HOUSE RECORD

Second Year of the 155th Session of the General Court

Calendar and Journal of the 1998 Session

Vol. 20 Concord N.H. Wednesday, March 25, 1998 No. 30

HOUSE JOURNAL No. 8 (cont.)

Thursday, March 19, 1998

RESOLUTION

(Rep. Gene Chandler in the Chair)

Its introduction having been approved by the Rules Committee:

Rep. Amanda Merrill offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1680, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1680-FN-A-L, relative to administration of retiree's health benefits by the New Hampshire retirement system and making an appropriation therefor. (Dyer, Hills 8; J. King, Dist 18: Executive Departments and Administration)

Rep. Amanda Merrill offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 301, 321, 339, 341, 362, 415, 438, 439 and 448, 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 301, relative to teacher renomination and the application of teacher professional and performance standards. (Education)

SB 321-FN-L, relative to creating a joint maintenance high school in certain towns. (Education)

SB 341, relative to the decommissioning finance committee. (Science, Technology and Energy)

SB 339, relative to the bidding for design and construction of a new medium security prison in the city of Berlin and to the closure of the lakes region facility and making appropriations therefor. (Public Works and Highways)

SB 362, relative to the proper classification of jobs in the New Hampshire retirement system. (Executive Departments and Administration)

SB 415, relative to the authority of zoning boards of adjustment to grant variances from certain zoning ordinances. (Municipal and County Government)

SB 438, relative to the authority of a voluntary corporation to indemnify its directors and officers. (Judiciary and Family Law)

SB 439-L, relative to the adoption of rules by local school district governing bodies concerning pupil discipline and behavior. (Education)

SB 448, establishing a committee to study joint maintenance agreements in school districts. (Education)

RECESS

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 9

Wednesday, March 25, 1998

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

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

O God of life and love, we give You thanks for this day and its opportunities for service. Whenever we feel overwhelmed, help us to rest in You and find new strength. Whenever our hearts are chilled by indifference, warm us with Your energy and passion, that we may receive fresh inspiration for our work together. We pray that You will bestow upon each member of this body the courage to speak and hear the truth and to have the wisdom to look at familiar issues from new angles and the vision to use the resources of this state for the common good. Amen.

Rep. McGough led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Mary Brown, Calawa, DePecol, Dunham, Eaton, Ferguson, Flora, Robert Foster, Guest, Healy, Major, O'Rourke, Pepino, Paul Taylor and Trelfa, the day illness.

Reps. Barry, Bergin, Julie Brown, Case, Chase, David Cote, Crowell, Gage, Gile, Goulet, Hurt, Lavoie, McCann, Mirski, Morrill, Morris, Moynihan, Marsha Pelletier, Piteri, Robertson, Salatiello and Simmons, the day, important business.

Rep. Carol Williams, the day, death in the family.

Reps. Carney, Clay and Krueger, the day, illness in the family.

INTRODUCTION OF GUESTS

Alida Weergang, President and members of the New Hampshire Federated Republican Women's Club, guests of the House. David Dalrymple, Misty Tisbert and Adam Friedman, son and guests of Rep. Dalrymple. Kara Therrien, guest of Rep. Kevin Smith.

SPECIAL GUESTS

The 1997 Girls Class-L Championship Soccer Team from Manchester West High School and the State Girls Class-S Volleyball Champions from Sunapee High School, guests of the House.

SENATE MESSAGES

CONCURRENCE

HB 802, relative to judgments on past due rent.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 443, 670 and 659 and Senate Bill numbered 305.

Rep. Pfaff, Sen. Barnes for the Committee

COMMITTEE ASSIGNMENTS

Rep. Ernest E. Chabot on Wildlife and Marine Resources.

Rep. Francis W. David on Wildlife and Marine Resources.

Rep. Joan C. Tate on Judiciary and Family Law.

The Ethics Committee offered the following:

LEGISLATIVE ETHICS COMMITTEE

Proposed Amendment to Ethics Guidelines

At its meeting on March 18, 1998, the Committee unanimously voted to amend Ethics Guidelines Sections 3 and 5, subject to approval by the General Court in accordance with RSA 14-B:3, II. The amendment, in its entirety, is printed below.

Representative Jeb E. Bradley, Chairman

ETHICS GUIDELINES

3 LEGISLATOR'S FINANCIAL DISCLOSURE FORM.

Every representative, representative-elect, senator, senator-elect, and officer of the House and Senate, shall file with the Secretary of State the following financial disclosure form on or before January 31 of each year [~~for the preceding calendar year~~].

FINANCIAL DISCLOSURE FORM

FOR STATE SENATORS, STATE REPRESENTATIVES AND OFFICERS OF THE GENERAL COURT

Required by the Legislative Ethics Committee (RSA 14-B)

Name of Legislator/Officer _____

(print name)

Address _____

street town/city zip code

Office _____ County/District _____

Telephone Number _____

I.Identify below the name, address, and type of any professional, business, or other organization (including any unit of government) in which you are or were an officer, director, associate, partner, proprietor, employee, or member, or served in any advisory capacity, from which you derived any income (including retirement benefits **other than federal retirement and/or disability benefits**) in excess of $10,000 during the preceding calendar year.

1) a) Name of organization

b) Address of organization

c) Type of organization

2) a) Name of organization

b) Address of organization

c) Type of organization

3) a) Name of organization

b) Address of organization

c) Type of organization

(attach additional sheets if necessary)

Please note: every State Senator, State Representative, and Officer of the General Court is required to file this form. If you feel that your income during the preceding calendar year does not qualify for disclosure according to the criteria stated above, signify by checking on the line below.

My income does not qualify _____

II. COMPLETION OF THIS SECTION IS OPTIONAL.

Disclosure and description below of your financial interest may eliminate the need to follow the conflict of interest procedure established in Section 5 of the Ethics Guidelines. If your participation in an official activity creates a conflict of interest not disclosed by the information on this form, you must complete and file a Declaration of Intent Form in accordance with Section 5 of the Ethics Guidelines. See Section 5 of the Ethics Guidelines for information regarding particular conflicts of interest that you may have.

FOR THIS SECTION, "FINANCIAL INTEREST" MEANS THAT A CHANGE IN THE LAW DEALING WITH ANY OF THESE SUBJECTS LISTED BELOW WOULD POTENTIALLY HAVE A GREATER FINANCIAL EFFECT ON YOU OR YOUR SPOUSE THAN IT WOULD ON THE GENERAL PUBLIC.

Do you or your spouse have a financial interest, as defined above, in any of the following businesses, professions, occupations, groups, or matters? Check any of the following which apply and describe the nature of your or your spouse's financial interest:

(a) any profession, occupation, or business licensed or certified by the State of New Hampshire

_____

(b)health care

_____

(c)insurance

_____

(d)real estate, including brokers, agents, developers, and landlords

_____

(e)banking or financial services

_____

(f)State of New Hampshire, county or municipal employment

_____

(g)the New Hampshire Retirement System

_____

(h)the current use land assessment program

_____

(i)restaurants and lodging

_____

(j)the sale and distribution of alcoholic beverages

_____

(k)the practice of law

_____

(l)any business regulated by the Public Utilities Commission

_____

(m)horse or dog racing, or other legal forms of gambling

_____

(n)education

_____

(o)water resources

_____

(p)agriculture

_____

(q)New Hampshire taxes: Business Profits Tax, Business Enterprise Tax, Interest and Dividends Tax

_____

(r)other

_____

The foregoing information is true to the best of my knowledge and belief.

_____

Signature of Legislator/Officer

Complete and return to the Office of Secretary of State no later than January 31, _____

5 CONFLICT OF INTEREST PROCEDURE.

I. No declaration shall be required if no benefit or detriment could reasonably be expected to accrue to the legislator as a member of a business, profession, occupation, or other group, to any greater extent than to

any other member of such business, profession, occupation, or other group, provided that disclosure of the legislator's membership is made in the Financial Disclosure Form pursuant to section 3 of the Ethics Guidelines. For purposes of these guidelines, groups shall be limited to ones generally recognized and of a substantial size.

II. When a legislator becomes aware that a conflict of interest exists or may exist ***and the conditions set forth in paragraph I are not met***, the legislator shall proceed in accordance with either subparagraph (a) or (b):

(a) Declare that the legislator will not participate in any official activity associated with the issue.

(b) Declare that the legislator intends to participate in the official activity and will provide a description of the conflict of interest including:

* names of all entities, both public and private, which might be affected;

* the nature of any benefit which may accrue to the legislator;

* the nature of any financial interest in the issue;

* the nature of any relationship which existed, exists or may exist between the legislator and any person or entity which might be affected;

* such additional information as may be required to permit clear public awareness and understanding of the nature and extent of the conflict.

III. The declaration required in subparagraphs ***II*** (a) and (b) of this procedure shall be publicly announced prior to the legislator's initial participation in the official activity. The information required in subparagraph (b) shall be filed with the clerk of the member's respective body within 24 hours of the time of the official activity and be made available for public inspection during normal business hours.

Rep. Jeb Bradley moved that the Financial Disclosure Form, as proposed by the Ethics Committee, be adopted, spoke in favor and yielded to questions.

Rep. Jacobson spoke against.

Rep. Teschner spoke in favor.

On a division vote, 246 members having voted in the affirmative and 69 in the negative, the Financial Disclosure Form was adopted.

