HOUSE RECORD

First Year of the 155th Session of the General Court
Calendar and Journal of the 1997 Session

Vol. 19 Concord N.H. Thursday, April 10, 1997 No. 50

HOUSE JOURNAL No. 15(cont.)

Wednesday, April 2, 1997
(Rep. Holden in the Chair)
RESOLUTION

Rep. Hager offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 34, 36, 53, 71, 82, 93, 104, 122, 159, 167, 173, 177, 178, 197, 203, 205, 206, 211, 213, 217 and CACR 13, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS
First, second reading and referral

SB 34, repealing laws relative to abortion. (Judiciary and Family Law)

SB 36, relative to incarcerated convicted persons receiving workers' compensation payments. (Labor, Industrial and Rehabilitative Services)

SB 53, relative to payment by the retirement system of certain medical benefits for group II members and for certain permanent firemen on disability retirement. (Executive Departments and Administration)

SB 71, establishing a committee to identify and study statutes and ordinances in cases in which the penalty is not specified by statutes and clarifying the right to a jury trial in cases in which a civil penalty is imposed for a violation. (Criminal Justice and Public Safety)

SB 82, relative to determination of reasonable compensation for certain trustees. (Commerce)

SB 93, relative to employees of employers who hire recipients of state assistance under the employment assistance program. (Health, Human Services and Elderly Affairs)

SB 104, relative to rate setting for purposes of automobile insurance and homeowners insurance. (Commerce)

SB 122, establishing a commission to examine the effects of the managed care industry on those belonging to the disabled and the mental health communities. (Commerce)

SB 159, establishing a committee to study increased public access to data concerning physicians and persons certified or registered under RSA 330-A. (Health, Human Services and Elderly Affairs)

SB 167, relative to the regulation of naturopathic practitioners. (Executive Departments and Administration)

SB 173, relative to license and registration suspensions. (Transportation)

SB 177, relative to the liability of prospective adoptive parents for court ordered services. (Judiciary and Family Law)

SB 178, regulating managed care systems of health care delivery. (Commerce)

SB 197, relative to final dispositional orders in child protection cases. (Judiciary and Family Law)

SB 203, deleting the state prison and adding county correctional facilities to the provisions relating to incarcerated educationally disabled children. (Judiciary and Family Law)

SB 205, establishing a special school district to provide special education for eligible inmates in the state prison system. (Education)

SB 206, relative to seminars conducted by the superior court for persons seeking custody or visitation of minor children and relative to fees charged for such seminars. (Judiciary and Family Law)

SB 211, making technical changes under the motor vehicle financial responsibility laws, insurance fraud laws, and laws regulating managing general agents, reinsurance intermediaries, and third party administrators. (Commerce)

SB 213, establishing a fund for loans to rehabilitate class III railroads and cog railroads and making an appropriation therefor. (Public Works and Highways)

SB 217, relative to control of accessory uses on private land, including aircraft takeoffs and landings. (Municipal and County Government)

CACR 13, relating to the governor's veto power. Providing that the governor shall have line item reduction and line item veto power of items in any bill making appropriations of money. (Finance)

Rep. Lozeau moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 16

Thursday, April 10, 1997

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor C. Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Rep. Eric Lindblade.

Eternal God, we come before You at the beginning of a long and arduous day. Grant us wisdom, grant us courage for the facing of each single hour. Grant us wisdom to be silent when words enough have been spoken and courage

to speak when our cause is right. May reason prevail over passion, fact over fantasy, truth over error. May only just and equal laws come forth from this chamber. And as the shadows lengthen may we look to thee to grant us peace on our homeward way. Amen.

Rep. Malcolm led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Feng, Franks, Beverly Gage, O'Connell, Searles and Paul Taylor, the day, illness.

Reps. Bishop, Chabot, Lamach and Mock, the day, important business.

INTRODUCTION OF GUESTS

Fred Andersen, guest of the Claremont Delegation. Carol Conti, guest of Rep. Flora. Ellie Dixon and Ellen Cronin, guests of Rep. William Williams. Jeff Michelsen, guest of Rep. Donald Welch. Fourth Grade classes from the New Searles School in Nashua with their teachers, Mrs. Webster, Mrs. Swidler and Mrs. Breen, guests of the Nashua Delegation. Robbin Shinkwin, niece of Rep. Dawe. Amanda Perez and Kevin Clemons, Jr. fiancee and son of Rep. Kevin Clemons. William Bradley, husband of Rep. Paula Bradley. Charlotte, Shirley and MaryAnn Mitchell, guests of Rep. DeChane. Lucy Wells, guest of Rep. Wiggins. Matt Bernard, guest of Rep. Buckley. Several Belmont High School students and staff, guests of Rep. Pilliod.

SPECIAL GUESTS

The Nashua High School Girls' indoor track team and the Nashua High School Boys' swimming and diving team, guests of the House. Bagpiper Callum Grant, members of the Saint Andrews Society and members of the Board of Directors of the Gathering of the Scottish Clans, David Christie, Richard MacLeod, Andy Melville, John Kilgore, Ken Trulu, Douglas MacDonald, Arthur Johnston and Ralph Hartwell, the designer and weaver of the New Hampshire Tartan, guests of Rep. Avery and the House.

SENATE MESSAGES
CONCURRENCE

HB 114, requiring members of conservation commissions to be residents of the city or town which they represent.

HB 140, relative to the sale of apples and relative to maple syrup and sap hydrometers and orders issued by the commissioner for noncompliance with the laws regulating maple and honey products.

HB 158, creating a committee to study the establishment of a New Hampshire volunteer program.

HB 163, repealing the law which requires the commissioner of health and human services to deny the application or renewal of the license of an emergency medical technician convicted of driving while intoxicated.

HB 194, requiring any person erecting, installing, maintaining or exercising control over a mooring on Ossipee Lake to obtain a mooring permit from the division of safety services, department of safety.

HB 217, relative to outdoor advertising hearings in the department of transportation.

HB 227, relative to North Hampton property taxes.

HB 228, relative to the definition of "club-veterans" under the liquor laws.

HB 296, relative to airways toll moneys and aircraft operating fee revenues.

HB 313, clarifying the authority of security officers on the New Hampshire hospital campus.

HB 325, eliminating the correctional industries advisory board.

HB 341, relative to filing lucky 7 applications with the sweepstakes commission.

HB 349, repealing certain pari-mutuel laws relative to racing funds, disbursements of the funds, and records of receipts.

HB 425, relative to the regulation of pharmacists.

HB 523, relative to the appointment of guardians ad litem.

HB 585, relative to prohibiting littering, as enforced by the fish and game department.

HB 698, relative to the oil discharge and disposal cleanup fund, the fuel oil discharge cleanup fund, and the motor oil discharge cleanup fund.

REQUESTS CONCURRENCE WITH AMENDMENT

HB 105, allowing an extension of time limits upon a showing of good cause for holding an adjudicatory hearing in certain delinquency cases. (Amendment printed SJ 10, 3/27/97)

Rep. David Welch moved that the House concur.

Adopted.

VACATE

Rep. Emerton moved that the House vacate the reference to the Committee on Health, Human Services and Elderly Affairs of **SB 93,** relative to employees of employers who hire recipients of state assistance under the employment assistance program.

Adopted and referred to the Committee on Labor, Industrial and Rehabilitative Services.

COMMITTEE REPORTS
CONSENT CALENDAR

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

HB 638-FN, establishing a pilot program for the random on-site inspection and testing of certain sludge and biosolid samples, removed by Rep. Kibbey.

Consent Calendar adopted.

HB 245-FN-A, making certain real estate transfers taxable. RE-REFER TO COMMITTEE

Rep. David J. Alukonis for Finance: The Committee afforded critical and thorough review to this proposal and has found that the legislative measures contained in this bill would give rise to significant problems regarding real estate transfers, stock transfers and investments. The Committee has chosen to re-refer the proposal in order to further review the possible tax loop-hole that the sponsor of the bill had intended to address Vote 20-1.

HB 744-FN, relative to administrative fines for violations of safety regulations regarding water pollution and waste disposal, authorizing the attorney general to enjoin any youth camp, public swimming pool, or spa operating without approval, and relative to the legal status of local river management advisory committees. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen T. DeStefano for Finance: This amended bill authorizes the Department of Environmental Services to take water samples of public swimming pools and spas. The costs of these samplings shall be paid by the owner or operator of these facilities. This bill was requested by DES. Vote 21-0.

Amendment (0971h)

Amend RSA 485-A:26 as inserted by section 1 of the bill by replacing it with the following:

485-A:26 Swimming Pools and Bathing Places.

I. No person shall install, operate or maintain an artificial swimming pool or bathing place open to and used by the public, or as a part of a business venture, unless the construction, design and physical specifications of such pool or bathing place shall have received prior approval by the department. A fee of $100 shall be paid to the department upon submission of such plans for review. Fees collected under this [section] paragraph shall be deposited with the state treasurer as unrestricted revenue. The commissioner shall adopt rules relative to safety standards to protect persons using said facilities. Nothing in this section shall be deemed to affect the powers of local health officers or the department of health and human services, with respect to nuisances.

II. The department may take samples of the water of any such facility for analysis to determine compliance with water quality requirements. The costs of such sampling and analysis shall be paid by the owner or operator of such facility. The costs recovered for such sampling shall be deposited in the general fund as unrestricted revenue. The costs recovered for analysis shall be consistent with the fee structure established in RSA 131:3-a and deposited as provided in RSA 131:3-a. Any municipality which establishes a program of sampling and analysis which is equivalent to the department's program shall not be subject to additional sampling and analysis by the department.

Amend the bill by replacing section 4 with the following:

4 Effective Date.

I. Section 3 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect July 1, 1997.

AMENDED ANALYSIS

This bill:

(a) Authorizes the department of environmental services to take water samples of public swimming pools to determine compliance with water quality requirements.

(b) Authorizes the attorney general to enjoin any youth camp, public swimming pool, or spa operating without approval of the department of environmental services.

(c) Authorizes administrative fines for violations of safety regulations regarding water pollution and waste disposal.

(d) Declares that local river management advisory boards are separate governmental instrumentalities from the state.

REGULAR CALENDAR

HB 53-FN-A, relative to the meals and rooms tax and tourism promotion and making appropriations therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Charles L. Vaughn for Finance: The amendment removes the contentious condominium timeshare tax but requires the electronic filing of returns for the meals and rooms tax, keeping the fifteenth day of the month as the last day for filing the results. The Committee funded an additional $2 million for tourism promotion in the budget and, based on expert advice, increased estimated meals and rooms tax revenues to pay for it. Vote 21-0.

Amendment (0949h)

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

AN ACT relative to electronic data submission under the meals and rooms tax.

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

1 New Paragraph; Definition of Electronic Data Submission. Amend RSA 78-A:3 by inserting after paragraph XII the following new paragraph:

XIII. "Electronic data submission" means the use of either the telephone or computer to transmit information.

2 Returns and Payment; Electronic Data Submission. Amend RSA 78-A:8 to read as follows:

78-A:8 Returns and Payment.

I. Every operator shall, on or before the fifteenth day of the calendar month following the collection of taxes imposed by this chapter [make], file by electronic data submission a return reporting the results of the preceding month to the commissioner of revenue administration. This return shall be filed even though no tax may be due. If such operator has been granted permission to make other than monthly filings, as provided in RSA 78-A:9, II(b), [he] the operator shall make a return in accordance with the return schedule permitted by the department of revenue administration, even though no tax may be due. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form of such return and the data which it shall contain. All returns shall [be signed] contain an electronic authorization by the operator or an authorized representative subject to the pains and penalties of perjury. The commissioner shall adopt rules, under RSA 541-A, relative to the method of electronic authorization.

II. The taxes collected by every operator shall be paid to the state on or before the fifteenth day of the calendar month following their collection [and shall accompany the return required by paragraph I]. The operator may deduct from the taxes collected the compensation allowed by RSA 78-A:7, III, and remit the net taxes by electronic funds transfer to the commissioner of revenue administration.

III. Notwithstanding the provisions of any other law, returns and remittances due under this chapter shall be considered timely only if received by the department of revenue administration on or before the fifteenth day of the calendar month in which they were due. [If an operator has requested and the post office has affixed the United States Postal Service date stamp to the tax return envelope, and the date stamped on the envelope is a date on or before the fifteenth day of the calendar month in which the return was due, then the return and remittance shall be considered timely even if received by the department after the fifteenth day of the calendar month on which it was

due.] If this due date falls on a Saturday, Sunday, or legal holiday, then the returns and remittances due under this chapter shall be filed no later than the next business day.

IV. An operator shall receive notification of a successful filing and a confirmation number which shall serve as proof of filing.

V. The commissioner may adopt rules, pursuant to RSA 541-A, for alternative filing procedures in the event there is an equipment malfunction.

3 Effective Date. This act shall take effect July 1, 1997.

AMENDED ANALYSIS

This bill requires electronic filing of returns under the meals and rooms tax.

Adopted.

Report adopted and ordered to third reading.

HB 602-FN-A, repealing the franchise tax on electrical utilities and replacing it with a tax on the distribution of electricity. OUGHT TO PASS WITH AMENDMENT

Rep. Avis B. Nichols for Finance: This bill repeals the franchise tax on electric utilities because after de-regulation there will no longer be any franchise. The bill replaces the franchise tax with a tax on electric consumption which will be collected by the provider of electricity. The tax rate is set at .00055 cents per kilowatt hour and is intended to replace existing net franchise tax revenues. This bill should have no impact on electricity rates. Vote 21-0.

Amendment (0979h)

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

AN ACT repealing the franchise tax on electrical utilities and replacing it with a tax on electricity consumption.

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

1 Reference to Electricity Consumption Tax Added. Amend RSA 21-J:31 to read as follows:

21-J:31 Penalty for Failure to File. Any taxpayer who fails to file a return when due, unless an extension has been granted by the department, shall pay a penalty equal to 5 percent of the amount of the tax due or $10, whichever is greater, for each month or part of a month during which the return remains unfiled. The total amount of any penalty shall not, however, exceed 25 percent of the amount of the tax due or $50, whichever is greater. This penalty shall not be applied in any case in which a return is filed within the extended filing period as provided in RSA 77:18-b, RSA 77-A:9, RSA 77-E:8, RSA 83-C:6, RSA 83-E:5 or RSA 84-A:7, or the failure to file was due to reasonable cause and not willful neglect of the taxpayer. The amount of the penalty is determined by applying the percentages specified to the net amount of any tax due after crediting any timely payments made through estimating or other means.

2 Reference to Electricity Consumption Tax Added. Amend RSA 21-J:33-a, I to read as follows:

I. If there is a substantial understatement of tax imposed under RSA 77, RSA 77-A, RSA 77-E, RSA 78-A, RSA 78-C, RSA 82-A, [or] RSA 83-C, or RSA 83-E, for any taxable period, there shall be added to the tax an amount equal to 25 percent of the amount of any underpayment attributable to such understatement.

3 Business Profit Tax; Credit for Franchise Tax. Amend RSA 77-A:5, I to read as follows:

I. Taxes paid pursuant to RSA 83-C covering the period from July 1, 1983 through December 31, 1997, and taxes paid pursuant to RSA 83-E covering the period from January 1, 1983, through June 30, 1983;

4 New Chapter; Tax on Electricity Consumption. Amend RSA by inserting after chapter 83-D the following new chapter:

CHAPTER 83-E

ELECTRICITY CONSUMPTION TAX

83-E:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of revenue administration.

II. "Consumer" means any person, including governmental units, receiving electrical energy for consumption and includes any person receiving electrical energy for consumption in this state and includes any person receiving electrical energy for the use of such person's tenants.

III. "Consuming" or "consumption" means the utilization or employment of electrical energy. The terms does not include the utilization or employment of electrical energy in the manufacture, production, generation, distribution, redistribution, or transmission of electrical energy.

IV. "Department" means the department of revenue administration.

V. "Provider" means any person, including governmental units, distributing, redistributing, or transmitting electrical energy for consumption in this state. The term does not include persons who redistribute electrical energy solely for the use of their tenants and who are consumers pursuant to RSA 83-E:1, II.

VI. "Taxable month" means a calendar month in which electrical energy is provided to a consumer for which a tax is owed to the state by the consumer.

83-E:2 Imposition of Tax. A tax is imposed on the consumption in this state of electrical energy at the rate of $.00055 per kilowatt hour.

83-E:3 Collection of Tax. Every provider shall collect and monthly remit the tax to the state as provided in RSA 83-E:5. Providers whose average monthly tax collections do not exceed $100 may apply to the commissioner to remit taxes annually. Approval of such requests shall be at the discretion of the commissioner.

83-E:4 Liability for Tax.

I. Every consumer shall be liable for the tax and such liability shall not be extinguished until the tax has been paid to the state, except that payment to a provider required to collect the tax pursuant to RSA 83-E:3 is sufficient to relieve the consumer from further liability for the tax.

II. Any tax required to be collected, and any tax received by a provider, shall become a personal debt of the provider until paid to the state. The provider shall be relieved of further liability for such taxes in the event that the tax is paid directly to the state by the consumer or another person.

83-E:5 Tax Returns.

I. Except as provided in this section, on or before the fifteenth day of each second month following a taxable month, each provider maintaining a place of business or having transmission or distribution property in this state shall make a return to the department for the taxable month on a form prescribed by the department.

II. Any provider who has applied for and been granted permission to remit taxes annually shall file a return for each calendar year on or before February 15 of the following calendar year.

III. Any provider who ceases to engage in distributing, redistributing, or transmitting electrical energy for consumption, and is thereby not responsible for filing returns under this chapter, shall file a final return with the department not more than one month after discontinuing such activity. This requirement shall apply notwithstanding any other provision of this chapter regarding the time within which to file a return.

IV. In making a return, providers shall determine the value of any non-monetary consideration received by them and shall include such value in their return. Such determination shall be subject to review and revision by the department in the manner provided in this chapter for the correction of returns.

V. If the commissioner finds that the information required for the making of an accurate return cannot reasonably be compiled by a provider within one month and 15 days after the close of the taxable month for which a return is to be made, the commissioner may grant an extension of time for the filing of such return. Any such extension shall be granted for a period not to exceed 31 calendar days. The granting of such extension may be conditioned upon the payment by the provider of an amount of money equal to the amount estimated by the commissioner to be due with the return when filed under extension. All such estimated payments shall be credited against the provider's liabilities under this chapter.

VI. The provider shall pay to the department the amount of tax imposed by this chapter at the time it makes a return.

83-E:6 Tax Returns by Consumer.

I. Consumers may apply for permission to pay tax directly to the state. Direct payment shall be at the commissioner's discretion.

II. When a consumer does not pay the tax imposed by this chapter to a provider, such consumer shall file a return with the department and pay the tax upon the amount of electricity consumed during the taxable month. Such return and payment shall be due by the fifteenth day of the second month following the taxable month. The return shall be filed on a form prescribed by the department and shall contain such information as the department may reasonably require.

III. When a consumer pays a tax imposed by this chapter directly to the department, the department, upon request from such consumer, shall issue an appropriate receipt to the consumer showing that the tax has been paid. Such receipt shall be sufficient to relieve the consumer from further liability for the amount of tax to which such receipt may refer.

83-E:7 Instruments, Books, Records, Papers, and Other Documents.

I. Every provider liable for collection of tax under this chapter shall provide and keep the necessary instruments and records to show the amount expressed in kilowatt hours of electrical energy distributed, redistributed, or transmitted by such provider for consumption in this state. Every consumer making direct tax payments to the department shall provide and keep the necessary instruments and records to show the amount expressed in kilowatt hours of electrical energy consumed by such consumer.

II. Every provider maintaining a place of business in this state or required to file or actually filing in this state under this chapter and every consumer making direct tax payments to the department under this chapter shall keep books,

records, papers, and other documents which are adequate to reflect the information required by this chapter to be reported to the department by the filing of timely returns with the department.

III. All instruments, books, records, and other papers and documents required to be kept by this chapter shall, at all times during business hours of the day, be subject to inspection by the department.

83-E:8 Additional Returns. When the commissioner has reason to believe that a provider has failed to file a return or to include any part of the total kilowatt hours distributed, redistributed, or transmitted by such provider for consumption in this state in a filed return, the commissioner may require the provider to file a return or a supplementary return showing such additional information as the commissioner prescribes. Upon the receipt of the supplementary return, or if none is received within the time set by the commissioner, the commissioner may find and assess the amount due upon the information that is available. The making of such additional return does not relieve the provider of any penalty for failure to make a correct original return, or relieve it from liability for interest imposed under RSA 21-J:28 or for any other additional charges imposed by the commissioner. This section shall not be construed to modify or extend the statute of limitations provided in RSA 21-J:29.

83-E:9 Administration; Rulemaking.

I. The commissioner shall collect the taxes imposed under this chapter, interest on tax, additions to tax and penalties imposed, and pay over to the state treasurer the amount of funds collected under this chapter.

II. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) The form of the return and the data which it must contain for the correct computation of the number of kilowatt hours of electricity consumption in this state and the tax assessed.

(b) The administration of the electricity consumption tax.

(c) The recovery of any tax, interest on tax, additions to tax, or penalties imposed by RSA 83-E or RSA 21-J.

83-E:10 Tax Sales. The provisions of RSA 80:26 apply to the sale of land for the payment of taxes due under this chapter, and the state treasurer is authorized to purchase the land for the state. If the state purchases the land, the state treasurer shall certify the purchase to the governor, and the governor shall draw a warrant for the purchase price out of any money in the treasury not otherwise appropriated.

83-E:11 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

5 Repeal. RSA 83-C, relative to the franchise tax, is repealed.

6 Contingency.

I. If the statewide electric utility industry restructuring plan issued by order of the public utilities commission relative to competitive electric utility service requirements has not been implemented on or before January 1, 1998, this act shall take effect 30 days after the public utility commission shall certify to the commissioner of revenue administration that it has begun implementing such order or any subsequent order relative thereto, except as provided in paragraphs II and III. A final return and payment of any taxes due under RSA 83-C shall be filed on or before the fifteenth day of the third month following the repeal of RSA 83-C by any person subject to such chapter. Such return and payment shall be made in accordance with the requirements of RSA 83-C as if that chapter remained in effect. The credit for taxes paid pursuant to RSA 83-C under RSA 77-A:5, I shall be extended to such taxes paid for any tax period ending after December 31, 1997, resulting from the application of this paragraph.

II. If the statewide electric utility industry restructuring plan issued by order of the public utility commission relative to competitive electric utility service requirements has been implemented before January 1, 1998, this act shall take effect January 1, 1998.

III. If this act becomes effective pursuant to paragraph I or II of this section, the effective date as applied to customers of the Town of Ashland Electric Department shall be December 31, 2000; Littleton Water and Light Department shall be January 1, 2004; New Hampton Village Precinct Electric Department shall be December 31, 2000; Wolfeboro Municipal Electric Department shall be December 31, 2000; and Woodsville Water and Light Department shall be October 31, 2007, unless any such town terminates the power supply agreement it and its primary wholesale supplier has in effect as of April 1, 1997.

7 Effective Date. This act shall take effect as provided in section 6 of this act.

AMENDED ANALYSIS

This bill repeals the franchise tax on electrical utilities and replaces it with a tax on electricity consumption.

The bill contains a contingency concerning its effective date to take into account the possibility that the restructuring plan issued by the public utility commission may not be implemented by January 1, 1998, and that several towns have ongoing contractual obligations.

Rep. Weyler yielded to questions.

Rep. Jeb Bradley spoke in favor.

