting special hunting and fishing licenses to persons aged 68 or over for trapping.

#### Amendment (2069-EBA)

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

AN ACT relative to granting a special trapping license to persons aged 68 or over.

Adopted by the necessary two-thirds.

**SB 472-FN-L**, relative to filing security interests under the Uniform Commercial Code. (Amendment printed SJ 19, 6/10/98)

Adopted by the necessary two-thirds.

## RECESS

**(Rep. Amanda Merrill in the Chair)**

### ENROLLED BILL AMENDMENTS

**HB 1226-FN**, creating the educational credential of master teacher and clarifying the procedures for background criminal checks for school employees and volunteers.

#### Amendment (2076-EBA)

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:

7 Contingency. If HB 1428 of the 1998 session becomes law, RSA 21-N:9, II(z), as inserted by section 1 of this act, shall be redesignated as RSA 21-N:9, II(bb), and RSA 186:8, IV, as inserted by section 2 of this act, shall be redesignated as RSA 186:8, V.

Adopted by the necessary two-thirds.

**SB 346**, establishing a task force to study the foster care system. (Amendment printed SJ 19, 6/10/98)

Adopted by the necessary two-thirds.

## RECESS

**(Rep. Henderson in the Chair)**

### ENROLLED BILL AMENDMENT

**HB 1568**, relative to the timing of special school district meetings and legalizing the annual meetings of the Lisbon regional school district, the town of Amherst, and the town of Salem.

#### Amendment (2146-EBA)

Amend section 1 of the bill by replacing lines 1-3 with the following:

1 New Paragraph; Timing. Amend RSA 197:3 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding any other provision of law, no special meeting to raise and appropriate Amend section 4 of the bill by replacing line 1 with the following:

4 Salem Town Meeting. All actions, votes, and proceedings of the annual meeting of the town of Adopted by the necessary two-thirds.

### CONFEREE CHANGES

**HB 170**, exempting temporary, demountable, plastic-covered greenhouses from property taxation. Rep. Linda Foster replaced Rep. Noyes.

**HB 707-L**, relative to municipal taxation of telecommunications poles and conduits. Rep. Nichols replaced Rep. Alukonis.

**HB 1234-FN**, establishing an office of volunteerism. Rep. Henderson replaced Rep. Stickney. Rep. DeStefano replaced Rep. Gile.

**HB 1236-L**, relative to limitations on the amendment of warrant articles in official ballot voting. Rep. Patten replaced Rep. Flint. Rep. Fraser replaced Rep. Patricia Cote. Rep. Patricia Cote replaced Rep. Fraser.

**HB 1350-FN-A**, relative to vocational student organizations and making an appropriation for vocational organization advisors. Rep. Vaughn replaced Rep. Amanda Merrill.

**HB 1384-FN-A**, making an appropriation for use by the New Hampshire Commission on the Smithsonian Festival of American Folklife. Rep. Mary Brown replaced Rep. Alukonis.



**HB 1531**, relative to reimbursement for removal of petroleum storage facilities from the oil pollution control fund.

Rep. DeStefano replaced Rep. David Cote.

**HB 1558-FN-L**, relative to games of chance.

Rep. Linda Foster replaced Rep. Pantelakos.

**SB 73**, providing that telecommunications poles and lines be subject to the property tax.

Rep. Nichols replaced Rep. Alukonis.

**SB 353**, relative to official ballot procedures.

Rep. McGuirk replaced Rep. Leone.

Rep. Metzger replaced Rep. Fraser.

**SB 475**, relative to medicaid reimbursement rates and dental care.

Rep. Klemm replaced Rep. Dowling.

## RECESS

**(Rep. Linda Foster in the Chair)**

### ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 1568.

Rep. Pfaff, Sen. Barnes for the Committee

## RECESS

**(Rep. Vaillancourt in the Chair)**

### ENROLLED BILL AMENDMENTS

**HB 616-FN**, relative to jury selection reforms.

#### Amendment (2170-EBA)

Amend the bill by deleting section 4 and renumbering the original sections 5-8 to read as 4-7, respectively.

Amend the bill by replacing section 5 with the following:

5 Felony Conviction. Amend RSA 500-A:6, III(b) to read as follows:

(b) Require the prospective juror to specify if he *or she* is:

(1) A citizen of the United States and a resident of the county;

(2) Able to read, speak and understand the English language; [or]

(3) Subject to any physical or mental disability which would impair [his] *the prospective juror's* capacity to render satisfactory jury service; [and] *or*

(4) *A convicted felon whose conviction has not been annulled or whose conviction is not eligible for annulment under New Hampshire law; and*

Adopted by the necessary two-thirds.

**HB 774-FN**, relative to child support, custodial rights, and visitation.

#### Amendment (2189-EBA)

Amend RSA 458-C:3, II(c) as inserted by section 4 of the bill by replacing line 3 with the following: be used, except that as part of the determination of each parent's share of the child support obligation, the  
Adopted by the necessary two-thirds.

**HB 1281**, requiring managed care plans to permit a woman to obtain access to certain obstetrical or gynecological services without the requirement of prior authorization by a primary care provider.

#### Amendment (2226-EBA)

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Contingent Renumbering. If SB 371 of the 1998 session becomes law then RSA 420-H:4, VI as inserted by section 2 of this act shall be renumbered as RSA 420-H:4, VII.

Adopted by the necessary two-thirds.

**HB 1516**, requiring a criminal background investigation for certain department of health and human services personnel who come into direct contact with children.

**Amendment (2258-EBA)**

Amend section 3 of the bill by replacing paragraph I with the following:

I. RSA 170-G:8-c, V as inserted by section 2 of this act shall take effect January 1, 1999.

Adopted by the necessary two-thirds.

**SB 342**, relative to capital appropriations for Glencliff home for the elderly and for certain department of safety projects, relative to approval of certain leases by state agencies, and relative to renovations to a certain state office building. (Amendment printed SJ 20, 6/18/98)

Adopted by the necessary two-thirds.

**SB 417-FN**, continuing the court modernization fund and its source of funding from penalty assessments and making an appropriation for maintenance of the new judicial branch administration building. (Amendment printed SJ 20, 6/18/98)

Adopted by the necessary two-thirds.

**SB 476-FN**, relative to ambulatory surgical facilities. (Amendment printed SJ 20, 6/18/98)

Adopted by the necessary two-thirds.

**SB 492**, amending the charter of the union school district of Keene. (Amendment printed SJ 20, 6/18/98)

Adopted by the necessary two-thirds.

**SB 503-FN**, relative to the New Hampshire community-technical college system. (Amendment printed SJ 20, 6/18/98)

Adopted by the necessary two-thirds.

**RECESS**

**(Rep. Lozeau in the Chair)**

**ENROLLED BILL AMENDMENTS**

**HB 1201-FN**, relative to the use of motor vehicle repair plates.

**Amendment (2137-EBA)**

Amend RSA 261:136 as inserted by section 3 of the bill by replacing line 2 with the following: department, upon blanks furnished by it for that purpose, for a general distinguishing number {for

Adopted by the necessary two-thirds.

**HB 1272-L**, requiring the log range capital planning and utilization committee and the Skyhaven airport operation commission to develop a plan to transfer the Skyhaven airport to a local public entity and establishing the Skyhaven airport maintenance and operations fund.

**Amendment (2192-EBA)**

Amend the bill by replacing section 7 with the following:

7 Authorization for Contingent Renumbering. If any other act of the 1998 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into paragraph I of such section becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any RSA sections inserted by this or any other act as necessary to conform said sections to proper RSA format. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1998 session laws.

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

Adopted by the necessary two-thirds.

**HB 1387-FN**, relative to the state art fund.

**Amendment (2205-EBA)**

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

3 Members Added. Amend RSA 19-A:10, IV to read as follows:

IV. To establish selection committees of interested citizens and experts to assist in the carrying out of the provisions of this chapter. The selection committees may include the project architect, a representative of the agency involved, a professional artist, ~~and~~ a local citizen, *and either a state senator or a state representative from the district in which the project will be located.* The members of the selection committee shall serve without pay, but may be compensated for mileage by the department of cultural resources.

4 Contingency. If HB 1573-FN of the 1998 legislative session becomes law, then section 3 of this act shall take effect at 12:01 a.m. on the effective date of HB 1573-FN and section 2 shall not take effect. If HB 1573-FN does not become law then section 2 of this act shall take effect 60 days after its passage and section 3 shall not take effect.

5 Effective Date.

I. Sections 2 and 3 of this act shall take effect as provided in section 4.

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

Adopted by the necessary two-thirds.

## RECESS

(Rep. DeChane in the Chair)

### ENROLLED BILL AMENDMENTS

**SB 191**, relative to mental health providers. (Amendment printed SJ 20, 6/18/98)  
Adopted by the necessary two-thirds.

**SB 504-FN**, relative to members of predecessor systems of the New Hampshire retirement system. (Amendment printed SJ 20, 6/18/98)  
Adopted by the necessary two-thirds.

## RECESS

(Rep. Henderson in the Chair)

### ENROLLED BILL AMENDMENTS

**HB 490**, relative to the confidentiality of medical information.

#### Amendment (2152-EBA)

Amend RSA 318:29, V(j) as inserted by section 3 of the bill by replacing it with the following:

(j) The sale, rental, trade, transfer, or release of patient identifiable medical information for the purpose of sales or marketing of services or products without written authorization.  
Adopted by the necessary two-thirds.

**HB 1337-FN**, making technical corrections in laws related to the department of corrections.

#### Amendment (2135-EBA)

Amend RSA 622:5, VII as inserted by section 4 of the bill by replacing line 2 with the following:  
~~inclosure~~ *their enclosures.*

Amend RSA 622:11 as inserted by section 6 of the bill by replacing lines 1-3 with the following:

622:11 Illegal Privileges. A person employed in the ~~[prison]~~ *prisons* is guilty of a misdemeanor if he negligently suffers a prisoner to be at large, or to be visited, comforted, or relieved contrary to the regulations of the ~~[prison]~~ *prisons* or the terms of the sentence of the prisoner, *and is guilty of a class B*

Amend RSA 622:33-a, III as inserted by section 11 of the bill by replacing line 3 with the following:  
regulations which govern the state ~~[prison]~~ *prisons* for *men* and inmates of the state ~~[prison]~~ *prisons for men*, except

Amend section 16 of the bill by replacing lines 2 and 3 with the following:

"prison" with "prisons": the chapter heading of RSA 622; 622:2, 622:5, I-V, VIII; 622:6; 622:7-a; 622:8; 622:14; 622:16; 622:24; 622:28-a, I; 622:29; 622:30; 622:34-a;

Amend section 17 of the bill by replacing line 1 with the following:

17 Salary Change. Amend RSA 94:1-a, I by:

Adopted by the necessary two-thirds.



**HB 1424**, relative to the method for filling a vacancy in the position of county commissioner, and prohibiting the private practice of the Coos county attorney.

**Amendment (2191-EAB)**

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

AN ACT relative to filling a vacancy in the position of a county officer, and prohibiting the private practice of the Coos county attorney.

Adopted by the necessary two-thirds.

**HB 1509-FN**, relative to the content of motor vehicle registrations.

**Amendment (2156-EBA)**

Amend RSA 261:58, III(b) as inserted by section 1 of the bill by replacing line 1 with the following:

(b) The administrative office of the courts shall, via computer interface, regularly update

Adopted by the necessary two-thirds.

RECESS

**(Rep. Amanda Merrill in the Chair)**

**ENROLLED BILL AMENDMENT**

**HB 1573-FN**, changing the name of the department of cultural affairs to the department of cultural resources and changing the qualifications for the director of the division of the arts.

**Amendment (2260-EBA)**

Amend section 1 of the bill by replacing line 1 with the following:

1 Director of Division of the Arts; Qualifications. Amend RSA 21-K:6 to read as follows:

Amend line 2 of RSA 227-C:1-a, I as inserted by section 2 of the bill by replacing it with the following:

engineering, and cultural heritage of New Hampshire is one of the most important environmental

Amend section 3 of the bill by replacing lines 4-7 with the following:

paragraph; 21-K:8, introductory paragraph; 21-K:17, III(a)(1); 94:1-a, I, group O; 188-F:59, IV; 201-A:8-a; 201-A:22, I; 201-A:23, II; 201-A:24, I; 201-B:3; 201-D:1, IV; 201-E:7, introductory paragraph; 202-A:12; 202-A:18; 202-A:19; 227-C:1, I, III, and VIII; 227-C:2; 227-C:5, introductory paragraph; 227-C:19; 261:97-b, I; 261:97-c, I; 261:97-d, I(a); 261:97-f, I; 634:1, V(d); and 1998, 161:3, III.

Adopted by the necessary two-thirds.

**(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 18**

Thursday, June 18, 1998

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 House Chaplain, Reverend Edward G. Horstmann.

In Your presence, O, God, nothing can dampen our spirits and so we ask for Your guidance at all times but especially on our gathering this day. Inspire us in Your truth that we might live by Your wisdom. Empower us in Your love, that we might see the world with Your compassion. Challenge us with Your hopes that we might live towards Your dreams for us and our world. All these prayers we ask in the confidence that You are with us and for us at all times and in all places. Amen.

Rep. Dunn led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Julie Brown, Dowling, Robert Foster, Ginsburg, Healy, Jane Kelley, Robert Kelley, Morrill, Noyes, O'Rourke, Pepino, Perkins, Kevin Smith and Paul Taylor, the day, illness.

Reps. Bergin, Chase, Connolly, Cushing, Peter Cote, Crosby, Perley Davis, Fenton, Fraser, Grassie, Heon, Hansen, Laflam, Lavoie, Leonard, MacIntyre, Morris, Sargent, Salatiello, Simmons, Steere and Tufts, the day, important business.

Rep. Metzger, the day, death in the family.

Reps. Bishop, Clay, Martin and Rice, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Rep.-elect Everett Weare, guest of the House. Beth Rodd, guest of Rep. French. Barbara O'Connor, guest of Rep. Avery. Jamie DeStefano, guest of Rep. Frechette. Michael and Kendall Robb-Theroux, Jean-Christoph Vionnet and Isabelle Romain, husband, daughter and guests of Rep. Robb-Theroux. Dorothy Flanders, wife of Rep. John Flanders. Yvonne Bresnahan and Mary Jo Moore, guests of Rep. Dunn. Ken Fuld and Don Lent, guests of Rep. Amanda Merrill. Brenda Dolan and Robert and Joyce Dolan, wife and guests of Rep. Dolan.

**SPECIAL GUESTS**

The Merrimack Friars Youth Group Basketball Team guests of Reps. Jane Clemons, L'Heureux and the House.

**SENATE MESSAGES****CONCURRENCE**

*HB 616-FN*, relative to jury selection reforms.

*HB 784-FN-L*, relative to changing the amount of estimated expenditures per pupil beyond which the department of education is liable for the cost of school district borrowing.

*HB 1145*, relative to the definition of "livestock."

*HB 1201-FN*, relative to the use of motor vehicle repair plates.

*HB 1208*, authorizing the housing finance authority to sell or transfer certain land.

*HB 1223-FN*, repealing the alternative fuel motor vehicle law.

*HB 1284-FN-A*, directing the liquor commission to study and investigate the location of a new liquor store and possible welcome center and New Hampshire products store in the city of Keene.

*HB 1345*, requiring drivers of motor vehicles to obey school crossing guards.

*HB 1387-FN*, relative to the state art fund.

*HB 1397-FN-A-L*, reestablishing the investment tax credit against the business profits tax under the community development finance authority.

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

*HB 1434-L*, simplifying the charter amendment procedure for the purpose of establishing official ballot voting.

*HB 1509-FN*, relative to the content of motor vehicle registrations.

*HB 1573-FN*, changing the name of the department of cultural affairs to the department of cultural resources and changing the qualifications for the director of the division of the arts.

*HB 1606*, relative to liability for response to hazardous materials accidents.

### NONCONCURRENCE

*HB 535*, relative to the regulation of architects.

*HB 565-FN*, relative to unauthorized use of a propelled vehicle or animal.

*HB 1138-FN*, relative to New Hampshire route 111.

*HB 1392*, relative to student drivers.

*HB 1400-FN*, relative to the powers and duties of the commissioner of health and human services and relative to out-of-state trips by state officials or employees.

*HB 1473-FN-A*, establishing a wildlife damage control program and making an appropriation therefor.

*HB 1537*, relative to aeronautics enforcement authority.

### CONCURRENCE WITH AMENDMENTS

*SB 324-FN*, relative to entertainers on premises of an on-sale liquor licensee and relative to penalties for manufacture, sale, and possession of false identification.

*SB 363-L*, relative to notification to and jurisdiction of municipalities concerning governmental use of property.

*SB 423-FN*, relative to eligibility for cost of living adjustments for retired members or beneficiaries in the New Hampshire retirement system.

*SB 427-FN*, establishing a revolving fund for loans for intrastate energy pipeline facilities improvements.

*SB 457-FN*, relative to the eligibility of employment program participants for workers' compensation.

*SB 476-FN*, relative to ambulatory surgical facilities.

*SB 483-FN*, exempting certain businesses from the electronic filing requirement under the meals and rooms tax and making an appropriation therefor.

*SB 503-FN*, relative to the New Hampshire community-technical college system.

### REFERRED FOR INTERIM STUDY

*HB 1160*, relative to the definitions of the terms "farm," "agriculture," and "farming."

### ENROLLED BILL AMENDMENT

*HB 686-FN-A*, relative to financing child day care facilities.

#### Amendment (2262-EBA)

Amend section 2 of the bill by replacing line 2 with the following:

inserting after section 5-a the following new section:

Amend RSA 170-E:5-b, IV as inserted by section 2 of the bill by replacing line 6 with the following:

any subsidy or loss reserve expended, as well as for the repayment status of all loans made under this

Amend section 7 of the bill by replacing line 3 with the following:

RSA 161-G, to a designated statewide, nonprofit community development financial institution

Adopted.

### CONSENT CALENDAR

#### COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS

Rep. Wheeler moved that the Consent Calendar of Committee of Conference Reports on Senate Bills with the relevant amendments as printed and distributed be adopted.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 205-FN-L

Committee of Conference Report on SB 205-FN-LOCAL, an act establishing a special school district to provide special education for eligible inmates in the state prison system.

Recommendation:

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 replacing section 7 with the following:

7 Effective Date. This act shall take effect July 1, 1999.

Conferees: Sens. Gordon, Dist. 2; McCarley, Dist. 6 and Francoeur, Dist. 14.

Conferees: Reps. O'Hearn, Hills 26; Dearborn, Rock 23; Snyder, Straf 14 and Alukonis, Hills. 23.

### **COMMITTEE OF CONFERENCE REPORT ON SB 333**

Committee of Conference Report on SB 333, an act allowing any registered voter who is unable to vote in person, by reason of extended work hours, lack of transportation, or illness in the family, to vote by absentee ballot.

Recommendation:

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 each pass the bill as amended by the House.

Conferees: Sens. Roberge, Dist. 9; Patenaude, Dist. 7 and Katherine Wheeler, Dist. 21.

Conferees: Reps. Ann Torr, Straf. 12; Flanagan, Rock. 14; Langley, Rock. 24 and Buckley, Hills 44.

### **COMMITTEE OF CONFERENCE REPORT ON SB 339-L**

Committee of Conference Report on SB 339-LOCAL, an act relative to the bidding for design and construction of a new medium security prison in the city of Berlin and to the closure of the lakes region facility and making appropriations therefor.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Fraser, Dist. 4; Frederick King, Dist. 1 and Larsen Dist. 15.

Conferees: Reps. Gene Chandler, Carr. 1; Lozeau, Hills. 30; Franklin Torr, Straf. 12 and Cloutier, Sull. 8.

### **COMMITTEE OF CONFERENCE REPORT ON SB 400**

Committee of Conference Report on SB 400, an act relative to withdrawal of a school district from an area district.

Recommendation:

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 RSA 195-A:3, XI as inserted by section 3 of the bill by replacing it with the following:

XI. An area plan adopted by the voters of the sending and receiving districts shall be valid for a period of 10 years from the date of its adoption, amendment, or the withdrawal of a district. The area plan may be renegotiated at the request of a sending or receiving district or extended for additional 10-year periods upon a mutual vote of each sending and receiving school district legislative body 2 years prior to the expiration of the area plan.

Amend RSA 195-A:14, III as inserted by section 4 of the bill by replacing it with the following:

III. After the third anniversary of the date of operating responsibility a sending or receiving school district, at an annual or special school district meeting, may vote to undertake a study of the feasibility and suitability of a withdrawal from the area. The study shall be conducted by a committee composed of 2 school board members from each district of the AREA, the superintendent of schools as a non-voting member, and 2 members of the town or city governing body from the school district requesting the study. Within 120 days after the date of its formation, the committee shall submit to the state board of education either a report that withdrawal is not feasible or suitable or a report that includes a withdrawal plan prepared in accordance with paragraph IV. If the committee determines that withdrawal is not feasible or suitable, the district which voted to undertake the study may submit a minority report at the same time as the committee report is filed with the state board of education. If the committee report does not include a withdrawal plan, the minority report may include a withdrawal plan prepared in accordance with paragraph

Conferees: Sens. Johnson, Dist. 3; Rubens, Dist. 5 and Katherine Wheeler, Dist. 21.

Conferees: Reps. Henderson, Rock. 20; Hoadley, Merr. 24; O'Hearn, Hills. 26 and Estabrook, Straf. 8.

**COMMITTEE OF CONFERENCE REPORT ON SB 421-FN**

Committee of Conference Report on SB 421-FN, an act relative to timber harvesting and penalties for timber trespass.

Recommendation:

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 replacing section 5 with the following:

5 New Subparagraph; Persons Not Required to File Intent to Cut or be Subject to Yield Tax. Amend RSA 79:1, II(b) by inserting after subparagraph (4) the following new subparagraph:

(5) A person who cuts or causes to be cut, within the tax year, up to 10,000 board feet of logs and 20 cords of wood or the equivalent in whole tree chips, from the person's own land within a municipality, for land conversion purposes other than timber growing and forest uses, provided that those persons intending to convert the use of the land have secured all required permits including, but not limited to, building permits, subdivision or zoning permits, excavation permits, or site plan approvals, as necessary for the use to which the land will be converted, and are able to furnish proof of such permits.

6 Effective Date. This act shall take effect January 1, 1999.

**AMENDED ANALYSIS**

This bill adds certain penalties for violations of the timber harvesting law and changes the definition of persons who are not required to file an intent to cut or be subject to the yield tax.

Conferees: Sens. Gordon, Dist. 2; Francoeur, Dist. 14 and Whipple, Dist. 8.

Conferees: Reps. Royce, Ches. 9; Crowell, Merr. 2; Adler, Sull 5 and Downing, Rock. 26.

**COMMITTEE OF CONFERENCE REPORT ON SB 429-FN**

Committee of Conference Report on SB 429-FN, an act relative to the confidentiality of drivers' motor vehicle records.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Roberge, Dist. 9; Patenaude, Dist. 7 and Whipple, Dist. 8.

Conferees: Reps. Packard, Rock. 29; Letourneau, Rock. 13; Langone, Rock. 13 and Ferland, Sull 6.

**COMMITTEE OF CONFERENCE REPORT ON SB 440-FN-L**

Committee of Conference Report on SB 440-FN-LOCAL, an act relative to fines payable to the division of motor vehicles; allowing civil bench warrants for defaults on such fines; authorizing bail commissioners to receive certain civil fines and fees, and authorizing the division of motor vehicles to report those in default to a consumer reporting agency.

Recommendation:

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 RSA 502-A:19-b, III(g) as inserted by section 2 of the bill by replacing it with the following:

(g) Neither the state, nor any state agency or political subdivision of the state, nor any employee of the state or its political subdivision shall be subject to a claim for monetary damages for the arrest or detention of any person pursuant to this section, provided that the officer's action in arresting or detaining the person does not constitute gross negligence or willful misconduct.

Conferees: Sens. Podles, Dist. 16; Gordon, Dist. 2 and Pignatelli, Dist. 13.

Conferees: Reps. Packard, Rock. 29; Bartlett, Belk. 6; Franklin Torr, Straf 12 and Peter Cote, Rock. 9.

**COMMITTEE OF CONFERENCE REPORT ON SB 488-FN**

Committee of Conference Report on SB 488-FN, an act directing the department of environmental services to create a model for managing the flow of water in the Winnepesaukee River watershed and creating an advisory committee.

**Recommendation:**

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: Sens. Gordon, Dist. 2; Patenaude, Dist. 7 and Cohen, Dist. 24.

Conferees: Reps. Royce Ches. 9; Whalley, Merr. 5; Rowe, Hills. 14 and Downing, Rock. 26.

**COMMITTEE OF CONFERENCE REPORT ON SB 490-FN**

Committee of Conference Report on SB 490-FN, an act relative to life and accident and health insurance and relative to certain salaries.

**Recommendation:**

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: Sens. Squires, Dist. 12; Danais, Dist. 20 and Katherine Wheeler, Dist. 21.

Conferees: Reps. Hunt, Ches. 10; Herman, Hills. 13; Syracuse, Rock. 33 and Klemm, Rock. 28.

**REGULAR CALENDAR****COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS****COMMITTEE OF CONFERENCE REPORT ON SB 102-FN**

Committee of Conference Report on SB 102-FN, an act relative to the possession of certain weapons in the commission of a violent crime.

**Recommendation:**

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 passed by the Senate, and pass the bill as so amended:

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

1 Possession of Dangerous Weapon While Committing a Violent Crime. RSA 159:15 is repealed and reenacted to read as follows:

159:15 Possession of Dangerous Weapon While Committing a Violent Crime.

I. A person shall be guilty of a class A misdemeanor if that person uses or employs slung shot, metallic knuckles, billies, or other dangerous weapons during the commission or attempted commission of a violent crime.

II. "Violent crime," for purposes of this section, means "violent crime" as defined in RSA 651:5, XIII.

2 Effective Date. This act shall take effect January 1, 1999.

**AMENDED ANALYSIS**

This bill makes a person guilty of a misdemeanor if that person uses or employs slung shot, metallic knuckles, billies, or other dangerous weapons while committing or attempting to commit a crime classified as a violent misdemeanor or felony.

Conferees: Sens. Gordon, Dist. 2; David Wheeler, Dist. 11 and Hollingworth, Dist. 23.

Conferees: Reps. Lyman, Carr. 5; Christie, Rock. 22; Mikowski, Rock. 29 and Knowles, Straf. 11. Adopted.

**COMMITTEE OF CONFERENCE REPORT ON SB 197**

Committee of Conference Report on SB 197, an act relative to final dispositional orders in child protection cases.

**Recommendation:**

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 passed by the Senate, and pass the bill as so amended:

Amend RSA 169-C:28 as inserted by section 1 of the bill by replacing it with the following:

169-C:28 Appeals. An appeal under this chapter may be taken to the superior court by the child or ~~his~~ *the child's* authorized representative or any party having an interest, including the state, or



*any person subject to any administrative decision pursuant to this chapter*, within 30 days of the final dispositional order; but an appeal shall not suspend the order or decision of the court unless the court so orders. The superior court shall hear the matter de novo, and shall give an appeal under this chapter priority on the court calendar. For purposes of this chapter, a "final dispositional order" includes a dismissal of a petition for abuse and neglect by the district court. *Final dispositional order shall also include any ruling or order arising from an administrative hearing held or initiated by any administrative agency, including the department, in which a finding of child abuse or neglect is made.*

Conferees: Sens. Gordon, Dist. 2; Squires, Dist. 12 and Pignatelli, Dist. 13.

Conferees: Reps. Julie Brown, Straf 17; Richardson, Ches. 12; Pfaff, Merr. 11 and Dowling, Rock. 13. Adopted.

### COMMITTEE OF CONFERENCE REPORT ON SB 344

Committee of Conference Report on SB 344, an act clarifying requirements regarding certain trusts. Recommendation:

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 adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

2 Compensation of Certain Trustees. Amend RSA 564:21-a to read as follows:

564:21-a Compensation for Trustees of Charitable Trusts. A trustee of a charitable trust shall be allowed reasonable expenses incurred in the execution of the trust; and unless otherwise expressly provided in the trust instrument, the trustee shall have such reasonable compensation for services as the judge may allow. Such compensation and expenses shall be payable *as provided in the trust instrument, or in the absence of such direction, shall be payable* out of income [~~only, unless otherwise provided in the trust instrument or where the judge determines that certain unusual and non-recurring services and expenses such as the distribution of principal are involved that should be charged to the corpus~~]. *Such compensation may also be payable out of principal, or both income and principal, if approved annually in writing by a duly authorized representative of the governing body of the charitable beneficiary or beneficiaries. Any such compensation and fee schedules shall be subject to approval of the court.*

Conferees: Sens. Fraser, Dist. 4; Katherine Wheeler, Dist. 21 and Gordon, Dist. 2.

Conferees: Reps. Hunt, Ches. 10; Mittelman, Hills. 37; Hurt, Belk. 4 and Tara Reardon, Merr. 23. Adopted.

### COMMITTEE OF CONFERENCE REPORT ON SB 352

Committee of Conference Report on SB 352, an act relative to continuing education requirements for electrologists.

Recommendation:

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 adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 314:5 as inserted by section 1 of the bill by replacing it with the following:

314:5 Renewal of License; *Continuing Education Requirement*. Licenses issued under this chapter shall be subject to renewal every 2 years and shall expire unless renewed in accordance with rules adopted by the commissioner under RSA 314:8, IV, and upon payment of any fees required under RSA 314:10. *Applicants for renewal shall also be required to complete 10 hours of continuing education related to the practice of electrology during the prior 2 years; provided that 5 hours of such continuing education shall be in didactic, live courses.*

Conferees: Sens. David Wheeler, Dist. 11; Katherine Wheeler, Dist. 21 and Podles, Dist. 16

Conferees: Reps. Goulet, Hills. 15; Stickney, Rock. 26; Holley, Hills. 28 and Gile, Merr. 16. Adopted.

**COMMITTEE OF CONFERENCE REPORT ON SB 397**

Committee of Conference Report on SB 397, an act relative to the composition of the pharmacy board.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Danais, Dist. 20; John King, Dist. 18 and Francoeur, Dist. 14.

Conferees: Reps. Goulet, Hills 15; Stickney, Rock. 26; Sapareto, Rock. 13 and Gile, Merr. 16.

Adopted.

**MOTION TO SUSPEND RULES**

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit consideration of a Committee of Conference report signed off after the deadline on **SB 437**, requiring a one year mandatory prison sentence for a third DWI conviction.

Reps. Vaillancourt and Mirski spoke against.

Rep. Knowles spoke in favor.

Rep. MacGillivray requested a roll call; sufficiently seconded.

The question being the motion to suspend the rules.

**YEAS 185 NAYS 133****YEAS 185****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Golden, Paul	Pilliod, James	Thomas, John
Turner, Robert			

**CARROLL**

Bradley, Jeb	Chandler, Gene	Cooper, Kipp	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	MacDonald, Kenneth	Patten, Betsey
Philbrick, Donald			

**CHESHIRE**

Avery, Stephen	DePecol, Benjamin	Hunt, John	Manning, Joseph
McNamara, Wanda	Royce, H. Charles	Smith, Edwin	Vogl, John

**COOS**

Guay, Lawrence	Horton, Lynn	Mears, Edgar	Pratt, Leighton
Tholl, John, Jr.			

**GRAFTON**

Alger, John	Below, Clifton	Brown, Channing	Guaraldi, Lawrence
Hinman, Harry	LaMott, Paul	MacNeil, Allen	Phinney, William
Teschner, Douglass	Williams, William, Jr.		

**HILLSBOROUGH**

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Briefs, Geoffrey	Brundige, Robert	Calawa, Leon, Jr.
Cardin, Lori	Carney, Lauren	Chabot, Ernest	Chabot, Robert
Clegg, Robert, Jr.	Cote, David	Daniels, Gary	Dokmo, Cynthia
Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton	Emerton, Lawrence, Sr.
Fields, Dennis	Foster, Joseph	Foster, Linda	Franks, Suzan
Gagnon, Eugene	Golding, William	Goulet, Maurice	Herman, Keith
Holley, Sylvia	Hunter, Bruce	Jean, Claudette	Johnson, Lionel
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland
Lessard, Rudy	Letendre, Evelyn	Lozeau, Donnalee	Luebkert, Bernard
MacGillivray, Jeffrey	McGough, Tim	Melcher, Harold	Mercer, Robert
Messier, Irene	Milligan, Robert	Morello, Michael	Murch, George

O'Hearn, Jane  
Rowe, Robert  
Wheeler, Robert

Peterson, Andrew  
Searles, Stanley, Sr.  
White, Donald

Piteri, Dawn  
Tate, Joan

Riley, Frances  
Thulander, O. Alan

### MERRIMACK

Adams, Stephen  
Colburn, Thomas  
Feuerstein, Martin  
Langer, Ray  
Maxfield, Roy  
St. Cyr, Gerard

Anderson, Eric  
Daneault, Gabriel  
Hess, David  
Larrabee, David  
Nichols, Avis  
Whalley, Michael

Brown, Mary  
Davis, Francis  
Hoadley, Elizabeth  
Leber, William  
Pfaff, Terence  
Whittemore, James

Chandler, Earle  
DeStefano, Stephen  
Jacobson, Alf  
Marshall, Kenneth  
Seldin, Gloria

### ROCKINGHAM

Arndt, Janet  
Case, Margaret  
Dowd, Sandra  
Flanders, John, Sr.  
Griffin, Mary  
Johnson, Robert  
Kobel, Rudolph  
McCarthy, John, Jr.  
Moore, Benjamin  
Stone, Joseph  
Welch, David

Beaulieu, Jon  
Cote, Patricia  
Downing, Michael  
Frechette, Joseph  
Guthrie, Joseph  
Katsakiores, George  
Langone, John  
Micklon, Stephanie  
Nowe, Ronald  
Syracusa, Anthony

Belanger, Ronald  
Dalrymple, Janeeen  
Dunham, Vivian  
Gibbons, Paul  
Heath, John  
Katsakiores, Phyllis  
Letourneau, Robert  
Mikowski, Walter  
Packard, Sherman  
Varrell, Thomas

Camm, Kevin  
Dodge, Robert  
Flanders, David  
Gleason, John  
Henderson, Warren  
Klemm, Arthur, Jr.  
Major, Norman  
Millard, Ralph  
Schanda, Frank  
Vaughn, Charles

### STRAFFORD

Berube, Roger  
McKinley, Robert  
Spear, Barbara

Callaghan, Frank  
Merrill, Amanda  
Sullivan, Henry

Cossette, Larry  
Musler, George  
Torr, Ann

Knowles, William  
Rollo, Michael  
Torr, Franklin

### SULLIVAN

Adler, Rudolf  
Flint, Gordon  
Robb-Theroux, Amy

Burling, Peter  
Kibbey, David  
Schotanus, Merle

Cloutier, John  
Leone, Richard

Ferland, Brenda  
Lindblade, Eric

### NAYS 133

### BELKNAP

Holbrook, Robert

Hurt, George

Rosen, Ralph

Veazey, John

### CARROLL

Babson, David, Jr.

Mock, Henry

### CHESHIRE

Bonneau, Sarah  
Lynch, Margaret  
Pratt, John  
Russell, Ronald

Burnham, Daniel  
Lynott, Margaret  
Richardson, Barbara

Champagne, Richard  
McGuirk, Paul  
Riley, William

Doucette, Richard  
Meader, David  
Robertson, Timothy

### COOS

Bradley, Paula  
St. Hilaire, Paul

Hawkinson, Marie

Merrill, Gerald

Moynihan, Wayne

### GRAFTON

Akins, Ralph  
Guest, Robert  
Nordgren, Sharon

Almy, Susan  
Lovett, Sidney  
Weber, Phil

Cobbin, Philip  
Luker, Elsa

Copenhaver, Marion  
Mirski, Paul



**HILLSBOROUGH**

Allen, W. Gordon	Baroody, Benjamin	Barry, William, III	Boutin, David
Buckley, Raymond	Carlson, Donald	Christiansen, Lars	Clemons, Jane
D'Allesandro, Lou	Daigle, Robert	Dawe, Eileen	Desrosiers, William
Drabinowicz, A. Theresa	Flora, Kathieen	Gage, Ruth	Gosselin, Gerald
Haettenschwiller, Alphonse	Hall, Betty	Hart, Nick	Jean, Loren
Konys, Christine	Leishman, Peter	Lynde, Harold	Marcinkowski, Michael
McCarty, Winston	McDonald, James, Sr.	McRae, Karen	Murphy, Robert
Reidy, Frank	Turgeon, Roland	Vaillancourt, Steve	Welch, Donald
White, Jay	Williams, Carol	Wright, George	

**MERRIMACK**

Burney, Carol	Dunn, Miriam	French, Barbara	Gile, Mary
Hager, Elizabeth	Krueger, Patricia	Lamach, Bernard	Lockwood, Robert
Moore, Carol	Owen, Derek	Reardon, Tara	Wallin, Jean
Wallner, Mary Jane	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Coes, Betsy
Cooney, Richard	Dolan, Richard	Fesh, Robert	Flanagan, Natalie
Francoeur, Sheila	Hutchinson, Rebecca	Kane, Cecelia	Langley, Jane
Lovejoy, Marian	Malcolm, Kenneth	McKinney, Betsy	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Rabideau, Marie
Raynowska, Bernard	Reardon, Neil	Sabella, Norma	Sapareto, Frank
Stickney, Nancy	Stritch, C. Donald	Weyler, Kenneth	

**STRAFFORD**

Bickford, David	Brennan, William	Brown, George	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Kaen, Naida	Keans, Sandra
Lundborn, Raymond	Merritt, Deborah	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Smith, Marjorie	Snyder, Clair	Taylor, Kathleen
Twardus, Joseph	Vachon, Dennis	Wall, Janet	

**SULLIVAN**

Allison, David	Donovan, Thomas	Palmer, Lorraine	Wiggins, Celestine
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and the motion failed, lacking the necessary two-thirds.

**SUSPENSION OF RULES**

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit consideration of a Committee of Conference report signed off after the deadline on **SB 451**, relative to the accessibility of pupil assessment materials and the anonymity of pupil assessment results.

On a division vote, 303 members having voted in the affirmative and 16 in the negative, the motion was adopted by the necessary two-thirds.

**COMMITTEE OF CONFERENCE REPORT ON SB 451-FN-L**

Committee of Conference Report on SB 451-FN-LOCAL, an act relative to the accessibility of pupil assessment materials and the anonymity of pupil assessment results.

**Recommendation:**

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 adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 193-C:10 as inserted by section 1 of the bill by replacing it with the following:

193-C:10 Accessibility of Assessment Materials. After the assessment results are released by the department, a pupil's parent or legal guardian shall have the right to inspect and review the pupil's

assessment booklet, answer or response sheets, surveys, instructions or directions to the pupil, and any other supplemental materials utilized to administer the assessment. A parent or legal guardian shall direct a request for inspection or review to the pupil's school, and the school shall comply with such request within 45 days of its receipt. The commissioner shall adopt rules, pursuant to RSA 541-A, to implement procedures for the review and inspection of assessment materials. These rules shall provide parents' and legal guardians with no fewer rights accorded to them under the Family Educational and Privacy Rights Act, 20 U.S.C. 1232g.

#### AMENDED ANALYSIS

This bill guarantees parents and legal guardians the right to inspect and review a pupil's assessment materials within 45 days of a request made to the pupil's school. The bill also provides that assessment results obtained from the statewide education assessment and improvement program stored at the department of education shall not include individual pupil names or codes.

Conferees: Sens. Rubens, Dist. 5; Francoeur, Dist. 14 and McCarley, Dist. 6.

Conferees: Reps. Durham, Hills. 22; Snyder, Straf. 14; O'Hearn, Hills. 26 and Belvin, Hills. 14. Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 473-FN

Committee of Conference Report on SB 473-FN, an act relative to child day care providers.

Recommendation:

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 adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

5 School Employee and Volunteer Background Investigations. Amend RSA 189:13-a to read as follows:

189:13-a School Employee *and Volunteer* Background Investigations.

I. The employing school administrative unit, school district, or charter school shall complete a background investigation~~[,including]~~ *and* a criminal history records check[-] on every selected applicant for employment in any position in the school administrative unit, school district, or charter school prior to a final offer of employment. *A school administrative unit, school district, or charter school may extend a conditional offer of employment to a selected applicant after completing a background investigation, with a final offer of employment subject to a successfully completed criminal history records check. No selected applicant may be extended a conditional offer of employment unless the school administrative unit, school district, or charter school has initiated a criminal history records check. The school administrative unit, school district, or charter school shall not be held liable in any lawsuit alleging that the extension of a conditional or final offer of employment to an applicant, or the acceptance of volunteer services from a designated volunteer, with a criminal history was in any way negligent or deficient, if the school administrative unit, school district, or charter school fulfilled the requirements of this section.*

II. The selected applicant for employment *or designated volunteer* with a school administrative unit, school district, or charter school shall submit to the employer a notarized criminal history records release form and a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the school administrative unit, school district, or charter school. *In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the school administrative unit, school district, or charter school may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where an applicant has lived during the past 5 years.*

III. The school administrative unit, school district, or charter school shall submit the criminal history form to the New Hampshire state police which shall conduct a criminal history ~~[record inquiry]~~ *records check* through its records and through the Federal Bureau of Investigation. *Upon completion of the background investigation, the state police shall examine the list of crimes constituting grounds for non-approval of employment, or non-acceptance of volunteer services*

*in that school administrative unit, school district, or charter school, and shall report the presence or absence of any such crime to the school administrative unit, school district, or charter school. Under no circumstances shall the criminal records be released to the school administrative unit, school district, or charter school.*

IV. The school administrative unit, school district, or charter school may require the selected applicant for employment *or designated volunteer* to pay the actual costs of the background investigation [~~including~~] *and* a criminal history records check.

V. Any person who has been convicted of murder, child pornography, aggravated felonious sexual assault, felonious sexual assault, or kidnapping in this state, or under any statute prohibiting the same conduct in another state, territory or possession of the United States, shall not be hired by a school administrative unit, school district, or charter school. *By decision of the appropriate governing body, a school administrative unit, school district, or charter school may deny a selected applicant a final offer of employment if such person has been convicted of any felony in addition to those listed above. The governing body may adopt a policy stating that any person who has been convicted of any felony, or any of a list of felonies, shall not be hired.*

VI. This section applies to any employee [~~or~~], selected applicant for employment, *or designated volunteer* with private businesses and agencies, *or volunteer organizations* which contract with school administrative units, school districts, or charter schools to provide services, including but not limited to cafeteria workers, school bus drivers, custodial personnel, or any other service where the contractor or employees of the contractor provide services directly to students of the district or charter school. The cost for background investigations, including criminal history records checks, for employees or selected applicants for employment with such contractors shall be borne by the contractor.

*VII. The school administrative unit, school district, or charter school shall not be required to complete a background investigation or a criminal history records check on volunteers, provided, however, that the governing body of a school administrative unit, school district, or charter school, may adopt a policy designating certain categories of volunteers as "designated volunteers" who may be required to undergo a background investigation and a criminal history records check.*

6 School Employee and Volunteer Background Investigations. Amend RSA 189:13-a to read as follows:  
189:13-a School Employee and Volunteer Background Investigations.

I. The employing school administrative unit, school district, or charter school shall complete a background investigation and a criminal history records check on every selected applicant for employment in any position in the school administrative unit, school district, or charter school prior to a final offer of employment. A school administrative unit, school district, or charter school may extend a conditional offer of employment to a selected applicant after completing a background [~~check~~] *investigation*, with a final offer of employment subject to a successfully completed criminal history records check. No selected applicant may be extended a conditional offer of employment unless the school administrative unit, school district, or charter school has initiated a criminal history records check. The school administrative unit, school district, or charter school shall not be held liable in any lawsuit alleging that the extension of a conditional *or final* offer of employment to an applicant, *or the acceptance of volunteer services from a designated volunteer*, with a criminal history was in any way negligent or deficient, if the school administrative unit, school district, or charter school fulfilled the requirements of this section.

II. The selected applicant for employment *or designated volunteer* with a school administrative unit, school district, or charter school shall submit to the employer a notarized criminal history records release form and a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the school administrative unit, school district, or charter school. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the school administrative unit, school district, or charter school may, in lieu of [~~fingerprints~~] *the criminal history records check*, accept police clearances from every city, [~~or~~] town, *or county* where an applicant has lived during the past 5 years.

III. The school administrative unit, school district, or charter school shall submit the criminal history records release form to the New Hampshire state police which shall conduct a criminal history [~~record inquiry~~] *records check* through its records and through the Federal Bureau of In-



investigation. [~~The school administrative unit, school district, or charter school shall assure confidentiality of an employee's, applicant's, or volunteer's criminal record report upon receipt of that report from the division of state police and the Federal Bureau of Investigation. An employee's report shall be maintained only in the employee's file, and only authorized personnel, as determined by the school administrative unit, school district, or charter school shall have access to such record.~~] *Upon completion of the background investigation, the state police shall examine the list of crimes constituting grounds for non-approval of employment, or non-acceptance of volunteer services in that school administrative unit, school district, or charter school, and shall report the presence or absence of any such crime to the school administrative unit, school district, or charter school. Under no circumstances shall the criminal records be released to the school administrative unit, school district, or charter school.*

IV. The school administrative unit, school district, or charter school may require the selected applicant for employment or designated volunteer to pay the actual costs of the background investigation and a criminal history records check.

V. Any person who has been convicted of murder, child pornography, aggravated felonious sexual assault, felonious sexual assault, or kidnapping in this state, or under any statute prohibiting the same conduct in another state, territory or possession of the United States, shall not be hired by a school administrative unit, school district, or charter school. By decision of the appropriate governing body, a school administrative unit, school district, or charter school may deny a selected applicant a final offer of employment if such person has been convicted of any felony in addition to those listed above. *The governing body may adopt a policy stating that any person who has been convicted of any felony, or any of a list of felonies, shall not be hired.*

VI. This section applies to any employee, selected applicant for employment, or designated volunteer with private businesses and agencies, or volunteer organizations which contract with school administrative units, school districts, or charter schools to provide services, including but not limited to cafeteria workers, school bus drivers, custodial personnel, or any other service where the contractor or employees of the contractor provide services directly to students of the district or charter school. The cost for background investigations, including criminal history records checks, for employees or selected applicants for employment with such contractors shall be borne by the contractor.

VII. The [~~employing~~] school administrative unit, school district, or charter school shall not be required to complete a background investigation or a criminal history records check on volunteers, provided, however, that [~~a~~] *the governing body of a school administrative unit, school district, or charter school may adopt a policy [pertaining to volunteers] designating certain categories of volunteers as "designated volunteers" who may be required to undergo a background investigation[; including] and a criminal history records check.*

7 Contingency. If HB 1226-FN of the 1998 legislative session becomes law, then section 6 of this act shall take effect at 12:01 a.m. on the effective date of HB 1226-FN and section 5 of this act shall not take effect. If HB 1226-FN does not become law, then section 5 of this act shall take effect January 1, 1999 and section 6 of this act shall not take effect.

8 Effective Date.

I. Sections 5 and 6 of this act shall take effect as provided in section 7.

II. The remainder of this act shall take effect January 1, 1999.

#### AMENDED ANALYSIS

I. Requires child care providers that are licensed as child day care agencies or that receive state funds to either carry liability insurance or disclose to parents that they are uninsured.

II. Provides that child day care providers that are not required to be licensed, but do receive state funds, register with the department of health and human services. Child care providers required to register shall be subject to the same criminal records check as licensed child day care agencies.

III. Requires the commissioner of health and human services to develop a system of certification for licensed day care agencies that provide greater services, such as preschool education.

IV. Directs the commissioner of health and human services not to require more stringent health and safety requirements for licensed day care agencies with regard to school-age children than exist for public schools.

V. Clarifies procedures for criminal background investigations of school employees and volunteers.

Conferees: Sens. Gordon, Dist. 2; Squires, Dist. 12 and Katherine Wheeler, Dist. 21.

Conferees: Reps. Emerton, Hills. 7; Batula, Hills. 18; Estabrook, Straf. 8 and Dowling. Rock. 13.

Adopted.

**COMMITTEE OF CONFERENCE REPORT ON SB 475-FN-L**

Committee of Conference Report on SB 475-FN-LOCAL, an act relative to medicaid reimbursement rates and dental care.

Recommendation:

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 replacing all after the enacting clause with the following:

1 Eligibility Levels; Children's Health Insurance Program. Notwithstanding RSA 126-A, or any other provision of state law to the contrary and to the extent allowed by federal law, percentage eligibility levels for children ages one-19 under the children's health insurance program authorized under Public Law 105-33, Title 21 shall not exceed a maximum effective level of 250 percent of the federal poverty level after all calculations are made, including but not limited to income disregards. This section shall apply to any waiver submitted or in process on or before May 22, 1998.

2 Appropriation; Emergency Management. The sum of \$1,532,500, of which \$250,000 shall be a charge against the highway fund, for the biennium ending June 30, 1999, is hereby appropriated to the office of emergency management to provide a state match for federal funds received as a result of damages sustained from severe ice storms, high winds, and snow in the month of January 1998. This appropriation shall be in addition to any other sums appropriated to the office of emergency management. Said sum may be a charge against any appropriate fund. The governor is authorized to draw a warrant out of any money in the treasury not otherwise appropriated.

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

**AMENDED ANALYSIS**

This bill freezes eligibility levels for a children's health insurance program.

This bill also makes an appropriation to the office of emergency management to match federal funds received as a result of January 1998 storms.

Conferees: Sens. David Wheeler, Dist. 11; Francoeur, Dist. 14 and Barnes, Dist. 17.

Conferees: Reps. Klemm, Rock. 28; Thulander, Hills 6; Kurk, Hills. 5 and Wheeler, Hills. 7.

Rep. Burling spoke against and yielded to questions.

Rep. Haettenschwiller spoke against.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the adoption of the Committee of Conference report.

**YEAS 189 NAYS 136**

**YEAS 189**

**BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Golden, Paul	Holbrook, Robert	Hurt, George
Pilliod, James	Rosen, Ralph	Thomas, John	Turner, Robert
Veazey, John			

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
MacDonald, Kenneth	Mock, Henry	Patten, Betsy	Philbrick, Donald

**CHESHIRE**

Avery, Stephen	Hunt, John	Manning, Joseph	McNamara, Wanda
Royce, H. Charles	Smith, Edwin		

**COOS**

Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
St. Hilaire, Paul	Tholl, John, Jr.		

**GRAFTON**

Akins, Ralph	Alger, John	Guaraldi, Lawrence	Hinman, Harry
LaMott, Paul	MacNeil, Allen	Mirski, Paul	Phinney, William
Trelfa, Richard	Weber, Phil	Williams, William, Jr.	

**HILLSBOROUGH**

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Briefs, Geoffrey	Brundige, Robert	Calawa, Leon, Jr.
Carlson, Donald	Carney, Lauren	Chabot, Ernest	Chabot, Robert
Christiansen, Lars	Clegg, Robert, Jr.	Daniels, Gary	Dawe, Eileen
Desrosiers, William	Dokmo, Cynthia	Durham, Susan	Emerton, Lawrence, Sr.
Fields, Dennis	Flora, Kathleen	Franks, Suzan	Gagnon, Eugene
Golding, William	Goulet, Maurice	Hart, Nick	Herman, Keith
Holley, Sylvia	Holt, David	Hunter, Bruce	Jean, Loren
Kurk, Neal	LaRose, Richard	Leishman, Peter	Lessard, Rudy
Letendre, Evelyn	Lozeau, Donnalee	Luebker, Bernard	MacGillivray, Jeffrey
Marcinkowski, Michael	McCarty, Winston	McGough, Tim	McRae, Karen
Mercer, Robert	Messier, Irene	Mittelman, David	Morello, Michael
Murch, George	O'Hearn, Jane	Peterson, Andrew	Piteri, Dawn
Riley, Frances	Rowe, Robert	Searles, Stanley, Sr.	Tate, Joan
Thulander, O. Alan	Wheeler, Robert	White, Donald	Wright, George

**MERRIMACK**

Adams, Stephen	Anderson, Eric	Brown, Mary	Chandler, Earle
Colburn, Thomas	Crowell, Peter	Davis, Francis	Hoadley, Elizabeth
Krueger, Patricia	Lamach, Bernard	Langer, Ray	Larrabee, David
Leber, William	Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy
Nichols, Avis	Pfaff, Terence	Whalley, Michael	

**ROCKINGHAM**

Amdt, Janet	Beaulieu, Jon	Belanger, Ronald	Camm, Kevin
Christie, Andrew, Jr.	Cooney, Richard	Cote, Patricia	Dalrymple, Janeen
Dodge, Robert	Dolan, Richard	Dowd, Sandra	Downing, Michael
Dunham, Vivian	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr.	Francoeur, Sheila	Griffin, Mary	Guthrie, Joseph
Henderson, Warren	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Klemm, Arthur, Jr.	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Lovejoy, Marian	Major, Norman	Malcolm, Kenneth
McCarthy, John, Jr.	McKinney, Betsy	Mikowski, Walter	Millard, Ralph
Moore, Benjamin	Nowe, Ronald	Packard, Sherman	Rabideau, Marie
Raynowska, Bernard	Reardon, Neil	Rubin, George	Stickney, Nancy
Stone, Joseph	Stritch, C. Donald	Varrell, Thomas	Welch, David
Weyler, Kenneth			

**STRAFFORD**

Bickford, David	Cossette, Larry	Dunlap, Patricia	McKinley, Robert
Musler, George	Spears, Barbara	Sullivan, Henry	Torr, Franklin



**SULLIVAN**

Adler, Rudolf  
Schotanus, Merle

Flint, Gordon

Kibbey, David

Leone, Richard

**NAYS 136****BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah  
Doucette, Richard  
Meader, David  
Riley, William

Burnham, Daniel  
Lynch, Margaret  
Pratt, Irene  
Robertson, Timothy

Champagne, Richard  
Lynott, Margaret  
Pratt, John  
Russell, Ronald

DePecol, Benjamin  
McGuirk, Paul  
Richardson, Barbara  
Vogl, John

**COOS**

Bradley, Paula

Hawkinson, Marie

Mears, Edgar

Moynihan, Wayne

**GRAFTON**

Almy, Susan  
Guest, Robert  
Teschner, Douglass

Below, Clifton  
Lovett, Sidney

Brown, Channing  
Luker, Elsa

Copenhaver, Marion  
Nordgren, Sharon

**HILLSBOROUGH**

Allen, W. Gordon  
Cardin, Lori  
Daigle, Robert  
Foster, Linda  
Hall, Betty  
L'Heureux, Robert  
McDonald, James, Sr.  
Turgeon, Roland  
Williams, Carol

Baroody, Benjamin  
Clemons, Jane  
Drabinowicz, A. Theresa  
Gage, Ruth  
Jean, Claudette  
Lefebvre, Roland  
Melcher, Harold  
Vaillancourt, Steve

Barry, William, III  
Cote, David  
Dwyer, Paul, Sr.  
Gosselin, Gerald  
Johnson, Lionel  
Lynde, Harold  
Murphy, Robert  
Welch, Donald

Buckley, Raymond  
D'Allesandro, Lou  
Foster, Joseph  
Haettenschwiller, Alphonse  
Kony, Christine  
McCarthy, William  
Reidy, Frank  
White, Jay

**MERRIMACK**

Burney, Carol  
Feuerstein, Martin  
Hess, David  
Reardon, Tara  
Wallner, Mary Jane

Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Seldin, Gloria  
Whittemore, James

DeStefano, Stephen  
Gile, Mary  
Moore, Carol  
St. Cyr, Gerard  
Yeaton, Charles

Dunn, Miriam  
Hager, Elizabeth  
Owen, Derek  
Wallin, Jean

**ROCKINGHAM**

Abbott, Dennis  
Coes, Betsy  
Heath, John  
Norelli, Terie  
Sabella, Norma  
Vaughn, Charles

Blanchard, MaryAnn  
Frechette, Joseph  
Hutchinson, Rebecca  
O'Keefe, Patricia  
Sapareto, Frank

Case, Margaret  
Gibbons, Paul  
Kane, Cecelia  
Pantelakos, Laura  
Schanda, Frank

Clark, Martha  
Gleason, John  
Micklon, Stephanie  
Pitts, Jacqueline  
Syracusa, Anthony

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Keans, Sandra

Brennan, William  
Estabrook, Iris  
Knowles, William

Brown, George  
Hemon, Roland  
Lundborn, Raymond

Callaghan, Frank  
Kaen, Naida  
McCann, William, Jr.

Merrill, Amanda	Merritt, Deborah	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Taylor, Kathleen	Torr, Ann	Twardus, Joseph	Vachon, Dennis
Wall, Janet			

### SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Lindblade, Eric	Palmer, Lorraine	Robb-Theroux, Amy
Wiggins, Celestine			

and the report was adopted.

Rep. Dyer declared a conflict of interest and did not participate.

### COMMITTEE OF CONFERENCE REPORT ON SB 494

Committee of Conference Report on SB 494, an act establishing the voluntary small employer health insurance purchasing alliance.

Recommendation:

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: Sens. Fraser, Dist. 4; Danais, Dist. 20 and Katherine Wheeler, Dist. 21.

Conferees: Reps. Herman, Hills. 13; Girt, Belk. 4; Syracuse, Rock. 33 and Francoeur, Rock. 22.

Rep. Herman spoke in favor.

Adopted.

### COMMITTEE OF CONFERENCE REPORT ON SB 502-FN

Committee of Conference Report on SB 502-FN, an act allowing federal judges to perform marriages after obtaining a special license.

Recommendation:

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 adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 457:32-a as inserted by section 2 of the bill by replacing it with the following:

457:32-a Judges of the United States. The secretary of state may issue a special license to a judge of the United States residing in this state who is appointed pursuant to Article III of the United States Constitution, or to a United States magistrate judge residing in this state and appointed pursuant to federal law, to marry a couple within the state. There shall be a fee of \$25 for each such license and the secretary of state shall maintain a record of all such special licenses issued. A copy of the marriage license of the couple proposed to be married shall be filed with the secretary of state who shall maintain a permanent record of all such marriage licenses and the name and residence of the judge or magistrate performing the ceremony.

Conferees: Sens. Roberge, Dist. 9; Francoeur, Dist. 14 and Whipple, Dist. 8.

Conferees: Reps. Peterson, Hills. 8; Bergin, Hills. 16; Allison, Sull. 10 and Wall, Straf. 9.

Rep. Peterson spoke in favor.

Adopted.

### GOVERNOR'S VETO MESSAGE ON HOUSE BILL 1414

June 5, 1998

To the Honorable Members of the General Court:

I have this day vetoed House Bill 1414, An Act relative to review of non-renewal of teacher contracts. Professional improvement of our state's teaching corps is a high priority of my administration. Research has shown that the single most important measurable cause of increased student learning is teacher quality. Since I have become Governor, the State Board of Education has already taken steps to institute higher standards for people entering the teaching profession. These include a new competency testing requirement that will go into effect in September and a new

content testing requirement that will go into effect next July. In addition, the State Board of Education is undertaking a complete review of professional standards for the recertification of all educators, including teachers, instructional specialists, and administrators. Their report is due in two weeks.

My administration is working on a Best Schools initiative that will be aimed at the professional development of teachers and administrators employed in our public schools to arm them with state-of-the-art skills and knowledge in educational leadership and instructional practices. By placing our children in the care of a better trained educational workforce, we can expect to see positive gains in student achievement.

The Advancing Better Classrooms legislation I submitted this session includes measures to improve performance and accountability in our schools. If enacted into law, the ABC Plan will require the State Department of Education to issue an annual report card evaluating schools and school districts. Several states have found that this type of report card is the most effective motivator for improved performance of teachers and administrators, even more so than financial incentives. The ABC Plan will also require local school districts to develop local school improvement plans with the involvement of parents, employers, and other community members. Districts that do not make progress toward the goals set in their local school improvement plans will receive technical assistance from the State.

A lengthy and costly process for terminating ineffective teachers does not serve anyone. It does not serve our children, who deserve only highly competent teachers. It does not serve teachers themselves, who deserve to teach in a professional environment where they are surrounded by colleagues who strive to excel. Teachers should have no expectation of life-time tenure.

H.B. 1414, however, offers a simplistic response to the complicated problem of ensuring good teachers. H.B. 1414 would prohibit local school districts and local teachers' associations from *agreeing* to include binding arbitration as a means of resolving disputed teacher terminations in future collective bargaining agreements. As such, H.B. 1414 would conflict with our long tradition of local control. H.B. 1414 fails to address the need for sound teacher evaluation policies and does nothing to streamline the non-renewal process in districts that currently do not use binding arbitration.

Fewer than half of New Hampshire school districts currently have binding arbitration terms in their collective bargaining agreements. Therefore, H.B. 1414 does nothing to streamline the process for teacher termination in most of our school districts.

All of the participants in our public school system must be made more accountable if we are to improve education in New Hampshire. Parents, students, teachers, administrators, local school boards, and the State all share the responsibility for ensuring that the education we offer our children is excellent.

While it is teachers who provide direct instruction to our students, it is the responsibility of administrators to ensure the performance of teachers and other staff and the responsibility of local school boards to set standards and hire teachers and administrators.

H.B. 1414 fails to address the responsibilities of administrators and school boards to ensure that only the best teachers are in our classrooms. School districts in New Hampshire that have sound teacher evaluation systems experience few challenges to their decisions to terminate teachers. When a school district has good teacher evaluation policies and administrators who carry out those policies, carefully monitoring and documenting the performance of teachers, teachers who are non-renewed understand and accept the reason for their termination.

A sound teacher evaluation system expedites the process of teacher non-renewal. When teacher evaluations are not done or if the evaluations are not conducted well, ineffective teachers remain in the classroom. It is the children who bear the burden when sound school management and governance practices are not in place.

I recognize that there is more we can and should do to make sure that only qualified, competent teachers are in our classrooms. We need to find a more effective way to address the issues of streamlining teacher termination and the need for sound teacher evaluation policies. To accomplish this, I will ask a committee of New Hampshire citizens consisting of representatives of all concerned parties to work on this problem over the next several months and make recommendations for necessary changes in state law.

H.B. 1414 simply does not address the real problems in teacher performance, but rather diverts attention away from those real problems. Therefore, today I am vetoing House Bill 1414.

Jeanne Shaheen, Governor



The question being, notwithstanding the Governor's veto, shall **HB 1414**, relative to review of nonrenewal of teacher contracts, become law.

Rep. Yeaton spoke against.

Rep. O'Hearn spoke in favor and yielded to questions.

Rep. Keans spoke against and yielded to questions.

Rep. Hoadley spoke in favor.

Rep. Burling requested a quorum count. The Speaker declared a quorum present.

Rep. Joseph Foster spoke against.

Rep. Henderson spoke in favor.

As required by the State Constitution, a roll call was taken.

## YEAS 195 NAYS 132

### YEAS 195

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Golden, Paul	Holbrook, Robert	Hurt, George
Pilliod, James	Rosen, Ralph	Thomas, John	Turner, Robert
Veazey, John			

#### CARROLL

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	Philbrick, Donald

#### CHESHIRE

Avery, Stephen	Hunt, John	Manning, Joseph	McNamara, Wanda
Royce, H. Charles	Smith, Edwin		

#### COOS

Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
St. Hilaire, Paul	Tholl, John, Jr.		

#### GRAFTON

Akins, Ralph	Alger, John	Brown, Channing	Cobbin, Philip
Guaraldi, Lawrence	Hinman, Harry	LaMott, Paul	MacNeil, Allen
Phinney, William	Teschner, Douglass	Trelfa, Richard	Weber, Phil
Williams, William, Jr.			

#### HILLSBOROUGH

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Boutin, David	Briefs, Geoffrey	Brundige, Robert
Burke, M. Virginia	Calawa, Leon, Jr.	Carlson, Donald	Carmey, Lauren
Chabot, Ernest	Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr.
Daniels, Gary	Desrosiers, William	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Emerton, Lawrence, Sr.	Fields, Dennis	Flora, Kathleen
Gagnon, Eugene	Golding, William	Goulet, Maurice	Herman, Keith
Holley, Sylvia	Holt, David	Hunter, Bruce	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lessard, Rudy
Letendre, Evelyn	Lozeau, Donnalee	Luebker, Bernard	MacGillivray, Jeffrey
Marcinkowski, Michael	McCarty, Winston	McGough, Tim	McRae, Karen
Mercer, Robert	Mittelman, David	Morello, Michael	Murch, George
O'Hearn, Jane	Peterson, Andrew	Piteri, Dawn	Riley, Frances
Rowe, Robert	Searles, Stanley, Sr.	Tate, Joan	Thulander, O. Alan
Wheeler, Robert	White, Donald	Wright, George	

**MERRIMACK**

Adams, Stephen	Anderson, Eric	Brown, Mary	Chandler, Earle
Colburn, Thomas	Crowell, Peter	Davis, Francis	Feuerstein, Martin
Hager, Elizabeth	Hess, David	Headley, Elizabeth	Jacobson, Alf
Krueger, Patricia	Lamach, Bernard	Langer, Ray	Larrabee, David
Leber, William	Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy
Nichols, Avis	Pfaff, Terence	Whalley, Michael	Whittemore, James

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Camm, Kevin
Case, Margaret	Christie, Andrew, Jr.	Cooney, Richard	Cote, Patricia
Dalrymple, Janeen	Dodge, Robert	Dolan, Richard	Dowd, Sandra
Dunham, Vivian	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr.	Francoeur, Sheila	Frechette, Joseph	Gleason, John
Griffin, Mary	Guthrie, Joseph	Henderson, Warren	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Lovejoy, Marian
Major, Norman	Malcolm, Kenneth	McCarthy, John, Jr.	McKinney, Betsy
Mikowski, Walter	Moore, Benjamin	Nowe, Ronald	Packard, Sherman
Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Rubin, George
Sapareto, Frank	Stickney, Nancy	Stone, Joseph	Stritch, C. Donald
Syracusa, Anthony	Varrell, Thomas	Welch, David	Weyler, Kenneth

**STRAFFORD**

Bickford, David	Cossette, Larry	McKinley, Robert	Musler, George
Spears, Barbara	Torr, Ann	Torr, Franklin	

**SULLIVAN**

Adler, Rudolf	Kibbey, David	Schotanus, Merle
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**NAYS 132****BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah	Burnham, Daniel	Champagne, Richard	DePecol, Benjamin
Doucette, Richard	Lynch, Margaret	Lynott, Margaret	McGuirk, Paul
Meador, David	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Russell, Ronald	Vogl, John

**COOS**

Bradley, Paula	Hawkinson, Marie	Mears, Edgar	Moynihan, Wayne
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**GRAFTON**

Almy, Susan	Below, Clifton	Copenhaver, Marion	Guest, Robert
Lovett, Sidney	Luker, Elsa	Nordgren, Sharon	

**HILLSBOROUGH**

Allen, W. Gordon	Baroody, Benjamin	Barry, William, III	Buckley, Raymond
Cardin, Lori	Clemons, Jane	Cote, David	D'Allesandro, Lou
Daigle, Robert	Dawe, Eileen	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.
Foster, Joseph	Foster, Linda	Franks, Suzan	Gage, Ruth

Gosselin, Gerald  
Jean, Claudette  
Leishman, Peter  
Melcher, Harold  
Turgeon, Roland  
Williams, Carol

Haettenschwiler, Alphonse  
Johnson, Lionel  
Lynde, Harold  
Messier, Irene  
Vaillancourt, Steve

Hall, Betty  
Konys, Christine  
McCarthy, William  
Murphy, Robert  
Welch, Donald

Hart, Nick  
Lefebvre, Roland  
McDonald, James, Sr.  
Reidy, Frank  
White, Jay

### MERRIMACK

Burney, Carol  
French, Barbara  
Reardon, Tara  
Walner, Mary Jane

Daneault, Gabriel  
Gile, Mary  
Seldin, Gloria  
Yeaton, Charles

DeStefano, Stephen  
Moore, Carol  
St. Cyr, Gerard

Dunn, Miriam  
Owen, Derek  
Wallin, Jean

### ROCKINGHAM

Abbott, Dennis  
Downing, Michael  
Kane, Cecelia  
O'Keefe, Patricia  
Schanda, Frank

Blanchard, MaryAnn  
Gibbons, Paul  
Micklon, Stephanie  
Pantelakos, Laura  
Vaughn, Charles

Clark, Martha  
Heath, John  
Millard, Ralph  
Pitts, Jacqueline

Coes, Betsy  
Hutchinson, Rebecca  
Norelli, Terie  
Sabella, Norma

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Kaen, Naida  
McCann, William, Jr.  
Pelletier, Marsha  
Snyder, Clair  
Vachon, Dennis

Brennan, William  
Dunlap, Patricia  
Keans, Sandra  
Merrill, Amanda  
Rogers, Rose Marie  
Sullivan, Henry  
Wall, Janet

Brown, George  
Estabrook, Iris  
Knowles, William  
Merritt, Deborah  
Rollo, Michael  
Taylor, Kathleen

Callaghan, Frank  
Hemon, Roland  
Lundborn, Raymond  
Pelletier, Arthur  
Smith, Marjorie  
Twardus, Joseph

### SULLIVAN

Allison, David  
Ferland, Brenda  
Robb-Theroux, Amy

Burling, Peter  
Flint, Gordon  
Wiggins, Celestine

Cloutier, John  
Lindblade, Eric

Donovan, Thomas  
Palmer, Lorraine

and the veto was sustained, lacking the necessary two-thirds.  
Reps. Leone and Mirski declared conflicts of interest and did not participate.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby it failed to suspend the rules to allow consideration of the Committee of Conference report signed off after the deadline of *SB 437*, requiring a one year mandatory prison sentence for a third DWI conviction and spoke against.

On a division vote, 109 members having voted in the affirmative and 209 in the negative, reconsideration failed.

### SENATE MESSAGE

#### REFUSES TO ADOPT COMMITTEE OF CONFERENCE REPORT REQUESTS NEW COMMITTEE OF CONFERENCE

*HB 1531-FN*, relative to reimbursement for removal of petroleum storage facilities from the oil pollution control fund.

The President appointed Sens. Russman, Barnes and McCarley.

Rep. Royce moved that the House accede to the request for a new Committee of Conference and spoke in favor.

Adopted.

The Speaker appointed Reps. Whalley, Royce, DeStefano and Holbrook.

### RECESS



**(Speaker Sytek in the Chair)****RESOLUTION**

Reps. Wheeler and Burling offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Resolution numbered 58, shall be by this resolution read a first and second time by the therein listed title.

Adopted.

**INTRODUCTION OF HOUSE RESOLUTION****First and second reading**

**HR 58**, adopting filing dates for the 1999 legislative session. (Wheeler, Hills 7; Burling, Sull. 1)

**CONSIDERATION OF HOUSE RESOLUTION**

Reps. Wheeler and Burling offered the following:

**HOUSE RESOLUTION NO. 58**

Be it Resolved by the House of Representatives:

That Wednesday, September 9, 1998 shall be the first day for incumbents who are candidates for the House to file LSR's with complete information;

That Monday, October 5, 1998 shall be the beginning date for the 10-day sign-off deadline (Rule 38 (b));

That Friday, October 30, 1998 shall be the final day to file, with the Clerk of the House, all 1998 interim-study reports;

That Wednesday, November 4, 1998 shall be the first day for new members to file LSR's with complete information; and

That Friday, November 6, 1998 shall be the final day to file, with complete information, all bill drafting requests from 1998 interim study work.

Adopted.

**CONSENT CALENDAR****COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS**

Rep. Wheeler moved that the Consent Calendar of Committee of Conference Reports on House Bills with the relevant amendments as printed and distributed be adopted.

**HB 1123**, relative to the control of wolf hybrids, removed by Rep. Mock.

**HB 1531**, relative to reimbursement for removal of petroleum storage facilities from the oil pollution control fund, removed by Rep. Royce.

Consent Calendar adopted.

**HB 170-L**, exempting temporary, demountable, plastic-covered greenhouses from property taxation. (Report printed SJ 20, 6/18/98)

**HB 204-FN-L**, granting responsibility for court security and custody and control of prisoners while in the courthouse to the county sheriff and providing for state reimbursement of the sheriff for the costs of such security services. (Report printed SJ 20, 6/18/98)

**HB 529**, relative to excluding from the definition of subdivision the placement and maintenance of wireless communication facilities. (Report printed SJ 20, 6/18/98)

**HB 555**, exempting an individual's pensions and individual retirement accounts from bankruptcy attachment. (Report printed SJ 20, 6/18/98)

**HB 798**, relative to the regulation of health clubs. (Report printed SJ 20, 6/18/98)

**HB 1118**, relative to the expiration of contact lens prescriptions. (Report printed SJ 20, 6/18/98)

**HB 1196**, relative to coordinating and compiling studies and establishing a lead education program concerning the effects of lead on water birds and other wildlife. (Report printed SJ 20, 6/18/98)

**HB 1303-FN-A-L**, continually appropriating boating fees and other revenues to the division of safety services. (Report printed SJ 20, 6/18/98)

**HB 1307**, relative to penalties for habitual offenders. (Report printed SJ 20, 6/18/98)

**HB 1336-FN**, defining medical necessity for managed care insurance purposes. (Report printed SJ 20, 6/18/98)

**HB 1339-FN**, regulating the sale by mail of liquor, wine, and beer. (Report printed SJ 20, 6/18/98)

**HB 1384-FN-A**, making an appropriation for use by the New Hampshire Commission on the Smithsonian Festival of American Folklife. (Report printed SJ 20, 6/18/98)

**HB 1389-FN-L**, relative to agreements for telecommunications-related uses of the state highway system. (Report printed SJ 20, 6/18/98)

**HB 1471**, allowing loss of familial relationship damages in wrongful death actions. (Report printed SJ 20, 6/18/98)

**HB 1481**, granting rulemaking authority to the executive director of fish and game to determine the legal length of lobsters. (Report printed SJ 20, 6/18/98)

**HB 1514-FN**, setting the biennial rate for the medicaid enhancement tax. (Report printed SJ 20, 6/18/98)

**HB 1540-FN**, allowing non-banks to establish cash dispensing machines. (Report printed SJ 20, 6/18/98)

**HB 1555-FN**, relative to including revocable trusts for medicaid estate recovery purposes. (Report printed SJ 20, 6/18/98)

**HB 1558-FN-L**, relative to games of chance. (Report printed SJ 20, 6/18/98)

**HB 1561-FN**, preventing computer pornography and child exploitation and increasing penalties for possession under the child pornography laws. (Report printed SJ 20, 6/18/98)

**HB 1575-FN**, relative to highway modifications on lands acquired through the land conservation investment program. (Report printed SJ 20, 6/18/98)

**HB 1629**, relative to walking disability plates and placards. (Report printed SJ 20, 6/18/98)

## REGULAR CALENDAR

### COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

**HB 559-FN**, allowing courts to impose an extended term of imprisonment upon persons of any age who have committed certain crimes against persons under 13 years of age. (Report printed SJ 20, 6/18/98)

Adopted.

**HB 587-FN**, relative to the system benefits charge. (Report printed SJ 20, 6/18/98)

Adopted.

**HB 630-FN-L**, relative to additional voluntary contributions to provide for early retirement by members of the retirement system. (Report printed SJ 20, 6/18/98)

Adopted.

**HB 707-L**, relative to municipal taxation of telecommunications poles and conduits. (Report printed SJ 20, 6/18/98)

Adopted.

**HB 1000-FN-L**, relative to a 10-year transportation plan authorizing construction on the Spaulding Turnpike and relative to the ratio system upgrade for the department of transportation. (Report printed SJ 20, 6/18/98)

**SUSPENSION OF RULES**

Reps. Wheeler and Amanda Merrill moved that the Rules be so far suspended as to permit consideration of a Committee of Conference report signed off after the deadline on **HB 1100**, relative to the design and construction of a new medium security prison in Berlin and making an appropriation therefor, removing the population cap and closing date for the lakes region department of corrections facility, authorizing the department of corrections to establish 2 additional halfway houses and appoint additional probation and parole officers, and making adjustments to the operating budget for fiscal year 1999.

Adopted by the necessary two-thirds.

**(Rep. Channing Brown in the Chair)**

**HB 1100-FN**, relative to the design and construction of a new medium security prison in Berlin and making an appropriation therefor, removing the population cap and closing date for the lakes region department of corrections facility, authorizing the department of corrections to establish 2 additional halfway houses and appoint additional probation and parole officers, and making adjustments to the operating budget for fiscal year 1999. (Report printed SJ 20, 6/18/98)

Rep. Rosen spoke against and yielded to questions.

Rep. Gene Chandler spoke in favor and yielded to questions.

Rep. Sytek spoke in favor.

Rep. Rosen requested a roll call; sufficiently seconded.

The question being the adoption of the Committee of Conference report.

**YEAS 274 NAYS 20****YEAS 274****BELKNAP**

Bartlett, Gordon	Calvert, Alice	Golden, Paul	Holbrook, Robert
Hurt, George	Pilliod, James	Thomas, John	Turner, Robert

**CARROLL**

Bradley, Jeb	Chandler, Gene	Dickinson, Howard, Jr.	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald		

**CHESHIRE**

Avery, Stephen	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Hunt, John	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	McNamara, Wanda	Meador, David	Pratt, Irene
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Royce, H. Charles	Russell, Ronald	Smith, Edwin	Vogl, John

**COOS**

Bradley, Paula	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Moynihan, Wayne	Pratt, Leighton
St. Hilaire, Paul	Tholl, John, Jr.		

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Below, Clifton
Copenhaver, Marion	Guaraldi, Lawrence	Guest, Robert	Ham, Bonnie
Hinman, Harry	LaMott, Paul	Lovett, Sidney	Luker, Elsa
MacNeil, Allen	Nordgren, Sharon	Phinney, William	Teschner, Douglass
Trelfa, Richard	Weber, Phil	Williams, William, Jr.	

**HILLSBOROUGH**

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Baroody, Benjamin
Batula, Peter	Belvin, William	Boutin, David	Brundige, Robert



Buckley, Raymond  
 Carlson, Donald  
 Clemons, Jane  
 Daniels, Gary  
 Durham, Susan  
 Flora, Kathleen  
 Gage, Ruth  
 Goulet, Maurice  
 Hunter, Bruce  
 Kurk, Neal  
 Leishman, Peter  
 Luebker, Bernard  
 McCarty, Winston  
 Mercer, Robert  
 Morello, Michael  
 Piteri, Dawn  
 Searles, Stanley, Sr.  
 Vaillancourt, Steve  
 White, Jay

Burke, M. Virginia  
 Chabot, Robert  
 Cote, David  
 Dawe, Eileen  
 Dyer, Merton  
 Foster, Joseph  
 Gagnon, Eugene  
 Hall, Betty  
 Jean, Claudette  
 L'Heureux, Robert  
 Lessard, Rudy  
 Lynde, Harold  
 McDonald, James, Sr.  
 Messier, Irene  
 Murphy, Robert  
 Reidy, Frank  
 Tate, Joan  
 Welch, Donald  
 Wright, George

Calawa, Leon, Jr.  
 Christiansen, Lars  
 D'Allesandro, Lou  
 Dokmo, Cynthia  
 Emerton, Lawrence, Sr.  
 Foster, Linda  
 Golding, William  
 Hart, Nick  
 Johnson, Lionel  
 LaRose, Richard  
 Letendre, Evelyn  
 MacGillivray, Jeffrey  
 McRae, Karen  
 Milligan, Robert  
 O'Hearn, Jane  
 Riley, Frances  
 Thulander, O. Alan  
 Wheeler, Robert

Cardin, Lori  
 Clegg, Robert, Jr.  
 Daigle, Robert  
 Drabinowicz, A. Theresa  
 Fields, Dennis  
 Franks, Suzan  
 Gosselin, Gerald  
 Holley, Sylvia  
 Konys, Christine  
 Lefebvre, Roland  
 Lozeau, DonnaLee  
 Marcinkowski, Michael  
 Melcher, Harold  
 Mittelman, David  
 Peterson, Andrew  
 Rowe, Robert  
 Turgeon, Roland  
 White, Donald

### MERRIMACK

Adams, Stephen  
 Chandler, Earle  
 Dunn, Miriam  
 Hager, Elizabeth  
 Lamach, Bernard  
 Lockwood, Robert  
 Pfaff, Terence  
 Whalley, Michael

Anderson, Eric  
 Crowell, Peter  
 Feuerstein, Martin  
 Hess, David  
 Langer, Ray  
 Marshall, Kenneth  
 Seldin, Gloria  
 Whittemore, James

Brown, Mary  
 Daneault, Gabriel  
 French, Barbara  
 Hoadley, Elizabeth  
 Larrabee, David  
 Moore, Carol  
 St. Cyr, Gerard  
 Yeaton, Charles

Burney, Carol  
 Davis, Francis  
 Gile, Mary  
 Jacobson, Alf  
 Leber, William  
 Nichols, Avis  
 Wallin, Jean

### ROCKINGHAM

Abbott, Dennis  
 Blanchard, MaryAnn  
 Christie, Andrew, Jr.  
 Dalrymple, Janeen  
 Dunham, Vivian  
 Flanders, John, Sr.  
 Gleason, John  
 Henderson, Warren  
 Katsakiores, George  
 Langley, Jane  
 Major, Norman  
 Micklon, Stephanie  
 Pantelakos, Laura  
 Reardon, Neil  
 Stickney, Nancy  
 Vaughn, Charles

Arndt, Janet  
 Camm, Kevin  
 Clark, Martha  
 Dodge, Robert  
 Fesh, Robert  
 Francoeur, Sheila  
 Griffin, Mary  
 Hutchinson, Rebecca  
 Katsakiores, Phyllis  
 Langone, John  
 Malcolm, Kenneth  
 Mikowski, Walter  
 Pitts, Jacqueline  
 Sabella, Norma  
 Stone, Joseph  
 Welch, David

Beaulieu, Jon  
 Case, Margaret  
 Cooney, Richard  
 Dowd, Sandra  
 Flanagan, Natalie  
 Frechette, Joseph  
 Guthrie, Joseph  
 Johnson, Robert  
 Klemm, Arthur, Jr.  
 Letourneau, Robert  
 McCarthy, John, Jr.  
 Norelli, Terie  
 Rabideau, Marie  
 Sapareto, Frank  
 Sytek, Donna  
 Weyler, Kenneth

Belanger, Ronald  
 Cegelis, Mark  
 Cote, Patricia  
 Downing, Michael  
 Flanders, David  
 Gibbons, Paul  
 Heath, John  
 Kane, Cecelia  
 Kobel, Rudolph  
 Lovejoy, Marian  
 McKinney, Betsy  
 Nowe, Ronald  
 Raynowska, Bernard  
 Schanda, Frank  
 Varrell, Thomas

### STRAFFORD

Brennan, William  
 Estabrook, Iris  
 Lundborn, Raymond  
 Rollo, Michael  
 Sullivan, Henry  
 Wall, Janet

Brown, George  
 Kaen, Naida  
 Merrill, Amanda  
 Smith, Marjorie  
 Taylor, Kathleen

DeChane, Marlene  
 Keans, Sandra  
 Musler, George  
 Snyder, Clair  
 Torr, Ann

Dunlap, Patricia  
 Knowles, William  
 Rogers, Rose Marie  
 Spear, Barbara  
 Torr, Franklin

**SULLIVAN**

Cloutier, John  
Leone, Richard  
Schotanus, Merle

Donovan, Thomas  
Lindblade, Eric  
Wiggins, Celestine

Ferland, Brenda  
Palmer, Lorraine

Flint, Gordon  
Robb-Theroux, Amy

**NAYS 20****BELKNAP**

Boyce, Robert

Rosen, Ralph

**CARROLL**

Babson, David, Jr.

**CHESHIRE**

None

**COOS**

None

**GRAFTON**

Cobbin, Philip

Mirski, Paul

**HILLSBOROUGH**

Dwyer, Paul, Sr.  
McCarthy, William

Haettenschwiller, Alphonse  
Murch, George

Herman, Keith  
Williams, Carol

Jean, Loren

**MERRIMACK**

Krueger, Patricia

**ROCKINGHAM**

Rubin, George

Stritch, C. Donald

**STRAFFORD**

Hemon, Roland

Pelletier, Arthur

Pelletier, Marsha

Vachon, Dennis

**SULLIVAN**

Adler, Rudolf

and the report was adopted.

**(Speaker Sytek in the Chair)**

**HB 1103-L**, relative to the state representative districts of towns. (Report printed SJ 20, 6/18/98)  
Adopted.

**HB 1169-L**, clarifying the authority of the ballot law commission relative to the examination of programs used to count votes. (Report printed SJ 20, 6/18/98)  
Adopted.

**HB 1205-FN**, making technical corrections to the securities laws. (Report printed SJ 20, 6/18/98)  
Adopted.

**HB 1217**, relative to balancing the operating budget. (Report printed SJ 20, 6/18/98)  
Adopted.

**HB 1234-FN**, establishing an office of volunteerism. (Report printed SJ 20, 6/18/98)  
Adopted.

**HB 1246**, relative to enforcement of oil spillage laws. (Report printed SJ 20, 6/18/98)  
Adopted.

**HB 1297-FN-A**, establishing a program of integrated pest management and continually appropriating an integrated pest management fund. (Report printed SJ 20, 6/18/98)  
Adopted.

**HB 1310**, relative to legislative approval of expenditure of federal and other funds. (Report printed SJ 20, 6/18/98)

Rep. Linda Foster spoke against.

Rep. Kurk spoke in favor.

Adopted.

**HB 1350-FN-A**, relative to vocational student organizations and making an appropriation for vocational organization advisors. (Report printed SJ 20, 6/18/98)

Adopted.

**HB 1369**, revising the student membership of the university system of New Hampshire board of trustees. (Report printed SJ 20, 6/18/98)

Adopted.

**HB 1371**, requiring the collection of certain data on children and parents in the state case registry for use in child support enforcement. (Report printed SJ 20, 6/18/98)

Adopted.

**HB 1417-L**, relative to involvement in mediation in collective bargaining negotiations by certain municipalities. (Report printed SJ 20, 6/18/98)

Adopted.

**HB 1448**, relative to confidential communication between victims and counselors. (Report printed SJ 20, 6/18/98)

Adopted.

**HB 1501**, relative to amending certain provisions of the charter school law. (Report printed SJ 20, 6/18/98)

Adopted.

**HB 1517-FN-A-L**, establishing a fund for dredging to maintain harbors in New Hampshire. (Report printed SJ 20, 6/18/98)

Adopted.

**HB 1520-FN**, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission. (Report printed SJ 20, 6/18/98)

Rep. Dickinson spoke against and yielded to questions.

Rep. Joseph Foster spoke in favor and yielded to questions.

Rep. DePecol spoke against.

### MOTION TO LAY ON THE TABLE

Rep. Dickinson moved that **HB 1520-FN**, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission, be laid on the table.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the motion to lay on the table.

**YEAS 135 NAYS 146**

**YEAS 135**

**BELKNAP**

Bartlett, Gordon

Calvert, Alice

**CARROLL**

Babson, David, Jr.

Bradley, Jeb

Dickinson, Howard, Jr.

Howard, Godfrey

Kenney, Joseph

Lyman, L. Randy

MacDonald, Kenneth

Philbrick, Donald



**CHESHIRE**

Avery, Stephen  
Manning, Joseph  
Riley, William

DePecol, Benjamin  
McNamara, Wanda  
Russell, Ronald

Lynch, Margaret  
Meader, David

Lynott, Margaret  
Richardson, Barbara

**COOS**

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Hinman, Harry  
Phinney, William

Alger, John  
LaMott, Paul  
Teschner, Douglass

Below, Clifton  
MacNeil, Allen  
Trelfa, Richard

Ham, Bonnie  
Mirski, Paul

**HILLSBOROUGH**

Allen, W. Gordon  
Brundige, Robert  
Clemons, Jane  
Flora, Kathleen  
Goulet, Maurice  
Hunter, Bruce  
L'Heureux, Robert  
MacGillivray, Jeffrey  
Mercer, Robert  
Peterson, Andrew  
Turgeon, Roland

Batula, Peter  
Burke, M. Virginia  
Cote, David  
Foster, Linda  
Hall, Betty  
Jean, Loren  
LaRose, Richard  
Marcinkowski, Michael  
Messier, Irene  
Reidy, Frank  
White, Donald

Belvin, William  
Carlson, Donald  
Daniels, Gary  
Gage, Ruth  
Hart, Nick  
Johnson, Lionel  
Lefebvre, Roland  
McCarthy, William  
Milligan, Robert  
Riley, Frances  
White, Jay

Boutin, David  
Clegg, Robert, Jr.  
Emerton, Lawrence, Sr.  
Golding, William  
Holley, Sylvia  
Konys, Christine  
Letendre, Evelyn  
McRae, Karen  
Murphy, Robert  
Tate, Joan  
Wright, George

**MERRIMACK**

Adams, Stephen  
DeStefano, Stephen  
Lamach, Bernard  
Nichols, Avis

Anderson, Eric  
Feuerstein, Martin  
Larrabee, David  
Wallin, Jean

Burney, Carol  
Jacobson, Alf  
Lockwood, Robert  
Whittemore, James

Davis, Francis  
Krueger, Patricia  
Marshall, Kenneth

**ROCKINGHAM**

Beaulieu, Jon  
Dalrymple, Janeen  
Flanagan, Natalie  
Katsakiores, Phyllis  
Lovejoy, Marian  
McKinney, Betsy  
Sapareto, Frank  
Vaughn, Charles

Belanger, Ronald  
Dodge, Robert  
Gibbons, Paul  
Langley, Jane  
Major, Norman  
Mikowski, Walter  
Stickney, Nancy  
Weyler, Kenneth

Blanchard, MaryAnn  
Dunham, Vivian  
Guthrie, Joseph  
Langone, John  
Malcolm, Kenneth  
Raynowska, Bernard  
Stritch, C. Donald

Camm, Kevin  
Fesh, Robert  
Katsakiores, George  
Letourneau, Robert  
McCarthy, John, Jr.  
Reardon, Neil  
Varrell, Thomas

**STRAFFORD**

Dunlap, Patricia  
Pelletier, Marsha

Hemon, Roland  
Smith, Marjorie

Keans, Sandra  
Snyder, Clair

Pelletier, Arthur  
Taylor, Kathleen

**SULLIVAN**

Adler, Rudolf  
Schotanus, Merle

Donovan, Thomas

Flint, Gordon

Leone, Richard

**NAYS 146****BELKNAP**

Boyce, Robert  
Pilliod, James

Golden, Paul  
Thomas, John

Holbrook, Robert  
Turner, Robert

Hurt, George

**CARROLL**

Chandler, Gene	Mock, Henry	Patten, Betsy
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**CHESHIRE**

Burnham, Daniel	Doucette, Richard	Hunt, John	McGuirk, Paul
Pratt, Irene	Robertson, Timothy	Royce, H. Charles	Smith, Edwin
Vogl, John			

**COOS**

Bradley, Paula	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Mears, Edgar	Moynihan, Wayne	Tholl, John, Jr.	

**GRAFTON**

Almy, Susan	Brown, Channing	Copenhaver, Marion	Guaraldi, Lawrence
Guest, Robert	Lovett, Sidney	Luker, Elsa	Nordgren, Sharon
Williams, William, Jr.			

**HILLSBOROUGH**

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Baroody, Benjamin
Buckley, Raymond	Calawa, Leon, Jr.	Cardin, Lori	Chabot, Robert
Christiansen, Lars	D'Allesandro, Lou	Daigle, Robert	Dokmo, Cynthia
Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton
Fields, Dennis	Foster, Joseph	Gagnon, Eugene	Gosselin, Gerald
Haettenschwiller, Alphonse	Herman, Keith	Jean, Claudette	Kurk, Neal
Leishman, Peter	Lozeau, Donnalee	Luebker, Bernard	Lynde, Harold
McCarty, Winston	Melcher, Harold	Morello, Michael	Murch, George
O'Hearn, Jane	Rowe, Robert	Thulander, O. Alan	Vaillancourt, Steve
Welch, Donald	Wheeler, Robert		

**MERRIMACK**

Brown, Mary	Chandler, Earle	Crowell, Peter	Daneault, Gabriel
Dunn, Miriam	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Langer, Ray	Leber, William
Moore, Carol	Pfaff, Terence	Seldin, Gloria	St. Cyr, Gerard
Whalley, Michael	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Case, Margaret	Christie, Andrew, Jr.
Clark, Martha	Cooney, Richard	Cote, Patricia	Dowd, Sandra
Downing, Michael	Flanders, David	Flanders, John, Sr.	Francoeur, Sheila
Frechette, Joseph	Gleason, John	Griffin, Mary	Heath, John
Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Klemm, Arthur, Jr.	Kobel, Rudolph	Micklon, Stephanie	Norelli, Terie
Nowe, Ronald	Pantelakos, Laura	Pitts, Jacqueline	Rabideau, Marie
Sabella, Norma	Schanda, Frank	Stone, Joseph	Verani, Giovanni
Welch, David			

**STRAFFORD**

Brennan, William	Brown, George	DeChane, Marlene	Estabrook, Iris
Kaen, Naida	Knowles, William	Lundborn, Raymond	Merrill, Amanda
Merritt, Deborah	Rogers, Rose Marie	Rollo, Michael	Spear, Barbara
Sullivan, Henry	Torr, Ann	Torr, Franklin	Vachon, Dennis
Wall, Janet			

**SULLIVAN**

Cloutier, John	Lindblade, Eric	Palmer, Lorraine	Robb-Theroux, Amy
Wiggins, Celestine			

and the motion failed.

