

HOUSE RECORD

Second Year of the 156th Session of the General
Court

Calendar and Journal of the 2000 Session

Vol. 22

Concord N.H.

Thursday, February 10, 2000

No. 16

HOUSE JOURNAL No. 5 (cont.)

Thursday, February 3, 2000

(Rep. Buckley in the Chair)

RESOLUTION

Rep. Leishman offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Concurrent Resolution numbered 31, 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 committees.

Adopted.

INTRODUCTION OF HCR

First, second reading and referral

HCR 31, urging the New Hampshire congressional delegation to take action to keep the international border crossing between the United States and Canada, in the town of Pittsburg, New Hampshire, open 24 hours a day. (Merrill, Coos 1; P. Davis, Coos 1; Chandler, Carr 1; McGuirk, Ches

1; Landers, Coos 2; F. King, Dist 1; Gordon, Dist 2; Below, Dist 5; Cohen, Dist 24; Johnson, Dist 3: State-Federal Relations and Veterans Affairs)

enrolled bill amendment

SB 147, relative to self-referrals for chiropractic care under managed care organizations.
(Amendment printed SJ 2/10/00)

Adopted.

RECESS

(Speaker Sytek in the Chair)

committee assignments

Rep. Linda T. Foster off Municipal and County Government; on Finance.

Rep. Andre A. Martel on Children and Family Law.

Rep. Dawn C. Nolan-Piteri off Children and Family Law.

Rep. David A. Young on Children and Family Law.

RECESS

(Rep. Vaillancourt in the Chair)

RESOLUTION

Rep. Bickford offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 2000 and House Concurrent Resolution numbered 32, 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 HCR

First, second reading and referral

HB 2000-FN-L, relative to a 10-year transportation plan. (E. Smith, Ches 6; Public Works and Highways)

HCR 32, urging the President and the Secretary of Energy to release certain amounts of petroleum from the nation's petroleum reserve. (G. Brown, Straf 17; Burling, Sull 1; Chandler, Carr 1; Peter Cote, Hills 32; Knowles, Straf 11: State-Federal Relations and Veterans Affairs)

RECESS

(Speaker Sytek in the Chair)

Rep. Chandler moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 6

Thursday, February 10, 2000

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, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Dear Lord, we have heard that politics is like making sausage, and if that is so, we pray today for the following:

Grant each member of this House an open heart to hear the concerns of those they serve. Grant each a listening ear, an open mind, and a health measure of compassion. Grant each a spirit of discernment, with the wisdom and the will to act courageously. Remove the fat and gristle that stalls progress and erodes trust. Add the proper seasonings of dedication, sacrifice and thanksgiving so that, when our political sausage is placed in the frying pan of public opinion, all the citizens of our beloved New Hampshire may smell the sweet aroma of work well done with Your blessing and grace. Amen.

Rep. Weare led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Allison, Blaisdell, Bridle, Patricia Cote, Curran, DePecol, Holley, William McCarthy, Mendenhall, Nolan-Piteri, Irene Pratt and Searles, the day, illness.

Reps. Abbott, Craig, Fenton, Fortnam, Fraser, Glines, Grassie, Langone, Martel, McKinley, O'Keefe, Perkins, Priestley, Salatiello, Shelton, Solow, Soltani and Wallin, the day, important business.

Reps. Dawe, Dudley, David Lawton, Lovejoy and Rubin, the day, illness in the family.

INTRODUCTION OF GUESTS

Mark Turner, guest of Reps. Ronald Nowe and Mary Lou Nowe. The 4th grade class from the Newmarket Elementary School, guests of the Newmarket Delegation. Leadership New Hampshire Class of 2000, guests of the House. Christina Grigorian, Olga Ivanova, Aziz Abdoukavimov and George Firsov, guests of Rep. Alukonis.

special guests

The Girl's Softball team from Moultonborough Academy.

senate message

nonconcurr with amendment

requests committee of conference

SB 143, relative to penalties for incest.

The President appointed Sens. Pignatelli, Squires and Brown.

Rep. Welch moved that the House accede.

Adopted.

The Speaker appointed Reps. Welch, Lozeau, Tholl and Knowles.

house resolution no. 23

Memorializing State Representative Marie C. Hawkinson of Berlin

WHEREAS, it is with profound sadness and with the deepest of regrets that we have learned of the death of our legislative colleague, Marie C. Hawkinson of Berlin, who was in the midst of her fifth consecutive term serving faithfully her constituents of District 7 of Coos County, and

WHEREAS, throughout her legislative tenure, Marie C. Hawkinson did distinguish herself as a lawmaker and with diligence did sit first on the Standing Committee on Labor, Industrial & Rehabilitative Services and then on Appropriations and most recently, for three consecutive terms, on Finance, and

WHEREAS, having been born in Berlin, Marie C. Hawkinson did choose to remain in the beloved land of her roots and did spend her lifetime being a champion of the New Hampshire North Country, working always and with intense effort to bring opportunity, advantage and prosperity to the area, and

WHEREAS, having been a woman possessed of high energy and civic commitment, Marie C. Hawkinson did serve the citizenry of Coos County in countless ways, including as County Commissioner, as Incorporator of Charitable Trust, as Secretary of the Berlin Elementary Teachers' Association, and as a member of the Androscoggin Valley Hospital Board, and

WHEREAS, in the most recent of times, Marie C. Hawkinson was honored as recipient of the Sylvia Evans Award and the Dunfey-Kanteres Award, and

WHEREAS, all who did come to cross her path did quickly come to know Marie C. Hawkinson to be a woman of impeccable integrity who never did hesitate or flinch when standing in the face of a challenge, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Marie C. Hawkinson be saluted and granted the highest of accolades for her outstanding and dedicated legislative service, as well as her service to Berlin and the North Country, and be it further

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

Unanimously adopted by a rising vote.

COMMITTEE REPORTS

CONSENT CALENDAR

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

HB 1264-FN, relative to the unlawful use of theft detection shielding devices, removed by Rep. Welch.

HB 1499, relative to credit for American sign language and transliteration as a foreign language, removed by Rep. Gilman.

HB 1365, relative to spending disclosures in political advertising, removed by Rep. Splaine.

HB 1526-FN, relative to campaign contributions and expenditures, removed by Rep. Splaine.

Consent Calendar adopted.

HB 1162, establishing a committee to study the petition process, record keeping procedures, and costs of services in CHINS cases. INEXPEDIENT TO LEGISLATE

Rep. L. Randy Lyman for Children and Family Law: The Department of Children, Youth and Families has a newly-adopted program, Voluntary Service Program, now in effect that will be addressing CHINS cases; therefore, the committee and sponsor feel this bill is not necessary at this time. Vote 12-0.

HB 1228, relative to offers of credit received through the mail. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Commerce: This bill, while well intentioned, would only apply to one institution within the state. 99% of credit card offers come from out-of-state and are not subject to this law. The offers must comply with federal statutes under the Fair Credit Reporting Act and disclose all further conditions of the loan. Vote 12-0.

HB 713-FN, relative to penalties for multiple DWI offenses. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: HB 713-FN as introduced, dealt with penalties for DWI offenses and ignition interlock devices. This bill was re-referred in the spring of 1999 and a subcommittee was formed to study the subjects. There was also a chaptered study committee approved (SB 84) to look at DWI related issues. The subcommittee on HB 713-FN decided to deal with just the ignition interlock devices and leave the penalty-related matters to the SB 84 committee. The subcommittee on HB 713-FN met several times during the fall of 1999 and produced what we hope will be the start of a successful ignition interlock system for the state of New Hampshire. Section 1 of the amended bill defines "ignition interlock devices" and "interlock service providers". Section 2 of the bill establishes an ignition interlock program and puts limits on how long the court may order its use. Six months to 1 year for a first offense and not more than 3 years for a subsequent offense. This section also allows for rules to be established to deal with recalibration, installation, number of service locations in the state, who the reports are sent to, an exception for those that can't pay, and the issuance of a certificate of installation on the offenders vehicle. The third section of the bill describes what happens if one tries to circumvent the use of an ignition interlock device. The fourth section establishes penalties for violating a court order requiring the use of an ignition interlock device. The expenses incurred with the use of an interlock device are the responsibility of the person ordered by the court to have the device installed. The last two sections of the bill add the use of ignition interlock devices to the reckless driving statute, if there is a revocation in which alcohol was involved, and to the negligent homicide statute if one is under the influence and causes the death of another. The one other change we made was in RSA 265:79, reckless driving, minimum penalty, where we changed the maximum fine to \$1,000 from \$500. This brings this section of our statutes in line with the maximum fine for a violation as described in RSA 651:2-IVa. Vote 14-0.

Amendment (3248h)

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

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

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

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

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

Alcohol Ignition Interlock Program

265:82-e Alcohol Ignition Interlock Program Established. Any person whose license or permission to drive has been revoked or suspended under RSA 265:82-b may be required by the court after the period of revocation or suspension to install an ignition interlock device as defined in RSA 259:43-a in any vehicle registered to that person or used by that person on a regular basis, for not less than 6 months nor more than one year for a first offense or more than 3 years for a subsequent offense. Installation and monitoring costs shall be paid by the offender. A certificate proving installation of the device shall be provided to the division of motor vehicles as a condition precedent to reinstatement of the individual's license to drive, and the division may mark the person's license accordingly.

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

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

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

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

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

(c) Provide periodic reports as determined by the court or in department rules, to the arresting agency, the court of jurisdiction, and, if applicable, to the offender's treatment provider and probation office;

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

(e) Provide installation and service to those offenders determined by the court to be unable to pay the full cost of an interlock program, by developing a hardship credit equal to 2 percent of the gross receipts of each approved interlock service provider excluding the purchase or rental cost of the interlock device; and

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

265:82-f Alcohol Ignition Interlock Circumvention.

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

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

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

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

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

265:82-g Violating Court Order.

I. The court shall immediately suspend the privileges to operate a motor vehicle of, and issue a bench warrant for, any persons who fails to comply with any order of the court regarding the installation of an ignition interlock device after the period of revocation or suspension imposed in RSA 265:82-b. The privileges to operate shall not be restored until the court is satisfied that the person is in compliance with its order.

II. If it is found that a person required to drive a motor vehicle equipped with an ignition interlock device has failed to comply with any requirement for the maintenance or calibration of the device, or shows a consistent pattern of failures to pass the breath test provided by the device, the court may issue a hearing to determine if the person should be held in contempt of court and may order a further license suspension or revocation. The period of suspension or revocation under this section shall be added to any previously ordered suspension or revocation.

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

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

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

II. A person is guilty of a class A felony when in consequence of being under the influence of intoxicating liquor or a controlled drug or any combination of intoxicating liquor and

controlled drug while operating a propelled vehicle, as defined in RSA 637:9, III or a boat as defined in RSA 270:48, II, he causes the death of another. ***An offender under this paragraph shall not have a license to drive reinstated until after the division receives certification of installation of an ignition interlock device as described in RSA 265:82-e, which shall remain in place for at least 24 months, or longer if so ordered by the court.***

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

AMENDED ANALYSIS

This bill revises the penalties for repeat DWI offenders to include ignition interlock systems for offenses involving alcohol.

HB 1196-L, giving the police department of Lincoln authority to respond to emergency situations and exercise police duties in the unincorporated place of Livermore. OUGHT TO PASS

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: The Lincoln Police Department routinely responds to incidents that are reported to be in Lincoln, but upon arrival are actually found to be in the town of Livermore. Livermore is an unincorporated town that has no population. Police coverage is provided by the Grafton County Sheriff's Department or the state police. The time between the arrival of the Lincoln Police and an agency with jurisdiction can be as much as two hours. The Grafton County sheriff does not object to this bill and the committee feels it is appropriate. Vote 13-0.

HB 1221, directing the fire standards and training commission to establish a formal means of inquiry for purposes of quality assurance in fire standards and training. INEXPEDIENT TO LEGISLATE

Rep. Everett A. Weare for Criminal Justice and Public Safety: Following a hearing on this bill, a work session was held between members of the fire standards and training commission and other interested parties and it was determined that fire standards and training has the ability to engage in inquiries for the purpose of quality assurance. The fire standards and training commission will work with other groups to establish such a program, therefore, this bill is not needed at this time. Vote 12-0.

HB 1476, expanding the notification process for victims of crime. INEXPEDIENT TO LEGISLATE

Rep. Leo P. Pepino for Criminal Justice and Public Safety: The sponsor had filed this house bill to solve a problem that he later discovered does not exist or has been solved. At the sponsor's request, the bill was voted inexpedient to legislate. Vote 16-0.

