

HOUSE RECORD

First Year of the 155th Session of the General Court

Calendar and Journal of the 1997 Session

Vol. 19 Concord N.H. Wednesday, April 23, 1997 No. 54

HOUSE JOURNAL No. 16(cont.)

Thursday, April 10, 1997
(Rep. Gene Chandler in the Chair)
ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 158, 163, 217, 227, 228, 313, 324, 341, 349, 523 and 585 and Senate Bill numbered 24.

Rep. Nowe, Sen. Barnes for the Committee

RECESS
(Rep. Henderson in the Chair)
RESOLUTION

Rep. Lozeau offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 113 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL First, second reading and referral

SB 113, establishing a committee to study health care issues elated to individuals who are underinsured or without insurance. (Commerce)

RECESS
(Rep. Beaulieu in the Chair)
ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 105, 114, 194, 325 and CACR 22 and Senate Bill numbered 133.

Rep. Pfaff, Sen. Barnes for the Committee

RECESS

Rep. Lozeau moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 17

Wednesday, April 23, 1997

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Hays Junkin from St. Andrews Episcopal Church in Hopkinton.

O God, who art the source of all wisdom and all right judgment, be present with this assembly as it considers the various pieces of legislation that will be brought to the floor today. Keep the minds and hearts of these legislators fixed on what is best for each and every citizen of our beloved state. May they be influenced as much by those who have no voice in these hallowed halls as they are by those who can afford articulate lobbyists and media presentations. May they have the foresight to know that what they accomplish today will have a lasting impact on the future of our life together for years to come. Today, we especially remember with great thanksgiving and gratitude, Beverly Gage, who served in this chamber with dignity, diligence and skill for twenty-three years. May Your welcoming arms embrace Beverly and all who mourn her passing, and may we all join her one day in Your heavenly assembly where we will be known not for our party affiliation but for the generosity of our hearts. In the name of compassion, honesty and love, we pray. Amen.

Rep. Leighton Pratt led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Belvin, Blanchard, Copenhaver, Doucette, Felch, Feng, Franks, Hawkinson, Cecelia Kane, Murch, O'Connell, Irene Pratt, Sullivan and Paul Taylor, the day, illness.

Reps. Allen, Battles-Pierce, Boriso, Burke, Crowell, Flint, Ruth Gage, Ginsburg, Hansen, Lynott, James McDonald, Millard, Musler, Norelli, O'Keefe, Owen, Pantelakos, Arthur Pelletier, Marsha Pelletier, Peterson, Tara Reardon, Katherine Rogers, Royce and Salatiello, the day, important business.

Reps. Kathleen Colburn and Rosen, the day, illness in the family.

COMMITTEE ASSIGNMENT

Rep. Briefs off State-Federal Relations and Veterans Affairs; on Commerce.

INTRODUCTION OF GUESTS

Dr. Gene Hyland, guest of Rep. Charles Clark. Major Jeffrey Hoadley, son of Rep. Hoadley. Patricia, Karen, Patrick and Eva Gibbons, wife, daughter-in-law and grandchildren of Rep. Gibbons. Christopher Perry, grandson of Rep. Earle Chandler and nephew of Rep. Gene Chandler. Flora Jones and Nancy Chandler, mother and wife of Rep. Gene Chandler. Professor Jones and the U.S. Politics class from Keene State College, guests of Rep. Rollo. Gerry Nolet, guest of Rep. Guaraldi. Ethel Wilson, guest of Rep. Gile. Neal T. R. Baker, grandson of Rep. Daigle. Antoinette Root, wife of Rep. Root. Andover Boy Scouts, Troop 489 Chris Nowell, Matt Bisson, Erin Fish, Peter Johnson and Ian Makechnie and their leaders, Alice Bisson and Heather Makechnie, guests of Rep. Leber. William Manning and Seabee and Claude Ruault, guests of Rep. Burling.

SPECIAL GUESTS

The Wilton-Lyndeborough High School Girl's Varsity Basketball Team, guests of Rep. Melcher and the House.

Alexander G. Henlin, senior class President at Bishop Guertin High School in Nashua and winner of the 1997 Voice of Democracy Oratorical Competition, guest of Reps. Clegg and Lozeau and the House.

Rep. Lozeau moved that the presentation of "A More Perfect Union" by Alexander G. Henlin be printed in the Journal.

Rep. Camm moved that the introductory remarks made by the Speaker be printed in the Journal.

Adopted.

PRESENTATION OF VOICE OF DEMOCRACY ORATORICAL COMPETITION WINNER

Speaker Sytek: Alex, we are really proud to have you here today. I've been a judge at some of these competitions and I know what you are up against, not only to win our state championship but to win the national is a real honor for us in New Hampshire. Because the subject matter of his oratory is the U. S. Constitution, I've asked him if he would give a presentation of what won him the championship because I think we could all benefit from listening to the perspective of a very young man about a very old and important document for everything we do here in this chamber. I would like to give Alex the opportunity of addressing you.

"A More Perfect Union" by Alexander G. Henlin

The American nation faced a grave crisis in the year 1787: its government was a failure. Domestic order was decaying. The national government commanded little respect among the citizenry. The very concept of an American union was beginning to seem flawed. Clearly, drastic action was necessary if this Union was to be saved from self-annihilation. At the request of the dying government, fifty-five individuals assembled in the city of Philadelphia, Pennsylvania, for the purposes of "revising the Articles of Confederation." What emerged from that conference in the summer of the year 1787 was nothing less than a revolutionary new form of government that the framers called a Constitution. They realized that the document that they had drafted would not solve all of the nation's problems, but they believed that the government that they wished to institute would be capable of most effectively meeting the needs of a growing nation. In a stroke of genius, they ensured that the government that they would leave for posterity would be capable of changing with the times through the amendment process. Today, we, the citizens of the United States of America, have an on-going duty and obligation to continue a tradition that was begun more than 200 years ago and relentlessly attempt to create a more perfect Union.

The challenge of perfecting the American Union is a challenge that has been met by each successive generation in our history. The generation that fought and won the War for Independence recognized the failures of the decentralized and largely ineffective government that had existed under the Articles and rectified those errors by giving this nation the gift of the Constitution, a governing document that created a system of government known as federalism - in which national and local governments work together to achieve the common good. By giving the American nation this gift of a stronger and more centralized government, the framers helped to eliminate the governing crises that had existed under the Articles and went a long way towards creating a stronger -- a better - America.

