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 30, 1997 No. 57

HOUSE JOURNAL No. 18(cont.)

Wednesday, April 23, 1997
(Rep. David Welch in the Chair)
RESOLUTION

Rep. McGovern offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 54, 68, 168, 172, 181, 196, 202, 209 and 216 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 54, relative to gainful occupation of disability beneficiaries in the New Hampshire retirement system. (Executive Departments and Administration)

SB 68, providing health care coverage for the spouse and dependents of any group I or group II retirement system member who is killed in the line of duty. (Executive Departments and Administration)

SB 168, requiring the department of corrections to prepare and enter into a lease-purchase agreement with the Berlin Economic Development Council for a medium security correctional facility to be constructed in Berlin and making an appropriation therefor. (Public Works and Highways)

SB 172, making various changes to the workers' compensation law. (Labor, Industrial and Rehabilitative Services)

SB 181, allowing certain prisoners to earn good conduct credits reducing such person's minimum sentence and establishing a committee to study permitting certain prisoners to be sentenced to substance abuse treatment centers. (Criminal Justice and Public Safety)

SB 196, relative to pari-mutuel wagers and defining "resort hotel." (Local and Regulated Revenues)

SB 202, relative to the certification of teachers, high school graduation examinations and making an appropriation therefor, school building aid, and establishing a committee to study school discipline and manifest educational hardship. (Education)

SB 209, establishing a residential care pilot program and providing for the funding of such program. (Health, Human Services & Elderly Affairs)

SB 216, relative to pari-mutuel racing and taxes on pari-mutuel pools. (Local and Regulated Revenues)

RECESS
(Rep. John Flanders in the Chair)
RESOLUTION

Rep. Wheeler offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 207 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 207, relative to a digital signature act. (Executive Departments and Administration)

RECESS

Rep. Robert Johnson moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 18

Wednesday, April 30, 1997

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

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

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of all the universes, help us to receive this time with gratitude and to collect ourselves for the work before us. In these moments of contemplation, help us to see ourselves and one another as You see us. Enable us to view our work from Your perspective and to consider the consequences of our actions for future generations. Throughout all of our lives we pray that You will be behind us to encourage us, beneath us to support us, above us to inspire us and before us to guide us. Amen.

Reps. Battles-Peirce and Dunham led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Avery, Belvin, Feng, Franks, Gibbons, Hawkinson, Musler, O'Connell, St. Hilaire, Sullivan and Paul Taylor, the day, illness.

Reps. Abbott, Asselin, Boriso, Buckley, Burke, Feuerstein, David Flanders, Robert Foster, Grassie, Hansen, Hoadley, Claudette Jean, Laflam, Leone, Lessard, Lundborn, Lynde, MacAuslan, James McDonald, Millard, Mittelman, Owen, Pantelakos, Marsha Pelletier, Phinney, Katherine Rogers, Weatherspoon and Yeaton, the day, important business.

Reps. Julie Brown, Robert Kelley and Morrill, the day, illness in the family.

INTRODUCTION OF GUESTS

Roberta Robie, guest of Rep. Sabella. Girl Scout Troop No. 2122 from Windham and its leaders and Boy Scout Matthew Lydon, guests of the Windham delegation. Cutter School 4th grade students from Swanzey, guests of Reps. Steere, Lynott and Metzger. Lucy Crane, guest of Rep. Fraser. Claire Belisle, guest of Rep. Pfaff. Jeff Brandon and Lindsay Thompson, guests of Rep. Naida Kaen. Students from the Eckerd Educational Wilderness Program, guests of Reps. Hager and Wallner.

SPECIAL GUESTS

The Bishop Brady High School Class I Championship Girls' Cheerleading Team and Boys' Basketball Team, guests of Rep. DeStefano and the House.

SENATE MESSAGES
CONCURRENCE

HB 215, relative to taxation of discretionary easements.

HB 216, relative to municipal budgets.

HB 285, relative to the official name of the "Old Man of the Mountain."

HB 328, relative to hour limitations on voting.

HB 332, repealing the law which prohibits an entity which conducts horse or dog racing from employing a member of the general court.

HB 336, clarifying certain definitions relating to dams.

HB 381, relative to public recreation and park areas in municipalities.

HB 390, relative to quarantine of captive wildlife.

HB 398, allowing Delta Dental Plan of New Hampshire to issue plans to individuals.

HB 415, establishing a nighttime speed limit for OHRVs traveling on the frozen surface of Back Lake in the town of Pittsburg.

HB 434, relative to milk products of sheep and goats and milk producer permits and allowing the commissioner of the department of health and human services to impose certain administrative fines.

HB 498-FN-A, recognizing the New Hampshire Farm Museum in Milton, New Hampshire as the first official state of New Hampshire farm museum.

HB 540, establishing a committee to study ways in which state agencies can be encouraged to assist small businesses to develop practices that comply with state law.

HB 650, relative to limited liability companies.

HB 687, establishing an Alan B. Shepard park commission.

HB 809, establishing a committee to study the feasibility of bringing the New England Patriots to New Hampshire.

