State of

New Hampshire

HOUSE RECORD

Second Year of the 156th Session of the General Court

Calendar and Journal of the 2000 Session

Vol. 22 Concord NH Friday, June 2, 2000 No. 44

Contains: Governor's Veto Messages, List of Bills in Interim Study in the House, Work Sessions and Notices.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

Many thanks to all of you for your cooperation and efficiency in completing our regular business by the May 31 deadline. This is the earliest we have finished in over ten years. Also, thank you for the many kind words that were said about me at the conclusion of our session this week. It has been a privilege to serve as your presiding officer.

As I explained earlier, we will most likely need to come back for one day to act on the Judiciary Committee's recommendation pursuant to HR 50. If vetoes are not too numerous, we may take them up that day as well. It all depends on the progress of the Judiciary Committee, but right now my best guess is that we will meet on Wednesday, July 12.

There are a record number of bills referred for Interim Study this year. They are listed in this week's calendar. It would be wise to use the month of June to get a head start on this work before the summer vacation period when staff will not always be available.

The next time you pass the State House lawn be sure to notice the newly planted tree near the statue of John P. Hale. It was placed there last week in memory of the late Representative Kenneth MacDonald of Wolfeboro, as a gift of his family.

I hope you can enjoy a well-deserved rest from your legislative duties and enjoy our wonderful New Hampshire spring.

Donna Sytek, Speaker

House Judiciary Committee Progress Report to the House

The Judiciary Committee met two times this week, one in private under the attorney-client privilege to discuss evidence and other confidential matters and the other in a public meeting to discuss and formulate committee rules for conducting the public testimony sessions. An Interim Report by Special Counsel was distributed on a confidential basis to members. The committee will be conducting additional depositions next week and will begin public testimony of invited or subpoenaed witnesses on Tuesday, June 13. Deposition transcripts will be made available to the public on Friday, June 9th.

Rep. Henry P. Mock

Judiciary Committee Chairman

NOTICE

House Calendars will be published every two weeks during June, July and August. Members and staff who need to schedule meetings should make arrangements with the Clerk's Office for room availability and publication of meeting notices. Please note Calendar will close on **Wednesdays**.

CLOSES NOON *WEDNESDAY*:	**TO BE MAILED THURSDAY:**
June 7	June 8
June 21	June 22
July 5	July 6
July 19	July 20
August 2	August 3
August 16	August 17
August 30	August 31

Karen O. Wadsworth

Clerk of the House

HOUSE DEADLINES

September 13, 2000, Wednesday	First day for incumbents who are candidates for re-election to file LSR's with complete information.
November 1, 2000, Wednesday	Final day to file interim study reports with the house clerk.
November 8, 2000, Wednesday	First day for new members to file LSR's with complete information; begin requirements of `10 day sign-off rule.

2000 bills sent to interim study by the house

CHILDREN AND FAMILY LAW

HB 200-FN-LOCAL, relative to restructuring the juvenile justice system in New Hampshire.

HB 555, relative to representation of a child during child interviews.

HB 717-FN-A, establishing a child care incentive program for training child care workers, and making an appropriation therefor.

HB 1238, relative to the collection and disbursement of support orders by the department of health and human services.

HB 1333-LOCAL, relative to the establishment of parenting plans.

HB 1443-FN, requiring a hearing prior to issuance of statement of findings on the suspension, revocation, or denial of a daycare provider's license.

HB 1533, relative to the child protection act.

HB 1547-FN, relative to raising the age of minority for the purposes of juvenile delinquency proceedings from 17 to 18 years of age.

COMMERCE

HB 309, relative to motor vehicle insurance.

HB 528, adding penalty provisions to the unfair claim settlement practices by insurers law.

HB 693-FN, limiting access to certain business records.

HB 1164, relative to insurance compliance self audits.

HB 1184, relative to minimum participation requirements for small employers.

HB 1260-FN, relative to the cost of prescription medication.

HB 1295, relative to prescription drug cards.

HB 1315, relative to payout ratios of qualified charitable gift annuities.

HB 1398, requiring disclosure of policy limits by insurers.

HB 1496-FN, relative to joint negotiations by physicians with health benefit plans.

HB 1545-FN-A, relative to the sale of furniture and bedding.

HB 1567-FN, extending medical and surgical benefits to domestic partners.

SB 52, requiring insurance coverage for infertility treatments.

SB 418, relative to liquor liability insurance coverage.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 202, legalizing the possession and cultivation of marijuana for medicinal purposes.

HB 1140, establishing a committee to study the department of corrections.

HB 1346-FN, relative to certain acts of felonious sexual assault.

HB 1391, relative to personal appearance by law enforcement officers at administrative license suspension hearings.

HB 1503, establishing a study committee to review the state's current parole and probation procedures.

HB 1520-FN, relative to criminal neglect of elderly, disabled, or incapacitated persons.