Adopted.

Report adopted and ordered to third reading.

HB 731-FN-A-L, relative to the taxation of sand, gravel, loam, and other similar substances. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance: This bill establishes a gravel tax of $.02 per yard of gravel removed, payable to the municipality. It replaces the discounted cash flow method. A two-year study preceded this bill. It dealt with many contentious issues and developed a compromise. Pit area is taxed at commercial rates, and overall rates will be no lower than they were in 1994. Vote 17-4.

Amendment (0899h)

Amend RSA 72-B:12, I as inserted by section 2 of the bill by replacing it with the following:

I. The pit area, as defined in RSA 72-B:2, shall be determined as of April 1 each year. The owner or excavator shall furnish the local assessing officials such information as they may require to make such determination.

Adopted.

Rep. Wheeler yielded to questions.

Rep. Hall spoke against.

Rep. Weber requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 246 NAYS 132
YEAS 246
BELKNAP

Bartlett, Gordon Boriso, Thomas Boyce, Robert Clark, Charles

Golden, Paul Holbrook, Robert Laflam, Robert Lawton, David

Lawton, Robert Pilliod, James Rice, Thomas, Jr. Rosen, Ralph

Turner, Robert Veazey, John Ziegra, Alice

CARROLL

Babson, David, Jr. Bradley, Jeb Chandler, Gene Cooper, Kipp

Foster, Robert Howard, Godfrey Kenney, Joseph Lyman, L. Randy

MacDonald, Kenneth Patten, Betsey Philbrick, Donald

CHESHIRE

Avery, Stephen Bonneau, Sarah Hunt, John Lynch, Margaret

Lynott, Margaret Manning, Joseph Meader, David Metzger, Katherine

Pratt, Irene Richardson, Barbara Riley, William Robertson, Timothy

Royce, H. Charles Smith, Edwin Steere, Myron, III Vogl, John

COOS

Bradley, Paula Coulombe, Yvonne Davis, Perley Guay, Lawrence

Hawkinson, Marie Horton, Lynn Merrill, Gerald Moynihan, Wayne

Pratt, Leighton Tholl, John, Jr.

GRAFTON

Almy, Susan Below, Clifton Brown, Channing Chase, Paul, Jr.

Eaton, Stephanie Ham, Bonnie Hill, Richard LaMott, Paul

Luker, Elsa MacNeil, Allen Nordgren, Sharon Teschner, Douglass

Trelfa, Richard Williams, William, Jr.

HILLSBOROUGH

Ackerman, Philip Allen, W. Gordon Alukonis, David Ameen, W.

Amidon, Eleanor Asselin, Robert Belvin, William Bergin, Peter

Burke, M. Virginia Calawa, Leon, Jr. Cardin, Lori Carlson, Donald

Carney, Lauren Christiansen, Lars Clay, Susan Clemons, Jane

Cote, David D'Allesandro, Lou Daniels, Gary Dawe, Eileen

Drabinowicz, A. Theresa Durham, Susan Dwyer, Paul, Sr. Dyer, Merton

Emerton, Lawrence, Sr. Fenton, James Ferguson, Charles Fields, Dennis

Foster, Joseph Foster, Linda Gagnon, Eugene Ginsburg, Ruth

Golding, William Goulet, Maurice Haley, Robert Hart, Nick

Herman, Keith Holden, Carol Holley, Sylvia Holt, David

Hunter, Bruce Jean, Claudette Kelley, Robert Kurk, Neal

LaRose, Richard Lefebvre, Roland Leishman, Peter Letendre, Evelyn

Lozeau, Donnalee MacAuslan, Rita MacGillivray, Jeffrey McCarty, Winston

McDonald, James, Sr. Melcher, Harold Mercer, Robert Mittelman, David

Morello, Michael Murphy, Robert O'Hearn, Jane Perkins, Paul

Peterson, Andrew Piteri, Dawn Sargent, Maxwell Vaillancourt, Steve

Welch, Donald Wheeler, Robert White, Donald White, Jay

MERRIMACK

Anderson, Eric Brown, Mary Chandler, Earle Crosby, Toni

Dunn, Miriam Feuerstein, Martin Gile, Mary Hager, Elizabeth

Hess, David Hoadley, Elizabeth Jacobson, Alf Krueger, Patricia

Langer, Ray Leber, William Lockwood, Robert Marshall, Kenneth

Maxfield, Roy Nichols, Avis Pfaff, Terence Reardon, Tara

Rogers, Katherine St. Cyr, Gerard Wallner, Mary Jane Whalley, Michael

Whittemore, James

ROCKINGHAM

Abbott, Dennis Aranda, M. Kathryn Arndt, Janet Beaulieu, Jon

Carson, Gregory Case, Margaret Christie, Andrew, Jr. Clark, Martha

Coes, Betsy Cooney, Richard Cote, Patricia Dearborn, Bruce

Dodge, Robert Dolan, Richard Dowd, Sandra Dowling, Patricia

Downing, Michael Dube, LeRoy Dunham, Vivian Felch, Charles, Sr.

Flanagan, Natalie Flanders, David Flanders, John, Sr. Francoeur, Sheila

Frechette, Joseph Gibbons, Paul Gleason, John Griffin, Mary

Heath, John Henderson, Warren Hutchinson, Rebecca Johnson, Robert

Kane, Cecelia Katsakiores, George Katsakiores, Phyllis Klemm, Arthur, Jr.

Kobel, Rudolph Langley, Jane Letourneau, Robert Lovejoy, Marian

Major, Norman Malcolm, Kenneth McCarthy, John, Jr. McKinney, Betsy

Millard, Ralph Moore, Benjamin Norelli, Terie Nowe, Ronald

Packard, Sherman Schanda, Frank Stickney, Nancy Stone, Joseph

Stritch, C. Donald Syracusa, Anthony Tufts, J. Arthur Varrell, Thomas

Vaughn, Charles Verani, Giovanni Welch, David Weyler, Kenneth

Woods, Deborah

STRAFFORD

Berube, Roger Brown, Julie Callaghan, Frank Dunlap, Patricia

Estabrook, Iris Grassie, Anne Kaen, Naida Knowles, William

McKinley, Robert Merrill, Amanda Merritt, Deborah Musler, George

Rollo, Michael Smith, Marjorie Snyder, Clair Spear, Barbara

Torr, Franklin Tsiros, William Vincent, Francis Wall, Janet

SULLIVAN

Allison, David Burling, Peter Cloutier, John Flint, Gordon

Schotanus, Merle Wiggins, Celestine

NAYS 132

BELKNAP

Hurt, George Salatiello, Thomas

CARROLL

Dickinson, Howard, Jr.

CHESHIRE

Burnham, Daniel Champagne, Richard DePecol, Benjamin Doucette, Richard

McGuirk, Paul McNamara, Wanda Pratt, John Russell, Ronald

COOS

Coulombe, Henry Mears, Edgar St. Hilaire, Paul

GRAFTON

Akins, Ralph Alger, John Cobbin, Philip Copenhaver, Marion

Guaraldi, Lawrence Guest, Robert Hinman, Harry Lovett, Sidney

Mirski, Paul Phinney, William Root, John Weber, Phil

HILLSBOROUGH

Arnold, Thomas, Jr. Baroody, Benjamin Batula, Peter Bernier, Shannon

Boutin, David Briefs, Geoffrey Brundige, Robert Buckley, Raymond

Clegg, Robert, Jr. Clemons, Kevin, Sr. Cote, Peter Daigle, Robert

Dokmo, Cynthia Flora, Kathleen Gage, Ruth Gosselin, Gerald

Haettenschwiller, Alphonse Hall, Betty Hansen, Herbert Healy, Daniel

Jean, Loren Johnson, Lionel Kelly, Michael L'Heureux, Robert

Leonard, Peter Lessard, Rudy Luebkert, Bernard Lynde, Harold

MacIntyre, Doris Marcinkowski, Michael Martin, Mary McCarthy, William

McGough, Tim McRae, Karen Messier, Irene Milligan, Robert

Murch, George O'Rourke, Thomas Pepino, Leo Reidy, Frank

Thulander, O. Alan Turgeon, Roland Williams, Carol Wright, George

MERRIMACK

Adams, Stephen Burney, Carol Colburn, Kathleen Colburn, Thomas

Crowell, Peter Daneault, Gabriel DeStefano, Stephen Fraser, Marilyn

French, Barbara Larrabee, David Lavoie, Gerard Moore, Carol

Morrill, Olive Owen, Derek Seldin, Gloria Wallin, Jean

Yeaton, Charles

ROCKINGHAM

Battles-Peirce, Marjorie Belanger, Ronald Blanchard, MaryAnn Camm, Kevin

Cegelis, Mark Cushing, Robert Fesh, Robert Guthrie, Joseph

Kelley, Jane Langone, John McGovern, Cynthia Micklon, Stephanie

Mikowlski, Walter Morris, Debbie Noyes, Richard O'Keefe, Patricia

Pantelakos, Laura Raynowska, Bernard Rubin, George Sabella, Norma

Simmons, John Anthony Smith, Kevin Weatherspoon, Jackie

STRAFFORD

Bickford, David Brennan, William Brown, George DeChane, Marlene

Hemon, Roland Hilliard, Dana Keans, Sandra Lundborn, Raymond

McCann, William, Jr. Pelletier, Arthur Rogers, Rose Marie Sullivan, Henry

Taylor, Kathleen Twardus, Joseph Vachon, Dennis

SULLIVAN

Adler, Rudolf Donovan, Thomas Ferland, Brenda Kibbey, David

Leone, Richard Lindblade, Eric Palmer, Lorraine

and the report was adopted.

Ordered to third reading.

Rep. Drabinowicz voted yea and intended to vote nay.

Rep. Ann Torr declared a conflict of interest and did not participate.

HB 810-FN-A, appropriating certain funds from the highway surplus account to the department of transportation. OUGHT TO PASS WITH AMENDMENT

Rep. Earle W. Chandler for Finance: This bill appropriates $5,000,000. from the highway surplus fund for Department of Transportation projects. This method allows an earlier start on the construction season than might otherwise be possible if awaiting full budget approval. Vote 21-0.

Amendment (0995h)

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

1 Transfer From Highway Surplus Account. Notwithstanding any provision of law to the contrary, and in addition to any other sums appropriated to the department of transportation for the fiscal year 1998, $5,000,000 shall be appropriated and transferred from the highway surplus account to the department of transportation, project development division, non-matching funds, betterments/state bridge aid.

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

AMENDED ANALYSIS

This bill appropriates and transfers certain funds from the highway surplus account to the department of transportation.

Adopted.

Report adopted and ordered to third reading.

HB 25-A, making appropriations for capital improvements, establishing a committee to study federal buildings and patients needs relative to the veteran's home, and relative to the purposes of the health care transition fund. OUGHT TO PASS WITH AMENDMENT

Rep. David J. Alukonis for Finance: The Committee is in general concurrence with the capital budget bill as crafted by the House Public Works Committee. It has, however, suggested a few changes which are a result of new information which has been gained since the Public Works Committee acted on the bill. The amendment adds the Dover District Courthouse and removes funding for the Carroll County Superior Courthouse. This change is in accord with the court system's priority list and results in a net reduction in capital expenditures of $672,000. The Dover Courthouse was funded because a site in Dover has just recently been selected and approved by the Court Accreditation Committee. The Committee also adjusted the funding for three projects in the Community Technical College System. The changes allow for the purchase of a student informational tracking system which was the system's number one priority. This $1 million project was funded by adjusting the amounts funded for two other projects. The net change to the Community College System's capital budget is additional funding of $100,000. The Finance Committee additionally funded the second phase computer implementation program in the Department of Education with $485,000. This project was inadvertently omitted in the original capital budget bill. The Finance Committee also removed $14,786,125 in funding for computer system initiatives in the Department of Health and Human Services due to technical issues in the funding mechanism. The funds will be included, and the unresolved technical issues addressed, in forthcoming legislation. Additionally, the Committee added several lapse dates and technical corrections to the capital budget that were suggested by the LBA. Vote 22-0.

Amendment (0996h)

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

AN ACT making appropriations for capital improvements and establishing a committee to study federal buildings and patients needs relative to the veterans' home.

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

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Adjutant General.

A. Replace roofs-Manchester, Berlin $ 175,000

B. Re-roof organizational maintenance shop

and 3 motor vehicle storage buildings $ 96,000

Less federal - 72,000

Net state appropriation subparagraph B $ 24,000

C. Re-roof Concord United States property and

fiscal office and organizational maintenance shop $ 88,000

Less federal - 66,000

Net state appropriation subparagraph C $ 22,000

Total state appropriation paragraph I $ 221,000

II. Department of Administrative Services.

A. Bureau of General Services.

1. Life Safety -health and human services building $ 597,000

2. Fire suppression-state library $ 60,000

3. Life safety - state house annex $ 120,000

4. Roof repair - supreme court $ 75,000

5. Roof repair - health and human services building $ 85,000

6. Electrical system upgrade - state house annex $ 50,000

7. Replace unsafe flooring - health and human

services building $ 500,000

8. Repair windows - state house annex $ 52,000

9. Energy savings - health and human services building * $ 337,189

10. Electrical system upgrade - state house $ 85,000

11. Electrical system upgrade - state library $ 128,000

12. Repair drainage system - state library $ 100,000

13. Parking garage repairs - legislative office building $ 60,000

14. Parking garage repairs - Storrs Street $ 160,000

15. Emergency repairs, contingency fund $ 100,000

Total state appropriation subparagraph A $ 2,509,189

The funds appropriated in subpargraph II, A, 15 for emergency repairs, contingency fund, shall not be spent, obligated, or encumbered until such time as the department has received approval for an emergency repair from the capital budget overview committee.

B. Financial Data Management.

1. LAN hardware and site preparation * $ 950,000

2. Year 2000 financial system support * $ 1,300,000

3. Check processing and mailing system * $ 193,000

Total state appropriation subparagraph B $ 2,443,000

C. Bureau of Court Facilities.

1. Dover/Durham/Somersworth District Court $ 3,328,000

2. Design Jaffrey-Peterborough District Court $ 125,000

Total state appropriation subparagraph C $ 3,453,000

Total state appropriation paragraph II $ 8,405,189

The funds appropriated in subparagraph II, C, 1 and 2 shall not be expended until a site is chosen and acquired at no cost to the state.

III. Department of Corrections.

A. Upgrade hot water supply - Concord $ 98,000

B. Replace roll-up doors - Concord $ 50,000

C. Sprinkler system in gymnasium and auto shop - Concord $ 75,000

D. Prison automation system * $ 750,000

Total state appropriation paragraph III $ 973,000

IV. Community-technical college system.

A. Roof projects - Manchester, Claremont, Nashua, Concord $ 786,300

B. Window replacement/repair - Stratham $ 234,000

C. Critical laboratory support for N.H. industries $ 1,400,000

D. Library support systems * $ 100,000

E. Upgrade general science laboratories $ 100,000

F. Student information tracking system * $ 1,000,000

Total state appropriation paragraph IV $ 3,620,300

V. Department of Education.

A. Phase II Computer Implementation * $ 485,000

Total state appropriation paragraph V $ 485,000

VI. Department of Environmental Services.

A. Waste water state revolving fund match $ 5,970,000

B. Drinking water state revolving fund match $ 4,659,200

C. Computer system upgrade * $ 562,500

D. Bedrock aquifer assessment $ 437,410

E. Winnipesaukee River basin supervisory

control and data acquisition $ 2,034,600

Less local - 1,627,680

Net state appropriation subparagraph E $ 406,920

F. Dam removal $ 204,400

Total state appropriation paragraph VI $12,240,430

To provide funds for the local share of the costs in subparagraph V, E, the state treasurer is authorized to borrow upon the credit of the state not exceeding the sum of $2,034,600 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The payments

of principal and interest on the bonds issued under this subparagraph for the $1,627,680 local share shall be made when due from the special fund established by RSA 485-A:50, VI.

VII. Department of Health and Human Services Commissioner's Office.

A. Medical and surgical building life/safety improvements

- NH hospital $ 200,000

B. Acute psychiatric service building parking improvement

- NH hospital $ 400,000

C. Roof repairs medical and surgical building,

Thayer, Koutras - NH hospital $ 185,000

D. Water and sewage system - Glencliff $ 250,000

E. Repair tunnel retaining walls -Glencliff $ 100,000

F. Brown building addition and renovation - Glencliff $ 3,870,000

G. Porch renovations - Glencliff $ 200,000

H. Flooring replacements - Glencliff $ 90,000

I. Parking garage and windows - Brown building

- NH hospital $ 5,600,000

J. Public health laboratory safety equipment $ 321,500

Total state appropriation paragraph VII $11,216,500

For the sums appropriated in subparagraph I, the state is assisting in infrastructure improvements with the city of Concord.

VIII. Liquor Commission.

A. Complete Hampton south restrooms $ 400,000

B. Point-of-sale registers * $ 2,485,000

C. Replace brick on warehouse $ 150,000

Total state appropriation paragraph VIII $ 3,035,000

IX. Port Authority.

A. Mooring bollard $ 130,000

B. Replacement fenders $ 185,000

C. Dredging Little Harbor $ 1,040,000

Less federal - 1,000,000

Net state appropriation subparagraph C $ 40,000

Total state appropriation paragraph IX $ 355,000

X. Department of Resources and Economic Development.

A. ADA compliance for parks facilities $ 70,000

B. Repair Rocky Bend seawall $ 300,000

C. Replace bath house - Sunapee $ 150,000

D. Replace bridge - Lafayette campground $ 95,000

E. Complete Mt. Washington siding and windows $ 225,000

F. Toilet/Shower building - Lake Francis $ 125,000

Total state appropriation paragraph X $ 965,000

XI. Department of Safety.

A. Microwave system upgrade * $ 2,000,000

Total state appropriation paragraph XI $ 2,000,000

XII. Secretary of State

A. Shelves in records and archives building - Concord $ 65,000

Total state appropriation paragraph XII $ 65,000

XIII. Department of Transportation.

A. 5-10 percent match FAA airport projects $ 2,500,000

B. Statewide fuel tank inspection $ 100,000

Total state appropriation paragraph XIII $ 2,600,000

XIV. N.H. Veterans Home.

A. Replace 25 mechanical hospital beds * $ 35,000

B. Rebuild Welch kitchenette and equipment * $ 15,000

C. Replace laundry equipment * $ 17,400

D. Replace kitchen equipment * $ 24,100

E. Replace Tarr North hot water tank * $ 20,000

Total state appropriation paragraph XIV $ 111,500

XV. Youth development services.

A. Sewer line - YDC $ 104,000

B. Water mains - YDC $ 493,000

C. Roofing projects - YDC $ 375,000

D. Renovate Pine Crest - YDC $ 1,000,000

Total state appropriation paragraph XV $ 1,972,000

Total state appropriation section 1 $48,264,919

* The bonds issued for these projects shall be 5-year bonds.

2 Appropriation; University System of New Hampshire. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Addition to former Young building - Keene $ 5,400,000

II. Mason library renovation and expansion - Keene $ 4,100,000

III. Pettee hall general renovations - Durham $ 3,600,000

Total state appropriation section 2 $13,100,000

3 Appropriation; Department of Fish and Game. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Headquarters building modification $ 125,000

II. Statewide digital radio system * $ 750,000

Total state appropriation section 3 $ 875,000

The funds appropriated in paragraph I for headquarters building modifications shall not be spent, obligated, or encumbered until the department has developed an implementation schedule and received the approval of such schedule from the capital budget overview committee.

* The bonds issued for these projects shall be 5-year bonds.

4 Appropriation; Department of Transportation and Department of Safety. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Department of Transportation

A. John O. Morton building renovation $ 3,900,000

Total state appropriation paragraph I $ 3,900,000

II. Department of safety

A. Dover Point Substation addition $ 195,000

B. Warehouse/Epping station $ 195,000

C. Microwave system upgrade * $ 500,000

Total state appropriation paragraph II $ 890,000

Total state appropriation section 4 $ 4,790,000

* The bonds issued for these projects shall be 5-year bonds.

5 Expenditures; General. The appropriations made for the purposes mentioned in sections 1, 3 and 4 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

6 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said buildings or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees, in its discretion, may wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a

contract for the construction upon terms considered must advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

V. Notwithstanding paragraphs I, III and IV, the sums appropriated by section 2, paragraphs II and III of this act for the Mason library renovation and expansion in Keene and the Pettee hall renovations in Durham, may be expended and awarded by the trustees of the university system; provided that all contracts for all or any part of the building or facilities shall follow construction management procurement procedures and guidelines. If the trustees select construction management pursuant to this paragraph, paragraphs I, III and IV shall not apply and the trustees shall retain the right to reject or negotiate following accepted construction management practices.

7 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, and 4 of this act, except such land, if any, as may be acquired under the appropriation for the department of environmental services, shall be purchased by the commissioner of the department of transportation with the approval of governor and council.

8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of $67,029,919 and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

9 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds in the state.

II. The payment of principal and interest on bonds issued for the projects in:

(a) Section 3 shall be made when due from the fish and game fund.

(b) Section 4 shall be made when due from the highway fund.

10 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu therefor, for each fiscal year such sum as may be necessary to meet interest and principal payments in accordance with the terms and conditions of bonds and notes issued for the purpose of section 2.

11 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes of this act.

II. To accept any federal funds which are, or become available for any project under sections 1, 3, and 4 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 8 shall be reduced by the same amount.

12 Transfers. The individual project appropriations, as provided in sections 1, 3 and 4 shall not be transferred or expended for any other purpose; provided that any anticipated balance remaining in an individual project, which is fully funded by state funds, may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section. The individual project appropriations provided in section 2 shall not be transferred, or expended pursuant to section 6, for any other purpose unless approval has been obtained from the capital budget overview committee.

13 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3 and 4 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 8 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

14 Information Technology Equipment and Software. Individual project appropriations for information technology equipment provided for by sections 1, 3, or 4 shall not be spent, obligated, or encumbered until such time as the agency's information technology plans are reviewed by the office of information technology pursuant to RSA 21-I:67 and approved by the capital budget overview committee, and the governor and council.

15 Appropriation; Bonds Authorized; Transfer of Funds; Statues on State House Grounds.

I. The sum of $50,000 is appropriated to the joint legislative historical committee established in RSA 17-I:1 for the purpose of the repair and reconditioning of the statues on state house grounds.

II. To provide funds for the appropriation made in paragraph I:

(a) The state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of $36,840 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The payment of principal and interest on bonds and notes issued for such project shall be made when due from the historical fund established in RSA 177:8, II. The bonds shall be 10-year bonds.

(b) The sum of $13,160 is hereby transferred from funds held by the department of administrative services from the insurance settlement for the Daniel Webster statue to the joint legislative historical committee for the purposes of this section.

16 Committee Established.

I. There is established a committee to study the issue of federal buildings and patients' needs relative to the New Hampshire veterans' home.

II. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee. The committee shall elect a chair from among its members.

IV. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1997.

17 Increased Bond Authorization; Dam Maintenance Fund. Amend RSA 482:56 to read as follows:

482:56 Bonds Authorized. To provide working capital for initiation of the fund established in RSA 482:55, the state treasurer is hereby authorized to borrow upon the credit of the state the sum of [$7,900,000] $9,800,000 and for said purpose shall issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.