The generation that inherited the gift of the Constitution from its framers immediately set to work to rectify the glaring Constitutional oversight of not protecting individual rights. Richard Henry Lee, a prominent anti-federalist of the early republic, fiercely criticized the new government document stating: "[It is] really astonishing that the same people, who have just emerged from a long and cruel war in defense of liberty, should now agree to fix an elective despotism upon themselves and their posterity." Lee recognized that this Constitution had to be changed in order to save this nation from itself; through his efforts and the efforts of others like him, the first ten amendments to our Constitution - our Bill of Rights - were adopted in 1791. With this action, the tradition of changing the Constitution to reflect a changing America had begun.

The challenge of keeping the principles of the Constitution relevant to the age is a challenge that is presented anew to each generation. Though the true genius of our Constitution lies in the fact that it can be changed, that change cannot be effected unless the people agree to keep their Constitution alive. Each succeeding generation must come to regard the Constitution as a national treasure, something that cannot be changed for transient and ephemeral purposes. The founding generation recognized this fact and changed the Constitution a mere three times: first in the Bill of Rights, second in the Eleventh Amendment, and finally in the adoption of the Twelfth Amendment (in order to correct a number of election deficiencies) in 1804.

The challenge of perfecting the American Union next fell to the generation that saw the Civil War afflict this nation. Between 1860 and 1865, the price of our Constitution was paid in blood as more than one million Americans died for their interpretations of this governing document. After a long and bloody and bitterly-fought war this generation boldly rose to the challenge of its day and in just five short years ratified the thirteenth, fourteenth and fifteenth amendments. Just prior to the Civil War, the issue of slavery had come to dominate national politics. The African-American members of the American society had been relegated to the very fringes of the social order and were viewed, at least in the eyes of the government, as a form of property that could be bought and sold at whim. Following the Civil War, this Union forever eliminated the scourge of slavery from the land, first through the Emancipation Proclamation of 1863 and later through the Thirteenth Amendment to our Constitution in 1865. In 1868, this generation decisively acted again by ratifying the citizenship-granting fourteenth amendment which made all Americans free and equal under the law. It marked a fundamental shift in American attitudes towards African-Americans. In 1870, this generation ratified the Fifteenth Amendment which extended the franchise to African-American males and, in its time, helped to open the doors of American democracy to an ever-expanding electorate. The members of the Civil War generation paid the highest price possible for their love of this country and its government - they gave their lives to effect the creation of a more perfect union.

Later in history, the other members of generations have continued this process of changing the Constitution with changing political and social climes and thereby helped to bring about that "more perfect Union." Members of the progressive movement gave us such amendments as the seventeenth (which allows United States citizens to directly elect their senators to office) and the nineteenth, which extended the franchise to women of all ethnic backgrounds. More recent generations in our history have given us the twenty-second amendment, which places a two term limit on the number of times that an individual may serve as President, the twenty-fourth amendment, which eliminated the poll tax as a prerequisite to voting, and the twenty-fifth amendment, which established a mechanism for covering vacancies in the office of the President in the event of a national catastrophe. In each of these cases and in several others, the Constitution was changed to effect the goal of the creation of a "more perfect Union." The actions of these past generations serve as powerful precedent to the current generation of Americans. The tradition of amendment, which has been entrusted to our care, must be used with caution. We must examine the past to look for models of action that we can imitate in the future.

Today, we are still faced with the challenge of perfecting our Union. There is always room for improvement. Witness the relatively recent struggle to ratify the Equal Rights Amendment, balanced budget amendments, term limits amendments, and amendments pertaining to our national flag. Clearly, various groups and individuals have believed that it was and is necessary to make these proposals a part of our nation's fundamental law if we are to create that "more perfect Union." However, in the interests of "perfecting" our Union, we must never forget that it came about only as a result of caution. Prudent and sober consideration should be given to any amendment before it becomes a part of the national legacy to the future.

The incomplete and faulty document that failed in 1789 to address such issues as slavery, women's rights, Presidential succession, Southern secession, and more is still alive today. Its life has been both ransomed in blood and redeemed through the courage and valor of its citizens, who have taken the initiative and changed their Constitution in an ongoing series of attempts to create a more perfect Union. We, the citizens of the United States who approach the new millennium and a new era for our nation, know that there are and will be inadequacies in this document that will only become apparent in the future, unforeseen by those before us. It is our duty, our obligation, to prepare ourselves to wisely amend this "living Constitution" as the future may demand. Through rational debate, the legislative process, prudent consideration and a basic trust in the promise of the American nation, we can change our Constitution for the better, we can create "that more perfect Union." Thank you.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 297, 351, 380, 698 and 769.

Rep. Nowe, Sen. Barnes for the Committee

SENATE MESSAGES REQUESTS CONCURRENCE WITH AMENDMENTS

HB 343, relative to authority by governmental entities over driveways and other accesses to public ways.. (Amendment printed SJ 10, 3/27/97)

Rep. Gene Chandler moved that the House concur.

Adopted.

HB 539-L, relative to the tax lien process for quarterly tax bills in the city of Concord. (Amendment printed SJ 11, 4/3/97)

Rep. Hess moved that the House concur.

Adopted.

HB 737, establishing a committee to study the New Hampshire retirement system relative to redefining earnable compensation. (Amendment printed SJ 12, 4/10/97)

Rep. Mercer moved that the House concur.

Adopted.

The House of Representatives offered the following:

HOUSE RESOLUTION NO. 22 memorializing State Representative Beverly A. Gage of Salem

WHEREAS, it is with great sadness we have learned of the death of our esteemed colleague Beverly A. Gage who was in the midst of her twelfth consecutive term as an honorable and dedicated member of the House of Representatives, and

WHEREAS, during her distinguished twenty-three-year legislative tenure, which began in January of 1975, Beverly A. Gage, with competence and great energy, did serve as Chairman and as Clerk of the Committee on State-Federal Relations; as Vice Chairman of the Committee on Municipal and County Government; and as a member of the Committees on Commerce, Executive Departments & Administration, Legislative Administration, and Public Works, and

WHEREAS, having been blessed with the credentials of leadership, Beverly A. Gage, also did serve the House of Representatives as Majority Whip and as a Republican Floor Leader, and

WHEREAS, as a member of the Order of Women Legislators, Beverly A. Gage simultaneously did preside as the organization's National President and as State President, and

WHEREAS, Beverly A. Gage tirelessly gave of her time and energy to many groups and associations, including as Chairman of the New Hampshire Council on Aging, Chairman of the New Hampshire Board of Manufactured Housing, and as a member of the New Hampshire-Canadian Trade Council, the Coalition Against Insurance Fraud, and the National Conference of Insurance Legislators, and

WHEREAS, Beverly A. Gage additionally did work with great persistence and commitment with the New Hampshire Department of Public Health as a member of the Committee on HIV-STD Prevention Planning, and

WHEREAS, Beverly A. Gage was a caring mother of two daughters and two sons and a devoted grandmother of six and was frequently seen around the State House in the company of her grandchildren, and

WHEREAS, having been a native of Haverhill, Massachusetts, Beverly A. Gage long ago did settle in Salem, New Hampshire and easily did earn the reputation for being a conscientious servant of the town's citizenry, now therefore be it

RESOLVED, by the House of Representatives, in Regular Session convened, that Beverly A. Gage be granted highest praise and recognition for her dedicated and exemplary legislative service, and be it further

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

Unanimously adopted by a rising vote.