HB 1556-FN-A, establishing a tax on the retail sale of fireworks and making appropriations to the division of fire standards and training.

SB 88-FN, relative to penalties for third driving while intoxicated offenses.

EDUCATION

HB 1427, relative to the calculation of the days of school in the school year.

HB 1505-FN-LOCAL, relative to the formula for distributing school building aid.

ELECTION LAW

HB 1365, relative to spending disclosures in political advertising.

HB 1478-FN-A, establishing matching funds for certain candidates.

HB 1526-FN, relative to campaign contributions and expenditures.

ENVIRONMENT AND AGRICULTURE

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

HB 1201, creating a committee to study incentives for regionalization of sludge and septage facilities.

HB 1227, relative to universal waste.

HB 1395-FN-A-LOCAL, establishing an advance disposal fee and establishing grants to fund municipal waste management programs and activities.

HB 1417-FN-A-LOCAL, setting priorities for the disposal of certain components of the solid waste stream.

HB 1423-LOCAL, relative to regulation of junk yards.

SB 384, establishing a committee to study pollution prevention and pretreatment program for reducing pollutant levels in sewage sludge.

SB 408, establishing a committee to study the application of non-conventional veterinary procedures for domestic animals.

SB 465-FN-LOCAL, relative to the definition of "sugar orchard" for purposes of the timber yield tax.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1307, relative to certification of food protection managers.

HB 1380-FN, relative to compensation for time lost by state law enforcement officers injured in the line of duty.

HB 1415-FN, relative to the classification of certain personnel of the department of corrections.

HB 1437-FN, relative to ayurvedic health care practice.

HB 1549-FN, relative to cost of living adjustments for certain retired members of the New Hampshire retirement system.

HB 1558-FN-LOCAL, relative to payment of group health insurance premiums for eligible retired members of the retirement system.

HB 1561-FN, relative to benefits payable upon a group II retirement system member's death after retirement.

HB 1575-FN, relative to the licensure of interpreters for the deaf.

HB 1591-FN-LOCAL, establishing a defined contribution retirement option in the New Hampshire retirement system.

HB 1610-FN, regulating indoor tanning facilities.

HB 1612-FN, establishing a state office of privacy.

HB 1624, relative to administrative rules concerning sales of pari-mutuel pools.

SB 181-FN, relative to licensure of geologists.

SB 414-FN, reorganizing the divisions of the department of corrections.

SB 457, relative to ownership of certified accounting firms.

FINANCE

HB 692-FN-A, adopting a single sales factor method of apportionment under the business profits tax.

HB 735-FN-A, establishing a contributory judicial retirement plan.

HB 1284-FN, prohibiting the courts from charging fees.

HB 1472-FN-A, allowing the deduction of trust expenses from trust income taxable under the interest and dividends tax.

HB 1485-FN, relative to a certain toll booth and establishing a committee to study road tolls along the state's highways.

HB 1587-FN, relative to payment of health insurance costs for certain child day care agencies.

SB 210-FN-LOCAL, relative to payment by the state for certain court-ordered placements of special education students.

SB 399-FN-A, making an appropriation to the fish and game department for the purposes of the wildlife damage control program.

SB 421-FN-A, establishing a child day care program credit against the business profits tax and the business enterprise tax.

JUDICIARY

CACR 37, relating to the right to privacy. Providing that an individual's right to live free from governmental interference in private or personal matters is fundamental.

HB 575, limiting railroad liability for passenger and tourist rail service.

HB 1507, establishing a committee to investigate allegations against supreme court justice Thayer regarding unreported and underreported income.

SB 85-FN, including the judiciary as a public employer under the public employee labor relations act.

SB 335, allowing physicians to make a report when a person is unfit to drive a motor vehicle.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 579-FN, relative to eligibility for unemployment benefits for certain persons commensurate with their attachment to the workforce.

HB 636-FN, relative to public safety employee collective bargaining negotiations under the public employee labor relations act.

SB 442-FN, establishing an equipment depository and disabled person's employment fund in the department of administrative services.

MUNICIPAL AND COUNTY GOVERNMENT

HB 446-LOCAL, subjecting certain land in the town of Newport to local land use regulations.

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

HB 641-LOCAL, clarifying the value of public utility property for property tax purposes.

HB 696-FN-L, relative to the taxation of land held by municipalities for water supply purposes.

HB 1389-LOCAL, relative to the Nute High School and library trustees.

HB 1590, relative to prohibiting a zoning ordinance from a residential preexisting nonconforming property owner's ability to rebuild after a fire loss.

HB 1625, requiring the attorney general to initiate a declaratory judgment action concerning record title matters related to the Green Hills subdivision in the town of Raymond.

PUBLIC WORKS AND HIGHWAYS

HB 1341-FN, relative to direct access for certain types of development along highways.