SPECIAL ORDERS

HB 1344-FN, relative to state employees receiving workers' compensation benefits. INEXPEDIENT TO LEGISLATE

Rep. Arthur P. Klemm, Jr. for Finance**:** This bill would have allowed state employees receiving partial workers' compensation indemnity benefits to accrue leave time. The Director of Personnel testified in opposition to the bill stating that the cost of the bill was indeterminable. This issue is more appropriately viewed as a negotiated item in collective bargaining. Vote 16-0.

Adopted.

HB 1377-FN, establishing a state commission on the status of men. INEXPEDIENT TO LEGISLATE

Rep. Mary Jane Wallner for Finance**:** As the bill came to the Finance Committee the Commission on the Status of Men would be attached to the Department of Administrative Services, but there was no funding for the new commission. The Department of Administrative Services does not have the needed funds in its present budget to accomplish the goals of the bill. Administrative Services estimated the cost might be up to $20,000 for the first year and $10,000 to $11,000 in future years; the cost of the Commission on the Status of Women is about $45,000 annually. The Finance Committee did not feel this new commission would be a priority for funding at this time. Vote 14-3.

Reps. Bickford, Jacobson and Dickinson spoke against.

Rep. Belvin spoke in favor.

Reps. Wallner and Hager spoke in favor and yielded to questions.

Rep. Kurk yielded to questions.

Rep. Dickinson requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 182 NAYS 142

YEAS 182

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Calvert, Alice	Holbrook, Robert
Laflam, Robert	Lawton, Robert	Rosen, Ralph	Thomas, John
Turner, Robert	Veazey, John		

CARROLL

Bradley, Jeb	Chandler, Gene	Howard, Godfrey	Philbrick, Donald

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Champagne, Richard
Doucette, Richard	Hunt, John	Lynch, Margaret	McNamara, Wanda

Meader, David	Pratt, Irene	Pratt, John	Riley, William
Royce, H. Charles	Russell, Ronald	Smith, Edwin	

COOS

Bradley, Paula	Coulombe, Henry	Davis, Perley	Guay, Lawrence
Hawkinson, Marie	Mears, Edgar	Merrill, Gerald	Tholl, John, Jr.

GRAFTON

Below, Clifton	Copenhaver, Marion	Hill, Richard	Luker, Elsa
MacNeil, Allen	Nordgren, Sharon	Phinney, William	

HILLSBOROUGH

Allen, W. Gordon	Alukonis, David	Ameen, W.	Amidon, Eleanor
Belvin, William	Briefs, Geoffrey	Buckley, Raymond	Carlson, Donald
Chabot, Ernest	Chabot, Robert	Cote, Peter	D'Allesandro, Lou
Daigle, Robert	Daniels, Gary	Dawe, Eileen	Desrosiers, William
Dokmo, Cynthia	Durham, Susan	Dwyer, Paul, Sr.	Emerton, Lawrence, Sr.
Foster, Joseph	Gagnon, Eugene	Golding, William	Haettenschwiller, Alphonse
Hansen, Herbert	Hart, Nick	Herman, Keith	Jean, Claudette
Johnson, Lionel	Kelley, Robert	Kurk, Neal	LaRose, Richard
Leonard, Peter	Lozeau, Donnalee	Lynde, Harold	MacIntyre, Doris
Martin, Mary	McCarty, Winston	McDonald, James, Sr.	McGough, Tim
McRae, Karen	Melcher, Harold	Morello, Michael	O'Hearn, Jane
Perkins, Paul	Sargent, Maxwell	Searles, Stanley, Sr.	Thulander, O. Alan
Turgeon, Roland	Wheeler, Robert	Wright, George	

MERRIMACK

Anderson, Eric	Chandler, Earle	Davis, Francis	DeStefano, Stephen
Feuerstein, Martin	French, Barbara	Hager, Elizabeth	Hess, David
Lamach, Bernard	Marshall, Kenneth	Moore, Carol	Nichols, Avis
Pfaff, Terence	Reardon, Tara	Seldin, Gloria	St. Cyr, Gerard
Wallin, Jean	Wallner, Mary Jane	Whalley, Michael	

ROCKINGHAM

Arndt, Janet	Blanchard, MaryAnn	Christie, Andrew, Jr.	Clark, Martha
Coes, Betsy	Cote, Patricia	Dalrymple, Janeen	Dearborn, Bruce
Dowd, Sandra	Downing, Michael	Fesh, Robert	Flanders, John, Sr.
Francoeur, Sheila	Gleason, John	Griffin, Mary	Guthrie, Joseph

Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert	Kelley, Jane
Klemm, Arthur, Jr.	Langone, John	Letourneau, Robert	Malcolm, Kenneth
McKinney, Betsy	Micklon, Stephanie	Norelli, Terie	Noyes, Richard
O'Keefe, Patricia	Packard, Sherman	Raynowska, Bernard	Sabella, Norma
Schanda, Frank	Stickney, Nancy	Stritch, C. Donald	Tufts, J. Arthur
Weatherspoon, Jackie	Welch, David	Weyler, Kenneth	

STRAFFORD

Cossette, Larry	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Grassie, Anne	Kaen, Naida	Keans, Sandra	Knowles, William
Lundborn, Raymond	McKinley, Robert	Merrill, Amanda	Musler, George
Spear, Barbara	Taylor, Kathleen	Torr, Ann	Torr, Franklin
Twardus, Joseph	Wall, Janet		

SULLIVAN

Adler, Rudolf	Allison, David	Burling, Peter	Donovan, Thomas
Ferland, Brenda	Flint, Gordon	Leone, Richard	Lindblade, Eric
Palmer, Lorraine	Schotanus, Merle	Wiggins, Celestine	

NAYS 142

BELKNAP

Boyce, Robert	Clark, Charles	Lawton, David

CARROLL

Babson, David, Jr.	Cooper, Kipp	Dickinson, Howard, Jr.	Kenney, Joseph
Lyman, L. Randy	MacDonald, Kenneth	Patten, Betsey	

CHESHIRE

Lynott, Margaret	Manning, Joseph	O'Connell, John	Richardson, Barbara
Steere, Myron, III			

COOS

Coulombe, Yvonne	Horton, Lynn	Pratt, Leighton	St. Hilaire, Paul

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Brown, Channing
Cobbin, Philip	Guaraldi, Lawrence	Ham, Bonnie	Hinman, Harry
Lovett, Sidney	Root, John	Teschner, Douglass	Weber, Phil
Williams, William, Jr.			

HILLSBOROUGH

Arnold, Thomas, Jr.	Baroody, Benjamin	Batula, Peter	Boutin, David
Brundige, Robert	Burke, M. Virginia	Cardin, Lori	Christiansen, Lars
Clemons, Jane	Drabinowicz, A. Theresa	Dyer, Merton	Fenton, James
Fields, Dennis	Foster, Linda	Franks, Suzan	Ginsburg, Ruth
Gosselin, Gerald	Hall, Betty	Holley, Sylvia	Holt, David
Hunter, Bruce	Jean, Loren	Konys, Christine	L'Heureux, Robert
Leishman, Peter	Lessard, Rudy	Letendre, Evelyn	Luebkert, Bernard
MacGillivray, Jeffrey	Marcinkowski, Michael	Mercer, Robert	Messier, Irene
Milligan, Robert	Murch, George	Murphy, Robert	Peterson, Andrew
Reidy, Frank	Rowe, Robert	Tate, Joan	Vaillancourt, Steve
Welch, Donald	White, Donald	White, Jay	

MERRIMACK

Adams, Stephen	Burney, Carol	Colburn, Thomas	Daneault, Gabriel
Dunn, Miriam	Hoadley, Elizabeth	Jacobson, Alf	Langer, Ray
Larrabee, David	Leber, William	Maxfield, Roy	Owen, Derek
Whittemore, James	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Battles-Peirce, Marjorie	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Camm, Kevin	Cooney, Richard	Cushing, Robert
Dodge, Robert	Dolan, Richard	Flanagan, Natalie	Flanders, David
Frechette, Joseph	Gibbons, Paul	Heath, John	Kane, Cecelia
Katsakiores, George	Kobel, Rudolph	Langley, Jane	Lovejoy, Marian
McCarthy, John, Jr.	Mikowlski, Walter	Millard, Ralph	Moore, Benjamin
Nowe, Ronald	Pantelakos, Laura	Pitts, Jacqueline	Rabideau, Marie
Rubin, George	Sapareto, Frank	Smith, Kevin	Syracusa, Anthony
Varrell, Thomas	Vaughn, Charles		

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	Hemon, Roland	Heon, Richard	Merritt, Deborah
Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Sullivan, Henry	Tsiros, William	Vincent, Francis

SULLIVAN

Cloutier, John	Kibbey, David	Robb-Theroux, Amy

and the report was adopted.

HB 1545-FN, increasing the salaries and changing the terms of office of the labor commissioner and the deputy labor commissioner. OUGHT TO PASS WITH AMENDMENT

Rep. Robert L. Wheeler for Finance**:** The Committee felt that since the Labor Department has been assigned more responsibility – eleven new programs – since their last review, and has more employees and larger budgets than Banking and Insurance then they should have pay grades at least equivalent to those comparable departments. The cost to the general fund is less than $3000. Vote 15-1.

