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Thursday, May 28, 1998

No. 51

HOUSE JOURNAL No. 14 (cont.)

Wednesday, May 20, 1998

(Rep. Burling in the Chair)

ENROLLED BILL AMENDMENTS

SB 26, preventing recovery by a nonsupporting parent in a wrongful death claim or action on behalf of the nonsupported child until child support arrearages are paid in full. (Amendment printed SJ 16 5/21/98)

Adopted.

SB 350, relative to probate court procedures. (Amendment printed SJ 16, 5/21/98)

Adopted.

RECESS

(Rep. Hager in the Chair)

RESOLUTION

Rep. David Welch offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 326, 346, 363 and 475 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 326, relative to representation and costs in utility rate proceedings. (Science, Technology and Energy)

SB 346, establishing a task force to study the foster care system. (Health, Human Services and Elderly Affairs)

SB 363-L, relative to notification to and jurisdiction of municipalities concerning governmental use of property. (Public Works and Highways)

SB 475, relative to medicaid reimbursement rates and dental care. (Finance)

ENROLLED BILL AMENDMENTS

HB 234-FN-L, relative to disposition by counties of funds of deceased patients of county nursing homes.

Amendment (1783-EBA)

Amend RSA 151-A:5, I as inserted by section 5 of the bill by replacing line 1 with the following:

I. That no applicant for [~~license~~] **licensure** as a nursing home administrator shall be admitted to such

Amend RSA 151-A:15, II as inserted by section 12 of the bill by replacing line 1 with the following:

II. Notwithstanding the provisions of RSA 561, if all just debts of the deceased have been

Adopted.

HB 697-FN-A-L, changing the emergency shelter commission to any emergency shelter and homeless coordination commission.

Amendment (1788-EBA)

Amend RSA 126-A:32, I as inserted by section 1 of the bill by replacing line 2 with the following:

to advise the commissioner on the program established under this subdivision and the needs of

Adopted.

HB 1131, relative to the sale of liquor and beverages and relative to enforcement of the liquor laws.

Amendment (1804-EBA)

Amend RSA 175:1, IX as inserted by section 1 of the bill by replacing line 3 with the following:

beverage vendor importer ~~[or]~~, wholesale distributor, **or beverage manufacturer** license.

Amend RSA 178:15, II as inserted by section 3 of the bill by replacing line 5 with the following:

year. Only wine and liquor donated to the ~~[station]~~ **special licensee** may be auctioned under this paragraph; provided,

Amend RSA 179:23, IV as inserted by section 9 of the bill by replacing line 5 with the following:

in charge of the licensed premises. For the purposes of this section, any person designated as a person

Adopted.

HB 1165, relative to the incorporation, management, branching, and merger of banks and exempting certain New Hampshire banks from the aging requirement of the interstate acquisition and merger laws.

Amendment (1792-EBA)

Amend section 1 of the bill by replacing line 1 with the following:

1 New Section; Change in Control of Nondepository Financial Institution. Amend RSA 383 by

Amend section 3 of the bill by replacing lines 1-3 with the following:

3 Responsibilities of Directors or Trustees and Officers; Qualifications. RSA 384:3 is repealed and reenacted to read as follows:

384:3 Responsibilities of Directors or Trustees and Officers; Qualifications.

Amend RSA 384:3, IV as inserted by section 3 of the bill by replacing lines 5-6 with the following:

is wholly owned by an out-of-state bank holding company within the meaning of RSA 384:57, VI, or to the directors of a nondepository financial institution which is wholly owned by an out-of-state

Amend RSA 384:5-a, I as inserted by section 5 of the bill by replacing line 5 with the following:

Reinvestment Act, 12 U.S.C. section 2901 et seq., and regulations adopted thereunder:

Amend RSA 384-B:2-e as inserted by section 10 of the bill by replacing lines 2-4 with the following:

and V and RSA 384-B:2-c, II, a bank which is well-capitalized under applicable federal rules and regulations and has a composite CAMEL rating of at least 2 as a result of its most recent examination by either its federal regulatory authority or the bank commissioner, may open a new branch if the bank does

Amend RSA 386-A:1 as inserted by section 11 of the bill by replacing line 7 with the following:

defined by the federal Bank Holding Company Act of 1956, as amended, or by a savings and loan holding

Amend RSA 391:1-a as inserted by section 18 of the bill by replacing line 3 with the following:

~~B:1, IV and V]~~ ***the federal Bank Holding Company Act of 1956, as amended, or of a savings and loan***

Amend RSA 392:2 as inserted by section 19 of the bill by replacing line 6 with the following:

holding company as defined by the federal Bank Holding Company Act of 1956, as amended, or by a

Adopted.

HB 1271-FN, relative to the board of acupuncture licensing.

Amendment (1753-EBA)

Amend section 1 of the bill by replacing line 1 with the following:

1 Council Added. Amend the introductory paragraph of RSA 328-G:3, I(a) to read as follows:

Amend section 2 of the bill by replacing line 1 with the following:

2 Council Added. Amend the introductory paragraph of RSA 328-G:3, I(b) to read as follows:

Adopted.

HB 1627, relative to deposits with the state treasurer of amounts due certain stockholders and creditors on the dissolution of a corporation, and relative to the college tuition savings plan.

Amendment (1784-EBA)

Amend section 6 of the bill by replacing line 1 with the following:

6 Applicability. In order to comply with recent changes in federal law, sections 1-3 of this act

Amend paragraph I of section 7 of the bill by replacing it with the following:

I. Sections 1-3 and 6 of this act shall take effect upon its passage.

Adopted.

RECESS

(Rep. David Welch in the Chair)

ENROLLED BILL AMENDMENT

HB 1475, relative to revising certain programs within the postsecondary education commission.

Amendment (1781-EBA)

Amend RSA 188-D:18, VII as inserted by section 3 of the bill by replacing lines 3-9 with the following:

(a) Engaged in a course of study, at least on a half-time basis, at an institution of higher education;

(b) Serving on active duty as a member of the armed services of the United States, serving as a member of VISTA, the Peace Corps, or Americorps, for a period not to exceed 3 years;

(c) Temporarily totally disabled, as established by sworn affidavit of a qualified physician, for a period not to exceed 3 years; or

Amend RSA 188-D:18, X as inserted by section 3 of the bill by replacing lines 4 and 5 with the following:

established on the basis of a sworn affidavit of a qualified physician;

(b) The recipient has received relief under federal bankruptcy laws;
or

Amend RSA 188-D:18-e, VII as inserted by section 5 of the bill by replacing lines 2-7 with the following:

(a) Engaged in a course of study, at least on a half-time basis, at an institution of higher education;

(b) Serving on active duty as a member of the armed services of the United States, serving as a member of VISTA, the Peace Corps, or Americorps, for a period not to exceed 3 years;

(c) Temporarily totally disabled, as established by sworn affidavit of a qualified physician, for a period not to exceed 3 years; or

Amend RSA 188-D:18-e, X as inserted by section 5 of the bill by replacing lines 3 and 4 with the following:

established on the basis of a sworn affidavit of a qualified physician;

(b) The recipient has received relief under federal bankruptcy laws; or

Adopted.

HB 1630-FN, relative to the transportation of high level radioactive waste.

Amendment (1790-EBA)

Amend RSA 107-D:4, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Failure to pay the fee shall subject the carrier and the owner of the shipment to a civil action for the recovery of the amount of such fee, plus costs and reasonable attorney's fees, for which the carrier and owner shall be jointly and severally liable. Such action may be filed in the superior court of the county in which the shipment originated or in which it was or should have been inspected pursuant to RSA 107-D:5. Operating as a carrier engaged in the transportation of irradiated reactor fuel or high-level radioactive waste in this state or shipping irradiated reactor fuel or high-level radioactive waste on the public highways or by water or on the railroads of this state shall constitute submission to the jurisdiction of the courts of this state for the purposes of such an action.

Adopted.

RECESS

(Rep. Emerton in the Chair)

ENROLLED BILL AMENDMENT

SB 100-FN, establishing a New Hampshire film and television commission. (Amendment printed SJ 16, 5/21/98)

Adopted.

RECESS

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 15

Thursday, May 28, 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 Guest Chaplain Hays Junkin from St. Andrews Episcopal Church in Hopkinton.

O Judge of the nations, we remember before You with grateful hearts the men and women of our country who in the day of decision ventured much for the liberties we now enjoy. Grant that we may not rest until all the people of this land share the benefits of true freedom and gladly accept its disciplines. This we ask in the name of God. Amen.

Rep. Joan Tate led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Champagne, Jane Clemons, Dowd, Flint, Robert Foster, Healy, Robert Kelley, O'Connell, Pepino and Paul Taylor, the day, illness.

Reps. Adams, Allison, Alukonis, Barry, Battles Pierce, Briefs, Burke, Cardin, Cegelis, Ernest Chabot, Coes, Colburn, Connolly, Copenhaver, Peter Cote, Dowling, Fesh, Fuller Clark, Guest, Claudette Jean, L'Heureux, Leishman, Letendre, Lovett, Kenneth MacDonald, MacIntyre, John McCarthy, McRae, Meader, Mittelman, Morris, Nordgren, O'Keefe, Marsha Pelletier, Frances Riley, William Riley, Seldin, Simmons and Donald Welch, the day, important business.

Rep. Laflam, the day, death in the family.

Reps. Irene Pratt and Rice, the day, illness in the family.

INTRODUCTION OF GUESTS

Shannon McNamara, daughter of Rep. McNamara. Sean O'Dwyer and Brian Dick, guests of Rep. McGough. Megan Konys, daughter of Rep. Konys. Members of Mrs. Bergeron's and Mr. Adam's 10th grade American Government Class at Kingswood Regional High School in Wolfeboro, guests of Reps. Babson and Jeb Bradley. Rotary Group Study Exchange Team from St. Petersburg, Russia Irina Livshits-Anitropova, Igor Medvedkin, Elena Krijanovskaya, and Michael Djanelidze, guests of Reps. Anderson and DeStefano. Jennifer Peterson, daughter of Rep. Peterson.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 234, 697, 717, 1165, 1166, 1172, 1193, 1198, 1271, 1274, 1408, 1414, 1475, 1563, 1627 and 1642, and Senate Bills numbered 26, 328, 350, 356, 383, 393, 399, 443, 493 and 501.

Rep. Pfaff, Sen. Barnes for the Committee

SENATE MESSAGES

CONCURRENCE

HB 1262-FN-A, relative to authority for the board of medicine to employ a medical review subcommittee administrator.

HB 1311, adopting the 1994 revisions to article 8 of the uniform commercial code relative to investment securities.

HB 1312, adopting the 1995 revisions to article 5 of the uniform commercial code relative to letters of credit.

CONCURRENCE WITH AMENDMENTS

SB 140, relative to the obligations of joint owners to the nuclear decommissioning finance fund.

SB 308, relative to the board of directors of Delta Dental Plan of New Hampshire, Inc.

SB 383, establishing a committee to study the use of telemedicine.

SB 392, relative to requirements for law enforcement personnel who conduct interviews of minors.

SB 446, relative to estate planning by a guardian

SB 487, relative to the general powers and duties of a guardian over the estate of the minor.

NONCONCURRENCE

HB 1443, relative to the time frame for the department of environmental services to act on certain wetlands applications.

HB 1658, relative to prohibiting the cloning of human beings in New Hampshire.

ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

HB 529, relative to excluding from the definition of subdivision the placement and maintenance of wireless communications facilities.

The President appointed Sens. Rubens, Whipple and Barnes.

HB 1118, relative to expiration of contact lens prescriptions.