HB 1478-FN-A, establishing matching funds for certain candidates. REFER FOR INTERIM STUDY

Rep. Francis W. Davis for Election Law: HB1478-FN establishes a fund to provide matching funds to eligible candidates for governor, United States senator, and representative to Congress. This bill inserts language in forms for the business profits tax, business enterprise tax, interest and dividends tax, and motor vehicle registrations enabling contributions to the fund. The amount contributed would be \$10 on the business profits tax form and \$5 on the other forms. The committee voted unanimously to send HB1478-FN to Interim Study. The committee desires to study HB1478-FN with HB1526-FN, and to consider further provisions of both bills. Vote 16-0.

HB 1399-FN, relative to the amount payable by the retirement system on account of qualified group II retirees of a political subdivision employer. INEXPEDIENT TO LEGISLATE

Rep. Ray F. Langer for Executive Departments and Administration: This bill would have allowed political subdivisions to establish a health insurance plan that is portable, for their retirees. The New Hampshire Retirement System would send the medical subsidy checks to the designated plan. A representative of the municipal association and a firefighters association appeared in opposition to the bill. No one from the public spoke in favor of the bill. With no support from those effected, the committee voted not to pass this legislation. Vote 13-1.

HB 1419-FN, allowing teachers to purchase credit in the retirement system for certain service in an armed conflict. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would allow only a teacher member of the retirement system, who has completed 10 years of active membership, to purchase additional service for time served in a war or armed conflict. The employer provides a retirement system to reward employees with a retirement benefit based upon the length of service and the rate of compensation for their work. The committee voted this inexpedient to legislate as the time served in active service in a war or armed conflict has nothing to do with their employment as a teacher and should not be used to enhance their retirement allowance. A similar bill during the 1999 session for employees was also recommended as expedient to legislate. There are two provisions in the present statutes that (1) cover active members that are called to duty in the military and (2) allow members to make additional contributions to their account, with the approval of the board of trustees. Vote 13-1.

HB 1568-FN, relative to disability retirement benefits for group II members injured in the performance of duty. INEXPEDIENT TO LEGISLATE

Rep. Ray Langer for Executive Departments and Administration: This bill reinterpreted the definition of disability as "ordinary disability" and removed the requirement that firemen, receiving a permanent disability retirement allowance, must undergo a medical examination within 5 years and every three years thereafter. The committee felt that this action was discriminatory because the requirement now applies to all group I and group II members receiving disability allowance. Vote 13-1.

HB 51, providing for the voluntary registration of commercial maple producers and maple packers. OUGHT TO PASS

Rep. Steve Vaillancourt for Finance: This bill establishes a voluntary registration program which the Commissioner of Agriculture has assured the Finance Committee can be accomplished within the parameters of his current budget. The goal is to provide the department with a better handle on who is producing maple sugar. Since no additional personnel will be required and there is negligible cost to the state, the Finance Committee recommends the bill Ought to Pass. Vote 25-0.

HB 580-FN-A-L, authorizing a grant from funds appropriated to the joint promotional program for the purpose of marketing the Connecticut river area as a travel and tourism destination. OUGHT TO PASS

Rep. Susan W. Almy for Finance: The Finance Committee heard from the policy committee that the intent of this bill is to provide limited funds to bring together tourism organizations up and down the Connecticut River to market themselves as a tourist location. The money is already available in the existing Joint Promotional Program, which has agreed to this special one-time use for an undeserved

region. We have hit the deadline, and there is still a question as to whether the intent of the bill is fully expressed in the language, and both committees will follow the bill to the Senate to clarify this if further information makes it necessary. Vote 25-0.

HB 725, relative to rulemaking under the administrative procedures act. OUGHT TO PASS WITH AMENDMENT

Rep. Joseph E. Stone for Finance: Finance and ED&A compromised and amended this bill as follows: The joint legislative committee on administrative rules shall meet at least once each month and more often as necessary. The director of legislative services shall provide services and shall employ full-time staff, including clerical support and specially-designated committee legal counsel, in the division of administrative rules established within the office of legislative services. Changes in services or staffing in the division shall be made by the joint committee on legislative facilities only after receiving the recommendation of the joint legislative committee on administrative rules. The joint legislative committee on administrative rules shall adopt rules to govern its operations and organization.

The amendment continues the role of the joint committee on legislative facilities in staffing decisions and levels within the context of the legislative budget. Vote 22-2.

Amendment (3244h)

Amend RSA 541-A:2, II as inserted by section 3 of the bill by replacing it with the following:

II. The **joint legislative** committee **on administrative rules** 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. Changes in services or staffing in the division shall be made by the joint committee on legislative facilities only after receiving the recommendation of the joint legislative committee on administrative rules.** The **joint legislative** committee **on administrative rules** 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.

HB 1573-FN, relative to funding of the salary of the director of emergency medical services. OUGHT TO PASS WITH AMENDMENT

Rep. Vivian R. Clark for Finance: Last year the legislature created an unclassified position for a director of emergency medical services, replacing the previously existing unclassified chief of emergency services within the Department of Health and Human Services. This bill specifies that funding for the new position shall be transferred from the appropriation that was made for the old position, as was intended in last year's bill. The amendment creates a category 11 (unclassified salaries) line in the appropriate section of the budget, so that the transfer can be made. Vote 24-0.

Amendment (3195h)

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

AN ACT relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor.

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

2 Class Line Established; Department of Safety. There is hereby established a class line 11, personal services-unclassified within an appropriate PAU of the department of safety, division of emergency medical services to which there is appropriated the sum of \$1 for the fiscal year ending June 30, 2000 and the sum of \$1 for the fiscal year ending June 30, 2001, for the purposes of section 1 of this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill provides that initial funding for the salary of the new unclassified director of emergency management services in the department of safety shall be from funds appropriated for the salary of the former classified position of chief of emergency services of the department of health and human services, and makes an appropriation for this purpose.

SB 178-FN-A, relative to appropriations to the port authority for dredging projects. OUGHT TO PASS

Rep. Joseph E. Stone for Finance: This bill makes certain money previously appropriated to the New Hampshire port authority available for dredging projects including associated mitigation, a hydrodynamic study of Hampton and Seabrook, and renovation of any commercial fish piers that may be transferred to the port authority. The N.H. Port Authority stated this bill as amended by the House will have no additional fiscal impact on state, county and local revenues or expenditures. Of the total, non-lapsing \$18,300,000 bonding authorization, approximately \$13,960,000 is still available. Vote 24-1.

SB 228-FN, relative to spousal benefits upon the death of certain retired group II members of the New Hampshire retirement system. OUGHT TO PASS

Rep. Paul J. Dwyer, Jr. for Finance: This bill was written in order to take care of widows of police officers and firefighters who are left out in the cold due to the retirement member not electing to cover the spouse due to the amount of money that the retiree received when he retired. The bill will have a one-time cost of \$9.1 million for police and fire retirees that will come out of the N.H. Police and Fire special account in the state retirement system. There is no impact on the general fund. Vote 25-0.

Reps. Mock and Phinney declared conflicts of interest and did not participate.

HB 1323, relative to local public assistance to nonresidents. INEXPEDIENT TO LEGISLATE

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: This bill would have made a resident of New Hampshire who invites a non-resident person who is unable to support himself or herself into their home, financially responsible for the non-resident for 30 days. The committee felt this would create a different class of residents and would open the cities and towns to new litigation. Vote 14-1.

HB 1502, establishing a committee to study procedures following lead paint abatement OUGHT TO PASS WITH AMENDMENT

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: As amended, the bill changes the definition of "lead inspector" in RSA 130a:1,XV. It divides the duty between 3 less skilled and lower paid occupations, thus making lead abatement less costly. This change also brings our statute in line with federal regulations in this regard. Vote 15-0.

Amendment (3303h)

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

AN ACT relative to lead paint abatement.

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

1 Definition Amended. Amend RSA 130-A:1, XV to read as follows:

XV. "Lead inspector" means any person or entity engaged in inspections for the presence of lead base substances. ~~[The term includes individuals who design or evaluate lead base substance abatement projects.]~~

2 New Paragraphs; Definitions Added. Amend RSA 130-A:1 by inserting after paragraph XVI-a the following new paragraphs:

XVI-b. "Lead risk assessor" means an individual who conducts risk assessments, as defined in HE-P 1602.44, develops lead hazard reduction plans, as defined in paragraph XVI(a), and issues final risk assessment reports.

XVI-c. "Lead clearance testing technician" means an individual who conducts tests for the presence of surface dust, as defined in subparagraph XI(c), or lead in soil, as defined in subparagraph XI(b).

3 Lead Risk Assessors; Lead Clearance Testing Technicians. Amend RSA 130-A:2, I(a) and (b) to read as follows:

(a) License in accordance with RSA 130-A:12, I, or deny or revoke the licensure of, any lead inspector, **lead risk assessor**, or lead abatement contractor advertising, offering or otherwise making available services in the state of New Hampshire, whether or not the inspector ~~[or]~~, contractor, **or lead risk assessor** is incorporated in the state.

(b) Certify employees of owners or managers of dwellings, dwelling units, or child care facilities, and of lead abatement contractors, who are engaged in lead base substance abatement, or refuse to provide or revoke such certification. ~~[A] Separate [certificate]~~ **certificates** shall be issued to workers who supervise ~~[or design lead base substance abatement projects]~~ **other certified workers and to lead clearance testing technicians.**

4 Lead Risk Assessors; Lead Clearance Testing Technicians. Amend RSA 130-A:2, I(h) to read as follows:

(h) Certify training programs for lead abatement contractors, lead inspectors, **lead risk assessors, lead clearance testing technicians**, and lead abatement workers.

5 Investigations; Lead Risk Assessors. Amend RSA 130-A:5, I(a) to read as follows:

(a) Requiring additional information and periodic reports from the child's health care provider, the owner or owner's agent of a leased or rented dwelling or dwelling unit occupied by a child, the owner or operator of any child care facility attended by the child, and any lead inspector, **lead risk assessor**, or lead abatement contractor involved in lead hazard reduction at the child's dwelling, dwelling unit, or child care facility.

6 Enforcement. Amend RSA 130-A:7, II(e) to read as follows:

(e) Responsibility for verification by a lead inspector **or lead risk assessor** of lead hazard reduction to the commissioner.

7 Lead Risk Assessor; Lead Clearance Testing Technicians. Amend RSA 130-A:9, II – VII to read as follows:

II. No person shall perform or cause to be performed a lead inspection **or lead risk assessment, as defined in HE-P 1602.44**, in a dwelling or dwelling unit or in a child care facility in any manner other than as provided for in rules adopted under RSA 130-A:10.

III. No child or pregnant woman shall be present in a leased or rented dwelling or dwelling unit, or in a child care facility, during the period of lead hazard reduction when the method of reduction causes the release of lead base substances which may be inhaled or ingested. The dwelling or dwelling unit or the child care facility shall not be reoccupied until an inspection is performed which indicates the lead exposure hazard has been reduced. The commissioner shall include this prohibition in any order issued under RSA 130-A:7.

IV. No person performing inspections **or lead risk assessments, as defined in HE-P 1602.44**, for the presence of lead base substances as a lead inspector **or lead risk assessor** after lead hazard reduction shall perform or have performed the lead hazard reduction.

V. No person shall advertise or otherwise offer or make available services as a lead inspector, **lead risk assessor**, or lead abatement contractor without being licensed under RSA 130-A:12.

VI. No person shall engage any individual for lead base substance abatement who has not been tested and certified under RSA 130-A:12. However, individuals not certified under RSA 130-A:12, II, may engage in activities related to a lead exposure hazard reduction plan, such as, but not limited to, installation of exterior siding, carpet or paving, or application of encapsulants, provided that the individual does not engage directly in lead based substance abatement and the plan is reviewed and approved by a contractor licensed under RSA 130-A:12, I.

VII. No training program shall be offered in this state for the purposes of training lead inspectors, **lead risk assessors**, lead abatement contractors, **lead clearance testing technicians**, or lead abatement workers that has not been certified under RSA 130-A:12.

8 Lead Risk Assessors; Lead Clearance Testing Technicians. Amend RSA 130-A:10 to read as follows:

130-A:10 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. Qualifications and procedures for licensure of lead inspectors, **lead risk assessors**, and lead abatement contractors, in accordance with RSA 130-A:12. The rules shall provide for reciprocity with other states having similar standards.

II. Standards and procedures for the testing and certification of lead abatement workers **and lead clearance testing technicians**, in accordance with RSA 130-A:12. The rules shall provide for reciprocity with other states having similar standards.

III. The conduct of inspections and inspection standards for lead inspectors **and lead risk assessors**, including procedures for issuing certificates of inspection, certifications of compliance, and certifications when a dwelling or dwelling unit is found to be lead free, certifications when a dwelling unit is found to be lead safe and for the review and validation of such certificates or certifications by the department for any person who so requests.

IV. Fees to be collected for the issuance of licenses to lead inspectors, **lead risk assessors**, lead abatement contractors, for certification of lead abatement workers **and lead clearance testing technicians**, for testing resulting from investigations, for certification of laboratories, for certifications of training programs, and for notifications under RSA 130-A. Property owners who own more than 4 but fewer than 7 dwelling units shall pay a fee for licensure which is 1/2 of that paid by other lead abatement contractor licensees. Such reduced fee license shall only be valid for work on dwellings or dwelling units owned by such license holder.