HB 1420-FN-LOCAL, relative to the port in the city of Portsmouth, New Hampshire.

SB 387-FN-L, relative to proposed toll booths in the city of Nashua and relative to alternatives to the state-wide toll booth system.

RESOURCES, RECREATION AND DEVELOPMENT

HB 539-FN, relative to public access to Squam Lake.

HB 543, relative to fill and dredge permits for breakwaters.

SCIENCE, TECHNOLOGY AND ENERGY

HB 386, establishing a committee to study allowing Internet service providers to restrict unsolicited electronic mail.

HB 1310, relative to the universal service fund.

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.

HB 1618, relative to requiring legislative approval for mergers, acquisitions, or restructuring of certain electric utility corporations.

SB 460-FN-LOCAL, establishing a grant program to reimburse eligible districts served by municipal waste combustors.

SCR 7, urging the federal government to consider the impacts on New Hampshire and the smaller states of interstate waste legislation.

TRANSPORTATION

HB 560-FN, relative to the suspension or revocation of youth operators' licenses.

HB 1273, relative to restricting usage of cellular phones while driving.

HB 1279, relative to the applicability of school bus safety laws.

WILDLIFE AND MARINE RESOURCES

HB 280-FN, establishing a point system for the annual moose permit lottery.

HB 1152, relative to the establishment of crossbow hunting seasons.

HB 1604-FN-LOCAL, establishing the position of state animal control officer.

GOVERNOR'S VETO MESSAGE ON HB 235

May 19, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 235, An Act increasing exemptions under the interest and dividends tax.

I am vetoing this legislation because it is fiscally irresponsible and because I believe it would make the interest and dividends tax less fair.

If enacted, this legislation would reduce state general fund revenues by a significant amount, beginning July 1, 2002. This bill would cost the state general fund almost $9 million in the next biennial budget and approximately $6 million each year thereafter. This legislation provides no way to pay for that loss of revenue. In passing this bill, the legislature failed to designate the state services it would cut to compensate for this loss of revenue or, in the alternative, to pass a new revenue source to pay for its cost. Instead, H.B. 235 leaves the tough decision of figuring out how to make up for this loss of revenue to a future legislature. H.B. 235 is fiscally irresponsible.

H.B. 235 would also make the interest and dividends tax less fair. RSA 77:5 currently provides four categories of exemptions from the interest and dividends tax - a standard exemption for all persons; an additional exemption for those 65 years of age or older; an additional exemption for those who are blind; and an additional exemption for those who are disabled or unable to work. H.B. 235 increases the standard exemption and the additional exemption for those 65 years of age or older - regardless of the overall income level or need of the individual. Inexplicably, H.B. 235 leaves unchanged the exemption level for the blind and the exemption level for the disabled or those unable to work.

This legislation only benefits those with a significant amount of money invested in accounts that generate interest and/or dividends, and does so regardless of how much income those persons might have from other sources. For example, under H.B. 235 a married couple under 65 years of age with $200,000 invested in a typical interest-bearing certificate of deposit would obtain a $60 tax reduction, even if the couple also has $1 million in income from exercising stock options. In contrast, a widow over 65 years of age with $75,000 invested in a typical interest-bearing certificate of deposit, and whose only other source of income is Social Security, would obtain absolutely no benefit from H.B. 235.

H.B. 235 provides no benefit to average senior citizens and provides only a minor benefit to even the most wealthy individuals. Yet, the annual cost of this legislation, about $6 million, is more than twice the amount the State general fund now invests each year in the Meals on Wheels program for senior citizens. It is over three times the amount the State general fund now invests each year in the Veterans' Home. It is over three times the amount the State general fund now invests each year in the Emergency Shelter program.

This legislation is an example of an unfortunate trend in the legislature to pass both tax expenditures and program expenditures outside the biennial budget process. H.B. 235 was pending in the legislature last year when the House and Senate passed the biennial operating budget. This legislation was not conceived this year to deal with a newly discovered problem or emergency. Indeed, similar legislation to this has been introduced repeatedly over the last few years. If the legislature believes that increasing certain exemptions to the interest and dividends tax is a priority, H.B. 235 should have been passed last year and its cost accounted for in the biennial budget. The legislature chose not to do this. Instead, it passed H.B. 235 this year

outside the budget process.

I have made it clear for months that I would veto this legislation. I have repeatedly expressed my concerns regarding legislation that would increase expenditures or reduce revenues at a time when we are struggling to find the resources necessary to fund our schools and provide other essential public services. The legislature's continuing refusal to consider the cumulative fiscal impact of individual pieces of legislation is disturbing and unacceptable.

Respectfully submitted,

Jeanne Shaheen

Governor

GOVERNOR'S VETO MESSAGE ON HB 405-FN

May 31, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to

Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed

House Bill 405, an Act relative to the annual funding of placement costs for juvenile diversion and alternate disposition programs and relative to an effectiveness study of such programs.