The question now being the adoption of the Committee of Conference report of HB 1520.

Rep. Arndt spoke in favor.

Rep. Jacobson spoke against and yielded to questions.

Rep. Lozeau spoke in favor.

Rep. Wheeler requested a roll call; sufficiently seconded.

**YEAS 145 NAYS 133****YEAS 145****BELKNAP**

Golden, Paul	Holbrook, Robert	Pilliod, James	Thomas, John
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**CARROLL**

Chandler, Gene	Howard, Godfrey	Mock, Henry
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**CHESHIRE**

Burnham, Daniel	Doucette, Richard	Hunt, John	McGuirk, Paul
Pratt, John	Royce, H. Charles	Smith, Edwin	

**COOS**

Bradley, Paula	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Moynihan, Wayne	Pratt, Leighton	Tholl, John, Jr.	

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Brown, Channing
Guaraldi, Lawrence	Guest, Robert	Lovett, Sidney	Luker, Elsa
MacNeil, Allen	Nordgren, Sharon	Williams, William, Jr.	

**HILLSBOROUGH**

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Baroody, Benjamin
Batula, Peter	Buckley, Raymond	Calawa, Leon, Jr.	Chabot, Robert
Christiansen, Lars	D'Allesandro, Lou	Daigle, Robert	Daniels, Gary
Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton
Fields, Dennis	Foster, Joseph	Gagnon, Eugene	Golding, William
Gosselin, Gerald	Haettenschwiller, Alphonse	Herman, Keith	Jean, Claudette
Konys, Christine	Kurk, Neal	Lefebvre, Roland	Lozeau, Donnalee
Luebker, Bernard	Lynde, Harold	McCarthy, William	McCarty, Winston
Melcher, Harold	Morello, Michael	Murch, George	Murphy, Robert
O'Hearn, Jane	Riley, Frances	Rowe, Robert	Thulander, O. Alan
Vaillancourt, Steve	Welch, Donald	Wheeler, Robert	

**MERRIMACK**

Brown, Mary	Chandler, Earle	Crowell, Peter	Daneault, Gabriel
French, Barbara	Gile, Mary	Hager, Elizabeth	Hess, David
Leber, William	Marshall, Kenneth	Moore, Carol	Seldin, Gloria
St. Cyr, Gerard	Whalley, Michael	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Christie, Andrew, Jr.	Clark, Martha
Cooney, Richard	Dalrymple, Janeen	Downing, Michael	Fesh, Robert
Flanders, John, Sr.	Griffin, Mary	Heath, John	Henderson, Warren
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Katsakiores, George



Katsakiores, Phyllis  
McCarthy, John, Jr.  
Pantelakos, Laura  
Schanda, Frank

Klemm, Arthur, Jr.  
Micklon, Stephanie  
Pitts, Jacqueline  
Stone, Joseph

Kobel, Rudolph  
Norelli, Terie  
Rabideau, Marie  
Verani, Giovanni

Letourneau, Robert  
Nowe, Ronald  
Sabella, Norma  
Welch, David

### STRAFFORD

Brennan, William  
Kaen, Naida  
Merritt, Deborah  
Sullivan, Henry  
Wall, Janet

Brown, George  
Knowles, William  
Rogers, Rose Marie  
Torr, Ann

DeChane, Marlene  
Lundborn, Raymond  
Rollo, Michael  
Torr, Franklin

Estabrook, Iris  
Merrill, Amanda  
Snyder, Clair  
Vachon, Dennis

### SULLIVAN

Cloutier, John  
Robb-Theroux, Amy

Donovan, Thomas  
Wiggins, Celestine

Lindblade, Eric

Palmer, Lorraine

### NAYS 134

### BELKNAP

Bartlett, Gordon  
Turner, Robert

Boyce, Robert

Calvert, Alice

Hurt, George

### CARROLL

Babson, David, Jr.  
Lyman, L. Randy

Bradley, Jeb  
MacDonald, Kenneth

Dickinson, Howard, Jr.  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

### CHESHIRE

Avery, Stephen  
Manning, Joseph  
Richardson, Barbara  
Vogl, John

DePecol, Benjamin  
McNamara, Wanda  
Riley, William

Lynch, Margaret  
Meader, David  
Robertson, Timothy

Lynott, Margaret  
Pratt, Irene  
Russell, Ronald

### COOS

Hawkinson, Marie

Mears, Edgar

### GRAFTON

Below, Clifton  
Mirski, Paul

Copenhaver, Marion  
Phinney, William

Hinman, Harry  
Teschner, Douglass

LaMott, Paul  
Trelfa, Richard

### HILLSBOROUGH

Allen, W. Gordon  
Burke, M. Virginia  
Clemons, Jane  
Foster, Linda  
Hart, Nick  
L'Heureux, Robert  
MacGillivray, Jeffrey  
Messier, Irene  
Tate, Joan  
Wright, George

Belvin, William  
Cardin, Lori  
Cote, David  
Gage, Ruth  
Holley, Sylvia  
LaRose, Richard  
Marcinkowski, Michael  
Milligan, Robert  
Turgeon, Roland

Boutin, David  
Carlson, Donald  
Dokmo, Cynthia  
Goulet, Maurice  
Jean, Loren  
Leishman, Peter  
McRae, Karen  
Peterson, Andrew  
White, Donald

Brundige, Robert  
Clegg, Robert, Jr.  
Flora, Kathleen  
Hall, Betty  
Johnson, Lionel  
Letendre, Evelyn  
Mercer, Robert  
Reidy, Frank  
White, Jay

### MERRIMACK

Adams, Stephen  
DeStefano, Stephen  
Jacobson, Alf  
Larrabee, David  
Wallin, Jean

Anderson, Eric  
Dunn, Miriam  
Krueger, Patricia  
Lockwood, Robert  
Whittemore, James

Burney, Carol  
Feuerstein, Martin  
Lamach, Bernard  
Nichols, Avis

Davis, Francis  
Hoadley, Elizabeth  
Langer, Ray  
Pfaff, Terence

**ROCKINGHAM**

Beaulieu, Jon	Belanger, Ronald	Blanchard, MaryAnn	Camm, Kevin
Cote, Patricia	Dodge, Robert	Dowd, Sandra	Dunham, Vivian
Flanagan, Natalie	Flanders, David	Francoeur, Sheila	Frechette, Joseph
Gibbons, Paul	Gleason, John	Guthrie, Joseph	Langley, Jane
Langone, John	Lovejoy, Marian	Major, Norman	Malcolm, Kenneth
McKinney, Betsy	Mikowski, Walter	Raynowska, Bernard	Reardon, Neil
Sapareto, Frank	Stickney, Nancy	Strich, C. Donald	Varrell, Thomas
Vaughn, Charles	Weyler, Kenneth		

**STRAFFORD**

Dunlap, Patricia	Hemon, Roland	Keans, Sandra	Pelletier, Arthur
Pelletier, Marsha	Smith, Marjorie	Spear, Barbara	Taylor, Kathleen

**SULLIVAN**

Adler, Rudolf	Flint, Gordon	Leone, Richard	Schotanus, Merle
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and the report was adopted.

**HB 1655-FN-A**, relative to the authority of the length of service awards program committee and making an appropriation therefor. (Report printed SJ 20, 6/18/98)  
Adopted.

**SUSPENSION OF RULES**

Reps. Wheeler and Amanda Merrill moved that the Rules be so far suspended as to permit consideration of a Committee of Conference report signed off after the deadline on **HB 1123**, relative to the control of wolf hybrids.

Adopted by the necessary two-thirds.

**HB 1123**, relative to the control of wolf hybrids. (Report printed SJ 20, 6/18/98)  
Adopted.

**CLERK'S NOTE**

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to take any action.

**SUSPENSION OF RULES**

Reps. Wheeler and Amanda Merrill moved that the Rules be so far suspended as to permit consideration of a Committee of Conference report signed off after the deadline on **HB 1531**, relative to reimbursement for removal of petroleum storage facilities from the oil pollution control fund.

Adopted by the necessary two-thirds.

**HB 1531-FN**, relative to reimbursement for removal of petroleum storage facilities from the oil pollution control fund. (Report printed SJ 20, 6/18/98)

Reps. Whalley and Merritt spoke in favor.

Adopted by the necessary two-thirds.

**UNANIMOUS CONSENT**

Rep. Marcinkowski addressed the House.

Rep. Jeb Bradley moved that the remarks made by Rep. Marcinkowski be printed in the Journal.

Adopted by the necessary two-thirds.

Rep. Marcinkowski: Thank you, Madam Speaker. I rise to confirm what most of you know. Because of health reasons, I will not stand for re-election this term. I'll only take a few seconds of your time to say my good-byes. To many of you, I thank you for your friendship. To the members of the Education Committee, thank you for your tolerance and your courtesies. To you, Madam Speaker, thank you for your guidance and your leadership. To all of you, thank you for the pleasure of your company.

Reps. Sabella, Buckley, Hall, Dickinson and Wheeler addressed the House.

Rep. Jeb Bradley moved that the remarks made by Rep. Wheeler be printed in the Journal.  
Adopted by the necessary two-thirds.

Rep. Wheeler: Thank you, Madam Speaker. It has indeed been a privilege for me to serve in this House with all of you. I am not one of those people who has been eminent long-timers. I am one of those people who has enjoyed eight years here mingling, meeting and associating with a group of wonderful people who have allowed me to learn a great deal. For that, I want to say thank you very much. It has been a great ride.

### MOTION TO SUSPEND THE RULES

Rep. Hemon moved that the rules be so far suspended as to permit the late drafting and introduction of a resolution of impeachment pursuant to Article 17, Part II and Article 38, Part II of the New Hampshire Constitution, directed to Commissioner of the New Hampshire Department of Transportation, Leon S. Kenison, and spoke in favor.

Pursuant to House Rule 26, Rep. Morello objected to Rep. Hemon's reading of a paper.  
The question now being, shall Rep Hemon be permitted to read a paper.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

### YEAS 156 NAYS 99

#### YEAS 156

#### BELKNAP

Pilliod, James

#### CARROLL

Babson, David, Jr.

Bradley, Jeb

Lyman, L. Randy

Mock, Henry

#### CHESHIRE

Burnham, Daniel

DePecol, Benjamin

Lynott, Margaret

Manning, Joseph

McGuirk, Paul

McNamara, Wanda

Meador, David

Pratt, Irene

Pratt, John

Richardson, Barbara

Robertson, Timothy

Russell, Ronald

Smith, Edwin

Vogl, John

#### COOS

Bradley, Paula

Hawkinson, Marie

Mears, Edgar

Moynihan, Wayne

Tholl, John, Jr.

#### GRAFTON

Akins, Ralph

Alger, John

Below, Clifton

Copenhaver, Marion

Guaraldi, Lawrence

LaMott, Paul

Lovett, Sidney

Mirski, Paul

Nordgren, Sharon

Phinney, William

Teschner, Douglass

#### HILLSBOROUGH

Alukonis, David

Arnold, Thomas, Jr.

Baroody, Benjamin

Batula, Peter

Buckley, Raymond

Burke, M. Virginia

Cardin, Lori

Carlson, Donald

Christiansen, Lars

Clegg, Robert, Jr.

Clemons, Jane

D'Allesandro, Lou

Daigle, Robert

Dokmo, Cynthia

Dyer, Merton

Fields, Dennis

Flora, Kathleen

Foster, Joseph

Gage, Ruth

Haettenschwiller, Alphonse

Hall, Betty

Herman, Keith

Jean, Claudette

Jean, Loren

Konys, Christine

Kurk, Neal

L'Heureux, Robert

Lefebvre, Roland

Letendre, Evelyn

Lynde, Harold

MacGillivray, Jeffrey

Marcinkowski, Michael

McCarthy, William

Mercer, Robert

Murch, George

Murphy, Robert

O'Hearn, Jane

Peterson, Andrew

Riley, Frances

Tate, Joan

Vaillancourt, Steve

Welch, Donald

White, Donald

White, Jay

Wright, George



**MERRIMACK**

Adams, Stephen	Anderson, Eric	Brown, Mary	Burney, Carol
Crowell, Peter	Daneault, Gabriel	Davis, Francis	French, Barbara
Gile, Mary	Hess, David	Hoadley, Elizabeth	Jacobson, Alf
Krueger, Patricia	Lamach, Bernard	Langer, Ray	Larrabee, David
Lockwood, Robert	Marshall, Kenneth	Moore, Carol	Nichols, Avis
St. Cyr, Gerard	Wallin, Jean	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Blanchard, MaryAnn
Camm, Kevin	Clark, Martha	Dalrymple, Janeen	Dodge, Robert
Dunham, Vivian	Fesh, Robert	Flanagan, Natalie	Flanders, David
Gibbons, Paul	Griffin, Mary	Heath, John	Klemm, Arthur, Jr.
Langley, Jane	Langone, John	Mikowski, Walter	Norelli, Terie
Pitts, Jacqueline	Rabideau, Marie	Raynowska, Bernard	Sabella, Norma
Sapareto, Frank	Schanda, Frank	Stickney, Nancy	Stone, Joseph
Varrell, Thomas	Welch, David		

**STRAFFORD**

Brennan, William	Brown, George	DeChane, Marlene	Estabrook, Iris
Hemon, Roland	Merrill, Amanda	Merritt, Deborah	Pelletier, Arthur
Pelletier, Marsha	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Taylor, Kathleen	Torr, Ann	Vachon, Dennis	Wall, Janet

**SULLIVAN**

Adler, Rudolf	Cloutier, John	Donovan, Thomas	Leone, Richard
Lindblade, Eric	Schotanus, Merle	Wiggins, Celestine	

**NAYS 99****BELKNAP**

Bartlett, Gordon	Boyce, Robert	Calvert, Alice	Holbrook, Robert
Hurt, George	Tumer, Robert		

**CARROLL**

Chandler, Gene	Dickinson, Howard, Jr.	Howard, Godfrey	MacDonald, Kenneth
Patten, Betsey	Philbrick, Donald		

**CHESHIRE**

Avery, Stephen	Doucette, Richard	Royce, H. Charles
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**COOS**

Guay, Lawrence	Horton, Lynn	Merrill, Gerald
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**GRAFTON**

Almy, Susan	Brown, Channing	Hinman, Harry	Trelfa, Richard
Williams, William, Jr.			

**HILLSBOROUGH**

Amidon, Eleanor	Belvin, William	Brundige, Robert	Calawa, Leon, Jr.
Chabot, Robert	Daniels, Gary	Drabinowicz, A. Theresa	Durham, Susan
Dwyer, Paul, Sr.	Emerton, Lawrence, Sr.	Foster, Linda	Gagnon, Eugene
Golding, William	Goulet, Maurice	Hart, Nick	Holley, Sylvia
Hunter, Bruce	Johnson, Lionel	LaRose, Richard	Leishman, Peter
Lozeau, Donnalee	McCarty, Winston	McRae, Karen	Messier, Irene
Milligan, Robert	Morello, Michael	Thulander, O. Alan	Turgeon, Roland
Wheeler, Robert			

**MERRIMACK**

Chandler, Earle	DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin
Leber, William	Pfaff, Terence	Seldin, Gloria	Whalley, Michael
Whittemore, James			

**ROCKINGHAM**

Belanger, Ronald	Christie, Andrew, Jr.	Cooney, Richard	Dowd, Sandra
Downing, Michael	Flanders, John, Sr.	Francoeur, Sheila	Frechette, Joseph
Gleason, John	Guthrie, Joseph	Henderson, Warren	Hutchinson, Rebecca
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Letourneau, Robert	Major, Norman	Malcolm, Kenneth
McCarthy, John, Jr.	McKinney, Betsy	Nowe, Ronald	Pantelakos, Laura
Reardon, Neil	Stritch, C. Donald	Vaughn, Charles	Verani, Giovanni

**STRAFFORD**

Dunlap, Patricia	Kaen, Naida	Keans, Sandra	Knowles, William
Rogers, Rose Marie	Spear, Barbara	Sullivan, Henry	Torr, Franklin

**SULLIVAN**

Flint, Gordon	Palmer, Lorraine
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and the motion failed lacking the Constitutionally required two-thirds of the membership present and voting.

Rep. Dickinson voted nay and intended to vote yea.

The question now being the motion by Rep. Hemon to suspend the Rules.

Rep. Hemon spoke in favor.

The motion failed lacking the necessary two-thirds.

**RECONSIDERATION**

Rep. Lozeau moved that the House reconsider its action whereby it adopted the Committee of Conference report on *HB 1520-FN*, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission and spoke against.

Reconsideration failed.

**SENATE MESSAGE****REFUSES TO ADOPT COMMITTEE OF CONFERENCE REPORTS**

*SB 333*, allowing any registered voters who is unable to vote in person, by reason of extended work hours, lack of transportation, or illness in the family, to vote by absentee ballot.

*SB 475-FN-L*, relative to medicaid reimbursement rates and dental care.

**RESOLUTION**

Rep. Wheeler 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 by the necessary two-thirds.

**LATE SESSION****RECESS MOTION**

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted by the necessary two-thirds.

The House recessed at 5:45 p.m.

**RECESS**

(Rep. Thulander in the Chair)

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 256, 272, 485, 490, 616, 651, 676, 682, 730, 774, 784, 1106, 1129, 1141, 1145, 1156, 1174, 1191, 1201, 1208, 1223, 1224, 1226, 1272, 1279, 1281, 1290, 1314, 1331, 1337, 1338, 1345, 1387, 1397, 1402, 1411, 1424, 1434, 1455, 1459, 1509, 1515, 1516, 1553, 1588, 1600, 1606, 1623, 1631, 1636, 1657 and 1659 and Senate Bills numbered 53, 68, 191, 301, 313, 317, 324, 336, 342, 346, 349, 354, 358, 363, 372, 377, 402, 405, 417, 423, 427, 444, 457, 462, 464, 465, 471, 472, 476, 483, 492, 495, 497, 498, 500, 503 and 504.

Rep. Nowe, Sen. Barnes for the Committee

**RECESS**

(Rep. Burling in the Chair)

**ENROLLED BILL AMENDMENTS**

**HB 1448**, relative to confidential communication between victims and counselors.

**Amendment (2271-EBA)**

Amend RSA 173-C:1, VI as inserted by section 2 of the bill by replacing line 3 with the following: *under state or federal law*, who consults a sexual assault counselor or a domestic violence  
Amend RSA 173-C:1, VI as inserted by section 2 of the bill by replacing line 6 with the following: domestic abuse, *stalking, or sexual harassment*, or an alleged attempted sexual assault or  
Adopted by the necessary two-thirds.

**HB 1471**, allowing loss of familial relationship damages in wrongful death actions.

**Amendment (2264-EBA)**

Amend line 8 of RSA 556:12, III as inserted by section 1 of the bill by replacing it with the following:  
provided for in RSA 507:7-d. For purposes of this paragraph, loss of familial relationship shall include  
Adopted by the necessary two-thirds.

**HB 1555-FN**, relative to including revocable trusts for medicaid estate recovery purposes.

**Amendment (2265-EBA)**

Amend the bill by replacing line 2 of section 1 with the following:  
paragraph III the following new paragraph:  
Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:  
3 Contingency. If HB 1295-FN of the 1998 regular session becomes law, RSA 167:14-a, IV, as inserted by section 1 of this act, shall be renumbered as RSA 167:14-a, V.  
Adopted by the necessary two-thirds.

**SB 451-FN-L**, relative to the accessibility of pupil assessment materials and the anonymity of pupil assessment results. (Amendment printed SJ 20, 6/18/98)  
Adopted by the necessary two-thirds.

**RECESS**

(Rep. Lozeau in the Chair)

**ENROLLED BILL AMENDMENTS**

**HB 204-FN-L**, granting responsibility for court security and custody and control of prisoners while in the courthouse to the county sheriff and providing for state reimbursement of the sheriff for the costs of such security services.



**Amendment (2288-EBA)**

Amend RSA 104:5, II as inserted by section 3 of the bill by replacing it with the following:

II. The sheriff and the sheriff's deputies and bailiffs shall perform the duties of crier of the court. Adopted by the necessary two-thirds.

**HB 529**, relative to excluding from the definition of subdivision the placement and maintenance of wireless communication facilities.

**Amendment (2276-EBA)**

Amend RSA 672:14, IV as inserted by section 2 of the bill by replacing line 1 with the following:

IV. The rent, lease, development, or grant of an easement to a person for the purpose of placing Amend RSA 672:14, IV as inserted by section 2 of the bill by replacing line 8 with the following: plan, or regulatory authority over wireless communications facilities. Adopted by the necessary two-thirds.

**HB 559-FN**, allowing courts to impose an extended term of imprisonment upon persons of any age who have committed certain crimes against persons under 13 years of age.

**Amendment (2278-EBA)**

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

AN ACT allowing courts to impose extended terms of imprisonment upon persons of any age who meet other criteria for extended terms and upon persons who have committed certain crimes against persons under 13 years of age.

Adopted by the necessary two-thirds.

**HB 587-FN**, relative to the system benefits charge and the composition of the nuclear decommissioning financing committee.

**Amendment (2279-EBA)**

Amend section 1 of the bill by replacing line 2 with the following:

I. The public utilities commission is encouraged to form a working group to examine that portion of the

Adopted by the necessary two-thirds.

**HB 798**, relative to the regulation of health clubs.

**Amendment (2287-EBA)**

Amend section 3 of the bill by replacing lines 1-3 with the following:

3 Bond Requirements. Amend RSA 358-I:2, I and II to read as follows:

I. Any person, corporation, partnership, association, or other entity operating or intending to Adopted by the necessary two-thirds.

**HB 1000-FN-L**, relative to a 10-year transportation plan, authorizing construction on the Spaulding turnpike, to the radio system upgrade for the department of transportation, an exclusion from seasonal weight limits for certain vehicles, and requiring the commissioner of transportation to conduct a feasibility study.

**Amendment (2270-EBA)**

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

AN ACT relative to a 10-year transportation plan, authorizing construction on the Spaulding Turnpike, making an appropriation for a radio system upgrade for the department of transportation, excluding certain vehicles from seasonal weight limits, and requiring the commissioner of transportation to conduct a feasibility study.

Amend RSA 240:3, X as inserted by section 1 of the bill by replacing line 14 with the following: (g) Various Statewide Pavement marking (annual project)

Amend RSA 240:5, IV(a) as inserted by section 1 of the bill by replacing line 1 with the following:

(a) NH 175A Holderness-Plymouth Replace bridge (Bridge St) over Pemigewasset River Amend section 2 of the bill by replacing lines 3-5 with the following:

II-d. Construct a second barrel on the Spaulding Turnpike from exits 12 to 16 with related interchange improvements from exits 11 to 16, as needed.

II-e. Construct improvements to the Spaulding Turnpike/US 4/NH 16 extending from Amend section 7 of the bill by replacing line 4 with the following:  
the findings and any recommendations to the president of the senate, the speaker of the house, and Adopted by the necessary two-thirds.

**HB 1196**, relative to prohibiting the sale of lead fishing sinkers and lead jigs in fresh waters of the state, relative to lead studies and reports, and establishing a lead education program concerning the effects of lead on loons and other water birds and wildlife.

**Amendment (2280-EBA)**

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

AN ACT relative to prohibiting the sale of lead fishing sinkers and lead jigs in fresh waters of the state and establishing a lead education program concerning the effects of lead on loons and other water birds and wildlife.

Amend the bill by replacing lines 1-4 of section 2 with the following:

2 New Subdivision; Lead Education Program. Amend RSA 207 by inserting after section 59 the following new subdivision:

Lead Education Program

207:60 Lead Education Program.

Adopted by the necessary two-thirds.

**HB 1205-FN**, making technical corrections to the securities laws and relative to the filing fee for securities in a combined prospectus offered for sale in New Hampshire by a mutual fund.

**Amendment (2274-EBA)**

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

AN ACT making technical corrections to the securities laws, relative to the filing fee for securities in a combined prospectus offered for sale in New Hampshire by a mutual fund, and establishing a committee to study the impact of eliminating the filing fee for certain securities in a combined prospectus.

Amend section 4 of the bill by replacing lines 1-2 with the following:

4 Committee Established.

I. There is established a committee to study the anticipated net fiscal impact of the elimination of the filing fee for securities in a combined prospectus which are not

Adopted by the necessary two-thirds

**HB 1297-FN-A**, establishing a program of integrated pest management and continually appropriating an integrated pest management fund.

**Amendment (2281-EBA)**

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Authorization for Contingent Renumbering. If any other act of the 1998 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into paragraph I of such section becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any RSA sections inserted by this or any other act as necessary to conform said sections to proper RSA format. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1998 session laws.

Adopted by the necessary two-thirds.

**HB 1369**, revising the student membership of the university system of New Hampshire board of trustees.

**Amendment (2292-EBA)**

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

AN ACT extending the term of office of the student member of the university system board of trustees.

Amend section 2 of the bill by replacing lines 2-4 with the following:  
as follows:

I. The terms of office of the appointed and elected members, except the student member, Adopted by the necessary two-thirds.

**HB 1371**, requiring the collection of certain data on children and parents in the state case registry for use in child support enforcement and relative to options for the disclosure of social security numbers on driver's licenses.

#### Amendment (2282-EBA)

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

AN ACT requiring the collection of certain data on children and parents in the state case registry for use in child support enforcement.

Adopted by the necessary two-thirds.

**HB 1389-FN-L**, relative to agreements for telecommunications-related uses of the state highway system.

#### Amendment (2268-EBA)

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

AN ACT relative to agreements for telecommunications-related uses of the state highway system and state-owned railroad rights-of-way.

Amend RSA 228:31-a as inserted by section 2 of the bill by replacing line 8 with the following: properly assessed real estate taxes and subject to local zoning and planning requirements. Said devices

Adopted by the necessary two-thirds.

**HB 1517-FN-A-L**, establishing a fund for dredging to maintain harbors in New Hampshire and making an appropriation to the town of Greenville for the Greenville Water Supply Project.

#### Amendment (2283-EBA)

Amend the bill by inserting after section 5 the following new section and renumbering the original section 6 to read as 7:

6 Authorization for Contingent Renumbering. If any other act of the 1998 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into paragraph I of such section becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any RSA sections inserted by this or any other act as necessary to conform said sections to proper RSA format. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1998 session laws.

Adopted by the necessary two-thirds.

**HB 1520-FN**, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission.

#### Amendment (2284-EBA)

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

AN ACT relative to primary petitions, the preparation of voting materials, and format options for disclosing 1998 campaign information, and prohibiting candidates from multi-seat districts from being nominated by more than one party.

Amend section 4 of the bill by replacing line 2 with the following:

state candidate may file reports, as required by RSA 664:7, on a computer disk, in addition to a  
Adopted by the necessary two-thirds.

**HB 1655-FN-A**, relative to the authority of the length of service awards program committee, and making an appropriation therefor, and relative to establishment of deferral compensation plan trusts and to increasing the number of members on the deferred compensation commission.



**Amendment (2286-EBA)**

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

**AN ACT** relative to the authority of the length of service awards program committee, and making an appropriation therefor, relative to establishment of deferral compensation plan trusts, and relative to the membership, duties, and authority of the deferred compensation commission.

Adopted by the necessary two-thirds.

**SB 197-FN**, relative to final dispositional orders in child protection cases. (Amendment printed SJ 20, 6/18/98)

Adopted by the necessary two-thirds.

**SB 205-FN-L**, establishing a special school district to provide special education for eligible inmates in the state prison system. (Amendment printed SJ 20, 6/18/98)

Adopted by the necessary two-thirds.

**SB 400**, relative to withdrawal of a school district from an area district. (Amendment printed SJ 20, 6/18/98)

Adopted by the necessary two-thirds.

**SB 421-FN**, relative to timber harvesting and penalties for timber trespass and deceptive forestry practices. (Amendment printed SJ 20, 6/18/98)

Adopted by the necessary two-thirds.

**SB 440-FN-L**, relative to fines payable to the division of motor vehicles; allowing civil bench warrants for defaults on such fines; authorizing bail commissioners to receive certain civil fines and fees, and authorizing the division of motor vehicles to report those in default to a consumer reporting agency. (Amendment printed SJ 20, 6/18/98)

Adopted by the necessary two-thirds.

**SB 502-FN**, allowing federal judges to perform marriages after obtaining a special license. (Amendment printed SJ 20, 6/18/98)

Adopted by the necessary two-thirds.

**RECESS****(Rep. Nowe in the Chair)****ENROLLED BILL AMENDMENTS**

**HB 1217**, relative to balancing the operating budget; relative to the city of Manchester's bonding authority for airport projects; reducing the projected revenues from the Andersen consulting revenue recoupment effort; and making certain appropriations.

**Amendment (2291-EBA)**

Amend the bill by replacing all after section 11 with the following:

12 Governor's Budget; Form and Contents. Amend RSA 9:3, I(c) to read as follows:

(c) If the estimated revenues of the state for the ensuing biennium as set forth in the budget on the basis of existing laws, plus the estimated amounts in the treasury at the close of the year in progress available for expenditure in the ensuing biennial period is less than the aggregate recommended for the ensuing biennial period as contained in the budget, the governor shall make recommendations to the legislature in respect to the manner in which such deficit shall be met, whether by an increase in the state tax or the imposition of new taxes, increased rates on existing taxes, or otherwise; and if the aggregate of such estimated revenues, plus estimated balances in the treasury is greater than such recommended appropriations for the ensuing biennial period, the governor shall make such recommendations in reference to the application of such surplus to the reduction of debt or otherwise, to the reduction in taxation, or to such other action as in the governor's opinion is in the interest of the public welfare. *The governor's operating budget shall not use bonded indebtedness to fund operating appropriations. Nothing contained herein shall prohibit the use of projected lapses in determining compliance with this section.*

13 Contingency. If HB 1456 of the 1998 session becomes law then section 12 of this act shall take effect 60 days after its passage and section 2 of this act shall not take effect. If HB 1456 of the 1998 session does not become law then section 12 of this act shall not take effect and section 2 of this act shall take effect 60 days after its passage.

14 Effective Date.

I. Sections 1 and 3 of this act shall take effect 60 days after its passage.

II. Sections 2 and 12 of this act shall take effect as provided in section 13 of this act.

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

Adopted by the necessary two-thirds.

**HB 1339-FN**, regulating the sale by mail of liquor, wine, and beer and making an appropriation therefor.

**Amendment (2290-EBA)**

Amend the bill by replacing all after section 12 with the following:

13 Prohibited Sales. Amend RSA 179:5, I to read as follows:

I. No licensee, salesperson, *direct shipper, common carrier, delivery agent*, nor any other person, shall sell or give away or cause or allow or procure to be sold, delivered or given away any liquor or beverage to a person under the age of 21 or to an intoxicated individual. *For all deliveries of packages by common carrier or delivery agent marked "alcoholic beverages" or "alcoholic products," the addressee shall sign a delivery receipt.* In no case shall any section of this title be so construed as to permit sale of liquor or beverages in any so-called saloon or speakeasy.

14 Contingency. If HB 1131 of the 1998 legislative session becomes law, then section 13 of this act shall take effect July 1, 1998, at 12:01 a.m. and section 10 of this act shall not take effect. If HB 1131 does not become law, then section 10 of this act shall take effect July 1, 1998 and section 13 of this act shall not take effect.

15 Effective Date.

I. Sections 10 and 13 of this act shall take effect as provided in section 14.

II. The remainder of this act shall take effect July 1, 1998.

Adopted by the necessary two-thirds.

**HB 1384-FN-A**, making an appropriation for use by the New Hampshire Commission on the Smithsonian Festival of American Folklife.

**Amendment (2277-EBA)**

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

AN ACT making an appropriation to the department of cultural affairs for the purpose of funding participation of the state in the Smithsonian Festival of American Folklife.

Adopted by the necessary two-thirds.

RECESS

**(Rep. Gleason in the Chair)**

**ENROLLED BILL AMENDMENT**

**HB 1558-FN-L**, relative to games of chance.

**Amendment (2294-EBA)**

Amend RSA 287-D:1, III(a)(3) as inserted by section 2 of the bill by replacing line 1 with the following:

*(3) Register with the secretary of state and, if required under RSA 7:19-32,*

Amend RSA 287-D:2-b, I(c) as inserted by section 4 of the bill by replacing line 4 with the following:

the persons assisting shall be submitted to the chief of police prior to the scheduled game of chance event.

Amend RSA 287-D:2-b, III as inserted by section 4 of the bill by replacing line 3 with the following: shall be produced upon request of the sweepstakes commission. When games of chance are conducted at a

Amend RSA 287-D:2-b, VI as inserted by section 4 of the bill by replacing lines 3-4 with the following:

game of chance licensed under this chapter, or rent, lease, sublease, or otherwise provide any hall or game of chance paraphernalia for the conduct of games of chance licensed under this chapter. Adopted by the necessary two-thirds.

### **ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 170, 204, 529, 555, 559, 587, 630, 686, 707, 747, 798, 1000, 1100, 1103, 1109, 1118, 1123, 1169, 1182, 1196, 1205, 1217, 1234, 1246, 1284, 1295, 1297, 1303, 1307, 1310, 1311, 1336, 1339, 1350, 1369, 1371, 1384, 1389, 1417, 1435, 1448, 1471, 1481, 1496, 1498, 1501, 1514, 1517, 1520, 1531, 1540, 1555, 1558, 1561, 1562, 1573, 1575, 1655, 1629 and 1652 and Senate Bills numbered 10, 102, 197, 205, 335, 344, 352, 370, 376, 400, 421, 440, 445, 451, 473, 488, 490, 494 and 502.

Rep. Nowe, Sen. Barnes for the Committee

### **RECESS**

### **(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.

Adopted.



**HOUSE JOURNAL No. 19**

Tuesday, June 30, 1998

The House assembled at 1:00 p.m. and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Representative Sidney Lovett.

O, Lord, now that we've had the mug shot, would You kindly turn the rain down after this evening that our state may dry out, may find in the renewal of life the courage to seek Your will, to give up foolishness and replace it with insight, refreshment and power to do the right thing for our people. Bless the Governor and her family, the members of the Supreme Court and all our judges and all the legislators, town committees and selectmen that New Hampshire may flourish in its way to bring new life to the young, comfort to the elders and the search for justice and truth to a new level. This we ask in the name of our Creator and Sustainer. Amen.

Reps. Lockwood and Amanda Merrill led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Champagne, DePecol, Gagnon, Healy, Noyes, O'Rourke, Pepino and Paul Taylor, the day, illness.

Reps. Boutin, Mary Brown, Coes, Connolly, Crosby, Dalrymple, Dunham, Emerton, Feuerstein, Hoadley, Laflam, Letendre, McKinley, Moynihan, Marsha Pelletier, Peterson, St. Hilaire, Seldin, Simmons, Steere and Vogl, the day, important business.

Reps. Bergin, Bickford and Rice, the day, illness in the family.

Rep. Tara Reardon, the day, birth in the family.

**INTRODUCTION OF GUESTS**

Roger Zerber, guest of the Keene Delegation. Michael Raby, guest of Reps. Phinney, Cobbin and Weber. Former NH Rep. David Scanlan, guest of Reps. Cobbin and Weber. Marjorie Leber and Jason and Alex Barton, wife and grandchildren of Rep. Leber. Patricia Holmes, guest of Rep. DeChane. Patricia Davis, guest of Rep. Francis Davis. Dorothy Natsi and Denise Langlois, sisters of Rep. Carol Williams. Laurie Boyce, wife of Rep. Boyce. Javier Majan, guest of Rep. Guaraldi. Mattias Saker and Chris Olotsson, guests of Rep. Babson. Matt Eaton, guest of Rep. Benjamin Moore.

**SPECIAL GUESTS**

The Salem High School Class L State Championship varsity softball team, guests of the House.

**COMMUNICATIONS**

June 24, 1998

Karen Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Rockingham 21, E. Albert Weare, r, Seabrook (30 Forest Court) 03874

William M. Gardner, Secretary of State

June 25, 1998

Donna Sytek, Speaker of the House

This is to inform you that I hereby resign from the New Hampshire House, effective this date. This action is necessary due to my relocating out of Hillsborough County District. 30.

Philip M. Ackerman, Hills. 30

The Speaker accepted the resignation with regret.

July 1, 1998

Donna Sytek, Speaker of the House

It is with great sadness that in my third term I must resign my seat for Strafford District 8, Durham. I have relocated to Concord and thus may no longer serve the people of Durham.

I wish to thank you, Democratic Leader Peter Burling and Deputy Democratic Leader Amanda Merrill for your support over the past term. The General Court has been the best educational experience I have ever had, and for that I am truly grateful. I wish the members the courage to move forward on Claremont III, and regret I will not be part of the solution.

Deborah F. Merritt, Straf 8

The Speaker accepted the resignation with regret.

### COMMITTEE ASSIGNMENT

Rep. E. Albert Weare on Election Law

### GOVERNOR'S VETO MESSAGE ON HB 1310

June 26, 1998

To the Honorable Members of the General Court:

I have this day vetoed House Bill 1310, An Act relative to legislative approval of expenditure of federal and other funds and relative to proportionate share payments for county nursing homes.

The citizens of New Hampshire are fortunate that some of their needs are met through gifts, bequests, and grants that are made to the State. Under current law, the approval of the governor and council is required before any such gifts, bequests or grants can be accepted.

H.B. 1310 would impose yet another layer of bureaucracy to the process of the State accepting such gifts, bequests or grants by requiring the approval of the Fiscal Committee for any with a value in excess of \$100,000.

This legislation is bad public policy for a number of reasons.

By requiring that the acceptance of outside funding be approved by the Fiscal Committee, the process will be slowed considerably by this new and unnecessary level of bureaucratic intervention.

Let me illustrate how H.B. 1310 would operate in practice. Many federal grants require that the governor designate one state agency to apply for and administer grants that are intended to support the work of more than one state agency. The Office of the Attorney General, for example, administers many federal grants that support the work of other state criminal justice agencies. Under H.B. 1310, the Attorney General would not only have to get the approval of the governor and council to accept the federal grants and distribute them to other state agencies, as is required under current law, but would also have to get the approval of the Fiscal Committee to both accept and distribute the grants to other state agencies. Then, under the provisions of H.B. 1310, the other state agencies would *also* be required to obtain Fiscal Committee approval to accept the money from the Office of the Attorney General. This makes no sense.

H.B. 1310 will complicate what is already a time-consuming and labor intensive approval process for state agencies. This will unnecessarily interfere with executive agencies' efforts to seek new and creative sources of revenue enhancement in order to stretch limited state general funds, and will increase the time period before federal and private funds are available to serve the public. H.B. 1310 merely adds another layer of bureaucracy without any apparent corresponding benefit to the public. Legislation should be aimed at making government more efficient, not adding layers of bureaucratic review, paperwork and time for no compelling reason.

In addition, H.B. 1310 expands the role of the legislative Fiscal Committee into the day-to-day management of executive branch operations. The legislature now has overall policy authority over executive branch expenditures through the budget process. The provisions of H.B. 1310 skew our system of checks and balances by vesting inordinate day-to-day management authority in the legislative branch. This is unacceptable, and may well violate the separation of powers doctrine enshrined in our State Constitution.

Moreover, I believe H.B. 1310 would result in an unconstitutional delegation of the authority of the General Court to just a sole committee thereof.

I recognize that H.B. 1310 was amended in the senate to include the provisions regarding Medicaid proportionate share payments to counties for county nursing homes. It is estimated that if these provisions were enacted \$787,130 in total additional dollars would be shared by our ten county

governments. I would support the enactment of the proportionate share provisions into law. It is unfortunate that these provisions were amended onto H.B. 1310, particularly since my administration had made known my opposition to H.B. 1310.

Our constitutional system of government is based upon a clear division of authority among the three branches and upon the principle that legislation is to be enacted only after consideration of the full General Court. In furtherance of my duty to uphold these constitutional mandates, I have found it necessary to veto House Bill 1310.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 1310**, relative to legislative approval of expenditure of federal and other funds and relative to proportionate share payments for county nursing homes, become law?

Reps. Linda Foster and Burling spoke against.

Reps. Wheeler and Kurk spoke in favor and yielded to questions.

As required by the State Constitution, a roll call was taken.

### YEAS 185 NAYS 140

#### YEAS 185

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Golden, Paul	Holbrook, Robert	Rosen, Ralph	Turner, Robert
Veazey, John			

#### CARROLL

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	MacDonald, Kenneth	Mock, Henry	Patten, Betsey
Philbrick, Donald			

#### CHESHIRE

Avery, Stephen	Hunt, John	McNamara, Wanda	Metzger, Katherine
Royce, H. Charles	Smith, Edwin		

#### COOS

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Tholl, John, Jr.		

#### GRAFTON

Akins, Ralph	Alger, John	Brown, Channing	Cobbin, Philip
Eaton, Stephanie	Guaraldi, Lawrence	Hill, Richard	Hinman, Harry
MacNeil, Allen	Mirski, Paul	Phinney, William	Teschner, Douglass
Trelfa, Richard	Weber, Phil	Williams, William, Jr.	

#### HILLSBOROUGH

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Briefs, Geoffrey	Brundige, Robert	Burke, M. Virginia
Calawa, Leon, Jr.	Carlson, Donald	Chabot, Ernest	Chabot, Robert
Christiansen, Lars	Clay, Susan	Clegg, Robert, Jr.	Daniels, Gary
Dawe, Eileen	Dokmo, Cynthia	Durham, Susan	Dyer, Merton
Fenton, James	Flora, Kathleen	Golding, William	Goulet, Maurice
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Holt, David
Hunter, Bruce	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey
MacIntyre, Doris	Marcinkowski, Michael	McCarty, Winston	McGough, Tim
McRae, Karen	Mercer, Robert	Messier, Irene	Milligan, Robert



Mittelman, David  
Riley, Frances  
Tate, Joan  
Wright, George

Morello, Michael  
Rowe, Robert  
Thulander, O. Alan

O'Hearn, Jane  
Sargent, Maxwell  
Wheeler, Robert

Piteri, Dawn  
Searles, Stanley, Sr.  
White, Donald

### MERRIMACK

Adams, Stephen  
Hager, Elizabeth  
Lamach, Bernard  
Leber, William  
Whalley, Michael

Anderson, Eric  
Hess, David  
Langer, Ray  
Marshall, Kenneth  
Whittemore, James

Chandler, Earle  
Jacobson, Alf  
Larrabee, David  
Nichols, Avis

Davis, Francis  
Krueger, Patricia  
Lavoie, Gerard  
Pfaff, Terence

### ROCKINGHAM

Arndt, Janet  
Carson, Gregory  
Cote, Patricia  
Dowd, Sandra  
Francoeur, Sheila  
Henderson, Warren  
Klemm, Arthur, Jr.  
Letourneau, Robert  
McCarthy, John, Jr.  
Nowe, Ronald  
Reardon, Neil  
Stickney, Nancy  
Varrell, Thomas  
Weyler, Kenneth

Beaulieu, Jon  
Case, Margaret  
Dearborn, Bruce  
Fesh, Robert  
Gleason, John  
Johnson, Robert  
Kobel, Rudolph  
Lovejoy, Marian  
McKinney, Betsy  
Packard, Sherman  
Rubin, George  
Stone, Joseph  
Verani, Giovanni

Belanger, Ronald  
Christie, Andrew, Jr.  
Dodge, Robert  
Flanagan, Natalie  
Griffin, Mary  
Katsakiores, George  
Langley, Jane  
Major, Norman  
Mikowski, Walter  
Rabideau, Marie  
Sapareto, Frank  
Stritch, C. Donald  
Weare, Everett

Camm, Kevin  
Cooney, Richard  
Dolan, Richard  
Flanders, John, Sr.  
Guthrie, Joseph  
Katsakiores, Phyllis  
Langone, John  
Malcolm, Kenneth  
Moore, Benjamin  
Raynowska, Bernard  
Smith, Kevin  
Tufts, J. Arthur  
Welch, David

### STRAFFORD

Cossette, Larry

Spear, Barbara

Torr, Franklin

### SULLIVAN

Adler, Rudolf  
Schotanus, Merle

Flint, Gordon

Kibbey, David

Leone, Richard

### NAYS 140

### BELKNAP

Pilliod, James

Salatiello, Thomas

### CARROLL

None

### CHESHIRE

Bonneau, Sarah  
Lynott, Margaret  
Pratt, John  
Russell, Ronald

Burnham, Daniel  
Manning, Joseph  
Richardson, Barbara

Doucette, Richard  
McGuirk, Paul  
Riley, William

Lynch, Margaret  
Meador, David  
Robertson, Timothy

### COOS

Bradley, Paula  
Mears, Edgar

Coulombe, Henry

Coulombe, Yvonne

Hawkinson, Marie

### GRAFTON

Almy, Susan  
Ham, Bonnie

Below, Clifton  
Lovett, Sidney

Copenhaver, Marion  
Nordgren, Sharon

Guest, Robert

**HILLSBOROUGH**

Allen, W. Gordon	Ameen, W.	Baroody, Benjamin	Buckley, Raymond
Cardin, Lori	Clemons, Jane	Cote, David	Cote, Peter
D'Allesandro, Lou	Daigle, Robert	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.
Fields, Dennis	Foster, Joseph	Foster, Linda	Franks, Suzan
Gage, Ruth	Ginsburg, Ruth	Gosselin, Gerald	Haettenschwiller, Alphonse
Hall, Betty	Hart, Nick	Jean, Claudette	Johnson, Lionel
Konys, Christine	Lefebvre, Roland	Leishman, Peter	Leonard, Peter
Lynde, Harold	Martin, Mary	McCarthy, William	McDonald, James, Sr.
Melcher, Harold	Murphy, Robert	Perkins, Paul	Reidy, Frank
Turgeon, Roland	Vaillancourt, Steve	Welch, Donald	Williams, Carol

**MERRIMACK**

Burney, Carol	Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam
Fraser, Marilyn	French, Barbara	Gile, Mary	Lockwood, Robert
Moore, Carol	Owen, Derek	St. Cyr, Gerard	Wallin, Jean
Wallner, Mary Jane	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Cushing, Robert
Downing, Michael	Frechette, Joseph	Gibbons, Paul	Heath, John
Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane	Micklon, Stephanie
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Sabella, Norma	Schanda, Frank	Syracusa, Anthony	Vaughn, Charles

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Grassie, Anne	Hemon, Roland	Heon, Richard	Kaen, Naida
Keans, Sandra	Knowles, William	Lundbom, Raymond	McCann, William, Jr.
Merrill, Amanda	Merritt, Deborah	Musler, George	Pelletier, Arthur
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Sullivan, Henry	Taylor, Kathleen	Torr, Ann	Twardus, Joseph
Vincent, Francis	Wall, Janet		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Lindblade, Eric	Palmer, Lorraine	Robb-Theroux, Amy
Wiggins, Celestine			

and the veto was sustained, lacking the Constitutionally required two-thirds.

**GOVERNOR'S VETO MESSAGE ON HB 1384**

June 26, 1998

To the Honorable Members of the General Court:

I have this day vetoed House Bill 1384, An Act making an appropriation to the department of cultural affairs for the purpose of funding participation of the state in the Smithsonian Festival of American Folklife.

I support the work of the New Hampshire Commission on the Smithsonian Festival of American Folklife. I believe that New Hampshire's selection by the Smithsonian Institute to be featured "*on the mall*" in Washington D.C. next summer is an honor that all the citizens of New Hampshire can be proud of and will benefit from. I would like to personally congratulate all of those who are working so hard to raise from the private sector the dollars necessary to share New Hampshire with the world next summer in our nation's capital. I hope that many of our residents will visit our nation's capital to join in this celebration of New Hampshire's cultural history and folklife.

I, however, cannot support the funding of this important effort by the diversion of \$200,000 from our strategic travel and tourism marketing program. We have just begun what is forecasted to be our busiest summer tourism season ever, and we need to make every effort to ensure that this level of tourism activity continues.

My administration recognizes the importance of the travel and tourism industry to the people and economy of New Hampshire. Since I became Governor, the State has targeted unprecedented resources toward developing and promoting this industry. The biennial budget passed last year included an increase of one million dollars per year for advertising and marketing. These additional dollars are earmarked to fund a strategic promotional campaign to introduce new markets to the New Hampshire secret and are necessary to increase our meals and rooms tax revenues to the levels projected in the biennial budget. I believe that to interrupt this program by siphoning off a full twenty percent of its funding is penny wise but pound foolish.

Just this spring I convened the first ever Governor's Summit on Travel and Tourism. Of the many recommendations made by the more than seventy-five participants representing all sectors of the New Hampshire economy, one that rang the loudest was the need for continued and additional support for promotion and advertising of what New Hampshire has to offer to tourists from around the country and the world. The benefits to New Hampshire are tremendous. Recent studies show that for every dollar spent in tourism advertising over eight dollars are raised in state and local revenues and fees. Additionally, every new dollar introduced by the travel and tourism industry turns over more than 75 times in the New Hampshire economy. Promoting New Hampshire is a good investment.

Promoting New Hampshire as a travel and tourism destination and the Smithsonian Festival of American Folklife are not mutually exclusive, however, and should and will complement each other. The Office of Travel and Tourism Development has identified more than \$50,000 in contracted and in-kind services which it will provide to the Commission during fiscal year 1999. The chair of the Smithsonian Commission and the private sector fundraising leadership team welcome this alternative approach as they, too, recognize the importance of preserving the integrity of our existing marketing and promotion plan.

Following New Hampshire's presentation "*on the mall*" in Washington, the exhibit will come home for all of us to enjoy and appreciate. I am committed to seeing that there are state funds available in the next biennial budget to aid in the re-staging of this exhibit.

Because there is a more fiscally sound way for the State to participate in the work of the Smithsonian Commission, I am, today, vetoing H.B. 1384.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 1384**, making appropriation to the department of cultural affairs for the purpose of funding participation of the state in the Smithsonian Festival of American Folklife, become law?

Rep. Avery spoke against.

As required by the State Constitution, a roll call was taken.

**YEAS 18 NAYS 306**

**YEAS 18**

**BELKNAP**

Boyce, Robert

Holbrook, Robert

**CARROLL**

None

**CHESHIRE**

None

**COOS**

Merrill, Gerald

**GRAFTON**

Brown, Channing



**HILLSBOROUGH**

Belvin, William	Clegg, Robert, Jr.	Herman, Keith	Kurk, Neal
O'Hearn, Jane			

**MERRIMACK**

None

**ROCKINGHAM**

Carson, Gregory	Fesh, Robert	McCarthy, John, Jr.	Moore, Benjamin
Sapareto, Frank	Stritch, C. Donald	Tufts, J. Arthur	

**STRAFFORD**

Cossette, Larry	Torr, Franklin
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**SULLIVAN**

None

**NAYS 306****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Calvert, Alice	Golden, Paul
Pilliod, James	Rosen, Ralph	Salatiello, Thomas	Turner, Robert
Veazey, John			

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	MacDonald, Kenneth	Mock, Henry	Patten, Betsey
Philbrick, Donald			

**CHESHIRE**

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Doucette, Richard
Hunt, John	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	McNamara, Wanda	Meador, David	Metzger, Katherine
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Royce, H. Charles	Russell, Ronald	Smith, Edwin	

**COOS**

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Guay, Lawrence	Hawkinson, Marie	Horton, Lynn	Mears, Edgar
Pratt, Leighton	Tholl, John, Jr.		

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Below, Clifton
Cobbin, Philip	Copenhaver, Marion	Eaton, Stephanie	Guaraldi, Lawrence
Guest, Robert	Ham, Bonnie	Hill, Richard	Hinman, Harry
Lovett, Sidney	MacNeil, Allen	Mirski, Paul	Nordgren, Sharon
Phinney, William	Teschner, Douglass	Trelfa, Richard	Weber, Phil
Williams, William, Jr.			

**HILLSBOROUGH**

Allen, W. Gordon	Alukonis, David	Ameen, W.	Amidon, Eleanor
Arnold, Thomas, Jr.	Baroody, Benjamin	Batula, Peter	Briefs, Geoffrey
Brundige, Robert	Buckley, Raymond	Burke, M. Virginia	Calawa, Leon, Jr.
Cardin, Lori	Carlson, Donald	Chabot, Ernest	Chabot, Robert
Christiansen, Lars	Clay, Susan	Clemons, Jane	Cote, David
Cote, Peter	D'Allesandro, Lou	Daigle, Robert	Daniels, Gary

Dawe, Eileen  
 Dwyer, Paul, Sr.  
 Flora, Kathleen  
 Ginsburg, Ruth  
 Haettenschwiler, Alphonse  
 Holley, Sylvia  
 Jean, Loren  
 LaRose, Richard  
 Lessard, Rudy  
 MacIntyre, Doris  
 McCarty, Winston  
 Melcher, Harold  
 Mittelman, David  
 Piteri, Dawn  
 Sargent, Maxwell  
 Turgeon, Roland  
 White, Donald

Dokmo, Cynthia  
 Dyer, Merton  
 Foster, Joseph  
 Golding, William  
 Hall, Betty  
 Holt, David  
 Johnson, Lionel  
 Lefebvre, Roland  
 Lozeau, Donnalee  
 Marcinkowski, Michael  
 McDonald, James, Sr.  
 Mercer, Robert  
 Morello, Michael  
 Reidy, Frank  
 Searles, Stanley, Sr.  
 Vaillancourt, Steve  
 Williams, Carol

Drabinowicz, A. Theresa  
 Fenton, James  
 Foster, Linda  
 Gosselin, Gerald  
 Hansen, Herbert  
 Hunter, Bruce  
 Konys, Christine  
 Leishman, Peter  
 Lynde, Harold  
 Martin, Mary  
 McGough, Tim  
 Messier, Irene  
 Murphy, Robert  
 Riley, Frances  
 Tate, Joan  
 Welch, Donald  
 Wright, George

Durham, Susan  
 Fields, Dennis  
 Gage, Ruth  
 Goulet, Maurice  
 Hart, Nick  
 Jean, Claudette  
 L'Heureux, Robert  
 Leonard, Peter  
 MacGillivray, Jeffrey  
 McCarthy, William  
 McRae, Karen  
 Milligan, Robert  
 Perkins, Paul  
 Rowe, Robert  
 Thulander, O. Alan  
 Wheeler, Robert

### MERRIMACK

Adams, Stephen  
 Daneault, Gabriel  
 Fraser, Marilyn  
 Hess, David  
 Langer, Ray  
 Lockwood, Robert  
 Owen, Derek  
 Wallner, Mary Jane

Anderson, Eric  
 Davis, Francis  
 French, Barbara  
 Jacobson, Alf  
 Larrabee, David  
 Marshall, Kenneth  
 Pfaff, Terence  
 Whalley, Michael

Burney, Carol  
 DeStefano, Stephen  
 Gile, Mary  
 Krueger, Patricia  
 Lavoie, Gerard  
 Moore, Carol  
 St. Cyr, Gerard  
 Whittemore, James

Chandler, Earle  
 Dunn, Miriam  
 Hager, Elizabeth  
 Lamach, Bernard  
 Leber, William  
 Nichols, Avis  
 Wallin, Jean  
 Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
 Blanchard, MaryAnn  
 Clark, Martha  
 Dearborn, Bruce  
 Downing, Michael  
 Frechette, Joseph  
 Guthrie, Joseph  
 Johnson, Robert  
 Kelley, Jane  
 Langone, John  
 Malcolm, Kenneth  
 Norelli, Terie  
 Pantelakos, Laura  
 Reardon, Neil  
 Smith, Kevin  
 Varrell, Thomas  
 Welch, David

Arndt, Janet  
 Camm, Kevin  
 Cooney, Richard  
 Dodge, Robert  
 Flanagan, Natalie  
 Gibbons, Paul  
 Heath, John  
 Kane, Cecelia  
 Klemm, Arthur, Jr.  
 Letourneau, Robert  
 McKinney, Betsy  
 Nowe, Ronald  
 Pitts, Jacqueline  
 Rubin, George  
 Stickney, Nancy  
 Vaughn, Charles  
 Weyler, Kenneth

Beaulieu, Jon  
 Case, Margaret  
 Cote, Patricia  
 Dolan, Richard  
 Flanders, John, Sr.  
 Gleason, John  
 Henderson, Warren  
 Katsakiores, George  
 Kobel, Rudolph  
 Lovejoy, Marian  
 Micklon, Stephanie  
 O'Keefe, Patricia  
 Rabideau, Marie  
 Sabella, Norma  
 Stone, Joseph  
 Verani, Giovanni

Belanger, Ronald  
 Christie, Andrew, Jr.  
 Cushing, Robert  
 Dowd, Sandra  
 Francoeur, Sheila  
 Griffin, Mary  
 Hutchinson, Rebecca  
 Katsakiores, Phyllis  
 Langley, Jane  
 Major, Norman  
 Mikowski, Walter  
 Packard, Sherman  
 Raynowska, Bernard  
 Schanda, Frank  
 Syracuse, Anthony  
 Weare, Everett

### STRAFFORD

Berube, Roger  
 Callaghan, Frank  
 Grassie, Anne  
 Keans, Sandra  
 Merrill, Amanda  
 Rogers, Rose Marie  
 Spear, Barbara  
 Twardus, Joseph

Brennan, William  
 DeChane, Marlene  
 Hemon, Roland  
 Knowles, William  
 Merritt, Deborah  
 Rollo, Michael  
 Sullivan, Henry  
 Vincent, Francis

Brown, George  
 Dunlap, Patricia  
 Heon, Richard  
 Lundborn, Raymond  
 Musler, George  
 Smith, Marjorie  
 Taylor, Kathleen  
 Wall, Janet

Brown, Julie  
 Estabrook, Iris  
 Kaen, Naida  
 McCann, William, Jr.  
 Pelletier, Arthur  
 Snyder, Clair  
 Torr, Ann

## SULLIVAN

Adler, Rudolf  
 Donovan, Thomas  
 Leone, Richard  
 Schotanus, Merle

Allison, David  
 Ferland, Brenda  
 Lindblade, Eric  
 Wiggins, Celestine

Burling, Peter  
 Flint, Gordon  
 Palmer, Lorraine

Cloutier, John  
 Kibbey, David  
 Robb-Theroux, Amy

and the veto was sustained, lacking the Constitutionally required two-thirds.

## SENATE MESSAGE

The Senate has voted to sustain the Governor's vetoes on the following entitled bills:

**SB 301**, relative to teacher renomination and the application of teacher professional and performance standards.

**SB 417**, continuing the court modernization fund and its source of funding from penalty assessments and making an appropriation for maintenance of the new judicial branch administration building.

## REMOVED FROM THE TABLE

Reps. Wheeler and Burling moved that **HB 643-FN**, establishing an industry average performance system for air pollution control and establishing certain pollution control funds, be removed from the table.

Adopted.

## SUSPENSION OF RULES

Reps. Wheeler and Burling moved that House Rules be suspended to permit consideration at the present time and passage of **HB 643-FN**, establishing an industry average performance system for air pollution control and establishing certain pollution control funds.

Adopted by the necessary two-thirds.

## CONSIDERATION OF HOUSE BILL 643-FN

The pending question is the adoption of the committee amendment.

## Amendment (0291h)

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

1 New Chapter; Industry Average Performance System for Air Pollution Control. Amend RSA by inserting after chapter 125-K the following new chapter:

## CHAPTER 125-L

INDUSTRY AVERAGE PERFORMANCE SYSTEM  
FOR AIR POLLUTION CONTROL

## 125-L:1 Purpose.

I. The general court finds that the general level of air pollution in New Hampshire is greater than desirable for public health and ecological integrity, and that considerable reduction of air pollutant emissions from current levels, at a rate consistent with the continued well-being of the state's economy, is a desirable goal.

II. The general court further finds that based on current scientific evidence, there is no threshold level at which air pollution reduction ceases to be of benefit. Therefore, the goal of the state's air pollution control strategy shall be to provide for continual improvement in air quality and continuing reduction in air pollutant emissions at an appropriate rate given the relative costs and benefits of air pollution emission reductions, rather than setting specific goals and terminating programs upon reaching those goals.

III. The purpose of this chapter is to establish a cost-effective system of air pollution control which can provide for continual improvement in air quality and maximize air pollution emission reductions for every dollar spent.

IV. The legislature has identified two categories of pollution sources, electric utilities and light motor vehicles, which produce more total pollution than other categories of pollution sources, and where cost-effective pollution reductions can be achieved. Even though future legislation would



be necessary to add additional categories of pollution sources, it is the intent of the legislature that no additional categories of pollution sources be added, due to interstate considerations, until similar pollution reduction initiatives are adopted in other states.

125-L:2 Definitions. In this chapter:

- I. "Commissioner" means the commissioner of the department of environmental services.
- II. "Light motor vehicle" means a motor vehicle of less than 8,500 pounds gross vehicle weight.
- III. "Major air pollutant" means:
  - (a) Carbon monoxide;
  - (b) Nitrogen oxides; or
  - (c) Sulfur dioxide.
- IV. "Nitrogen oxides" means nitric oxide (NO) or nitrogen dioxide (NO<sub>2</sub>).
- V. "Ton" means 2,000 pounds.

125-L:3 Principles and Goals.

I. To provide cost-effective flexibility for air pollution emission reductions, and to allow for differing circumstances, differing existing equipment, and differing available pollution reduction options, polluters shall be allowed the option of reducing pollution from their own sources or paying into a fund that will directly or indirectly pay for air pollution reductions by others. To provide maximum benefit for every dollar spent, all economic incentives shall be strictly connected to actual physical reductions in amounts of air pollutant emissions. An integrated system shall be established for regulating all air pollutants, so that air pollution control expenditure decisions for all pollutants can be considered as a package.

II. Because under this chapter the state collects and distributes funds within individual categories of polluters, the legislature may choose to include separate categories of polluters in this regulatory system one at a time.

III. The goal for improvement in air pollutant emissions is 3 to 5 percent compounded reduction per year. At this rate, air pollutant emissions will be halved every 15 to 25 years. Pollution control fee rates shall be set to achieve overall emission reduction of that magnitude.

IV. The pollution control fee rates for various major air pollutants should be based on the best available scientific data for relative damage done by the major air pollutants. Such evidence may include, but shall not be limited to, federal Environmental Protection Agency standards for the various major air pollutants, current levels of air pollution concentrations, other public health data, and other environmental and ecological integrity data.

V. The pollution control fee rates shall be set by the legislature.

VI. Since many air pollution controls require significant capital expenditures with sizable lifetimes, the state hereby adopts a stable, slowly changing air pollution control regulatory system. New major air pollutants shall be added only after they have been accepted as a serious problem for several years, and after their relative toxicities have been established by repeated scientific research. Pollution control fee rate ratios among major air pollutants should be adjusted slowly, and only on the basis of repeated scientific research. Changes shall be announced in advance so that adequate time is available to plan and execute additional pollution reduction measures prior to the change. The goal of this regulatory system of economic incentives is to encourage air pollution reduction, not to collect reparations.

125-L:4 Pollution Control Fee Rate.

I. A pollution control fee rate shall be established for each major air pollutant, in terms of dollars per ton to the nearest whole dollar. The rate shall be calculated by multiplying the base pollution control fee rate of paragraph II by any automatic adjustments in accordance with paragraph III, and multiplying the total by the inflation adjustment provided for in paragraph IV.

II. The base pollution control fee rate for each major air pollutant shall be:

- (a) For carbon monoxide, \$175 per ton.
- (b) For nitrogen oxides:
  - (1) \$2,275 per ton during the months of May through September, inclusive; and
  - (2) \$775 per ton during the months of October through April, inclusive.
- (c) For sulfur dioxide:
  - (1) \$455 per ton during the months of May through September, inclusive; and
  - (2) \$275 per ton during the months of October through April, inclusive.

III. If the actual total annual major air pollutant emissions in any odd-numbered year, starting in 2001, calculated in dollars based on the pollution control fee rates listed in paragraph II, exceed the target upper limit for any year, specified in paragraph V, then all base pollution control fee rates shall be permanently increased by the ratio of the actual total annual major air pollutant emissions for that year to the target upper limit for that year.

IV. Whenever the commissioner determines that the cost of living, as measured by the federal CPI-U index, or its successor, as determined by the Bureau of Labor Statistics, shall have increased by 5 percent or more from January 1, 1998, or from the date used for the previous adjustment under this paragraph, the commissioner shall establish a corresponding inflation adjustment which shall take effect at the beginning of the next calendar month.

V.(a) The target upper limit for the year 2001 shall be the total of the following amounts, evenly distributed by month throughout the year, calculated in dollars based on the base pollution control fee rates listed in paragraph II:

- (1) 300,000 tons of carbon monoxide,
- (2) 56,000 tons of nitrogen oxides, and
- (3) 48,000 tons of sulfur dioxide.

(b) The target upper limit for any odd-numbered year after 2001 shall be 92 percent of the target upper limit for the year 2 years prior to that year.

#### 125-L:5 Categories of Polluters; Implementation.

I.(a) There is established a retail electricity pollution control fund for the purposes of collecting money from electricity generation sellers who generate electricity within New Hampshire and distributing all money collected to end-user consumers of electricity within the state on a monthly basis.

(b) The commissioner shall determine emissions for all electricity generation sellers who generate electricity within New Hampshire and 1996 average emission rate levels for each facility in New Hampshire. For facilities without continuous emission monitoring, emission rates shall be determined based on the scientifically best available data.

(c) All electricity generation sellers who generate electricity within New Hampshire shall pay into the fund the amount determined in RSA 125-L:4 for all emissions in New Hampshire on or after the date that money may be collected and distributed from the fund pursuant to subparagraph I(g), less the following credits and exemptions:

(1) A credit against this payment shall be allowed for existing electricity generation sellers who generate electricity within New Hampshire. For the Public Service Company of New Hampshire, or its assignees or successors in interest, the total of credit per month for all facilities shall be, for each of the following periods, calculated in dollars based on the pollution control fee rates established in RSA 125-L:4 for that month:

May, 1999 through April, 2000	900 tons of nitrogen oxides and 4300 tons of sulfur dioxide
May, 2000 through April, 2001	880 tons of nitrogen oxides and 4200 tons of sulfur dioxide
May, 2001 through April, 2002	860 tons of nitrogen oxides and 4100 tons of sulfur dioxide
May, 2002 through April, 2003	840 tons of nitrogen oxides and 4000 tons of sulfur dioxide
May, 2003 through April, 2004	820 tons of nitrogen oxides and 3900 tons of sulfur dioxide
After April, 2004	800 tons of nitrogen oxides and 3800 tons of sulfur dioxide

(2) Any unused credits may be carried over to future months, without expiration date, and may be transferred or assigned to any other entity. They may only be used as credits against payments to the fund established in subparagraph I(a).

(3)(A) Between the effective date of this chapter and the day before the date that money may be collected and distributed from the fund pursuant to subparagraph I(g), any facility that reduces its emission rate from 1996 average emission rate levels shall receive a credit against future payments due under this chapter.

(B) The credit earned for any day for a facility shall be equal to the number of kilowatt-hours sold from that facility's production, times the credit earned per kilowatt-hour sold. The

credit earned per kilowatt-hour sold shall be the amount by which the emissions payment per kilowatt-hour sold, calculated under RSA 125-L:4, based on actual emissions, is less than the emissions payment per kilowatt-hour for that facility, calculated for that day under RSA 125-L:4, if its emissions were 90 percent of its average emissions per kilowatt-hour sold during the year 1996, or 90 percent of its maximum allowable emissions per kilowatt-hour sold under current federal and other state regulations, whichever is less.

(4) Any facility existing as of May 21, 1996 that, as of that date, was selling 50 percent or more of its annual output under a qualified facility rate order or contract pursuant to RSA 362-A shall be exempt from making any payments into the retail electricity pollution control fund for the duration of that rate order, contract, or any renegotiated arrangement thereto approved by the public utilities commission. Between the effective date of this chapter and the expiration of that rate order, contract, or arrangement, any such facility that reduces its emission rate to less than 90 percent of its 1996 average emission rate levels shall receive a credit against future payments under this chapter, calculated as provided in subparagraph I(c)(3)(B), which may be transferred in accordance with subparagraph I(c)(2).

(d) All amounts received by the retail electricity pollution control fund each month shall be distributed to all end-user consumers of electricity within the state based on consumption during that month. Funds shall be distributed as a lump sum to each electricity distribution service provider for all of its customers and applied as a credit against customer bills.

(e) The commissioner shall be responsible for determining all amounts due to the fund, and for notifying the public utilities commission of these amounts. The public utilities commission shall be responsible for calculating all amounts due from the fund.

(f) The public utilities commission shall be responsible for collecting all amounts required by this paragraph, depositing them to the retail electricity pollution control fund, and distributing the funds in accordance with this chapter.

(g) No money shall be collected or distributed from the retail electricity pollution control fund until any rules required to be adopted to implement this paragraph become effective, or May 1, 1999, whichever is later.

(h) All payments made pursuant to this paragraph by a public utility shall be recoverable to the same extent and subject to the same conditions as any environmental expenditure mandated by law.

II.(a) There is established a light motor vehicle pollution control account for the purpose of accounting for all net funds collected from any increases or discounts established pursuant to this chapter from all motor vehicle registrations of light motor vehicles under RSA 261:141, III(g).

(b) The commissioner of the department of safety, after consulting with the commissioner, shall determine the dollar amount of discounts in motor vehicle registration fees for different categories of light motor vehicles in accordance with the pollution control fee rates and other provisions of this chapter. This determination shall include procedures for handling different weight classes which have been assigned differing emission limits under the federal Clean Air Act.

(c) Any light motor vehicle manufactured to a standard less stringent than 1998 federal standards shall be treated for purposes of this chapter the same as a vehicle meeting the 1998 federal standards.

(d) The commissioner of the department of safety shall provide that emissions category information be added to the motor vehicle registration form of light motor vehicles to identify categories of vehicles with pollution emissions at rates less than 1998 federal standards.

(e) The commissioner of the department of safety shall determine the necessary increase in the motor vehicle registration fee for light motor vehicles not qualifying for a discount. This increase shall be sufficiently large to accommodate the discounts determined in subparagraph II(b) and retain a positive or zero balance in the light motor vehicle pollution control account, and may be large enough so that registration fees will not need to be changed more often than once every 12 months. The commissioner of the department of safety shall then determine the necessary dollar amount adjustments in motor vehicle registration fees under RSA 261:141, III(g) in accordance with this chapter. All adjustments in motor vehicle registration fees shall be in multiples of \$.60 per year (\$.05 per month).

(f) Light motor vehicle registration fees shall not be changed pursuant to this chapter until after the effective date of any rules required to be adopted to implement this chapter; or the date on which the commissioner of the department of safety certifies that at least 10 percent of all light



motor vehicles registered in New Hampshire, or at least 50 percent of all light motor vehicles of a completed model year registered in New Hampshire, qualify for a registration fee discount of at least \$5 per year; or April 1, 2000, whichever is latest.

125-L:6 Rulemaking Authority; Contingent Authority for Chapter.

I. The commissioner may prepare draft rules, pursuant to RSA 541-A:

(a) For the determination of emissions for each facility generating electricity pursuant to RSA 125-L:5, I(b).

(b) To calculate payments and credits, and determine amounts due to the retail electricity pollution control fund.

(c) For such other purposes as necessary to implement this chapter.

II. The commissioner of the department of safety may prepare draft rules, pursuant to RSA 541-A:

(a) To add emissions category information to motor vehicle registration forms pursuant to RSA 125-L:5, II(d).

(b) To determine discounts in motor vehicle registration fees pursuant to RSA 125-L:5, II(b).

(c) For the determination of changes in motor vehicle registration fees under RSA 125-L:5, II(e).

(d) To determine the percentage of light motor vehicles qualifying for registration fee discounts.

(e) For such other purposes as necessary to implement this chapter.

III. The public utilities commission may prepare draft rules, pursuant to RSA 541-A:

(a) To determine all amounts due from the retail electricity pollution control fund.

(b) To provide for the collection and distribution of funds in accordance with RSA 125-L:5, I.

(c) For such other purposes as necessary to implement this chapter.

IV.(a) The addition of emissions category information to motor vehicle registration forms as described in RSA 125-L:5, II(d) and any necessary rulemaking, may begin on the effective date of this chapter.

(b) All other rulemaking under RSA 541-A authorized by this chapter shall not begin until the commissioner has:

(1) Certified that the federal Environmental Protection Agency will allow the state to substitute emission reductions achieved under this chapter for part or all of federal motor vehicle emission testing requirements which would otherwise be necessary;

(2) Studied the emissions reductions expected under this chapter and compared them with those required to substitute for motor vehicle emission testing; and

(3) Submitted a report on this study to the speaker of the house, senate president, governor, and state library.

(c) Fund collections, fund payments, and changes in motor vehicle registration fees pursuant to this chapter, and the submission of any draft rules for approval by the joint legislative committee on administrative rules, shall not begin until the legislature has received the study required by this paragraph and authorized implementation in future legislation.

125-L:7 Integration with Other Air Pollution Control Programs. Any payment under this chapter shall not excuse anyone from the obligation to comply with all other applicable laws.

125-L:8 Annual Report. The department of environmental services shall study possible modifications to this chapter, and shall annually report findings and recommendations of the study to the governor and council, speaker of the house, senate president, house clerk, senate clerk, and state library by October 31. This study shall include recommendations on:

I. Any desirable changes to the base pollution control fee rates, based on scientifically valid evidence, including studies of pollutant transport, differences in pollutant impact depending on location, and differences in pollutant impact depending on temperature or other meteorological variables.

II. The practicality and desirability of adding additional major air pollutants to this chapter.

2 Motor Vehicle Registration Fees; Reference Added. Amend RSA 261:141, III(g) to read as follows:

(g) For all motor vehicles other than those in RSA 261:141, I:

0-3000 lbs.	\$19.20 (\$1.60 per month)
3001-5000 lbs.	\$31.20 (\$2.60 per month)
5001-8000 lbs.	\$43.20 (\$3.60 per month)
8001-73,280 lbs.	\$.84 per hundred lbs. gross

weight[-], *provided that the fees may be adjusted pursuant to RSA 125-L:5, II.*

3 Initial Report by the Department of Environmental Services. In addition to the requirements of RSA 125-L:8, the department of environmental services report due October 31, 1998 shall include specific recommendations on:

I. The practicality and desirability of making pollution control fee rates for nitrogen oxides depend on outdoor air temperature rather than just the month of the year.

II. The current state of knowledge regarding differences among different physical and chemical components of particulate matter and differences among volatile organic compounds, and the additional information needed before they could be considered for addition to the list of major air pollutants.

III. The current state of knowledge regarding mercury and the additional information needed before it could be considered for addition to the list of major air pollutants.

4 Legislative Intent; Report of Department of Environmental Services Due October 31, 2001. It is the intent of the legislature that the credits described in RSA 125-L:5, I(c)(1) for the periods following April, 2004 are subject to legislative review. The department of environmental services, in the annual report due October 31, 2001 pursuant to RSA 125-L:8, shall include specific recommendations for appropriate dollar amounts for the credits for the periods following April, 2004.

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

Rep. Jeb Bradley spoke against.

The amendment failed.

Reps. Wheeler and Burling offered a floor amendment.

#### **Floor Amendment (2297h)**

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

AN ACT making an appropriation to the office of emergency management.

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

1 Appropriation; Emergency Management. The sum of \$1,532,500, of which \$250,000 shall be a charge against the highway fund, for the biennium ending June 30, 1999, is hereby appropriated to the office of emergency management to provide a state match for federal funds received as a result of damages sustained from severe ice storms, high winds, and snow in the month of January 1998. This appropriation shall be in addition to any other sums appropriated to the office of emergency management. Said sum may be a charge against any appropriate fund. The governor is authorized to draw a warrant out of any money in the treasury not otherwise appropriated.

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

#### **AMENDED ANALYSIS**

This bill makes an appropriation to the office of emergency management to match federal funds received as a result of January 1998 storms.

Reps. Burling and Kurk spoke in favor.

Adopted.

Reps. Wheeler and Burling offered a floor amendment.

#### **Floor Amendment (2299h)**

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

AN ACT making an appropriation to the office of emergency management and relative to proportionate share payments for county nursing homes.

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

2 New Section; Proportionate Share Payments; Fiscal Committee Approval. Amend RSA 167 by inserting after section 18-g the following new section:

167:18-h County Nursing Homes; Proportionate Share Payments by State; County Transfers to the State. Proportionate share payments to county nursing homes and county intergovernmental transfers to the state shall be made each state fiscal year in accordance with the following conditions. All payment levels specified are at the aggregate level and apportioned to each facility in a percentage equal to that facility's proportion of total county

nursing home medicaid utilization. If the federal government makes adjustments to any proportionate share payments that have been made by the state, the amounts due under this section shall be amended accordingly and adjusted payments shall be made to or from the state as necessary:

I. Payment shall be made to the counties in each year of the biennium in an amount equal to the maximum permissible by federal regulations.

II. The counties shall be responsible for making intergovernmental transfers to the state in each year of the biennium in an amount equal to 50 percent of the first \$12,500,000 each year in proportionate share payments.

III. The counties shall be responsible for making intergovernmental transfers to the state in each year of the biennium in an amount equal to 100 percent of any amount in excess of \$12,500,000 up to \$25,000,000 each year.

IV. The intergovernmental transfer of funds received in each year of the biennium in excess of the initial \$25,000,000 in proportionate share funds shall be distributed in the following manner: the counties shall retain 25 percent of the proportionate share funds and transfer to the state 75 percent of the proportionate share funds in each year.

3 Effective Date.

I. Section 2 of this act shall take effect June 30, 1998.

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

### AMENDED ANALYSIS

This bill makes an appropriation to the office of emergency management to match federal funds received as a result of January 1998 storms.

The bill also clarifies proportionate share payments to county nursing homes.

Reps. Burling and Kurk spoke in favor.

Adopted.

The question now being the adoption of the Committee Report, Ought to Pass as Amended.

Report adopted and ordered to third reading.

### MOTION TO SUSPEND RULES

Rep. Weber moved that the Rules be so far suspend as to permit the late drafting and introduction of a resolution under Part II, Article 100 (b) of the New Hampshire Constitution, to place the question of holding a Constitutional Convention on the ballot.

Reps. Hager and Burling spoke in favor.

Rep. Lozeau spoke in favor and yielded to questions.

Rep. Cobbin requested a roll call; sufficiently seconded.

The question being the motion to suspend the rules.

### YEAS 193 NAYS 129

#### YEAS 193

#### BELKNAP

Bartlett, Gordon  
Pilliod, James

Boriso, Thomas  
Rosen, Ralph

Boyce, Robert  
Turner, Robert

Calvert, Alice  
Veazey, John

#### CARROLL

Bradley, Jeb  
Howard, Godfrey  
Mock, Henry

Cooper, Kipp  
Kenney, Joseph  
Patten, Betsey

Dickinson, Howard, Jr.  
Lyman, L. Randy  
Philbrick, Donald

Foster, Robert  
MacDonald, Kenneth

#### CHESHIRE

Avery, Stephen  
Riley, William

Hunt, John  
Royce, H. Charles

McNamara, Wanda  
Smith, Edwin

Metzger, Katherine

#### COOS

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
Tholl, John, Jr.

Horton, Lynn

Merrill, Gerald



**GRAFTON**

Akins, Ralph	Alger, John	Below, Clifton	Cobbin, Philip
Eaton, Stephanie	Guaraldi, Lawrence	Hill, Richard	Hinman, Harry
MacNeil, Allen	Phinney, William	Teschner, Douglass	Trelfa, Richard
Weber, Phil			

**HILLSBOROUGH**

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Baroody, Benjamin
Batula, Peter	Belvin, William	Briefs, Geoffrey	Brundige, Robert
Buckley, Raymond	Burke, M. Virginia	Calawa, Leon, Jr.	Chabot, Ernest
Christiansen, Lars	Clay, Susan	Clegg, Robert, Jr.	Cote, Peter
Daigle, Robert	Daniels, Gary	Dawe, Eileen	Drabinowicz, A. Theresa
Durham, Susan	Dyer, Merton	Fenton, James	Flora, Kathleen
Ginsburg, Ruth	Golding, William	Goulet, Maurice	Haettenschwiler, Alphonse
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Holt, David
Hunter, Bruce	Jean, Loren	Johnson, Lionel	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland	Lozeau, Donnalee
MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael	Martin, Mary
McCarty, Winston	McGough, Tim	McRae, Karen	Mercer, Robert
Messier, Irene	Milligan, Robert	Mittelman, David	Morello, Michael
O'Hearn, Jane	Piteri, Dawn	Reidy, Frank	Riley, Frances
Rowe, Robert	Sargent, Maxwell	Searles, Stanley, Sr.	Tate, Joan
Thulander, O. Alan	Turgeon, Roland	Vaillancourt, Steve	Wheeler, Robert
White, Donald	Wright, George		

**MERRIMACK**

Adams, Stephen	Anderson, Eric	Chandler, Earle	Davis, Francis
French, Barbara	Hager, Elizabeth	Krueger, Patricia	Lamach, Bernard
Larrabee, David	Lavoie, Gerard	Leber, William	Marshall, Kenneth
Nichols, Avis	Owen, Derek	Pfaff, Terence	Whalley, Michael

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Camn, Kevin	Carson, Gregory
Case, Margaret	Christie, Andrew, Jr.	Clark, Martha	Cushing, Robert
Dearborn, Bruce	Dodge, Robert	Dowd, Sandra	Fesh, Robert
Flanagan, Natalie	Flanders, John, Sr.	Gleason, John	Griffin, Mary
Guthrie, Joseph	Henderson, Warren	Johnson, Robert	Katsakiores, Phyllis
Klemm, Arthur, Jr.	Kobel, Rudolph	Langley, Jane	Letourneau, Robert
Lovejoy, Marian	Major, Norman	Malcolm, Kenneth	McCarthy, John, Jr.
McKinney, Betsy	Mikowski, Walter	Moore, Benjamin	Norelli, Terie
Nowe, Ronald	O'Keefe, Patricia	Pitts, Jacqueline	Rabideau, Marie
Raynowska, Bernard	Reardon, Neil	Sapareto, Frank	Smith, Kevin
Stickney, Nancy	Stone, Joseph	Tufts, J. Arthur	Verani, Giovanni
Weare, Everett	Welch, David	Weyler, Kenneth	

**STRAFFORD**

Cossette, Larry	DeChane, Marlene	Hemon, Roland	Kaen, Naida
McCann, William, Jr.	Merrill, Amanda	Musler, George	Pelletier, Arthur
Rollo, Michael	Spear, Barbara	Taylor, Kathleen	Torr, Franklin

**SULLIVAN**

Adler, Rudolf	Burling, Peter	Cloutier, John	Flint, Gordon
Leone, Richard	Schotanus, Merle	Wiggins, Celestine	

**NAYS 129****BELKNAP**

Golden, Paul	Holbrook, Robert	Salatiello, Thomas
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**CARROLL**

Babson, David, Jr.
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**CHESHIRE**

Bonneau, Sarah	Burnham, Daniel	Doucette, Richard	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meader, David
Pratt, John	Richardson, Barbara	Robertson, Timothy	Russell, Ronald

**COOS**

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Hawkinson, Marie
Mears, Edgar			

**GRAFTON**

Almy, Susan	Brown, Channing	Copenhaver, Marion	Guest, Robert
Ham, Bonnie	Lovett, Sidney	Mirski, Paul	Nordgren, Sharon
Williams, William, Jr.			

**HILLSBOROUGH**

Allen, W. Gordon	Ameen, W.	Cardin, Lori	Carlson, Donald
Chabot, Robert	Clemons, Jane	Cote, David	D'Allesandro, Lou
Dokmo, Cynthia	Dwyer, Paul, Sr.	Fields, Dennis	Foster, Joseph
Foster, Linda	Gage, Ruth	Gosselin, Gerald	Hall, Betty
Hart, Nick	Jean, Claudette	Konys, Christine	Leishman, Peter
Leonard, Peter	Lessard, Rudy	Lynde, Harold	McCarthy, William
McDonald, James, Sr.	Melcher, Harold	Murphy, Robert	Perkins, Paul
Welch, Donald	Williams, Carol		

**MERRIMACK**

Burney, Carol	Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam
Fraser, Marilyn	Gile, Mary	Jacobson, Alf	Langer, Ray
Lockwood, Robert	Moore, Carol	St. Cyr, Gerard	Wallin, Jean
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Belanger, Ronald	Blanchard, MaryAnn	Cooney, Richard
Cote, Patricia	Dolan, Richard	Downing, Michael	Francoeur, Sheila
Frechette, Joseph	Gibbons, Paul	Heath, John	Hutchinson, Rebecca
Kane, Cecelia	Katsakiores, George	Kelley, Jane	Langone, John
Micklon, Stephanie	Packard, Sherman	Pantelakos, Laura	Rubin, George
Sabella, Norma	Schanda, Frank	Stritch, C. Donald	Syracusa, Anthony
Varrell, Thomas	Vaughn, Charles		

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	Dunlap, Patricia	Estabrook, Iris	Grassie, Anne
Heon, Richard	Keans, Sandra	Knowles, William	Lundborn, Raymond
Merritt, Deborah	Rogers, Rose Marie	Smith, Marjorie	Snyder, Clair
Sullivan, Henry	Torr, Ann	Twardus, Joseph	Vincent, Francis
Wall, Janet			

**SULLIVAN**

Allison, David	Donovan, Thomas	Ferland, Brenda	Kibbey, David
Lindblade, Eric	Palmer, Lorraine	Robb-Theroux, Amy	

and the motion failed, lacking the necessary two-thirds.

## SENATE MESSAGE

## SENATE RESOLUTION TO DISPOSE OF OUTSTANDING BILLS

The Senate of the state of New Hampshire passed the following Resolution on June 10, 1998.

## RESOLUTION

That all bills left in Committee, Laid on the Table or not acted upon by the body in any manner with the exception of those sent to the Court for an opinion of the Justices be by this resolution made Inexpedient to Legislate.

**HB 480**, revising the law relative to protection of persons from domestic violence.

**HB 721**, authorizing municipalities to restrict the advertising of alcohol and tobacco through the exercise of zoning powers.

**HB 1368**, relative to distribution services and metering and billing in electric utility restructuring.

## (CLERK'S NOTE)

## OUTSTANDING BILLS

At the time of recess, the following bill remained Laid on the Table:

**HB 1577-FN-A**, relative to campaign finance expenditure and contribution reform.

The following bill was introduced in the House but no final action was taken lacking the necessary two-thirds vote of those present and voting:

**SB 491-FN**, relative to residential care facilities.

The following bills remained in the possession of the House Finance Committee:

**CACR 44**, relating to clarifying the phrase "proportional and reasonable" in the constitution. Providing that: to the extent local property taxes are used to fund an adequate education, tax rates among different local taxing districts shall be proportional and reasonable if, utilizing real property valuations equalized throughout the state, the lowest tax rate utilized by any one local taxing district is not less than 50 percent of the highest tax rate utilized by any other local taxing district.

**CACR 46**, relating to the right of each educable child to an adequate education, and the proportionality and reasonableness of local taxes for education. Providing that the right of every child to an adequate education shall be enforced by appropriate legislation, that the state may delegate to its political subdivisions the duty to provide an adequate education, and that a tax imposed to implement such a delegated duty shall be proportional and reasonable.

**CACR 47**, relating to use of personal income taxes. Providing that the general court shall use net revenues from personal income taxes exclusively for educational purposes.

**CACR 48**, relating to restricting any statewide property tax to education funding. Providing that all revenues resulting from a statewide property tax shall be used exclusively for elementary and secondary education.

**CACR 51**, relating to establishing a restricted education trust fund. Providing that an education trust fund be established, that all moneys designated for the purpose of state aid to education shall be directly transferred to such trust fund, and that the moneys in such trust fund shall be used exclusively for state aid to education.

**HB 1666-FN-A-L**, establishing a new statewide tax on land values to fund a constitutionally adequate education.

**HB 1668-FN-A-L**, establishing a personal income tax and a statewide school property tax to fund public education and making an appropriation therefor.

**HB 1669-FN-A-L**, adding a capital gains tax to the interest and dividends tax, and designating all revenues from the interest and dividends tax for funding education.

**HB 1670-FN-A-L**, relative to a statewide school tax on income for purposes of funding a constitutionally adequate education and making an appropriation therefor.

**HB 1671-FN-A-L**, establishing a securities transfer excise tax to meet state obligations in funding education.



**HB 1674-FN-A-L**, establishing a proportional statewide property tax to provide equal per student funding for state-mandated education and funding for kindergarten and making an appropriation therefor.

**HB 1675-FN-A-L**, establishing a referendum for a new taxation plan to fund public education.

**HB 1676-FN-A-L**, relative to collection by the state of local property taxes paid by business, industrial, and public utility properties and redistribution to municipalities for education purposes on a per pupil basis.

**HB 1679-FN-A-L**, relative to local property taxation and state aid to support public education.

**HB 1681-FN-A**, increasing the tobacco tax on all tobacco products and designating the increase in revenue for the advancing better classrooms program.

### UNANIMOUS CONSENT

Reps. Amanda Merrill and Merritt addressed the House.

Rep. Lockwood moved that the remarks made by Rep. Amanda Merrill be printed in the Journal. Adopted.

Rep. Amanda Merrill: Thank you, Madam Speaker. I have found a song called "Turn Around" coming into my head lately as I try to get used to the idea of no longer being a member of the House. I guess that is not surprising since it is a song about the passage of time and about change. If I had the voice of some of my colleagues, like the Senator from Durham, Sen. Wheeler, or Rep. Kurk, I might sing a few bars for you, but, I don't. So, instead I'll just share the first few words of the song. "Where are you going my little one, little one? Where are you going my baby, my own? Turn around and you're two. Turn around and you're four. Turn around and you're a young girl going out of the door."

Ten years ago, an old high school friend who was serving in the legislature called me to see if I might be interested in running. I continue to thank Rep. Cushing for that recruiting effort. Back then, Mary Chambers who was the Democratic Leader, followed up with a call of her own reassuring me that it didn't matter if I wasn't much for making speeches because there were already plenty of people in Concord who were. So I filed. My daughter was two.

She went door-to-door with me campaigning, charming voters from her stroller. Today, she is a young girl, soon a young woman and she is often going out the door. My son went off to first grade when I went off to my first primary election. In two years, he will leave us for college. Unless perhaps, UNH reinstates baseball.

It has been a decade of great learning and change for all of us. I have learned in my five terms that there are indeed House members who can give a great speech. I have marveled at others who know just how to ask the right question at the right time. I have to come to appreciate still others who keep a committee working with their good humor and patience. Ours is a House of many talents and thank goodness because we need them all. I've learned something about radioactive waste and lobbying laws, air pollution and adequacy in education. Like all of you, I've had boundless opportunity to learn, combined always with the responsibility of applying those lessons to decisions that matter. It has been a privilege and a joy to be entrusted with that duty.

For letting me have such an opportunity, I, of course, thank the voters of Durham and since I started out before redistricting also the folks of Madbury and Lee. I thank the voters also for providing me with wonderful delegation friends. For making these past ten years such a rich experience, I have many of you to thank as well as colleagues of the past. My first chairman on the old Science, Technology and Energy Committee was Bill Hatch and our ranking Democrat was Susan Spear. I learned quickly about the great differences of opinion in that one undersized committee room. I put in my first research request at Legislative Services and got back my first cover letter from Rich Lambert ending with the now familiar quote, "Please do not hesitate to contact me if I can be of further assistance." I've taken Rich and his colleagues up on their offers many times since. That first term I also found a home away from home in the Democratic office, enjoying ever since the excellent care and advice of Donald Manning, Kay Cushman and the others who have joined them over the years. I shared many laughs with my carpooling companion, Rep. Gilmore whom some of you remember and once progress brought Dunkin Donuts to Route 4, a few chocolate frostedds that I didn't need, too. I had the good fortune to succeed my good friend, Rick Trombly, on the Environment and Agriculture Committee where Betty Greene and George Musler served as co-chairmen with great fairness and faith in their committee members and our researcher, Joel Anderson, kept us all organized.