HCR 11, relative to the preservation and revitalization of New Hampshire's rail-based corridors of commerce.

CACR 18, relating to references to the governor in the constitution. Providing that all references to the governor in the constitution shall be gender neutral.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 254, relative to shared tenant telecommunication services. (Amendment printed SJ 13, 4/24/97)

Rep. Jeb Bradley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Howard, Donald White, Below and Jeb Bradley.

HB 255, establishing a committee to study access to dental care for low-income, uninsured, and underinsured persons. (Amendment printed SJ 13, 4/24/97)

Rep. Emerton moved that the House concur.

Adopted.

HB 264, relative to technical committees advising the director of the office of information technology management on technical issues. (Amendment printed SJ 13, 4/24/97)

Rep. Mercer moved that the House concur.

Adopted.

HB 315, expanding the financial powers of village districts and repealing state law governing the water department of the town of Lisbon to accommodate the transfer of . the duties of the board of water commissioners to the board of selectmen adopted by the Lisbon town meeting. (Amendment printed SJ 10, 3/27/97)

Rep. Metzger moved that the House concur.

Adopted.

HB 516, increasing the fuel oil discharge cleanup fund fee. (Amendment printed SJ 13, 4/24/97)

Rep. Kurk moved that the House concur.

Adopted.

HB 628, relative to an agreement or contract for the Mount Sunapee or Cannon Mountain ski area operations, or both, establishing a committee to develop a proposal and review responses, and requiring review of any agreement or contract by the capital budget overview committee. (Amendment printed SJ 13, 4/24/97)

Rep. Royce moved that the House concur.

Adopted.

HB 704, relative to provisional licenses for manufacturers of beverages and requiring approval of the source of water used to manufacture beverages. (Amendment printed SJ 11, 4/3/97)

Rep. Emerton moved that the House concur.

Adopted.

HB 706, establishing a commission on animal damage control to review the fish and game laws relating to damage by game birds and game. (Amendment printed SJ 11, 4/3/97)

Rep. Mock moved that the House concur.

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 251, 392, 216 and 390 and Senate Bill numbered 81.

Rep. Nowe, Sen. Barnes for the Committee

AMENDMENT TO HOUSE RULES

The Rules Committee offered the following:

Amendment (1148h)

Amend House Rule 64 by replacing the entries from April 16, 1997 to June 11, 1997 with the following:

MAY 8, 1997, Thursday

Last day to report all Senate bills going to a second committee.

MAY 14, 1997, Wednesday

Last day to act on all Senate bills going to a second committee.

MAY 15, 1997, Thursday

Last day to report all Senate bills not in second committee.

MAY 22, 1997, Thursday

Last day to report all Senate bills in second committee.

MAY 28, 1997, Wednesday

Last day to act on all Senate bills.

MAY 29, 1997, Thursday

Last day to form committees of conference.

JUNE 5, 1997, Thursday

Last day to file committee of conference reports.

JUNE 9, 1997, Monday

Committee of conference reports available.

JUNE 12, 1997, Thursday

Last day to act on committee of conference reports.

AMENDED ANALYSIS

The amendment to House Rule 64 changes various deadlines for legislative action.

Rep. Lozeau moved that the Amendment be adopted.

Adopted.

COMMITTEE REPORTS

COMMERCE

SB 164, establishing a committee to study the establishment of a registry for intellectual property. OUGHT TO PASS

Rep. Toni M. Crosby for Commerce: This bill charges the state with establishing a committee to study the creation of a National Registry for Intellectual Property to be housed in New Hampshire. A centralized registry for copyrights, patents and trademarks would benefit both inventors and lenders when projects are in the funding stage. New Hampshire has a unique opportunity to promote itself as the perfect place to host an Intellectual Property Registry, as it is the home of the number one rated Intellectual Property program in the country, the Franklin Pierce Law Center. Vote 13-0.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 134, establishing a committee to study the certificate of need board and RSA 151-C. INEXPEDIENT TO LEGISLATE

Rep. Robert Chabot for Health, Human Services and Elderly Affairs: There being no testimony supporting a need for a study at this time, and aware that there is now in place a pilot program involving ambulatory care units, the committee feels that it is premature at this time. Vote 15-1.

JUDICIARY AND FAMILY LAW

SB 125, relative to the right of entry upon lands for surveying. INEXPEDIENT TO LEGISLATE

Rep. Carol H. Holden for Judiciary and Family Law: The committee feels that current governance of land surveyors by a licensure statute and regulations is adequate. The provisions of this bill go beyond what is an appropriate rule of practice. If this bill were adopted, licensed land surveyors and their agents would be allowed to enter any land after reasonable notice. Reasonable notice was not defined. In addition, licensees would be immunized from certain actions in trespass. Vote 17-0.

MUNICIPAL AND COUNTY GOVERNMENT

SB 5, relative to deposits and investments by trustees of town trust funds in credit unions and in mutual funds. OUGHT TO PASS WITH AMENDMENT

Rep. Paul A. McGuirk for Municipal and County Government: The committee heard no unfavorable testimony on SB 5. This bill allows investments, namely in some credit unions in the state of New Hampshire and shares of open-ended mutual funds. The committee unanimously agreed to amend RSA 31:25, custody investments. Vote 19-0.