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.

SJR 2, relative to federal funding under the Individuals with Disabilities Education Act, removed by Rep. O'Hearn.

SB 35, including "accessibility lift" within the definition of "elevator", removed by Rep. Emerton.

SB 25, establishing employer immunity from civil liability for good faith disclosure of information regarding current and former employees to prospective employers, removed by Rep. John McCarthy.

SB 153, requiring a check-off box on a driver's license application form relative to having the social security number indicated on the driver's license, removed by Rep. Packard.

Consent Calendar adopted.

SB 72, relative to the New Hampshire life and health guaranty association, changing the order of distribution for policy holders and claimants in the case of insurer insolvency and repealing the law relative to the interstate insurance receivership compact. **OUGHT TO PASS WITH AMENDMENT**

Rep. William J. McCarthy for Commerce: This bill, as amended, will accomplish two purposes. First, it will establish one board of the NH Life and Health Insurance Guarantee Association to implement the necessary actions required when insolvency occurs in the industry. Second, the bill will repeal New Hampshire's participation in the Interstate Insurance Receivership Compact. There are only three other states in the mid-west region and NH which joined when formed several years ago in hopes of providing greater coordination between states. Instead, the three have voted their regional interests over NH's. Thus, the concept has failed. Vote 13-1.

Amendment (0826h)

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

AN ACT relative to the New Hampshire life and health guaranty association and repealing the law relative to the interstate insurance receivership compact.

Amend the bill by deleting section 6 and renumbering the original section 7 and 8 to read as 6 and 7, respectively.

Amend the bill by replacing section 7 with the following:

7 Effective Date:

I. Sections 1-5 of this act shall take effect 60 days after its passage.

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

AMENDED ANALYSIS

This bill clarifies that the New Hampshire life and health insurance guaranty association established in RSA 408-B:6 is the same association created in RSA 404-D:6, and makes related technical corrections.

The bill also repeals the interstate insurance receivership compact.

SB 20, establishing a committee to study presumptive sentencing INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The current sentencing scheme in New Hampshire generally provides for judicial discretion in sentencing which is limited by a maximum allowable penalty based on the particular conviction. Over the years of review by the legislature, certain minimum mandatory sentences have been established in specific areas such as DWI, murder, sexual assault and firearms offenses. The issue of sentencing has been subject to ongoing review and study by various committees and subcommittees including the Intermediate Sanctions Subcommittee and the Prosecution Study Committee. Additionally, all aspects and theories of sentencing are a particular focus of the Interbranch Criminal Justice Council which is an interdisciplinary council made up of participants from all sectors of the criminal justice system. The committee believes that all sentencing issues are currently being addressed by the consistent participation of all parties concerned and therefore does not feel that there should be another group formed to study the presumptive sentencing issue alone. Vote 15-0.

SB 115-L, establishing a committee to study issues relating to the withdrawal of a receiving district from an area school district. OUGHT TO PASS WITH AMENDMENT

Rep. Clair A. Snyder for Education: This bill provides for a study committee to examine what has been a long standing problem due to the inflexible current statute for withdrawal from an AREA agreement. This study will encompass the withdrawal of the receiving districts and related issues of AREA agreements. Vote 17-1.

Amendment (0901h)

Amend the bill by replacing section 2 with the following:

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

SB 138, establishing teacher appreciation day. OUGHT TO PASS WITH AMENDMENT

Rep. Susan B. Durham for Education: This bill aligns New Hampshire Teacher Appreciation Day with the National Recognition of Teachers. The amendment recognizes all New Hampshire teachers and defines the teacher recognition date to be the first Tuesday in May Vote 17-0.

Amendment (0919h)

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

1 Statement of Purpose.

I. The state of New Hampshire has a long history of pride in its schools as recognized by its early constitutional language establishing on the part of officials a duty to cherish literature and the sciences. The many millions of immigrants, who flocked to our state and nation, did so in large measure on account of this nation's promise of universal free public education, a concept unique in history at the time.

II. Due to the dedication of school teachers, over the decades, countless thousands of children have secured a better life than their parents through education. That effort and dedication continues to this day. It is the purpose of this act to recognize the crucial contribution that teachers have made to our state and nation.

2 New Section; Teacher Appreciation Day Proclaimed. Amend RSA 4 by inserting after section 13-f the following new section:

4:13-g Teacher Appreciation Day. The governor shall annually proclaim the first Tuesday in May as Teacher Appreciation Day, and shall urge local communities, school administrative units, and school districts to observe such day in recognition of the dedication and service of New Hampshire's teachers.

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

AMENDED ANALYSIS

This bill provides that the governor shall declare the first Tuesday in May of each year as teacher appreciation day.

SB 49-FN, clarifying certain procedures under the lead paint law. OUGHT TO PASS WITH AMENDMENT

Rep. Alice S. Ziegra for Health, Human Services and Elderly Affairs: This bill represents a realistic update of the 1994 lead paint laws. It is a compromise accepted by the Department of Health and Human Services and landlords and realtor groups. It allows for alternative abatement processes as well as assistance for those conducting low risk abatement. The amendment requires the Commissioner of Health and Human Services to investigate children whose blood level are more than 20 micrograms per deciliter after two separate tests. This bill is an excellent example of government and industry working together for improvement of health and safety of children. Vote 12-0.