18 Appropriation Extended; Date Changed; Resources and Economic Development. Amend 1993, 349:18, III as inserted by 1995, 285:2 to read as follows:

III. The appropriation contained in paragraph I shall not lapse until June 30, [1997] 1999. Any balances remaining as of June 30, [1995] 1997, shall be allocated by the review committee or budgeted within the state operating budget for the purposes of paragraph I or other economic initiatives and programs.

19 Appropriation Purpose Amended; Resources and Economic Development. Amend 1993, 359:1, IX, C, 4 as extended by 1994, 171:1 and 1996, 190:11 to read as follows:

4. Septic systems- [Weeks/Wentworth] state parks 150,000

20 Appropriation Purpose Amended; Appropriation Increased; Department of Transportation. Amend 1990, 200:10 and 11 to read as follows:

200:10 Appropriation. The sum of [$3,000,000] $5,000,000 is hereby appropriated to the commissioner of the department of transportation for the purchase of rail properties as defined by RSA 228:54, VIII including, but not limited to, abandoned railroad rights-of-way under RSA 228:60-a and for the purchase of privately-owned airports offered for sale to the state under RSA 422:46. The commissioner may purchase active railroad rights-of-way under RSA 228:60-a only after approval is obtained from the capital budget overview committee. This appropriation shall be nonlapsing.

200:11 Bonds Authorized. To provide funds for the appropriation made in section 10 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [$3,000,000] $5,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the general funds of the state.

21 Hanover-Lebanon District Court; Appropriation Increased. Amend 1992, 289:27 and 28, as amended by 1993, 359:17, 1995, 309:16, and 1996, 190:13 to read as follows:

289:27 Department of Administrative Services; Hanover-Lebanon District Court Capital Appropriation. The sum of [$1,550,000] $1,590,000 is hereby appropriated to the department of administrative services for the purpose of acquiring, purchasing, entering into a lease purchase agreement, or leasing land or buildings or land and buildings and to construct or renovate, and furnish such buildings as is necessary to establish the Hanover-Lebanon district court. The department of administrative services is authorized to negotiate the acquisition, purchase, or lease of such land and buildings within the limits of the appropriated amount. A resulting purchase contract shall receive such review and approval as required by state law. This appropriation is in addition to any other funds appropriated to the department of administrative services.

289:28 Bonds Authorized. To provide funds for the total of the appropriation of state funds made in section 27 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [$1,550,000] $1,590,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The payment of principal and interest on bonds and notes issued for such project shall be made when due from the general funds of the state.

22 Reduce Appropriation; Lancaster Court Facility. Amend 1995, 309:1, II, B, 1, as amended by 1996, 190:14, to read as follows:

1. New court facility - Lancaster [$ 3,850,000] $ 3,810,000

23 Total Adjusted. Amend 1995, 309:1, II, B, total state appropriation subparagraph B, as amended by 1996, 190:15, to read as follows:

Total state appropriation subparagraph B [$ 4,150,000] $ 4,110,000

24 Total Adjusted. Amend 1995, 309:1, II, total state appropriation paragraph II as amended by 1996, 190:16, to read as follows:

Total state appropriation paragraph II [$11,484,000] $ 11,444,000

25 Total Adjusted. Amend 1995, 309:1, total state appropriation section 1, as amended by 1996, 190:17, to read as follows:

Total state appropriation section 1 [$48,661,192] $ 48,621,192

26 Bonds Authorized; Total Adjusted. Amend 1995, 309:8, as amended by 1996, 190:18, to read as follows:

309:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [$57,835,592] $57,795,592 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

27 Health and Human Services; Automated Case Management Information System; Federal Amount Increased. Amend 1993, 359:1, V,C,5 as amended by 1995, 309:17 and 1995, 310:189 to read as follows:

5. Case management system [$14,997,830] $ 21,148,694

Less federal - [8,292,403] 14,443,267

Net state appropriation subparagraph 5 $ 6,705,427

28 Department of Corrections; Toll Building Roof Project. The department of corrections is authorized to use the unexpended balance of $41,000 appropriated in 1995, 309:1, IV, I for resurfacing the laundry building roof-lakes region facility, for the replacement of the Toll building roof system, lakes region facility.

29 Appropriation Purpose Amended; Department of Environmental Services. Amend 1989, 367:1, IV, A, 1 as extended by 1991, 351:27, II(g) and 1992, 149:2, I and 1993, 359:20, I to read as follows:

1. Small watershed programs

and acquisition of land

at state-owned dam sites $ 100,000

30 Lapse Dates Extended to June 30, 1999. The following appropriations are hereby extended to June 30, 1999.

I. The appropriation made to the department of transportation in 1989, 367:1, XII, A, 1, as amended by 1991, 351:27, II(l) and 1992, 289:60, as extended by 1993, 359:20, V, 1995, 309:32, VII, and 1996, 215:3, I for improvements at the Keene Dillant-Hopkins airport.

II. The appropriation to the department of resources and economic development in 1991, 4:22, as amended by 1992, 289:26, 1993, 358:18, and 1995, 285:1 for the New Hampshire economic development fund.

III. The appropriation made to the university of New Hampshire in 1992, 260:16, as extended by 1995, 309:33, VIII for the design and site planning for a research facility on the site of the former Pease Air Force Base.

IV. The appropriation made to the department of transportation in 1992, 289:21, as extended by 1993, 359:20, III, 1995, 309:32, VI, and 1996, 215:3, II for the purpose of general aviation apron expansion and construction of a taxiway to runway 36 at the Lebanon airport.

V. The appropriation made to the department of administrative services by 1992, 289:27 as amended by 1993, 359:7, 1995, 309:16 and by section 21 of this act, for Hanover-Lebanon District Court.

VI. The appropriation made to the department of health and human services in 1993, 359:1, V, B, 4, as extended by 1994, 171:1, and as amended by 1995, 309:15, for life and safety renovations for the Glencliff Home.

VII. The appropriation made to the department of resources and economic development in 1993, 359:1, IX, C, 4, as extended by 1994, 171:1 and 1996, 190:11, and as amended by section 19 of this act for state park septic systems.

VIII. The appropriation made to the department of health and human services in 1993, 359:1, V, C, 5 as extended by 1994, 171:1 and as amended by 1995, 309:17, 1995, 310:189 and by section 27 of this act, for automated case management information system.

IX. The appropriation made to the department of safety in 1993, 359:1, XI, B, as extended by 1994, 171:1, and as amended by 1994, 382:7 and 1995, 309:22, for fire standards and training dormitory.

X. The appropriation made to the department of transportation in 1993, 359:1, XII, A, 1, as extended by 1994, 171:1 and 1996, 215:3, III for land acquisition for navigation beacons.

XI. The appropriation made to the department of administrative services in 1995, 309:1, II, A, 1, for the health and human services building and laboratory HVAC renovations.

XII. The appropriation made to the department of administrative services in 1995, 309:1, II, A, 2, for replacing of variable speed drives in laboratory.

XIII. The appropriation made to the department of administrative services in 1995, 309:1, II, B, 2, for study and design of court facility-Dover/Durham district court.

XIV. The appropriation made to the department of corrections in 1995, 309:1, IV, A, to upgrade electronic perimeter fence security system, N.H. state prison-Concord.

XV. The appropriation made to the department of corrections in 1995, 309:1, IV, I, for resurfacing laundry building roof-lakes region facility.

XVI. The appropriation made to the department of corrections in 1995, 309:1, IV, K for preliminary design of expanded correctional facilities in accordance with federal crime bill grants.

XVII. The appropriation made to the department of corrections in 1995, 309:1, IV, L, for construction of boilers, N.H. state prison for women - Goffstown.

XVIII. The appropriation made to the department of health and human services in 1995, 309:1, VII, B, 1, for RSA 171-B mentally retarded criminal offenders.

XIX. The appropriation made to the department of health and human services by 1995, 309:1, VII, C, 1 for life and safety renovations - Glencliff.

XX. The appropriation made to the port authority in 1995, 309:1, X, A, for Pier surface repair.

XXI. The appropriations made to the department of resources and economic development in 1995, 309:1, XII, A, 2-4, for Sunapee/Cannon lift and ski area repairs, construction of recreational vehicle dump sites, and repair of Androscoggin bridge abutments.

XXII. The appropriation made to the department of safety in 1995, 309:1, XIII, A, 1, for fire academy - ladder training tower - Concord.

XXIII. The appropriation made to the department of safety in 1995, 309:1, XIII, A, 2, for fire academy - commercial building - Concord.

XXIV. The appropriation made to the department of transportation in 1995, 309:1, XV, B, for renovations to state-owned facilities for ADA compliance-statewide.

XXV. The appropriation made to the department of transportation in 1995, 309:1, XV, C, for 5-10 percent match for FAA project-statewide.

XXVI. The appropriation made to the university system of New Hampshire in 1995, 309:2, B, for renovation, deferred maintenance and code compliance.

XXVII. The appropriation made to the department of transportation in 1995, 309:4, I, A, for radio system upgrade - statewide.

XXVIII. The appropriation made to the department of health and human services by 1995, 310:191 for design and renovation of APS-B-wing and M and S building safety improvements.

XXIX. The appropriation made to the department of environmental services in 1995, 309:1, VI, A for state revolving fund program - wastewater.

XXX. The appropriation made to the department of environmental services in 1995, 309:1, VI, B for state revolving fund program-drinking water.

XXXI. The appropriation made to the department of environmental services in 1995, 309:1, VI, C for superfund program.

XXXII. The appropriation made to the department of environmental services in 1995, 309:1, VI, F for bedrock aquifer mapping.

XXXIII. The appropriation made to the department of administrative services in 1995, 309:1, II, B, 3 for study and design of court facility on county donated land - Carroll County superior court.

XXXIV. The appropriation made to the department of transportation in 1995, 309:1, XV, A, for underground tank replacement - statewide.

31 Effective Date.

I. Section 30 of this act shall take effect June 30, 1997.

II. The remainder of this act shall take effect July 1, 1997.

AMENDED ANALYSIS

This bill makes appropriations for capital improvements for the biennium and extends certain lapse dates and establishes a committee to study federal buildings and patient needs relative to the veterans' home.

Rep. Welch yielded to questions.

Rep. Cushing spoke against.

Rep. Alukonis spoke in favor and yielded to questions.

Adopted.

Report adopted and ordered to third reading.

HB 50-FN-A-L, increasing aid for kindergarten programs, and establishing a program for the construction of public kindergarten facilities and making an appropriation therefor. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.

Rep. Kenneth L. Weyler for the Majority of Finance: The amendment to HB 50 meets the intended goal of improving access to kindergarten for New Hampshire children. The amendment sets state payments to school districts with approved kindergarten programs at a level which will more likely be sustained in future years and reflects current law, $500 per child. The amendment creates a limited time incentive of $1,250 per child for those districts which implement kindergarten programs after July 1, 1997. The incentive ends after three years, at which time such districts would receive the same $500 per child rate as other districts. The amendment provides for qualified districts to receive state building aid at the 75% rate for kindergarten construction. The amendment does not permit the 100% state bonded construction grants envisioned by the original bill. The majority believes that this program will permit New Hampshire to responsibly address the issue of kindergarten access without establishing programs which would compete with or compromise existing state commitments. Vote 13-8.

Rep. Mary Jane Wallner for the Minority of Finance: Governor Shaheen presented a balanced, fair and well thought-out plan. The children of New Hampshire deserve the passage of this bill as originally proposed. Every child in New Hampshire is entitled to equal state support for kindergarten. The amendment makes drastic cuts to the Governor's proposal at a time when we should be investing in our most valuable resource, our children.

Amendment (0955h)

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

AN ACT increasing aid for kindergarten programs.

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

1 Kindergarten Incentive Aid; School Building Aid Increased. Amend RSA 198:15-i, II to read as follows:

II. Those districts eligible to receive kindergarten incentive aid under RSA 198:15-j shall receive an increase in school building aid to which they would otherwise be entitled under RSA 198:15-b equal to [20 percent] an amount which would increase the state share of the new kindergarten construction or renovation cost to 75 percent of the annual amount of the payment of principal for the cost of construction or renovation of classrooms made necessary by the kindergarten program. A school district shall be eligible to receive the increased building aid so long as such district maintains a public kindergarten program.

2 Subdivision Heading Revised. The subdivision heading preceding RSA 198:15-l is repealed and reenacted to read as follows:

Kindergarten Aid; Alternative Kindergarten Programs

3 Kindergarten Aid; Aid Increased as Incentive to Establish Kindergarten; Eligibility. Amend RSA 198:15-l to read as follows:

198:15-l Kindergarten Aid.

I.(a) There is established a kindergarten aid program through which the department of education shall pay annually for financial assistance to local school districts.

(b) The sum of $500 per eligible kindergarten pupil who resides in the district and attends a public kindergarten [in] shall be paid annually to those districts that provide and maintain a public kindergarten program. These funds shall also be provided annually to districts that [send to or] contract with other established public kindergarten programs for the education of their [local] resident kindergarten pupils or have an approved alternative kindergarten program established in accordance with the provisions of RSA 198:15-n.

(c) In lieu of the sums provided under RSA 198:15-l, I(b), the sum of $1,250 per eligible kindergarten pupil who resides in the district and attends public kindergarten shall be paid annually for 3 consecutive years to those districts that initially implement a public kindergarten program between July 1, 1997 and July 1, 2000. These funds shall also be provided annually for 3 consecutive years to districts that contract between July 1, 1997 and July 1, 2000 with other established public kindergarten programs for the education of their resident kindergarten pupils or have an approved alternative kindergarten program established between July 1, 1997 and July 1, 2000 in accordance with the provisions of RSA 198:15-n. After the first 3 years of the kindergarten program the local district shall become eligible for the $500 annual payment pursuant to RSA 198:15-l, I(b).

II. For purposes of [receiving public kindergarten aid under] this [section] subdivision, to "provide and maintain a public kindergarten program" means:

(a) To operate a kindergarten program within an approved public school maintained by the local school district; or

(b) To pay tuition on behalf of resident pupils to a kindergarten program [operated by another] in an approved public school operated by another district in this state or, when distance or transportation make it necessary, in another state.

III.(a) In order to qualify for kindergarten aid, [local district] kindergarten programs shall meet New Hampshire minimum standards for the approval of schools, as well as the eligibility criteria established in RSA 198:15-m, I.

(b) A charter school kindergarten [programs] program shall qualify a pupil's resident district to receive [for] kindergarten aid for such pupil.

4 Eligibility Criteria; Administration of Kindergarten Aid Program. RSA 198:15-m - 198:15-p are repealed and reenacted to read as follows:

198:15-m Eligibility Criteria; Administration.

I. In addition to any other requirements established in this subdivision, in order to be eligible for annual kindergarten aid payments, a kindergarten program provided by a school district, in accordance with the provisions of RSA 198:15-l or RSA 198:15-n, shall be:

(a) Offered immediately preceding the other elementary grades.

(b) Designed primarily for 5-year-olds.

(c) Available at district expense to all kindergarten-aged children who reside in the district.

II. The department of education shall administer the kindergarten aid program and shall be responsible for the following:

(a) Providing educational services, including technical assistance and training, to school districts in establishing and maintaining effective kindergarten programs.

(b) Assisting districts in the development of plans, including plans for alternative kindergarten programs, for making public kindergarten available to resident pupils.

(c) Developing and maintaining a list of recommended furnishings and equipment for kindergarten classrooms.

(d) Determining the number of eligible kindergarten pupils who reside in a district by collecting kindergarten enrollment data on October 1 of each school year.

(e) Calculating a district's annual kindergarten aid entitlement by multiplying the amount of the per-pupil kindergarten aid payment times the number of eligible kindergarten pupils who reside in a district and who are actually enrolled in a public kindergarten or alternative kindergarten program.

(f) Distributing kindergarten aid payments to eligible districts on or before January 1 of each state fiscal year.

III. If in any state fiscal year the amount appropriated for kindergarten aid in accordance with this subdivision is insufficient, the payment due on January 1 shall be prorated proportionally based on entitlements among the school districts eligible for aid payments. It shall be the duty of the department of education to request a supplemental appropriation sufficient to pay each district's full entitlement. If such additional funds are appropriated, the department of education shall promptly pay the remaining balance due each eligible school district.

198:15-n Alternative Kindergarten Programs.

I. A school district that currently does not operate a kindergarten program within an approved public school maintained by the local district or currently does not contract with another established public kindergarten program for the education of its resident kindergarten pupils, may develop a local plan for an alternative kindergarten program based upon contractual arrangements with one or more nonpublic, non-sectarian schools or facilities.

II. An alternative kindergarten program must satisfy the same criteria established for public kindergarten programs in the New Hampshire minimum standards for the approval of schools.

III. A local plan for an alternative kindergarten program must be approved by the school board and the voters of the district. The local plan shall be submitted to the department of education at times established by the commissioner of education.

IV. A local plan shall contain, at a minimum, the following information:

(a) A description of the alternative kindergarten program.

(b) An explanation of how the program meets the eligibility criteria established in RSA 198:15-m, I.

(c) A list of the nonpublic, non-sectarian schools or facilities to be utilized.

(d) Evidence that the alternative kindergarten program satisfies the same criteria established for public kindergarten programs in the New Hampshire minimum standards for the approval of schools.

(e) Procedures for coordinating and articulating curriculum, instruction, and support services provided under the alternative kindergarten program with curriculum, instruction, and support services provided in the other elementary grades.

(f) An explanation of how students will be transported to and from the schools or facilities to be utilized.

V. The plan shall be reviewed by the department of education for compliance with statutory requirements. Upon approval of an alternative kindergarten program by the commissioner of education, the school district shall be eligible for annual kindergarten aid payments under this subdivision.

VI. If an approved alternative kindergarten program utilizes more than one school or facility, the school board or the superintendent or other administrative officer designated by the school board may take into consideration parental preference when assigning students to schools or facilities in accordance with the provisions of RSA 193:14.

198:15-o Report. On or before September 1, 1998, and biennially thereafter, the commissioner of education shall prepare a report showing the results of the kindergarten aid program established in this subdivision and any other kindergarten incentive programs adopted by the legislature in achieving the purpose of making kindergarten programs available to all children in New Hampshire. Starting with the report due on or before September 1, 2002, the report shall include recommended steps to be taken to make kindergarten available to children who reside in any school district that still does not provide such a program. Reports shall be submitted to the governor and council, state board of education, speaker of the house, president of the senate, and the house and senate education and finance committees.

198:15-p Rulemaking. Rules adopted by the state board of education, pursuant to RSA 541-A and under the authority of RSA 21-N:9, I, relative to minimum standards for the approval of schools, shall apply to kindergarten programs operated by all nonpublic, non-sectarian schools included in an approved alternative kindergarten program.

5 New Section; Authorization for Special School District Meeting. Amend RSA 198 by inserting after section 15-p the following new section:

198:15-q Special School District Meetings for Kindergarten Implementation. Notwithstanding the provisions of RSA 197:3, a school district may call a special meeting only for the purposes of voting to raise or appropriate money for the implementation of a kindergarten program at the discretion of the school board.

6 Repeal. The following are repealed:

I. RSA 198:15-o, relative to the commissioner's report on kindergarten aid and incentive programs.

II. RSA 198:15-q, relative special school district meetings for kindergarten implementation.

7 Effective Date.

I. Paragraph I of section 6 of this act shall take effect September 30, 2004.

II. Paragraph II of section 6 of this act shall take effect December 31, 1997.

III. The remainder of this act shall take effect July 1, 1997.

AMENDED ANALYSIS

This bill increases school building aid for construction or renovation of kindergarten classrooms. The bill also increases aid for kindergarten programs. Programs established between July 1, 1997, and July 1, 2000, receive $1,250 per eligible pupil for 3 years, and thereafter are eligible for the annual $500 per eligible pupil payment.

Reps. Dickinson, Vaughn and Ann Torr spoke against.

Rep. Weyler spoke in favor and yielded to questions.

Reps. Schotanus and Jacobson spoke against and yielded to questions.

Reps. Tufts, Hager and Henderson spoke in favor.

Rep. Ann Torr requested a roll call; sufficiently seconded.

The question being the adoption of the amendment.

YEAS 184 NAYS 199
YEAS 184
BELKNAP

Bartlett, Gordon Boriso, Thomas Boyce, Robert Clark, Charles

Golden, Paul Holbrook, Robert Hurt, George Laflam, Robert

Lawton, David Lawton, Robert Rice, Thomas, Jr. Rosen, Ralph

Thomas, John Turner, Robert Veazey, John Ziegra, Alice

CARROLL

Babson, David, Jr. Bradley, Jeb Chandler, Gene Cooper, Kipp

Foster, Robert Howard, Godfrey Kenney, Joseph Lyman, L. Randy

Patten, Betsey Philbrick, Donald

CHESHIRE

Hunt, John McNamara, Wanda Metzger, Katherine Royce, H. Charles

Smith, Edwin Steere, Myron, III

COOS

Davis, Perley Guay, Lawrence Merrill, Gerald Pratt, Leighton

Tholl, John, Jr.

GRAFTON

Alger, John Brown, Channing Chase, Paul, Jr. Cobbin, Philip

Eaton, Stephanie Guaraldi, Lawrence Hill, Richard Hinman, Harry

MacNeil, Allen Root, John Teschner, Douglass Trelfa, Richard

Weber, Phil Williams, William, Jr.

HILLSBOROUGH

Alukonis, David Amidon, Eleanor Arnold, Thomas, Jr. Batula, Peter

Belvin, William Bergin, Peter Briefs, Geoffrey Brundige, Robert

Burke, M. Virginia Calawa, Leon, Jr. Carlson, Donald Carney, Lauren

Christiansen, Lars Clay, Susan Clegg, Robert, Jr. Daniels, Gary

Dokmo, Cynthia Durham, Susan Dyer, Merton Emerton, Lawrence, Sr.

Fenton, James Flora, Kathleen Gagnon, Eugene Golding, William

Goulet, Maurice Hansen, Herbert Herman, Keith Holden, Carol

Holley, Sylvia Holt, David Hunter, Bruce Jean, Loren

Kelley, Robert Kurk, Neal L'Heureux, Robert LaRose, Richard

Leishman, Peter Lessard, Rudy Letendre, Evelyn Lozeau, Donnalee

Luebkert, Bernard MacGillivray, Jeffrey MacIntyre, Doris Marcinkowski, Michael

McCarty, Winston McGough, Tim McRae, Karen Mercer, Robert

Milligan, Robert Mittelman, David Morello, Michael Murch, George

O'Hearn, Jane Pepino, Leo Peterson, Andrew Piteri, Dawn

Riley, Frances Sargent, Maxwell Thulander, O. Alan Wheeler, Robert

Wright, George

MERRIMACK

Adams, Stephen Brown, Mary Chandler, Earle Colburn, Thomas

Crowell, Peter Hager, Elizabeth Hess, David Krueger, Patricia

Langer, Ray Larrabee, David Lavoie, Gerard Leber, William

Marshall, Kenneth Morrill, Olive Nichols, Avis Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn Arndt, Janet Beaulieu, Jon Belanger, Ronald

Camm, Kevin Carson, Gregory Cegelis, Mark Christie, Andrew, Jr.