SB 151, relative to final orders on appeals of decisions of zoning boards of adjustment. INEXPEDIENT TO LEGISLATE

Rep. Paul A. McGuirk for Municipal and County Government: Current statute allows the court, in its discretion, to remand the appeal to the zoning board of adjustment for further proceedings, not inconsistent with the decree, as justice may require. This bill would require the court to make a final order or decision on the appeal. The committee is of the opinion that the procedure to resolve zoning appeals is working quite well and should not be changed, thus the report of ITL. Vote 16-1.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

SJR 3, urging the United States Congress to adopt a constitutional amendment for environmental rights. INEXPEDIENT TO LEGISLATE

Rep. William M. Golding for State-Federal Relations and Veterans Affairs: The committee feels that the dynamics involved in current federal and state laws and regulations pertaining to clean and healthful air and water adequately addresses the issue. The committee did not feel that the issue merited elevation to the status of a "right" prescribed in the Federal Constitution any more than the "right" to other elements and factors that contribute to the health of a person. Vote 15-3.

WILDLIFE AND MARINE RESOURCES

SB 123, relative to shellfish harvesting areas. OUGHT TO PASS

Rep. Dennis F. Abbott for Wildlife and Marine Resources: This bill recognizes the Department of Health and Human Services as the agency administrating water quality standards regarding shellfish harvesting areas. Vote 9-0.

WEDNESDAY, APRIL 30
REGULAR CALENDAR

JUDICIARY AND FAMILY LAW

SB 85, making technical changes in laws relative to the probate courts. OUGHT TO PASS

Rep. Benjamin J. DePecol for Judiciary and Family Law: This bill makes the N.H. Supreme Court responsible for setting the rates for New Hampshire Legal Assistance. It also extends ex parte expiration dates from 14 to 30 days after the date of the order and makes some technical wording changes to RSA 547. Vote 12-5.

PUBLIC WORKS AND HIGHWAYS

SB 213-FN-A, establishing a fund for loans to rehabilitate class III railroads and cog railroads and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Paul I. LaMott for Public Works and Highways: The purpose of this bill is to continue the successful $2.5 million railroad revolving loan program established in 1994. The loan program is administered by the Bureau of Railroads in coordination with the State Treasurer. The infrastructure of short line railroads in the northern part of the state, the Rochester area and the North Walpole area have benefited from the program. This bill increases the bonded appropriation by $1.5 million and allows for the cog railroad to become eligible for the program. The amendment makes this program a permanent statute, requires a benefit cost analysis be prepared by the department of transportation prior to authorizing a loan, makes an intrastate passenger excursion railroad eligible for the program, and at the department of transportation's request changes the name of the Bureau of Railroads and Public Transportation to the Bureau of Rail and Transit. Vote 19-0.

COMMITTEES OF CONFERENCE

HB 338, repealing certain requirements relative to the duty to deliver a copy of process to prisoners. (Reps. Christie, Hansen, Lyman and Yvonne Coulombe)

HOUSE BILLS AMENDED BY THE SENATE

HB 105, allowing an extension of time limits upon a showing of good cause for holding an adjudicatory hearing in certain delinquency cases. (House Concurred 4/10/97)

HB 117, relative to Persian Gulf War bonus payments. (SJ 13)

HB 165, establishing a committee to study withdrawal from cooperative school districts. (SJ 10)

HB 230, establishing a committee to study the school building aid system. (SJ 10)

HB 249, clarifying the authority of certain officials and law enforcement officers to serve cease and desist orders against planning and zoning violations. (SJ 13)

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. (House Concurred 4/10/97)

HB 252, relative to posting of bylaws in advance of any town election. (SJ 13)

HB 254, relative to shared tenant telecommunication services. (SJ 13)

HB 255, establishing a committee to study access to dental care for low-income, uninsured, and underinsured persons. (SJ 13)

HB 264, relative to technical committees advising the director of the office of information technology management on technical issues. (SJ 13)

HB 315, expanding certain financial powers of village districts. (SJ 10)

HB 338, repealing certain requirements relative to the duty to deliver a copy of process to prisoners. (House Nonconcurred; C-of-C 4/10/97)

HB 343, relative to authority by governmental entities over driveways and other accesses to public ways. (House Concurred 4/23/97)

HB 370, updating and making technical corrections in certain banking laws. (SJ 13)

HB 392, changing references to the "BOCA Basic Building Code" to "BOCA National Building Code." (House Concurred 4/10/97)

HB 404, establishing a committee to study providing universal catastrophic health coverage by establishing a statewide catastrophic risk pool. (SJ 13)

HB 450, relative to accessing directory information as defined by the Family Educational Rights and Privacy Act. (SJ 11)

HB 516-FN, increasing the fuel oil discharge cleanup fund fee. (SJ 13)

HB 539, relative to the tax lien process for quarterly tax bills in the city of Concord. (House Concurred 4/23/97)

