HOUSE RECORD

Second Year of the 155th Session of the General Court

Calendar and Journal of the 1998 Session

Vol. 20 Concord N.H. Thursday, June 18, 1998 No. 60

HOUSE JOURNAL No. 17 (cont.)

Wednesday, June 10, 1998

(Rep. Henderson in the Chair)

ENROLLED BILL AMENDMENT

HB 1568, relative to the timing of special school district meetings and legalizing the annual meetings of the Lisbon regional school district, the town of Amherst, and the town of Salem.

Amendment (2146-EBA)

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

1 New Paragraph; Timing. Amend RSA 197:3 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding any other provision of law, no special meeting to raise and appropriate

Amend section 4 of the bill by replacing line 1 with the following:

4 Salem Town Meeting. All actions, votes, and proceedings of the annual meeting of the town of

Adopted by the necessary two-thirds.

CONFEREE CHANGES

HB 170, exempting temporary, demountable, plastic-covered greenhouses from property taxation.

Rep. Linda Foster replaces Rep. Noyes.

HB 204, granting responsibility for court security and custody and control of prisoners while in the court house to the county sheriff and providing for state reimbursement of the sheriff for the costs of such security services.

Sen. Danais replaces Sen. Frederick King.

Sen. Barnes replaces Sen. McCarley.

HB 707-L relative to municipal taxation of telecommunications poles and conduits.

Rep. Nichols replaces Rep. Alukonis.

HB 1234-FN, establishing an office of volunteerism.

Rep. Henderson replaces Rep. Stickney.

Rep. DeStefano replaces Rep. Gile.

Sen. Francoeur replaces Sen. Roberge.

HB 1236-L, relative to limitations on the amendment of warrant articles in official ballot voting.

Rep. Patten replaces Rep. Flint.

Rep. Fraser replaces Rep. Patricia Cote.

Rep. Patricia Cote replaces Rep. Fraser.

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

Rep. Vaughn replaces Rep. Amanda Merrill.

HB 1384-FN-A, making an appropriation for use by the New Hampshire Commission on the Smithsonian Festival of American Folklife.

Rep. Mary Brown replaces Rep. Alukonis.

HB 1471, allowing loss of familial relationship damages in wrongful death actions.

Sen. Gordon replaces Sen. Francoeur.

HB 1531, relative to reimbursement for removal of petroleum storage facilities from the oil pollution control fund.

Rep. DeStefano replaces Rep. David Cote.

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

Rep. Linda Foster replaces Rep. Pantelakos.

SB 73, providing the telecommunications poles and lines be subject to the property tax.

Rep. Nichols replaces Rep. Alukonis.

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.

Sen. Patenaude replaces Sen. Whipple.

SB 353, relative to official ballot procedures.

Rep. McGuirk replaces Rep. Leone.

Rep. Metzger replaces Rep. Fraser.

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

Rep. Klemm replaces Rep. Dowling.

Sen. Barnes replaces Sen. Blaisdell

RECESS

(Rep. Linda Foster in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 1568.

Rep. Pfaff, Sen. Barnes for the Committee

RECESS

(Rep. Vaillancourt in the Chair)

ENROLLED BILL AMENDMENTS

HB 616-FN, relative to jury selection reforms.

Amendment (2170-EBA)

Amend the bill by deleting section 4 and renumbering the original sections 5-8 to read as 4-7, respectively.

Amend the bill by replacing section 5 with the following:

5 Felony Conviction. Amend RSA 500-A:6, III(b) to read as follows:

(b) Require the prospective juror to specify if he ***or she*** is:

(1) A citizen of the United States and a resident of the county;

(2) Able to read, speak and understand the English language; [~~or~~]

(3) Subject to any physical or mental disability which would impair [~~his~~] ***the prospective juror's*** capacity to render satisfactory jury service; [~~and~~] ***or***

(4) A convicted felon whose conviction has not been annulled or whose conviction is not eligible for annulment under New Hampshire law; and

Adopted by the necessary two-thirds.

HB 774-FN, relative to child support, custodial rights, and visitation.

Amendment (2189-EBA)

Amend RSA 458-C:3, II(c) as inserted by section 4 of the bill by replacing line 3 with the following:

be used, except that as part of the determination of each parent's share of the child support obligation, the

Adopted by the necessary two-thirds.

HB 1281, requiring managed care plans to permit a woman to obtain access to certain obstetrical or

Amendment (2226-EBA)

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Contingent Renumbering. If SB 371 of the 1998 session becomes law then RSA 420-H:4, VI as inserted by section 2 of this act shall be renumbered as RSA 420-H:4, VII.

Adopted by the necessary two-thirds.

HB 1516, requiring a criminal background investigation for certain department of health and human services personnel who come into direct contact with children.

Amendment (2258-EBA)

Amend section 3 of the bill by replacing paragraph I with the following:

I. RSA 170-G:8-c, V as inserted by section 2 of this act shall take effect January 1, 1999.

Adopted by the necessary two-thirds.

SB 342, relative to capital appropriations for Glencliff home for the elderly and for certain department of safety projects, relative to approval of certain leases by state agencies, and relative to renovation to a certain state office building. (Amendment printed SJ 20, 6/18/98)

Adopted by the necessary two-thirds.

SB 417-FN, continuing the court modernization fund and its source of funding from penalty assessments and making an appropriation for maintenance of the new judicial branch administration building. (Amendment printed SJ 20, 6/18/98)

Adopted by the necessary two-thirds.

SB 476-FN, relative to ambulatory surgical facilities. (Amendment printed SJ 20, 6/18/98)

Adopted by the necessary two-thirds.

SB 492, amending the charter of the union school district of Keene. (Amendment printed SJ 20, 6/18/98)

Adopted by the necessary two-thirds.

SB 503-FN, relative to the New Hampshire community-technical college system. (Amendment printed SJ 20, 6/18/98)

Adopted by the necessary two-thirds.

RECESS

(Rep. Lozeau in the Chair)

ENROLLED BILL AMENDMENTS

HB 1201-FN, relative to the use of motor vehicle repair plates.

Amendment (2137-EBA)

Amend RSA 261:136 as inserted by section 3 of the bill by replacing line 2 with the following:

department, upon blanks furnished by it for that purpose, for a general distinguishing number [~~for~~

Adopted by the necessary two-thirds.

HB 1272-L, requiring the log range capital planning and utilization committee and the Skyhaven airport operation commission to develop a plan to transfer the Skyhaven airport to a local public entity and establishing the Skyhaven airport maintenance and operations fund.

Amendment (2192-EBA)

Amend the bill by replacing section 7 with the following:

7 Authorization for Contingent Renumbering. If any other act of the 1998 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into paragraph I of such section becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any RSAsections inserted by this or any other act

as necessary to conform said sections to proper RSA format. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1998 session laws.

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

Adopted by the necessary two-thirds.

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

Amendment (2205-EBA)

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

3 Members Added. Amend RSA 19-A:10, IV to read as follows:

IV. To establish selection committees of interested citizens and experts to assist in the carrying out of the provisions of this chapter. The selection committees may include the project architect, a representative of the agency involved, a professional artist, [~~and~~] a local citizen***, and either a state senator or a state representative from the district in which the project will be located***. The members of the selection committee shall serve without pay, but may be compensated for mileage by the department of cultural resources.

4 Contingency. If HB 1573-FN of the 1998 legislative session becomes law, then section 3 of this act shall take effect at 12:01 a.m. on the effective date of HB 1573-FN and section 2 shall not take effect. If HB 1573-FN does not become law then section 2 of this act shall take effect 60 days after its passage and section 3 shall not take effect.

5 Effective Date.

I. Sections 2 and 3 of this act shall take effect as provided in section 4.

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

Adopted by the necessary two-thirds.

RECESS

(Rep. DeChane in the Chair)

ENROLLED BILL AMENDMENTS

SB 191, relative to mental health providers. (Amendment printed SJ 20, 6/18/98)

Adopted by the necessary two-thirds.

SB 504-FN, relative to members of predecessor systems of the New Hampshire retirement system. (Amendment printed SJ 20, 6/18/98)

Adopted by the necessary two-thirds.

RECESS

(Rep. Henderson in the Chair)

ENROLLED BILL AMENDMENTS

HB 490, relative to the confidentiality of medical information.

Amendment (2152-EBA)

Amend RSA 318:29, V(j) as inserted by section 3 of the bill by replacing it with the following:

(j) The sale, rental, trade, transfer, or release of patient identifiable medical information for the purpose of sales or marketing of services or products without written authorization.

Adopted by the necessary two-thirds.

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

Amendment (2135-EBA)

Amend RSA 622:5, VII as inserted by section 4 of the bill by replacing line 2 with the following:

~~inclosure~~] ***their enclosures***.

Amend RSA 622:11 as inserted by section 6 of the bill by replacing lines 1-3 with the following:

622:11 Illegal Privileges. A person employed in the [~~prison~~] ***prisons*** is guilty of a misdemeanor if he negligently suffers a prisoner to be at large, or to be visited, comforted, or relieved contrary to the regulations of the [~~prison~~] ***prisons*** or the terms of the sentence of the prisoner***, and is guilty of a class B***

Amend RSA 622:33-a, III as inserted by section 11 of the bill by replacing line 3 with the following:

regulations which govern the state [~~prison~~] ***prisons*** for ***men*** and inmates of the state [~~prison~~] ***prisons for men***, except

Amend section 16 of the bill by replacing lines 2 and 3 with the following:

"prison" with "prisons": the chapter heading of RSA 622; 622:2, 622:5, I-V, VIII; 622:6; 622:7-a; 622:8; 622:14; 622:16; 622:24; 622:28-a, I; 622:29; 622:30; 622:34-a;

Amend section 17 of the bill by replacing line 1 with the following:

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

Adopted by the necessary two-thirds.

HB 1424, relative to the method for filling a vacancy in the position of county commissioner, and prohibiting the private practice of the Coos county attorney.