Amendment (1017h)

Amend the bill by replacing section 2 with the following:

2 Salaries of Labor Commissioner and Deputy Labor Commissioner. Amend RSA 94:1-a, I by inserting:

I. In group P, deputy labor commissioner.

II. In group R, labor commissioner.

Amend the bill by replacing section 6 with the following:

6 Applicability; Salary of Incumbent Deputy Labor Commissioner and Labor Commissioner. The incumbent deputy labor commissioner and labor commissioner on the effective date of this act shall be placed at the minimum step in group P and R, respectively, as provided in section 2 of this act, on the effective date of this act.

Reps. Franklin Torr and Dyer spoke against.

The Committee amendment failed.

Reps. Dyer offered a floor amendment.

Floor Amendment (1111h)

Amend the bill by replacing section 2 with the following:

2 Salaries of Labor Commissioner and Deputy Labor Commissioner. Amend RSA 94:1-a, I by inserting:

I. In group N, deputy labor commissioner.

II. In group Q, labor commissioner.

Amend the bill by replacing section 6 with the following:

6 Applicability; Salary of Incumbent Deputy Labor Commissioner and Labor Commissioner. The incumbent deputy labor commissioner on the effective date of this act shall be placed at step 3 in

group N, as provided in section 2 of this act, on the effective date of this act. The incumbent labor commissioner on the effective date of this act shall be placed at step 1 in group Q, as provided in section 2 of this act, on the effective date of this act.

Reps. Dyer and Wheeler spoke in favor.

Adopted.

Report adopted and ordered to third reading.

HB 1617-FN-L, requiring all state agencies to include in its budget request the cost for maintaining state-owned buildings based upon a formula and requiring the department of administrative services to maintain state-owned buildings. INEXPEDIENT TO LEGISLATE

Rep. Arthur P. Klemm, Jr. for Finance**:** This bill would require state agencies to include in their budget requests the cost for maintaining state-owned buildings at $1.00 per square foot. The Committee felt that though the bill was well-intentioned it needed further work in that some agencies needed to be excluded. The bill did not deal with what would happen to funds not expended at the end of the biennium. The bill would have had an $8,407,000 cost impact on the biennial budget. Vote 17-0.

Adopted.

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.

Consent Calendar adopted.

SB 495, relative to the university system study committee. OUGHT TO PASS WITH AMENDMENT

Rep. Clair A. Snyder for Education**:** This bill changes the name of the university system study committee to the public higher education study committee to include the public university, the four-year colleges, and the community-technical colleges. This will bring all higher education entities under the scope of study by this committee. The amendment includes the regional community-technical colleges as part of the liaison with the university system. Vote 15-0.

Amendment (0993h)

Amend RSA 187-A:28-c, II as inserted by section 3 of the bill by replacing it with the following:

II. The committee shall act as liaison between the university system, ***the regional community-technical colleges,*** the general court, and the public to promote better understanding and communications between [~~the system~~] ***public higher education***, the general court, and the public.

HB 1193-FN, relative to installing vending machines at welcome and tourist information centers on state highways. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance**:** The intent of this bill was to add eleven new refreshment centers at state highway rest stops. The construction would be phased in from 2000 to 2004. Originally the construction would be paid for by a half share of the vending revenue going to the Department of Transportation which currently goes to the general fund. The amendment changes the funding mechanisms. At the beginning of the next biennium the split in vending revenues will be 75% to general fund and 25% to DOT. The construction funds will be from DOT. DOT will use their share of the revenues to recover construction costs and pay for maintenance and utilities. The approximately $200,000 to the general fund will be relatively constant. Vote 19-0.

Amendment (1130h)

Amend RSA 230:30-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The state's share of the funds derived from the vending machine revenue shall be [~~deposited as unrestricted revenue in the general fund~~] ***apportioned as follows: 75percent to the general fund, and 25 percent to the department of transportation beginning July 1, 1999***.

Amend the bill by replacing section 2 with the following:

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

AMENDED ANALYSIS

This bill revises current law regarding cost and revenue sharing for the installation of vending machines at welcome and tourist information centers on the state highway system.

This bill is a request of the department of transportation.

HB 1337-FN, making technical corrections in laws related to the department of corrections. OUGHT TO PASS WITH AMENDMENT

Rep. Mary E. Brown for Finance**:** This bill was requested by the Department of Corrections. It makes some technical language corrections; it increases the salary of the Director of Administration of the Department of Corrections from Group M to Group P, step 1, in order to comply with the requirement that superiors should not be paid less than subordinate employees. The Committee also approved increasing from $1,000 to $2,500 the provision of seeking approval from both the Fiscal Committee and the Governor and Council. The fiscal impact is minimal. Vote 14-0.

Amendment (1101h)

Amend RSA 622:28-a, V as inserted by section 9 of the bill by replacing it with the following:

V. All purchases of materials, supplies, and equipment into the inventory account shall be made in accordance with the provisions of RSA 21-I:11 and any equipment purchase in excess of [~~$1,000~~] ***$2,500*** made under the provisions of this section shall require the prior approval of both the fiscal committee of the general court and the governor and council.

Amend the bill by replacing all after section 16 with the following:

17 Salary Change. Amend RSA 94:1-a by:

I. Deleting in group M: director of administration, department of corrections.

II. Inserting in group P: director of administration, department of corrections.

18 Applicability; Salary of Incumbent Director of Administration. The incumbent director of administration of the department of corrections on the effective date of this act shall be placed at the minimum salary in group P, as provided in section 17 of this act, on the effective date of this act.

19 Effective Date.

I. Section 6 of this act shall take effect January 1, 1999.

II. Section 17 and 18 of this act shall take effect July 1, 1998.

III. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows the commissioner of the department of corrections to delegate authority to the assistant commissioner in the commissioner's absence. The bill changes the penalty for a prison employee who knowingly allows a controlled substance to be passed to a prisoner from a misdemeanor to a class B felony. The bill allows the department of corrections to make certain equipment purchase of up to $2,500 without the approval of governor and council and the fiscal committee.

The bill changes "prison" to "prisons" in the RSA chapters governing the administration of state prison facilities.

The bill also increases the salary of the director of administration of the department of corrections.

This bill was requested by the department of corrections.

HB 1354-FN, relative to fishing in the Connecticut River by residents of Vermont. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret A. Lynch for Finance**:** The State of New Hampshire owns the rights of the Connecticut River, within its borders, to the banks on the Vermont side. Currently, licensed Vermont residents and non-residents with a valid Vermont fishing license are permitted to fish in the Connecticut River. This bill will change that situation and allow only those people licensed in New Hampshire and residents of Vermont holding a valid Vermont fishing license to legally fish in the Connecticut River. Those people from states other than Vermont will be required to purchase a New Hampshire fishing license in order to fish in the Connecticut River. There is an Interstate Memo of Agreement between New Hampshire and Vermont relative to this change, and Vermont is in full agreement. The Finance Committee amendment provides gender neutral language. The only fiscal impact would be a positive one, but it is indeterminable. Vote 14-0.

Amendment (1058h)

Amend the bill by replacing section 1 with the following:

1 Fishing in Connecticut River; Persons Changed to Residents of Vermont. Amend RSA 211:5 to read as follows:

211:5 Fishing in Connecticut River. If the laws of the state of Vermont permit fishing in that part of the Connecticut River lying within that state by persons legally licensed to fish in New Hampshire or otherwise entitled under the laws of this state to fish in that part of said river lying within this state, [~~persons~~] ***residents of Vermont*** legally licensed to fish in the state of Vermont or otherwise entitled under the laws of that state to fish in said part of the Connecticut River lying within the state of Vermont shall be permitted to fish in that part of the Connecticut River lying within this state. If the above reciprocal laws are in effect as to that part of the Connecticut River lying within the states of New Hampshire and Vermont the executive director is authorized to adopt special rules as to fishing in such waters, after consultation with the like officer of the state of Vermont, in the same manner and with the same effect as [~~he~~] ***the executive director*** is authorized to do with respect to boundary lakes under the provisions of RSA 211:4.

HB 1473-FN-A, establishing a wildlife damage control program and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance**:** This bill establishes a wildlife damage control program. The bill as it comes out of Finance is a compromise between the people who are most affected by this program and Fish and Game. The bill establishes a wildlife damage control advisory board as well as a wildlife damage control program which will be funded by $62,500 of Fish and Game funds for the primary purpose of providing fencing for a number of apple orchards. The cost of the fencing will be shared on a 50/50 basis with the orchard owner and the state. The $5000 cap per participant is removed so larger fencing projects can be done without splitting the fencing project over a number of years. The $62,500 of Fish and Game money will appear as a line item in the Fish and Game budget for the next ten years. Vote 14-1.

Amendment (1080h)

Amend RSA 207:22-c, II as inserted by section 4 of the bill by replacing it with the following:

II. A cooperative fencing program:

(a) Commercial growers may participate in a cost-share-fencing program on a 50/50 cost share basis. Under this program, the executive director may provide payment from funds designated for this program in the fish and game fund to an eligible commercial grower for the purchase of fencing materials and their installation, provided the commercial grower's participation and eligibility has been approved by the wildlife damage control advisory board.

(b) Commercial growers desiring to participate in the 50/50 cost share program shall submit written applications to the executive director in such manner as prescribed by the executive director on or before May l of each year.

(c) Maintenance costs of installed fences shall be the responsibility of the applicant.

(d) The wildlife damage control advisory board shall determine on an annual basis no later than June 30 of each year the recipients of the fencing moneys for the ensuing year. The board will make its determinations based on urgency of need for damage relief and any other factors necessary to ensure a fair and equitable allocation of funds. The decisions of the board shall be final.