Amendment (0917h)

Amend RSA 130-A:5, I as inserted by section 4 of the bill by replacing it with the following:

I. The commissioner [may] shall investigate cases of lead poisoning in children reported under RSA 141-A whose blood lead level meets or exceeds 20 micrograms per deciliter of whole venous blood, as reported on 2 separate tests except that a blood lead level may be designated as elevated by the health care provider when the level reported meets or exceeds 20 micrograms per deciliter on the first venous test. With such a declaration, a second test shall not be required. The commissioner may also conduct investigations when there is reason to believe that a lead exposure

hazard, as defined in RSA 130-A:1, XVI(b) and (d), for a child exists. Such investigations shall include, but not be limited to:

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

(b) Inspections of dwellings or dwelling units or of any child care facility, and testing environmental samples.

(c) Issuing orders requiring the [abatement] reduction of lead exposure hazards from a leased or rented dwelling or dwelling unit and from a child care facility, or issuing a notice to the owner of a dwelling or dwelling unit.

Amend the bill by inserting after section 18 the following and renumbering the original sections 19 and 20 to read as 20 and 21, respectively:

19 New Paragraph; Definition Added. Amend RSA 130-A:1 by inserting after paragraph VIII the following new paragraph:

VIII-a. "Health care provider" means any person, corporation, facility, or institution either licensed by this state or otherwise lawfully providing health care services, and any officer, employee or agent of such provider acting in the course and scope of employment or agency related to or supportive of health care services.

SB 103, establishing a committee to study issues relating to the licensing of child day care centers. OUGHT TO PASS

Rep. Alphonse Haettenschwiler for Health, Human Services and Elderly Affairs: The issue of licensing child day care centers is currently at the forefront. The new welfare law requires welfare recipients to accept work. It is estimated this will require 6,000 more day care slots. The Department of Health and Human Services supports this legislation. Vote 12-0.

SB 26, preventing recovery by a nonsupporting parent in a wrongful death claim or action on behalf of the nonsupported child until child support arrearages are paid in full. RE-REFER TO COMMITTEE

Rep. Carol H. Holden for Judiciary and Family Law: The committee felt that the bill had merit. Testimony indicated that the details had to be worked out. The re-refer motion gives the committee the opportunity to do that. Vote 12-0.

SB 47-FN, continuing the marital guardian ad litem recovery program in the unit of cost containment, office of the commissioner of administrative services. OUGHT TO PASS

Rep. Sandra B. Keans for Judiciary and Family Law: This bill provides that the Office of Cost Containment will be authorized to recover costs for the provision of guardian ad litem in marital cases. There has been a two year pilot program which has proved very successful. In FY '96 \$56,400 was collected and \$57,000 half-way through FY '97. The OCC believes this will continue to grow to about \$220,000 annually. Vote 12-0.

Referred to Finance.

SB 76, limiting the liability of school districts operating facilities for skateboarding, rollerblading or rollerskiing. OUGHT TO PASS

Rep. Deborah L. Woods for Judiciary and Family Law: This bill adds "school districts" to the current law that already limits liability of municipalities which operate facilities for skateboarding, rollerblading or rollerskiing. This addition makes sense. Vote 12-1.

SB 81, relative to the administration of estates. OUGHT TO PASS

Rep. Marjorie K. Smith for Judiciary and Family Law: Five years ago the general court acted to expedite the probate process when the surviving spouse is the sole beneficiary and executor or administrator. This bill expands the expedited process to include an only child. It is cost effective for the probate court while respecting the interests of the state and the estate. Vote 13-0.

SB 27, allowing municipalities to take inventories of property as often as state law allows property tax bills to be issued. INEXPEDIENT TO LEGISLATE

Rep. Jean R. Wallin for Local and Regulated Revenues: This bill would create chaos for assessing officials in cities and towns. Currently, taxes are assessed on inventory taken April 1 of each year. While this may occasionally result in small losses of property tax revenue, the cost of multiple inventories would outweigh the gains. Further, the increase would occur only the first time the property was assessed. Vote 13-0.

SB 74-FN, allowing holders of retail wine and combination wine and beverage licenses to sell fortified wines. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Local and Regulated Revenues: HB 533, which the House has already passed, contains the provisions contained here in Senate Bill 74. The language allowing holders of retail wine licenses to sell fortified wines is identical. Vote 14-0.

SB 75-FN, regulating beer festivals and requiring beer festival promoters to obtain a single event license for a fee from the liquor commission to hold a beer festival. OUGHT TO PASS WITH AMENDMENT

Rep. David W. Hess for Local and Regulated Revenues: The committee felt local police departments should have more oversight and authority over both the locations and the public safety at the beer festivals permitted by this bill. Vote 15-0.

Amendment (1061h)

Amend RSA 178:32, VII(a)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) Official approval of the local police department as to the accessibility and public safety of the location and the event.

Referred to Finance.

SB 87, relative to permissible agreements between beverage manufacturers and vendors and beverage wholesale distributors. OUGHT TO PASS

Rep. Stephen G. Avery for Local and Regulated Revenues: This bill allows a beverage manufacturer, beverage vendor, or beverage vendor importer to enter a limited partnership with a beverage wholesale distributor and extend financing. Partnerships are limited to no more than 10 years. This continues to preserve the long-standing three tier system. Vote 13-0.

SB 183-FN, relative to liquor licenses for a sports/entertainment complex. OUGHT TO PASS WITH AMENDMENT

Rep. Linda T. Foster for Local and Regulated Revenues: This bill adds a new license category, that of a sports center entertainment complex, to existing liquor licenses. The amendment to this bill states that liquor or beverage may not be sold or consumed at any student or interscholastic event. The amended bill passed unanimously. Vote 14-0.

Amendment (0989h)

Amend RSA 178:20, V(u)(1) as inserted by section 2 of the bill by replacing it with the following:

(1) The commission may issue a cocktail lounge license to the owner of a sports/entertainment complex, or any operator or designee contracting with the owner of the complex. Such license shall allow the sale or service of liquor and beverage in any clearly defined areas approved by the commission. Liquor and beverage shall be sold only at such times as a fee is charged for admission to an event at the sports/entertainment complex. Liquor and beverage shall not be sold or consumed at any student event. In this subparagraph, "student event" means any event where students are participants or performers. Liquor and beverage shall not be sold at any interscholastic event. The provisions of RSA 178:20, II shall not apply to this license.

Referred to Finance.

SB 56-FN-L, establishing a method for repurchase of tax-deeded property by the former owner of the property and limiting the recovery by municipalities of proceeds from sales of tax-deeded property. RE-REFER TO COMMITTEE

Rep. Richard C. Leone for Municipal and County Government: Coupled with the need to better address important issues such as the amount of forfeiture of a taxpayer's interest at the time of a tax deed, owner's right of repurchase, time of the redemption period, status of all lien holders, what discretion the municipality has relative to disposing of or utilizing the property, and the possibility that some aspects of HB 676 could be combined with this bill, the committee strongly opted for further study. Vote 17-0.