V. Procedures for the conduct of investigations carried out under RSA 130-A:5, including the conduct of inspections and establishment of a blood lead level requiring an inspection.

VI. Procedures for issuing orders under RSA 130-A:7, including procedures for extending the time available for lead hazard reduction.

VII. Procedures for notification activities carried out under RSA 130-A:14.

VIII. Procedures for lead hazard reduction, in-place management, and interim controls for interior and exterior surfaces. The procedures shall include methods of abatement and the measures necessary to protect the health and safety of lead abatement workers and to control the release of lead base substances to the environment. The commissioner shall allow for the use of alternate procedures that result in the same level of protection as otherwise provided by the rules adopted under this chapter.

IX. A schedule of administrative fines which may be imposed under RSA 130-A:14 for a violation of this chapter or the rules adopted pursuant to it.

X. Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 130-A:14.

XI. Standards for training programs for lead inspectors, **lead risk assessors**, lead abatement contractors, **lead clearance testing technicians**, or lead abatement workers.

XII. Procedures for reporting of laboratory test results under RSA 130-A:3.

XIII. Standards and procedures for certifying laboratories performing tests to detect or measure lead in human body fluids or tissues.

XIV. Paints and other substances which may be approved as encapsulants.

XV. Standards and procedures for granting a variance from compliance with one or more provisions of RSA 130-A.

9 Lead Risk Assessor; Lead Clearance Testing Technician. Amend RSA 130-A:12, I –III to read as follows:

I.(a) A license to perform as a lead abatement contractor ~~[or]~~, lead inspector, **or lead risk assessor**, shall be issued in writing by the department in accordance with rules adopted under RSA 130-A:10, I. The license shall be valid for 12 months from the date of issuance, shall contain the expiration date, and shall contain the official signature of the commissioner or designee. The license or a certified copy of the license shall be available for inspection at any worksite during the period of work of the lead abatement contractor ~~[or]~~, lead inspector, **or lead risk assessor**.

(b) Any owner who owns 4 or fewer dwelling units shall not be required to obtain a lead abatement contractor license to perform lead abatement on such owner's dwellings or dwelling units, provided that such owner shall comply with all rules adopted under RSA 130-A:10, I.

II. Lead abatement workers **and lead clearance testing technicians** shall first obtain a certification from the department. The certification shall be issued in accordance with rules adopted under RSA 130-A:10, II. The certificate shall be in writing, shall be valid for a period of 12 months from the date of issuance, and shall contain the official signature of the commissioner or designee. The certificate or a certified copy of the certificate shall be available for inspection at any worksite where the individual is performing lead base substance abatement **or conducting clearance testing**.

III. Training programs offered in New Hampshire for lead abatement contractors, lead inspectors, **lead risk assessors**, and individuals seeking certification as lead abatement workers **or lead clearance testing technicians** shall first be certified by the department in accordance with rules adopted under RSA 130-A:10, XI. Such certification shall be in writing, shall be valid for a period of 12 months from the date of issuance, and shall contain the official signature of the commissioner or designee. The certification or a certified copy of the certificate shall be available for inspection during any period of training.

10 Risk Assessors Added. Amend RSA 130-A:13 to read as follows:

130-A:13 Notification Program. The commissioner may, if necessary, institute a program requiring the notification to the department of all inspections for lead base substances carried out by lead inspectors, **risk assessments carried out by lead risk assessors**, and of all lead hazard reduction activities conducted on child care facilities and on leased or rented dwelling and dwelling units, carried out by lead abatement contractors or by lead abatement workers. The program shall be conducted in accordance with rules adopted under RSA 130-A:10, VII, and the commissioner shall collect fees for notifications. The commissioner may conduct inspections of such activities as necessary to assure that the provisions of this chapter and rules adopted under it are carried out.

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

HB 1147, relative to the right-to-know law and electronic communication. INEXPEDIENT TO LEGISLATE

Rep. Peter F. Bergin for Judiciary: The committee voted inexpedient to legislate because this bill's subject matter will be studied in HB 1435. Vote 13-0.

HB 1508-FN, directing the attorney general to apply to the supreme court to convene a grand jury to investigate health care and insurance issues and practices. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew R. Peterson for Judiciary: The committee had many serious concerns with the bill as written. However, in our deliberations we received an amendment from the sponsor to proceed with an inquiry via a chartered study committee. We believed this could be a forum for many important concerns which may yield beneficial insights into the internal dynamics of the health care business in the Granite State. Vote 14-0.

Amendment (3269h)

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

AN ACT establishing a study committee on antitrust laws as they apply to hospital business practices.

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

1 Committee Established. There is established a committee to study antitrust laws as they apply to hospital business practices.

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 study antitrust laws as they apply to hospital business practices.

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, 2000.

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

AMENDED ANALYSIS

This bill establishes a study committee on antitrust laws as they relate to hospital business practices.

HB 1118, establishing a committee to study the feasibility and value of encouraging the construction and operation on state park lands of publicly or privately-owned hotels, conference centers and other resort facilities. INEXPEDIENT TO LEGISLATE

Rep. Barbara L. Spear for Public Works and Highways: The committee feels that the present procedure works well, and in many cases private projects are located on state property. The sponsors are sincere in their efforts to help the state, but the committee felt that the rural character of New Hampshire is best served by the current system. Vote 15-0.

HB 1153, establishing a committee to study and assess the impact on traffic on NH Routes 121 and 102 in Chester from the proposed interchange off exit 4A on Interstate 93 in Derry. INEXPEDIENT TO LEGISLATE

Rep. John P. Gleason for Public Works and Highways: The committee felt that a study of this nature is more appropriately addressed by a concerned community initiating a request for this service through its regional planning commission. This approach has been suggested to the bill sponsor and would be in step with the normal procedure for exploring situations that have a bearing on major public works projects such as a 4A exit on Interstate 93. The committee could understand the potential problems that may develop as a result of an additional exit from I-93. Local input to the regional planning process could make resolution to this problem much more effective than legislation action such as this. Vote 19-0.

HB 1159, establishing a committee to study the origins and destinations of truck traffic at the exit 3 truck stop in the town of Greenland. INEXPEDIENT TO LEGISLATE

Rep. Elizabeth C. Shultis for Public Works and Highways: The committee supported the concept of studying the patterns and causes of truck diversions from the turnpike and highway systems by investigating the origins and destinations of truck traffic at the Exit 3 truck stop in Greenland, and referred the study to the Regional Planning Commission to study alternate access routes, and the feasibility of routing long distance truck traffic back onto the interstate highway system. Members of the committee felt that this process would allow more flexibility for the Regional Planning Commission to complete its study and to make recommendations. Vote 19-0.

HB 1165-FN-L, reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley. OUGHT TO PASS WITH AMENDMENT

Rep. John P. Gleason for Public Works and Highways: The committee has through this bill established a procedure for the exchange of highway maintenance on a class II to a class V highway between the state and town, applying to certain roads in the towns of Northfield, Tilton and Waterville Valley. Reclassification is subject to reconstruction by the state Department of Transportation. An amendment requires approval by the governing body of the applicable town or city. There was no opposition to this procedure at the public hearing. Vote 15-0.

Amendment (3132h)

Amend the bill by replacing section 2 with the following:

2 Applicability. This act shall take effect 60 days after its passage or 60 days after completion of the reconstruction to be performed by the department of transportation, whichever is later; provided, however, that no reclassification provided for in section one of this act shall be effective until such time as the governing body of the corresponding municipality has voted to accept responsibility for the additional costs incurred by the reclassification of the road, consistent with part 1, article 28-a of the New Hampshire constitution.

HB 1354-FN, indexing the rate of the motor fuel tax to changes in the value of the dollar.
INEXPEDIENT TO LEGISLATE

Rep. Robert A. Daigle for Public Works and Highways: The committee could see a lot of merit for this concept, however, this represents a major change in policy. More testimony was heard in opposition than in favor. We feel the sponsor has floated this idea, and now if we continue to think about the concept, in a few years more people may realize the merits. Vote 17-0.

HB 1489-A, making a capital appropriation for the reconstruction and repair of the Monadnock Mill State Office Building in Claremont. INEXPEDIENT TO LEGISLATE

Rep. John R. Cloutier for Public Works and Highways: This bill would make a capital appropriation of \$93,000 for reconstruction and repair of the Monadnock Office Building's stone foundation which was weakened a couple of years ago by several ice chunks from the adjacent Sugar River. While the committee unanimously sympathizes with the sponsors' intent on this bill, it is one of the few bills this year calling for additional capital appropriations. Such an appropriation would call for more bonding from the general fund, the bond limit of which has been nearly reached with passage of the 1999 Capital Budget. Instead, the sponsors are encouraged to go through the 2001 Capital Budget process, among other options, to get the Monadnock building repaired. Vote 19-0.

HB 1564-FN, relative to the placement of certain signs. INEXPEDIENT TO LEGISLATE

Rep. William E. Leber for Public Works and Highways: This bill would require that the Department of Transportation seek input on the placement of a business directional from the owner of the property on which the sign is placed before placing such sign. No one testified on this bill, however, the sponsor forwarded a letter to withdraw the bill as the issue can be resolved in other ways and does not need legislation. Vote 19-0.

HB 1614, naming 2 bridges. OUGHT TO PASS WITH AMENDMENT

Rep. William E. Leber for Public Works and Highways: This bill names the bridge for the new circumferential highway bridge between Litchfield and Merrimack the POW/MIA Memorial Bridge. As amended, the new Manchester airport access road bridge will be the Pearl Harbor Memorial Bridge, and a suitable sign or plaque will be provided on such bridge by the Granite State Pearl Harbor Survivors Association. These bridges are still in the planning stages but the proponents have faith the bridges will be built and they propose the names to honor those who were held as POW or MIA and those who lost their lives at Pearl Harbor. The committee was assured the signs would be placed, as all other bridge naming proposals, by the sponsoring organizations at no cost to the state. The committee recognized the significant sacrifices by those to be honored and was unanimous in its support with the bill as amended. Vote 19-0.

Amendment (3286h)

Amend the bill by replacing section 1 with the following:

1 Pearl Harbor Memorial Bridge. Pursuant to RSA 4:43, the bridge on the Manchester airport access road is hereby named the Pearl Harbor Memorial Bridge. A suitable plaque may be placed on such bridge by the Granite State Pearl Harbor Survivors Association.

AMENDED ANALYSIS

This bill names the bridge for the new Manchester airport access road, the Pearl Harbor Memorial Bridge and the new circumferential highway bridge between Litchfield and Merrimack, the POW/MIA Memorial Bridge.

HB 1170, relative to recreational vehicle parking at property contiguous to certain motorsports facilities. INEXPEDIENT TO LEGISLATE

Rep. Judith T. Spang for Resources, Recreation and Development: This bill would exempt private properties abutting certain motorsport facilities from state campground regulations on water supply, waste disposal and density of recreational vehicles for more than a seven day limited period. The exception was opposed by the municipality (Loudon). The committee agreed that there is insufficient justification for this precedent-setting exception. Vote 12-0.

HB 1348-FN-L, exempting the town of Sunapee from the payment for water rights for the hydroelectric plant of the Sugar River in the town of Sunapee. INEXPEDIENT TO LEGISLATE

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill would exempt the town of Sunapee from payment for water rights which feed a hydroelectric plant. The amount paid to the Department of Environmental Services (DES) amount to approximately \$5,300. The town of Sunapee receives revenue of many times the fee. The sponsor argued that other plants on the Sugar River were not paying the fee. Representatives from DES stated that legal action is in progress to get the fees from the other plants. These fees are an important source of revenue for the operation and maintenance of the dams. The committee felt it would be unwise to exempt any plants on the river from this needed fee. Vote 12-0.

HB 1125, protecting the confidentiality of telecommunications customer information. INEXPEDIENT TO LEGISLATE

Rep. Roy Maxfield for Science, Technology and Energy: The sponsor is commended for introducing this consumer information protection bill. The committee found that federal legislation already exists however, which provides for consumer confidentiality propriety. The New Hampshire Public Utilities Commission representatives also informed the committee that they have existing authority in this area to protect customer information. The telephone oversight committee will monitor service providers to insure compliance with federal and state regulations concerning the confidentiality of telecommunication customer information. Vote 15-0.

HB 1310, relative to the universal service fund. REFER FOR INTERIM STUDY

Rep. Donald B. White for Science, Technology and Energy: This bill is referred to interim study to allow the Public Utilities Commission the opportunity to study this case under its docket DT00-015 of January 27, 2000. The committee understands the heavy workload confronting the PUC so no date specific is sought for a complete report. Keeping the bill alive will allow for legislation if the PUC report indicates the necessity. Vote 15-0.