(e) The failure of a commercial grower to properly install and maintain fencing purchased under this paragraph shall make the commercial grower ineligible to participate in this program until such time as approved by a majority of the wildlife damage control advisory board.

(f) The executive director shall adopt rules pursuant to RSA 541-A to implement and execute this program, which may include but not be limited to eligibility criteria, fencing specifications, funding levels, and inspection procedures.

(g) The provisions and penalties of RSA 641 concerning false statements shall apply to all reporting and documentation required pursuant to this paragraph.

(h) For purposes of this paragraph, a "commercial grower" means any person who grows an agricultural or horticultural crop from which the person has derived, or reasonably expects to derive an annual gross income from the sale of crops normally produced of at least $2500.

Amend section 9 of the bill by replacing paragraph I with the following:

I. There is hereby appropriated the sum of $62,500 for the fiscal year ending June 30, 1999 from the fish and game fund to the fish and game department for the purpose of funding the wildlife damage control program, established in RSA 207:22-c. These funds shall not be used for any other purpose and shall be non-lapsing.

AMENDED ANALYSIS

This bill establishes a wildlife damage control program and the wildlife damage control advisory board. This bill also repeals certain provisions relating to damage by game birds and game, and prospectively repeals the wildlife damage control program on December 31, 2009.

HB 1513-FN-L, relative to vehicle emissions control equipment and testing. OUGHT TO PASS WITH AMENDMENT

Rep. Robert L. Wheeler for Finance**:** This bill replaces centralized auto emissions tailpipe testing with a safety inspection anti-tampering visual check of emissions-related components such as the gas cap, fuel inlet restrictor, catalytic converter, positive crankcase ventilation valves and hoses and air injection pumps. The safety-related check may in the future include oxygen sensors as well as a check of the on-board diagnostic equipment which auto repair technicians can do with their computerized diagnostic tools. The safety-related inspection is a far cry from centralized auto emissions testing which the EPA was requiring and had sent a threatening letter to sanction New Hampshire transportation funds for non-compliance. This bill removes the threat of these very expensive sanctions to New Hampshire. EPA's tentative approval of this bill has been made possible by Public Service of New Hampshire's commitment to reduce emissions more than required. Clearly there is a cost to PSNH though the Committee believes this cost quite favorable when compared to the cost of auto emissions testing.

The Committee believes PSNH has made a sound business decision in pursuing this environmental improvement. The decision to reduce these emissions is sound public policy because there is a much greater environmental benefit from reducing utility emissions than auto emissions and the costs to NH citizens is substantially less. In order to make this commitment, PSNH should be able to recover the costs of these additional emission reductions. This amendment was requested by the Public Utilities Commission to clarify that recovery by PSNH of these expenses is "recoverable to the same extent and subject to the same conditions as any environmental expenditure mandated by law…."

The second change clarifies Department of Safety's ability to waive fines for diesel trucks that fail the roadside emissions test. At this time there is no impact on the General Fund or Highway Fund. Vote 20-0.

Amendment (1100h)

Amend RSA 125-C:19-a as inserted by section 1 of the bill by replacing it with the following:

125-C:19-a Recovery of Public Utility Expenditures. All costs and expenses directly incurred by electric generating facilities for pollution reductions that are a component of, or are required in connection with, any vehicle inspection and maintenance program adopted by the state of NewHampshire and approved by the federal Environmental Protection Agency, or substitute for such program, shall be recoverable to the same extent and subject to the same conditions as any environmental expenditure mandated by law, and shall be recoverable through the fuel and purchased power adjustment clause or any succeeding cost recovery mechanism.

Amend RSA 266:59-c, II as inserted by section 5 of the bill by replacing it with the following:

II. The department may impose an administrative fine for any violation of this section or rule adopted under the provisions of this section. The maximum amount of the fine which may be assessed for each violation shall be $500. The commissioner shall have the authority to waive or reduce the amount of any fine assessed pursuant to this section.

HB 1558-FN-L, relative to games of chance. OUGHT TO PASS

Rep. Kenneth L. Weyler for Finance**:** Minor but consistently recurring abuses to the games of chance offered by charitable organizations have prompted revisions to the current law. A charitable organization must: have been in existence for at least two years, document that it is exempt from federal income tax, establish purposes for its organization, other than gambling, register with the Secretary of State, and maintain a list of bona fide members. License applications must be submitted to the attorney general and respective chief of police. Operation of the games is restricted to bona fide members or their adult family members. Allowable wagers are increased from one dollar to two. There are increased financial reporting requirements and new sections for inspections and penalties. Costs of inspections may be increased by $15,000 to $18,000 per year, but no additional funds are appropriated. Vote 18-2.

HB 1573-FN, changing the name of the department of cultural affairs to the department of cultural resources and establishing a fund for educational purposes and historic preservation. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance**:** This bill as amended by the Committee on Finance removes the provision of establishing a dedicated fund for educational and historic preservation. The mechanism already exists to keep funds that are donated to Cultural Affairs from lapsing into the general fund by either donating funds for a specific purpose or the director can go before Governor and Council and request that the donated funds not lapse into the general fund. The rest of the bill was passed as it was received from the ED&A Committee. Vote 17-1.

Amendment (1059h)

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

AN ACT changing the name of the department of cultural affairs to the department of cultural resources and changing the qualifications for the director of the division of the arts.

Amend the bill by deleting sections 1 and 4 and renumbering the original sections 2, 3, 5, and 6 to read as 1-4, respectively.

AMENDED ANALYSIS

This bill changes the name of the department of cultural affairs to the department of cultural resources and changes qualifications for the director of the division of arts.

HB 1597-FN, relative to providing more cost-effective special education services. OUGHT TO PASS

Rep. Charles L. Vaughn for Finance**:** This bill refines the cost determination for the State Board of Education and local school districts when they consider appropriate and free public education for disabled children. First: When incarcerated in an adult correctional facility, young adults ages 18 to 21 shall not be included as in "educationally disabled child" unless they were identified as having a disability and arrived at the facility with an I.E.P. (Individualized Education Program). Second: Sending districts will be notified of a court order placement and can submit cost impact statements of the placement in the district. Third: A child with unknown or unavailable parents, or guardian, will have a guardian appointed by the designee of the State Education Commissioner who will represent the educational interests of the child. Vote 20-0.

HB 1600, relative to the multiple DWI offender intervention detention center program. OUGHT TO PASS WITH AMENDMENT

Rep. W. Gordon Allen for Finance**:** The Committee supports the intent of the bill to increase the revenues of the DWI multiple offender program, but felt it was not prudent at this time to forgive the program's substantial debt, especially without consultation with the state's auditors, and to reduce DWI sentences for a possible unquantified increase in fees. The amendment keeps the provision allowing more persons to be eligible for the multiple offender program and removes the provisions forgiving the debt and reducing the sentence. Vote 19-0.

Amendment (1018h)

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

1 Statement of Purpose. The general court finds that the multiple DWI offender intervention detention center program provides a valuable service to persons admitted to the program and to all New Hampshire residents. Persons who successfully complete the program have a recidivism rate of only 11 percent.

2 Multiple DWI Offender Intervention Detention Center Program; Reference Added. Amend RSA 172-B:2-b, I to read as follows:

I. The commissioner shall be responsible for administration and operation of the 7-day multiple DWI offender intervention detention center program which persons convicted under RSA265:82 or RSA 265:82-a ***or sentenced pursuant to RSA 651:2, V(h)*** may be required to attend [~~under the provisions of RSA 265:82-b~~].

3 New Subparagraph; Alcohol-Related Offenses. Amend RSA 651:2, V by inserting after subparagraph (g) the following new subparagraph:

(h) In cases of a person convicted of a felony or class A misdemeanor, a court may sentence such person to 7 consecutive 24-hour periods to be served at the state-operated 7-day multiple DWI offender intervention detention center program established under RSA 172-B:2-b, if the evidence demonstrates that alcohol was a contributing factor in the commission of the offense and provided that space is available in the program and such person pays the fees for the program in full prior to admission.

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

AMENDED ANALYSIS

This bill allows a court to sentence persons convicted of certain crimes in which the evidence demonstrates that alcohol was a contributing factor to the multiple DWI offender intervention detention center program.

This bill is a result of study of 1997, HB 271, which was rereferred to the house criminal justice and public safety committee.

HB 1636-FN, relative to the executive director of fish and game and the fish and game commission. OUGHT TO PASS

Rep. Arthur P. Klemm, Jr. for Finance**:** This bill is the result of a study committee this past summer. The Committee on Finance agreed with the ED&A Committee and made no changes in this bill. The fiscal impact of this bill is $3,355 in FY 98 and $13,859 in FY 99 to be paid by Fish and Game funds. There is no impact to the general fund under this bill. Vote 18-0.

HB 1652, establishing a pilot program relative to the administration of medications in residential care facilities. OUGHT TO PASS

Rep. Sharon L. Nordgren for Finance**:** This bill has no fiscal impact and the Committee unanimously supported the bill. Vote 21-0.

HB 1655-FN-A, relative to the authority of the length of service awards program committee and making an appropriation therefor. OUGHT TO PASS

Rep. O. Alan Thulander for Finance**:** The length of service awards program for volunteer firefighters and emergency medical personnel was enacted (RSA 100-13:9) in the last biennium. The Internal Revenue Service revised its rules before this program could be initiated. This bill appropriates $3000. to fund actuarial and legal services required to bring the program into compliance with federal requirements. Vote 21-0.