The President appointed Sens. David Wheeler, McCarley and Squires.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1103-L, relative to the state representative districts of towns. (Amendment printed SJ 15, 5/14/98)

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

Adopted.

The Speaker appointed Reps. Arnold, Horton, Jane Clemons and Gibbons.

HB 1113, relative to reports of town and school district meetings to be certified to the department of revenue administration. (Amendment printed SJ 15, 5/14/98)

Rep. Metzger moved that the House concur.

Adopted.

HB 1182, establishing an oversight committee to review the allocation of funds dispersed for the developmental disabilities waitlist. (Amendment printed SJ 16, 5/21/98)

Rep. Emerton moved that the House concur.

Adopted.

SB 1205-FN, making technical corrections to the securities laws. (Amendment printed SJ 16, 5/21/98)

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

Adopted.

The Speaker appointed Reps. Lindblade, William McCarthy, Mittelman and Klemm.

HB 1221-L, relative to the acceptance of personal property donated to towns or village districts. (Amendment printed SJ 15, 5/14/98)

Rep. Metzger moved that the House concur.

Adopted.

HB 1234-FN, establishing an office of volunteerism. (Amendment printed SJ 15, 5/14/98)

Rep. Mercer moved that the House nonconcur and requested a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dyer, Thulander, Stickney and Gile.

HB 1238, establishing a committee to study ways to manage land use and to preserve and protect the state's farmland, rural and community character, and environmental quality against low density sprawl and the loss of sense of place.

Rep. Musler moved that the House concur and spoke in favor.

Adopted.

HB 1245, relative to the management of New Hampshire retirement system funds by the board of trustees. (Amendment printed SJ 10, 4/9/98)

Rep. Mercer moved that the House concur.

Adopted.

HB 1291, relative to management of the state ski areas at Mount Sunapee and Cannon Mountain. (Amendment printed SJ 16, 5/21/98)

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

Adopted.

The Speaker appointed Reps. Royce, Whalley, Paula Bradley and Franklin Torr.

HB 1295-FN, relative to reimbursing the state medical assistance program. (Amendment printed SJ 15, 5/14/98)

Rep. Kurk moved that the House concur.

Adopted.

HB 1298-FN-L, requiring health care providers to wear identification. (Amendment printed SJ 16, 5/21/98)

Rep. Emerton moved that the House concur.

Adopted.

HB 1339, regulating the sale by mail of liquor, wine, and beer. (Amendment printed SJ 14, 5/7/98)

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

Adopted.

The Speaker appointed Reps. Franklin Torr, Klemm, Robert Kelley and Pantelakos.

HB 1347, preserving relationships between siblings who are separated as a result of court ordered out-of-home placements. (Amendment printed SJ 15, 5/14/98)

Rep. Pfaff moved that the House concur.

Adopted.

HB 1361, relative to rulemaking authority, subpoena powers, and establishment of civil penalties by the board of professional engineers. (Amendment printed SJ 14, 5/7/98)

Rep. Mercer moved that the House concur.

Adopted.

HB 1371, requiring the collection of certain data on children and parents in the state case registry for use in child support enforcements. (Amendment printed SJ 15, 5/14/98)

Rep. Pfaff moved that the house nonconcur and request a Committee of Conference.

Adopted.

The Speaker announced that the members would be appointed at a later date.

HB 1384-FN-A, making an appropriation for use by the New Hampshire Commission on the Smithsonian Festival of American Folklife. (Amendment printed SJ 14, 5/7/98)

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

Adopted.

The Speaker appointed Reps. Klemm, Alukonis, Holbrook and Lynch.

HB 1493, relative to clarifying school district liability for certain placements of children pursuant to juvenile proceedings. (Amendment printed SJ 15, 5/14/98)

Rep. O'Hearn moved that the House concur.

Adopted.

HB 1498, authorizing emergency medical care providers to inform patients of transport options. (Amendment printed SJ 16, 5/21/98)

Rep. Emerton moved that the House concur.

Adopted.

HB 1501, relative to amending certain provisions of the charter school law. (Amendment printed SJ 15, 5/14/98)

Rep. O'Hearn moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Belvin, O'Hearn, Durham and Snyder.

HB 1513-FN-L, relative to vehicle emissions control equipment and testing. (Amendment printed SJ 16, 5/21/98)

Rep. Jeb Bradley moved that the House concur.

Adopted.

HB 1514-FN, setting the biennial rate for the medicaid enhancement tax. (Amendment printed SJ 14, 5/7/98)

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

Adopted.

The Speaker appointed Reps. Weyler, Nichols, Dowd and Dwyer.

HB 1517, establishing a fund for dredging to maintain harbors in New Hampshire. (Amendment printed SJ 16, 5/21/98)

Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Gene Chandler, Kurk, Klemm and Vaillancourt.

HB 1539, relative to property tax billing procedures for land parcels having multiple owners. (Amendment printed SJ 15, 5/14/98)

Rep. Metzger moved that the House concur.

Adopted.

HB 1562, excepting cannabis-type drugs from forfeited drugs which may be delivered to the department of health and human services for medical use. (Amendment printed SJ 16, 5/21/98)

Rep. David Welch moved that the House concur.

Adopted.

HB 1652, establishing a pilot program relative to the administration of medications in residential care facilities. (Amendment printed SJ 13, 4/30/98)

Rep. Emerton moved that the House concur and spoke in favor.

Adopted.

NONCONCURS WITH AMENDMENT

REQUESTS COMMITTEE OF CONFERENCE

SB 333, allowing any registered voter who is unable to vote in person, by reason of extended work hours, lack of transportation, or illness in the family, to vote by absentee ballot.

The President appointed Sens. Roberge, Whipple and Katherine Wheeler.

Rep. Arndt moved that the House accede.

Adopted.

The Speaker appointed Reps. Ann Torr, Flanagan, Langley and Buckley.

SUSPENSION OF RULES

Reps. Wheeler and Amanda Merrill moved that the Rules be so far suspended as to permit the suspension of all House Rules relating to deadlines for committees to report bills in their possession.

Adopted by the necessary two-thirds.

COMMITTEE REPORTS

CONSENT CALENDAR

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

HB 1680-FN-A-L, authorizing positions for the administration of retiree's health benefits by the New Hampshire retirement system and making an appropriation therefor, removed by Rep. Dyer.

SB 473-FN, relative to child day care providers, removed by Rep. O'Hearn.

SB 483-FN, exempting certain businesses from the electronic filing requirement under the meals and rooms tax, removed by Rep. Manning.

Consent Calendar adopted.

SB 479-FN, establishing a committee to study the supervision of juvenile delinquents on probation or parole. OUGHT TO PASS

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill establishes a committee to study all aspects of the supervision of juvenile delinquents on probation or parole, as well as the feasibility of transfer of such supervision from the department of health and human services to the department of youth services. The committee will also study the effect such a change will have on municipal, county and general fund appropriations, on federal appropriations and grants, and every other aspect of a change of this type. Vote 13-0.

SB 342, relative to capital appropriations for the Glencliff home for the elderly. OUGHT TO PASS WITH AMENDMENT

Rep. Robert G. Holbrook for Finance: This bill readjusts the budget lines to allow improvements to continue at Glencliff Home for the Elderly after the final bid was higher than budgeted for the construction planned. No additional funds are appropriated. The amendment combines the appropriations for the Department of Safety capital projects at Dover Point Substation and the Epping Station Warehouse to allow the projects to be completed. Again, no additional funds are appropriated. The amendment also allows certain unexpended capital appropriations to be used to plan for future use of the old Department of Revenue Administration building on Spring Street in Concord. Finally, the amendment changes the effective date to upon passage. Vote 19-0.

Amendment (1665h)

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

AN ACT relative to capital appropriations for the Glencliff home for the elderly and for certain department of safety projects, relative to approval of certain leases by state agencies, and relative to renovations to a certain state office building.

Amend the bill by replacing all after section 3 with the following:

4 Capital Appropriation to Department of Safety; Projects Sums Combined. Amend 1997, 349:4, II, and the total state appropriation paragraph II, to read as follows:

II. Department of safety

A. Dover Point Substation addition, ~~[\$195,000]~~

~~B.] Warehouse/Epping station~~ ~~[\$195,000]~~ **\$390,000**

~~[C.]~~ **B.** Microwave system upgrade * \$ 500,000

Total state appropriation paragraph II \$ 890,000

5 New Section; Approval of State Agency Leases Exceeding 5 Years; Long Range Capital Planning and Utilization Committee. Amend RSA 4 by inserting after section 39-a the following new section:

4:39-b Approval of State Agency Leases Exceeding 5 Years. Any lease of land, buildings, or space to be used by any state agency, as defined in RSA 21-G:5, III, and which exceeds a term of 5 years, including all options, shall be reviewed and approved by the long range capital planning and utilization committee established in RSA 17-M prior to submission to the governor and council for approval.

6 Department of Administrative Services; Use of Appropriated Funds for Certain State Office Building. The commissioner of administrative services is authorized to expend any unused balance of funds originally appropriated by 1991, 355:115 to be used for the study, design, and necessary renovation of the state office building located in Concord at 61 South Spring Street for state office space. Funds shall not be spent, obligated, or encumbered for renovations until the commissioner submits an action plan for approval by the capital budget overview committee.

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

AMENDED ANALYSIS

This bill:

I. Changes certain capital appropriations to the department of health and human services to be used for the Brown building addition and renovation at the Glencliff home for the elderly.

II. Changes certain capital appropriations to the department of safety for certain projects.

III. Requires approval by the long range capital planning and utilization committee of certain leases by state agencies.

IV. Authorizes certain funds to be used for renovations of the state office building at 61 South Spring Street in Concord.

SB 391-FN-A, exempting personal property which is subject to taxation under the legacies and successions tax from the 2 percent tax on transfers of personal property of nonresident decedents. **OUGHT TO PASS**

Rep. Charles L. Vaughn for Finance: This bill repeals obsolete statute RSA 89:1 which imposed a tax on personal property located in the state belonging to persons whose domicile is without the state which shall, upon the death of the owner, be subject to a tax of 2% of its value. This tax is difficult to effectively administer by the Department of Revenue Administration because only honest individuals comply with the law. About \$37,000 a year in general fund revenues will be lost, offset to some extent by reducing the workload required to review and audit the tax returns. Vote 17-0.

SB 447-FN, exempting siblings of a decedent who are unable to engage in substantial gainful employment from the legacies and successions tax. **REFER FOR INTERIM STUDY**

Rep. Paul J. Dwyer, Sr. for Finance: To correct technical and policy issues, this bill needs to be studied along with HB 108, studying the legacies and succession tax in its entirety. Vote 16-0.

SB 504-FN, relative to members of predecessor systems of the New Hampshire retirement system. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill would allow one member of the old teachers' retirement system to transfer to the New Hampshire Retirement System. The amendment says that the accrued liability cost of \$22,000 shall not be a draw on any state funds. Therefore there is no fiscal impact to the state. Vote 19-0.

Amendment (1740h)

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

1 New Section; Members of Predecessor Systems. Amend RSA 100-A by inserting after section 33 the following new section:

100-A:33-a Members of Predecessor Systems. Notwithstanding RSA 100-A:33 or any other provisions of law, any person who is a member of any predecessor system of the New Hampshire retirement system and is currently receiving benefits, or upon that person's retirement, death, disability, or termination, shall, upon the payment of any actuarially determined accrued liability cost, be considered to have been a full member of the New Hampshire retirement system for the entire period of creditable service in either system and shall receive all benefits to which he or she is entitled as a full member of the New Hampshire retirement system. Any funds made available for payment of such accrued liability cost shall not be a draw on any state funds.