HB 1524, requiring all retail suppliers of electricity to disclose information regarding the environmental characteristics of the electric power in their resource mix, and establishing a committee to determine optimal ways to ensure that all electricity sold in New Hampshire conforms with acceptable environmental standards. REFER FOR INTERIM STUDY

Rep. Harold V. Lynde for Science, Technology and Energy. The purposes of this bill include 1) to have information on the environmental characteristics of electric generating units selling power within the state to provide to consumers wishing to purchase power from sources meeting certain characteristics (such as from renewable resources, low emissions of air pollutants, etc.), by requiring the Public Utilities Commission (PUC) to adopt rules as envisioned by RSA 374-F and, 2) to study ways of assuring all generating sources, including out-of-state sources that are offering power for sale within the state to conform to environmental standards acceptable to New Hampshire. The committee felt the first intent of this bill could be met by writing a letter to the PUC urging them to adopt rules for environmental disclosure as envisioned by RSA 374-F for those customers that now have retail choice (Granite State Electric and New Hampshire Cooperative) and the second intent, which was to conduct a study, would be met by referring the bill for interim study. Vote 16-1.

HB 1616-FN, relative to registration fees for certain construction equipment vehicles. OUGHT TO PASS WITH AMENDMENT

Rep. John W. Flanders, Sr. for Transportation: The bill is a follow up from legislation passed by this House last year. An unintended consequence arose from that legislation. A small glitch in the law resulted in many New Hampshire residents being overcharged for the registration fees on their construction equipment. This bill corrects these problems in two ways. First, the bill establishes one fee capped at \$25.00 for registration by the state for construction equipment vehicles, and secondly, provides a rebate of fees charged in excess of this fee that were charged as a result of Chapter law of 1999, 265:3. Vote 15-0.

Amendment (3281h)

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

1 New Subparagraph; Registration Fees for Construction Equipment Vehicles. Amend RSA 261:141, III by inserting after subparagraph (aa) the following new subparagraph:

(bb) For construction equipment as defined by RSA 259:42 -- the exclusive fee charged by the state shall be \$25.

2 Rebate of Fees; Department of Safety. The commissioner shall, upon verified application, authorize the rebate of construction vehicle registration fees paid in excess of the fee set forth in section 1 for the period of time from September 10, 1999 to the effective date of this act. Such rebates shall be paid from the state fund into which the original fees were deposited.

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

AMENDED ANALYSIS

This bill establishes one fee for registration by the state of construction equipment vehicles and provides for a rebate of fees paid in excess of this fee which were charged as a result of 1999; 265:3.

HB 1152, relative to the establishment of crossbow hunting seasons. REFER FOR INTERIM STUDY

Rep. Rose Marie Rogers for Wildlife and Marine Resources: The committee voted unanimously to place this bill in Interim Study. There was consensus with the Fish and Game Department that it was a good bill that had areas of mutual concern. Interim Study would afford the department and the committee time to address these concerns. All Interim Study meetings will be posted in the calendar. Vote 17-0.

REGULAR CALENDAR

HB 1363, relative to grandparents' visitation rights. INEXPEDIENT TO LEGISLATE

Rep. David A. Bickford for Children and Family Law: This bill would create an open-ended grandparent visitation statute. The present statute requires a disruptive precipitating event in the grandchild's life as a precondition to suit. The committee felt it would be unjustified to attempt further infringement or intrusion upon the status of family life as a protected private sphere insulated from governmental intrusion. The committee further feels the bill might contradict the privacy rights inherent in the federal constitution, which are presently being challenged by the Troxel case from the state of Washington in the U.S. Supreme Court. A decision from that court is expected this year. Vote 13-1.

Reps. McRae and Young spoke against.

Reps. Bickford and Dowling spoke in favor.

Rep. Young requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 258 NAYS 72

YEAS 258

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Millham, Alida	Pilliod, James	Rice, Thomas	Rosen, Ralph
Thomas, John	Turner, Robert	Wendelboe, Francine	Wood, Jane

CARROLL

Bradley, Jeb	Chandler, Gene	Howard, Godfrey	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

Sullivan, P Judith

Torressen, Gary

CHESHIRE

Avery, Stephen

Batchelder, Robert

Burnham, Daniel

Doucette, Richard

Hunt, John

Lerandeau, Alfred

Lynch, Margaret

Lynott, Margaret

McGuirk, Paul

Meadar, David

Mitchell, McKim

Pratt, John

Richardson, Barbara

Riley, William

Roberts, William

Robertson, Timothy

Rose, William

Royce, H Charles

Russell, Ronald

Smith, Edwin

COOS

Davis, Perley

Guay, Lawrence

Horton, Lynn

Mears, Edgar

Merrill, Gerald

Pratt, Leighton

Rodrigue, Robert

Tholl, John Jr

Woodward, David

GRAFTON

Akins, Ralph

Almy, Susan

Cobb, John

Copenhaver, Marion

Densmore, Jessica

Eaton, Stephanie

Gilman, G Michael

Hall, David

Harmon, Hobart

Marshall, Gene

Mirski, Paul

Nordgren, Sharon

Phinney, William

Picconi, Al

Scanlan, David

Ward, Brien

HILLSBOROUGH

Ahern, Richard

Alukonis, David

Andrews, Frederick

Arnold, Thomas Jr

Arthur, Rose

Beaupre, Roland

Belvin, William

Bergeron, Lucien

Bergin, Peter

Brundige, Robert

Bruno, Pierre

Buckley, Raymond

Calawa, Leon Jr

Carlson, Donald

Chabot, Robert

Christiansen, Lars

Clegg, Robert Jr

Cote, Peter

Coughlin, Pamela

Dalianis, Griffin

Daniels, Gary

Desmarais, Vivian

Dokmo, Cynthia

Drabinowicz, A Theresa

Durham, Susan

Dyer, Merton

Emerton, Lawrence

Fletcher, Richard

Flora, Kathleen

Ford, Nancy

Foster, Linda

Franks, Suzan

Gagnon, Eugene

Ginsburg, Ruth

Goley, Jeffrey

Goulet, Maurice

Haettenschwiller,
Alphonse

Hansen, Herbert

Herman, Keith

Jean, Claudette

Johnson, Lionel

Keye, Harvey

Konys, Christine

Kurk, Neal

L'Heureux, Robert

LaPorte, George

LaRose, Richard

Leishman, Peter

Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey	McCarty, Winston
McColgan, Philip Jr	McDonald, James Sr	McDonough-Wallace, Alice	McGough, Tim
Mercer, Robert	Milligan, Robert	Moran, Edward	Moriarty, Mary
Mosher, William	O'Connell, Timothy	O'Hearn, Jane	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sarette, John	Sargent, Maxwell
Tate, Joan	Thulander, O Alan	Turgeon, Roland	Wall, Nancy
White, John	Withee, Dennis		

MERRIMACK

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Chase, George	Crosby, Toni	Davis, Francis	Feuerstein, Martin
Gile, Mary	Hager, Elizabeth	Hess, David	Hoadley, Elizabeth
Langer, Ray	Larrabee, David Sr	Lavoie, Gerard	Leber, William
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Nichols, Avis	Potter, Frances	Poulin, Dave
Reardon, Tara	Rodd, Beth	Seldin, Gloria	St Cyr, Gerard
Wallner, Mary Jane	Whalley, Michael	Whittemore, James	

ROCKINGHAM

Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Case, Margaret	Clark, Martha	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	Dowling, Patricia
Downing, Michael	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John Sr	Francoeur, Sheila	Gibbons, Paul
Gleason, John	Griffin, Mary	Henderson, Warren	Hutchinson, Karen
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph	Major, Norman
McKinney, Betsy	Moore, Benjamin	Morse, Charles	Norelli, Terie
Nowe, Mary Lou	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Pantelakos, Laura	Putnam, Ed II	Rabideau, Marie	Raynowska, Bernard
Ruffner, Walter	Sabella, Norma	Schanda, Frank	Shultis, Elizabeth
Splaine, James	Stickney, Nancy	Stone, Joseph	Tufts, J Arthur
Vaughn, Charles	Weare, Everett	Welch, David	Zolla, William

STRAFFORD

Berube, Roger	Bickford, David	Cossette, Larry	Dunlap, Patricia
Estabrook, Iris	Heon, Richard	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Lent, Donald	Lundborn, Raymond
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Spear, Barbara	Taylor, Kathleen	Torr, Franklin
Vachon, Dennis	Vincent, Francis	Wall, Janet	Woods, Phyllis

SULLIVAN

Burling, Peter	Jones, Constance	Kibbey, David	Leone, Richard
Robb-Theroux, Amy	Wiggins, Celestine		

NAYS 72

BELKNAP

Holbrook, Robert	Johnson, James
------------------	----------------

CARROLL

Babson, David Jr	Dickinson, Howard
------------------	-------------------

CHESHIRE

Manning, Joseph	Zerba, Roger
-----------------	--------------

COOS

Gallus, John	Landers, Dana
--------------	---------------

GRAFTON

Alger, John	Brothers, Richard	Guest, Robert	MacNeil, Allen
-------------	-------------------	---------------	----------------

HILLSBOROUGH

Baroody, Benjamin	Batula, Peter	Burkush, James	Clemons, Jane
Cote, David	Dwyer, Paul Sr	Fields, Dennis	Garrish, Linda

Gorman, Mary	Hall, Betty	Hunter, Bruce	Jean, Loren
Lasky, Bette	Leonard, Peter	Martin, Mary Ellen	McRae, Karen
Melcher, Harold	Messier, Irene	Murphy, Robert	Pepino, Leo
Reidy, Frank	Simon, Anthony	Vaillancourt, Steve	White, Donald

MERRIMACK

Daneault, Gabriel	French, Barbara	Jacobson, Alf	Kennedy, Richard
Owen, Derek	Rosenfield, Jay	Virtue, Carolyn	Yeaton, Charles

ROCKINGHAM

Grant, Kenneth	Hamel, Albert	Kelley, William	Langley, Jane
Letourneau, Robert	Mikowski, Walter	Pitts, Jacqueline	Quandt, Marshall
Sapareto, Frank	Stritch, C Donald	Varrell, Thomas	Weatherspoon, Jackie
Weyler, Kenneth	Whittier, John		

STRAFFORD

Brennan, William	Brown, George	Brown, Julie	Callaghan, Frank
Domingo, Baldwin	Musler, George	Pelletier, Arthur	Twardus, Joseph

SULLIVAN

Cloutier, John	Donovan, Thomas Jr	Flint, Gordon Sr	Phinizy, James
Tuthill, John	Young, David		

and the report was adopted.

HB 1505-FN-L, relative to the formula for distributing school building aid. REFER FOR INTERIM STUDY

Rep. Brien L. Ward for Education: The committee believes the current building aid formula which was established in 1957 is antiquated and does not equitably fund the building needs of the state's school districts. We unanimously request that the recommendations of the proposed interim study be presented to the adequacy commission. Vote 15-1.

Adopted.

CACR 5, relating to voting and elective rights of incarcerated felons. Providing that no felon, from the time of conviction until final discharge of sentence, shall vote in an election, become a candidate, or hold public office. OUGHT TO PASS WITH AMENDMENT

Rep. C. Donald Stritch for Election Law: The Election Law Committee recommitted this CACR 5 to make the language more precise regarding the voting rights of felons at members' request. This constitutional amendment to Part I, Article 11 of NH law now will provide a process for the legislature, if it so desires, to pass any legislation regarding the voting rights and methodology of such for convicted felons between conviction and final discharge of sentence. Vote 12-4.

Amendment (3146h)

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

RELATING TO: voting and elective rights of incarcerated felons.

PROVIDING THAT: any person who has been convicted of a felony may be denied the right to vote for any or all of the time between conviction and final discharge of sentence, as provided by law.

Amend the resolution by replacing all after the resolving clause with the following:

I. That article 11 of the first part of the constitution be amended to read as follows:

[Art.] 11 [Elections and Elective Franchises.] All elections are to be free, and every inhabitant of the state of 18 years of age and upwards shall have an equal right to vote in any election. Every person shall be considered an inhabitant for the purposes of voting in the town, ward, or unincorporated place where he **or she** has [his] domicile. No person shall have the right to vote under the constitution of this state who has been convicted of treason, bribery or any willful violation of the election laws of this state or of the United States; but the supreme court may, on notice to the attorney general, restore the privilege to vote to any person who may have forfeited it by conviction of such offenses. ***Any person who has been convicted of a felony may be denied the right to vote for any or all of the time between conviction and final discharge of sentence, as provided by law.*** The general court shall provide by law for voting by qualified voters who at the time of the biennial or state elections, or of the primary elections therefor, or of city elections, or of town elections by official ballot, are absent from the city or town of which they are inhabitants, or who by reason of physical disability are unable to vote in person, in the choice of any officer or officers to be elected or upon any question submitted at such election. Voting registration and polling places shall be easily accessible to all persons including disabled and elderly persons who are otherwise qualified to vote in the choice of any officer or officers to be elected or upon any question submitted at such election. The right to vote shall not be denied to any person because of the nonpayment of any tax. Every inhabitant of the state, having the proper qualifications, has equal right to be elected into office subject to the provisions of this article.