HB 628, relative to an agreement or contract for the Mount Sunapee or Cannon Mountain ski area operations, or both, establishing a committee to develop a proposal and review responses, and requiring review of any agreement or contract by the capital budget overview committee. (SJ 13)

HB 704, relative to provisional licenses for manufacturers of beverages and requiring approval of the source of water used to manufacture beverages. (SJ 11)

HB 706, establishing a commission on animal damage control to review the fish and game laws relating to damage by game birds and game. (SJ 11)

HB 737, establishing a committee to study the New Hampshire retirement system relative to redefining earnable compensation. (House Concurred 4/23/97)

HCR 2, urging all school districts in the state of New Hampshire to implement peer mediation programs. (SJ 11)

LAID ON TABLE

HB 198-L, allowing municipalities to offer tax incentives to foster growth in new and existing industrial construction. (Pending question is the adoption of the Committee report, re-refer to committee.)

HR 19, affirming unrestricted revenue estimates for fiscal years 1998 and 1999. (Pending question is ordering to third reading.)

COMMITTEE HEARINGS
WEDNESDAY, APRIL 30

COMMERCE, Room 302, LOB

10:00 a.m. SB 113, establishing a committee to study health care issues related to individuals who are underinsured or without insurance.

11:00 a.m. Subcommittee work session on SB 130, relative to the portability, availability, and renewability of health coverage.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Subcommittee work session on HB 204-FN-LOCAL, relative to transportation of arrestees, detained defendants, and prisoners and court control of arrestees, detained defendants, and prisoners.

11:00 a.m. Subcommittee work session on HB 583-FN-LOCAL, relative to felonious disarming of a law enforcement officer.

EDUCATION, Room 207, LOB

9:00 a.m. Subcommittee work session on SB 203, deleting the state prison and adding county correctional facilities to the provisions relating to incarcerated educationally disabled children.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

10:00 a.m. Executive session on pending legislation, if needed.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

9:30 a.m. Executive session on pending legislation.

10:30 a.m. Presentation by the Department of Health and Human Services on the awareness of shaken baby syndrome.

JUDICIARY AND FAMILY LAW, Room 208, LOB

9:30 a.m. Subcommittee work session on SB 194, relative to the age of child day care providers homes, and allowing school districts to transport school-age children between schools and before-and-after-school programs.

10:00 a.m. Executive session on pending legislation.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

9:30 a.m. Subcommittee work session on SB 93, relative to employees of employers who hire recipients of state assistance under the employment assistance program.

LOCAL AND REGULATED REVENUES, Room 206, LOB

10:00 a.m. Executive session on pending legislation.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:00 a.m. Executive session on pending legislation.

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

9:30 a.m. Full committee organizational meeting on re-referred bills.

THURSDAY, MAY 1

COMMERCE, Room 302, LOB

9:30 a.m. Subcommittee work session on SB 79, prohibiting the sale of gift certificates containing an expiration date, relative to unclaimed and abandoned property, and relative to liens on personal property.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

1:00 p.m. Organizational subcommittee meeting on HB 271, establishing a committee to examine the effectiveness and efficiency of the multiple DWI offender intervention detention center program; HB 414, authorizing the commissioner of the department of safety to adopt rules imposing late fees for the impaired driver intervention programs and HB 420, relative to administrative review of suspended or revoked motor vehicle licenses.

EDUCATION, Room 207, LOB

9:30 a.m. Executive session on pending legislation.

Immediately following the executive session subcommittee work session on SB 154, relative to charter schools.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

9:30 a.m. Subcommittee work session on SB 36, relative to incarcerated convicted persons receiving workers' compensation payments.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Subcommittee work session on HB 641, relative to property tax bills for land parcels having multiple owners; HB 642, requiring that all property taxes be paid prior to approval of a subdivision plat and HB 676-FN-LOCAL, establishing procedures for the distribution of proceeds from the sale of tax-deeded property by a municipality.

FRIDAY, MAY 2

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

9:00 a.m. Regular meeting.

TUESDAY, MAY 6

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. SB 181, allowing certain prisoners to earn good conduct credits reducing such person's minimum sentence and establishing a committee to study permitting certain prisoners to be sentenced to substance abuse treatment centers.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EDUCATION, Rooms 205-207, LOB

10:00 a.m. SB 202, relative to the certification of teachers, high school graduation examinations and making an appropriation therefor, school building aid, and establishing a committee to study school discipline and manifest educational hardship.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

1:00 p.m. Subcommittee work session on HB 553-LOCAL, relative to a right to farm.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

10:00 a.m. SB 207, relative to a digital signature act.

1:00 p.m. SB 54, relative to gainful occupation of disability beneficiaries in the New Hampshire retirement system.

2:00 p.m. SB 68, providing health care coverage for the spouse and dependents of any group I or group II retirement system member who is killed in the line of duty.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

10:00 a.m. SB 172, making various changes to the workers' compensation law.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

TRANSPORTATION, Room 203, LOB

10:00 a.m. Executive session on pending legislation.

WEDNESDAY, MAY 7

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Subcommittee work session on HB 665-FN, establishing the crime of felony murder.