Cooney, Richard Cote, Patricia Dearborn, Bruce Dodge, Robert

Dowd, Sandra Dowling, Patricia Dube, LeRoy Dunham, Vivian

Felch, Charles, Sr. Flanders, David Flanders, John, Sr. Francoeur, Sheila

Gleason, John Griffin, Mary Guthrie, Joseph Henderson, Warren

Katsakiores, George Klemm, Arthur, Jr. Kobel, Rudolph Letourneau, Robert

Major, Norman Malcolm, Kenneth McCarthy, John, Jr. McKinney, Betsy

Mikowlski, Walter Millard, Ralph Moore, Benjamin Morris, Debbie

Nowe, Ronald Noyes, Richard Packard, Sherman Raynowska, Bernard

Reardon, Neil Simmons, John Anthony Smith, Kevin Stickney, Nancy

Tufts, J. Arthur Varrell, Thomas Verani, Giovanni Welch, David

Weyler, Kenneth Woods, Deborah

STRAFFORD

Bickford, David McKinley, Robert Musler, George Tsiros, William

SULLIVAN

Adler, Rudolf Kibbey, David

NAYS 199
BELKNAP

Pilliod, James Salatiello, Thomas

CARROLL

Dickinson, Howard, Jr. MacDonald, Kenneth

CHESHIRE

Avery, Stephen Bonneau, Sarah Burnham, Daniel Champagne, Richard

DePecol, Benjamin Doucette, Richard Lynch, Margaret Lynott, Margaret

Manning, Joseph McGuirk, Paul Meader, David Pratt, Irene

Pratt, John Richardson, Barbara Riley, William Robertson, Timothy

Russell, Ronald Vogl, John

COOS

Bradley, Paula Coulombe, Henry Coulombe, Yvonne Hawkinson, Marie

Horton, Lynn Mears, Edgar Moynihan, Wayne St. Hilaire, Paul

GRAFTON

Akins, Ralph Almy, Susan Below, Clifton Connolly, Steven

Copenhaver, Marion Guest, Robert Ham, Bonnie LaMott, Paul

Lovett, Sidney Luker, Elsa Nordgren, Sharon Phinney, William

HILLSBOROUGH

Ackerman, Philip Allen, W. Gordon Ameen, W. Asselin, Robert

Baroody, Benjamin Barry, William, III Bernier, Shannon Boutin, David

Buckley, Raymond Cardin, Lori Clemons, Jane Clemons, Kevin, Sr.

Cote, David Cote, Peter D'Allesandro, Lou Daigle, Robert

Dawe, Eileen Drabinowicz, A. Theresa Dwyer, Paul, Sr. Ferguson, Charles

Fields, Dennis Foster, Joseph Foster, Linda Gage, Ruth

Ginsburg, Ruth Gosselin, Gerald Haettenschwiller, Alphonse Haley, Robert

Hall, Betty Hart, Nick Healy, Daniel Jean, Claudette

Johnson, Lionel Kelly, Michael Lefebvre, Roland Leonard, Peter

Lynde, Harold MacAuslan, Rita Martin, Mary McCarthy, William

McDonald, James, Sr. Melcher, Harold Messier, Irene Murphy, Robert

O'Rourke, Thomas Perkins, Paul Reidy, Frank Turgeon, Roland

Vaillancourt, Steve Welch, Donald White, Donald White, Jay

Williams, Carol

MERRIMACK

Anderson, Eric Burney, Carol Crosby, Toni Daneault, Gabriel

DeStefano, Stephen Dunn, Miriam Feuerstein, Martin Fraser, Marilyn

French, Barbara Gile, Mary Hoadley, Elizabeth Jacobson, Alf

Lockwood, Robert Maxfield, Roy Moore, Carol Owen, Derek

Pfaff, Terence Reardon, Tara Rogers, Katherine Seldin, Gloria

St. Cyr, Gerard Wallin, Jean Wallner, Mary Jane Whalley, Michael

Yeaton, Charles

ROCKINGHAM

Abbott, Dennis Battles-Peirce, Marjorie Blanchard, MaryAnn Case, Margaret

Clark, Martha Coes, Betsy Cushing, Robert Dolan, Richard

Downing, Michael Fesh, Robert Flanagan, Natalie Frechette, Joseph

Gibbons, Paul Heath, John Hutchinson, Rebecca Johnson, Robert

Kane, Cecelia Katsakiores, Phyllis Kelley, Jane Langley, Jane

Langone, John Lovejoy, Marian McGovern, Cynthia Micklon, Stephanie

Norelli, Terie O'Keefe, Patricia Pantelakos, Laura Rubin, George

Sabella, Norma Schanda, Frank Stone, Joseph Stritch, C. Donald

Syracusa, Anthony Vaughn, Charles Weatherspoon, Jackie

STRAFFORD

Berube, Roger Brennan, William Brown, George Brown, Julie

Callaghan, Frank DeChane, Marlene Dunlap, Patricia Estabrook, Iris

Grassie, Anne Hemon, Roland Hilliard, Dana Kaen, Naida

Keans, Sandra Knowles, William Lundborn, Raymond McCann, William, Jr.

Merrill, Amanda Merritt, Deborah Pelletier, Arthur Pelletier, Marsha

Rogers, Rose Marie Rollo, Michael Smith, Marjorie Snyder, Clair

Spear, Barbara Sullivan, Henry Taylor, Kathleen Torr, Ann

Torr, Franklin Twardus, Joseph Vachon, Dennis Vincent, Francis

Wall, Janet

SULLIVAN

Allison, David Burling, Peter Cloutier, John Donovan, Thomas

Ferland, Brenda Flint, Gordon Leone, Richard Lindblade, Eric

Palmer, Lorraine Schotanus, Merle Wiggins, Celestine

and the amendment failed.

Rep. Alger offered a floor amendment.

Floor Amendment(1006h)

Amend RSA 198:15-n as inserted by section 3 of the bill by inserting after paragraph VI the following new paragraph:

VII. Any local school district that has a contractual arrangement, approved by the school board and the voters of the district, to provide school district paid tuition payments to a nonpublic and non-sectarian school for the purpose of providing a kindergarten program during the 1996-1997 school year which is available to all kindergarten age children in the district shall be eligible for annual kindergarten aid payments under this subdivision. Such alternative kindergarten program shall be exempt from the criteria established for public kindergarten programs in the New Hampshire minimum standards for the approval of schools until the 1999-2000 school year to enable the alternative program to establish compliance with such criteria. The school district shall submit a local plan which meets all requirements of RSA 198:15-n, IV, except as provided under subparagraph (d), to the department of education.

Rep. Alger spoke in favor.

Adopted.

Rep. Teschner asked if the question was divisible.

The Speaker ruled the question was divisible.

Rep. Teschner moved that the question be divided to take up Secs. 5, 6, 7 and I, II, III of Sec. 8 separately.

Objection was raised to the question being divided.

Rep. Varrell requested a roll call; not sufficiently seconded.

On a division vote, 171 members having voted in the affirmative and 211 in the negative, the motion failed.

Reps. Jeb Bradley and Clay wished to be recorded in favor.

The question now being the adoption of the report.

On a division vote, 247 members having voted in the affirmative and 135 in the negative, the report was adopted.

Ordered to third reading.

RECONSIDERATION

Having voted with the prevailing side, Rep. Dickinson moved that the House reconsider its action whereby it ordered to third reading HB 50-FN-A, increasing aid for kindergarten programs, and establishing a program for the construction of public kindergarten facilities and making an appropriation therefore.

Rep. Dickinson spoke against.

Reconsideration failed.

RECESS

(Speaker Sytek in the Chair)

HB 564-FN-A, increasing the cigarette tax and designating a portion of the revenue for anti-smoking programs aimed at teenagers. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance: This bill increases per pack cigarette tax by 20 cents to 45 cents per pack. All tobacco products are similarly taxed. The new rate takes effect June 1, 1997 and will apply to inventory available on that date. The amendment removes the dedicated fund proposed in the original bill and insures that all income is deposited in the general fund. Vote 13-8.

Amendment (0972h)

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

AN ACT increasing the cigarette tax.

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

1 Definition of "Tobacco Products" for Purposes of Tobacco Tax. Amend RSA 78:1, XIV to read as follows:

XIV. "Tobacco products" means cigarettes [and], cigars, snuff, smokeless tobacco, products containing tobacco, and tobacco in any other form.

2 Cigarette Tax. Amend RSA 78:7 to read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of [25] 45 cents for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all tobacco products sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the tobacco products in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

3 Applicability. This act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this act. The tax rate effective June 1, 1997, shall apply to such inventory and the difference, if any, in the amount paid previously on

such inventory and the current effective rate of tax shall be paid with the inventory form. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

4 Effective Date. This act shall take effect June 1, 1997.

AMENDED ANALYSIS

This bill increases the cigarette tax by 20 cents.

Rep. Cobbin spoke against.

Reps. Buckley and Channing Brown spoke in favor.

On a division vote, 340 members having voted in the affirmative and 29 in the negative, the amendment was adopted.

Rep. Babson voted nay and intended to vote yea.

Rep. Wallner offered a floor amendment.

Floor Amendment(1020h)

Amend RSA 78:7 as inserted by section 2 of the bill by replacing it with the following:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of [25] 50 cents for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all tobacco products sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the tobacco products in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

Amend the bill by replacing all after section 2 with the following:

3 Applicability. This act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this act. The tax rate effective May 1, 1997, shall apply to such inventory and the difference, if any, in the amount paid previously on such inventory and the current effective rate of tax shall be paid with the inventory form. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

4 Effective Date. This act shall take effect May 1, 1997.

AMENDED ANALYSIS

This bill increases the cigarette tax by 25 cents.

Reps. Wallner, Rosen and Holt spoke in favor.

Reps. MacGillivray, Klemm and Alukonis spoke against and yielded to questions.

Rep. Pilliod spoke in favor and yielded to questions.

Rep. Kurk spoke against.

Rep. David Welch requested a roll call; sufficiently seconded.

The question being the adoption of the Wallner floor amendment.

YEAS 178 NAYS 186
YEAS 178
BELKNAP

Pilliod, James Rosen, Ralph Salatiello, Thomas

CARROLL

Dickinson, Howard, Jr. Philbrick, Donald

CHESHIRE

Bonneau, Sarah Burnham, Daniel Champagne, Richard DePecol, Benjamin

Doucette, Richard Lynch, Margaret Lynott, Margaret Manning, Joseph

McGuirk, Paul Pratt, Irene Pratt, John Richardson, Barbara

Riley, William Robertson, Timothy Russell, Ronald Vogl, John

COOS

Bradley, Paula Coulombe, Henry Coulombe, Yvonne Hawkinson, Marie

Mears, Edgar Moynihan, Wayne

GRAFTON

Almy, Susan Below, Clifton Copenhaver, Marion Guest, Robert

Ham, Bonnie LaMott, Paul Lovett, Sidney Luker, Elsa

Nordgren, Sharon

HILLSBOROUGH

Allen, W. Gordon Ameen, W. Barry, William, III Belvin, William

Bernier, Shannon Boutin, David Buckley, Raymond Cardin, Lori

Clemons, Jane Clemons, Kevin, Sr. Cote, David Cote, Peter

D'Allesandro, Lou Daigle, Robert Drabinowicz, A. Theresa Durham, Susan

Dwyer, Paul, Sr. Ferguson, Charles Fields, Dennis Foster, Joseph

Foster, Linda Gage, Ruth Ginsburg, Ruth Gosselin, Gerald

Haettenschwiller, Alphonse Haley, Robert Hall, Betty Hart, Nick

Holt, David Jean, Claudette Johnson, Lionel Kelly, Michael

Lefebvre, Roland Leishman, Peter Leonard, Peter Lynde, Harold

MacAuslan, Rita Martin, Mary McCarthy, William McDonald, James, Sr.

Melcher, Harold Messier, Irene Mittelman, David Morello, Michael

Murphy, Robert O'Rourke, Thomas Perkins, Paul Peterson, Andrew

Reidy, Frank Turgeon, Roland Welch, Donald White, Donald

White, Jay Williams, Carol

MERRIMACK

Burney, Carol Crosby, Toni Crowell, Peter Daneault, Gabriel

DeStefano, Stephen Dunn, Miriam Feuerstein, Martin Fraser, Marilyn

French, Barbara Gile, Mary Hess, David Jacobson, Alf

Lockwood, Robert Marshall, Kenneth Moore, Carol Owen, Derek

Reardon, Tara Rogers, Katherine Seldin, Gloria St. Cyr, Gerard

Wallin, Jean Wallner, Mary Jane Yeaton, Charles

ROCKINGHAM

Abbott, Dennis Battles-Peirce, Marjorie Blanchard, MaryAnn Clark, Martha

Coes, Betsy Cushing, Robert Downing, Michael Flanagan, Natalie

Flanders, David Gibbons, Paul Heath, John Hutchinson, Rebecca

Johnson, Robert Kelley, Jane Langone, John Lovejoy, Marian

McGovern, Cynthia Micklon, Stephanie Norelli, Terie O'Keefe, Patricia

Pantelakos, Laura Sabella, Norma Schanda, Frank Stritch, C. Donald

Syracusa, Anthony Vaughn, Charles Weatherspoon, Jackie

STRAFFORD

Berube, Roger Brennan, William Brown, George Callaghan, Frank

DeChane, Marlene Dunlap, Patricia Estabrook, Iris Grassie, Anne

Hemon, Roland Hilliard, Dana Kaen, Naida Keans, Sandra

Knowles, William Lundborn, Raymond McCann, William, Jr. Merrill, Amanda

Merritt, Deborah Pelletier, Arthur Pelletier, Marsha Rogers, Rose Marie

Rollo, Michael Smith, Marjorie Snyder, Clair Sullivan, Henry

Taylor, Kathleen Torr, Ann Twardus, Joseph Vachon, Dennis

Wall, Janet

SULLIVAN

Allison, David Burling, Peter Cloutier, John Donovan, Thomas

Flint, Gordon Leone, Richard Palmer, Lorraine Schotanus, Merle

Wiggins, Celestine

NAYS 186
BELKNAP

Bartlett, Gordon Boriso, Thomas Boyce, Robert Clark, Charles

Golden, Paul Holbrook, Robert Hurt, George Laflam, Robert

Lawton, David Lawton, Robert Rice, Thomas, Jr. Thomas, John

Turner, Robert Veazey, John Ziegra, Alice

CARROLL

Babson, David, Jr. Bradley, Jeb Chandler, Gene Cooper, Kipp

Foster, Robert Howard, Godfrey Kenney, Joseph Lyman, L. Randy

MacDonald, Kenneth Patten, Betsey

CHESHIRE

Hunt, John McNamara, Wanda Smith, Edwin Steere, Myron, III

COOS

Davis, Perley Guay, Lawrence Horton, Lynn Merrill, Gerald

Pratt, Leighton Tholl, John, Jr.

GRAFTON

Akins, Ralph Alger, John Brown, Channing Cobbin, Philip

Connolly, Steven Eaton, Stephanie Guaraldi, Lawrence Hill, Richard

Hinman, Harry Mirski, Paul Root, John Teschner, Douglass

Trelfa, Richard Weber, Phil Williams, William, Jr.

HILLSBOROUGH

Alukonis, David Amidon, Eleanor Arnold, Thomas, Jr. Asselin, Robert

Batula, Peter Bergin, Peter Briefs, Geoffrey Brundige, Robert

Burke, M. Virginia Calawa, Leon, Jr. Carlson, Donald Christiansen, Lars

Clay, Susan Clegg, Robert, Jr. Daniels, Gary Dawe, Eileen

Dokmo, Cynthia Dyer, Merton Emerton, Lawrence, Sr. Fenton, James

Flora, Kathleen Gagnon, Eugene Golding, William Goulet, Maurice

Hansen, Herbert Herman, Keith Holden, Carol Holley, Sylvia

Hunter, Bruce Jean, Loren Kelley, Robert Kurk, Neal

LaRose, Richard Lessard, Rudy Letendre, Evelyn Lozeau, Donnalee

Luebkert, Bernard MacGillivray, Jeffrey MacIntyre, Doris Marcinkowski, Michael

McCarty, Winston McGough, Tim McRae, Karen Mercer, Robert

Milligan, Robert O'Hearn, Jane Pepino, Leo Piteri, Dawn

Riley, Frances Sargent, Maxwell Thulander, O. Alan Vaillancourt, Steve

Wheeler, Robert Wright, George

MERRIMACK

Adams, Stephen Anderson, Eric Brown, Mary Chandler, Earle

Colburn, Thomas Hoadley, Elizabeth Krueger, Patricia Langer, Ray

Larrabee, David Lavoie, Gerard Leber, William Maxfield, Roy

Morrill, Olive Pfaff, Terence Whalley, Michael Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn Arndt, Janet Beaulieu, Jon Belanger, Ronald

Camm, Kevin Case, Margaret Cegelis, Mark Christie, Andrew, Jr.

Cooney, Richard Cote, Patricia Dearborn, Bruce Dodge, Robert

Dolan, Richard Dowd, Sandra Dowling, Patricia Dube, LeRoy

Dunham, Vivian Felch, Charles, Sr. Fesh, Robert Flanders, John, Sr.

Francoeur, Sheila Frechette, Joseph Gleason, John Griffin, Mary

Guthrie, Joseph Henderson, Warren Katsakiores, George Katsakiores, Phyllis

Klemm, Arthur, Jr. Kobel, Rudolph Langley, Jane Letourneau, Robert

Major, Norman Malcolm, Kenneth McCarthy, John, Jr. McKinney, Betsy

Mikowlski, Walter Millard, Ralph Moore, Benjamin Morris, Debbie

Nowe, Ronald Noyes, Richard Packard, Sherman Raynowska, Bernard

Reardon, Neil Rubin, George Smith, Kevin Stickney, Nancy

Stone, Joseph Tufts, J. Arthur Varrell, Thomas Verani, Giovanni

Welch, David Weyler, Kenneth Woods, Deborah

STRAFFORD

Bickford, David McKinley, Robert Musler, George Spear, Barbara

Torr, Franklin Tsiros, William Vincent, Francis

SULLIVAN

Adler, Rudolf Ferland, Brenda Kibbey, David Lindblade, Eric

and the floor amendment failed.

Rep. Simmons did not vote and wished to be recorded against.

Rep. Vaillancourt offered a floor amendment.

Floor Amendment(1056h)

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

AN ACT increasing the cigarette tax and designating a portion of the revenue for anti-smoking programs.

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

1 New Subparagraph; Special Fund; Anti-Smoking Programs. Amend RSA 6:12, I by inserting after subparagraph (ooo) the following new subparagraph:

(ppp) Money received under RSA 78:7-d and private sources, which shall be credited to the anti-smoking programs fund established in RSA 172-C:2.

2 Definition of "Tobacco Products" for Purposes of Tobacco Tax. Amend RSA 78:1, XIV to read as follows:

XIV. "Tobacco products" means cigarettes [and], cigars, snuff, smokeless tobacco, products containing tobacco, and tobacco in any other form.

3 Cigarette Tax. Amend RSA 78:7 to read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of [25] 45 cents for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all tobacco products sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the tobacco products in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

4 New Section; Designated Revenues. Amend RSA 78 by inserting after section 7-c the following new section:

78:7-d Designated Revenue. Of the money collected under this chapter, 2/9 shall be deposited by the state treasurer into the fund established in RSA 172-C:2.

5 New Chapter; Anti-Smoking Programs. Amend RSA by inserting after RSA 172-B the following new chapter:

CHAPTER 172-C

ANTI-SMOKING PROGRAMS

172-C:1 - Anti-Smoking Programs. The commissioner of the department of health and human services shall award grants for anti-smoking programs within the state of New Hampshire. The commissioner may adopt rules under RSA 541-A relative to the application procedure and criteria for such grants and relative to the administration of the fund established in RSA 172-C:2. The grants authorized in this section shall be financed from the anti-smoking programs fund established under RSA 172-C:2.

172-C:2 Fund Established. There is established in the treasury a separate, nonlapsing, and continually appropriated fund to be known as the anti-smoking programs fund. Moneys for the fund shall come from tobacco tax revenues under RSA 78:7-d and from private grants and donations and any federal funds for which the state is qualified. The commissioner of the department of health and human services shall administer the fund.

6 Applicability. Sections 2 and 3 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this act. The tax rate effective June 1, 1997, shall apply to such inventory and the difference, if any, in the amount paid

previously on such inventory and the current effective rate of tax shall be paid with the inventory form. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

7 Effective Date. This act shall take effect July 1, 1997.

AMENDED ANALYSIS

This bill increases the cigarette tax by 20 cents and designates 1/2 of the increase to anti-smoking programs.

Rep. Vaillancourt spoke in favor and yielded to questions.

Rep. Vaughn spoke against.

The Vaillancourt floor amendment failed.

The question now being the adoption of the report.

Rep. Camm requested a roll call; sufficiently seconded.

YEAS 271 NAYS 81
YEAS 271
BELKNAP

Bartlett, Gordon Boriso, Thomas Golden, Paul Holbrook, Robert

Laflam, Robert Lawton, Robert Pilliod, James Salatiello, Thomas

Thomas, John Ziegra, Alice

CARROLL

Bradley, Jeb Chandler, Gene Cooper, Kipp Dickinson, Howard, Jr.

Foster, Robert Howard, Godfrey Kenney, Joseph Lyman, L. Randy

MacDonald, Kenneth Patten, Betsey

CHESHIRE

Bonneau, Sarah Burnham, Daniel Champagne, Richard DePecol, Benjamin

Doucette, Richard Hunt, John Lynch, Margaret Lynott, Margaret

Manning, Joseph McGuirk, Paul Pratt, Irene Pratt, John

Richardson, Barbara Riley, William Robertson, Timothy Russell, Ronald

Smith, Edwin Steere, Myron, III Vogl, John

COOS

Bradley, Paula Coulombe, Henry Coulombe, Yvonne Davis, Perley

Hawkinson, Marie Horton, Lynn Merrill, Gerald Moynihan, Wayne

Pratt, Leighton Tholl, John, Jr.

GRAFTON

Akins, Ralph Almy, Susan Below, Clifton Brown, Channing

Connolly, Steven Copenhaver, Marion Eaton, Stephanie Guaraldi, Lawrence

Guest, Robert Ham, Bonnie LaMott, Paul Lovett, Sidney

Luker, Elsa Nordgren, Sharon Teschner, Douglass Williams, William, Jr.

HILLSBOROUGH

Allen, W. Gordon Alukonis, David Ameen, W. Amidon, Eleanor

Arnold, Thomas, Jr. Barry, William, III Belvin, William Bergin, Peter

Bernier, Shannon Boutin, David Briefs, Geoffrey Buckley, Raymond

Calawa, Leon, Jr. Cardin, Lori Carlson, Donald Clay, Susan

Clemons, Jane Clemons, Kevin, Sr. Cote, David Cote, Peter

Daigle, Robert Dawe, Eileen Dokmo, Cynthia Drabinowicz, A. Theresa

Durham, Susan Dwyer, Paul, Sr. Dyer, Merton Emerton, Lawrence, Sr.

Ferguson, Charles Fields, Dennis Flora, Kathleen Foster, Joseph

Foster, Linda Gage, Ruth Gagnon, Eugene Ginsburg, Ruth

Gosselin, Gerald Haettenschwiller, Alphonse Haley, Robert Hall, Betty

Hansen, Herbert Hart, Nick Holden, Carol Holt, David

Jean, Claudette Johnson, Lionel Kelley, Robert Kelly, Michael

Kurk, Neal LaRose, Richard Lefebvre, Roland Leishman, Peter

Leonard, Peter Lozeau, Donnalee Lynde, Harold MacAuslan, Rita

Marcinkowski, Michael Martin, Mary McCarthy, William McDonald, James, Sr.

