

# State of New Hampshire HOUSE RECORD

First Year of the 156<sup>th</sup> Session of the General Court  
Calendar and Journal of the 1999 Session

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Contains: Additional Committee Meetings, Committee of Conference Statement and Reports and Amendments for Tuesday, June 29.

## HOUSE CALENDAR

## COMMITTEE OF CONFERENCE STATEMENT

**SB 30**, relative to the cruelty to animals law.

The original Senate Bill contained a provision of restricting the power of animal control officers at the pari-mutuel track and the House removed that provision. The Committee of Conference resolved the concern and amended the bill to give authority to animal control officers to act provided that it does not affect the provision of RSA 284 which governs pari-mutuel racing.

Rep. Everett A. Weare

**TUESDAY, JUNE 29**

**CONSENT CALENDAR – part ii**

## FINANCE

**CACR 10**, relating to restricting the use of a statewide property tax and all funds deposited into the education trust fund to education funding. Providing that all revenues resulting from a statewide property tax and all funds deposited into the education trust fund shall be used exclusively for elementary and secondary education. RE-REFER TO COMMITTEE

**Rep. Jeffrey C. MacGillivray for Finance:** This is one of three constitutional amendments that the committee voted to re-refer in order to have more time to look at the issues. This will not delay implementing any possible constitutional amendment, since no amendment can be placed before the voters until November, 2000. Vote 17-1.

**HB 455-FN-L**, designating all tobacco-related funds to be used exclusively to supplement state aid to public education. INEXPEDIENT TO LEGISLATE

**Rep. Marjorie K. Smith for Finance:** The committee appreciates the willingness of the sponsors of this bill and many others to bring forward myriad ideas concerning education funding. We have all learned a lot in the more than five months since this bill was filed, and will continue to learn more. However, education funding is not our only responsibility and, while in the immediate future we will be spending our tobacco settlement money on education, the committee was not willing to commit to this as a long-term policy. Vote 16-0.

**HB 735-FN-A**, establishing a contributory judicial retirement plan. RE-REFER TO COMMITTEE

**Rep. Franklin G. Torr for Finance:** This bill establishes a contributory judicial defined contribution retirement plan administered by the administrative office of the courts. Although carefully crafted and reviewed, this bill is very complex. The sponsor recommended the bill be re-referred. Also there needs to be a determination from the IRS that there would be no loss of tax exemption for retirees remaining in the present retirement system if a new retirement system were created. Vote 16-0.

**SB 176-FN-A**, relative to technology support for individuals and making an appropriation therefor. RE-REFER TO COMMITTEE

**Rep. Marjorie K. Smith for Finance:** The bill would make a \$500,000 appropriation from the general fund to the Department of Health and Human Services to provide technology support, assistive devices, information, and training programs to individuals with disabilities. The committee expressed great interest in the programs that would be part of this effort but, with the end of this session looming, there was not sufficient time to explore alternative funding possibilities. Vote 18-0

## TUESDAY, JUNE 29

### REGULAR CALENDAR – PART II

#### FINANCE

**CACR 11**, relating to the use of lottery revenues for educational purposes. Providing that lottery revenues be distributed directly to the governing body of the city or town. RE-REFER TO COMMITTEE

**Rep. Jeffrey C. MacGillivray for Finance:** This is one of three constitutional amendments that the committee voted to re-refer in order to have more time to look at the issues. This will not delay implementing any possible constitutional amendment, since no amendment can be placed before the voters until November, 2000. Vote 12-5.

**CACR 26**, relating to the state's duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state. Providing that the state shall have the duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state; the nature and means of the fulfillment of such duty shall be determined by the legislature and judicial review shall be limited to whether or not there is any rational basis therefor; the legislature shall have exclusive authority to determine and fund the costs or to delegate the authority to impose assessments, rates, and taxes for education to political subdivisions, which if so delegated shall be deemed local and shall be proportional and reasonable within the political subdivision in which they are imposed. RE-REFER TO COMMITTEE

**Rep. Jeffrey C. MacGillivray for Finance:** This is one of three constitutional amendments that the committee voted to re-refer in order to have more time to look at the issues. This will not delay implementing any possible constitutional amendment, since no amendment can be placed before the voters until November, 2000. Vote 15-1.