11:00 a.m. Subcommittee work session on SB 102-FN, relative to the possession of certain weapons in the commission of a violent crime.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

10:00 a.m. SB 209, establishing a residential care pilot program and providing for the funding of such program.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

NEW HAMPSHIRE COMMISSION ON THE SMITHSONIAN FESTIVAL OF AMERICAN FOLKLIFE (SJR 20, Chapter 204, Laws of 1996), Room 206, LOB

4:00 p.m. Rescheduled regular commission meeting.

MONDAY, MAY 12

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

9:00 a.m. Regular business.

PERINATAL CHEMICAL DEPENDENCY (RSA 132:19), Room 101, LOB

9:00 a.m. Regular meeting.

TUESDAY, MAY 13

LEGISLATIVE FACILITIES (RSA 17-E:2), Room 103, State House

1:00 p.m. Regular meeting.

FRIDAY, MAY 16

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

9:00 a.m. Regular meeting.

TUESDAY, MAY 27

ETHICS COMMITTEE (RSA 14-B:2), Room 304, LOB

9:00 a.m. Rescheduled regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Merrimack County Executive Committee will meet May 2 at the Upham Walker House at 10:00 a.m.

Rep. Robert A. Lockwood, Chairman

Merrimack County Executive Committee

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Members are reminded that material in mailboxes needs approval of the chairman of the Legislative Administration Committee. Such material should relate to legislative business and must indicate the identity of the sender.

Rep. Channing T. Brown, Chairman

Legislative Administration Committee

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THE MOST RECENT INFORMATION ON HOUSE-CALENDAR DELIVERY:

Arrangements have been made to have our Friday mailings now leave Concord at 2:00 p.m. bound for the Manchester Distribution Center. Additionally, the Postal Representative assisting us has notified the Supervisors in all of the Post Offices where late delivery has been a consistent problem (based on the return envelopes we collected) to be alert for mail addressed to State Representatives. If you continue to experience late delivery, please save your envelope when it does arrive; write on it the date of receipt and bring the envelope to the Clerk's Office. This has been a great help trying to isolate the problems. Thank you for your cooperation.

Karen O. Wadsworth, Clerk of the House

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REVISED AMENDED FISCAL NOTES

The following HBs have a revised or amended fiscal note: HBs 2, 25, 50, 53, 120, 151, 181, 186, 187, 225, 229, 236, 243, 262, 268, 340; 378, 379, 430, 436, 457, 459, 486, 498, 511, 516, 530, 557, 559, 560, 562, 564, 565, 567; 568, 569, 570; 571, 572, 573, 577, 578; 580, 587, 588, 589; 591, 592, 593, 595, 596, 598, 599, 602; 603; 604, 605; 607; 608, 610; 615; 617; 618; 619;622, 625; 626, 627; 636, 637, 638; 643; 644,645; 649; 657, 658, 661; 663, 671, 677, 686; 688, 689, 696, 700, 702, 716; 719; 720, 723, 724, 725, 726, 727, 729, 731, 733, 734, 735, 737, 739, 740, 741, 742, 743, 744, 745, 747, 748, 749, 750, 751, 755, 760, 761, 762, 763. 764, 765,766, 767, 768, 769, 770, 771, 773, 774, 780, 781, 783, 784, 785, 786, 788, 791, 792, 794, 795, 796, 799 and 810.

Leo J. Callahan, Assistant Clerk

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When the House Clerk is aware of House Members who are hospitalized or homebound by serious illness, it will publish a list of names and addresses so that their colleagues who so desire may send cards and greetings.

William S. Belvin, 231 Boston Post Road, Amherst, New Hampshire 03031-3015

David S. Feng, 1 Timber Lane, Hudson, New Hampshire 03061-3114

Suzan L.R. Franks, 42 Cathedral Circle, Nahsua, New Hampshire 03063-2732

Paul W. Taylor, 214 Harris Road, Nashua, New Hampshire 03060-3708

Karen O. Wadsworth, Clerk of the House

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Pursuant to RSA 326-B:12, the Joint Health Council will meet in Room 205, LOB, North Main Street Concord, on Monday, May 5 at 6:30 p.m.

Karen O. Wadsworth, Clerk of the House

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MEMBERS' NOTICES

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

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Improve your mind, and recycle! Bring a book - Buy a book is located outside the cafeteria. It is sponsored by the OWLs. All moneys go to the scholarship fund.

Rep. Betsy McKinney

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Legislators and staff are invited to a reception hosted by the NH Psychology Association on Wednesday, April 30, 3:15 p.m. or after session, at the Holiday Inn. Hors d'ouevres and refreshments provided.

Reps. Robert L. Wheeler and Peter Hoe Burling

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The New Hampshire Nurses' Association, the New Hampshire Nurse Practitioners' Association and other nursing specialty groups are pleased to invite all legislators to coffee and dessert before the session on April 30 from 12:15 p.m. to 1:15 p.m. at the Upham Walker House in honor of up coming National Nurses' Week.