Melcher, Harold Mercer, Robert Messier, Irene Mittelman, David

Morello, Michael Murphy, Robert O'Hearn, Jane O'Rourke, Thomas

Perkins, Paul Peterson, Andrew Reidy, Frank Sargent, Maxwell

Thulander, O. Alan Turgeon, Roland Welch, Donald Wheeler, Robert

White, Jay Williams, Carol

MERRIMACK

Adams, Stephen Anderson, Eric Burney, Carol Chandler, Earle

Crosby, Toni Crowell, Peter Daneault, Gabriel DeStefano, Stephen

Dunn, Miriam Feuerstein, Martin Fraser, Marilyn French, Barbara

Gile, Mary Hess, David Hoadley, Elizabeth Jacobson, Alf

Langer, Ray Lavoie, Gerard Leber, William Lockwood, Robert

Marshall, Kenneth Maxfield, Roy Moore, Carol Morrill, Olive

Nichols, Avis Owen, Derek Pfaff, Terence Reardon, Tara

Rogers, Katherine Seldin, Gloria St. Cyr, Gerard Wallner, Mary Jane

Whalley, Michael Whittemore, James Yeaton, Charles

ROCKINGHAM

Abbott, Dennis Arndt, Janet Battles-Peirce, Marjorie Blanchard, MaryAnn

Case, Margaret Christie, Andrew, Jr. Clark, Martha Coes, Betsy

Cooney, Richard Cote, Patricia Cushing, Robert Dearborn, Bruce

Dowd, Sandra Dowling, Patricia Downing, Michael Dube, LeRoy

Flanagan, Natalie Flanders, David Flanders, John, Sr. Francoeur, Sheila

Frechette, Joseph Gibbons, Paul Gleason, John Heath, John

Henderson, Warren Hutchinson, Rebecca Johnson, Robert Katsakiores, Phyllis

Kelley, Jane Kobel, Rudolph Langley, Jane Langone, John

Lovejoy, Marian Malcolm, Kenneth McCarthy, John, Jr. McGovern, Cynthia

Micklon, Stephanie Moore, Benjamin Norelli, Terie Rubin, George

Sabella, Norma Schanda, Frank Smith, Kevin Stone, Joseph

Stritch, C. Donald Syracusa, Anthony Tufts, J. Arthur Vaughn, Charles

Weatherspoon, Jackie Welch, David Woods, Deborah

STRAFFORD

Berube, Roger Bickford, David Brennan, William Callaghan, Frank

DeChane, Marlene Dunlap, Patricia Estabrook, Iris Grassie, Anne

Hemon, Roland Hilliard, Dana Kaen, Naida Keans, Sandra

Knowles, William McCann, William, Jr. Merrill, Amanda Merritt, Deborah

Pelletier, Arthur Pelletier, Marsha Rogers, Rose Marie Rollo, Michael

Smith, Marjorie Snyder, Clair Spear, Barbara Taylor, Kathleen

Torr, Ann Torr, Franklin Tsiros, William Twardus, Joseph

Vachon, Dennis Vincent, Francis

SULLIVAN

Allison, David Burling, Peter Cloutier, John Donovan, Thomas

Ferland, Brenda Flint, Gordon Kibbey, David Leone, Richard

Lindblade, Eric Palmer, Lorraine Schotanus, Merle Wiggins, Celestine

NAYS 81
BELKNAP

Boyce, Robert Clark, Charles Hurt, George Lawton, David

Rice, Thomas, Jr. Turner, Robert Veazey, John

CARROLL

Babson, David, Jr.

CHESHIRE

McNamara, Wanda

COOS

Guay, Lawrence

GRAFTON

Alger, John Cobbin, Philip Hinman, Harry Mirski, Paul

Root, John Trelfa, Richard Weber, Phil

HILLSBOROUGH

Asselin, Robert Batula, Peter Brundige, Robert Burke, M. Virginia

Christiansen, Lars Clegg, Robert, Jr. Daniels, Gary Fenton, James

Golding, William Goulet, Maurice Healy, Daniel Herman, Keith

Holley, Sylvia Hunter, Bruce Jean, Loren Lessard, Rudy

Letendre, Evelyn Luebkert, Bernard MacGillivray, Jeffrey MacIntyre, Doris

McCarty, Winston McGough, Tim McRae, Karen Milligan, Robert

Pepino, Leo Piteri, Dawn Riley, Frances Vaillancourt, Steve

White, Donald Wright, George

MERRIMACK

Brown, Mary Colburn, Thomas Krueger, Patricia Larrabee, David

ROCKINGHAM

Aranda, M. Kathryn Beaulieu, Jon Belanger, Ronald Camm, Kevin

Cegelis, Mark Dodge, Robert Dolan, Richard Dunham, Vivian

Fesh, Robert Griffin, Mary Guthrie, Joseph Katsakiores, George

Klemm, Arthur, Jr. Letourneau, Robert Major, Norman McKinney, Betsy

Mikowlski, Walter Millard, Ralph Morris, Debbie Nowe, Ronald

Noyes, Richard Packard, Sherman Raynowska, Bernard Reardon, Neil

Stickney, Nancy Varrell, Thomas Verani, Giovanni Weyler, Kenneth

STRAFFORD

McKinley, Robert

SULLIVAN

Adler, Rudolf

and the report was adopted.

Ordered to third reading.

Reps. Carney and Meader declared conflicts of interest and did not participate.

Rep. Simmons did not vote and wished to be recorded against.

REVENUE ESTIMATES

REMOVED FROM THE TABLE

Rep. Weyler moved that HR 19, affirming unrestricted revenue estimates for fiscal years 1998 and 1999, be removed from the table.

Adopted.

Amendment (1048h)

Amend the resolution by replacing all after the title with the following:

Whereas, the House Finance Committee has considered what the unrestricted revenue estimates should be for fiscal years 1998 and 1999 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 1998 and 1999 and also takes note of the following revenue figures presented here for fiscal years 1996 and 1997:

Committee estimates are based on current rates.

(A) (B) (C) (D) (E) (F)

FY 1996 ----------FY 1997---------- FY 1998 FY 1999

GENERAL FUNDS: Official Committee Committee Committee

(Dollars in Millions) Actual Estimate Estimate Variance Estimate Estimate

Business Profits Tax 152.683 150.619 177.600 26.981 185.550 200.450

Business Enterprise Tax 24.969 45.300 39.000 (6.300) 34.600 36.100

Meals & Rooms Tax 113.369 124.000 118.000 (6.000) 122.700 129.600

Liquor Sales 65.971 67.500 68.683 1.183 70.700 73.200

Interest & Dividends Tax 51.878 44.350 48.000 3.650 50.250 52.500

Insurance Tax 50.488 57.820 56.500 (1.320) 54.400 56.600

Tobacco Tax 44.537 47.000 52.400 5.400 87.100 88.200

Other 42.467 45.425 40.000 (5.425) 40.000 40.000

Communications Tax 35.519 35.700 37.000 1.300 39.000 41.000

Estate & Legacy Tax 33.270 36.000 41.000 5.000 37.400 37.700

Real Estate Transfer Tax 30.192 34.000 32.500 (1.500) 33.000 33.625

Court Fines & Fees 18.914 19.500 19.000 (0.500) 19.000 19.000

Utility Tax 17.488 19.000 18.000 (1.000) 18.000 18.000

Securities Revenue 15.622 14.000 16.500 2.500 16.800 17.300

Board & Care Revenue 13.628 13.700 14.300 0.600 14.300 15.400

Beer Tax 11.113 11.250 11.100 (0.150) 11.100 11.100

Horse Racing 3.032 3.100 2.800 (0.300) 2.800 2.800

Dog Racing 2.166 2.800 2.000 (0.800) 2.000 2.000

TOTAL STATE SOURCES 727.306 771.064 794.383 23.319 838.700 874.575

(A) (B) (C) (D) (E) (F)

FY 1996 ----------FY 1997---------- FY 1998 FY 1999

GENERAL FUNDS: Official Committee Committee Committee

(Dollars in Millions) Actual Estimate Estimate Variance Estimate Estimate

MEDICAID ENHANCEMENTS:

Board and Care 45.620 47.409 47.409 - 36.000 36.000

Uncompensated Care Pool 79.173 59.500 49.770 (9.730) 49.770 49.770

Total Medicaid Enhancements 124.793 106.909 97.179 (9.730) 85.770 85.770

TOTAL GENERAL FUND 852.099 877.973 891.562 13.589 924.470 960.345

HHS-Third Party Reimbursements - 20.000 20.000 10.000 10.000

HIGHWAY FUNDS:

(Dollars in Millions) _____

Gasoline Road Toll 107.025 104.450 110.000 5.550 113.300 116.700

Motor Vehicle Fees 60.174 57.724 61.800 4.076 63.650 65.500

Miscellaneous 10.709 6.741 11.000 4.259 11.300 11.600

TOTAL HIGHWAY FUNDS 177.908 168.915 182.800 13.885 188.250 193.800

FISH & GAME FUNDS:

(Dollars in Millions) ____

Fish & Game Licenses 5.994 6.374 6.300 (0.074) 6.300 6.300

Miscellaneous 0.775 0.738 0.600 (0.138) 0.600 0.600

TOTAL FISH & GAME FUNDS 6.769 7.112 6.900 (0.212) 6.900 6.900

Rep. Weyler spoke in favor and yielded to questions.

Adopted.

LAID ON THE TABLE

Rep. Burling moved that HR 19, affirming unrestricted revenue estimates for fiscal years 1998 and 1999, be laid on the table.

Adopted.

REGULAR CALENDAR (Cont'd.)

HB 1-A, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1998, and June 30, 1999. OUGHT TO PASS WITH AMENDMENT

Rep. Neal M. Kurk for Finance: This bill is the balanced House spending plan for the State of New Hampshire for fiscal years 1998 and 1999. Vote 19-1.

Amendment

This Amendment was printed in its entirety in House Record No. 46A, April 4, 1997 and is made part of this Journal by reference.

Adopted.

Rep. Donald White requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 279 NAYS 61

YEAS 279

BELKNAP

Bartlett, Gordon Boriso, Thomas Clark, Charles Golden, Paul

Holbrook, Robert Laflam, Robert Lawton, David Lawton, Robert

Pilliod, James Thomas, John Turner, Robert Ziegra, Alice

CARROLL

Babson, David, Jr. Bradley, Jeb Chandler, Gene Cooper, Kipp

Dickinson, Howard, Jr. Foster, Robert Howard, Godfrey Kenney, Joseph

Lyman, L. Randy MacDonald, Kenneth Patten, Betsey

CHESHIRE

Bonneau, Sarah Burnham, Daniel Champagne, Richard DePecol, Benjamin

Doucette, Richard Hunt, John Lynch, Margaret Lynott, Margaret

Manning, Joseph McGuirk, Paul McNamara, Wanda Meader, David

Richardson, Barbara Riley, William Robertson, Timothy Russell, Ronald

Smith, Edwin Steere, Myron, III Vogl, John

COOS

Bradley, Paula Coulombe, Henry Davis, Perley Horton, Lynn

Mears, Edgar Merrill, Gerald Moynihan, Wayne Pratt, Leighton

Tholl, John, Jr.

GRAFTON

Akins, Ralph Almy, Susan Below, Clifton Brown, Channing

Connolly, Steven Copenhaver, Marion Eaton, Stephanie Guaraldi, Lawrence

Guest, Robert Ham, Bonnie LaMott, Paul Lovett, Sidney

Luker, Elsa Nordgren, Sharon Teschner, Douglass Trelfa, Richard

Williams, William, Jr.

HILLSBOROUGH

Allen, W. Gordon Alukonis, David Ameen, W. Amidon, Eleanor

Arnold, Thomas, Jr. Asselin, Robert Barry, William, III Belvin, William

Bergin, Peter Bernier, Shannon Boutin, David Briefs, Geoffrey

Buckley, Raymond Calawa, Leon, Jr. Cardin, Lori Carlson, Donald

Christiansen, Lars Clay, Susan Clemons, Jane Cote, David

Cote, Peter Daigle, Robert Dawe, Eileen Dokmo, Cynthia

Drabinowicz, A. Theresa Durham, Susan Dwyer, Paul, Sr. Dyer, Merton

Emerton, Lawrence, Sr. Fenton, James Ferguson, Charles Fields, Dennis

Foster, Joseph Foster, Linda Gage, Ruth Gagnon, Eugene

Ginsburg, Ruth Golding, William Gosselin, Gerald Goulet, Maurice

Haettenschwiller, Alphonse Haley, Robert Hall, Betty Hansen, Herbert

Hart, Nick Holden, Carol Holley, Sylvia Hunter, Bruce

Jean, Claudette Johnson, Lionel Kelley, Robert Kelly, Michael

Kurk, Neal LaRose, Richard Lefebvre, Roland Leishman, Peter

Leonard, Peter Lozeau, Donnalee Lynde, Harold MacAuslan, Rita

MacIntyre, Doris McCarthy, William McCarty, Winston McDonald, James, Sr.

Melcher, Harold Mercer, Robert Messier, Irene Morello, Michael

Murphy, Robert O'Hearn, Jane O'Rourke, Thomas Perkins, Paul

Peterson, Andrew Piteri, Dawn Reidy, Frank Sargent, Maxwell

Thulander, O. Alan Turgeon, Roland Vaillancourt, Steve Welch, Donald

Wheeler, Robert White, Jay

MERRIMACK

Anderson, Eric Chandler, Earle Crosby, Toni Daneault, Gabriel

Dunn, Miriam Feuerstein, Martin Fraser, Marilyn French, Barbara

Gile, Mary Hess, David Hoadley, Elizabeth Jacobson, Alf

Leber, William Lockwood, Robert Marshall, Kenneth Maxfield, Roy

Moore, Carol Morrill, Olive Nichols, Avis Owen, Derek

Pfaff, Terence Reardon, Tara Rogers, Katherine Seldin, Gloria

St. Cyr, Gerard Wallin, Jean Wallner, Mary Jane Whalley, Michael

Whittemore, James Yeaton, Charles

ROCKINGHAM

Abbott, Dennis Arndt, Janet Belanger, Ronald Blanchard, MaryAnn

Case, Margaret Christie, Andrew, Jr. Clark, Martha Coes, Betsy

Cooney, Richard Cote, Patricia Cushing, Robert Dearborn, Bruce

Dodge, Robert Dolan, Richard Dowd, Sandra Dowling, Patricia

Downing, Michael Dube, LeRoy Felch, Charles, Sr. Flanagan, Natalie

Flanders, David Flanders, John, Sr. Francoeur, Sheila Frechette, Joseph

Gibbons, Paul Gleason, John Griffin, Mary Heath, John

Henderson, Warren Hutchinson, Rebecca Johnson, Robert Katsakiores, George

Katsakiores, Phyllis Kelley, Jane Klemm, Arthur, Jr. Kobel, Rudolph

Langone, John Letourneau, Robert Lovejoy, Marian Major, Norman

Malcolm, Kenneth McCarthy, John, Jr. McGovern, Cynthia McKinney, Betsy

Micklon, Stephanie Millard, Ralph Norelli, Terie Noyes, Richard

O'Keefe, Patricia Raynowska, Bernard Sabella, Norma Schanda, Frank

Stone, Joseph Stritch, C. Donald Syracusa, Anthony Tufts, J. Arthur

Vaughn, Charles Verani, Giovanni Weatherspoon, Jackie Welch, David

Weyler, Kenneth Woods, Deborah

STRAFFORD

Berube, Roger Bickford, David Brennan, William Callaghan, Frank

Dunlap, Patricia Estabrook, Iris Grassie, Anne Hemon, Roland

Hilliard, Dana Kaen, Naida Keans, Sandra Knowles, William

McKinley, Robert Merrill, Amanda Merritt, Deborah Rogers, Rose Marie

Rollo, Michael Smith, Marjorie Snyder, Clair Spear, Barbara

Taylor, Kathleen Torr, Ann Torr, Franklin Tsiros, William

Twardus, Joseph Vincent, Francis

SULLIVAN

Allison, David Burling, Peter Cloutier, John Donovan, Thomas

Ferland, Brenda Flint, Gordon Leone, Richard Lindblade, Eric

Palmer, Lorraine Schotanus, Merle Wiggins, Celestine

NAYS 61
BELKNAP

Boyce, Robert Hurt, George Rice, Thomas, Jr. Veazey, John

CARROLL

None

CHESHIRE

None

COOS

Coulombe, Yvonne Guay, Lawrence

GRAFTON

Alger, John Hinman, Harry Mirski, Paul Root, John

Weber, Phil

HILLSBOROUGH

Batula, Peter Brundige, Robert Burke, M. Virginia Clegg, Robert, Jr.

Daniels, Gary Flora, Kathleen Healy, Daniel Herman, Keith

Holt, David Jean, Loren Lessard, Rudy Letendre, Evelyn

Luebkert, Bernard MacGillivray, Jeffrey Marcinkowski, Michael Martin, Mary

McGough, Tim McRae, Karen Milligan, Robert Mittelman, David

Pepino, Leo White, Donald

MERRIMACK

Adams, Stephen Brown, Mary Colburn, Thomas Crowell, Peter

Krueger, Patricia Langer, Ray Larrabee, David Lavoie, Gerard

ROCKINGHAM

Beaulieu, Jon Camm, Kevin Cegelis, Mark Dunham, Vivian

Fesh, Robert Guthrie, Joseph Langley, Jane Mikowlski, Walter

Morris, Debbie Packard, Sherman Reardon, Neil Rubin, George

Smith, Kevin Stickney, Nancy Varrell, Thomas

STRAFFORD

DeChane, Marlene McCann, William, Jr. Vachon, Dennis

SULLIVAN

Adler, Rudolf Kibbey, David

and the report was adopted.

Ordered to third reading.

Reps. Musler and Salatiello declared conflicts of interest and did not participate.

HB 2-FN-A, relative to state fees, funds, revenues and expenditures. OUGHT TO PASS WITH AMENDMENT

Rep. Neal M. Kurk for Finance: This bill complements HB 1-A, the biennial budget. It makes statutory changes to allow HB 1-A to be executed appropriately. Vote 19-1.

Amendment (1005h)

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

1 Department of Environmental Services; Laboratory Equipment Fund. Notwithstanding the provisions of RSA 131:3-a, the department of environmental services shall lapse $172,062 in fiscal year 1998 and $101,596 in fiscal year 1999 from the laboratory equipment fund to the general fund.

2 Budget Appropriation Request. Amend RSA 4-A:7 to read as follows:

4-A:7 Budget Appropriation Request. The governor shall include in the budget transmitted to the general court, for each fiscal year in which [his] the governor's regular term of office will expire, an appropriation not to exceed [$5,000] $75,000 for carrying out the purpose of this chapter.

3 New Subdivision; Turnpike Renewals and Replacement Funds; Department of Transportation. Amend RSA 237 by inserting after section 49 the following new subdivision:

Turnpike Renewal and Replacement Accounts

237:49-a Turnpike Renewal and Replacement Account Established. There is established the turnpike renewal and replacement account within the department of transportation. At the close of each fiscal year, all surplus renewal and replacement funds shall be transferred to the turnpike renewal and replacement fund.

4 New Section; Animal Population Control Fund Established. Amend RSA 437-A by inserting after section 4 the following new section:

437-A:4-a Fund Established; Solicitation and Acceptance of Funds.

I. There is hereby established the animal population control fund. Any funds received by the commissioner under this chapter, RSA 466:4, I(c), and RSA 466:6, III shall be deposited in the fund and shall be used by the commissioner exclusively for implementation including veterinarian reimbursement, promotion, and other costs associated with the program. Moneys in the fund shall be continually appropriated to the commissioner. Interest earnings credited to the assets of the fund shall become part of the fund. Any balance remaining in the fund at the end of the fiscal year shall be carried forward to the fund for the next fiscal year.

II. The commissioner may solicit and accept funds from any public or private source to be used to carry out the provisions of this chapter. All such funds shall be deposited into the fund established under paragraph I.

5 New Paragraph; Definition Added. Amend RSA 437-A:1 by inserting after paragraph II the following new paragraph:

III. "Fund" means the animal population control fund established in RSA 437-A:4-a.

6 New Paragraph; Rulemaking Added. Amend RSA 437-A:5 by inserting after paragraph II the following new paragraph:

II-a. Administration of the fund established under RSA 437-A:4-a.

7 Animal Population Control Fees. Amend RSA 466:4, I(c) to read as follows:

(c) The clerk shall remit all companion animal population control fees collected to the state treasurer along with the fees sent in accordance with RSA 466:9, provided that such companion animal population control fees shall be deposited into the [general fund] animal population control fund, established in RSA 437-A:4-a.

8 Animal Population Control Fee. Amend RSA 466:6, III to read as follows:

III. The fee shall be $20 for the group license, $2 of which shall be remitted to the town clerk for deposit into the [general] animal population control fund, established in RSA 437-A:4-a, as the companion animal population control fee, and $18 shall be retained by the town or municipality.

9 New Subparagraph; Special Fund. Amend RSA 6:12, I by inserting after subparagraph (ooo) the following new subparagraph:

(ppp) Moneys received under RSA 466:4, I(c), RSA 466:6, III, and RSA 437-A which shall be credited to the animal population control fund, established in RSA 437-A:4-a.

10 Repeal. 1996, 152, relative to the budget for the animal population control program, is repealed.

11 New Hampshire Legal Assistance; Civil Legal Assistance to Low-Income Persons. Amend RSA by inserting after chapter 525 the following new chapter:

CHAPTER 525-A

CIVIL LEGAL ASSISTANCE

525-A:1 Civil Legal Assistance. Funds appropriated to New Hampshire Legal Assistance for the purposes of civil legal assistance shall be used only for the provision of civil legal representation to low-income persons in this state. New Hampshire Legal Assistance shall make reports to the judicial council by June 30 and December 31 of each year on its use of state funds.

12 Developmentally Disabled Waitlist; Funding. Notwithstanding the provisions of 1995, 310:63, PAU 05, 01, 05, 03, 01, class line 93, as inserted by 1997, HB 1-A shall be funded in part from the appropriation made to the department of health and human services in 1995, 310:63, III(b)(2).

13 Route 93 Borrow-a-Lane Project; Appropriation.

I. The department of transportation shall complete the physical improvements to Route 93 in Concord and Bow authorized in 1995, 308:43, including the construction of necessary roadway and signage, to create a temporary southbound lane on Route 93 in Concord and Bow which can be utilized on an as needed basis.

II. The sum of $30,000 is appropriated for the fiscal year ending June 30, 1998, and the sum of $30,000 is appropriated for the fiscal year ending June 30, 1999, to the department of transportation for the purposes of paragraph I of this section. This appropriation shall be a charge against the highway fund.

14 Effective Date. This act shall take effect July 1, 1997.

AMENDED ANALYSIS

This bill:

(1) Lapses money in the department of environmental services laboratory equipment fund to the general fund.

(2) Increases the cap on the governor's budget appropriation request for expenditures surrounding the transfer of power to the governor-elect from $5,000 to $75,000.

(3) Makes turnpike renewals and replacement funds nonlapsing.

(4) Establishes the animal population control fund which shall be funded by the animal population control fees under RSA 466. The fund is continually appropriated to the commissioner of the department of agriculture, markets, and food and shall be used for the purposes of the animal population control program.

(5) Clarifies the use of funds appropriated for civil legal assistance.

(6) States that the developmentally disabled waitlist shall be funded in part from an appropriation made to the department of health and human services from county intergovernmental transfers to the state in 1995, 310:63.

(7) Directs the department of transportation to complete the Route 93 borrow-a-lane project and makes an appropriation to the department for such project.

Adopted.

Rep. Channing Brown offered a floor amendment.