SB 414, relative to official motor vehicle plates. OUGHT TO PASS

Rep. Robert J. Letourneau for Transportation**:** This legislation will display our state motto, "Live Free or Die," on official motor vehicle plates as we currently have on general issuance plates. This would correct a long overdue oversight regarding official state vehicle plates. Vote 17-0.

SB 484, prohibiting triple-trailer trucks from the ways of this state. OUGHT TO PASS

Rep. Thomas J. Boriso for Transportation**:** From a safety point, triple-trailer trucks are not needed on our New Hampshire highways. Our roadways are hilly, curvy and not flat as our sister states out West and in the Midwest. These triple-trailers are called trains in the industry, and as such should be on tracks and not on our highways. Vote 17-0.

REGULAR CALENDAR

SB 452-FN-L, allowing students to choose alternatives to dissection as part of a course exercise. OUGHT TO PASS WITH AMENDMENT

Rep. Stanley N. Searles, Sr. for Education**:** This bill allows an alternative to dissection in any school programs for K-12. The amendment authorizes the state board of education to adopt rules allowing student alternatives in actual dissection of animals. Vote 9-6.

Rep. O'Hearn moved Re-commit to Committee and spoke in favor.

Adopted.

HB 1100-FN, relative to the design and construction of a new medium security prison in Berlin, removing the population cap and closing date for the lakes region department of corrections facility, and authorizing the department of corrections to establish 2 additional halfway houses and appoint additional probation and parole officers. OUGHT TO PASS WITH AMENDMENT

Rep. Franklin G. Torr for Finance**:** This bill as amended authorizes up to $31 million in general fund bonds to design and construct in Berlin a 500-unit prison and infrastructure, administration, and support services space capable of accommodating future expansion to 1000 beds. The bill also funds, from monies already in the budget, the following: 1. The Lakes Region Department of Corrections Facility will remain open, allowing for an additional population of 200, making a total of 500. The increased cost at the Lakes Region facility will be approximately $1,000,000; 2. Two halfway houses will be opened, one planned for the seacoast area and one planned for the Nashua area, to accommodate a minimum of 70 persons. This would occur in the last quarter of FY 99 at a cost of about $250,000; 3. Ten more probation/parole officers will be hired in FY 99 at a cost of some $442,000. Vote 13-2.

Amendment (1116h)

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

AN ACT relative to the design and construction of a new medium security prison in Berlin and making an appropriation therefor, removing the population cap and closing date for the lakes region department of corrections facility, authorizing the department of corrections to establish 2 additional halfway houses and appoint additional probation and parole officers, and making adjustments to the operating budget for fiscal year 1999.

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

1 Design and Construction of Medium Security Prison in Berlin; Expenditures Authorized.

I. The division of public works, department of transportation and the department of corrections shall develop and issue a request for proposals from experienced and qualified construction firms for design and construction of a medium security prison in Berlin.

II. Proposals shall be submitted on or before June 1, 1998. Anticipated notice to proceed shall be on or before July 15, 1998.

III. The requirements of RSA 228:4, 228:4-a, and 21-I:22 shall not apply to this project. The determining factors in respondent selection shall be the overall quality and conformance of the proposal to the requirements of this act as well as to the long-term lowest staffing and operational costs consistent with security and public safety. At a minimum:

(a) Respondents shall demonstrate competence and experience in similar corrections projects.

(b) While full consideration shall be given to the project cost structure, the successful bid shall not be based on cost alone. Consideration shall be given to qualifications of firms and general conditions necessary to complete the project. The state reserves the right to reject any and all proposals or to negotiate with the apparent successful proposer as determined to be in the state's best interest.

(c) Three legitimate proposals shall be submitted for design and construction of the facility.

(d) The facility shall be constructed with a capacity of 500 beds, and infrastructure, administrative, and support services space capable of accommodating future expansion to 1000 beds.

(e) Construction shall begin no later than August 15, 1998, and be completed and ready for occupancy by the department of corrections within 30 months of the commencing of such construction.

IV. Design of the facility shall be in compliance with American Correctional Association mandatory standards for adult secure institutions, and shall be approved prior to construction by the department of corrections and the division of public works, department of transportation. Design and plans for construction shall also comply with all relevant state codes and regulations.

V. The department of corrections is authorized to accept any funds from any public or private source or, with the approval of the fiscal committee, to transfer any funds available to the department for the purposes of design and construction of the new facility.

VI. Any land acquired under the appropriation made in section 2 of this act shall be purchased by the commissioner of the department of transportation with the approval of governor and council.

2 Appropriation; Department of Corrections; State Prison Facility. A sum not to exceed $31,000,000 is hereby appropriated to the department of corrections for the purpose of design and construction of a medium security prison in the city of Berlin and for the purpose of providing furnishings and equipment for 500 inmates.

3 Bonds Authorized. To provide funds for the appropriation made in section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of $31,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds shall be made from the general fund of the state.

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

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

II. To accept any federal funds which are, or become available for the project under section 1 of this act. The appropriation of state funds for this project for which federal funds are accepted shall be reduced by the amount of such federal funds, and the amount of bonding authorized by section 3 shall be reduced by the same amount.

5 Population Cap and Closing Date on Lakes Region Department of Corrections Facility Removed. Notwithstanding the provisions of 1991, 351:27, the population cap of 300 at the lakes region department of corrections facility may be exceeded and the authority to operate the facility shall extend beyond July 1, 1998.

6 Halfway Houses; Probation and Parole Officers. The commissioner of corrections is authorized to establish 2 additional halfway houses and to appoint 10 additional probation and parole officers, within the limits of funds already appropriated.

7 Supplemental Appropriations. In addition to any other sums for the fiscal year ending June30, 1999, the following appropriations and changes are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

01 general government	fy 1999
08 state treasury	
04 special general fund distrib	
strike out	
43 debt service (treasury) * f	63,250,194
Insert in place thereof	
44 Debt service (treasury) * f	61,550,194
Strike out	
Total	136,387,927
Estimated source of funds for	
Special general fund distrib	
General fund	136,387,927
Total	136,387,927
Insert in place thereof	
Total	134,687,927
Estimated source of funds for	

special general fund distrib

General fund 134,687,927

Total 134,687,927

02 Admin of justice & public prtn.

16 Department of corrections

01 Office of commissioner

01 Administration

Strike out

90 Correction & supervision svcs * 7,383,848

Insert in place thereof

90 Correction & supervision svcs * 1,000,000

Strike out

Total 11,650,451

Estimated source of funds for

administration

General fund 11,650,451

Total 11,650,451

Insert in place thereof

Total 5,266,603

Estimated source of funds for

administration

General fund 5,266,603

Total 5,266,603

02 Admin of justice & public prtn

16 Department of corrections

04 Division of field services

01 Bureau of district offices

Strike out

10 Personal services - permanent 3,283,420

Insert in place thereof

10 Personal services - permanent	3,491,451

Strike out

20 Current expenses	166,175

Insert in place thereof

20 Current expenses	176,902

Insert

30 Equipment new/replacement	143,500

Strike out

60 Benefits	1,075,973

Insert in place thereof

60 Benefits	1,140,461

Strike out

70 In-state travel	73,101

Insert in place thereof

70 In-state travel	85,801

Insert

80 Out-of state travel

3,000

Insert

90 Two halfway houses *	249,982

* This appropriation may, with the approval of the fiscal committee and governor and council, be expended for the implementation of 2 new halfway houses. Expenditures may include, but are not limited to temporary personnel services.

Strike out

Total	5,079,411

Estimated source of funds for

bureau of district offices

General fund	5,079,441
Total	5,079,441

Insert in place thereof

Total	5,771,869

Estimated source of funds for

bureau of district offices

General fund	5,771,869
Total	5,771,869

02 Admin of justice & public prtn

16 Department of corrections

07 Lakes region facility

01 Lakes region facility

Insert

10 Personal services - permanent	3,078,100

Insert

11 Personal services-unclassified	53,774

Insert

18 Overtime	165,441

Insert

19 Holiday pay	98,000

Insert

20 Current expenses	144,396

Insert

21 Food institutions D	270,000

Insert

22 Rents & leases other than state	4,538

Insert

23 Heat, electricity & water	500,236

Insert

24 Maint. other than build.& grnds	24,781

Insert

46 Consultants

9,710

Insert

47 Own forces maint.-build.&grnds g	98,348

Insert

48 Contractual maint.-build&grnds g	72,363

Insert	
49 Transfrs to other state agencs d	439,754
Insert	
50 Personal service-temp/appointe	27,010
Insert	
60 Benefits	1,043,759
Insert	
70 In-state travel	5,000
Insert	
91 Winnipesaukee river basin	25,000
Insert	
94 Uniforms	40,500
Insert	
95 Inmate clothes	45,000
Insert	
96 Inmate wages	128,000
Insert	
97 Gate money	7,000
Insert	
Total	6,280,710
Estimated source of funds for	
lakes region facility	
01 Transfers from other agencies I	131,722
General fund	6,148,988
Total	6,280,710
02 Admin of justice & public prtn	
16 Department of corrections	
07 Lakes region facility	
03 Pathways	
Insert	
59 Part-time - benefited	948,421
Insert	