SB 110-L, allowing the Coos county convention to revise the compensation of the county sheriff. OUGHT TO PASS

Rep. Richard C. Leone for Municipal and County Government: This bill is enabling legislation requested by the Coos County delegation to provide it with the mechanism to revise the sheriff's compensation in accordance with RSA 23:7 for the biennium ending December 1, 1999, if the Coos County sheriff is in agreement with such revision. Vote 15-0.

SB 152, establishing a committee to study issues related to allowing the city of Manchester to adopt a 2-year budget cycle. OUGHT TO PASS

Rep. Robert W. Brundige for Municipal and County Government: This bill establishes a committee to study issues related to allowing the city of Manchester to adopt a two year budget cycle. Vote 20-0.

SJR 1, recognizing the town of Brentwood as the county seat of Rockingham county. OUGHT TO PASS

Rep. Joseph E. Stone for Municipal and County Government: All Rockingham County facilities are now located in the town of Brentwood. Therefore, the town of Brentwood should be recognized as the county seat of Rockingham County. Vote 19-0.

SB 64-FN-A, exempting motor fuel used for automobile racing from road toll taxation. OUGHT TO PASS WITH AMENDMENT

Rep. Merle W. Schotanus for Public Works and Highways: The amendment to this bill simplifies the method of collecting off road toll taxation at the state's race tracks by switching the responsibility for refund applications from the race car driver to the race track operator. There is no loss of tax revenue from this change in procedure. Vote 17-0.

Amendment (0981h)

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

1 New Paragraph; Refund for Automotive Racing Fuel. Amend RSA 260:47 by inserting after paragraph V the following new paragraph:

VI. Motorsport facilities which sell or dispense automotive racing fuel for off-highway activities shall be entitled to apply for a refund under this section. Refunds shall only be granted to such facilities for fuels which are specifically designed for automotive racing and which have an octane rating of 105 or higher.

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

Referred to Finance.

SB 158-FN-A, relative to the funding of beach erosion control projects along the south side of the Hampton Harbor Inlet. RE-REFER TO COMMITTEE

Rep. John P. Gleason for Public Works and Highways: The committee finds that this bill should be re-referred pending a need to address several Hampton Harbor problems that relate to and can have a bearing on any beach erosion control project. A recent capital budget request by the state Port Authority to the committee brought out that a necessary dredging requirement must be accomplished in the inlet and harbor of the Hampton/Seabrook area in the immediate future to permit continued use of these navigable waters by private and public vessels. Ready access in and out of this tidal estuary, accompanied by appropriate anchorages and dockage access, is vital to marine commerce, especially commercial fishing vessels, as well as recreational and tourist boating. Thus, it can be recognized that continued marine access in this Hampton/Seabrook area has a very significant economic impact locally, as well as on the rather short but concentrated New Hampshire coastline. Necessary dredging does pose the problem of how to dispose of the resulting dredged material and may have a bearing on a beach erosion control project. The committee felt that it is appropriate to visit the Hampton/Seabrook harbor area to see firsthand the condition of the harbor and adjacent areas, such as the south side of the Hampton Harbor Inlet. The unanimous feeling among the committee members was to take some time and thoroughly research all issues including revenue issues as they relate to the harbors. The Finance Committee has agreed to participate with this study. Vote 17-0.

SB 175, establishing a committee on the feasibility of installing rumble strips before toll booths. INEXPEDIENT TO LEGISLATE

Rep. Steve Vaillancourt for Public Works and Highways: The committee neither endorses nor rejects the wisdom of using rumble strips before toll plazas. However, it believes this bill is unnecessary since engineering experts of the Department of Transportation are already empowered to make this determination. In fact, rumble strips along sections of I-89 and I-93 (between exits 20 and 24) will be tested this summer. The committee is confident that DOT officials will properly assess the pros and cons of rumble strips before toll booths, and an updated report will be available this fall. Vote 17-0.

SB 182-FN, relative to the administration, operation, and maintenance of the New Hampshire state veterans cemetery. OUGHT TO PASS WITH AMENDMENT

Rep. Leon Calawa, Jr. for Public Works and Highways: This bill and amendment extend the repeal date for the state veterans cemetery oversight committee to November 1, 1997, to give the committee time to complete the project, and designates the Adjutant General to administer, operate and maintain the New Hampshire state veterans cemetery. The amendment increases the state's share of the cost only to recover the money from the timber cut that was put in the general fund and is needed for matching federal funds. The analysis of the amendment is in error as it reports the committee date is extended to June 30, 1998, when, in fact, the bill extends the committee only until November 1, 1997. Vote 17-0.

Amendment (0836h)

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

AN ACT relative to the administration, operation, and maintenance of the New Hampshire state veterans' cemetery, extending the reporting dates and the prospective repeal date for the state veterans cemetery oversight committee, and making an appropriation therefor.

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

2 Appropriation; State Matching Funds for Construction of Veterans Cemetery. Amend 1994, 282:1, as amended by 1995, 309:28, to read as follows:

282:1 Appropriation; State Veterans Cemetery.

I. The sum of [\$1,500,000] \$1,600,00 is appropriated to the oversight committee established in section 4 of this act for the purpose of the layout, design, and construction of a state veterans' cemetery. The funds appropriated in this section shall be nonlapsing and shall not be spent, obligated, or encumbered without the approval of the capital budget overview committee.

II. Of the total sum appropriated in paragraph I, [\$975,000] \$1,000,000 shall be from federal or other sources, and [no more than \$525,000] \$600,000 shall be from state funds. Any funds from federal or other sources in excess of [\$975,000] \$1,000,000 are hereby appropriated for the purposes of this act.

III. Any land or state services donated for the purpose of creating the state veterans cemetery shall be used as a soft match for the purpose of securing any federal funds.

3 Bonds. Amend 1994, 282:2 to read as follows:

282:2 Bonds Authorized. To provide funds for the state funds appropriated in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state an amount not exceeding the sum of [\$525,000] \$600,000 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.

4 Reporting Dates and Prospective Repeal Extended. Amend RSA 1994, 282:5, I as amended by 1995, 10:12 and 1996, 190:12 to read as follows:

I. The committee shall make reports on the establishment of a state veterans' cemetery and the expenditure of funds for that purpose on the following dates: June 30, 1995, November 30, 1995, June 30, 1996, [and] June 30, 1997, and November 1, 1997.