Floor Amendment(1033h)

Amend the bill by inserting after section 13 the following and renumbering the original section 14 to read as 15:

14 Meals and Rooms Tax Commission Decreased. Amend RSA 78-A:7, III to read as follows:

III. To compensate operators for keeping the prescribed records and the proper account and remitting of taxes by them, operators are allowed to retain [3] 2 percent of the taxes due and to be remitted if the return and payment are timely received by the department of revenue administration, as provided in RSA 78-A:8, III.

AMENDED ANALYSIS

This bill:

(1) Lapses money in the department of environmental services laboratory equipment fund to the general fund.

(2) Increases the cap on the governor's budget appropriation request for expenditures surrounding the transfer of power to the governor-elect from $5,000 to $75,000.

(3) Makes turnpike renewals and replacement funds nonlapsing.

(4) Establishes the animal population control fund which shall be funded by the animal population control fees under RSA 466. The fund is continually appropriated to the commissioner of the department of agriculture, markets, and food and shall be used for the purposes of the animal population control program.

(5) Clarifies the use of funds appropriated for civil legal assistance.

(6) States that the developmentally disabled waitlist shall be funded in part from an appropriation made to the department of health and human services from county intergovernmental transfers to the state in 1995, 310:63.

(7) Directs the department of transportation to complete the Route 93 borrow-a-lane project and makes an appropriation to the department for such project.

(8) Decreases the commission which may be retained by operators for the meals and rooms tax from 3 percent to 2 percent.

Rep. Channing Brown spoke in favor and yielded to questions.

Rep. Cooper spoke against and yielded to questions.

Rep. Channing Brown withdrew his floor amendment.

Reps. Cobbin and Mirski offered a floor amendment.

Floor Amendment(1054h)

Amend the bill by replacing all after section 13 with the following:

14 Business Profits Tax. Amend RSA 77-A:2 to read as follows:

77-A:2 Imposition of Tax. A tax is imposed at the rate of [7] 6 percent upon the taxable business profits of every business organization.

15 Effective Date.

I. Section 14 of this act shall take effect July 1, 1997, and shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 1997. In the case of any business enterprise which has elected a 52-53 week taxable period under section 441(f) of the United States Internal Revenue Code and the fiscal year of which ends on the last day of the week nearest to June 30, 1997, the taxable period shall be deemed to have ended on June 30, 1997, for the purposes of section 14 of this act.

II. The remainder of this act shall take effect July 1, 1997.

AMENDED ANALYSIS

This bill:

(1) Lapses money in the department of environmental services laboratory equipment fund to the general fund.

(2) Increases the cap on the governor's budget appropriation request for expenditures surrounding the transfer of power to the governor-elect from $5,000 to $75,000.

(3) Makes turnpike renewals and replacement funds nonlapsing.

(4) Establishes the animal population control fund which shall be funded by the animal population control fees under RSA 466. The fund is continually appropriated to the commissioner of the department of agriculture, markets, and food and shall be used for the purposes of the animal population control program.

(5) Clarifies the use of funds appropriated for civil legal assistance.

(6) States that the developmentally disabled waitlist shall be funded in part from an appropriation made to the department of health and human services from county intergovernmental transfers to the state in 1995, 310:63.

(7) Directs the department of transportation to complete the Route 93 borrow-a-lane project and makes an appropriation to the department for such project.

(8) Decreases the business profits tax from 7 percent to 6 percent.

Reps. Mirski, Alger and Cobbin spoke in favor.

Rep. Kurk spoke against.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being the adoption of the Cobbin/Mirski floor amendment.

YEAS 47 NAYS 273
YEAS 47

BELKNAP

Boyce, Robert

CARROLL

Cooper, Kipp Dickinson, Howard, Jr. Patten, Betsey

CHESHIRE

Steere, Myron, III

COOS

Merrill, Gerald

GRAFTON

Akins, Ralph Alger, John Cobbin, Philip Connolly, Steven

Guaraldi, Lawrence Mirski, Paul Root, John Weber, Phil

HILLSBOROUGH

Batula, Peter Briefs, Geoffrey Buckley, Raymond Clegg, Robert, Jr.

Jean, Loren Lessard, Rudy Letendre, Evelyn Luebkert, Bernard

Marcinkowski, Michael McGough, Tim McRae, Karen Mittelman, David

White, Donald

MERRIMACK

Adams, Stephen Brown, Mary Colburn, Thomas Crowell, Peter

Krueger, Patricia Larrabee, David Lavoie, Gerard

ROCKINGHAM

Camm, Kevin Dunham, Vivian Mikowlski, Walter Millard, Ralph

Morris, Debbie Raynowska, Bernard Reardon, Neil Rubin, George

Smith, Kevin Varrell, Thomas Verani, Giovanni

STRAFFORD

Bickford, David

SULLIVAN

Kibbey, David

NAYS 273
BELKNAP

Bartlett, Gordon Boriso, Thomas Clark, Charles Golden, Paul

Holbrook, Robert Hurt, George Laflam, Robert Lawton, David

Lawton, Robert Pilliod, James Rice, Thomas, Jr. Salatiello, Thomas

Thomas, John Turner, Robert Veazey, John Ziegra, Alice

CARROLL

Bradley, Jeb Chandler, Gene Foster, Robert Howard, Godfrey

Kenney, Joseph Lyman, L. Randy MacDonald, Kenneth

CHESHIRE

Bonneau, Sarah Burnham, Daniel Champagne, Richard DePecol, Benjamin

Doucette, Richard Hunt, John Lynch, Margaret Lynott, Margaret

Manning, Joseph McGuirk, Paul McNamara, Wanda Meader, David

Richardson, Barbara Riley, William Robertson, Timothy Russell, Ronald

Smith, Edwin Vogl, John

COOS

Bradley, Paula Coulombe, Henry Coulombe, Yvonne Davis, Perley

Guay, Lawrence Horton, Lynn Mears, Edgar Moynihan, Wayne

Pratt, Leighton Tholl, John, Jr.

GRAFTON

Almy, Susan Below, Clifton Brown, Channing Copenhaver, Marion

Eaton, Stephanie Hinman, Harry LaMott, Paul Lovett, Sidney

Luker, Elsa Nordgren, Sharon Teschner, Douglass Trelfa, Richard

Williams, William, Jr.

HILLSBOROUGH

Allen, W. Gordon Alukonis, David Ameen, W. Amidon, Eleanor

Arnold, Thomas, Jr. Asselin, Robert Barry, William, III Belvin, William

Bergin, Peter Bernier, Shannon Boutin, David Brundige, Robert

Burke, M. Virginia Calawa, Leon, Jr. Cardin, Lori Carlson, Donald

Christiansen, Lars Clay, Susan Cote, Peter Daigle, Robert

Daniels, Gary Dawe, Eileen Dokmo, Cynthia Drabinowicz, A. Theresa

Durham, Susan Dwyer, Paul, Sr. Dyer, Merton Emerton, Lawrence, Sr.

Fenton, James Ferguson, Charles Fields, Dennis Foster, Linda

Gage, Ruth Gagnon, Eugene Ginsburg, Ruth Golding, William

Gosselin, Gerald Goulet, Maurice Hall, Betty Hansen, Herbert

Hart, Nick Healy, Daniel Herman, Keith Holden, Carol

Holley, Sylvia Holt, David Hunter, Bruce Jean, Claudette

Johnson, Lionel Kelley, Robert Kelly, Michael Kurk, Neal

Lefebvre, Roland Leishman, Peter Leonard, Peter Lozeau, Donnalee

Lynde, Harold MacAuslan, Rita MacGillivray, Jeffrey MacIntyre, Doris

Martin, Mary McCarthy, William McCarty, Winston McDonald, James, Sr.

Melcher, Harold Mercer, Robert Messier, Irene Milligan, Robert

Morello, Michael Murphy, Robert O'Hearn, Jane O'Rourke, Thomas

Pepino, Leo Perkins, Paul Peterson, Andrew Piteri, Dawn

Reidy, Frank Sargent, Maxwell Thulander, O. Alan Turgeon, Roland

Vaillancourt, Steve Welch, Donald Wheeler, Robert

MERRIMACK

Anderson, Eric Chandler, Earle Crosby, Toni Daneault, Gabriel

Dunn, Miriam Feuerstein, Martin Fraser, Marilyn French, Barbara

Gile, Mary Hess, David Hoadley, Elizabeth Jacobson, Alf

Langer, Ray Leber, William Lockwood, Robert Marshall, Kenneth

Maxfield, Roy Moore, Carol Morrill, Olive Nichols, Avis

Pfaff, Terence Reardon, Tara Rogers, Katherine Seldin, Gloria

St. Cyr, Gerard Wallin, Jean Wallner, Mary Jane Whalley, Michael

Whittemore, James Yeaton, Charles

ROCKINGHAM

Abbott, Dennis Aranda, M. Kathryn Arndt, Janet Beaulieu, Jon

Belanger, Ronald Blanchard, MaryAnn Case, Margaret Cegelis, Mark

Christie, Andrew, Jr. Clark, Martha Coes, Betsy Cooney, Richard

Cote, Patricia Cushing, Robert Dearborn, Bruce Dodge, Robert

Dolan, Richard Dowd, Sandra Dowling, Patricia Downing, Michael

Dube, LeRoy Felch, Charles, Sr. Fesh, Robert Flanagan, Natalie

Flanders, David Flanders, John, Sr. Francoeur, Sheila Frechette, Joseph

Gibbons, Paul Gleason, John Griffin, Mary Guthrie, Joseph

Heath, John Henderson, Warren Hutchinson, Rebecca Johnson, Robert

Katsakiores, Phyllis Kelley, Jane Klemm, Arthur, Jr. Kobel, Rudolph

Langley, Jane Langone, John Letourneau, Robert Lovejoy, Marian

Major, Norman Malcolm, Kenneth McCarthy, John, Jr. McGovern, Cynthia

McKinney, Betsy Micklon, Stephanie Norelli, Terie Noyes, Richard

Packard, Sherman Sabella, Norma Schanda, Frank Stone, Joseph

Stritch, C. Donald Syracusa, Anthony Vaughn, Charles Weatherspoon, Jackie

Welch, David Weyler, Kenneth Woods, Deborah

STRAFFORD

Brennan, William DeChane, Marlene Dunlap, Patricia Estabrook, Iris

Grassie, Anne Hemon, Roland Hilliard, Dana Kaen, Naida

Keans, Sandra Knowles, William McKinley, Robert Merrill, Amanda

Merritt, Deborah Rogers, Rose Marie Rollo, Michael Smith, Marjorie

Snyder, Clair Spear, Barbara Taylor, Kathleen Torr, Ann

Torr, Franklin Tsiros, William Twardus, Joseph Vachon, Dennis

SULLIVAN

Burling, Peter Cloutier, John Donovan, Thomas Ferland, Brenda

Flint, Gordon Leone, Richard Lindblade, Eric Palmer, Lorraine

Wiggins, Celestine

and the floor amendment failed.

Rep. Simmons did not vote and wished to be recorded against.

Report adopted and ordered to third reading.

HB 609-FN-L, enacting the Uniform Interstate Family Support Act (UIFSA) and relative to child support. OUGHT TO PASS WITH AMENDMENT

Rep. Deborah L. Woods for Judiciary and Family Law: The purpose of this bill is to enact the Uniform Interstate Family Support Act (UIFSA) and to improve procedures and processes related to the establishment of paternity and the establishment and enforcement of child support obligations as an integral part of achieving welfare reform by increasing child support collections, therefore increasing the income available to households with children, and enabling families to become self sufficient and leave public assistance. Primarily a federal mandate, this bill caused great concern for members of the committee, including the sponsors who sit on the committee. Issues concerning protection of confidential information of individuals as well as how the bill would affect the Department of Employment Security; the banking industry; and people who were caught up in the system who should not be. The committee had re-committed because it only had 6 days between the public hearing on 2/27/97 and the due date to report it out 3/5/97. Over the past four weeks the committee had the opportunity to go over the bill line by line. Protections for privacy were added. Concerns of the banks and Department of Employment Security were addressed. At the same time, it was important that this bill comply with the federal law to avoid the loss of millions of dollars in revenue for child care; for employers; for temporary assistance to needy families. The majority of the committee believes that it has crafted the best bill it can, and that it is an important and necessary bill. If ought to pass with amendment is successful, the committee will continue to follow this bill closely to ensure its concerns are known and to perhaps find further ways to make it better. Vote 17-3.

Amendment (0999h)

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

1 Purpose. The purpose of this act is to enact the Uniform Interstate Family Support Act (UIFSA) and to improve procedures and processes related to the establishment of paternity and the establishment and enforcement of child support obligations as an integral part of achieving welfare reform by increasing child support collections, thereby increasing the income available to households with children, and enabling families to become self sufficient and

leave public assistance. There shall be in effect safeguards, applicable to all confidential information handled by the department, that are designed to protect the privacy rights of the parties against unauthorized use or disclosure of information relating to proceedings or actions to establish paternity, or to establish or enforce support.

2 Affidavits of Paternity; Procedure. RSA 126:6-a, II-a is repealed and reenacted to read as follows:

II-a. When an affidavit of paternity is executed in a hospital or birthing center, or before a midwife, the following procedure shall apply:

(a) A hospital, birthing center, or midwife shall provide to an unmarried mother of a live child born in a hospital, birthing center, or other location, an affidavit of paternity that can be completed by the child's mother and father to acknowledge paternity of a child, which affidavit shall be notarized by the hospital or birthing center staff if the birth occurs in a hospital or birthing center. Before a mother and a putative father can sign an affidavit of paternity, they shall be given oral and written notice of the legal consequences of signing the affidavit, including the resulting rights and responsibilities and the alternatives to acknowledging paternity by affidavit. If one parent is a minor, notice shall include any rights afforded by minority status.

(b) When a mother and father sign an affidavit of paternity, a hospital, birthing center, or midwife shall:

(1) Complete the affidavit of paternity and forward the record to the bureau of vital records and health statistics; and

(2) File a copy of the affidavit of paternity with the department of health and human services, office of child support enforcement services, at the address indicated on the affidavit of paternity.

(c) For each affidavit of paternity signed and filed in accordance with this paragraph, the department of health and human services shall reimburse the hospital, birthing center, or midwife in an amount authorized by federal law.

(d) The department of health and human services shall develop and distribute to a hospital, birthing center, or midwife free of charge the affidavit of paternity forms, information on the purpose and completion of the form, information on the rights and responsibilities of the parents, and assistance and training to staff assigned responsibility for providing the information.

3 New Paragraphs; Procedures for Affidavits of Paternity. Amend RSA 126:6-a by inserting after paragraph II-a the following new paragraphs:

II-b. When an affidavit of paternity is executed and filed with the clerk of the town where the birth occurs, the following procedures shall apply:

(a) In those instances where an affidavit of paternity is completed by the parents of the child and filed directly with the clerk of the town where the birth occurs, the clerk of the town shall forward a copy of the affidavit of paternity to the department of health and human services, office of child support, enforcement services at the address indicated on the affidavit of paternity and shall forward the electronic record to the bureau of vital records and health statistics. Before a mother and a putative father may sign an affidavit of paternity, they shall be given oral and written notice of the legal consequences of signing the affidavit, including the resulting rights and responsibilities and the alternatives to acknowledging paternity by affidavit. If one parent is a minor, notice shall include any rights afforded by minority status.

(b) The department of health and human services shall develop and distribute to a clerk of the town free of charge the affidavit of paternity forms, information on the purpose and completion of the form, information on the rights and responsibilities of the parents, and assistance and training to staff assigned responsibility for providing the information.

II-c. The bureau of vital records and health statistics shall link an electronic record of an affidavit of paternity with the original birth record of the child.

II-d. An affidavit of paternity signed pursuant to this section shall be considered a legal finding of paternity, subject to the right of any signatory to rescind the acknowledgment within the earlier of:

(1) Sixty days; or

(2) The date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order, in which the signatory is a party.

II-e. Written notice of rescission shall be sent to the clerk of the town in which the birth occurred, with a copy to the office of child support enforcement services at the address indicated on the affidavit, no later than 60 days after the affidavit is signed. After expiration of the rescission period, the signed affidavit of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger, and under which the legal responsibilities (including child support obligations) of any signatory arising from the acknowledgment shall not be suspended during the challenge, except for good cause shown.

II-f. When an affidavit of paternity has been properly completed and the certificate of birth has been filed accordingly, and the acknowledgment has not been rescinded pursuant to this section, any further modification of the birth certificate regarding the paternity of the child shall require an order from a court of competent jurisdiction.

4 New Paragraph; Rulemaking Authority of Commissioner. Amend RSA 126:6-a by inserting after paragraph V the following new paragraph:

VI. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to implementing the commissioner's duties under this section.

5 New Paragraph; Disclosure of Information From Vital Records. Amend RSA 126:14 by inserting after paragraph VI the following new paragraph:

VII. Disclosure of voluntary acknowledgments and adjudication of paternity by judicial or administrative processes shall be released for the purposes of the state case registry pursuant to RSA 161-B:7.

6 Repository for Information; State Case Registry. RSA 161-B:7, I is repealed and reenacted to read as follows:

I. The department is authorized and directed to establish a central unit to serve as a repository of information, to answer inquiries concerning absent parents and other persons legally responsible for support, to coordinate and supervise departmental activities in relation to such persons, and to establish a state case registry which shall contain records with respect to each case in which services are being provided by the department, and in each case in which any support order is established or modified in the state on or after October 1, 1998. The records in the state case registry shall:

(a) Contain standardized data for both parents such as names, social security numbers, and other uniform identification numbers, and with respect to those in which a support order has been established and in which the department is providing services, shall also contain the following:

(1) The amount of weekly (or other periodic) support ordered, and other amounts, including arrearages, interest or late payment penalties, and fees due or overdue under the order.

(2) Any amount described in subparagraph (a)(1) that has been collected.

(3) The distribution of such collected amounts.

(4) The birth date of any child for whom the order requires the provision of support.

(5) The amount of any lien imposed with respect to the order pursuant to RSA 161-C:10 or 458:17, VII-a.

(b) With respect to those cases in which the department is providing services, be promptly established, maintained, and regularly updated on the basis of:

(1) Information on administrative actions and administrative and judicial proceedings and orders relating to paternity and support.

(2) Information obtained from federal, state, or local sources of information.

(3) Information on support collections and distributions.

7 Statutory References Revised. Amend RSA 161-B:7, III to read as follows:

III. Any records established or information collected pursuant to the provisions of this chapter shall be made available only to the commissioner and the attorney general and their authorized designees, attorneys employed by the office of child support, attorneys responsible for the administration of RSA [546] 546-B, the client or the client's authorized representative, and courts or agencies in other states engaged in the enforcement of support of minor children as authorized by federal law or the rules of the department. Such records and information shall be available and used only for purposes directly connected with establishment, enforcement, or modification of child support and the administration of this chapter. The records and information made available to the client or the client's authorized representative shall not include information provided to the department that is prohibited from release by federal law, state statute, state case law, or by contract or agreement between the department and another entity if such contract or agreement prohibits release of such information.

8 Revocation and Denial of Licenses. Amend RSA 161-B:11, I to read as follows:

I. The department shall be authorized to certify that an obligor is not in compliance with a legal order of support, or that any party has failed, after receiving notice, to comply with subpoenas or orders relating to paternity or child support proceedings, to any licensing board for the purpose of suspending, revoking, or denying the issuance or renewal of any appropriate license or licenses held by the obligor or party.

9 New Paragraph; Recording Social Security Numbers. Amend RSA 161-B:11 by inserting after paragraph VI the following new paragraph:

VI-a. The social security number of any applicant for a professional license, commercial driver's license, occupational license, or marriage license shall be recorded on the application, provided that if the use of a number other than the social security number is allowed, the applicant shall be so advised. Any application required by this section to contain a social security number shall be confidential and not subject to the right to know law. The use of such number shall be limited to proceedings or actions to establish paternity or to establish or enforce support and shall only be provided to or entered in any out-of-state or federal data base for those cases for which the department is providing services.

10 New Paragraph; "Account" Defined. Amend RSA 161-C:2 by inserting after paragraph I the following new paragraph:

I-a. "Account" means a demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account, money market mutual fund account, or brokerage account.

11 New Paragraph; "Financial Institution" Defined. Amend RSA 161-C:2 by inserting after paragraph VI-a the following new paragraph:

VI-b. "Financial institution" means:

(a) A depository institution, as defined in section 3(c) of the Federal Deposit Insurance Act at 12 U.S.C. 1813(c).

(b) An institution-affiliated party, as defined in section 3(u) of such act at 12 U.S.C. 1813(u).

(c) Any federal credit union or state credit union, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752), including an institution-affiliated party of such a credit union, as defined in section 206(r) of such act at 12 U.S.C. 1786(r).

(d) Any benefit association, insurance company, safe deposit company, money market mutual fund, brokerage firm, federal or state-chartered fiduciary bank, or similar entity.

12 Access to Information Contained in Certain Records. RSA 161-C:3-a, I-III are repealed and reenacted to read as follows:

I. Notwithstanding the provisions of RSA 359-C or any other law to the contrary, the commissioner is hereby authorized to request, on an individually-named basis, and receive, on the same basis, from any bank, trust company, savings and loan association, credit union, or other financial institution doing business in this state information with respect to the transactions with any institution and the assets of any delinquent obligor or individual against whom the department is seeking to establish or enforce an obligation of support. The institution shall furnish the information within 15 days of the department's request. After such time, an institution which fails to comply with these provisions shall be liable for an administrative fine of $50 per day.

II. The commissioner is hereby authorized to request and receive from any former or current employer, including for-profit, nonprofit, and governmental employers, information necessary to the establishment or enforcement of child support orders, including, but not limited to, the dates of employment, number of hours worked, rate of pay, date of birth, available health insurance, current address, payroll deductions, and social security number of any delinquent obligor or individual against whom the department is seeking to establish or enforce an obligation of support. The institution shall furnish the information within 15 days of the department's request. After such time, an employer who fails to comply with these provisions shall be liable for an administrative fine of $50 per day.

III. The department and any financial institution or employer who discloses financial or employment records under this section shall not be subject to civil liability or criminal prosecution which is based upon its disclosure under this section, or for any other action taken in good faith to comply with the requirements of this section. A financial institution shall not be liable under federal or state law to any person for encumbering or surrendering any assets held by such financial institution in response to a notice of lien or levy issued by the department.

13 Statutory Reference Revised. Amend RSA 161-C:3-a, IV to read as follows:

IV. Any records established or information collected pursuant to the provisions of this chapter shall be made available only to the commissioner and the attorney general and their authorized designees, attorneys employed by the office of child support, attorneys responsible for the administration of RSA [546] 546-B, the client or the client's authorized representative and courts or agencies in other states engaged in the enforcement of support of minor children as authorized by the rules of the department. Such records and information shall be available and used only for purposes directly connected with establishment, enforcement or modification of child support and the administration of this chapter. The records and information made available to the client or the client's authorized representative shall not include information provided to the department that is prohibited from release by federal law, state statute, state case law, or by contract or agreement between the department and another entity if such contract or agreement prohibits release of such information.

14 New Paragraphs; Access to Information. Amend RSA 161-C:3-a by inserting after paragraph V the following new paragraphs:

VI. The department is authorized to obtain access to certain records held by public utilities and cable television companies with respect to individuals who owe or are owed support, or against or with respect to whom a support obligation is sought, consisting of the names and addresses of such individuals and the names and addresses of the employers of such individuals, pursuant to an administrative subpoena issued by the commissioner.