I learned the satisfactions of working together toward consensus and coming up with something to be proud of. I got to experience that sense of committee purpose and achievement again this year with the members of the Education Committee. Madam Speaker, I remember that during my first or second term a student from UNH worked with me for a while as part of a course she was taking. She wanted to interview people around the State House and she asked in particular if I could suggest a woman legislator whom I considered to be especially effective. I sent her to you, Madam Speaker, as I would today. My admiration and best wishes go to you. Finally, I turn to thank a fellow member of the legislative class of 1988, my friend and colleague, Peter Burling. It has been quite a two-year ride, especially the spin in the Corvette. Peter represents the Democratic Caucus with style, skill and dedication. He respects and relishes the differences of opinion and outlook that is the hallmark of our caucus. He has worked twice as hard as I these past two years and yet has the generosity of spirit to always greet me in the office or on the phone with, "Hey, partner." I will miss that partnership as I shall miss the community of this House. I thank you all for being such an important part of my life and in the words of another song about time, "See you in September," if not sooner.

### SENATE MESSAGE

#### CONCURRENCE

*HB 643-FN*, making an appropriation to the office of emergency management and relative to proportionate share payments for county nursing homes.

#### RESOLUTION

Rep. Wheeler 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 643-FN*, making an appropriation to the office of emergency management and relative to proportionate share payments for county nursing homes.

#### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, receiving Senate Messages, forming Committees of Conference, Enrolled Bill Amendments and Enrolled Bill reports only.

Adopted.

The House recessed at 2:35 p.m.

#### RECESS

(Rep. Pfaff in the Chair)

#### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 643.  
Rep. Pfaff for the Committee

#### RECESS

(Rep. Pfaff in the Chair)

#### RESOLUTION

Rep. Sapareto offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate CACR numbered 45 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF SENATE CACR****First, second reading and referral**

*CACR 45*, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or in part, to a political subdivision, provided that upon delegation such assessments, rates, and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed. (Finance)

RECESS

(Rep. Henderson in the Chair)

**SENATE MESSAGES****REQUESTS CONCURRENCE WITH AMENDMENT**

*HB 1075-FN-A-L*, implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all the children of New Hampshire.

Rep. LaMott moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Lozeau, Kurk, Henderson and Burling.

**ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE**

*HB 1075-FN-A-L*, implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all the children of New Hampshire.

The President appointed Sens. Frederick King, Gordon and John King. (Alternates: Sens. Johnson and Squires)

RECESS

**CONFERE CHANGE**

*HB 1075-FN-A-L*, implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all the children of New Hampshire.

Rep. Knowles replaced Rep. Burling.

RECESS

Rep. Lozeau moved that the House adjourn.

Adopted.



**HOUSE JOURNAL No. 20**

Thursday, September 10, 1998

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O, God of love and wisdom, illuminate our work together in the radiance of Your insight and the energy of Your presence. Cleanse the lenses of our perception so that we might discern Your dreams for us and the people of New Hampshire. Support and encourage each of these representatives and the staff members who support them so that they might fulfill Your dreams through their work together in this historic space. In all that they do, increase their zest for life, strengthen their care for one another and send them forth in courage and peace. Amen.

Rep. Schotanus led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Burnham, Robert Foster, Healy, Nichols, Paul Taylor and Turner, the day, illness.

Reps. Burke, Connolly, McNamara, Micklon, Rosen and Rowe, the day, important business.

Rep. Julie Brown, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Bob Giuda, guest of Rep. William Williams. Sven Propping, guest of Rep. Melcher. Tom Veinote and Janet Fortnam, guests of Rep. Davis. Judith Pilliod, wife of Rep. Pilliod. Richard Brewster, guest of Reps. Leber and Earle Chandler. Donald Manning and his father, Bill Manning, guest of the House Democrats. Ken Grant, guest of Rep. Rabideau. John Whittier, guest of Reps. David Welch, John Flanders and Weyler.

**COMMUNICATIONS**

September 2, 1998

Donna Sytek, Speaker of the House

I must, according to Part Second, Article 14 of the New Hampshire Constitution, cease my role as Representative from District 14, Grafton County.

Please accept this as my resignation from the New Hampshire House of Representatives as of September 2, 1998.

I wish you well with your role in the difficult times we are living with. I hope to be back next year if the voters of Grafton 10 are kind to me.

Channing T. Brown, Graf 14

The Speaker accepted the resignation with regret.

September 8, 1998

Donna Sytek, Speaker of the House

It is with regret that I must tender my resignation from the New Hampshire House of Representatives effective noon on September 9, 1998. While New Hampshire is and always will be my home, I recently enrolled in a full-time graduate tax law program at New York University. From such a distance, I no longer feel able to fully represent Hillsborough District 37. Please convey my gratitude to my fellow House colleagues for their wisdom, insight and friendship.

David T. Mittelman, Hills 37

The Speaker accepted the resignation with regret.

The House of Representatives offered the following:

**HOUSE RESOLUTION NO. 59**

memorializing America's First Astronaut In Space, Alan B. Shepard of East Derry

WHEREAS, the recent death of native New Hampshire son and America's first astronaut in space, Alan B. Shepard, has saddened and deeply touched the membership of this body, and

WHEREAS, after being selected in 1959 as one of the original seven Mercury astronauts, Alan B. Shepard, on May 5, 1961, did become our country's first man in space as the pilot of the Freedom 7 spacecraft, and

WHEREAS, during the first week of February, 1971, nearly 10 years later as the commander of the Apollo 14 space mission, Alan B. Shepard did step onto the moon's surface where he spent nine hours and at the end of his walk did use a six-iron to hit several golf balls for some of the longest shots known to man, and

WHEREAS, having graduated in 1940 from Pinkerton Academy, Alan B. Shepard did graduate in 1944 from the United States Naval Academy with a commission as an Ensign, rising ultimately to the rank of Admiral after having served in the Pacific during World War II, and later as a test pilot, and

WHEREAS, having lived a life marked by constant achievement and numerous high awards, Alan B. Shepard, in 1979, did receive the Medal of Honor for space exploration, and

WHEREAS, having been born in East Derry on the 18<sup>th</sup> day of November, 1923, Alan B. Shepard never forgot his roots and freely gave much back to Pinkerton Academy and to the community, now therefore be it

RESOLVED, this day, September 10, 1998, by the House of Representatives in Regular Session convened, that Alan B. Shepard be saluted and receive this body's highest of accolades for his major contributions to American history, for his courage and for his dedicated service to Derry, to New Hampshire and to his country.

Unanimously adopted by a rising vote.

## REGULAR CALENDAR

### SUSPENSION OF RULES

Reps Wheeler and Burling moved that House Rules 25 and 64 be so far suspended as to permit reconsideration and action beyond the deadline of *SB 409*, relative to long-term care and extending the moratorium on new nursing home beds.

Reps. Emerton, Guay and Lozeau spoke in favor.

Reps. Vaillancourt, Donald Welch, and Carol Williams spoke against.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the adoption of the motion to suspend the rules.

## YEAS 248 NAYS 106

### YEAS 248

#### BELKNAP

Bartlett, Gordon  
Clark, Charles  
Lawton, David  
Veazey, John

Boriso, Thomas  
Golden, Paul  
Pilliod, James

Boyce, Robert  
Holbrook, Robert  
Salatiello, Thomas

Calvert, Alice  
Hurt, George  
Thomas, John

#### CARROLL

Babson, David, Jr.  
Dickinson, Howard, Jr.  
MacDonald, Kenneth

Bradley, Jeb  
Howard, Godfrey  
Mock, Henry

Chandler, Gene  
Kenney, Joseph  
Patten, Betsey

Cooper, Kipp  
Lyman, L. Randy  
Philbrick, Donald

#### CHESHIRE

Avery, Stephen  
Doucette, Richard  
Meader, David  
Smith, Edwin

Bonneau, Sarah  
Hunt, John  
Metzger, Katherine  
Steere, Myron, III

Champagne, Richard  
Lynch, Margaret  
Pratt, John  
Vogl, John

DePecol, Benjamin  
Manning, Joseph  
Royce, H. Charles

**COOS**

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Moynihan, Wayne
Pratt, Leighton	St. Hilaire, Paul	Tholl, John, Jr.	

**GRAFTON**

Akins, Ralph	Alger, John	Below, Clifton	Copenhaver, Marion
Eaton, Stephanie	Guaraldi, Lawrence	Guest, Robert	Ham, Bonnie
Hill, Richard	LaMott, Paul	MacNeil, Allen	Nordgren, Sharon
Phinney, William	Teschner, Douglass	Trelfa, Richard	Williams, William, Jr.

**HILLSBOROUGH**

Allen, W. Gordon	Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.
Batula, Peter	Belvin, William	Bergin, Peter	Boutin, David
Briefs, Geoffrey	Brundige, Robert	Calawa, Leon, Jr.	Carlson, Donald
Chabot, Ernest	Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr.
Cote, David	D'Allesandro, Lou	Daniels, Gary	Dawe, Eileen
Desrosiers, William	Dokmo, Cynthia	Durham, Susan	Dyer, Merton
Emerton, Lawrence, Sr.	Fields, Dennis	Flora, Kathleen	Foster, Linda
Franks, Suzan	Gagnon, Eugene	Ginsburg, Ruth	Golding, William
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Holt, David
Hunter, Bruce	Jean, Loren	Kelley, Robert	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland	Leishman, Peter
Lessard, Rudy	Letendre, Evelyn	Lozeau, Donnalee	MacAuslan, Rita
MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael	McCarty, Winston
McGough, Tim	Mercer, Robert	Messier, Irene	Milligan, Robert
Morello, Michael	O'Hearn, Jane	Pepino, Leo	Peterson, Andrew
Reidy, Frank	Riley, Frances	Sargent, Maxwell	Searles, Stanley, Sr.
Tate, Joan	Thulander, O. Alan	Wheeler, Robert	White, Donald
Wright, George			

**MERRIMACK**

Adams, Stephen	Anderson, Eric	Brown, Mary	Chandler, Earle
Colburn, Thomas	Crosby, Toni	Crowell, Peter	Davis, Francis
DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin	Hager, Elizabeth
Hoadley, Elizabeth	Lamach, Bernard	Langer, Ray	Larrabee, David
Lavoie, Gerard	Leber, William	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Morrill, Olive	Pfaff, Terence	Reardon, Tara
Seldin, Gloria	St. Cyr, Gerard	Wallner, Mary Jane	Whalley, Michael
Whitemore, James			

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn	Camm, Kevin
Carson, Gregory	Case, Margaret	Cegelis, Mark	Coes, Betsy
Cooney, Richard	Cote, Patricia	Cushing, Robert	Dalrymple, Janeen
Dearborn, Bruce	Dowd, Sandra	Dowling, Patricia	Downing, Michael
Dunham, Vivian	Fesh, Robert	Flanders, David	Flanders, John, Sr.
Francoeur, Sheila	Frechette, Joseph	Griffin, Mary	Guthrie, Joseph
Henderson, Warren	Johnson, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph	Langley, Jane
Letourneau, Robert	Lovejoy, Marian	Major, Norman	Malcolm, Kenneth
McCarthy, John, Jr.	Mikowski, Walter	Moore, Benjamin	Noyes, Richard
O'Keefe, Patricia	Packard, Sherman	Rabideau, Marie	Rubin, George
Sapareto, Frank	Simmons, John Anthony	Smith, Kevin	Stickney, Nancy
Stone, Joseph	Syracusa, Anthony	Tufts, J. Arthur	Varrell, Thomas
Vaughn, Charles	Weare, Everett	Welch, David	Weyler, Kenneth
Woods, Deborah			



**STRAFFORD**

Berube, Roger	Callaghan, Frank	Cossette, Larry	DeChane, Marlene
Kaen, Naida	Knowles, William	Merrill, Amanda	Musler, George
Rollo, Michael	Snyder, Clair	Spear, Barbara	Torr, Ann
Torr, Franklin	Tsiros, William	Vincent, Francis	Wall, Janet

**SULLIVAN**

Adler, Rudolf	Burling, Peter	Cloutier, John	Donovan, Thomas
Flint, Gordon	Kibbey, David	Lindblade, Eric	Palmer, Lorraine
Robb-Theroux, Amy	Wiggins, Celestine		

**NAYS 106****BELKNAP**

Lawton, Robert	Rice, Thomas, Jr.
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**CARROLL**

None

**CHESHIRE**

Lynott, Margaret	McGuirk, Paul	O'Connell, John	Pratt, Irene
Richardson, Barbara	Riley, William	Robertson, Timothy	Russell, Ronald

**COOS**

Hawkinson, Marie	Mears, Edgar
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**GRAFTON**

Almy, Susan	Lovett, Sidney	Luker, Elsa	Mirski, Paul
Weber, Phil			

**HILLSBOROUGH**

Ameen, W.	Baroody, Benjamin	Barry, William, III	Buckley, Raymond
Cardin, Lori	Carney, Lauren	Clemons, Jane	Cote, Peter
Daigle, Robert	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.	Fenton, James
Foster, Joseph	Gage, Ruth	Gosselin, Gerald	Goulet, Maurice
Haley, Robert	Hall, Betty	Hart, Nick	Jean, Claudette
Johnson, Lionel	Konys, Christine	Leonard, Peter	Luebker, Bernard
Lynde, Harold	Martin, Mary	McCarthy, William	McDonald, James, Sr.
McRae, Karen	Melcher, Harold	Murch, George	Murphy, Robert
O'Rourke, Thomas	Perkins, Paul	Turgeon, Roland	Vaillancourt, Steve
Welch, Donald	White, Jay	Williams, Carol	

**MERRIMACK**

Burney, Carol	Daneault, Gabriel	Fraser, Marilyn	French, Barbara
Gile, Mary	Jacobson, Alf	Krueger, Patricia	Lockwood, Robert
Owen, Derek	Wallin, Jean	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Bishop, Franklin	Dodge, Robert
Dolan, Richard	Flanagan, Natalie	Gibbons, Paul	Heath, John
Hutchinson, Rebecca	Kelley, Jane	Langone, John	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Raynowska, Bernard	Sabella, Norma
Schanda, Frank	Stritch, C. Donald		

**STRAFFORD**

Bickford, David	Brennan, William	Brown, George	Dunlap, Patricia
Estabrook, Iris	Grassie, Anne	Hemon, Roland	Heon, Richard

Keans, Sandra  
Rogers, Rose Marie  
Twardus, Joseph

Lundborn, Raymond  
Smith, Marjorie  
Vachon, Dennis

McCann, William, Jr.  
Sullivan, Henry

Pelletier, Arthur  
Taylor, Kathleen

### SULLIVAN

Allison, David

Ferland, Brenda

Leone, Richard

and the motion was adopted by the necessary two-thirds.

### RECONSIDERATION

Having voted with the prevailing side, Reps. Wheeler and Burling moved that the House reconsider its action of June 10, 1998, whereby it Referred to Interim Study **SB 409**, relative to long-term care and extending the moratorium on new nursing home beds.  
Adopted.

The question now being the adoption of the committee report of Refer to Interim Study on **SB 409**, relative to long-term care and extending the moratorium on new nursing home beds.  
On a division vote, 98 members having voted in the affirmative and 255 in the negative, the report failed.

Rep. Kurk moved Ought to Pass with Amendment on **SB 409**, relative to long-term care and extending the moratorium on new nursing home beds.

**SB 409-FN**, relative to long-term care and extending the moratorium on new nursing home beds.  
**OUGHT TO PASS WITH AMENDMENT**

Rep. Neal M. Kurk for Finance: This bill, as amended, is an initial step toward incrementally re-balancing the state's long-term care system and expanding choices available to recipients. It reflects a joint, summer-long effort by the Finance Committee, members of the Health and Human Services Committee and members of the Senate in conjunction with officials from the Department of Health and Human Services. The bill provides elderly and chronically ill adults who are Medicaid-eligible for nursing home services with a continuum of care more appropriate to their needs and more affordable to the state and its taxpayers. It adds mid-level care, such as assisted living and residential care services, to the currently available nursing home and home-and-community-based care services and affirmatively establishes the right to consumer choice among these options, subject to reasonable cost controls. A community-based information and referral network will be set up so all citizens will be more knowledgeable about long-term care options, and \$4 million is set aside from proportionate share funds to develop the necessary community infrastructure to improve long-term care services.

The bill, as amended, also establishes an acuity-based reimbursement system for nursing homes and a comprehensive needs assessment process to assure that appropriate services will be provided. Program management and cost controls require separate class lines in the biennial budget for each level of service and limit the average cost of mid-level and home-based care to a percentage of the cost of nursing home care.

A new cost-sharing partnership between the counties and the state is established, if approved by the legislative delegation of each of the counties, as required by Art. 28-a of the state constitution. The counties will see their proportions of the non-federal share of nursing home costs reduced from 61 percent to 50 percent but that percentage will now also be applied to provider payments, mid-level care and home-and-community-based care in excess of \$2 million per year. County liability for these costs is capped at specified dollar amounts each year until 2003, at which time these new cost-sharing provisions sunset. The committee recommends this bill as an important first step for the state and its counties to take in providing more appropriate and more cost-effective long-term care services to a rapidly growing elderly population. Vote 18-1.

### Amendment (2370h)

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

AN ACT relative to long-term care.

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

1 New Chapter; Long-Term Care. Amend RSA by inserting after chapter 151-D the following new chapter:

CHAPTER 151-E  
LONG-TERM CARE

151-E:1 Purpose.

I. The purpose of this chapter is to provide medicaid eligible elderly and chronically ill adults with a continuum of care appropriate to their needs and affordable to the state and its taxpayers.

II. To a great extent, the current system relies on nursing facilities to provide care for this group. While the quality of this care is high, an increasingly elderly and disabled population and a constrained public financial resource base require the state to reevaluate how long-term care services are provided. Moreover, many long-term care recipients and potential recipients prefer to be cared for at home or in other settings less acute than a nursing facility. Because far more may be spent on nursing facility care than on home and community-based care, there is an inherent difference between the state's present long-term care system and what recipients prefer.

III. This chapter is an initial step toward incrementally rebalancing the long-term care system and expanding choices available to recipients. It increases the continuum of care by adding mid-level care, including but not limited to, assisted living and residential care services. Through an acuity-based reimbursement system and a comprehensive needs assessment process, it encourages those eligible for medicaid nursing facility services to consider more appropriate, less costly mid-level services and home and community-based care. In this way, the state intends to serve this increasing medicaid eligible population more appropriately and more economically.

151-E:2 Definitions. In this chapter:

I. "Assisted living facility" means a facility with individual living units where medical and social support services are provided on the basis of an individualized plan of care and which provides other common social support services.

II. "Congregate housing" means public housing providing congregate services as defined in RSA 161-F:36.

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

IV. "Home-based care" means a range of medical and supportive services provided under the medicaid waiver to persons in their own homes or in the home of a relative or other person.

V. "Nursing facility" means an institution or facility, or a distinct part of an institution or facility, whether proprietary or non-proprietary, which is primarily engaged in providing 24-hour care for residents needing:

(a) Skilled nursing care, medical monitoring, and related services;

(b) Rehabilitation services for the rehabilitation of injured chronically disabled or sick;

(c) Medication administration or instruction and supervision; or

(d) On a regular basis, health-related care and services (above the level of room and board) which can be made available to them only through institutional facilities which provide 24-hour care.

VI. "Medicaid waiver" means the medicaid home and community-based care waiver for the elderly and the chronically ill.

VII. "Mid-level care" means care provided in an assisted living facility, congregate housing, or residential care facility under the medicaid waiver.

VIII. "Residential care facility" means a facility, including a supported residential care facility, which provides services to 2 or more individuals, beyond room and board care, in a residential setting, as an alternative to nursing facility care, which offers residents home-like living arrangements, social, health, or medical services, including but not limited to, medical or nursing supervision, or medical care or treatment by appropriately trained or licensed individuals, assistance in daily living, or protective care.

151-E:3 Eligibility.

I. A person is medicaid eligible for nursing facility services if the person is:

(a) Clinically eligible for nursing facility care because the person requires 24-hour care for one or more of the following purposes, as determined by the department:

(1) Medical monitoring and nursing care;

(2) Restorative nursing or rehabilitative care;

(3) Medication administration or instruction and supervision of self-medication for discharge purposes only; or



(4) Assistance with 2 or more activities of daily living; and

(b) Financially eligible as either:

(1) Categorically needy, if monthly income is equal to or less than \$1,250 and resources are equal to or less than \$1,500, as calculated pursuant to rules adopted by the department under RSA 541-A; or

(2) Medically needy, if income is equal to or less than the medicaid rate of the nursing facility and resources are equal to or less than \$2,500, as calculated in accordance with rules adopted by the department pursuant to RSA 541-A.

II. A person is eligible for services under the medicaid waiver if the person has been determined eligible under RSA 151-E:3, I.

151-E:4 Consumer Choice. A person who has been determined to be medicaid eligible for nursing facility services in accordance with RSA 151-E:3 shall have the right to receive nursing facility services; however, the person may choose to receive services in a less restrictive setting if such services are available and do not result in costs to the state and counties in excess of the limitations set forth in RSA 151-E:11, II. Such choice shall be subject to limitations imposed by federal and state laws and regulations.

151-E:5 Information and Referral. The department shall establish a system of community-based focal points that provide information and referral services to elderly and chronically ill adults. The information and referral network established under this section shall not be used for the purpose of political or legislative advocacy.

151-E:6 Acuity-Based Reimbursement System.

I. The department shall pursue as expeditiously as possible the development and implementation of a reimbursement system for nursing facility services based primarily on the acuity level of patients consistent with state and federal law and all appropriate notice requirements. All nursing facilities shall use best efforts to provide all information and data requested by the department in the course of its development of such a system and to assist the department in any manner reasonably requested by the department.

II. Unless otherwise required by state or federal law, the acuity-based reimbursement system developed by the department shall not create separate classifications for county and non-county facilities and shall be based on the concept of the cost of operating an efficient facility rather than actual costs.

III. The department shall implement the acuity-based reimbursement system on or before January 1, 1999 or as soon thereafter as practicable.

151-E:7 Needs Assessment for Applicants for Nursing Facility Services.

I. In order to determine the most cost effective and appropriate level of long-term care services, the department shall assess the clinical eligibility of each applicant to a nursing facility in a uniform manner throughout the state. The assessment shall be voluntary for all applicants, except those who have applied for or have been determined to be eligible for medicaid benefits.

II. The assessment shall be completed prior to admission or, if necessary for reasons of the person's health or safety, as soon after admission as possible, in accordance with rules adopted by the department pursuant to RSA 541-A.

III. The department in a uniform manner throughout the state shall determine whether the person is clinically eligible for nursing facility services.

IV. The department shall inform both the applicant and the administrator of the nursing facility of the department's determination of the services needed by the applicant and shall provide information and assistance to the applicant in accordance with RSA 151-E:9.

V. If a nursing facility admits a person who at the time of admission was not determined to be clinically eligible for the level of services provided by a nursing facility and that person, within a 3-year period after admission, is determined to be financially eligible for medicaid benefits pursuant to RSA 151-E:3, I(b), the nursing facility shall be responsible for all costs of medicaid-funded long-term care services provided to the individual for the period of time, not to exceed one year, from the date of the determination of financial eligibility to the end of the third year of admission unless the individual is determined to be clinically eligible for nursing facility services.

VI. Any assessment of medical needs conducted under this section shall be conducted by a qualified medical professional.

151-E:8 Assessment or Reassessment at Time of Eligibility. The department shall perform an assessment or reassessment of the person's clinical eligibility when the person becomes financially eligible for medicaid benefits pursuant to RSA 151-E:3, I(b).

151-E:9 Information and Assistance. The department shall provide information and assistance to each applicant to a nursing facility. Such information and assistance shall:

I. Be based upon the principle that services shall be provided in the setting that is least restrictive of the applicant's ability to live independently;

II. Take into consideration the applicant's choice of service location;

III. Include information regarding the degree to which the services sought are available at home or in some other community-based setting;

IV. Explain the relative costs to the applicant of choosing care in the home or other setting rather than nursing facility care; and

V. Include advice as to whether receiving services in a home or other community-based setting is clinically appropriate for the applicant.

151-E:10 Notification by Hospitals. Prior to the discharge or referral of any person to any nursing facility, a hospital shall notify the department that such person requires nursing facility services which necessitate an assessment under RSA 151-E:7 or the provision of information and assistance under RSA 151-E:9.

151-E:11 Program Management and Cost Controls.

I. The department shall designate in its operating budget requests, specific class lines for nursing facility, mid-level, and home-based care provided for in this chapter. These class lines shall reflect, and the requesting documentation shall include, the anticipated number of persons to receive services. The department shall not increase expenditures in approved budgets for care class lines or the number of persons to receive mid-level or home care services without the approval of the legislative fiscal committee.

II. For the fiscal year beginning July 1, 1999, and each fiscal year thereafter the average annual cost for the provision of services to persons in the mid-level of care shall not exceed 50 percent of the average annual cost for the provision of services in a nursing facility. The average annual cost for the provision of services in home-based care shall not exceed 33 percent of the average annual cost for the provision of services to persons in a nursing facility. Average annual costs shall be the net medicaid costs exclusive of provider payments.

151-E:12 Rulemaking. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to the administration of this chapter.

2 Prohibition Added. Amend RSA 151-C:4, III to read as follows:

III. (a) No certificate of need shall be granted by the board for any nursing home, skilled nursing facility, intermediate care facility or rehabilitation facility from the effective date of ~~the 1995~~ *chapter 310, laws of 1995*, department of health and human services reorganization act, through the period ending December 31, 2001, except that a certificate of need may be issued for replacement or renovation of existing beds as necessary to meet life safety code requirements or to remedy deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification process pursuant to titles XVIII and XIX of the Social Security Act ~~[or for other good cause]~~.

(b) *No certificate of need shall be granted by the board for any nursing home, skilled nursing facility or intermediate care facility if it will result in the total number of licensed nursing facility beds in the region exceeding 40 beds per each 1,000 persons aged 65 and older living in the region.*

3 New Paragraph; Nursing Facility; Certificate of Need. Amend RSA 151-C:6 by inserting after paragraph II the following new paragraph:

III. In any standards for nursing facilities, the board shall provide that priority for a certificate of need for additional nursing facility beds shall be given to any facility which after January 1, 1999, has surrendered its certificate of need for the same or greater number of nursing facility beds. A facility may transfer to any other entity its priority status for a new certificate of need.

4 New Paragraph; Residential Care Facility Licensing Rules. Amend RSA 151:2 by inserting after paragraph III the following new paragraph:

IV. Licensing rules for residential care facilities and supported residential care facilities, as defined in rules adopted by the department pursuant to RSA 541-A, which are licensed pursuant to RSA 151:2, I(e), shall permit such facilities to admit residents who have been determined eligible

for nursing facility services under a medicaid home and community-based care waiver for the elderly and chronically ill and who have been referred to such a facility as an alternative to placement in a nursing facility, provided that the clinical services and supports required by the person can be provided or obtained in the facility. No bed may be licensed in both the nursing facility and residential care facility categories at the same time.

5 Patient's Bill of Rights. Amend RSA 151:21, V to read as follows:

V. The patient shall be transferred or discharged after appropriate discharge planning only for medical reasons, for the patient's welfare or that of other patients, if the facility ceases to operate, or for nonpayment for the patient's stay, except as prohibited by Title XVIII or XIX of the Social Security Act. *No patient shall be involuntarily discharged from a facility because the patient becomes eligible for medicaid as a source of payment.*

6 New Paragraph; Patients' Bill of Rights. Amend RSA 151:21 by inserting after paragraph XIX the following new paragraph:

XX. The patient shall not be denied admission to the facility based on medicaid as a source of payment when there is an available space in the facility.

7 New Paragraph; Reserve Accounts. Amend RSA 24:13 by inserting after paragraph III the following new paragraph:

IV. Any county upon a majority vote of the county commissioners and subsequent majority vote of the county convention may establish a nonlapsing reserve account for the purposes of funding long-term care services.

8 Reimbursement of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County Payments. Amend RSA 167:18-b to read as follows:

167:18-b Reimbursement of Funds for [~~Recipients in~~] *Persons Eligible to Receive Nursing [Homes] Home Services; Limitation on County Payments.*

I. All expenditures in carrying out the purposes of this chapter or RSA 161 relative to old age assistance or aid to the permanently and totally disabled recipients who are in nursing homes shall be made in the first instance from the public assistance fund hereby created, but each [~~political subdivision~~] county shall make monthly payments to the state for the amounts due under this section within 30 days from notice thereof and shall reimburse said fund for all assistance granted to persons for which such [~~political subdivision~~] county is liable, to the extent of [~~61.1~~] 50 percent of the non-federal share, except that no charges shall be made for the non-federal share for recipients in state institutions and intermediate care facilities for the mentally retarded (ICF-MR) serving developmentally impaired persons approved by the department of health and human services.

II. *Each county shall be liable in the same manner as provided for in paragraph I for old age assistance and aid to the permanently and totally disabled recipients who are eligible for nursing home care, but who are in another setting as an alternative to placement in a nursing home and are supported under the medicaid home and community-based care waiver for the elderly and chronically ill, as such waiver may be amended from time to time, except that no charges shall be made for services under the waiver to the extent the average cost of all such services exceeds the average cost for care that would have been provided in nursing homes.*

III. *The counties shall have an aggregate credit of \$2,000,000 against amounts due under this section for each fiscal year beginning July 1, 1998. The \$2,000,000 shall be allocated among the counties based upon the proportion each paid under this section in the prior fiscal year and shall be made available as soon as possible after the start of the fiscal year. If the federal share of expenditures under this section is made available to the state in a method other than as a fixed percentage reimbursement, the non-federal share shall be the amount of expenditures remaining after appropriate application of federal funds.*

IV. *The total reimbursements by all counties made pursuant to this section for persons who have been determined eligible to receive nursing facility services shall not exceed the amounts set forth below for any of the state fiscal years 1999-2003:*

- (a) State fiscal year 1999-\$54,000,000.
- (b) State fiscal year 2000-\$58,000,000.
- (c) State fiscal year 2001-\$63,000,000.
- (d) State fiscal year 2002-\$70,000,000.
- (e) State fiscal year 2003-\$77,000,000.



*V. In no event shall the financial obligation of any county for reimbursement of funds pursuant to paragraph I for state fiscal year 1999 exceed the amount that the county otherwise would have had to pay pursuant to paragraph I if this section were not effective prior to July 1, 1999.*

*VI. For purposes of this section all expenditures shall include all reimbursements made for medicaid services, including but not limited to, payments for skilled nursing, hospital, physician and pharmaceutical services.*

9 Local Medical Assistance Contribution. Amend RSA 167:18-f to read as follows:

167:18-f Local Medical Assistance Contribution. In addition to any other reimbursement required by law, each county shall, within 60 days from notice thereof, reimburse the public assistance fund at the rate of \$6 per month for each recipient of old age assistance and \$23 per month for each recipient of aid to the permanently and totally disabled for whom the county would be liable under the provisions of RSA 166, *except that no reimbursement shall be required for any recipient for whom the county has an obligation under RSA 167:18-b.*

10 County Approval Required. Sections 8 and 9 of this act shall not take effect unless both are approved by the legislative body of each of the state's counties on or before December 31, 1998. The chairman of the board of county commissioners in each county shall notify the commissioner of health and human services of the date when such approval occurs, but no later than January 15, 1999. The commissioner of health and human services shall notify the director of legislative services of the date the commissioner receives notification of all 10 counties' approval.

11 New Subdivision; Long-Term Care Assistance Fund Established. Amend RSA 167 by inserting after section 93 the following new subdivision:

Long-Term Care Assistance Fund

167:94 Long-Term Care Assistance Fund.

I. There is hereby established in the office of the state treasurer a fund to be known as the long-term care assistance fund. The sum of \$1,000,000 is hereby appropriated to the long-term care assistance fund and such sum may be encumbered or expended during fiscal year 1999. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. For fiscal year 1999, payments from the proportionate share funds and any surplus carried forward from previous years shall be expended in accordance with the following priorities:

(a) All appropriations under 1995, 310:63 and 1997, 350:1, 05, 350:11 and 351:5 to accounts within the department of health and human services.

(b) Reimbursement from unappropriated proportionate share funds to the general fund for the \$1,000,000 expenditure.

(c) Up to an additional \$3,000,000 shall be deposited in and is hereby appropriated to the long-term care assistance fund.

III. The state treasurer shall invest and reinvest the assets of the fund in accordance with law, and the principal assets and accumulated income in the fund shall be nonlapsing and shall be continuously appropriated to the department of health and human services. The department shall not commit or expend any funds from the long-term care assistance fund, except as may be contained in an annual spending plan, without consultation with the oversight committee on health and human services and approval by the legislative fiscal committee.

167:95 Purposes of the Fund. The principal assets and interest earnings from the fund shall be used exclusively by the department of health and human services for the development of the community-based infrastructure needed to implement the community initiatives contained in the department's long-term care plan. No expenditures may be made for the purposes of political or legislative advocacy.

167:96 Available Assets. Commencing with the fiscal year ending June 30, 2000, the state treasurer shall annually, on or before October 1, certify an amount to the commissioner which shall be the sum of the market value of the principal assets and interest earnings held in the fund available to be expended under RSA 167:95. Notwithstanding any other provision of law, the funds authorized for expenditure shall not be reduced by any funds made available from other sources.

167:97 Restrictions on Support. In developing the community-based infrastructure pursuant to RSA 169:95 or in any other program, the department shall act as a single state agency on aging and shall not establish or provide support to area agencies on aging.

12 Applicability. Nothing in this act shall be construed to create a new right or entitlement on behalf of any person to receive a service provided by the state.

13 Request for Federal Waiver. The commissioner of the department of health and human services, shall request a waiver from the health care financing administration of the federal department of health and human services, which will allow purchasers of long-term care insurance policies that have been approved by the New Hampshire department of health and human services to be exempt from certain financial requirements of the medicaid program. If the waiver is approved then the commissioner shall adopt rules pursuant to RSA 541-A, to implement this program.

14 Requests for Amendment to Waiver. Except as otherwise provided in this act, the department of health and human services shall not request any amendment to the medicaid home and community-based care waiver for the elderly and chronically ill that on a net basis increases costs, without prior notice to all county commissioners, consultation with the oversight committee on health and human services, and prior approval of the legislative fiscal committee.

#### 15 Reports Required; Copies.

I. On December 31 of each year, the department of health and human services shall make a report to the speaker of the house, the president of the senate, the governor, the house health, human services and elderly affairs committee, the senate public institutions, health and human services committee, and the oversight committee on health and human services, established in RSA 126-A:13, on the activities, services and outcomes which result from each section of this act, including, but not limited to efficiency and effectiveness.

II. Counties being an integral part of the long-term care plan, the department shall provide a copy of the annual spending plan approved by the legislative fiscal committee and a copy of the report required in paragraph I to each county commissioner.

#### 16 Repeal. The following are repealed:

I. RSA 167:18-b, relative to reimbursement of funds for recipients of nursing facility services.

II. RSA 167:18-f, relative to local medical assistance contributions.

III. 1997, 309, relative to a residential care services program and a residential care oversight committee.

IV. Section 14 of this act, relative to requests for amendment to waiver.

#### 17 Effective Date.

I. Sections 8 and 9 of this act shall take effect on January 1, 1999 or upon approval in accordance with section 10 of this act, whichever is later.

II. Paragraphs I and II of section 16 of this act shall take effect on July 1, 2003.

III. Paragraph IV of section 16 of this act shall take effect July 1, 2001.

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

### AMENDED ANALYSIS

This bill:

(1) Changes the ratio of reimbursement funds required by the counties and state for nursing home care.

(2) Requires the department of health and human services to establish an acuity-based reimbursement system.

(3) Establishes a needs assessment progress for individuals applying for long-term care services.

(4) Requires the department of health and human services to submit a report on this act on December 31 of each year.

The question now being the adoption of the amendment.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Carol Williams spoke against and yielded to questions.

Rep. Almy spoke against.

Rep. Emerton spoke in favor.

Adopted.

The question now being the adoption of the report.

Rep. Donald Welch requested a roll call; sufficiently seconded.

**YEAS 292 NAYS 73****YEAS 292****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Golden, Paul	Holbrook, Robert	Hurt, George
Lawton, David	Lawton, Robert	Pilliod, James	Rice, Thomas, Jr.
Salatiello, Thomas	Thomas, John	Veazey, John	

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	Philbrick, Donald

**CHESHIRE**

Avery, Stephen	Bonneau, Sarah	Champagne, Richard	DePecol, Benjamin
Doucette, Richard	Hunt, John	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	Meador, David	Metzger, Katherine	O'Connell, John
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	Vogl, John

**COOS**

Bradley, Paula	Coulombe, Henry	Davis, Perley	Guay, Lawrence
Hawkinson, Marie	Horton, Lynn	Mears, Edgar	Merrill, Gerald
Moynihan, Wayne	Pratt, Leighton	St. Hilaire, Paul	Tholl, John, Jr.

**GRAFTON**

Akins, Ralph	Alger, John	Below, Clifton	Copenhaver, Marion
Eaton, Stephanie	Guaraldi, Lawrence	Guest, Robert	Ham, Bonnie
Hill, Richard	Hinman, Harry	LaMott, Paul	Luker, Elsa
MacNeil, Allen	Nordgren, Sharon	Phinney, William	Teschner, Douglass
Trelfa, Richard	Weber, Phil	Williams, William, Jr.	

**HILLSBOROUGH**

Allen, W. Gordon	Alukonis, David	Ameen, W.	Amidon, Eleanor
Arnold, Thomas, Jr.	Batula, Peter	Belvin, William	Bergin, Peter
Boutin, David	Briefs, Geoffrey	Brundige, Robert	Calawa, Leon, Jr.
Carlson, Donald	Carney, Lauren	Chabot, Ernest	Chabot, Robert
Christiansen, Lars	Clegg, Robert, Jr.	Clemons, Jane	D'Allesandro, Lou
Dawe, Eileen	Desrosiers, William	Dokmo, Cynthia	Durham, Susan
Dwyer, Paul, Sr.	Dyer, Merton	Emerton, Lawrence, Sr.	Fields, Dennis
Flora, Kathleen	Foster, Linda	Gage, Ruth	Gagnon, Eugene
Ginsburg, Ruth	Golding, William	Goulet, Maurice	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Holt, David	Hunter, Bruce
Jean, Claudette	Jean, Loren	Kelley, Robert	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland	Leishman, Peter
Lessard, Rudy	Letendre, Evelyn	Lozeau, Donnalee	Lynde, Harold
MacAuslan, Rita	MacGillivray, Jeffrey	MacIntyre, Doris	McCarty, Winston
McGough, Tim	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Morello, Michael	Murphy, Robert	O'Hearn, Jane
Pepino, Leo	Perkins, Paul	Peterson, Andrew	Piteri, Dawn
Reidy, Frank	Riley, Frances	Sargent, Maxwell	Searles, Stanley, Sr.
Tate, Joan	Thulander, O. Alan	Wheeler, Robert	White, Donald
White, Jay	Wright, George		



**MERRIMACK**

Adams, Stephen	Anderson, Eric	Brown, Mary	Burney, Carol
Chandler, Earle	Colburn, Thomas	Crosby, Toni	Crowell, Peter
Daneault, Gabriel	Davis, Francis	DeStefano, Stephen	Dunn, Miriam
Feuerstein, Martin	Fraser, Marilyn	Gile, Mary	Hager, Elizabeth
Hoadley, Elizabeth	Jacobson, Alf	Krueger, Patricia	Lamach, Bernard
Langer, Ray	Larrabee, David	Leber, William	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Morrill, Olive	Pfaff, Terence
Reardon, Tara	Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean
Wallner, Mary Jane	Whalley, Michael	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Camm, Kevin	Carson, Gregory	Case, Margaret	Cegelis, Mark
Christie, Andrew, Jr.	Coes, Betsy	Cooney, Richard	Cote, Patricia
Dalrymple, Janeen	Dearborn, Bruce	Dolan, Richard	Dowd, Sandra
Dowling, Patricia	Downing, Michael	Dunham, Vivian	Fesh, Robert
Flanders, David	Flanders, John, Sr.	Frechette, Joseph	Gibbons, Paul
Gleason, John	Griffin, Mary	Guthrie, Joseph	Heath, John
Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Lovejoy, Marian
Major, Norman	Malcolm, Kenneth	McCarthy, John, Jr.	McKinney, Betsy
Mikowski, Walter	Moore, Benjamin	Morris, Debbie	Nowe, Ronald
Noyes, Richard	O'Keefe, Patricia	Packard, Sherman	Pitts, Jacqueline
Rabideau, Marie	Reardon, Neil	Sapareto, Frank	Simmons, John Anthony
Stickney, Nancy	Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony
Tufts, J. Arthur	Varrell, Thomas	Vaughn, Charles	Welch, David
Weyler, Kenneth	Woods, Deborah		

**STRAFFORD**

Berube, Roger	Callaghan, Frank	Cossette, Larry	DeChane, Marlene
Estabrook, Iris	Grassie, Anne	Hemon, Roland	Heon, Richard
Kaen, Naida	Knowles, William	McKinley, Robert	Merrill, Amanda
Musler, George	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spear, Barbara	Sullivan, Henry	Taylor, Kathleen	Tsiros, William
Vincent, Francis	Wall, Janet		

**SULLIVAN**

Adler, Rudolf	Allison, David	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Flint, Gordon	Kibbey, David	Leone, Richard
Palmer, Lorraine	Robb-Theroux, Amy	Schotanus, Merle	Wiggins, Celestine

**NAYS 73****BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

McGuirk, Paul	Robertson, Timothy	Russell, Ronald
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**COOS**

Coulombe, Yvonne

**GRAFTON**

Almy, Susan	Lovett, Sidney	Mirski, Paul
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**HILLSBOROUGH**

Baroody, Benjamin	Barry, William, III	Bernier, Shannon	Buckley, Raymond
Cardin, Lori	Cote, David	Cote, Peter	Daigle, Robert
Daniels, Gary	Drabinowicz, A. Theresa	Fenton, James	Foster, Joseph
Franks, Suzan	Gosselin, Gerald	Haley, Robert	Hall, Betty
Hart, Nick	Johnson, Lionel	Kony, Christine	Leonard, Peter
Luebker, Bernard	Marcinkowski, Michael	Martin, Mary	McCarthy, William
McDonald, James, Sr.	McRae, Karen	Murch, George	O'Rourke, Thomas
Turgeon, Roland	Vaillancourt, Steve	Welch, Donald	Williams, Carol

**MERRIMACK**

French, Barbara	Lavoie, Gerard	Lockwood, Robert	Owen, Derek
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**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Cushing, Robert	Dodge, Robert
Flanagan, Natalie	Francoeur, Sheila	Kelley, Jane	Norelli, Terie
Pantelakos, Laura	Raynowska, Bernard	Rubin, George	Sabella, Norma
Schanda, Frank	Smith, Kevin	Weare, Everett	

**STRAFFORD**

Bickford, David	Brennan, William	Brown, George	Dunlap, Patricia
Keans, Sandra	Lundborn, Raymond	McCann, William, Jr.	Pelletier, Arthur
Rogers, Rose Marie	Torr, Ann	Torr, Franklin	Twardus, Joseph
Vachon, Dennis			

**SULLIVAN**

Burling, Peter	Lindblade, Eric
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and the report was adopted.  
Ordered to third reading.

**RESOLUTION**

Without objection, Reps. Wheeler and Burling offered the following: **RESOLVED** that **SB 409**, relative to long-term care and extending the moratorium on new nursing home beds, be read a third time and passed.  
Adopted.

**Third reading and final passage**

**SB 409**, relative to long-term care and extending the moratorium on new nursing home beds.

**SPECIAL ORDER**

Rep. Wheeler moved that **CACR 44**, relating to clarifying the phrase "proportional and reasonable" in the constitution. Providing that to the extent local property taxes are used to fund an adequate education, tax rates among different local taxing districts shall be proportional and reasonable if, utilizing real property valuations equalized throughout the state, the lowest tax rate utilized by any one local taxing district is not less than 50 percent of the highest tax rate utilized by any other local taxing district, be made a Special Order for the end of the Regular Calendar and spoke in favor.  
Adopted.

**REGULAR CALENDAR (CONT'D.)**

**CACR 46**, relating to the right of each educable child to an adequate education, and the proportionality and reasonableness of local taxes for education. Providing that the right of every child to an adequate education shall be enforced by appropriate legislation, that the state may

delegate to its political subdivisions the duty to provide an adequate education, and that a tax imposed to implement such a delegated duty shall be proportional and reasonable. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Vaughn for Finance: The issues addressed in this CACR are in large measure covered in the House amendment to the Senate's CACR 45. Vote 19-0.

Rep. Kurk spoke against and yielded to questions.

Rep. Rollo requested a roll call; sufficiently seconded.

The question being the adoption of the report.

### YEAS 171 NAYS 191

#### YEAS 171

#### BELKNAP

Lafam, Robert

Salatiello, Thomas

#### CARROLL

None

#### CHESHIRE

Bonneau, Sarah

DePecol, Benjamin

Doucette, Richard

Lynch, Margaret

Lynott, Margaret

Manning, Joseph

McGuirk, Paul

Meador, David

O'Connell, John

Pratt, Irene

Pratt, John

Richardson, Barbara

Robertson, Timothy

Russell, Ronald

Vogl, John

#### COOS

Bradley, Paula

Hawkinson, Marie

Mears, Edgar

Moynihan, Wayne

#### GRAFTON

Almy, Susan

Below, Clifton

Copenhaver, Marion

Guest, Robert

Hill, Richard

Lovett, Sidney

Luker, Elsa

Nordgren, Sharon

Williams, William, Jr.

#### HILLSBOROUGH

Allen, W. Gordon

Ameen, W.

Baroody, Benjamin

Barry, William, III

Bernier, Shannon

Buckley, Raymond

Cardin, Lori

Carlson, Donald

Clemons, Jane

Cote, David

Cote, Peter

D'Allesandro, Lou

Daigle, Robert

Dokmo, Cynthia

Drabinowicz, A. Theresa

Dwyer, Paul, Sr.

Fenton, James

Foster, Joseph

Foster, Linda

Franks, Suzan

Gage, Ruth

Gagnon, Eugene

Ginsburg, Ruth

Gosselin, Gerald

Haley, Robert

Hall, Betty

Hart, Nick

Jean, Claudette

Johnson, Lionel

Konys, Christine

Lefebvre, Roland

Leonard, Peter

Lynde, Harold

MacAuslan, Rita

MacGillivray, Jeffrey

Marcinkowski, Michael

Martin, Mary

McCarthy, William

McDonald, James, Sr.

Melcher, Harold

Messier, Irene

Morello, Michael

Murphy, Robert

O'Rourke, Thomas

Perkins, Paul

Reidy, Frank

Turgeon, Roland

Vaillancourt, Steve

Welch, Donald

White, Jay

Williams, Carol

#### MERRIMACK

Burney, Carol

Chandler, Earle

Crosby, Toni

Daneault, Gabriel

DeStefano, Stephen

Dunn, Miriam

Fraser, Marilyn

French, Barbara

Gile, Mary

Lavoie, Gerard

Lockwood, Robert

Marshall, Kenneth

Maxfield, Roy

Moore, Carol

Owen, Derek

Reardon, Tara

St. Cyr, Gerard

Wallin, Jean

Wallner, Mary Jane

Yeaton, Charles

#### ROCKINGHAM

Abbott, Dennis

Bishop, Franklin

Blanchard, MaryAnn

Coes, Betsy

Cooney, Richard

Cushing, Robert

Dodge, Robert

Downing, Michael



Flanagan, Natalie  
Hutchinson, Rebecca  
Langone, John  
Noyes, Richard  
Raynowska, Bernard  
Syracusa, Anthony

Frechette, Joseph  
Johnson, Robert  
Lovejoy, Marian  
O'Keefe, Patricia  
Sabella, Norma

Gibbons, Paul  
Kane, Cecelia  
McCarthy, John, Jr.  
Pantelakos, Laura  
Sapareto, Frank

Heath, John  
Kelley, Jane  
Norelli, Terie  
Pitts, Jacqueline  
Schanda, Frank

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Hemon, Roland  
Knowles, William  
Pelletier, Arthur  
Snyder, Clair  
Torr, Franklin  
Wall, Janet

Brennan, William  
Dunlap, Patricia  
Heon, Richard  
Lundborn, Raymond  
Rogers, Rose Marie  
Sullivan, Henry  
Twardus, Joseph

Brown, George  
Estabrook, Iris  
Kaen, Naida  
McCann, William, Jr.  
Rollo, Michael  
Taylor, Kathleen  
Vachon, Dennis

Callaghan, Frank  
Grassie, Anne  
Keans, Sandra  
Merrill, Amanda  
Smith, Marjorie  
Torr, Ann  
Vincent, Francis

### SULLIVAN

Allison, David  
Ferland, Brenda  
Palmer, Lorraine

Burling, Peter  
Fiint, Gordon  
Robb-Theroux, Amy

Cloutier, John  
Kibbey, David  
Schotanus, Merle

Donovan, Thomas  
Lindblade, Eric  
Wiggins, Celestine

### NAYS 191

### BELKNAP

Bartlett, Gordon  
Clark, Charles  
Lawton, David  
Thomas, John

Boriso, Thomas  
Golden, Paul  
Lawton, Robert  
Veazey, John

Boyce, Robert  
Holbrook, Robert  
Pilliod, James

Calvert, Alice  
Hurt, George  
Rice, Thomas, Jr.

### CARROLL

Babson, David, Jr.  
Dickinson, Howard, Jr.  
MacDonald, Kenneth

Bradley, Jeb  
Howard, Godfrey  
Mock, Henry

Chandler, Gene  
Kenney, Joseph  
Patten, Betsey

Cooper, Kipp  
Lyman, L. Randy  
Philbrick, Donald

### CHESHIRE

Avery, Stephen  
Riley, William

Champagne, Richard  
Royce, H. Charles

Hunt, John  
Smith, Edwin

Metzger, Katherine  
Steere, Myron, III

### COOS

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
St. Hilaire, Paul

Horton, Lynn  
Tholl, John, Jr.

Merrill, Gerald

### GRAFTON

Akins, Ralph  
Ham, Bonnie  
Phinney, William

Alger, John  
Hinman, Harry  
Teschner, Douglass

Eaton, Stephanie  
MacNeil, Allen  
Trelfa, Richard

Guaraldi, Lawrence  
Mirski, Paul  
Weber, Phil

### HILLSBOROUGH

Alukonis, David  
Belvin, William  
Brundige, Robert  
Chabot, Robert  
Dawe, Eileen  
Emerton, Lawrence, Sr.  
Goulet, Maurice  
Holt, David

Amidon, Eleanor  
Bergin, Peter  
Calawa, Leon, Jr.  
Christiansen, Lars  
Desrosiers, William  
Fields, Dennis  
Hansen, Herbert  
Hunter, Bruce

Arnold, Thomas, Jr.  
Boutin, David  
Carney, Lauren  
Clegg, Robert, Jr.  
Durham, Susan  
Flora, Kathleen  
Herman, Keith  
Jean, Loren

Batula, Peter  
Briefs, Geoffrey  
Chabot, Ernest  
Daniels, Gary  
Dyer, Merton  
Golding, William  
Holley, Sylvia  
Kelley, Robert

Kurk, Neal  
 Lessard, Rudy  
 MacIntyre, Doris  
 Mercer, Robert  
 Pepino, Leo  
 Sargent, Maxwell  
 Wheeler, Robert

L'Heureux, Robert  
 Letendre, Evelyn  
 McCarty, Winston  
 Milligan, Robert  
 Peterson, Andrew  
 Searles, Stanley, Sr.  
 White, Donald

LaRose, Richard  
 Lozeau, Donnalee  
 McGough, Tim  
 Murch, George  
 Piteri, Dawn  
 Tate, Joan  
 Wright, George

Leishman, Peter  
 Luebker, Bernard  
 McRae, Karen  
 O'Hearn, Jane  
 Riley, Frances  
 Thulander, O. Alan

### MERRIMACK

Adams, Stephen  
 Crowell, Peter  
 Jacobson, Alf  
 Larrabee, David  
 Seldin, Gloria

Anderson, Eric  
 Davis, Francis  
 Krueger, Patricia  
 Leber, William  
 Whalley, Michael

Brown, Mary  
 Feuerstein, Martin  
 Lamach, Bernard  
 Morrill, Olive  
 Whittemore, James

Colburn, Thomas  
 Hoadley, Elizabeth  
 Langer, Ray  
 Pfaff, Terence

### ROCKINGHAM

Arndt, Janet  
 Carson, Gregory  
 Cote, Patricia  
 Dowd, Sandra  
 Flanders, David  
 Griffin, Mary  
 Katsakiores, Phyllis  
 Letourneau, Robert  
 Moore, Benjamin  
 Rabideau, Marie  
 Smith, Kevin  
 Tufts, J. Arthur  
 Weare, Everett

Beaulieu, Jon  
 Case, Margaret  
 Dalrymple, Janeen  
 Dowling, Patricia  
 Flanders, John, Sr.  
 Guthrie, Joseph  
 Klemm, Arthur, Jr.  
 Major, Norman  
 Morris, Debbie  
 Reardon, Neil  
 Stickney, Nancy  
 Varrell, Thomas  
 Welch, David

Belanger, Ronald  
 Cegelis, Mark  
 Dearborn, Bruce  
 Dunham, Vivian  
 Francoeur, Sheila  
 Henderson, Warren  
 Kobel, Rudolph  
 Malcolm, Kenneth  
 Nowe, Ronald  
 Rubin, George  
 Stone, Joseph  
 Vaughn, Charles  
 Weyler, Kenneth

Camm, Kevin  
 Christie, Andrew, Jr.  
 Dolan, Richard  
 Fesh, Robert  
 Gleason, John  
 Katsakiores, George  
 Langley, Jane  
 Mikowski, Walter  
 Packard, Sherman  
 Simmons, John Anthony  
 Stritch, C. Donald  
 Verani, Giovanni  
 Woods, Deborah

### STRAFFORD

Bickford, David  
 Spear, Barbara

Cossette, Larry  
 Tsiros, William

McKinley, Robert

Musler, George

### SULLIVAN

Adler, Rudolf

Leone, Richard

and the report failed.

Rep. Mary Brown moved Ought to Pass with Amendment and offered a floor amendment.

#### Floor Amendment (2404h)

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

RELATING TO: the state's responsibility to provide to all citizens the opportunity for a public education.

PROVIDING THAT: the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or part, to a political subdivision, provided that upon delegation, such assessments, rates, and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed.

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

I. That article 83 of the second part of the constitution be amended to read as follows:

[Art.] 83. [Encouragement of Literature, etc.; Control of Corporations, Monopolies, etc.; *Exclusive Authority of General Court to Determine Content, Extent, and Funding of Public Education; State's Responsibility to Provide for Public Education; Powers; Duties; Delegation.*] Knowl-

edge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards, and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous sentiments, among the people: Provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools of institutions of any religious sect or denomination. Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization and provision should be made for the supervision and government thereof. Therefore, all just power possessed by the state is hereby granted to the general court to enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against.

*The general court shall have the responsibility to provide to all citizens of the state the opportunity to receive a public education, and in furtherance thereof, it shall have the exclusive authority to determine and set forth the content, the extent, and the funding of that education. The general court shall fulfill its responsibility directly or in concert with its political subdivisions through the exercise of its power to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions. The general court shall provide for the funding of said education through its power to directly impose and levy assessments, rates, and taxes, or through a delegation of such power, in whole or in part, to the political subdivisions of the state, provided that the resulting assessments, rates, and taxes are fair and proportional throughout the state or political subdivision whose legislative body imposes the assessment, rate, or tax. Nothing in this article shall be construed to limit the amount the state or any political subdivision may expend on the funding of education or to deny, disparage, or infringe any other right of the people as set forth elsewhere in this constitution.*

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 1998.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 1998 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 1998 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be: Are you in favor of amending article 83 of the constitution to include the following language: "The general court shall have the responsibility to provide to all citizens of the state the opportunity to receive a public education, and in furtherance thereof, it shall have the exclusive authority to determine and set forth the content, the extent, and the funding of that education. The general court shall fulfill its responsibility directly or in concert with its political subdivisions through the exercise of its power to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions. The general court shall provide for the funding of said education through its power to directly impose and levy assessments, rates, and taxes, or through a delegation of such power, in whole or in part, to the political subdivisions of the state, provided that the resulting assessments, rates, and taxes are fair and proportional throughout the state or political subdivision whose legislative body imposes the assessment, rate, or tax. Nothing in this article shall be construed to limit the amount the state or any political subdivision may expend on the funding of education or to deny, disparage, or infringe any other right of the people as set forth elsewhere in this constitution"?



V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. 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. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 1998 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

#### AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes or by delegating this power, in whole or in part, to a political subdivision provided that upon delegation, such assessments, rates, and taxes are proportional and reasonable throughout the political subdivision in which they are imposed, and that the general court shall have the exclusive authority to determine and set forth the content, extent, and funding of public education in this state.

Rep. Weyler spoke in favor.

Reps. Dodge and Sapareto spoke against.

Rep. McCann spoke against and yielded to questions.

Reps. Mary Brown and Henderson spoke in favor and yielded to questions.

Rep. Mary Brown requested a roll call; sufficiently seconded.

The question being the adoption of the floor amendment.

#### YEAS 178 NAYS 185

#### YEAS 178

#### BELKNAP

Bartlett, Gordon  
Golden, Paul  
Lawton, David  
Veazey, John

Boriso, Thomas  
Holbrook, Robert  
Lawton, Robert

Boyce, Robert  
Hurt, George  
Rice, Thomas, Jr.

Clark, Charles  
Laflam, Robert  
Thomas, John

#### CARROLL

Babson, David, Jr.  
Dickinson, Howard, Jr.  
MacDonald, Kenneth

Bradley, Jeb  
Howard, Godfrey  
Mock, Henry

Chandler, Gene  
Kenney, Joseph  
Patten, Betsey

Cooper, Kipp  
Lyman, L. Randy  
Philbrick, Donald

#### CHESHIRE

Avery, Stephen  
Smith, Edwin

Hunt, John  
Steere, Myron, III

Metzger, Katherine

Royce, H. Charles

#### COOS

Davis, Perley  
St. Hilaire, Paul

Guay, Lawrence  
Tholl, John, Jr.

Horton, Lynn

Pratt, Leighton

#### GRAFTON

Akins, Ralph  
Ham, Bonnie  
Teschner, Douglass

Alger, John  
Hinman, Harry  
Trelfa, Richard

Eaton, Stephanie  
MacNeil, Allen  
Weber, Phil

Guaraldi, Lawrence  
Phinney, William

#### HILLSBOROUGH

Alukonis, David  
Bergin, Peter  
Calawa, Leon, Jr.  
Clegg, Robert, Jr.

Amidon, Eleanor  
Boutin, David  
Carney, Lauren  
Daniels, Gary

Arnold, Thomas, Jr.  
Briefs, Geoffrey  
Chabot, Ernest  
Desrosiers, William

Batula, Peter  
Brundige, Robert  
Christiansen, Lars  
Emerton, Lawrence, Sr.

Fenton, James  
 Golding, William  
 Holley, Sylvia  
 Kurk, Neal  
 Lessard, Rudy  
 MacIntyre, Doris  
 McRae, Karen  
 O'Hearn, Jane  
 Sargent, Maxwell  
 Turgeon, Roland

Fields, Dennis  
 Goulet, Maurice  
 Hunter, Bruce  
 L'Heureux, Robert  
 Letendre, Evelyn  
 Marcinkowski, Michael  
 Mercer, Robert  
 Pepino, Leo  
 Searles, Stanley, Sr.  
 Wheeler, Robert

Flora, Kathleen  
 Hansen, Herbert  
 Jean, Loren  
 LaRose, Richard  
 Lozeau, Donnalee  
 McCarty, Winston  
 Milligan, Robert  
 Piteri, Dawn  
 Tate, Joan  
 White, Donald

Gagnon, Eugene  
 Herman, Keith  
 Kelley, Robert  
 Lefebvre, Roland  
 Luebker, Bernard  
 McGough, Tim  
 Murch, George  
 Riley, Frances  
 Thulander, O. Alan  
 Wright, George

### MERRIMACK

Adams, Stephen  
 Colburn, Thomas  
 Krueger, Patricia  
 Leber, William  
 Whittemore, James

Anderson, Eric  
 Crowell, Peter  
 Lamach, Bernard  
 Morrill, Olive

Brown, Mary  
 Feuerstein, Martin  
 Langer, Ray  
 Pfaff, Terence

Chandler, Earle  
 Hess, David  
 Larrabee, David  
 Whalley, Michael

### ROCKINGHAM

Arndt, Janet  
 Carson, Gregory  
 Cote, Patricia  
 Dunham, Vivian  
 Flanders, John, Sr.  
 Henderson, Warren  
 Klemm, Arthur, Jr.  
 Major, Norman  
 Moore, Benjamin  
 Packard, Sherman  
 Simmons, John Anthony  
 Stritch, C. Donald  
 Welch, David

Beaulieu, Jon  
 Case, Margaret  
 Dearborn, Bruce  
 Fesh, Robert  
 Gleason, John  
 Johnson, Robert  
 Kobel, Rudolph  
 Malcolm, Kenneth  
 Morris, Debbie  
 Rabideau, Marie  
 Smith, Kevin  
 Varrell, Thomas  
 Weyler, Kenneth

Belanger, Ronald  
 Cegelis, Mark  
 Dolan, Richard  
 Flanagan, Natalie  
 Griffin, Mary  
 Katsakiores, George  
 Langley, Jane  
 McCarthy, John, Jr.  
 Nowe, Ronald  
 Raynowska, Bernard  
 Stickney, Nancy  
 Verani, Giovanni

Camm, Kevin  
 Christie, Andrew, Jr.  
 Dowd, Sandra  
 Flanders, David  
 Guthrie, Joseph  
 Katsakiores, Phyllis  
 Letourneau, Robert  
 Mikowski, Walter  
 Noyes, Richard  
 Reardon, Neil  
 Stone, Joseph  
 Weare, Everett

### STRAFFORD

Bickford, David  
 Torr, Franklin

Cossette, Larry

McKinley, Robert

Musler, George

### SULLIVAN

Adler, Rudolf

Leone, Richard

### NAYS 185

### BELKNAP

Calvert, Alice

Pilliod, James

Salatiello, Thomas

### CARROLL

None

### CHESHIRE

Bonneau, Sarah  
 Lynch, Margaret  
 Meader, David  
 Richardson, Barbara  
 Vogl, John

Champagne, Richard  
 Lynott, Margaret  
 O'Connell, John  
 Riley, William

DePecol, Benjamin  
 Manning, Joseph  
 Pratt, Irene  
 Robertson, Timothy

Doucette, Richard  
 McGuirk, Paul  
 Pratt, John  
 Russell, Ronald

### COOS

Bradley, Paula

Hawkinson, Marie

Mears, Edgar

Moynihan, Wayne

**GRAFTON**

Almy, Susan	Below, Clifton	Copenhaver, Marion	Guest, Robert
Hill, Richard	LaMott, Paul	Lovett, Sidney	Luker, Elsa
Mirski, Paul	Nordgren, Sharon	Williams, William, Jr.	

**HILLSBOROUGH**

Allen, W. Gordon	Ameen, W.	Baroody, Benjamin	Barry, William, III
Belvin, William	Bernier, Shannon	Buckley, Raymond	Cardin, Lori
Carlson, Donald	Chabot, Robert	Clemons, Jane	Cote, David
Cote, Peter	D'Allesandro, Lou	Daigle, Robert	Dawe, Eileen
Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.
Dyer, Merton	Foster, Joseph	Foster, Linda	Franks, Suzan
Gage, Ruth	Ginsburg, Ruth	Gosselin, Gerald	Haley, Robert
Hall, Betty	Hart, Nick	Holt, David	Jean, Claudette
Johnson, Lionel	Konys, Christine	Leishman, Peter	Leonard, Peter
Lynde, Harold	MacAuslan, Rita	MacGillivray, Jeffrey	Martin, Mary
McCarthy, William	McDonald, James, Sr.	Melcher, Harold	Messier, Irene
Morello, Michael	Murphy, Robert	O'Rourke, Thomas	Perkins, Paul
Peterson, Andrew	Reidy, Frank	Vaillancourt, Steve	Welch, Donald
White, Jay	Williams, Carol		

**MERRIMACK**

Burney, Carol	Crosby, Toni	Daneault, Gabriel	Davis, Francis
DeStefano, Stephen	Dunn, Miriam	Fraser, Marilyn	French, Barbara
Gile, Mary	Hoadley, Elizabeth	Jacobson, Alf	Lavoie, Gerard
Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy	Moore, Carol
Owen, Derek	Reardon, Tara	Seldin, Gloria	St. Cyr, Gerard
Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Bishop, Franklin	Blanchard, MaryAnn	Coes, Betsy
Cooney, Richard	Cushing, Robert	Dalrymple, Janeen	Dodge, Robert
Dowling, Patricia	Downing, Michael	Francoeur, Sheila	Frechette, Joseph
Gibbons, Paul	Heath, John	Hutchinson, Rebecca	Kane, Cecelia
Kelley, Jane	Langone, John	Lovejoy, Marian	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Rubin, George
Sabella, Norma	Sapareto, Frank	Schanda, Frank	Syracusa, Anthony
Tufts, J. Arthur	Vaughn, Charles	Woods, Deborah	

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Grassie, Anne
Hemon, Roland	Heon, Richard	Kaen, Naida	Keans, Sandra
Knowles, William	Lundborn, Raymond	McCann, William, Jr.	Merrill, Amanda
Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spear, Barbara	Sullivan, Henry	Taylor, Kathleen
Torr, Ann	Tsiros, William	Twardus, Joseph	Vachon, Dennis
Vincent, Francis	Wall, Janet		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Flint, Gordon	Kibbey, David	Lindblade, Eric
Palmer, Lorraine	Robb-Theroux, Amy	Schotanus, Merle	Wiggins, Celestine

and the floor amendment failed.



The question now being Ought to Pass.  
 Rep. Kurk spoke against.  
 Ought to Pass failed  
 Rep. Kurk moved Inexpedient to Legislate.  
 Adopted.

## RECESS

(Speaker Sytek in the Chair)

### REGULAR CALENDAR (CONT'D.)

**CACR 45**, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or part, to a political subdivision, provided that upon delegation, such assessments, rates and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed. **OUGHT TO PASS WITH AMENDMENT**

Rep. Neal M. Kurk for Finance: This proposed amendment to CACR 45 achieves four important objectives: 1) The amendment restores the rights of the people and their elected officials to decide matters of educational policy and funding by restricting the opportunities for perpetual court intervention. This provision helps New Hampshire avoid the years of litigation which have caused well-publicized problems in many other states. 2) The amendment binds the state to providing at least \$225 million in state aid to public education every year, beginning in fiscal year 2001. Current state aid for education totals about \$127 million. This increase would be the largest in state history. State aid could go higher in any year, but could not fall below the baseline set in the amendment. Local districts could use state education aid for school spending, for property tax relief or for a combination of both. 3) The amendment clearly establishes local control over education decisions in all areas except those where explicit state law is written. 4) The amendment expressly preserves the protections from unfunded mandates afforded by article 28-A. Vote 13-7.

### Amendment (2378h)

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

**RELATING TO:** state funding of public education.

**PROVIDING THAT:** beginning in fiscal year 2001, and every fiscal year thereafter, the state shall provide no less than \$225,000,000 in support of primary and secondary public education; judicial review of the state's duties with regard to education is restricted to the funding level provision of the proposed amendment; taxes imposed by a political subdivision in support of public education need be proportional and reasonable only throughout that part of the city, town, or unincorporated place within such political subdivision from which they are collected; and matters pertaining to primary and secondary public education shall be determined locally.

Amend the resolution by replacing paragraph I with the following:

I. That article 83 of the second part of the constitution be amended to read as follows:

[Art.] 83. [Encouragement of Literature, etc.; Control of Corporations, Monopolies, etc.; *State Funding of Primary and Secondary Public Education; Judicial Review; Taxes Imposed by Political Subdivisions to be Reasonable and Proportional; Local Authority Over Educational Matters.*] Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards, and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punc-

tuality, sincerity, sobriety, and all social affections, and generous sentiments, among the people: Provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools of institutions of any religious sect or denomination. Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization and provision should be made for the supervision and government thereof. Therefore, all just power possessed by the state is hereby granted to the general court to enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against.

*Notwithstanding any other provision of this constitution, the state's duty to cherish the interest of literature and the sciences, and all seminaries and public schools, shall be governed exclusively by the provisions of this paragraph. Beginning in fiscal year 2001 and in each fiscal year thereafter, in support of primary and secondary public education, the state shall appropriate and expend not less than \$225,000,000. Judicial review and enforcement of such duty shall be restricted only to the provisions of the preceding sentence. The specific purposes and method of distribution of such expenditure shall be determined by statute. Taxes imposed by political subdivisions of the state for support of primary and secondary public education need be proportional and reasonable only throughout that part of the city, town, or unincorporated place within such political subdivision from which they are collected. All matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district providing such education, except as otherwise prescribed by statute in accordance with part I, article 28-a of this constitution.*

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be: Are you in favor of amending article 83 of the second part of the constitution to provide that, regardless of anything else in the constitution:

Starting in the year 2000, the state will fund an amount not less than \$225,000,000 each year for the purpose of discharging its duty toward public primary and secondary education;

The purpose and manner of distribution of this amount will be determined by law;

That local government will control all aspects of such education except those the state assumes by law, subject to the unfunded mandate protection provided in the constitution,

Local taxes used to support education shall be reasonable and proportional within the community where they are imposed; and

The court review and enforcement of the state's duty will be restricted to the funding level provision of the proposed amendment, which states:

*"Notwithstanding any other provision of this constitution, the state's duty to cherish the interest of literature and the sciences, and all seminaries and public schools, shall be governed exclusively by the provisions of this paragraph. Beginning in fiscal year 2001 and in each fiscal year thereafter, in support of primary and secondary public education, the state shall appropriate and expend not less than \$225,000,000. Judicial review and enforcement of such duty shall be restricted only to the provisions of the preceding sentence. The specific purposes and method of distribution of such expenditure shall be determined by statute. Taxes imposed by political subdivisions of the state for support of primary and secondary public education need be proportional and reasonable only throughout that part of the city, town, or unincorporated place within such political subdivision from which they are collected. All matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district providing such education, except as otherwise prescribed by statute in accordance with part I, article 28-a of this constitution?"*

#### AMENDED ANALYSIS

The constitutional amendment-concurrent resolution requires that beginning in fiscal year 2001, and every year thereafter, the state shall provide no less than \$225,000,000 in support of primary and secondary public education; restricts judicial review of the state's duties with regard to educa-

tion to the funding level provision of the proposed amendment; requires that taxes imposed by a political subdivision in support of public education need be proportional and reasonable only throughout that part of the city, town, or unincorporated place within such political subdivision from which they are collected; and requires that matters pertaining to primary and secondary public education shall be determined locally.

Rep. Kurk spoke in favor and yielded to questions.

Reps. Jacobson and Dickinson spoke against and yielded to questions.

Reps. Below, Cushing and Mirski spoke against.

Reps. Howard, Belvin, Buckley and Whalley spoke in favor.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the adoption of the amendment.

## YEAS 182 NAYS 181

### YEAS 182

#### BELKNAP

Bartlett, Gordon  
Golden, Paul  
Lawton, David

Boriso, Thomas  
Holbrook, Robert  
Lawton, Robert

Calvert, Alice  
Hurt, George  
Pilliod, James

Clark, Charles  
Lafam, Robert  
Thomas, John

#### CARROLL

Babson, David, Jr.  
Howard, Godfrey  
Mock, Henry

Bradley, Jeb  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L. Randy  
Philbrick, Donald

Cooper, Kipp  
MacDonald, Kenneth

#### CHESHIRE

Avery, Stephen  
Smith, Edwin

Hunt, John  
Steere, Myron, III

Metzger, Katherine

Royce, H. Charles

#### COOS

Coulombe, Henry  
Horton, Lynn  
St. Hilaire, Paul

Coulombe, Yvonne  
Mears, Edgar  
Tholl, John, Jr.

Davis, Perley  
Merrill, Gerald

Guay, Lawrence  
Pratt, Leighton

#### GRAFTON

Connolly, Steven  
LaMott, Paul

Eaton, Stephanie  
MacNeil, Allen

Ham, Bonnie  
Teschner, Douglass

Hinman, Harry  
Trelfa, Richard

#### HILLSBOROUGH

Alukonis, David  
Barry, William, III  
Bernier, Shannon  
Calawa, Leon, Jr.  
D'Allesandro, Lou  
Dyer, Merton  
Gage, Ruth  
Haley, Robert  
Holt, David  
Kelley, Robert  
Lessard, Rudy  
MacIntyre, Doris  
Mercer, Robert  
Murphy, Robert  
Piteri, Dawn  
Tate, Joan  
White, Donald

Amidon, Eleanor  
Batula, Peter  
Briefs, Geoffrey  
Carney, Lauren  
Daniels, Gary  
Emerton, Lawrence, Sr.  
Gagnon, Eugene  
Hansen, Herbert  
Hunter, Bruce  
Kurk, Neal  
Letendre, Evelyn  
McCarty, Winston  
Milligan, Robert  
O'Hearn, Jane  
Reidy, Frank  
Thulander, O. Alan  
White, Jay

Arnold, Thomas, Jr.  
Belvin, William  
Brundige, Robert  
Chabot, Ernest  
Durham, Susan  
Fields, Dennis  
Golding, William  
Herman, Keith  
Jean, Loren  
L'Heureux, Robert  
Lozeau, Donnalee  
McDonald, James, Sr.  
Morello, Michael  
O'Rourke, Thomas  
Sargent, Maxwell  
Turgeon, Roland  
Williams, Carol

Baroody, Benjamin  
Bergin, Peter  
Buckley, Raymond  
Chabot, Robert  
Dwyer, Paul, Sr.  
Flora, Kathleen  
Gosselin, Gerald  
Holley, Sylvia  
Johnson, Lionel  
Leishman, Peter  
MacGillivray, Jeffrey  
McGough, Tim  
Murch, George  
Pepino, Leo  
Searles, Stanley, Sr.  
Wheeler, Robert



**MERRIMACK**

Adams, Stephen	Anderson, Eric	Chandler, Earle	Colburn, Thomas
Crowell, Peter	Feuerstein, Martin	Hess, David	Langer, Ray
Leber, William	Pfaff, Terence	Whalley, Michael	

**ROCKINGHAM**

Arndt, Janet	Camm, Kevin	Carson, Gregory	Case, Margaret
Christie, Andrew, Jr.	Cote, Patricia	Dalrymple, Janeen	Dearborn, Bruce
Dowd, Sandra	Dowling, Patricia	Downing, Michael	Flanders, David
Flanders, John, Sr.	Francoeur, Sheila	Frechette, Joseph	Gleason, John
Griffin, Mary	Guthrie, Joseph	Henderson, Warren	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Langley, Jane
Letourneau, Robert	Lovejoy, Marian	Major, Norman	Malcolm, Kenneth
McCarthy, John, Jr.	McKinney, Betsy	Mikowski, Walter	Nowe, Ronald
Packard, Sherman	Pantelakos, Laura	Rabideau, Marie	Reardon, Neil
Smith, Kevin	Stickney, Nancy	Stone, Joseph	Tufts, J. Arthur
Verani, Giovanni	Welch, David	Woods, Deborah	

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Cossette, Larry
DeChane, Marlene	Knowles, William	Lundborn, Raymond	McKinley, Robert
Musler, George	Taylor, Kathleen	Tsiros, William	Twardus, Joseph
Vincent, Francis			

**SULLIVAN**

Leone, Richard

**NAYS 181****BELKNAP**

Boyce, Robert	Rice, Thomas, Jr.	Salatiello, Thomas	Veazey, John
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**CARROLL**

Dickinson, Howard, Jr.

**CHESHIRE**

Bonneau, Sarah	Champagne, Richard	DePecol, Benjamin	Doucette, Richard
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	O'Connell, John	Pratt, Irene	Pratt, John
Richardson, Barbara	Riley, William	Robertson, Timothy	Russell, Ronald
Vogl, John			

**COOS**

Bradley, Paula	Hawkinson, Marie	Moynihan, Wayne
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**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Below, Clifton
Copenhaver, Marion	Guest, Robert	Hill, Richard	Lovett, Sidney
Luker, Elsa	Mirski, Paul	Nordgren, Sharon	Phinney, William
Williams, William, Jr.			

**HILLSBOROUGH**

Allen, W. Gordon	Ameen, W.	Boutin, David	Cardin, Lori
Carlson, Donald	Christiansen, Lars	Clemons, Jane	Cote, David
Cote, Peter	Daigle, Robert	Dawe, Eileen	Desrosiers, William
Dokmo, Cynthia	Drabinowicz, A. Theresa	Fenton, James	Foster, Joseph
Foster, Linda	Franks, Suzan	Ginsburg, Ruth	Goulet, Maurice

Hall, Betty  
LaRose, Richard  
Lynde, Harold  
McCarthy, William  
Perkins, Paul  
Welch, Donald

Hart, Nick  
Lefebvre, Roland  
MacAuslan, Rita  
McRae, Karen  
Peterson, Andrew  
Wright, George

Jean, Claudette  
Leonard, Peter  
Marcinkowski, Michael  
Melcher, Harold  
Riley, Frances

Konys, Christine  
Luebker, Bernard  
Martin, Mary  
Messier, Irene  
Vaillancourt, Steve

### MERRIMACK

Brown, Mary  
Davis, Francis  
French, Barbara  
Jacobson, Alf  
Lavoie, Gerard  
Morrill, Olive  
St. Cyr, Gerard  
Yeaton, Charles

Burney, Carol  
DeStefano, Stephen  
Gile, Mary  
Krueger, Patricia  
Lockwood, Robert  
Owen, Derek  
Wallin, Jean

Crosby, Toni  
Dunn, Miriam  
Hager, Elizabeth  
Lamach, Bernard  
Marshall, Kenneth  
Reardon, Tara  
Wallner, Mary Jane

Daneault, Gabriel  
Fraser, Marilyn  
Hoadley, Elizabeth  
Larrabee, David  
Moore, Carol  
Seldin, Gloria  
Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
Blanchard, MaryAnn  
Dodge, Robert  
Flanagan, Natalia  
Kane, Cecelia  
Moore, Benjamin  
O'Keefe, Patricia  
Sapareto, Frank  
Syracusa, Anthony  
Weyler, Kenneth

Beaulieu, Jon  
Coes, Betsy  
Dolan, Richard  
Gibbons, Paul  
Kelley, Jane  
Morris, Debbie  
Pitts, Jacqueline  
Schanda, Frank  
Varrell, Thomas

Belanger, Ronald  
Cooney, Richard  
Dunham, Vivian  
Heath, John  
Kobel, Rudolph  
Norelli, Terie  
Raynowska, Bernard  
Simmons, John Anthony  
Vaughn, Charles

Bishop, Franklin  
Cushing, Robert  
Fesh, Robert  
Hutchinson, Rebecca  
Langone, John  
Noyes, Richard  
Rubin, George  
Stritch, C. Donald  
Weare, Everett

### STRAFFORD

Bickford, David  
Hemon, Roland  
McCann, William, Jr.  
Rogers, Rose Marie  
Spear, Barbara  
Vachon, Dennis

Callaghan, Frank  
Heon, Richard  
Merrill, Amanda  
Rollo, Michael  
Sullivan, Henry  
Wall, Janet

Dunlap, Patricia  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Torr, Ann

Estabrook, Iris  
Keans, Sandra  
Pelletier, Marsha  
Snyder, Clair  
Torr, Franklin

### SULLIVAN

Adler, Rudolf  
Donovan, Thomas  
Lindblade, Eric  
Wiggins, Celestine

Allison, David  
Ferland, Brenda  
Palmer, Lorraine

Burling, Peter  
Flint, Gordon  
Robb-Theroux, Amy

Cloutier, John  
Kibbey, David  
Schotanus, Merle

and the amendment was adopted.

Rep. Franks offered a floor amendment.

### Floor Amendment (2382h)

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

**RELATING TO:** the state's responsibility to provide for full funding of foundation aid to education.

**PROVIDING THAT:** the general court shall ensure that sufficient funds are appropriated to provide for full funding of foundation aid to education, and ensure that proportionality and reasonableness of the local property tax effort to provide funding for primary and secondary public education is required statewide.

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

I. That article 83 of the second part of the constitution be amended to read as follows:

[Art.] 83. [Encouragement of Literature, etc.; Control of Corporations, Monopolies, etc.; *State's Responsibility to Provide For Full Funding of Foundation Aid to Education.*] Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards, and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous sentiments, among the people: Provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools of institutions of any religious sect or denomination. Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization and provision should be made for the supervision and government thereof. Therefore, all just power possessed by the state is hereby granted to the general court to enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against.

*In furtherance of its obligation to cherish the interests of public schools, the general court shall, through the exercise of its power to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, and periodically review the same, ensure that sufficient funds are appropriated to provide for full funding of foundation aid to education and ensure that proportionality and reasonableness of the local property tax effort to provide funding for primary and secondary public education is required statewide.*

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 1998.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 1998 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 1998 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be: Are you in favor of amending article 83 of the constitution to include the following language: "In furtherance of its obligation to cherish the interests of public schools, the general court shall, through the exercise of its power to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, and periodically review the same, ensure that sufficient funds are appropriated to provide for full funding of foundation aid to education and ensure that proportionality and reasonableness of the local property tax effort to provide funding for primary and secondary public education is required statewide."

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. 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. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 1998 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.



## AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that the general court shall ensure that sufficient funds are appropriated to fully fund foundation aid to education, and that proportionality and reasonableness of the local property tax effort to provide funding for primary and secondary public education is required statewide.

Rep. Franks spoke in favor.

Rep. Alukonis spoke against.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being the adoption of the Franks floor amendment.

## YEAS 108 NAYS 253

## YEAS 108

## BELKNAP

None

## CARROLL

None

## CHESHIRE

DePecol, Benjamin	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	Meador, David	Pratt, Irene	Pratt, John
Richardson, Barbara	Riley, William	Robertson, Timothy	Russell, Ronald
Vogl, John			

## COOS

Bradley, Paula	Hawkinson, Marie	Mears, Edgar	Moynihan, Wayne
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## GRAFTON

Copenhaver, Marion	Guest, Robert	LaMott, Paul	Lovett, Sidney
Luker, Elsa	Trelfa, Richard		

## HILLSBOROUGH

Allen, W. Gordon	Ameen, W.	Barody, Benjamin	Barry, William, III
Bernier, Shannon	Boutin, David	Buckley, Raymond	Cardin, Lori
Clemons, Jane	Cote, David	Cote, Peter	Daigle, Robert
Dawe, Eileen	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.	Foster, Linda
Franks, Suzan	Ginsburg, Ruth	Gosselin, Gerald	Hart, Nick
Jean, Claudette	Johnson, Lionel	Konys, Christine	L'Heureux, Robert
Lefebvre, Roland	Lynde, Harold	MacAuslan, Rita	Martin, Mary
McRae, Karen	Perkins, Paul	Piteri, Dawn	Reidy, Frank
Vaillancourt, Steve	Welch, Donald		

## MERRIMACK

Burney, Carol	Crosby, Toni	Davis, Francis	DeStefano, Stephen
Dunn, Miriam	Fraser, Marilyn	French, Barbara	Gile, Mary
Hager, Elizabeth	Lamach, Bernard	Lavoie, Gerard	Owen, Derek
Pfaff, Terence	Seldin, Gloria	Wallin, Jean	Yeaton, Charles

## ROCKINGHAM

Abbott, Dennis	Cooney, Richard	Dodge, Robert	Gibbons, Paul
Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane	Langone, John
O'Keefe, Patricia	Sapareto, Frank	Schanda, Frank	Vaughn, Charles

**STRAFFORD**

Brennan, William	Brown, George	Dunlap, Patricia	Heon, Richard
Kaen, Naida	Keans, Sandra	McCann, William, Jr.	Pelletier, Arthur
Pelletier, Marsha	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Taylor, Kathleen	Vachon, Dennis	Wall, Janet	

**SULLIVAN**

Cloutier, John	Flint, Gordon	Kibbey, David	Leone, Richard
Lindblade, Eric	Palmer, Lorraine	Schotanus, Merle	Wiggins, Celestine

**NAYS 253****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Golden, Paul	Holbrook, Robert	Hurt, George
Laflam, Robert	Lawton, David	Lawton, Robert	Pilliod, James
Rice, Thomas, Jr.	Salatiello, Thomas	Thomas, John	Veazey, John

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	Philbrick, Donald

**CHESHIRE**

Avery, Stephen	Bonneau, Sarah	Champagne, Richard	Doucette, Richard
Hunt, John	Metzger, Katherine	O'Connell, John	Royce, H. Charles
Smith, Edwin	Steere, Myron, III		

**COOS**

Coulombe, Henry	Coulombe, Yvonne	Davis, Perley	Guay, Lawrence
Horton, Lynn	Merrill, Gerald	Pratt, Leighton	St. Hilaire, Paul
Tholl, John, Jr.			

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Below, Clifton
Connolly, Steven	Eaton, Stephanie	Guaraldi, Lawrence	Ham, Bonnie
Hill, Richard	Hinman, Harry	MacNeil, Allen	Mirski, Paul
Nordgren, Sharon	Phinney, William	Teschner, Douglass	Williams, William, Jr.

**HILLSBOROUGH**

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Bergin, Peter	Briefs, Geoffrey	Brundige, Robert
Calawa, Leon, Jr.	Carlson, Donald	Carney, Lauren	Chabot, Ernest
Chabot, Robert	Christiansen, Lars	D'Allesandro, Lou	Daniels, Gary
Desrosiers, William	Dokmo, Cynthia	Durham, Susan	Dyer, Merton
Emerton, Lawrence, Sr.	Fenton, James	Fields, Dennis	Flora, Kathleen
Foster, Joseph	Gage, Ruth	Gagnon, Eugene	Golding, William
Goulet, Maurice	Haley, Robert	Hall, Betty	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Holt, David	Hunter, Bruce
Jean, Loren	Kelley, Robert	Kurk, Neal	LaRose, Richard
Leishman, Peter	Leonard, Peter	Lessard, Rudy	Letendre, Evelyn
Lozeau, Donnalee	Luebker, Bernard	MacGillivray, Jeffrey	MacIntyre, Doris
Marcinkowski, Michael	McCarthy, William	McCarty, Winston	McDonald, James, Sr.
McGough, Tim	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Morello, Michael	Murch, George	Murphy, Robert
O'Hearn, Jane	O'Rourke, Thomas	Pepino, Leo	Peterson, Andrew

Riley, Frances  
Thulander, O. Alan  
White, Jay

Sargent, Maxwell  
Turgeon, Roland  
Williams, Carol

Searles, Stanley, Sr.  
Wheeler, Robert  
Wright, George

Tate, Joan  
White, Donald

### MERRIMACK

Adams, Stephen  
Colburn, Thomas  
Hoadley, Elizabeth  
Larrabee, David  
Moore, Carol  
Wallner, Mary Jane

Anderson, Eric  
Crowell, Peter  
Jacobson, Alf  
Leber, William  
Morrill, Olive  
Whalley, Michael

Brown, Mary  
Daneault, Gabriel  
Krueger, Patricia  
Lockwood, Robert  
Reardon, Tara  
Whittemore, James

Chandler, Earle  
Hess, David  
Langer, Ray  
Marshall, Kenneth  
St. Cyr, Gerard

### ROCKINGHAM

Arndt, Janet  
Blanchard, MaryAnn  
Christie, Andrew, Jr.  
Dearborn, Bruce  
Downing, Michael  
Flanders, David  
Griffin, Mary  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
Mikowski, Walter  
Nowe, Ronald  
Pitts, Jacqueline  
Rubin, George  
Stone, Joseph  
Varrell, Thomas  
Weyler, Kenneth

Beaulieu, Jon  
Camm, Kevin  
Coes, Betsy  
Dolan, Richard  
Dunham, Vivian  
Francoeur, Sheila  
Guthrie, Joseph  
Kitsakiores, George  
Langley, Jane  
Malcolm, Kenneth  
Moore, Benjamin  
Noyes, Richard  
Rabideau, Marie  
Simmons, John Anthony  
Stritch, C. Donald  
Verani, Giovanni  
Woods, Deborah

Belanger, Ronald  
Carson, Gregory  
Cote, Patricia  
Dowd, Sandra  
Fesh, Robert  
Frechette, Joseph  
Heath, John  
Katsakiores, Phyllis  
Letourneau, Robert  
McCarthy, John, Jr.  
Morris, Debbie  
Packard, Sherman  
Raynowska, Bernard  
Smith, Kevin  
Syracusa, Anthony  
Weare, Everett

Bishop, Franklin  
Case, Margaret  
Cushing, Robert  
Dowling, Patricia  
Flanagan, Natalie  
Gleason, John  
Henderson, Warren  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
McKinney, Betsy  
Norelli, Terie  
Pantelakos, Laura  
Reardon, Neil  
Stickney, Nancy  
Tufts, J. Arthur  
Welch, David

### STRAFFORD

Beربة, Roger  
DeChane, Marlene  
Lundborn, Raymond  
Rogers, Rose Marie  
Torr, Franklin

Bickford, David  
Estabrook, Iris  
McKinley, Robert  
Spear, Barbara  
Tsiros, William

Callaghan, Frank  
Hemon, Roland  
Merrill, Amanda  
Sullivan, Henry  
Twardus, Joseph

Cossette, Larry  
Knowles, William  
Musler, George  
Torr, Ann  
Vincent, Francis

### SULLIVAN

Adler, Rudolf  
Ferland, Brenda

Allison, David  
Robb-Theroux, Amy

Burling, Peter

Donovan, Thomas

and the Franks floor amendment failed.

Rep. Alger offered a floor amendment.

### Floor Amendment (2389h)

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

RELATING TO: state funding of public education.

PROVIDING THAT: beginning in fiscal year 2001, and every fiscal year thereafter, the state shall provide no less than \$225,000,000 in support of primary and secondary public education; judicial review of the state's duties with regard to education is restricted to the funding level provision of the proposed amendment; taxes imposed by a political subdivision in support of public education need be proportional and reasonable only throughout that part of the city, town, or unincorporated place within such political subdivision from which they are collected; and matters pertaining to primary and secondary public education shall be determined locally.



Amend the resolution by replacing paragraph I with the following:

I. That article 83 of the second part of the constitution be amended to read as follows:

[Art.] 83. [Encouragement of Literature, etc.; Control of Corporations, Monopolies, etc.; *State Funding of Primary and Secondary Public Education; Judicial Review; Taxes Imposed by Political Subdivisions to be Reasonable and Proportional; Local Authority Over Educational Matters.*] Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards, and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous sentiments, among the people: Provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools of institutions of any religious sect or denomination. Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization and provision should be made for the supervision and government thereof. Therefore, all just power possessed by the state is hereby granted to the general court to enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against.

*Notwithstanding any other provision of part second of this constitution, the state's duty to cherish the interest of literature and the sciences, and all seminaries and public schools, shall be governed exclusively by the provisions of this paragraph. Beginning in fiscal year 2001 and in each fiscal year thereafter, in support of primary and secondary public education, the state shall appropriate and expend not less than \$225,000,000. Judicial review and enforcement of such duty shall be restricted only to the provisions of the preceding sentence. The specific purposes and method of distribution of such expenditure shall be determined by statute. Taxes imposed by political subdivisions of the state for support of primary and secondary public education need be proportional and reasonable only throughout that part of the city, town, or unincorporated place within such political subdivision from which they are collected. All matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district providing such education, except as otherwise prescribed by statute in accordance with part I, article 28-a of this constitution.*

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be: Are you in favor of amending article 83 of the second part of the constitution to provide that, notwithstanding any other provision of part second of the constitution:

Starting in the year 2000, the state will fund an amount not less than \$225,000,000 each year for the purpose of discharging its duty toward public primary and secondary education;

The purpose and manner of distribution of this amount will be determined by law;

That local government will control all aspects of such education except those the state assumes by law, subject to the unfunded mandate protection provided in the constitution,

Local taxes used to support education shall be reasonable and proportional within the community where they are imposed; and

The court review and enforcement of the state's duty will be restricted to the funding level provision of the proposed amendment, which states:

"Notwithstanding any other provision of part second of this constitution, the state's duty to cherish the interest of literature and the sciences, and all seminaries and public schools, shall be gov-

erned exclusively by the provisions of this paragraph. Beginning in fiscal year 2001 and in each fiscal year thereafter, in support of primary and secondary public education, the state shall appropriate and expend not less than \$225,000,000. Judicial review and enforcement of such duty shall be restricted only to the provisions of the preceding sentence. The specific purposes and method of distribution of such expenditure shall be determined by statute. Taxes imposed by political subdivisions of the state for support of primary and secondary public education need be proportional and reasonable only throughout that part of the city, town, or unincorporated place within such political subdivision from which they are collected. All matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district providing such education, except as otherwise prescribed by statute in accordance with part I, article 28-a of this constitution?"