Reps. Marion L. Copenhaver and Lawrence A. Emerton

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"Friend of a Democratic Senate" are sponsoring a reception to honor all Democratic State Senators on Wednesday, April 30 at the Szechuan Garden Restaurant on Fisherville Road in Concord from 4:30 p.m. to 7:00 p.m. Donations are $50 and all are invited to attend this reception.

Rep. Peter Hoe Burling, Democratic Leader

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Attention legislators! You are invited to attend Disability Awareness Day on Wednesday, April 30 in the Hall of Flags from 8:30 a.m. to 4:30 p.m. It is sponsored by the Statewide Independent Living Council and the Governor's Commission on Disability. For more information contact: Rep. Gene Gagnon at 271-2169 or Carol Nadeau at 271-6895.

Rep. Eugene L. Gagnon

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Please join the Merrimack County Republican and Concord Republican Committees for their annual spring dinner Thursday, May 1 at the Capitol Center of the Arts. Guest speaker will be potential presidential candidate, Arizona Senator John McCain. Tickets are $35 each or $60 per couple and are available from Sen. Amy Patenaude, Rep. Michael Whalley or at State Republican Headquarters.

Rep. Michael D. Whalley

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The State Veterans' Cemetery Oversight Committee cordially invites all legislators to attend the groundbreaking ceremony for the New Hampshire State Veterans Cemetery in Boscawen. The ceremony begins at 2:00 p.m. on Friday, May 2. We have waited a long time to acknowledge and honor our New Hampshire Veterans for their achievements and sacrifices made on behalf of our nation. This is a very historic day for the Veterans of New Hampshire and their families. We hope you can join us.

Rep. Leon Calawa, Jr.

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Don't forget! Call today to register for Leadership Victory Summit '97 on Saturday, May 3 at Lake Ossipee Conference Center, Freedom, NH. Don't miss your chance to be part of this unprecedented gathering of Republicans from across New Hampshire. Sen. Don Nickels of Oklahoma will be the luncheon speaker. Call the Republican State Committee at 225-9341 to register and be part of planning for victory.

Rep. Frances L. Riley

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The Manchester Legislative Delegation will be meeting with the Mayor of Manchester on Monday, May 5 at 8:30 a.m. in the Aldermanic Chambers at City Hall. Refreshments will be served.

Rep. Lou D'Allesandro

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The New Hampshire Federation of Republican Women cordially invites you to join them for their Annual Lilac Luncheon with Guest Speaker Steve Forbes. This year's luncheon is being held at the Castleton in Windham on Monday, May 5 at 11:30 a.m. Tickets are $25 and are available from Rep. Cynthia Dokmo (5-28) or Rep. Carol Holden (3-1).

Rep. Carol H. Holden

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The New Hampshire Quality Outcomes Project invites you to a Feedback Forum for Legislators on May 5 from 10:00 to noon in Room 308, LOB with Valerie Bradley, Chair of the President's Committee on Mental Retardation and chief consultant to the Quality Outcomes Project.

Rep. Lawrence A. Emerton, Sr.

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Now is the time to plan for relaxing, fun filled Day-On-The-Range at the Annual Legislative Shoot, sponsored by the Gun Owners of New Hampshire. This Firearms Orientation and Safety Program at the Sunset Mountain Fish and Game Club in Canterbury gives both novices and those with firearms experience an opportunity to spend a day in the sun with GO-NH Club members to assist them. Wake-up coffee and lunch will be provided. For further details and reservations, please call Rep. Frances Riley. Space is limited, so please reserve as early as possible. Monday, May 5 is the date, rain or shine, as shelter is available.

Rep. Frances L. Riley

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Concord City Democrats will meet on Tuesday, May 6 at 7:00 p.m. in Room 102, LOB.

Rep. Miriam D. Dunn

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The next public informational meeting for the Manchester Airport access road has been scheduled for May 6 from 5:30 to 8:00 p.m. at the McKelvie School, 108 Liberty Hill Road, Bedford. This will be an open forum at which the Department of Transportation will explain its preferred route on a one-to-one basis and in small groups. Maps will be shown and questions will be answered.

Rep. Steve Vaillancourt

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There will be a meeting of a new group for persons with disabilities and those interested in this issue on May 7th at 10:00 a.m. in Room 307, LOB. The purpose of the "Meeting The Challenge" group is to provide a forum for those of us with disabilities who face various problems while serving as legislators, I hope that as many of you as possible will join me in this effort.

Rep. Carol Ann Williams

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The Merrimack County Democrats will meet on Tuesday, May 13 at 7:00 p.m. in Room 102, LOB

Rep. Miriam D. Dunn

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The OWLs will meet Wednesday, May 14 in Room 306, LOB from noon to 1:00 p.m. Joyce Miko, co-founder of the Academy of American Doll Artists Inc. will be speaking. Boxed lunches will be available for a small charge. All legislators are welcome to attend.

Rep. M. Virginia Burke

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The 1997 State House softball team is being formed for games to be played from late April through June. The games take place on Mondays during the early evenings at DOT field, Hazen Drive. All staff and legislators (or others) who want to play may contact Curtis Barry at 3663 or Erik Schneiderhan at 2136.