VII. The department is authorized to enter into agreements with financial institutions doing business in the state:

(a) To develop and operate, in coordination with such financial institutions, a data match system, using automated data exchanges to the maximum extent feasible, in which each financial institution is required to provide for each calendar quarter the name, record address, social security number or other taxpayer identification number, and other identifying information for each obligor who maintains an account at the financial institution and who owes past-due support, as identified by the state by name and social security number or other taxpayer identification number.

(b) In response to a notice of lien or levy, to encumber or surrender, as the case may be, assets held by such institution on behalf of any obligor who is subject to a child support lien pursuant to RSA 161-C.

VIII. The department shall pay a reasonable fee to a financial institution for conducting the data match provided for in paragraph VII(a), not to exceed actual costs incurred by such financial institution.

15 Subpoenas. RSA 161-C:3-c is repealed and reenacted to read as follows:

161-C:3-c Power to Subpoena Financial and Other Records. Pursuant to the department's responsibilities, the commissioner shall have the power to subpoena any financial or other information needed to establish, modify, or enforce a support order.

16 New Section; Penalty for Failure to Comply. Amend RSA 161-C by inserting after section 3-c the following new section:

161-C:3-d Penalty for Failure to Comply With Subpoena. Any person who owes or is owed a duty of support who knowingly fails to comply with a subpoena issued pursuant to RSA 161-C:3-c:

I. May be subject to license revocation under RSA 161-B:11; and

II. Shall be guilty of a misdemeanor.

17 Assertion of Lien; Accrual of Support. RSA 161-C:10, I is repealed and reenacted to read as follows:

I. Twenty-one days after service of notice of debt under RSA 161-C:7, or service of the decision under RSA 161-C:9, the amount stated in the notice of debt or in the decision shall be a lien against all property of the responsible parent and shall incorporate any unpaid child support which may accrue in the future. This lien shall be separate and apart from and in addition to any other lien created by or provided for in this chapter.

18 New Sections; Denial of Passports; Hiring Reports. Amend RSA 161-C by inserting after section 26-a the following new sections:

161-C:26-b Denial of Passports.

I. The department is authorized to certify to the United States Secretary of Health and Human Services, pursuant to section 652(k) of the Social Security Act, that an obligor owes child support arrearages in an amount exceeding $5,000 and is out of compliance with a legal order of support.

II. The obligor shall be given prior notice of the determination and of the consequences and an opportunity to contest the determination.

161-C:26-c Hiring Reports. The department shall be authorized to receive from the state directory of new hires maintained by the department of employment security pursuant to RSA 282-A:117-a, I, reports made by an employing unit of the hire, rehire, or contracting of services of any named individual whom the department seeks to locate for purposes of establishing paternity and establishing, modifying, and enforcing child support obligations.

19 Standing of Putative Fathers. RSA 168-A:2, I is repealed and reenacted to read as follows:

I. Paternity shall be established upon the filing of:

(a) A petition to the superior court by the mother, putative father, child, or public authority chargeable by law with the support of the child and the granting of such petition by the court; or

(b) An affidavit of paternity with the clerk of the town where the birth of the child occurred pursuant to RSA 126:6-a, I(b) or II. The affidavit of paternity shall have the legal effect of establishing paternity without requiring further action pursuant to this chapter, unless rescinded pursuant to RSA 126:6-a, II-d.

20 New Paragraphs; Paternity Records; Admissibility of Certain Expenses. Amend RSA 168-A:2 by inserting after paragraph IV the following new paragraphs:

V. Upon determining paternity, the court shall provide a copy of the order to the bureau of vital records and health statistics, except that the office of child support enforcement services shall provide the copy to the bureau of vital records and health statistics in cases initiated by the department.

VI. Copies of bills for pregnancy, childbirth, and genetic paternity testing shall be admissible as evidence without requiring third-party foundation testimony, and shall constitute prima facie evidence of costs incurred for such services or for genetic paternity testing.

21 Remedies. RSA 168-A:4, I is repealed and reenacted to read as follows:

I. The superior court has jurisdiction of a proceeding under this chapter and all remedies for the enforcement of judgments for expenses of pregnancy and confinement for a mother or for education or necessary support of children apply including, but not limited to, the provisions of RSA 161-B, 161-C, and 458.

22 Remedies. RSA 168-A:4, III is repealed and reenacted to read as follows:

III. Upon the prayer of the petitioner the court shall schedule an immediate hearing, as in the cases of prayers for temporary relief in divorce and legal separation proceedings, on the issue of whether, and how much, the alleged father of the child in question shall be required to post in advance as security for the payment of maternity and other expenses for which he may ultimately be held liable under this chapter. The court has continuing jurisdiction to modify or revoke a judgment for future education and necessary support. All remedies under the Uniform Interstate Family Support Act and all remedies included but not limited to the provisions contained in RSA 161-B, 161-C and 458 are available for enforcement of duties of support under this chapter.

23 No Right to Jury Trial. RSA 168-A:5 is repealed and reenacted to read as follows:

168-A:5 Time of Trial; No Right To Jury Trial.

I. If the issue of paternity is raised in a proceeding commenced during the pregnancy of the mother, the trial shall not, without the consent of the alleged father, be held until after the birth or miscarriage but during such delay testimony may be perpetuated according to the laws of this state.

II. No right to a jury trial exists in a proceeding to establish paternity.

24 Statutory Reference Revised. Amend RSA 170-A:2 to read as follows:

170-A:2 Financial Responsibility. Financial responsibility for any child placed pursuant to the provisions of the Interstate Compact on the Placement of Children shall be determined in accordance with the provisions of Article V [thereof] of the compact in the first instance. However, in the event of partial or complete default of performance [thereunder] under the compact, the provisions of RSA [546, as amended by 1959, 271:1 and] RSA 546-A [as inserted by 1955, 206:1] and RSA 546-B shall apply.

25 Statutory Reference Revised. Amend the introductory paragraph of RSA 173-B:11-a, II to read as follows:

II. The superior court, in any action determining the obligation of the obligor to support the obligee or the parties' minor children, including but not limited to actions for divorce, pursuant to RSA 458; custody, pursuant to RSA 458; paternity, pursuant to RSA 168-A; child support, pursuant to RSA 161-B, RSA 161-C and RSA 458; reimbursement of public assistance, pursuant to RSA 161-C; and the uniform [reciprocal enforcement of] interstate family support act, pursuant to RSA [546] 546-B; shall take judicial notice of any support obligation established pursuant to RSA 173-B:4, I(b)(4), upon the filing of a certified copy of the district court order in the superior court by:

26 New Section; Reports to Department of Employment Security; Newly Hired, Rehired, or Contracted Service Employees. Amend RSA 282-A by inserting after section 117 the following new section:

282-A:117-a Employment Reports to Department of Employment Security; State Directory of New Hires.

I. The commissioner shall, pursuant to an agreement with the department of health and human services which shall include payment of costs of administration, maintain a state directory of new hires. Any employing unit shall report to the department for entry into the directory:

(a) The hiring of an individual who earns wages or any other form of compensation in this state;

(b) The rehiring of such individual who was permanently laid off or otherwise terminated from employment; and

(c) The contracting for services, other than casual labor, in this state with an individual, in accordance with the rules adopted by the commissioner, when reimbursement for such services is anticipated to exceed $2,500.

II. An employing unit with employees in 2 or more states, which transmits reports magnetically or electronically, may comply with this section by designating one of the states as the state to which the reports will be transmitted. Such an employing unit shall notify the United States Secretary of the Department of Health and Human Services in writing as to which state is so designated.

III. An employing unit required to report under paragraph I shall mail or transmit a copy of the individual's W-4 form to the department or send all information required in paragraph V in a format acceptable to the department by electronic or magnetic tape or by any other means mutually agreed upon.

IV. The employing unit shall submit to the department a report of an individual's hire, rehire, or contract for services within 20 days of such action or, in the case of magnetic or electronic reports, by 2 monthly transmissions not less than 12 days nor more than 16 days apart. The report shall contain:

(a) The individual's complete name, address, and social security number.

(b) The employing unit's name, address, and federal and state identification number.

V.(a) Information reported under paragraphs III and IV shall be entered by the department in the state directory of new hires within 5 business days of receipt.

(b) The department shall report to the National Directory of New Hires only those named individuals for whom the department of health and human services is providing services.

VI. The department and the department of health and human services shall conduct automated comparisons of the social security numbers reported by employing units pursuant to paragraphs III and IV and the social security numbers appearing in the records of the state case registry of child support cases pursuant to RSA 161-B:7, I. When such comparison reveals a match with respect to the social security number of an individual required to provide support under a support order, the department shall provide the department of health and human services with the name, address, and social security number of the individual to whom the social security number is assigned, and the employing unit's name, address, and federal and state identification number.

VII. Within 3 business days after the date the information is entered into the directory, the department shall furnish the information to the national directory of new hires.

VIII. The department of health and human services shall be authorized to use the information transmitted to it by the department of employment security, to establish paternity and establish, modify, and enforce child support obligations against a named individual and may disclose such information about such named individual to any agency under contract with the department of health and human services to carry out such purposes.

IX. The department of employment security shall furnish to the national directory of new hires quarterly extracts of the reports required under 42 U.S.C. 503 (a) (6) to be made to the United States Secretary of Labor concerning the wages and unemployment compensation paid to individuals, by such dates, in such format, and containing such information as the United States Secretary of Health and Human Services shall specify in regulations.

X. State agencies responsible for administering any program specified in 42 U.S.C. 1320b-7(b) shall have access to information reported by employers pursuant to this section pertaining to named individuals for purposes of verifying eligibility for the program.

XI. The department of employment security and state agencies operating workers' compensation programs shall have access to information reported by employers pursuant to this section for the purposes of administering such programs.

XII. Any individual earning wages in this state, hired or rehired by an employing unit, or entering into a contract for services with an employing unit, shall be deemed to consent to the release to, and the disclosure by, the department of the information consistent with the provisions of this section.

XIII. This section does not apply to an employee of a federal or state agency performing intelligence or counterintelligence functions, if the head of such agency has determined that reporting pursuant to this section with respect to the employee could endanger the employee's safety or compromise an ongoing investigation or intelligence mission.

XIV. The commissioner and the commissioner of health and human services may adopt such rules as may be necessary for the efficient administration of this section pursuant to RSA 541-A.

27 New Paragraph; Support and Custody of Children. Amend RSA 458:17 by inserting after paragraph VII the following new paragraph:

VII-a. Liens shall arise by operation of law against real and personal property for child support arrearages owed by an obligor who resides or owns property in the state and shall incorporate any unpaid child support which may accrue in the future. Full faith and credit shall be given to such liens arising in another state when the state agency, a

party, or other entity authorized to enforce an order of support and seeking to perfect the lien complies with the procedural rules relating to recording or serving liens. Notwithstanding any law to the contrary, such rules may not require judicial notice prior to perfecting the lien.

28 Department of Health and Human Services as Responsible Agency. RSA 458-B:3, III is repealed and reenacted to as follows:

III. Collection and disbursement of all support orders initially issued in the state on or after January 1, 1994, which are not being enforced by the department, shall be enforced through the state disbursement unit where the obligor is subject to income withholding pursuant to 458-B, whether or not the obligee has applied for IV-D services. In such cases, the department's role is limited to monitoring, collecting, and disbursing moneys under this section.

29 Reference to Wages Changed to Income. Amend the introductory paragraph of RSA 458-B:5, I to read as follows:

I. When support is payable through the department if[wages are] income is not subject to immediate assignment under this chapter, including cases subject to a finding of good cause or to a written agreement, before notice of the [wage] income assignment may be given to an employer by the department, the obligor shall be given at least 15 days' prior notice of the commencement of [wage] income withholding procedures under this chapter. The notice to the obligor shall include:

30 Reference to Wages Changed to Income. Amend RSA 458-B:5, II to read as follows:

II. For orders issued or modified on or after October 1, 1985, when support is not payable through the department and [wages are] income is not subject to immediate assignment under this chapter, including cases subject to a finding of good cause or to a written agreement, before an individual or a legal representative seeks to establish [a wage] an income assignment payable directly to an obligee, notice must be given to the obligor at least 15 days prior to commencement of [wage] income assignment procedures under this chapter. The notice to the obligor shall include the notice provisions under subparagraphs (a), (b), and (c) of paragraph I and a notice of the period within which the obligor must give written notice to the obligee in order to contest the assignment.

31 Genetic Tests to Determine Paternity. RSA 522:1 is repealed and reenacted to read as follows:

522:1 Authority for Test.

I. In a civil action in which paternity is a contested and relevant issue, the mother, child and putative father shall submit to blood, tissue typing and/or genetic marker tests which may include, but are not limited to, tests of red cell antigens, serum proteins and deoxyribonucleic acid (DNA) analysis. The genetic samples collected shall be subject to safeguarding and confidentiality procedures and used exclusively for purposes of paternity testing. Testing shall be ordered as follows:

(a) The court may order genetic paternity testing upon the motion of any party or upon its own initiative. If the court determines that a motion for testing is made for the purpose of delay, the court may deny the motion. The court may order payment of costs related to testing. If any party refuses to submit to such tests, the court may resolve the question of paternity against such party.

(b) The department of health and human services (the department) may order genetic paternity testing upon agreement of the parties or upon the request of any party, if the request is supported by a sworn statement alleging paternity and setting forth facts which reasonably establish the requisite sexual contact; or denying paternity and setting forth facts which reasonably establish a lack of the requisite sexual contact. The state shall pay the costs related to such testing, subject to recoupment from the father if paternity is established.

II. For genetic paternity testing pursuant to RSA 522:1, I(b) the following administrative procedures apply:

(a) The department shall serve the parties with notice and order for genetic paternity testing. Unless the order is contested by any party, the order is effective as to the party served, upon the expiration of 11 days after service. Service of the notice and order shall be by certified mail or other method as provided by law and shall include:

(1) The names and dates of birth of the individuals to be tested pursuant to the order;

(2) A statement explaining the rights and responsibilities associated with paternity establishment;

(3) A copy of the order including an appointment with the date, time and place for collecting the genetic samples;

(4) A statement of the administrative and judicial procedures available to contest the order.

(b) Any party may request a supervisory review of the order. The request must be in writing and received by the department within 10 days of the date that the party received service of the notice and order. Issues that may be considered on review are limited to mistake of fact. Within 10 days of the review, the person conducting the review shall issue a written decision and forward it to the parties.

(c) Within 10 days of the written decision pursuant to the supervisory review, any party may request an administrative hearing. The hearing shall be conducted by a hearings officer according to the rules for fair hearings adopted by the commissioner pursuant to RSA 541-A. Issues that may be considered at the administrative hearing are limited to mistake of fact. Within 10 days of the administrative hearing, the person conducting the hearing shall issue a written decision and forward it to the parties.

(d) Within 10 days of the written decision of the hearings officer, any party may appeal to the superior court. Such appeal shall be restricted to a review of the record. Upon review the court may request the submission of additional evidence and order a hearing.

(e) Nothing in this section shall preclude any party from filing a petition to determine paternity directly with the court and seeking a judicial determination.

32 New Chapter; Uniform Interstate Family Support Act (UIFSA). Amend RSA by inserting after chapter 546-A the following new chapter:

CHAPTER 546-B

UNIFORM INTERSTATE FAMILY SUPPORT ACT

Article 1

General Provisions

546-B:1 Definitions. In this chapter:

I. "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent or another obligee.

II. "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state.

III. "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

IV. "Home state" means the state in which a child lived with a parent or a person acting as parent for at least 6 consecutive months immediately preceding the time of the filing of a petition or comparable pleading for support and, if a child is less than 6 months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the 6-month or other period.

V. "Income" includes earnings or other periodic entitlements to money from any source and/or any other property subject to withholding for support under the law of this state.

VI. "Income-withholding order" means an order or other legal process or a notice pursuant to RSA 458-B:6 directed to an obligor's employer, as defined by RSA 458-B:1, V, to withhold support from the income of the obligor.

VII. "Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this chapter or a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

VIII. "Initiating tribunal" means the authorized tribunal in an initiating state.

IX. "Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage.

X. "Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining parentage.

XI. "Law" includes decisional and statutory law and rules and regulations having the force of law.

XII. "Obligee" means:

(a) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered;

(b) A state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee; or

(c) An individual seeking a judgment determining parentage of the individual's child.

XIII. "Obligor" means an individual, or the estate of a decedent:

(a) Who owes or is alleged to owe a duty of support;

(b) Who is alleged but has not been adjudicated to be a parent of a child; or

(c) Who is liable under a support order.

XIV. "Register" means to file a support order or judgment determining parentage in the office of the clerk of the appropriate superior court or other authorized tribunal.

XV. "Registering tribunal" means a tribunal in which a support order is registered.

XVI. "Responding state" means a state in which a proceeding is filed or to which a proceeding is forwarded under this chapter or a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

XVII. "Responding tribunal" means the authorized tribunal in a responding state.

XVIII. "Spousal support order" means a support order for a spouse or former spouse of the obligor.

XIX. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes:

(a) An Indian tribe; and

(b) A foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

XX. "Support enforcement agency" means a public official or agency authorized to seek:

(a) Enforcement of support orders or laws relating to the duty of support;

(b) Establishment or modification of child support;

(c) Determination of parentage; and

(d) To locate obligors or their assets.

XXI. "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief.

XXII. "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

XXIII. "Tribunal of this state" means the superior court, the department of health and human services, or a combination.

546-B:2 Remedies Cumulative. Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law.

Article 2

Jurisdiction

Part A. Extended Personal Jurisdiction

546-B:3 Bases for Jurisdiction Over Nonresident. In a proceeding to establish, enforce, or modify a support order or to determine parentage, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

I. The individual is personally served with notice within this state.

II. The individual submits to the jurisdiction of this state by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction.

III. The individual resided with the child in this state.

IV. The individual resided in this state and provided prenatal expenses or support for the child.

V. The child resides in this state as a result of the acts or directives of the individual.

VI. The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse.

VII. The individual asserted parentage in the putative father registry maintained in this state by the department of health and human services.

VIII. There is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.

546-B:4 Procedure When Exercising Jurisdiction Over Nonresident. A tribunal of this state exercising personal jurisdiction over a nonresident under RSA 546-B:3 may apply RSA 546-B:27 relative to special rules of evidence and procedure, to receive evidence from another state, and RSA 546-B:29, relative to assistance with discovery, to obtain discovery through a tribunal of another state. In all other respects, Articles 3 through 7, RSA 546-B:12 - 53, do not apply, and the tribunal shall apply the procedural and substantive law of this state, including the rules on choice of law other than those established by this chapter.

Part B. Proceedings Involving 2 or More States

546-B:5 Initiating and Responding Tribunal of This State. Under this chapter, a tribunal of this state may serve as an initiating tribunal to forward proceedings to another state and as a responding tribunal for proceedings initiated in another state.

546-B:6 Simultaneous Proceedings in Another State.

I. A tribunal of this state may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a petition or comparable pleading is filed in another state only if:

(a) The petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state;

(b) The contesting party timely challenges the exercise of jurisdiction in the other state; and

(c) If relevant, this state is the home state of the child.

II. A tribunal of this state may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state if:

(a) The petition or comparable pleading in the other state is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state;

(b) The contesting party timely challenges the exercise of jurisdiction in this state; and

(c) If relevant, the other state is the home state of the child.

546-B:7 Continuing, Exclusive Jurisdiction.

I. A tribunal of this state issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a child support order:

(a) As long as this state remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

(b) Until each individual party has filed written consent with the tribunal of this state for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

II. A tribunal of this state issuing a child support order consistent with the law of this state may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to this chapter or a law substantially similar to this chapter.

III. If a child support order of this state is modified by a tribunal of another state pursuant to a law substantially similar to this chapter, a tribunal of this state loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this state, and may only:

(a) Enforce the order that was modified as to amounts accruing before the modification;

(b) Enforce nonmodifiable aspects of that order; and

(c) Provide other appropriate relief for violations of that order which occurred before the effective date of the modification.

IV. A tribunal of this state shall recognize the continuing, exclusive jurisdiction of a tribunal of another state which has issued a child support order pursuant to this chapter or a law substantially similar to this chapter.

V. A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

VI. A tribunal of this state issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this state may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.

546-B:8 Enforcement and Modification of Support Order by Tribunal Having Continuing Jurisdiction.

I. A tribunal of this state may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that state.

II. A tribunal of this state having continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply RSA 546-B:27, relative to special rules of evidence and procedure, to receive evidence from another state and RSA 546-B:29, assistance with discovery, to obtain discovery through a tribunal of another state.

III. A tribunal of this state which lacks continuing, exclusive jurisdiction over a spousal support order may not serve as a responding tribunal to modify a spousal support order of another state.

Part C. Reconciliation of Multiple Orders

546-B:9 Recognition of Controlling Child Support Order.

I. If a proceeding is brought under this chapter, and only one tribunal has issued a child support order, the order of that tribunal controls and must be so recognized.

II. If a proceeding is brought under this chapter, and 2 or more child support orders have been issued by tribunals of this state or another state with regard to the same obligor and child, a tribunal of this state shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

(a) If only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal controls and must be so recognized;

(b) If more than one of the tribunals would have continuing, exclusive jurisdiction under this chapter, an order issued by a tribunal in the current home state of the child controls and must be so recognized, but if an order has not been issued in the current home state of the child, the order most recently issued controls and must be so recognized; or

(c) If none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of this state having jurisdiction over the parties shall issue a child support order, which controls and must be so recognized.

III. If two or more child support orders have been issued for the same obligor and child and if the obligor or the individual obligee resides in this state, a party may request a tribunal of this state to determine which order controls and must be so recognized under paragraph II. The request must be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

IV. The tribunal that issued the controlling order recognized under paragraph I, II, or III is the tribunal that has continuing, exclusive jurisdiction under RSA 546-B:7.

V. A tribunal of this state which determines by order the identity of the controlling order under subparagraph II(a) or (b), or which issue a new controlling order under subparagraph II(c) shall include in that order the basis upon which the tribunal made its determination.

VI. Within 30 days after issuance of the order determining the identity of the controlling order, the party obtaining the order shall file a certified copy of it with each tribunal that issued or registered an earlier order of child support. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

546-B:10 Multiple Child Support Orders for 2 or More Obligees. In responding to multiple registrations or petitions for enforcement of 2 or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state, a tribunal of this state shall enforce those orders in the same manner as if the multiple orders had been issued by a tribunal of this state.

546-B:11 Credit for Payments. Amounts collected and credited for a particular period pursuant to a support order issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of this state.

Article 3

Civil Provisions of General Application

546-B:12 Proceedings Under This Chapter.

I. Except as otherwise provided in this chapter, this article applies to all proceedings under this chapter.

II. This chapter provides for the following proceedings:

(a) Establishment of an order for spousal support or child support pursuant to Article 4, RSA 546-B:31;

(b) Enforcement of a support order and income-withholding order of another state without registration pursuant to Article 5, RSA 546-B:32-33;

(c) Registration of an order for spousal support or child support of another state for enforcement pursuant to Article 6, RSA 546-B:39-45;

(d) Modification of an order for child support or spousal support issued by a tribunal of this state pursuant to Article 2, Part B, RSA 546-B:5-8;

(e) Registration of an order for child support of another state for modification pursuant to Article 6, RSA 546-B:39-45;

(f) Determination of parentage pursuant to Article 7, RSA 546-B:53; and

(g) Assertion of jurisdiction over nonresidents pursuant to Article 2, Part A, RSA 546-B:3-4.