#### AMENDED ANALYSIS

The constitutional amendment-concurrent resolution requires that beginning in fiscal year 2001, and every year thereafter, the state shall provide no less than \$225,000,000 in support of primary and secondary public education; restricts judicial review of the state's duties with regard to education to the funding level provision of the proposed amendment; requires that taxes imposed by a political subdivision in support of public education need be proportional and reasonable only throughout that part of the city, town, or unincorporated place within such political subdivision from which they are collected; and requires that matters pertaining to primary and secondary public education shall be determined locally.

Rep. Alger spoke in favor.

Rep. Kurk spoke against and yielded to questions.

On a division vote, 36 members having voted in the affirmative and 311 in the negative, the Alger floor amendment failed.

Rep. Mirski offered a floor amendment.

#### Floor Amendment (2398h)

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

RELATING TO: taxes imposed by political subdivisions of the state to support public education.

PROVIDING THAT: all matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district and that taxes imposed by a political subdivision in support of public education need be proportional and reasonable only throughout that part of the city, town, or unincorporated place within such political subdivision from which they are collected.

Amend the resolution by replacing paragraph I with the following:

I. That article 83 of the second part of the constitution be amended to read as follows:

[Art.] 83. [Encouragement of Literature, etc.; Control of Corporations, Monopolies, etc.; *Taxes Imposed by Political Subdivisions to be Reasonable and Proportional; Local Authority Over Educational Matters.*] Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards, and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous sentiments, among the people: Provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools of institutions of any religious sect or denomination. Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization and provision should be made for the supervision and government thereof. Therefore, all just power possessed by the state is hereby granted to the general court to

enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against.

*The state's duty to cherish the interest of literature and the sciences, and all seminaries and public schools, shall be governed exclusively by the provisions of this paragraph. All matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district. Taxes imposed by political subdivisions of the state for support of primary and secondary public education need be proportional and reasonable only throughout that part of the city, town, or unincorporated place within such political subdivision from which they are collected. Nothing in this article shall be construed to deny, disparage, or infringe any other right of the people as set forth elsewhere in this constitution.*

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be: Are you in favor of amending article 83 of the second part of the constitution to include the following:

"The state's duty to cherish the interest of literature and the sciences, and all seminaries and public schools, shall be governed exclusively by the provisions of this paragraph. All matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district. Taxes imposed by political subdivisions of the state for support of primary and secondary public education need be proportional and reasonable only throughout that part of the city, town, or unincorporated place within such political subdivision from which they are collected. Nothing in this article shall be construed to deny, disparage, or infringe any other right of the people as set forth elsewhere in this constitution?"

#### AMENDED ANALYSIS

The constitutional amendment-concurrent resolution provides that all matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district and that taxes imposed by a political subdivision in support of public education need be proportional and reasonable only throughout that part of the city, town, or unincorporated place within such political subdivision from which they are collected.

Rep. Mirski spoke in favor and yielded to questions.

The Mirski floor amendment failed.

Rep. Burling requested a quorum count. The Speaker declared a quorum present.

Rep. Burling offered a floor amendment.

#### Floor Amendment (2397h)

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

RELATING TO: extending the deadline imposed by the New Hampshire supreme court on the general court regarding the method of funding public education.

PROVIDING THAT: notwithstanding that portion of the New Hampshire supreme court's decision in Claremont School District v. Governor, dated December 17, 1997, which imposed on the general court an end of the 1998 tax year deadline for creating and implementing a new system of funding public education, the deadline shall be extended to April 1, 2000 in order that the general court be given a reasonable time to effect an orderly transition to a new system of funding public education.

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

I. That the second part of the constitution be amended by inserting after article 8 the following new article:

[Art.] 8-a. [Applicability of Supreme Court's Public School Funding Decision]. Notwithstanding that portion of the decision of the supreme court of this state in Claremont School District v. Governor, dated December 17, 1997, found in the New Hampshire Reports, volume 142, page 462, which imposed on the general court the end of the 1998 tax year as a deadline for action, and in



order that the general court be given a reasonable period of time to effect an orderly transition to a new system, the general court shall no later than April 1, 2000, create and implement a new system of funding public education.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 1998.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 1998 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 1998 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be: Are you in favor of amending the constitution to provide that: Notwithstanding that portion of the decision of the supreme court of this state in Claremont School District v. Governor, dated December 17, 1997, found in the New Hampshire Reports, volume 142, page 462, which imposed on the general court the end of the 1998 tax year as a deadline for action, and so that the general court be given a reasonable period of time to effect an orderly transition to a new system, the general court shall, no later than April 1, 2000, create and implement a new system of funding public education?"

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. 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. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 1998 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

#### AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that notwithstanding that portion of the New Hampshire supreme court's decision in Claremont School District v. Governor, dated December 17, 1997, which imposed on the general court an end of the 1998 tax year deadline for creating and implementing a new system of funding public education, the deadline shall be extended to April 1, 2000 in order that the general court be given a reasonable time to effect an orderly transition to a new system of funding public education.

Rep. Burling spoke in favor and yielded to questions.

Rep. Hess spoke against.

Rep. Burling requested a roll call; sufficiently seconded.

The question being the adoption of the Burling floor amendment.

**YEAS 135 NAYS 221**

**YEAS 135**

**BELKNAP**

Salatiello, Thomas

**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah  
Lynch, Margaret  
O'Connell, John  
Riley, William

Champagne, Richard  
Lynott, Margaret  
Pratt, Irene  
Robertson, Timothy

DePecol, Benjamin  
McGuirk, Paul  
Pratt, John  
Russell, Ronald

Doucette, Richard  
Meader, David  
Richardson, Barbara  
Vogl, John

**COOS**

Bradley, Paula

Hawkinson, Marie

Mears, Edgar

Moynihan, Wayne

**GRAFTON**

Below, Clifton	Copenhaver, Marion	Guest, Robert	Ham, Bonnie
Lovett, Sidney	Luker, Elsa	Nordgren, Sharon	Trelfa, Richard
Williams, William, Jr.			

**HILLSBOROUGH**

Allen, W. Gordon	Ameen, W.	Barry, William, III	Bernier, Shannon
Buckley, Raymond	Cardin, Lori	Christiansen, Lars	Clemons, Jane
Cote, David	Cote, Peter	Daigle, Robert	Dawe, Eileen
Dokmo, Cynthia	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.	Fenton, James
Foster, Joseph	Foster, Linda	Franks, Suzan	Gage, Ruth
Ginsburg, Ruth	Gosselin, Gerald	Jean, Claudette	Konys, Christine
Leonard, Peter	Lynde, Harold	MacAuslan, Rita	Martin, Mary
McCarthy, William	Messier, Irene	Murphy, Robert	Reidy, Frank
Turgeon, Roland	Vaillancourt, Steve	Welch, Donald	White, Jay
Williams, Carol			

**MERRIMACK**

Burney, Carol	Crosby, Toni	Daneault, Gabriel	DeStefano, Stephen
Dunn, Miriam	Fraser, Marilyn	French, Barbara	Hager, Elizabeth
Lockwood, Robert	Moore, Carol	Owen, Derek	Reardon, Tara
Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Bishop, Franklin	Blanchard, MaryAnn	Coes, Betsy
Cooney, Richard	Cushing, Robert	Dodge, Robert	Heath, John
Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane	Morris, Debbie
Norelli, Terie	O'Keefe, Patricia	Sapareto, Frank	Schanda, Frank
Syracusa, Anthony	Vaughn, Charles		

**STRAFFORD**

Bickford, David	Brennan, William	Brown, George	Callaghan, Frank
Dunlap, Patricia	Estabrook, Iris	Heon, Richard	Kaen, Naida
Keans, Sandra	Knowles, William	McCann, William, Jr.	Merrill, Amanda
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Taylor, Kathleen	Twardus, Joseph
Vachon, Dennis	Wall, Janet		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Flint, Gordon	Leone, Richard	Palmer, Lorraine
Robb-Theroux, Amy	Wiggins, Celestine		

**NAYS 221****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Golden, Paul	Holbrook, Robert	Hurt, George
Laflam, Robert	Lawton, David	Lawton, Robert	Pilliod, James
Rice, Thomas, Jr.	Thomas, John	Veazey, John	

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	Philbrick, Donald

**CHESHIRE**

Avery, Stephen	Hunt, John	Manning, Joseph	Metzger, Katherine
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	

**COOS**

Coulombe, Henry	Coulombe, Yvonne	Davis, Perley	Guay, Lawrence
Horton, Lynn	Merrill, Gerald	Pratt, Leighton	St. Hilaire, Paul
Tholl, John, Jr.			

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Connolly, Steven
Eaton, Stephanie	Guaraldi, Lawrence	Hill, Richard	Hinman, Harry
LaMott, Paul	MacNeil, Allen	Mirski, Paul	Phinney, William
Teschner, Douglass			

**HILLSBOROUGH**

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Bergin, Peter	Boutin, David	Briefs, Geoffrey
Brundige, Robert	Calawa, Leon, Jr.	Carlson, Donald	Carney, Lauren
Chabot, Ernest	Chabot, Robert	D'Allesandro, Lou	Daniels, Gary
Desrosiers, William	Durham, Susan	Dyer, Merton	Emerton, Lawrence, Sr.
Fields, Dennis	Flora, Kathleen	Gagnon, Eugene	Golding, William
Goulet, Maurice	Haley, Robert	Hall, Betty	Hansen, Herbert
Hart, Nick	Herman, Keith	Holley, Sylvia	Holt, David
Hunter, Bruce	Jean, Loren	Johnson, Lionel	Kelley, Robert
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Leishman, Peter
Lessard, Rudy	Letendre, Evelyn	Lozeau, Donnalee	Luebker, Bernard
MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael	McCarty, Winston
McDonald, James, Sr.	McGough, Tim	McRae, Karen	Melcher, Harold
Mercer, Robert	Milligan, Robert	Morello, Michael	Murch, George
O'Hearn, Jane	O'Rourke, Thomas	Pepino, Leo	Perkins, Paul
Peterson, Andrew	Piteri, Dawn	Riley, Frances	Sargent, Maxwell
Searles, Stanley, Sr.	Tate, Joan	Thulander, O. Alan	Wheeler, Robert
White, Donald	Wright, George		

**MERRIMACK**

Adams, Stephen	Anderson, Eric	Brown, Mary	Chandler, Earle
Colburn, Thomas	Crowell, Peter	Davis, Francis	Gile, Mary
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Krueger, Patricia
Lamach, Bernard	Langer, Ray	Larrabee, David	Lavoie, Gerard
Leber, William	Marshall, Kenneth	Morrill, Olive	Pfaff, Terence
Whalley, Michael			

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Camm, Kevin
Carson, Gregory	Case, Margaret	Christie, Andrew, Jr.	Cote, Patricia
Dearborn, Bruce	Dolan, Richard	Dowd, Sandra	Dowling, Patricia
Downing, Michael	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John, Sr.	Francoeur, Sheila	Frechette, Joseph
Gibbons, Paul	Gleason, John	Guthrie, Joseph	Henderson, Warren
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Lovejoy, Marian	Major, Norman	Malcolm, Kenneth	McCarthy, John, Jr.
McKinney, Betsy	Mikowski, Walter	Moore, Benjamin	Nowe, Ronald
Noyes, Richard	Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline
Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Rubin, George



Smith, Kevin	Stickney, Nancy	Stone, Joseph	Stritch, C. Donald
Tufts, J. Arthur	Varrell, Thomas	Verani, Giovanni	Weare, Everett
Welch, David	Weyler, Kenneth	Woods, Deborah	

**STRAFFORD**

Berube, Roger	Cossette, Larry	DeChane, Marlene	Hemon, Roland
Lundborn, Raymond	McKinley, Robert	Spear, Barbara	Sullivan, Henry
Torr, Ann	Torr, Franklin	Tsiros, William	

**SULLIVAN**

Adler, Rudolf	Kibbey, David	Lindblade, Eric	Schotanus, Merle
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and the Burling floor amendment failed.

The question now being the adoption of the Committee report, Ought to Pass with Amendment. Reps. Allen, Hager, Peterson, John Pratt, Sapareto and Burling spoke against. Reps. Jeb Bradley, D'Allesandro and Teschner spoke in favor. Rep. Mary Brown spoke in favor and yielded to questions.

**(Rep. Wheeler in the Chair)**

Reps. Henderson and Sytek spoke in favor.

**(Speaker Sytek in the Chair)**

As required by the Constitution, Rep. Wheeler requested a roll call; sufficiently seconded.

**YEAS 193 NAYS 163****YEAS 193****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Golden, Paul	Holbrook, Robert	Hurt, George
Laffam, Robert	Lawton, David	Lawton, Robert	Pilliod, James
Rice, Thomas, Jr.	Thomas, John		

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy	MacDonald, Kenneth
Mock, Henry	Patten, Betsey	Philbrick, Donald	

**CHESHIRE**

Avery, Stephen	Hunt, John	Metzger, Katherine	Royce, H. Charles
Smith, Edwin	Steere, Myron, III		

**COOS**

Coulombe, Henry	Coulombe, Yvonne	Davis, Perley	Guay, Lawrence
Horton, Lynn	Mears, Edgar	Merrill, Gerald	Pratt, Leighton
St. Hilaire, Paul	Tholl, John, Jr.		

**GRAFTON**

Akins, Ralph	Alger, John	Connolly, Steven	Eaton, Stephanie
Guaraldi, Lawrence	Ham, Bonnie	Hinman, Harry	LaMott, Paul
MacNeil, Allen	Teschner, Douglass	Trelfa, Richard	

**HILLSBOROUGH**

Alukonis, David	Ameen, W.	Amidon, Eleanor	Arnold, Thomas, Jr.
Barry, William, III	Batula, Peter	Belvin, William	Bergin, Peter
Bernier, Shannon	Briefs, Geoffrey	Brundige, Robert	Buckley, Raymond
Calawa, Leon, Jr.	Carney, Lauren	Chabot, Ernest	Chabot, Robert

Christiansen, Lars  
 Daniels, Gary  
 Emerton, Lawrence, Sr.  
 Gage, Ruth  
 Goulet, Maurice  
 Holley, Sylvia  
 Johnson, Lionel  
 Leishman, Peter  
 Luebker, Bernard  
 McDonald, James, Sr.  
 Morello, Michael  
 O'Rourke, Thomas  
 Sargent, Maxwell  
 Turgeon, Roland  
 Williams, Carol

Cote, Peter  
 Durham, Susan  
 Fenton, James  
 Gagnon, Eugene  
 Haley, Robert  
 Holt, David  
 Kelley, Robert  
 Lessard, Rudy  
 MacGillivray, Jeffrey  
 McGough, Tim  
 Murch, George  
 Pepino, Leo  
 Searles, Stanley, Sr.  
 Wheeler, Robert

D'Allesandro, Lou  
 Dwyer, Paul, Sr.  
 Fields, Dennis  
 Golding, William  
 Hansen, Herbert  
 Hunter, Bruce  
 Kurk, Neal  
 Letendre, Evelyn  
 MacIntyre, Doris  
 Mercer, Robert  
 Murphy, Robert  
 Piteri, Dawn  
 Tate, Joan  
 White, Donald

Daigle, Robert  
 Dyer, Merton  
 Flora, Kathleen  
 Gosselin, Gerald  
 Herman, Keith  
 Jean, Loren  
 L'Heureux, Robert  
 Lozeau, Donnalee  
 McCarty, Winston  
 Milligan, Robert  
 O'Hearn, Jane  
 Riley, Frances  
 Thulander, O. Alan  
 White, Jay

### MERRIMACK

Adams, Stephen  
 Colburn, Thomas  
 Leber, William

Anderson, Eric  
 Crowell, Peter  
 Pfaff, Terence

Brown, Mary  
 Hess, David  
 Whalley, Michael

Chandler, Earle  
 Lamach, Bernard

### ROCKINGHAM

Arndt, Janet  
 Case, Margaret  
 Dowd, Sandra  
 Flanagan, Natalie  
 Frechette, Joseph  
 Johnson, Robert  
 Langley, Jane  
 Malcolm, Kenneth  
 Nowe, Ronald  
 Reardon, Neil  
 Tufts, J. Arthur

Belanger, Ronald  
 Christie, Andrew, Jr.  
 Dowling, Patricia  
 Flanders, David  
 Gleason, John  
 Katsakiores, George  
 Letourneau, Robert  
 McCarthy, John, Jr.  
 Packard, Sherman  
 Smith, Kevin  
 Verani, Giovanni

Camm, Kevin  
 Cote, Patricia  
 Downing, Michael  
 Flanders, John, Sr.  
 Guthrie, Joseph  
 Katsakiores, Phyllis  
 Lovejoy, Marian  
 McKinney, Betsy  
 Pantelakos, Laura  
 Stickney, Nancy  
 Welch, David

Carson, Gregory  
 Dearborn, Bruce  
 Fesh, Robert  
 Francoeur, Sheila  
 Henderson, Warren  
 Klemm, Arthur, Jr.  
 Major, Norman  
 Mikowski, Walter  
 Rabideau, Marie  
 Stone, Joseph  
 Woods, Deborah

### STRAFFORD

Beube, Roger  
 DeChane, Marlene  
 Spear, Barbara

Brennan, William  
 Knowles, William  
 Taylor, Kathleen

Brown, George  
 Lundborn, Raymond  
 Tsiros, William

Cossette, Larry  
 McKinley, Robert  
 Twardus, Joseph

### SULLIVAN

Leone, Richard

### NAYS 163

### BELKNAP

Salatiello, Thomas

Veazey, John

### CARROLL

Dickinson, Howard, Jr.

### CHESHIRE

Bonneau, Sarah  
 Lynch, Margaret  
 Meader, David  
 Richardson, Barbara  
 Vogl, John

Champagne, Richard  
 Lynott, Margaret  
 O'Connell, John  
 Riley, William

DePecol, Benjamin  
 Manning, Joseph  
 Pratt, Irene  
 Robertson, Timothy

Doucette, Richard  
 McGuirk, Paul  
 Pratt, John  
 Russell, Ronald

**COOS**

Bradley, Paula	Hawkinson, Marie	Moynihan, Wayne
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**GRAFTON**

Almy, Susan	Below, Clifton	Copenhaver, Marion	Guest, Robert
Hill, Richard	Lovett, Sidney	Luker, Elsa	Mirski, Paul
Nordgren, Sharon	Phinney, William	Williams, William, Jr.	

**HILLSBOROUGH**

Allen, W. Gordon	Cardin, Lori	Carlson, Donald	Clemons, Jane
Cote, David	Dawe, Eileen	Desrosiers, William	Dokmo, Cynthia
Drabinowicz, A. Theresa	Foster, Joseph	Foster, Linda	Franks, Suzan
Ginsburg, Ruth	Hall, Betty	Hart, Nick	Jean, Claudette
Konys, Christine	LaRose, Richard	Lefebvre, Roland	Leonard, Peter
Lynde, Harold	MacAuslan, Rita	Marcinkowski, Michael	Martin, Mary
McCarthy, William	McRae, Karen	Melcher, Harold	Messier, Irene
Perkins, Paul	Peterson, Andrew	Reidy, Frank	Vaillancourt, Steve
Welch, Donald	Wright, George		

**MERRIMACK**

Burney, Carol	Crosby, Toni	Daneault, Gabriel	Davis, Francis
DeStefano, Stephen	Dunn, Miriam	Fraser, Marilyn	French, Barbara
Gile, Mary	Hager, Elizabeth	Hoadley, Elizabeth	Jacobson, Alf
Krueger, Patricia	Langer, Ray	Larrabee, David	Lavoie, Gerard
Lockwood, Robert	Marshall, Kenneth	Moore, Carol	Morrill, Olive
Owen, Derek	Reardon, Tara	Seldin, Gloria	St. Cyr, Gerard
Wallin, Jean	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Bishop, Franklin	Blanchard, MaryAnn
Coes, Betsy	Cooney, Richard	Cushing, Robert	Dodge, Robert
Dolan, Richard	Dunham, Vivian	Gibbons, Paul	Heath, John
Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane	Kobel, Rudolph
Langone, John	Moore, Benjamin	Morris, Debbie	Norelli, Terie
Noyes, Richard	O'Keefe, Patricia	Pitts, Jacqueline	Raynowska, Bernard
Rubin, George	Sapareto, Frank	Schanda, Frank	Stritch, C. Donald
Syracusa, Anthony	Varrell, Thomas	Vaughn, Charles	Weare, Everett
Weyler, Kenneth			

**STRAFFORD**

Bickford, David	Callaghan, Frank	Dunlap, Patricia	Estabrook, Iris
Hemon, Roland	Heon, Richard	Kaen, Naida	Keans, Sandra
McCann, William, Jr.	Merrill, Amanda	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Sullivan, Henry	Torr, Ann	Torr, Franklin	Vachon, Dennis
Wall, Janet			

**SULLIVAN**

Adler, Rudolf	Allison, David	Burling, Peter	Cloutier, John
Donovan, Thomas	Ferland, Brenda	Flint, Gordon	Kibbey, David
Lindblade, Eric	Palmer, Lorraine	Robb-Theroux, Amy	Schotanus, Merle
Wiggins, Celestine			

and the report failed, lacking the constitutionally-required three-fifths.



**PROTEST**

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Loren Jean requested that his protest, and that of the undersigned members, be entered on the Journal.

I (we) have voted today in favor of the passage of CACR 45. I have done so despite my serious concerns about placing something as temporal as the \$225 million funding level in our Constitution, a document of principle, because I believe that it is important to put the question of legislative jurisdiction and school funding before the citizens of New Hampshire this November in the general election.

Representatives:

Loren Jean	Camm	Fenton	Christiansen	Mary Brown
Piteri	David Lawton	Holt	Robert Lawton	Milligan
Frances Riley	Kevin Smith	Stone	Colburn	Brundige
Robert Kelley	Hurt	St. Hilaire		

**SENATE MESSAGE**

**NONCONCURS WITH AMENDMENT  
REQUESTS COMMITTEE OF CONFERENCE**

*SB 409-FN*, relative to long-term care and extending the moratorium on new nursing home beds. The President appointed Sens. Squires, David Wheeler and Blaisdell.

Rep. Kurk moved that the House accede and spoke in favor.

Adopted.

The Speaker appointed Reps. Kurk, Emerton, Dowling and Wallner.

**REGULAR CALENDAR (CONT'D.)**

**CACR 47**, relating to use of personal income taxes. Providing that the general court shall use net revenues from personal income taxes exclusively for educational purposes. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Vaughn for Finance: The issue addressed by this CACR is related to HB 1668 which has been recommended for interim study by the committee. The committee believes that separate study of this CACR is unnecessary. Vote 17-2.

Adopted.

**CACR 48**, relating to restricting any statewide property tax to education funding. Providing that all revenues resulting from a statewide property tax shall be used exclusively for elementary and secondary education. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Vaughn for Finance: The issue addressed by this CACR is related to HB 1674 which has been recommended for interim study by the committee. The committee believes that separate study of this CACR is unnecessary. Vote 17-2.

Adopted.

**CACR 51**, relating to establishing a restricted education trust fund. Providing that an education trust fund be established, that all moneys designated for the purpose of state aid to education shall be directly transferred to such trust fund, and that the moneys in such trust fund shall be used exclusively for state aid to education. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Vaughn for Finance: In view of the committee's support of CACR 45, as amended, it was felt that establishing a restricted education trust fund without a dedicated source of revenue raised issues that should more appropriately be addressed at a later time. Vote 19-0.

Adopted.

**HB 1666-FN-A-L**, establishing a new statewide tax on land values to fund a constitutionally adequate education. **REFER FOR INTERIM STUDY**

Rep. Charles L. Vaughn for Finance: This bill proposed a statewide property tax on land values only to fund a constitutionally adequate education. This method of property taxation requires additional study. Vote 13-6.

Adopted.

### SUSPENSION OF RULES

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit consideration at the present time without the required notice of the Committee of Conference report on *SB 409-FN*, relative to long-term care and extending the moratorium on new nursing home beds.

Adopted by the necessary two-thirds.

### COMMITTEE OF CONFERENCE REPORT ON SB 409

Committee of Conference Report on SB 409-FN, an act relative to long-term care and extending the moratorium on new nursing home beds.

Recommendation:

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 adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 151-E:6, III as inserted by section 1 of the bill by replacing it with the following:

III. The department shall implement the acuity-based reimbursement system on July 1, 1999 or as soon thereafter as practicable.

Amend RSA 167:18-b, IV as inserted by section 8 of the bill by replacing it with the following:

*IV. The total reimbursements by all counties made pursuant to this section for persons who have been determined eligible to receive nursing facility services shall not exceed the amounts set forth below for any of the state fiscal years 1999-2003:*

(a) *State fiscal year 1999-\$54,000,000.*

(b) *State fiscal year 2000-\$57,000,000.*

(c) *State fiscal year 2001-\$60,000,000.*

(d) *State fiscal year 2002-\$63,000,000.*

(e) *State fiscal year 2003-\$66,000,000.*

Conferees: Sens. Squires, Dist. 12; David Wheeler, Dist. 11 and Blaisdell, Dist. 10.

Conferees: Reps. Kurk, Hills 5; Emerton, Hills 7; Dowling, Rock 13 and Wallner, Merr. 24

Rep. Kurk spoke in favor.

Adopted.

### RESOLUTION

Rep. Wheeler 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, September 16, 1998 at 10:00 a.m.

Adopted.

### LATE SESSION

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of receiving Senate Messages, forming Committees of Conference, Enrolled Bill Amendments and Enrolled Bill Reports only.

Adopted.

The House recessed at 5:35 p.m.

### RECESS

(Speaker Sytek in the Chair)

### SENATE MESSAGE

### REFUSES TO ADOPT COMMITTEE OF CONFERENCE REPORT

### REQUESTS NEW COMMITTEE OF CONFERENCE

*HB 1075-FN*, an act implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all children of New Hampshire.

The President appointed Sens. Gordon, Frederick King and John King.

Rep. Henderson moved that the House accede to the request for a new Committee of Conference.  
Adopted.

The Speaker appointed Reps. Lozeau, Henderson, Kurk and Knowles.

RECESS

(Speaker Sytek in the Chair)

**ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 409.

Rep. Nowe, Sen. Hollingworth for the Committee

RECESS

Rep. Lozeau moved that the House adjourn.

Adopted.



**HOUSE JOURNAL No. 21**

Wednesday, September 16, 1998

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Deputy Majority Leader Gene Chandler.

**INTRODUCTION OF SPECIAL GUEST**

Judy Reardon, guest of the House.

**QUORUM**

Rep. Flora asked the Chair if a quorum was present.

The Chair declared that a quorum was not present.

**Adjournment**

Lacking the required quorum to conduct business, Rep. Lozeau moved that the House adjourn. Adopted.

The House adjourned at 10:10 a.m. to meet on Thursday, September 24, 1998 at 10:00 a.m.

**HOUSE JOURNAL No. 22**

Thursday, September 24, 1998

The House assembled at 10:00, the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Representative Sidney Lovett.

O, Thou who art the source of life in Whom each of us live and move and have our being, we acknowledge the heritage of freedom which is ours. We also acknowledge that You judge men and nations by Your righteous will, that history is the arena where Your call for justice is heard or denied. Deliver us from whimpering, false alarms, imprecise strategies and collective mediocrity. Strengthen our passion for truth, clarity and service, that the citizens of our state may benefit. In a word, Lord, give us the home-run desire and performance of McGwire and Sosa rather than settling for a base on balls. Amen.

Rep. Hill led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Julie Brown, Burnham, Cegelis, Robert Foster, Hansen, Healy, L'Heureux, McKinney and Paul Taylor, the day, illness.

Reps. Amidon, Avery, Burke, Clay, Dodge, Dunlap, Golding, Lefebvre, Lindblade, Morrill, Morris, Rowe, Simmons and William Williams, the day, important business.

**INTRODUCTION OF GUESTS**

Former N.H. Governor, Walter Peterson, guest of the House. Regina Baxter, guest of Rep. Lavoie. Judith Spang, guest of the Durham Delegation. Laurie Boyce, wife of Rep. Boyce. Janet Fortnam and Tom Veinote, guests of Rep. Francis David.

**CONFEREE CHANGE**

**HB 1075-FN-A-L**, implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all the children of New Hampshire.

Rep. Jeb Bradley replaced Rep. Knowles.

**REGULAR CALENDAR**

Without objection, the Speaker ordered **CACR 44** to the first order of business on the day's Regular Calendar.

**CACR 44**, relating to clarifying the phrase "proportional and reasonable" in the constitution. Providing that to the extent local property taxes are used to fund an adequate education, tax rates among different local taxing districts shall be proportional and reasonable if, utilizing real property valuations equalized throughout the state, the lowest tax rate utilized by any one local taxing district is not less than 50 percent of the highest tax rate utilized by any other local taxing district.  
**INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Vaughn for Finance: The issues addressed by this CACR are interwoven with HB 1679 which has been recommended for interim study by the committee. The committee believes that separate study of this CACR is unnecessary. Vote 19-0.

Rep. Henderson spoke against.

The report failed.

Reps. Kurk and Burling moved Ought to Pass with Amendment and offered a floor amendment.

**Floor Amendment (2454h)**

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

**RELATING TO:** the state's duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state.

PROVIDING THAT: the state shall have the duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state; in fulfillment of which, the state may require the cost of such education to be supported by taxes assessed by the political subdivisions of the state; such taxes shall be reasonable and proportional throughout the part of the political subdivision in which they are collected, provided that no political subdivision shall be required to assess real estate taxes for such purpose at a rate in excess of 5 percent of the average equalized rate necessary to support the total statewide cost of an adequate primary and secondary public education, and that all matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district providing such education.

Amend the resolution by replacing all after the resolving clause with the following:

I. That article 83 of the second part of the constitution be amended to read as follows:

[Art.] 83. [Encouragement of Literature, etc.; Control of Corporations, Monopolies, etc.; *State's Duty to Assure the Opportunity for an Adequate Primary and Secondary Public Education; Taxes Imposed by Political Subdivisions.*] Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards, and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous sentiments, among the people: Provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools of institutions of any religious sect or denomination. Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization and provision should be made for the supervision and government thereof. Therefore, all just power possessed by the state is hereby granted to the general court to enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against.

*The state's duty to support public education shall be governed exclusively by the provisions of this paragraph. Judicial review and enforcement of such duty shall be restricted only to the provisions of this paragraph. It shall be the duty of the state to assure the opportunity for an adequate primary and secondary public education to all pupils in the state. The specific nature and means of fulfilling such duty shall be determined by statute, which shall be upheld if reasonably related to the fulfillment thereof. The state may require the cost of such education to be supported by taxes assessed by political subdivisions of the state, which shall be reasonable and proportional throughout the part of the political subdivision in which they are collected, provided that no political subdivision shall be required to assess real estate taxes for such purpose at a rate more than 5 percent higher than the average equalized rate necessary to support the total statewide cost of adequate primary and secondary public education, as determined by statute. All matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district providing such education, except as otherwise prescribed by statute in accordance with part I, article 28-a of this constitution. Nothing in this article shall be construed to limit the amount the state or any political subdivision may expend for the purpose of education, or to deny, disparage, or infringe any other right of the people as set forth elsewhere in this constitution.*



II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 1998.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 1998 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 1998 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the Constitution by adding a new paragraph which:

1. Limits local school property tax rates that the state may require for supporting adequate education to no more than 5 percent above the state average tax rate for such taxes; and

2. Defines the state's duty to support public education as the duty "to assure the opportunity for an adequate primary and secondary public education to all pupils in the state; and

3. Prescribes that this duty will be carried out through laws passed by the legislature, subject to approval by the governor; and

4. Requires that such laws be upheld by the courts if they are reasonably related to fulfilling this duty; and

5. Permits the cost of such education to continue to be supported by local school property taxes which are reasonable and proportional throughout that part of the political subdivision in which they are collected; and

6. Authorizes local school districts to determine all matters pertaining to primary and secondary education, except such matters determined by state laws which provide funds for any newly-imposed requirements; and

7. Makes clear that this new paragraph is not intended to restrict amounts the state or any local district may spend for education, or to affect constitutional rights other than the state's duty to support public education; and that such new paragraph shall read as follows:

"The state's duty to support public education shall be governed exclusively by the provisions of this paragraph. Judicial review and enforcement of such duty shall be restricted only to the provisions of this paragraph. It shall be the duty of the state to assure the opportunity for an adequate primary and secondary public education to all pupils in the state. The specific nature and means of fulfilling such duty shall be determined by statute, which shall be upheld if reasonably related to the fulfillment thereof. The state may require the cost of such education to be supported by taxes assessed by political subdivisions of the state, which shall be reasonable and proportional throughout the part of the political subdivision in which they are collected, provided that no political subdivision shall be required to assess real estate taxes for such purpose at a rate more than 5 percent higher than the average equalized rate necessary to support the total statewide cost of adequate primary and secondary public education, as determined by statute. All matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district providing such education, except as otherwise prescribed by statute in accordance with part 1, article 28-a of this constitution. Nothing in this article shall be construed to limit the amount the state or any political subdivision may expend for the purpose of education, or to deny, disparage, or infringe any other right of the people as set forth elsewhere in this constitution?"

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. 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. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 1998 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

#### AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides:

1. That the state shall have the duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state.

2. The nature and means of fulfilling such duty shall be determined by statutory provisions, which shall be upheld if such statutes are reasonably related to fulfilling this duty.

3. That in fulfillment of this duty, the state may require the cost of such education to be supported by taxes assessed by the political subdivisions of the state.

4. That such taxes assessed in support of primary and secondary public education shall be reasonable and proportional throughout that part of the political subdivision in which they are collected, provided that no political subdivision shall be required to assess real estate taxes for such purpose at a rate in excess of 5 percent of the average equalized rate necessary to support the total statewide cost of an adequate primary and secondary public education.

5. That all matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district providing such education.

Reps. Hess and Wheeler spoke in favor and yielded to questions

Reps. Leishman, Vachon, Melcher, Wallin, Allen, John Pratt, Jacobson, Mary Brown and Mirski spoke against.

Rep. Weyler spoke against and yielded to questions.

Rep. Cushing did not speak but wanted to be recorded against.

Reps. Linda Foster and Kurk spoke in favor.

Reps. Wheeler and Burling requested a roll call; sufficiently seconded.

The question being the adoption of the Kurk/Burling floor amendment.

### YEAS 192 NAYS 156

#### YEAS 192

#### BELKNAP

Bartlett, Gordon  
Golden, Paul  
Pilliod, James  
Turner, Robert

Boriso, Thomas  
Holbrook, Robert  
Rosen, Ralph

Boyce, Robert  
Lawton, David  
Salatiello, Thomas

Calvert, Alice  
Lawton, Robert  
Thomas, John

#### CARROLL

Babson, David, Jr.  
Dickinson, Howard, Jr.  
MacDonald, Kenneth

Bradley, Jeb  
Howard, Godfrey  
Mock, Henry

Chandler, Gene  
Kenney, Joseph  
Patten, Betsey

Cooper, Kipp  
Lyman, L. Randy  
Philbrick, Donald

#### CHESHIRE

Doucette, Richard  
O'Connell, John  
Steere, Myron, III

Hunt, John  
Royce, H. Charles

McNamara, Wanda  
Russell, Ronald

Metzger, Katherine  
Smith, Edwin

#### COOS

Bradley, Paula  
Horton, Lynn  
St. Hilaire, Paul

Davis, Perley  
Mears, Edgar  
Tholl, John, Jr.

Guay, Lawrence  
Merrill, Gerald

Hawkinson, Marie  
Pratt, Leighton

#### GRAFTON

Akins, Ralph  
MacNeil, Allen

Eaton, Stephanie  
Teschner, Douglass

Ham, Bonnie  
Trelfa, Richard

LaMott, Paul

#### HILLSBOROUGH

Alukonis, David  
Barry, William, III  
Buckley, Raymond  
Chabot, Robert  
Daigle, Robert  
Dyer, Merton  
Foster, Joseph  
Gosselin, Gerald

Ameen, W.  
Belvin, William  
Calawa, Leon, Jr.  
Clegg, Robert, Jr.  
Daniels, Gary  
Emerton, Lawrence, Sr.  
Foster, Linda  
Goulet, Maurice

Arnold, Thomas, Jr.  
Bernier, Shannon  
Carney, Lauren  
Cote, Peter  
Durham, Susan  
Fields, Dennis  
Gage, Ruth  
Haley, Robert

Baroody, Benjamin  
Brundige, Robert  
Chabot, Ernest  
D'Allesandro, Lou  
Dwyer, Paul, Sr.  
Flora, Kathleen  
Gagnon, Eugene  
Herman, Keith

Holley, Sylvia	Hunter, Bruce	Jean, Loren	Johnson, Lionel
Kelley, Robert	Kurk, Neal	LaRose, Richard	Lessard, Rudy
Lozeau, Donnalee	Lynde, Harold	MacGillivray, Jeffrey	MacIntyre, Doris
McCarty, Winston	McDonald, James, Sr.	McGough, Tim	Mercer, Robert
Murphy, Robert	O'Hearn, Jane	O'Rourke, Thomas	Pepino, Leo
Piteri, Dawn	Reidy, Frank	Sargent, Maxwell	Searles, Stanley, Sr.
Tate, Joan	Thulander, O. Alan	Turgeon, Roland	Vaillancourt, Steve
Welch, Donald	Wheeler, Robert	Williams, Carol	

**MERRIMACK**

Adams, Stephen	Anderson, Eric	Chandler, Earle	Crowell, Peter
DeStefano, Stephen	Hess, David	Leber, William	Nichols, Avis
Pfaff, Terence	Whalley, Michael		

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn	Case, Margaret
Christie, Andrew, Jr.	Clark, Martha	Cote, Patricia	Dalrymple, Janeen
Dearborn, Bruce	Dowd, Sandra	Dowling, Patricia	Downing, Michael
Flanders, David	Flanders, John, Sr.	Francoeur, Sheila	Frechette, Joseph
Gleason, John	Henderson, Warren	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Klemm, Arthur, Jr.
Langley, Jane	Letourneau, Robert	Lovejoy, Marian	Major, Norman
Malcolm, Kenneth	McCarthy, John, Jr.	Micklon, Stephanie	Nowe, Ronald
O'Keefe, Patricia	Packard, Sherman	Pantelakos, Laura	Rabideau, Marie
Schanda, Frank	Stone, Joseph	Syracusa, Anthony	Tufts, J. Arthur
Verani, Giovanni	Welch, David	Woods, Deborah	

**STRAFFORD**

Berube, Roger	Brennan, William	Cossette, Larry	DeChane, Marlene
Grassie, Anne	Kaen, Naida	Knowles, William	Lundborn, Raymond
McCann, William, Jr.	McKinley, Robert	Musler, George	Rogers, Rose Marie
Rollo, Michael	Spear, Barbara	Sullivan, Henry	Taylor, Kathleen
Torr, Ann	Torr, Franklin	Tsiros, William	Twardus, Joseph
Vincent, Francis	Wall, Janet		

**SULLIVAN**

Burling, Peter	Ferland, Brenda	Leone, Richard
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**NAYS 156****BELKNAP**

Clark, Charles	Hurt, George	Rice, Thomas, Jr.	Veazey, John
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**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah	Champagne, Richard	DePecol, Benjamin	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meador, David
Pratt, Irene	Pratt, John	Richardson, Barbara	Robertson, Timothy
Vogl, John			

**COOS**

Moynihan, Wayne



**GRAFTON**

Alger, John	Almy, Susan	Below, Clifton	Copenhaver, Marion
Guaraldi, Lawrence	Guest, Robert	Hill, Richard	Hinman, Harry
Lovett, Sidney	Luker, Elsa	Mirski, Paul	Nordgren, Sharon
Phinney, William	Weber, Phil		

**HILLSBOROUGH**

Allen, W. Gordon	Batula, Peter	Bergin, Peter	Boutin, David
Briefs, Geoffrey	Cardin, Lori	Carlson, Donald	Christiansen, Lars
Clemons, Jane	Cote, David	Dawe, Eileen	Desrosiers, William
Dokmo, Cynthia	Drabinowicz, A. Theresa	Fenton, James	Franks, Suzan
Haettenschwiller, Alphonse	Hall, Betty	Hart, Nick	Holt, David
Jean, Claudette	Konys, Christine	Leishman, Peter	Leonard, Peter
Letendre, Evelyn	Luebker, Bernard	Marcinkowski, Michael	Martin, Mary
McCarthy, William	McRae, Karen	Melcher, Harold	Messier, Irene
Milligan, Robert	Murch, George	Perkins, Paul	Peterson, Andrew
Riley, Frances	White, Donald	Wright, George	

**MERRIMACK**

Brown, Mary	Burney, Carol	Crosby, Toni	Daneault, Gabriel
Davis, Francis	Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Hoadley, Elizabeth
Jacobson, Alf	Krueger, Patricia	Lamach, Bernard	Langer, Ray
Larrabee, David	Lavoie, Gerard	Lockwood, Robert	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Owen, Derek	Reardon, Tara
Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Bishop, Franklin	Camm, Kevin
Carson, Gregory	Coes, Betsy	Cooney, Richard	Cushing, Robert
Dolan, Richard	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Gibbons, Paul	Griffin, Mary	Heath, John	Hutchinson, Rebecca
Kobel, Rudolph	Langone, John	Mikowski, Walter	Moore, Benjamin
Norelli, Terie	Noyes, Richard	Pitts, Jacqueline	Raynowska, Bernard
Rubin, George	Sabella, Norma	Sapareto, Frank	Stickney, Nancy
Stritch, C. Donald	Varrell, Thomas	Vaughn, Charles	Weare, Everett
Weyler, Kenneth			

**STRAFFORD**

Bickford, David	Brown, George	Callaghan, Frank	Estabrook, Iris
Hemon, Roland	Heon, Richard	Keans, Sandra	Merrill, Amanda
Pelletier, Arthur	Smith, Marjorie	Snyder, Clair	Vachon, Dennis

**SULLIVAN**

Adler, Rudolf	Allison, David	Cloutier, John	Donovan, Thomas
Flint, Gordon	Kibbey, David	Palmer, Lorraine	Robb-Theroux, Amy
Schotanus, Merle	Wiggins, Celestine		

and the Kurk/Burling floor amendment was adopted.

Rep. Holt offered a floor amendment.

**Floor Amendment (2448h)**

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

**RELATING TO:** the state's duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state.

**PROVIDING THAT:** the state shall have the duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state; in fulfillment of which, the state may require the cost of such education to be supported by taxes assessed by the political subdivisions of the state; such taxes shall be reasonable and proportional throughout the part of the political subdivision in which they are collected, provided that no political subdivision shall be required to assess real estate taxes for such purpose at a rate in excess of 5 percent of the average equalized rate necessary to support the total statewide cost of an adequate primary and secondary public education; that no political subdivision shall receive any additional state funding if such political subdivision enacts or maintains the enactment of any local laws, ordinances, rules, or regulations which are intended to or result in the restriction of reasonable economic growth or development within said political subdivision; and that all matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district providing such education.

Amend the resolution by replacing all after the resolving clause with the following:

I. That article 83 of the second part of the constitution be amended to read as follows:

[Art.] 83. [Encouragement of Literature, etc.; Control of Corporations, Monopolies, etc.; *State's Duty to Assure the Opportunity for an Adequate Primary and Secondary Public Education; Taxes Imposed by Political Subdivisions; Effect of Local Restrictions on Reasonable Economic Growth and Development.*] Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards, and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous sentiments, among the people: Provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools of institutions of any religious sect or denomination. Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization and provision should be made for the supervision and government thereof. Therefore, all just power possessed by the state is hereby granted to the general court to enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against.

*The state's duty to support public education shall be governed exclusively by the provisions of this paragraph. Judicial review and enforcement of such duty shall be restricted only to the provisions of this paragraph. It shall be the duty of the state to assure the opportunity for an adequate primary and secondary public education to all pupils in the state. The specific nature and means of fulfilling such duty shall be determined by statute, which shall be upheld if reasonably related to the fulfillment thereof. The state may require the cost of such education to be supported by taxes assessed by political subdivisions of the state, which shall be reasonable and proportional throughout the part of the political subdivision in which they are collected, provided that no political subdivision shall be required to assess real estate taxes for such purpose at a rate more than 5 percent higher than the average equalized rate necessary to support the total statewide cost of adequate primary and secondary public education, as determined by statute. All matters pertaining to primary and secondary public education shall be determined by*

*the legally constituted authority of the local district providing such education, except as otherwise prescribed by statute in accordance with part 1, article 28-a of this constitution; and provided that no political subdivision, including a school district or an area served by separate school districts, shall receive any additional state funding if such political subdivision enacts or maintains the enactment of any local laws, ordinances, rules, or regulations of any kind which are intended to, or result in, the restriction of reasonable economic growth or development within said political subdivision as determined by statute. Nothing in this article shall be construed to limit the amount the state or any political subdivision may expend for the purpose of education, or to deny, disparage, or infringe any other right of the people as set forth elsewhere in this constitution.*

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 1998.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 1998 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 1998 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:  
Are you in favor of amending the Constitution by adding a new paragraph which:

1. Limits local school property tax rates that the state may require for supporting adequate education to no more than 5 percent above the state average tax rate for such taxes; and

2. Defines the state's duty to support public education as the duty "to assure the opportunity for an adequate primary and secondary public education to all pupils in the state;" and

3. Prescribes that this duty will be carried out through laws passed by the legislature, subject to approval by the governor; and

4. Requires that such laws be upheld by the courts if they are reasonably related to fulfilling this duty; and

5. Permits the cost of such education to continue to be supported by local school property taxes which are reasonable and proportional throughout that part of the political subdivision in which they are collected; and

6. Authorizes local school districts to determine all matters pertaining to primary and secondary education, except such matters determined by state laws which provide funds for any newly-imposed requirements; and

7. Provides that no political subdivision shall receive any additional state funding if such political subdivision enacts or maintains any laws, ordinances, rules, or regulations which restrict reasonable economic growth or development; and

8. Makes clear that this new paragraph is not intended to restrict amounts the state or any local district may spend for education, or to affect constitutional rights other than the state's duty to support public education?

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. 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. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 1998 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

#### AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides:

1. That the state shall have the duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state.

2. The nature and means of fulfilling such duty shall be determined by statutory provisions, which shall be upheld if such statutes are reasonably related to fulfilling this duty.

3. That in fulfillment of this duty, the state may require the cost of such education to be supported by taxes assessed by the political subdivisions of the state.

4. That such taxes assessed in support of primary and secondary public education shall be reasonable and proportional throughout that part of the political subdivision in which they are col-



lected, provided that no political subdivision shall be required to assess real estate taxes for such purpose at a rate in excess of 5 percent of the average equalized rate necessary to support the total statewide cost of an adequate primary and secondary public education.

5. That no political subdivision shall receive any additional state funding if such political subdivision enacts or maintains enactment of any local laws, ordinances, rules, or regulations of any kind which are intended to, or result in the restriction of reasonable economic growth or development within such political subdivision, as determined by statute.

Rep. Holt spoke in favor and yielded to questions.

The Holt floor amendment failed.

Rep. Weyler offered a floor amendment.

### Floor Amendment (2452h)

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

RELATING TO: taxes imposed by political subdivisions in support of public education.

PROVIDING THAT: the state may require a part of the cost of primary and secondary public education to be supported by political subdivisions of the state, and that taxes imposed by a political subdivision in support of primary and secondary public education shall be proportional and reasonable only throughout that part of the city, town, or unincorporated place within such political subdivision from which they are collected.

Amend the resolution by replacing paragraph I with the following:

I. That part second of the constitution be amended by inserting after article 83 the following new article:

[Art.] 83-a. [Taxes Imposed by Political Subdivision in Support of Public Education.] The state may require a part of the cost of primary and secondary public education to be supported by political subdivisions of the state, and taxes imposed by political subdivisions of the state for support of primary and secondary public education shall be proportional and reasonable only throughout that part of the city, town, or unincorporated place within such political subdivision from which they are collected.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be: Are you in favor of amending the constitution to provide that:

“The state may require a part of the cost of primary and secondary public education to be supported by political subdivisions of the state, and taxes imposed by political subdivisions of the state for support of primary and secondary public education shall be proportional and reasonable only throughout that part of the city, town, or unincorporated place within such political subdivision from which they are collected?”

### AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that the state may require a part of the cost of primary and secondary public education to be supported by political subdivisions of the state, and taxes imposed by political subdivisions of the state for support of primary and secondary public education shall be proportional and reasonable only throughout that part of the city, town, or unincorporated place within such political subdivision from which they are collected.

Rep. Weyler spoke in favor.

Rep. Joseph Foster spoke against.

Rep. Mirski spoke in favor and yielded to questions.

Rep. Dickinson requested a roll call; sufficiently seconded.

The question being the adoption of the Weyler floor amendment.

**YEAS 82 NAYS 257**

**YEAS 82**

**BELKNAP**

Bartlett, Gordon  
Lawton, David

Clark, Charles  
Rice, Thomas, Jr.

Holbrook, Robert  
Rosen, Ralph

Hurt, George  
Veazey, John

**CARROLL**

Babson, David, Jr. Philbrick, Donald	Cooper, Kipp	Dickinson, Howard, Jr.	Mock, Henry
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**CHESHIRE**

None

**COOS**

St. Hilaire, Paul

**GRAFTON**

Akins, Ralph Hinman, Harry Weber, Phil	Alger, John Mirski, Paul	Guaraldi, Lawrence Phinney, William	Ham, Bonnie Trelfa, Richard
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**HILLSBOROUGH**

Arnold, Thomas, Jr. Desrosiers, William Holt, David Letendre, Evelyn Milligan, Robert White, Donald	Briefs, Geoffrey Fenton, James Jean, Loren Luebker, Bernard Murch, George Wright, George	Christiansen, Lars Herman, Keith Kelley, Robert Marcinkowski, Michael Pepino, Leo	Daniels, Gary Holley, Sylvia Kurk, Neal McRae, Karen Riley, Frances
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**MERRIMACK**

Adams, Stephen Leber, William	Anderson, Eric Whittemore, James	Krueger, Patricia	Langer, Ray
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**ROCKINGHAM**

Beaulieu, Jon Dalrymple, Janeen Flanagan, Natalie Katsakiores, George Mikowski, Walter Raynowska, Bernard Stritch, C. Donald	Belanger, Ronald Dolan, Richard Flanders, David Katsakiores, Phyllis Noyes, Richard Rubin, George Varrell, Thomas	Bishop, Franklin Dunham, Vivian Flanders, John, Sr. Kobel, Rudolph Packard, Sherman Sapareto, Frank Welch, David	Camm, Kevin Fesh, Robert Griffin, Mary Major, Norman Rabideau, Marie Stickney, Nancy Weyler, Kenneth
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**STRAFFORD**

Bickford, David

**SULLIVAN**

Adler, Rudolf      Kibbey, David

**NAYS 257****BELKNAP**

Boriso, Thomas Pilliod, James	Calvert, Alice Salatiello, Thomas	Golden, Paul Thomas, John	Lawton, Robert Turner, Robert
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**CARROLL**

Bradley, Jeb Lyman, L. Randy	Chandler, Gene MacDonald, Kenneth	Howard, Godfrey Patten, Betsey	Kenney, Joseph
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**CHESHIRE**

Bonneau, Sarah Hunt, John McGuirk, Paul O'Connell, John Robertson, Timothy Steere, Myron, III	Champagne, Richard Lynch, Margaret McNamara, Wanda Pratt, Irene Royce, H. Charles Vogl, John	DePecol, Benjamin Lynott, Margaret Meader, David Pratt, John Russell, Ronald	Doucette, Richard Manning, Joseph Metzger, Katherine Richardson, Barbara Smith, Edwin
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**COOS**

Bradley, Paula  
Mears, Edgar  
Tholl, John, Jr.

Davis, Perley  
Merrill, Gerald

Hawkinson, Marie  
Moynihan, Wayne

Horton, Lynn  
Pratt, Leighton

**GRAFTON**

Almy, Susan  
Guest, Robert  
Luker, Elsa

Below, Clifton  
Hill, Richard  
MacNeil, Allen

Copenhaver, Marion  
LaMott, Paul  
Nordgren, Sharon

Eaton, Stephanie  
Lovett, Sidney  
Teschner, Douglass

**HILLSBOROUGH**

Allen, W. Gordon  
Barry, William, III  
Bernier, Shannon  
Calawa, Leon, Jr.  
Chabot, Robert  
Cote, Peter  
Dokmo, Cynthia  
Dyer, Merton  
Foster, Joseph  
Gagnon, Eugene  
Haettenschwiller, Alphonse  
Hunter, Bruce  
LaRose, Richard  
Lozeau, Donnalee  
Martin, Mary  
McGough, Tim  
Murphy, Robert  
Peterson, Andrew  
Searles, Stanley, Sr.  
Vaillancourt, Steve

Alukonis, David  
Batula, Peter  
Boutin, David  
Cardin, Lori  
Clegg, Robert, Jr.  
D'Allesandro, Lou  
Drabinowicz, A. Theresa  
Emerton, Lawrence, Sr.  
Foster, Linda  
Ginsburg, Ruth  
Haley, Robert  
Jean, Claudette  
Leishman, Peter  
Lynde, Harold  
McCarthy, William  
Melcher, Harold  
O'Hearn, Jane  
Piteri, Dawn  
Tate, Joan  
Welch, Donald

Ameen, W.  
Belvin, William  
Brundige, Robert  
Carlson, Donald  
Clemons, Jane  
Daigle, Robert  
Durham, Susan  
Fields, Dennis  
Franks, Suzan  
Gosselin, Gerald  
Hall, Betty  
Johnson, Lionel  
Leonard, Peter  
MacGillivray, Jeffrey  
McCarty, Winston  
Mercer, Robert  
O'Rourke, Thomas  
Reidy, Frank  
Thulander, O. Alan  
Wheeler, Robert

Baroody, Benjamin  
Bergin, Peter  
Buckley, Raymond  
Chabot, Ernest  
Cote, David  
Dawe, Eileen  
Dwyer, Paul, Sr.  
Flora, Kathleen  
Gage, Ruth  
Goulet, Maurice  
Hart, Nick  
Konys, Christine  
Lessard, Rudy  
MacIntyre, Doris  
McDonald, James, Sr.  
Messier, Irene  
Perkins, Paul  
Sargent, Maxwell  
Turgeon, Roland  
Williams, Carol

**MERRIMACK**

Burney, Carol  
Daneault, Gabriel  
Fraser, Marilyn  
Hoadley, Elizabeth  
Lavoie, Gerard  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Chandler, Earle  
Davis, Francis  
French, Barbara  
Jacobson, Alf  
Lockwood, Robert  
Nichols, Avis  
Seldin, Gloria  
Whalley, Michael

Crosby, Toni  
DeStefano, Stephen  
Gile, Mary  
Lamach, Bernard  
Marshall, Kenneth  
Owen, Derek  
St. Cyr, Gerard  
Yeaton, Charles

Crowell, Peter  
Feuerstein, Martin  
Hess, David  
Larrabee, David  
Maxfield, Roy  
Pfaff, Terence  
Wallin, Jean

**ROCKINGHAM**

Abbott, Dennis  
Christie, Andrew, Jr.  
Cote, Patricia  
Dowling, Patricia  
Gibbons, Paul  
Hutchinson, Rebecca  
Langley, Jane  
Malcolm, Kenneth  
Nowe, Ronald  
Schanda, Frank  
Vaughn, Charles

Arndt, Janet  
Clark, Martha  
Cushing, Robert  
Downing, Michael  
Gleason, John  
Johnson, Robert  
Langone, John  
McCarthy, John, Jr.  
O'Keefe, Patricia  
Stone, Joseph  
Verani, Giovanni

Blanchard, MaryAnn  
Coes, Betsy  
Dearborn, Bruce  
Francoeur, Sheila  
Heath, John  
Kelley, Jane  
Letourneau, Robert  
Micklon, Stephanie  
Pitts, Jacqueline  
Syracusa, Anthony  
Weare, Everett

Case, Margaret  
Cooney, Richard  
Dowd, Sandra  
Frechette, Joseph  
Henderson, Warren  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
Norelli, Terie  
Sabella, Norma  
Tufts, J. Arthur  
Woods, Deborah



**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Callaghan, Frank
Cossette, Larry	DeChane, Marlene	Estabrook, Iris	Grassie, Anne
Hemon, Roland	Heon, Richard	Kaen, Naida	Keans, Sandra
Knowles, William	Lundborn, Raymond	McCann, William, Jr.	McKinley, Robert
Merrill, Amanda	Musler, George	Pelletier, Arthur	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spear, Barbara
Sullivan, Henry	Taylor, Kathleen	Torr, Ann	Torr, Franklin
Tsiros, William	Twardus, Joseph	Vachon, Dennis	Vincent, Francis
Wall, Janet			

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Flint, Gordon	Leone, Richard	Palmer, Lorraine
Robb-Theroux, Amy	Schotanus, Merle	Wiggins, Celestine	

and the Weyler floor amendment failed.

Rep. Vachon offered a floor amendment.

**Floor Amendment(2432h)**

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

**RELATING TO:** the collection of real estate taxes in support of public education.

**PROVIDING THAT:** in fulfilling its duty to support primary and secondary public education, the state may require the cost of such education to be supported by taxes assessed by the state and collected by political subdivisions of the state; that such taxes shall be equal in valuation and uniform in rate throughout the state, and that no political subdivision shall be required to collect real estate taxes at a rate in excess of 5 percent of the average equalized rate necessary to support the total statewide cost of an adequate primary and secondary public education.

Amend the resolution by replacing paragraph I with the following:

I. That article 83 of the second part of the constitution be amended to read as follows: [Art.] 83. [Encouragement of Literature, etc.; Control of Corporations, Monopolies, etc; State's Responsibility to Provide for Public Education; Delegation to Political Subdivisions.] Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards, and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous sentiments, among the people: Provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools of institutions of any religious sect or denomination. Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization and provision should be made for the supervision and government thereof. Therefore, all just power possessed by the state is hereby granted to the general court to enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against.

In fulfilling the state's duty to support public education, the state may require the cost of such education to be supported by taxes assessed by the state and collected by political subdivisions of the state. Such taxes shall be equal in valuation and uniform in rate throughout the state and no political subdivision shall be required to collect real estate taxes for this or any other purpose at a rate more than 5 percent higher than the average equalized rate necessary to support the total state-wide cost of adequate primary and secondary public education, as determined by statute. Nothing in this article shall be construed to limit the amount the state or any political subdivision may expend for the purpose of public education.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be: Are you in favor of amending article 83 of the constitution to provide that:

"In fulfilling the state's duty to support public education, the state may require the cost of such education to be supported by taxes assessed by the state and collected by political subdivisions of the state. Such taxes shall be equal in valuation and uniform in rate throughout the state and no political subdivision shall be required to collect real estate taxes for this or any other purpose at a rate more than 5 percent higher than the average equalized rate necessary to support the total state-wide cost of adequate primary and secondary public education, as determined by statute. Nothing in this article shall be construed to limit the amount the state or any political subdivision may expend for the purpose of public education?"

#### AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides:

1. That the state may fulfill its duty to support primary and secondary public education by requiring the cost of such education to be supported by taxes assessed by the state and collected by political subdivisions of the state.

2. That such taxes assessed in support of primary and secondary education shall be equal in valuation and uniform in rate throughout the state, and

3. That no political subdivision shall be required to collect real estate taxes at a rate in excess of 5 percent of the average equalized rate necessary to support the total statewide cost of an adequate primary and secondary public education.

Rep. Vachon spoke in favor.

Rep. Jeb Bradley spoke against.

On a division vote, 22 members having voted in the affirmative and 246 in the negative, the Vachon floor amendment failed.

Rep. Franks offered a floor amendment.

#### Floor Amendment (2425h)

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

RELATING TO: the state's responsibility to provide for full funding of foundation aid to education.

PROVIDING THAT: the general court shall ensure that sufficient funds are appropriated to provide for full funding of foundation aid to education.

Amend the resolution by replacing all after the resolving clause with the following:

1. That article 83 of the second part of the constitution be amended to read as follows:

[Art.] 83. [Encouragement of Literature, etc.; Control of Corporations, Monopolies, etc.; *State's Responsibility to Provide For Full Funding of Foundation Aid to Education.*] Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards, and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous sentiments, among the people: Provided, nevertheless, that no money

raised by taxation shall ever be granted or applied for the use of the schools of institutions of any religious sect or denomination. Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization and provision should be made for the supervision and government thereof. Therefore, all just power possessed by the state is hereby granted to the general court to enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against.

*In furtherance of its obligation to cherish the interests of public schools, the general court shall, through the exercise of its power to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, and periodically review the same, ensure that sufficient funds are appropriated to provide for full funding of foundation aid to education.*

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 1998.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 1998 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 1998 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be: Are you in favor of amending article 83 of the constitution to include the following language: "In furtherance of its obligation to cherish the interests of public schools, the general court shall, through the exercise of its power to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, and periodically review the same, ensure that sufficient funds are appropriated to provide for full funding of foundation aid to education."

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. 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. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 1998 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

#### AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that the general court shall ensure that sufficient funds are appropriated to fully fund foundation aid to education. Reps. Franks and Boutin spoke in favor.

Rep. Alukonis spoke against.

Rep. Franks requested a quorum count. The Speaker declared a quorum present.

Rep. Cardin requested a roll call; sufficiently seconded.

The question being the adoption of the Franks floor amendment.

YEAS 110 NAYS 197

YEAS 110

BELKNAP

Salatiello, Thomas

CARROLL

Dickinson, Howard, Jr.

Kenney, Joseph



**CHESHIRE**

Bonneau, Sarah	DePecol, Benjamin	Doucette, Richard	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meador, David
O'Connell, John	Pratt, John	Richardson, Barbara	Robertson, Timothy
Russell, Ronald	Vogl, John		

**COOS**

Hawkinson, Marie	Mears, Edgar
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**GRAFTON**

Akins, Ralph	Alger, John	Below, Clifton	Copenhaver, Marion
Guaraldi, Lawrence	Guest, Robert	Ham, Bonnie	Lovett, Sidney
Phinney, William	Trelfa, Richard	Weber, Phil	

**HILLSBOROUGH**

Allen, W. Gordon	Barry, William, III	Bergin, Peter	Bernier, Shannon
Boutin, David	Briefs, Geoffrey	Buckley, Raymond	Cardin, Lori
Clemons, Jane	Cote, David	Cote, Peter	Daigle, Robert
Dawe, Eileen	Drabinowicz, A. Theresa	Foster, Joseph	Franks, Suzan
Gage, Ruth	Ginsburg, Ruth	Jean, Claudette	Konys, Christine
Lynde, Harold	Martin, Mary	McRae, Karen	Mercer, Robert
Piteri, Dawn	Reidy, Frank	Riley, Frances	Wright, George

**MERRIMACK**

Burney, Carol	Dunn, Miriam	Fraser, Marilyn	French, Barbara
Gile, Mary	Hager, Elizabeth	Lockwood, Robert	Owen, Derek
Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean	Whittemore, James
Yeaton, Charles			

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Camm, Kevin	Clark, Martha
Coes, Betsy	Cooney, Richard	Dalrymple, Janeen	Dolan, Richard
Downing, Michael	Flanders, David	Griffin, Mary	Hutchinson, Rebecca
Kelley, Jane	Klemm, Arthur, Jr.	Major, Norman	Malcolm, Kenneth
Micklon, Stephanie	Norelli, Terie	Pitts, Jacqueline	Sapareto, Frank
Schanda, Frank	Varrell, Thomas	Vaughn, Charles	Weyler, Kenneth

**STRAFFORD**

Berube, Roger	Kaen, Naida	Pelletier, Arthur	Rollo, Michael
Sullivan, Henry	Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis

**SULLIVAN**

Adler, Rudolf	Allison, David	Cloutier, John	Donovan, Thomas
Leone, Richard	Robb-Theroux, Amy	Wiggins, Celestine	

**NAYS 197****BELKNAP**

Bartlett, Gordon	Calvert, Alice	Clark, Charles	Golden, Paul
Hurt, George	Pilliod, James	Rosen, Ralph	Thomas, John
Turner, Robert			

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Howard, Godfrey	Lyman, L. Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald		

**CHESHIRE**

Champagne, Richard	Hunt, John	McNamara, Wanda	Royce, H. Charles
Smith, Edwin	Steere, Myron, III		

**COOS**

Bradley, Paula	Davis, Perley	Guay, Lawrence	Horton, Lynn
Merrill, Gerald	Moynihan, Wayne	Pratt, Leighton	St. Hilaire, Paul
Tholl, John, Jr.			

**GRAFTON**

Almy, Susan	Hill, Richard	LaMott, Paul	Luker, Elsa
MacNeil, Allen	Nordgren, Sharon	Teschner, Douglass	

**HILLSBOROUGH**

Alukonis, David	Arnold, Thomas, Jr.	Baroody, Benjamin	Batula, Peter
Belvin, William	Brundige, Robert	Calawa, Leon, Jr.	Carlson, Donald
Chabot, Ernest	Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr.
D'Allesandro, Lou	Daniels, Gary	Dokmo, Cynthia	Durham, Susan
Emerton, Lawrence, Sr.	Fenton, James	Fields, Dennis	Flora, Kathleen
Foster, Linda	Gagnon, Eugene	Gosselin, Gerald	Haettenschwiller, Alphonse
Hall, Betty	Hart, Nick	Herman, Keith	Holley, Sylvia
Jean, Loren	Johnson, Lionel	Kelley, Robert	Kurk, Neal
LaRose, Richard	Leishman, Peter	Leonard, Peter	Lessard, Rudy
Letendre, Evelyn	Lozeau, Donnalee	Luebker, Bernard	MacGillivray, Jeffrey
MacIntyre, Doris	Marcinkowski, Michael	McCarthy, William	McCarty, Winston
McGough, Tim	Melcher, Harold	Messier, Irene	Murch, George
Murphy, Robert	O'Hearn, Jane	O'Rourke, Thomas	Perkins, Paul
Peterson, Andrew	Sargent, Maxwell	Searles, Stanley, Sr.	Tate, Joan
Thulander, O. Alan	Turgeon, Roland	Vaillancourt, Steve	Wheeler, Robert
White, Donald	Williams, Carol		

**MERRIMACK**

Adams, Stephen	Anderson, Eric	Chandler, Earle	Crosby, Toni
Crowell, Peter	Daneault, Gabriel	Davis, Francis	DeStefano, Stephen
Feuerstein, Martin	Hess, David	Hoadley, Elizabeth	Jacobson, Alf
Krueger, Patricia	Langer, Ray	Larrabee, David	Lavoie, Gerard
Leber, William	Marshall, Kenneth	Maxfield, Roy	Nichols, Avis
Pfaff, Terence	Reardon, Tara	Whalley, Michael	

**ROCKINGHAM**

Bishop, Franklin	Case, Margaret	Christie, Andrew, Jr.	Cote, Patricia
Cushing, Robert	Dearborn, Bruce	Dowd, Sandra	Dowling, Patricia
Dunham, Vivian	Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr.
Francoeur, Sheila	Frechette, Joseph	Gibbons, Paul	Gleason, John
Heath, John	Henderson, Warren	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Lovejoy, Marian	McCarthy, John, Jr.	Mikowski, Walter
Nowe, Ronald	Noyes, Richard	Packard, Sherman	Rabideau, Marie
Raynowska, Bernard	Rubin, George	Sabella, Norma	Stickney, Nancy
Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony	Tufts, J. Arthur
Verani, Giovanni	Weare, Everett	Welch, David	Woods, Deborah

**STRAFFORD**

Bickford, David	Brown, George	Callaghan, Frank	Cossette, Larry
DeChane, Marlene	Estabrook, Iris	Grassie, Anne	Hemon, Roland
Heon, Richard	Keans, Sandra	Knowles, William	Lundborn, Raymond

McKinley, Robert  
Torr, Ann  
Wall, Janet

Merrill, Amanda  
Torr, Franklin

Snyder, Clair  
Tsiros, William

Spear, Barbara  
Vincent, Francis

### SULLIVAN

Burling, Peter  
Palmer, Lorraine

Ferland, Brenda  
Schotanus, Merle

Flint, Gordon

Kibbey, David

and the Franks floor amendment failed.

Rep. Alger offered a floor amendment.

### Floor Amendment (2434h)

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

**RELATING TO:** extending the deadline imposed by the New Hampshire supreme court on the general court regarding the method of funding public education.

**PROVIDING THAT:** notwithstanding that portion of the New Hampshire supreme court's decision in Claremont School District v. Governor, dated December 17, 1997, which imposed on the general court an end of the 1998 tax year deadline for creating and implementing a new system of funding public education, the deadline shall be extended to May 31, 2001 in order that the general court be given a reasonable time to effect an orderly transition to a new system of funding public education.

Amend the resolution by replacing paragraph I with the following:

I. That the second part of the constitution be amended by inserting after article 8 the following new article:

[Art.] 8-a. [Applicability of Supreme Court's Public School Funding Decision]. Notwithstanding that portion of the decision of the supreme court of this state in Claremont School District v. Governor, dated December 17, 1997, found in the New Hampshire Reports, volume 142, page 462, which imposed on the general court the end of the 1998 tax year as a deadline for action, and in order that the general court be given a reasonable period of time to effect an orderly transition to a new system, the general court shall no later than May 31, 2001, create and implement a new system of funding public education.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be: Are you in favor of amending the constitution to provide that: Notwithstanding that portion of the decision of the supreme court of this state in Claremont School District v. Governor, dated December 17, 1997, found in the New Hampshire Reports, volume 142, page 462, which imposed on the general court the end of the 1998 tax year as a deadline for action, and so that the general court be given a reasonable period of time to effect an orderly transition to a new system, the general court shall, no later than May 31, 2001 create and implement a new system of funding public education?"

### AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that notwithstanding that portion of the New Hampshire supreme court's decision in Claremont School District v. Governor, dated December 17, 1997, which imposed on the general court an end of the 1998 tax year deadline for creating and implementing a new system of funding public education, the deadline shall be extended to May 31, 2001 in order that the general court be given a reasonable time to effect an orderly transition to a new system of funding public education.

Rep. Alger spoke in favor and withdrew his floor amendment.

### RECESS

(Speaker Sytek in the Chair)

### CACR 44 (CONT'D.)

Rep. Bickford offered a floor amendment.



**Floor Amendment (2451h)**

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

RELATING TO: the state's constitutional responsibility concerning the encouragement of literature and the sciences.

PROVIDING THAT: the legislature shall no longer have the constitutional duty to promote literature and the sciences.

Amend the resolution by replacing paragraph I with the following:

I. That article 83 of the second part of the constitution be amended to read as follows:

[Art.] 83. [*Money Raised by Taxation Used for Religious Schools or Sects Prohibited*; Control of Corporations, Monopolies, etc.] [~~Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards, and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous sentiments, among the people. Provided, nevertheless, that~~] No money raised by taxation shall ever be granted or applied for the use of the schools of institutions of any religious sect or denomination. Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization and provision should be made for the supervision and government thereof. Therefore, all just power possessed by the state is hereby granted to the general court to enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be: Are you in favor of amending article 83 of the constitution to provide that the legislature shall no longer have the constitutional duty to promote literature and the sciences?

**AMENDED ANALYSIS**

This constitutional amendment concurrent resolution provides that the legislature shall no longer have the constitutional duty to promote literature and the sciences.

Rep. Bickford spoke in favor.

Rep. Bickford requested a roll call; not sufficiently seconded.

The Bickford floor amendment failed.

Rep. Hemon offered a floor amendment.

**Floor Amendment (2449h)**

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

RELATING TO: sources of funding for public education.

PROVIDING THAT: property taxes shall not be used to fund public education.

Amend paragraph I of the resolution by replacing it with the following:

I. That article 5 of the second part of the constitution be amended to read as follows:

[Art.] 5 [Power to Make Laws, Elect Officers, Define Their Powers and Duties, Impose Fines and Assess Taxes; Prohibited from Authorizing Towns to Aid Certain Corporations.] And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes,

ordinances, directions, and instructions, either with penalties, or without, so as the same be not repugnant or contrary to this constitution, as they may judge for the benefit and welfare of this state, and for the governing and ordering thereof, and of the subjects of the same, for the necessary support and defense of the government thereof, and to name and settle biennially, or provide by fixed laws for the naming and settling, all civil officers within this state, such officers excepted, the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this state, and the forms of such oaths or affirmations as shall be respectively administered unto them, for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and also to impose fines, mulcts, imprisonments, and other punishments, and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and residents within, the said state; and upon all estates within the same, *provided that property taxes shall not be used to fund public education*; to be issued and disposed of by warrant, under the hand of the governor of this state for the time being, with the advice and consent of the council, for the public service, in the necessary defense and support of the government of this state, and the protection and preservation of the subjects thereof, according to such acts as are, or shall be, in force within the same; provided that the general court shall not authorize any town to loan or give its money or credit directly or indirectly for the benefit of any corporation having for its object a dividend of profits or in any way aid the same by taking its stocks or bonds. For the purpose of encouraging conservation of the forest resources of the state, the general court may provide for special assessments, rates and taxes on growing wood and timber.

Amend paragraph IV of the resolution by replacing it with the following:

IV. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the Constitution to provide that property taxes shall not be used to fund public education?

#### AMENDED ANALYSIS

This constitutional amendment-concurrent resolution provides that property taxes shall not be used to fund public education.

Rep. Hemon spoke in favor.

Rep. Hemon requested a roll call; not sufficiently seconded.

On a division vote, 24 members having voted in the affirmative and 290 in the negative, the Hemon floor amendment (2449h) failed.

Rep. Hemon offered a second floor amendment.

#### Floor Amendment (2456h)

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

**RELATING TO:** the state's duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state; sources of funding public education; and conflicting constitutional amendments adopted by the voters.

**PROVIDING THAT:** the state shall have the duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state; in fulfillment of which, the state may require the cost of such education to be supported by taxes assessed by the political subdivisions of the state; such taxes shall be reasonable and proportional throughout the part of the political subdivision in which they are collected, provided that no political subdivision shall be required to assess real estate taxes for such purpose at a rate in excess of 5 percent of the average equalized rate necessary to support the total statewide cost of an adequate primary and secondary public education, and that all matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district providing such education; or, in the alternative, that property taxes shall not be used to fund education; and providing a means for resolving conflicts in constitutional amendments adopted by the voters.

Amend the resolution by replacing all after the resolving clause with the following:

I. That article 5 of the second part of the constitution be amended to read as follows:

[Art.] 5 [Power to Make Laws, Elect Officers, Define Their Powers and Duties, Impose Fines and Assess Taxes; Prohibited from Authorizing Towns to Aid Certain Corporations.] And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties, or without, so as the same be not repugnant or contrary to this constitution, as they may judge for the benefit and welfare of this state, and for the governing and ordering thereof, and of the subjects of the same, for the necessary support and defense of the government thereof, and to name and settle biennially, or provide by fixed laws for the naming and settling, all civil officers within this state, such officers excepted, the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this state, and the forms of such oaths or affirmations as shall be respectively administered unto them, for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and also to impose fines, mulcts, imprisonments, and other punishments, and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and residents within, the said state; and upon all estates within the same, *provided that property taxes shall not be used to fund public education*; to be issued and disposed of by warrant, under the hand of the governor of this state for the time being, with the advice and consent of the council, for the public service, in the necessary defense and support of the government of this state, and the protection and preservation of the subjects thereof, according to such acts as are, or shall be, in force within the same; provided that the general court shall not authorize any town to loan or give its money or credit directly or indirectly for the benefit of any corporation having for its object a dividend of profits or in any way aid the same by taking its stocks or bonds. For the purpose of encouraging conservation of the forest resources of the state, the general court may provide for special assessments, rates and taxes on growing wood and timber.

II. That article 83 of the second part of the constitution be amended to read as follows:

[Art.] 83. [Encouragement of Literature, etc.; Control of Corporations, Monopolies, etc.; *State's Duty to Assure the Opportunity for an Adequate Primary and Secondary Public Education; Taxes Imposed by Political Subdivisions.*] Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards, and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous sentiments, among the people: Provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools of institutions of any religious sect or denomination. Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization and provision should be made for the supervision and government thereof. Therefore, all just power possessed by the state is hereby granted to the general court to enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against.

*The state's duty to support public education shall be governed exclusively by the provisions of this paragraph. Judicial review and enforcement of such duty shall be restricted only to the provisions of this paragraph. It shall be the duty of the state to assure the opportunity for an adequate primary and secondary public education to all pupils in the state. The specific nature and means of fulfilling such duty shall be determined by statute, which shall be upheld if rea-*



*sonably related to the fulfillment thereof. The state may require the cost of such education to be supported by taxes assessed by political subdivisions of the state, which shall be reasonable and proportional throughout the part of the political subdivision in which they are collected, provided that no political subdivision shall be required to assess real estate taxes for such purpose at a rate more than 5 percent higher than the average equalized rate necessary to support the total statewide cost of adequate primary and secondary public education, as determined by statute. All matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district providing such education, except as otherwise prescribed by statute in accordance with part 1, article 28-a of this constitution. Nothing in this article shall be construed to limit the amount the state or any political subdivision may expend for the purpose of education, or to deny, disparage, or infringe any other right of the people as set forth elsewhere in this constitution.*

III. That article 100 of the second part of the constitution be amended to read as follows:

[Art.] 100 [Alternate Methods of Proposing Amendments.] Amendments to this constitution may be proposed by the general court or by a constitutional convention selected as herein provided.

(a) The senate and house of representatives, voting separately, may propose amendments by a three-fifths vote of the entire membership of each house at any session.

(b) The general court, by an affirmative vote of a majority of all members of both houses voting separately, may at any time submit the question "Shall there be a convention to amend or revise the constitution?" to the qualified voters of the state. If the question of holding a convention is not submitted to the people at some time during any period of ten years, it shall be submitted by the secretary of state at the general election in the tenth year following the last submission. If a majority of the qualified voters voting on the question of holding a convention approves it, delegates shall be chosen at the next regular general election, or at such earlier time as the legislature may provide, in the same manner and proportion as the representatives to the general court are chosen. The delegates so chosen shall convene at such time as the legislature may direct and may recess from time to time and make such rules for the conduct of their convention as they may determine.

(c) The constitutional convention may propose amendments by a three-fifths vote of the entire membership of the convention.

Each constitutional amendment proposed by the general court or by a constitutional convention shall be submitted to the voters by written ballot at the next biennial November election and shall become a part of the Constitution only after approval by two-thirds of the qualified voters present and voting on the subject in the towns, wards, and unincorporated places. *If constitutional amendments approved by 2/3's of the voters at an election conflict, the constitutional amendment which receives the most votes shall prevail.*

IV. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 1998.

V. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 1998 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 1998 session of the general court shall be approved.

VI. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the Constitution by adding a new paragraph which:

1. Limits local school property tax rates that the state may require for supporting adequate education to no more than 5 percent above the state average tax rate for such taxes; and

2. Defines the state's duty to support public education as the duty "to assure the opportunity for an adequate primary and secondary public education to all pupils in the state; and

3. Prescribes that this duty will be carried out through laws passed by the legislature, subject to approval by the governor; and

4. Requires that such laws be upheld by the courts if they are reasonably related to fulfilling this duty; and

5. Permits the cost of such education to continue to be supported by local school property taxes which are reasonable and proportional throughout that part of the political subdivision in which they are collected; and

6. Authorizes local school districts to determine all matters pertaining to primary and secondary education, except such matters determined by state laws which provide funds for any newly-imposed requirements; and

7. Makes clear that this new paragraph is not intended to restrict amounts the state or any local district may spend for education, or to affect constitutional rights other than the state's duty to support public education; and that such new paragraph shall read as follows:

"The state's duty to support public education shall be governed exclusively by the provisions of this paragraph. Judicial review and enforcement of such duty shall be restricted only to the provisions of this paragraph. It shall be the duty of the state to assure the opportunity for an adequate primary and secondary public education to all pupils in the state. The specific nature and means of fulfilling such duty shall be determined by statute, which shall be upheld if reasonably related to the fulfillment thereof. The state may require the cost of such education to be supported by taxes assessed by political subdivisions of the state, which shall be reasonable and proportional throughout the part of the political subdivision in which they are collected, provided that no political subdivision shall be required to assess real estate taxes for such purpose at a rate more than 5 percent higher than the average equalized rate necessary to support the total statewide cost of adequate primary and secondary public education, as determined by statute. All matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district providing such education, except as otherwise prescribed by statute in accordance with part 1, article 28-a of this constitution. Nothing in this article shall be construed to limit the amount the state or any political subdivision may expend for the purpose of education, or to deny, disparage, or infringe any other right of the people as set forth elsewhere in this constitution?"

VII. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the Constitution to provide that property taxes shall not be used to fund public education?

VIII. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the constitution to provide that when constitutional amendments approved by 2/3's of the voters at an election conflict, the constitutional amendment which receives the most votes shall prevail?

IX. That the secretary of state shall print the questions to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the questions shall include 2 squares next to the questions 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. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 1998 General Court" shall be printed in bold type at the top of the ballot.

X. That a proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

#### AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides:

1. That the state shall have the duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state.

2. The nature and means of fulfilling such duty shall be determined by statutory provisions, which shall be upheld if such statutes are reasonably related to fulfilling this duty.

3. That in fulfillment of this duty, the state may require the cost of such education to be supported by taxes assessed by the political subdivisions of the state.

4. That such taxes assessed in support of primary and secondary public education shall be reasonable and proportional throughout that part of the political subdivision in which they are collected, provided that no political subdivision shall be required to assess real estate taxes for such purpose at a rate in excess of 5 percent of the average equalized rate necessary to support the total statewide cost of an adequate primary and secondary public education.

5. That all matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district providing such education.

This constitutional amendment concurrent resolution also provides, in the alternative, that property taxes shall not be used to fund public education.

The constitutional amendment concurrent resolution provides a means for resolving conflicts in constitutional amendments adopted by the voters at an election.

Rep. Hemon spoke in favor.

On a division vote, 8 members having voted in the affirmative and 310 in the negative, the Hemon floor amendment (2456h) failed.

Rep. Martin offered a floor amendment.

### Floor Amendment (2458h)

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

RELATING TO: the state's responsibility to provide support to parents in their duty to educate their children.

PROVIDING THAT: the general court shall ensure that sufficient funds are appropriated and expended to assure the opportunity for an adequate education to all children in the state.

Amend the resolution by replacing paragraph I with the following:

I. That part second of the constitution be amended by inserting after article 83 the following new article:

[Art.] 83-a. [Support of Parents and Children and Public Education.] The state and all forms of government exist solely on authority derived from the people and solely to enable the people to do collectively that which is not possible to accomplish individually to the benefit of the public good. The state's duty to cherish the interest of literature and the sciences, and all seminaries and public schools shall be governed exclusively by the provisions of this article. It shall be the duty of the state to assure the opportunity for an adequate education to all children in the state. Beginning in fiscal year 2001 and in each year thereafter, in support of parents in their responsibility and duty to educate their children, the state shall appropriate and expend a reasonable stipend for each child. The amount of said stipend shall be determined by the general court, shall be issued annually to the parents in the name of the child, to be redeemable at whatever educational institution the parents may select. All matters pertaining to education shall be determined by the parents through their legally constituted authority except as otherwise provided by part 1, article 28-a of this constitution. Taxes imposed for support of education need be proportional and reasonable. Judicial review and enforcement of the state's duty shall be restricted only to the provisions of this paragraph.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be: Are you in favor of amending the constitution to provide that:

"The state and all forms of government exist solely on authority derived from the people and solely to enable the people to do collectively that which is not possible to accomplish individually to the benefit of the public good. The state's duty to cherish the interest of literature and the sciences, and all seminaries and public schools shall be governed exclusively by the provisions of this article. It shall be the duty of the state to assure the opportunity for an adequate education to all children in the state. Beginning in fiscal year 2001 and in each year thereafter, in support of parents in their responsibility and duty to educate their children, the state shall appropriate and expend a reasonable stipend for each child. The amount of said stipend shall be determined by the general court, shall be issued annually to the parents in the name of the child, to be redeemable at whatever educational institution the parents may select. All matters pertaining to education shall be determined by the parents through their legally constituted authority except as otherwise provided by part 1, article 28-a of this constitution. Taxes imposed for support of education need be proportional and reasonable. Judicial review and enforcement of the state's duty shall be restricted only to the provisions of this paragraph."

### AMENDED ANALYSIS

This constitutional amendment-concurrent resolution provides that the general court shall fulfill its duty to fund public education through stipends to parents redeemable at educational institutions.

Rep. Martin spoke in favor.

Rep. Martin requested a roll call; sufficiently seconded.

The question being the adoption of the Martin floor amendment.



**YEAS 44 NAYS 300****YEAS 44****BELKNAP**

Boyce, Robert	Clark, Charles	Hurt, George	Lawton, Robert
Rosen, Ralph			

**CARROLL**

Dickinson, Howard, Jr.	Mock, Henry
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**CHESHIRE**

Hunt, John	Russell, Ronald	Steere, Myron, III
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**COOS**

St. Hilaire, Paul
-------------------

**GRAFTON**

Alger, John	Guaraldi, Lawrence	Mirski, Paul	Weber, Phil
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**HILLSBOROUGH**

Christiansen, Lars	Daigle, Robert	Daniels, Gary	Fenton, James
Holley, Sylvia	Jean, Loren	Luebker, Bernard	Martin, Mary
McRae, Karen	Murch, George		

**MERRIMACK**

Brown, Mary	Feuerstein, Martin	Krueger, Patricia	Langer, Ray
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**ROCKINGHAM**

Dolan, Richard	Kane, Cecelia	Mikowski, Walter	Moore, Benjamin
Nowe, Ronald	Noyes, Richard	Rabideau, Marie	Sapareto, Frank
Varrell, Thomas	Weyler, Kenneth		

**STRAFFORD**

Bickford, David	Kaen, Naida
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**SULLIVAN**

Adler, Rudolf	Allison, David	Kibbey, David
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**NAYS 300****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Calvert, Alice	Golden, Paul
Holbrook, Robert	Lawton, David	Pilliod, James	Rice, Thomas, Jr.
Salatiello, Thomas	Thomas, John	Turner, Robert	Veazey, John

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy	MacDonald, Kenneth
Patten, Betsey	Philbrick, Donald		

**CHESHIRE**

Bonneau, Sarah	Champagne, Richard	DePecol, Benjamin	Doucette, Richard
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Metzger, Katherine	O'Connell, John	Pratt, Irene
Pratt, John	Richardson, Barbara	Robertson, Timothy	Royce, H. Charles
Smith, Edwin	Vogl, John		

**COOS**

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Guay, Lawrence	Hawkinson, Marie	Horton, Lynn	Mears, Edgar
Merrill, Gerald	Moynihan, Wayne	Pratt, Leighton	Tholl, John, Jr.

**GRAFTON**

Akins, Ralph	Almy, Susan	Below, Clifton	Connolly, Steven
Copenhaver, Marion	Eaton, Stephanie	Guest, Robert	Ham, Bonnie
Hinman, Harry	LaMott, Paul	Lovett, Sidney	Luker, Elsa
MacNeil, Allen	Nordgren, Sharon	Phinney, William	Teschner, Douglass
Trefla, Richard			

**HILLSBOROUGH**

Allen, W. Gordon	Alukonis, David	Ameen, W.	Arnold, Thomas, Jr.
Baroody, Benjamin	Barry, William, III	Batula, Peter	Belvin, William
Bergin, Peter	Bernier, Shannon	Boutin, David	Brundige, Robert
Buckley, Raymond	Calawa, Leon, Jr.	Cardin, Lori	Carlson, Donald
Carney, Lauren	Chabot, Ernest	Chabot, Robert	Clegg, Robert, Jr.
Clemons, Jane	Cote, David	Cote, Peter	D'Allesandro, Lou
Dawe, Eileen	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A. Theresa
Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton	Emerton, Lawrence, Sr.
Fields, Dennis	Flora, Kathleen	Foster, Joseph	Foster, Linda
Franks, Suzan	Gage, Ruth	Gagnon, Eugene	Ginsburg, Ruth
Gosselin, Gerald	Goulet, Maurice	Haettenschwiller, Alphonse	Haley, Robert
Hall, Betty	Hart, Nick	Herman, Keith	Holt, David
Hunter, Bruce	Jean, Claudette	Johnson, Lionel	Kelley, Robert
Konys, Christine	Kurk, Neal	LaRose, Richard	Leishman, Peter
Leonard, Peter	Lessard, Rudy	Letendre, Evelyn	Lozeau, Donnalee
Lynde, Harold	MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael
McCarthy, William	McCarty, Winston	McDonald, James, Sr.	McGough, Tim
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Murphy, Robert	O'Hearn, Jane	O'Rourke, Thomas	Pepino, Leo
Perkins, Paul	Peterson, Andrew	Piteri, Dawn	Reidy, Frank
Riley, Frances	Sargent, Maxwell	Searles, Stanley, Sr.	Tate, Joan
Thulander, O. Alan	Turgeon, Roland	Vaillancourt, Steve	Welch, Donald
Wheeler, Robert	White, Donald	Williams, Carol	Wright, George

**MERRIMACK**

Anderson, Eric	Burney, Carol	Chandler, Earle	Crosby, Toni
Crowell, Peter	Daneault, Gabriel	Davis, Francis	DeStefano, Stephen
Dunn, Miriam	Fraser, Marilyn	French, Barbara	Gile, Mary
Hager, Elizabeth	Hess, David	Hoadley, Elizabeth	Jacobson, Alf
Larrabee, David	Lavoie, Gerard	Leber, William	Lockwood, Robert
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Nichols, Avis
Owen, Derek	Pfaff, Terence	Reardon, Tara	Seldin, Gloria
St. Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane	Whalley, Michael
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Blanchard, MaryAnn	Camm, Kevin	Carson, Gregory
Case, Margaret	Clark, Martha	Coes, Betsy	Cooney, Richard
Cote, Patricia	Cushing, Robert	Dalrymple, Janeen	Dearborn, Bruce
Dowd, Sandra	Downing, Michael	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John, Sr.	Francoeur, Sheila
Frechette, Joseph	Gibbons, Paul	Gleason, John	Griffin, Mary

Guthrie, Joseph	Heath, John	Henderson, Warren	Hutchinson, Rebecca
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Klemm, Arthur, Jr.	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Lovejoy, Marian	Major, Norman	Malcolm, Kenneth
McCarthy, John, Jr.	Micklon, Stephanie	Norelli, Terie	O'Keefe, Patricia
Packard, Sherman	Pantelakos, Laura	Raynowska, Bernard	Reardon, Neil
Rubin, George	Sabella, Norma	Schanda, Frank	Stickney, Nancy
Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony	Tufts, J. Arthur
Vaughn, Charles	Weare, Everett	Welch, David	Woods, Deborah

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Callaghan, Frank
Cossette, Larry	DeChane, Marlene	Estabrook, Iris	Hemon, Roland
Heon, Richard	Keans, Sandra	Knowles, William	Lundborn, Raymond
McCann, William, Jr.	McKinley, Robert	Merrill, Amanda	Musler, George
Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spear, Barbara	Sullivan, Henry	Taylor, Kathleen
Torr, Ann	Torr, Franklin	Tsiros, William	Twardus, Joseph
Vachon, Dennis	Vincent, Francis	Wall, Janet	

**SULLIVAN**

Burling, Peter	Cloutier, John	Donovan, Thomas	Ferland, Brenda
Flint, Gordon	Leone, Richard	Palmer, Lorraine	Robb-Theroux, Amy
Schotanus, Merle	Wiggins, Celestine		

and the Martin floor amendment failed.

Rep. Hess spoke to the measure.

The question now being Ought to Pass with Amendment.

Reps. Vaughn, Lovett, Mirski, Sabella, Cushing, Below and Peterson spoke against.

Reps. Hess, Carson, Burling and Gene Chandler spoke in favor.

As required by the Constitution, a roll call was taken.