If enacted, this legislation would increase state general fund expenditures by $108,452 beginning July 1, 2001, gradually increasing in cost to $124,546 in FY 2004. Like other bills I have vetoed this session, this legislation does not provide a way to pay for its cost. The cost of HB 405, when considered in conjunction with other legislation passed by the House and Senate that increase expenditures or reduce revenues, is unacceptable. In addition, like other bills I have vetoed, this bill leaves the tough decision of figuring out how to pay for its costs to a future legislature.

While I commend the motivation and hard work of the bill's sponsors, and recognize the concerns HB 405 is intended to address, the bill is another example of an unfortunate trend in the legislature to pass both revenue reductions and increased program expenditures outside the biennial budget process. HB 405 was pending in the legislature last year when the House and Senate passed the biennial operating budget. If the legislature believes this increase in funding for juvenile placement costs is a priority, HB 405 should have been passed last year and its cost accounted for in the biennial budget.

It should be noted that HB 405 includes the creation of a study to quantify the effectiveness of juvenile diversion and alternate disposition programs. It would make more sense to first determine which programs are the most effective before allocating to them additional state resources.

I have repeatedly expressed my concerns about legislation that would increase expenditures or reduce revenues at a time when we are limited in the resources we have available to fund our schools and provide other essential public services. HB 405 must be considered in the context of our overall budget constraints. While I regret having to do so, I must veto HB 405.

Respectfully submitted,

Jeanne Shaheen

Governor

GOVERNOR'S VETO MESSAGE ON HB 542-FN-A

May 31, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 542, an Act repealing the legacies and succession tax.

If enacted, this legislation would reduce state general fund revenues by approximately $25 million the first year it is in effect, the fiscal year beginning July 1, 2001, and then almost $38 million each year thereafter. Like HB 235, which would have increased exemptions under the State's interest and dividends tax and which I vetoed two weeks ago, this legislation, too, fails to provide a way to pay for its cost.

The annual cost of H.B. 542, about $38 million, is more than five times the amount spent on home based care programs for the elderly that allow our seniors to remain in their own homes longer and maintain their quality of life. It is nearly four times the amount spent on childcare services which help single parents find good care for their children as they make the sometimes difficult transition from welfare to work. It also is nearly two-thirds the amount we spend on direct care services for citizens with developmental disabilities.

Under New Hampshire law the transfer of wealth at death is subject to state taxation at the rate of 18 percent, with certain exceptions: transfers to spouses, lineal descendants, municipalities, or charitable organizations; and the transfer of a homestead to a sibling who resides in the homestead. Proponents of H.B. 542 persuasively argue that this tax is unfair to those who do not have spouses or lineal descendents to whom they can leave their assets. However, all legislation that costs money must be considered in the context of the state's fiscal situation. It is irresponsible to focus only on the merits of a bill in isolation and not consider its impacts on the state's overall budget picture.

H.B. 542 was pending in the legislature last year when the House and Senate passed the biennial operating budget. The legislature could have made the choice to absorb the cost of paying for H.B. 542 at that time by either cutting state services or increasing another revenue source. The legislature chose not to do so.

The legislature considered and rejected a number of other ways to pay for the cost of this legislation. The legislature rejected the idea of reforming the estate and legacy tax by lowering the rate and applying it to all transfers of wealth. The legislature rejected the idea of paying for H.B. 542 by allowing video lottery at our four racetracks and two grand hotels. It rejected the idea of making the effective date of the repeal contingent on the enactment of a replacement revenue source. It even rejected the idea of phasing in the repeal of this tax over a number of years. All of these options for paying for the cost of this legislation were found unpalatable for one reason or another by the legislature.

Instead, this year the legislature simply amended the bill to put off its effective date until July 1, 2001. It is not an acceptable solution to put off the effective date so that another legislature will have to deal with filling the large revenue gap this bill creates.

On the very day H.B. 542 passed, members of one body conducted a briefing on the state's fiscal status. This same body then turned around and passed H.B. 542 with complete disregard for its fiscal impact.

Casting a vote to repeal a tax is an easy and a politically popular thing to do in an election year. But I believe the governor and the legislature are elected to make hard choices.

If the legislature is unwilling to practice fiscal discipline, I must and I will. While I regret having to veto H.B. 542, I cannot in good conscience approve a bill with this magnitude of fiscal impact.

Respectfully submitted,

Jeanne Shaheen

Governor

GOVERNOR'S VETO MESSAGE ON HB 1251

May 31, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed HB 1251, relative to driver education training reimbursement.

If enacted, HB 1251 would increase state expenditures by $600,000 in fiscal year beginning July 1, 2001 and each year thereafter. Like other bills I have vetoed this session, this legislation does not provide a way to pay for its cost. This cost, when

considered in conjunction with other legislation passed by the House and Senate that increase expenditures or decrease revenues, is unacceptable.