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, 2000.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2000 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2000 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 any person who has been convicted of a felony may be denied the right to vote for any or all of the time between conviction and final discharge of sentence, as provided by law?

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 2000 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 any person who has been convicted of a felony may be denied the right to vote for any or all of the time between conviction and final discharge of sentence, as provided by law.

Adopted.

On a division vote, 282 members having voted in the affirmative and 44 in the negative, the report was adopted by the constitutionally required three-fifths.

suspension of rules

Rep. Chandler moved that the Rules be so far suspended as to permit third reading and final passage at the present time of **CACR 5**, relating to voting and elective rights of incarcerated felons. Providing that any person who has been convicted of a felony may be denied the right to vote for any or all of the time between conviction and final discharge of sentence, as provided by law.

Adopted by the necessary two-thirds.

third reading motion on cacr

Rep. Chandler moved that **CACR 5**, relating to voting and elective rights of incarcerated felons. Providing that any person who has been convicted of a felony may be denied the right to vote for any or all of the time between conviction and final discharge of sentence, as provided by law, be read a third time and passed.

On a division vote, 307 members having voted in the affirmative and 23 in the negative, **CACR 5**, is read a third time and passed by the constitutionally required three-fifths.

Third reading and final passage

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

regular calendar (cont'd.)

HB 335, prohibiting the land application of sludge in reclamation areas. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Donald R. Philbrick for the Majority of Environment and Agriculture: This bill was recommitted to the Environment and Agriculture Committee because information was brought forward relating to private well tests near a sand pit reclamation project in Sandown NH. The assigned subcommittee listened to testimony from town officials, concerned citizens, opponents of sludge spreading, Department of Environmental Services, experts on groundwater flow and representatives of the company involved in the landspreading. Testing procedures were reviewed as well as test results. The subcommittee voted 5-0 to recommend this bill ITL. The full committee then heard arguments and reaffirmed the sub committee's recommendation of ITL. Vote 10-7.

Rep. Betty B. Hall for the Minority of Environment and Agriculture: Most municipalities in this state do not generate the kind of sludge, which came from out of state and was spread at the Sandown gravel pit. Arsenic in that sludge can accumulate in an area with high background levels of arsenic. Arsenic raises the same concerns as MtBE and mercury. Landfill space is safer and available due to a recent private sector decision to limit out of state trash. The minority believes aggressive pretreatment programs are the keys to keeping toxics from entering the sewage treatment systems. Municipal wastewater treatment plants can reduce the threat to aquifers and public municipal water supplies.

Reps. Betty Hall and Bruno spoke against.

Rep. Melcher spoke in favor and yielded to questions.

Rep. Dickinson requested a Quorum count. The Speaker declared a quorum present.

Rep. Dickinson spoke against.

Rep. Leishman spoke in favor and yielded to questions.

Rep. Philbrick requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

YEAS 216 NAYS 125

YEAS 216

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Holbrook, Robert
Johnson, James	Millham, Alida	Pilliod, James	Rice, Thomas
Rosen, Ralph	Thomas, John	Turner, Robert	Wendelboe, Francine

CARROLL

Babson, David Jr	Chandler, Gene	Howard, Godfrey	Kenney, Joseph
Mock, Henry	Patten, Betsey	Philbrick, Donald	Sullivan, P Judith
Torressen, Gary			

CHESHIRE

Avery, Stephen	Burnham, Daniel	Doucette, Richard	Hunt, John
Lerandeau, Alfred	Lynott, Margaret	Manning, Joseph	Roberts, William
Robertson, Timothy	Rose, William	Royce, H Charles	Russell, Ronald
Smith, Edwin	Zerba, Roger		

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Pratt, Leighton	Rodrigue, Robert
Tholl, John Jr	Woodward, David		

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Cobb, John
Harmon, Hobart	MacNeil, Allen	Marshall, Gene	Mirski, Paul
Nordgren, Sharon	Phinney, William	Picconi, Al	Scanlan, David
Ward, Brien			

HILLSBOROUGH

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Arthur, Rose	Batula, Peter	Belvin, William	Bergin, Peter
Brundige, Robert	Calawa, Leon Jr	Carlson, Donald	Christiansen, Lars
Clegg, Robert Jr	Clemons, Jane	Coughlin, Pamela	Daigle, Robert
Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian	Desrosiers, William
Dokmo, Cynthia	Durham, Susan	Dwyer, Paul Sr	Dyer, Merton
Emerton, Lawrence	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Foster, Linda	Gagnon, Eugene	Gorman, Mary	Goulet, Maurice
Hansen, Herbert	Herman, Keith	Hunter, Bruce	Jean, Loren

Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lasky, Bette
Lefebvre, Roland	Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	McCarty, Winston	McDonough-Wallace, Alice	McGough, Tim
McRae, Karen	Melcher, Harold	Mercer, Robert	Milligan, Robert
Moran, Edward	Moriarty, Mary	Mosher, William	O'Connell, Timothy
O'Hearn, Jane	Pappas, Marc	Peterson, Andrew	Reeves, Sandra
Reidy, Frank	Rowe, Robert	Sarette, John	Sargent, Maxwell
Simon, Anthony	Tate, Joan	Thulander, O Alan	Wall, Nancy
White, Donald	Withee, Dennis		

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Crosby, Toni
Daneault, Gabriel	Feuerstein, Martin	Hager, Elizabeth	Hess, David
Hoadley, Elizabeth	Kennedy, Richard	Langer, Ray	Larrabee, David Sr
Lavoie, Gerard	Leber, William	Lockwood, Priscilla	Marple, Richard
Marshall, Kenneth	Maxfield, Roy	Nichols, Avis	Potter, Frances
Poulin, Dave	Reardon, Tara	Rosenfield, Jay	Whalley, Michael

ROCKINGHAM

Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin	Christie, Andrew Jr
Clark, Vivian	Cooney, Richard	Cox, Russell	Dearborn, Bruce
Dowling, Patricia	Downing, Michael	Fesh, Robert	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gibbons, Paul	Gleason, John
Griffin, Mary	Henderson, Warren	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kelley, William	Kobel, Rudolph	Langley, Jane
Letourneau, Robert	Major, Norman	McKinney, Betsy	Mikowski, Walter
Morse, Charles	Nowe, Mary Lou	Nowe, Ronald	Packard, Sherman
Quandt, Marshall	Reardon, Neil	Ruffner, Walter	Schanda, Frank
Stickney, Nancy	Stone, Joseph	Stritch, C Donald	Tufts, J Arthur
Weare, Everett	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			

STRAFFORD

Berube, Roger	Bickford, David	Brown, Julie	Cossette, Larry
DeChane, Marlene	Kaen, Naida	Knowles, William	Lundborn, Raymond
Musler, George	Rollo, Michael	Spear, Barbara	Taylor, Kathleen
Torr, Franklin	Vincent, Francis	Wall, Janet	Woods, Phyllis

SULLIVAN

Flint, Gordon Sr	Jones, Constance	Kibbey, David
------------------	------------------	---------------

NAYS 125

BELKNAP

Czech, Stanley	Wood, Jane
----------------	------------

CARROLL

Bradley, Jeb	Dickinson, Howard	Lyman, L Randy
--------------	-------------------	----------------

CHESHIRE

Batchelder, Robert	Lynch, Margaret	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, John	Richardson, Barbara	Riley, William

COOS

Landers, Dana

GRAFTON

Copenhaver, Marion	Densmore, Jessica	Eaton, Stephanie	Gilman, G Michael
Guest, Robert	Hall, David	Ham, Bonnie	Hinman, Harry
Johnson, Gary			

HILLSBOROUGH

Baroody, Benjamin	Beaupre, Roland	Bergeron, Lucien	Bruno, Pierre
Buckley, Raymond	Burkush, James	Chabot, Robert	Cote, David
Cote, Peter	Ford, Nancy	Franks, Suzan	Garrish, Linda

Ginsburg, Ruth	Goley, Jeffrey	Haettenschwiller, Alphonse	Hall, Betty
Herman, Richard	Jean, Claudette	Johnson, Lionel	Keye, Harvey
Konys, Christine	LaPorte, George	Leonard, Peter	Lynde, Harold
Martin, Mary Ellen	McColgan, Philip Jr	McDonald, James Sr	Messier, Irene
Murphy, Robert	Pepino, Leo	Turgeon, Roland	Vaillancourt, Steve
White, John			

MERRIMACK

Asplund, Bronwyn	Chase, George	Davis, Francis	French, Barbara
Gile, Mary	Jacobson, Alf	Moore, Carol	Owen, Derek
Rodd, Beth	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

ROCKINGHAM

Blanchard, MaryAnn	Case, Margaret	Clark, Martha	Dalrymple, Janeen
DiFruscia, Anthony	Dunham, Vivian	Flanders, David	Grant, Kenneth
Hamel, Albert	Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Moore, Benjamin	Norelli, Terie	O'Neil, Michael
Pantelakos, Laura	Pitts, Jacqueline	Putnam, Ed II	Rabideau, Marie
Raynowska, Bernard	Sabella, Norma	Sapareto, Frank	Shultis, Elizabeth
Splaine, James	Varrell, Thomas	Vaughn, Charles	Weatherspoon, Jackie

STRAFFORD

Brennan, William	Brown, George	Callaghan, Frank	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Heon, Richard
Johnson, Nancy	Keans, Sandra	Lent, Donald	Pelletier, Arthur
Rogers, Rose Marie	Smith, Marjorie	Snyder, Clair	Spang, Judith
Twardus, Joseph	Vachon, Dennis		

SULLIVAN

Burling, Peter	Cloutier, John	Donovan, Thomas Jr	Leone, Richard
Phinizy, James	Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine

and the majority report was adopted.

HB 86-A, making an appropriation for renovation of the Sawyer House at the Daniel Webster Birthplace in the city of Franklin. OUGHT TO PASS WITH AMENDMENT

Rep. Jean R. Wallin for Finance: This bill, as amended, authorizes the division of parks to match with the park and other funds no more than \$53,000 donated by private sources to renovate the Sawyer House at the Daniel Webster Birthplace in Franklin. With demonstrations of early colonial life being presented by the managing Franklin Historical Society the location promises to be an attractive and self-supporting state park. There will be no impact on the general fund. Vote 22-0.

Amendment (3313h)

Amend paragraph II as inserted by section 1 of the bill by replacing it with the following:

II. The sum appropriated to the department of resources and economic development in paragraph I shall be nonlapsing. The division of parks is authorized to match from the state park fund no more than \$52,590 donated by private sources as the source of funding for the sum appropriated.

Adopted.

Report adopted and ordered to third reading.

HB 239-FN-A, permitting the development of an industrial hemp industry in New Hampshire and continually appropriating a special fund. OUGHT TO PASS WITH AMENDMENT

Rep. Vivian R. Clark for Finance: The only financial concern connected to this bill, which was already passed by the Environment and Agriculture Committee and by the House, dealt with potential increased expenses for testing to determine whether a suspicious substance was hemp, or marijuana. The amendment specifies that anyone in possession of hemp without appropriate permits and documentation, shall be subject to the same prosecution and penalties as if it were marijuana. This will obviate the need for additional testing and eliminate its additional expense. Vote 16-5.

Amendment (3291h)

Amend the bill by replacing sections 1-2 with the following:

1 New Chapter; Industrial Hemp. Amend RSA by inserting after chapter 433-B the following new chapter:

CHAPTER 433-C

Industrial Hemp

433-C:1 Purpose. The purpose of this chapter is to permit the development in New Hampshire of an industrial hemp industry, and to assure that production of industrial hemp is in compliance with state laws.

433-C:2 Definitions. In this chapter:

I. "Commissioner" means the commissioner of agriculture, markets, and food.

II. "Hemp products" means all products made from industrial hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, particle board, plastics, seed, seed meal and seed oil for consumption, and certified seed for cultivation if such seeds originate from industrial hemp varieties.

III. "Industrial hemp" means all parts and varieties of the plant *Cannabis sativa*, whether growing or not, that contain a tetrahydrocannabinol concentration of one percent or less by weight and are cultivated or possessed by a licensed grower in compliance with this chapter.

IV. "Records" means all commercial documents related to the production of industrial hemp, including accounts, correspondence, declarations, purchase orders, registers, seed invoices and tetrahydrocannabinol (THC) concentration analysis reports, including all documentation required under this chapter and by any other state law regarding the growing and cultivation of industrial hemp.