**YEAS 192 NAYS 153****YEAS 192****BELKNAP**

Boriso, Thomas	Boyce, Robert	Golden, Paul	Holbrook, Robert
Lawton, David	Lawton, Robert	Pilliod, James	Salatiello, Thomas
Thomas, John	Turner, Robert		

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	Philbrick, Donald

**CHESHIRE**

Doucette, Richard	Hunt, John	McNamara, Wanda	Metzger, Katherine
O'Connell, John	Royce, H. Charles	Russell, Ronald	Smith, Edwin
Steere, Myron, III			

**COOS**

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Guay, Lawrence	Hawkinson, Marie	Horton, Lynn	Mears, Edgar
Merrill, Gerald	Pratt, Leighton	St. Hilaire, Paul	Tholl, John, Jr.



**GRAFTON**

Akins, Ralph  
MacNeil, Allen

Eaton, Stephanie  
Teschner, Douglass

Ham, Bonnie  
Trelfa, Richard

LaMott, Paul

**HILLSBOROUGH**

Alukonis, David  
Barry, William, III  
Brundige, Robert  
Chabot, Ernest  
D'Allesandro, Lou  
Dwyer, Paul, Sr.  
Fields, Dennis  
Gage, Ruth  
Haley, Robert  
Jean, Loren  
LaRose, Richard  
MacIntyre, Doris  
Mercer, Robert  
Pepino, Leo  
Searles, Stanley, Sr.  
Vaillancourt, Steve

Ameen, W.  
Batula, Peter  
Buckley, Raymond  
Chabot, Robert  
Daigle, Robert  
Dyer, Merton  
Flora, Kathleen  
Gagnon, Eugene  
Herman, Keith  
Johnson, Lionel  
Lessard, Rudy  
McCarty, Winston  
Murphy, Robert  
Piteri, Dawn  
Tate, Joan  
Welch, Donald

Arnold, Thomas, Jr.  
Belvin, William  
Calawa, Leon, Jr.  
Clegg, Robert, Jr.  
Daniels, Gary  
Emerton, Lawrence, Sr.  
Foster, Joseph  
Gosselin, Gerald  
Holley, Sylvia  
Kelley, Robert  
Lozeau, Donnalee  
McDonald, James, Sr.  
O'Hearn, Jane  
Reidy, Frank  
Thulander, O. Alan  
Wheeler, Robert

Baroody, Benjamin  
Bernier, Shannon  
Carney, Lauren  
Cote, Peter  
Durham, Susan  
Fenton, James  
Foster, Linda  
Goulet, Maurice  
Hunter, Bruce  
Kurk, Neal  
MacGillivray, Jeffrey  
McGough, Tim  
O'Rourke, Thomas  
Sargent, Maxwell  
Turgeon, Roland  
Williams, Carol

**MERRIMACK**

Anderson, Eric  
Hess, David  
Whalley, Michael

Chandler, Earle  
Leber, William

Crowell, Peter  
Nichols, Avis

DeStefano, Stephen  
Pfaff, Terence

**ROCKINGHAM**

Arndt, Janet  
Christie, Andrew, Jr.  
Dearborn, Bruce  
Flanders, David  
Gleason, John  
Katsakiores, George  
Langley, Jane  
Malcolm, Kenneth  
Noyes, Richard  
Pitts, Jacqueline  
Stone, Joseph  
Woods, Deborah

Blanchard, MaryAnn  
Clark, Martha  
Dowd, Sandra  
Flanders, John, Sr.  
Henderson, Warren  
Katsakiores, Phyllis  
Letourneau, Robert  
McCarthy, John, Jr.  
O'Keefe, Patricia  
Rabideau, Marie  
Syracusa, Anthony

Carson, Gregory  
Cote, Patricia  
Dowling, Patricia  
Francoeur, Sheila  
Johnson, Robert  
Kelley, Jane  
Lovejoy, Marian  
Micklon, Stephanie  
Packard, Sherman  
Reardon, Neil  
Tufts, J. Arthur

Case, Margaret  
Dalrymple, Janeen  
Downing, Michael  
Frechette, Joseph  
Kane, Cecelia  
Klemm, Arthur, Jr.  
Major, Norman  
Nowe, Ronald  
Pantelakos, Laura  
Schanda, Frank  
Welch, David

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
McKinley, Robert  
Snyder, Clair  
Torr, Ann  
Vincent, Francis

Brennan, William  
Kaen, Naida  
Musler, George  
Spear, Barbara  
Torr, Franklin

Brown, George  
Knowles, William  
Rogers, Rose Marie  
Sullivan, Henry  
Tsiros, William

Cossette, Larry  
Lundborn, Raymond  
Rollo, Michael  
Taylor, Kathleen  
Twardus, Joseph

**SULLIVAN**

Burling, Peter

Ferland, Brenda

Leone, Richard

**NAYS 153****BELKNAP**

Bartlett, Gordon  
Rice, Thomas, Jr.

Calvert, Alice  
Rosen, Ralph

Clark, Charles

Hurt, George

**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah	Champagne, Richard	DePecol, Benjamin	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meader, David
Pratt, Irene	Pratt, John	Richardson, Barbara	Robertson, Timothy
Vogl, John			

**COOS**

Moynihan, Wayne

**GRAFTON**

Alger, John	Almy, Susan	Below, Clifton	Copenhaver, Marion
Guaraldi, Lawrence	Guest, Robert	Hinman, Harry	Lovett, Sidney
Luker, Elsa	Mirski, Paul	Nordgren, Sharon	Phinney, William
Weber, Phil			

**HILLSBOROUGH**

Allen, W. Gordon	Bergin, Peter	Boutin, David	Cardin, Lori
Carlson, Donald	Christiansen, Lars	Clemons, Jane	Cote, David
Dawe, Eileen	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A. Theresa
Franks, Suzan	Ginsburg, Ruth	Haettenschwiller, Alphonse	Hall, Betty
Hart, Nick	Holt, David	Jean, Claudette	Konys, Christine
Leishman, Peter	Letendre, Evelyn	Luebker, Bernard	Lynde, Harold
Marcinkowski, Michael	Martin, Mary	McCarthy, William	McRae, Karen
Melcher, Harold	Messier, Irene	Milligan, Robert	Murch, George
Perkins, Paul	Peterson, Andrew	Riley, Frances	White, Donald
Wright, George			

**MERRIMACK**

Brown, Mary	Burney, Carol	Crosby, Toni	Daneault, Gabriel
Davis, Francis	Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Hoadley, Elizabeth
Jacobson, Alf	Krueger, Patricia	Langer, Ray	Larrabee, David
Lavoie, Gerard	Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Owen, Derek	Reardon, Tara	Seldin, Gloria
St. Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane	Whittemore, James
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Camm, Kevin	Coes, Betsy	Cooney, Richard	Cushing, Robert
Dolan, Richard	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Gibbons, Paul	Griffin, Mary	Guthrie, Joseph	Heath, John
Hutchinson, Rebecca	Kobel, Rudolph	Langone, John	Mikowski, Walter
Moore, Benjamin	Norelli, Terie	Raynowska, Bernard	Rubin, George
Sabella, Norma	Sapareto, Frank	Stickney, Nancy	Stritch, C. Donald
Varrell, Thomas	Vaughn, Charles	Weare, Everett	Weyler, Kenneth

**STRAFFORD**

Bickford, David	Callaghan, Frank	Estabrook, Iris	Hemon, Roland
Heon, Richard	Keans, Sandra	McCann, William, Jr.	Merrill, Amanda
Pelletier, Arthur	Smith, Marjorie	Vachon, Dennis	Wall, Janet

## SULLIVAN

Adler, Rudolf  
 Flint, Gordon  
 Schotanus, Merle

Allison, David  
 Kibbey, David  
 Wiggins, Celestine

Cloutier, John  
 Palmer, Lorraine

Donovan, Thomas  
 Robb-Theroux, Amy

and the report failed, lacking the Constitutionally required three-fifths.

## SUSPENSION OF RULES

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit the drafting and introduction of a House Bill legalizing action taken at a school district meeting in Exeter and a town meeting in Newmarket.

Reps. Henderson and Abbott spoke in favor.

Adopted by the necessary two-thirds.

## RESOLUTION

Its introduction having been approved by the Rules Committee:

Rep. Wheeler offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1682, shall be by this resolution read a first and second time by the therein listed title.

Adopted.

## INTRODUCTION OF HOUSE BILL

## First and second reading

*HB 1682*, requiring registered child day care providers to perform state registry and criminal records checks of new staff members and other individuals who are responsible for the care of, or who are in regular contact with children. (Hutchinson, Rock 8; M. Smith, Straf 8)

## SUSPENSION OF RULES

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit consideration at the present time of *HB 1682*, requiring registered child day care providers to perform state registry and criminal records checks of new staff members and other individuals who are responsible for the care of, or who are in regular contact with children.

Adopted by the necessary two-thirds.

## CONSIDERATION OF HB 1682

*HB 1682*, requiring registered child day care providers to perform state registry and criminal records checks of new staff members and other individuals who are responsible for the care of, or who are in regular contact with children.

Rep. Pfaff moved Ought to Pass, spoke in favor and yielded to questions.

Rep. Marjorie Smith yielded to questions.

On a division vote, 235 members having voted in the affirmative and 62 in the negative, the motion was adopted.

## SUSPENSION OF RULES

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit third reading and final passage at the present time of *HB 1682*.

Adopted by the necessary two-thirds.

## MOTION ON HOUSE BILL 1682

Rep. Wheeler moved that *HB 1682*, requiring registered child day care providers to perform state registry and criminal records checks of new staff members and other individuals who are responsible for the care of, or who are in regular contact with children, be read a third time and passed.

Adopted.

## Third reading and final passage

*HB 1682*, requiring registered child day care providers to perform state registry and criminal records checks of new staff members and other individuals who are responsible for the care of, or who are in regular contact with children.



**COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL 1075**

**HB 1075-FN-A-L**, implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all the children of New Hampshire. (Report printed SJ 24, 9/24/98) Reps. Burling and Peterson spoke in favor.

Rep. Lozeau spoke in favor and yielded to questions.

Adopted.

**RESOLUTION**

Rep. Wheeler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 1683, shall be by this resolution read a first and second time by the therein listed title.

Adopted.

**INTRODUCTION OF HOUSE BILL****First and second reading**

**HB 1683**, ratifying the 1998 Newmarket town meeting and the 1998 annual Exeter Region Cooperative School District meeting. (Abbott, Rock 19; Henderson, Rock 20)

**SUSPENSION OF RULES**

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit consideration at the present time of **HB 1683**, ratifying the 1998 Newmarket town meeting and the 1998 annual Exeter Region Cooperative School District meeting.

Adopted by the necessary two-thirds.

**CONSIDERATION OF HOUSE BILL 1683**

**HB 1683**, ratifying the 1998 Newmarket town meeting and the 1998 annual Exeter Region Cooperative School District meeting.

Rep Henderson moved Ought to Pass and spoke in favor.

Adopted.

**SUSPENSION OF RULES**

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit third reading and final passage at the present time of HB 1683.

Adopted by the necessary two-thirds.

**MOTION ON HOUSE BILL 1683**

Rep. Wheeler moved that **HB 1683**, ratifying the 1998 Newmarket town meeting and the 1998 annual Exeter Region Cooperative School District meeting, be read a third time and passed.

Adopted.

**Third reading and final passage**

**HB 1683**, ratifying the 1998 Newmarket town meeting and the 1998 annual Exeter Region Cooperative School District meeting.

**REGULAR CALENDAR (CONT'D.)**

**HB 1668-FN-A-L**, establishing a personal income tax and a statewide school property tax to fund public education and making an appropriation therefor. **REFER FOR INTERIM STUDY**

Rep. David J. Alukonis for Finance: The information and data which the sponsors and other interested parties provided as part of the testimony on this proposal is both comprehensive and valuable. The committee believes it wise to continue consideration of this bill in order to make more complete its understanding of this information as well as of the impacts and issues relevant to enactment of the proposal. Vote 13-6.

Rep. Kurk spoke against and yielded to questions.

**MOTION TO LAY ON THE TABLE**

Rep. Cooper moved that **HB 1668-FN-A-L**, establishing a personal income tax and a statewide school property tax to fund public education and making an appropriation therefor, be laid on the table.

On a division vote, 113 members having voted in the affirmative and 192 in the negative, the motion failed.

**HB 1668 (CONT'D.)**

Reps. Below, Hager and Sapareto spoke in favor and yielded to questions.

Reps. Manning, Patten and Henderson spoke against.

Rep. Lozeau requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 154 NAYS 154****YEAS 154****BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah	Champagne, Richard	DePecol, Benjamin	Doucette, Richard
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meader, David	O'Connell, John	Pratt, Irene	Pratt, John
Richardson, Barbara	Robertson, Timothy	Russell, Ronald	Steere, Myron, III
Vogl, John			

**COOS**

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Hawkinson, Marie	Mears, Edgar	Moynihan, Wayne	

**GRAFTON**

Almy, Susan	Below, Clifton	Copenhaver, Marion	Guest, Robert
Ham, Bonnie	Lovett, Sidney	Luker, Elsa	Nordgren, Sharon

**HILLSBOROUGH**

Allen, W. Gordon	Ameen, W.	Cardin, Lori	Clemons, Jane
Daigle, Robert	Dawe, Eileen	Dokmo, Cynthia	Drabinowicz, A. Theresa
Dwyer, Paul, Sr.	Dyer, Merton	Foster, Joseph	Foster, Linda
Gage, Ruth	Ginsburg, Ruth	Gosselin, Gerald	Haettenschwiller, Alphonse
Haley, Robert	Hall, Betty	Hart, Nick	Jean, Claudette
Konys, Christine	Leishman, Peter	Lynde, Harold	Martin, Mary
McCarthy, William	Melcher, Harold	Messier, Irene	Murphy, Robert
Perkins, Paul	Peterson, Andrew	Reidy, Frank	Vaillancourt, Steve
Welch, Donald	Williams, Carol		

**MERRIMACK**

Burney, Carol	Crosby, Toni	Crowell, Peter	Daneault, Gabriel
Davis, Francis	DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Jacobson, Alf	Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Owen, Derek	Reardon, Tara	Seldin, Gloria
St. Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane	Whittemore, James
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Case, Margaret	Clark, Martha
Coes, Betsy	Cooney, Richard	Cushing, Robert	Dearborn, Bruce
Gibbons, Paul	Heath, John	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Kelley, Jane	Langone, John	Lovejoy, Marian
Micklon, Stephanie	Norelli, Terie	O'Keefe, Patricia	Pitts, Jacqueline
Rabideau, Marie	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Syracusa, Anthony	Tufts, J. Arthur	Vaughn, Charles	

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Kaen, Naida  
McCann, William, Jr.  
Smith, Marjorie  
Twardus, Joseph

Bickford, David  
Estabrook, Iris  
Keans, Sandra  
Merrill, Amanda  
Snyder, Clair  
Vachon, Dennis

Brown, George  
Hemon, Roland  
Knowles, William  
Pelletier, Arthur  
Sullivan, Henry  
Vincent, Francis

Callaghan, Frank  
Heon, Richard  
Lundborn, Raymond  
Rogers, Rose Marie  
Torr, Ann  
Wall, Janet

**SULLIVAN**

Allison, David  
Ferland, Brenda  
Palmer, Lorraine

Burling, Peter  
Flint, Gordon  
Robb-Theroux, Amy

Cloutier, John  
Kibbey, David  
Schotanus, Merle

Donovan, Thomas  
Leone, Richard  
Wiggins, Celestine

**NAYS 154****BELKNAP**

Boriso, Thomas  
Golden, Paul  
Pilliod, James  
Thomas, John

Boyce, Robert  
Holbrook, Robert  
Rice, Thomas, Jr.  
Turner, Robert

Calvert, Alice  
Lawton, David  
Rosen, Ralph

Clark, Charles  
Lawton, Robert  
Salatiello, Thomas

**CARROLL**

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Mock, Henry

Bradley, Jeb  
Howard, Godfrey  
Patten, Betsey

Chandler, Gene  
Kenney, Joseph  
Philbrick, Donald

Cooper, Kipp  
Lyman, L. Randy

**CHESHIRE**

Hunt, John

McNamara, Wanda

Royce, H. Charles

Smith, Edwin

**COOS**

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

Tholl, John, Jr.

**GRAFTON**

Akins, Ralph  
Hinman, Harry  
Teschner, Douglass

Alger, John  
MacNeil, Allen  
Trelfa, Richard

Eaton, Stephanie  
Mirski, Paul

Guaraldi, Lawrence  
Phinney, William

**HILLSBOROUGH**

Arnold, Thomas, Jr.  
Bernier, Shannon  
Carlson, Donald  
Cote, Peter  
Emerton, Lawrence, Sr.  
Goulet, Maurice  
Johnson, Lionel  
Leonard, Peter  
MacGillivray, Jeffrey  
McDonald, James, Sr.  
Milligan, Robert  
Piteri, Dawn  
Thulander, O. Alan  
Wright, George

Barry, William, III  
Brundige, Robert  
Christiansen, Lars  
D'Allesandro, Lou  
Fenton, James  
Herman, Keith  
Kelley, Robert  
Letendre, Evelyn  
MacIntyre, Doris  
McGough, Tim  
Murch, George  
Riley, Frances  
Turgeon, Roland

Batula, Peter  
Buckley, Raymond  
Clegg, Robert, Jr.  
Daniels, Gary  
Fields, Dennis  
Holley, Sylvia  
Kurk, Neal  
Lozeau, Donnalee  
Marcinkowski, Michael  
McRae, Karen  
O'Heam, Jane  
Sargent, Maxwell  
Wheeler, Robert

Belvin, William  
Calawa, Leon, Jr.  
Cote, David  
Durham, Susan  
Flora, Kathleen  
Jean, Loren  
LaRose, Richard  
Luebker, Bernard  
McCarty, Winston  
Mercer, Robert  
Pepino, Leo  
Tate, Joan  
White, Donald

**MERRIMACK**

Anderson, Eric  
Krueger, Patricia  
Nichols, Avis

Chandler, Earle  
Langer, Ray  
Pfaff, Terence

Hess, David  
Larrabee, David  
Whalley, Michael

Hoadley, Elizabeth  
Leber, William



**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Camm, Kevin
Carson, Gregory	Christie, Andrew, Jr.	Cote, Patricia	Dolan, Richard
Dowd, Sandra	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanagan, Natalia	Flanders, John, Sr.	Francoeur, Sheila
Gleason, John	Griffin, Mary	Henderson, Warren	Katsakiores, George
Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph	Langley, Jane
Major, Norman	Malcolm, Kenneth	McCarthy, John, Jr.	Mikowski, Walter
Moore, Benjamin	Nowe, Ronald	Noyes, Richard	Raynowska, Bernard
Reardon, Neil	Stickney, Nancy	Stone, Joseph	Stritch, C. Donald
Varrell, Thomas	Weare, Everett	Welch, David	Weyler, Kenneth
Woods, Deborah			

**STRAFFORD**

Brennan, William	Rollo, Michael	Spear, Barbara	Taylor, Kathleen
Torr, Franklin			

**SULLIVAN**

Adler, Rudolf

and, as per House Rule 23, the report failed.

Rep. Kurk moved Inexpedient to Legislate.

Reps. Below and Manning spoke against.

Rep. Burling spoke against and yielded to questions.

Rep. Lozeau requested a roll call; sufficiently seconded.

The question being the motion of Inexpedient to Legislate.

**YEAS 143 NAYS 164****YEAS 143****BELKNAP**

Boriso, Thomas	Boyce, Robert	Calvert, Alice	Clark, Charles
Golden, Paul	Holbrook, Robert	Lawton, David	Lawton, Robert
Rice, Thomas, Jr.	Rosen, Ralph	Thomas, John	Turner, Robert

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	

**CHESHIRE**

Hunt, John	McNamara, Wanda	Royce, H. Charles	Smith, Edwin
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**COOS**

Horton, Lynn	Merrill, Gerald	Pratt, Leighton	Tholl, John, Jr.
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**GRAFTON**

Akins, Ralph	Alger, John	Eaton, Stephanie	Guaraldi, Lawrence
Hinman, Harry	MacNeil, Allen	Mirski, Paul	Phinney, William
Teschner, Douglass	Trelfa, Richard		

**HILLSBOROUGH**

Arnold, Thomas, Jr.	Batula, Peter	Belvin, William	Brundige, Robert
Calawa, Leon, Jr.	Carlson, Donald	Christiansen, Lars	Clegg, Robert, Jr.
Cote, David	D'Allesandro, Lou	Daniels, Gary	Dyer, Merton
Emerton, Lawrence, Sr.	Fenton, James	Fields, Dennis	Flora, Kathleen
Goulet, Maurice	Herman, Keith	Holley, Sylvia	Jean, Loren

Kelley, Robert  
Lozeau, Donnalee  
Marcinkowski, Michael  
Mercer, Robert  
Pepino, Leo  
Sargent, Maxwell  
White, Donald

Kurk, Neal  
Luebker, Bernard  
McCarty, Winston  
Milligan, Robert  
Peterson, Andrew  
Tate, Joan  
Wright, George

LaRose, Richard  
MacGillivray, Jeffrey  
McGough, Tim  
Murch, George  
Piteri, Dawn  
Thulander, O. Alan

Letendre, Evelyn  
MacIntyre, Doris  
McRae, Karen  
O'Hearn, Jane  
Riley, Frances  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Krueger, Patricia  
Nichols, Avis

Chandler, Earle  
Langer, Ray  
Pfaff, Terence

Hess, David  
Larrabee, David  
Whalley, Michael

Hoadley, Elizabeth  
Leber, William

### ROCKINGHAM

Arndt, Janet  
Carson, Gregory  
Dowd, Sandra  
Fesh, Robert  
Gleason, John  
Katsakiores, Phyllis  
Major, Norman  
Moore, Benjamin  
Reardon, Neil  
Weare, Everett

Beaulieu, Jon  
Christie, Andrew, Jr.  
Dowling, Patricia  
Flanagan, Natalie  
Griffin, Mary  
Klemm, Arthur, Jr.  
Malcolm, Kenneth  
Nowe, Ronald  
Stickney, Nancy  
Welch, David

Belanger, Ronald  
Cote, Patricia  
Downing, Michael  
Flanders, John, Sr.  
Henderson, Warren  
Kobel, Rudolph  
McCarthy, John, Jr.  
Rabideau, Marie  
Stone, Joseph  
Weyler, Kenneth

Camm, Kevin  
Dolan, Richard  
Dunham, Vivian  
Francoeur, Sheila  
Katsakiores, George  
Langley, Jane  
Mikowski, Walter  
Raynowska, Bernard  
Varrell, Thomas  
Woods, Deborah

### STRAFFORD

Rollo, Michael

Spear, Barbara

Torr, Ann

Torr, Franklin

### SULLIVAN

Adler, Rudolf

### NAYS 164

### BELKNAP

Pilliod, James

Salatiello, Thomas

### CARROLL

None

### CHESHIRE

Bonneau, Sarah  
Lynch, Margaret  
Meader, David  
Richardson, Barbara  
Vogl, John

Champagne, Richard  
Lynott, Margaret  
O'Connell, John  
Robertson, Timothy

DePecol, Benjamin  
Manning, Joseph  
Pratt, Irene  
Russell, Ronald

Doucette, Richard  
McGuirk, Paul  
Pratt, John  
Steere, Myron, III

### COOS

Bradley, Paula  
Hawkinson, Marie

Coulombe, Henry  
Mears, Edgar

Coulombe, Yvonne  
Moynihan, Wayne

Davis, Perley

### GRAFTON

Almy, Susan  
Ham, Bonnie

Below, Clifton  
Lovett, Sidney

Copenhaver, Marion  
Luker, Elsa

Guest, Robert  
Nordgren, Sharon

### HILLSBOROUGH

Allen, W. Gordon  
Buckley, Raymond

Ameen, W.  
Cardin, Lori

Barry, William, III  
Clemons, Jane

Bernier, Shannon  
Cote, Peter

Daigle, Robert  
 Durham, Susan  
 Gage, Ruth  
 Haley, Robert  
 Johnson, Lionel  
 Lynde, Harold  
 Melcher, Harold  
 Reidy, Frank  
 Williams, Carol

Dawe, Eileen  
 Dwyer, Paul, Sr.  
 Ginsburg, Ruth  
 Hall, Betty  
 Konys, Christine  
 Martin, Mary  
 Messier, Irene  
 Turgeon, Roland

Dokmo, Cynthia  
 Foster, Joseph  
 Gosselin, Gerald  
 Hart, Nick  
 Leishman, Peter  
 McCarthy, William  
 Murphy, Robert  
 Vaillancourt, Steve

Drabinowicz, A. Theresa  
 Foster, Linda  
 Haettenschwiller, Alphonse  
 Jean, Claudette  
 Leonard, Peter  
 McDonald, James, Sr.  
 Perkins, Paul  
 Welch, Donald

### MERRIMACK

Burney, Carol  
 Davis, Francis  
 Fraser, Marilyn  
 Jacobson, Alf  
 Moore, Carol  
 St. Cyr, Gerard  
 Yeaton, Charles

Crosby, Toni  
 DeStefano, Stephen  
 French, Barbara  
 Lockwood, Robert  
 Owen, Derek  
 Wallin, Jean

Crowell, Peter  
 Dunn, Miriam  
 Gile, Mary  
 Marshall, Kenneth  
 Reardon, Tara  
 Wallner, Mary Jane

Daneault, Gabriel  
 Feuerstein, Martin  
 Hager, Elizabeth  
 Maxfield, Roy  
 Seldin, Gloria  
 Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
 Coes, Betsy  
 Gibbons, Paul  
 Kane, Cecelia  
 Micklon, Stephanie  
 Sabella, Norma  
 Syracuse, Anthony

Blanchard, MaryAnn  
 Cooney, Richard  
 Heath, John  
 Kelley, Jane  
 Norelli, Terie  
 Sapareto, Frank  
 Tufts, J. Arthur

Case, Margaret  
 Cushing, Robert  
 Hutchinson, Rebecca  
 Langone, John  
 O'Keefe, Patricia  
 Schanda, Frank  
 Vaughn, Charles

Clark, Martha  
 Dearborn, Bruce  
 Johnson, Robert  
 Lovejoy, Marian  
 Pitts, Jacqueline  
 Stritch, C. Donald

### STRAFFORD

Berube, Roger  
 Callaghan, Frank  
 Heon, Richard  
 Lundborn, Raymond  
 Rogers, Rose Marie  
 Taylor, Kathleen  
 Wall, Janet

Bickford, David  
 DeChane, Marlene  
 Kaen, Naida  
 McCann, William, Jr.  
 Smith, Marjorie  
 Twardus, Joseph

Brennan, William  
 Estabrook, Iris  
 Keans, Sandra  
 Merrill, Amanda  
 Snyder, Clair  
 Vachon, Dennis

Brown, George  
 Hemon, Roland  
 Knowles, William  
 Pelletier, Arthur  
 Sullivan, Henry  
 Vincent, Francis

### SULLIVAN

Allison, David  
 Ferland, Brenda  
 Palmer, Lorraine

Burling, Peter  
 Flint, Gordon  
 Robb-Theroux, Amy

Cloutier, John  
 Kibbey, David  
 Schotanus, Merle

Donovan, Thomas  
 Leone, Richard  
 Wiggins, Celestine

and the motion failed.

### LAI D ON THE TABLE

Rep. Hager moved that *HB 1668-FN-A-L*, establishing a personal income tax and a statewide school property tax to fund public education and making an appropriation therefor, be laid on the table.

On a division vote, 193 members having voted in the affirmative and 109 in the negative, the motion was adopted.

### MOTION TO LAY ON THE TABLE

Rep. Cooper moved that all remaining bills printed in the day's Regular Calendar be laid on the table.

Rep. Burling requested a roll call; sufficiently seconded.



**YEAS 133 NAYS 163****YEAS 133****BELKNAP**

Boriso, Thomas	Boyce, Robert	Calvert, Alice	Clark, Charles
Holbrook, Robert	Lawton, David	Lawton, Robert	Pilliod, James
Rice, Thomas, Jr.	Rosen, Ralph	Turner, Robert	

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	

**CHESHIRE**

Manning, Joseph	McNamara, Wanda	Pratt, John	Steere, Myron, III
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**COOS**

Horton, Lynn	Merrill, Gerald	Pratt, Leighton	Tholl, John, Jr.
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**GRAFTON**

Akins, Ralph	Alger, John	Eaton, Stephanie	Guaraldi, Lawrence
Hinman, Harry	MacNeil, Allen	Mirski, Paul	Phinney, William
Teschner, Douglass	Trelfa, Richard		

**HILLSBOROUGH**

Arnold, Thomas, Jr.	Batula, Peter	Belvin, William	Brundige, Robert
Calawa, Leon, Jr.	Carlson, Donald	Christiansen, Lars	Clegg, Robert, Jr.
Daniels, Gary	Dokmo, Cynthia	Durham, Susan	Dyer, Merton
Fenton, James	Fields, Dennis	Goulet, Maurice	Haley, Robert
Herman, Keith	Holley, Sylvia	Jean, Loren	Johnson, Lionel
Kelley, Robert	LaRose, Richard	Leishman, Peter	Letendre, Evelyn
Luebker, Bernard	MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael
McCarthy, William	McGough, Tim	McRae, Karen	Mercer, Robert
Milligan, Robert	Murch, George	O'Hearn, Jane	Pepino, Leo
Peterson, Andrew	Riley, Frances	Sargent, Maxwell	Thulander, O. Alan
Turgeon, Roland	Wheeler, Robert	White, Donald	Wright, George

**MERRIMACK**

Chandler, Earle	Feuerstein, Martin	Hess, David	Hoadley, Elizabeth
Krueger, Patricia	Langer, Ray	Larrabee, David	Leber, William
Marshall, Kenneth	Nichols, Avis		

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Camm, Kevin
Carson, Gregory	Christie, Andrew, Jr.	Cote, Patricia	Dearborn, Bruce
Dolan, Richard	Dowd, Sandra	Dowling, Patricia	Dunham, Vivian
Fesh, Robert	Flanagan, Natalie	Francoeur, Sheila	Gleason, John
Griffin, Mary	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Langone, John	Major, Norman
Malcolm, Kenneth	McCarthy, John, Jr.	Moore, Benjamin	Raynowska, Bernard
Reardon, Neil	Sapareto, Frank	Stritch, C. Donald	Tufts, J. Arthur
Varrell, Thomas	Weare, Everett	Weyler, Kenneth	

**STRAFFORD**

Spear, Barbara

**SULLIVAN**

Adler, Rudolf	Flint, Gordon	Leone, Richard
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**NAYS 163****BELKNAP**

Salatiello, Thomas      Thomas, John

**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah	Champagne, Richard	DePecol, Benjamin	Hunt, John
Lynch, Margaret	Lynott, Margaret	Meader, David	Pratt, Irene
Richardson, Barbara	Robertson, Timothy	Royce, H. Charles	Smith, Edwin
Vogl, John			

**COOS**

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Hawkinson, Marie	Mears, Edgar	Moynihan, Wayne	

**GRAFTON**

Almy, Susan	Below, Clifton	Copenhaver, Marion	Guest, Robert
Ham, Bonnie	Lovett, Sidney	Luker, Elsa	Nordgren, Sharon

**HILLSBOROUGH**

Allen, W. Gordon	Ameen, W.	Barry, William, III	Bernier, Shannon
Buckley, Raymond	Cardin, Lori	Clemons, Jane	Cote, David
Cote, Peter	D'Allesandro, Lou	Daigle, Robert	Drabinowicz, A. Theresa
Dwyer, Paul, Sr.	Emerton, Lawrence, Sr.	Flora, Kathleen	Foster, Joseph
Foster, Linda	Gage, Ruth	Ginsburg, Ruth	Gosselin, Gerald
Haettenschwiler, Alphonse	Hall, Betty	Hart, Nick	Jean, Claudette
Kony, Christine	Kurk, Neal	Leonard, Peter	Lozeau, Donnalee
Lynde, Harold	Martin, Mary	McCarty, Winston	McDonald, James, Sr.
Melcher, Harold	Messier, Irene	Murphy, Robert	Perkins, Paul
Piteri, Dawn	Reidy, Frank	Vaillancourt, Steve	Welch, Donald
Williams, Carol			

**MERRIMACK**

Anderson, Eric	Burney, Carol	Crosby, Toni	Daneault, Gabriel
Davis, Francis	DeStefano, Stephen	Dunn, Miriam	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Jacobson, Alf
Lockwood, Robert	Moore, Carol	Owen, Derek	Pfaff, Terence
Reardon, Tara	Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean
Wallner, Mary Jane	Whalley, Michael	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Case, Margaret	Clark, Martha
Coes, Betsy	Cooney, Richard	Cushing, Robert	Downing, Michael
Gibbons, Paul	Heath, John	Henderson, Warren	Hutchinson, Rebecca
Kane, Cecelia	Kelley, Jane	Klemm, Arthur, Jr.	Lovejoy, Marian
Micklton, Stephanie	Mikowski, Walter	Nowe, Ronald	O'Keefe, Patricia
Pitts, Jacqueline	Rabideau, Marie	Sabella, Norma	Schanda, Frank
Stickney, Nancy	Stone, Joseph	Syracusa, Anthony	Vaughn, Charles
Welch, David	Woods, Deborah		

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	DeChane, Marlene	Estabrook, Iris	Hemon, Roland
Heon, Richard	Kaen, Naida	Keans, Sandra	Knowles, William

Lundborn, Raymond  
Rogers, Rose Marie  
Sullivan, Henry  
Twardus, Joseph

McCann, William, Jr.  
Rollo, Michael  
Taylor, Kathleen  
Vachon, Dennis

Merrill, Amanda  
Smith, Marjorie  
Torr, Ann  
Vincent, Francis

Pelletier, Arthur  
Snyder, Clair  
Torr, Franklin  
Wall, Janet

### SULLIVAN

Allison, David  
Ferland, Brenda  
Schotanus, Merle

Burling, Peter  
Kibbey, David  
Wiggins, Celestine

Cloutier, John  
Palmer, Lorraine

Donovan, Thomas  
Robb-Theroux, Amy

and the motion failed.

### REGULAR CALENDAR (CONT'D.)

**HB 1669-FN-A-L**, adding a capital gains tax to the interest and dividends tax, and designating all revenues from the interest and dividends tax for funding education. **INEXPEDIENT TO LEGISLATE** Rep. David J. Alukonis for Finance: This bill adds a capital gains tax to the interest and dividends tax and provides that all revenues from the interest and dividends tax be deposited to a fund dedicated for the purposes of public education. There was very little support for this sort of tax to be imposed upon the citizens of New Hampshire. Additionally, consideration of any tax increases in order to finance additional appropriations for public education should be made during the normal budget deliberations impacting the year for which the appropriations will be made. Vote 17-2. Adopted.

**HB 1670-FN-A-L**, relative to a statewide school tax on income for purposes of funding a constitutionally adequate education and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE** Rep. Charles L. Vaughn for Finance: The Finance Committee had before it two income tax bills relative to funding for a constitutionally adequate education. The committee felt only one bill needed to be studied and believes HB 1668-FN-A-L to be the better vehicle. Vote 16-3. Rep. Jacobson spoke against and yielded to questions. Rep. Wheeler requested a roll call; sufficiently seconded. The question being the adoption of the report.

### YEAS 209 NAYS 77

#### YEAS 209

#### BELKNAP

Boriso, Thomas  
Holbrook, Robert  
Rice, Thomas, Jr.  
Turner, Robert

Boyce, Robert  
Lawton, David  
Rosen, Ralph

Calvert, Alice  
Lawton, Robert  
Salatiello, Thomas

Clark, Charles  
Pilliod, James  
Thomas, John

#### CARROLL

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Mock, Henry

Bradley, Jeb  
Howard, Godfrey  
Patten, Betsey

Chandler, Gene  
Kenney, Joseph  
Philbrick, Donald

Cooper, Kipp  
Lyman, L. Randy

#### CHESHIRE

DePecol, Benjamin  
Royce, H. Charles

Hunt, John  
Smith, Edwin

McNamara, Wanda  
Steere, Myron, III

Pratt, Irene

#### COOS

Coulombe, Henry  
Merrill, Gerald

Hawkinson, Marie  
Pratt, Leighton

Horton, Lynn  
Tholl, John, Jr.

Mears, Edgar

#### GRAFTON

Akins, Ralph  
Guaraldi, Lawrence  
Mirski, Paul

Alger, John  
Guest, Robert  
Nordgren, Sharon

Copenhaver, Marion  
Hinman, Harry  
Phinney, William

Eaton, Stephanie  
Luker, Elsa  
Trelfa, Richard



**HILLSBOROUGH**

Allen, W. Gordon	Ameen, W.	Barry, William, III	Batula, Peter
Belvin, William	Bernier, Shannon	Brundige, Robert	Buckley, Raymond
Calawa, Leon, Jr.	Cardin, Lori	Carlson, Donald	Christiansen, Lars
Clegg, Robert, Jr.	Clemons, Jane	Cote, David	Cote, Peter
D'Allesandro, Lou	Daigle, Robert	Daniels, Gary	Dokmo, Cynthia
Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton
Emerton, Lawrence, Sr.	Fenton, James	Fields, Dennis	Flora, Kathleen
Foster, Joseph	Foster, Linda	Gosselin, Gerald	Goulet, Maurice
Hall, Betty	Herman, Keith	Holley, Sylvia	Jean, Claudette
Jean, Loren	Johnson, Lionel	Konys, Christine	Kurk, Neal
Leishman, Peter	Leonard, Peter	Letendre, Evelyn	Lozeau, Donnalee
Luebker, Bernard	Lynde, Harold	MacGillivray, Jeffrey	MacIntyre, Doris
Marcinkowski, Michael	McCarty, Winston	McDonald, James, Sr.	McGough, Tim
McRae, Karen	Mercer, Robert	Milligan, Robert	Murch, George
O'Hearn, Jane	Peterson, Andrew	Riley, Frances	Sargent, Maxwell
Thulander, O. Alan	Turgeon, Roland	Vaillancourt, Steve	Wheeler, Robert
White, Donald	Williams, Carol		

**MERRIMACK**

Anderson, Eric	Chandler, Earle	Daneault, Gabriel	Davis, Francis
DeStefano, Stephen	Dunn, Miriam	Hess, David	Hoadley, Elizabeth
Krueger, Patricia	Langer, Ray	Larrabee, David	Leber, William
Marshall, Kenneth	Moore, Carol	Nichols, Avis	Reardon, Tara
Seldin, Gloria	Wallner, Mary Jane	Whalley, Michael	Whittemore, James

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Camm, Kevin	Carson, Gregory	Case, Margaret	Christie, Andrew, Jr.
Cote, Patricia	Cushing, Robert	Dearborn, Bruce	Dolan, Richard
Dowling, Patricia	Downing, Michael	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Francoeur, Sheila	Griffin, Mary	Henderson, Warren
Hutchinson, Rebecca	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Klemm, Arthur, Jr.	Kobel, Rudolph	Langley, Jane
Lovejoy, Marian	Major, Norman	Malcolm, Kenneth	Micklon, Stephanie
Mikowski, Walter	Moore, Benjamin	Nowe, Ronald	O'Keefe, Patricia
Pitts, Jacqueline	Rabideau, Marie	Raynowska, Bernard	Reardon, Neil
Schanda, Frank	Stickney, Nancy	Stone, Joseph	Tufts, J. Arthur
Varrell, Thomas	Weare, Everett	Welch, David	Weyler, Kenneth
Woods, Deborah			

**STRAFFORD**

Berube, Roger	Brennan, William	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Knowles, William	Lundborn, Raymond	Pelletier, Arthur
Rollo, Michael	Spear, Barbara	Taylor, Kathleen	Torr, Ann
Torr, Franklin	Twardus, Joseph	Vincent, Francis	Wall, Janet

**SULLIVAN**

Adler, Rudolf	Burling, Peter	Ferland, Brenda	Flint, Gordon
Leone, Richard	Palmer, Lorraine	Robb-Theroux, Amy	Wiggins, Celestine

**NAYS 77****BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah	Champagne, Richard	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	Meador, David	O'Connell, John	Pratt, John
Richardson, Barbara	Robertson, Timothy	Vogl, John	

**COOS**

Bradley, Paula	Coulombe, Yvonne	Davis, Perley	Moynihan, Wayne
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**GRAFTON**

Almy, Susan	Below, Clifton	Ham, Bonnie	Lovett, Sidney
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**HILLSBOROUGH**

Arnold, Thomas, Jr.	Gage, Ruth	Ginsburg, Ruth	Haettenschwiler, Alphonse
Haley, Robert	Hart, Nick	Martin, Mary	McCarthy, William
Melcher, Harold	Messier, Irene	Murphy, Robert	Perkins, Paul
Reidy, Frank	Welch, Donald		

**MERRIMACK**

Burney, Carol	Crosby, Toni	Feuerstein, Martin	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Jacobson, Alf
Lockwood, Robert	Owen, Derek	St. Cyr, Gerard	Wallin, Jean
Yeaton, Charles			

**ROCKINGHAM**

Blanchard, MaryAnn	Clark, Martha	Coes, Betsy	Cooney, Richard
Gibbons, Paul	Gleason, John	Heath, John	Johnson, Robert
Langone, John	Sabella, Norma	Sapareto, Frank	Stritch, C. Donald
Syracusa, Anthony	Vaughn, Charles		

**STRAFFORD**

Bickford, David	Brown, George	Hemon, Roland	Heon, Richard
Kaen, Naida	Keans, Sandra	McCann, William, Jr.	Rogers, Rose Marie
Smith, Marjorie	Snyder, Clair	Sullivan, Henry	Vachon, Dennis

**SULLIVAN**

Allison, David	Cloutier, John	Donovan, Thomas	Kibbey, David
Schotanus, Merle			

and the report was adopted.

**HB 1671-FN-A-L**, establishing a securities transfer excise tax to meet state obligations in funding education. **INEXPEDIENT TO LEGISLATE**

Rep. Avis B. Nichols for Finance: This bill establishes a securities excise tax to fund state education obligations. However, the tax can be easily avoided by locating or conducting transfers and sales out of state. The bill would also have a significant negative impact on the New Hampshire retirement system. Furthermore, the bill would discourage the expansion of the financial services industry in the state. For these reasons, the committee recommends the bill be voted inexpedient to legislate. Vote 19-0.

Reps. Hemon and McCann spoke against.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 250 NAYS 15**

**YEAS 250**

**BELKNAP**

Boriso, Thomas	Boyce, Robert	Clark, Charles	Holbrook, Robert
Lawton, David	Lawton, Robert	Pilliod, James	Rice, Thomas, Jr.
Rosen, Ralph	Salatiello, Thomas	Thomas, John	Turner, Robert

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Cooper, Kipp	Dickinson, Howard, Jr.
Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald		

**CHESHIRE**

Bonneau, Sarah	Champagne, Richard	DePecol, Benjamin	Hunt, John
Lynch, Margaret	Manning, Joseph	McNamara, Wanda	Meador, David
O'Connell, John	Pratt, Irene	Richardson, Barbara	Robertson, Timothy
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	Vogl, John

**COOS**

Bradley, Paula	Davis, Perley	Horton, Lynn	Mears, Edgar
Merrill, Gerald	Moynihan, Wayne	Pratt, Leighton	Tholl, John, Jr.

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Below, Clifton
Copenhaver, Marion	Ham, Bonnie	Hinman, Harry	Lovett, Sidney
Luker, Elsa	Mirski, Paul	Nordgren, Sharon	Phinney, William
Trelfa, Richard			

**HILLSBOROUGH**

Allen, W. Gordon	Ameen, W.	Arnold, Thomas, Jr.	Barry, William, III
Batula, Peter	Belvin, William	Bernier, Shannon	Brundige, Robert
Buckley, Raymond	Calawa, Leon, Jr.	Cardin, Lori	Carlson, Donald
Christiansen, Lars	Clegg, Robert, Jr.	Cote, David	Cote, Peter
D'Allesandro, Lou	Daigle, Robert	Daniels, Gary	Dokmo, Cynthia
Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton
Emerton, Lawrence, Sr.	Fenton, James	Fields, Dennis	Flora, Kathleen
Foster, Joseph	Foster, Linda	Gage, Ruth	Ginsburg, Ruth
Gosselin, Gerald	Goulet, Maurice	Haettenschwiller, Alphonse	Hall, Betty
Hart, Nick	Herman, Keith	Holley, Sylvia	Jean, Claudette
Jean, Loren	Johnson, Lionel	Konys, Christine	Kurk, Neal
Leishman, Peter	Leonard, Peter	Letendre, Evelyn	Lozeau, Donnalee
Luebker, Bernard	Lynde, Harold	MacGillivray, Jeffrey	MacIntyre, Doris
Martin, Mary	McCarty, Winston	McDonald, James, Sr.	McGough, Tim
McRae, Karen	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Murch, George	Murphy, Robert	O'Hearn, Jane
Perkins, Paul	Reidy, Frank	Riley, Frances	Sargent, Maxwell
Thulander, O. Alan	Turgeon, Roland	Vaillancourt, Steve	Welch, Donald
Wheeler, Robert	White, Donald	Williams, Carol	Wright, George

**MERRIMACK**

Anderson, Eric	Burney, Carol	Crosby, Toni	Daneault, Gabriel
Davis, Francis	DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin
French, Barbara	Hager, Elizabeth	Hess, David	Hoadley, Elizabeth
Jacobson, Alf	Krueger, Patricia	Langer, Ray	Larrabee, David
Leber, William	Lockwood, Robert	Marshall, Kenneth	Moore, Carol
Nichols, Avis	Reardon, Tara	Seldin, Gloria	Wallner, Mary Jane
Whalley, Michael	Whittemore, James		

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Blanchard, MaryAnn	Camm, Kevin	Carson, Gregory	Christie, Andrew, Jr.
Clark, Martha	Coes, Betsy	Cooney, Richard	Cushing, Robert
Dearborn, Bruce	Dolan, Richard	Dowling, Patricia	Downing, Michael



Dunham, Vivian  
Gibbons, Paul  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Langley, Jane  
Micklon, Stephanie  
O'Keefe, Patricia  
Reardon, Neil  
Stickney, Nancy  
Varrell, Thomas  
Weyler, Kenneth

Fesh, Robert  
Gleason, John  
Johnson, Robert  
Kelley, Jane  
Langone, John  
Mikowski, Walter  
Pitts, Jacqueline  
Sabella, Norma  
Stone, Joseph  
Vaughn, Charles  
Woods, Deborah

Flanagan, Natalie  
Griffin, Mary  
Kane, Cecelia  
Klemm, Arthur, Jr.  
Major, Norman  
Moore, Benjamin  
Rabideau, Marie  
Sapareto, Frank  
Stritch, C. Donald  
Weare, Everett

Francoeur, Sheila  
Henderson, Warren  
Katsakiores, George  
Kobel, Rudolph  
Malcolm, Kenneth  
Nowe, Ronald  
Raynowska, Bernard  
Schanda, Frank  
Tufts, J. Arthur  
Welch, David

### STRAFFORD

Bickford, David  
Heon, Richard  
Lundborn, Raymond  
Snyder, Clair  
Torr, Ann

Brennan, William  
Kaen, Naida  
Rogers, Rose Marie  
Spear, Barbara  
Torr, Franklin

Callaghan, Frank  
Keans, Sandra  
Rollo, Michael  
Sullivan, Henry  
Wall, Janet

Estabrook, Iris  
Knowles, William  
Smith, Marjorie  
Taylor, Kathleen

### SULLIVAN

Adler, Rudolf  
Ferland, Brenda  
Palmer, Lorraine

Allison, David  
Flint, Gordon  
Robb-Theroux, Amy

Burling, Peter  
Kibbey, David  
Schotanus, Merle

Cloutier, John  
Leone, Richard  
Wiggins, Celestine

### NAYS 15

### BELKNAP

None

### CARROLL

None

### CHESHIRE

None

### COOS

None

### GRAFTON

Guest, Robert

### HILLSBOROUGH

Haley, Robert

McCarthy, William

### MERRIMACK

St. Cyr, Gerard

Yeaton, Charles

### ROCKINGHAM

Heath, John

Syracusa, Anthony

### STRAFFORD

Brown, George  
Pelletier, Arthur

DeChane, Marlene  
Twardus, Joseph

Hemon, Roland  
Vachon, Dennis

McCann, William, Jr.

### SULLIVAN

Donovan, Thomas

and the report was adopted.

Rep. Guaraldi declared a conflict of interest and did not participate.

**HB 1674-FN-A-L**, establishing a proportional statewide property tax to provide equal per student funding for state-mandated education and funding for kindergarten and making an appropriation therefor. REFER FOR INTERIM STUDY

Rep. Avis B. Nichols for Finance: This bill establishes a proportional statewide property tax to provide funding for state-mandated education and funding for kindergarten. The committee felt the bill should be studied along with certain other proposals for funding education. Vote 14-5.

Rep. Kurk spoke against and yielded to questions.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 121 NAYS 142

### YEAS 121

#### BELKNAP

None

#### CARROLL

None

#### CHESHIRE

Bonneau, Sarah	Champagne, Richard	DePecol, Benjamin	Lynch, Margaret
Manning, Joseph	Meader, David	Pratt, Irene	Richardson, Barbara
Robertson, Timothy	Steere, Myron, III	Vogl, John	

#### COOS

Bradley, Paula	Hawkinson, Marie	Mears, Edgar	Moynihan, Wayne
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#### GRAFTON

Almy, Susan	Copenhaver, Marion	Guest, Robert	Ham, Bonnie
Lovett, Sidney	Luker, Elsa	Nordgren, Sharon	

#### HILLSBOROUGH

Allen, W. Gordon	Ameen, W.	Barry, William, III	Bernier, Shannon
Buckley, Raymond	Cardin, Lori	Carlson, Donald	Clemons, Jane
Cote, Peter	Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A. Theresa
Dwyer, Paul, Sr.	Foster, Joseph	Foster, Linda	Ginsburg, Ruth
Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty	Jean, Claudette
Johnson, Lionel	Konys, Christine	Leishman, Peter	Leonard, Peter
Lynde, Harold	Martin, Mary	McCarthy, William	Melcher, Harold
Messier, Irene	Murphy, Robert	Turgeon, Roland	Vaillancourt, Steve
Welch, Donald	Williams, Carol		

#### MERRIMACK

Burney, Carol	Crosby, Toni	Dunn, Miriam	Feuerstein, Martin
French, Barbara	Gile, Mary	Hager, Elizabeth	Lockwood, Robert
Moore, Carol	Reardon, Tara	Seldin, Gloria	St. Cyr, Gerard
Wallin, Jean	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

#### ROCKINGHAM

Abbott, Dennis	Clark, Martha	Coes, Betsy	Cooney, Richard
Cushing, Robert	Dolan, Richard	Gibbons, Paul	Heath, John
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Kelley, Jane
Micklon, Stephanie	O'Keefe, Patricia	Pitts, Jacqueline	Sabella, Norma
Sapareto, Frank	Schanda, Frank	Weyler, Kenneth	

#### STRAFFORD

Bickford, David	Brennan, William	Brown, George	Callaghan, Frank
DeChane, Marlene	Estabrook, Iris	Hemon, Roland	Heon, Richard

Knowles, William  
Rogers, Rose Marie  
Sullivan, Henry  
Wall, Janet

Lundborn, Raymond  
Rollo, Michael  
Taylor, Kathleen

Merrill, Amanda  
Smith, Marjorie  
Twardus, Joseph

Pelletier, Arthur  
Snyder, Clair  
Vachon, Dennis

### SULLIVAN

Allison, David  
Ferland, Brenda  
Wiggins, Celestine

Burling, Peter  
Kibbey, David

Cloutier, John  
Palmer, Lorraine

Donovan, Thomas  
Robb-Theroux, Amy

### NAYS 142

### BELKNAP

Boriso, Thomas  
Lawton, David  
Rosen, Ralph

Boyce, Robert  
Lawton, Robert  
Salatiello, Thomas

Clark, Charles  
Pilliod, James  
Thomas, John

Holbrook, Robert  
Rice, Thomas, Jr.  
Turner, Robert

### CARROLL

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Mock, Henry

Bradley, Jeb  
Howard, Godfrey  
Patten, Betsey

Chandler, Gene  
Kenney, Joseph  
Philbrick, Donald

Cooper, Kipp  
Lyman, L. Randy

### CHESHIRE

Hunt, John  
Smith, Edwin

McNamara, Wanda

O'Connell, John

Royce, H. Charles

### COOS

Davis, Perley

Horton, Lynn

Merrill, Gerald

Tholl, John, Jr.

### GRAFTON

Akins, Ralph  
Mirski, Paul

Alger, John  
Phinney, William

Guaraldi, Lawrence  
Trelfa, Richard

Hinman, Harry

### HILLSBOROUGH

Arnold, Thomas, Jr.  
Calawa, Leon, Jr.  
D'Allesandro, Lou  
Emerton, Lawrence, Sr.  
Gage, Ruth  
Holley, Sylvia  
Lozeau, Donnalee  
McCarty, Winston  
Mercer, Robert  
Perkins, Paul  
White, Donald

Batula, Peter  
Christiansen, Lars  
Daniels, Gary  
Fenton, James  
Goulet, Maurice  
Jean, Loren  
Luebker, Bernard  
McDonald, James, Sr.  
Milligan, Robert  
Sargent, Maxwell

Belvin, William  
Clegg, Robert, Jr.  
Durham, Susan  
Fields, Dennis  
Hart, Nick  
Kurk, Neal  
MacGillivray, Jeffrey  
McGough, Tim  
Murch, George  
Thulander, O. Alan

Brundige, Robert  
Cote, David  
Dyer, Merton  
Flora, Kathleen  
Herman, Keith  
Letendre, Evelyn  
MacIntyre, Doris  
McRae, Karen  
O'Hearn, Jane  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Hess, David  
Langer, Ray  
Nichols, Avis

Daneault, Gabriel  
Hoadley, Elizabeth  
Larrabee, David  
Whalley, Michael

Davis, Francis  
Jacobson, Alf  
Leber, William

DeStefano, Stephen  
Krueger, Patricia  
Marshall, Kenneth

### ROCKINGHAM

Arndt, Janet  
Carson, Gregory  
Downing, Michael  
Francoeur, Sheila

Belanger, Ronald  
Christie, Andrew, Jr.  
Dunham, Vivian  
Gleason, John

Blanchard, MaryAnn  
Dearborn, Bruce  
Fesh, Robert  
Griffin, Mary

Camm, Kevin  
Dowling, Patricia  
Flanagan, Natalie  
Henderson, Warren



Katsakiores, George  
Langone, John  
Moore, Benjamin  
Reardon, Neil  
Syracusa, Anthony  
Weare, Everett

Katsakiores, Phyllis  
Major, Norman  
Nowe, Ronald  
Stickney, Nancy  
Tufts, J. Arthur  
Welch, David

Kobel, Rudolph  
Malcolm, Kenneth  
Rabideau, Marie  
Stone, Joseph  
Varrell, Thomas  
Woods, Deborah

Langley, Jane  
Mikowski, Walter  
Raynowska, Bernard  
Stritch, C. Donald  
Vaughn, Charles

**STRAFFORD**

Kaen, Naida  
Torr, Franklin

Keans, Sandra

Spear, Barbara

Torr, Ann

**SULLIVAN**

Adler, Rudolf

Flint, Gordon

Leone, Richard

Schotanus, Merle

and the report failed.

Rep. Kurk moved Inexpedient to Legislate.

Rep. Wheeler requested a roll call; sufficiently seconded.

**YEAS 158 NAYS 105****YEAS 158****BELKNAP**

Boriso, Thomas  
Lawton, David  
Rosen, Ralph

Boyce, Robert  
Lawton, Robert  
Salatiello, Thomas

Clark, Charles  
Pilliod, James  
Thomas, John

Holbrook, Robert  
Rice, Thomas, Jr.  
Turner, Robert

**CARROLL**

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Mock, Henry

Bradley, Jeb  
Howard, Godfrey  
Patten, Betsey

Chandler, Gene  
Kenney, Joseph  
Philbrick, Donald

Cooper, Kipp  
Lyman, L. Randy

**CHESHIRE**

Hunt, John  
Smith, Edwin

McNamara, Wanda  
Steere, Myron, III

O'Connell, John

Royce, H. Charles

**COOS**

Davis, Perley

Horton, Lynn

Merrill, Gerald

Tholl, John, Jr.

**GRAFTON**

Akins, Ralph  
Mirski, Paul

Alger, John  
Phinney, William

Guaraldi, Lawrence  
Trelfa, Richard

Hinman, Harry

**HILLSBOROUGH**

Arnold, Thomas, Jr.  
Brundige, Robert  
Christiansen, Lars  
Cote, Peter  
Durham, Susan  
Fields, Dennis  
Haley, Robert  
Johnson, Lionel  
Lozeau, Donnalee  
McCarty, Winston  
Mercer, Robert  
Sargent, Maxwell  
White, Donald

Barry, William, III  
Buckley, Raymond  
Clegg, Robert, Jr.  
D'Allesandro, Lou  
Dyer, Merton  
Flora, Kathleen  
Herman, Keith  
Kurk, Neal  
Luebker, Bernard  
McDonald, James, Sr.  
Milligan, Robert  
Thulander, O. Alan

Batula, Peter  
Calawa, Leon, Jr.  
Clemons, Jane  
Daniels, Gary  
Emerton, Lawrence, Sr.  
Foster, Linda  
Holley, Sylvia  
Leishman, Peter  
MacGillivray, Jeffrey  
McGough, Tim  
Murch, George  
Turgeon, Roland

Belvin, William  
Carlson, Donald  
Cote, David  
Dokmo, Cynthia  
Fenton, James  
Goulet, Maurice  
Jean, Loren  
Letendre, Evelyn  
MacIntyre, Doris  
McRae, Karen  
O'Hearn, Jane  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric	Daneault, Gabriel	Davis, Francis	DeStefano, Stephen
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Krueger, Patricia
Langer, Ray	Larrabee, David	Leber, William	Marshall, Kenneth
Nichols, Avis	Reardon, Tara	Whalley, Michael	

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn	Camm, Kevin
Carson, Gregory	Christie, Andrew, Jr.	Dearborn, Bruce	Dolan, Richard
Dowling, Patricia	Downing, Michael	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Francoeur, Sheila	Gibbons, Paul	Gleason, John
Griffin, Mary	Henderson, Warren	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Langone, John
Major, Norman	Malcolm, Kenneth	Mikowski, Walter	Moore, Benjamin
Nowe, Ronald	O'Keefe, Patricia	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Stickney, Nancy	Stone, Joseph	Stritch, C. Donald
Syracusa, Anthony	Tufts, J. Arthur	Varrell, Thomas	Vaughn, Charles
Weare, Everett	Welch, David	Weyler, Kenneth	Woods, Deborah

**STRAFFORD**

Callaghan, Frank	Kaen, Naida	Spear, Barbara	Taylor, Kathleen
Torr, Ann	Torr, Franklin		

**SULLIVAN**

Adler, Rudolf	Flint, Gordon	Leone, Richard	Schotanus, Merle
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**NAYS 105****BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah	Champagne, Richard	DePecol, Benjamin	Lynch, Margaret
Manning, Joseph	Meader, David	Pratt, Irene	Richardson, Barbara
Robertson, Timothy	Vogl, John		

**COOS**

Bradley, Paula	Hawkinson, Marie	Mears, Edgar	Moynihn, Wayne
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**GRAFTON**

Almy, Susan	Copenhaver, Marion	Guest, Robert	Ham, Bonnie
Lovett, Sidney	Luker, Elsa	Nordgren, Sharon	

**HILLSBOROUGH**

Allen, W. Gordon	Ameen, W.	Bernier, Shannon	Cardin, Lori
Daigle, Robert	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.	Foster, Joseph
Gage, Ruth	Ginsburg, Ruth	Haettenschwiller, Alphonse	Hall, Betty
Hart, Nick	Jean, Claudette	Konys, Christine	Leonard, Peter
Lynde, Harold	Martin, Mary	McCarthy, William	Melcher, Harold
Messier, Irene	Murphy, Robert	Perkins, Paul	Vaillancourt, Steve
Welch, Donald	Williams, Carol		

**MERRIMACK**

Burney, Carol	Crosby, Toni	Dunn, Miriam	Feuerstein, Martin
French, Barbara	Gile, Mary	Hager, Elizabeth	Lockwood, Robert
Moore, Carol	Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Clark, Martha	Coes, Betsy	Cooney, Richard
Cushing, Robert	Heath, John	Hutchinson, Rebecca	Kane, Cecelia
Kelley, Jane	Micklon, Stephanie	Pitts, Jacqueline	Sabella, Norma
Sapareto, Frank	Schanda, Frank		

**STRAFFORD**

Bickford, David	Brennan, William	Brown, George	DeChane, Marlene
Estabrook, Iris	Hemon, Roland	Heon, Richard	Keans, Sandra
Knowles, William	Lundborn, Raymond	Merrill, Amanda	Pelletier, Arthur
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Sullivan, Henry	Twardus, Joseph	Vachon, Dennis	Wall, Janet

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Kibbey, David	Palmer, Lorraine	Robb-Theroux, Amy
Wiggins, Celestine			

and the motion was adopted.

**CLERK'S NOTE**

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to take any action.

**REGULAR CALENDAR (CONT'D.)**

**HB 1675-FN-A-L**, establishing a referendum for a new taxation plan to fund public education. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Alukonis for Finance: This bill would establish a procedure whereby the legislature may submit a question regarding the imposition of a statewide tax for funding education to the vote of the people by ballot. It would additionally allow the voters an opportunity to select an alternative tax plan to the tax designated by the legislature. In light of the Finance Committee's action on CACR 45 and numerous other Claremont-related bills, the committee feels that this proposal is not needed. Additionally, serious concerns were raised regarding the understandability and simplicity of the questions as they would be placed on the ballot. Vote 19-0.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 218 NAYS 40****YEAS 218****BELKNAP**

Boriso, Thomas	Boyce, Robert	Clark, Charles	Holbrook, Robert
Lawton, David	Lawton, Robert	Pilliod, James	Rice, Thomas, Jr.
Rosen, Ralph	Salatiello, Thomas	Thomas, John	Turner, Robert

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	



**CHESHIRE**

Champagne, Richard	DePecol, Benjamin	Hunt, John	Lynch, Margaret
McNamara, Wanda	Pratt, Irene	Richardson, Barbara	Robertson, Timothy
Royce, H. Charles	Smith, Edwin	Steere, Myron, III	Vogl, John

**COOS**

Davis, Perley	Hawkinson, Marie	Horton, Lynn	Mears, Edgar
Merrill, Gerald	Moynihan, Wayne	Tholl, John, Jr.	

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Guaraldi, Lawrence
Hinman, Harry	Mirski, Paul	Nordgren, Sharon	Phinney, William
Trelfa, Richard			

**HILLSBOROUGH**

Ameen, W.	Arnold, Thomas, Jr.	Barry, William, III	Batula, Peter
Belvin, William	Bernier, Shannon	Brundige, Robert	Buckley, Raymond
Calawa, Leon, Jr.	Cardin, Lori	Carlson, Donald	Christiansen, Lars
Clegg, Robert, Jr.	Cote, Peter	D'Allesandro, Lou	Daigle, Robert
Daniels, Gary	Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan
Dwyer, Paul, Sr.	Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James
Fields, Dennis	Flora, Kathleen	Foster, Joseph	Foster, Linda
Ginsburg, Ruth	Goulet, Maurice	Hart, Nick	Herman, Keith
Holley, Sylvia	Jean, Claudette	Jean, Loren	Johnson, Lionel
Kurk, Neal	Leishman, Peter	Leonard, Peter	Letendre, Evelyn
Lozeau, Donnalee	Luebker, Bernard	Lynde, Harold	MacGillivray, Jeffrey
MacIntyre, Doris	Martin, Mary	McCarthy, William	McCarthy, Winston
McGough, Tim	McRae, Karen	Mercer, Robert	Messier, Irene
Milligan, Robert	Murch, George	O'Hearn, Jane	Perkins, Paul
Sargent, Maxwell	Thulander, O. Alan	Turgeon, Roland	Vaillancourt, Steve
Wheeler, Robert	White, Donald	Williams, Carol	

**MERRIMACK**

Anderson, Eric	Burney, Carol	Crosby, Toni	Daneault, Gabriel
Davis, Francis	DeStefano, Stephen	Dunn, Miriam	French, Barbara
Gile, Mary	Hess, David	Hoadley, Elizabeth	Krueger, Patricia
Langer, Ray	Larrabee, David	Leber, William	Lockwood, Robert
Marshall, Kenneth	Moore, Carol	Nichols, Avis	Reardon, Tara
Seldin, Gloria	St. Cyr, Gerard	Wallner, Mary Jane	Whalley, Michael

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn	Camm, Kevin
Carson, Gregory	Christie, Andrew, Jr.	Cooney, Richard	Cushing, Robert
Dearborn, Bruce	Dolan, Richard	Dowling, Patricia	Downing, Michael
Dunham, Vivian	Fesh, Robert	Flanagan, Natalie	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Griffin, Mary	Henderson, Warren
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph	Langley, Jane
Langone, John	Major, Norman	Malcolm, Kenneth	Micklon, Stephanie
Mikowski, Walter	Moore, Benjamin	Nowe, Ronald	O'Keefe, Patricia
Pitts, Jacqueline	Rabideau, Marie	Raynowska, Bernard	Reardon, Neil
Sapareto, Frank	Schanda, Frank	Stickney, Nancy	Stone, Joseph
Stritch, C. Donald	Syracusa, Anthony	Tufts, J. Arthur	Varrell, Thomas
Vaughn, Charles	Weare, Everett	Welch, David	Weyler, Kenneth
Woods, Deborah			

**STRAFFORD**

Bickford, David	Brennan, William	Brown, George	DeChane, Marlene
Heon, Richard	Keans, Sandra	Knowles, William	Lundborn, Raymond
Merrill, Amanda	Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Spear, Barbara	Taylor, Kathleen	Torr, Ann
Torr, Franklin	Twardus, Joseph	Wall, Janet	

**SULLIVAN**

Adler, Rudolf	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon	Leone, Richard	Palmer, Lorraine	Schotanus, Merle

**NAYS 40****BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

Manning, Joseph	Meader, David	O'Connell, John
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**COOS**

Bradley, Paula

**GRAFTON**

Copenhaver, Marion	Guest, Robert	Ham, Bonnie	Lovett, Sidney
Luker, Elsa			

**HILLSBOROUGH**

Allen, W. Gordon	Clemons, Jane	Cote, David	Gage, Ruth
Haettenschwiller, Alphonse	Hall, Betty	Konys, Christine	McDonald, James, Sr.
Melcher, Harold	Murphy, Robert		

**MERRIMACK**

Feuerstein, Martin	Hager, Elizabeth	Wallin, Jean	Whittemore, James
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Clark, Martha	Heath, John	Sabella, Norma
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**STRAFFORD**

Callaghan, Frank	Estabrook, Iris	Hemon, Roland	Kaen, Naida
Snyder, Clair	Sullivan, Henry	Vachon, Dennis	

**SULLIVAN**

Allison, David	Donovan, Thomas	Kibbey, David	Robb-Theroux, Amy
Wiggins, Celestine			

and the report was adopted by the necessary two-thirds.

**HB 1676-FN-A-L**, relative to collection by the state of local property taxes paid by business, industrial, and public utility properties and redistribution to municipalities for education purposes on a per pupil basis. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Vaughn for Finance: This bill proposes that local property taxes owed by business, industrial and public utility properties be paid to the state and redistributed to municipalities on a per pupil basis to fund a constitutionally adequate education. The redistribution would require property tax increases on residential property owners in many communities and discourage business development. The committee believes both consequences are undesirable. Vote 19-0.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 253 NAYS 5

### YEAS 253

#### BELKNAP

Boriso, Thomas	Boyce, Robert	Clark, Charles	Holbrook, Robert
Lawton, David	Lawton, Robert	Pilliod, James	Rice, Thomas, Jr.
Rosen, Ralph	Salatiello, Thomas	Thomas, John	Turner, Robert

#### CARROLL

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	

#### CHESHIRE

Champagne, Richard	DePecol, Benjamin	Hunt, John	Lynch, Margaret
Manning, Joseph	McNamara, Wanda	Meador, David	O'Connell, John
Pratt, Irene	Richardson, Barbara	Robertson, Timothy	Royce, H. Charles
Smith, Edwin	Steere, Myron, III	Vogl, John	

#### COOS

Bradley, Paula	Davis, Perley	Hawkinson, Marie	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Moynihan, Wayne	Tholl, John, Jr.

#### GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Copenhaver, Marion
Guaraldi, Lawrence	Guest, Robert	Ham, Bonnie	Hinman, Harry
Lovett, Sidney	Luker, Elsa	Mirski, Paul	Nordgren, Sharon
Phinney, William	Treffa, Richard		

#### HILLSBOROUGH

Allen, W. Gordon	Ameen, W.	Arnold, Thomas, Jr.	Barry, William, III
Batula, Peter	Belvin, William	Bernier, Shannon	Brundige, Robert
Buckley, Raymond	Calawa, Leon, Jr.	Cardin, Lori	Carlson, Donald
Christiansen, Lars	Clegg, Robert, Jr.	Clemons, Jane	Cote, David
Cote, Peter	D'Allesandro, Lou	Daigle, Robert	Daniels, Gary
Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.
Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James	Fields, Dennis
Flora, Kathleen	Foster, Joseph	Foster, Linda	Gage, Ruth
Ginsburg, Ruth	Goulet, Maurice	Haettenschwiller, Alphonse	Hall, Betty
Hart, Nick	Herman, Keith	Holley, Sylvia	Jean, Claudette
Jean, Loren	Johnson, Lionel	Konys, Christine	Kurk, Neal
Leishman, Peter	Leonard, Peter	Letendre, Evelyn	Lozeau, Donnalee
Luebker, Bernard	Lynde, Harold	MacGillivray, Jeffrey	MacIntyre, Doris
Martin, Mary	McCarthy, William	McCarty, Winston	McDonald, James, Sr.
McGough, Tim	McRae, Karen	Melcher, Harold	Mercer, Robert
Messier, Irene	Milligan, Robert	Murch, George	Murphy, Robert
O'Hearn, Jane	Perkins, Paul	Sargent, Maxwell	Thulander, O. Alan
Turgeon, Roland	Vaillancourt, Steve	Wheeler, Robert	White, Donald
Williams, Carol			



**MERRIMACK**

Anderson, Eric	Burney, Carol	Crosby, Toni	Daneault, Gabriel
Davis, Francis	DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin
Gile, Mary	Hager, Elizabeth	Hess, David	Hoadley, Elizabeth
Krueger, Patricia	Langer, Ray	Larrabee, David	Leber, William
Lockwood, Robert	Marshall, Kenneth	Moore, Carol	Nichols, Avis
Reardon, Tara	Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean
Wallner, Mary Jane	Whalley, Michael	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn
Camm, Kevin	Carson, Gregory	Christie, Andrew, Jr.	Clark, Martha
Cooney, Richard	Cushing, Robert	Dearborn, Bruce	Dolan, Richard
Dowling, Patricia	Downing, Michael	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Francoeur, Sheila	Gibbons, Paul	Gleason, John
Griffin, Mary	Heath, John	Henderson, Warren	Hutchinson, Rebecca
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Langone, John
Major, Norman	Malcolm, Kenneth	Micklon, Stephanie	Mikowski, Walter
Moore, Benjamin	Nowe, Ronald	O'Keefe, Patricia	Pitts, Jacqueline
Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Sabella, Norma
Sapareto, Frank	Schanda, Frank	Stickney, Nancy	Stone, Joseph
Stritch, C. Donald	Syracusa, Anthony	Tufts, J. Arthur	Varrell, Thomas
Vaughn, Charles	Weare, Everett	Welch, David	Weyler, Kenneth
Woods, Deborah			

**STRAFFORD**

Bickford, David	Brennan, William	Brown, George	Callaghan, Frank
DeChane, Marlene	Estabrook, Iris	Heon, Richard	Kaen, Naida
Keans, Sandra	Knowles, William	Lundborn, Raymond	Merrill, Amanda
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spear, Barbara	Taylor, Kathleen	Torr, Ann	Torr, Franklin
Twardus, Joseph	Wall, Janet		

**SULLIVAN**

Adler, Rudolf	Allison, David	Burling, Peter	Cloutier, John
Donovan, Thomas	Ferland, Brenda	Flint, Gordon	Kibbey, David
Leone, Richard	Palmer, Lorraine	Robb-Theroux, Amy	Schotanus, Merle
Wiggins, Celestine			

**NAYS 5****BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

None

**COOS**

None

**GRAFTON**

None

**HILLSBOROUGH**

None

**MERRIMACK**

French, Barbara

**ROCKINGHAM**

None

**STRAFFORD**

Hemon, Roland

Pelletier, Arthur

Sullivan, Henry

Vachon, Dennis

**SULLIVAN**

None

and the report was adopted by the necessary two-thirds.

**MOTION TO LAY ON THE TABLE**

Rep. Cooper moved that all remaining bills printed in the day's Regular Calendar be laid on the table. On a division vote, 102 members having voted in the affirmative and 156 in the negative, the motion failed.

**REGULAR CALENDAR (CONT'D.)**

**HB 1679-FN-A-L**, relative to local property taxation and state aid to support public education.  
**REFER FOR INTERIM STUDY**

Rep. Charles L. Vaughn for Finance: This bill is a property tax-based funding plan to address the Supreme Court's decision in Claremont II. Its proponents have offered amendments and provided data that merit additional study. Vote 17-3.

Rep. Kurk spoke against.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 121 NAYS 137****YEAS 121****BELKNAP**

Salatiello, Thomas

**CARROLL**

None

**CHESHIRE**

Champagne, Richard  
Meader, David  
Robertson, Timothy

DePecol, Benjamin  
O'Connell, John  
Vogl, John

Lynch, Margaret  
Pratt, Irene

Manning, Joseph  
Richardson, Barbara

**COOS**

Bradley, Paula

Hawkinson, Marie

Mears, Edgar

Moynihan, Wayne

**GRAFTON**

Almy, Susan  
Luker, Elsa

Copenhaver, Marion  
Nordgren, Sharon

Guest, Robert

Lovett, Sidney

**HILLSBOROUGH**

Allen, W. Gordon  
Buckley, Raymond

Ameen, W.  
Cardin, Lori

Barry, William, III  
Carlson, Donald

Bernier, Shannon  
Clemons, Jane

Cote, Peter  
Dwyer, Paul, Sr.  
Ginsburg, Ruth  
Jean, Claudette  
Martin, Mary  
Murphy, Robert

Daigle, Robert  
Foster, Joseph  
Haettenschwiller, Alphonse  
Konys, Christine  
McCarthy, William  
Perkins, Paul

Dokmo, Cynthia  
Foster, Linda  
Hall, Betty  
Leishman, Peter  
Melcher, Harold  
Vaillancourt, Steve

Drabinowicz, A. Theresa  
Gage, Ruth  
Hart, Nick  
Leonard, Peter  
Messier, Irene  
Williams, Carol

### MERRIMACK

Burney, Carol  
French, Barbara  
Lockwood, Robert  
St. Cyr, Gerard  
Yeaton, Charles

Crosby, Toni  
Gile, Mary  
Moore, Carol  
Wallin, Jean

DeStefano, Stephen  
Hager, Elizabeth  
Reardon, Tara  
Wallner, Mary Jane

Dunn, Miriam  
Hess, David  
Seldin, Gloria  
Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
Cooney, Richard  
Heath, John  
Kelley, Jane  
Sabella, Norma  
Weyler, Kenneth

Belanger, Ronald  
Cushing, Robert  
Hutchinson, Rebecca  
Micklon, Stephanie  
Sapareto, Frank

Bianchard, MaryAnn  
Dolan, Richard  
Johnson, Robert  
O'Keefe, Patricia  
Schanda, Frank

Clark, Martha  
Gibbons, Paul  
Kane, Cecelia  
Pitts, Jacqueline  
Vaughn, Charles

### STRAFFORD

Brennan, William  
Hemon, Roland  
Knowles, William  
Rogers, Rose Marie  
Sullivan, Henry

Brown, George  
Heon, Richard  
Lundborn, Raymond  
Rollo, Michael  
Taylor, Kathleen

Callaghan, Frank  
Kaen, Naida  
Merrill, Amanda  
Smith, Marjorie  
Twardus, Joseph

DeChane, Marlene  
Keans, Sandra  
Pelletier, Arthur  
Snyder, Clair  
Wall, Janet

### SULLIVAN

Allison, David  
Ferland, Brenda  
Schotanus, Merle

Burling, Peter  
Kibbey, David  
Wiggins, Celestine

Cloutier, John  
Palmer, Lorraine

Donovan, Thomas  
Robb-Theroux, Amy

### NAYS 137

### BELKNAP

Boriso, Thomas  
Lawton, David  
Rosen, Ralph

Boyce, Robert  
Lawton, Robert  
Thomas, John

Clark, Charles  
Pilliod, James  
Turner, Robert

Holbrook, Robert  
Rice, Thomas, Jr.

### CARROLL

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Mock, Henry

Bradley, Jeb  
Howard, Godfrey  
Patten, Betsey

Chandler, Gene  
Kenney, Joseph  
Philbrick, Donald

Cooper, Kipp  
Lyman, L. Randy

### CHESHIRE

Hunt, John  
Steere, Myron, III

McNamara, Wanda

Royce, H. Charles

Smith, Edwin

### COOS

Davis, Perley

Horton, Lynn

Merrill, Gerald

Troll, John, Jr.

### GRAFTON

Akins, Ralph  
Hinman, Harry

Alger, John  
Mirski, Paul

Guaraldi, Lawrence  
Phinney, William

Ham, Bonnie  
Trelfa, Richard



**HILLSBOROUGH**

Arnold, Thomas, Jr.	Batula, Peter	Belvin, William	Brundige, Robert
Calawa, Leon, Jr.	Christiansen, Lars	Clegg, Robert, Jr.	Cote, David
D'Allesandro, Lou	Daniels, Gary	Durham, Susan	Dyer, Merton
Emerton, Lawrence, Sr.	Fenton, James	Fields, Dennis	Flora, Kathleen
Goulet, Maurice	Herman, Keith	Holley, Sylvia	Jean, Loren
Johnson, Lionel	Kurk, Neal	Letendre, Evelyn	Lozeau, Donnalee
Luebker, Bernard	Lynde, Harold	MacGillivray, Jeffrey	MacIntyre, Doris
McCarty, Winston	McDonald, James, Sr.	McGough, Tim	McRae, Karen
Mercer, Robert	Milligan, Robert	Murch, George	O'Hearn, Jane
Sargent, Maxwell	Thulander, O. Alan	Turgeon, Roland	Wheeler, Robert
White, Donald			

**MERRIMACK**

Anderson, Eric	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Hoadley, Elizabeth	Krueger, Patricia	Langer, Ray	Larrabee, David
Leber, William	Marshall, Kenneth	Nichols, Avis	Whalley, Michael

**ROCKINGHAM**

Arndt, Janet	Camm, Kevin	Carson, Gregory	Christie, Andrew, Jr.
Dearborn, Bruce	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanagan, Natalie	Francoeur, Sheila	Gleason, John
Griffin, Mary	Henderson, Warren	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langlely, Jane	Langone, John	Major, Norman
Malcolm, Kenneth	Mikowski, Walter	Moore, Benjamin	Nowe, Ronald
Noyes, Richard	Rabideau, Marie	Raynowska, Bernard	Reardon, Neil
Stickney, Nancy	Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony
Tufts, J. Arthur	Varrell, Thomas	Weare, Everett	Welch, David
Woods, Deborah			

**STRAFFORD**

Bickford, David	Spear, Barbara	Torr, Ann	Torr, Franklin
Vachon, Dennis			

**SULLIVAN**

Adler, Rudolf	Flint, Gordon	Leone, Richard
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and the report failed, lacking the necessary two-thirds.

**LAI D ON THE TABLE**

Rep. Kurk moved that **HB 1679-FN-A-L**, relative to local property taxation and state aid to support public education, be laid on the table.

Adopted by the necessary two-thirds.

**REGULAR CALENDAR (CONT'D.)**

**HB 1681-FN-A**, increasing the tobacco tax on all tobacco products and designating the increase in revenue for the advancing better classrooms program. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Alukonis for Finance: This bill proposes to increase the rate of the tax on tobacco products in order to finance the Governor's ABC plan. Given that, pursuant to passage of either HB 1075 or CACR 45, additional appropriations for education will not take place until at least fiscal year 2000, there is no need to raise additional revenues at this time. Consideration of any tax increases, as well as budget reductions, in order to finance additional appropriations for primary and secondary education should be considered during the normal budget cycle in the next session of the legislature. Vote 12-9.

Rep. Buckley spoke against and yielded to questions.

Rep. Burling spoke against.

Rep. Mock spoke in favor.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 126 NAYS 126****YEAS 126****BELKNAP**

Boriso, Thomas	Boyce, Robert	Holbrook, Robert	Rice, Thomas, Jr.
Thomas, John	Turner, Robert		

**CARROLL**

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	

**CHESHIRE**

Hunt, John	McNamara, Wanda	Royce, H. Charles	Smith, Edwin
Steere, Myron, III			

**COOS**

Davis, Perley	Horton, Lynn	Mears, Edgar	Merrill, Gerald
Tholl, John, Jr.			

**GRAFTON**

Alger, John	Guaraldi, Lawrence	Hinman, Harry	Mirski, Paul
Phinney, William	Trelfa, Richard		

**HILLSBOROUGH**

Arnold, Thomas, Jr.	Batula, Peter	Brundige, Robert	Calawa, Leon, Jr.
Carlson, Donald	Christiansen, Lars	Clegg, Robert, Jr.	Clemons, Jane
Daniels, Gary	Drabinowicz, A. Theresa	Dyer, Merton	Fenton, James
Fields, Dennis	Flora, Kathleen	Goulet, Maurice	Herman, Keith
Holley, Sylvia	Jean, Loren	Kurk, Neal	Letendre, Evelyn
Lozeau, Donnalee	Luebker, Bernard	MacGillivray, Jeffrey	MacIntyre, Doris
McCarthy, William	McCarty, Winston	McGough, Tim	McRae, Karen
Mercer, Robert	Milligan, Robert	Murch, George	O'Hearn, Jane
Sargent, Maxwell	Thulander, O. Alan	Wheeler, Robert	White, Donald

**MERRIMACK**

Anderson, Eric	Daneault, Gabriel	Hess, David	Hoadley, Elizabeth
Krueger, Patricia	Langer, Ray	Larrabee, David	Leber, William
Marshall, Kenneth	Nichols, Avis	Whalley, Michael	

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Camm, Kevin
Carson, Gregory	Christie, Andrew, Jr.	Cooney, Richard	Dearborn, Bruce
Dolan, Richard	Dowing, Patricia	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanagan, Natalie	Francoeur, Sheila	Gibbons, Paul
Gleason, John	Griffin, Mary	Henderson, Warren	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langone, John	Major, Norman
Malcolm, Kenneth	Mikowski, Walter	Moore, Benjamin	Nowe, Ronald
Noyes, Richard	Rabideau, Marie	Raynowska, Bernard	Reardon, Neil
Sapareto, Frank	Stickney, Nancy	Stone, Joseph	Stritch, C. Donald
Varrell, Thomas	Weare, Everett	Welch, David	Weyler, Kenneth
Woods, Deborah			

**STRAFFORD**

Torr, Franklin

**SULLIVAN**

Adler, Rudolf	Ferland, Brenda	Leone, Richard	Schotanus, Merle
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**NAYS 126****BELKNAP**

Pilliod, James	Rosen, Ralph	Salatiello, Thomas
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**CARROLL**

None

**CHESHIRE**

Champagne, Richard	DePecol, Benjamin	Lynch, Margaret	Manning, Joseph
O'Connell, John	Pratt, Irene	Richardson, Barbara	Robertson, Timothy
Vogl, John			

**COOS**

Bradley, Paula	Hawkinson, Marie	Moynihan, Wayne
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**GRAFTON**

Akins, Ralph	Almy, Susan	Copenhaver, Marion	Guest, Robert
Ham, Bonnie	Lovett, Sidney	Luker, Elsa	Nordgren, Sharon

**HILLSBOROUGH**

Allen, W. Gordon	Ameen, W.	Barry, William, III	Belvin, William
Bernier, Shannon	Buckley, Raymond	Cardin, Lori	Cote, David
Cote, Peter	D'Allesandro, Lou	Daigle, Robert	Dokmo, Cynthia
Durham, Susan	Dwyer, Paul, Sr.	Emerton, Lawrence, Sr.	Foster, Joseph
Foster, Linda	Gage, Ruth	Ginsburg, Ruth	Haettenschwiller, Alphonse
Hall, Betty	Jean, Claudette	Johnson, Lionel	Konys, Christine
Leishman, Peter	Leonard, Peter	Lynde, Harold	Martin, Mary
McDonald, James, Sr.	Melcher, Harold	Messier, Irene	Murphy, Robert
Perkins, Paul	Turgeon, Roland	Vaillancourt, Steve	Williams, Carol

**MERRIMACK**

Burney, Carol	Crosby, Toni	Davis, Francis	DeStefano, Stephen
Dunn, Miriam	Feuerstein, Martin	French, Barbara	Gile, Mary
Hager, Elizabeth	Lockwood, Robert	Moore, Carol	Reardon, Tara
Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Blanchard, MaryAnn	Clark, Martha	Cushing, Robert	Heath, John
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Kelley, Jane
Langley, Jane	Micklon, Stephanie	O'Keefe, Patricia	Pitts, Jacqueline
Sabella, Norma	Schanda, Frank	Syracusa, Anthony	Tufts, J. Arthur
Vaughn, Charles			

**STRAFFORD**

Brennan, William	Brown, George	Callaghan, Frank	DeChane, Marlene
Hemon, Roland	Heon, Richard	Kaen, Naida	Keans, Sandra
Knowles, William	Lundborn, Raymond	Merrill, Amanda	Pelletier, Arthur
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spear, Barbara	Sullivan, Henry	Taylor, Kathleen	Torr, Ann
Twardus, Joseph	Vachon, Dennis	Wall, Janet	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Flint, Gordon	Kibbey, David	Palmer, Lorraine	Robb-Theroux, Amy
Wiggins, Celestine			

and the report failed, lacking the necessary two-thirds.



Rep. Meader declared a conflict of interest and did not participate.

Rep. Burling moved Ought to Pass and requested a roll call; sufficiently seconded.

## YEAS 127 NAYS 125

### YEAS 127

#### BELKNAP

Pilliod, James                      Rosen, Ralph                      Salatiello, Thomas

#### CARROLL

None

#### CHESHIRE

Champagne, Richard              DePecol, Benjamin              Lynch, Margaret              Manning, Joseph  
O'Connell, John              Pratt, Irene              Richardson, Barbara              Robertson, Timothy  
Vogl, John

#### COOS

Bradley, Paula                      Hawkinson, Marie                      Moynihan, Wayne

#### GRAFTON

Akins, Ralph                      Almy, Susan                      Copenhaver, Marion              Guest, Robert  
Ham, Bonnie                      Lovett, Sidney                      Luker, Elsa                      Nordgren, Sharon

#### HILLSBOROUGH

Allen, W. Gordon                      Ameen, W.                      Barry, William, III                      Belvin, William  
Bernier, Shannon                      Buckley, Raymond                      Cardin, Lori                      Cote, David  
Cote, Peter                      D'Allesandro, Lou                      Daigle, Robert                      Dokmo, Cynthia  
Durham, Susan                      Dwyer, Paul, Sr.                      Emerton, Lawrence, Sr.                      Foster, Joseph  
Foster, Linda                      Gage, Ruth                      Ginsburg, Ruth                      Haettenschwiller, Alphonse  
Hall, Betty                      Jean, Claudette                      Johnson, Lionel                      Konys, Christine  
Leishman, Peter                      Leonard, Peter                      Lynde, Harold                      Martin, Mary  
McDonald, James, Sr.                      Melcher, Harold                      Messier, Irene                      Murphy, Robert  
Perkins, Paul                      Turgeon, Roland                      Vaillancourt, Steve                      Williams, Carol

#### MERRIMACK

Burney, Carol                      Crosby, Toni                      Daneault, Gabriel                      Davis, Francis  
DeStefano, Stephen                      Dunn, Miriam                      Feuerstein, Martin                      French, Barbara  
Gile, Mary                      Hager, Elizabeth                      Lockwood, Robert                      Moore, Carol  
Reardon, Tara                      Seldin, Gloria                      St. Cyr, Gerard                      Wallin, Jean  
Wallner, Mary Jane                      Whittemore, James                      Yeaton, Charles

#### ROCKINGHAM

Blanchard, MaryAnn                      Clark, Martha                      Cushing, Robert                      Dearborn, Bruce  
Heath, John                      Hutchinson, Rebecca                      Johnson, Robert                      Kane, Cecelia  
Kelley, Jane                      Langley, Jane                      Micklon, Stephanie                      O'Keefe, Patricia  
Pitts, Jacqueline                      Sabella, Norma                      Schanda, Frank                      Syracuse, Anthony  
Tufts, J. Arthur                      Vaughn, Charles

#### STRAFFORD

Brennan, William                      Brown, George                      Callaghan, Frank                      DeChane, Marlene  
Hemon, Roland                      Heon, Richard                      Kaen, Naida                      Keans, Sandra  
Knowles, William                      Lundborn, Raymond                      Merrill, Amanda                      Pelletier, Arthur  
Rogers, Rose Marie                      Rollo, Michael                      Smith, Marjorie                      Snyder, Clair  
Spear, Barbara                      Sullivan, Henry                      Taylor, Kathleen                      Torr, Ann  
Twardus, Joseph                      Vachon, Dennis                      Wall, Janet

#### SULLIVAN

Allison, David                      Burling, Peter                      Cloutier, John                      Donovan, Thomas  
Flint, Gordon                      Palmer, Lorraine                      Robb-Theroux, Amy                      Wiggins, Celestine

**NAYS 125****BELKNAP**

Boriso, Thomas Thomas, John	Boyce, Robert Turner, Robert	Holbrook, Robert	Rice, Thomas, Jr.
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**CARROLL**

Babson, David, Jr. Dickinson, Howard, Jr. Mock, Henry	Bradley, Jeb Howard, Godfrey Patten, Betsey	Chandler, Gene Kenney, Joseph Philbrick, Donald	Cooper, Kipp Lyman, L. Randy
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**CHESHIRE**

Hunt, John Steere, Myron, III	McNamara, Wanda	Royce, H. Charles	Smith, Edwin
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**COOS**

Davis, Perley Tholl, John, Jr.	Horton, Lynn	Mears, Edgar	Merrill, Gerald
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**GRAFTON**

Alger, John Phinney, William	Guaraldi, Lawrence Trelfa, Richard	Hinman, Harry	Mirski, Paul
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**HILLSBOROUGH**

Arnold, Thomas, Jr. Carlson, Donald Daniels, Gary Fields, Dennis Holley, Sylvia Lozeau, Donnalee McCarthy, William Mercer, Robert Sargent, Maxwell	Batula, Peter Christiansen, Lars Drabinowicz, A. Theresa Flora, Kathleen Jean, Loren Luebker, Bernard McCarty, Winston Milligan, Robert Thulander, O. Alan	Burdige, Robert Clegg, Robert, Jr. Dyer, Merton Goulet, Maurice Kurk, Neal MacGillivray, Jeffrey McGough, Tim Murch, George Wheeler, Robert	Calawa, Leon, Jr. Clemons, Jane Fenton, James Herman, Keith Letendre, Evelyn MacIntyre, Doris McRae, Karen O'Hearn, Jane White, Donald
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**MERRIMACK**

Anderson, Eric Langer, Ray Nichols, Avis	Hess, David Larrabee, David Whalley, Michael	Hoadley, Elizabeth Leber, William	Krueger, Patricia Marshall, Kenneth
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**ROCKINGHAM**

Abbott, Dennis Carson, Gregory Dowling, Patricia Flanagan, Natalie Griffin, Mary Kobel, Rudolph Mikowski, Walter Rabideau, Marie Stickney, Nancy Weare, Everett	Arndt, Janet Christie, Andrew, Jr. Downing, Michael Francoeur, Sheila Henderson, Warren Langone, John Moore, Benjamin Raynowska, Bernard Stone, Joseph Welch, David	Belanger, Ronald Cooney, Richard Dunham, Vivian Gibbons, Paul Katsakiores, George Major, Norman Nowe, Ronald Reardon, Neil Stritch, C. Donald Weyler, Kenneth	Camm, Kevin Dolan, Richard Fesh, Robert Gleason, John Katsakiores, Phyllis Malcolm, Kenneth Noyes, Richard Sapareto, Frank Varrell, Thomas Woods, Deborah
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**STRAFFORD**

Torr, Franklin

**SULLIVAN**

Adler, Rudolf Schotanus, Merle	Ferland, Brenda	Kibbey, David	Leone, Richard
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and the motion failed, lacking the necessary two-thirds.