Amendment (2191-EAB)

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

AN ACT relative to filling a vacancy in the position of a county officer, and prohibiting the private practice of the Coos county attorney.

Adopted by the necessary two-thirds.

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

Amendment (2156-EBA)

Amend RSA 261:58, III(b) as inserted by section 1 of the bill by replacing line 1 with the following:

(b) The administrative office of the courts shall, via computer interface, regularly update

Adopted by the necessary two-thirds.

RECESS

(Rep. Amanda Merrill in the Chair)

ENROLLED BILL AMENDMENT

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

Amendment (2260-EBA)

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

1 Director of Division of the Arts; Qualifications. Amend RSA 21-K:6 to read as follows:

Amend line 2 of RSA 227-C:1-a, I as inserted by section 2 of the bill by replacing it with the following:

engineering, and cultural heritage of New Hampshire is one of the most important environmental

Amend section 3 of the bill by replacing lines 4-7 with the following:

paragraph; 21-K:8, introductory paragraph; 21-K:17, III(a)(1); 94:1-a, I, group O; 188-F:59, IV; 201-A:8-a; 201-A:22, I; 201-A:23, II; 201-A:24, I; 201-B:3; 201-D:1, IV; 201-E:7, introductory paragraph; 202-A:12; 202-A:18; 202-A:19; 227-C:1, I, III, and VIII; 227-C:2; 227-C:5, introductory paragraph; 227-C:19; 261:97-b, I; 261:97-c, I; 261:97-d, I(a); 261:97-f, I; 634:1, V(d); and 1998, 161:3, III.

Adopted by the necessary two-thirds.

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 18

Thursday, June 18, 1998

The House assembled at 10:30 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

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

In Your presence, O God, nothing can dampen our spirits and so we ask for Your guidance at all times but especially on our gathering this day. Inspire us in Your truth that we might live by Your wisdom. Empower us in Your love, that we might see the world with Your compassion. Challenge us with Your hopes that we might live towards Your dreams for us and our world. All these prayers we ask in the confidence that You are with us and for us at all times and in all places. Amen.

Rep. Dunn led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Julie Brown, Dowling, Robert Foster, Healy, Jane Kelley, Robert Kelley, Morrill, Noyes, O'Rourke, Perkins, Kevin Smith and Paul Taylor, the day, illness.

Reps. Bergin, Chase, Connolly, Cushing, Peter Cote, Crosby, Perley Davis, Fenton, Fraser, Grassie, Heon, Hansen, Laflam, Lavoie, Leonard, MacIntyre, Morris, Sargent, Salatiello, Simmons, Steere and Tufts, the day, important business.

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

Reps. Bishop, Martin and Rice, the day, illness in the family.

INTRODUCTION OF GUESTS

Rep.-elect Everett Weare, guest of the House. Beth Rodd, guest of Rep. French. Barbara O'Connor, guest of Rep. Avery. Jamie DeStefano, guest of Rep. Frechette. Michael and Kendall Robb-Theroux, Jean-Christoph Vionnet and Isabelle Romain, husband, daughter and guests of Rep. Robb-Theroux. Dorothy Flanders, wife of Rep. John Flanders. Yvonne Bresnahan and Mary Jo Moore, guests of Rep. Dunn. Ken Fuld and Don Lent, guests of Rep. Amanda Merrill. Brenda Dolan and Robert and Joyce Dolan, wife and guests of Rep. Dolan.

SPECIAL GUESTS

The Merrimack Friars Youth Group Basketball Team guests of Reps. Jane Clemons, L'Heureux and the House.

SENATE MESSAGES

CONCURRENCE

HB 616-FN, relative to jury selection reforms.

HB 784-FN-L, relative to changing the amount of estimated expenditures per pupil beyond which the department of education is liable for the cost of school district borrowing.

HB 1145, relative to the definition of "livestock."

HB 1201-FN, relative to the use of motor vehicle repair plates.

HB 1208, authorizing the housing finance authority to sell or transfer certain land.

HB 1223-FN, repealing the alternative fuel motor vehicle law.

HB 1284-FN-A, directing the liquor commission to study and investigate the location of a new liquor store and possible welcome center and New Hampshire products store in the city of Keene.

HB 1345, requiring drivers of motor vehicles to obey school crossing guards.

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

HB 1397-FN-A-L, reestablishing the investment tax credit against the business profits tax under the community development finance authority.

HB 1402-FN, allowing the members of the general court dental insurance and relative to excess appropriations for state employee health insurance benefits for fiscal year 1998.

HB 1434-L, simplifying the charter amendment procedure for the purpose of establishing official ballot voting.

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

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

HB 1606, relative to liability for response to hazardous materials accidents.

NONCONCURRENCE

HB 480, revising the law relative to protection of persons from domestic violence.

HB 535, relative to the regulation of architects.

HB 565-FN, relative to unauthorized use of a propelled vehicle or animal.

HB 721, authorizing municipalities to restrict the advertising of alcohol and tobacco through the exercise of zoning powers.

HB 1138-FN, relative to New Hampshire route 111.

HB 1368, relative to distribution services and metering and billing in electric utility restructuring.

HB 1392, relative to student drivers.

HB 140-FN0, relative to the powers and duties of the commissioner of health and human services and relative to out-of-state trips by state officials or employees.

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

HB 1537, relative to aeronautics enforcement authority.

CONCURRENCE WITH AMENDMENTS

SB 324-FN, relative to entertainers on premises of an on-sale liquor licensee and relative to penalties for manufacture, sale, and possession of false identification.

SB 342, 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.

SB 363-L, relative to notification to and jurisdiction of municipalities concerning governmental use of property.

SB 405-FN, relative to a specific time period by which the state is required to have an audited financial statement available to the public.

SB 417-FN, continuing the court modernization fund and its source of funding from penalty assessments and making an appropriation for maintenance of the new judicial branch administration building.

SB 423-FN, relative to eligibility for cost of living adjustments for retired members or beneficiaries in the New Hampshire retirement system.

SB 427-FN, establishing a revolving fund for loans for intrastate energy pipeline facilities improvements.

SB 457-FN, relative to the eligibility of employment program participants for workers' compensation.

SB 462-FN, establishing certain commissions relative to educational issues, and making an appropriation therefor, and making an appropriation to the New Hampshire Veterans' Home.

SB 464-FN, relative to limitations from civil liability for volunteers and relative to state agency preparedness for the year 2000 computer problem.

SB 476-FN, relative to ambulatory surgical facilities.

SB 483-FN, exempting certain businesses from the electronic filing requirement under the meals and rooms tax and making an appropriation therefor.

SB 492, amending the charter of the union school district of Keene.

SB 500, relative to the use of credit data for certain insurance purposes.

SB 503-FN, relative to the New Hampshire community technical college system.

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

ENROLLED BILL AMENDMENT

HB 686-FN-A, relative to financing child day care facilities.

Amendment (2262-EBA)

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

inserting after section 5-a the following new section:

Amend RSA 170-E:5-b, IV as inserted by section 2 of the bill by replacing line 6 with the following:

any subsidy or loss reserve expended, as well as for the repayment status of all loans made under this

Amend section 7 of the bill by replacing line 3 with the following:

RSA 161-G, to a designated statewide, nonprofit community development financial institution

Adopted.

CONSENT CALENDAR

COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS

Rep. Wheeler moved that the Consent Calendar of Committee of Conference Reports on Senate Bills with the relevant amendments as printed and distributed be adopted.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 205-FN-L

Committee of Conference Report on SB 205-FN-LOCAL, an act establishing a special school district to provide special education for eligible inmates in the state prison system.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 7 with the following:

7 Effective Date. This act shall take effect July 1, 1999.

Conferees: Sens. Gordon, Dist. 2; McCarley, Dist. 6 and Francoeur, Dist. 14.

Conferees: Reps. O'Hearn, Hills 26; Dearborn, Rock 23; Snyder, Straf 14 and Alukonis, Hills. 23.

COMMITTEE OF CONFERENCE REPORT ON SB 333

Committee of Conference Report on SB 333, an act 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.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Roberge, Dist. 9; Patenaude, Dist. 7 and Katherine Wheeler, Dist. 21.

Conferees: Reps. Ann Torr, Straf. 12; Flanagan, Rock. 14; Langley, Rock. 24 and Buckley, Hills 44.

COMMITTEE OF CONFERENCE REPORT ON SB 339-L

Committee of Conference Report on SB 339-LOCAL, an act relative to the bidding for design and construction of a new medium security prison in the city of Berlin and to the closure of the lakes region facility and making appropriations therefor.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Fraser, Dist. 4; Frederick King, Dist. 1 and Larsen Dist. 15.

Conferees: Reps. Gene Chandler, Carr. 1; Lozeau, Hills. 30; Franklin Torr, Straf. 12 and Cloutier, Sull. 8.

COMMITTEE OF CONFERENCE REPORT ON SB 400

Committee of Conference Report on SB 400, an act relative to withdrawal of a school district from an area district.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 195-A:3, XI as inserted by section 3 of the bill by replacing it with the following:

XI. An area plan adopted by the voters of the sending and receiving districts shall be valid for a period of 10 years from the date of its adoption, amendment, or the withdrawal of a district. The area plan may be renegotiated at the request of a sending or receiving district or extended for additional 10-year periods upon a mutual vote of each sending and receiving school district legislative body 2 years prior to the expiration of the area plan.

Amend RSA 195-A:14, III as inserted by section 4 of the bill by replacing it with the following:

III. After the third anniversary of the date of operating responsibility a sending or receiving school district, at an annual or special school district meeting, may vote to undertake a study of the feasibility and suitability of a withdrawal from the area. The study shall be conducted by a committee composed of 2 school board members from each district of the AREA, the superintendent of schools as a non-voting member, and 2 members of the town or city governing body from the school district requesting the study. Within 120 days after the date of its formation, the committee shall submit to the state board of education either a report that withdrawal is not feasible or suitable or a report that includes a withdrawal plan prepared in accordance with paragraph IV. If the committee determines that withdrawal is not feasible or suitable, the district which voted to undertake the study may submit a minority report at the same time as the committee report is filed with the state board of education. If the committee report does not include a withdrawal plan, the minority report may include a withdrawal plan prepared in accordance with paragraph

Conferees: Sens. Johnson, Dist. 3; Rubens, Dist. 5 and Katherine Wheeler, Dist. 21.