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

SB 507, establishing a committee to study pharmaceutical assistance for the elderly. OUGHT TO PASS

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: This bill recommends the formation of a study committee to address the pharmaceutical assistance needs for the elderly. There is no question that some seniors are forced by monetary circumstances to make choices on whether or not to buy medications. Medicaid assists some of our elderly on this matter, but too many are left in dire need of assistance. Vote 12-0.

SPECIAL ORDERS

HB 1677-FN-A-L, authorizing towns and cities to determine the method of local taxation used to support public education. INEXPEDIENT TO LEGISLATE

Rep. John J. O'Connell for Local and Regulated Revenues: While some members of the committee felt the legislation had merit, the majority of the committee believes this bill would most likely create confusion in the individual towns and cities of New Hampshire. Vote 9-3.

Rep. Alger spoke against.

Rep. Linda Foster spoke in favor and yielded to questions.

Rep. Wallin spoke against and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Alger moved that **HB 1677-FN-A-L**, authorizing towns and cities to determine the method of local taxation used to support public education, be laid on the table.

The motion failed.

The question now being the adoption of the Committee report on House Bill 1677.

Rep. Hess spoke in favor.

On a division vote, 252 members having voted in the affirmative and 52 in the negative, the report was adopted.

SB 376, relative to animal cruelty. OUGHT TO PASS WITH AMENDMENT

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation allows the court to prohibit any person convicted of animal cruelty from having future ownership or custody of other animals for any period of time the court deems reasonable for the protection of the animal. Vote 14-1.

Amendment (1473h)

Amend RSA 644:8, IV as inserted by section 1 of the bill by replacing it with the following:

IV. In addition to being guilty of crimes as provided in paragraphs III and III-a, any person charged with cruelty to animals may have his *or her* animal confiscated by the arresting officer and, upon said person's conviction of cruelty to animals, the court may dispose of said animal in any manner it decides. ***Courts shall give cases in which animals have been confiscated by an arresting officer priority on the court calendar.*** The costs, if any, incurred in boarding and treating the animal, pending disposition of the case, and in disposing of the animal, upon a conviction of said person for cruelty to animals, shall be borne by the person so convicted. ***In addition, the court may prohibit any person convicted of animal cruelty from having future ownership or custody of other animals for any period of time the court deems reasonable or impose any other reasonable restrictions on the person's future ownership or custody of animals as necessary for the protection of the animals.***

Adopted.

Rep. Mirski offered a floor amendment.

Floor Amendment (1907h)

Amend the bill by replacing section 1 with the following:

1 Prohibition Added. Amend RSA 644:8, IV to read as follows:

IV. In addition to being guilty of crimes as provided in paragraphs III and III-a, any person charged with cruelty to animals may have his animal confiscated by the arresting officer and, upon said person's conviction of cruelty to animals, the court may dispose of said animal in any manner it decides. ***Courts shall give cases in which animals have been confiscated by an arresting officer priority on the court calendar.*** The costs, if any, incurred in boarding and

treating the animal, pending disposition of the case, and in disposing of the animal, upon a conviction of said person for cruelty to animals, shall be borne by the person so convicted.

AMENDED ANALYSIS

This bill provides that a court shall give cases in which animals have been confiscated priority on the court calendar.

Rep. Mirski spoke in favor.

Reps. Hill and Knowles spoke against.

On a division vote, 32 members having voted in the affirmative and 258 in the negative, the floor amendment failed.

Report adopted and ordered to third reading.

SB 437-FN, requiring a one year mandatory prison sentence for a third DWI conviction. OUGHT TO PASS WITH AMENDMENT

Rep. William V. Knowles for Criminal Justice and Public Safety: If a person is convicted of a third DWI offense after having completed the 7 day multiple offender program previously, such person shall be sentenced to imprisonment for one year. While imprisoned, the person shall complete an alcohol and drug treatment program at such person's expense. Good time will not be earned if there is not meaningful participation. Vote 14-1.

Amendment (1715h)

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

AN ACT requiring a one year mandatory prison sentence and certain substance treatment for a third DWI conviction.

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

1 Third DWI Conviction; Mandatory One Year Prison Sentence. Amend RSA 265:82-b, II(b)(2) to read as follows:

(2) If the person has completed the state-operated 7-day multiple DWI offender intervention detention center program as required under subparagraph (a)(3) upon conviction for a prior offense, the person shall be sentenced to imprisonment for a period of not less than ~~[30 consecutive 24-hour periods]~~ **one year, no more than 3 months of which may be suspended**, and shall complete ~~[at the person's own expense a 28-day]~~ **during imprisonment an intensive course of substance abuse treatment [program], including residential treatment if appropriate, based on a formal evaluation by a licensed alcohol and other drug counselor designated by the department of health and human services**, before the driver's license may be restored. **Such treatment program shall be at the person's own expense unless the recommended treatment is already provided by the correctional facility at no cost.**

2 New Subparagraphs; Participation in Treatment Program; Restoration of Driver's License. Amend RSA 265:82-b, II(b) by inserting after subparagraph (2) the following new subparagraphs:

(3) Unless there is meaningful participation in the recommended program, the person's conduct will not be considered meritorious under RSA 651:18.

(4) Subject to the provisions of this section, satisfactory completion of the recommended program may qualify the person for the return of such person's driver's license after the period of revocation.

3 Effective Date. This act shall take effect January 1, 1999.

AMENDED ANALYSIS

This bill requires that a person convicted of a third DWI offense be sentenced to one year in prison, and complete an intensive course of substance abuse treatment during imprisonment.

Adopted.

Reps. Mirski, Robertson and Vaillancourt spoke against.

Rep. Christie spoke in favor and yielded to questions.

Rep. Knowles spoke in favor.

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

Rep. David Welch spoke against.

Rep. MacGillivray requested a roll call; sufficiently seconded.

The question being the motion to Recommit to Committee.

YEAS 108 NAYS 204

YEAS 108

BELKNAP

Pilliod, James	Rosen, Ralph	Veazey, John
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CARROLL

Babson, David, Jr.	Bradley, Jeb	Cooper, Kipp	Mock, Henry
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CHESHIRE

Bonneau, Sarah	Burnham, Daniel	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	McNamara, Wanda	Pratt, John
Richardson, Barbara	Robertson, Timothy	Russell, Ronald	Vogl, John

COOS

Bradley, Paula	Davis, Perley	Hawkinson, Marie	Merrill, Gerald
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Moynihan, Wayne St. Hilaire, Paul

GRAFTON

Akins, Ralph	Almy, Susan	Below, Clifton	Guaraldi, Lawrence
Ham, Bonnie	LaMott, Paul	Mirski, Paul	

HILLSBOROUGH

Bergin, Peter	Buckley, Raymond	Carlson, Donald	Chabot, Robert
Christiansen, Lars	Daigle, Robert	Dawe, Eileen	Desrosiers, William
Dyer, Merton	Fenton, James	Gage, Ruth	Goulet, Maurice
Hart, Nick	Jean, Loren	Lynde, Harold	Marcinkowski, Michael
McCarthy, William	Messier, Irene	Morello, Michael	Perkins, Paul
Piteri, Dawn	Rowe, Robert	Vaillancourt, Steve	White, Jay
Williams, Carol			

MERRIMACK

Anderson, Eric	Brown, Mary	Feuerstein, Martin	Fraser, Marilyn
French, Barbara	Gile, Mary	Jacobson, Alf	Krueger, Patricia
Lavoie, Gerard	Lockwood, Robert	Reardon, Tara	Rogers, Katherine
St. Cyr, Gerard	Wallin, Jean		

ROCKINGHAM

Abbott, Dennis	Bishop, Franklin	Blanchard, MaryAnn	Camm, Kevin
Cushing, Robert	Dalrymple, Janeen	Francoeur, Sheila	Gibbons, Paul
Hutchinson, Rebecca	Langley, Jane	Major, Norman	McKinney, Betsy
Norelli, Terie	Pitts, Jacqueline	Rabideau, Marie	Sapareto, Frank
Stickney, Nancy	Weyler, Kenneth		

STRAFFORD

Bickford, David	Brennan, William	DeChane, Marlene	Dunlap, Patricia
Grassie, Anne	Hemon, Roland	Keans, Sandra	Lundborn, Raymond
Merrill, Amanda	Merritt, Deborah	Pelletier, Arthur	Rogers, Rose Marie
Smith, Marjorie	Taylor, Kathleen	Tsiros, William	Vachon, Dennis
Vincent, Francis			

SULLIVAN

Adler, Rudolf	Donovan, Thomas
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BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Golden, Paul	Holbrook, Robert	Salatiello, Thomas	Thomas, John
Turner, Robert			

CARROLL

Chandler, Gene	Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Avery, Stephen	DePecol, Benjamin	Doucette, Richard	Hunt, John
Metzger, Katherine	Royce, H. Charles	Smith, Edwin	Steere, Myron, III

COOS

Guay, Lawrence	Horton, Lynn	Mears, Edgar	Pratt, Leighton
Tholl, John, Jr.			

GRAFTON

Alger, John	Brown, Channing	Chase, Paul, Jr.	Eaton, Stephanie
Hill, Richard	Hinman, Harry	MacNeil, Allen	Phinney, William
Root, John	Teschner, Douglass	Trelfa, Richard	Weber, Phil
Williams, William, Jr.			

HILLSBOROUGH

Ackerman, Philip	Allen, W. Gordon	Alukonis, David	Ameen, W.
Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter	Belvin, William
Boutin, David	Brundige, Robert	Calawa, Leon, Jr.	Carney, Lauren
Clegg, Robert, Jr.	Cote, David	D'Allesandro, Lou	Daniels, Gary
Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.
Emerton, Lawrence, Sr.	Fields, Dennis	Flora, Kathleen	Foster, Joseph
Foster, Linda	Franks, Suzan	Gagnon, Eugene	Ginsburg, Ruth
Golding, William	Gosselin, Gerald	Haettenschwiller, Alphonse Hall, Betty	
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Holt, David
Hunter, Bruce	Johnson, Lionel	Konys, Christine	Kurk, Neal
LaRose, Richard	Lefebvre, Roland	Lessard, Rudy	Lozeau, Donnalee
Luebker, Bernard	MacGillivray, Jeffrey	McCarty, Winston	McGough, Tim
Melcher, Harold	Mercer, Robert	Milligan, Robert	Murphy, Robert
O'Hearn, Jane	Peterson, Andrew	Reidy, Frank	Sargent, Maxwell

Searles, Stanley, Sr.	Tate, Joan	Thulander, O. Alan	Turgeon, Roland
Wheeler, Robert	White, Donald	Wright, George	

MERRIMACK

Burney, Carol	Chandler, Earle	Crosby, Toni	Crowell, Peter
Daneault, Gabriel	Davis, Francis	DeStefano, Stephen	Dunn, Miriam
Hager, Elizabeth	Hess, David	Hoadley, Elizabeth	Langer, Ray
Larrabee, David	Leber, William	Marshall, Kenneth	Moore, Carol
Morrill, Olive	Nichols, Avis	Owen, Derek	Pfaff, Terence
Whalley, Michael	Whittemore, James	Yeaton, Charles	

ROCKINGHAM

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Carson, Gregory
Case, Margaret	Christie, Andrew, Jr.	Cooney, Richard	Cote, Patricia
Dodge, Robert	Dolan, Richard	Downing, Michael	Dunham, Vivian
Flanagan, Natalie	Flanders, David	Flanders, John, Sr.	Frechette, Joseph
Gleason, John	Griffin, Mary	Guthrie, Joseph	Heath, John
Henderson, Warren	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Klemm, Arthur, Jr.	Kobel, Rudolph	Langone, John
Letourneau, Robert	Lovejoy, Marian	Malcolm, Kenneth	Micklon, Stephanie
Mikowski, Walter	Moore, Benjamin	Nowe, Ronald	Packard, Sherman
Pantelakos, Laura	Raynowska, Bernard	Reardon, Neil	Rubin, George
Smith, Kevin	Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony
Tufts, J. Arthur	Varrell, Thomas	Vaughn, Charles	Verani, Giovanni
Welch, David	Woods, Deborah		

STRAFFORD

Berube, Roger	Brown, Julie	Callaghan, Frank	Cossette, Larry
Estabrook, Iris	Heon, Richard	Kaen, Naida	Knowles, William
McKinley, Robert	Musler, George	Rollo, Michael	Snyder, Clair
Spear, Barbara	Sullivan, Henry	Torr, Ann	Torr, Franklin
Twardus, Joseph	Wall, Janet		

SULLIVAN

Burling, Peter	Cloutier, John	Ferland, Brenda	Leone, Richard
Palmer, Lorraine	Robb-Theroux, Amy	Schotanus, Merle	Wiggins, Celestine

and the motion failed.