Rep. Meader declared a conflict of interest and did not participate.

**LAI D ON THE TABLE**

Rep. Kurk moved that **HB 1681-FN-A**, increasing the tobacco tax on all tobacco products and designating the increase in revenue for the advancing better classrooms program, be laid on the table. Adopted by the necessary two-thirds.

**SENATE MESSAGES****CONCURRENCE**

**HB 1682**, requiring registered child day care providers to perform state registry and criminal records checks of new staff members and other individuals who are responsible for the care of, or who are in regular contact with children.

**HB 1683**, ratifying the 1998 Newmarket town meeting and the 1998 annual Exeter Region Cooperative School District meeting.

**REMAINING ON THE TABLE**

The Senate, on May 21, Laid on the Table **HB 1280-L**, clarifying the procedures for background criminal checks for school employees and volunteers, and took no further action as of the close of business on September 24.

The Finance Committee offered the following:

**HOUSE RESOLUTION NO. 60****AFFIRMING REVENUE ESTIMATES FOR FISCAL YEARS 1998 AND 1999.**

Whereas, the House Finance Committee has considered what the unrestricted revenue estimates should be for fiscal years 1998 and 1999 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 1998 and 1999.

	(A)	(B)	(C)	(D)	(E)	(F)
	FY1998			FY1999		
<b>GENERAL FUNDS:</b> <b>(Dollars in Millions)</b>	<b>Official Estimate</b>	<b>Committee Estimate</b>	<b>Variance</b>	<b>Official Estimate</b>	<b>Committee Estimate</b>	<b>Variance</b>
Business Profits Tax	\$187.900	\$167.577	(\$20.323)	\$201.000	\$201.000	\$0.000
Business Enterprise Tax	37.000	73.591	36.591	39.000	39.000	0.000
Meals & Rooms Tax	122.700	127.535	4.835	129.600	134.122	4.522
Liquor Sales	70.700	74.064	3.364	73.200	75.000	1.800
Interest & Dividends Tax	55.000	61.929	6.929	58.000	61.929	3.929
Insurance Tax	54.400	54.657	0.257	56.600	56.600	0.000
Tobacco Tax	72.100	76.128	4.028	72.700	75.280	2.580
Other	39.000	45.199	6.199	39.000	39.000	0.000
Communications Tax	43.500	40.471	(3.029)	46.100	42.275	(3.825)
Estate & Legacy Tax	37.400	43.274	5.874	37.700	40.200	2.500
Real Estate Transfer Tax	38.000	43.772	5.772	38.700	45.000	6.300
Court Fines & Fees	19.900	20.733	0.833	19.900	20.875	0.975
Utility Tax	18.000	17.731	(0.269)	18.000	18.000	0.000
Securities Revenue	18.500	20.522	2.022	19.000	18.000	(1.000)
Board & Care Revenue	14.300	12.966	(1.334)	14.300	14.300	0.000
Beer Tax	11.100	11.442	0.342	11.100	11.500	0.400
Horse Racing	2.650	2.238	(0.412)	2.650	2.158	(0.492)
Dog Racing	1.600	1.011	(0.589)	1.600	1.004	(0.596)
<b>TOTAL STATE SOURCES</b>	<b>\$843.750</b>	<b>\$894.840</b>	<b>\$51.090</b>	<b>\$878.150</b>	<b>\$895.243</b>	<b>\$17.093</b>



	(A)	(B)	(C)	(D)	(E)	(F)
	FY1998			FY1999		
GENERAL FUNDS: (Dollars in Millions)	Official Estimate	Committee Estimate	Variance	Official Estimate	Committee Estimate	Variance
Medicaid Enhancements:						
Board and Care	\$25.000	\$25.000	\$0.000	\$25.000	\$25.000	\$0.000
Uncompensated Care Pool	51.400	51.706	0.306	52.900	52.900	0.000
Total Medicaid Enhancements	76.400	76.706	0.306	77.900	77.900	0.000
<b>TOTAL GENERAL FUND</b>	<b>\$920.150</b>	<b>\$971.546</b>	<b>\$51.396</b>	<b>\$956.050</b>	<b>\$973.143</b>	<b>\$17.093</b>
HHS-Third Party Reimbursements	\$4.200	\$0.000	(\$4.200)	\$5.000	\$0.000	(\$5.000)
<b>HIGHWAY FUNDS: (Dollars in Millions)</b>						
Road Toll	\$113.506	\$116.756	\$3.250	\$116.911	\$116.911	\$0.000
Motor Vehicle Fees	63.838	64.452	0.614	65.753	65.753	0.000
Miscellaneous	11.356	9.263(2.093)	11.736	11.736	0.000	
<b>TOTAL HIGHWAY FUNDS</b>	<b>\$188.700</b>	<b>\$190.471</b>	<b>\$1.771</b>	<b>\$194.400</b>	<b>\$194.400</b>	<b>\$0.000</b>
<b>FISH &amp; GAME FUNDS: (Dollars in Millions)</b>						
Fish & Game Licenses	\$6.354	\$6.580	\$0.226	\$6.354	\$6.354	\$0.000
Miscellaneous	0.967	1.343	0.376	0.975	0.975	0.000
<b>TOTAL FISH &amp; GAME FUNDS</b>	<b>\$7.321</b>	<b>\$7.923</b>	<b>\$0.602</b>	<b>\$7.329</b>	<b>\$7.329</b>	<b>\$0.000</b>
<b>SWEEPSTAKES FUNDS: Dollars in Millions</b>						
Sweepstakes Revenue	\$55.000	\$57.505	\$2.505	\$56.000	\$56.000	\$0.000
<b>TOTAL SWEEPSTAKES</b>	<b>\$55.000</b>	<b>\$57.505</b>	<b>\$2.505</b>	<b>\$56.000</b>	<b>\$56.000</b>	<b>\$0.000</b>

Rep. Weyler spoke in favor.

Adopted and ordered to third reading by the necessary two-thirds.

### SUSPENSION OF RULES

Rep. Alger moved that the rules be so far suspended as to permit introduction and consideration at the present time of *CACR 52* relating to extending the deadline imposed by the New Hampshire supreme court on the general court regarding the method of funding public education. Providing that notwithstanding that portion of the New Hampshire supreme court's decision in *Claremont School District v. Governor*, dated December 17, 1997, which imposed on the general court an end of the 1998 tax year deadline for creating and implementing a new system of funding public education, the deadline shall be extended to May 31, 2001 in order that the general court be given a reasonable time to effect an orderly transition to a new system of funding public education. On a division vote, 93 members having voted in the affirmative and 140 in the negative, the motion failed lacking the necessary two-thirds.

### MOTION TO DISPOSE OF OUTSTANDING BILLS

Reps. Wheeler and Burling moved that all bills not acted on as of this day, excluding those requiring Enrolled Bill Amendments, shall be indefinitely postponed.

Rep. Burling requested that the question be divided to separate those bills laid on the table. The Speaker ruled the question was divisible.

The question now being to indefinitely postpone those bills laid on the table.

**HB 1577-FN-A**, relative to campaign finance expenditure and contribution reform.

**HB 1668-FN-A-L**, establishing a personal income tax and a statewide school property tax to fund public education and making an appropriation therefor.

*HB 1679-FN-A-L*, relative to local property taxation and state aid to support public education.  
*HB 1681-FN-A*, increasing the tobacco tax on all tobacco products and designating the increase in revenue for the advancing better classrooms program.  
 Rep. Wallin requested a roll call; not sufficiently seconded.  
 On a division vote, 121 members having voted in the affirmative and 112 in the negative, the motion failed lacking the necessary two-thirds. The bills remained laid on the table.

The question now being to indefinitely postpone the remainder of those bills not acted on as of this day, excluding those requiring Enrolled Bill Amendments.

*HB 385*, relative to reporting and registration requirements for lobbyists and employees of lobbyists.  
*HB 583*, relative to felonious disarming of a law enforcement officer.  
*HB 749*, relative to disability retirement benefits for retirement system members permanently incapacitated for duty.  
*HB 1236*, relative to limitations on the amendment of warrant articles in official ballot voting.  
*HB 1341*, relative to temporary seasonal docks on lakes and ponds.  
*HB 1541*, creating a position in the insurance department.  
*HB 1545*, increasing the salaries and changing the terms of office of the labor commissioner and the deputy labor commissioner.  
*SB 73-FN*, providing that telecommunications poles and lines be subject to the property tax.  
*SB 312*, relative to the health care transition fund.  
*SB 353-FN*, relative to official ballot procedures.  
*SB 491-FN*, relative to residential care facilities.

*CACR 44*, relating to the state's duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state. Providing that the state shall have the duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state; in fulfillment of which, the state may require the cost of such education to be supported by taxes assessed by the political subdivisions of the state; such taxes shall be reasonable and proportional throughout the part of the political subdivision in which they are collected, provided that no political subdivision shall be required to assess real estate taxes for such purpose at a rate in excess of 5 percent of the average equalized rate necessary to support the total statewide cost of an adequate primary and secondary public education, and that all matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district providing such education.

*CACR 45*, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or part, to a political subdivision, provided that upon delegation, such assessments, rates, and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed.

Adopted by the necessary two-thirds.

## RESOLUTION

Rep. Wheeler 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 by the necessary two-thirds.

## LATE SESSION

### Third reading and final passage

*HR 60*, affirming revenue estimates for fiscal years 1998 and 1999.

## UNANIMOUS CONSENT

Reps. D'Allesandro and Flora addressed the House.

Rep. Burling moved that the remarks made by Rep. Flora be printed in the Journal.

Adopted without objection.

Rep. Flora: Thank you, Madam Speaker. Esteemed members of the House, this is the last day of the 1998 session and it has been a contentious day. I would hope that we could put contention aside now because it is the last day of the 1998 session whether it is at the call of the chair or whoever. It is a session in which you have served all of us as the Honorable Speaker of the House and I would like to take a moment now to say, Thank you. Throughout all that has confronted us in the past two years, Madam Speaker, you have been fair. You have handled the most volatile issues with grace and with dignity. You have had the conviction to lead and you have had the courage and personal strength to compromise when compromise was very, very difficult. I know I have just completed my first two years here but I believe I can speak for every member in this body when I say, Thank you. Thank you for the hours and hours you have worked; thank you for your leadership; and thank you for your outstanding personal character. Madam Speaker, you have served the citizens of our great state with uncommon diplomacy and, indeed, you have served us all well.

### ENROLLED BILL AMENDMENTS

**HB 1075-FN-A-L**, defining a constitutionally adequate public education, providing additional funding for education aid and/or property tax relief and relative to teacher renomination and the application of teacher professional performance standards.

#### Amendment (2462-EBA)

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

AN ACT defining an adequate public education and providing additional funding for education aid and/or property tax relief.

Adopted by the necessary two-thirds.

**HB 1682**, requiring registered child day care providers to perform state registry and criminal records checks of new staff members and other individuals who are responsible for the care of, or who are in regular contact with children.

#### Amendment (2463-EBA)

Amend the bill by deleting section 1 and renumbering the original sections 2-3 to read as 1-2, respectively.

Amend section 1 of the bill by replacing line 3 with the following:

170-E:7 State Registry and Criminal Records Check; Revocation of Registration and Withholding

Adopted by the necessary two-thirds.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1075, 1682 and 1683.

Rep. Nowe, Sen. Fraser for the Committee

### ADJOURNMENT

Rep. Wheeler moved that the House adjourn to the call of the Chair.

Adopted by the necessary two-thirds.

The House adjourned at 6:40 p.m.

Attested by  
Karen O. Wadsworth  
Clerk of the House



**COMMITTEES CREATED BY 1998 CHAPTERS**  
**STATUTORY COMMITTEE NAME CHANGED**

**RSA 187-A:25-a - PUBLIC HIGHER EDUCATION STUDY COMMITTEE** (formerly University System Study Committee, amended by SB 495, Chapter 260:2, Laws of 1998)

**STATUTORY COMMITTEE REPEALED**

**RSA 125-K:8 - CLEAN FUEL FLEET ADVISORY** (repealed by HB 1223, Chapter 229:3, Laws of 1998)

**EXTENDED REPORTING DATES FOR CHAPTERED STUDY COMMITTEES**

**DEVELOPING AND IMPLEMENTING A STATEWIDE SCHOOL TECHNOLOGY PLAN OVERSIGHT COMMITTEE** (HB 262, Chapter 191, Laws of 1997). Report date extended by HB 1502, Chapter 83, Laws of 1998.

**JUDICIAL PENSIONS STUDY** (HB 300, Chapter 192, Laws of 1997). Report date extended by HB 1538, Chapter 84, Laws of 1998.

**LABORATORY FOR NEW IDEAS IN INFORMATION TECHNOLOGY PILOT PROJECT** (SB 170, Chapter 150:3, Laws of 1995. Name changed and report date extended by HB 1351, Chapter 11, Laws of 1998).

**POSTSECONDARY EDUCATIONAL ASSISTANCE FOR NH NATIONAL GUARD MEMBERS STUDY** (HB 1450, Chapter 237, Laws of 1996). Report date extended by HB 1393, Chapter 65, Laws of 1998

**SCHOOL BUILDING AID SYSTEM STUDY** (HB 230, Chapter 145, Laws of 1997. Report date extended by HB 1394, Chapter 46, Laws of 1998).

**1998 STATUTORY APPOINTMENTS**

**HB 111 (Chapter 36:2, Laws of 1998) - PRESERVATION OF AND ACCESS TO RECORDS OF LEGISLATION AT ARCHIVES**

Reps. Norman L. Major, Lynn C. Horton and Miriam D. Dunn, appointed by the Speaker of the House.

Sens. David K. Wheeler, Gary R. Francoeur and Caroline McCarley, appointed by the President of the Senate.

**HB 651 (Chapter 263:1, Laws of 1998) ELECTRIC RATE REDUCTION FINANCING COMMITTEE**

Sens. Leo W. Fraser, Jr., Frederick W. King and Beverly Hollingworth, appointed by the President of the Senate.

Reps. Jeb E. Bradley, Jeffrey C. MacGillivray and Stephen T. DeStefano, appointed by the Speaker of the House.

**HB 734 (Chapter 29:1, Laws of 1998) - EVENING SESSIONS IN DISTRICT COURTS STUDY**

Reps. Peter F. Bergin (Judiciary), Janet G. Wall (Judiciary) and Sandra B. Keans (Judiciary), appointed by the Speaker of the House.

Sens. Sheila Roberge, Debora B. Pignatelli and David K. Wheeler, appointed by the President of the Senate.

**HB 1120 (Chapter 103:1, Laws of 1998) - ALTERNATIVE AGRICULTURAL PRODUCTS EFFECT AND JURISDICTION COMMISSION**

Reps. Henry P. Mock (Wildlife), Ronald J. Nowe (Wildlife), David L. Babson, Jr. (Environment), Allen K. MacNeil (alternate), appointed by the Speaker of the House.

Sens. David K. Wheeler (Wildlife), Amy Patenaude, and Katherine W. Wheeler (Wildlife), appointed by the President of the Senate.

**HB 1150 (Chapter 30:1, Laws of 1998) - AUTHORITY, FUNCTIONS, DUTIES, FUNDING AND RESPONSIBILITIES OF THE BUREAU OF EMERGENCY MEDICAL SERVICES STUDY**

Reps. Tim S. McGough and John E. Tholl, Jr., appointed by the Speaker of the House.

Sens. Amy Patenaude and Burton J. Cohen, appointed by the President of the Senate.

**HB 1154 (Chapter 62:1, Laws of 1998) - UPDATING NEW HAMPSHIRE LAWS RELATED TO FENCES STUDY**

Reps. Donald R. Philbrick (Environment) and Betsy L. Patten (Municipal), appointed by the Speaker of the House.

Sens. Amy Patenaude and Gary R. Francoeur, appointed by the President of the Senate.

**HB 1159 (Chapter 31:1, Laws of 1998) - STRATEGIES FOR INCREASING PARENTAL INVOLVEMENT IN PUBLIC EDUCATION STUDY**

Sens. Carl R. Johnson, Caroline McCarley and Sylvia B. Larsen, appointed by the President of the Senate.

Reps. Bruce L. Dearborn, Iris W. Estabrook, Charles B. Yeaton and Richard L. Hill, appointed by the Speaker of the House.

**HB 1174 (Chapter 247:1, Laws of 1998) - SERVICES PROVIDED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER THE STATE SUBSTANCE ABUSE DELIVERY SYSTEM**

Reps. Robert F. Chabot, Kathleen M. Flora and Sharon L. Nordgren, appointed by the Speaker of the House.

Sens. Katherine W. Wheeler, James Squires and , appointed by the President of the Senate.

**HB 1205 (Chapter 250:4, Laws of 1998) - ELIMINATING THE FILING FEE FOR CERTAIN SECURITIES STUDY**

Sens. Leo W. Fraser, Jr., (Banks), Richard Danais (Finance) and Gary R. Francoeur, appointed by the President of the Senate.

Reps. Sheila T. Francoeur (Commerce), William J. McCarthy and Avis Nichols (Finance), appointed by the Speaker of the House.

**HB 1215 (Chapter 144:1, Laws of 1998) - SPECIAL EDUCATION SHORTAGE OF QUALIFIED PERSONNEL IN THE DELIVERY OF SERVICES STUDY**

Reps. Susan B. Durham, J. Arthur Tufts, Clair A. Snyder and Richard L. Hill, appointed by the Speaker of the House.

Sens. Carl R. Johnson (Education) and John A. King (Education), appointed by the President of the Senate.

**HB 1238 (Chapter 197:2, Laws of 1998) - LAND USE MANAGEMENT AND PROTECTION AND PRESERVATION OF THE STATE'S FARMLAND, RURAL CHARACTER AND ENVIRONMENTAL QUALITY AGAINST LOW DENSITY SPRAWL, URBAN AS WELL AS RURAL, AND THE LOSS OF SENSE OF PLACE STUDY**

Reps. Robert H. Rowe (Resources), Harold P. Melcher (Environment) and Robert W. Brundige (Municipal), appointed by the Speaker of the House.

Sens. Richard L. Russman, Debora B. Pignatelli and Carl R. Johnson, appointed by the President of the Senate.

**HB 1247 (Chapter 34:1, Laws of 1998) - HOME SCHOOL STUDENTS ACCESS TO PUBLIC SCHOOL FACILITIES AND PROGRAMS STUDY**

Reps. Susan J. Clay, Elizabeth K. Hoadley (Education), Marie N. Rabideau and Roland J. Lefebvre (Municipal), appointed by the Speaker of the House.

Sens. Gary R. Francoeur (Education), John A. King (Executive Departments) and David K. Wheeler, appointed by the President of the Senate.

**HB 1335 (Chapter 111:4, Laws of 1998) - PATIENTS' NEEDS COMMITTEE (Members shall be members of HB 25, Chapter 349:16, Laws of 1997)**

Sens. Carl R. Johnson, Edward M. Gordon and Allen Whipple.

Reps. William E. Leber, Chairman, Marlene M. DeChane and Joseph D. Kenney.

**HB 1338 (Chapter 330:1, Laws of 1998) - ADOPTION OF ARTICLES 41, 72-a AND 73-a OF THE SECOND PART OF THE NEW HAMPSHIRE CONSTITUTION STUDY**

Reps. Alf E. Jacobson, Susan J. Clay, Andrew R. Peterson, Peter F. Bergin, David A. Bickford, Janet G. Wall, Barbara H. Richardson, all from the Judiciary and Family Law Committee, appointed by the Speaker of the House.

Sen. Sheila Roberge, appointed by the President of the Senate.

**HB 1340 (Chapter 45:2, Laws of 1998) - DEAN MEMORIAL AIRPORT IN NORTH HAVERHILL UPGRADE STUDY**

Reps. William E. Leber, Paul I. LaMott and Robert H. Milligan, appointed by the Speaker of the House.

Sens. Edward M. Gordon, Leo W. Fraser, Jr., and Clesson J. Blaisdell, appointed by the President of the Senate.

**HB 1411 (Chapter 340:1, Laws of 1998) - CREATING A NONPROFIT, PUBLIC CORPORATION TO FACILITATE THE AVAILABILITY OF AFFORDABLE HEALTH INSURANCE FOR THE UNINSURED AND UNDERINSURED FEASIBILITY STUDY**

Reps. Keith R. Herman (Commerce), Sheila T. Francoeur, Dennis P. Vachon and Peter L. Batula (Health), appointed by the Speaker of the House.

Sens. Leo W. Fraser, Jr. (Insurance), James Squires (Public Institutions), Beverly Hollingworth and Katherine Wheeler, appointed by the President of the Senate.

**HB 1438 (Chapter 82:1, Laws of 1998) - EARLY CARE AND EDUCATION REGULATION OF PERSONNEL STUDY**

Reps. James P. Pilliod (Executive Departments), Iris W. Estabrook (Education) and Robert K. Boyce (Health), appointed by the Speaker of the House.

Sens. Sylvia B. Larsen, Carl R. Johnson and David K. Wheeler, appointed by the President of the Senate.

**HB 1497 (Chapter 49:2, Laws of 1998) - ADOPTION OF A SINGLE SALES FACTOR AP-PORTIONMENT METHOD FOR BUSINESS TAXATION PURPOSES STUDY**

Sens. Frederick W. King, Caroline McCarley and Carl R. Johnson, appointed by the President of the Senate.

Reps. David J. Alukonis, O. Alan Thulander and Charles L. Vaughn, appointed by the Speaker of the House.

**HB 1536 (Chapter 118:1, Laws of 1998) - WOMEN'S HEALTH CARE STUDY**

Reps. Sheila Francoeur (Commerce), Martha Fuller Clark (Commerce) and Margaret A. Case (Health), appointed by the Speaker of the House.

Sens. James Squires (Insurance), Eleanor P. Podles (Public Institutions) and Katherine W. Wheeler (Insurance), appointed by the President of the Senate.

**HB 1605 (Chapter 178:1, Laws of 1998) - MARINE PATROL SERVICES STUDY**

Reps. Ray F. Langer (Executive Departments), David A. Welch (Criminal Justice), Robert J. Letourneau (Transportation), Michael W. Downing (Resources) and Robert J. L'Heureux (Wild-life), appointed by the Speaker of the House.

Sens. Leo W. Fraser, Jr., Carl R. Johnson, Burton J. Cohen, Katherine Wheeler and Amy Patenaude, appointed by the President of the Senate.

**HB 1651 (Chapter 52:1, Laws of 1998) - CABLE CONSUMERS AND THE ENHANCEMENT OF CABLE ELECTRONIC SERVICES PROTECTION STUDY**

Reps. John H. Thomas, Norman L. Major, Harold V. Lynde, David R. Boutin and Mary E. Griffin, Leo P. Pepino (alternate), appointed by the Speaker of the House.

Sens. Amy Patenaude, Leo W. Fraser, Jr., Sylvia B. Larsen, Gary R. Francoeur and Richard L. Russman, appointed by the President of the Senate.

**SB 316 (Chapter 212:1, Laws of 1998) - DRIVER TRAINING PROGRAMS FOR OLDER DRIVERS STUDY**

Reps. Winston H. McCarty, Robert J. Letourneau and Toni M. Crosby, appointed by the Speaker of the House.

Sens. Eleanor P. Podles, John S. Barnes, Jr. and Caroline McCarley, appointed by the President of the Senate.



**SB 319 (Chapter 181:1, Laws of 1998) - PAROLE SYSTEM AND METHODS TO INCREASE ITS EFFICIENCY STUDY**

Sens. John S. Barnes, Jr. and Carl R. Johnson, appointed by the President of the Senate.

Reps. David A. Welch, Chairman, Kathleen M. Flora, Herbert R. Hansen, William V. Knowles and Donnalee Lozeau, appointed by the Speaker of the House.

**SB 346 (Chapter 277:1, Laws of 1998) - FOSTER CARE SYSTEM TASK FORCE STUDY**

Sens. Debora B. Pignatelli and James Squires, appointed by the President of the Senate.

Reps. Thomas I. Arnold, Jr. and Alphonse A. Haettenschwiller, appointed by the Speaker of the House

A representatives of the New Hampshire Foster and Adoptive Parents Association, appointed by such Association.

A representative of the Division for Children, Youth, and Families, appointed by the Commissioner of the Department of Health and Human Services.

A representative of Casey Family Services, appointed by such organization.

Paul L. Dann, appointed by the North American Family Institute, northeastern branch.

A representative of Families Assisting Families, appointed by such organization.

A representative of the County Human Services Administrators Association, appointed by such association.

A representative of the New Hampshire Pediatrics Society, appointed by such society

A representative of the New Hampshire district courts, appointed by the chief administrative judge of the district courts.

A representative who is a court appointed Special Advocate.

A representative of the New Hampshire Police Chiefs Association, appointed by such association.

A representative of the Lutheran Social Services, appointed by such organization.

**SB 357 (Chapter 92:1, Laws of 1998) - INSURANCE COVERAGE FOR INFERTILITY STUDY**

Sens. Burton J. Cohen, Leo W. Fraser, Jr. and Richard Danais, appointed by the President of the Senate.

Reps. Keith R. Herman, Toni M. Crosby and Stephanie Eaton, Eric N. Lindblade (alternate), appointed by the Speaker of the House.

**SB 360 (Chapter 122:2, Laws of 1998) - CHILD CARE AND FAMILY RESOURCE GROUP STUDY**

Sens. David K. Wheeler and Katherine W. Wheeler, appointed by the President of the Senate.

Reps. James P. Pilliod and Barbara C. French, appointed by the Speaker of the House.

The Commissioner of the Department of Health and Human Services or designee.

Susan Auerbach, designee of the Commissioner of the Department of Education.

Edwin W. Kelly, Administrative Justice of the District Court.

One representative from each of the following entities or organizations with experience in the development and delivery of wellness and primary prevention services, appointed by the Governor:

- (a) County government.
- (b) Local school districts.
- (c) Child day care associations.
- (d) Local law enforcement.
- (e) Diversion network.
- (f) Local public or community health programs.
- (g) Local recreation programs.
- (h) Child advocacy organizations.
- (i) Family resource groups.

**SB 364 (Chapter 123:1, Laws of 1998) - BUILDING TRADES CONSOLIDATING UNDER A SINGLE LICENSING BOARD FEASIBILITY STUDY**

Sens. Gary R. Francoeur, Frederick W. King, Sylvia B. Larsen, appointed by the President of the Senate.

Reps. Merton S. Dyer, Paul I. LaMott and Christine M. Konys, Robert E. Clegg, Jr. (alternate), appointed by the Speaker of the House.

**SB 370 (Chapter 282:1, Laws of 1998) - INTERNATIONAL TRADE CORRIDOR AND BORDER CROSSING PLANNING AND DEVELOPMENT ADVISORY COMMITTEE**

Sen. Frederick W. King (Coos County), appointed by the President of the Senate.

Sen. Burton J. Cohen (Transportation), appointed by the Chairperson of the committee.

Rep. Gerald P. Merrill, appointed by the Chairman of the House Public Works and Highways Committee.

Reps. Lynn C. Horton, Lawrence J. Guay, Perley E. Davis and John E. Tholl, Jr., appointed by the Chairperson of Coos County Delegation

**SB 383 (Chapter 157:1, Laws of 1998) - TELEMEDICINE USE STUDY**

Sens. James Squires (Public Institutions), Katherine Wheeler and Sheila Roberge, appointed by the President of the Senate.

Reps. Lawrence A. Emerton, Sr. (Health), Geoffrey C. Briefs and Sylvia A. Holley, appointed by the Speaker of the House.

**SB 443 (Chapter 160:1, Laws of 1998) - IN-HOME SUPPORT SERVICES FOR CHILDREN WITH DISABILITIES FUNDING STUDY**

Sens. Carl R. Johnson (Education), Edward M. Gordon and Sylvia B. Larsen (Public Institutions), appointed by the President of the Senate.

Reps. Robert F. Chabot (Health), Robert K. Boyce and Iris W. Estabrook (Education), appointed by the Speaker of the House.

**SB 448 (Chapter 131:1, Laws of 1998) - JOINT MAINTENANCE AGREEMENTS IN SCHOOL DISTRICTS STUDY**

Sens. Carl R. Johnson (Education), Gary R. Francoeur (Education) and Caroline McCarley (Education), appointed by the President of the Senate.

Reps. Warren C. Henderson, Michael F. Marcinkowski and Robert H. Guest, appointed by the Speaker of the House.

**SB 462 (Chapter 267:1, III, Laws of 1998) - ADEQUATE EDUCATION COSTS PROVISION AND GRANT DISTRIBUTING MUNICIPALITIES COMMISSION**

Reps. Neal M. Kurk, Warren C. Henderson and Amanda A. Merrill, appointed by the Speaker of the House.

Sens. Carl R. Johnson, Edward M. Gordon and James Squires, appointed by the President of the Senate.

Three individuals appointed by the Governor.

**SB 462 (Chapter 267:2, II, Laws of 1998) - COMMISSION TO STUDY SPECIAL EDUCATION ISSUES**

Reps. Jane E. O'Hearn, William S. Belvin and Margaret A. Lynch, Sandra K. Dowd (alternate), appointed by the Speaker of the House.

Sens. Carl R. Johnson, Edward M. Gordon and James Squires, appointed by the President of the Senate.

Three individuals appointed by the Governor.

**SB 479 (Chapter 219:1, Laws of 1998) - SUPERVISION OF JUVENILES ON PROBATION OR PAROLE STUDY**

Sens. John S. Barnes, Jr., Clesson J. Blaisdell, John A. King and Richard Danais, appointed by the President of the Senate.

Reps. Michael Morello, L. Randy Lyman, William V. Knowles and Donnalee Lozeau, appointed by the Speaker of the House.

**SB 493 (Chapter 161:2, Laws of 1998) - NEW PUBLIC-PRIVATE PARTNERSHIP TO CONSERVE NEW HAMPSHIRE'S NATURAL, CULTURAL, AND HISTORICAL RESOURCES FEASIBILITY STUDY COMMISSION**

Sens. Frederick W. King, Sr. and Richard L. Russman, appointed by the President of the Senate. Brad Wyman, Berlin (Natural Resources); Jameson French, Kingston (Cultural Resources); Henry G. Veilleux, Concord (Business and Industry) and Jack Dugan, Keene (Municipalities), appointed by the President of the Senate.

Reps. Elizabeth S. Hager and Martha Fuller Clark, appointed by the Speaker of the House.

Four public members who shall represent the following interests: Timothy P. Murphy, Keene (Natural Resources); Thomas Burack, Manchester (Cultural Resources); Thomas Deans, Concord, (Travel and Tourism); and John Monson (Recreation), appointed by the Speaker of the House.

The Commissioner of the Department of Cultural Resources, or designee.

The Commissioner of the Department of Environmental Services, or designee.

The Commissioner of the Department of Resources and Economic Development, or designee.

The Commissioner of the Department of Agriculture, Markets, and Food, or designee.

The Executive Director of the Fish and Game Department, or designee.

Three public members appointed by the Governor, who shall represent the following interests: natural resources; cultural resources; and regional and local planning.

**SB 494 (Chapter 259:1, Laws of 1998) - ALLOWING PRIVATE NONPROFIT SMALL BUSINESS HEALTH CARE INSURANCE PURCHASING GROUPS TO FORM AND CONDUCT BUSINESS IN NEW HAMPSHIRE STUDY**

Reps. Keith R. Herman (Commerce), O. Alan Thulander (Finance), Peter L. Batula (Health), Toni M. Crosby, Robert L. Wheeler (alternate), appointed by the Speaker of the House.

Sens. Leo W. Fraser, Jr., (Insurance), Beverly Hollingworth (Finance) and Gary Francoeur (Public Institutions), appointed by the President of the Senate.

**SB 503 (Chapter 272:35, Laws of 1998) - COMMUNITY-TECHNICAL EDUCATION COMMISSION STATUS STUDY**

Sens. Carl R. Johnson, Edward M. Gordon and John A. King, appointed by the President of the Senate

Three members of the House of Representatives, appointed by the Speaker of the House

Five members of the general public, appointed by the Governor

**SB 507 (Chapter 221:2, Laws of 1998) - PHARMACEUTICAL ASSISTANCE FOR THE ELDERLY STUDY**

Sens. Beverly Hollingworth, Leo W. Fraser, Jr. and James Squires, appointed by the President of the Senate.

Reps. Maurice E. Goulet, Keith R. Herman and Cecelia D. Kane, appointed by the Speaker of the House.

**RSA 12-A:29-b (established by HB 1291, Chapter 134, Laws of 1998 - CANNON MOUNTAIN ADVISORY COMMISSION**

Three members appointed by the Governor and Council, each of whom shall have demonstrated a knowledge and capability in the field of ski area operations.

Sens. Frederick W. King (Cannon District), Amy Patenaude, Edward Hennessey (public member), appointed by the President of the Senate.

Reps. Gene G. Chandler, H. Charles Royce (Resources) and Lawrence J. Guay, appointed by the Speaker of the House.

The State Treasurer, who shall serve as an ex officio member.

**RSA 125-J:11 (amended by HB 1513, Chapter 207, Laws of 1998) - AIR POLLUTION ADVISORY COMMITTEE**

Reps. Jeb E. Bradley (Science), Jeffrey C. MacGillivray (Science), Clifton C. Below (Science) and Lawrence J. Guay, appointed by the Speaker of the House.

Sens. Richard L. Russman, Carl R. Johnson, Debora B. Pignatelli and Amy Patenaude, appointed by the President of the Senate.

Susan Arnold, designee of the Governor.

**RSA 126-A:13 (amended by HB 1166, Chapter 140, Laws of 1998) - HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE**

There shall be an oversight Committee on Health and Human Services consisting of 8 members as follows:

Sens. James Squires, Katherine W. Wheeler and Eleanor P. Podles, appointed by the President of the Senate.

Reps. Lawrence A. Emerton, Sr., Robert W. Foster, Eleanor H. Amidon, Alice S. Calvert and Marion L. Copenhaver (all from Health), appointed by the Speaker of the House.



**RSA 126-A:32 (established by HB 697, Chapter 138, Laws of 1998) - EMERGENCY SHELTER AND HOMELESS COORDINATION COMMISSION**

Reps. Eleanor H. Amidon and Sharon L. Nordgren, appointed by the Speaker of the House.

Sens. Sheila Roberge and Katherine W. Wheeler, appointed by the President of the Senate.

Nancy Rollins, Director, Division for Children Youth and Families, appointed by the Commissioner of Health and Human Services.

One member from business and industry appointed by the Governor and Council.

Stephanie E. Samson, Hudson, Executive Director, New Hampshire Coalition for the Homeless.

Joseph S. Handy, Bedford, representing the Independent Living Program of the Bureau of Vocational Rehabilitation, designated by the Board of Education.

Dean J. Christon, Bedford, designee of the Director of the New Hampshire Housing Finance Authority.

Gene Gayda, Nashua, appointed by the New Hampshire Property Owners Association.

Four public members appointed by the Governor and Council, at least one of whom who has experienced homelessness.

**RSA 162-F:15 (amended by HB 587, Chapter 262, Laws of 1998) - NUCLEAR DECOMMISSIONING ELECTRIC GENERATING FACILITIES COMMITTEE**

Each committee shall consist of one person who is a resident of the town or city in which the facility is to be located and who shall be appointed by the selectmen of the town or the mayor and council of the city.

The Chairman of the Public Utilities Commission.

Sen. Gary R. Francoeur, appointed by the President of the Senate.

Rep. Channing T. Brown, appointed by the Speaker of the House.

The State Treasurer or designee.

John A. Stephen, Assistant Commissioner, designee of the Commissioner of the Department of Safety.

Kirk Stone, designee of the Director of the Governor's Office of Energy and Community Services.

**RSA 171-A:1-b (established by HB 1182, Chapter 248, Laws of 1998) - OVERSIGHT COMMITTEE TO REVIEW ALLOCATION OF FUNDS FOR PERSONS WITH SEVERE DEVELOPMENTAL DISABILITIES**

Reps. Peter L. Batula (Health), Patricia A. Dowling, Stephen T. DeStefano, and Daniel M. Burnham (alternate), appointed by the Speaker of the House.

Sens. Eleanor P. Podles, Sylvia B. Larsen and James Squires, appointed by the President of the Senate.

**RSA 186-C:3-b (repealed and reenacted by HB 1320, Chapter 201, Laws of 1998) - EDUCATION OF STUDENTS WITH DISABILITIES STUDY**

Reps. J. Arthur Tufts and Charles B. Yeaton (both from Education), appointed by the Speaker of the House.

Sens. Gary R. Francoeur (Education) and Sylvia B. Larsen (Education), appointed by the President of the Senate.

One representative of a vocational, community, or business organization concerned with the provision of transition services to children/students with disabilities, appointed by the governor.

One state Education official, appointed by the governor.

One local Educational official, who shall be an administrator, appointed by the governor.

One special Education teacher, appointed by the governor.

One representative of the department of health and human services, recommended by the commissioner of the department of health and human services, and appointed by the governor.

One representative of the Disabilities Rights Center, recommended by the Disabilities Rights Center and appointed by the governor.

One representative of the Parent Information Center, recommended by the Parent Information Center and appointed by the governor.

Two individuals with disabilities who have benefited from special Education services, one of whom may be a high school student, appointed by the governor.

One administrator of a public special Education program, appointed by the governor.

One representative of an institution of higher Education that prepares special Education and related services personnel, appointed by the governor.

One representative of a private school approved for special Education, appointed by the governor.

One representative of a public charter school, appointed by the governor.

One representative from the department of youth development services, appointed by the governor.

One representative from the department of corrections, appointed by the governor.

Parents of children/students with disabilities, appointed by the governor. A simple majority of the members of the Committee shall be individuals with disabilities or parents of children/students with disabilities.

**RSA 188-F:59 (expanded by HB 1222, Chapter 33, Laws of 1998) CHRISTA McAULIFFE PLANETARIUM COMMISSION**

Adds four members who shall be from the private sector and represent the business community or the not-for-profit community, appointed by the Governor with the consent of Council for a term of 3 years. Adds the President of the New Hampshire Technical Institute.

The Commissioner of Regional Community-Technical Colleges (change of title).

The commission shall annually elect one of its members as chairperson (except that the commissioner of regional community-technical colleges shall not be chair), one as vice chairperson, and one as secretary-treasurer.

**RSA 261:97-d (established by HB 627, Chapter 20, Laws of 1998) - NEW HAMPSHIRE CONSERVATION NUMBER PLATE ADVISORY COMMITTEE**

Van McLeod, Commissioner of Cultural Resources.

Judy Stokes, Chief, Public Affairs Division, appointed by the Executive Director of Fish and Game.

Joanna J. Pellerin, Exeter, designee of the Chairperson of the State Conservation Committee.

Allison A. McLean, Director of Recreation Services, designee of the Commissioner of Resources and Economic Development.

The Commissioner of Safety, or designee.

Reps. Sherman A. Packard, Martha Fuller Clark, and Robert G. Holbrook, appointed by the Speaker of the House.

Sens. Sheila Roberge, Amy Patenaude and Debora B. Pignatelli, appointed by the President of the Senate.

The first appointed House member shall act as chairperson of the Committee.

**RSA 437-A (established by SB 402, Laws of 1998) - PET OVERPOPULATION COMMITTEE**

Reps. Richard L. Hill and Howard C. Dickinson, Jr., appointed by the Speaker of the House

Sens. Katherine W. Wheeler and Sheila Roberge, appointed by the President of the Senate.

Dr. C. W. McGinnis, designee of the Commissioner of Agriculture, Markets, and Food.

The Commissioner of Health and Human Services, or designee

The Executive Director of the Fish and Game Department, or designee.

Michael Norris, VMD, appointed by the New Hampshire Veterinary Medical Association.

A representative of the New Hampshire Federation of Humane Organizations, appointed by such organization.

A representative of the New Hampshire Municipal Association, appointed by such organization.

A representative of the City and Town Clerk's Association, appointed by such organization.

A representative of dog breeders, appointed by the Governor.

A public member, appointed by the Governor.

A representative of cat breeders, appointed by the Governor.

**RSA 483-D (established by SB 488, Chapter 384, Laws of 1998) - WINNIPESAUKEE WATERSHED ADVISORY COMMITTEE**

Sen. Carl R. Johnson (Environment), appointed by the President of the Senate.

Rep. Michael D. Whalley, appointed by the Speaker of the House.

A member of the Silver Lake Association, selected by the association.

Lawrence Ward, representing hydropower industry interests, selected by the Winnepesaukee Hydropower Association.

Bruce Wright, Gilford, representing marina and boating interests, selected by the New Hampshire Marine Trades Association.

A member of the New Hampshire Lakes Association, selected by the association.

A member of the educational community experienced in the development of hydrologic models, selected by the water resources research center.

## RESIGNATIONS, DEATHS, SPECIAL ELECTIONS

## RESIGNED

02/11/97	Straf 19	Torr, Ralph W., r
02/13/97	Hills 33	Sullens, Joan C., r
05/02/97	Hills. 14	Holden, Carol H., r
06/30/97	Rock. 13	Aranda, M. Kathryn, r
09/01/97	Rock. 35	McGovern, Cynthia A., d
09/12/97	Straf. 14	Hilliard, Dana S., d&r
10/07/97	Merr. 12	Colburn, Kathleen A., r
11/13/97	Hills. 47	Asselin, Robert P., d
06/12/98	Merr. 22	Rogers, Katherine D., d
06/17/98	Graf. 8	Root, John M., r&d
06/25/98	Hills. 30	Ackerman, Philip M, d
07/01/98	Straf. 8	Merritt, Deborah F., d
07/17/98	Hills. 45	Kelly, Michael P., d (per RSA 654:1,II)
09/02/98	Graf. 14	Brown, Channing T., r
09/09/98	Hills. 37	Mittelman, David T., r

## DECEASED

03/26/97	Sull. 9	Krueger, Richard H., r
04/20/97	Rock. 26	Gage, Beverly A., r
07/14/97	Rock. 16	Dube, Leroy S., r&d
07/28/97	Hills. 23	Feng, David S., r
03/30/98	Rock. 21	Felch, Charles H., Sr., r
03/30/98	Hills. 13	Ferguson, Charles W., r

## SPECIAL ELECTIONS

## Took oath:

06/25/97	Straf. 19	Cossette, Larry J., r
10/08/97	Rock. 26	Dalrymple, Janeen, r
10/08/97	Sull. 9	Robb-Theroux, Amy E., d
10/08/97	Rock. 13	Sapareto, Frank V., r
11/06/97	Rock. 16	Rabideau, Marie N., r
11/19/97	Hills. 33	Konys, Christine M., d
11/19/97	Rock. 35	Pitts, Jacqueline A., d
11/19/97	Hills. 14	Rowe, Robert H., r
12/17/97	Straf. 14	Heon, Richard F., d
03/04/98	Hills. 47	Chabot, Ernest E., r
03/18/98	Merr. 12	Davis, Francis W., r
03/18/98	Hills. 23	Tate, Joan C., r
06/24/98	Rock. 21	Weare, Everett A., r

## PARTY BREAKDOWN OF THE 400 SEATS

Republicans:	203 R,	42 R&D,	3 R&L	=	248
Democrats:	111 D,	30 D&R,	1 D&L	=	142
Independents:	1 I&R,	1 I,D,R		=	2

Currently elected and qualified: = 392

Vacancies: Resignations 7, Deaths 1 = 8

Total Seats = 400

Men: 271, Women: 121



**TABLE OF REFERENCES**  
**FROM CHAPTER OF 1998 LAWS TO BILL NUMBERS**

<b>Chapter</b>	<b>Bill Number</b>	<b>Chapter</b>	<b>Bill Number</b>	<b>Chapter</b>	<b>Bill Number</b>
1	SB 84	53	SB 315	105	HB 1142
2	HB 1119	54	SB 327	106	HB 1147
3	HB 1664-FN	55	SB 338	107	HB 1259-FN
4	HB 648	56	HB 1225	108	HB 1275-FN
5	SB 96-FN	57	HB 552	109	HB 1300
6	SB 307	58	HB 1115	110	HB 1333-FN
7	HB 517-FN	59	HB 1122	111	HB 1335-FN
8	HB 1151-FN	60	HB 1124	112	HB 1346
9	HB 1168	61	HB 1135	113	HB 1354-FN
10	HB 1249	62	HB 1154	114	HB 1396-FN
11	HB 1351-FN	63	HB 1155	115	HB 1399-FN
12	HB 443	64	HB 1162	116	HB 1409-FN
13	HB 659	65	HB 1393	117	HB 1422-FN
14	HB 670-FN	66	HB 1395	118	HB 1536
15	SB 305-FN	67	HB 1457	119	SB 210-FN
16	HB 467-FN	68	HB 1526-FN-A	120	SB 311
17	HB 1244-FN	69	HB 1634	121	SB 322
18	SB 484	70	HJR 23	122	SB 360
19	SB 303-FN	71	HB 579-FN	123	SB 364
20	HB 627-FN	72	HB 1126	124	SB 374
21	HB 132-FN	73	HB 1148	125	SB 385
22	HB 290	74	HB 1157	126	SB 390
23	HB 544	75	HB 1158	127	SB 394
24	HB 793	76	HB 1211-FN-A	128	SB 395
25	HB 802	77	HB 1233	129	SB 438
26	HB 1235-FN	78	HB 1313	130	SB 441-FN
27	SB 302-FN	79	HB 1326	131	SB 448
28	SB 414	80	HB 1330-FN	132	SB 505-FN
29	HB 734-FN	81	HB 1334-FN	133	HB 1468
30	HB 1150	82	HB 1438	134	HB 1291-FN
31	HB 1159	83	HB 1502	135	HB 1430
32	HB 1192	84	HB 1538-FN-A	136	HB 1444
33	HB 1222	85	HB 1551-FN	137	HB 234-FN
34	HB 1247	86	HB 1621	138	HB 697-FN-A
35	HJR 21	87	HB 1650-FN	139	HB 1165
36	HB 111-FN	88	HB 1653	140	HB 1166
37	HB 152	89	SB 91-FN	141	HB 1172
38	HB 177-FN	90	SB 309	142	HB 1193-FN
39	HB 642	91	SB 332	143	HB 1198
40	HB 1111	92	SB 357	144	HB 1215
41	HB 1125	93	SB 373	145	HB 1271-FN
42	HB 1130-FN	94	SB 412	146	HB 1274-FN
43	HB 1146	95	HB 371	147	HB 1408
44	HB 1213	96	HB 1210-FN	148	HB 1475
45	HB 1340	97	HB 1229	149	HB 1563
46	HB 1394	98	HB 1423-FN	150	HB 1627
47	HB 1406	99	SB 337	151	HB 1630-FN
48	HB 1480	100	HB 1608	152	HB 1642-FN
49	HB 1497	101	HB 1639-A	153	SB 26
50	HB 1518	102	HB 497	154	SB 328
51	HB 1592	103	HB 1120	155	SB 350
52	HB 1651	104	HB 1128-FN	156	SB 356

Chapter	Bill Number	Chapter	Bill Number	Chapter	Bill Number
157	SB 383	212	SB 316	267	SB 462-FN
158	SB 393	213	SB 320	268	HB 1501
159	SB 399	214	SB 321-FN	269	HB 1652
160	SB 443	215	SB 362	270	SB 205-FN
161	SB 493	216	SB 371	271	SB 400
162	SB 501-FN-A	217	SB 391-FN-A	272	SB 503-FN
163	HB 717-FN-A	218	SB 415	273	SB 313
164	SB 140	219	SB 479-FN	274	SB 317
165	HB 147	220	SB 486	275	SB 335
166	HB 1112	221	SB 507	276	SB 342
167	HB 1131	222	HB 1456	277	SB 346
168	HB 1167	223	HB 1100-FN	278	SB 349
169	HB 1189-FN	224	HB 272	279	SB 352
170	HB 1262-FN-A	225	HB 1106-FN	280	SB 354
171	HB 1374	226	HB 1141-FN-A	281	SB 363
172	HB 1407	227	HB 1201-FN	282	SB 370
173	HB 1421	228	HB 1208	283	SB 376
174	HB 1428	229	HB 1223-FN	284	SB 377
175	HB 1527	230	HB 1224	285	SB 402
176	HB 1529	231	SB 10	286	SB 421-FN
177	HB 1597-FN	232	SB 53-FN	287	SB 423-FN
178	HB 1605	233	SB 68-FN	288	SB 440-FN
179	SB 100-FN	234	SB 191	289	SB 444-FN
180	SB 308	235	SB 197-FN	290	SB 451-FN
181	SB 319	236	HB 490	291	SB 497
182	SB 365	237	HB 616-FN	292	SB 498
183	SB 379	238	HB 676-FN	293	SB 500
184	SB 396	239	HB 682-FN	294	SB 502-FN
185	SB 392	240	HB 730-FN	295	SB 504-FN
186	SB 446	241	HB 747-FN-A	296	HB 170
187	SB 487	242	HB 774-FN	297	HB 204-FN
188	SB 506-FN	243	HB 784-FN	298	HB 256-FN
189	SB 331	244	HB 1109	299	HB 529
190	HB 1568	245	HB 1129	300	HB 555
191	SB 341	246	HB 1156-FN	301	HB 559-FN
192	HB 1113	247	HB 1174	302	HB 630-FN-L
193	HB 1114	248	HB 1182	303	HB 686-FN-A
194	HB 1121	249	HB 1191	304	HB 707-L
195	HB 1209	250	HB 1205-FN	305	HB 798
196	HB 1221	251	HB 1558-FN-L	306	HB 1000-FN-L
197	HB 1238	252	HB 1636	307	HB 1103-L
198	HB 1245	253	HB 1659	308	HB 1118
199	HB 1298-FN-L	254	SB 405-FN	309	HB 1123
200	HB 1312	255	SB 464-FN	310	HB 1145
201	HB 1320	256	SB 473-FN	311	HB 1169
202	HB 1328-FN	257	SB 476-FN	312	HB 1196
203	HB 1347	258	SB 492	313	HB 1217
204	HB 1361	259	SB 494	314	HB 1226-FN
205	HB 1447-L	260	SB 495	315	HB 1234-FN
206	HB 1493-1	261	HB 485	316	HB 1246
207	HB 1513-FN	262	HB 587-FN	317	HB 1272
208	HB 1539	263	HB 651-FN	318	HB 1279-FN
209	HB 1543-FN	264	HB 1496	319	HB 1281
210	HJR 24-FN	265	SB 427-FN	320	HB 1284-FN-A
211	SB 161-FN-A	266	SB 445	321	HB 1290-FN

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323	HB 1297-FN-A	347	HB 1459	370	HB 1631-FN
324	HB 1303-FN-A	348	HB 1471	371	HB 1655-FN-A
325	HB 1307	349	HB 1481	372	HB 1657
326	HB 1311	350	HB 1498	373	SB 102-FN
327	HB 1314	351	HB 1509-FN	374	SB 324-FN
328	HB 1331-FN	352	HB 1514-FN	375	SB 336
329	HB 1336-FN	353	HB 1515-FN	376	SB 344
330	HB 1338-FN-A	354	HB 1516	377	SB 358
331	HB 1339-FN	355	HB 1517-FN-A	378	SB 372
332	HB 1345	356	HB 1520-FN	379	SB 457-FN
333	HB 1350-FN-A	357	HB 1531-FN	380	SB 465-FN
334	HB 1369	358	HB 1540-FN	381	SB 471-FN
335	HB 1371	359	HB 1553-FN	382	SB 472-FN
336	HB 1387-FN	360	HB 1555-FN	383	SB 483-FN
337	HB 1389-FN	361	HB 1561-FN	384	SB 488-FN
338	HB 1397-FN-A	362	HB 1562	385	SB 490-FN
339	HB 1402-FN	363	HB 1573-FN	386	HB 1337-FN
340	HB 1411	364	HB 1575-FN	387	HB 643-FN
341	HB 1417	365	HB 1588-FN	388	SB 409-FN
342	HB 1424	366	HB 1600	389	HB 1075-FN-A
343	HB 1434	367	HB 1606	390	HB 1682
344	HB 1435	368	HB 1623	391	HB 1683
345	HB 1448				



**1998**  
**HOUSE JOURNAL**  
**NUMERICAL INDEX**

This index, arranged by bill and resolution numbers, gives page numbers for all action in the House on each numbered bill and resolution. They are listed in the following order:

HB	House Bills
HJR	House Joint Resolutions
HCR	House Concurrent Resolutions
HR	House Resolutions
SB	Senate Bills
SCR	Senate Concurrent Resolutions
CACR	Constitutional Amendment Concurrent Resolutions

To find a bill by its subject see the Subject Index immediately following this NUMERICAL Index. All matters not relating to bills and resolutions will be found in the Subject Index.

The abbreviations listed below are used in the Numerical Index:

adop	adopted
am	amended, amendment
Com	re-referred to committee
conc	concurring, concurrence
conf	conference committee
Criminal Justice	referred to Criminal Justice and Public Safety committee
enr	enrolled
Exec Depts	referred to Executive Departments and Administration committee
ext	extension of time for hearing
Finance	referred to Finance Committee
intro	introduced, introduction
IP	indefinitely postponed
K	killed (Inexpedient to Legislate)
(K)	final action in 2 <sup>nd</sup> body
LT	Laid on the 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

## 1998 SESSION

## HOUSE BILLS

## 1997 BILLS RE-REFERED TO COMMITTEE

- HB 108-FN-A**, relative to the rate of the legacies and successions tax as it applies to siblings of the decedent together with their spouses and lineal ascendants and descendants of siblings of the decedent together with their spouses.  
rem 39, study 159-160
- HB 111-FN**, relative to preservation and access to records of legislation in the state archives.  
new title: establishing a committee to study the preservation of and access to records of legislation in the state archives.  
am 91-92, psd 145, S conc 638, enr 676, appointments 1099 (Chapter 36)
- HB 126-FN-L**, repealing road toll refunds for retail dealers.  
K 179
- HB 132-FN**, allowing New Hampshire residents on active duty in the armed forces or coast guard to be issued hunting and fishing licenses at no charge.  
am 99-100, psd 145, S conc 617, enr 636 (Chapter 21)
- HB 143-L**, requiring that SAU budgets be approved by vote at school district meetings.  
K 163-164
- HB 147**, relative to disclosure of certain information relating to tobacco products.  
am 41-42, psd 144, conc S am 779, enr 887 (Chapter 165)
- HB 152**, relative to permissible fireworks.  
am 47-49, psd 144, S conc 638, enr 676 (Chapter 37)
- HB 166**, extending the time frame for the annual school district meeting date to the last Saturday in April.  
K 71-72
- HB 167**, changing the teacher nomination notification date from April 15 to May 15.  
K 72
- HB 170-L**, exempting temporary, demountable, plastic-covered greenhouses from property taxation.  
am 92-93, psd 145, nonconc S am, conf 691, 779, 927, rep adop 952, enr 972 (Chapter 296)
- HB 174-L**, relative to budgetary official ballot.  
K 93
- HB 177-FN**, increasing the wild black bear license and tag fee.  
am 133-134, psd 145, conc S am 618, enr 676 (Chapter 38)
- HB 191**, reducing the number of categories of pesticides from 3 to one.  
S nonconc 240
- HB 195-FN-A**, increasing the exemption amount under the interest and dividends tax.  
K 166-167
- HB 198-L**, allowing municipalities to offer tax incentives to foster growth in new and existing industrial construction.  
K (RC) 173-176, recon rej 188
- HB 204-FN-L**, relative to transportation of arrestees, detained defendants, and prisoners and court control of arrestees, detained defendants, and prisoners.  
new title: granting responsibility for court security and custody and control of prisoners while in the courthouse to the county sheriff and providing for state reimbursement of the sheriff for the costs of such security services.  
rem 39, am & Finance (RC) 136-141, am 279-281, psd 307, nonconc S am, conf 920, 923, rep adop 952, enr am 966-967, enr 972 (Chapter 297)
- HB 207-FN**, relative to pesticide registration fees and making an appropriation therefor.  
K 102
- HB 211**, defining the terms "psychological injury" and related terms under the child protection act.  
S nonconc 240

- HB 223-FN-L**, providing that catastrophic aid for special education shall be fully funded.  
K 167
- HB 231-FN-L**, imposing a penalty on motor vehicle operators under 20 years of age if the operator is convicted of any violation offense involving the operation of a motor vehicle.  
K 99
- HB 234-FN-L**, relative to disposition by counties of funds of deceased patients of county nursing homes.  
psd 79, 145, S conc 778, enr am 851, enr 855 (Chapter 137)
- HB 242**, requiring voter approval for any type of random drug testing within a school district.  
K 72
- HB 245-FN-A**, making certain real estate transfers taxable.  
K 78
- HB 256-FN**, establishing uniform adjudicative proceedings for state agencies and establishing a pilot program for adjudicative hearings.  
new title: establishing uniform adjudicative proceedings for state agencies.  
2<sup>nd</sup> new title: establishing model rules on adjudicative proceedings for state agencies.  
am & Finance 73-75, psd 204, 236, conc S am 911, enr 966 (Chapter 298)
- HB 263-FN**, relative to viatical settlements which are settlements between an insurance provider and a policy holder or certificate holder with a life-threatening illness.  
study 42
- HB 266**, relative to the Alzheimer's Special Care Disclosure Act.  
K 79
- HB 270-L**, allowing school districts to transfer permanent paper records onto electronic alternate media and destroy printed records.  
K 72
- HB 271**, establishing a committee to examine the effectiveness and efficiency of the multiple DWI offender intervention detention center program.  
K 49
- HB 272**, relative to boat docking facilities.  
am 113, psd 145, S conc 891, enr am 926, enr 966 (Chapter 224)
- HB 274-FN-A**, relative to refinancing the cost and rehabilitation of the Cheshire Bridge.  
K 112
- HB 276**, removing primary petition filing requirements for candidates who do not voluntarily accept campaign spending limitations.  
S nonconc 240
- HB 281**, relative to regulation of medical assistants.  
K 75
- HB 290**, relative to electronic signatures.  
new title: relative to digital signatures.  
am 79-80, psd 145, S conc 617, enr 618 (Chapter 22)
- HB 295-L**, authorizing a cooperative school district board to establish polling places in each member town.  
K 93
- HB 303**, relative to accountancy.  
K 75
- HB 305-A**, relative to the rehabilitation of the Walker building and making an appropriation therefor.  
K 96
- HB 333-FN-L**, establishing a fine for political advertising placed or affixed prior to the date permitted by statute or placed on or affixed to any public property.  
K 72
- HB 337-L**, allowing a municipality to reduce the property tax on improvements.  
K 93



- HB 350**, exempting permits by rule and permits by notification from certain excavating and dredging permit requirements.  
K 97
- HB 353**, establishing a committee to study issues regarding prosecutions and sentencing of, and incarceration treatment for, persons convicted of sex-related crimes.  
rem 39, K 148
- HB 356**, relative to reporting requirements for political candidates and political committees.  
K 72
- HB 359**, regulating information regarding evictions contained in credit reports issued by consumer reporting agencies.  
K 42
- HB 361**, clarifying the status of tenants who reside in rooming or boarding houses for more than 90 consecutive days.  
K 80
- HB 366-L**, relative to noncompliance with zoning ordinances.  
K 93
- HB 367-FN-L**, requiring notification to parents when a minor violates the tobacco laws.  
S nonconc 240
- HB 371**, relative to the authority of the department of fish and game to regulate the management, preservation, propagation, and taking of state fish, game, and wildlife resources.  
rem 39, am 162, psd 187, S conc 690, enr 721 (Chapter 95)
- HB 385**, relative to reporting and registration requirements for lobbyists and employees of lobbyists.  
nonconc S am, conf 618, 923, IP 1097
- HB 396-L**, prohibiting current use tax designation for property granted a change in zoning classification for 5 years after the reclassification.  
K 72-73
- HB 400**, authorizing the state to enter into a lease-purchase agreement with Cheshire county for the new Jaffrey-Peterborough district courthouse.  
K 96
- HB 405-L**, relative to standardizing the requirements for the design and specifications of septic systems.  
K 180
- HB 406**, relative to environmental disclosure by electric power facilities.  
K 98
- HB 408**, relative to using name stickers on election ballots.  
K 72
- HB 409**, requiring nonprofit educational organizations and certain hospitals to file certain forms with the director of charitable trusts.  
K 42
- HB 410**, allowing mental health counselors and marriage and family therapists to obtain third party payments for services rendered which would otherwise qualify for such payments.  
K 163
- HB 414**, authorizing the commissioner of the department of safety to adopt rules imposing late fees for the impaired driver intervention programs.  
K 50
- HB 418**, prohibiting the land application of sludge or biosolids containing amounts of heavy metals over certain limits.  
K 166
- HB 420**, relative to administrative review of suspended or revoked motor vehicle licenses.  
am 50, psd 144, S nonconc 549
- HB 432**, increasing the wager limit on games of chance from \$1 to \$5.  
K (RC) 176-179

- HB 443**, relative to push-polling.  
am 164, psd 187, S conc & enr am 549, enr 584 (Chapter 12)
- HB 451**, providing that health care providers shall determine the appropriate course of patient treatment.  
study 42
- HB 465-FN**, requiring the legislature to consider a list of factors in determining whether to regulate a previously unregulated profession.  
K 75
- HB 467-FN**, relative to felonious activities relating to wireless telephone cloning.  
**new title:** clarifying the definition of “telephone cloning paraphernalia.”  
am 50-51, psd 144, S conc 549, enr 613 (Chapter 16)
- HB 477**, prohibiting aircraft from landing and taking off on a certain portion of the Pemigewasset River.  
K 133
- HB 480**, revising the law relative to protection of persons from domestic violence.  
am 51-61, psd 144, S K 990
- HB 482**, relative to the access and development of interstate computer network systems.  
K 98
- HB 484**, relative to registration of certain voters who vote by absentee ballot.  
K 164-165
- HB 485**, relative to limited electrical energy producers.  
am 180-184, psd 187, conc S am 873, enr 966 (Chapter 261)
- HB 490**, relative to the confidentiality of medical records.  
**new title:** relative to the confidentiality of medical information.  
am 171-173, psd 187, conc S am 911, enr am 930, enr 966 (Chapter 236)
- HB 497**, excluding domestic septage from regulation as sludge or biosolids.  
**new title:** excluding domestic septage from regulation as sludge.  
psd 166, 187, conc S am 691, enr 821 (Chapter 102)
- HB 504-L**, relative to the property tax obligation for real estate used as rental housing by qualified nonprofit charitable organizations.  
K 93
- HB 505**, revising provisions relative to smoking in indoor public places.  
**new title:** relative to smoking in indoor public places.  
am 42-43, psd 144, nonconc S am, conf 780, S rej conf req 873
- HB 517-FN**, relative to aggravated felonious sexual assault.  
**new title:** relative to sentencing for aggravated felonious sexual assault when the victim is less than 13 years of age.  
conc S am 414, enr 549 (Chapter 7)
- HB 521-L**, relative to the definition of terms and conditions of employment and to the subjects of bargaining in the public employee labor relations law.  
K 111
- HB 529**, relative to excluding from the definition of subdivision the placement and maintenance of wireless communication facilities.  
rem 39, rcmt 160, am 209, psd 236, nonconc S am, conf 691, 856, rep adop 952, enr am 967, enr 972 (Chapter 299)
- HB 535**, relative to the regulation of architects.  
rem 39, am 153-159, psd 187, S nonconc 933
- HB 538**, requiring every pupil receiving state-funded scholarships or grants for postsecondary education to pass a drug test as a condition for receiving such funds, and requiring repayment of such moneys upon conviction of a drug-related offense.  
K 72

- HB 541**, relative to long-term care insurance.  
study 44
- HB 543-L**, relative to valuation of aeronautical facilities for purposes of payments in lieu of property taxes.  
study 93
- HB 544**, relative to dwellings which extend over public waters.  
conc S am 549, recon rej (RC) & protest 606-609, enr 636 (Chapter 23)
- HB 547**, relative to granting permits to build certain structures on shoreline property.  
K 114
- HB 548-FN**, limiting access to certain business records.  
study 44
- HB 552-L**, clarifying the authority of municipalities to regulate the use of their highways which provide sole access to properties in adjoining municipalities.  
am 93-94, psd 145, S conc 638, enr 676 (Chapter 57)
- HB 553-L**, relative to a right to farm.  
K 73
- HB 555**, exempting an individual's pensions and individual retirement accounts from bankruptcy attachment.  
am 80-81, psd 145, nonconc S am, conf 892, 923, rep adop 952, enr 972 (Chapter 300)
- HB 559-FN**, relative to crimes against persons under 13 years of age.  
**new title:** allowing courts to impose an extended term of imprisonment upon persons of any age who have committed certain crimes against persons under 13 years of age.  
**2<sup>nd</sup> new title:** allowing courts to impose extended terms of imprisonment upon persons of any age who meet other criteria for extended terms and upon persons who have committed certain crimes against persons under 13 years of age.  
am 61, psd 144, nonconc S am, conf 911, 923, rep adop 953, enr am 967, enr 972 (Chapter 301)
- HB 560-FN**, relative to penalties for introduction of boats and seaplanes from waters infested with milfoil or zebra mussels into clean lakes or ponds.  
K 180
- HB 561-FN**, relative to certain marine patrol personnel.  
K 97
- HB 563-FN-A**, relative to a tax on telecommunications easements.  
K & remarks 167-168
- HB 565-FN**, relative to penalties for joy-riding and car theft across state lines.  
**new title:** relative to unauthorized use of a propelled vehicle or animal.  
am 62, psd 144, S nonconc 933
- HB 578-FN-A-L**, providing for property tax relief and making an appropriation therefor.  
study 104
- HB 579-FN-L**, providing that a person who, having obtained a restraining order against an abuser and having made all reasonable efforts to preserve employment, leaves a job in order to protect himself or herself from domestic abuse, shall not be denied unemployment compensation.  
**new title:** providing that a person who, having made all reasonable efforts to preserve employment, leaves a job in order to protect himself or herself from domestic abuse, shall not be denied unemployment compensation.  
am & Finance 90-91, am 204, psd 236, S conc 638, enr 693 (Chapter 71)
- HB 581-FN**, authorizing the department of environmental services to issue permits in emergency situations, expanding the exemptions for excavating and dredging permits, and establishing a notification process for the replacement and repair of existing legal structures.  
K 97
- HB 583-FN-L**, relative to felonious disarming of a law enforcement officer.  
am 62-63, psd 144, nonconc S am, conf 892, 923, IP 1097



- HB 587-FN**, relative to the system benefits charge and interim stranded costs recovery charges in electric utility restructuring.  
**new title:** relative to the system benefits charge.
- 2<sup>nd</sup> new title:** relative to the system benefits charge and the composition of the nuclear decommissioning financing committee.  
am & Finance 114-115, am 281-282, psd 307, nonconc S am, conf 911, 923, rep adop 953, enr am 967, enr 972, appointments 1105 (Chapter 262)
- HB 593-FN-L**, extending the grant program for closure of landfills to municipalities and adding the closure of the refuse-to-energy facility at Pease to the state water pollution control revolving fund priority projects.  
K 73
- HB 594-FN-L**, exempting towns and cities from paying condominium fees when condominium units are taken for nonpayment of taxes.  
K 44
- HB 595-FN**, protecting consumers from the unlicensed practice of law.  
K 81
- HB 600**, consolidating administrative support for the regulation of health professionals.  
K 75
- HB 604-FN-L**, relative to accessing information in delinquency cases.  
K 63
- HB 605-FN-L**, relative to procedures regarding delinquent children under RSA 169-B.  
am & Finance 63-68, rem 241, rcmt & rules suspended 302, study 575
- HB 606-FN-L**, relative to procedures regarding children in need of services under RSA 169-D.  
am & Finance 81-86, rem 241, rcmt & rules suspended 302, study 575
- HB 610-FN**, relative to the regulation of small telephone companies by the public utilities commission.  
K 98
- HB 612-FN**, requiring the state board of education and the department of education to establish suitable tests of academic knowledge to be administered as a prerequisite for certification of new teachers in New Hampshire.  
K 164
- HB 616-FN**, relative to jury selection reforms.  
am & Finance 86, am 223-224, psd 236, S conc 932, enr am 928, enr 966 (Chapter 237)
- HB 618-FN**, relative to increasing certain state park fees.  
K 97
- HB 621**, exempting wilderness/back country rescuers from RSA 151-B.  
K 79
- HB 627-FN**, establishing a conservation number plate trust fund, and a special motor vehicle license plate and associated fees, to support New Hampshire's natural and cultural resources.  
rem 39, am & Finance 143-144, am 204-205, psd 236, S conc 549, enr am 614-615, enr 618, appointments 1106 (Chapter 20)
- HB 630-FN-L**, providing an additional service retirement option for group I teacher members of the retirement system.  
**new title:** relative to additional voluntary contributions to provide for early retirement by members of the retirement system.  
am & Finance 102-103, psd 247, 305, nonconc S am, conf 892, 923, rep adop 953, enr 972 (Chapter 302)
- HB 635**, relative to a limitation on liability for emergency medical care providers.  
K 86
- HB 641**, relative to property tax bills for land parcels having multiple owners.  
study 94

- HB 642**, requiring that all property taxes be paid prior to approval of a subdivision plat.  
**new title:** clarifying the effect of subdivision on property tax assessment and collection.  
 am 94-95, psd 145, S conc 638, enr 676 (Chapter 39)
- HB 643-FN**, establishing an industry average performance system for air pollution control, and establishing certain pollution control funds.  
**new title:** making an appropriation to the office of emergency management.  
**2<sup>nd</sup> new title:** making an appropriation to the office of emergency management and relative to proportionate share payments for county nursing homes.  
 remt (2 RCs) 115-125, LT 234, rules suspended 618, rules suspended & am 981-987, psd, S conc & enr 992 (Chapter 387)
- HB 645-FN**, requiring the commissioner of health and human services to produce certain quarterly reports.  
 study 78
- HB 647-FN-A-L**, relative to a centralized computer checklist of voters and making an appropriation therefor.  
 rem 39, study 141-142
- HB 648-L**, establishing a local option fee for local or regional transportation improvements.  
 S conc 308, enr 414 (Chapter 4)
- HB 649-FN**, relative to reckless driving.  
 K 99
- HB 651-FN-L**, relative to electric rate reduction financing.  
**new title:** establishing a committee to study electric rate reduction financing.  
 am & Finance (RC) 126-133, am 282, psd 307, conc S am 911, enr 966, appointments 1099 (Chapter 263)
- HB 659**, modifying restrictions on televised political advertising.  
 am 165, psd 187, S conc & enr am 549, enr 584 (Chapter 13)
- HB 665-FN**, establishing the crime of felony murder.  
 K 69
- HB 670-FN**, relative to telemarketing registration and fraud prevention.  
**new title:** prohibiting telephone solicitors from using caller identification blocking services.  
 am 44-45, psd 144, S conc & enr am 549, enr 584 (Chapter 14)
- HB 676-FN-L**, establishing procedures for the distribution of proceeds from the sale of tax-deeded property by a municipality.  
**new title:** relative to distribution of proceeds from the sale of tax-deeded property and repurchase of tax-deeded property by a former owner.  
 rem 39, am 160-162, psd 187, conc S am 892, enr 966 (Chapter 238)
- HB 679-FN-L**, repealing the limitation on zoning ordinance protest petitions.  
 K 95
- HB 682-FN-L**, requiring law enforcement agencies to notify certain community organizations when a sexual offender moves into the community.  
**new title:** requiring the division of state police to maintain a central offender registry and relative to public access to information contained in the registry.  
**2<sup>nd</sup> new title:** relative to public access to records and information regarding registered criminal offenders.  
 am 69-70, psd 144, conc S am 911, enr 966 (Chapter 239)
- HB 686-FN-A**, relative to financing child day care facilities and making an appropriation therefor.  
**new title:** relative to financing child day care facilities.  
 am & Finance 104-106, am 224, psd 236, conc S am 912, enr am 933, enr 972 (Chapter 303)
- HB 689-FN**, relative to a certain portion of registration fees of a nonprofit corporation.  
 K 78

**HB 691**, requiring large employers to offer their employees long-term care insurance.  
K 45

**HB 697-FN-A-L**, establishing a homeless prevention fund, to be funded by a temporary homeless prevention state property tax and making an appropriation to the fund for fiscal year 1998-1999.  
new title: establishing a homeless coordination council.

2<sup>nd</sup> new title: changing the emergency shelter commission to an emergency shelter and homeless coordination commission.

am 106-109, psd 145, conc S am 691, enr am 852, enr 855, appointments 1105 (Chapter 138)

**HB 707-L**, relative to municipal taxation of utility property.

new title relative to municipal taxation of telecommunications poles and conduits.

2<sup>nd</sup> new title: providing that telecommunications poles and lines be subject to the property tax.  
am & Finance 112, psd 282-283, 307, nonconc S am, conf 780, 910, 927, rep adop 953, enr 972 (Chapter 304)

**HB 710-FN**, requiring boating safety education.

K 97

**HB 712**, relative to the purchase, preservation, and reactivation of abandoned railroad rights-of-way and limiting railroad liability for passenger rail service.

K 187

**HB 716-FN**, relative to economic development and retention rates and special contracts.

S nonconc 240

**HB 717-FN-A**, relative to the taxation of venture capital firms under the business profits tax.

new title: relative to taxation of qualified investment capital companies.

am 168-171, psd 187, S conc 778, enr 855 (Chapter 163)

**HB 721**, prohibiting certain tobacco or alcohol advertising within drug-free school zones.

new title: authorizing municipalities to restrict the advertising of alcohol and tobacco through the exercise of zoning powers.

rem 39, am 147-148, psd 187, S K 990

**HB 729-FN-A**, establishing a kindergarten special number plate and fee, with the fees continually appropriated to the department of education.

K 99

**HB 730-FN**, relative to penalties for sexual misconduct by mental health counselors.

new title: relative to aggravated felonious sexual assault.

am 70-71, psd 144, conc S am 892, enr 966 (Chapter 240)

**HB 734-FN**, requiring district courts to hold evening sessions.

new title: establishing a study committee on district court evening sessions.

rem 39, am 142-143, psd 145, S conc 638, enr 636, appointments 1099 (Chapter 29)

**HB 736-FN**, increasing jurors' fees.

new title: increasing the mileage rate for jurors.

am & Finance 86-87, rem 201, K 234

**HB 747-FN-A**, establishing a fund for the acquisition or care of land or easements for wildlife habitats, continually appropriating the fund, and requiring an additional fee for each hunting or fishing license to be credited to the fund.

new title: establishing a wildlife habitat stamp for persons engaged in taking wild animals or birds and continually appropriating the funds for wildlife habitats.

2<sup>nd</sup> new title: establishing a wildlife habitat stamp or license for persons engaged in taking wild animals or birds and continually appropriating the funds for wildlife habitats.

am & Finance 134-135, am 247-249, psd 305, S conc 891, enr 972 (Chapter 241)

**HB 749-FN**, requiring group I retirement system members to be incapacitated for any gainful employment before receiving accidental disability retirement benefits.



**new title:** relative to disability retirement benefits for retirement system members permanently incapacitated for duty.

am 75-76, psd 144, nonconc S am, conf 912, 923, IP 1097

**HB 750-FN-L**, relative to municipal water systems.

K 98

**HB 751-FN-L**, relative to spousal benefits for certain retired group II members of the retirement system.

K 76

**HB 753-FN**, relative to the board of auctioneers and the conduct of auctions.

**new title:** relative to the board of auctioneers.

am 103-104, psd 145, S nonconc 691

**HB 754-FN**, relative to special gas and electric rates for customers dependent on life-support equipment.

K 98

**HB 756-FN**, relative to the registration of alternative providers of mental health services.

K 76-77

**HB 762-FN**, relative to the regulation of naturopathic medicine.

study 166

**HB 767-FN**, relative to violation of court orders regarding child custody.

K 71

**HB 772-FN-A**, establishing the position of industrial, commercial, and tourism agent for Coos county and making an appropriation therefor.

K 100

**HB 774-FN**, relative to child support, custodial rights, and visitation.

am & Finance 87, psd 205, 236, conc S am 912, enr am 928, enr 966 (Chapter 242)

**HB 778-A**, relative to erosion prevention on a certain portion of the Connecticut River and making an appropriation therefor.

K 96

**HB 784-FN-L**, changing the age requirements for providing public education, including special education.

**new title:** relative to changing the amount of estimated expenditures per pupil beyond which the department of education is liable for the cost of school district borrowing.

am & Finance 100-101, am 249, psd 305, S conc 932, enr 966 (Chapter 243)

**HB 792-FN-L**, prohibiting trusts and other legal devices from being used to shelter wealth for the purposes of medicaid eligibility.

S nonconc 240

**HB 793**, limiting the civil liability of persons engaged in equine activities.

**new title:** defining the responsibility of individuals engaged in equine activities.

am 109-111, psd 145, S conc 618, enr am 615, enr 618 (Chapter 24)

**HB 798**, relative to the bonding requirement for health clubs.

**new title:** relative to the regulation of health clubs.

am 45-46, psd 144, nonconc S am, conf 892, 923, rep adop 952, enr am 967, enr 972 (Chapter 305)

**HB 802**, relative to judgments on past due rent and judgments for eviction.

**new title:** relative to judgments on past due rent.

am 88-90, psd 145, S conc 584, enr 636 (Chapter 25)

**HB 804**, relative to the definition of "communication services" for the purposes of the communications services tax.

K 78-79

**HB 812**, relative to the Melendy Pond Authority of Brookline, New Hampshire.

K 95

**1998 SESSION  
HOUSE BILLS**

**HB 1000-FN-L**, relative to a 10-year transportation plan and authorizing construction on the Spaulding Turnpike. (G. Chandler, Carr 1: Public Works and Highways)

**new title:** relative to a 10-year transportation plan, authorizing construction on the Spaulding Turnpike, and relative to the radio system upgrade for the department of transportation.

**2<sup>nd</sup> new title:** relative to a 10-year transportation plan, authorizing construction on the Spaulding Turnpike, to the radio system upgrade for the department of transportation, an exclusion from seasonal weight limits for certain vehicles, and requiring the commissioner of transportation to conduct a feasibility study.

**3<sup>rd</sup> new title:** relative to a 10-year transportation plan, authorizing construction on the Spaulding Turnpike, making an appropriation for a radio system upgrade for the department of transportation, excluding certain vehicles from seasonal weight limits, and requiring the commissioner of transportation to conduct a feasibility study.

rules suspended & intro 241, 409, rules suspended 542, 618, am & Finance 620-621, am 702-703, psd 720, nonconc S am, conf 920, 923, rep adop 953, enr am 967-968, enr 972 (Chapter 306)

**HBs 1001-1010**, not introduced.

**HB 1011-FN**, prohibiting possession of gambling machines unless specifically authorized under state law. (Henderson, Rock 20; et al: Criminal Justice and Public Safety)

**new title:** making it a felony to operate certain gambling businesses and prohibiting possession of gambling machines unless specifically authorized under state law.

5, am 469-470, psd (RC) 470-472, 516, remarks 472-474, nonconc S am (RC) 912-914

**HBs 1012-1024**, not introduced.

**HB 1025-FN**, relative to capital murder, first degree murder, and second degree murder. (Lozeau, Hills 30; et al: Criminal Justice and Public Safety)

188, rules suspended 241, SO 474, am, K, IP & remarks (2 RCs) 518-530

**HBs 1026-1039**, not introduced.

**HB 1040-FN-A**, decreasing the rate of the communications services tax. (Kurk, Hills 5; et al: Finance)

5, K 324

**HBs 1041-1074** not introduced.

**HB 1075-FN-A-L**, implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all the children of New Hampshire. (Burling, Sull 1; et al: Finance)

**new title:** defining a constitutionally adequate public education, providing additional funding for education aid and/or property tax relief and relative to teacher renomination and the application of teacher professional performance standards.

**2<sup>nd</sup> new title:** defining an adequate public education and providing additional funding for education aid and/or property tax relief.

rules suspended & intro 542, 611-612, rules suspended 618, SO, am, protests & appeals (7 RCs) 728-773, psd & protest 774-776, nonconc S am, conf 993, S rej rep, new conf 1034-1035, 1037, rep adop 1066, enr am & enr 1098 (Chapter 389)

**HBs 1076-1099**, not introduced.

**HB 1100-FN**, relative to the design and construction of a new medium security prison in Berlin and removing the population cap and closing date for the lakes region department of corrections facility. (David Welch, Rock 18; et al: Public Works and Highways)

**new title:** relative to the design and construction of a new medium security prison in Berlin, removing the population cap and closing date for the lakes region department of corrections facility, and authorizing the department of corrections to establish 2 additional halfway houses and appoint additional probation and parole officers.

**2<sup>nd</sup> new title:** relative to the design and construction of a new medium security prison in Berlin and making an appropriation therefor, removing the population cap and closing date for the lakes region department of corrections facility, authorizing the department of corrections to establish 2 additional halfway houses and appoint additional probation and parole officers, and making adjustments to the operating budget for fiscal year 1999.

**3<sup>rd</sup> new title:** relative to the design and construction of a new medium security prison in Berlin and making an appropriation therefor, removing the closing date for the lakes region department of corrections facility, authorizing the department of corrections to establish 2 additional halfway houses and appoint additional probation and parole officers, making adjustments to the operating budget for fiscal year 1999 and relative to agreements between the state and the city of Laconia regarding the lakes region correctional facility and the transfer of certain property.

5, am & Finance (RC) 294-298, am & protest 596-602, psd 610, nonconc S am, conf 892, 923, 925, rules suspended & rep adop (RC) 954-956, enr 972 (Chapter 223)

**HB 1101**, requiring juvenile case and court records to be unsealed in certain cases. (Arnold, Hills 20: Criminal Justice and Public Safety)  
5, K 242

**HB 1102**, barring perpetrators of crimes from recovering civil damages for injuries sustained during criminal conduct. (Arnold, Hills 20; et al: Judiciary and Family Law)  
5, K 253

**HB 1103-L**, relative to the state representative districts of towns. (Arnold, Hills 20: Election Law)  
5, psd 203, 236, nonconc S am, conf 856, 924, rep adop 956, enr 972 (Chapter 307)

**HB 1104**, relative to building a certain dam in Windham. (Arndt, Rock 27; et al: Resources, Recreation and Development)  
5, K 264

**HB 1105**, providing a cause of action for agricultural disparagement. (Melcher, Hills 11; et al: Judiciary and Family Law)  
5, K 207

**HB 1106-FN**, relative to special deer permits. (Rollo, Straf 10; et al: Wildlife and Marine Resources)  
5, am & Finance 300, psd 575, 581, S conc 891, enr 966 (Chapter 225)

**HB 1107-L**, relative to the rate setting duties of the department of revenue administration. (Dodge, Rock 4; et al: Local and Regulated Revenues)  
5, rem 415, K 574

**HB 1108**, relative to authority of the state fire marshal to adopt rules concerning permissible fireworks. (Hunter, Hills 7: Criminal Justice and Public Safety)  
5, study 202

**HB 1109**, allowing prepayment of property taxes before April 1. (McKinney, Rock 29: Local and Regulated Revenues)

**new title:** allowing prepayment of property taxes before April 1 and allowing abatement procedures to be applicable to certain payments in lieu of taxes for properties within the airport district on the former Pease Air Force Base.

5, am 451, psd 516, conc S am 873, enr 972 (Chapter 244)

**HB 1110**, prohibiting telemarketers from blocking their telephone numbers. (Clegg, Hills 23; et al: Commerce)  
5, K 202

**HB 1111**, relative to the types of investments allowable by local treasurers. (Packard, Rock 29; et al: Municipal and County Government)  
5, am 454-456, psd 516, S conc 638, enr 676 (Chapter 40)

**HB 1112**, relative to the placement of articles on the official ballot. (Wheeler, Hills 7: Municipal and County Government)  
6, psd 456, 516, conc S am 780, enr 887 (Chapter 166)



- HB 1113**, relative to reports of town and school district meetings to be certified to the department of revenue administration. (Wheeler, Hills 7: Municipal and County Government)  
**new title:** relative to reports of town and school district meetings to be certified to the department of revenue administration and legalizing the 1997 annual meeting of the Ossipee Corner Light and Power Precinct and the 1998 annual meeting of the town of Greenfield.  
6, am 456, psd 516, conc S am 856, enr 889 (Chapter 192)
- HB 1114**, relative to registration procedures for the use of antique plates. (Mirski, Graf 12; et al: Transportation)  
6, am 346, psd 407, conc S am 780, enr am 888, enr 916 (Chapter 193)
- HB 1115-L**, relative to boundary markers. (Flanagan, Rock 14: Election Law)  
6, am 316, psd 406, S conc 638, enr 676 (Chapter 58)
- HB 1116**, relative to division of property in no-fault divorces. (Luebker, Hills 42: Judiciary and Family Law)  
6, K 207
- HB 1117-L**, repealing the needle exchange program. (F. Riley, Hills 44; et al: Health, Human Services and Elderly Affairs)  
6, SO 283, K (RC) 285-288
- HB 1118**, relative to the expiration of contact lens prescriptions. (Dawe, Hills 33; et al: Health, Human Services and Elderly Affairs)  
**new title:** relative to the expiration of contact lens prescriptions and relative to continuing education for ophthalmic dispensers.  
6, am 444, psd 515, nonconc S am, conf 780, 856, rep adop 952, enr 972 (Chapter 308)
- HB 1119**, relative to the town line between the towns of Groton and Plymouth, New Hampshire. (MacNeil, Graf 7; et al: Municipal and County Government)  
6, psd 210, 236, conc S am & enr 414 (Chapter 2)
- HB 1120**, establishing a commission to study the effects of and jurisdiction over alternative agricultural products. (Mock, Carr 3; et al: Wildlife and Marine Resources)  
6, am 269-270, psd 306, conc S am 691, enr 821, appointments 1099 (Chapter 103)
- HB 1121**, making technical corrections to the election laws. (Flanagan, Rock 14; et al: Election Law)  
6, am 434, psd 515, S conc 872, enr 889 (Chapter 194)
- HB 1122**, relative to the definition of charitable organization for the purposes of conducting bingo games. (Boyce, Belk 5: Local and Regulated Revenues)  
**new title:** relative to the licensure of charitable organizations to conduct bingo games or sell lucky 7 tickets in towns and cities in which the organizations have been conducting charitable activities.  
6, am 451-452, psd 516, S conc 638, enr 676 (Chapter 59)
- HB 1123**, relative to the importation of wolf hybrids. (McGuirk, Ches 1; et al: Wildlife and Marine Resources)  
**new title:** relative to the control of wolf hybrids.  
6, am 270, psd 306, nonconc S am, conf 691, 892, rem 952, rules suspended & rep adop 962, enr 972 (Chapter 309)
- HB 1124**, relative to disposal of septage or sludge. (Owen, Merr 6: Environment and Agriculture)  
6, psd 434, 515, S conc 638, enr 676 (Chapter 60)
- HB 1125**, repealing laws relative to trading stamp companies and solar equipment warranties. (Hunt, Ches 10: Commerce)  
6, psd 241, 305, S conc 638, enr 676 (Chapter 41)
- HB 1126-L**, relative to municipal debt limits. (Anderson, Merr 7; et al: Municipal and County Government)  
6, psd 456, 516, conc S am 639, enr 693 (Chapter 72)
- HB 1127**, requiring lending institutions to allow consumers to choose their own attorneys in connection with real estate financing loans. (Vachon, Straf 4; et al: Commerce)  
6, K 350

- HB 1128-FN**, relative to space heaters. (Hunter, Hills 7: Criminal Justice and Public Safety) 6, psd 242, 305, conc S am 691, enr 821 (Chapter 104)
- HB 1129**, relative to the penalty and substance abuse treatment for multiple DWI offenders who have previously successfully completed a multiple DWI offender intervention detention center program. (Christie, Rock 22: Criminal Justice and Public Safety) 6, psd 426, 515, conc S am 874, enr 966 (Chapter 245)
- HB 1130-FN**, relative to the distribution of beverages. (R. Kelley, Hills 18: Local and Regulated Revenues) 6, am 329, psd 407, S conc 638, enr 676 (Chapter 42)
- HB 1131**, relative to the sale of liquor and beverages and relative to enforcement of the liquor laws. (R. Kelley, Hills 18: Local and Regulated Revenues) 6, am 452-453, psd 516, conc S am 691, enr am 852, enr 887 (Chapter 167)
- HB 1132-L**, relative to the sale of fireworks. (Pfaff, Merr 11: Criminal Justice and Public Safety) 6, K 242
- HB 1133-L**, enabling the town of New Boston to rebuild or replace a dam on the Piscataquog River. (Clay, Hills 4; et al: Resources, Recreation and Development) 6, K 264
- HB 1134**, relative to the voting hours for the town of Sugar Hill. (W. Williams, Graf 3; et al: Election Law) 6, K 223
- HB 1135**, relative to the use of watercraft and boats on Ledge Pond in the town of Sunapee. (Leone, Sull 2; et al: Transportation) 6, am 266-267, psd 306, S conc 638, enr 676 (Chapter 61)
- HB 1136**, changing the appointing authority for board of tax and land appeals members from the supreme court to the governor and council. (Leishman, Hills 13; et al: Local and Regulated Revenues) 6, rem 415, K 574
- HB 1137**, establishing a study committee on controlling the spread of graffiti. (Belvin, Hills 14: Public Works and Highways) 6, K 260
- HB 1138-FN-L**, relative to New Hampshire route 111. (Raynowska, Rock 26; et al: Public Works and Highways) 6, am 332-333, psd 407, S nonconc 933
- HB 1139-FN**, relative to group II retirement system eligibility for law enforcement training specialists and assistant directors employed by the police standards and training council. (J. Flanders, Rock 18: Executive Departments and Administration) 6, K 318
- HB 1140-FN**, relative to special motor vehicle plates for district court judges. (Fields, Hills 18: Transportation) 7, K 267
- HB 1141-FN-A**, relative to a design study for conversion of the Walker building on the New Hampshire hospital grounds and making an appropriation therefor. (Calawa, Hills 17; et al: Public Works and Highways)  
**new title**: relative to authorizing the use of appropriated funds for the design study for conversion of the Walker building on the New Hampshire hospital grounds and for renovation of a certain state office building; relative to extending an appropriation to the University System for construction on the Dimond Library and an appropriation to the department of administrative services for the Plaistow district court; and relative to capital appropriations for certain department of safety projects. 7, am 298-299, psd 307, conc S am 893, enr 966 (Chapter 226)
- HB 1142**, making technical corrections on behalf of the department of revenue administration. (Weyler, Rock 18: Executive Departments and Administration) 7, psd 203, 236, S conc 778, enr 821 (Chapter 105)

- HB 1143-FN**, reclassifying Ayers Road in Northfield and Canterbury as a class III recreational road. (St. Cyr, Merr 8; et al: Public Works and Highways)  
7, K 260
- HB 1144**, relative to protecting personal privacy. (Sabella, Rock 13: Judiciary and Family Law)  
7, K (RC) 510-512
- HB 1145**, relative to the definition of “livestock.” (Marshall, Merr 4: Environment and Agriculture)  
7, am 491, psd 516, S conc 932, enr 966 (Chapter 310)
- HB 1146**, relative to the use of capital reserve funds for multiple payments of lease/purchase agreements. (Packard, Rock 29: Municipal and County Government)  
7, am 332, psd 407, S conc 638, enr 676 (Chapter 43)
- HB 1147**, relative to corporate filings with the secretary of state. (Flanagan, Rock 14: Commerce)  
7, am 415, psd 515 S conc 778, enr 821 (Chapter 106)
- HB 1148**, relative to review of eligibility for a workers’ compensation award where compensation was by lump sum agreement. (Daniels, Hills 13: Labor, Industrial and Rehabilitative Services)  
7, psd 256, 306, S conc 690, enr 693 (Chapter 73)
- HB 1149**, relative to the power to detain an accused person without a warrant for breach of conditions of release on bail. (Christie, Rock 22: Criminal Justice and Public Safety)  
7, am 426, psd 515, S nonconc 779
- HB 1150**, establishing a committee to study the authority, functions, duties, and responsibilities of the bureau of emergency medical services. (Emerton, Hills 7: Health, Human Services and Elderly Affairs)  
new title: establishing a committee to study the authority, functions, duties, funding, and responsibilities of the bureau of emergency medical services.  
7, am 444, psd 516, S conc 639, enr 636, appointments 1100 (Chapter 30)
- HB 1151-FN**, relative to the testing of certain domestic animals. (Marshall, Merr 4: Environment and Agriculture)  
7, psd 203, 236, S conc & enr 549 (Chapter 8)
- HB 1152**, permitting municipalities to further restrict watercraft on great ponds wholly within the municipality. (Steere, Ches 11; et al: Transportation)  
7, K 267
- HB 1153**, establishing a committee to study uninsured and underinsured persons who have diabetes. (Copenhaver, Graf 10; et al: Commerce)  
7, K 415
- HB 1154**, establishing a committee to study the issue of updating New Hampshire laws related to fences. (Marshall, Merr 4: Municipal and County Government)  
7, psd 258, 306, S conc 639, enr 676, appointments 1100 (Chapter 62)
- HB 1155**, relative to wastewater in low flow areas. (Royce, Ches 9; et al: Resources, Recreation and Development)  
7, psd 264, 306, S conc 639, enr 676 (Chapter 63)
- HB 1156-FN-L**, relative to primary elections and absentee ballots. (Flanagan, Rock 14; et al: Election Law)  
7, am 359-360, psd 407, conc S am 914, enr 966 (Chapter 246)
- HB 1157**, relative to the layout of highways. (G. Chandler, Carr 1; et al: Public Works and Highways)  
7, am 260-261, psd 306, S conc 639, enr am 676-677, enr 693 (Chapter 74)
- HB 1158**, changing the process for designating a part-time district court justice a full-time district court justice. (Wall, Straf 9; et al: Judiciary and Family Law)  
7, psd 327, 407, conc S am 639, enr 693 (Chapter 75)
- HB 1159**, establishing a committee to study strategies for increasing parental involvement in public education. (Estabrook, Straf 8; et al: Education)  
7, am 246, psd 305, S conc 639, enr 636, appointments 1100 (Chapter 31)



- HB 1160**, relative to the definitions of the terms “farm,” “agriculture,” and “farming.” (Marshall, Merr 4; et al: Environment and Agriculture)  
7, am 434-436, psd 515, S study 933
- HB 1161-FN**, requiring the state to rebuild and maintain the dam controlling Baxter Lake in the towns of Farmington and Rochester, New Hampshire. (Spear, Straf 5; et al: Resources, Recreation and Development)  
7, K 336
- HB 1162**, relative to permit applications before the hazardous waste facility siting board. (Trelfa, Graf 2; et al: Environment and Agriculture)  
7, am 275-276, psd 307, S conc 639, enr 676 (Chapter 64)
- HB 1163**, establishing a house study committee on methods used to compute tax rates related to funding for education and property tax assessments. (Cobbin, Graf 11; et al: Local and Regulated Revenues)  
7, K 330
- HB 1164**, relative to requests for changes in superior court justices assigned to trials. (Cobbin, Graf 11; et al: Judiciary and Family Law)  
7, K 448
- HB 1165**, relative to the incorporation, management, branching and merger of banks. (Herman, Hills 13: Commerce)  
**new title:** relative to the incorporation, management, branching, and merger of banks and exempting certain New Hampshire banks from the aging requirement of the interstate acquisition and merger laws.  
7, am 416-421, psd 515, conc S am 691, enr am 852, enr 855 (Chapter 139)
- HB 1166**, relative to the oversight committee on health and human services. (Haettenschwiller, Hills 29: Health, Human Services and Elderly Affairs)  
7, am 444-445, psd 516, S conc 778, enr 855, appointments 1104 (Chapter 140)
- HB 1167-L**, relative to a reapproval process for community mental health programs and area agencies. (Haettenschwiller, Hills 29: Health, Human Services and Elderly Affairs)  
7, psd 251, 306, conc S am 780, enr 887 (Chapter 168)
- HB 1168-L**, relative to municipal economic development and revitalization districts. (Dyer, Hills 8; et al: Municipal and County Government)  
8, psd 259, 306, S conc & enr 549 (Chapter 9)
- HB 1169-L**, clarifying the authority of the ballot law commission relative to the examination of programs used to count votes. (Arndt, Rock 27: Election Law)  
8, psd 246, 305, nonconc S am, conf 914, rep adop 956, enr 972 (Chapter 311)
- HB 1170-FN**, allowing municipalities to designate areas and conditions for the placement of political advertising and relative to the removal of improperly placed political advertising. (Langley, Rock 24; et al: Election Law)  
8, am 316-317, psd 406, S nonconc 873
- HB 1171**, to establish a committee to investigate the discrepancy in air fares between flights from Logan International Airport and Manchester Airport. (Rosen, Belk 7; et al: Transportation)  
8, study 267
- HB 1172-L**, relative to the number of members on a municipal budget committee. (Cooney, Rock 26; et al: Municipal and County Government)  
8, psd 456, 516, S conc 778, enr 855 (Chapter 141)
- HB 1173**, limiting the liability of the state and its employees for personal injuries and civil damages resulting from fire standards and training instruction and programs. (Hunter, Hills 7: Judiciary and Family Law)  
8, K 253
- HB 1174**, establishing a committee to study the state substance abuse treatment delivery system. (O’Keefe, Rock 21; et al: Health, Human Services and Elderly Affairs)  
**new title:** establishing a committee to study the state substance abuse treatment delivery system and relative to certain tests for alcohol concentration.