Conferees: Reps. Henderson, Rock. 20; Hoadley, Merr. 24; O'Hearn, Hills. 26 and Estabrook, Straf. 8.

COMMITTEE OF CONFERENCE REPORT ON SB 421-FN

Committee of Conference Report on SB 421-FN, an act relative to timber harvesting and penalties for timber trespass.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 5 with the following:

5 New Subparagraph; Persons Not Required to File Intent to Cut or be Subject to Yield Tax. Amend RSA 79:1, II(b) by inserting after subparagraph (4) the following new subparagraph:

(5) A person who cuts or causes to be cut, within the tax year, up to 10,000 board feet of logs and 20 cords of wood or the equivalent in whole tree chips, from the person's own land within a municipality, for land conversion purposes other than timber growing and forest uses, provided that those persons intending to convert the use of the land have secured all required permits including, but not limited to, building permits, subdivision or zoning permits, excavation permits, or site plan approvals, as necessary for the use to which the land will be converted, and are able to furnish proof of such permits.

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

AMENDED ANALYSIS

This bill adds certain penalties for violations of the timber harvesting law and changes the definition of persons who are not required to file an intent to cut or be subject to the yield tax.

Conferees: Sens. Gordon, Dist. 2; Francoeur, Dist. 14 and Whipple, Dist. 8.

Conferees: Reps. Royce, Ches. 9; Crowell, Merr. 2; Adler, Sull 5 and Downing, Rock. 26.

COMMITTEE OF CONFERENCE REPORT ON SB 429-FN

Committee of Conference Report on SB 429-FN, an act relative to the confidentiality of drivers' motor vehicle records.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Roberge, Dist. 9; Patenaude, Dist. 7 and Whipple, Dist. 8.

Conferees: Reps. Packard, Rock. 29; Letourneau, Rock. 13; Langone, Rock. 13 and Ferland, Sull 6.

COMMITTEE OF CONFERENCE REPORT ON SB 440-FN-L

Committee of Conference Report on SB 440-FN-LOCAL, an act relative to fines payable to the division of motor vehicles; allowing civil bench warrants for defaults on such fines; authorizing bail commissioners to receive certain civil fines and fees, and authorizing the division of motor vehicles to report those in default to a consumer reporting agency.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 502-A:19-b, III(g) as inserted by section 2 of the bill by replacing it with the following:

(g) Neither the state, nor any state agency or political subdivision of the state, nor any employee of the state or its political subdivision shall be subject to a claim for monetary damages for the arrest or detention of any person pursuant to this section, provided that the officer's action in arresting or detaining the person does not constitute gross negligence or willful misconduct.

Conferees: Sens. Podles, Dist. 16; Gordon, Dist. 2 and Pignatelli, Dist. 13.

Conferees: Reps. Packard, Rock. 29; Bartlett, Belk. 6; Franklin Torr, Straf 12 and Peter Cote, Rock. 9.

COMMITTEE OF CONFERENCE REPORT ON SB 488-FN

Committee of Conference Report on SB 488-FN, an act directing the department of environmental services to create a model for managing the flow of water in the Winnipesaukee River watershed and creating an advisory committee.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Gordon, Dist. 2; Patenaude, Dist. 7 and Cohen, Dist. 24.

Conferees: Reps. Royce Ches. 9; Whalley, Merr. 5; Rowe, Hills. 14 and Downing, Rock. 26.

COMMITTEE OF CONFERENCE REPORT ON SB 490-FN

Committee of Conference Report on SB 490-FN, an act relative to life and accident and health insurance and relative to certain salaries.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Squires, Dist. 12; Danais, Dist. 20 and Katherine Wheeler, Dist. 21.

Conferees: Reps. Hunt, Ches. 10; Herman, Hills. 13; Syracusa, Rock. 33 and Klemm, Rock. 28.

REGULAR CALENDAR

COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS

COMMITTEE OF CONFERENCE REPORT ON SB 102-FN

Committee of Conference Report on SB 102-FN, an act relative to the possession of certain weapons in the commission of a violent crime.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the Senate, and pass the bill as so amended:

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

1 Possession of Dangerous Weapon While Committing a Violent Crime. RSA159:15 is repealed and reenacted to read as follows:

159:15 Possession of Dangerous Weapon While Committing a Violent Crime.

I. A person shall be guilty of a class A misdemeanor if that person uses or employs slung shot, metallic knuckles, billies, or other dangerous weapons during the commission or attempted commission of a violent crime.

II. "Violent crime," for purposes of this section, means "violent crime" as defined in RSA651:5, XIII.

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

AMENDED ANALYSIS

This bill makes a person guilty of a misdemeanor if that person uses or employs slung shot, metallic knuckles, billies, or other dangerous weapons while committing or attempting to commit a crime classified as a violent misdemeanor or felony.

Conferees: Sens. Gordon, Dist. 2; David Wheeler, Dist. 11 and Hollingworth, Dist 23.

Conferees: Reps. Lyman, Carr. 5; Christie, Rock. 22; Mikowlski, Rock. 29 and Knowles, Straf. 11.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 197

Committee of Conference Report on SB 197, an act relative to final dispositional orders in child protection cases.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the Senate, and pass the bill as so amended:

Amend RSA 169-C:28 as inserted by section 1 of the bill by replacing it with the following:

169-C:28 Appeals. An appeal under this chapter may be taken to the superior court by the child or [~~his~~] ***the child's*** authorized representative or any party having an interest, including the state, ***or any person subject to any administrative decision pursuant to this chapter,*** within 30 days of the final dispositional order; but an appeal shall not suspend the order or decision of the court unless the court so orders. The superior court shall hear the matter de novo, and shall give an appeal under this chapter priority on the court calendar. For purposes of this chapter, a "final dispositional order" includes a dismissal of a petition for abuse and neglect by the district court. ***Final dispositional order shall also include any ruling or order arising from an administrative hearing held or initiated by any administrative agency, including the department, in which a finding of child abuse or neglect is made.***

Conferees: Sens. Gordon, Dist. 2; Squires, Dist 12 and Pignatelli, Dist. 13.

Conferees: Reps. Julie Brown, Straf 17; Richardson, Ches. 12; Pfaff, Merr. 11 and Dowling, Rock. 13.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 344

Committee of Conference Report on SB 344, an act clarifying requirements regarding certain trusts.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing after section 1 the following and renumbering the original section 2 to read as 3:

2 Compensation of Certain Trustees. Amend RSA 564:21-a to read as follows:

564:21-a Compensation for Trustees of Charitable Trusts. A trustee of a charitable trust shall be allowed reasonable expenses incurred in the execution of the trust; and unless otherwise expressly provided in the trust instrument, the trustee shall have such reasonable compensation for services as the judge may allow. Such compensation and expenses shall be payable ***as provided in the trust instrument, or in the absence of such direction, shall be payable*** out of income [~~only, unless otherwise provided in the trust instrument or where the judge determines that certain unusual and non-recurring services and expenses such as the distribution of principal are involved that should be charged to the corpus~~]***. Such compensation may also be payable out of principal, or both income and principal, if approved annually in writing by a duly authorized representative of the governing body of the charitable beneficiary or***

beneficiaries. Any such compensation and fee schedules shall be subject to approval of the court.

Conferees: Sens. Fraser, Dist. 4; Katherine Wheeler, Dist. 21 and Gordon, Dist. 2.

Conferees: Reps. Hunt, Ches. 10; Mittelman, Hills. 37; Hurt, Belk. 4 and Tara Reardon, Merr. 23.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 352

Committee of Conference Report on SB 352, an act relative to continuing education requirements for electroligists.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 314:5 as inserted by section 1 of the bill by replacing it with the following:

314:5 Renewal of License***; Continuing Education Requirement***. Licenses issued under this chapter shall be subject to renewal every 2 years and shall expire unless renewed in accordance with rules adopted by the commissioner under RSA 314:8, IV, and upon payment of any fees required under RSA 314:10. ***Applicants for renewal shall also be required to complete 10 hours of continuing education related to the practice of electrology during the prior 2 years; provided that 5 hours of such continuing education shall be in didactic, live courses.***

Conferees: Sens. David Wheeler, Dist. 11; Katherine Wheeler, Dist. 21 and Podles, Dist. 16

Conferees: Reps. Goulet, Hills. 15; Stickney, Rock. 26; Holley, Hills. 28 and Gile, Merr. 16.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 397

Committee of Conference Report on SB 397, an act relative to the composition of the pharmacy board.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Danais, Dist. 20; John King, Dist. 18 and Francoeur, Dist. 14.

Conferees: Reps. Goulet, Hills 15; Stickney, Rock. 26; Sapareto, Rock. 13 and Gile, Merr. 16.

Adopted.

MOTION TO SUSPEND RULES

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit consideration of a Committee of Conference report signed off after the deadline on ***SB 437,*** requiring a one year mandatory prison sentence for a third DWI conviction.

Reps. Vaillancourt and Mirski spoke against.

Rep. Knowles spoke in favor.

Rep. MacGillivray requested a roll call; sufficiently seconded.

The question being the motion to suspend the rules.

YEAS 185 NAYS 133			
YEAS 185			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Golden, Paul	Pilliod, James	Thomas, John
Turner, Robert			
CARROLL			
Bradley, Jeb	Chandler, Gene	Cooper, Kipp	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	MacDonald, Kenneth	Patten, Betsey
Philbrick, Donald			
CHESHIRE			
Avery, Stephen	DePecol, Benjamin	Hunt, John	Manning, Joseph
McNamara, Wanda	Royce, H. Charles	Smith, Edwin	Vogl, John
COOS			
Guay, Lawrence	Horton, Lynn	Mears, Edgar	Pratt, Leighton
Tholl, John, Jr.			
GRAFTON			
Alger, John	Below, Clifton	Brown, Channing	Guaraldi, Lawrence
Hinman, Harry	LaMott, Paul	MacNeil, Allen	Phinney, William
Teschner, Douglass	Williams, William, Jr.		