5 Effective Date of Prospective Repeal of 1994, 282, Relative to Establishing a State Veterans' Cemetery. Amend 1994, 282:7, I as inserted by 1996, 190:12 to read as follows:

I. Section 6 of this act shall take effect [July 1, 1997] November 1, 1997.

6 Effective Date.

I. Section 1 of this act shall take effect July 1, 1997.

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

AMENDED ANALYSIS

This bill designates the adjutant general to administer, operate, and maintain the New Hampshire state veterans cemetery, which shall be located in Boscawen.

This bill appropriates funds to make up a shortfall in the state matching share necessary to receive federal funds for the construction of the state veterans cemetery.

The bill also extends the final reporting date and the prospective repeal date for the state veterans cemetery oversight committee to June 30, 1998.

Referred to Finance.

SB 144, establishing a committee to study certain issues regarding Silver Lake in the towns of Belmont and Tilton.
OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. Laflam for Resources, Recreation and Development: This bill establishes a committee to study issues relative to the management of water flow of the Winnepesaukee River and its influence on private property in the Silver Lake area of Belmont and Tilton. Vote 17-0.

Amendment (0977h)

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall:

- I. Study the management of water flow of the Winnepesaukee River by the department of environmental services and its impact on downstream and upstream properties including those located adjacent to Silver Lake.
- II. Consider what measures may be taken to prevent periodic damage from flooding of the Winnepesaukee River.

Amend the bill by replacing section 5 with the following:

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

Amend the bill by replacing section 6 with the following:

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

AMENDED ANALYSIS

This bill establishes a committee to study certain issues regarding Silver Lake in the towns of Belmont and Tilton.

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

SB 161-FN-A, relative to the Seacoast Science Center and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. William E. Williams, Jr. for Resources, Recreation and Development: Since this appears to be a worthy concept but lacks numerous points of fact, the committee feels it would be best to Re-Refer to allow the time to develop the missing information. Vote 16-0.

SB 86-FN, requiring the division of motor vehicles to report those in default to a consumer reporting agency. INEXPEDIENT TO LEGISLATE

Rep. Gordon E. Bartlett for Transportation: A companion bill, SB 187, contains basically the same material. The committee wants to combine the two bills and use SB 187 as the bill to work on. Vote 15-0.

SB 119, prohibiting a person convicted of any sexual offense, felony, or DWI offense from obtaining a waiver to remove the person's driver's license image from department of safety records. OUGHT TO PASS

Rep. Robert J. Letourneau for Transportation: Although few individuals exercise their right to remove their personal image from the Department of Safety data files, testimony revealed that some of the individuals that do, fit into this category. In the interest of public safety, particularly young children and women, the committee felt that this was a good bill and would stand on its own merit. Vote 15-0.

SB 187, relative to the penalties for certain court defaults. RE-REFER TO COMMITTEE

Rep. Gordon E. Bartlett for Transportation: The committee feels this bill has merit, but wishes to work on it to make the bill a more workable piece of legislation. Vote 15-0.

SB 189-FN-L, authorizing the department of safety to issue resident driver's licenses to certain aliens. OUGHT TO PASS WITH AMENDMENT

Rep. Ralph L. Akins for Transportation: This bill was initiated in order to resolve an existing technical problem for foreign students, professors, medical personnel, etc., who apply for a driver's license in New Hampshire. Under current law, an applicant must be a resident of the state. Consequently, a foreigner who is temporarily living here yet truthfully claims his or her residence in his or her home country does not meet this requirement. The committee felt that it was reasonable to give the Director of Motor Vehicles the authority to waive this requirement or deny a waiver based on the specified criteria in the bill. Vote 15-0.

Amendment (1031h)

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

AN ACT authorizing the department of safety to issue driver's licenses to certain aliens.

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

1 New Section; License for Aliens Temporarily Residing in the State. Amend RSA 263 by inserting after section 39-a the following new section:

263:39-b License for Aliens Temporarily Residing in New Hampshire

I. The director may issue a New Hampshire driver's license to a nonresident alien who is living in New Hampshire on a temporary basis:

(a) For the purposes of attending a public or private educational institution which has a regular faculty, curriculum, and organized body of pupils or students in attendance and is enrolled in such education institution;

(b) For the purposes of engaging in lawful employment, occupational, or business activity, and is engaged in such activity; or

(c) Who is the spouse or child of an alien licensed under this section.

II. The director may require any of the following:

(a) Certification from the foreign government regarding the person's driving record and licensing status.

(b) Submission of social security number, or, if the person does not qualify for such a number, the submission of certification to that effect as is acceptable to the commissioner.

(c) Written or other testing.

(d) Proof of compliance with the conditions set forth in paragraph I.

(e) Proof of identification as may be acceptable to the commissioner.

III. The term of the license shall be no longer than 4 years from the date of issuance, and the director may set a lesser term in accordance with the length of the person's residence in New Hampshire.

IV. Nothing in this chapter shall preclude the director from denying a license if the director determines that licensure of the person may be contrary to the public safety. Once licensed, the individual shall be subject to the same provisions of the law as all other licensees. When the person no longer meets the conditions specified in paragraph I, the person shall forthwith return the license to the director and the license shall become invalid.

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

REGULAR CALENDAR

SB 10, relative to funds for prearranged funerals or burial plans. RE-REFER TO COMMITTEE

Rep. Martha Fuller Clark for Commerce: The majority of the committee voted in favor of re-refer because they believe there is a need to examine, in greater depth, guidelines for prepaid funeral plans. Vote 11-3.

Adopted.

SB 128, increasing the membership of the university system study committee. INEXPEDIENT TO LEGISLATE

Rep. David E. Larrabee for Education: This legislation would increase the membership of the University System Study Committee (USSC) by two people. The value of the committee is more related to the energy of the committee members rather than their numbers. Consequently, the committee as presently constituted is adequate to accomplish the objectives of USSC oversight Vote 9-3.

Adopted.

SB 155, requiring the division of educational improvement, department of education, to prepare and adopt a plan for providing special education to inmates in the state prison system and county correctional facilities. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Richard L. Champagne for the Majority of Education: This bill requires the division of educational improvement, department of education, in conjunction with the department of corrections and county governments,

to prepare and adopt a plan for providing special education to inmates in the state prison system and county correctional facilities. The amendment requires a report of the plan be ready by November 1, 1997. Because special education in our correctional facilities is a critical issue in affected communities it is necessary to direct the department of education to prepare and adopt a plan with a specific date. Vote 12-3.