- 2<sup>nd</sup> new title:** establishing a committee to study the state substance abuse treatment delivery system. 8, am 251-252, psd 306, conc S am 914, enr 966, appointments 1100 (Chapter 247)
- HB 1175-L**, relative to authorizing the state board of education to adopt rules on teacher education programs, teacher certification fees, and recertification standards. (Yeaton, Merr 10; et al: Education) 8, psd 274, 307, nonconc S am 780
- HB 1176**, prohibiting charges for the use of electronic customer service terminals. (A. Pelletier, Straf 12; et al: Commerce) 8, rem 308, K (RC) 391-393
- HB 1177-FN**, relative to increasing the minimum amount of a state capital improvement project requiring competitive bidding. (K. Rogers, Merr 22; et al: Public Works and Highways) 8, K 211
- HB 1178**, relative to automobile leasing. (Christiansen, Hills 23; et al: Commerce) 8, rem 415, am 565, psd 581, S nonconc 779
- HB 1179**, limiting fees charged by financial institutions for use of electronic customer service terminals. (Fraser, Merr 21; et al: Commerce) 8, rem 308, K 394
- HB 1180**, relative to the composition of the legislative ethics committee. (McCann, Straf 11; et al: Legislative Administration) 8, K 227
- HB 1181**, relative to the waiting period for workers' compensation benefits for undisputed claims. (Clegg, Hills 23; et al: Labor, Industrial and Rehabilitative Services) 8, K 257
- HB 1182**, establishing an oversight committee to review the allocation of funds dispersed for the developmental disabilities waitlist. (Burnham, Ches 8; et al: Health, Human Services and Elderly Affairs)  
**new title:** establishing an oversight committee to review the allocation of funds disbursed for the developmental disabilities waitlist. 8, psd 252, 306, conc S am 856, enr am 926, enr 972, appointments 1105 (Chapter 248)
- HB 1183**, relative to use of force to prevent an unlawful taking of property. (McCann, Straf 11; et al: Criminal Justice and Public Safety) 8, K 426
- HB 1184-FN**, expanding the victims eligible for compensation from the victims' assistance fund and changing the allocation of criminal penalty assessments. (McCann, Straf 11: Criminal Justice and Public Safety) 8, K 309
- HB 1185**, creating a committee to study the feasibility of establishing an audit division within the department of justice to audit and review state contracts. (Donald Welch, Hills 48: Executive Departments and Administration) 8, K 438
- HB 1186**, requiring all-night convenience stores to have 2 attendants on duty during night hours. (Whittemore, Merr 13: Commerce) 8, K 241
- HB 1187**, relative to breakwater permitting. (M. Whalley, Merr 5; et al: Resources, Recreation and Development) 8, study 550
- HB 1188**, requiring a 24-hour rest for beer at the warehouse after delivery to the wholesale distributor by the brewer or manufacturer. (Wallin, Merr 15; et al: Local and Regulated Revenues) 8, K 453
- HB 1189-FN**, increasing the limits of direct off-premises sales from breweries and brew pubs. (Avery, Ches 8; et al: Local and Regulated Revenues)  
**new title:** increasing the limits of direct off-premises sales from breweries. 8, am 536-537, psd 545, conc S am 780, enr 887 (Chapter 169)

- HB 1190**, encouraging alternative dispute resolution as an alternative to litigation in domestic relations cases. (Ham, Graf 4: Judiciary and Family Law)  
9, am 253-254, psd 306, S nonconc 779
- HB 1191**, relative to limiting the liability of governmental units under certain circumstances. (Snyder, Straf 14; et al: Judiciary and Family Law)  
**new title:** relative to limiting the liability of municipalities and school districts for damages caused by winter weather hazards.  
9, am 254, psd 306, conc S am 893, enr 966 (Chapter 249)
- HB 1192**, permitting the city of Concord to combine the positions of tax collector and treasurer. (Fraser, Merr 21; et al: Municipal and County Government)  
9, am 259, psd 306, S conc 639, enr 636 (Chapter 32)
- HB 1193-FN**, relative to installing vending machines at welcome and tourist information centers on state highways. (Vaillancourt, Hills 44; et al: Public Works and Highways)  
9, Finance 261, am 591, psd 610, S conc 778, enr 855 (Chapter 142)
- HB 1194**, prohibiting a minor child from being forced to have visitation with an incarcerated parent. (Cushing, Rock 22; et al: Judiciary and Family Law)  
9, rem 201, rcmt 234, K 327
- HB 1195**, allowing non-public school students access to the New Hampshire education improvement and assessment program at no cost to the state or local school district. (Root, Graf 8; et al: Education)  
9, K 274
- HB 1196**, prohibiting the sale and use of lead fishing sinkers except to persons with commercial salt water fishing licenses. (J. Bradley, Carr 8; et al: Wildlife and Marine Resources)  
**new title:** relative to coordinating and compiling studies and establishing a lead education program concerning the effects of lead on water birds and other wildlife.  
**2<sup>nd</sup> new title:** relative to prohibiting the sale of lead fishing sinkers and lead jigs in fresh waters of the state, relative to lead studies and reports, and establishing a lead education program concerning the effects of lead on loons and other water birds and wildlife.  
**3<sup>rd</sup> new title:** relative to prohibiting the sale of lead fishing sinkers and lead jigs in fresh waters of the state and establishing a lead education program concerning the effects of lead on loons and other water birds and wildlife.  
9, am (RC) 560-565, psd 581, nonconc S am, conf 874, 910, rep adop 952, enr am 968, enr 972 (Chapter 312)
- HB 1197-FN**, expanding the crime of felonious use of firearms to include felonious use of any deadly weapon and relative to the minimum mandatory and maximum sentences of imprisonment for felonies involving deadly weapons. (Boyce, Belk 5; et al: Criminal Justice and Public Safety)  
9, K 242
- HB 1198**, relative to the registration of vehicles owned by trusts. (Letourneau, Rock 13; et al: Transportation)  
9, psd 346, 407, S conc 778, enr 855 (Chapter 143)
- HB 1199**, requiring that applicants for a concealed weapons license complete a gun safety course. (McCann, Straf 11: Criminal Justice and Public Safety)  
9, K 202
- HB 1200-FN**, prohibiting the manufacture, possession, or transfer of large capacity ammunition magazines. (McCann, Straf 11: Criminal Justice and Public Safety)  
9, K 202
- HB 1201-FN**, relative to the use of motor vehicle repair plates. (Packard, Rock 29; et al: Transportation)  
9, am 346-347, psd 407, S conc 932, enr am 929, enr 966 (Chapter 227)
- HB 1202**, establishing a study committee on probate court administration and procedures. (Gibbons, Rock 13: Judiciary and Family Law)  
9, K 208



- HB 1203**, establishing a committee to study methods of increasing the funding for the insurance fraud investigation unit. (Donald Welch, Hills 48: Commerce)  
9, K 421
- HB 1204**, relative to political party expenditures. (Almy, Graf 14: Election Law)  
9, psd 360, 407, S nonconc 873
- HB 1205-FN**, making technical corrections to the securities laws. (Flanagan, Rock 14: Commerce)  
**new title:** making technical corrections to the securities laws and relative to the filing fee for securities in a combined prospectus offered for sale in New Hampshire by a mutual fund.  
**2<sup>nd</sup> new title:** making technical corrections to the securities laws, relative to the filing fee for securities in a combined prospectus offered for sale in New Hampshire by a mutual fund, and establishing a committee to study the impact of eliminating the filing fee for certain securities in a combined prospectus.  
9, Finance 202, psd 575, 581, nonconc S am, conf 856, 924, rep adop 956, enr am 968, enr 972, appointments 1100 (Chapter 250)
- HB 1206**, affirming that it is the legislature's intent that new court facility construction costs reflect the needs and usage of the judiciary. (Rosen, Belk 7; et al: Public Works and Highways)  
9, rem 201, K 234-235
- HB 1207-L**, relative to the disqualification of election officials. (J. Foster, Hills 33: Election Law)  
9, study 360
- HB 1208**, authorizing the housing finance authority to sell or transfer certain land. (Calawa, Hills 17: Public Works and Highways)  
9, am 333, psd 407, S conc 932, enr 966 (Chapter 228)
- HB 1209**, revising the interagency agreement for special education. (O'Hearn, Hills 26: Education)  
9, am 431-432, psd 515, conc S am 780, enr am 888, enr 916 (Chapter 195)
- HB 1210-FN**, relative to the licensing rate for beverage manufacturers. (Avery, Ches 8; et al: Local and Regulated Revenues)  
9, am & Finance 330, psd 575, 581, S conc 690, enr 721 (Chapter 96)
- HB 1211-FN-A**, appropriating startup funds for Governors state park in Laconia. (Rosen, Belk 7; et al: Public Works and Highways)  
**new title:** re-designating Governors state park in Laconia as Ahern state park.  
9, rem 201, am 235, psd 236, S conc 690, enr 693 (Chapter 76)
- HB 1212**, prohibiting the use of credit reports to deny property or casualty insurance. (McGough, Hills 18; et al: Commerce)  
9, K 461-462
- HB 1213-L**, relative to the authority of a town to name a trustee to expend funds for certain purposes. (Klemm, Rock 28: Municipal and County Government)  
**new title:** relative to the authority of a town to appoint agents to expend funds for certain purposes.  
9, am 259, psd 306, S conc 639, enr 676 (Chapter 44)
- HB 1214-FN**, encouraging employers to provide health insurance for their employees by providing a "New Hampshire Way" designation. (Allen, Hills 1: Commerce)  
9, K 242.
- HB 1215**, establishing a committee to study the shortage of qualified and certified personnel in the delivery of services related to special education. (O'Hearn, Hills 26; et al: Education)  
9, psd 479, 516, conc S am 780, enr 871, appointments 1100 (Chapter 144)
- HB 1216-FN**, relative to motorcycle registration for drivers and riders who wear approved helmets. (Boyce, Belk 5: Transportation)  
10, K 212

- HB 1217**, relative to balancing the operating budget. (Klemm, Rock 28; et al: Finance)  
**new title:** relative to balancing the operating budget; relative to the city of Manchester's bonding authority for airport projects; reducing the projected revenues from the Andersen consulting revenue recoupment effort; and making certain appropriations.  
 10, am 499-501, psd 517, nonconc S am, conf 893, 924, rep adop 956, enr am 970-971, enr 972 (Chapter 313)
- HB 1218**, requiring the secretary of state to print a question to the voters relative to the public financing of political campaigns on the 1998 general election ballot. (J. Foster, Hills 33; et al: Election Law)  
 10, K 360
- HB 1219-FN**, relative to the provision of free potable water at outdoor public events. (Below, Graf 13; et al: Health, Human Services and Elderly Affairs)  
 10, study 375
- HB 1220**, establishing a committee to study prevention of youth drug abuse. (McGough, Hills 18; et al: Education)  
 10, K 312
- HB 1221-L**, relative to the acceptance of personal property donated to towns or village districts. (Klemm, Rock 28: Municipal and County Government)  
 10, psd 259, 306, conc S am 856, enr 889 (Chapter 196)
- HB 1222**, increasing the membership of the Christa McAuliffe planetarium commission. (M. Fuller Clark, Rock 36; et al: Executive Departments and Administration)  
 10, am 318-319, psd 406, S conc 618, enr 636, appointments 1106 (Chapter 33)
- HB 1223-FN**, repealing the alternative fuel motor vehicle law. (MacGillivray, Hills 21; et al: Science, Technology and Energy)  
 10, psd 341, 407, S conc 932, enr 966 (Chapter 229)
- HB 1224**, relative to the regulation of biosolids. (Musler, Straf 6; et al: Environment and Agriculture)  
**new title:** requiring the department of environmental services to test sludge or biosolids to be used for land application and assessing fees to sludge quality certification holders.  
 10, am & Finance 276-277, psd 575, 581, conc S am 874, enr am 926, enr 966 (Chapter 230)
- HB 1225**, restricting the land application of solid wastes within certain distances of natural, rural, and community rivers. (Musler, Straf 6; et al: Environment and Agriculture)  
**new title:** restricting the land application of solid wastes within certain distances of natural, rural, rural-community, and community rivers and exempting certain uses allowed under prior interpretations of the law.  
 10, am 491-493, psd 516, S conc 690, enr am 692, enr 693 (Chapter 56)
- HB 1226-FN**, creating the educational credential of master teacher. (Estabrook, Straf 8; et al: Education)  
**new title:** creating the educational credential of master teacher and clarifying the procedures for background criminal checks for school employees and volunteers.  
 10, am & Finance (RC) 355-358, am 602, psd 610, conc S am 874, enr am 927, enr 966 (Chapter 314)
- HB 1227-FN**, authorizing extended terms of imprisonment for persons who assault emergency medical personnel and fire services personnel. (McGough, Hills 18; et al: Criminal Justice and Public Safety)  
 10, K 427
- HB 1228**, relative to notice required upon an agency's receipt of federal funds. (D. White, Hills 25; et al: Finance)  
 10, K 440
- HB 1229**, exempting biological control agents from registration requirements for pesticides. (McRae, Hills 7; et al: Environment and Agriculture)  
 10, am 436, psd 515, S conc 690, enr 721 (Chapter 97)

- HB 1230-FN-L**, establishing a teacher improvement and evaluation program. (Yeaton, Merr 10; et al: Education)  
10, study 479
- HB 1231**, relative to greywater recycling. (Owen, Merr 6: Resources, Recreation and Development)  
10, K 264
- HB 1232-FN**, establishing a procedure for the proposal of special license plates which designate the proceeds for use by a state agency. (Packard, Rock 29: Transportation)  
10, study 347
- HB 1233**, relative to administrative attachment of regulatory boards and commissions. (Steere, Ches 11; et al: Executive Departments and Administration)  
10, am 319, psd 407, S conc 690, enr 693 (Chapter 77)
- HB 1234-FN**, establishing an office of volunteerism. (Peterson, Hills 8; et al: Executive Departments and Administration)  
10, Finance 319, psd 579, 582, nonconc S am, conf 856, 892, 927, rep adop 956, enr 972 (Chapter 315)
- HB 1235-FN**, relative to the small business innovation research program. (Akins, Graf 14; et al: Commerce)  
10, am 309, psd 406, S conc & enr 618 (Chapter 26)
- HB 1236-L**, relative to limitations on the amendment of warrant articles in official ballot voting. (Patten, Carr 9; et al: Municipal and County Government)  
10, am 456-457, psd 516, nonconc S am, conf 914, 924, 927, IP 1097
- HB 1237**, relative to "salvage" motor vehicles. (Langley, Rock 24; et al: Commerce)  
10, K 421
- HB 1238**, establishing a committee to study ways to manage land use and to preserve and protect the state's farmland, rural character, and environmental quality. (Richardson, Ches 12; et al: Environment and Agriculture)  
**new title** establishing a committee to study ways to manage land use and to preserve and protect the state's farmland, rural and community character, and environmental quality against low density sprawl and the loss of sense of place.  
10, am 436-438, psd 515, conc S am 856, enr 889, appointments 1100 (Chapter 197)
- HB 1239-L**, allowing school districts and village districts to independently adopt the provisions of the municipal budget law concerning establishment of a budget committee. (Daniels, Hills 13; et al: Municipal and County Government)  
10, K 457
- HB 1240-FN**, establishing wetlands permits for slips-only marinas. (Avery, Ches 8: Resources, Recreation and Development)  
11, K 336
- HB 1241-FN-A**, repealing the temporary increase of the communications services tax and increasing the tobacco tax. (C. Brown, Graf 14; et al: Finance)  
11, K 325
- HB 1242-FN**, prohibiting discounts and rebates of any wagers at racetracks. (Lovett, Graf 6: Local and Regulated Revenues)  
11, K 330
- HB 1243-FN-A**, relative to the regulation of pesticides and establishing a pesticide cleanup account in the hazardous waste fund. (Melcher, Hills 11; et al: Environment and Agriculture)  
11, study 246
- HB 1244-FN**, relative to collusive bidding at auctions. (Beaulieu, Rock 10; et al: Executive Departments and Administration)  
11, psd 203, 236, S conc 618, enr 613 (Chapter 17)
- HB 1245**, relative to the management of New Hampshire retirement system funds by the board of trustees. (Dyer, Hills 8; et al: Executive Departments and Administration)  
11, am 320, psd 407, conc S am 856, enr 889 (Chapter 198)



- HB 1246**, relative to enforcement of oil spillage laws. (Alger, Graf 9: Resources, Recreation and Development)  
11, psd 264, 306, nonconc S am, conf 921, 924, rep adop 956, enr 972 (Chapter 316)
- HB 1247**, establishing a study committee relative to access to public school facilities by home school students. (Clay, Hills 4; et al: Education)  
**new title** establishing a study committee relative to access to public school facilities and programs by home school students.  
11, am 312, psd 406, S conc 639, enr 636, appointments 1100 (Chapter 34)
- HB 1248-FN**, establishing the crime of assault against a sports official. (Mercer, Hills 27; et al: Criminal Justice and Public Safety)  
11, K 474
- HB 1249**, requiring budget line item appropriations for individual and departmental dues to national and regional organizations paid from state resources. (Root, Graf 8; et al: Finance)  
11, psd 249, 306, S conc & enr 549 (Chapter 10)
- HB 1250-FN-L**, providing that beginning with the tax year 2002, the education portion of a property taxpayer's tax bill shall not exceed 50 percent of the total tax due and establishing a committee to recommend legislation necessary to implement this act. (Robertson, Ches 18; et al: Municipal and County Government)  
11, K 332
- HB 1251**, concerning the recovery of costs and expenses to a defendant agricultural operation in a nuisance suit. (Melcher, Hills 11; et al: Judiciary and Family Law)  
11, K 254
- HB 1252**, relative to the right to farm. (McRae, Hills 7; et al: Municipal and County Government)  
11, am 537, psd 545, S study 873
- HB 1253-L**, relative to disposal of state property which is no longer in use for state purposes. (M. Brown, Merr 10; et al: Public Works and Highways)  
11, K 333
- HB 1254-FN-L**, relative to the taxation of land held for water supply purposes. (Melcher, Hills 11; et al: Municipal and County Government)  
11, K 380
- HB 1255-FN-A**, increasing the fee for a resident trapping license and continually appropriating the increased revenue for the purpose of wildlife rehabilitation. (Vaillancourt, Hills 44; et al: Wildlife and Marine Resources)  
11, K 270
- HB 1256**, transferring the wildlife rehabilitation program to the department of resources and economic development. (Vaillancourt, Hills 44; et al: Wildlife and Marine Resources)  
11, K 270-271
- HB 1257**, authorizing landlords to conduct criminal background checks on prospective tenants with the consent of the prospective tenants. (Adams, Merr 9; et al: Commerce)  
11, K 421
- HB 1258**, establishing a committee to study and investigate issues related to The State of New Hampshire v. Edward Silva. (W. McCarthy, Hills 41; et al: Criminal Justice and Public Safety)  
11, study 427
- HB 1259-FN**, relative to the salaries of security employees of certain state institutions. (Dunn, Merr 24; et al: Executive Departments and Administration)  
**new title** relative to salary differentials for certain employees of the New Hampshire hospital.  
11, am & Finance 364, psd 575, 581, S conc 779, enr 821 (Chapter 107)
- HB 1260**, limiting the use of appropriated funds to influence state contracting and financial transactions, and legislation. (Cobbin, Graf 11; et al: Finance)  
11, rem 308, K 398

- HB 1261-FN**, prohibiting part-time judges from sitting on courts located within 50 miles of their primary places of business. (McCann, Straf 11; et al: Judiciary and Family Law)  
11, K 448
- HB 1262-FN-A**, establishing the position of medical review subcommittee administrator under the board of registration in medicine. (Pilliod, Belk 3; et al: Executive Departments and Administration)  
**new title** relative to authority for the board of medicine to employ a medical review subcommittee administrator.  
11, am 320-321, psd 407, S conc 855, enr 887 (Chapter 170)
- HB 1263**, relative to the confidentiality of juvenile records. (McRae, Hills 7: Criminal Justice and Public Safety)  
12, K 242-243
- HB 1264**, requiring legislative approval before lotteries and horse or dog race sweepstakes may be authorized by the sweepstakes commission. (Lovett, Graf 6: Local and Regulated Revenues)  
12, K 208
- HB 1265**, establishing a study committee on the enactment of laws which would allow the office of the attorney general to freeze assets in white collar crime cases. (Mirski, Graf 12: Criminal Justice and Public Safety)  
12, K 427
- HB 1266**, relative to reporting of alleged criminal conduct by the professional conduct committee and the judicial conduct committee. (Mirski, Graf 12; et al: Judiciary and Family Law)  
12, K 449
- HB 1267**, relative to membership on the professional conduct committee and the judicial conduct committee of the supreme court. (Mirski, Graf 12; et al: Judiciary and Family Law)  
12, K 254
- HB 1268**, prohibiting an attorney who is a director of a bank from holding client trust accounts in such bank without the permission of the client and the probate court. (Mirski, Graf 12; et al: Judiciary and Family Law)  
12, K 288
- HB 1269**, requiring beneficiaries to file statements of receipt with the probate court when money is received from an estate after a final account of the estate has been filed. (Mirski, Graf 12; et al: Judiciary and Family Law)  
12, K 254
- HB 1270**, requiring verification of assets when an account is filed with the probate court by an administrator or executor. (Mirski, Graf 12; et al: Judiciary and Family Law)  
12, K 254
- HB 1271-FN**, relative to the board of acupuncture licensing. (Goulet, Hills 15; et al: Executive Departments and Administration)  
12, psd 203, 236, S conc 779, enr am 852-853, enr 855 (Chapter 145)
- HB 1272-L**, requiring the long range capital planning and utilization committee and the Skyhaven airport operation commission to develop a plan to transfer the Skyhaven airport to a local public entity. (Leber, Merr 1; et al: Public Works and Highways)  
**new title** requiring the long range capital planning and utilization committee and the Skyhaven airport operation commission to develop a plan to transfer the Skyhaven airport to a local public entity and establishing the Skyhaven airport maintenance and operations fund.  
12, psd 211, 236, conc S am 914, enr am 929, enr 966 (Chapter 317)
- HB 1273-FN**, relative to a percentage loss of state funding as a penalty for failing to comply with minimum public school standards. (Root, Graf 8; et al: Education)  
12, study 358
- HB 1274-FN**, relative to enforcement of air pollution laws by the department of environmental services. (J. Bradley, Carr 8; et al: Science, Technology and Energy)  
12, am 265, psd 306, S conc 779, enr 855 (Chapter 146)

- HB 1275-FN**, relative to training for marine patrol officers. (M. Whalley, Merr 5; et al: Criminal Justice and Public Safety)  
12, rem 241, am 301, psd 307, S conc.779, enr 821 (Chapter 108)
- HB 1276**, relative to charitable organizations conducting bingo. (Fenton, Hills 24: Local and Regulated Revenues)  
12, K 453
- HB 1277**, prohibiting beverage, wine, and liquor tasting in grocery and convenience stores. (J. Clemons, Hills 31; et al: Local and Regulated Revenues)  
12, K 453
- HB 1278**, prohibiting the use of instant redeemable coupons for the purchase of beverage. (J. Clemons, Hills 31; et al: Local and Regulated Revenues)  
12, K 258
- HB 1279-FN-L**, relative to the procedures for vacating uninhabitable or unsafe buildings. (Cardin, Hills 32; et al: Criminal Justice and Public Safety)  
12, am 243, psd 305, conc S am 874, enr 966 (Chapter 318)
- HB 1280-L**, clarifying the procedures for background criminal checks for school employees and volunteers. (MacGillivray, Hills 21; et al: Education)  
12, am 479-480, psd 516, motion to suspend rules made and withdrawn 870, see Senate Message 1095
- HB 1281**, eliminating the requirement for precertification from a primary care physician to access OB/GYN services in managed care plans. (M. Fuller Clark, Rock 36; et al: Commerce)  
**new title** requiring managed care plans to permit a woman to select an obstetrician-gynecologist as a primary care physician or to obtain access for certain obstetrical or gynecological services.  
**2<sup>nd</sup> new title**: requiring managed care plans to permit a woman to obtain access to certain obstetrical or gynecological services without the requirement of prior authorization by a primary care provider.  
12, am 462, psd 516, conc S am 914, enr am 928, enr 966 (Chapter 319)
- HB 1282-L**, requiring a public hearing and vote of the town before a conservation commission may expend funds received through the current use penalty. (Klemm, Rock 28: Municipal and County Government)  
12, K 457
- HB 1283**, establishing a 4-year term for the commissioner of the department of corrections. (Burling, Sull 1: Executive Departments and Administration)  
12, am 204, psd 236, S nonconc 891
- HB 1284-FN-A**, appropriating funds to the liquor commission for the siting and design of a combination state liquor store, welcome center, and New Hampshire products store, to be located in the city of Keene. (Avery, Ches 8; et al: Public Works and Highways)  
**new title** directing the liquor commission to study and investigate the location of a new liquor store and possible welcome center and New Hampshire products store in the city of Keene.  
12, am 333-334, psd 407, S conc 932, enr 972 (Chapter 320)
- HB 1285-FN**, relative to penalties under the youth access to and use of tobacco products law. (Emerton, Hills 7: Transportation)  
12-13, K 267
- HB 1286-FN**, establishing a “no sales solicitation calls” list. (Estabrook, Straf 8; et al: Commerce)  
13, K 350-351
- HB 1287-FN**, relative to sales of tobacco products to persons under 21 years of age. (M. Brown, Merr 10; et al: Commerce)  
13, K 272
- HB 1288-FN-A-L**, relative to reimbursement of funds for recipients in nursing homes. (Hart, Hills 37: Finance)  
13, K (RC) 372-375



- HB 1289-FN**, relative to meals for legislators on session days. (G. Brown, Straf 17; et al: Legislative Administration)  
13, K 227-228
- HB 1290-FN**, relative to the authority of the state fire marshal. (Hunter, Hills 7: Criminal Justice and Public Safety)  
**new title** relative to the authority of the state fire marshal and adding a member to the fire standards and training commission.  
13, Finance 309, psd 575, 581, conc S am 914, enr 966 (Chapter 321)
- HB 1291-FN**, relative to management of the state ski areas at Mount Sunapee and Cannon Mountain. (Royce, Ches 9; et al: Resources, Recreation and Development)  
13, am & Finance 336-339, psd 576, 581, nonconc S am, conf 856, 873, rep adop (2 RCs) & recon rej 879-884, enr 888, appointments 1104 (Chapter 134)
- HB 1292-FN-L**, relative to payment by public utilities for output of limited electrical energy producers. (Luebker, Hills 42: Science, Technology and Energy)  
13, K 212
- HB 1293-FN-L**, requiring school districts without a high school program to provide transportation for its resident students to an out of district high school. (Christiansen, Hills 23; et al: Education)  
13, K 246
- HB 1294-FN**, establishing the propane and natural gas board and regulating propane and natural gas installers. (Whittemore, Merr 13; et al: Executive Departments and Administration)  
13, K 321
- HB 1295-FN**, relative to reimbursing the state medical assistance program. (Amidon, Hills 9; et al: Finance)  
13, psd 501, 517, conc S am 857, enr am 919, enr 972 (Chapter 322)
- HB 1296-FN**, allowing race track licensees to offer telephone and account wagering. (DePecol, Ches 14: Local and Regulated Revenues)  
13, K 379-380, recon rej 406
- HB 1297-FN-A**, establishing a program of integrated pest management and continually appropriating an integrated pest management fund. (L. Pratt, Coos 4; et al: Environment and Agriculture)  
13, am & Finance 363-364, psd 576, 581, nonconc S am, conf 914, 924, rep adop 957, enr am 968, enr 972 (Chapter 323)
- HB 1298-FN-L**, requiring health care providers to wear identification. (Copenhaver, Graf 10; et al: Health, Human Services and Elderly Affairs)  
13, am 445-446, psd 516, conc S am 857, enr 889 (Chapter 199)
- HB 1299**, requiring members of executive branch councils to file annual financial statements and relative to certain person's who fail to file annual financial statements. (Beaulieu, Rock 10: Executive Departments and Administration)  
13, psd 438, 515, S nonconc 779
- HB 1300**, relative to the revenue stabilization reserve account. (A. Torr, Straf 12; et al: Finance)  
**new title** relative to the revenue stabilization reserve account and the health care transition fund.  
13, rcmt 501, am 579-580, psd 582, S conc 779, enr 851 (Chapter 109)
- HB 1301**, relative to ticket scalping. (Vaillancourt, Hills 44; et al: Commerce)  
13, K (RC) 351-353
- HB 1302**, relative to the liability of the university system of New Hampshire for civil damages arising from snow, ice, or inclement weather. (Merritt, Straf 8; et al: Judiciary and Family Law)  
13, K 449
- HB 1303-FN-A-L**, continually appropriating boating fees and other revenues to the division of safety services. (Dickinson, Carr 2; et al: Finance)  
13, am 440-441, psd 515, nonconc S am, conf 915, 924, rep adop 953, enr 972 (Chapter 324)
- HB 1304-FN**, relative to the qualifications and compensation of division directors of the department of environmental services. (Musler, Straf 6; et al: Executive Departments and Administration)  
13, Finance 365, psd 580, 582, S nonconc 891

- HB 1305**, requiring persons using roller blades, roller skates, and skateboards to adhere to the rules of the road. (Malcolm, Rock 22: Transportation)  
13, K 347-348
- HB 1306**, adopting a conditional post-conviction release act. (Pepino, Hills 40: Criminal Justice and Public Safety)  
13, K 203
- HB 1307**, relative to penalties for habitual offenders. (Bartlett, Belk 6: Criminal Justice and Public Safety)  
13, am 427, psd 515, nonconc S am, conf 922, 924, rep adop 953, enr 972 (Chapter 325)
- HB 1308**, protecting the rights of distributors. (Pfaff, Merr 11; et al: Commerce)  
13, study 421
- HB 1309**, relative to an exemption from the notification requirement for telemarketing firms. (G. Katsakiores, Rock 13; et al: Criminal Justice and Public Safety)  
13, K 243
- HB 1310**, relative to legislative approval of expenditure of federal and other funds. (Kurk, Hills 5; et al: Finance)  
**new title** relative to legislative approval of expenditure of federal and other funds and relative to proportionate share payments for county nursing homes.  
13-14, am 501-502, psd 517, nonconc S am, conf 922, 924, rep adop 957, enr 972, veto sustained (RC) 974-977
- HB 1311**, adopting the 1994 revisions to article 8 of the uniform commercial code relative to investment securities. (Mittelman, Hills 37; et al: Commerce)  
14, am 421-423, psd 515, S conc 855, enr am 917-919, enr 972 (Chapter 326)
- HB 1312**, adopting the 1995 revisions to article 5 of the uniform commercial code relative to letters of credit. (Mittelman, Hills 37; et al: Commerce)  
14, psd 423, 515, S conc 855, enr 889 (Chapter 200)
- HB 1313**, relative to wholesale distributors who are delinquent in making payment of accounts. (Wallin, Merr 15; et al: Local and Regulated Revenues)  
**new title** requiring brew pub licensee's to report delinquencies by wholesale distributors.  
**2<sup>nd</sup> new title**: requiring brew pub licensees to report delinquencies by wholesale distributors.  
14, am 330-331, psd 407, S conc 639, enr am 676, enr 693 (Chapter 78)
- HB 1314**, relative to enforceable provisions in retail installment contracts for motor vehicles. (Hunt, Ches 10: Commerce)  
14, am 423-424, psd 515, conc S am 874, enr 966 (Chapter 327)
- HB 1315-L**, relative to leasing of state-owned property. (M. Fuller Clark, Rock 36; et al: Public Works and Highways)  
14, K 380
- HB 1316**, establishing a commission to study minimum staffing guidelines in nursing homes for certified nursing assistants, registered nurses, and licensed practical nurses. (Cushing, Rock 22: Health, Human Services and Elderly Affairs)  
14, K 252
- HB 1317**, relative to termination of parental rights upon a finding of either child abuse or the commission of certain criminal offenses. (Woods, Rock 25; et al: Judiciary and Family Law)  
14, study 254
- HB 1318**, relative to extended terms of imprisonment for crimes substantially motivated by hostility towards the victim's religion. (Luebker, Hills 42: Criminal Justice and Public Safety)  
14, K 310
- HB 1319**, relative to foreclosure sales. (Hemon, Straf 11; et al: Commerce)  
14, K 273
- HB 1320**, amending provisions of the advisory committee on the education of students with disabilities. (O'Hearn, Hills 26; et al: Education)  
14, am 432, psd 515, conc S am 780, enr am 888, enr 916, appointments 1105-1106 (Chapter 201)

- HB 1321-FN-A**, to provide marine patrol officers with adequate communications systems and making an appropriation therefor. (Dickinson, Carr 2; et al: Finance)  
14, K 441-442
- HB 1322-FN-L**, requiring seat belts on school buses. (Ham, Graf 4: Transportation)  
14, K 267
- HB 1323**, requiring probate judges to impose the same accounting requirements on attorney and non-attorney fiduciaries. (Mirski, Graf 12; et al: Judiciary and Family Law)  
14, K 255
- HB 1324**, requiring parental notification before abortions may be performed on certain minors. (Adams, Merr 9; et al: Judiciary and Family Law)  
14, K (RC) 224-227
- HB 1325**, relative to the rooms and meals tax and occupants of rooming houses. (Guaraldi, Graf 14: Judiciary and Family Law)  
14, K 449
- HB 1326**, relative to applications for exemption to the state hiring delay. (F. Torr, Straf 12: Finance)  
14, am 442, psd 515, S conc 690, enr 693 (Chapter 79)
- HB 1327**, clarifying enforcement when structures such as manufactured housing are relocated without payment of taxes. (K. Taylor, Straf 11; et al: Criminal Justice and Public Safety)  
14, rem 415, K 567
- HB 1328-FN**, extending the period for motor vehicle titles. (Bartlett, Belk 6; et al: Transportation)  
**new title** extending the exemption period for motor vehicle titles and modifying the process for obtaining a duplicate motor vehicle certificate.  
**2<sup>nd</sup> new title:** extending the exemption period for motor vehicle titles and relative to penalties and bond requirements imposed on certain motor vehicle dealers, transporters, and repairers.  
14, am 267-268, psd 306, conc S am 780, enr am 888, enr 916 (Chapter 202)
- HB 1329**, clarifying the in-state status of veterans for purposes of obtaining resident tuition rates within the university system of New Hampshire. (Salatiello, Belk 2: Education)  
14, K 246
- HB 1330-FN**, naming the bridge over the Newfound River on route 104 west in the town of Bristol, New Hampshire, the Richard W. Musgrove bridge. (Phinney, Graf 8; et al: Public Works and Highways)  
14, am 261, psd 306, conc S am 639, enr 693 (Chapter 80)
- HB 1331-FN**, relative to expanding the authority to grant special hunting and fishing licenses to include persons aged 65 or over, and adding trapping licenses. (Sabella, Rock 13: Wildlife and Marine Resources)  
**new title** relative to granting special hunting and fishing licenses to persons aged 68 or over for trapping.  
**2<sup>nd</sup> new title:** relative to granting a special trapping license to persons aged 68 or over.  
14, am 271, psd 306, S conc 891, enr am 926, enr 966 (Chapter 328)
- HB 1332**, requiring probate court judges to issue a contempt citation when an auditor's request for records is refused. (Mirski, Graf 12; et al: Judiciary and Family Law)  
14, K 255
- HB 1333-FN-L**, relative to voting booth requirements at primary and special elections. (Brundige, Hills 18; et al: Election Law)  
**new title** relative to the erection of voting booths at polling places.  
14, am 317, psd 406, S conc 690, enr am 777, enr 821 (Chapter 110)
- HB 1334-FN**, establishing the position of deputy adjutant general. (E. Smith, Ches 6; et al: State-Federal Relations and Veterans Affairs)  
14, Finance 212, am 576, psd 581, S conc 690, enr 693 (Chapter 81)



- HB 1335-FN**, authorizing the department of administrative services to accept donations, gifts, and grants for the purpose of funding a design to expand the veterans' home in the town of Tilton and establishing the patients' needs committee. (Leber, Merr 1; et al: Public Works and Highways)  
14-15, psd 211, 236, S conc 690, enr 821, appointments 1100 (Chapter 111)
- HB 1336-FN**, defining medical necessity for insurance purposes. (M. Fuller Clark, Rock 36; et al: Commerce)  
**new title** defining medical necessity for managed care insurance purposes.  
**2<sup>nd</sup> new title:** defining medical necessity for managed care insurance purposes and relative to discontinued health coverage.  
15, am 353-354, psd 407, nonconc S am, conf 920, 924, rep adop 953, enr 972 (Chapter 329)
- HB 1337-FN**, making technical corrections in laws related to the department of corrections. (Knowles, Straf 11: Executive Departments and Administration)  
15, am & Finance 365, am 591-592, psd 610, conc S am 915, enr am 930, enr 966 (Chapter 386)
- HB 1338-FN-A**, authorizing the extension and expanding the powers of the committee on investigations of the late John C. Fairbanks and others and making an appropriation therefor. (Cobbin, Graf 11; et al: Judiciary and Family Law)  
**new title** establishing a house study committee to examine the adoption of articles 41, 72-a and 73-a of the second part of the New Hampshire constitution.  
**2<sup>nd</sup> new title:** establishing a study committee to examine the adoption of articles 41, 72-a and 73-a of the second part of the New Hampshire constitution.  
15, rules suspended & am 376, psd 407, conc S am 893, enr 966, appointments 1101 (Chapter 330)
- HB 1339-FN**, regulating the sale by mail of liquor, wine, and beer. (Hunt, Ches 10: Local and Regulated Revenues)  
**new title** regulating the sale by mail of liquor, wine, and beer and making an appropriation therefor.  
15, am & Finance 258, am 580, psd 582, nonconc S am, conf 857, 892, rep adop 953, enr am 971, enr 972 (Chapter 331)
- HB 1340-L**, establishing a committee to study the upgrade of Dean Memorial Airport in North Haverhill, New Hampshire. (LaMott, Graf 5: Public Works and Highways)  
15, psd 261, 306, S conc 639, enr 676, appointments 1101 (Chapter 45)
- HB 1341**, relative to temporary seasonal docks on lakes and ponds. (Whalley, Merr 5; et al: Resources, Recreation and Development)  
15, rcmt 229-300, am (RC) 550-553, psd 581, recon rej 582, nonconc S am, conf 920, 924, IP 1097
- HB 1342**, allowing members of the house of representatives and senate to take courses at no cost, and for no credit at any state institution of higher education. (Burke, Hills 15; et al: Legislative Administration)  
15, rem 201, SO 234, K (RC) 291-294
- HB 1343**, relative to multiple and contingent warrant articles under the official ballot voting process. (Burke, Hills 15; et al: Municipal and County Government)  
15, K 457
- HB 1344-FN**, relative to state employees receiving workers' compensation benefits. (McCann, Straf 11: Executive Departments and Administration)  
15, am & Finance 321-322, rem 574, SO 581, K 587
- HB 1345**, relative to school crosswalks. (Letourneau, Rock 13; et al: Transportation)  
**new title** requiring drivers of motor vehicles to obey school crossing guards.  
15, am 348, psd 407, S conc 932, enr 966 (Chapter 332)
- HB 1346**, relative to the definition of disposal under the solid waste management act. (Melcher, Hills 11; et al: Environment and Agriculture)  
**new title** relative to certain definitions under the solid waste management act.  
15, am 493, psd 516, S conc 690, enr am 777, enr 821 (Chapter 112)

- HB 1347**, providing visitation rights to siblings. (J. Brown, Straf 17; et al: Judiciary and Family Law)  
**new title** preserving relationships between siblings who are separated as a result of court ordered out-of-home placements.  
15, am 327-328, psd 407, conc S am 857, enr 889 (Chapter 203)
- HB 1348**, limiting fees for use of electronic customer service terminals. (Lynde, Hills 24; et al: Commerce)  
15, K 309
- HB 1349-FN**, relative to using department of revenue administration income data in calculating foundation aid. (Larrabee, Merr 9; et al: Finance)  
15, K 249
- HB 1350-FN-A**, relative to vocational student organizations, the appointment of a vocational student organization advisor, and making an appropriation therefor. (Alukonis, Hills 23; et al: Education)  
**new title** relative to vocational student organizations and making an appropriation for vocational organization advisors.  
**2<sup>nd</sup> new title:** relative to vocational student organizations and making an appropriation therefor.  
15, Finance 223, am 603, psd 610, nonconc S am, conf 922, 924, 927, rep adop 957, enr 972 (Chapter 333)
- HB 1351-FN**, extending “The Laboratory for New Ideas in Information Technology” pilot project. (Howard, Carr 10; et al: Science, Technology and Energy)  
15, psd 265, 306, S conc & enr 549 (Chapter 11)
- HB 1352-FN-A**, authorizing electronic games of chance at pari-mutuel licensee locations. (Thomas, Belk 3: Local and Regulated Revenues)  
15, study 380
- HB 1353-FN-A**, relative to additional unemployment benefits for persons with dependents. (Cushing, Rock 22: Labor, Industrial and Rehabilitative Services)  
15, K 257
- HB 1354-FN**, relative to fishing in the Connecticut River by residents of Vermont and relative to the use of funds from the sale of timber on fish and game lands. (MacNeil, Graf 7: Wildlife and Marine Resources)  
**new title** relative to fishing in the Connecticut River by residents of Vermont.  
15, am & Finance 271, am 592, psd 610, S conc 779, enr 821 (Chapter 113)
- HB 1355-FN-L**, revising the New Hampshire statewide education improvement and assessment program to require minimum test scores. (Hinman, Graf 7; et al: Education)  
15, K 312
- HB 1356-L**, revising the procedures for withdrawal from a cooperative school district. (Belvin, Hills 14: Education)  
15, K 432
- HB 1357-L**, authorizing teachers in public schools to remove dangerous, disruptive, or uncooperative pupils from the classroom. (Yeaton, Merr 10: Education)  
15-16, K 480
- HB 1358**, relative to failure to cooperate with proceedings of the supreme court committee on professional conduct or the judicial conduct committee. (Mirski, Graf 12: Judiciary and Family Law)  
16, K 255
- HB 1359**, relative to senior citizens’ applications for moose hunting permits. (Wiggins, Sull 4; et al: Wildlife and Marine Resources)  
16, K 272
- HB 1360**, revising the formula for determining child support. (Luebker, Hills 42: Judiciary and Family Law)  
16, K 449

- HB 1361**, relative to rulemaking authority, subpoena powers, and establishment of civil penalties by the board of professional engineers. (Alger, Graf 9; et al: Executive Departments and Administration)  
**new title** relative to rulemaking authority, subpoena powers, and establishment of civil penalties by the board of professional engineers, and relative to retired status for land surveyors. 16, am 438-439, psd 515, conc S am 857, enr 889 (Chapter 204)
- HB 1362**, requiring a vote of 2/3 of the house and senate to pass any bill approving the issuance of bonds which would increase state indebtedness. (Alger, Graf 9; et al: Finance)  
 16, rem 308, K (RC) 398-400
- HB 1363-FN**, relative to special license plates and related fees for emergency personnel with 2-way radio equipment in their vehicles. (Rosen, Belk 7; et al: Transportation)  
 16, K 212
- HB 1364-L**, establishing a bus only commercial driver license. (W. Williams, Graf 3; et al: Transportation)  
 16, K 268
- HB 1365**, establishing a committee to study whether any state laws were violated or any misrepresentations made up to and including the present date in the merger of Catholic Medical Center and Elliot Hospital. (Vaillancourt, Hills 44; et al: Commerce)  
 16, SO (RC) 463-465, K (RC) 531-533, recon rej (RC) 542-545
- HB 1366**, establishing a committee to study the possibility of televising sessions and selected hearings of the house of representatives. (Vaillancourt, Hills 44: Legislative Administration)  
 16, K 228
- HB 1367**, requiring motorcyclists to wear protective headgear. (Copenhaver, Graf 10; et al: Transportation)  
 16, K 268
- HB 1368**, relative to distribution services and metering and billing in electric utility restructuring. (J. Bradley, Carr 8; et al: Science, Technology and Energy)  
 16, am 385-386, psd 408, S K 990
- HB 1369**, revising the student membership of the university system of New Hampshire board of trustees. (Hinman, Graf 7; et al: Education)  
**new title** extending the term of office of the student member of the university system board of trustees.  
 16, am 480-481, psd 516, nonconc S am, conf 874, 924, 925, rep adop 957, enr am 968-969, enr 972 (Chapter 334)
- HB 1370**, abolishing the judicial council. (Hemon, Straf 11; et al: Judiciary and Family Law)  
 16, rem 241, K 302
- HB 1371**, requiring the collection of certain data on children and parents in the state case registry for use in child support enforcement. (Clay, Hills 4; et al: Judiciary and Family Law)  
**new title** requiring the collection of certain data on children and parents in the state case registry for use in child support enforcement and relative to options for the disclosure of social security numbers on driver's licenses.  
**2<sup>nd</sup> new title:** requiring the collection of certain data on children and parents in the state case registry for use in child support enforcement.  
 16, rem 415, am 572-573, psd 581, nonconc S am, conf 857, 872, 910, rep adop 957, enr am 969, enr 972 (Chapter 335)
- HB 1372**, increasing the distance from a dwelling within which a person is prohibited from discharging a firearm. (Calawa, Hills 17: Criminal Justice and Public Safety)  
 16, com changed 30, K 272
- HB 1373**, enabling towns and cities to adopt a procedure allowing for the denial of a planning board application by a vote of the municipality. (Steele, Ches 11: Municipal and County Government)  
 16, K 259



- HB 1374**, relative to contracts for major capital projects of the departments of fish and game and resources and economic development. (Royce, Ches 9; et al: Public Works and Highways)  
**new title** relative to increasing the minimum amount of a state capital improvement project requiring competitive bidding and relative to contracts for major capital projects of the departments of fish and game and resources and economic development.  
**2<sup>nd</sup> new title:** relative to increasing the minimum amount of a state capital improvement project requiring competitive bidding, relative to contracts for major capital projects of the departments of fish and game and resources and economic development, and relative to acquisition of a certain piece of property in Piermont, New Hampshire.  
16, am 262, psd 306, conc S am 781, enr 887 (Chapter 171)
- HB 1375**, establishing a legislative accountability act, requiring that certain laws apply to the legislature. (Cushing, Rock 22: Legislative Administration)  
16, K (RC) 228-231
- HB 1376**, relative to co-parenting of children. (Bickford, Straf 1; et al: Judiciary and Family Law)  
16, K 513
- HB 1377-FN**, establishing a state commission on the status of men. (Bickford, Straf 1; et al: Executive Departments and Administration)  
16, am & Finance (RC) 365-368, rem 574, SO 581, K (RC) 587-590
- HB 1378-FN**, making the penalty for the offense of official oppression a felony. (Hemon, Straf 11; et al: Criminal Justice and Public Safety)  
16, K 427
- HB 1379**, making attorneys subject to the Consumer Protection Act. (Hemon, Straf 11; et al: Commerce)  
16, K 424
- HB 1380-FN**, relative to energy costs for persons dependent upon life-support equipment. (Bonneau, Ches 2; et al: Commerce)  
16, study 424
- HB 1381**, relative to charitable organizations eligible to sell Lucky 7 tickets. (Patten, Carr 9: Local and Regulated Revenues)  
16, K 453
- HB 1382**, requiring a court order or a power of attorney executed by a beneficiary for sale of estate assets by the administrator of the estate. (Mirski, Graf 12; et al: Judiciary and Family Law)  
16, K 328
- HB 1383-L**, relative to zoning for small businesses in rural areas. (Lessard, Hills 23; et al: Municipal and County Government)  
16-17, K 332
- HB 1384-FN-A**, making appropriations for use by the New Hampshire Commission on the Smithsonian Festival of American Folklife. (Avery, Ches 8; et al: Finance)  
**new title** making an appropriation for use by the New Hampshire Commission on the Smithsonian Festival of American Folklife.  
**2<sup>nd</sup> new title:** making an appropriation to the department of cultural affairs for the purpose of funding participation of the state in the Smithsonian Festival of American Folklife.  
17, am 442-443, psd 515, nonconc S am, conf 857, 892, 927, rep adop 953, enr am 971, enr 972, veto sustained (RC) 977-981
- HB 1385**, relative to clarifying independent medical examinations under the workers' compensation law. (P. Katsakiores, Rock 13; et al: Labor, Industrial and Rehabilitative Services)  
17, K 257
- HB 1386**, to establish a committee to study alternative school systems. (G. Katsakiores, Rock 13; et al: Education)  
17, K 432
- HB 1387-FN**, relative to the state art fund. (F. Riley, Hills 44; et al: Public Works and Highways)  
17, am & Finance 334, psd 603, 610, S conc 932, enr am 929-930, enr 966 (Chapter 336)

- HB 1388**, establishing a committee to study commercial, suburban, and rural sprawl. (M. Fuller Clark, Rock 36; et al: Municipal and County Government)  
17, K 332
- HB 1389-FN-L**, relative to agreements for telecommunications-related uses of the state highway system. (Calawa, Hills 17; et al: Public Works and Highways)  
**new title** relative to agreements for telecommunications-related uses of the state highway system and state-owned railroad rights-of-way.  
17, am & Finance 334-335, SO 581, am 604, psd & motion to print remarks rej 610, nonconc S am, conf 915, 924, rep adop 953, enr am 969, enr 972 (Chapter 337)
- HB 1390**, adopting a drug dealer liability act. (Wall, Straf 9; et al: Judiciary and Family Law)  
17, study 328
- HB 1391**, requiring insurance coverage for the screening and treatment of glaucoma. (Emerton, Hills 7; et al: Commerce)  
17, study 424
- HB 1392**, relative to student drivers. (Gleason, Rock 13; et al: Transportation)  
17, rem 309, am 405-406, psd 408, S nonconc 933
- HB 1393**, extending the reporting date for the postsecondary educational assistance for members of the New Hampshire national guard study committee. (Thulander, Hills 6: Education)  
**new title** extending the reporting date for the postsecondary educational assistance for members of the New Hampshire national guard study committee and extending the repeal date relative to such assistance.  
17, am 274-275, psd 307, S conc 618, enr am 636, enr 676 (Chapter 65)
- HB 1394**, extending the reporting date for the school building aid system study committee. (Thulander, Hills 6; et al: Education)  
17, psd 203, 235, S conc 639, enr am 636, enr 676 (Chapter 46)
- HB 1395-L**, relative to property tax exemptions for water and pollution control facilities. (Whalley, Merr 5; et al: Local and Regulated Revenues)  
17, psd 331, 407, S conc 639, enr 676 (Chapter 66)
- HB 1396-FN**, relative to training programs for emergency medical services instructors and funding of certain testing programs. (Emerton, Hills 7: Health, Human Services and Elderly Affairs)  
**new title** relative to licensure and training programs for emergency medical services instructor/coordinators.  
17, am 326, psd 407, S conc 779, enr 821 (Chapter 114)
- HB 1397-FN-A-L**, reestablishing the investment tax credit against the business profits tax under the community development finance authority. (Fuller Clark, Rock 36; et al: Finance)  
17, SO 502, am (RC) 534-536, recon rej & psd 545, S conc 932, enr 966 (Chapter 338)
- HB 1398-FN-L**, relative to tuition reimbursement for kindergarten and eligibility criteria for school attendance. (Christiansen, Hills 23: Education)  
17, K 246
- HB 1399-FN**, revising certain information required in the state operating budget. (Allen, Hills 1: Finance)  
17, am 502, psd 517, S conc 779, enr 821 (Chapter 115)
- HB 1400-FN**, relative to the powers and duties of the commissioner of health and human services. (F. Torr, Straf 12; et al: Finance)  
**new title** relative to the powers and duties of the commissioner of health and human services and relative to out-of-state trips by state officials or employees.  
17, am 502-504, psd 517, S nonconc 933
- HB 1401-FN-L**, relative to the application of local planning and zoning to construction, development, or use of facilities on state-owned property. (Boutin, Hills 37: Public Works and Highways)  
17, K 335

- HB 1402-FN**, allowing the members of the general court dental insurance and relative to excess appropriations for state employee health insurance benefits for fiscal year 1998. (F. Torr, Straf 12; et al: Legislative Administration)  
17, Finance 208, psd 576, 581, S conc 932, enr 966 (Chapter 339)
- HB 1403-FN-A**, increasing the personal needs allowance of nursing home residents and certain other residents and making an appropriation therefor. (Micklon, Rock 26; et al: Finance)  
17, K 283
- HB 1404**, establishing the fishing family protection act, prohibiting political subdivisions from interfering with commercial and recreational operations of fishing families. (Cushing, Rock 22; et al: Municipal and County Government)  
17, K 294
- HB 1405-FN**, including the legislature and judiciary as public employers under the public employees labor relations act. (Cushing, Rock 22; et al: Legislative Administration)  
17, K (RC) 231-233
- HB 1406**, increasing the maximum amount for a small claim action. (Malcolm, Rock 22: Judiciary and Family Law)  
17, psd 328, 407, S conc 639, enr 676 (Chapter 47)
- HB 1407**, clarifying the unlawful practice of medicine. (Calvert, Belk 5; et al: Health, Human Services and Elderly Affairs)  
**new title** clarifying the unlawful practice of medicine and podiatry.  
17, am 283, psd 307, conc S am 781, enr 887 (Chapter 172)
- HB 1408**, requiring a criminal background investigation for certain child care agencies. (Hutchinson, Rock 8; et al: Judiciary and Family Law)  
17-18, am 449-450, psd 516, S conc 779, enr 855 (Chapter 147)
- HB 1409-FN**, relative to licenses for taking lobster and crab. (Malcolm, Rock 22; et al: Wildlife and Marine Resources)  
18, am & Finance 390-391, psd 576, 581, S conc 779, enr 821 (Chapter 116)
- HB 1410-FN**, relative to administrative control and transferring the budget of the state law library. (Hemon, Straf 11: Legislative Administration)  
18, K 208
- HB 1411**, establishing a committee to study the feasibility of creating a nonprofit, public corporation to facilitate the availability of affordable health insurance for the uninsured and underinsured by organizing large purchasing groups of subsidized and non-subsidized subscribers. (Vachon, Straf 4; et al: Commerce)  
**new title** establishing a committee to study the feasibility of creating a nonprofit, public corporation to facilitate the availability of affordable health insurance for the uninsured and underinsured by organizing large purchasing groups of subsidized and non-subsidized subscribers and establishing the individual health insurance market mandatory risk sharing plan.  
18, am 465-468, psd 516, conc S am 874, enr 966, appointments 1101 (Chapter 340)
- HB 1412**, relative to increasing the administrative fine for violations of wetlands laws. (Langley, Rock 24; et al: Resources, Recreation and Development)  
18, K 339
- HB 1413**, relative to the membership and compensation of the general court. (Cushing, Rock 22: Legislative Administration)  
18, K 208
- HB 1414**, relative to review of non-renewal of teachers contracts. (O'Hearn, Hills 26; et al: Education)  
18, am (2 RCs) 481-485, psd 516, S conc 779, enr 855, veto sustained (RC) 947-951
- HB 1415**, relative to the regulation of the practice of optometry. (Leber, Merr 1; et al: Executive Departments and Administration)  
18, study 439



- HB 1416-FN-L**, requiring the state to pay for special education costs and to make tax information on special education services available to the public. (Cobbin, Graf 11; et al: Education)  
18, rem 308, K 394
- HB 1417-L**, relative to involvement in mediation in collective bargaining negotiations by certain municipalities. (Fraser, Merr 21: Labor, Industrial and Rehabilitative Services)  
18, am 514, psd 517, nonconc S am, conf 920, 924, rep adop 957, enr 972 (Chapter 341)
- HB 1418-FN-L**, prohibiting gambling activities within one mile of a school. (K. Rogers, Merr 22: Local and Regulated Revenues)  
18, K 294
- HB 1419**, making victims of juvenile offenses eligible for compensation from the victim's assistance fund. (McRae, Hills 7: Judiciary and Family Law)  
18, K 450
- HB 1420-L**, establishing a committee to study the impact of class sizes on overall educational performance. (A. Pelletier, Straf 12; et al: Education)  
18, K 487
- HB 1421**, relative to review of drugs by the board of nursing and the joint health council. (Dyer, Hills 8: Health, Human Services and Elderly Affairs)  
18, psd 252, 306, conc S am 781, enr 887 (Chapter 173)
- HB 1422-FN**, changing unemployment compensation benefits. (Turner, Belk 7; et al: Labor, Industrial and Rehabilitative Services)  
18, Finance 208, am 576-577, psd 582, S conc 690, enr am 692, enr 821 (Chapter 117)
- HB 1423-FN**, modifying the definition of employment under the unemployment compensation statute and assignment of unemployment compensation payments for a claimant's child support obligations. (Turner, Belk 7; et al: Labor, Industrial and Rehabilitative Services)  
18, am 450-451, psd 516, S conc 690, enr am 692, enr 721 (Chapter 98)
- HB 1424**, relative to the method for filling a vacancy in the position of county commissioner. (Mittelman, Hills 37; et al: Municipal and County Government)  
**new title** relative to filling a vacancy in the position of a county officer.  
**2<sup>nd</sup> new title:** relative to the method for filling a vacancy in the position of county commissioner, and prohibiting the private practice of the Coos county attorney.  
**3<sup>rd</sup> new title:** relative to filling a vacancy in the position of a county officer, and prohibiting the private practice of the Coos county attorney.  
18, am 210, psd 236, conc S am 893, enr am 931, enr 966 (Chapter 342)
- HB 1425-FN**, regulating the practice of site evaluation of subsurface sewage or waste disposal systems and subdivision plans. (Kibbey, Sull 4: Executive Departments and Administration)  
18, K 322
- HB 1426-FN**, relative to structures in or over public waters. (Martin, Hills 34; et al: Resources, Recreation and Development)  
18, K (RC) 381-384
- HB 1427-FN**, relative to the availability of special education and related services to incarcerated youths. (O'Hearn, Hills 26; et al: Education)  
18, K 246
- HB 1428**, establishing requirements for teachers and teacher preparation programs to ensure that teachers are prepared to teach a broad range of students including disabled students. (O'Hearn, Hills 26; et al: Education)  
**new title** establishing requirements for teachers and teacher preparation programs to ensure that teachers are prepared to teach to a broad range of students including exceptional learners.  
**2<sup>nd</sup> new title:** relative to teacher certification, recertification, and professional preparation programs.  
18, am 432-433, psd 515, conc S am 781, enr 887 (Chapter 174)

- HB 1429**, amending state board of education rulemaking authority relative to certain educational personnel. (O'Hearn, Hills 26; et al: Education)  
18, am 433, psd 515, S nonconc 691
- HB 1430**, relative to political expenditure limitation amounts. (Arndt, Rock 27; et al: Election Law)  
**new title** relative to waiver of filing fees and petitions for candidates for certain offices.  
18, am 223, psd 236, nonconc S am, conf 874, 879, rules suspended & rep adop 884, enr am 887, enr 888 (Chapter 135)
- HB 1431**, prohibiting the aerial spraying of herbicides for forestry purposes. (Owen, Merr 6; et al: Environment and Agriculture)  
18, K 493
- HB 1432-FN**, relative to hunting and fishing licenses for certain disabled persons. (LaMott, Graf 5; et al: Wildlife and Marine Resources)  
18, K 300
- HB 1433-FN**, relative to physician aid-in-dying for certain persons suffering from a terminal condition. (Thulander, Hills 6; et al: Judiciary and Family Law)  
18-19, study (RC) 377-379
- HB 1434-L**, simplifying the charter amendment procedure for the purpose of establishing official ballot voting. (Dokmo, Hills 14; et al: Municipal and County Government)  
19, psd 457, 516, S conc 932, enr 966 (Chapter 343)
- HB 1435-L**, relative to the vote required for a legislative body of a municipality to accept a street. (Dokmo, Hills 14; et al: Municipal and County Government)  
**new title** relative to board of tax and land appeals jurisdiction over town line disputes, relative to time limits for abatement and appeal of a land use change tax, relative to the vote required for a legislative body of a municipality to accept a street, and relative to allowing municipalities to exempt islands from certain requirements concerning streets.  
19, am 538-539, psd 545, S conc 872, enr am 919, enr 972 (Chapter 344)
- HB 1436**, exempting resident or landowner permissions for applications and permits for wildlife reductions on Long Island from the right to know law. (Patten, Carr 9: Wildlife and Marine Resources)  
19, K 349
- HB 1437**, requiring the designation of alternative acceptable reading material for use in a school course following objection by a parent. (Luebker, Hills 42: Education)  
19, K 433
- HB 1438**, establishing a committee to study the regulation of personnel employed in early care and education including, but not limited to, center and family-based child care and preschools. (Gile, Merr 16; et al: Executive Departments and Administration)  
19, am 497-498, psd 516, S conc 690, enr 693, appointments 1101 (Chapter 82)
- HB 1439-FN-A**, relative to reducing the amount of meals and rooms tax retained by operators and designating the moneys to a nonlapsing fund in the department of resources and economic development for the promotion of tourism. (C. Brown, Graf 14; et al: Finance)  
19, K 504
- HB 1440-FN-A**, establishing a current use land use change penalty assessment, and relative to an additional assessment on certain current use property, the funds from which shall be dedicated to the fish and game marksmanship and firearm safety fund. (Cobbin, Graf 11; et al: Environment and Agriculture)  
19, K 247
- HB 1441**, establishing a committee to study reporting requirements for communities which pay for special education costs and the impacts of court-ordered placements and services. (Cobbin, Graf 11: Municipal and County Government)  
19, com changed 30, K 487
- HB 1442**, repealing the held harmless practice codified in the Augenblick formula. (Cobbin, Graf 11: Finance)  
19, K 249

- HB 1443**, relative to the time frame for the department of environmental services to act on certain wetlands applications. (Kibbey, Sull 4: Resources, Recreation and Development)  
19, am 384-385, psd 408, S nonconc 856
- HB 1444**, requiring a special primary for all parties if there are at least 2 candidates for election from one party. (Major, Rock 16; et al: Election Law)  
**new title** requiring a special primary for all parties if there are at least 2 candidates for election from one party and relative to political expenditure limitation amounts.  
19, am 317-318, psd 406, conc S am 874, enr 888 (Chapter 136)
- HB 1445**, relative to nonpublic sessions and relative to attorneys in certain proceedings. (McCann, Straf 11; et al: Judiciary and Family Law)  
19, rem 415, K 573-574
- HB 1446**, relative to certain private employers under workers' compensation. (Marshall, Merr 4: Labor, Industrial and Rehabilitative Services)  
19, psd 514, 517, S nonconc 873
- HB 1447-L**, relative to approval by the legislative body of cost items in a collective bargaining agreement. (Goulet, Hills 15; et al: Municipal and County Government)  
19, psd 458, 516, S conc 872, enr 889 (Chapter 205)
- HB 1448**, relative to confidential communication between victims and counselors. (Knowles, Straf 11: Criminal Justice and Public Safety)  
19, am 427-428, psd 515, nonconc S am, conf 781, 873, rep adop 957, enr am 966, enr 972 (Chapter 345)
- HB 1449**, requiring that school administration evaluation programs allow teachers the opportunity to submit input into the evaluation of their principal or supervisor. (A. Pelletier, Straf 12; et al: Education)  
19, K 275
- HB 1450**, relative to standards for certification of soil scientists and wetland scientists. (Kibbey, Sull 4: Executive Departments and Administration)  
19, K 322
- HB 1451**, requiring the office of state planning to coordinate planning assistance to municipalities with state laws and rules adopted pursuant to state laws. (Kibbey, Sull 4: Municipal and County Government)  
19, K 260
- HB 1452**, relative to expanding the court's authority for debt collection by including license revocation and suspension. (Bickford, Straf 1: Judiciary and Family Law)  
19, K 513
- HB 1453**, relative to products from sludge-treated soil. (Owen, Merr 6; et al: Environment and Agriculture)  
19, K 493
- HB 1454**, relative to the spreading of sludge or biosolids. (Owen, Merr 6; et al: Environment and Agriculture)  
19, study 494
- HB 1455**, relative to the publication of administrative rules. (Dunn, Merr 24: Executive Departments and Administration)  
19, am 439-440, psd 515, conc S am 893, enr 966 (Chapter 346)
- HB 1456**, relative to the budget making process. (Kurk, Hills 5; et al: Finance)  
19-20, am 443, psd 515, S conc 779, enr am 888-889, enr 916 (Chapter 222)
- HB 1457**, permitting physician assistants to possess, compound, administer, or distribute prescription drugs. (Baroody, Hills 42: Health, Human Services and Elderly Affairs)  
20, am 252-253, psd 306, S conc 639, enr 676 (Chapter 67)
- HB 1458**, requiring health maintenance organizations to provide certain written statements. (Burnham, Ches 8: Commerce)  
20, K 424



- HB 1459**, requiring that all administrative rules adopted by every state agency under the Administrative Procedures Act identify the specific state or federal statute or regulation which the rule is designed to implement. (Nichols, Merr 2; et al: Executive Departments and Administration)  
**new title** relative to the specificity of administrative rules and the identification of state and federal law in the rulemaking process.  
20, am 440, psd 515, conc S am 893, enr 966 (Chapter 347)
- HB 1460-L**, allowing counties to establish capital reserve funds to be funded with unencumbered surplus funds for the purpose of extraordinary legal fees and expenses related to present or foreseeable litigation involving the county or its officers. (St. Hilaire, Coos 7; et al: Municipal and County Government)  
20, K 210
- HB 1461**, relative to the definition of “destroyed” and “transfer” involving cashier’s checks. (Wallin, Merr 15: Commerce)  
20, K 424
- HB 1462**, establishing an independent committee to study the university system of New Hampshire. (Fesh, Rock 13: Education)  
20, K 433-434
- HB 1463**, encouraging New Hampshire citizens to engage in public service. (Cushing, Rock 22: Labor, Industrial and Rehabilitative Services)  
20, K 257
- HB 1464-L**, relative to the priority of municipal liens for aid to assisted persons. (Kibbey, Sull 4: Health, Human Services and Elderly Affairs)  
20, K 253
- HB 1465**, relative to eligibility for athletic scholarships with the university system of New Hampshire. (Fesh, Rock 13: Education)  
20, rem 415, K (RC) 570-572
- HB 1466-FN-A-L**, relative to current use and the real estate transfer tax. (Camm, Rock 17; et al: Environment and Agriculture)  
20, rem 241, K 301-302
- HB 1467**, establishing a study committee to determine the means and criteria for generating an analysis of New Hampshire’s long-term strategic options regarding the sale and distribution of distilled spirits, beer, and wine. (Briefs, Hills 27; et al: Local and Regulated Revenues)  
20, study 537
- HB 1468**, clarifying the legal status of home brewers of beer. (MacGillivray, Hills 21; et al: Local and Regulated Revenues)  
20, am 208-209, psd 236, conc S am 692, enr 821 (Chapter 133)
- HB 1469-L**, clarifying the value of public utility property for property tax purposes. (MacGillivray, Hills 21; et al: Local and Regulated Revenues)  
**new title** establishing a committee to examine the valuation of public utility property.  
20, am 453-454, psd 516, S nonconc 691
- HB 1470**, relative to protection of religious freedoms. (Guay, Coos 6: Judiciary and Family Law)  
20, K 513
- HB 1471**, allowing loss of familial relationship damages in wrongful death actions. (Keans, Straf 16; et al: Judiciary and Family Law)  
20, psd 513, 517, nonconc S am, conf 923, 924, rep adop 953, enr am 966, enr 972 (Chapter 348)
- HB 1472**, relative to employment of prisoners. (Cushing, Rock 22: Criminal Justice and Public Safety)  
20, K 428
- HB 1473-FN-A**, establishing a wildlife damage control program and making an appropriation therefor. (Mock, Carr 3; et al: Wildlife and Marine Resources)  
20, Finance 300-301, recon & Finance 301, am 592-593, psd 610, S nonconc 933

- HB 1474**, establishing a study committee on a unified corrections system. (K. Rogers, Merr 22; et al: Criminal Justice and Public Safety)  
20, psd 310, 406, S nonconc 618
- HB 1475**, relative to revising certain programs within the postsecondary education commission. (Belvin, Hills 14: Education)  
20, am 312-314, psd 406, S conc 779, enr am 853, enr 855 (Chapter 148)
- HB 1476-L**, enabling school districts to allow parental choice among public and nonpublic schools. (M. Brown, Merr 10; et al: Education)  
20, K (RC) 487-490
- HB 1477**, clarifying the waste reduction goals for the state of New Hampshire. (Hall, Hills 20; et al: Environment and Agriculture)  
20, study 494
- HB 1478**, recognizing American sign language as the primary language of deaf citizens. (Gagnon, Hills 48; et al: Education)  
20, K 490
- HB 1479**, establishing education partnership agreements to encourage and enhance the study of scientific and technological discipline in the public schools. (Franks, Hills 26; et al: Education)  
20, K 490
- HB 1480-L**, allowing a city or town to petition the liquor commission to revoke the liquor license of a licensee located within the city or town. (Pepino, Hills 40; et al: Local and Regulated Revenues)  
20, psd 331, 407, S conc 639, enr 676 (Chapter 48)
- HB 1481**, granting rulemaking authority to the executive director of fish and game to determine the legal length of lobsters. (Malcolm, Rock 22; et al: Wildlife and Marine Resources)  
20-21, am 349-350, psd 407, nonconc S am, conf 893, 924, rep adop 953, enr 972 (Chapter 349)
- HB 1482**, providing a mechanism for optional fiscal year towns to use the official ballot voting procedures. (Pfaff, Merr 11; et al: Municipal and County Government)  
21, study 458
- HB 1483**, authorizing secret ballot voting at annual meeting. (Hurt, Belk 4: Municipal and County Government)  
21, K 458
- HB 1484**, relative to motor vehicle insurance. (Christiansen, Hills 23: Commerce)  
21, K 425
- HB 1485**, establishing a redistricting commission. (Cushing, Rock 22; et al: Election Law)  
21, K 361
- HB 1486**, establishing a committee to study joint physical custody and child support guidelines. (Merritt, Straf 8; et al: Judiciary and Family Law)  
21, K 513
- HB 1487**, allowing a receiving district to withdraw from an authorized regional enrollment area school. (Dickinson, Carr 2: Education)  
21, K 434
- HB 1488**, amending the definition of candidate and requiring additional reporting under the political expenditures and contributions act. (J. Foster, Hills 33: Election Law)  
21, psd 318, 406, S nonconc 873
- HB 1489**, eliminating the duty of a public employee labor organization to represent employees who elect not to join the employee organization. (Cossette, Straf 19: Labor, Industrial and Rehabilitative Services)  
21, K 257
- HB 1490**, requiring defendants charged with certain crimes to turn over firearms to law enforcement agencies; requiring a protective order for surrender of firearms in cases of abuse; and allowing protective orders on behalf of public servants and witnesses who are victims of stalking or criminal threatening. (Dunn, Merr 24; et al: Criminal Justice and Public Safety)  
21, K 310

- HB 1491**, making the second Tuesday in April, rather than the second Tuesday in March, the election day for all local offices and for official ballot voting. (Fesh, Rock 13; et al: Municipal and County Government)  
21, K 458
- HB 1492-L**, relative to limiting increases in the assessed valuation of property. (Fesh, Rock 13; et al: Local and Regulated Revenues)  
21, K 454
- HB 1493-L**, relative to clarifying school district liability for children placed in homes for children, health care facilities, or state institutions. (O'Hearn, Hills 26; et al: Education)  
**new title** relative to clarifying school district liability for certain placements of children pursuant to juvenile proceedings.  
21, am 314-316, psd 406, conc S am 857, enr 889 (Chapter 206)
- HB 1494**, relative to public/private department of transportation partnership projects. (Nowe, Rock 3; et al: Public Works and Highways)  
21, K 299
- HB 1495**, relative to procedures for apportioning state representatives among counties and among legislative districts. (MacGillivray, Hills 21: Election Law)  
21, K 318
- HB 1496**, relative to energy facility evaluation. (MacGillivray, Hills 21; et al: Science, Technology and Energy)  
21, am 459-461, psd 516, conc S am 874, enr 972 (Chapter 264)
- HB 1497**, establishing a committee to study adoption of a single factor method of apportionment for business taxation purposes. (Mercer, Hills 27; et al: Finance)  
**new title** establishing a committee to study adoption of a single sales factor method of apportionment for business taxation purposes.  
21, psd 325, 407, S conc 639, enr am 636, enr 676, appointments 1101 (Chapter 49)
- HB 1498**, requiring emergency medical care providers to inform patients of transport options. (McGough, Hills 18; et al: Health, Human Services and Elderly Affairs)  
**new title** authorizing emergency medical care providers to inform patients of transport options.  
21, am 446, psd 516, conc S am 857, enr am 919, enr 972 (Chapter 350)
- HB 1499**, establishing a committee to study the circumstances and investigation of the deaths of Janet and Steven Dow; providing an exception from statutes of limitations for certain unlawful acts related to murders; relative to false reports to law enforcement officers; and nullifying the adoption of Steven Medeiros. (Cushing, Rock 22; et al: Criminal Justice and Public Safety)  
21, study 474-475
- HB 1500**, relative to powers of appointment. (Mock, Carr 3; et al: Judiciary and Family Law)  
21, am 329, psd 407, S study 873
- HB 1501**, relative to amending certain provisions of the charter school law. (Hunt, Ches 10; et al: Education)  
21, psd 491, 516, nonconc S am, conf 857, 892, rep adop 957, enr 972 (Chapter 268)
- HB 1502**, extending the reporting date for the statewide school technology plan study committee. (Belvin, Hills 14; et al: Education)  
21, psd 203, 236, S conc 639, enr am 676, enr 693 (Chapter 83)
- HB 1503-FN-A-L**, relative to intergenerational homeshare programs and making an appropriation therefor. (Seldin, Merr 17; et al: Health, Human Services and Elderly Affairs)  
21, Finance 327, study 605
- HB 1504-FN**, repealing the authority of the chief justice of the supreme court to assign superior court judges to hear cases in the district court. (Pepino, Hills 40: Judiciary and Family Law)  
21, K 255
- HB 1505-FN**, removing judges from the state defense and indemnification provisions. (Hemon, Straf 11: Judiciary and Family Law)  
21-22, rem 241, K 302



- HB 1506-FN**, changing the composition of the liquor commission. (Burling, Sull 1: Executive Departments and Administration)  
22, K (RC) 369-371
- HB 1507-FN-A**, providing for a graduated reduction in the temporary increases in the communications services tax, meals and rooms tax, and the real estate transfer tax. (Leber, Merr 1; et al: Finance)  
22, study 325
- HB 1508-FN**, regulating the practice of hypnotherapy. (Dunn, Merr 24; et al: Executive Departments and Administration)  
22, K 371
- HB 1509-FN**, relative to the content of motor vehicle registrations. (Hess, Merr 11; et al: Criminal Justice and Public Safety)  
22, am & Finance 310, am 605, psd 610, S conc 932, enr am 931, enr 966 (Chapter 351)
- HB 1510-FN**, requiring probate court judges to report attorneys who are fiduciaries and have been cited for delinquencies in accounting by the probate court to the professional conduct committee of the supreme court. (Mirski, Graf 12; et al: Judiciary and Family Law)  
22, K 450
- HB 1511-FN**, requiring registers of probate to send a notice to each beneficiary when a fiduciary is delinquent in filing an inventory or account. (Mirski, Graf 12; et al: Judiciary and Family Law)  
22, K 450
- HB 1512-FN**, relative to credit card rates and payments. (Lynde, Hills 24: Commerce)  
22, K 425
- HB 1513-FN-L**, extending the start date for the auto emissions testing program and requiring the commissioner of environmental services to propose for legislative consideration a diesel opacity testing program and a mobile source remote sensing pilot program. (J. Bradley, Carr 8; et al: Science, Technology and Energy)  
new title relative to vehicle emissions control equipment and testing.  
22, am & Finance 387-390, am 593-594, psd 610, conc S am 857, enr 889, appointments 1104 (Chapter 207)
- HB 1514-FN**, setting the biennial rate for the medicaid enhancement tax. (Weyler, Rock 18: Finance)  
new title changing the date by which the legislature must set the medicaid enhancement tax.  
22, psd 375, 407, nonconc S am, conf 858, 892, rep adop 953, enr 972 (Chapter 352)
- HB 1515-FN**, relative to discharge of persons imprisoned for failure to pay a penalty assessment or an administrative fee. (Hansen, Hills 2: Criminal Justice and Public Safety)  
new title defining court-imposed "fine" to include penalty assessments and certain administrative fees.  
22, psd 243, 305, conc S am 915, enr 966 (Chapter 353)
- HB 1516**, requiring a criminal background investigation for all department of health and human services personnel who deal directly with children. (Lyman, Carr 5: Judiciary and Family Law)  
new title requiring a criminal background investigation for certain department of health and human services personnel who come into direct contact with children.  
22, am 255-256, psd 306, conc S am 893, enr am 929, enr 966 (Chapter 354)
- HB 1517-FN-A-L**, establishing a fund for maintaining, dredging, and improving harbors in New Hampshire. (Alukonis, Hills 23; et al: Public Works and Highways)  
new title establishing a fund for dredging to maintain harbors in New Hampshire.  
2<sup>nd</sup> new title: establishing a fund for dredging to maintain harbors in New Hampshire and making an appropriation to the town of Greenville for the Greenville Water Supply Project.  
22, Finance 263, am 577-578, psd 582, nonconc S am, conf 858, 910, rep adop 957, enr am 969, enr 972 (Chapter 355)
- HB 1518-L**, increasing the minimum purchase amount by a county requiring competitive bidding. (Rice, Belk 7; et al: Municipal and County Government)  
22, psd 210, 236, S conc 639, enr 676 (Chapter 50)

- HB 1519**, requiring registers of probate to be consistent and uniform in the enforcement of delinquency notices, citations, and contempt charges. (Mirski, Graf 12; et al: Judiciary and Family Law)  
22, K 450
- HB 1520-FN**, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission. (Pfaff, Merr 11; et al: Election Law)  
**new title** relative to primary petitions, the preparation of voting materials, and format options for disclosing 1998 campaign information, and prohibiting candidates from multi-seat districts from being nominated by more than one party.  
22, LT 361-362, rules suspended 605, 618, LT 627-634, am (RC), recon rej & psd 660-674, nonconc S am, conf 921, 924, LT rej & rep adop (2 RCs) 957-962, recon rej 965, enr am 969, enr 972 (Chapter 356)
- HB 1521-FN-A**, making supplemental appropriations to certain academic institutions within the university system of New Hampshire for fiscal years 1998 and 1999. (Hinman, Graf 7; et al: Finance)  
22, K 375
- HB 1522-FN**, establishing the offices of inspector general. (Cobbin, Graf 11: Executive Departments and Administration)  
22, rem 308, K 394
- HB 1523-FN**, adding security officers of the New Hampshire hospital campus security force to group II of the New Hampshire retirement system. (Dunn, Merr 24; et al: Executive Departments and Administration)  
22, K 371-372
- HB 1524-FN**, licensing bail recovery agents. (Akins, Graf 14; et al: Executive Departments and Administration)  
22, study 372
- HB 1525-FN**, establishing an office of administrative hearings. (Keans, Straf 16; et al: Executive Departments and Administration)  
22, study 322
- HB 1526-FN-A**, requiring the department of education to publish an annual report of special education statistics. (Root, Graf 8; et al: Education)  
22, am 358, psd 407, S conc 639, enr 676 (Chapter 68)
- HB 1527**, relative to unauthorized switching of service providers by utilities and clarifying the definition of "telephone cloning paraphernalia." (J. Bradley, Carr 8; et al: Science, Technology and Energy)  
**new title** relative to unauthorized switching of telecommunications or energy-related service providers.  
22, am 341-342, psd 407, conc S am 781, enr 887 (Chapter 175)
- HB 1528**, relative to the transfer of certain administratively attached agencies from the secretary of state to the department of administrative services. (Dodge, Rock 4: Executive Departments and Administration)  
22-23, study 372
- HB 1529**, reinstating the corporate charter of Hampstead Garage, Inc. (Flanagan, Rock 14: Commerce)  
**new title** reinstating the corporate charters of Hampstead Garage, Inc. and Raycor Corporation and establishing a committee to study the process for reinstating a corporate charter.  
**2<sup>nd</sup> new title**: reinstating the corporate charters of Hampstead Garage, Inc., Shannon Ridge Development, Inc., and Raycor Corporation and establishing a committee to study the process for reinstating a corporate charter.  
**3<sup>rd</sup> new title**: reinstating the corporate charters of Hampstead Garage, Inc., Shannon Ridge Development, Inc., and Raycor Corporation.  
23, rem 415, am 565-567, psd 581, conc S am 781, enr 887 (Chapter 176)

- HB 1530**, regarding the reappointment of teachers in their probationary period. (Alger, Graf 9; et al: Education)  
23, K 491
- HB 1531-FN**, relative to reimbursement for removal of petroleum storage facilities from the oil pollution control fund. (Holbrook, Belk 7: Resources, Recreation and Development)  
23, am 340-341, psd 407, nonconc S am, conf 915, 924, 928, S rej rep, new conf 951, rem 952, rules suspended & rep adop 962, enr 972 (Chapter 357)
- HB 1532**, establishing a committee to study the village plan alternative to municipal subdivision procedures for the purpose of retaining open space in the development process. (Mirski, Graf 12: Municipal and County Government)  
23, K 332
- HB 1533-L**, requiring court diversion programs to provide an accounting of funds appropriated by municipalities, requiring municipalities to publish such accounting in the annual report of the municipality, and requiring municipalities to separately state anticipated expenditures for court diversion programs in the budget. (McRae, Hills 7: Municipal and County Government )  
23, K 458
- HB 1534**, granting an accused or aggrieved party the right to inform the jury of its right to find the defendant not guilty under certain circumstances when the state or a political subdivision is the opposing party. (P. Taylor, Hills 34: Judiciary and Family Law)  
23, K 379
- HB 1535**, relative to local telephone calling areas and long distance access charges. (MacGillivray, Hills 21; et al: Science, Technology and Energy)  
23, study 342
- HB 1536**, establishing a committee to study women's health care and relative to breast feeding a baby. (M. Fuller Clark, Rock 36; et al: Commerce)  
new title establishing a committee to study women's health care.  
23, am 425, psd 515, conc S am 692, enr 821, appointments 1101 (Chapter 118)
- HB 1537**, relative to aeronautics enforcement authority. (LaMott, Graf 5; et al: Transportation)  
23, psd 268, 306, S nonconc 933
- HB 1538-FN-A**, extending the reporting date for the committee to study judicial pensions, increasing the duties of the committee, and making an appropriation therefor. (Dyer, Hills 8; et al: Judiciary and Family Law)  
23, psd 256, 306, S conc 690, enr 693 (Chapter 84)
- HB 1539**, relative to property tax billing procedures for land parcels having multiple owners. (Metzger, Ches 13: Municipal and County Government)  
23, psd 260, 306, conc S am 858, enr 889 (Chapter 208)
- HB 1540-FN**, allowing non-banks to establish cash dispensing machines. (Mittelman, Hills 37; et al: Commerce)  
23, am 354, psd 407, nonconc S am, conf 893, 925, rep adop 953, enr 972 (Chapter 358)
- HB 1541-FN-A**, creating a position in the insurance department. (Kurk, Hills 5; et al: Commerce)  
23, am 273-274, psd 307, nonconc S am, conf 920, 925, IP 1097
- HB 1542-FN**, permitting the state to commit certain persons convicted of sexually violent crimes for psychiatric treatment after they have completed their sentences. (Knowles, Straf 11; et al: Criminal Justice and Public Safety)  
23, K 310-311
- HB 1543-FN-L**, relative to disbursement of income of persons held or imprisoned in a county department of corrections facility. (Knowles, Straf 11; et al: Criminal Justice and Public Safety)  
23, am 475-476, psd 516, S conc 872, enr 889 (Chapter 209)
- HB 1544-FN**, prohibiting a prosecutor from testifying voluntarily as a character witness in a criminal case. (Mock, Carr 3: Criminal Justice and Public Safety)  
23, K 311



- HB 1545-FN**, increasing the salaries of the labor commissioner and the deputy labor commissioner. (F. Torr, Straf 12; et al: Executive Departments and Administration)  
new title increasing the salaries and changing the terms of office of the labor commissioner and the deputy labor commissioner.  
23, rem 308, am & Finance (RC) 394-398, rem 574, SO 581, am 590, psd 610, nonconc S am, conf 922, 925, IP 1097
- HB 1546-FN**, extending consumer protection rights to purchasers of farm equipment. (G. Brown, Straf 17; et al: Commerce)  
23, study 242
- HB 1547-FN-L**, relative to mandatory incarceration for violators of protective orders. (Dolan, Rock 12; et al: Criminal Justice and Public Safety)  
23, K 428
- HB 1548-FN-A**, providing for the health care of New Hampshire children and making an appropriation therefor. (Burling, Sull 1; et al: Finance)  
23, study 443
- HB 1549-FN**, granting a right to trial by jury in any controversy between a person or persons and a state board, commission, or agency when the amount in controversy is at least \$1,500. (L. Jean, Hills 17: Judiciary and Family Law)  
23, study 329
- HB 1550-FN**, justifying the use of force against persons armed with deadly weapons engaging in illegal drug transactions and permitting life imprisonment as an enhanced sentence for persons who engaged in an illegal drug transaction while armed with deadly weapons. (Cobbin, Graf 11; et al: Criminal Justice and Public Safety)  
23-24, K 243-244
- HB 1551-FN**, adding dental insurance to the continuing insurance coverage for certain employees. (Allen, Hills 1: Commerce)  
24, am 425, psd 515, S conc 690, enr 693 (Chapter 85)
- HB 1552-FN-L**, relative to standards for juvenile court diversion programs. (McRae, Hills 7: Criminal Justice and Public Safety)  
24, K 311
- HB 1553-FN**, prohibiting the possession or use of rohypnol, ketamine, and GHB. (Flora, Hills 15; et al: Criminal Justice and Public Safety)  
24, am 244-245, psd 305, conc S am 915, enr 966 (Chapter 359)
- HB 1554-FN**, allowing punitive damages in actions for domestic violence and sexual assault. (DePecol, Ches 14; et al: Judiciary and Family Law)  
24, study 450
- HB 1555-FN**, relative to including revocable trusts for medicaid estate recovery purposes. (C. Brown, Graf 14; et al: Finance)  
24, am 325, psd 407, nonconc S am, conf 921, 925, rep adop 953, enr am 966, enr 972 (Chapter 360)
- HB 1556-FN**, transferring the division of fire standards and training to the department of regional community-technical colleges. (McRae, Hills 7: Executive Departments and Administration)  
24, K 498
- HB 1557-FN**, establishing the New Hampshire racketeer influenced and corrupt organizations act. (Cobbin, Graf 11: Criminal Justice and Public Safety)  
24, K 245
- HB 1558-FN-L**, relative to games of chance. (Teschner, Graf 5: Local and Regulated Revenues)  
24, Finance 331, psd 594, 610, nonconc S am, conf 921, 925, 928, rep adop 953, enr am 971-972, enr 972 (Chapter 251)
- HB 1559**, legalizing the possession and cultivation of marijuana for medicinal purposes. (Robertson, Ches 18; et al: Criminal Justice and Public Safety)  
24, rem 415, K (RC) 567-570