Reps. Robert L. Wheeler and Peter Hoe Burling

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A deep sea fishing trip is planned for Friday, May 16. Boat departs at 7:30 a.m. from Smith and Gilmore Pier, Hampton and returns at approximately 4:30 p.m. The trip is open to representatives, senators and staff. $25 per

person. Limit 40 people. First paid - first reserved. Please contact Rep. Terence R. Pfaff, 329 Hackett Hill Road, Hooksett, New Hampshire 03106-2522, telephone 624-0950.

Rep. Terence R. Pfaff

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The Manchester Republican Committee will hold a fund raising "Spring Fling" Dinner featuring the Honorable John H. Sununu at the Center of New Hampshire on Thursday, May 22nd. Reception at 6:00 p.m. Dinner at 7:00 p.m. Tickets $50 each; Table of 10 $450. RSVP by May 15. For more information contact Bobbi Arnold at 669-4814; or Rep. Bill Golding at 623-6562; or Rep. Winston McCarty at 668-4263.

Rep. William M. Golding

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The Belknap County Republic Committee will hold its Annual Chicken Barbecue at the Smith Meeting House Gilmanton on Saturday, June 14 from Noon to 4:00 p.m. Donation $15. For tickets see Rep. Rice, Steve Nadeau or any Belknap County Republican.

Rep. Thomas E.P. Rice, Jr.

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The Department of Transportation will hold the following meetings:

April 30 Keene High School (small) Gymnasium, 43 Arch Street, Keene, 6:30 p.m. public information meeting, Keene-Swanzey, NH 101 reconstruct from Main Street Westerly to NH 12.

April 30 Vic Geary Center, Greenough Road, Plaistow, 7:00 p.m. Public officials/information meeting, Plaistow, sidewalk project, Elm Street to Pollard Avenue.

May 6 McKelvie School Cafeteria, Liberty Hill Road, Bedford, 5:30 p.m. Public information meeting, Bedford, Manchester, Londonderry, Litchfield, Merrimack, Manchester Airport Access.

May 6 Conway Town Hall, 4:00 p.m. Public officials/information meeting, Conway, West Side Road, bike shoulders.

Rep. Gene G. Chandler, Chairman

Public Works and Highways

WEDNESDAY, APRIL 30

AMENDMENTS

(Listed in numerical order.)

1997-1148h

Amendment to House Resolution 1

Amendment to House Rule 64

Proposed by the Rules Committee

Amend House Rule 64 by replacing the entries from April 16, 1997 to June 11, 1997 with the following:

MAY 8, 1997, Thursday

Last day to report all Senate bills going to a second committee.

MAY 14, 1997, Wednesday

Last day to act on all Senate bills going to a second committee.

MAY 15, 1997, Thursday

Last day to report all Senate bills not in second committee.

MAY 22, 1997, Thursday

Last day to report all Senate bills in second committee.

MAY 28, 1997, Wednesday

Last day to act on all Senate bills.

MAY 29, 1997, Thursday

Last day to form committees of conference.

JUNE 5, 1997, Thursday

Last day to file committee of conference reports.

JUNE 9, 1997, Monday

Committee of conference reports available.

JUNE 12, 1997, Thursday

Last day to act on committee of conference reports.

AMENDED ANALYSIS

The amendment to House Rule 64 changes various deadlines for legislative action.

1997-1165h

Amendment to SB 5

Proposed by the Committee on Municipal and County Government

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

1 Custody Investments. Amend RSA 31:25 to read as follows:

31:25 Custody; Investments. The trustees shall have the custody of all trust funds held by their town. The funds shall be invested only by deposit in some savings bank or in the savings department of a national bank or trust company in this state, in some credit union in this state, or in shares of any building and loan association or cooperative bank, incorporated and doing business under the laws of this state, or in the shares of any federal savings and loan association, located and doing business in this state, or in bonds, notes or other obligations of the United States government, or in state, county, town, city, school district, water and sewer district bonds and the notes of towns or cities in this state; and such stocks and bonds as are legal for investment by New Hampshire savings banks [and when so invested, the trustees shall not be liable for the loss thereof]; and in [any common trust fund established by the New Hampshire Charitable Foundation in accordance with RSA 292:23] participation units in the public deposit investment pool established pursuant to RSA 383:22. Shares of open ended mutual funds are also permitted if they are registered with the Securities and Exchange Commission, qualified for sale in the state of New Hampshire in accordance with the New Hampshire uniform securities act of the New Hampshire secretary of state's office, and which have in their prospectus a stated investment policy which is consistent with the investment policy adopted by the trustees of trust funds in accordance with RSA 35:9, and when so invested, the trustees shall not be liable for the loss thereof. The trustees may retain investments as received from donors, until the maturity thereof. The trustees shall formally adopt an investment policy for all investments made by them or by their agents for any trust funds in their custody. Such investment policy shall be reviewed and confirmed at least annually.