III. An individual petitioner or a support enforcement agency may commence a proceeding authorized under this chapter by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state which has or can obtain personal jurisdiction over the respondent.

546-B:13 Action by Minor Parent. A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

546-B:14 Application of Law of This State. Except as otherwise provided by this chapter, a responding tribunal of this state:

I. Shall apply the procedural and substantive law, including the rules on choice of law, generally applicable to similar proceedings originating in this state and may exercise all powers and provide all remedies available in those proceedings; and

II. Shall determine the duty of support and the amount payable in accordance with the law and support guidelines of this state.

546-B:15 Duties of Initiating Tribunal.

I. Upon the filing of a petition authorized by this chapter, an initiating tribunal of this state shall forward 3 copies of the petition and its accompanying documents:

(a) To the responding tribunal or appropriate support enforcement agency in the responding state; or

(b) If the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

II. If a responding state has not enacted this chapter or a law or procedure substantially similar to this chapter, a tribunal of this state may issue a certificate or other documents and make findings required by the law of the responding state. If the responding state is a foreign jurisdiction, the tribunal may specify the amount of support sought and provide other documents necessary to satisfy the requirements of the responding state.

546-B:16 Duties and Powers of Responding Tribunal.

I. When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to RSA 546-B:12, III, it shall cause the petition or pleading to be filed and notify the petitioner where and when it was filed.

II. A responding tribunal of this state, to the extent otherwise authorized by law, may do one or more of the following:

(a) Issue or enforce a support order, modify a child support order, or render a judgment to determine parentage;

(b) Order an obligor to comply with a support order, specifying the amount and the manner of compliance;

(c) Order income withholding;

(d) Determine the amount of any arrearages, and specify a method of payment;

(e) Enforce orders by civil or criminal contempt, or both;

(f) Set aside property for satisfaction of the support order;

(g) Place liens and order execution on the obligor's property;

(h) Order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment, and telephone number at the place of employment;

(i) Issue a capias for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the capias in any local and state computer systems for criminal warrants;

(j) Order the obligor to seek appropriate employment by specified methods;

(k) Award reasonable attorney's fees and other fees and costs; or

(l) Grant any other available remedy.

III. A responding tribunal of this state shall include in a support order issued under this chapter, or in the documents accompanying the order, the calculations on which the support order is based.

IV. A responding tribunal of this state may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation.

V. If a responding tribunal of this state issues an order under this chapter, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.

546-B:17 Inappropriate Tribunal. If a petition or comparable pleading is received by an inappropriate tribunal of this state, it shall forward the pleading and accompanying documents to an appropriate tribunal in this state or another state and notify the petitioner where and when the pleading was sent.

546-B:18 Duties of Support Enforcement Agency.

I. A support enforcement agency of this state shall, upon request, provide services to a petitioner in a proceeding under this chapter insofar as is consistent with its responsibilities under Title IV-D of the Social Security Act, as amended.

II. A support enforcement agency that is providing services to the petitioner as appropriate shall:

(a) Take all steps necessary to enable an appropriate tribunal in this state or another state to obtain jurisdiction over the respondent;

(b) Request an appropriate tribunal to set a date, time, and place for a hearing;

(c) Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(d) Within 10 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner;

(e) Within 10 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and

(f) Notify the petitioner if jurisdiction over the respondent cannot be obtained.

III. This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

546-B:19 Duty of Attorney General. If the attorney general determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the attorney general may order the agency to perform its duties under this chapter or may provide those services directly to the individual.

546-B:20 Private Counsel. An individual may employ private counsel to represent the individual in proceedings authorized by this chapter.

546-B:21 Duties of State Information Agency.

I. The state central registry is the state information agency under this chapter.

II. The state information agency shall:

(a) Compile and maintain a current list, including addresses, of the tribunals in this state which have jurisdiction under this chapter and any support enforcement agencies in this state and transmit a copy to the state information agency of every other state;

(b) Maintain a register of tribunals and support enforcement agencies of other states;

(c) Forward to the appropriate tribunal in the place in this state in which the individual obligee or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this chapter received from an initiating tribunal or the state information agency of the initiating state; and

(d) Obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

546-B:22 Pleadings and Accompanying Documents.

I. A petitioner seeking to establish or modify a support order or to determine parentage in a proceeding under this chapter shall verify the petition. Unless otherwise ordered under RSA 546-B:23, relative to nondisclosure of information in exceptional circumstances, the petition or accompanying documents shall provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee, and the name, sex, residential address, social security number, and date of birth of each child for whom support is sought. The petition shall be accompanied by a certified copy of any support order in effect. The petition may include any other information that may assist in locating or identifying the respondent.

II. The petition shall specify the relief sought. The petition and accompanying documents shall conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

546-B:23 Nondisclosure of Information in Exceptional Circumstances. Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this chapter.

546-B:24 Costs and Fees.

I. The petitioner may not be required to pay a filing fee or other costs.

II. If an obligee prevails, a responding tribunal may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs and expenses.

III. The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under Article 6, RSA 546-B:39-52, relative to enforcement and modification of support order after registration, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

546-B:25 Limited Immunity of Petitioner.

I. Participation by a petitioner in a proceeding before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

II. A petitioner is not amenable to service of civil process while physically present in this state to participate in a proceeding under this chapter.

III. The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this chapter committed by a party while present in this state to participate in the proceeding.

546-B:26 Nonparentage as Defense. A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this chapter.

546-B:27 Special Rules of Evidence and Procedure.

I. The physical presence of the petitioner in a responding tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.

II. A verified petition, affidavit, and/or other document substantially complying with federally mandated forms, and a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, is admissible in evidence if given under oath by a party or witness residing in another state.

III. A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

IV. Copies of bills for testing for parentage, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 10 days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

V. Documentary evidence transmitted from another state to a tribunal of this state by telephone, telecopier, or other means that do not provide an original writing may not be excluded from evidence on an objection based on the means of transmission.

VI. In a proceeding under this chapter, a tribunal of this state may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. A tribunal of this state shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

VII. If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

VIII. A privilege against disclosure of communications between spouses does not apply in a proceeding under this chapter.

IX. The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter.

546-B:28 Communications Between Tribunals. A tribunal of this state may communicate with a tribunal of another state in writing, or by telephone or other means, to obtain information concerning the laws of that state, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding in the other state. A tribunal of this state may furnish similar information by similar means to a tribunal of another state.

546-B:29 Assistance With Discovery. A tribunal of this state may:

I. Request a tribunal of another state to assist in obtaining discovery.

II. Upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another state.

546-B:30 Receipt and Disbursement of Payments. A support enforcement agency or other tribunal of this state shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.

Article 4

Establishment of Support Order

546-B:31 Petition to Establish Support Order.

I. If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this state may issue a support order if:

(a) The individual seeking the order resides in another state; or

(b) The support enforcement agency seeking the order is located in another state.

II. The tribunal may issue a temporary child support order if:

(a) The respondent has signed a verified statement acknowledging parentage;

(b) The respondent has been determined by or pursuant to law to be the parent; or

(c) There is other clear and convincing evidence that the respondent is the child's parent.

III. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to RSA 546-B:16, relative to duties and powers of responding tribunal.

Article 5

Enforcement of Order of

Another State Without Registration

546-B:32 Employer's Receipt of Income-Withholding Order of Another State. An income-withholding order issued in another state may be sent to the person or entity defined as the obligor's employer, under RSA 458-B, without first filing a petition or comparable pleading or registering the order with a tribunal of this state.

546-B:33 Employer's Compliance with Income-Withholding Order of Another State.

I. Upon receipt of an income-withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.

II. The employer shall treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this state.

III. Except as otherwise provided by paragraph IV and RSA 546-B:34, the employer shall withhold and distribute the funds as directed in the withholding order by complying with the terms of the order which specify:

(a) The duration and the amount of periodic payments of current child support, stated as a sum certain;

(b) The person or agency designated to receive payments and the address to which the payments are to be forwarded;

(c) Medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;

(d) The amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and

(e) The amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

IV. The employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

(a) The employer's fee for processing an income-withholding order;

(b) The maximum amount permitted to be withheld from the obligor's income;

(c) The time periods within which the employer must implement the withholding order and forward the child support payment.

546-B:34 Compliance with Multiple Income-Withholding Orders. If the obligor's employer receives multiple income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the multiple orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for multiple child support obligees.

546-B:35 Immunity from Civil Liability. An employer who complies with an income-withholding order issued in another state in accordance with this article is not subject to civil liability to an individual or agency with regard to the employer's withholding child support from the obligor's income.

546-B:36 Penalties for Noncompliance. An employer who willfully fails to comply with an income-withholding order issued by another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

546-B:37 Contest by Obligor.

I. An obligor may contest the validity of enforcement of an income-withholding order issued in another state and received directly by an employer in this state in the same manner as if the order had been issued by a tribunal of this state. RSA 546-B:42, relative to choice of law applies to the contest.

II. The obligor shall give notice of the contest to:

(a) A support enforcement agency providing services to the obligee;

(b) Each employer which has directly received an income-withholding order; and

(c) The person or agency designated to receive payments in the income-withholding order; or if no person or agency is designated, to the obligee.

546-B:38 Administrative Enforcement of Orders.

I. A party seeking to enforce a support order or an income-withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to a support enforcement agency of this state.

II. Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this state to enforce a support order or an income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this chapter.

Article 6

Enforcement and Modification of

Support Order After Registration

Part A. Registration and Enforcement of Support Order

546-B:39 Registration of Order for Enforcement. A support order or an income-withholding order issued by a tribunal of another state may be registered in this state for enforcement.

546-B:40 Procedure to Register Order for Enforcement.

I. A support order or income-withholding order of another state may be registered in this state by sending the following documents and information to the appropriate tribunal in this state:

(a) A letter of transmittal to the tribunal requesting registration and enforcement;

(b) Two copies, including one certified copy, of all orders to be registered, including any modification of an order;

(c) A sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage;

(d) The name of the obligor and, if known:

(1) The obligor's address and social security number;

(2) The name and address of the obligor's employer and any other source of income of the obligor; and

(3) A description and the location of property of the obligor in this state not exempt from execution; and

(e) The name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.

II. On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form.

III. A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this state may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

546-B:41 Effect of Registration for Enforcement.

I. A support order or income-withholding order issued in another state is registered when the order is filed in the registering tribunal of this state.

II. A registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.

III. Except as otherwise provided in this article, a tribunal of this state shall recognize and enforce, but may not modify, a registered order if the issuing tribunal had jurisdiction.

546-B:42 Choice of Law.

I. The law of the issuing state governs the nature, extent, amount, and duration of current payments and other obligations of support and the payment of arrearages under the order.

II. In a proceeding for arrearages, the statute of limitation under the laws of this state or of the issuing state, whichever is longer, applies.

Part B. Contest of Validity or Enforcement

546-B:43 Notice of Registration of Order.

I. When a support order or income-withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

II. The notice must inform the nonregistering party:

(a) That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state;

(b) That a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after the date of mailing or personal service of the notice;

(c) That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages, and precludes further contest of that order with respect to any matter that could have been asserted; and

(d) Of the amount of any alleged arrearages.

III. Upon registration of an income-withholding order for enforcement, the registering tribunal or, if applicable, the support enforcement agency, shall notify the obligor's employer pursuant to RSA 458-B.

546-B:44 Procedure to Contest Validity or Enforcement of Registered Order.

I. A nonregistering party seeking to contest the validity or enforcement of a registered order in this state shall request a hearing within 20 days after the date of mailing or personal service of notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to RSA 546-B:45, relative to contest of registration or enforcement.

II. If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.

III. If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.

546-B:45 Contest of Registration or Enforcement.

I. A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

(a) The issuing tribunal lacked personal jurisdiction over the contesting party;

(b) The order was obtained by fraud;

(c) The order has been vacated, suspended, or modified by a later order;

(d) The issuing tribunal has stayed the order pending appeal;

(e) There is a defense under the law of this state to the remedy sought;

(f) Full or partial payment has been made; or

(g) The statute of limitation under RSA 546-B:42, relative to choice of law, precludes enforcement of some or all of the arrearages.

II. If a party presents evidence establishing a full or partial defense under paragraph I, a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under the law of this state.

III. If the contesting party does not establish a defense under paragraph I to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the order.

546-B:46 Confirmed Order. Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

Part C. Registration and Modification

of Child Support Order

546-B:47 Procedure to Register Child Support Order of Another State for Modification. A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this state in the same manner provided in Part A of this article, RSA 546-B:39-42, if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

546-B:48 Effect of Registration for Modification. A tribunal of this state may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this state, but the registered order may be modified only if the requirements of RSA 546-B:49, relative to modification of child support order of another state, have been met.

546-B:49 Modification of Child Support Order of Another State.

I. After a child support order issued in another state has been registered in this state, the responding tribunal of this state may modify that order only if, after notice and hearing, it finds that:

(a) The following requirements are met:

(1) The child, the individual obligee, and the obligor do not reside in the issuing state;

(2) A petitioner who is a nonresident of this state seeks modification; and

(3) The respondent is subject to the personal jurisdiction of the tribunal of this state; or

(b) The child, or a party who is an individual, is subject to the personal jurisdiction of the tribunal, and all of the individual parties have filed a written consent in the issuing tribunal providing that a tribunal of this state may modify the support order and assume continuing, exclusive jurisdiction over the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures under this chapter, the consent otherwise required of an individual residing in this state is not required for the tribunal to assume jurisdiction to modify the child support order.

II. Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this state and the order may be enforced and satisfied in the same manner.

III. A tribunal of this state may not modify any aspect of a child support order that may not be modified under the law of the issuing state. If two or more tribunals have issued child support orders for the same obligor and child, the order that controls and must be so recognized under RSA 546-B:9 establishes the aspects of the support order which are nonmodifiable.

IV. On issuance of an order modifying a child support order issued in another state, a tribunal of this state becomes the tribunal of continuing, exclusive jurisdiction.

546-B:50 Recognition of Order Modified in Another State. A tribunal of this state shall recognize a modification of its earlier child support order by a tribunal of another state which assumed jurisdiction pursuant to a law substantially similar to this chapter and, upon request, except as otherwise provided in this chapter, shall:

I. Enforce the order that was modified only as to amounts accruing before the modification.

II. Enforce only nonmodifiable aspects of that order.

III. Provide other appropriate relief only for violations of that order which occurred before the effective date of the modification.

IV. Recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

546-B:51 Jurisdiction to Modify Child Support Order of Another State When Individual Parties Reside in This State.

I. If all of the parties who are individuals reside in this state and the child does not reside in the issuing state, a tribunal of this state has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order.

II. A tribunal of this state exercising jurisdiction under this section shall apply the provisions of Articles 1 and 2, this article, and the procedural and substantive law of this state to the proceeding for enforcement or modification. Articles 3, 4, 5, 7 and 8 do not apply.

546-B:52 Notice to Issuing Tribunal of Modification. Within 30 days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction.

Article 7

Determination of Parentage

546-B:53 Proceeding to Determine Parentage.

I. A tribunal of this state may serve as an initiating or responding tribunal in a proceeding brought under this chapter or a law substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.

II. In a proceeding to determine parentage, a responding tribunal of this state shall apply the procedural and substantive law of this state, and the rules of this state on choice of law.

Article 8

Interstate Rendition

546-B:54 Grounds for Rendition.

I. For purposes of this article, "governor" includes an individual performing the functions of governor or the executive authority of a state covered by this chapter.

II. The governor of this state may:

(a) Demand that the governor of another state surrender an individual found in the other state who is charged criminally in this state with having failed to provide for the support of an obligee; or

(b) On the demand by the governor of another state, surrender an individual found in this state who is charged criminally in the other state with having failed to provide for the support of an obligee.

III. A provision for extradition of individuals not inconsistent with this chapter applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled from the demanding state.

546-B:55 Conditions of Rendition.

I. Before making demand that the governor of another state surrender an individual charged criminally in this state with having failed to provide for the support of an obligee, the governor of this state may require a prosecutor of this state to demonstrate that at least 60 days previously, the obligee had initiated proceedings for support pursuant to this chapter or that the proceeding would be of no avail.

II. If, under this chapter or a law substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act, the governor of another state makes a demand that the governor of this state surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

III. If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and the individual whose rendition is demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order.

Article 9

Miscellaneous Provisions

546-B:56 Uniformity of Application and Construction. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

546-B:57 Rulemaking Authority. The commissioner of the department of health and human services may adopt rules, pursuant to RSA 541-A, which are deemed necessary for the efficient administration of the duties with which the department is charged under Title IV-D of the Social Security Act, as amended, to provide interstate child support services, provided that such rules shall not be inconsistent with the provisions of this chapter.

546-B:58 Short Title. This chapter may be cited as the Uniform Interstate Family Support Act.

546-B:59 Severability Clause. If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

546-B:60 Savings Clause. This chapter replaces former RSA 546, except that former RSA 546 shall be taken and treated as remaining in full force and effect for the purpose of sustaining any pending action or proceeding. Any judgment for support obtained under former RSA 546, or otherwise, shall be subject to enforcement under this chapter.

33 Reference Changes. Amend the following RSA provisions by replacing "wage" "a wage" or "wages" with "income" or "an income": the chapter heading of RSA 458-B; 458-B:1, V; 458-B:1, IX; the section heading of RSA 458-B:2; 458-B:2, I; 458-B:2, III and IV; 458-B:3, II; 458-B:3, VII; 458-B:4, III; 458-B:5, III; 458-B:6, VI; 458-B:6, XI; 458-B:7, II; 458-B:8; 458-B:9; the section heading of 458-B:10.

34 Repeal. The following are repealed:

I. RSA 161-B:5-a, relative to the formula for distribution of child support.

II. RSA 458-B:3, V, relative to an obligee receiving direct payment from obligor's employer.

III. RSA 546, relative to the Uniform Reciprocal Enforcement of Support Act.

35 Effective Date.

I. Section 26 and paragraph I of section 34 of this act shall take effect October 1, 1997.

II. Section 32 and paragraph III of section 34 of this act shall take effect January 1, 1998.

III. Sections 6 and 28 of this act shall take effect October 1, 1998.

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

Adopted.

Report adopted and ordered to third reading.

HB 638-FN, requiring random on-site inspection and testing of certain sludge and biosolid samples. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill allows for random on-site inspection and testing of sludge or biosolid samples to be used for any land application. The amendment, which is a compromise between the Committee on Environment and Agriculture, Department of Environmental Services, and the sludge certification holders, sets up a pilot program for one year for the testing with the sludge certification holders paying a $500.00 fee for certification to pay for the testing. The Committee on Finance agreed with this compromise. Vote 19-1.

Amendment (0969h)

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

AN ACT establishing a pilot program for the random on-site inspection and testing of certain sludge and biosolid samples.

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

1 Pilot Program; Random Testing of Sludge or Biosolids. The commissioner of the department of environmental services shall implement a program of random on-site testing and inspection of sludge or biosolid samples to be used for any land application by any person obtaining a permit under RSA 485-A:4, XVI-a, provided that inspection shall not be required before the issuance of a permit. The procedures for random inspection and testing of sludge or biosolid samples on a site shall include an inspection for any setback or area requirements of a site for land application and may include testing for such pollutants as heavy metals, toxins, dioxins, and polychlorinated biphenyl, as determined in rules adopted by the commissioner pursuant to RSA 541-A. The department shall develop a database of inspection results and shall monitor adherence to state and federal requirements for the spreading of sludge or biosolids.

2 Funding of Program; Fee Established. The program of random inspection and testing of sludge or biosolids established in section 1 of this act shall be funded by a fee of $500 assessed to all sludge quality certification holders as defined in rules adopted by the commissioner. Such fee shall be payable to the department no later than January 1, 1998 by all certification holders as of the effective date of this act and any person certified by the commissioner prior to December 31, 1997. Any person granted sludge quality certification on or after January 1, 1998 shall be assessed the $500 fee upon receipt of certification by the department.

3 Termination of Pilot Program. The pilot program and fee established by this act shall terminate on June 30, 1998, unless otherwise authorized by the legislature.

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

AMENDED ANALYSIS

This bill requires the commissioner of the department of environmental services to implement a pilot program of random on-site inspection of sludge or biosolid samples before any land application by persons obtaining a permit for land application of sludge or biosolids. This bill also provides for a $500 fee assessed to sludge quality certification holders to be used for purposes of the program.

Rep. Kibbey spoke against.

Rep. Leishman spoke in favor.

Adopted.

Report adopted and ordered to third reading.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 338, repealing certain requirements relative to the duty to deliver a copy of process to prisoners.. (Amendment printed SJ 10, 3/27/97)

Rep. David Welch moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Christie, Hansen, Lyman and Yvonne Coulombe.

HB 392, changing references to the "BOCA Basic Building Code" to "BOCA National Building Cote". (Amendment printed SJ 10, 3/27/97)

Rep. David Welch moved that the House concur.

Adopted.

HB 251, reclassifying a portion of North Main Street in the town of Farmington and a portion of Passaconaway Road in the town of Albany. (Amendment printed SJ 11, 4/3/97)

Rep. Gene Chandler moved that the House concur.

Adopted.

RESOLUTION

Rep. Wheeler offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 23, 1997 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 744-FN, relative to administrative fines for violations of safety regulations regarding water pollution and waste disposal, authorizing the attorney general to enjoin any youth camp, public swimming pool, or spa operating without approval, and relative to the legal status of local river management advisory committees.

HB 53-FN-A, relative to electronic data submission under the meals and rooms tax.

HB 602-FN-A, repealing the franchise tax on electrical utilities and replacing it with a tax on electricity consumption.

HB 731-FN-A-L, relative to the taxation of sand, gravel, loam, and other similar substances.

HB 810-FN-A, appropriating certain funds from the highway surplus account to the department of transportation.

HB 25-A, making appropriations for capital improvements and establishing a committee to study federal buildings and patients needs relative to the veterans' home.

HB 50-FN-A-L, increasing aid for kindergarten programs, and establishing a program for the construction of public kindergarten facilities and making an appropriation therefor.

HB 564-FN-A, increasing the cigarette tax.

HB 1-A, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1998, and June 30, 1999.

HB 2-FN-A, relative to state fees, funds, revenues, and expenditures.

HB 609-FN-L, enacting the Uniform Interstate Family Support Act (UIFSA), and relative to child support.

HB 638-FN, requiring random on-site inspection and testing of certain sludge and biosolid samples.

PERSONAL PRIVILEGE

Reps. Ferguson and Burling addressed the House.

UNANIMOUS CONSENT

Rep. Morello addressed the House.

RECESS MOTION

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

Adopted.

The House recessed at 5:25 p.m.

RECESS

(Rep. Steere in the Chair)

SENATE MESSAGE

CONCURRENCE

HB 277, relative to the option to process absentee ballots before closing of polls.

HB 297, relative to the cutting of vegetation by utilities on private property.

HB 324, relative to the qualifications of bank examiners.

HB 344-L, relative to planning board procedures on plats.

HB 351-L, limiting the total of tax deferrals for the elderly and disabled on a particular property to a percentage of its equity value.

HB 380-L, relative to the sale of town-owned property.

HB 769-FN, relative to unemployment compensation.

CACR 22, relating to changing the minimum age requirement for state senator from 30 to 25. Providing that persons at least 25 years of age shall be eligible to be elected to the state senate.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 120, 123, 150, 219, 222, 309, 321, 331 and 678.

Rep. Nowe, Sen. Barnes for the Committee

RECESS