While I appreciate the intent of this legislation, if enacted it would be funded through monies that would ordinarily lapse to the general fund. It is important to understand that lapse funds are not "found" money and available for additional spending. Instead, an estimate of lapse funds is built into the biennial budget, and lapse funds are a critical component of achieving a balanced budget.

HB 1251 is another example of an unfortunate trend in the legislature to pass both revenue reductions and increased program expenditures outside the biennial budget process without identifying offsetting budget cuts or revenue increases to cover the budget impacts. If the legislature believes that providing reimbursement to driver education students attending private training courses is a priority, the $600,000 in annual costs must be offset by either cutting state services or increasing another revenue source.

I have repeatedly expressed my concerns about legislation that would increase expenditures or reduce revenues at a time when we are limited in the resources we have to fund our schools and provide other essential services. HB 1251 must be considered in the context of the state's overall budget constraints. While I regret having to do so, I must veto HB 1251.

Respectfully submitted,

Jeanne Shaheen

Governor

GOVERNOR'S VETO MESSAGE ON HB 1343-FN-A

May 31, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 1343, an Act appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied.

If enacted, this legislation would transfer $20,000 in unused FY 2000 funds from state environmental grant payments to municipalities for this research effort. While I do not disagree with the intent of the bill and the interest of its sponsors in supporting additional research on the impacts of applying sludge at reclamation sites, I do disagree with the manner in which these funds are being appropriated for this purpose.

Like other bills I have vetoed this session, HB 1343 is another example of an unfortunate trend in the legislature to pass both revenue reductions and increased program expenditures outside the biennial budget process. These bills exacerbate the financial concerns we face. If the legislature believes that funding for this research effort is a priority, this $20,000 should have been included in the biennial budget and its costs accounted for during the budget process.

This legislation, if enacted, would be funded through monies that would ordinarily lapse. It is important to understand that lapse funds are not "found" money and available for additional spending. Instead, an estimate of lapse funds is built into the biennial budget, and lapse funds are a critical component of achieving a balanced budget.

I have repeatedly expressed my concerns about legislation that would increase expenditures or reduce revenues at a time when we are limited in the resources we have available to fund our schools and provide other essential services. HB 1343 must be considered in the context of our overall budget constraints. With regret, I must veto HB 1343.

Respectfully submitted,

Jeanne Shaheen

Governor

GOVERNOR'S VETO MESSAGE ON HB 1406

May 23, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 1406.

I am vetoing this legislation because its provisions have been superceded by S.B. 472, and, thus are superfluous and unnecessary.

H.B. 1406 was designed to establish the legislative policy around the use of transition service during the initial years of competition in the territory served by Public Service Company of New Hampshire. I concur with the legislature's intent as expressed in this legislation to avoid the creation of cost deferrals through the pricing of transition service, and this issue has been addressed within the provisions of S.B. 472.

I have conferred with the primary sponsor of H.B. 1406 and he has advised me that he supports the vetoing of H.B. 1406.

Respectfully submitted,

Jeanne Shaheen

Governor

GOVERNOR'S VETO MESSAGE ON HB 1548

May 19, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 1548, An Act abolishing the death penalty.

I believe that there are some murders that are so brutal and heinous that the death penalty is the only appropriate penalty.

Just three years ago in Colebrook, Carl Drega tracked down and killed Vickie Bunnell. Carl Drega killed Dennis Joos, who tried to save Vickie Bunnell. Carl Drega killed two New Hampshire state troopers, Scott Philips and Leslie Lord. During his shooting rampage, Carl Drega also shot and wounded four other law enforcement officers. The search of Carl Drega's property that followed his bloody rampage revealed hundreds of pounds of booby-trapped explosives designed to kill and maim countless people. If Carl Drega had not been killed that day, I believe an indictment for capital murder would have been appropriate for his cold-blooded, brutal murders.

Our death penalty law carefully safeguards defendants' due process rights. No one has been executed in New Hampshire since 1939. No one sits on death row in this state. Capital indictments have been brought only in the most exceptional cases.

Some who oppose the death penalty argue that DNA testing has shown that innocent people have sat on death row in other states. Some have suggested that the Richard Buchanan case in New Hampshire shows that could happen here. I believe that the Buchanan case proves the exact opposite. After Mr. Buchanan was arrested, but long before trial, DNA testing showed that the evidence found on the body of the victim in that horrible crime could not have come from Mr. Buchanan. Charges against Mr. Buchanan were then dropped and he was released from custody. Indeed, the advent of DNA testing reduces the likelihood that innocent people will be convicted of crimes.