- HB 1560-FN-A**, reestablishing the New Hampshire energy authority, making an appropriation therefor, and directing it to explore the acquisition of the transmission and distribution system of the Public Service Company of New Hampshire. (J. Bradley, Carr 8; et al: Science, Technology and Energy)  
24, study 390
- HB 1561-FN**, preventing computer pornography and child exploitation and increasing penalties for possession under the child pornography laws. (Cardin, Hills 32; et al: Criminal Justice and Public Safety)  
24, am 428-430, psd 515, nonconc S am, conf 923, 925, rep adop 953, enr 972 (Chapter 361)
- HB 1562**, excepting cannabis-type drugs from forfeited drugs which may be delivered to the department of health and human services for medical use. (Boyce, Belk 5: Criminal Justice and Public Safety)  
**new title** repealing the authority of the department of health and human services to request certain controlled drugs.  
24, psd 476, 516, conc S am 858, enr am 920, enr 972 (Chapter 362)
- HB 1563**, prohibiting physicians from prescribing or administering cannabis-type drugs. (Boyce, Belk 5: Health, Human Services and Elderly Affairs)  
**new title** relative to the professional use of cannabis-type drugs.  
24, rcmt 283-284, am 504-505, psd 517, S conc 779, enr 855 (Chapter 149)
- HB 1564-FN**, relative to testing for AIDS when necessary to protect the health of law enforcement officers. (Clegg, Hills 23; et al: Health, Human Services and Elderly Affairs)  
24, K 375-376
- HB 1565-FN-A**, establishing a joint legislative fiduciary oversight committee and making an appropriation therefor. (Jacobson, Merr 2: Judiciary and Family Law)  
24, rem 415, K 574
- HB 1566-FN-L**, providing that state-owned lands leased to or under an operating agreement with a private business entity are subject to the local property tax. (G. Chandler, Carr 1: Local and Regulated Revenues)  
24, study 454
- HB 1567-L**, relative to local excavation permits for bedrock quarrying or crushing operations. (McGuirk, Ches 1: Municipal and County Government)  
24, study 458
- HB 1568**, relative to the timing of special school district meetings. (Wheeler, Hills 7: Municipal and County Government)  
**new title** relative to the timing of special school district meetings and legalizing the annual meetings of the Lisbon regional school district, the town of Amherst, and the town of Salem.  
24, psd 458, 516, conc S am 915, enr am 927, enr 928 (Chapter 190)
- HB 1569-L**, relative to voter approval for the issuance of bonds or notes for the operating and capital costs of the Gunstock recreation area. (Salatiello, Belk 2: Municipal and County Government)  
24, K 211
- HB 1570-FN**, relative to establishing the legislative committee on the oversight of the practice of law. (Cobbin, Graf 11: Judiciary and Family Law)  
24, K 256
- HB 1571**, relative to the acquisition of abandoned or inactive rail lines in the city of Lebanon. (Below, Graf 13; et al: Public Works and Highways)  
24, study 459
- HB 1572**, establishing a study committee relative to inter-city commuter bus transportation. (Fuller Clark, Rock 36; et al: Transportation)  
24, K 348
- HB 1573-FN**, changing the name of the department of cultural affairs to the department of cultural resources and establishing a fund for educational purposes and historic preservation. (Fuller Clark, Rock 36; et al: Executive Departments and Administration)

- new title changing the name of the department of cultural affairs to the department of cultural resources and changing the qualifications for the director of the division of the arts.  
24, am & Finance 322, am 594-595, psd 610, S conc 933, enr am 931, enr 972 (Chapter 363)
- HB 1574-FN-L**, adding state and local government part-time employees to employees eligible to participate in the state group insurance coverage. (Mears, Coos 7; et al: Executive Departments and Administration)  
24-25, K 323
- HB 1575-FN**, relative to highway modifications on lands acquired through the land conservation investment program. (Schotanus, Sull 3; et al: Public Works and Highways)  
25, am & Finance 263, psd 578, 582, nonconc S am, conf 915, 925, rep adop 953, enr 972 (Chapter 364)
- HB 1576-FN-A**, permitting the development of an industrial hemp industry in New Hampshire and continually appropriating a special fund. (Robertson, Ches 18; et al: Environment and Agriculture)  
25, K (RC) 277-279, recon rej 305
- HB 1577-FN-A**, relative to campaign finance expenditure and contribution reform. (Boutin, Hills 37; et al: Election Law)  
25, LT 362-363, rules suspended 605, 618, Clerk's note 990, IP rej 1096-1097
- HB 1578-FN**, establishing the New Hampshire returnable beverage container law. (Lovett, Graf 6; et al: Commerce)  
25, K 355
- HB 1579-FN-L**, relative to exemptions to property taxes when the property is sold. (Beaulieu, Rock 10: Local and Regulated Revenues)  
25, K 331-332
- HB 1580-FN**, permitting a jury trial in the superior court for violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission. (Dawe, Hills 33; et al: Judiciary and Family Law)  
25, study 329
- HB 1581-FN-A-L**, relative to the payment of school building aid. (Ferguson, Hills 13; et al: Finance)  
25, K 283
- HB 1582-FN**, extending small employer health insurance coverage to individuals, limiting annual premium rate increases, and eliminating minimum participation requirements for small employer groups. (Vachon, Straf 4; et al: Commerce)  
25, study 242
- HB 1583-FN-L**, transferring the county attorneys' offices and the county sheriffs' offices to the department of justice and the unified court system, respectively. (Jacobson, Merr 2: Criminal Justice and Public Safety)  
25, rem 308, K 394
- HB 1584**, relative to the applicability of the youth access to and use of tobacco products law. (Clay, Hills 4: Education)  
25, rem 241, K 301
- HB 1585**, requiring the state to notify the town or city in which state-owned real estate is located prior to a change in use of such real estate. (Rosen, Belk 7: Public Works and Highways)  
25, K 459
- HB 1586-FN-A**, making an appropriation for the purpose of increasing coverage on highways by state troopers and for additional state troopers. (O'Keefe, Rock 21; et al: Finance)  
25, K 443
- HB 1587-FN**, creating the woman's right to know law. (M. Brown, Merr 10; et al: Judiciary and Family Law)  
25, SO 227, K (RC) 288-291



- HB 1588-FN**, making it a felony to cause bodily injury to a police dog or horse. (McGough, Hills 18; et al: Criminal Justice and Public Safety)  
 new title relative to causing injury to a police dog or horse.  
 2<sup>nd</sup> new title: making it a felony to cause bodily injury to a police dog or horse.  
 25, am 430-431, psd 515, conc S am 915, enr 966 (Chapter 365)
- HB 1589**, prohibiting employers from requiring employees to work in excess of 8 hours a day or 40 hours a week. (Cushing, Rock 22: Labor, Industrial and Rehabilitative Services)  
 25, K 257
- HB 1590-FN**, relative to vending facilities operated by blind persons and blind services. (Leber, Merr 1; et al: Executive Departments and Administration)  
 25, K 323
- HB 1591**, relative to a width exception for highway building and maintenance equipment owned by private businesses and used for winter snow removal. (Phinney, Graf 8: Public Works and Highways)  
 25, K 459
- HB 1592-L**, relative to the enhanced 911 data base. (Patten, Carr 9; et al: Criminal Justice and Public Safety)  
 25, am 245, psd 305, S conc 639, enr 676 (Chapter 51)
- HB 1593-FN**, codifying and revising the existing cooperative agreement between the department of health and human services and the judiciary. (Cobbin, Graf 11: Judiciary and Family Law)  
 25, rem 308, K 403
- HB 1594-FN**, transferring the authority of the judicial conduct committee to the legislature. (Cobbin, Graf 11: Judiciary and Family Law)  
 25, rem 309, K (RC) 403-405
- HB 1595-FN-A**, repealing certain exemptions under the meals and rooms tax. (M. Smith, Straf 8; et al: Finance)  
 25, K 325
- HB 1596-A**, authorizing a state welcome center in the town of Bradford and making an appropriation therefor. (Lamach, Merr 3: Public Works and Highways)  
 25, K 264
- HB 1597-FN**, relative to providing more cost-effective special education services. (Kurk, Hills 5; et al: Education)  
 25-26, am & Finance 358-359, psd 595, 610, S conc 779, enr am 871, enr 887 (Chapter 177)
- HB 1598-FN**, prohibiting the use of social security numbers except for taxation purposes and providing certain rights to victims of credit card fraud. (Daniels, Hills 13; et al: Commerce)  
 26, rem 415, K 567
- HB 1599-FN**, allowing the custodial parent with legal custody of a child to change the child's name. (Wallner, Merr 24: Judiciary and Family Law)  
 26, K 256
- HB 1600**, relative to the multiple DWI offender intervention detention center program. (Christie, Rock 22: Criminal Justice and Public Safety)  
 26, am & Finance 311, am 595, psd 610, S conc 891, enr 966 (Chapter 366)
- HB 1601-FN**, authorizing simulcast off-track betting races at the town of Salem bingo hall. (Micklon, Rock 26: Local and Regulated Revenues)  
 26, K 209
- HB 1602-FN**, allowing electronic games of chance at bingo halls. (Micklon, Rock 26: Local and Regulated Revenues)  
 26, K 258
- HB 1603-FN**, relative to appointment and payment of guardians ad litem and establishing a complaint process against the guardian ad litem system. (Hemon, Straf 11: Judiciary and Family Law)  
 26, K 329
- HB 1604**, relative to ownership of shares of professional corporations and relative to shareholders of firms practicing public accountancy. (J. Bradley, Carr 8; et al: Commerce)  
 26, study 425

- HB 1605**, establishing a study committee on marine patrol services. (Dickinson, Carr 2: Transportation) 26, am 348-349, psd 407, conc S am 781, enr 887, appointments 1101 (Chapter 178)
- HB 1606-L**, relative to liability for response to hazardous materials accidents. (L. Foster, Hills 10; et al: Environment and Agriculture) 26, am 494-495, psd 516, S conc 933, enr 966 (Chapter 367)
- HB 1607-L**, exempting state agencies and counties from competitive bidding requirements when purchasing bulletproof vests and other personal body armor for law enforcement officers, other officers with powers of arrest, and corrections personnel. (Below, Graf 13; et al: Executive Departments and Administration) 26, K 323
- HB 1608**, providing that the membership on any charter commission established in a multi-town school district shall reflect each town's proportionate membership of the district's school board. (L. Foster, Hills 10; et al: Education) 26, com changed 30, psd 458, 516, S conc 690, enr 721 (Chapter 100)
- HB 1609**, permitting municipal elections to be held on biennial election day. (Cloutier, Sull 8; et al: Municipal and County Government) 26, rem 241, K 303
- HB 1610**, relative to back wages owed by employers. (Clegg, Hills 23: Judiciary and Family Law) 26, study 450
- HB 1611**, relative to reports of income by county officers. (Christie, Rock 22: Election Law) 26, K 318
- HB 1612-FN**, establishing a public information system to ensure electronic access to public records. (Hunt, Ches 10: Executive Departments and Administration) 26, study 323
- HB 1613-FN**, limiting the liability of registers of deeds and counties for recording fraudulent documents and establishing a criminal penalty for knowingly filing a fraudulent document with a register of deeds. (Rice, Belk 7; et al: Judiciary and Family Law) 26, K 256
- HB 1614**, relative to tobacco use violations by minors and establishing a committee on educational programs on tobacco use for minors. (Akins, Graf 14; et al: Criminal Justice and Public Safety) 26, K 311-312
- HB 1615-FN-A**, relative to the restoration and preservation of the colonial era state house presently stored by the department of cultural affairs and making an appropriation therefor. (McKinney, Rock 29: Finance) 26, K 250
- HB 1616-FN-L**, requiring the department of revenue administration to make available to the public certain tax and real estate assessing software. (W. Williams, Graf 3: Executive Departments and Administration) 26, K 372
- HB 1617-FN-L**, requiring all state agencies to include in its budget request the cost for maintaining state-owned buildings based upon a formula and requiring the department of administrative services to maintain state-owned buildings. (Calawa, Hills 17: Public Works and Highways) 26, Finance 335, rem 574, SO 581, K 590
- HB 1618-L**, requiring schools to provide evaluative materials to non-custodial parents of pupils. (Bickford, Straf 1: Education) 26, K 491
- HB 1619**, relative to the embossing of government seals. (Hemon, Straf 11; et al: Executive Departments and Administration) 26, K 323
- HB 1620**, relative to the issuance of walking disability placards. (Cobbin, Graf 11: Transportation) 26, K 212

- HB 1621**, relative to the membership of the advisory committee on shore fisheries. (Abbott, Rock 19; et al: Wildlife and Marine Resources)  
26-27, am 272, psd 307, S conc 690, enr 693 (Chapter 86)
- HB 1622-FN**, relative to remedies and appeals under the whistleblowers' protection act. (Cobbin, Graf 11: Judiciary and Family Law)  
27, psd 514, 517, S nonconc 873
- HB 1623**, relative to a waiting period before a dog or cat may be euthanized and relative to requirements for cats. (Fields, Hills 18; et al: Municipal and County Government)  
new title relative to a waiting period before a cat or ferret may be euthanized, relative to requirements for cats, ferrets, and dogs transferred from animal shelter facilities, and relative to ferret rabies suspects.  
27, com changed 30, am 495-497, psd 516, nonconc S am, conf, recon & conc S am 915-916, enr 966 (Chapter 368)
- HB 1624-FN**, relative to the membership of the wetlands council. (Royce, Ches 9; et al: Resources, Recreation and Development)  
27, K 264
- HB 1625-FN**, relative to financial disclosure by elected officials. (Almy, Graf 14: Legislative Administration)  
27, K 234
- HB 1626-FN**, relative to illegal gambling businesses. (Pepino, Hills 40; et al: Criminal Justice and Public Safety)  
27, K 431
- HB 1627**, relative to deposits with the state treasurer of amounts due certain stockholders and creditors on the dissolution of a corporation. (Dyer, Hills 8: Finance)  
new title relative to deposits with the state treasurer of amounts due certain stockholders and creditors on the dissolution of a corporation, and relative to the college tuition savings plan.  
27, psd 250, 306, conc S am 692, enr am 853, enr 855 (Chapter 150)
- HB 1628**, relative to health care liability. (DePecol, Ches 14; et al: Commerce)  
27, K 425
- HB 1629**, relative to walking disability plates and placards. (Pilliod, Belk 3; et al: Transportation)  
27, psd 269, 306, nonconc S am, conf 925, 926, rep adop 953, enr 972 (Chapter 369)
- HB 1630-FN**, relative to the transportation of high-level radioactive waste. (A. Merrill, Straf 8; et al: Science, Technology and Energy)  
27, am & Finance 342-345, psd 578, 582, S conc 779, enr am 853-854, enr 871 (Chapter 151)
- HB 1631-FN**, extending the moratorium on new nursing home beds. (Kurk, Hills 5; et al: Finance)  
27, psd 375, 407, conc S am 916, enr 966 (Chapter 370)
- HB 1632-FN-A-L**, promoting the development of telecommunications planning and coordination at a statewide level, establishing incentives for local government investment in telecommunications infrastructure, and permitting local governments to franchise or otherwise levy and collect payments for use of the rights-of-way. (Fraser, Merr 21; et al: Science, Technology and Energy)  
27, study 345
- HB 1633**, restricting unsolicited commercial electronic mail. (MacGillivray, Hills 21: Commerce)  
27, K 426
- HB 1634**, relative to amending the definition of "educational institution" under the New Hampshire municipal bond bank educational institutions bond financing act. (Dyer, Hills 8: Education)  
27, psd 203, 236, S conc 639, enr 676 (Chapter 69)
- HB 1635-FN**, establishing the crime of criminal storage of a firearm. (Fuller Clark, Rock 36; et al: Criminal Justice and Public Safety)  
27, K 476
- HB 1636-FN**, relative to the executive director of fish and game and the fish and game commission. (Mock, Carr 3; et al: Executive Departments and Administration)  
27, am & Finance 324, psd 595, 610, conc S am 893, enr 966 (Chapter 252)



- HB 1637-FN**, repealing the requirement that the commissioner of the department of employment security maintain a state directory of new hires. (Mirski, Graf 12; et al: Judiciary and Family Law)  
27, rem 241, K 303
- HB 1638-L**, relative to the work program requirement for assisted persons who are single parents. (Guthrie, Rock 15: Municipal and County Government)  
27, K 260
- HB 1639-A-L**, relative to U.S. Route 3 from Twin Mountain in Carroll to Clarksville and making an appropriation therefor. (G. Merrill, Coos 1; et al: Public Works and Highways)  
**new title** relative to the highway and bridge betterment program and making an appropriation therefor.  
27, am & Finance 335-336, psd 581, 582, S conc 691, enr 721 (Chapter 101)
- HB 1640-FN**, prohibiting the use of public resources for political purposes. (Root, Graf 8; et al: Executive Departments and Administration)  
27, study 498
- HB 1641-FN**, requiring the sweepstakes commission to receive prior approval from the legislative fiscal committee and governor and council before advertising for lottery ticket and other sweepstakes ticket sales and reducing advertising expenditures. (Hansen, Hills 2: Local and Regulated Revenues)  
27, K 209
- HB 1642-FN**, relative to changing the environmental laboratory certification program administered by the department of environmental services to an accreditation program. (McRae, Hills 7; et al: Resources, Recreation and Development)  
27, Finance 265, psd 578, 582, S conc 779, enr 855 (Chapter 152)
- HB 1643-FN-L**, consolidating the pari-mutuel commission and sweepstakes commission into a gaming commission. (Burling, Sull 1: Executive Departments and Administration)  
27, K 247
- HB 1644-FN-A**, relative to general fund operating budget surpluses. (Kurk, Hills 5; et al: Finance)  
27, K 443
- HB 1645**, to eliminate secrecy in the handling of complaints by any state ethics committee or conduct board or commission. (Cobbin, Graf 11: Legislative Administration)  
27-28, K 234
- HB 1646-FN**, removing the intent requirement for crimes of possession under the controlled drug law and increasing penalties for violations of the controlled drug law involving marijuana and hashish. (Boyce, Belk 5: Criminal Justice and Public Safety)  
28, K 431
- HB 1647-FN**, allowing a person to be sentenced to up to 2 years of electronically-monitored home confinement probation for a class A misdemeanor and relative to drug testing of persons on home confinement probation. (Boyce, Belk 5: Criminal Justice and Public Safety)  
28, K 245
- HB 1648**, restricting the transporting of passengers in the bed of trucks. (Christie, Rock 22: Transportation)  
28, K 269
- HB 1649-FN-A**, providing an exemption under the interest and dividends tax for taxpayers on a fixed income. (M. Brown, Merr 10; et al: Finance)  
28, K 325-326
- HB 1650-FN**, relative to benefits under the unemployment compensation laws. (Guaraldi, Graf 14; et al: Labor, Industrial and Rehabilitative Services)  
28, psd 257-258, 306, S conc 691, enr am 692-693, enr 721 (Chapter 87)
- HB 1651**, establishing a committee to study the protection of consumers relative to cable television rates and services. (Boutin, Hills 37; et al: Science, Technology and Energy)  
**new title** establishing a committee to study the protection of cable consumers and the enhancement of cable electronic services.  
28, am 265-266, psd 306, S conc 639, enr 676, appointments 1101 (Chapter 52)

- HB 1652**, establishing a pilot program relative to the administration of medications in residential care facilities. (Copenhaver, Graf 10; et al: Health, Human Services and Elderly Affairs)  
28, am & Finance 446-448, psd 596, 610, conc S am 858, enr am 920, enr 972 (Chapter 269)
- HB 1653**, relative to the composition of the board of barbering, cosmetology, and esthetics. (Stickney, Rock 26; et al: Executive Departments and Administration)  
28, am 498-499, psd 516, S conc 691, enr 693 (Chapter 88)
- HB 1654**, relative to consumer credit solicitations. (Sapareto, Rock 13: Commerce)  
28, rem 415, K 567
- HB 1655-FN-A**, relative to the authority of the length of service awards program committee, and making an appropriation therefor. (Dyer, Hills 8; et al: Executive Departments and Administration)  
**new title** relative to the authority of the length of service awards program committee, and making an appropriation therefor, and relative to establishment of deferral compensation plan trusts and to increasing the number of members on the deferred compensation commission.  
**2<sup>nd</sup> new title:** relative to the authority of the length of service awards program committee, and making an appropriation therefor, relative to establishment of deferral compensation plan trusts, and relative to the membership, duties, and authority of the deferred compensation commission.  
28, Finance 324, psd 596, 610, nonconc S am, conf 921, 925, rep adop 962, enr am 969-970, enr 972 (Chapter 371)
- HB 1656**, relative to the law enforcement memorial. (K. Rogers, Merr 22: Public Works and Highways)  
28, K (RC) 539-542
- HB 1657**, extending the consultant's reporting date for surveying the department of youth development services' facilities. (Lozeau, Hills 30: Finance)  
**new title** extending the consultant's reporting date for surveying the department of youth development services' facilities and amending certain references to Pine Crest-YDC.  
28, psd 205, 236, conc S am 916, enr 966 (Chapter 372)
- HB 1658-FN**, relative to prohibiting the cloning of human beings in New Hampshire. (Cushing, Rock 22: Health, Human Services and Elderly Affairs)  
188, am 505-506, psd 517, S nonconc 856
- HB 1659**, prohibiting the use of eminent domain powers by public utilities to take private property for the construction and operation of electric generating plants. (Cushing, Rock 22; et al: Science, Technology and Energy)  
**new title** prohibiting the use of eminent domain powers by public utilities to take private property for the construction and operation of electric generating plants and relative to exemption for electric generation companies from public utility status.  
188-189, am 553, psd 581, conc S am 916, enr 966 (Chapter 253)
- HB 1660-FN-L**, relative to defining educational adequacy within the public school system. (Searles, Hills 23; et al: Education)  
189, rules suspended 241, 542, 618, K 805
- HB 1661**, relative to eligibility for postsecondary education tuition grants. (Belvin, Hills. 14; et al: Education)  
237-238, am 316, psd 406, S study 618
- HB 1662-FN**, restructuring the nuclear decommissioning finance committee and the office of the consumer advocate and amending laws relative to atomic energy to reflect the policies of electric utility restructuring. (Cushing, Rock 22; et al: Science, Technology and Energy)  
238, study 554
- HB 1663-FN**, relative to rulemaking under the administrative procedures act. (Pfaff, Merr 11; et al: Executive Departments and Administration)  
**new title** relative to rulemaking under the administrative procedures act and the responsibilities of the office of legislative services and the department of administrative services, and establishing a committee to study procedures in administrative rulemaking.  
rules suspended & intro 241, rules suspended 542, 606, 618, am & Finance 645-653, rules suspended 774, study 867

- HB 1664-FN**, authorizing salary increases for state law enforcement officers. (Wheeler, Hills 7; et al: Finance)  
rules suspended & intro 241, rules suspended & psd 391, psd 408, S conc & enr 414 (Chapter 3)
- HB 1665-FN-L**, relative to the Manchester airport authority security force. (Dodge, Rock 4; et al: Municipal and County Government)  
rules suspended & intro 241, 409, rules suspended 542, K 619
- HB 1666-FN-A-L**, establishing a new statewide tax on land values to fund a constitutionally adequate education. (Noyes, Rock 26: Finance)  
rules suspended & intro 241, 409, rules suspended 542, 618, 774, 858, Clerk's note 990, study 1033
- HB 1667**, to place a question concerning electronic gaming machines to the voters on the November 1998 state general election ballot. (Guay, Coos 6; et al: Education)  
rules suspended & intro 241, 409, rules suspended 542, 618, rem 782, K (RC) 844-847
- HB 1668-FN-A-L**, establishing a personal income tax and a statewide school property tax to fund public education and making an appropriation therefor. (Below, Graf 13; et al: Finance)  
rules suspended & intro 241, 409, rules suspended 542, 618, 774, 858, Clerk's note 990, LT (2 RCs) 1066-1071, IP rej 1096-1097
- HB 1669-FN-A-L**, adding a capital gains tax to the interest and dividends tax, and designating all revenues from the interest and dividends tax for funding education. (Almy, Graf 14: Finance)  
rules suspended & intro 241, 411, rules suspended 542, 618, 774, 858, Clerk's note 990, K 1074
- HB 1670-FN-A-L**, relative to a statewide school tax on income for purposes of funding a constitutionally adequate education and making an appropriation therefor. (Jacobson, Merr 2; et al: Finance)  
rules suspended & intro 241, 411, rules suspended 542, 618, 774, 858, Clerk's note 990, K (RC) 1074-1076
- HB 1671-FN-A-L**, establishing a securities transfer excise tax to meet state obligations in funding education. (McCann, Straf 11; et al: Finance)  
rules suspended & intro 241, 412, 542, 618, 774, 858, Clerk's note 990, K (RC) 1076-1078
- HB 1672-FN-A-L**, replacing the business profits tax and the business enterprise tax with a reform business tax and establishing a committee to recommend a rate for the reform business tax. (Lovett, Graf 6: Finance)  
rules suspended & intro 241, 412, rules suspended 542, 616, study 696
- HB 1673-FN—L**, requiring the state board of education to establish a uniform salary schedule for public school teachers. (Melcher, Hills 11: Education)  
rules suspended & intro 241, 412, rules suspended 542, 618, K 784
- HB 1674-FN-A-L**, establishing a proportional statewide property tax to provide equal per student funding for state-mandated education and funding for kindergarten and making an appropriation therefor. (Sapareto, Rock 13; et al: Finance)  
rules suspended & intro 241, 414, rules suspended 542, 618, 774, Clerk's note 991, K (2 RCs) 1079-1083
- HB 1675-FN-A-L**, establishing a referendum for a new taxation plan to fund public education. (Below, Graf 13; et al: Finance)  
rules suspended & intro 542, 546, rules suspended 618, 774, 858 Clerk's note 991, K (RC) 1083-1085
- HB 1676-FN-A-L**, relative to collection by the state of local property taxes paid by business, industrial, and public utility properties and redistribution to municipalities for education purposes on a per pupil basis. (Lavoie, Merr 12; et al: Finance)  
rules suspended & intro 542, 546, rules suspended 618, 774, 858, Clerk's note 991, K (RC) 1085-1088
- HB 1677-FN-A-L**, authorizing towns and cities to determine the method of local taxation used to support public education. (Alger, Graf 9; et al: Local and Regulated Revenues)  
rules suspended & intro 542, 546, rules suspended 618, 774, SO 722, 825, K 860



- HB 1678-FN-L**, authorizing school districts to establish local educational standards and perform local education program assessments. (Alger, Graf 9; et al: Education)  
rules suspended & intro 542, 546, rules suspended 618, K 805
- HB 1679-FN-A-L**, relative to local property taxation and state aid to support public education. (Hess, Merr 11: Finance)  
rules suspended & intro 542, 547, rules suspended 618, 774, 858, Clerk's note 991, LT (RC) 1088-1090, IP rej 1097
- HB 1680-FN-A-L**, relative to administration of retiree's health benefits by the New Hampshire retirement system and making an appropriation therefor. (Dyer, Hills 8; et al: Executive Departments and Administration)  
**new title** authorizing positions for the administration of retiree's health benefits by the New Hampshire retirement system and making an appropriation therefor.  
rules suspended & intro 542, 583, rules suspended 606, 618, am & Finance 695, rules suspended 774, rem & rules suspended 858, rcmt 867, K 895
- HB 1681-FN-A**, increasing the tobacco tax on all tobacco products and designating the increase in revenue for the advancing better classrooms program. (Burling, Sull. 1; et al: Finance)  
rules suspended & intro 542, 611-612, rules suspended 618, 774, 858, Clerk's note 991, LT (2 RCs) 1090-1095, IP rej 1097
- HB 1682**, requiring registered child day care providers to perform state registry and criminal records checks of new staff members and other individuals who are responsible for the care of, or who are in regular contact with children. (Hutchinson, Rock 8; et al)  
intro, rules suspended & psd 1065, S conc 1095, enr am &, enr 1098 (Chapter 390)
- HB 1683**, ratifying the 1998 Newmarket town meeting and the 1998 annual Exeter Region Cooperative School District meeting. (Abbott, Rock 19; et al)  
rules suspended 1065, intro, rules suspended & psd 1066, S conc 1095, enr 1098 (Chapter 391)

## 1998 SESSION

### 1997 HOUSE JOINT RESOLUTION RE-REFERED TO COMMITTEE

- HJR 3**, requiring the attorney general to bring suit against the United States Government for violating the United States Constitution and the New Hampshire constitution by enacting a military firearms ban.  
K 133

## 1998 SESSION

### HOUSE JOINT RESOLUTIONS

- HJR 20**, finding that the contract requiring Public Service Company of New Hampshire to assume financial responsibility for a decision by Northeast Utilities to acquire additional nuclear generating capacity has the potential to raise PSNH rates and was executed in violation of the 1989 Rate Agreement between Northeast Utilities and the state of New Hampshire and in violation of state law. (Cushing, Rock 22; et al: Science, Technology and Energy)  
28, study 345
- HJR 21**, requesting that the United States Congress return to the states the authority to regulate campaign finance. (J. Foster, Hills 33; et al: State-Federal Relations and Veterans Affairs)  
28, rem 241, am 303, psd 307, S conc 639, enr 636 (Chapter 35)
- HJR 22**, requesting the government of the United States to adopt and ratify the international treaty to ban land mines. (J. Pratt, Ches 2; et al: State-Federal Relations and Veterans Affairs)  
28-29, K (RC) 557-560
- HJR 23**, supporting the state's petition to the federal Environmental Protection Agency to reduce interstate transport of air pollutants from other states, requesting that Congress make certain changes in the federal Clean Air Act, and requesting that the Environmental Protection Agency enforce certain existing provisions of the Clean Air Act regarding interstate transport of air pollution. (MacGillivray, Hills 21; et al: Science, Technology and Energy)  
29, am 345-346, psd 407, S conc 639, enr 676 (Chapter 70)

*HJR 24-FN*, requiring the department of transportation to re-elm U.S. Route 1. (Cushing, Rock 22: Public Works and Highways)

**new title** supporting the initiative to re-elm U.S. Route 1 and urging the department of transportation, the office of state planning, and affected local communities, businesses, residents, and conservation groups to join in and cooperate with voluntary efforts to once again line U.S. Route 1 with elm trees.

29, am 380-381, psd 408, S conc 779, enr am 889, enr 916 (Chapter 210)

### 1998 SESSION

#### 1997 HOUSE CONCURRENT RESOLUTIONS RE-REFERRED TO COMMITTEE

*HCR 7*, petitioning the Congress of the United States to propose an amendment to the Constitution of the United States for submission to the states to prohibit the federal government from imposing regulatory mandates, unfunded mandates, and spending conditions, which conditions are unrelated to the actual expenditures of funds allocated by Congress.

K 98-99

*HCR 12*, urging ratification of the Convention for the Elimination of All Forms of Discrimination Against Women.

**new title** urging the United States Senate to consider the Convention on the Elimination of All Forms of Discrimination Against Women.

am & adop (RC) 184-187, S conc 414

### 1998 SESSION

#### HOUSE CONCURRENT RESOLUTIONS

*HCR 20*, recognizing the 100<sup>th</sup> anniversary of Old Home Day in New Hampshire. (Alger, Graf 9; et al: Municipal and County Government)  
28, adop 211, 236, S conc 618

*HCR 21*, encouraging the designation of the Connecticut River as an American Heritage River. (Akins, Graf 14; et al: State-Federal Relations and Veterans Affairs)

**new title** encouraging the designation of the Connecticut, Merrimack and Winnepesaukee rivers as American Heritage Rivers.

28, adop 146-147, 187, conc S am 549

*HCR 22*, rescinding the 1979 call for a federal constitutional convention. (W. Riley, Ches 7; et al: State-Federal Relations and Veterans Affairs)

28, K (RC) 554-557

*HCR 23*, urging Congress to provide relief for the Palestinian Christians by direct aid or by negotiation with the government of Israel. (Luebker, Hills 42: State-Federal Relations and Veterans Affairs)

28, K 461

*HCR 24*, urging Congress to enact legislation amending the Social Security Act to authorize issuance of waivers to states allowing design and implementation of alternative retirement plans. (Daniels, Hills 13: State-Federal Relations and Veterans Affairs)

28, K 461

*HCR 25*, requesting the U.S. Postal Service to issue a stamp commemorating the 200<sup>th</sup> anniversary of the United States naval shipyards. (Malcolm, Rock 22; et al: State-Federal Relations and Veterans Affairs)

28, adop 346, 407, S conc 639

### 1998 SESSION

#### HOUSE RESOLUTIONS

*HR 50*, memorializing State Representative LeRoy S. Dube of Plaistow.  
intro & adop 3-4

*HR 51*, memorializing State Representative David S. Feng of Hudson.  
intro & adop 4

- HR 52**, encouraging school districts to include special education students in drug education programs. (Leonard, Hills 39: Education)  
29, K 491
- HR 53**, urging Congress to pass and the President to sign a bill returning to the states the power to regulate campaign finance in state races for federal office. (Almy, Graf 14; et al: State-Federal Relations and Veterans Affairs)  
29, adop 266, 306
- HR 54**, amending House Rules 51, 52, and 64 for the 1998 legislative session. (Wheeler, Hills 7; et al)  
29, am & adop (RC) 33-38, 144
- HR 55**, urging timely responses to damage caused to forests by the ice storm of 1998. (Philbrick, Carr 4; et al)  
rules suspended, intro & adop 304
- HR 56**, memorializing State Representative Charles H. Felch, Sr. of Seabrook.  
intro & adop 616-617
- HR 57**, memorializing State Representative Charles W. Ferguson of Milford.  
intro & adop 617, remarks 634-635
- HR 58**, adopting filing dates for the 1999 legislative session. (Wheeler, Hills 7; et al)  
intro & adop 952
- HR 59**, memorializing America's First Astronaut In Space, Alan B. Shepard of East Derry.  
intro & adop 994-995
- HR 60**, affirming revenue estimates for fiscal years 1998 and 1999. (Kurk, Hills 5; et al)  
intro & adop 1095-1096, 1097

## 1998 SESSION

### SENATE BILLS

#### 1997 BILLS RE-REFERRED TO COMMITTEE

- SB 1**, relative to exclusive arrangements with managed care insurers.  
K 163
- SB 10**, relative to funds for prearranged funerals or burial plans.  
am 46-47, psd 144, S conc 891, enr 972 (Chapter 231)
- SB 25**, establishing employer immunity from civil liability for good faith disclosure of information regarding current and former employees to prospective employers.  
K 173
- SB 26**, preventing recovery by a nonsupporting parent in a wrongful death claim or action on behalf of the nonsupported child until child support arrearages are paid in full.  
am 90, psd 145, S conc 779, enr am 851, enr 855 (Chapter 153)
- SB 42**, relative to the authority of the labor commissioner to revoke the license of an employee leasing company for violations of the labor laws.  
K 91
- SB 53-FN**, relative to payment by the retirement system of certain medical benefits for group II members and for certain permanent firemen on disability retirement.  
am & Finance 77, am 205-206, psd 236, S conc 891, enr 966 (Chapter 232)
- SB 56-FN-L**, establishing a method for repurchase of tax-deeded property by the former owner of the property and limiting the recovery by municipalities of proceeds from sales of tax-deeded property.  
K 96
- SB 62**, authorizing the governing bodies of towns which have not adopted the official ballot referendum form of meeting, but which are in school districts which have adopted the official ballot referendum form of meeting, to move the election day of the 1997 and 1998 annual meetings of those towns to April 8, 1997, and April 14, 1998, respectively.  
K 96



- SB 66**, allowing a state resident to obtain a license for a pistol or revolver for life.  
rem 39, rcmt (RC) 148-151, am (3 RCs) & LT rej 212-222, psd 236, nonconc S conf req 910
- SB 68-FN-L**, providing health care coverage for the spouse and dependents of any group I or group II retirement system member who is killed in the line of duty.  
am & Finance 77-78, am 206, psd 236, S conc 891, enr 966 (Chapter 233)
- SB 73-FN**, providing that telecommunications poles and lines be subject to the property tax. (Local and Regulated Revenues)  
413, am 641-642, psd 674, S nonconc, conf 893-894, 928, IP 1097
- SB 80-FN-A**, excluding certain transfers from payment of the real estate transfer tax.  
K 79
- SB 84**, revising the uniform simultaneous death act.  
psd 90, 145, enr am 190, enr 408 (Chapter 1)
- SB 91-FN**, relative to the water well board. (Executive Departments and Administration)  
410, psd 640, 674, enr 693 (Chapter 89)
- SB 96-FN**, relative to the priority of charges in probate of estates.  
Finance 90, psd 206, 236, enr am 414, enr 518 (Chapter 5)
- SB 100**, establishing a New Hampshire film and television commission.  
am 47, psd 144, S conc 779, enr am 854, enr 887 (Chapter 179)
- SB 102-FN**, relative to the possession of certain weapons in the commission of a violent crime.  
am 71, psd 144, S nonconc, conf 781, rep adop 936, enr 972 (Chapter 373)
- SB 131-FN**, allowing certain state employees to take paid leave to participate in disaster relief service work.  
K 166
- SB 140**, relative to the obligations of joint owners to the nuclear decommissioning finance fund. (Science, Technology and Energy)  
**new title** relative to the obligations of joint owners to the nuclear decommissioning financing fund and relative to the membership of the nuclear decommissioning financing committee.  
410, rules suspended 618, am 642-643, psd 674, S conc 855, enr am 871, enr 889 (Chapter 164)
- SB 145-L**, relative to the definition of "open space land" for purposes of current use taxation.  
K 73
- SB 158-FN-A**, relative to the funding of beach erosion control projects along the south side of the Hampton Harbor Inlet.  
K 96
- SB 161-FN-A**, relative to the Seacoast Science Center and making an appropriation therefor.  
**new title** relative to a master plan of Odiorne Point State Park.  
am 97-98, psd 145, S conc 873, enr 916 (Chapter 211)
- SB 168-A**, requiring the department of corrections to prepare and enter into a lease-purchase agreement with the Berlin Economic Development Council for a medium security correctional facility to be constructed in Berlin and making an appropriation therefor.  
K 112-113
- SB 179-FN-L**, establishing a committee to study creating a New Hampshire local government records management improvement fund.  
K 96
- SB 187**, relative to the penalties for certain court defaults.  
K 99
- SB 191**, relative to mental health providers. (Executive Departments and Administration)  
410, rules suspended 618, am (RC) 810-820, psd 850, S conc 891, enr am 930, enr 966 (Chapter 234)
- SB 197-FN**, relative to final dispositional orders in child protection cases.  
Finance 90, am 206, psd 236, S nonconc, conf 873, rep adop 936-937, enr am 970, enr 972 (Chapter 235)

- SB 205-FN-L**, establishing a special school district to provide special education for eligible inmates in the state prison system.  
am & Finance 101-102, am 250-251, psd 306, S nonconc, conf 894, rep adop 933-934, enr am 970, enr 972 (Chapter 270)
- SB 210-FN**, relative to an exemption from licensing for day care in private homes. (Health, Human Services and Elderly Affairs)  
410, rules suspended 618, psd 703, 720, enr 851 (Chapter 119)

### 1998 SESSION

#### SENATE BILLS

- SB 301**, relative to teacher renomination and the application of teacher professional and performance standards. (Education)  
583, rules suspended 618, psd 805-806, 850, enr am 871, enr 966, S sustained veto 981
- SB 302-FN-L**, naming certain portions of U.S. Route 3 after Trooper Leslie Lord and Trooper Scott Phillips and naming a portion of New Hampshire Route 28 after Officer Jeremy Charron. (Public Works and Highways)  
410, psd 578, 582, enr am 612, enr 618 (Chapter 27)
- SB 303-FN-L**, changing the name of Blue Mountain to Bunnell Mountain. (Public Works and Highways)  
410, psd 578, 582, enr 613 (Chapter 19)
- SB 304**, allowing juvenile case and court records to be unsealed in certain cases. (Criminal Justice and Public Safety)  
414, rules suspended 618, K 783
- SB 305-FN**, naming the bridge over the Souhegan River on the F.E. Everett turnpike in the town of Merrimack, New Hampshire, Merrill's Marauders bridge. (Public Works and Highways)  
410, psd 578, 582, enr 584 (Chapter 15)
- SB 306-L**, relative to municipal officials and their discretion over the use of traffic devices and the purchase of liability insurance. (Judiciary and Family Law)  
613, rules suspended 618, K 788
- SB 307**, relative to the display of the POW-MIA flag. (State-Federal Relations and Veterans Affairs)  
410, psd 578, 582, enr 612 (Chapter 6)
- SB 308**, relative to the board of directors of Delta Dental Plan of New Hampshire, Inc. (Commerce)  
410, rules suspended 618, am 643-645, psd 674, S conc 855, enr 887 (Chapter 180)
- SB 309**, relative to distributors and suppliers of bingo equipment. (Local and Regulated Revenues)  
410, psd 658, 674, enr 693 (Chapter 90)
- SB 310**, relative to the licensure of micropigmentation practitioners. (Executive Departments and Administration)  
547, K 640
- SB 311**, establishing the Uniform International Wills Act. (Judiciary and Family Law)  
414, psd 641, 674, enr am 721, enr 821 (Chapter 120)
- SB 312**, relative to the health care transition fund. (Finance)  
613, rules suspended 618, 774, am 876-877, psd 884, S nonconc, conf 922, IP 1097
- SB 313**, requiring compliance with the Military Selective Service Act as a condition to receiving certain state education and employment benefits. (State-Federal Relations and Veterans Affairs)  
**new title** requiring compliance with the Military Selective Service Act as a condition to receiving certain state education and employment benefits, and clarifying the procedure for making Persian Gulf War service bonus payments.  
410, rules suspended 618, 713, am (RC) 713-717, psd 720, S conc 891, enr am 921, enr 966 (Chapter 273)
- SB 315**, relative to divorce proceedings. (Judiciary and Family Law)  
414, psd 618, 634, enr 676 (Chapter 53)

- SB 316**, authorizing insurance companies to give discounts to drivers over 55 years of age who complete an approved driver safety course. (Commerce)  
new title establishing a committee to study participation in driver training programs for older drivers. 517, rules suspended 618, am 782, psd 850, S conc 891, enr 916, appointments 1101 (Chapter 212)
- SB 317**, relative to the time for consideration of applications to planning boards. (Municipal and County Government)  
613, rules suspended 618, am 790-791, psd 850, S conc 891, enr 966 (Chapter 274)
- SB 319**, establishing a committee to study the parole system and methods to increase its efficiency. (Criminal Justice and Public Safety)  
547, rules suspended 618, am 783, psd 850, S conc 873, enr 887, appointments 1102 (Chapter 181)
- SB 320**, relative to notice by a state agency to certain persons of proposed rulemaking activity. (Executive Departments and Administration)  
410, rules suspended 618, psd 821-822, 850, enr am 870, enr 916 (Chapter 213)
- SB 321-FN-L**, relative to creating a joint maintenance high school in certain towns. (Education)  
583, rules suspended 618, am 701, psd 720, S conc 873, enr 889 (Chapter 214)
- SB 322**, repealing the prospective repeal relative to an exemption for certain rules regarding the radiological health program from drafting and numbering requirements of the rulemaking process. (Executive Departments and Administration)  
410, rules suspended 618, psd 695, 720, enr 821 (Chapter 121)
- SB 324-FN**, relative to entertainers on premises of an on-sale liquor licensee and relative to penalties for manufacture, sale, and possession of false identification. (Local and Regulated Revenues)  
410, rules suspended 618, SO 722, rules suspended 778, am & Criminal Justice (RC) 825-828, rules suspended 858, am (RC) 896-900, psd 916, S conc 933, enr 966 (Chapter 374)
- SB 326**, relative to representation and costs in utility rate proceedings. (Science, Technology and Energy)  
851, rules suspended 858, study 896
- SB 327-L**, allowing local political subdivisions to adopt biennial budgets. (Municipal and County Government)  
410, psd 619, 634, enr 676 (Chapter 54)
- SB 328**, allowing liquor and beverage licensees and other liquor and beverage industry members not licensed in New Hampshire to furnish draft beer equipment and representatives to dispense and promote their beverages at licensed beer festivals. (Local and Regulated Revenues)  
410, rules suspended 618, SO 722, psd 726, 776, enr 855 (Chapter 154)
- SB 331**, eliminating work certificates for 16 and 17 year old youths. (Labor, Industrial and Rehabilitative Services)  
547, rules suspended 618, LT rej (RC) 822-825, psd 850, enr 887 (Chapter 189)
- SB 332**, requiring that the real estate transfer questionnaire be provided to the municipality in which the property is located. (Local and Regulated Revenues)  
612, psd 642, 674, enr 693 (Chapter 91)
- SB 333**, allowing any registered voter who is unable to vote in person, by reason of extended work hours, lack of transportation, or illness in the family, to vote by absentee ballot. (Election Law)  
612, rules suspended 618, SO 722, am 725, psd 776, S nonconc, conf 858, rep adop 934, S rej rep 965
- SB 335-L**, relative to hours of polling in towns with a population of less than 3000. (Election Law)  
new title relative to polling hours in towns.  
612, rules suspended 618, am 786-787, psd 850, S conc 891, enr 972 (Chapter 275)
- SB 336**, relative to small group and individual insurance. (Commerce)  
410, rules suspended 618, SO 722, am 723, psd 776, S conc 891, enr 966 (Chapter 375)
- SB 337**, relative to the order of distribution of claims from an insurer's estate. (Commerce)  
410, rules suspended 618, psd 640, 674, enr am 677, enr 721 (Chapter 99)
- SB 338**, relative to special meetings. (Municipal and County Government)  
410, psd 619, 634, enr 676 (Chapter 55)



- SB 339-L**, relative to the bidding for design and construction of a new medium security prison in the city of Berlin and to the closure of the lakes region facility and making appropriations therefor. (Public Works and Highways)  
583, rules suspended & am 621-627, psd 634, S nonconc, conf 894, 925, rep adop (unable to agree) 934
- SB 340**, relative to the filing fee for securities in a combined prospectus offered for sale in New Hampshire by a mutual fund. (Commerce)  
410, rules suspended 618, SO 722, study 723
- SB 341**, relative to the decommissioning finance committee. (Science, Technology and Energy)  
**new title** relative to the implementation of electric utility restructuring.  
583, rules suspended 618, am 711-713, psd 720, S conc 873, enr 889 (Chapter 191)
- SB 342**, relative to capital appropriations for the Glencliff home for the elderly. (Public Works and Highways)  
**new title** relative to capital appropriations for the Glencliff home for the elderly and for certain department of safety projects, relative to approval of certain leases by state agencies, and relative to renovations to a certain state office building.  
414, rules suspended 618, am & Finance 627, rules suspended 774, am 859, psd 869, S conc 910, enr am 929, enr 966 (Chapter 276)
- SB 344**, clarifying requirements regarding certain trusts. (Commerce)  
**new title** relative to trustees.  
410, rules suspended 618, am 796-797, psd 850, S nonconc, conf 894, rep adop 937, enr 972 (Chapter 376)
- SB 346**, establishing a task force to study the foster care system. (Health, Human Services and Elderly Affairs)  
851, psd 876, 884, enr am 927, enr 966, appointments 1102 (Chapter 277)
- SB 348**, relative to property left behind by tenants. (Judiciary and Family Law)  
410, K 618
- SB 349**, enabling a town or school district moderator to postpone the deliberative session of a meeting because of a weather emergency. (Municipal and County Government)  
**new title** enabling a town or school district moderator to postpone the deliberative session or voting day of a meeting because of a weather emergency.  
414, rules suspended 618, am 791-792, psd 850, S conc 891, enr 966 (Chapter 278)
- SB 350**, relative to probate court procedures. (Judiciary and Family Law)  
517, am 618-619, psd 634, S conc 779, enr am 851, enr 855 (Chapter 155)
- SB 352**, relative to continuing education requirements for electrologists. (Executive Departments and Administration)  
547, rules suspended 618, am 695-696, psd 720, S nonconc, conf 910, rep adop 937, enr 972 (Chapter 279)
- SB 353-FN**, relative to official ballot procedures. (Municipal and County Government)  
414, rules suspended 618, am 828-831, psd 850, S nonconc, conf 894, 928, IP 1097
- SB 354**, requiring insurance coverage for hospitalization and anesthesia for dental procedures for certain patients. (Commerce)  
613, rules suspended 618, rem 781, am 834-836, psd 850, S conc 891, enr 966 (Chapter 280)
- SB 356-L**, relative to the bond required as a condition for filing an intent to cut or receiving a permit to cut. (Local and Regulated Revenues)  
rules suspended & intro 618, 637, SO 722, psd 726, 776, enr 855 (Chapter 156)
- SB 357**, establishing a committee to study insurance coverage for infertility. (Commerce)  
410, rules suspended 618, psd 640, 674, enr 693, appointments 1102 (Chapter 92)
- SB 358-L**, relative to the term physician in health care provider contracts. (Commerce)  
613, rules suspended 618, rem 781, am 836, psd 850, S conc 891, enr 966 (Chapter 377)

- SB 360**, establishing a child and family resource group to study and make recommendations concerning the development and coordination of wellness and primary prevention programs. (Health, Human Services and Elderly Affairs)  
613, rules suspended 618, psd 697, 720, enr 821, appointments 1102 (Chapter 122)
- SB 362**, relative to classification of certain department of corrections personnel in the retirement system. (Executive Departments and Administration)  
583, rules suspended 618, am 787-788, psd 850, S conc 891, enr 916 (Chapter 215)
- SB 363-L**, relative to notification to and jurisdiction of municipalities concerning governmental use of property. (Public Works and Highways)  
851, rules suspended & am 858, 905, psd 917, S conc 933, enr 966 (Chapter 281)
- SB 364**, establishing a committee to study the feasibility and advisability of consolidating building trades under a single licensing board. (Executive Departments and Administration)  
547, rules suspended 618, psd 696, 720, enr 821, appointments 1102 (Chapter 123)
- SB 365**, relative to including the upper and lower Merrimack Rivers, the Lamprey River, the Swift River, and the mainstream and north branch of the Contoocook River under the shoreland protection act and deleting the deadline for local approval of the designation of the Exeter River as a rural river. (Resources, Recreation and Development)  
410, rules suspended 618, psd (RC) 831-834, 850, enr 887 (Chapter 182)
- SB 366**, establishing a study committee to examine the purging of archaic laws. (Legislative Administration)  
410, K 619
- SB 367**, relative to the public protection fund administered by the New Hampshire Bar Association. (Judiciary and Family Law)  
rules suspended & intro 618, 635, study 788-789
- SB 370-L**, establishing an international trade corridor and border crossing planning and development advisory committee. (Commerce)  
410, rules suspended 618, am 782-783, psd 850, S conc 891, enr 972, appointments 1103 (Chapter 282)
- SB 371**, requiring health carriers to provide certain information to health care providers and consumers. (Commerce)  
612, rules suspended 618, psd 797, 850, enr am 871, enr 916 (Chapter 216)
- SB 372**, relative to forms and rates for large scale commercial insurance policies. (Commerce)  
410, rules suspended 618, SO 722, am 723-724, psd 776, S conc 891, enr 966 (Chapter 378)
- SB 373**, protecting quality assurance information of home health care providers from discovery. (Health, Human Services and Elderly Affairs)  
547, psd 641, 674, enr 693 (Chapter 93)
- SB 374**, relative to large water withdrawals and relative to exemptions from local planning and zoning requirements for public utilities. (Resources, Recreation and Development)  
613, rules suspended 618, psd 711, 720, enr 821 (Chapter 124)
- SB 376**, relative to animal cruelty. (Criminal Justice and Public Safety)  
612, rules suspended 618, rem 782, SO 844, am 861, psd 870, S conc 891, enr 972 (Chapter 283)
- SB 377**, authorizing the organization of merchant banks to provide equity financing and related services to small businesses and exempting certain New Hampshire banks from the aging requirement of the interstate acquisition and merger laws. (Commerce)  
new title authorizing the organization of merchant banks to provide equity financing and related services to small businesses.  
410, rules suspended 618, am 797-800, psd 850, S conc 873, enr am 889, enr 966 (Chapter 284)
- SB 379**, establishing an immunization registry. (Health, Human Services and Elderly Affairs)  
613, rules suspended 618, psd 788, 850, enr 887 (Chapter 183)
- SB 383**, establishing a committee to study the use of telemedicine. (Health, Human Services and Elderly Affairs)  
612, rules suspended 618, am 697, psd 720, S conc & enr 855, appointments 1103 (Chapter 157)

- SB 385**, requiring the clerks of the superior courts to notify the appropriate regulatory board when a health care provider is convicted of a felony. (Judiciary and Family Law)  
547, rules suspended 618, psd 698, 720, enr 821 (Chapter 125)
- SB 386**, relative to eligibility for antique motor vehicle plates. (Transportation)  
517, K 620
- SB 387**, expanding the attorney general's authority to record communications in criminal investigations. (Criminal Justice and Public Safety)  
613, rules suspended 618, K 783-784
- SB 390**, relative to the application of the law governing foreign business entities to a merger or other reorganization of a gas utility. (Science, Technology and Energy)  
517, am 619-620, psd 634, S conc 779, enr 851 (Chapter 126)
- SB 391-FN-A**, exempting personal property which is subject to taxation under the legacies and successions tax from the 2 percent tax on transfers of personal property of nonresident decedents. (Finance)  
410, rules suspended 618, 774, psd 859-860, 869, enr 889 (Chapter 217)
- SB 392**, relative to requirements for law enforcement personnel who conduct interviews of minors. (Judiciary and Family Law)  
547, rules suspended 618, am 698, psd 720, S conc 855, enr 887 (Chapter 185)
- SB 393**, relative to health insurance deductibles. (Commerce)  
612, rules suspended 618, SO 722, psd 724, 776, enr 855 (Chapter 158)
- SB 394**, providing for revocation of wills by divorce. (Judiciary and Family Law)  
414, rules suspended 618, psd 698, 720, enr 821 (Chap 127)
- SB 395**, enacting certain provisions of the prudent investor act. (Judiciary and Family Law)  
517, rules suspended 618, psd 699, 720, enr 821 (Chapter 128)
- SB 396**, requiring the commissioner of the department of youth development services to submit a quality assessment report to the legislature and to the juvenile justice commission. (Criminal Justice and Public Safety)  
613, rules suspended 618, psd 784, 850, enr 887 (Chapter 184)
- SB 397**, relative to the composition of the pharmacy board. (Executive Departments and Administration)  
517, rules suspended 618, am 640-641, psd 674, S nonconc, conf 873, rep adop (unable to agree) 938
- SB 399**, correcting a reference in the insurance laws. (Commerce)  
410, rules suspended 618, SO 722, psd 724, 776, enr 855 (Chapter 159)
- SB 400**, relative to withdrawal of a school district from an area district. (Education)  
613, rules suspended 618, am 784-786, psd 850, S nonconc, conf 894, rep adop 934, enr am 970, enr 972 (Chapter 271)
- SB 402**, extending the reporting date for the pet overpopulation committee. (Environment and Agriculture)  
**new title** codifying the pet overpopulation committee.  
411, rules suspended 618, am 694-695, psd 720, S conc 891, enr am 921, enr 966, appointments 1106 (Chapter 285)
- SB 403**, relative to mooring on Spofford Lake. (Resources, Recreation and Development)  
411, rules suspended 618, SO 722, K 834
- SB 404**, relative to home care. (Commerce)  
614, rules suspended 618, rem 781, study 836-837
- SB 405-FN**, relative to a specific time period by which the state is required to have an audited financial statement available to the public. (Finance)  
411, rules suspended 618, am 697, psd 720, S conc 910, enr 966 (Chapter 254)
- SB 406**, establishing a legislative task force to develop a state government restructuring plan. (Executive Departments and Administration)  
547, K (RC) 653-656



- SB 408-FN**, requiring the department of safety to perform a background check to determine if an applicant for a motor vehicle registration is in default or has a warrant issued against the applicant. (Transportation)  
517, K 620
- SB 409-FN**, relative to long-term care and extending the moratorium on new nursing home beds. (Health, Human Services and Elderly Affairs)  
new title relative to long-term care.  
rules suspended & intro 618, 635, SO 722, Finance & rules suspended 773-774, rules suspended 858, study 900-901, rules suspended, recon, am & psd (2 RCs) 995-1007, S nonconc, conf 1033, rules suspended & rep adop 1034, enr 1035 (Chapter 388)
- SB 412**, designating skiing as the official New Hampshire sport. (Resources, Recreation and Development)  
411, rules suspended 618, psd 642, 674, enr 693 (Chapter 94)
- SB 414**, relative to official motor vehicle plates. (Transportation)  
517, psd 596, 610, remarks 610-611, enr 636 (Chapter 28)
- SB 415**, relative to the authority of zoning boards of adjustment to grant variances from certain zoning ordinances. (Municipal and County Government)  
583, rules suspended 618, SO 722, am 726-727, psd 776, S conc 873, enr 889 (Chapter 218)
- SB 417-FN**, continuing the court modernization fund and its source of funding from penalty assessments. (Finance)  
new title continuing the court modernization fund and its source of funding from penalty assessments and making an appropriation for maintenance of the new judicial branch administration building.  
604, rules suspended 618, 774, am 875, psd 884, S conc 910, enr am 929, enr 966, S sustained veto 981
- SB 418-FN**, making a person driving under the influence of a controlled drug subject to an administrative loss of license. (Criminal Justice and Public Safety)  
547, rules suspended 618, K 784
- SB 419**, raising the minimum age for marriage. (Judiciary and Family Law)  
547, K 619
- SB 420**, preventing a child from being required to have visitation with a parent incarcerated for the murder of the other parent. (Judiciary and Family Law)  
547, rules suspended 618, rem 782, K 847
- SB 421-FN**, relative to timber harvesting and penalties for timber trespass. (Resources, Recreation and Development)  
new title relative to timber harvesting and penalties for timber trespass and deceptive forestry practices.  
2<sup>nd</sup> new title: relative to timber harvesting and penalties for timber trespass and deceptive forestry practices and relative to persons who are not required to file an intent to cut.  
612, rules suspended 618, am 792-793, psd 850, S nonconc, conf 911, rep adop 935, enr am 970, enr 972 (Chapter 286)
- SB 422-FN**, establishing a study committee on the procedures for and affordability of open access to judicial records. (Judiciary and Family Law)  
612, rules suspended 618, K (RC) 703-705
- SB 423-FN**, relative to eligibility for cost of living adjustments for retired members or beneficiaries in the New Hampshire retirement system. (Executive Departments and Administration)  
rules suspended & intro 618, 637, SO 722, am & Finance 725, rules suspended 774, am 875, psd 884, S conc 933, enr 966 (Chapter 287)
- SB 427-FN**, establishing a revolving fund for loans for intrastate energy pipeline facilities improvements. (Commerce)  
rules suspended & intro 618, 637, 778, am & Finance 783, rules suspended 858, rem 895, am 906-907, psd 917, S conc 933, enr 966 (Chapter 265)

- SB 428-FN**, relative to firearm lock boxes in state facilities. (Criminal Justice and Public Safety) 411, Finance 574-575, rules suspended 618, com change 674, study 802
- SB 429-FN**, relative to the confidentiality of drivers' motor vehicle records. (Transportation) 614, rules suspended 618, am 794-795, psd 850, S nonconc, conf 894, rep adop (unable to agree) 935
- SB 431-FN-A**, establishing a statewide database licensing program of the New Hampshire automated information system and making an appropriation therefor. (Executive Departments and Administration) 411, study 641
- SB 433-FN**, relative to computing average weekly wages for the purpose of determining workers' compensation benefits. (Labor, Industrial and Rehabilitative Services) 411, K 641
- SB 437-FN**, requiring a one year mandatory prison sentence for a third DWI conviction. (Criminal Justice and Public Safety) rules suspended & intro 618, 637, rem 782, SO 844, am (2 RCs) 861-867, psd 870, S nonconc, conf 922, 926, rules suspension rej (RC) 938-940, recon rej 951
- SB 438**, exercising the authority of the state of New Hampshire to elect out of the federal Volunteer Protection Act of 1997. (Judiciary and Family Law) 583, rules suspended 618, psd 699, 720, enr 821 (Chapter 129)
- SB 439-L**, relative to the adoption of policies by local school district governing bodies concerning pupil discipline and behavior. (Education) 583, rules suspended 618, K 786
- SB 440-FN-L**, relative to fines payable to the division of motor vehicles; allowing civil bench warrants for defaults on such fines; authorizing bail commissioners to receive certain civil fines and fees, and authorizing the division of motor vehicles to report those in default to a consumer reporting agency. (Transportation)  
**new title** relative to fines payable to the division of motor vehicles; allowing civil bench warrants for defaults on such fines; authorizing bail commissioners to receive certain civil fines and fees; and authorizing the division of motor vehicles to report those in default to a consumer reporting agency.  
 614, rules suspended 618, 778, am & Finance 795-796, rules suspended 858, am 895, psd 916, S nonconc, conf 911, rep adop 935, enr am 970, enr 972 (Chapter 288)
- SB 441-FN-L**, relative to the authority of and protections for fire chiefs. (Municipal and County Government) 612, rules suspended 618, psd 700, 720, enr 851 (Chapter 130)
- SB 443-L**, establishing a committee to study the delivery of and funding for in-home support services for children with disabilities and their families. (Health, Human Services and Elderly Affairs) 613, rules suspended 618, psd 788, 850, enr 855, appointments 1103 (Chapter 160)
- SB 444-FN**, requiring the New Hampshire real estate commission to notify licensees of proposed rules and any changes adopted to rules. (Executive Departments and Administration)  
**new title** requiring the New Hampshire real estate commission to notify licensees of proposed rules changes, changes in adopted rules, and changes in New Hampshire law.  
 517, rules suspended 618, SO 722, am 822, psd 850, S conc 891, enr 966 (Chapter 289)
- SB 445**, relative to penalties for personal use of walking disabled motor vehicle plates or placards by persons not issued the plates or placards. (Transportation) 614, rules suspended 618, am 796, psd 850, S conc 891, enr 972 (Chapter 266)
- SB 446**, relative to estate planning by a guardian. (Judiciary and Family Law) 547, rules suspended 618, am 699, psd 720, S conc 855, enr 887 (Chapter 186)
- SB 447-FN**, exempting siblings of a decedent who are unable to engage in substantial gainful employment from the legacies and successions tax. (Finance) 411, rules suspended 618, 774, study 860

- SB 448**, establishing a committee to study joint maintenance agreements in school districts. (Education)  
583, rules suspended 618, psd 694, 720, enr 821, appointments 1103 (Chapter 131)
- SB 451-FN-L**, relative to the accessibility of pupil assessment materials and the anonymity of pupil assessment results. (Education)  
517, rules suspended 618, am 701-702, psd 720, S nonconc, conf 894, 925, rules suspended & rep adop 940-941, enr am 966, enr 972 (Chapter 290)
- SB 452-FN-L**, allowing students to choose alternatives to dissection as part of a course exercise. (Education)  
411, rcmt 596, K 640
- SB 456**, enabling school districts to allow full parental choice in education. (Education)  
614, rules suspended 618, study (RC) 806-808
- SB 457-FN**, relative to the eligibility of employment program participants for workers' compensation. (Labor, Industrial and Rehabilitative Services)  
517, rules suspended 618, 778, am & Finance 790, psd 876, 884, S conc 933, enr 966 (Chapter 379)
- SB 462-FN**, relative to any general fund surplus at the close of the current biennium. (Finance)  
**new title** establishing certain commissions relative to educational issues, and making an appropriation therefor, and making an appropriation to the New Hampshire Veterans' Home.  
411, rules suspended 618, 774, am 877-878, psd 884, S conc 910, enr 966, appointments 1103 (Chapter 267)
- SB 464-FN**, relative to limitations from civil liability for volunteers and relative to special license plates and related fees for volunteer emergency personnel with 2-way radio equipment in their vehicles. (Judiciary and Family Law)  
**new title** relative to limitations from civil liability for volunteers and relative to state agency preparedness for the year 2000 computer problem.  
614, rules suspended 618, am 789-790, psd 850, S conc 910, enr 966 (Chapter 255)
- SB 465-FN**, relative to the disposition of firearms which are voluntarily surrendered to the state. (Criminal Justice and Public Safety)  
**new title** relative to the disposition of firearms which are voluntarily surrendered to the state and relative to appeals from a denial, suspension, or revocation of a license to carry a loaded pistol or revolver.  
613, rules suspended 618, am 693-694, psd 720, S conc 891, enr 966 (Chapter 380)
- SB 467-FN**, requiring the department of transportation to construct sound barriers along certain streets in Nashua. (Public Works and Highways)  
414, K (RC) 658-660
- SB 471-FN**, creating the presumption that a juvenile charged with a driving while intoxicated felony offense, shall be certifiable as an adult. (Criminal Justice and Public Safety)  
**new title** creating the presumption that a juvenile charged with a negligent homicide driving while intoxicated offense shall be certifiable as an adult.  
rules suspended & intro 618, 637, am 802, psd 850, S conc 873, enr am 889, enr 966 (Chapter 381)
- SB 472-FN-L**, relative to filing security interests under the Uniform Commercial Code. (Commerce)  
rules suspended & intro 618, 637, rem 782, am 837-843, psd 850, S conc 891, enr am 927, enr 966 (Chapter 382)
- SB 473-FN**, relative to child day care providers. (Health, Human Services and Elderly Affairs)  
**new title** relative to child day care providers and clarifying the procedures for background criminal checks for school employees and volunteers.  
614, rules suspended 618, Finance 697, rules suspended 774, rem 858, am 867-869, psd 870, S nonconc, conf 922, rep adop 941-944, enr 972 (Chapter 256)
- SB 475-FN-L**, relative to medicaid reimbursement rates and dental care. (Finance)  
851, rules suspended 858, am (RC) 901-905, psd 916, S nonconc, conf 911, 928, rep adop (RC) 944-947, S rej rep 965



- SB 476-FN**, relative to ambulatory surgical facilities. (Health, Human Services and Elderly Affairs)  
411, rules suspended 618, am 656-657, psd 674, S conc 933, enr am 929, enr 966 (Chapter 257)
- SB 477**, relative to capital murder.  
intro rej 548
- SB 479-FN**, establishing a committee to study the supervision of juvenile delinquents on probation or parole. (Criminal Justice and Public Safety)  
721, rules suspended 774, psd 858-859, 869, enr 916, appointments 1103 (Chapter 219)
- SB 481-FN-L**, relative to the availability of school building aid for year-round schools. (Education)  
613, rules suspended 618, study 808
- SB 483-FN**, exempting certain businesses from the electronic filing requirement under the meals and rooms tax. (Finance)  
new title exempting certain businesses from the electronic filing requirement under the meals and rooms tax and making an appropriation therefor.  
411, rules suspended 618, 774, rem & rules suspended 858, rcmt 869, am 895-896, psd 916, S conc 933, enr 966 (Chapter 383)
- SB 484**, prohibiting triple-trailer trucks from the ways of this state. (Transportation)  
414, psd 596, 610, enr 613 (Chapter 18)
- SB 485**, exempting catastrophic aid payments and revenues from the municipal budget law. (Municipal and County Government)  
613, rules suspended 618, K 792
- SB 486**, relative to old age and survivors' insurance. (Executive Departments and Administration)  
411, rules suspended 618, psd 788, 850, enr am 871, enr 916 (Chapter 220)
- SB 487**, relative to the general powers and duties of a guardian over the estate of the minor. (Judiciary and Family Law)  
613, rules suspended 618, am, & recon rej (2 RCs) 706-711, psd 720, S conc 855, enr 887 (Chapter 187)
- SB 488-FN**, directing the department of environmental services to create a model for managing the flow of water in the Winnepesaukee River watershed and creating an advisory committee. (Resources, Recreation and Development)  
rules suspended & intro 618, 637, 778, am & Finance 793-794, rules suspended 858, psd 896, 916, S nonconc, conf 922, rep adop 935-936, enr 972, appointments 1106 (Chapter 384)
- SB 490-FN**, relative to life and accident and health insurance and relative to certain salaries. (Commerce)  
613, rules suspended 618, 778, am & Finance 800-801, psd 876, 884, S nonconc, conf 922, rep adop 936, enr 972 (Chapter 385)
- SB 491**, relative to residential care facilities.  
rules suspended, intro & study rej (RC) 907-910, Clerk's note 990, IP 1097
- SB 492**, amending the charter of the union school district of Keene. (Municipal and County Government)  
614, rules suspended 618, SO 722, am 727-728, psd 776, S conc 910, enr am 929, enr 966 (Chapter 258)
- SB 493**, establishing a commission to determine the feasibility of a new public-private partnership to conserve New Hampshire's priority natural, cultural, and historical resources. (Resources, Recreation and Development)  
414, rules suspended 618, am 700-701, psd 720, S conc 779, enr 855, appointments 1103-1104 (Chapter 161)
- SB 494**, establishing the voluntary small employer health insurance purchasing alliance. (Commerce)  
new title establishing a committee to study the feasibility of allowing private nonprofit small business health care insurance purchasing groups to form and conduct business in New Hampshire.  
614, rules suspended 618, rem 782, am 843-844, psd 850, S nonconc, conf 911, rep adop 947, enr 972, appointments 1104 (Chapter 259)
- SB 495**, relative to the university system study committee. (Education)  
411, am 591, psd 610, S conc 873, enr am 889, enr 966 (Chapter 260)

- SB 497**, relative to disbursement of tobacco settlement funds received by the state. (Finance)  
 new title relative to disbursement of tobacco-related funds received by the state.  
 614, rules suspended 618, SO 722, am 726, psd 776, S conc 891, enr 966 (Chapter 291)
- SB 498**, clarifying the definition of “right of custody” with respect to the crime of interference with custody. (Judiciary and Family Law)  
 613, rules suspended 618, am 699, psd 720, S conc 891, enr 966 (Chapter 292)
- SB 500**, relative to obtaining automobile and homeowners insurance. (Commerce)  
 new title relative to the use of credit data for certain insurance purposes.  
 614, rules suspended 618, am 801-802, psd 850, S conc 910, enr 966 (Chapter 293)
- SB 501-FN-A**, relative to authorizing an attorney for prosecutions by the board of medicine and making an appropriation therefor. (Executive Departments and Administration)  
 rules suspended & intro 618, 637, SO 722, psd 725, 776, enr 855 (Chapter 162)
- SB 502-FN**, allowing federal judges to perform marriages after obtaining a special license. (Judiciary and Family Law)  
 614, rules suspended 618, am 699-700, psd 720, S nonconc, conf 894, rep adop 947, enr am 970, enr 972 (Chapter 294)
- SB 503-FN**, relative to the New Hampshire community-technical college system. (Education)  
 rules suspended & intro 618, 637, 778, am & Finance 808-810, psd 876, 884, S conc 933, enr am 929, enr 966, appointments 1104 (Chapter 272)
- SB 504-FN**, relative to members of predecessor systems of the New Hampshire retirement system. (Executive Departments and Administration)  
 613, rules suspended 618, am & Finance 696, rules suspended 774, am 860, psd 869, S conc 910, enr am 930, enr 966 (Chapter 295)
- SB 505-FN**, eliminating the separate fee for licensed master plumbers who are the sole shareholders of a plumbing corporation. (Executive Departments and Administration)  
 614, rules suspended 618, psd 702, 720, enr 821 (Chapter 132)
- SB 506-FN**, requiring certain reports relative to independent review under managed care. (Commerce)  
 613, rules suspended 618, rem 782, psd 844, 850, enr 887 (Chapter 188)
- SB 507**, establishing a committee to study pharmaceutical assistance for the elderly. (Health, Human Services and Elderly Affairs)  
 rules suspended & intro 774, 776-777, psd 860, 870, enr 889, appointments 1104 (Chapter 221)
- SB 508**, dedicating a percentage of meals and rooms tax revenue to be used for state aid to local education and relative to foundation aid to schools and the Augenblick formula.  
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## 1998 SESSION

### SENATE CONCURRENT RESOLUTIONS

- SCR 6**, urging Congress to establish a centralized registry for security interests in intellectual property to be located in New Hampshire. (State-Federal Relations and Veterans Affairs)  
 411, adop 620, 634
- SCR 7**, supporting economic security in retirement of all Americans. (State-Federal Relations and Veterans Affairs)  
 677, rem 782, adop & recon rej (RC) 847-849, 850

## 1998 SESSION

### CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS

#### 1997 CACRs RE-REFERRED TO COMMITTEE

- CACR 8**, relating to increasing the executive council membership and the number of executive council districts. Providing that the executive council shall be increased from 5 to 10 members, and the number of executive council districts shall be increased from 5 to 10.  
 K 164

- CACR 9**, relating to requiring that the attorney general be elected by the legislature. Providing that the attorney general be chosen by joint ballot of the senators and representatives.  
rem 39, K (RC) 151-153
- CACR 21**, relating to a balanced budget. Providing that the governor be prohibited from proposing, and the general court be prohibited from approving, an operating budget in which expenditures exceed estimated revenue.  
K 166

### 1998 SESSION

#### CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS

- CACR 30**, relating to the levy of taxes. Providing that no taxes shall be levied without the consent of the people through a referendum vote. (M. Brown, Merr 10; et al: Finance)  
29, K 324
- CACR 31**, relating to the rulemaking authority of the supreme court. Providing that supreme court rules are effective only when not inconsistent with statute. (Pepino, Hills 40; et al: Judiciary and Family Law)  
29, rcmt 284, K, protest & remarks (RC) 506-510
- CACR 32**, relating to amending the New Hampshire constitution to provide that registers of probate be appointed instead of elected. Providing that registers of probate shall be appointed instead of elected. (Keans, Straf 16: Judiciary and Family Law)  
29, K 284-285
- CACR 33**, relating to a minimum age restriction on New Hampshire house members. Providing that the minimum age shall be 21. (Murphy, Hills 42; et al: Election Law)  
29, K 275
- CACR 34**, relating to broad-based sales or income taxes. Providing that adopting a broad-based sales or income tax is prohibited. (M. Brown, Merr 10; et al: Finance)  
29, rem 308, K (RC) 400-403
- CACR 35**, relating to the nomination and appointment of judicial officers. Providing that all judicial officers shall be nominated and appointed by the governor with the advice and consent of the senate. (McCann, Straf 11; et al: Judiciary and Family Law)  
29, K 207
- CACR 36**, relating to probate and district court judges. Providing that all probate and district court judges shall be full-time employees and have no administrative functions. (Mirski, Graf 12: Judiciary and Family Law)  
29, K 207
- CACR 37**, relating to the administration of the courts. Providing that there shall be an independent administrative office of the courts. (Mirski, Graf 12; et al: Judiciary and Family Law)  
29, K 288
- CACR 38**, relating to the state judiciary. Providing that abolishing the current method for selecting state judges and establishing the New Hampshire Bar as a pool from which state judges are chosen by lot. (Hemon, Straf 11; et al: Judiciary and Family Law)  
29, K 207
- CACR 39**, relating to the subject matter of legislation which can be introduced by the general court in a second year session. Providing that the subject matter of legislation which can be introduced by the general court in a second year session be limited to proposed constitutional amendments, budget matters in the event of a fiscal emergency, and re-referred bills that have received a 2/3 vote for consideration in the second year session. (Carney, Hills 12: Legislative Administration)  
29, K 208
- CACR 40**, relating to imposing limitations on state government spending. Providing that the legislative and executive budgets cannot be more than 98 percent of the previous year's revenues, with the remainder being placed into a stabilization fund. (M. Brown, Merr 10; et al: Finance)  
29, K 499



- CACR 41**, relating to clerks of court. Providing that beginning in 1999, clerks of the superior and district courts shall be elected instead of appointed and an elected clerk shall be removable upon petition by the governor with the advice and consent of the council. (Cobbin, Graf 11: Judiciary and Family Law)  
29, K 207
- CACR 42**, relating to public money used to compensate individuals for sectarian education. Providing that the provision prohibiting public money from being used to compensate individuals for education at sectarian schools be replaced with federal constitutional church-state separation protections. (Colburn, Merr 12; et al: Education)  
29-30, K (RC) 476-479
- CACR 43**, relating to compensation for members of the general court. Providing that members of the general court shall receive the annual sum of 5 cents per citizen of the state per week, multiplied by the most recent decennial federal census figure for the state of New Hampshire, divided by the number of legislators for the term elected. (Hemon, Straf 11: Legislative Administration)  
30, K 227
- CACR 44**, relating to clarifying the phrase "proportional and reasonable" in the constitution. Providing that to the extent local property taxes are used to fund an adequate education, tax rates among different local taxing districts shall be proportional and reasonable if, utilizing real property valuations equalized throughout the state, the lowest tax rate utilized by any one local taxing district is not less than 50 percent of the highest tax rate utilized by any other local taxing district. (Hess, Merr 11: Finance)  
**new title** relating to the state's duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state. Providing that the state shall have the duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state; in fulfillment of which the state may require the cost of such education to be supported by the taxes assessed by the political subdivisions of the state; such taxes shall be reasonable and proportional throughout the part of the political subdivision in which they are collected, provided that no political subdivision shall be required to assess real estate taxes for such purpose at a rate in excess of 5 percent of the average equalized rate necessary to support the total statewide cost of an adequate primary and secondary public education, and that all matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district providing such education.  
238, rules suspended 542, 618, 774, 858, Clerk's note 990, SO 1007, am (5 RCs) 1037-1065, IP 1097
- CACR 45**, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or part, to a political subdivision, provided that upon delegation, such assessments, rates, and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed. (Finance)  
992-993, am (4 RCs) & protest 1015-1033, IP 1097
- CACR 46**, relating to the right of each educable child to an adequate education, and the proportionality and reasonableness of local taxes for education. Providing that the right of every child to an adequate education shall be enforced by appropriate legislation, that the state may delegate to its political subdivisions the duty to provide an adequate education, and that a tax imposed to implement such a delegated duty shall be proportional and reasonable. (G. Chandler, Carr 1; et al: Finance)  
rules suspended & intro 241, 411, rules suspended 542, 618, 774, 858, Clerk's note 990, K (2 RCs) 1007-1015
- CACR 47**, relating to use of personal income taxes. Providing that the general court shall use net revenues from personal income taxes exclusively for educational purposes. (Hager, Merr 18; et al: Finance)  
rules suspended & intro 241, 411, rules suspended 542, 618, 774, 858, Clerk's note 990, K 1033

- CACR 48**, relating to restricting any statewide property tax to education funding. Providing that all revenues resulting from a statewide property tax shall be used exclusively for elementary and secondary education. (Sapareto, Rock 13; et al: Finance)  
rules suspended & intro 241, 415, rules suspended 542, 618, 774, 858, Clerk's note 990, K 1033
- CACR 49**, relating to rights of parents to nurture and educate their children. Providing that the right of parents to nurture and educate their children is a natural right, that the legislature and courts shall respect local control of education, and that a local legislative body may promote and fund education through taxes that are reasonable and proportional throughout its jurisdiction. (Alger, Graf 9; et al: Education)  
rules suspended & intro 542, 547, rules suspended 618, K (RC) 803-805
- CACR 51**, relating to establishing a restricted education trust fund. Providing that an education trust fund be established, that all moneys designated for the purpose of state aid to education shall be directly transferred to such trust fund, and that the moneys in such trust fund shall be used exclusively for state aid to education. (Finance)  
871, Clerk's note 990, K 1033
- CACR 52**, relating to extending the deadline imposed by the New Hampshire supreme court on the general court regarding the method of funding public education. Providing that notwithstanding that portion of the New Hampshire supreme court's decision in Claremont School District v. Governor, dated December 17, 1997, which imposed on the general court an end of the 1998 tax year deadline for creating and implementing a new system of funding public education, the deadline shall be extended to May 31, 2001 in order that the general court be given a reasonable time to effect an orderly transition to a new system of funding public education. (Alger, Graf 9)  
intro rej 1096

## HOUSE JOURNAL

## SUBJECT INDEX

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HB 1426-FN, relative to structures in or over public waters. Question, adopt committee report of inexpedient to legislate. Yeas, 219; Nays, 86 .....	382-384
HB 1433-FN, relative to physician-aid-in-dying for certain persons suffering from a terminal condition. Question, adopt majority report of refer for interim study. Yeas, 223; Nays, 86 .....	377-379
HB 1465, relative to eligibility for athletic scholarships with the university system of New Hampshire. Question, adopt committee report of inexpedient to legislate. Yeas, 225; Nays, 85 .....	570-572
HB 1476-L, enabling school districts to allow parental choice among public and nonpublic schools. Question, adopt majority report of inexpedient to legislate. Yeas, 227; Nays, 109 .....	488-490
HB 1506-FN, changing the composition of the liquor commission. Question, adopt majority report of inexpedient to legislate. Yeas, 184; Nays, 125 .....	369-371
HB 1520-FN, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission. Question, adopt Arndt/Foster floor amendment. Yeas, 231; Nays, 91 .....	671-674
Question, lay on table. Yeas, 135; Nays, 146 .....	957-960
Question, adopt conference committee report. Yeas, 145; Nays, 133 .....	960-962
HB 1545-FN, increasing the salaries and changing the terms of office of the labor commissioner and the deputy labor commissioner. Question, adopt committee report of ought to pass with amendment. Yeas, 202; Nays, 83 .....	395-398
HB 1559, legalizing the possession and cultivation of marijuana for medicinal purposes. Question, adopt committee report of inexpedient to legislate. Yeas, 229; Nays, 86 .....	567-570
HB 1576-FN-A, permitting the development of an industrial hemp industry in New Hampshire and continually appropriating a special fund. Question, adopt majority report of ought to pass. Yeas, 164; Nays, 175 .....	277-279
HB 1587-FN, creating the woman's right to know law. Question, adopt majority report of inexpedient to legislate. Yeas, 271; Nays, 73 .....	289-291

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HB 1594-FN, transferring the authority of the judicial conduct committee to the legislature.  
 Question, adopt committee report of inexpedient to legislate. Yeas, 211; Nays, 63 ..... 403-405

HB 1656, relative to the law enforcement memorial. Question, adopt majority report  
 of inexpedient to legislate. Yeas, 196; Nays, 115 ..... 540-542

HB 1667, to place a question concerning electronic gaming machines to the voters on  
 the November 1998 state general election ballot. Question, adopt committee  
 report of inexpedient to legislate. Yeas, 221; Nays, 59 ..... 844-847

HB 1668-FN-A-L, establishing a personal income tax and a statewide school property  
 tax to fund public education and making an appropriation therefor. Question,  
 adopt committee report of refer for interim study. Yeas, 154; Nays, 154 ..... 1067-1069

Question, adopt motion of inexpedient to legislate. Yeas, 143; Nays, 164 ..... 1069-1071

HB 1670-FN-A-L, relative to a statewide school tax on income for purposes of funding a  
 constitutionally adequate education and making an appropriation therefor.  
 Question, adopt committee report of inexpedient to legislate.  
 Yeas, 209; Nays, 77 ..... 1074-1076

HB 1671-FN-A-L, establishing a securities transfer excise tax to meet state obligations in  
 funding education. Question, adopt committee report of inexpedient to legislate.  
 Yeas, 250; Nays, 15 ..... 1076-1078

HB 1674-FN-A-L, establishing a proportional statewide property tax to provide equal  
 per student funding for state mandated education and funding for kindergarten  
 and making an appropriation therefor. Question, adopt committee report of  
 refer for interim study. Yeas, 121; Nays, 142. .... 1079-1081

Question, inexpedient to legislate. Yeas, 158; Nays, 105 ..... 1081-1083

HB 1675-FN-A-L, establishing a referendum for a new taxation plan to fund  
 public education. Question, adopt committee report of inexpedient to  
 legislate. Yeas, 218; Nays, 40 ..... 1083-1085

HB 1676-FN-L, relative to collection by the state of local property taxes paid by  
 businesses, industrial, and public utility properties and redistribution to  
 municipalities for education purposes on a per pupil basis. Question, adopt  
 committee report of inexpedient to legislate. Yeas, 253; Nays, 5 ..... 1086-1088

HB 1679-FN-A-L, relative to local property taxation and state aid to support public  
 education. Question, adopt committee report of refer for interim study.  
 Yeas, 121; Nays, 137 ..... 1088-1090

HB 1681-FN-A, increasing the tobacco tax on all tobacco products and designating the  
 increase in revenue for the advancing better classrooms program. Question,  
 adopt committee report of inexpedient to legislate. Yeas, 126; Nays, 126 ..... 1090-1092

Question, ought to pass. Yeas, 127; Nays, 125 ..... 1093-1095

HCR 12, urging ratification of the Convention for the Elimination of All Forms of  
 Discrimination Against Women. Question, adopt committee report of ought to pass  
 with amendment. Yeas, 228; Nays, 76 ..... 184-187

HCR 22, rescinding the 1979 call for a federal constitutional convention. Question,  
 adopt majority report of inexpedient to legislate. Yeas, 199; Nays, 136 ..... 554-557

HJR 22, requesting the government of the United States to adopt and ratify the  
 international treaty to ban land mines. Question, adopt committee report of  
 inexpedient to legislate. Yeas, 220; Nays, 113 ..... 557-560

HR 54, amending House rules 51, 52, and 64 for the 1998 legislative session.  
 Question, adopt Dodge floor amendment. Yeas, 49; Nays, 299 ..... 35-37

SB 66, allowing a state resident to obtain a license for a pistol or revolver for life.  
 Question, re-commit. Yeas, 188; Nays, 132 ..... 148-151

Question, adopt committee amendment. Yeas, 202; Nays, 141 ..... 213-216

Question, adopt Knowles floor amendment. Yeas, 173; Nays, 163 ..... 216-219

Question, adopt Cegelis floor amendment. Yeas, 87; Nays, 248 ..... 220-222

SB 191, relative to mental health providers. Question, adopt majority report of  
 ought to pass with amendment. Yeas, 202; Nays, 115 ..... 817-820

SB 313, requiring compliance with the Military Selective Service Act as a condition  
 to receiving certain state education and employment benefits, and clarifying the  
 procedure for making Persian Gulf War service bonus payments. Question, adopt  
 minority amendment. Yeas, 124; Nays, 176 ..... 715-717

SB 324-FN, relative to entertainers on premises of an on-sale liquor licensee and relative to  
 penalties for manufacture, sale, and possession of false identification. Question,  
 adopt committee report of ought to pass with amendment. Yeas, 162; Nays, 142 ..... 826-828

Question, adopt the David Welch floor amendment. Yeas, 52; Nays, 254 ..... 898-900



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SB 331, eliminating work certificates for 16 and 17 year old youths. Question, lay on table. Yeas, 60; Nays, 240 .....	822-825
SB 365, relative to including the upper and lower Merrimack Rivers, the Lamprey River, the Swift River, and the mainstream and north branch of the Contoocook River under the shoreland protection act and deleting the deadline for local approval of the designation of the Exeter River as a rural river. Question, adopt majority report of ought to pass. Yeas, 205; Nays, 92 .....	832-834
SB 406, establishing a legislative task force to develop a state government restructuring plan. Question, adopt committee report of inexpedient to legislate. Yeas, 237; Nays, 71 .....	654-656
SB 409-FN, relative to long-term care and extending the moratorium on new nursing home beds. Question, adopt motion to suspend the rules. Yeas, 248; Nays, 106 .....	995-998
Question, adopt committee report of ought to pass with amendment. Yeas, 292; Nays, 73 .....	1004-1007
SB 422-FN, establishing a study committee on the procedures for and affordability of open access to judicial records. Question, adopt majority report of inexpedient to legislate. Yeas, 239; Nays, 76 .....	703-705
SB 437-FN, requiring a one year mandatory prison sentence for a third DWI conviction. Question, re-commit. Yeas, 108; Nays, 204 .....	862-864
Question, adopt committee report of ought to pass with amendment. Yeas, 210; Nays, 104 .....	864-867
Question, adopt motion to suspend the rules. Yeas, 185; Nays, 133 .....	938-940
SB 456, enabling school districts to allow full parental choice in education. Question, adopt committee report of refer for interim study. Yeas, 212; Nays, 107 .....	806-808
SB 467-FN, requiring the department of transportation to construct sound barriers along certain streets in Nashua. Question, adopt committee report of inexpedient to legislate. Yeas, 256; Nays, 54 .....	658-660
SB 475-FN-L, relative to medicaid reimbursement rates and dental care. Question, adopt section 5 of the amendment. Yeas, 174; Nays, 124 .....	902-904
Question, adopt conference committee report. Yeas, 189; Nays, 136 .....	945-947
SB 487, relative to the general powers and duties of a guardian over the estate of the minor. Question, adopt majority report of ought to pass with amendment. Yeas, 165; Nays, 149 .....	706-708
Question, reconsideration. Yeas, 151; Nays, 162 .....	709-711
SB 491, relative to residential care facilities. Question, adopt motion to refer for interim study. Yeas, 134; Nays, 117 .....	907-909
SCR 7, supporting economic security in retirement of all Americans. Question, adopt committee report of ought to pass. Yeas, 156; Nays, 124 .....	847-849
CACR 9, relating to requiring that the attorney general be elected by the legislature. Providing that the attorney general be chosen by joint ballot of the senators and representatives. Question, adopt committee report of inexpedient to legislate. Yeas, 268; Nays, 67 .....	151-153
CACR 31, relating to rulemaking authority of the supreme court. Providing that supreme court rules are effective only when not inconsistent with statutes. Question, adopt committee report of inexpedient to legislate. Yeas, 195; Nays, 118 .....	506-509
CACR 34, relating to broad-based sales or income taxes. Providing that adopting a broad-based sales or income tax is prohibited. Question, adopt committee report of inexpedient to legislate. Yeas, 206; Nays, 74 .....	400-403
CACR 42, relating to public money used to compensate individuals for sectarian education. Providing that the provision prohibiting public money from being used to compensate individuals for education at sectarian schools be replaced with federal constitutional church-state separation protections. Question, adopt committee report of inexpedient to legislate. Yeas, 249; Nays, 89 .....	477-479
CACR 44, relating to clarifying the phrase "proportional and reasonable" in the constitution. Providing that to the extent local property taxes are used to fund an adequate education, tax rates among different local taxing districts shall be proportional and reasonable if, utilizing real property valuations equalized throughout the state, the lowest tax rate utilized by any one local taxing district is not less than 50 percent of the highest tax rate utilized by any other local taxing district. Question, adopt Kurk/Burling floor amendment. Yeas, 192; Nays, 156 .....	1040-1042
Question, adopt Weyler floor amendment. Yeas, 82; Nays, 257 .....	1045-1048
Question, adopt Franks floor amendment. Yeas, 110; Nays, 197 .....	1050-1053
Question, adopt Martin floor amendment. Yeas, 44; Nays, 300 .....	1059-1062
Question, ought to pass with amendment. Yeas, 192; Nays, 153 .....	1062-1065

**Roll calls (cont.)**

CACR 45, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or part, to a political subdivision, provided that upon delegation, such assessments, rates and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed.

Question, adopt committee amendment. Yeas, 182; Nays, 181 ..... 1017-1019  
 Question, adopt Franks floor amendment. Yeas, 108; Nays, 253 ..... 1021-1023  
 Question, adopt Burling floor amendment. Yeas, 135; Nays, 221 ..... 1027-1030  
 Question, adopt committee report of ought to pass with amendment. Yeas, 193; Nays, 163 ... 1030-1032

CACR 46, relating to the right of each educable child to an adequate education, and the proportionality and reasonableness of local taxes for education. Providing that the right of every child to an adequate education shall be enforced by appropriate legislation, that the state may delegate to its political subdivisions the duty to provide an adequate education, and that a tax imposed to implement such a delegated duty shall be proportional and reasonable. Question, adopt committee report of inexpedient to legislate. Yeas, 171; Nays, 191 ..... 1008-1010  
 Question, adopt floor amendment. Yeas, 178; Nays, 185 ..... 1012-1014

CACR 49, relating to rights of parents to nurture and educate their children. Providing that the right of parents to nurture and educate their children is a natural right, that the legislature and courts shall respect local control of education, and that a local legislative body may promote and fund education through taxes that are reasonable and proportional throughout its jurisdiction. Question, adopt committee report of inexpedient to legislate. Yeas, 227; Nays, 80 ..... 803-805

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**Rooms and meals tax.** See: Meals and rooms tax

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 safety commissioner's permissible fireworks rules exempt from administrative procedure act ..... HB 152  
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     motor vehicle pilot programs, oxygen sensor and mobile source remote sensing; report ..... HB 1513  
     permissible fireworks rules exempt from administrative procedure act ..... HB 152  
     rulemaking regarding permissible fireworks transferred to fire marshal ..... HB 1108  
     special decisions restricting motor boats or ski craft on great ponds entirely within a town after vote by town ..... HB 1152  
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     1997 capital appropriation amendments ..... HB 1141am  
     additional state troopers, appropriation ..... HB 1586  
     capital improvements appropriation changed, project sums combined ..... SB 342am

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marine patrol officers, communications equipment, appropriation .....	HB 1321
marine patrol officers, minimum standards by police standards and training council .....	HB 1275
marine patrol services, study .....	HB 1605
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  - materials accessible to parents, anonymity of results ..... SB 451
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  - educational adequacy ..... HB 1678
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