HILLSBOROUGH			
Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Briefs, Geoffrey	Brundige, Robert	Calawa, Leon, Jr.
Cardin, Lori	Carney, Lauren	Chabot, Ernest	Chabot, Robert
Clegg, Robert, Jr.	Cote, David	Daniels, Gary	Dokmo, Cynthia
Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton	Emerton, Lawrence, Sr.
Fields, Dennis	Foster, Joseph	Foster, Linda	Franks, Suzan
Gagnon, Eugene	Golding, William	Goulet, Maurice	Herman, Keith
Holley, Sylvia	Hunter, Bruce	Jean, Claudette	Johnson, Lionel
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland
Lessard, Rudy	Letendre, Evelyn	Lozeau, Donnalee	Luebkert, Bernard
MacGillivray, Jeffrey	McGough, Tim	Melcher, Harold	Mercer, Robert
Messier, Irene	Milligan, Robert	Morello, Michael	Murch, George
O'Hearn, Jane	Peterson, Andrew	Piteri, Dawn	Riley, Frances
Rowe, Robert	Searles, Stanley, Sr.	Tate, Joan	Thulander, O. Alan
Wheeler, Robert	White, Donald		
MERRIMACK			
Adams, Stephen	Anderson, Eric	Brown, Mary	Chandler, Earle
Colburn, Thomas	Daneault, Gabriel	Davis, Francis	DeStefano, Stephen
Feuerstein, Martin	Hess, David	Hoadley, Elizabeth	Jacobson, Alf
Langer, Ray	Larrabee, David	Leber, William	Marshall, Kenneth
Maxfield, Roy	Nichols, Avis	Pfaff, Terence	Seldin, Gloria
St. Cyr, Gerard	Whalley, Michael	Whittemore, James	
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Camm, Kevin
Case, Margaret	Cote, Patricia	Dalrymple, Janeen	Dodge, Robert
Dowd, Sandra	Downing, Michael	Dunham, Vivian	Flanders, David
Flanders, John, Sr.	Frechette, Joseph	Gibbons, Paul	Gleason, John
Griffin, Mary	Guthrie, Joseph	Heath, John	Henderson, Warren
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.
Kobel, Rudolph	Langone, John	Letourneau, Robert	Major, Norman

McCarthy, John, Jr.	Micklon, Stephanie	Mikowlski, Walter	Millard, Ralph
Moore, Benjamin	Nowe, Ronald	Packard, Sherman	Schanda, Frank
Stone, Joseph	Syracusa, Anthony	Varrell, Thomas	Vaughn, Charles
Welch, David			
STRAFFORD			
Berube, Roger	Callaghan, Frank	Cossette, Larry	Knowles, William
McKinley, Robert	Merrill, Amanda	Musler, George	Rollo, Michael
Spear, Barbara	Sullivan, Henry	Torr, Ann	Torr, Franklin
SULLIVAN			
Adler, Rudolf	Burling, Peter	Cloutier, John	Ferland, Brenda
Flint, Gordon	Kibbey, David	Leone, Richard	Lindblade, Eric
Robb-Theroux, Amy	Schotanus, Merle		
NAYS 133			
BELKNAP			
Holbrook, Robert	Hurt, George	Rosen, Ralph	Veazey, John
CARROLL			
Babson, David, Jr.	Mock, Henry		
CHESHIRE			
Bonneau, Sarah	Burnham, Daniel	Champagne, Richard	Doucette, Richard
Lynch, Margaret	Lynott, Margaret	McGuirk, Paul	Meader, David
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Russell, Ronald			
COOS			
Bradley, Paula	Hawkinson, Marie	Merrill, Gerald	Moynihan, Wayne
St. Hilaire, Paul			
GRAFTON			
Akins, Ralph	Almy, Susan	Cobbin, Philip	Copenhaver, Marion
Guest, Robert	Lovett, Sidney	Luker, Elsa	Mirski, Paul
Nordgren, Sharon	Weber, Phil		
HILLSBOROUGH			

Allen, W. Gordon	Baroody, Benjamin	Barry, William, III	Boutin, David
Buckley, Raymond	Carlson, Donald	Christiansen, Lars	Clemons, Jane
D'Allesandro, Lou	Daigle, Robert	Dawe, Eileen	Desrosiers, William
Drabinowicz, A. Theresa	Flora, Kathleen	Gage, Ruth	Gosselin, Gerald
Haettenschwiller, Alphonse	Hall, Betty	Hart, Nick	Jean, Loren
Konys, Christine	Leishman, Peter	Lynde, Harold	Marcinkowski, Michael
McCarty, Winston	McDonald, James, Sr.	McRae, Karen	Murphy, Robert
Reidy, Frank	Turgeon, Roland	Vaillancourt, Steve	Welch, Donald
White, Jay	Williams, Carol	Wright, George	
MERRIMACK			
Burney, Carol	Dunn, Miriam	French, Barbara	Gile, Mary
Hager, Elizabeth	Krueger, Patricia	Lamach, Bernard	Lockwood, Robert
Moore, Carol	Owen, Derek	Reardon, Tara	Wallin, Jean
Wallner, Mary Jane	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Coes, Betsy
Cooney, Richard	Dolan, Richard	Fesh, Robert	Flanagan, Natalie
Francoeur, Sheila	Hutchinson, Rebecca	Kane, Cecelia	Langley, Jane
Lovejoy, Marian	Malcolm, Kenneth	McKinney, Betsy	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Rabideau, Marie
Raynowska, Bernard	Reardon, Neil	Sabella, Norma	Sapareto, Frank
Stickney, Nancy	Stritch, C. Donald	Weyler, Kenneth	
STRAFFORD			
Bickford, David	Brennan, William	Brown, George	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Kaen, Naida	Keans, Sandra
Lundborn, Raymond	Merritt, Deborah	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Smith, Marjorie	Snyder, Clair	Taylor, Kathleen
Twardus, Joseph	Vachon, Dennis	Wall, Janet	
SULLIVAN			
Allison, David	Donovan, Thomas	Palmer, Lorraine	Wiggins, Celestine

and the motion failed, lacking the necessary two-thirds.

SUSPENSION OF RULES

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit consideration of a Committee of Conference report signed off after the deadline on ***SB 451,*** relative to the accessibility of pupil assessment materials and the anonymity of pupil assessment results.

On a division vote, 303 members having voted in the affirmative and 16 in the negative, the motion was adopted by the necessary two-thirds.

COMMITTEE OF CONFERENCE REPORT ON SB 451-FN-L

Committee of Conference Report on SB 451-FN-LOCAL, an act relative to the accessibility of pupil assessment materials and the anonymity of pupil assessment results.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 193-C:10 as inserted by section 1 of the bill by replacing it with the following:

193-C:10 Accessibility of Assessment Materials. After the assessment results are released by the department, a pupil's parent or legal guardian shall have the right to inspect and review the pupil's assessment booklet, answer or response sheets, surveys, instructions or directions to the pupil, and any other supplemental materials utilized to administer the assessment. A parent or legal guardian shall direct a request for inspection or review to the pupil's school, and the school shall comply with such request within 45 days of its receipt. The commissioner shall adopt rules, pursuant to RSA 541-A, to implement procedures for the review and inspection of assessment materials. These rules shall provide parents and legal guardians with no fewer rights accorded to them under the Family Educational and Privacy Rights Act, 20 U.S.C. 1232g.

AMENDED ANALYSIS

This bill guarantees parents and legal guardians the right to inspect and review a pupil's assessment materials within 45 days of a request made to the pupil's school. The bill also provides that assessment results obtained from the statewide education assessment and improvement program stored at the department of education shall not include individual pupil names or codes.

Conferees: Sens. Rubens, Dist. 5; Francoeur, Dist. 14 and McCarley, Dist. 6.

Conferees: Reps. Durham, Hills. 22; Snyder, Straf. 14; O'Hearn, Hills. 26 and Belvin, Hills. 14.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 473-FN

Committee of Conference Report on SB 473-FN, an act relative to child day care providers.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 4 with the following:

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~~] ***and*** a criminal history records check[~~,~~] on every selected applicant for employment in any position in the school administrative unit, school district, or charter school prior to a final offer of employment. ***A school administrative unit, school district, or charter school may extend a conditional offer of employment to a selected applicant after completing a background investigation, with a final offer of employment subject to a successfully completed criminal history records check. No selected applicant may be extended a conditional offer of employment unless the school administrative unit, school district, or charter school has initiated a criminal history records check. The school administrative unit, school district, or charter school shall not be held liable in any lawsuit alleging that the extension of a conditional or final offer of employment to an applicant, or the acceptance of volunteer services from a designated volunteer, with a criminal history was in any way negligent or deficient, if the school administrative unit, school district, or charter school fulfilled the requirements of this section.***

II. The selected applicant for employment ***or designated volunteer*** 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. ***In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the school administrative unit, school district, or charter school may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where an applicant has lived during the past 5 years.***

III. The school administrative unit, school district, or charter school shall submit the criminal history form to the New Hampshire state police which shall conduct a criminal history [~~record inquiry~~] ***records check*** 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 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~~] ***and*** a criminal history records check.

V. Any person who has been convicted of murder, child pornography, aggravated 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 deny a selected applicant a final offer of employment if such person has been convicted of any felony in addition to those listed above. The governing body may adopt a policy stating that any person who has been convicted of any felony, or any of a list of felonies, shall not be hired.***

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. The school administrative unit, school district, or charter school shall not be required to complete a background investigation or a criminal history records check on volunteers, provided, however, that the governing body of a school administrative unit, school district, or charter school, may adopt a policy designating certain categories of volunteers as "designated volunteers" who may be required to undergo a background investigation and a criminal history records check.