**SB 62-FN-A-L**, relative to the acquisition of Umbagog Lake Campground in Cambridge, New Hampshire, and making an appropriation therefor. OUGHT TO PASS

**Rep. Norman L. Major for Finance:** This bill appropriates funds to the Department of Resources and Economic Development for the purchase of a certain tract of land, currently operated as Umbagog Lake Campground, located in Cambridge, New

Hampshire, on Umbagog Lake. The tract totals approximately 9.6 acres on the southern shore of Umbagog Lake and is operated as a campground. The acquisition by the state of this tract of land will secure state access to and assure future control of recreational opportunities on and around this lake. Umbagog Lake is a water body that encompasses approximately 7,850 acres (4,532 acres in New Hampshire) and the several thousand acres of adjoining bay area to the north is the last large undeveloped parcel of its kind in the state of New Hampshire. The area is an important habitat for an abundance of wildlife such as blue herons, bald eagles, ospreys and loons. The purchased property will be managed by the Department of Resources and Economic Development, Division of Parks and Recreation. Currently this property is owned by the Trust for Public Lands. The Division of Parks and Recreation will operate this campground under agreement with the Trust for Public Lands until the state's purchase is final. The final sale price of the property has been determined by appraisal, and shall not exceed \$600,000. The Department of Resources and Economic Development (DRED) indicates total state revenues from operating the campground will exceed all state expenses associated with this land purchase and campground operation for all future years. This bill increases general fund bonded indebtedness by \$600,000. Payments of principal and interest on the bonds and notes shall be made from the state park fund, not the general fund Vote 12-6.

**SB 102**, relative to payment of the premium tax. OUGHT TO PASS

Rep. Robert K. Boyce for Finance: This bill simply requires insurers whose annual estimated tax liability is \$400 or less to make one advance annual payment rather than four quarterly payments. Vote 15-0.

**SB 113**, establishing a division of travel and tourism development within the department of resources and economic development. OUGHT TO PASS

Rep. Franklin G. Torr for Finance: This bill elevates travel and tourism from an office to a division. This action puts travel and tourism in a more prominent position. Additionally there is established an advisory committee on travel and tourism to recommend ideas and provide input to the Division of Travel and Tourism. There is a minor cost of approximately \$2,000 each year Vote 10-8.

**SB 153-FN-A**, requiring that a percentage of profits derived by the liquor commission be placed into and continually appropriated to a special fund for alcohol education and abuse prevention and treatment programs. RE-REFER TO COMMITTEE

Rep. Jeffrey C. MacGillivray for Finance: The bill would have required that a percentage of Liquor Commission profits be spent on alcohol education and abuse prevention and treatment. Data was presented concerning the successfulness and cost-effectiveness of these programs. The committee needs more time to evaluate this data and obtain answers to many questions before it can determine what priority should be placed on spending money for this purpose compared with others. Vote 10-5.

**SB 182-FN**, relative to eligibility for ordinary death benefits under the New Hampshire retirement system. OUGHT TO PASS

Rep. Paul J. Dwyer, Sr. for Finance: This bill is to help spouses of retirees who have passed away and were in service at the time of their death. It offers those spouses a choice of accepting the retiree's earnable compensation in a lump sum or by monthly payments. There is no cost to the retirement system or to the general fund. Vote 15-2.

**SB 187-FN-L**, relative to payment of group health insurance premiums for eligible retired teachers in the New Hampshire retirement system. OUGHT TO PASS WITH AMENDMENT

Rep. Charles L. Vaughn for Finance: This bill provides a health care supplement for retired teachers who are currently retired or will retire prior to July 1, 2004. The \$89.1 million cost will come from the teacher portion of the special account of the New Hampshire Retirement System. The special account was established in 1983 to provide cost-of-living adjustments and other benefit enhancements. The special account has sufficient funds for this purpose. After funding the bill there will be \$74 million remaining to fund reasonable COLAs for the next three to four years. The benefit and funding mechanism is the same as the health care program for retired police and firefighters which has been in effect for the past eleven years. The Finance Committee amendment provides \$110,000 over the biennium from within the budget of the Department of Health and Human Services to fund the legislatively-established Long Term Care Institute. There will be no increase in state or local expenditures as a result of this bill. Vote 15-2.

## Report of the Joint Committee on Address

### For the Removal of Chief Justice Brock

## HA 1

The committee has voted unanimously not to recommend the address for the removal of Chief Justice Brock. Part II, Article 73 of the New Hampshire Constitution provides that the:

Governor with consent of the council may remove any commissioned officer for reasonable cause upon the address of both houses of the legislature, provided nevertheless that the cause for removal shall be stated fully and substantially in the address and shall not be a cause which is sufficient ground for impeachment, and provided further that no officer shall be so removed unless he shall have had an opportunity to be heard in his defense by a joint committee of both houses of the legislature.

The committee does not believe that HA 1 meets the criteria established in the constitution. The conduct described by the 5 items listed in HA 1 does not rise to the level of conduct that requires removal. The members do not believe that HA 1 either stated a reasonable cause for removal or that the causes in HA 1 were fully and substantially stated.