2 Retention of Nonlegal Securities. Amend RSA 31:25-a to read as follows:

31:25-a Retention of Nonlegal Securities. Any security which at the time of its purchase under RSA 31:25 constituted a legal investment for New Hampshire savings banks or trustees of trust funds under the laws and conditions then existing may be retained notwithstanding the fact that, because of changes in the law relating to legal investments or because of conditions arising subsequent to the purchase of such security, its purchase might not then be legal; provided, however, that no such security that is not a prudent investment under the circumstances existing at the time of its retention and thereafter [shall] may be retained by the trustees; and provided further, that the aggregate total of the market value of all securities retained under this section shall not exceed 20 percent of the total market value of all the investments held by the trustees.

1997-1142h

Amendment to SB 213-FN-A

Proposed by the Committee on Public Works and Highways

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

1 Statement of Purpose. The general court declares that:

I. Rail service is indispensable to certain areas of the state.

II. There is a need to provide and maintain efficient and viable rail lines of New Hampshire class III railroads and cog railroads.

III. There is a need to keep rail lines of class III railroads and cog railroads in the private sector by utilizing qualified short line operators and cog railroad operators.

IV. There is a need to provide for limited state support funds for local rail assistance to maintain and enhance the rail lines and equipment of short line railroads and cog railroads.

2 Bureau Name Changed. Amend RSA 228:57-a, I to read as follows:

I. Notwithstanding RSA 228:57, portions of real estate owned by the state and managed by the bureau of [railroads and public transportation] rail and transit in the department of transportation that are on the shores of public waters, as defined by RSA 271:20, may be leased for private, noncommercial use by owners of adjacent properties separated from the shore only by the railroad land, as long as such use does not interfere with railroad operations. Any property owner meeting the requirements of this section may request in writing to be allowed to lease such property from the state. However, when the adjacent property is owned by more than one individual, such as a condominium association, the association, only as a single entity, may request the lease. In no case shall more than one access point to the leased property be allowed.

3 New Section; Rehabilitating Class III Railroads and Cog Railroads; Revolving Loan Fund. Amend RSA 228 by inserting after section 66 the following new section:

228:66-a Rehabilitating Class III Railroads and Cog Railroads; Revolving Loan Fund.

I. There is established the class III railroad and cog railroad capital rail line rehabilitation and equipment revolving loan fund which shall be spent on rehabilitating the rail lines and the purchasing of equipment of class III railroads and cog railroads, which rail lines, equipment, and railroads, shall meet the requirements of the benefit/cost analysis prepared by the department of transportation's bureau of rail and transit. Loans provided to operators of class III railroads and cog railroads for rehabilitating the rail lines and equipment purchases shall be approved by the governor and council.

II. The operator of the class III railroad or cog railroad provided a loan under this section shall be required to furnish assurance by signed agreement with the state to continue utilization of the line involved on an annual basis at a tonnage level of at least 80 percent of their annual tonnage average over the 3 years preceding the agreement, provided that enforcement of such assurance shall be preceded by a finding by the commissioner that any shipping rate increases during such period are reasonable, or a continued utilization of the line involved on an annual basis at a passenger level of at least 80 percent of their prior 3 years preceding the agreement.

III. The operator of the class III railroad or cog railroad shall repay any loan funded pursuant to paragraph I on such terms and conditions as are recommended by the bureau of rail and transit, department of transportation. The term of the loan shall be no less than 5 and no longer than 20 years and shall, to the extent possible and consistent with this section, be determined so as to match the useful life of the improvements funded by the loan. The terms and conditions shall be contained in the binding agreement between the state and the operator of the class III railroad or cog railroad and shall be sufficient to fully reimburse the state for the principal and interest payments on that portion of the bonds authorized to fund the loan.

IV. A lien on the improved property or equipment shall be created in favor of the state in an amount which equals the sum of principal and interest to be repaid by the operator of the class III railroad or cog railroad. The lien shall be recorded in the registry of deeds of the county or counties in which the improved property is situated and shall not supersede any lien created by a mortgage affecting such property. The lien shall expire only when the loan has been fully repaid.

V. For the purpose of this section, a "class III railroad" shall be a freight railroad or an intrastate passenger excursion railroad.

4 Appropriation. The sum of $1,500,000 is hereby appropriated, in addition to any other sums appropriated, to the department of transportation, bureau of rail and transit, to be deposited in the class III railroad and cog railroad capital rail line rehabilitation and equipment revolving loan fund for the fiscal year ending June 30, 1998, for the purpose of rehabilitating the rail lines of class III railroads and cog railroads. This appropriation shall be nonlapsing.

5 Bonds Authorized. To provide for the appropriation made in section 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding $1,500,000 for said purposes and 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 on the bonds and notes shall be made from the general fund of the state.

6 Transfer of Funds. All funds remaining in the fund established under 1994, 338:3 and 4 shall be transferred to the fund established under RSA 228:66-a.

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

AMENDED ANALYSIS

This bill establishes a fund to be used for loans to operators of class III railroads and cog railroads for rehabilitation of such railroads and appropriates $1,500,000 for the fiscal year ending June 30, 1998, and transfers funds from the class III railroad capitol rehabilitation revolving loan fund to the class III railroads and cog railroad capital rail line rehabilitative fund. It also changes the name of the bureau of railroads and public transportation to the bureau of rail and transit.