6 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 and a criminal history records check on every selected applicant for employment in any position in the school administrative unit, school district, or charter school prior to a final offer of employment. A school administrative unit, school district, or charter school may extend a conditional offer of employment to a selected applicant after completing a background [~~check~~] ***investigation***, with a final offer of employment subject to a successfully completed criminal history records check. No selected applicant may be extended a conditional offer of employment unless the school administrative unit, school district, or charter school has initiated a criminal history records check. The school administrative unit, school district, or charter school shall not be held liable in any lawsuit alleging that the extension of a conditional ***or final*** offer of employment to an applicant***, or the acceptance of volunteer services from a designated volunteer,*** with a criminal history was in any way negligent or deficient, if the school administrative unit, school district, or charter school fulfilled the requirements of this section.

II. The selected applicant for employment ***or designated volunteer*** 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. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the school administrative unit, school district, or charter school may, in lieu of [~~fingerprints~~] ***the criminal history records check***, accept police clearances from every city, [~~or~~] town***, or county*** where an applicant has lived during the past 5 years.

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~~] ***records check*** through its records and through the Federal Bureau of Investigation. [~~The school administrative unit, school district, or charter school shall assure confidentiality of an employee's, applicant's, or volunteer's criminal record report upon receipt of that report from the division of state police and the Federal Bureau of Investigation. An employee's report shall be maintained only in the employee's file, and only authorized personnel, as determined by the school administrative unit, school district, or charter school shall have access to such record.~~] ***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 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 and a criminal history records check.

V. Any person who has been convicted of murder, child pornography, aggravated 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 deny a selected applicant a final offer of employment if such person has been convicted of any felony in addition to those listed above. ***The governing body may adopt a policy stating that any person who has been convicted of any felony, or any of a list of felonies, shall not be hired.***

VI. This section applies to any employee***,*** 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. The [~~employing~~] school administrative unit, school district, or charter school shall not be required to complete a background investigation or a criminal history records check on volunteers, provided, however, that [~~a~~] ***the governing body of a school administrative unit,*** school district***, or charter school*** may adopt a policy [~~pertaining to volunteers~~] ***designating certain categories of volunteers as "designated volunteers"*** who may be required to undergo a background investigation[~~, including~~] ***and*** a criminal history records check.

7 Contingency. If HB 1226-FN of the 1998 legislative session becomes law, then section 6 of this act shall take effect at 12:01 a.m. on the effective date of HB 1226-FN and section 5 of this act shall not take effect. If HB 1226-FN does not become law, then section 5 of this act shall take effect January 1, 1999 and section 6 of this act shall not take effect.

8 Effective Date.

I. Sections 5 and 6 of this act shall take effect as provided in section 7.

II. The remainder of this act shall take effect January 1, 1999.

AMENDED ANALYSIS

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. Clarifies procedures for criminal background investigations of school employees and volunteers.

Conferees: Sens. Gordon, Dist. 2; Squires, Dist. 12 and Katherine Wheeler, Dist. 21.

Conferees: Reps. Emerton, Hills. 7; Batula, Hills. 18; Estabrook, Straf. 8 and Dowling. Rock. 13.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 475-FN-L

Committee of Conference Report on SB 475-FN-LOCAL, an act relative to medicaid reimbursement rates and dental care.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

1 Eligibility Levels; Children's Health Insurance Program. Notwithstanding RSA 126-A, or any other provision of state law to the contrary and to the extent allowed by federal law, percentage eligibility levels for children ages one-19 under the children's health insurance program authorized under Public Law 105-33, Title 21 shall not exceed a maximum effective level of 250 percent of the federal poverty level after all calculations are made, including but not limited to income disregards. This section shall apply to any waiver submitted or in process on or before May 22, 1998.

2 Appropriation; Emergency Management. The sum of $1,532,500, of which $250,000 shall be a charge against the highway fund, for the biennium ending June 30, 1999, is hereby appropriated to the office of emergency management to provide a state match for federal funds received as a result of damages sustained from severe ice storms, high winds, and snow in the month of January1998. This appropriation shall be in addition to any other sums appropriated to the office of emergency management. Said sum may be a charge against any appropriate fund. The governor is authorized to draw a warrant out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill freezes eligibility levels for a children's health insurance program.

This bill also makes an appropriation to the office of emergency management to match federal funds received as a result of January 1998 storms.

Conferees: Sens. David Wheeler, Dist. 11; Francoeur, Dist. 14 and Barnes, Dist. 17.

Conferees: Reps. Klemm, Rock. 28; Thulander, Hills 6; Kurk, Hills. 5 and Wheeler, Hills. 7.

Rep. Burling spoke against and yielded to questions.

Rep. Haettenschwiller spoke against.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the adoption of the Committee of Conference report.

YEAS 189 NAYS 136			
YEAS 189			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Golden, Paul	Holbrook, Robert	Hurt, George

Pilliod, James	Rosen, Ralph	Thomas, John	Turner, Robert
Veazey, John			
CARROLL			
Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	Philbrick, Donald
CHESHIRE			
Avery, Stephen	Hunt, John	Manning, Joseph	McNamara, Wanda
Royce, H. Charles	Smith, Edwin		
COOS			
Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
St. Hilaire, Paul	Tholl, John, Jr.		
GRAFTON			
Akins, Ralph	Alger, John	Guaraldi, Lawrence	Hinman, Harry
LaMott, Paul	MacNeil, Allen	Mirski, Paul	Phinney, William
Trelfa, Richard	Weber, Phil	Williams, William, Jr.	
HILLSBOROUGH			
Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Briefs, Geoffrey	Brundige, Robert	Calawa, Leon, Jr.
Carlson, Donald	Carney, Lauren	Chabot, Ernest	Chabot, Robert
Christiansen, Lars	Clegg, Robert, Jr.	Daniels, Gary	Dawe, Eileen
Desrosiers, William	Dokmo, Cynthia	Durham, Susan	Emerton, Lawrence, Sr.
Fields, Dennis	Flora, Kathleen	Franks, Suzan	Gagnon, Eugene
Golding, William	Goulet, Maurice	Hart, Nick	Herman, Keith
Holley, Sylvia	Holt, David	Hunter, Bruce	Jean, Loren
Kurk, Neal	LaRose, Richard	Leishman, Peter	Lessard, Rudy
Letendre, Evelyn	Lozeau, Donnalee	Luebkert, Bernard	MacGillivray, Jeffrey
Marcinkowski, Michael	McCarty, Winston	McGough, Tim	McRae, Karen
Mercer, Robert	Messier, Irene	Mittelman, David	Morello, Michael
Murch, George	O'Hearn, Jane	Peterson, Andrew	Piteri, Dawn
Riley, Frances	Rowe, Robert	Searles, Stanley, Sr.	Tate, Joan

Thulander, O. Alan	Wheeler, Robert	White, Donald	Wright, George
MERRIMACK			
Adams, Stephen	Anderson, Eric	Brown, Mary	Chandler, Earle
Colburn, Thomas	Crowell, Peter	Davis, Francis	Hoadley, Elizabeth
Krueger, Patricia	Lamach, Bernard	Langer, Ray	Larrabee, David
Leber, William	Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy
Nichols, Avis	Pfaff, Terence	Whalley, Michael	
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Camm, Kevin
Christie, Andrew, Jr.	Cooney, Richard	Cote, Patricia	Dalrymple, Janeen
Dodge, Robert	Dolan, Richard	Dowd, Sandra	Downing, Michael
Dunham, Vivian	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr.	Francoeur, Sheila	Griffin, Mary	Guthrie, Joseph
Henderson, Warren	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Klemm, Arthur, Jr.	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Lovejoy, Marian	Major, Norman	Malcolm, Kenneth
McCarthy, John, Jr.	McKinney, Betsy	Mikowlski, Walter	Millard, Ralph
Moore, Benjamin	Nowe, Ronald	Packard, Sherman	Rabideau, Marie
Raynowska, Bernard	Reardon, Neil	Rubin, George	Stickney, Nancy
Stone, Joseph	Stritch, C. Donald	Varrell, Thomas	Welch, David
Weyler, Kenneth			
STRAFFORD			
Bickford, David	Cossette, Larry	Dunlap, Patricia	McKinley, Robert
Musler, George	Spear, Barbara	Sullivan, Henry	Torr, Franklin
SULLIVAN			
Adler, Rudolf	Flint, Gordon	Kibbey, David	Leone, Richard
Schotanus, Merle			
NAYS 136			
BELKNAP			
None			

CARROLL			
None			
CHESHIRE			
Bonneau, Sarah	Burnham, Daniel	Champagne, Richard	DePecol, Benjamin
Doucette, Richard	Lynch, Margaret	Lynott, Margaret	McGuirk, Paul
Meader, David	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Russell, Ronald	Vogl, John
COOS			
Bradley, Paula	Hawkinson, Marie	Mears, Edgar	Moynihan, Wayne
GRAFTON			
Almy, Susan	Below, Clifton	Brown, Channing	Copenhaver, Marion
Guest, Robert	Lovett, Sidney	Luker, Elsa	Nordgren, Sharon
Teschner, Douglass			
HILLSBOROUGH			
Allen, W. Gordon	Baroody, Benjamin	Barry, William, III	Buckley, Raymond
Cardin, Lori	Clemons, Jane	Cote, David	D'Allesandro, Lou
Daigle, Robert	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.	Foster, Joseph
Foster, Linda	Gage, Ruth	Gosselin, Gerald	Haettenschwiller, Alphonse
Hall, Betty	Jean, Claudette	Johnson, Lionel	Konys, Christine
L'Heureux, Robert	Lefebvre, Roland	Lynde, Harold	McCarthy, William
McDonald, James, Sr.	Melcher, Harold	Murphy, Robert	Reidy, Frank
Turgeon, Roland	Vaillancourt, Steve	Welch, Donald	White, Jay
Williams, Carol			
MERRIMACK			
Burney, Carol	Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam
Feuerstein, Martin	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Jacobson, Alf	Moore, Carol	Owen, Derek
Reardon, Tara	Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Case, Margaret	Clark, Martha

Coes, Betsy	Frechette, Joseph	Gibbons, Paul	Gleason, John
Heath, John	Hutchinson, Rebecca	Kane, Cecelia	Micklon, Stephanie
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Sabella, Norma	Sapareto, Frank	Schanda, Frank	Syracusa, Anthony
Vaughn, Charles			
STRAFFORD			
Berube, Roger	Brennan, William	Brown, George	Callaghan, Frank
DeChane, Marlene	Estabrook, Iris	Hemon, Roland	Kaen, Naida
Keans, Sandra	Knowles, William	Lundborn, Raymond	McCann, William, Jr.
Merrill, Amanda	Merritt, Deborah	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Taylor, Kathleen	Torr, Ann	Twardus, Joseph	Vachon, Dennis
Wall, Janet			
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Lindblade, Eric	Palmer, Lorraine	Robb-Theroux, Amy
Wiggins, Celestine			

and the report was adopted.