The committee began by examining Part II, Article 73 in the New Hampshire Constitution. The provision was included in our original constitution and was amended in 1966 to spell out certain requirements for the address and to provide due process for the respondent. The committee held several organizational meetings to develop clear rules of committee procedure. This was particularly important because there have been no addresses before the legislature since the adoption of the 1966 amendment. The committee believes that based on the 1966 amendment to Article 73, the address is a legislative procedure to be used with great care and in circumstances where there is reasonable cause for removal. The committee discussed and formally adopted Special Rules of Procedure. Two separate days of hearings were held to provide the sponsors of the bill, the public, and the Chief Justice opportunities to testify.

The Special Rules of Procedure included the 1966 amendments in the Constitution which require the address to:

- a)state a reasonable cause for removal;
- b)be fully and substantially stated; and
- c)not be a cause which is sufficient ground for impeachment.

Members believe that there is a certain level of misperception about both the independence of each of the three branches of government as well as the level of cooperation that is necessary between the branches. The committee believes that a priority should be placed on establishing a better working relationship between the judiciary and the public and an improved relationship between the three branches.

### **Vote 12-0. Ought Not to Pass.**

Rep. Henry Mock, Chair Sen. Debora Pignatelli, Vice-Chair

Rep. Sheila Francoeur Sen. Lou D'Allesandro

Rep. Betsy Patten Sen. Carl Johnson

Rep. John Pratt Sen. Frederick King

Rep. John Thomas Sen. John King

Rep. Janet Wall Sen. James Squires

## **ADDITIONAL COMMITTEE MEETINGS**

**TUESDAY, JUNE 29**

**FINANCE, Rooms 210-211, LOB**

***HB 747-FN-A-LOCAL***, relative to the education property tax and adequate education grants, at the conclusion of the House session.

Executive session on pending legislation to follow.

**FINANCE - (DIVISION I), Room 212, LOB**

Work and executive session at the conclusion of the House session.

**FINANCE - (DIVISION II), ROOM 209, LOB**

Work and executive session at the conclusion of the House session.

**FINANCE - (DIVISION III), ROOM 210-211, LOB**

Work and executive session at the conclusion of the House session.

**WEDNESDAY, JUNE 30**

**FINANCE, Rooms 210-211, LOB**

9:00 a.m. Or at the conclusion of the House session, executive session.

**FINANCE - (DIVISION I), Room 212, LOB**

9:00 a.m. Or at the conclusion of the House session, work and executive session.

**FINANCE - (DIVISION II), ROOM 209, LOB**

9:00 a.m. Or at the conclusion of the House session, work and executive session.

**FINANCE - (DIVISION III), ROOM 210-211, LOB**

9:00 a.m. Or at the conclusion of the House session, work and executive session.

**THURSDAY, JULY 1**

**FINANCE, Rooms 210-211, LOB**

9:00 a.m. Or at the conclusion of the House session, executive session.

**FINANCE - (DIVISION I), Room 212, LOB**

9:00 a.m. Or at the conclusion of the House session, work and executive session.

**FINANCE - (DIVISION II), ROOM 209, LOB**

9:00 a.m. Or at the conclusion of the House session, work and executive session.

**FINANCE - (DIVISION II), ROOM 209, LOB**

9:00 a.m. Or at the conclusion of the House session, work and executive session.

**TUESDAY, JUNE 29**

**ADDITIONAL AMENDMENTS**

**(PRINTED IN NUMERICAL ORDER)**

1999-1822h

**Amendment to SB 187-FN-LOCAL**

**Proposed by the Committee on Finance - R**

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

AN ACT relative to payment of group health insurance premiums for eligible retired teachers and for certain active or retired group II members in the New Hampshire retirement system, and relative to allocation of funds appropriated to the department of health and human services to the long term care institute.

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as section 9:

8 Allocation of Funds; Department of Health and Human Services; Long Term Care Institute. Of funds appropriated to the department of health and human services, the commissioner shall pay over to the long term care institute established under RSA 126-L the sum of \$55,000 for each year of the biennium ending June 30, 2001.

**AMENDED ANALYSIS**

This bill provides for the payment by the retirement system of the cost of group health insurance for eligible retired teachers. The additional benefits shall be funded from the special account for current retired teachers and projected eligible teachers for the next 5 years.

The bill includes certain active or retired group II members for funding of payment of medical benefits.

The bill also provides for the allocation of \$55,000 for each year of the biennium to be paid over from funds appropriated to the department of health and human services to the long term care institute.