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

The question now being the adoption of the Committee report.

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

YEAS 210 NAYS 104

YEAS 210

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Golden, Paul	Holbrook, Robert	Rosen, Ralph	Salatiello, Thomas
Thomas, John	Turner, Robert		

CARROLL

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

CHESHIRE

Avery, Stephen	DePecol, Benjamin	Doucette, Richard	Hunt, John
Manning, Joseph	Metzger, Katherine	Royce, H. Charles	Smith, Edwin
Steere, Myron, III			

COOS

Davis, Perley	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Mears, Edgar	Pratt, Leighton	St. Hilaire, Paul	Tholl, John, Jr.

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Brown, Channing
Chase, Paul, Jr.	Eaton, Stephanie	Guaraldi, Lawrence	Hill, Richard
Hinman, Harry	MacNeil, Allen	Phinney, William	Teschner, Douglass
Trelfa, Richard	Weber, Phil	Williams, William, Jr.	

HILLSBOROUGH

Ackerman, Philip	Alukonis, David	Ameen, W.	Amidon, Eleanor
Arnold, Thomas, Jr.	Batula, Peter	Belvin, William	Boutin, David
Brundige, Robert	Calawa, Leon, Jr.	Carney, Lauren	Clegg, Robert, Jr.
Cote, David	D'Allesandro, Lou	Daniels, Gary	Dawe, Eileen
Dokmo, Cynthia	Durham, Susan	Dwyer, Paul, Sr.	Emerton, Lawrence, Sr.
Fields, Dennis	Flora, Kathleen	Foster, Joseph	Foster, Linda

Franks, Suzan	Gagnon, Eugene	Ginsburg, Ruth	Golding, William
Gosselin, Gerald	Goulet, Maurice	Hall, Betty	Hansen, Herbert
Holley, Sylvia	Holt, David	Hunter, Bruce	Johnson, Lionel
Kurk, Neal	LaRose, Richard	Lefebvre, Roland	Lessard, Rudy
Lozeau, Donnalee	Luebkert, Bernard	MacGillivray, Jeffrey	Martin, Mary
McGough, Tim	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Murphy, Robert	O'Hearn, Jane	Peterson, Andrew
Reidy, Frank	Rowe, Robert	Sargent, Maxwell	Searles, Stanley, Sr.
Tate, Joan	Thulander, O. Alan	Turgeon, Roland	Wheeler, Robert
White, Donald	Wright, George		

MERRIMACK

Anderson, Eric	Brown, Mary	Burney, Carol	Chandler, Earle
Crosby, Toni	Crowell, Peter	Daneault, Gabriel	Davis, Francis
DeStefano, Stephen	Dunn, Miriam	Hager, Elizabeth	Hess, David
Hoadley, Elizabeth	Jacobson, Alf	Langer, Ray	Larrabee, David
Leber, William	Marshall, Kenneth	Morrill, Olive	Nichols, Avis
Pfaff, Terence	Whalley, Michael	Whittemore, James	

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Camm, Kevin	Carson, Gregory	Case, Margaret	Christie, Andrew, Jr.
Cote, Patricia	Cushing, Robert	Dodge, Robert	Dolan, Richard
Downing, Michael	Dunham, Vivian	Flanagan, Natalie	Flanders, David
Flanders, John, Sr.	Frechette, Joseph	Gleason, John	Griffin, Mary
Guthrie, Joseph	Heath, John	Henderson, Warren	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Klemm, Arthur, Jr.
Kobel, Rudolph	Langone, John	Letourneau, Robert	Lovejoy, Marian
Major, Norman	Malcolm, Kenneth	Micklon, Stephanie	Mikowski, Walter
Moore, Benjamin	Nowe, Ronald	Packard, Sherman	Pantelakos, Laura
Rubin, George	Smith, Kevin	Stone, Joseph	Syracusa, Anthony
Tufts, J. Arthur	Varrell, Thomas	Vaughn, Charles	Verani, Giovanni
Welch, David	Weyler, Kenneth	Woods, Deborah	

STRAFFORD

Berube, Roger	Brown, Julie	Callaghan, Frank	Cossette, Larry
Knowles, William	McKinley, Robert	Musler, George	Rollo, Michael

Snyder, Clair	Spear, Barbara	Sullivan, Henry	Taylor, Kathleen
Torr, Ann	Torr, Franklin	Twardus, Joseph	Wall, Janet

SULLIVAN

Burling, Peter	Cloutier, John	Ferland, Brenda	Leone, Richard
Palmer, Lorraine	Robb-Theroux, Amy	Schotanus, Merle	

NAYS 104

BELKNAP

Pilliod, James	Veazey, John
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CARROLL

Babson, David, Jr.	Mock, Henry
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CHESHIRE

Bonneau, Sarah	Burnham, Daniel	Lynch, Margaret	Lynott, Margaret
McGuirk, Paul	McNamara, Wanda	Pratt, John	Richardson, Barbara
Robertson, Timothy	Russell, Ronald	Vogl, John	

COOS

Bradley, Paula	Merrill, Gerald	Moynihan, Wayne
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GRAFTON

Below, Clifton	Cobbin, Philip	Ham, Bonnie	LaMott, Paul
Mirski, Paul	Root, John		

HILLSBOROUGH

Allen, W. Gordon	Bergin, Peter	Buckley, Raymond	Carlson, Donald
Chabot, Robert	Christiansen, Lars	Daigle, Robert	Desrosiers, William
Drabinowicz, A. Theresa	Dyer, Merton	Fenton, James	Gage, Ruth
Haettenschwiller, Alphonse Hart, Nick	Herman, Keith	Jean, Loren	
Konys, Christine	Lynde, Harold	Marcinkowski, Michael	McCarthy, William
McCarty, Winston	Morello, Michael	Perkins, Paul	Piteri, Dawn
Vaillancourt, Steve	White, Jay	Williams, Carol	

MERRIMACK

Feuerstein, Martin	Fraser, Marilyn	French, Barbara	Gile, Mary
Krueger, Patricia	Lavoie, Gerard	Lockwood, Robert	Moore, Carol
Owen, Derek	Reardon, Tara	Rogers, Katherine	St. Cyr, Gerard
Wallin, Jean	Yeaton, Charles		

ROCKINGHAM

Bishop, Franklin	Blanchard, MaryAnn	Cooney, Richard	Dalrymple, Janeen
Francoeur, Sheila	Gibbons, Paul	Hutchinson, Rebecca	Langley, Jane
McKinney, Betsy	Norelli, Terie	Pitts, Jacqueline	Rabideau, Marie
Raynowska, Bernard	Reardon, Neil	Sapareto, Frank	Stickney, Nancy
Stritch, C. Donald			

STRAFFORD

Bickford, David	Brennan, William	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Grassie, Anne	Hemon, Roland	Heon, Richard
Kaen, Naida	Keans, Sandra	Lundborn, Raymond	Merrill, Amanda
Merritt, Deborah	Pelletier, Arthur	Rogers, Rose Marie	Smith, Marjorie
Tsiros, William	Vachon, Dennis	Vincent, Francis	

SULLIVAN

Adler, Rudolf	Donovan, Thomas	Wiggins, Celestine
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and the report was adopted.

Ordered to third reading.

Rep. Below voted nay and intended to vote yea.

REGULAR CALENDAR

HB 1663-FN, relative to rulemaking under the administrative procedures act and the responsibilities of the office of legislative services and establishing a committee to study procedures in administrative rulemaking. REFER FOR INTERIM STUDY

Rep. Robert G. Holbrook for Finance: This very complex bill received many hours of debate from committees, departments, agencies and interested parties. As there were many difficult issues with no resolutions in sight, it was deemed strategic to refer this bill for interim study. Vote 17-0.

Adopted.

HB 1680-FN-A-L, authorizing positions for the administration of retiree's health benefits by the New Hampshire retirement system and making an appropriation therefor. REFER FOR INTERIM STUDY

Rep. Arthur P. Klemm, Jr. for Finance: This bill would have added two positions to administer the health benefits for retirees to the New Hampshire Retirement System. There are a number of financial issues related to this bill, and the Finance Committee would like to take more time to study this issue. Vote 19-0.

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

Adopted.

SB 473-FN, relative to child day care providers. OUGHT TO PASS WITH AMENDMENT

Rep. William S. Belvin for Finance: This bill provides that child care providers that are not required to be licensed, but do receive state funds, register with the Department of Health and Human Services. Providers required to register shall be subject to the same criminal records check as licensed child day care agencies. Enhanced certification was removed due to the cost of additional employees needed at DHHS to carry out its provisions. Vote 17-0.

Amendment (1854h)

Amend the bill by replacing section 4 with the following:

4 New Paragraph; Registration Process. Amend RSA 170-E:11 by inserting after paragraph VII the following new paragraph:

VIII. Administration and enforcement of the registration process and maintenance of the registry established under RSA 170-E:6-a.

AMENDED ANALYSIS

This bill:

I. Requires child care providers that are licensed as child day care agencies or that receive state funds to either carry liability insurance or disclose to parents that they are uninsured.

II. Provides that child day care providers that are not required to be licensed, but do receive state funds, register with the department of health and human services. Child care providers required to register shall be subject to the same criminal records check as licensed child day care agencies.

III. Directs the commissioner of health and human services not to require more stringent health and safety requirements for licensed day care agencies with regard to school-age children than exist for public schools.

Adopted.

Rep. O'Hearn offered a floor amendment.

Floor Amendment (1906h)

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

AN ACT relative to child day care providers and clarifying the procedures for background criminal checks for school employees and volunteers.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 7:

5 School Employee and Volunteer Background Investigations. Amend RSA 189:13-a to read as follows:

189:13-a School Employee **and Volunteer** Background Investigations.

I. The employing school administrative unit, school district, or charter school shall complete a background investigation, including a criminal history records check, on every selected applicant for employment ~~[in any position in the]~~ **with, and, by decision of the appropriate governing body, on any designated volunteer position with a** school administrative unit, school district, or charter school prior to a final offer of employment **or acceptance of volunteer services. For the purposes of this section, the governing body of a charter school shall be the governing body of the school district.**

II. The selected applicant for employment with **or a designated volunteer position with** a school administrative unit, school district, or charter school shall submit to the employer a notarized criminal history records release form and a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the school administrative unit, school district, or charter school.