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

GOVERNOR'S VETO MESSAGE ON HOUSE BILL 1414

June 5, 1998

To the Honorable Members of the General Court:

I have this day vetoed House Bill 1414, An Act relative to review of non-renewal of teacher contracts.

Professional improvement of our state's teaching corps is a high priority of my administration. Research has shown that the single most important measurable cause of increased student learning is teacher quality. Since I have become Governor, the State Board of Education has already taken steps to institute higher standards for people entering the teaching profession. These include a new competency testing requirement that will go into effect in September and a new content testing requirement that will go into effect next July. In addition, the State Board of Education is undertaking a complete review of professional standards for the recertification of all educators, including teachers, instructional specialists, and administrators. Their report is due in two weeks.

My administration is working on a Best Schools initiative that will be aimed at the professional development of teachers and administrators employed in our public schools to arm them with state-of-the-art skills and knowledge in educational leadership and instructional practices. By placing our children in the care of a better trained educational workforce, we can expect to see positive gains in student achievement.

The Advancing Better Classrooms legislation I submitted this session includes measures to improve performance and accountability in our schools. If enacted into law, the ABC Plan will require the State Department of Education to issue an annual report card evaluating schools and school districts. Several states have found that this type of report card is the most effective motivator for improved performance of teachers and administrators, even more so than financial incentives. The ABC Plan will also require local school districts to develop local school improvement plans with the involvement of parents, employers, and other community members. Districts that do not make progress toward the goals set in their local school improvement plans will receive technical assistance from the State.

A lengthy and costly process for terminating ineffective teachers does not serve anyone. It does not serve our children, who deserve only highly competent teachers. It does not serve teachers themselves, who deserve to teach in a professional environment where they are surrounded by colleagues who strive to excel. Teachers should have no expectation of life-time tenure.

H.B. 1414, however, offers a simplistic response to the complicated problem of ensuring good teachers.

H.B. 1414 would prohibit local school districts and local teachers' associations from *agreeing* to include binding arbitration as a means of resolving disputed teacher terminations in future collective bargaining agreements. As such, H.B. 1414 would conflict with our long tradition of local control.

H.B. 1414 fails to address the need for sound teacher evaluation policies and does nothing to streamline the non-renewal process in districts that currently do not use binding arbitration.

Fewer than half of New Hampshire school districts currently have binding arbitration terms in their collective bargaining agreements. Therefore, H.B. 1414 does nothing to streamline the process for teacher termination in most of our school districts.

All of the participants in our public school system must be made more accountable if we are to improve education in New Hampshire. Parents, students, teachers, administrators, local school boards, and the State all share the responsibility for ensuring that the education we offer our children is excellent.

While it is teachers who provide direct instruction to our students, it is the responsibility of administrators to ensure the performance of teachers and other staff and the responsibility of local school boards to set standards and hire teachers and administrators.

H.B. 1414 fails to address the responsibilities of administrators and school boards to ensure that only the best teachers are in our classrooms. School districts in New Hampshire that have sound teacher evaluation systems experience few challenges to their decisions to terminate teachers. When a school district has good teacher evaluation policies and administrators who carry out those policies, carefully monitoring and documenting the performance of teachers, teachers who are non-renewed understand and accept the reason for their termination.

A sound teacher evaluation system expedites the process of teacher non-renewal. When teacher evaluations are not done or if the evaluations are not conducted well, ineffective teachers remain in the classroom. It is the children who bear the burden when sound school management and governance practices are not in place.

I recognize that there is more we can and should do to make sure that only qualified, competent teachers are in our classrooms. We need to find a more effective way to address the issues of streamlining teacher termination and the need for sound teacher evaluation policies. To accomplish this, I will ask a committee of New Hampshire citizens consisting of representatives of all concerned parties to work on this problem over the next several months and make recommendations for necessary changes in state law.

H.B. 1414 simply does not address the real problems in teacher performance, but rather diverts attention away from those real problems. Therefore, today I am vetoing House Bill 1414.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall ***HB 1414,*** relative to review of nonrenewal of teacher contracts, pass.

Rep. Yeaton spoke against.

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

Rep. Keans spoke against and yielded to questions.

Rep. Hoadley spoke in favor.

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

Rep. Joseph Foster spoke against.

Rep. Henderson spoke in favor.

As required by the State Constitution, a roll call was taken.

YEAS 195 NAYS 132			
YEAS 195			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Golden, Paul	Holbrook, Robert	Hurt, George
Pilliod, James	Rosen, Ralph	Thomas, John	Turner, Robert
Veazey, John			

CARROLL			
Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	Philbrick, Donald
CHESHIRE			
Avery, Stephen	Hunt, John	Manning, Joseph	McNamara, Wanda
Royce, H. Charles	Smith, Edwin		
COOS			
Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
St. Hilaire, Paul	Tholl, John, Jr.		
GRAFTON			
Akins, Ralph	Alger, John	Brown, Channing	Cobbin, Philip
Guaraldi, Lawrence	Hinman, Harry	LaMott, Paul	MacNeil, Allen
Phinney, William	Teschner, Douglass	Trelfa, Richard	Weber, Phil
Williams, William, Jr.			
HILLSBOROUGH			
Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Boutin, David	Briefs, Geoffrey	Brundige, Robert
Burke, M. Virginia	Calawa, Leon, Jr.	Carlson, Donald	Carney, Lauren
Chabot, Ernest	Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr.
Daniels, Gary	Desrosiers, William	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Emerton, Lawrence, Sr.	Fields, Dennis	Flora, Kathleen
Gagnon, Eugene	Golding, William	Goulet, Maurice	Herman, Keith
Holley, Sylvia	Holt, David	Hunter, Bruce	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lessard, Rudy
Letendre, Evelyn	Lozeau, Donnalee	Luebkert, Bernard	MacGillivray, Jeffrey
Marcinkowski, Michael	McCarty, Winston	McGough, Tim	McRae, Karen
Mercer, Robert	Mittelman, David	Morello, Michael	Murch, George
O'Hearn, Jane	Peterson, Andrew	Piteri, Dawn	Riley, Frances
Rowe, Robert	Searles, Stanley, Sr.	Tate, Joan	Thulander, O. Alan
Wheeler, Robert	White, Donald	Wright, George	

MERRIMACK			
Adams, Stephen	Anderson, Eric	Brown, Mary	Chandler, Earle
Colburn, Thomas	Crowell, Peter	Davis, Francis	Feuerstein, Martin
Hager, Elizabeth	Hess, David	Hoadley, Elizabeth	Jacobson, Alf
Krueger, Patricia	Lamach, Bernard	Langer, Ray	Larrabee, David
Leber, William	Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy
Nichols, Avis	Pfaff, Terence	Whalley, Michael	Whittemore, James
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Camm, Kevin
Case, Margaret	Christie, Andrew, Jr.	Cooney, Richard	Cote, Patricia
Dalrymple, Janeen	Dodge, Robert	Dolan, Richard	Dowd, Sandra
Dunham, Vivian	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr.	Francoeur, Sheila	Frechette, Joseph	Gleason, John
Griffin, Mary	Guthrie, Joseph	Henderson, Warren	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Lovejoy, Marian
Major, Norman	Malcolm, Kenneth	McCarthy, John, Jr.	McKinney, Betsy
Mikowlski, Walter	Moore, Benjamin	Nowe, Ronald	Packard, Sherman
Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Rubin, George
Sapareto, Frank	Stickney, Nancy	Stone, Joseph	Stritch, C. Donald
Syracusa, Anthony	Varrell, Thomas	Welch, David	Weyler, Kenneth
STRAFFORD			
Bickford, David	Cossette, Larry	McKinley, Robert	Musler, George
Spear, Barbara	Torr, Ann	Torr, Franklin	
SULLIVAN			
Adler, Rudolf	Kibbey, David	Schotanus, Merle	
NAYS 132			
BELKNAP			
None			
CARROLL			