Some who oppose the death penalty argue we cannot trust our criminal justice system and cite examples, all from other states, where those charged with capital murder did not receive adequate defenses or otherwise did not receive a fair trial. This is not true of New Hampshire. New Hampshire has an excellent public defender program and our criminal defense bar is among the best in the country. I have the highest confidence in New Hampshire's criminal justice system and so should every New Hampshire citizen.

Our statute is designed to make the carrying out of the death penalty extraordinarily difficult. Under New Hampshire law, a jury of twelve first must unanimously find beyond a reasonable doubt that the accused committed every element of the charged

offense. Then, in a separate sentencing phase, the jury must also unanimously find beyond a reasonable doubt that at least two "aggravating" factors exist, and that the aggravating factors outweigh any "mitigating" factors that may exist. Moreover, our law requires the judge to instruct the jury that regardless of its findings with respect to aggravating and mitigating factors, the jury does not have to impose a death sentence. In any case where the death penalty is imposed, both the conviction and death sentence is subject to an automatic and prompt review by the New Hampshire Supreme Court.

I have listened to the arguments of supporters of this bill. I have read the thoughtful correspondence and materials I have received from both supporters and opponents of this bill, and I have considered the arguments on both sides of this issue with great care. I am respectful of the very sincerely held beliefs of those who oppose the death penalty. But it falls within my duty as governor to act on this legislation based on what I believe is in the best interests of the people of this state, and to the best of my ability, I have done so. I believe our capital murder statute should remain the law in New Hampshire.

Respectfully submitted,

Jeanne Shaheen

Governor

LAID ON TABLE – 1999 session

CACR 12, relating to a 4-year term for the office of governor. Providing that beginning in the year 2002, the governor shall be elected every 4 years.

CACR 21, relating to gender neutral language in the constitution. Providing that all references to persons in the constitution shall be gender neutral.

HB 116-FN-A-L, establishing an alternative consumption tax as a source of funding for education and making an appropriation therefor.

HB 549-L, relative to the minimum vote required for bond issues by municipalities.

HB 550-L, relative to the date town reports must be made available in towns which have adopted the official ballot referenda form of meeting.

HB 612-FN, relative to compensation paid to jurors.

HB 695-FN-A, providing an exemption under the interest and dividends tax for taxpayers on a limited income.

HB 703-FN-A-L, establishing a regional youth center pilot program in the city of Nashua.

LAID ON TABLE – 2000 session

CACR 33, relating to meetings of the legislature. Providing that the legislature shall assemble biennially. (Pending question is interim study.)

HB 637-FN**,** establishing certain standards of accountability for health maintenance organizations and other entities providing health insurance through a managed care system. (Pending question is the adoption of the committee report – ought to pass with amendment.)

HB 1229, requiring the completion of a rate proceeding prior to legislative approval of a settlement agreement with PSNH. (Pending question is the adoption of the majority committee report – interim study.)

HB 1375**,** establishing financial assurance for guaranteed promise of customer repayment of rate reduction bonds. (Pending question is the adoption of the committee report – interim study.)

HR 10, affirming revenue estimates for fiscal years 2000, and 2001.

COMMITTEE HEARINGS

MONDAY, JUNE 5

COMMISSION ON EARLY CHILDHOOD EDUCATION (HB 532, Chapter 135:3, Laws of 1999), Room 207, LOB

9:30 a.m. Regular meeting.

SEED STERILIZATION TECHNOLOGY STUDY, (HB 291, Chapter 282:2, Laws of 1999), Room 303, LOB

1:00 p.m. Regular meeting

WEDNESDAY, JUNE 7

CRIMINAL JUSTICE AND PUBLIC SAFETY, Fire Academy, Route 106, Concord

7:00 p.m. Meeting to discuss revenue sources for firefighter training.

FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB

9:00 a.m. Regular business.

SULLIVAN COUNTY REGIONAL REFUSE DISPOSAL DISTRICT (HB 379, Chapter 201:2, Laws of 1999), Room 301, LOB

11:00 a.m. Regular meeting.

THURSDAY, JUNE 8

COMMUNITY-TECHNICAL EDUCATION COMMISSION STATUS STUDY (SB 503, Chapter 272:36, Laws of 1998), Community Technical College, Laconia

11:00 a.m. Regular meeting.

FRIDAY, JUNE 9

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

9:00 a.m. Regular meeting with area agencies.

MONDAY, JUNE 12

BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2), Room 207, LOB

2:00 p.m. Regular meeting.

PERINATAL ALCOHOL TOBACCO AND OTHER DRUG USE TASK FORCE (RSA 132:19), Room 101, LOB

9:00 a.m. Regular meeting.

SEED STERILIZATION TECHNOLOGY STUDY, (HB 291, Chapter 282:2, Laws of 1999), Room 303, LOB

1:00 p.m. Regular meeting

TUESDAY, JUNE 13

DEVELOPMENTAL DISABILITY WAITLIST FUND ALLOCATION OVERSIGHT COMMITTEE, (RSA 171-A:1-b), Room 205, LOB

1:00 p.m. Rescheduled regular meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

10:30 a.m. Interim study subcommittee work session on ***HB 1624,*** relative to administrative rules concerning sales of pari-mutuel pools.