III. The school administrative unit, school district, or charter school shall submit the criminal history records release form to the New Hampshire state police which shall conduct a criminal history record inquiry through its records and through the Federal Bureau of Investigation. **Upon completion of the background investigation, the state police shall examine the list of crimes constituting grounds for non-approval of employment, or non-acceptance of volunteer services in that school administrative unit, school district, or charter school, and shall report the presence or absence of any such crime to the school administrative unit, school district, or charter school. Under no circumstances shall the original criminal records be released to the school administrative unit, school district, or charter school.**

IV. The school administrative unit, school district, or charter school may require the selected applicant for employment **or designated volunteer** to pay the actual costs of the background investigation, including a criminal history records check.

V. Any person who has been convicted of murder, child pornography, aggravate felonious sexual assault, felonious sexual assault, or kidnapping in this state, or under any statute prohibiting the same conduct in another state, territory or possession of the United States, shall not be hired by a school administrative unit, school district, or charter school. **By decision of the appropriate governing body, a school administrative unit, school district, or charter school may add any class B felony in this state, or under any statute prohibiting the same conduct in another state, territory, or possession of the United States, to the list of crimes to be checked.**

VI. This section applies to any employee ~~[or]~~, selected applicant for employment, **or designated volunteer** with private businesses and agencies, **or volunteer organizations** which contract with school administrative units, school districts, or charter schools to provide services, including but not limited to cafeteria workers, school bus drivers, custodial personnel, or any other service where the contractor or employees of the contractor provide services directly to students of the district or charter school. The cost for background investigations, including criminal history records checks, for employees or selected applicants for employment with such contractors shall be borne by the contractor.

VII. It shall be the responsibility of the local school board or other appropriate governing body in every school administrative unit, school district, and charter school in the state to identify the circumstances under which volunteers who are designated as having regular contact with pupils are required to undergo criminal background checks, and formulate an appropriate procedure to govern such circumstances. Such procedure shall be implemented within one year of the effective date of this paragraph.

VIII. The department of safety shall establish a maximum period of time during which criminal records obtained from outside the state as part of such a background investigation may be retained. Under no circumstances shall criminal records obtained from outside the state as part of such a background investigation be kept longer than 6 months after their receipt. Such records shall be destroyed prior to the conclusion of such period.

6 Removal of Criminal Records. Under no circumstances shall any school administrative unit, school district, or charter school which has received any criminal records prior to the effective date of this act retain such records for more than 6 months after the effective date of this act. Such records shall be destroyed prior to the conclusion of this 6-month period.

AMENDED ANALYSIS

This bill:

I. Requires child care providers that are licensed as child day care agencies or that receive state funds to either carry liability insurance or disclose to parents that they are uninsured.

II. Provides that child day care providers that are not required to be licensed, but do receive state funds, register with the department of health and human services. Child care providers required to register shall be subject to the same criminal records check as licensed child day care agencies.

III. Requires the commissioner of health and human services to develop a system of certification for licensed day care agencies that provide greater services, such as preschool education.

IV. Directs the commissioner of health and human services not to require more stringent health and safety requirements for licensed day care agencies with regard to school-age children than exist for public schools.

V. Requires criminal background investigations of all school volunteers designated as having regular contact with pupils and establishes a maximum time period for retaining criminal records used in such background checks.

This bill is a recommendation of the study committee on SB 103 (1997, 64).

Rep. O'Hearn spoke in favor and yielded to questions.

Adopted.

Report adopted and ordered to third reading.

SB 483-FN, exempting certain businesses from the electronic filing requirement under the meals and rooms tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Vaughn for Finance: This bill, as amended, permits returns from the meals and rooms tax to be filed by mail or through electronic data submission. Electronic data submission has proved most successful. Nonetheless, small entrepreneurs and renters of summer cottages prefer, at this time, to file by mail. The amendment stipulates that if filing is done by mail, business persons shall forfeit any amounts retained pursuant to RSA 78-A: 7 III - the 3 percent refund. One person currently processes the tele-file returns and would continue to do so, without additional expense to the state under the bill as amended. Vote 15-2.

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

Adopted.

RECONSIDERATION

Having voted with the prevailing side, Rep. Hunt moved that the House reconsider its action whereby it voted against printing the remarks made by Speaker of the United States House of Representatives Newt Gingrich, made on May 7, 1998, spoke in favor and yielded to questions.

Rep. Henderson spoke in favor and yielded to questions.

On a division vote, 179 members having voted in the affirmative and 129 in the negative, reconsideration prevailed.

The question now being the motion by Rep. McGough to print the remarks of Speaker Gingrich.

MOTION TO LAY ON THE TABLE

Rep. Wallin moved that the motion to print the remarks be laid upon the table until such time as a House policy or rule on the printing of certain remarks in the Journal can be established.

On a division vote, 134 members having voted in the affirmative and 174 in the negative, the motion lost.

The question now being the motion by Rep. McGough to print the remarks of Speaker Gingrich.

Rep. Burling spoke in favor.

Adopted.

REMARKS

Newt Gingrich, Speaker of the United States House of Representatives, addressed the Joint Convention.

Speaker Gingrich: Thank you very much, Madam Speaker and Mr. President. It is a great honor to be here and I appreciate very much this warm welcome. I should confess that I was aware of your state amphibian because when Governor Sununu was Chief of Staff and I would go into a meeting with him he would routinely turn and say, "Well, the red spotted newt has arrived." It is great to be

here. It is true that when Bill Zeliff had me up and we were wandering around trying to find a moose, there was a brief period of desperation. My wife had come up a day earlier and had gone to the outlet stores and had a doubly successful day. She had done very well at the stores and she had seen a moose. She was about to get a T-shirt made that said, "I saw my moose. Where's Newt's?" Bill, who had promised me, guaranteed me, that we would see a moose, was desperate. In fact, at one point they had a stuffed moose available just to be able to say, "Look, we did the best we could. What can we tell you?" But, I think we ended up on that trip having helped the tourism industry up here a fair amount because it was a summer opportunity to explain why you should come up here to the beautiful North country. We ended up having a bus and a half full of photographers. These were all political photographers. You see them every four years because they come for the primary. I'd never realized, I think both Bill and I were shocked, these people had spent so much time shooting boring politicians in boring settings, that letting them out in the woods, running around looking for moose, they were like kids at summer camp. It was one of the most amazing things I've ever done. MaryAnn and I both have very, very fond memories and I'm delighted to be back.

I want to start with the notion that one of reasons I really appreciate a chance to come and talk to you is that a major part of what we are trying to do, which I think is a real turning point in American political history, is we are trying to move back to a partnership with the state and local communities where you advise us. As I talk about a couple of major issues today, I hope you will feel that we are in the same business. We have to run for office, we have to win an election. We have to serve constituents. You are much closer to the people than we are, both by virtue of the fact that you get to go home regularly and you are in a situation where you actually have more members per thousand people than we do by a big margin. I think as a result you can come back and say to us, "Well, here are the nine things you ought to do at the federal level to make life easier in New Hampshire." I want you to know that unlike the politics of the past where the federal government showed up to tell you what to do, we really are serious and we've tried to develop a relationship with governors and legislatures and also with county commissions and school boards and city councils where you tell us what federal reporting makes no sense, let's cut it out. What federal regulations are actually counterproductive, let's eliminate them. What federal bureaucracies aren't doing their job, let's clean them up. So, you really become, in a sense, scouts for modernization where your various committees can look at the federal role and say, "Here is what you are doing." I'll give you one example. We have an absolute obligation - and this is something I want to particularly credit Charlie Bass and Senator Judd Gregg for - we have a particular obligation for the federal government to meet its commitment in funding the Individuals with Disabilities Education Act because it is not fair to have a federal mandate that crushes local communities when the federal government doesn't need to tell you what to do. That is an example of the kind of feedback where we learn from local communities right here in New Hampshire that the effect of the act, because of the nature of local schools, was really in some cases to virtually bankrupt the system when the act, with the best of intents, was designed to help people, when, in fact, it was forcing an enormous diversion of resources because the federal government had not met its obligation. It said it would fund 40 percent of the cost. It is only funding seven and we are making meeting that funding one of our highest priorities as we look at the budget this year. But, that sort of thinking we help us across the board.

Let me also say that on the way up this morning - I tried to get up last night and fog wouldn't let us get in so we came up very early this morning - on the way up I was looking at various newspaper reports. It was announced yesterday that the surplus in April alone, as people pay their taxes, is so large that the federal government is actually going to make a substantial down payment this month on paying down the federal debt for the first time, I think, in our life time. I confess that we have a long way to go in Washington to meet the New Hampshire standard of frugality. We have a very long way to go in Washington - we may never quite get as far as the New Hampshire standard. But we have started to move. We passed welfare reform and the result is today 2, 200,000 fewer people are on the tax rolls taking money and 2,200,000 more people are in the private sector earning a living

and paying taxes. You have been a help. We did that in cooperation with the states. We saved medicare without raising taxes by focusing on additional choice for senior citizens, on preventive care for diabetes, breast cancer, colon-rectal cancer and prostate and the result is that we think for at least a decade we have saved medicare without a tax increase. We now have a commission to work on saving medicare for the baby boomers and their children, again without a tax increase. We want to provide better services through better choices through better science. We don't want to just raise more taxes to hire more bureaucrats to have more control in Washington. It is a very different model than the one that we used to have. In addition, we did cut taxes and, in fact, to my delight, the morning newspapers indicate that one of the major reasons for the large surge in revenue is that the capital gains tax cut, once again as it always has, increased government revenue because a lower capital gains rate leads more people to cash in their capital gains and lower rate times more transactions is higher revenue for the government. So, I will be introducing in the near future a bill to cut capital gains to 15 percent to create even more revenue next year. We also, as part of our tax cuts last year, we cut the death tax but that is not good enough. We will be introducing a bill to eliminate the death tax in this country. It is wrong to punish parents and grandparents who work all their lives to save for their children and grandchildren. A healthy society encourages parents and grandparents to care for their children and grandchildren. The fact is this is not just a dream. In California in 1982 when abolishing the inheritance tax was on the ballot, 65 percent of the people of California voted "yes" because they know that it is wrong to ask somebody to visit the undertaker and the IRS the same week. I believe we can abolish the inheritance tax and allow people to pass on their farm, their business and their personal estate to their children without having to pay a second tax on it. The result of all this effort is that we saved \$600 billion. Here again, I want to commend Senator Smith and Senator Gregg and Congressmen Sununu and Bass because we had to work as a team. We saved \$600 billion in entitlements, \$100 billion in domestic discretionary spending. We made a commitment to the Federal Reserve that we would balance the budget as a result of which interest rates are two percentage points lower than they would have been at this stage of an economic cycle if we had run a deficit. Since the federal government is the largest interest payor in the United States, if you have lower interest rates - the United States Government, you the taxpayers, pay more for interest on the federal debt than you pay for the Army, Navy, Air Force and Marine Corps combined. So, lower interest rates mean the federal government pays lower interest payments. The combination of entitlement reform, discretionary cuts and lower interest payments with the additional economic growth of the capital gains cut - we did not get to a balanced budget in the year 2002, which is our promise in the Contract with America, we got to a balanced budget in 1998, four years ahead of schedule. We now have projected a balanced budget for the next ten years, the longest period since the 1920's that we've ever had a projection of a balanced budget. Our job, frankly, is to use that surplus wisely to get the money back home before anybody in Washington can figure out how to spend it.