V. "Tetrahydrocannabinol" means a *Cannabis sativa* L. by-product, found in the resin secreted by the plant, that imparts psychoactive properties to marijuana.

433-C:3 Industrial Hemp an Agricultural Product. Industrial hemp is an agricultural product which may only be grown, produced, possessed and commercially traded in New Hampshire pursuant to the provisions of this chapter.

433-C:4 Licensing; Application.

I. Any person or business entity wishing to grow industrial hemp shall be licensed as an industrial hemp grower by the commissioner. A license from the commissioner shall authorize industrial hemp growing only at a site or sites as specified by the license.

II. A license from the commissioner shall be valid for 24 months and may be renewed, but shall not be transferable. An application for a license shall be filed with the commissioner by January 1, and a license granted by the commissioner shall be issued by February 1 of the same calendar year.

III. To qualify for a license from the commissioner, an applicant shall demonstrate to the satisfaction of the commissioner, in a manner prescribed by the commissioner, that the applicant intends to and is capable of growing industrial hemp, and has adopted methods to ensure its safe production, which at a minimum shall include:

(a) Furnishing the commissioner with a guaranteed irrevocable letter of credit or a surety bond executed by a surety company authorized to transact business in this state, in the sum of not less than \$2,000, obtained for the sole benefit of any person suffering loss or damage from violations of this chapter, or of the state of New Hampshire to cover the cost of destroying any industrial hemp crop not in compliance with this chapter.

(b) Ensuring the integrity of the industrial hemp crop while it is in the field, which shall include filing with the commissioner the location and acreage of all parcels sown and other field reference information as may be required by the commissioner.

(c) Ensuring that all parts of the industrial hemp plant not entering the stream of commerce as hemp products, such as flowers and leaves, are destroyed or recycled at the place of production.

(d) Agreeing to the provisions of RSA 433-C:6, II and III, regarding inspections by the commissioner.

(e) Maintaining records that reflect compliance with the provisions of this chapter and with all other state laws regulating the planting and cultivation of hemp.

(f) Agreeing to the provisions of RSA 433-C:9, I, regarding testing of industrial hemp crop samples.

IV. Every industrial hemp grower shall maintain all production records for at least 3 years at the production site.

433-C:5 Seed; Importation.

I. The commissioner shall be the sole source and supplier of seed for use in industrial hemp production in the state. The commissioner shall by rule adopt measures to define, distinguish, and identify hemp as a plant variety consistent with the provisions of this chapter, secure all hemp seed under the control of the commissioner, and ensure that all hemp seed supplied to and used by growers is only the seed of the industrial hemp plant as defined in RSA 433-C:2, III.

II. An industrial hemp grower shall only use hemp seed obtained exclusively from the commissioner.

433-C:6 Administration; Inspection; Rules.

I. The commissioner shall administer and enforce the provisions of this chapter.

II. The commissioner is authorized to investigate compliance with this chapter, and shall have access, subject to the provisions of paragraph III, to all land, buildings, or places where industrial hemp is grown, kept, stored, or handled, and to all records relating to hemp production. The commissioner may take or require samples of up to 1/10 of one percent of the industrial hemp crop of an industrial hemp grower, to test the crop tetrahydrocannabinol content to ensure compliance with this chapter and to provide a basis for sanctions or suspension of an industrial hemp grower out of compliance. The commissioner may make copies of any records.

III. The commissioner shall have access to the properties and records specified in paragraph II during regular business hours upon the consent of the industrial hemp grower, or when the commissioner has substantial justification to believe that any industrial hemp grower who is licensed under this chapter is otherwise in violation of this chapter or rules adopted under it.

IV. The commissioner shall adopt rules, pursuant to RSA 541-A, to implement this chapter.

433-C:7 Revocation and Suspension of License; Enforcement.

I. The commissioner shall deny, suspend, revoke, or refuse to renew an industrial hemp grower's license in the following cases:

(a) If false or misleading information, statements, misrepresentation, or false or falsified documents have been submitted on or with an application or renewal for a license.

(b) If the industrial hemp grower fails to take any action required by the commissioner under the provisions of this chapter.

(c) If the commissioner has been informed and has verified that the license holder, or in the case of a corporation, cooperative or partnership, any of its officers, directors or partners, has a criminal record that includes within the previous 10 years:

(1) Any designated drug offense as provided in RSA 318-B:26; or

(2) If he or she ordinarily resides in a country other than the United States, an offense that if committed in the United States would constitute a designated drug offense.

(d) In the case of a corporation, cooperative or partnership, if any person who is less than 18 years of age is named as an officer, director or partner.

(e) If the holder of a license that was required to be submitted with the application no longer holds the license.

II. The commissioner may revoke a license where it is necessary to protect the security, safety or health of the public, if the commissioner has reasonable grounds to believe that the license holder has violated or failed to comply with any provision of this chapter or any rule adopted under it, or any condition of the license.

III. Revocation or suspension of a license may be in addition to any criminal penalties or fines imposed on an industrial hemp grower under other state law.

IV. Except as otherwise provided in this paragraph, any person who is in possession of industrial hemp without possessing a valid industrial hemp grower's license provided by the commissioner shall be subject to the penalty provisions of RSA 318-B:26, as if the industrial hemp were in fact prohibited marijuana. This paragraph shall not be construed so as to require any agent, servant, or employee of a person with a valid industrial hemp grower's license to possess or carry such a license when acting pursuant to such relationship.

433-C:8 Fee; Cost of Seed; Special Fund.

I. A fee shall be charged by the commissioner for each license granted to an industrial hemp grower under this chapter. The fee amount charged for the first growing season shall be \$10 per acre of land under cultivation, plus a sufficient amount for testing samples, if required by the commissioner. After the first growing season, the commissioner shall recommend a fee amount to the general court for its approval, to be used beginning with the growing season following the first growing season. All fee revenue shall be deposited in the special program fund established in paragraph III.

II. The commissioner shall by rule establish hemp seed prices to be charged growers under provisions of RSA 433-C:3. All proceeds of seed sales shall be deposited in the industrial hemp special program fund established in paragraph III.

III. An industrial hemp special program fund is established in the office of the state treasurer. All moneys in the fund shall be nonlapsing and continually appropriated to the commissioner and used to defray the cost of implementing this chapter.

433-C:9 Testing of Samples.

I. Every industrial hemp grower licensed under RSA 433-C:4 shall submit samples of the grower's industrial hemp crop to a certified independent testing laboratory at such times as the commissioner shall require by rules adopted under RSA 433-C:6. All costs of such testing shall be borne by the industrial hemp grower. Copies of test results shall be provided to the grower, the commissioner of agriculture, markets, and food, or designee, and the commissioner of safety, or designee.

II. The commissioner of agriculture, markets, and food shall adopt rules, pursuant to RSA 541-A, relative to the certification of testing laboratories.

433-C:10 Report. The commissioner shall by January 15 of each year report to the house environment and agriculture committee and the senate environment committee on implementation of this chapter and on the commercialization of industrial hemp in this state and elsewhere in the world, and recommend any changes to this chapter deemed appropriate.

2 New Subparagraph; Industrial Hemp Special Program Fund. Amend RSA 6:12, I by inserting after subparagraph (aaaa) the following new subparagraph:

(bbbb) Moneys received under RSA 433-C:8, which shall be deposited in the industrial hemp special program fund established in RSA 433-C:8, III.

AMENDED ANALYSIS

This bill permits the production of industrial hemp in New Hampshire. A person or business entity wishing to grow and produce industrial hemp must be licensed by the commissioner of agriculture, markets, and food. The commissioner of agriculture, markets, and food will be the sole source and supplier of seed for use in industrial hemp production.

The commissioner of agriculture, markets, and food shall charge a fee for each license granted to industrial hemp growers. The revenue from these fees is to be used to defray the costs of licensing and regulating industrial hemp growers.

This bill grants the commissioner of agriculture, markets, and food rulemaking authority with respect to licensing and inspection of industrial hemp growers, identification and distinguishing of hemp as a plant variety, testing of industrial hemp crop samples, and certification of testing laboratories.

This bill establishes conditions under which the commissioner may or shall deny, suspend, revoke, or refuse to renew an industrial hemp grower's license.

This bill provides that a person in possession of industrial hemp without possessing a valid industrial hemp grower's license shall be subject to the penalty provisions of RSA 318-B:26, as if the industrial hemp were in fact prohibited marijuana.

Adopted.

Rep. Owen spoke in favor.

Reps. Welch and Scanlan spoke against and yielded to questions.

Reps. McRae and Robb-Theroux spoke in favor and yielded to questions.

Rep. Leishman spoke against.

Rep. Owen requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 152 NAYS 192

YEAS 152

BELKNAP

Czech, Stanley	Holbrook, Robert	Rice, Thomas	Wood, Jane
----------------	------------------	--------------	------------

CARROLL

Babson, David Jr

CHESHIRE

Batchelder, Robert	Burnham, Daniel	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Russell, Ronald	Zerba, Roger		

COOS

Landers, Dana	Mears, Edgar	Rodrigue, Robert
---------------	--------------	------------------

GRAFTON

Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Hall, David	Ham, Bonnie	Harmon, Hobart	Johnson, Gary
Mirski, Paul	Nordgren, Sharon		

HILLSBOROUGH

Ahern, Richard	Arnold, Thomas Jr	Arthur, Rose	Baroody, Benjamin
Bergeron, Lucien	Bruno, Pierre	Buckley, Raymond	Chabot, Robert

Clemons, Jane	Cote, David	Daigle, Robert	Desmarais, Vivian
Desrosiers, William	Drabinowicz, A Theresa	Dyer, Merton	Foster, Linda
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haettenschwiller, Alphonse	Hall, Betty	Herman, Richard	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	Kurk, Neal
Lasky, Bette	Lefebvre, Roland	Leonard, Peter	Lynde, Harold
Martin, Mary Ellen	McDonough-Wallace, Alice	McRae, Karen	Messier, Irene
Moriarty, Mary	Murphy, Robert	Reidy, Frank	Sarette, John
Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve	White, John
Williams, Carol			

MERRIMACK

Bouchard, Candace	Chase, George	Crosby, Toni	French, Barbara
Gile, Mary	Jacobson, Alf	Lockwood, Priscilla	Moore, Carol
Owen, Derek	Potter, Frances	Rodd, Beth	Rosenfield, Jay
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

ROCKINGHAM

Blanchard, MaryAnn	Clark, Martha	Clark, Vivian	Cox, Russell
Gibbons, Paul	Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Kelley, Jane	McKinney, Betsy
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Rabideau, Marie
Raynowska, Bernard	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Shultis, Elizabeth	Splaine, James	Stone, Joseph	Vaughn, Charles
Weatherspoon, Jackie			

STRAFFORD

Bickford, David	Brennan, William	Brown, George	Brown, Julie
DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris
Gilmore, Gary	Heon, Richard	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Lent, Donald	Lundborn, Raymond	Pelletier, Arthur

Rogers, Rose Marie
Spang, Judith
Wall, Janet

Rollo, Michael
Taylor, Kathleen

Smith, Marjorie
Twardus, Joseph

Snyder, Clair
Vachon, Dennis

SULLIVAN

Burling, Peter
Robb-Theroux, Amy

Cloutier, John
Tuthill, John

Donovan, Thomas Jr
Wiggins, Celestine

Phinizy, James

NAYS 192

BELKNAP

Bartlett, Gordon
Millham, Alida
Turner, Robert

Boriso, Thomas
Pilliod, James
Wendelboe, Francine

Boyce, Robert
Rosen, Ralph

Johnson, James
Thomas, John

CARROLL

Bradley, Jeb
Kenney, Joseph
Philbrick, Donald

Chandler, Gene
Lyman, L Randy
Sullivan, P Judith

Dickinson, Howard
Mock, Henry
Torressen, Gary

Howard, Godfrey
Patten, Betsey

CHESHIRE

Avery, Stephen
Roberts, William

Doucette, Richard
Rose, William

Hunt, John
Royce, H Charles

Lerandeau, Alfred
Smith, Edwin

COOS

Davis, Perley
Pratt, Leighton

Gallus, John
Tholl, John Jr

Guay, Lawrence
Woodward, David

Horton, Lynn

GRAFTON

Akins, Ralph
Eaton, Stephanie
Phinney, William

Alger, John
Hinman, Harry
Picconi, Al

Brothers, Richard
MacNeil, Allen
Scanlan, David

Cobb, John
Marshall, Gene
Ward, Brien

HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Batula, Peter	Beaupre, Roland
Belvin, William	Bergin, Peter	Brundige, Robert	Burkush, James
Calawa, Leon Jr	Carlson, Donald	Christiansen, Lars	Clegg, Robert Jr
Cote, Peter	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary
Dokmo, Cynthia	Durham, Susan	Dwyer, Paul Sr	Emerton, Lawrence
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Ford, Nancy
Franks, Suzan	Gagnon, Eugene	Goulet, Maurice	Hansen, Herbert
Herman, Keith	Hunter, Bruce	Jean, Loren	L'Heureux, Robert
LaPorte, George	LaRose, Richard	Leishman, Peter	Lessard, Rudy
Lozeau, Donnalee	MacGillivray, Jeffrey	McCarty, Winston	McColgan, Philip Jr
McDonald, James Sr	McGough, Tim	Melcher, Harold	Mercer, Robert
Milligan, Robert	Moran, Edward	Mosher, William	O'Connell, Timothy
O'Hearn, Jane	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Tate, Joan
Thulander, O Alan	Wall, Nancy	White, Donald	Withee, Dennis