None			
CHESHIRE			
Bonneau, Sarah	Burnham, Daniel	Champagne, Richard	DePecol, Benjamin
Doucette, Richard	Lynch, Margaret	Lynott, Margaret	McGuirk, Paul
Meader, David	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Russell, Ronald	Vogl, John
COOS			
Bradley, Paula	Hawkinson, Marie	Mears, Edgar	Moynihan, Wayne
GRAFTON			
Almy, Susan	Below, Clifton	Copenhaver, Marion	Guest, Robert
Lovett, Sidney	Luker, Elsa	Nordgren, Sharon	
HILLSBOROUGH			
Allen, W. Gordon	Baroody, Benjamin	Barry, William, III	Buckley, Raymond
Cardin, Lori	Clemons, Jane	Cote, David	D'Allesandro, Lou
Daigle, Robert	Dawe, Eileen	Drabinowicz, A. Theresa	Dwyer, Paul, Sr.
Foster, Joseph	Foster, Linda	Franks, Suzan	Gage, Ruth
Gosselin, Gerald	Haettenschwiller, Alphonse	Hall, Betty	Hart, Nick
Jean, Claudette	Johnson, Lionel	Konys, Christine	Lefebvre, Roland
Leishman, Peter	Lynde, Harold	McCarthy, William	McDonald, James, Sr.
Melcher, Harold	Messier, Irene	Murphy, Robert	Reidy, Frank
Turgeon, Roland	Vaillancourt, Steve	Welch, Donald	White, Jay
Williams, Carol			
MERRIMACK			
Burney, Carol	Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam
French, Barbara	Gile, Mary	Moore, Carol	Owen, Derek
Reardon, Tara	Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean
Wallner, Mary Jane	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Coes, Betsy
Downing, Michael	Gibbons, Paul	Heath, John	Hutchinson, Rebecca
Kane, Cecelia	Micklon, Stephanie	Millard, Ralph	Norelli, Terie

O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Sabella, Norma
Schanda, Frank	Vaughn, Charles		
STRAFFORD			
Berube, Roger	Brennan, William	Brown, George	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Hemon, Roland
Kaen, Naida	Keans, Sandra	Knowles, William	Lundborn, Raymond
McCann, William, Jr.	Merrill, Amanda	Merritt, Deborah	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Sullivan, Henry	Taylor, Kathleen	Twardus, Joseph
Vachon, Dennis	Wall, Janet		
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Flint, Gordon	Lindblade, Eric	Palmer, Lorraine
Robb-Theroux, Amy	Wiggins, Celestine		

and the veto was sustained, lacking the necessary two-thirds.

Reps. Leone and Mirski declared conflicts of interest and did not participate.

RECONSIDERATION

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby it failed to suspend the rules to allow consideration of the Committee of Conference report signed off after the deadline of ***SB 437,*** requiring a one year mandatory prison sentence for a third DWI conviction and spoke against.

On a division vote, 109 members having voted in the affirmative and 209 in the negative, reconsideration failed.

SENATE MESSAGE

REFUSES TO ADOPT COMMITTEE OF CONFERENCE REPORT

REQUESTS NEW COMMITTEE OF CONFERENCE

HB 1531-FN, relative to reimbursement for removal of petroleum storage facilities from the oil pollution control fund.

The President appointed Sens. Russman, Barnes and McCarley.

Rep. Royce moved that the House accede to the request for a new Committee of Conference and spoke in favor.

Adopted.

The Speaker appointed Reps. Whalley, Royce, DeStefano and Holbrook.

RECESS

(Speaker Sytek in the Chair)

RESOLUTION

Reps. Wheeler and Burling offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Resolution numbered 58, shall be by this resolution read a first and second time by the therein listed title.

Adopted.

INTRODUCTION OF HOUSE RESOLUTION

First and second reading

HR 58, adopting filing dates for the 1999 legislative session. (Wheeler, Hills 7; Burling, Sull. 1)

CONSIDERATION OF HOUSE RESOLUTION

Reps. Wheeler and Burling offered the following:

HOUSE RESOLUTION NO. 58

Be it Resolved by the House of Representatives:

That Wednesday, September 9, 1998 shall be the first day for incumbents who are candidates for the House to file LSR's with complete information;

That Monday, October 5, 1998 shall be the beginning date for the 10-day sign-off deadline (Rule 38 (b));

That Friday, October 30, 1998 shall be the final day to file, with the Clerk of the House, all 1998 interim-study reports;

That Wednesday, November 4, 1998 shall be the first day for new members to file LSR's with complete information; and

That Friday, November 6, 1998 shall be the final day to file, with complete information, all bill drafting requests from 1998 interim study work.

Adopted.

CONSENT CALENDAR

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

Rep. Wheeler moved that the Consent Calendar of Committee of Conference Reports on House Bills with the relevant amendments as printed and distributed be adopted.

HB 1123, relative to the control of wolf hybrids, removed by Rep. Mock.

HB 1531, relative to reimbursement for removal of petroleum storage facilities from the oil pollution control fund, removed by Rep. Royce.

Adopted.

HB 170-L, exempting temporary, demountable, plastic-covered greenhouses from property taxation. (Report printed SJ 20, 6/18/98)

HB 204-FN-L, granting responsibility for court security and custody and control of prisoners while in the courthouse to the county sheriff and providing for state reimbursement of the sheriff for the costs of such security services. (Report printed SJ 20, 6/18/98)

HB 529, relative to excluding from the definition of subdivision the placement and maintenance of wireless communication facilities. (Report printed SJ 20, 6/18/98)

HB 555, exempting an individual's pensions and individual retirement accounts from bankruptcy attachment. (Report printed SJ 20, 6/18/98)

HB 798, relative to the regulation of health clubs. (Report printed SJ 20, 6/18/98)

HB 1118, relative to the expiration of contact lens prescriptions. (Report printed SJ 20, 6/18/98)

HB 1196, relative to coordinating and compiling studies and establishing a lead education program concerning the effects of lead on water birds and other wildlife. (Report printed SJ 20, 6/18/98)

HB 1303-FN-A-L, continually appropriating boating fees and other revenues to the division of safety services. (Report printed SJ 20, 6/18/98)

HB 1307, relative to penalties for habitual offenders. (Report printed SJ 20, 6/18/98)

HB 1336-FN, defining medical necessity for managed care insurance purposes. (Report printed SJ 20, 6/18/98)

HB 1339-FN, regulating the sale by mail of liquor, wine, and beer. (Report printed SJ 20, 6/18/98)

HB 1384-FN-A, making an appropriation for use by the New Hampshire Commission on the Smithsonian Festival of American Folklife. (Report printed SJ 20, 6/18/98)

HB 1389-FN-L, relative to agreements for telecommunications-related uses of the state highway system. (Report printed SJ 20, 6/18/98)

HB 1471, allowing loss of familial relationship damages in wrongful death actions. (Report printed SJ 20, 6/18/98)

HB 1481, granting rulemaking authority to the executive director of fish and game to determine the legal length of lobsters. (Report printed SJ 20, 6/18/98)

HB 1514-FN, setting the biennial rate for the medicaid enhancement tax. (Report printed SJ 20, 6/18/98)

HB 1540-FN, allowing non-banks to establish cash dispensing machines. (Report printed SJ 20, 6/18/98)

HB 1555-FN, relative to including revocable trusts for medicaid estate recovery purposes. (Report printed SJ 20, 6/18/98)

HB 1558-FN-L, relative to games of chance. (Report printed SJ 20, 6/18/98)

HB 1561-FN, preventing computer pornography and child exploitation and increasing penalties for possession under the child pornography laws. (Report printed SJ 20, 6/18/98)

HB 1575-FN, relative to highway modifications on lands acquired through the land conservation investment program. (Report printed SJ 20, 6/18/98)

HB 1629, relative to walking disability plates and placards. (Report printed SJ 20, 6/18/98)

REGULAR CALENDAR

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

HB 559-FN, allowing courts to impose an extended term of imprisonment upon persons of any age who have committed certain crimes against persons under 13 years of age. (Report printed SJ 20, 6/18/98)

Adopted.

HB 587-FN, relative to the system benefits charge. (Report printed SJ 20, 6/18/98)

Adopted.

HB 630-FN-L, relative to additional voluntary contributions to provide for early retirement by members of the retirement system. (Report printed SJ 20, 6/18/98)

Adopted.

HB 707-L, relative to municipal taxation of telecommunications poles and conduits. (Report printed SJ 20, 6/18/98)

Adopted.

HB 1000-FN-L, relative to a 10-year transportation plan and authorizing construction on the Spaulding Turnpike. (Report printed SJ 20, 6/18/98)

SUSPENSION OF RULES

Reps. Wheeler and Amanda Merrill moved that the Rules be so far suspended as to permit consideration of a Committee of Conference report signed off after the deadline on ***HB 1100,*** relative to the design and construction of a new medium security prison in Berlin and making an appropriation therefor, removing the population cap and closing date for the lakes region department of corrections facility, authorizing the department of corrections to establish 2 additional halfway houses and appoint additional probation and parole officers, and making adjustments to the operating budget for fiscal year 1999.

Adopted by the necessary two-thirds.

(Rep. Channing Brown in the Chair)

HB 1100-FN, relative to the design and construction of a new medium security prison in Berlin and making an appropriation therefor, removing the population cap and closing date for the lakes region department of corrections facility, authorizing the department of corrections to establish 2 additional halfway houses and appoint additional probation and parole officers, and making adjustments to the operating budget for fiscal year 1999. (Report printed SJ 20, 6/18/98)

Rep. Rosen spoke against and yielded to questions.

Rep. Gene Chandler spoke in favor and yielded to questions.

Rep. Sytek spoke in favor.

Rep. Rosen requested a roll call; sufficiently seconded.

The question being the adoption of the Committee of Conference report.