So building on the successes of the Contract with America, we are proposing four goals for our generation as the logical next positive stage. Three of the four goals really require that we work with you which is part of why I was so delighted to have a chance to come and talk with you because they are only going to succeed if we have a real involvement with state legislatures all over the country and with city and county governments. Let me mention them briefly and then I want to talk about each one for just a minute or two. I think the four goals we ought to establish as the next stage where we are going beyond the Contract with America are: first, to win the war on drugs and violent crime to save our children's future; second, to reform education and learning so we have the best system in the world and truly mean that, not just have a slogan but do what it takes to have the best system in the world; third, to take the surpluses and return them back home so that we save Social Security by increasing the retirement opportunities for the baby boomers and their children while guaranteeing that our parents get every penny they should get; and, fourth, work together to modernize and reform government on the principal that no citizen in a free society should have to work longer than Monday and half of Tuesday to pay taxes. In a free society in peacetime you should be able to work the rest of the week for your family, your church or synagogue, your favorite charity,

your own retirement. But that it is wrong in peacetime for a free society to take more than 25 percent from its citizens. That is state, federal, local combined. That would require a one-third cut in taxation and we in the federal government should lead the way to make that possible.

Let me start with the war on drugs and violent crime. Let me make two points as a history teacher. This really why I love having a chance come out because my natural instinct is to be a teacher and to talk about lessons we can learn. I want to make two key points because this is not just some slogan. Under Ronald Reagan and George Bush, drug use in America dropped 72 percent. Over a 12-year period we brought down - I don't mean this as a partisan statement, just as a statement of fact - over a 12-year period, drug use came down 72 percent. That is an enormous change in the right direction. Over the last five and one-half years drug use has gone back up. We have clear historic proof. We know we can bring it down because in our lifetime we brought it down. I met yesterday with the Vice Premier of Singapore where they have virtually no drug use because they are very strict. I'm not recommending that we become Singapore, but I'll tell you this, you look at 20 thousand Americans a year dying from drugs and you have to do something. That understates the total damage. One of the members of my staff had her 19-year-old sister go out on a date, take a synthetic drug overdose, end up in a coma and that young girl has celebrated her 20th and 21st birthdays in a nursing home in a coma and will never recover. This is not an abnormal experience. If we lost 20 thousand people a year in Bosnia or Iraq, we would have people in the streets every day. We lose 20 thousand Americans a year according to federal statistics to drugs. That is how serious it is. So, one, we know historically we can bring it down because in our lifetime we have. Two, the way you win a war if you are Americans is you pay attention. Now, think about this. World War II for the United States was December 7, 1941 to September 1945. In less than four years we mobilized a country, defeated Nazi Germany, Fascist Italy and Imperial Japan and said, "Fine, the war is over let's go home." Now, that is less than four years. Because when it really matters Americans really pay attention. We have been piddling around with a so-called war on drugs with a so-called drug czar in a way that is childish. We have a union work rule. If you cross the border and the customs agent thinks you have a person in your trunk, they don't open the trunk they get a drug enforcement agent, border patrol. But if they think there is contraband, they open the trunk. I was thinking about this. These are both tax-paid federal employees. We know, for example, that triple fencing works. Triple fencing is simple. It is three fences but space is in between the fences. Along the San Diego border, the most heavily crossed border in the United States, they now have four miles of triple fence. They have zero people crossing the triple fence. There are another 90 miles they need to do and we are gradually doing it now because Congress and Duncan Hunter have insisted on it. He has gathered up all of the surplus airport mats from Desert Storm and that is what they are using to keep the cost down. Yet we know that it is between 98 and 100 percent effective in stopping illegal immigration and stopping illegal drugs but we haven't done it. So you go place to place. Senator Lawton and I have a bill in that is very straightforward. If you cross the American border with a commercial quantity of illegal drugs and it is the first time you have done it you get life without parole. If the jury decides you are a professional narcotics trafficker and you cross the border repeatedly, you get a mandatory death penalty. You will see a dramatic drop off in the number of people who show up in this country. By the way, this includes a commitment to have drug-free prisons. I talked to Sheriff Kirkland of Reno, Nevada who I saw on Sunday. He is a fabulous guy. Three years ago he became sheriff. The prisoners all work. One-third of their salary goes to pay compensation to the victim. One-third of their salary goes to pay for their own board and keep. They have to put 10 percent aside in a savings account so that when they leave prison they have both a work record and they have money to tide them over in the transition and they have to get a GED if they don't already have one, when they get to prison. He has drug dogs in the prison all day, every day and it is drug free. If he has any doubts, you get tested immediately. Now, it is a totally different model but you have prisons where the prisoners run the prison. If we can't have a drug-free prison it is highly unlikely we are going to get a drug-free neighborhood. If all we are doing is putting drug-addicted prisoners back on the street, why should we be shocked that they show back up in prison seven months later having committed 37 crimes in between. We would love your help and your advice. You let us know what you think the

federal role is in making sure that New Hampshire is drug free and I'll do everything I can to get the money, to get the resources, to get the changes in bureaucracy, the changes in regulations. But from education to rehabilitation, to interdiction, to going after the drug dealers overseas, to going after their money, we should do this full time with serious effort, make it our highest priority and win it. Then give our children a safe, much less violent and relatively drug-free America and I believe it is worth it.

Our second goal is to have world-class system of education and learning for every American. Now I am not going to get in the middle of all the excitement you all have had up here in being able to work on education. What one of the virtues of our federal system, the way we would do it is, you should actually run your system in New Hampshire the way you want to and not have Washington try to micromanage what happens in Manchester or Nashua or Concord or anywhere because the truth is no federal bureaucrat can educate a single child in New Hampshire and the real key is to have local schools, local teachers, local parents and local students find a local solution because if money were the answer the D.C. schools would be among the best in the country and the money just gets thrown away. I will be clear. I am very proud that last week we in the House passed a scholarship program to create 7,000 scholarships for the children of D.C. because that school system, your national capital school system, is so bad. It fails the children so miserably and it spends between \$7,300 and \$10,000 a child. Nobody actually knows because there is no accurate count of the number of children nor an accurate count of the number of teachers. This gives you some idea that the system is not particularly well run. But, here's how bad it is. Ted Forstman, a New York businessman who America has been very good to, decided he would give away a thousand scholarships out of his personal money, went to Washington and announced it. They had 8,000 applicants for a thousand scholarships. And, here is the catch, you had to put up \$500 per child yourself to be eligible for the scholarship. You had welfare mothers and mothers working at minimum wage who were doing everything they could to gather together, by saving, by talking to their relatives, by going to their church - they were pulling together \$500 because they were so desperate to get their child out of the school. So, they had a free school over here that was failing and they were willing to put up \$500 to save their child's life. Ted Forstman gave away a thousand scholarships. They estimate next year they will have 25,000 applications out of a school system of 70,000. That is the context in which we passed the scholarships. My challenge to my friends who say, "Oh, that is a bad idea," you put your child in the D.C. schools. When I see politicians who send their children to private schools, who preach to the poor about why they have to be sacrificed on the altar of a bad system, there is something profoundly wrong. I think that we need to make sure that choice is an option in schools that are that terrible. We also need, frankly, to design a better system. Let me put this in context. I am a product of the public schools. My wife is a product of the public schools. Both of my daughters graduated from public schools and I taught in a public high school as well as a public college. So, I am passionate about public education and public learning. But I think it has to be real. I have just three ideas for you all to consider and I said consider - no mandate, no federal law - consider. I am just here as a citizen. One, there is one standard that we ought to have that is pretty simple but it ought to be adopted at the state and local level, but it is very simple. Every child ought to be able to read and write at the end of the first grade or they should be immersed totally in reading and writing. They should be able to read and write in English because it is the language of opportunity and prosperity for this country. Let me just suggest to all of you, you don't need a \$70 million culturally norm, statistically accurate computerized test. That is make-work for statisticians. What you need is to be able to have an adult and the child with a book and if they can read the book the odds are fairly high they can read. If they can't read the book, even if they pass the computerized test, they can't read. We have had too much reliance on testing which leads to teaching to the test, which leads to studying for the test, so nobody knows anything after the test is over but boy did they score well for an hour and 12 minutes. We need to go back to the basics. Can you really read? Can you really write? I have a second proposal and this is probably less necessary up here because you all have been so different as a state than most of the states. But, in states that have big systems with big union contracts, I've been making the following proposal and it may not apply to New Hampshire

at all. I've suggested that we adopt the principle that if your school is in the bottom 20 percent there is no tenure, there is no union contract, there is no bureaucracy, there is no credentialing. You have the right to change the school in the middle of the year if necessary as soon as you learn the children are being cheated because the only measure of a school should be whether or not the children are learning. Saving the children should take precedence over every other rule and regulation. Third, I have suggested, and I know in California they have adopted this, I don't know yet how they are implementing it, but I have suggested that we consider seriously making it a law at the state level, not federal, that every school, one day a year from first through 12th grade, spend an entire day studying the Constitution and the Declaration of Independence to learn how we became American and what it means to be American. Let me explain for just a minute why I think this is so vital. We are the only learned civilization in the world. You can be born Caucasian, you can be born African, you can be born Chinese. You become American. You can come from anywhere in the world and become American because to be American is to pursue happiness, to have the rule of law, the right to private property, free speech, free elections, independent judiciary. It is a collection of things which are learnable. But, if you don't teach it why do you think anybody is going to learn it? I think the core document is the Declaration. If I might, just for a minute as a history teacher, I really want to share three points out of the Declaration that I think we need to emphasize and reemphasize and re-emphasize. Maybe in Washington more than anywhere. First, the phrase "We hold these truths to be self-evident." It is very important in the modern world. The founding fathers did not create the United States because they had a proposition, a theory, an idea. They believed these were discovered truths. The word "truth" mattered to them. They swore their lives, their fortunes and their sacred honor and they meant it. They put an army in the field against the most powerful nation in the world for seven years. I would just suggest the word "truth" is one Washington could think about for a long time because it has real meaning. It is at the center of the society. Second, probably the most important single phrase in American civilization, "We are endowed by our Creator with certain unalienable rights among which are life, liberty and the pursuit of happiness." In the European model, power went from God to the King and was loaned to the citizens. This is why the Brussels bureaucracy in the end will be worse than the IRS. The center of power in Europe is the state. In the second model, tracing all the way back to the Magna Carta and the English Civil War, power goes from God to the citizen and the citizen loans power to the state. Which is why we get so mad at the IRS and other agencies. It is a very, very powerful difference in the nature of American society. The third point I would make is the word "Creator". Every public school, every year, should have to wrestle with the question, "Where did 'American' come from?" The founding fathers were unequivocal. Intellectuals will tell you, we have some great sophisticated intellectuals here, I had a wonderful time up at Dartmouth a couple of weeks ago and I am sure that on some campus, somewhere, there will be a faculty member who can tell you through deconstructionism that the word "Creator" actually meant large banana mythically in the sky doing something. That is just not true. It is an interesting theory and you can probably get tenure for it, but is not true. The fact is the founding fathers meant God. It was a very clear reference to God. Now, you will be told by some people, "Well, Jefferson wrote that and Jefferson was a Deist." Now, they actually don't know what Deist means, but they are confident it means he was not a Baptist and this assures them. Since I am a Baptist I am allowed to say that. But, I would just suggest to you - tell people to read Washington's first Inaugural, Washington's farewell address, Jefferson's second Inaugural, Lincoln's second Inaugural which is short enough to be engraved in stone in the Lincoln Memorial and refers to God 14 times. If they doubt that Jefferson believed in God tell them to go the Jefferson Memorial in Washington, D.C. Around the top it reads, "I have sworn upon the altar of God Almighty, eternal hostility against all forms of tyranny over the minds of men," and ask them what do they think that Jefferson meant when he wrote "I have sworn upon the altar of God Almighty." I am a conservative because I think Jefferson knew English remarkably well and he probably meant "I have sworn upon the altar of God Almighty." But the reason this is central is not sectarian. It is not Baptist. It is not Catholic. It is not Jewish. It is not Moslem. It is the core difference in the nature of being human. If being human means we are randomly gathered protoplasm open to being exploited by anybody clever and more savage, as long as they have a good trial lawyer, that's one model and that is the model of

a jungle. If being human means we have been endowed by God and if you kill somebody you are killing a child of God, if you rape somebody you are raping a child of God, if you sell drugs to somebody you are, in fact, addicting a child of God, that is a totally different cultural model and they are antithetical to each other. For at least 35 years we have been in a great struggle in this society between a situation ethic, exploit each other, get away with it, say what you need to model, and, we truly do owe God for America's liberties and we truly had better figure out what that means. They are very different models. It is the second one, the belief in a Creator, which was at the heart of founding America. It is historically accurate to teach it that way and our kids ought to learn it that way.