Rep. David E. Larrabee, Sr. for the Minority of Education: RSA 186-C:3 requires the department of education to administer special education programs assigned to it by law. This bill is micro-managing the department of education. It should not take a second law to force the department of education to follow through with its responsibilities. There are more appropriate actions that could be employed. The Commissioner of Education has informed the committee progress is being made.

Amendment (1034h)

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

1 New Paragraph; Duties of Division of Educational Improvement; Plan to Provide Special Education to Inmates. Amend RSA 186-C:3-a by inserting after paragraph VI the following new paragraph:

VII. The division shall, in conjunction with the department of corrections and county governments, prepare and adopt a plan for meeting the special education needs of persons incarcerated in the state prison system and county correctional facilities. Such plan shall be adopted no later than November 1, 1997.

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

AMENDED ANALYSIS

This bill requires the division of educational improvement, department of education, in conjunction with the department of corrections and county governments, to prepare and adopt a plan for providing special education to inmates in the state prison system and county correctional facilities by November 1, 1997.

Adopted.

Report adopted and referred to Finance.

Rep. Thomas declared a conflict of interest and did not participate.

SB 156, establishing a committee to study issues relating to providing special education services to eligible pupils who are incarcerated in the state prison system and county correctional facilities. OUGHT TO PASS

Rep. Susan B. Durham for Education: This study committee will explore the provision of special education services to incarcerated persons in New Hampshire, including, but not limited to, the creation of a centralized educational facility designed to serve persons incarcerated at the ten county houses of correction and to serve appropriate inmates from the state prison. Vote 13-2.

Adopted and ordered to third reading.

SB 48-FN, to provide an optional retirement program for certain employees of the department of regional community-technical colleges. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Merton S. Dyer for the Majority of Executive Departments and Administration: This bill was presented by the sponsor to offer a defined contribution retirement plan for certain faculty members of the technical college system to assist in the recruitment of faculty members. The committee voted ITL (a) because the numbers requesting the bill

was not established, (b) the state now has a defined contribution plan. To provide an option to some state employees between a defined benefit plan and a defined contribution plan could open the doors for others to request legislation to participate in this or a similar plan. This might lead to eroding of the current defined benefit plan with the possible detriment of the present system. The last unanswered question was the funding of this bill. The funding is to follow the same funding as the present defined benefit plan and this does not seem to be in line with present defined contribution plans. This could lead to requests in the near future for additional employer contributions. Given the uncertainties of this bill, the committee voted inexpedient to legislate. Vote 10-7.

Reps. Mary Stuart Gile and Miriam D. Dunn for the Minority of Executive Departments and Administration: In providing an optional retirement program (defined contributions) for educational personnel of the New Hampshire department of regional community-technical colleges, SB 48-FN improves the system's capacity to recruit and retain the most qualified faculty. Postsecondary education institutions in 43 states currently offer optional retirement programs with no adverse effects on state retirement plans. SB 48-FN is a pro-education bill with greatest potential benefits to New Hampshire students.

Adopted.

SB 206-FN-A, 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. OUGHT TO PASS

Rep. Barbara Hull Richardson for Judiciary and Family Law: This bill expands a pilot program now in operation in the superior courts of Strafford, Carroll, Grafton and Rockingham counties which requires attendance at a seminar for persons involved in child custody and support litigation. This bill would require any person, statewide, seeking custody or visitation of minor children to attend these seminars so that the adverse impact on the children of the litigation process and the family's separation will be minimized. Vote 8-5.

Rep. John McCarthy moved Recommit to Committee.

Rep. Holden spoke in favor.

Adopted.

CACR 12, returning annual legislative sessions to biennial legislative sessions. Providing that the general court shall meet biennially. INEXPEDIENT TO LEGISLATE

Rep. Elizabeth S. Hager for Legislative Administration: The committee considered this subject matter earlier in the session, reported the CACR as Inexpedient to Legislate and the House adopted the recommendation. The committee believes that annual legislative sessions are now functioning and are critical to the process. Vote 9-2.

Adopted.

SB 90-FN, requiring all proposed legislation affecting independently owned small businesses to include an analysis of the cost of the legislation OUGHT TO PASS WITH AMENDMENT

Rep. Warren C. Henderson for Legislative Administration: The committee believes that the intent of this bill, providing information to legislators on the direct costs of proposed legislation on New Hampshire's small businesses, would be a valuable addition to our deliberations. Many times we pass well-intended legislation and find out much later that we have imposed additional burdens on the small businesses we rely upon to sustain our economy. By passing this bill, we will be more likely to know, in advance, the consequences of our actions on small business. Vote 9-3.

Amendment (1043h)

Amend RSA 14:44, V as inserted by section 1 of the bill by replacing it with the following:

V. All bills and resolutions having a direct effect on the costs of doing business for any independently owned small business shall be accompanied by a fiscal note stating the legislative budget assistant's determination of the cost of the legislation on small businesses which employ fewer than 100 employees.

AMENDED ANALYSIS

This bill requires all bills or resolutions which directly affect independently owned small businesses to include a fiscal note prepared by the legislative budget assistant of the cost of the legislation on small businesses which employ fewer than 100 employees. This bill also amends the requirement for fiscal impact statements for proposed administrative rules affecting small businesses by increasing the number of employees to 100.

Adopted.

Report adopted and referred to Finance.

SJR 2, relative to federal funding under the Individuals with Disabilities Education Act. OUGHT TO PASS WITH AMENDMENT

Rep. Stanley Searles for Education: This Senate Joint Resolution urges Congress to keep its promises, appropriate the 40% average per pupil expenditure funds as established in Public Law 94-142 and revise Individuals with Disabilities Education Act. Vote 15-0.

Amendment (1036h)

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

Whereas, when the Individuals with Disabilities Education Act was passed, Congress promised to fund 40 percent of the costs of special education; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That Congress appropriate the promised 40 percent of the average per-pupil expenditure for public education in public elementary and secondary schools in the United States and make such changes in the Individuals with Disabilities Education Act so that New Hampshire may continue to provide quality special education services to its students; and

That copies of this resolution, signed by the president of the senate and the speaker of the house be forwarded by the senate clerk to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the New Hampshire congressional delegation.

AMENDED ANALYSIS

This senate joint resolution urges Congress to appropriate the promised 40 percent of the average per-pupil expenditure for special education and make certain changes in the Individuals with Disabilities Education Act.