60 Benefits	294,011
Insert	
Total	1,242,432
Estimated source of funds for pathways	
General fund	1,242,432
Total	1,242,432
05 Health and social services	
01 Dept of health and human svcs	
05 Division of mental health	
03 Bureau developmental services	
03 Community residences	
Strike out	
49 Transfrs to other state agencs	
Insert in place thereof	
49 Transfrs to other state agencs	68,983
Strike out	
90 Building maintenance-Laconia	68,983
05 Health and social services	
01 Dept of health and human svcs	
05 Division of mental health	
07 Bureau of substance abuse svcs	
07 Multiple offender program	
Strike out	
49 Transfrs to other state agencs	6,500
Insert in place thereof	
49 Transfrs to other state agencs	69,239
Strike out	
90 Building maintenance-Laconia	62,739
06 Education	
04 Dept of postsecondary tech edu	

04 nhtc - Berlin-Laconia	
05 Lakes region facty educ progm	
Insert	
10 Personal services - permanent	284,619
Insert	
18 Overtime	1
Insert	
20 Current expenses	11,526
Insert	
22 Rents & leases other than state	4,200
Insert	
23 Heat, electricity & water d	100
Insert	
24 Maint. other than build .& grnds	4,000
Insert	
30 Equipment new/replacement	40,000
Insert	
47 Own forces maint.-build. & grnds g	100
Insert	
48 Contractual maint.-build & grnds g	100
Insert	
50 Personal service-temp/appointe	3,600
Insert	
59 Part-time - benefited	1
Insert	
60 Benefits	88,507
Insert	
70 In-state travel	1,000
Insert	
80 Out-of state travel	1,000
Insert	
94 Staff development	1,000

Insert	
Total	439,754
Estimated source of funds for	
Lakes region facty educ progm	
01 transfers from other agencies i	439,754
total	439,754

8 Adjustment of Amounts, Figures, Estimates and Totals. The commissioner of administrative services shall adjust all amounts, figures, estimates and totals for 1997, 350, the 1998-1999 operating budget, as made necessary by the passage of this act.

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

AMENDED ANALYSIS

This bill authorizes the division of public works, department of transportation and the department of corrections to develop and issue a request for proposals for design and construction of a 500-bed medium security prison. The bill establishes certain criteria for the bidding process.

The bill makes an appropriation to the department of corrections for the design and construction of the new medium security prison and for furnishings and equipment for inmates of the new prison.

The bill removes the population cap on and the July 1, 1998 closing date for the lakes region department of corrections facility.

The bill authorizes the commissioner of corrections to establish 2 additional halfway houses and appoint 10 additional probation and parole officers, within the limits of funds already appropriated.

The bill also makes adjustment to the operating budget for fiscal year 1999, for the purposes of this bill.

Adopted.

Rep. Rosen spoke against.

Rep. Franklin Torr spoke in favor and yielded to questions.

Report adopted and ordered to third reading.

PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Boyce requested that his protest be entered on the Journal.

I object to the Finance Committee amending House Bill 1100 to remove the closing date of the Laconia Prison. It is the duty of the policy committee to make policy changes, not the Finance Committee.

REGULAR CALENDAR (CONT'D.)

HB 1226-FN, creating the educational credential of master teacher. OUGHT TO PASS WITH AMENDMENT

Rep. Marie C. Hawkinson for Finance**:** The State Board of Education would create the educational credential of master teacher including requirements of academic preparation, teaching experience and demonstrated quality teaching. This allows experienced teachers to act as mentors, supervisors and evaluators for teachers. It provides an opportunity for professional growth, and to serve as a resource for their school and district. This further allows experienced teachers to remain in the teaching role, instead of transitioning to administration. Certification fees should cover any additional costs imposed so that there should be no net effect on the general fund. Vote 14-5.

Amendment (1084h)

Amend the bill by replacing RSA 189:14-f as inserted by section 4 of the bill with the following:

189:14-f Master Teacher.

I. The state board of education shall establish the educational credential of master teacher and grant it to those persons who have fulfilled at least the following requirements:

(a) Academic preparation which shall include a master's level degree and graduate coursework in curriculum development, supervision, and evaluation;

(b) Teaching experience, including at least 7 years during which a teaching certificate was held; and

(c) Demonstrated quality teaching to be satisfied by meeting professional criteria developed by the professional standards board and approved by the state board of education, which criteria shall include:

(1) Quantitative evaluations of teaching quality from students, parents, peers, and administrators;

(2) At least 3 classroom observations of the candidate by an independent observer from outside the candidate's school district; and

(3) At least 4 significant and rigorous written tasks and exercises.

II. The purposes of the credential are to allow experienced teachers an opportunity for professional growth and development, and to identify highly qualified, experienced teachers to serve as resources in their areas of expertise in curriculum development, mentoring, supervising, evaluating teachers, and in other areas as may be determined by their schools and school districts.

III. Master teachers shall have no authority to effectively recommend any personnel action. However, their activities may form the basis for an independent administrative performance review.

AMENDED ANALYSIS

This bill creates the educational credential of master teacher which allows properly certified teachers to mentor, supervise, and evaluate other teachers.

Adopted.

Report adopted and ordered to third reading.

HB 1350-FN-A, relative to vocational student organizations, the appointment of a vocational student organization advisor, and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. David J. Alukonis for Finance**:** Over the past several years, federal monies which have traditionally funded the stipends paid to the advisors of vocational student organizations have been eliminated. The Committee amendment reduces the general fund appropriation called for in HB 1350 to $1.00 in fiscal 1999. By doing so, a PAU is created in the state budget for vocational student advisors which will be subject to the same budgetary review that is given to every other program in the budget. In the interim, the department will have the ability to partially fund these stipends through transfers as well as through any federal funds which may be made available. Additionally, the amendment reduces the amount of review which the Department of Education has over the vocational programs. Vote 17-1.

Amendment (1098h)

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

AN ACT relative to vocational student organizations and making an appropriation for vocational organization advisors.

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

1 Leadership Development. Amend RSA 188-E:5 to read as follows:

188-E:5 Program. The program in the regional vocational centers shall be broad enough to serve the reasonable needs of the area, and provide for a substantial vocational offering in the region. Each center shall make maximum utilization of cooperative arrangements with special education and vocational rehabilitation in providing vocational education for disadvantaged and disabled persons. Opportunities for out-of-school youths, including "drop outs" and others, and

adult education will be provided whenever possible. ***The regional vocational centers, as an integral part of each vocational offering, may provide opportunities in leadership development through participation by students in appropriate corresponding and nationally recognized vocational student organizations.***

2 Department of Education; New Class Line Added; PAU Totals Amended. Amend PAU 06, 03, 02, 02, 02 as inserted by 1997, 350:1 by inserting after class 98 the following:

	FY 1998	FY 1999
99 Vocational Student Organization	$0	$1

Advisors

3 Total Adjustment. Amend the total in 1997, 350:1, 06, 03, 02, 02, 02 to read as follows:

	FY 1998	FY 1999
Total	45,970,639	[~~45,324,315~~] ***45,324,316***

Estimated Source of Funds for

Other State Aid

General Fund	45,970,639	[~~45,324,315~~] ***45,324,316***
Total	45,970,639	[~~45,324,315~~] ***45,324,316***

4 Effective Date. This act shall take effect July 1, 1998.

AMENDED ANALYSIS

This act authorizes regional vocational centers to provide leadership development opportunities and makes an appropriation for vocational student organization advisors in fiscal year 1999.

Adopted.

Rep. Alukonis yielded to questions.

Report adopted and ordered to third reading.

HB 1387-FN, relative to the state art fund. OUGHT TO PASS

Rep. William S. Belvin for Finance**:** This bill proposes to cap state contributions to the art fund. Currently there is no cap. One half of 1% of capital projects goes into this fund. Thus a $30 million building such as a prison would require $150,000 be put into the art fund. The Committee agreed that, in light of the ever-increasing cost of capital projects, it is appropriate to cap the contribution to the fund at $75,000 for buildings costing $15,000,000 or more. Vote 15-0.

Adopted and ordered to third reading.

RECESS

(Speaker Sytek 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 417 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 417-FN, continuing the court modernization fund and its source of funding from penalty assessments. (Finance)

SPECIAL ORDER

HB 1389-FN-L, relative to agreements for telecommunications-related uses of the state highway system. OUGHT TO PASS

Rep. Charles L. Vaughn for Finance**:** This bill authorizes the installation and maintenance of telecommunication towers for commercial use in state-owned rights-of-way. The bill grants the Commissioner of Transportation authority, with subsequent approval of Governor and Council, to lease state land for no more than ten years, subject to local zoning and planning requirements, and properly assessed real estate taxes. An indeterminate increase in state and local revenues may result. Vote 13-2.

Reps. Gene Chandler and Kurk spoke against.

The report failed.

Rep. Kurk moved Ought to Pass with Amendment.

Rep. Belvin offered a floor amendment.

Floor Amendment (1175h)

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

1 Statement of Intent. The general court recognizes that there is a need to balance the interests of state and local planning, to preserve the scenic and historical character of New Hampshire, and to streamline the processing of visually acceptable telecommunications facility lease sites on state rights-of-way generating revenue to the state.

2 New Section; Agreements for Telecommunications-Related Uses of the State Highway System. Amend RSA 228 by inserting after section 31 the following new section:

228:31-a Agreements for Telecommunications-Related Uses of the State Highway System and State-Owned Railroad Rights-of-Way.