Beyond education in the traditional sense, let me just say one word about learning in the information age. There is a great new program, a company called Netschools that we have been working with which has produced a child-proof computer. It is a personal computer in a magnesium case. You can slam it against the wall. You can stand on it. You can pour milk on it and it still works. It is designed for kids from first grade on. I've talked to one Governor who may propose that they quit issuing text books in their state and just issue PCs because they are the media centers of the 21st century. You have a great museum right on your border, the Montshire Museum of Science which I visited recently. It is fabulous. It is part of the future. The reason our children now score 21st out of 29 countries in science is that somewhere between the fourth and the eighth grade we kill discovery, wonder, amazement and doing and we replace them with facts and facts have nothing to do with science. Science changes all the time. Facts are the temporary place holders of the next breakthrough. When we get into a system where somebody who doesn't know any science and doesn't do any science, instead of teaching science teaches facts we bore the kids to death and they quit doing science. If you have never been to the Montshire, go visit it. But here is the bigger point. We can now build for rural America an Internet based system which allows - I was the first electronic visitor to the Smithsonian - we are right at the edge of technologies where literally every school in this state could visit everywhere in the world, study it and then go see it. We are in a situation where we can bring the greatest experts in the world by distance learning to the smallest school. It is a totally different way of learning. And, when you start doing that, the learning is available seven days a week, 24 hours a day. The reason the PC matters is those kids can take that computer home so the poorest child in a school district now has a computer at home they plug into the telephone. They are now attached all summer long. They are attached every night. They are attached on a rainy Saturday. They have a chance to learn all the time. It is a totally different way about thinking about the future and it also means that adults get to learn. I met with Tony Trahio who is the brilliant school superintendent of one of three systems in El Paso, Texas - 48,000 students, 80 percent Hispanic, 70 percent poverty level. His goal for that system is very simple. Every child, every child will graduate fluently bi-lingual and able to do college work in all major subjects - four years of math, four years of science, four years of English, all the way through and he means it. Their drop out rate now is down to about 500 a year, which he says is too many and one of his tricks is to say to the principal, "Who has dropped out?" Not how many, but who. Did you personally visit their home? Did you recruit them back in? It is a totally different model. But part of what he is doing is that he has computers that are going home to learn literacy because he has found out that the parents who are embarrassed to come in to a literacy class will sit at home with their child and learn. It is a very different model. He also requires the parents to enroll for summer school if the kids do. The parents have to come in one night a week for two hours if their child is going to be in summer school. The result is a totally different model. But I think we have a chance, particularly in rural areas, to make the world available electronically and then to make it available 24 hours a day and we'd love to work with you in places like the Montshire, with the American Museum of Natural History, the Smithsonian, to create an opportunity for the poorest neighborhood in the smallest school in the most rural place to have access to the entire world. I think we can do it in the next three or four years in a way that will be very, very exciting.

Let me just say one brief word about surpluses and Social Security. We are going to run a surplus this year at the federal level of somewhere between \$40 and \$80 billion. The biggest surplus in American history was \$11 billion. The last surplus was in 1969. The last time we ran a decade of surpluses was the 1920's. I believe we will currently, barring a war, if we remain fiscally conservative, we will currently run a projected \$1, 300,000,000, 000 of surpluses over the next ten years. I believe it is vital to get that money out of Washington faster than they can figure out how to spend it. My recommendation is that we build a Social Security savings account for every FICA taxpayer, return their pro rata share of the surplus back home every October so you have a tax-free build up of an account you control which allows you to make sure you will have your share of retirement and you use the power of compound interest and the power of investment so that over your lifetime you actually retire with more money than you would get under the current system. So, we save Social Security for my mother and my mother-in-law. They get every penny. They are totally safe. But, for the baby boomers and their children we begin to give them a chance to have even better incomes that they control, that are not controlled by Washington. Let me just give you one example. A 20-year-old today who could take their Social Security tax and put it into this kind of account with the average paid by the stock market since 1920, including the great Depression, they would retire at average income, they would retire with \$975 thousand in their account which would give them a retirement income of \$68 thousand a year without drawing on capital. So, they could keep the \$975 thousand sitting there for a nursing home or medical emergency. If they didn't have such an emergency, when they passed away they would leave their children almost a million dollars which in our model would be tax free since there would be no inheritance tax. The actuarial value for a 20-year old today given how long they will live is \$1,700,000. By contrast the current system, which is terrific for my mother, mediocre for me and terrible for my two daughters who are in their thirties, if you are 20 today you get a minus 1.9 percent a year return. You lose money. So, you get \$175,000 as the projected retirement for a 20 year old under the current system, \$1,700,000 is the projected system. I was up at Dartmouth. I asked the college students there if you had a choice of two checks one for \$1,700,000 one for \$175,000 - I could tell liberalism had not set in yet because every single person wanted the bigger check. I think, frankly, we ought to move this year because the surpluses are so much bigger than anybody projected and so much faster that we need to set up a principle that money belongs to the American taxpayer. That money does not belong to the Washington bureaucrats and the Washington politicians.

Our fourth goal, I want to be honest, is meddling and I'm going to keep it fairly short for today but I want you to think about it very deeply. I believe you can take the principles of Peter Drucker and Edwards Deming. You can take the opportunities of the information age and you can dramatically improve government by creating schools of public entrepreneurship rather than schools of public administration. I believe the Max Vaber, bureaucratic, civil service reform model of traditional paper bureaucracy is over and that there are virtually no governments that have figured out the solution. I'll give you an example. In Arizona you can now buy your license tag on the Internet. What they have discovered is if people are at home on a Friday night, relaxed, and they decide to buy their license tag, they are more likely to buy a vanity plate. I don't know why they are more relaxed when they are at home buying their vanity plate, but they seem to be. The result is, think about this result, at greater convenience to the taxpayer, with less bureaucracy, the state of Arizona is making more money because a higher percentage are buying vanity plates. That is a win, win, win system. But I want to give you just two examples of the scale of change we need. Let me ask you a test question. How many of you, since you are this close to Canada my guess is the answer is very high, how many of you have ever been outside the United States and used a credit card? Just raise your hand. Okay, most of you. When I was a child my Dad was stationed in Orleans, France in the U.S. Army. We were paid in U.S. scrip. We were not given greenbacks because the French franc was so weak. If I had gone around Orleans and said to people in 1958, someday you will show up with plastic, buy whatever you want, no cash will be exchanged, they would have thought I was nuts. What do we do nowadays? You go to five different countries, stay in five different hotels, go to five different restaurants, buy things in five different stores. Thirty days later you get a letter in the

mail. You were in this country, in this town, at this hotel, you spent this amount translated into dollars, then you went to this restaurant that night and you spent this amount, then you went to this store and you bought this and you spent this amount. At the bottom they have this number and they say send it in. Is this a common experience? I don't want to go any further if this is unusual and doesn't happen in New Hampshire. I was in Davos, Switzerland at the World Economic Forum with MaryAnn. We had a few minutes off in the afternoon. We walked down to this little village and we went into a very high quality German knife and scissors store. Now, those of you who shop a lot recognize that the term "very high quality" means expensive. The shopkeeper recognized me and we chatted and he brought out some extremely high quality, hand crafted German scissors with handles that were hand crafted to resemble a crane. My wife saw them and thought our two daughters each needed some and that she needed a whole bunch. Well, I was being gallant. I was in a good mood. It was a great time to be there. I whipped out my American Express card. I gave it to the shopkeeper, he walked over to the telephone, he ran it through the system, called American Express - I have a Marietta, Georgia address - he walked back over 40 seconds later with a funny look on his face, handed me the card and said, " Mr. Speaker, your card ran out three days ago." Luckily, MaryAnn had seven optional cards available, which, I might note, she has used in the outlet stores of New Hampshire, so she has done her share here at home, too. But, here is the point I want you to take back as you think about state and local government. Here, on the one hand, is an information system so sophisticated that in Davos, Switzerland a small store can ring up my account in Marietta, Georgia in real time while I am standing there. Then you call the Social Security Administration, the Healthcare Financing Administration, the Immigration and Naturalization Service, the IRS. The United States Government paid for the first computer ever built. We paid for the invention of software and we created the Internet as a government project and we have not been able to transform government from public administration to public entrepreneurship. We can get such breakthroughs if we are serious. If you will help us figure it out, we'll get breakthroughs that will save you administrative money and us administrative costs. One of my goals is to get state and local governments and school boards to say to us, "This paperwork is nonsense, let's cut it out." Then go system by system and modernize the entire system so that we reduce everybody's costs while improving the speed and proficiency and I think we can do it in a way that is quite remarkable. I want to work with you to do it so then we can lower taxes by a third so that no American ever pays more than 25 percent of their income in peacetime because I think in a free society you ought to be able to keep three-quarters of what you make in peacetime. You have a surge in wartime, that is different. But, in peacetime our freedoms are based on having money and resources so we can take care of our own children and our own neighborhood and our own community and be volunteers in our own.

Finally, let me just comment for a minute on the problem we have in Washington that I think relates directly to your state motto, "Live Free or Die." The United States was established in what was really a very long process. It goes back to the Magna Carta. It goes to the English Civil War. It goes to John Locke writing about the concept of freedom and contract in the 1690's. It goes to the entire Whig insurgency against the Tory government of Britain in the mid eighteenth century. It goes to the evolution of people like George Mason, James Madison, Thomas Jefferson, John Adams, ultimately George Washington and Benjamin Franklin. It had a couple of core principles that I have begun to talk out about because I feel so deeply about what we are living through. Let me say up front, what I'm going to say here has nothing to do with scandals. I am as tired and as exhausted as any other American at the nightly gossip that is supposed to be news, at the salacious comments that are supposed to be news, at hints about sexuality that are supposed to be news. I think most of that stuff, frankly, ought to be just off the table and certainly off the airwaves, unless you are going to have an X-rated news program for adults only. I think a lot of that stuff was irrelevant to the running of the United States, but that is not what I am going to talk about. We have three principles that I think are at the core of our society. First, if a crime, notice crime, has been committed the American people have the right to know. Second, under our Constitution no one is above the law and that includes the President of the United States. Third, the President of the United States is the

chief law enforcement officer of the United States. It is not good enough to be passive. The President has an active, positive obligation to get to the heart of crimes. I'll just give you one example to think about because I find this one out of many, but I find it very troubling. Web Hubbell was the chosen person to run the justice department. He did all the real running of that department. He had to resign to go to jail. Between resigning and going to jail he got \$720,000 from 18 different sources including \$100,000 from Indonesians. People can walk out, but what I am saying is a fact about a crime. Let me just say how sad I am about the people who just walked out. I don't remember Howard Baker ever walking out. I don't remember in 1973 anybody who said let's cover up the crime in the legislative branch. I don't remember at any of the Watergate hearings anything like we have been living through. I would not have spoken out now - many of you saw me on TV day after day - I got attacked from my own allies because I said day after day, be patient, wait for Judge Starr, don't get involved in this until you have the facts. Two weeks ago, by 18-0, the other party voted to block four witnesses from speaking in the U.S. Congress, four witnesses who had been cleared by the Clinton Administration's Justice Department, four witnesses to illegal foreign campaign contributions. Those are crimes and that is why I spoke out. I am very sad and I apologize if in any way I have offended the hospitality of this group by telling the truth about the problems we have in Washington, D.C. But, when you learn that the Indonesians gave a senior justice department official \$100,000 plus, on the way to jail as a felon while the U.S. government is asking for \$18 billion for the international monetary fund, much of which will go to Indonesia, you the American people, you the taxpayers - if Live Free or Die has any meaning, it has the meaning that you have the right to know what happened if a law is broken and you have the right to know that law will be applied equally to everybody. If that makes some people uncomfortable than I don't know how to frankly serve as Speaker of the House and uphold my duty to the Constitution unless I speak out about the facts and the truth. I'm pretty comfortable telling the truth in a modest way and everything I just said everybody agrees is true. I have not made any allegations. I have not claimed any one person did this stuff, but I find the facts that I just gave you very troubling. All I would ask of all of you as citizens is to be for the rule of law and to be for the American public's right to know, not to prejudge anyone. But we are going decay and become Indonesia where every official is bribed, where corruption is rampant, if we don't insist on the rule of law. This is a grave time for our country and there are enormous things at stake. I could not have come here and spoken publicly without telling you about what I think is a challenge at the heart of our system and without talking about the rule of law.