Rep. O'Hearn moved Recommit to Committee and spoke in favor.

Adopted.

SB 35, including "accessibility lift" within the definition of "elevator". OUGHT TO PASS WITH AMENDMENT

Rep. Joseph Guthrie for Health, Human Services and Elderly Affairs: This bill adds "accessibility lift" in the definition of "elevator" thereby requiring them to meet the same requirements as elevators. The amendment exempts private homes. Vote 12-0.

Amendment (0897h)

Amend the bill by replacing section 1 with the following:

1 Accessibility Lift Added. Amend RSA 157-B:2, IV to read as follows:

IV. "Elevator" means a hoisting and lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction; or a stairway inclined lift which moves in guides in an inclined direction; and includes the doors, well, enclosures, means, and appurtenances required for its operation. The term "elevator" shall include an accessibility lift but does not include a vertical reciprocating conveyor, a material lift, or an accessibility lift in a private residence.

AMENDED ANALYSIS

This bill includes accessibility lifts in the definition of elevator thereby requiring them to meet the same requirements as elevators under RSA 157-B.

Rep. Emerton moved Recommit to Committee and spoke in favor.

Adopted.

SB 25, establishing employer immunity from civil liability for good faith disclosure of information regarding current and former employees to prospective employers. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary and Family Law: Under the present law, no charges can be brought against any employer who tells the truth. Employees are entitled to a copy of their personnel folder to take with them. If the employer has adequately documented the employees' shortcomings there will be no problems. There are other problems with the wording of the bill: (1) there is no statute of limitations; (2) "clear and convincing evidence" is a higher standard than used in any other civil suit; (3) the "employer is presumed to be acting in good faith". Further, the committee was told by the drafter that this was in response to an event in Florida, not New Hampshire. Vote 12-1.

Rep. John McCarthy moved Recommit to Committee and spoke in favor.

Adopted.

SB 153, requiring a check-off box on a driver's license application form relative to having the social security number indicated on the driver's license. OUGHT TO PASS

Rep. Ralph L. Akins for Transportation: This bill adds a check off box next to the existing reference line on a driver's license application form which allows an applicant to choose whether to have his or her social security number on the driver's license. The committee felt that by adding this box it would make this procedure more convenient for the applicant and more efficient for the department. Vote 16-0.

Rep. Packard moved Recommit to Committee and spoke in favor.

Adopted.

RESOLUTION

Rep. Wheeler offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 30, 1997 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 72, relative to the New Hampshire life and health guaranty association, changing the order of distribution for policy holders and claimants in the case of insurer insolvency and repealing the law relative to the interstate insurance receivership compact.

SB 115-L, establishing a committee to study issues relating to the withdrawal of a receiving district from an area school district.

SB 138, establishing teacher appreciation day.

SB 49-FN, clarifying certain procedures under the lead paint law.

SB 103, establishing a committee to study issues relating to the licensing of child day care centers.

SB 76, limiting the liability of school districts operating facilities for skateboarding, rollerblading or rollerskiing.

SB 81, relative to the administration of estates.

SB 87, relative to permissible agreements between beverage manufacturers and vendors and beverage wholesale distributors.

SB 110-L, allowing the Coos county convention to revise the compensation of the county sheriff.

SB 152, establishing a committee to study issues related to allowing the city of Manchester to adopt a 2-year budget cycle.

SJR 1, recognizing the town of Brentwood as the county seat of Rockingham county.

SB 144, establishing a committee to study certain issues regarding Silver Lake in the towns of Belmont and Tilton.

SB 119, prohibiting a person convicted of any sexual offense, felony, or DWI offense from obtaining a waiver to remove the person's driver's license image from department of safety records.

SB 189-FN-L, authorizing the department of safety to issue resident driver's licenses to certain aliens.

SB 156, establishing a committee to study issues relating to providing special education services to eligible pupils who are incarcerated in the state prison system and county correctional facilities.

PERSONAL PRIVILEGE

Rep. Jacobson addressed the House.

UNANIMOUS CONSENT

Rep. Crosby addressed the House.

Rep. Hill moved that the remarks made by Rep. Crosby be printed in the Journal.

Adopted.

Rep. Crosby: I stand before you today with a broken heart over the loss of my great friend and mentor Representative Beverly Gage. I loved and respected her. She was fun-loving with a sense of humor as infectious as her smile. Bev taught me and many of you how to be an effective legislator. She knew the art of compromise, baby steps forward are preferable to no movement at all. Beverly loved New Hampshire, this House of Representatives and the work she did here. Her accomplishments over the past 23 years are too numerous to name. Bev did a wonderful job of representing New Hampshire on a national level through her leadership in the Council of State Governments, the National Council of State Legislators, the Council of Insurance Legislators and the National Order of Women Legislators. Many people across the nation will sympathize with us as we deal with Bev's death. There is a void on the House Commerce Committee as we struggle with the loss of Beverly and her vast wealth of legislative history. That void will be felt here as well. Bev probably forgot more about health insurance law and protecting the rights of New Hampshire consumers than many of us will ever learn. She was a true champion for the people of New Hampshire spending countless volunteer hours organizing her annual golf tournament to benefit the New Hampshire Association of Retarded Citizens and working with the HIV Prevention Community Planning Group, just a couple of her causes. My heart goes out to Bev's family who always came first with her. She was a devoted wife and mother and her grandchildren were the apple of her eye. Now is the time for us to think of Beverly as we show some of the great strength she had, say good bye and carry on with the work that we have been elected to do. That's what Bev would have wanted.

Reps. Root, Dickinson, Guay, Haettenschwiller and Sabella addressed the House.

RECESS MOTION

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

Adopted.

The House recessed at 2:30 p.m.

RECESS

BILLS SIGNED BY THE GOVERNOR

Chap. 5 HB 172, extending the reporting date for the committee studying the issue of the use and disposal of sludge or septage. Eff. 6/20/97

Chap. 6 HB 267, prohibiting petroleum-powered motors on Little Dan Hole Pond in the town of Ossipee. Eff. 1/1/98

Chap. 7 HB 307, relative to the adoption of local river corridor management plans by planning boards. Eff. 6/20/97

Chap. 8 HB 403, prohibiting the use of trotlines to take fish. Eff. 1/1/98

Chap. 9 HB 681, relative to penalties for certain violations of fish and game laws and granting rulemaking authority to the executive director relative to registration agent fees for wild turkey permits. Eff. 1/1/98