UPGRADE OF ROUTES 11 AND 140 STUDY (HB 541, Chapter 145:1, Laws of 1999), Winnisquam High School Cafeteria, Tilton

7:00 p.m. Regular meeting.

WEDNESDAY, JUNE 14

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

10:00 a.m. Interim study subcommittee work session on ***HB 1307,*** relative to certification of food protection managers, ***HB 1437-FN,*** relative to ayurvedic health care practice, ***HB 1610-FN,*** regulating indoor tanning facilities and ***SB 181-FN,*** relative to the licensure of geologists.

UPDATING NEW HAMPSHIRE LAWS RELATED TO FENCES STUDY, (HB 1154, Chapter 62:1, Laws of 1998), Room 301, LOB

1:00 p.m. Regular meeting.

FRIDAY, JUNE 16

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Regular meeting.

MONDAY, JUNE 19

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

1:00 p.m. Complaint hearings.

COMMISSION ON EARLY CHILDHOOD EDUCATION (HB 532, Chapter 135:3, Laws of 1999), Room 207, LOB

9:30 a.m. Regular meeting.

REDUCING VIOLENT INCIDENTS INVOLVING CHILDREN AND GUNS STUDY, (SB 163, Chapter 322:2. Laws of 1999), Rooms 202-204, LOB

1:30 p.m. Regular meeting.

WEDNESDAY, JUNE 21

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

1:00 p.m. Interim study subcommittee work session on ***HB 1201,*** creating a committee to study incentives for regionalization of sludge and septage facilities.

THURSDAY, JUNE 22

NUCLEAR DECOMMISSIONING ELECTRIC GENERATING FACILITIES COMMITTEE, (RSA 162-F:15), Public Utilities Commission, 8 Old Suncook Road, Concord

1:30 p.m. Regular meeting.

MONDAY, JUNE 26

OIL FUND DISBURSEMENT (RSA 146-D:4), Room 305, LOB

9:00 a.m. Regular meeting.

FRIDAY, JULY 7

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 306, LOB

9:00 a.m. Rescheduled regular meeting.

OFFICIAL NOTICES

REVISED AMENDED FISCAL NOTES

The following HBs have a revised or amended fiscal note: HBs 86, 235, 239, 273, 279, 305, 417, 505, 618, 648, 733, 1114, 1165, 1188, 1200, 1234, 1238, 1251, 1259, 1264, 1265, 1270, 1342, 1377, 1419, 1448, 1450, 1459, 1464, 1467, 1469, 1485, 1492, 1494, 1511, 1521, 1522, 1535, 1536, 1537, 1539, 1540, 1541, 1543, 1544, 1546, 1547, 1548, 1549, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1566, 1567, 1568, 1569, 1571, 1572, 1573, 1575, 1579, 1584, 1586, 1587, 1591, 1595, 1602, 1606, 1608, 1612, 1615, 1616, 1619, 1620, 1621, 1628 and 2000.

Leo J. Callahan, Assistant Clerk

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MEMBERS' NOTICES

The following notices are published in the House record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or social activities and political meetings or events. Publication should not be construed as support for either the events listed or the view espoused by the individual or organization sponsoring the event.

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Legislators are cordially invited to attend meetings of the Citizens for Inheritance Tax Equity (CITE). Meetings are held on the first Tuesday of each month at the Nashua Public Library at 7:00 p.m. Please join us for a discussion of the Legacies and Succession Tax, RSA 86.

Rep. Paul A. McGuirk

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The Strafford County Republicans will meet the third Tuesday of each month at 7:00 p.m. at the Gateway Restaurant, Somersworth.

Rep. Robert E. McKinley

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Save the Date! Thursday, June 8 is New Hampshire Political Traditions Day for the Celebrate New Hampshire Culture festival at the Hopkinton State Fairgrounds. Admission for legislators and a guest is being provided by Bell Atlantic, the event's lead sponsor. Join festival participants for a pancake breakfast at 8:00 a.m. and dedication ceremonies at 9:15 a.m. Admission buttons and details about other events during the day were provided in your mailbox on Wednesday.

Rep. Donna Sytek, Speaker

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On Sunday, June 11th, the United States Classic Racing Association (USCRA), the oldest, vintage motorcycle racing organization in the United States will be holding its third annual "Belknap Vintage Classic" at Gunstock Ski Area, Route 11A, Gilford, and for the first time in North America, the "FIM/North American Motorcycle Union Vintage Road Race Championships" sponsored by USCRA and NAMU will be held at New Hampshire International Speedway, Loudon on Monday, June 12th. These events signal the start of "race week", the oldest racing event in the United States. Members are cordially invited as the guest of the USCRA for either or both events. For a gate pass, please contact me either in Concord, at home or at phinizy@sover.net.