I thank you for your kindness. I look forward to working with you on everyone of the issues I described earlier. I think we have a chance to give our children a safer more prosperous and freer America and I think that New Hampshire is one of the places that leads the way to that kind of freedom and safety. Thank you very, very much.

Clerk's note: The remarks made by Speaker Gingrich are printed here for the benefit of members. In the Permanent Journal they will appear in the Journal of May 7th.

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, June 4, 1998 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 479-FN, establishing a committee to study the supervision of juvenile delinquents on probation or parole.

SB 342, relative to capital appropriations for the Glencliff home for the elderly.

SB 391-FN-A, exempting personal property which is subject to taxation under the legacies and successions tax from the 2 percent tax on transfers of personal property of nonresident decedents.

SB 504-FN, relative to members of predecessor systems of the New Hampshire retirement system.

SB 507, establishing a committee to study pharmaceutical assistance for the elderly.

SB 376, relative to animal cruelty.

SB 437, requiring a one year mandatory prison sentence for a third DWI conviction.

SB 473-FN, relative to child day care providers.

MOTION TO SUSPEND RULES

Rep. Hemon moved that the Rules be so far suspended as to allow the drafting and introduction, after the deadline, of two resolutions of impeachment pursuant to Article 17, Part II and Article 38, Part II of the New Hampshire Constitution, the one directed at the seven justices of the New Hampshire Supreme Court and the other directed to the fifteen Senators who voted to request an opinion from them with respect to Senate Bill 508 and House Bill 1280.

Rep. Hemon spoke in favor and withdrew his motion.

Rep. Burling requested a quorum count. The Speaker declared a quorum present.

UNANIMOUS CONSENT

Rep. Ann Torr addressed the House.

Rep. Jeb Bradley moved that the remarks made by Rep. Ann Torr be printed in the Journal.

Adopted by acclamation.

Rep. Ann Torr: Thank you, Madam Speaker. A little more than 14 years ago, I stood before this body for the first time feeling the nervousness of a freshman on her first bill. It is with considerable sadness that I stand before you today to tell you that I plan to retire from serving in the New Hampshire House following the end of this legislative session. It has been a great 14 years.

Having served under four House Speakers and four Governors, I learned the ways of parliamentary procedure and how to recite the third reading motion -- really fast. More notably, I have served the citizens of New Hampshire alongside some of the finest people I have ever known. We shared our wisdom, some sage advice and many responsibilities. And although we did not all agree on the matters of the day, friendships, in this chamber, are never indefinitely postponed.

In saying thank you to my peers here today, and those in the past, I want to recognize the precedent that you, Madam Speaker, and Governor Jeanne Shaheen have set for the women of New Hampshire. And in acknowledgment of your responsibility and tenacity, I wish you many years of continued success.

Unfortunately, fate has led me down a path of degenerative eyesight. As my vision continues to diminish with time, I have decided to devote my pursuits to the other loves I have besides serving in the Legislature. By that I mean my family, my wonderful husband, Frank, my grandchildren, and my enjoyment of travel and antique collecting.

Having hoped for nothing when entering this chamber years ago, through hard work, dedication, and honesty, I was able to experience many positions of responsibility for which I am truly grateful and proud. It is a misfortune to undergo a continued loss of sight at this stage in my life but I am not sad. In these chambers, I received more than I had ever hoped for -- and for that I feel richly blessed.

As I stand here for the final time in this cherished well, I feel compelled to thank each and every one of you for your love, your respect, and the wonderful memories. It has indeed been a privilege. Thank you

Reps. David Welch, Lozeau and Eaton 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 1:12 p.m.

RECESS

BILLS SIGNED BY THE GOVERNOR

Chap. 56, **HB 1225**, restricting the land application of solid wastes within certain distances of natural, rural, rural-community rivers and exempting certain uses allowed under prior interpretations of the laws. (eff. 5/7/98)

Chap. 57, **HB 552**, clarifying the authority of municipalities to regulate the use of their highways which provide sole access to properties in adjoining municipalities. (eff. 7/11/98)

Chap. 58, **HB 1115**, relative to boundary markers. (eff. 7/11/98)

Chap. 59, **HB 1122**, relative to the licensure of charitable organizations to conduct bingo games or sell lucky 7 tickets in towns and cities in which the organizations have been conducting charitable activities. (eff. 5/12/98)

Chap. 60, **HB 1124**, relative to disposal septage or sludge. (eff. 7/11/98)

Chap. 61, **HB 1135**, relative to the use of watercraft and boats on Ledge Pond in the town of Sunapee. (eff. 5/12/98)

Chap. 62, **HB 1154**, establishing a committee to study the issue of updating New Hampshire laws related to fences. (eff. 7/11/98)

Chap. 63, **HB 1155**, relative to wastewater in low flow areas. (eff. 7/11/98)

Chap. 64, **HB 1162**, relative to permit applications before the hazardous waste facility siting board. (eff. 7/11/98)

Chap. 65, **HB 1393**, extending the reporting date for the postsecondary educational assistance for members of the New Hampshire national guard study committee and extending the repeal date relative to such assistance. (eff. 5/12/98)

Chap. 66, **HB 1395**, relative to property tax exemptions for water and pollution control facilities. (eff. 4/1/98)

Chap. 67, **HB 1457**, permitting physician assistants to possess, compound, administer or distribute prescription drugs. (eff. 7/11/98)

Chap. 68, **HB 1526**, requiring the department of education to publish an annual report of special education statistics. (eff. 7/11/98)

Chap. 69, **HB 1634**, relative to amending the definition of "educational institution" under the New Hampshire municipal bond bank educational institutions bond financing act. (eff. 7/11/98)

Chap. 70, **HJR 23**, supporting the state's petition to the federal Environmental Protection Agency to reduce interstate transport of air pollutants from other states, requesting that Congress make certain changes in the federal Clean Air Act, and requesting that the Environmental Protection Agency enforce certain existing provisions of the Clean Air Act regarding interstate transport of air pollution. (eff. 5/12/98)

Chap. 71, **HB 579**, providing that a person who, having made all reasonable efforts to preserve employment, leaves a job in order to protect himself or herself from domestic abuse, shall not be denied unemployment compensation. (eff. 7/14/98)

Chap. 72, **HB 1126**, relative to municipal debt limits. (eff. 7/18/98)

Chap. 73, **HB 1148**, relative to review of eligibility for a workers' compensation award where compensation was the lump sum agreement. (eff. 1/1/99)

Chap. 74, **HB 1157**, relative to the layout of highways. (eff. 7/18/98)

Chap. 75, **HB 1158**, changing the process for designating a part-time district court justice a full-time district court justice. (eff. 5/19/98)

Chap. 76, **HB 1211**, re-designating Governors state park in Laconia as Ahern state park. (eff. 7/1/98)

Chap. 77, **HB 1233**, relative to administrative attachment of regulatory boards and commissions. (eff. 7/1/98)

Chap. 78, **HB 1313**, requiring brew pub licensees to report delinquencies by wholesale distributors. (eff. 7/18/98)

Chap. 79, **HB 1326**, relative to applications for exemption to the state hiring delay. (eff. 7/18/98)

Chap. 80, **HB 1330**, naming the bridge over the Newfound River on route 104 west in the town of Bristol, New Hampshire, the Richard W. Musgrove bridge. (eff. 5/19/98)

Chap. 81, **HB 1334**, establishing the position of deputy adjutant general. (eff. 7/1/98)

Chap. 82, **HB 1438**, establishing a committee to study the regulation of personnel employed in early care and education including, but not limited to, center and family-based child care and preschools. (eff. 7/18/98)

Chap. 83, **HB 1502**, extending the reporting date for the statewide school technology plan study committee. (eff. 5/19/98)

Chap. 84, **HB 1538**, extending the reporting date for the committee to study judicial pensions, increasing the duties of the committee, and making an appropriation therefor. (eff. 5/19/98)

Chap. 85, **HB 1551**, adding dental insurance to the continuing insurance coverage for certain employees. (eff. 1/1/99)

Chap. 86, **HB 1621**, relative to the membership of the advisory committee on shore fisheries. (eff. 7/18/98)

Chap. 87, **HB 1650**, relative to benefits under the unemployment compensation laws. (eff. secs. 5 & 6, 5/19/98; remainder 4/1/01)

Chap. 88, **HB 1653**, relative to the composition of the board of barbering, cosmetology, and esthetics. (eff. 7/18/98)

Chap. 89, **SB 91**, relative to the water well board. (eff. 7/18/98)

Chap. 90, **SB 309**, relative to distributors and suppliers of bingo equipment. (eff. 7/18/98)

Chap. 91, **SB 332**, requiring that the real estate transfer questionnaire be provided to the municipality in which the property is located. (eff. 7/18/98)

Chap. 92, **SB 357**, establishing a committee to study insurance coverage for infertility. (eff. 7/18/98)

Chap. 93, **SB 373**, protecting quality assurance information of home health care providers from discovery. (eff. 7/18/98)

Chap. 94, **SB 412**, designating skiing as the official New Hampshire sport. (eff. 7/18/98)

Chap. 95, **HB 371**, relative to the authority of the department of fish and game to regulate the management, preservation, propagation, and taking of state fish, game, and wildlife resources. (eff. 7/19/98)

Chap. 96, **HB 1210**, relative to the licensing rate for beverage manufacturers. (eff. 7/1/98)

Chap. 97, **HB 1229**, exempting biological control agents from registration requirements for pesticides. (eff. 7/19/98)

Chap. 98, **HB 1423**, modifying the definition of employment under the unemployment compensation statute and assignment of unemployment compensation payments for a claimant's child support obligations. (eff. 7/1/98)

Chap. 99, **SB 337**, relative to the order of distribution of claims from an insurer's estate. (eff. 7/19/98)

Chap. 100, **HB 1608**, providing that the membership on any charter commission established in a multi-town school district shall reflect each town's proportionate membership of the district's school board. (eff. 7/19/98)

Chap. 101, **HB 1639**, relative to the highway and bridge betterment program and making an appropriation therefor. (eff. 7/1/98)