MERRIMACK

Anderson, Eric	Asplund, Bronwyn	Brewster, Richard	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Hager, Elizabeth	Hess, David
Hoadley, Elizabeth	Kennedy, Richard	Langer, Ray	Larrabee, David Sr
Lavoie, Gerard	Leber, William	Marple, Richard	Marshall, Kenneth
Maxfield, Roy	Nichols, Avis	Poulin, Dave	Reardon, Tara
Whalley, Michael			

ROCKINGHAM

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Case, Margaret	Christie, Andrew Jr	Cooney, Richard	Dearborn, Bruce
DiFruscia, Anthony	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John Sr
Francoeur, Sheila	Gleason, John	Grant, Kenneth	Griffin, Mary
Hamel, Albert	Henderson, Warren	Katsakiores, Phyllis	Kelley, William
Kobel, Rudolph	Langley, Jane	Letourneau, Robert	Major, Norman
Mikowski, Walter	Moore, Benjamin	Morse, Charles	Nowe, Mary Lou

Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Putnam, Ed II
Quandt, Marshall	Reardon, Neil	Ruffner, Walter	Stickney, Nancy
Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas	Verani, Giovanni
Weare, Everett	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			

STRAFFORD

Berube, Roger	Callaghan, Frank	Cossette, Larry	Knowles, William
Musler, George	Spear, Barbara	Torr, Franklin	Vincent, Francis
Woods, Phyllis			

SULLIVAN

Flint, Gordon Sr	Jones, Constance	Kibbey, David	Leone, Richard
Young, David			

and the report failed.

Rep. Hager moved that **HB 239-FN-A**, permitting the development of an industrial hemp industry in New Hampshire and continually appropriating a special fund, be Referred for Interim Study and spoke in favor.

On a division vote, 236 members having voted in the affirmative and 108 in the negative, the motion was adopted.

HB 305-A, relative to a lease-purchase agreement between Cheshire county and the state for construction of a new district courthouse to be located in the town of Jaffrey. OUGHT TO PASS

Rep. Norman L. Major for Finance: This bill provides a lease purchase between Cheshire County (bonding agency) and the state for a new district courthouse serving the Jaffrey and Peterborough District Court. The current facility is in an old manufacturing building leased at a cost of \$48,000 per year. A private family is donating the land for the new court with a four-year time limit for construction of a court facility expiring in 2001. So if the state does not act soon, the donors may rescind their gift. This is the first priority for a district court from the judicial branch. The design is generic and as such would cost less to construct. The town has done environmental tests and engineering studies at its own expense. This project has been ongoing for more than 12 years. If Cheshire county and the state enter into a lease-purchase agreement, the county will issue bonds in the amount up to \$2,600,000 to pay the cost of construction of the courthouse. The state will pay rent to cover the county's repayment of the bonded construction cost over twenty years starting with the first year payment of \$283,712 declining to the last payment of \$137,475. The state will pay all operating costs for this facility, including maintenance costs, manpower for building and grounds maintenance, building security, and utilities. These operating costs are expected to total \$126,278. Current operating costs are \$53,230. The rent and operating costs will be charges against the general fund starting in FY 2002. Vote 23-1.

Report adopted and ordered to third reading.

HB 405-FN, relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs. OUGHT TO PASS WITH AMENDMENT

Rep. Mary Jane Wallner for Finance: The amendment to the bill adds the requirement that the Division of Children, Youth and Families prepare a biennial report about the effectiveness of the programs funded by the diversion incentive funds. It also delays until the next biennium the new formula for funding of these programs. Vote 20-0.

Amendment (3273h)

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

AN ACT relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs.

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

2 New Section; Services for Children, Youth, and Families; Report on Effectiveness of Juvenile Diversion Programs Required. Amend RSA 170-G by inserting after section 4-a the following new section:

170-G:4-b Report. In order to ensure the continuing successful use of limited financial resources, the department of health and human services, using existing department allocations and resources, shall establish quantitative behavioral measures to be used to study and evaluate the effectiveness of all programs funded with juvenile diversion incentive funds pursuant to RSA 170-G:4, XVI. Based on the results of biennial study, the department shall designate those programs which represent the best practices available, and shall publish and disseminate such results to the governor, the speaker of the house, the president of the senate, and to any associated departments or agencies no later than June 15 of each odd numbered year.

3 Effective Date.

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

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

AMENDED ANALYSIS

This bill increases from 6 percent to 6 1/4 percent the amount of the annual appropriation for funding placement costs for juvenile diversion and alternative disposition programs within the department of health and human services. The bill also requires the department of health and human services to undertake a study of the effectiveness of all departmental programs funded by juvenile diversion funds.

Adopted.

Report adopted and ordered to third reading.

HB 413-FN-A, relative to the renovation of regional vocational education centers, and making an appropriation therefor. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. David J. Alukonis for the Majority of Finance: The Majority of the committee concurs with the bill as previously amended by the policy committee and as passed by the House. The proposal changes the process in which regional vocational education facilities are planned and funded. This bill will require that each request for renovation and expansion follows the capital budget procedure which includes capital budget overview committee approval for each such project. While there is no direct fiscal impact as a result of this bill, the state will be responsible to provide no more than 75% of the funding for such renovation and expansion projects. Vote 15-10.

Rep. Jean R. Wallin for the Minority of Finance: Since 1973 the state has invested \$85,000,000 to assist a limited number of school districts in construction of 22 regional vocational centers and one regional program. \$60,000,000 of the bonds has been retired. This bill began as just another increase in the non-lapsing bond authorization to the Department of Education for building replacement centers or renovating the original buildings and equipment. The Public Works Committee removed the authorization and replaced it with an entirely new method of funding these centers. If this bill passes centers will have to compete for funding with all capital projects contemplated by the state, from the university to prisons. It is the fear of the minority that this will effectively result in all high schools building vocational education components thereby increasing the level of school building aid required. The centers immediately affected are Nashua, Keene, Berlin, Conway, and Concord.

On a division vote, 186 members having voted in the affirmative and 135 in the negative, the majority report was adopted.

Ordered to third reading.

HB 648-FN, relative to a sludge testing program. OUGHT TO PASS WITH AMENDMENT

Rep. Joseph E. Stone for Finance: This bill allows sludge testing just before application on randomly selected fields around the state. Depending on the levels of utilization of the municipal aid grants for wastewater treatment, up to \$85,000 per year will be transferred to the non-lapsing sampling and analysis of sludge or biosolids sample fund established by RSA 485-A:4, XVI-c, provided all approved state and grant payments have been made to eligible municipalities in each fiscal year. If the money is not available, the testing will not be done. The Finance amendment simplifies the language and enables the FY2000 transfer by changing the effective date. Vote 25-0.

Amendment (3174h)

Amend the bill by replacing sections 4 and 5 with the following:

4 Transfer of Appropriation. Up to \$85,000 each fiscal year that was appropriated for state aid grants by 1999, 159:1, PAU 03-04-02-01-02 shall be transferred to the non-lapsing sampling and analysis of sludge or biosolids samples fund established by RSA 485-A:4, XVI-c, provided all approved state aid grant payments have been made to eligible municipalities in each fiscal year.

5 Effective Date. This act shall take effect June 30, 2000.

Adopted.

Report adopted and ordered to third reading.

HB 1200-FN, relative to the application of education property tax hardship relief to real estate trusts. OUGHT TO PASS WITH AMENDMENT

Rep. David J. Alukonis for Finance: This bill extends the education property tax hardship relief for low and moderate income taxpayers established in HB 999 to estate planning trusts. This bill will allow taxpayers living on fixed incomes to qualify for this hardship relief if they have placed their houses in trust for estate planning purposes. The amendment requires that the applicant for relief provide documentation of ownership and tax returns for both the applicant and the trust to establish eligibility for this relief. It also makes it clear that relief applies to claimants who owned their homes prior to the passage of HB 999 and to those who filed their returns prior to the enactment of this bill. The amendment also removes the requirement that the applicant must have resided in the homestead for a year before making the application. Vote 16-5.

Amendment (3296h)

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

AN ACT relative to the application of education property tax hardship relief to estate planning trusts and relative to eligibility for hardship relief.

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

1 Definitions; Homestead; Household Income. Amend RSA 198:50, II and III to read as follows:

II. "Homestead" means the dwelling owned by a claimant or, in the case of a multi-unit dwelling, the portion of the dwelling which is owned and used as the claimant's principal place of residence and the claimant's domicile for purposes of RSA 654:1. "Homestead" shall not include land and buildings taxed under RSA 79-A or land and buildings or the portion of land and buildings rented or used for commercial or industrial purposes. In this paragraph, the term "owned" includes:

(a) A vendee in possession under a land contract ~~[and];~~

(b) One or more joint tenants or tenants in common; **or**

(c) ***A person who has equitable title, or the beneficial interest for life in the homestead.***

III. "Household income" means the sum of the adjusted gross income for federal income tax purposes of the claimant and any member of the claimant's household who resides in the homestead for which a claim is made. ***"Household income" shall also include all income of any trust through which the claimant holds equitable title, or the beneficial interest for life, in the homestead.***

2 Eligibility; Hardship Relief. Amend RSA 198:51, III(b) to read as follows:

(b) ~~[Has]~~ Resided in such homestead ~~[for a period of one year]~~ ***as of November 3, 1999***, except such persons as are on active duty in the United States armed forces or are temporarily away from such homestead but maintain the homestead as a primary domicile;

3 Education Property Tax Hardship Relief. Amend RSA 198:51, VII to read as follows:

VII. Each claim shall be accompanied by a copy of the claimant's federal income tax return filed by the claimant for the immediately prior tax period. Claimants who were not required to file a federal tax return for the immediately prior tax period may submit an affidavit to such effect in lieu of a tax return which document shall include the claimant's social security number. ***A claimant who asserts ownership in a homestead because he or she holds equitable title, or the beneficial interest for life, in the homestead and who bears the burden of the education property tax assessed against the property shall also submit a copy of the document creating such interest and a copy of the federal tax return, for the immediately prior tax period, of the trust holding legal title to the homestead.*** Any documents submitted shall be considered confidential, handled so as to protect the privacy of the claimant, and shall be destroyed after all appeal periods have expired.

4 Applicability. Sections 1-3 of this act shall apply to any claims for education property tax hardship relief filed on or after November 3, 1999 pursuant to RSA 198:50-55.

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

AMENDED ANALYSIS

This bill clarifies the application of education property tax hardship relief to estate planning trusts and changes a residence requirement for eligibility for hardship relief.

On a division vote, 295 members having voted in the affirmative and 24 in the negative, the amendment was adopted.

Report adopted and ordered to third reading.

SB 76-L, allowing certain municipalities to offer tax exemptions to foster commercial and industrial construction. WITHOUT RECOMMENDATION

Rep. Hess moved to Commit the bill to the Committee on Municipal and County Government and spoke in favor.

Rep. Kurk spoke in favor.

The motion to Commit the bill to the Committee on Municipal and County Government was adopted.

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

Rep. Franklin G. Torr for Finance: This bill establishes a water supply land protection grant program to assist in the acquisition of land and easements for the purpose of drinking water source protection. Matching grants would be available on a 25% state-75% local basis. Sufficient funds for the first year, \$1.5 million, have already been appropriated in the budget for FY2001. Appropriations thereafter would occur through the budget process. Vote 22-1.

Adopted and ordered to third reading.

HB 536, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power. REFER FOR INTERIM STUDY

Rep. Linda T. Foster for Municipal and County Government: In deference to a member who was absent during the executive session on HB 536, the Committee voted unanimously to re-consider its vote. The subsequent motion was to send the bill to interim study. The Committee realizes that the statewide policy implications of this bill were somewhat localized by the issues surrounding the proposed AES power plant in Londonderry. Among other issues which the Committee wishes to examine are the bill's implications as the last remnant of the stock and trade tax and any findings regarding the taxing of utilities brought forth by the Tax Equity and Efficiency Commission. Interim Study will allow the Committee to fully examine the many aspects and implications of this proposed legislation. Vote 15-1.

Adopted.