I. The commissioner may, with the approval of the governor and council, execute contracts, leases, licenses, and other agreements relating to the use or occupation of state-owned rights-of-way, whether easement or fee-owned, for purposes of allowing the installation and maintenance of telecommunications facilities. Such agreements, which shall be for commercially reasonable value, shall not extend for a period of more than 10 years. Any leases executed pursuant to this section shall be subject to the requirements of RSA 72:23 with regard to properly assessed real estate taxes, subject to local zoning and planning requirements. Said facilities shall take into

consideration the scenic beauty of the landscape. There shall be no advertising signs on these facilities. The provisions of RSA 4:40 shall not apply to this section.

II. The commissioner of the department of transportation shall develop goals regarding telecommunications uses in the rights-of-way. These goals shall include, but not be limited to:

(a) Providing consistent guidelines to telecommunications vendors.

(b) Preserving the scenic beauty of New Hampshire by making every effort to minimize the visual and environmental impact of telecommunications facilities.

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

Reps. Belvin and Gene Chandler spoke in favor and yielded to questions.

Rep. Keans spoke against.

Rep. MacIntyre spoke in favor.

Adopted.

Report adopted and ordered to third reading.

Reps. Boutin, Joseph Foster and Kenney declared conflicts of interest and did not participate.

REGULAR CALENDAR (CONT'D.)

HB 1503-FN-A-L, relative to intergenerational homeshare programs and making an appropriation therefor. REFER FOR INTERIM STUDY

Rep. William S. Belvin for Finance**:** The bill's core objective of establishing a two-year intergenerational home share pilot program has real merit. The concept of matching up elderly individuals with other persons to share housing, living expenses, and to give assistance to each other has intrinsic appeal. However, the Committee is concerned about how the program would be administered within the Department of Health and Human Services, and for its startup cost appropriation of $50,000 which is less than the fiscal note estimate of $75,000. Also, the Department of Health and Human Services long-term care program currently is being crafted as part of SB 409, which will clarify the Department's intentions concerning "home sharing." The Committee believes that any appropriated funds should be applied at the local level. Local service agencies are more likely to truly know the individual elderly person's needs and to successfully address them, rather than through building an additional Department of Health and Human Services state bureaucracy of coordinators and counselors which may yield less satisfactory results at higher cost. Exploring these issues and finding a cost effective approach that truly meets the economic and social needs of elderly "home sharing" individuals can best be accomplished through Interim Study. Vote 15-4.

Adopted.

HB 1509-FN, relative to the content of motor vehicle registrations. OUGHT TO PASS WITH AMENDMENT

Rep. Robert G. Holbrook for Finance**:** This bill helps law enforcement officers receive important information through electronic display as soon as technologically feasible. On the lap-top computer available in a police cruiser, information on motor vehicle registration regarding parole, probation, subject to restraining order, or release on bail, will be displayed immediately upon the motor vehicle registration being keyed into the state police dispatcher. In discussion with the courts and the Department of Safety, this change in the Department of Safety database will not require any general funds. Vote 14-4.

Amendment (1053h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Information in Department of Safety Database. Amend RSA 261:58 by inserting after paragraph II the following new paragraph:

III.(a) The department shall update its database regularly to include information regarding an individual who is:

(1) Currently on parole.

(2) Currently on probation.

(3) The subject of a restraining order.

(b) The administration office of the courts shall, via computer interface, regularly update the database at the department of safety to include information regarding an individual who is released on bail.

(c) The department of safety and the administrative office of the courts shall make available the information required in subparagraphs (a) and (b) as soon as it becomes technologically feasible to do so.

AMENDED ANALYSIS

This bill requires the department of safety to update its database to include information regarding an individual who is out on parole, on probation, or the subject of a restraining order. In addition, it requires the administrative office of the courts to regularly update, via computer interface, the database at the department of safety to include information regarding individuals released on bail.

Adopted.

Report adopted and ordered to third reading.

SUSPENSIONS OF RULES

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit the extension of the deadline for final passage on ***HB 1577-FN-A,*** relative to campaign finance expenditure and contribution reform and ***HB 1520-FN,*** relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission, to April 9, 1998.

Rep. Arndt spoke in favor.

On a division vote, 296 members having voted in the affirmative and 20 in the negative, the motion was adopted by the necessary two-thirds.

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit the extension of the reporting date to April 8, 1998 for ***HB 1663-FN,*** relative to rulemaking under the administrative procedures act, and to May 13, 1998 for ***HB 1680-FN-A-L,*** relative to administration of retiree's health benefits by the New Hampshire retirement system and making an appropriation therefor.

Rep. Mercer spoke in favor.

Adopted by the necessary two-thirds.

RECONSIDERATION

Having voted with the prevailing side, Rep. Jacobson moved that the House reconsider its action whereby it voted to Concur with the Senate Amendment to ***HB 544.*** relative to dwellings which extend over public waters, and spoke in favor.

Rep. Martin spoke in favor.

Rep. Cobbin spoke in favor and yielded to questions.

Reps. Royce, Dickinson and Whalley spoke against.

Rep. Royce requested a roll call; sufficiently seconded.

The question being the motion to reconsider.

YEAS 107 NAYS 215

YEAS 107

BELKNAP

Golden, Paul	Laflam, Robert

CARROLL

None

CHESHIRE

Bonneau, Sarah	Burnham, Daniel	Lynch, Margaret	McGuirk, Paul
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William

COOS

Bradley, Paula	Hawkinson, Marie	Mears, Edgar

GRAFTON

Almy, Susan	Below, Clifton	Cobbin, Philip	Copenhaver, Marion
Lovett, Sidney	Luker, Elsa	Nordgren, Sharon	Phinney, William
Weber, Phil			

HILLSBOROUGH

Allen, W. Gordon	Ameen, W.	Buckley, Raymond	Cardin, Lori
Carlson, Donald	Chabot, Robert	Clemons, Jane	Cote, Peter
D'Allesandro, Lou	Daigle, Robert	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.
Fenton, James	Foster, Joseph	Ginsburg, Ruth	Haettenschwiller, Alphonse
Hall, Betty	Hart, Nick	Jean, Claudette	Konys, Christine
Leonard, Peter	Lynde, Harold	Martin, Mary	McCarty, Winston
Perkins, Paul	Reidy, Frank	Vaillancourt, Steve	Welch, Donald
White, Jay			

MERRIMACK

Adams, Stephen	Burney, Carol	Crosby, Toni	Daneault, Gabriel
Dunn, Miriam	Fraser, Marilyn	French, Barbara	Jacobson, Alf
Moore, Carol	Owen, Derek	Reardon, Tara	Rogers, Katherine
St. Cyr, Gerard	Wallner, Mary Jane	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Coes, Betsy
Cooney, Richard	Cushing, Robert	Gibbons, Paul	Hutchinson, Rebecca
Kane, Cecelia	Kelley, Jane	Langley, Jane	Norelli, Terie
O'Keefe, Patricia	Pitts, Jacqueline	Sabella, Norma	Sapareto, Frank
Syracusa, Anthony	Weatherspoon, Jackie		

STRAFFORD

Brennan, William	Brown, George	Callaghan, Frank	Dunlap, Patricia
Estabrook, Iris	Hemon, Roland	Heon, Richard	Keans, Sandra
Merrill, Amanda	Pelletier, Arthur	Rogers, Rose Marie	Smith, Marjorie
Snyder, Clair	Taylor, Kathleen	Wall, Janet	

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Palmer, Lorraine	Robb-Theroux, Amy	Wiggins, Celestine

NAYS 215

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Holbrook, Robert	Lawton, David	Lawton, Robert
Pilliod, James	Rice, Thomas, Jr.	Rosen, Ralph	Thomas, John
Turner, Robert	Veazey, John		

CARROLL

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
MacDonald, Kenneth	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Hunt, John	Lynott, Margaret	Manning, Joseph	McNamara, Wanda
Meader, David	Metzger, Katherine	Royce, H. Charles	Smith, Edwin
Steere, Myron, III			

COOS

Coulombe, Henry	Coulombe, Yvonne	Davis, Perley	Guay, Lawrence
Horton, Lynn	Merrill, Gerald	Pratt, Leighton	St. Hilaire, Paul
Tholl, John, Jr.			

GRAFTON

Akins, Ralph	Alger, John	Brown, Channing	Connolly, Steven
Guaraldi, Lawrence	Ham, Bonnie	Hill, Richard	Hinman, Harry
LaMott, Paul	MacNeil, Allen	Root, John	Teschner, Douglass
Williams, William, Jr.			