Rep. James Phinizy

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The Legislative Caucus for Young Children will meet on Tuesday, June 13th at 9:30 a.m. in the Upham Walker House. At this end of the session meeting we will evaluate our past efforts and plan for the next session.

Rep. Rebecca C. Hutchinson

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The next regular monthly meeting of the Kids Cabinet will be held June 16th from 2:00 to 4:00 p.m. in the Governor's Council Chambers, Room 208, State House

Rep. Mary Stuart Gile

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The New Hampshire Federation of Republican Women will hold their Lilac Luncheon on Monday, June 19 at 11:00 a.m. at the Center of New Hampshire, Manchester. Guest speaker will be US Senator Fred Thompson. Tickets are $25 per person.

Rep. Betsy McKinney

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Belknap County Republicans will hold their Annual Chicken Barbecue and Picnic at the Smith Meeting House, Gilmanton on Saturday, June 24 from noon to 3:00 p.m. Tickets are $15. Contact Rep. Rosen at 524-8651.

Rep. Ralph J. Rosen

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Granite State Independent Living cordially invites all members of the House to attend its 20th anniversary celebration on Wednesday, June 28th. Join GSIL in celebrating twenty years of promoting independent living for people with disabilities in New Hampshire. The open house will run from 2:00 to 5:00 p.m. at the GSIL Office, 21 Chenell Drive, Concord. RSVP to 800/826-3700 if you can attend.

Reps. Eugene L. Gagnon and Carol A. Williams

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The New Hampshire Order of Women Legislators (OWLS) will be having its First Annual OWLS Golf Tournament Monday, July 24 at the Passaconway Country Club in Litchfield. For more information please contact Reps. Betsy McKinney or Janet Wall.

Reps. Betsy McKinney and Janet G. Wall

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The Department of Transportation will hold the following meetings:

June 5 – Ossipee Town Hall, 55 Main Street, Center Ossipee, 7:00 p.m. – Public hearing (special committee), Ossipee, NH Route 25 bridge over the Bearcamp River.

June 12 – Manchester City Hall, 1 City Hall Plaza, Manchester 3:00 p.m. Special committee meeting, Bedford, Manchester, Londonderry, Litchfield-Merrimack, (FE Everett Turnpike, US Route 3 and NH Route 3A, between the FE Everett Turnpike and the Manchester Airport.

June 13 – Tilton (location TBA) Tilton, 4:00 p.m. Study committee meeting, Routes 11 and 140 corridor.

June 13 – Rochester Recreation Center, 150 Wakefield Street, Rochester, 7:00 p.m. Public hearing (special committee), Rochester, reconstruction and widening of the Spaulding Turnpike (Exits 11-16)

June 14 – Mount Lebanon School, West Lebanon, 7:00 p.m. Public informational meeting, Lebanon rail project freight service and environmental cleanup.

June 19 – Enfield Town Hall Auditorium Whitney Hall, 23 Main Street, Enfield, 7:30 p.m. Combined public officials/public informational meeting, Enfield, sidewalks along Main Street from US 4 to High Street and Shaker Hill Road from Union Street to Pillsbury Street.

June 19 – West High School Café, 9 Notre Dame Avenue, Manchester, 7:00 p.m. Public informational meeting, Manchester, replacement of bridge carrying I-93 over Granite Street.

June 20 – Newfields Town Hall, 65 Main Street, Newfields, 7:00 p.m. Public informational meeting, Newfields, NH 85 bridge over the B&M Railroad.

June 21 – Franklin City Hall, Central Street, Franklin, 7:30 p.m. Meeting with City Council to discuss proposed projects, Franklin, Route 127 and Route 3, Route 11 and Route 3-A.

Rep. Edwin O. Smith, Chairman

Public Works and Highways

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NOTICE

The **27th Annual Bill White Memorial Legislative Golf Tournament** is scheduled for Monday, June 26 at Bretwood Golf course in Keene. The entry fee for this annual tourney is $60 per person and includes greens fee, cart, dinner and prizes. A *shot-gun* start is scheduled for 9:00 a.m. The format is "Captain and Crew." Sign-up as a foursome or sign-up by yourself and be placed in a foursome. A maximum of 120 players will be allowed. Please return your entry and payment no later than June 12th to Sandy Wheeler at the LOB Lobby Desk. Please make checks payable to Legislative Golf Tournament, care of David S. Saltmarsh.

Reps. Gene G. Chandler and Peter H. Burling

27th Annual Bill White Memorial Legislative Golf Tournament

Names (1)_____(2)_____

(3)_____(4)_____

Telephone No: _____ Amount Enclosed: _____