HB 1106, making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority. OUGHT TO PASS WITH AMENDMENT

Rep. John P. Gleason for Public Works and Highways: The committee heard extensive and very graphic testimony as to the compelling need to widen Interstate 93 highway from Manchester to the Massachusetts border. This highway impacts New Hampshire's commerce and development more dramatically, and affects more people than any similar road in the state as it provides a north/south arterial route servicing a major area of the state. Since its construction in the early 1960s, this highway has generated traffic flow that has gone from 20,000 vehicles per day to a current level of 100,000 vehicles. The current two travel and one breakdown lanes in each direction just does not have the capacity to safely and effectively handle the high volume of traffic the road is subject to, especially during the Monday to Friday commuting hours. Numerous and frequent auto accidents occur on the 18 mile stretch, resulting in an alarming amount of injuries and fatalities. Inclement weather just compounds the problems that make this stretch of I-93 such a hazardous road. Although widening of this 18 mile section of I-93 is in the Department of Transportation's 10 Year Highway Plan currently slated to start in 2004, numerous environmental and engineering design considerations must be met and signed off on by state and especially federal regulatory agencies. The committee moved that the bill as amended direct that the Commissioner of the DOT shall give very high priority to the construction projects relative to widening of I-93 from Manchester to the Mass. border. Vote 15-0.

Amendment (3267h)

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

1 Priority Construction.

I. The commissioner of the department of transportation shall give very high priority to the construction projects relative to the widening of Interstate 93 from Manchester to the Massachusetts border.

II. The commissioner of the department of transportation, excepting special appropriations, shall use previously and subsequently apportioned federal funds and previously and subsequently appropriated state funds for the projects under paragraph I.

III. The commissioner of the department of transportation shall take all necessary actions to ensure that the state of New Hampshire does not lapse or lose the federal funds.

2 Intent. The general court hereby urges the New Hampshire congressional delegation to take necessary actions for the prioritization of construction as set forth in section 1 of this act.

3 Applicability. Within 10 days of the effective date of this act, the house clerk shall send copies of this act to each member of the New Hampshire congressional delegation.

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

AMENDED ANALYSIS

This bill directs the commissioner of transportation to give the widening of Interstate 93 from Manchester to the Massachusetts border very high priority.

Adopted.

Report adopted and ordered to third reading.

HB 1246, relative to sign permits for non-tourist-related local businesses. INEXPEDIENT TO LEGISLATE

Rep. Candace W. Bouchard for Public Works and Highways: This bill would have provided the Commissioner of the Department of Transportation to adopt rules relative to sign permits for non-tourist related local businesses, (the small blue signs) who are in remote, rural areas or who have unique geographical locations. After hearing testimony the committee felt that while the intentions of the sponsor were well intended, the effects of this bill would encourage a proliferation of advertisement signs of non essential tourist related signs along New Hampshire highways. The DOT opposed this bill. Vote 15-4.

Adopted.

HB 1372, relative to open access over some cable facilities in public rights-of-way if used for 2-way telecommunications and if market share of certain users of those facilities is sufficiently large. INEXPEDIENT TO LEGISLATE

Rep. Jeb E. Bradley for Science, Technology and Energy: The committee held a 3-hour public hearing on HB 1372. It deals with Internet access over high speed or broadband cable television wires. Proponents of the legislation term this concept "open access" for different Internet service providers (ISPs). Opponents term the legislation "forced access." Proponents testified that cable companies deploying broad band technology should open their systems to all ISPs so that customers may have maximum choice of ISPs. Opponents testified that regulating the Internet by requiring open access would hamper development of the Internet, result in litigation, and would force cable companies to curtail deploying high speed Internet capabilities because of economic and regulatory uncertainty. There was testimony describing four different technologies that will be able to bring high speed Internet access into homes and businesses. First: the cable Internet systems proposed to be regulated by the bill. Second: telephone lines with enhanced capabilities for high-speed access called digital subscriber lines. Third: land based wireless facilities. Fourth: satellite facilities. The majority of the committee concluded that technological competition exists. The majority also concluded that this type of regulatory intervention of the Internet is not necessary at this time because high speed cable Internet access is new and has a very small percentage of actual Internet customers. However, there is legitimate concern that cable systems could in the future become closed to alternative ISPs. Prior to the announced merger of AOL and Time Warner, AOL had led the fight for open access through regulatory intervention. Subsequent to the merger announcement, AOL shifted its view on open access. AOL now maintains the Internet access should be achieved through marketplace forces, not regulation. ATT is one of the nations largest cable providers because of mergers with TCI and Media One. ATT has agreed in a letter to the Federal Communication Commission (FCC) to provide

open access through marketplace solutions. ATT strongly reiterated that pledge in the public hearing by promising to work with companies such as Votts Networks. Should ATT not keep this commitment, it is likely this legislation will be reintroduced. However, what is also likely is that customers will demand choice of ISPs and that companies like ATT will have to satisfy that customer demand without regulation. The New Hampshire Software Association opposed this bill. They testified that adoption of this legislation would send the wrong signal about regulatory policy concerning the Internet to high tech companies, which employ 8% of the New Hampshire work force. The FCC has declined to propose this kind of regulation on a nationwide basis. Portland, Oregon and ATT are litigating the access issue in the Federal Appeals Court. Because of all these factors and because technology is evolving so rapidly, the majority of the committee believe this bill is not necessary at this time. Vote 14-3.

Adopted.

HB 505-FN, establishing a special license plate for veterans. OUGHT TO PASS WITH AMENDMENT

Rep. Sherman A. Packard for Transportation: This is a bill that the committee has been working on for approximately two years. The majority of the committee felt that this bill as amended would give honorably discharged veterans the chance to obtain a plate designating they were a veteran. This would be a different plate than is currently given to 100% disabled veterans. The plate would cost the same as a regular license plate costs now. There would be a one-time fee of \$25.00 per set of plates to cover the start up, production and administrative costs. Vote 15-2.

Amendment (3138h)

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

1 New Section; Special Number Plates for Veterans. Amend RSA 261 by inserting after section 87-a the following new section:

261:87-b Special Number Plates for Veterans. The director is hereby authorized to issue special number plates to be used on motor vehicles owned by veterans of the United States armed services, in lieu of other number plates. The design of these special plates shall be determined by the commissioner, and shall be distinct from the design or designs of those plates issued under RSA 261:86. Such plates shall be issued only upon application and proof of honorable discharge from the armed services, as evidenced by submission of a copy of the applicant's DD214 verification of service form, and upon payment of a one time \$25 fee to recover production and administrative costs that shall be in addition to the regular motor vehicle registration fee and any other number plates fees otherwise required. Renewals of such special number plates shall be charged the fee assessed for standard motor vehicles as prescribed under RSA 261:141.

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

AMENDED ANALYSIS

This bill provides for special number plates for vehicles driven by veterans.

Adopted.

Rep. Heon spoke in favor.

Report adopted and ordered to third reading.

HB 1264-FN, relative to the unlawful use of theft detection shielding devices. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: HB 1264-FN deals with the unlawful use of theft detection shielding devices. Our committee felt that it should be illegal to possess or use a shielding device to assist in the crime of shoplifting or theft, but it should not be a class B Felony. The committee amended the bill to make the penalty a misdemeanor. Vote 17-0.

Amendment (3243h)

Amend the bill by replacing section 2 with the following:

2 Penalty for Use. Amend RSA 637:11, III to read as follows:

III. Theft constitutes a misdemeanor if the value of the property or services does not exceed \$500, ***or if the act constitutes a violation of RSA 637:10-a.***

AMENDED ANALYSIS

This bill makes it a misdemeanor to use theft detection shielding devices or tools designed to remove theft detection devices.

Adopted.

Rep. Christie offered a floor amendment.

Floor Amendment (3370h)

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

1 New Section; Use or Possession of Theft Detection Shielding Devices and Theft Detection Device Removers. Amend RSA 637 by inserting after section 10 the following new section:

637:10-a Use or Possession of Theft Detection Shielding Devices and Theft Detection Device Removers.

I. A person commits unlawful use of a theft detection shielding device when he or she engages in the following acts:

(a) Knowingly manufactures, sells, offers for sale, or distributes a laminated or coated bag or device specially designed, marketed and intended to be used to shield merchandise from detection by an electronic or magnetic theft alarm sensor.

(b) Knowingly possesses any laminated or coated bag or device specially designed, marketed and intended to be used to shield merchandise from detection by an electronic or magnetic theft alarm sensor, with the intent to commit a theft.

II. A person commits unlawful possession of a theft detection device remover when he or she knowingly possesses any tool or device designed to allow the removal of any theft detection device from any merchandise, with the intent to use such tool to remove the detection device from the merchandise without the permission of the merchant or person owning or holding said merchandise.

III. Persons convicted of either the use or possession of theft detection shielding devices or theft detection device removers shall be guilty of a misdemeanor.

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

AMENDED ANALYSIS

This bill makes the use or possession of theft detection shielding devices or theft detection device removers a misdemeanor.

Rep. Christie spoke in favor and yielded to questions.

Adopted.

Report adopted and ordered to third reading.

motion to special order

Rep. O'Hearn moved that **HB 1499**, relative to credit for American sign language and transliteration as a foreign language, be made a Special order for Thursday, February 17, 2000 in the regular calendar order and spoke in favor.

Adopted.

regular calendar (cont'd.)

HB 1365, relative to spending disclosures in political advertising. REFER FOR INTERIM STUDY

Rep. Jane A. Clemons for Election Law: The committee felt that campaign finance reform is a subject that the general public is seriously focused on at this time. We would like to study this bill to ensure a strong reform that is constitutional as well as effective in attaining true campaign disclosure. Vote 16-0.

Adopted.

HB 1526-FN, relative to campaign contributions and expenditures. REFER FOR INTERIM STUDY

Rep. Francis W. Davis for Election Law: This bill was a request of the study committee on campaign finance reform. It was sponsored by seven of the eight committee members, including all four House members. It establishes a fund to provide campaign financing for eligible candidates for governor

and councilor. Candidates qualify for financing by collecting a requisite number of \$5 contributions and complying with other provisions of the financing law. The candidate will then use money received from the fund instead of private contributions to finance the candidate's campaign. This bill increases the lobbyist registration fee to provide revenue for the fund. The committee voted unanimously to send HB 1526-FN to Interim Study. More work is needed on this legislation as a result of two recent court decisions regarding campaign finance. Vote 15-0.

Adopted.

senate message

requests concurrence with amendment

HB 1105, ratifying article 9 of the 1999 Seabrook annual town meeting. (Amendment printed SJ 2/10/00)

Rep. Hess moved that the House concur and spoke in favor.

Adopted.

suspension of rules

Reps. Chandler and Burling moved that the Rules be so far suspended as to permit action beyond the February 10, 2000 deadline on: **HB 417-FN-A**, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor, **HB 735-FN-A**, establishing a contributory judicial retirement plan, **SB 76-L**, allowing certain municipalities to offer tax exemptions to foster commercial and industrial construction and **SB 170-FN-A**, establishing a parents as teachers pilot program in Sullivan county and making an appropriation therefor.

Reps. Chandler and Burling spoke in favor.

Adopted by the necessary two-thirds.

RESOLUTION

Rep. Chandler 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 17, 2000 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

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

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

HB 51, providing for the voluntary registration of commercial maple producers and maple packers.

HB 580-FN-A-L, authorizing a grant from funds appropriated to the joint promotional program for the purpose of marketing the Connecticut river area as a travel and tourism destination.

HB 725, relative to rulemaking under the administrative procedures act.

HB 1573-FN, relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor.

SB 178-FN-A, relative to appropriations to the port authority for dredging projects.

SB 228, relative to spousal benefits upon the death of certain retired group II members of the New Hampshire retirement system.

HB 1502, relative to lead paint abatement.

HB 1508-FN, establishing a study committee on antitrust laws as they apply to hospital business practices.

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

HB 1614, naming 2 bridges.

HB 1616-FN, relative to registration fees for certain construction equipment vehicles.

HB 86-A, making an appropriation for renovation of the Sawyer House at the Daniel Webster Birthplace in the city of Franklin.

HB 305-A, relative to a lease-purchase agreement between Cheshire county and the state for construction of a new district courthouse to be located in the town of Jaffrey.

HB 405-FN, relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs.

HB 413-FN-A, relative to the renovation of regional vocational education centers, and making an appropriation therefor.

HB 648-FN, relative to a sludge testing program.

HB 1200-FN, relative to the application of education property tax hardship relief to estate planning trusts and relative to eligibility for hardship relief.

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

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

HB 505-FN, establishing a special license plate for veterans.

HB 1264-FN, relative to the unlawful use of theft detection shielding devices.

RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports, only.

Adopted.

The House recessed at 1:35 p.m.

RECESS

(Rep. Wendelboe in the Chair)

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 422, House Joint Resolution 6 and Senate Bills 36, 89 and 222.

Rep. Ronald Nowe for the Committee

RECESS

(Speaker Sytek in the Chair)

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 1105.

Rep. Ronald Nowe for the Committee

RECESS