HILLSBOROUGH

Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Boutin, David	Briefs, Geoffrey	Brundige, Robert
Burke, M. Virginia	Chabot, Ernest	Christiansen, Lars	Daniels, Gary
Dawe, Eileen	Dokmo, Cynthia	Durham, Susan	Dyer, Merton
Emerton, Lawrence, Sr.	Fields, Dennis	Foster, Linda	Franks, Suzan
Gagnon, Eugene	Golding, William	Gosselin, Gerald	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Holt, David	Hunter, Bruce
Jean, Loren	Johnson, Lionel	Kelley, Robert	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Leishman, Peter	Lessard, Rudy
Letendre, Evelyn	Lozeau, Donnalee	Luebkert, Bernard	MacGillivray, Jeffrey

MacIntyre, Doris	Marcinkowski, Michael	McDonald, James, Sr.	McGough, Tim
McRae, Karen	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Mittelman, David	Murch, George	Murphy, Robert
O'Hearn, Jane	Peterson, Andrew	Riley, Frances	Rowe, Robert
Sargent, Maxwell	Searles, Stanley, Sr.	Tate, Joan	Thulander, O. Alan
Turgeon, Roland	Wheeler, Robert	White, Donald	Wright, George

MERRIMACK

Anderson, Eric	Davis, Francis	DeStefano, Stephen	Feuerstein, Martin
Hager, Elizabeth	Hess, David	Hoadley, Elizabeth	Lamach, Bernard
Langer, Ray	Larrabee, David	Leber, William	Lockwood, Robert
Marshall, Kenneth	Maxfield, Roy	Nichols, Avis	Pfaff, Terence
Seldin, Gloria	Whalley, Michael	Whittemore, James	

ROCKINGHAM

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Camm, Kevin	Carson, Gregory	Christie, Andrew, Jr.	Cote, Patricia
Dalrymple, Janeen	Dearborn, Bruce	Dodge, Robert	Dolan, Richard
Dowd, Sandra	Dowling, Patricia	Downing, Michael	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John, Sr.	Francoeur, Sheila
Frechette, Joseph	Gleason, John	Griffin, Mary	Guthrie, Joseph
Heath, John	Henderson, Warren	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph	Langone, John
Letourneau, Robert	Lovejoy, Marian	Malcolm, Kenneth	McCarthy, John, Jr.
McKinney, Betsy	Micklon, Stephanie	Mikowlski, Walter	Millard, Ralph
Moore, Benjamin	Nowe, Ronald	Noyes, Richard	Packard, Sherman
Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Rubin, George
Schanda, Frank	Stickney, Nancy	Stone, Joseph	Stritch, C. Donald
Tufts, J. Arthur	Varrell, Thomas	Vaughn, Charles	Verani, Giovanni
Welch, David	Weyler, Kenneth		

STRAFFORD

Cossette, Larry	DeChane, Marlene	Kaen, Naida	Knowles, William
McKinley, Robert	Musler, George	Rollo, Michael	Spear, Barbara
Sullivan, Henry	Torr, Ann	Torr, Franklin	Tsiros, William
Twardus, Joseph			

SULLIVAN

Adler, Rudolf Kibbey, David Leone, Richard Lindblade, Eric
Schotanus, Merle

and the motion failed.

PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Martin requested that her protest be entered on the Journal.

I protest the vote to disallow reconsideration of House Bill 544 and the House voice vote to concur with the Senate amendment taken on March 19, 1998.

Last week this matter was taken up as the first order of business in violation of House Rule 57. Members who were waiting to speak to this issue were relying on the order of business so as to be present and available in the chamber. The action of addressing it out of order deprived us of our right to speak to an issue which we feel is a consummate abomination and insult to the people of our state. The membership needs to be made aware of the full scope and long-term ramifications of their vote on this issue.

All the waters in the state of New Hampshire are owned by the public and held in trust for them by the state via the Public Trust Doctrine. This legislature is appointed as guardians of the public trust and has sole authority and the responsibility to preserve and protect these waters and lands for the public good.

In some instances, waterfront property owners have exceeded their one special privilege to wharf out over public lands, (i.e. read "dock"). Some have built homes beyond their property line (the high water mark) and out over or in the water (public land). This bill says in effect, "Hey, that's OK, you can have the land." This is a "taking" of public trust lands. This creates two groups of waterfront property owners with unequal rights - unconstitutional. One group stayed within their property lines, and one did not. This legislature has the authority to give this land away, but it is certainly a violation of their responsibilities as guardians and trustees for all the people. This is a wrongful act, which we don't have the right to do.

Two years ago we dealt with this same bill. While its long range effects were not immediately apparent, they were recognized and it was, correctly, stopped by the Senate.

Over time the Public Trust Doctrine and the people's interests have been largely disregarded by their guardians, this legislature, and the Attorney General. Absent this legislative guidance and absent back-up from the Attorney General, the agency was pressured to allow repairs to these self-serving structures on the grounds that statutory law, RSA 482-A:26 which this bill proposes to change, did not include the word "repair" in the actions it prohibited.

RSA 482-A:26 Residential Use Prohibited.

> I. No person shall construct or reconstruct any structure intended for use as a dwelling if said structure or any part of said structure extends beyond the shoreline of any public water or publicly-owned water body. For the purposes of this paragraph, "the shoreline" shall be that shoreline which exists when the surface of the water is at the mean high water level.

II. No person shall convert or modify any existing structure in order to make said structure suitable as a dwelling if said structure or any part of said structure extends beyond the shoreline of any public water or publicly-owned water body. For the purposes of this paragraph, "the shoreline" shall be that shoreline which exists when the surface of the water is at the mean high water level.

The current practice by the agency has the result of getting around the actual intent of the RSA while continuing to ignore violations in the public trust. Repeated piece-meal permits for various "repairs result in eventual "reconstruction."

House Bill 152 of 1969 was the legislation which established RSA 482-A:26. See 1969 Senate Journal 630, May 15, 1969. "The intention of House Bill 152 is to prevent the growth of dwellings built over public waters…"

House Bill 544 proposes to legitimate and reward those who have chosen to break the law and ignore their legal property line. Should we be inclined to be sympathetic to the poor fellows investment in the structure, consider that the state has already been more than generous in allowing him to recoup his investment by not enforcing its removal. Nearly thirty years ago, House minutes in 1969 state: "Rep. Mutzbauer spoke in favor…we have 2,086 miles of shoreline to protect…"

We too must acknowledge, address, and uphold our duty as guardians of this property owned not by us, but by all those folks who sent us here. The voice vote to concur and allow passage of this bill abdicates state sovereignty and allows/sanctions adverse possession by these squatters. It removes language prohibiting residential use and appears to legitimate some kind of right for these illegal structures to exist. Under the Public Trust Doctrine, the intended beneficiary is clearly the public and this action provides no public benefit. Rather, it conversely grants special privilege to a select and illegal few to the detriment of the public. It establishes a precedent to allow adverse possession against the state and throws out 200 years of case law. It provides for unequal protection under the law. Acting as trustees for the people, for us to agree to give away public lands to illegal squatters is a dereliction of our duty ad fiduciary responsibilities to all the citizens of New Hampshire.

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 Thursday, April 9, 1998 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1545-FN, increasing the salaries of the labor commissioner and the deputy labor commissioner.

SB 495, relative to the university system study committee.

HB 1193-FN, relative to installing vending machines at welcome and tourist information centers on state highways.

HB 1337-FN, making technical corrections in laws related to the department of corrections.

HB 1354-FN, relative to fishing in the Connecticut River by residents of Vermont and relative to the use of funds from the sale of timber on fish and game lands.

HB 1473-FN-A, establishing a wildlife damage control program and making an appropriation therefor.

HB 1513-FN-L, extending the start date for the auto emissions testing program and requiring the commissioner of environmental services to propose for legislative consideration a diesel opacity testing program and a mobile source remote sensing pilot program.

HB 1558-FN-L, relative to games of chance.

HB 1573-FN, changing the name of the department of cultural affairs to the department of cultural resources and changing the qualifications for the director of the division of the arts.

HB 1597-FN, relative to providing more cost-effective special education services.

HB 1600, relative to the multiple DWI offender intervention detention center program.

HB 1636-FN, relative to the executive director of fish and game and the fish and game commission.

HB 1652, establishing a pilot program relative to the administration of medications in residential care facilities.

HB 1655-FN-A, relative to the authority of the length of service awards program committee, and making an appropriation therefor.

SB 414, relative to official motor vehicle plates.

SB 484, prohibiting triple-trailer trucks from the ways of this state.

HB 1100-FN, relative to the design and construction of a new medium security prison in Berlin and making an appropriation therefor, removing the population cap and closing date for the lakes region department of corrections facility, authorizing the department of corrections to establish 2 additional halfway houses and appoint additional probation and parole officers, and making adjustments to the operating budget for fiscal year 1999.

HB 1226-FN, creating the educational credential of master teacher.

HB 1350-FN-A, relative to vocational student organizations and making an appropriation for vocational organization advisors.

HB 1387-FN, relative to the state art fund.

HB 1389-FN-L, relative to agreements for telecommunications-related uses of the state highway system.

HB 1509-FN, relative to the content of motor vehicle registrations.

REMARKS

Rep. Peterson moved that the remarks made by Rep. Hart on March 19, 1998 be printed in the Journal.

Adopted.

Rep. Hart: Thank you, Madam Speaker. Last week, New Hampshire lost a person who served in this House with distinction. His name was Henry F. Goode. He was Co-Majority Leader, he was Vice Chairman of the House Appropriations Committee and then went on to become the Legislative Budget Assistant. I would like to take one moment for us to have a silent prayer for this man who was my mentor and my best friend. Thank you.

Clerk's note: The remarks made by Rep. Hart are printed here for the benefit of the members. In the Permanent Journal they will appear under Unanimous Consent in the Journal of March 19th.

MOTION TO PRINT REMARKS

Rep. Rowe moved that the debate on ***HB 1389,*** relative to agreements for telecommunications-related uses of the state highway system, be printed in the Journal.

On a division vote, 101 members having voted in the affirmative and 217 in the negative, the motion failed.

UNANIMOUS CONSENT

Reps. D'Allesandro and Letourneau addressed the House.

PERSONAL PRIVILEGE

Rep. Cobbin 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 2:45 p.m.

RECESS