YEAS 274 NAYS 20			
YEAS 274			
BELKNAP			
Bartlett, Gordon	Calvert, Alice	Golden, Paul	Holbrook, Robert
Hurt, George	Pilliod, James	Thomas, John	Turner, Robert
CARROLL			
Bradley, Jeb	Chandler, Gene	Dickinson, Howard, Jr.	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald		

CHESHIRE			
Avery, Stephen	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Hunt, John	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	McNamara, Wanda	Meader, David	Pratt, Irene
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Royce, H. Charles	Russell, Ronald	Smith, Edwin	Vogl, John
COOS			
Bradley, Paula	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Moynihan, Wayne	Pratt, Leighton
St. Hilaire, Paul	Tholl, John, Jr.		
GRAFTON			
Akins, Ralph	Alger, John	Almy, Susan	Below, Clifton
Copenhaver, Marion	Guaraldi, Lawrence	Guest, Robert	Ham, Bonnie
Hinman, Harry	LaMott, Paul	Lovett, Sidney	Luker, Elsa
MacNeil, Allen	Nordgren, Sharon	Phinney, William	Teschner, Douglass
Trelfa, Richard	Weber, Phil	Williams, William, Jr.	
HILLSBOROUGH			
Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Baroody, Benjamin
Batula, Peter	Belvin, William	Boutin, David	Brundige, Robert
Buckley, Raymond	Burke, M. Virginia	Calawa, Leon, Jr.	Cardin, Lori
Carlson, Donald	Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr.
Clemons, Jane	Cote, David	D'Allesandro, Lou	Daigle, Robert
Daniels, Gary	Dawe, Eileen	Dokmo, Cynthia	Drabinowicz, A. Theresa
Durham, Susan	Dyer, Merton	Emerton, Lawrence, Sr.	Fields, Dennis
Flora, Kathleen	Foster, Joseph	Foster, Linda	Franks, Suzan
Gage, Ruth	Gagnon, Eugene	Golding, William	Gosselin, Gerald
Goulet, Maurice	Hall, Betty	Hart, Nick	Holley, Sylvia
Hunter, Bruce	Jean, Claudette	Johnson, Lionel	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland
Leishman, Peter	Lessard, Rudy	Letendre, Evelyn	Lozeau, Donnalee
Luebkert, Bernard	Lynde, Harold	MacGillivray, Jeffrey	Marcinkowski, Michael

McCarty, Winston	McDonald, James, Sr.	McRae, Karen	Melcher, Harold
Mercer, Robert	Messier, Irene	Milligan, Robert	Mittelman, David
Morello, Michael	Murphy, Robert	O'Hearn, Jane	Peterson, Andrew
Piteri, Dawn	Reidy, Frank	Riley, Frances	Rowe, Robert
Searles, Stanley, Sr.	Tate, Joan	Thulander, O. Alan	Turgeon, Roland
Vaillancourt, Steve	Welch, Donald	Wheeler, Robert	White, Donald
White, Jay	Wright, George		

MERRIMACK

Adams, Stephen	Anderson, Eric	Brown, Mary	Burney, Carol
Chandler, Earle	Crowell, Peter	Daneault, Gabriel	Davis, Francis
Dunn, Miriam	Feuerstein, Martin	French, Barbara	Gile, Mary
Hager, Elizabeth	Hess, David	Hoadley, Elizabeth	Jacobson, Alf
Lamach, Bernard	Langer, Ray	Larrabee, David	Leber, William
Lockwood, Robert	Marshall, Kenneth	Moore, Carol	Nichols, Avis
Pfaff, Terence	Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean
Whalley, Michael	Whittemore, James	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Blanchard, MaryAnn	Camm, Kevin	Case, Margaret	Cegelis, Mark
Christie, Andrew, Jr.	Clark, Martha	Cooney, Richard	Cote, Patricia
Dalrymple, Janeen	Dodge, Robert	Dowd, Sandra	Downing, Michael
Dunham, Vivian	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr.	Francoeur, Sheila	Frechette, Joseph	Gibbons, Paul
Gleason, John	Griffin, Mary	Guthrie, Joseph	Heath, John
Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Lovejoy, Marian
Major, Norman	Malcolm, Kenneth	McCarthy, John, Jr.	McKinney, Betsy
Micklon, Stephanie	Mikowlski, Walter	Norelli, Terie	Nowe, Ronald
Pantelakos, Laura	Pitts, Jacqueline	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Sabella, Norma	Sapareto, Frank	Schanda, Frank

Stickney, Nancy	Stone, Joseph	Sytek, Donna	Varrell, Thomas	
Vaughn, Charles	Welch, David	Weyler, Kenneth		
STRAFFORD				
Brennan, William	Brown, George	DeChane, Marlene	Dunlap, Patricia	
Estabrook, Iris	Kaen, Naida	Keans, Sandra	Knowles, William	
Lundborn, Raymond	Merrill, Amanda	Musler, George	Rogers, Rose Marie	
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spear, Barbara	
Sullivan, Henry	Taylor, Kathleen	Torr, Ann	Torr, Franklin	
Wall, Janet				
SULLIVAN				
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Flint, Gordon	
Leone, Richard	Lindblade, Eric	Palmer, Lorraine	Robb-Theroux, Amy	
Schotanus, Merle	Wiggins, Celestine			
NAYS 20				
BELKNAP				
Boyce, Robert	Rosen, Ralph			
CARROLL				
Babson, David, Jr.				
CHESHIRE				
None				
COOS				
None				
GRAFTON				
Cobbin, Philip	Mirski, Paul			
HILLSBOROUGH				
Dwyer, Paul, Sr.	Haettenschwiller, Alphonse	Herman, Keith	Jean, Loren	
McCarthy, William	Murch, George	Williams, Carol		
MERRIMACK				
Krueger, Patricia				
ROCKINGHAM				

Rubin, George	Stritch, C. Donald
STRAFFORD	
Hemon, Roland	Pelletier, Arthur
Pelletier, Marsha	Vachon, Dennis
SULLIVAN	
Adler, Rudolf	

and the report was adopted.

(Speaker Sytek in the Chair)

HB 1103-L, relative to the state representative districts and towns. (Report printed SJ 20, 6/18/98)

Adopted.

HB 1169-L, clarifying the authority of the ballot law commission relative to the examination of programs used to count votes. (Report printed SJ 20, 6/18/98)

Adopted.

HB 1205-FN, making technical corrections to the securities laws. (Report printed SJ 20, 6/18/98)

Adopted.

HB 1217, relative to balancing the operating budget. (Report printed SJ 20, 6/18/98)

Adopted.

HB 1234-FN, establishing an office of volunteerism. (Report printed SJ 20, 6/18/98)

Adopted.

HB 1246, relative to enforcement of oil spillage laws. (Report printed SJ 20, 6/18/98)

Adopted.

HB 1297-FN-A, establishing a program of integrated pest management and continually appropriating an integrated pest management fund. (Report printed SJ 20, 6/18/98)

Adopted.

HB 1310, relative to legislative approval of expenditure of federal and other funds. (Report printed SJ 20, 6/18/98)

Rep. Linda Foster spoke against.

Rep. Kurk spoke in favor.

Adopted.

HB 1350-FN-A, relative to vocational student organizations and making an appropriation for vocational organization advisors. (Report printed SJ 20, 6/18/98)

Adopted.

HB 1369, revising the student membership of the university system of New Hampshire board of trustees. (Report printed SJ 20, 6/18/98)

Adopted.

HB 1371, requiring the collection of certain data on children and parents in the state case registry for use in child support enforcement. (Report printed SJ 20, 6/18/98)

Adopted.

HB 1417-L, relative to involvement in mediation in collective bargaining negotiations by certain municipalities. (Report printed SJ 20, 6/18/98)

Adopted.

HB 1448, relative to confidential communication between victims and counselors. (Report printed SJ 20, 6/18/98)

Adopted.

HB 1501, relative to amending certain provisions of the charter school law. (Report printed SJ 20, 6/18/98)

Adopted.

HB 1517-FN-A-L, establishing a fund for dredging to maintain harbors in New Hampshire. (Report printed SJ 20, 6/18/98)

Adopted.

HB 1520-FN, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission. (Report printed SJ 20, 6/18/98)

Rep. Dickinson spoke against and yielded to questions.

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

Rep. DePecol spoke against.

MOTION TO LAY ON THE TABLE

Rep. Dickinson moved that ***HB 1520-FN,*** relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission, be laid upon the table.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the motion to lay on the table.

YEAS 135 NAYS 146				
YEAS 135				
BELKNAP				
Bartlett, Gordon	Calvert, Alice			
CARROLL				
Babson, David, Jr.	Bradley, Jeb	Dickinson, Howard, Jr.	Howard, Godfrey	
Kenney, Joseph	Lyman, L. Randy	MacDonald, Kenneth	Philbrick, Donald	
CHESHIRE				
Avery, Stephen	DePecol, Benjamin	Lynch, Margaret	Lynott, Margaret	
Manning, Joseph	McNamara, Wanda	Meader, David	Richardson, Barbara	
Riley, William	Russell, Ronald			
COOS				
Merrill, Gerald	Pratt, Leighton			
GRAFTON				
Akins, Ralph	Alger, John	Below, Clifton	Ham, Bonnie	
Hinman, Harry	LaMott, Paul	MacNeil, Allen	Mirski, Paul	
Phinney, William	Teschner, Douglass	Trelfa, Richard		
HILLSBOROUGH				
Allen, W. Gordon	Batula, Peter	Belvin, William	Boutin, David	
Brundige, Robert	Burke, M. Virginia	Carlson, Donald	Clegg, Robert, Jr.	
Clemons, Jane	Cote, David	Daniels, Gary	Emerton, Lawrence, Sr.	
Flora, Kathleen	Foster, Linda	Gage, Ruth	Golding, William	
Goulet, Maurice	Hall, Betty	Hart, Nick	Holley, Sylvia	
Hunter, Bruce	Jean, Loren	Johnson, Lionel	Konys, Christine	
L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland	Letendre, Evelyn	
MacGillivray, Jeffrey	Marcinkowski, Michael	McCarthy, William	McRae, Karen	
Mercer, Robert	Messier, Irene	Milligan, Robert	Murphy, Robert	

Peterson, Andrew	Reidy, Frank	Riley, Frances	Tate, Joan
Turgeon, Roland	White, Donald	White, Jay	Wright, George
MERRIMACK			
Adams, Stephen	Anderson, Eric	Burney, Carol	Davis, Francis
DeStefano, Stephen	Feuerstein, Martin	Jacobson, Alf	Krueger, Patricia
Lamach, Bernard	Larrabee, David	Lockwood, Robert	Marshall, Kenneth
Nichols, Avis	Wallin, Jean	Whittemore, James	
ROCKINGHAM			
Beaulieu, Jon	Belanger, Ronald	Blanchard, MaryAnn	Camm, Kevin
Dalrymple, Janeen	Dodge, Robert	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Gibbons, Paul	Guthrie, Joseph	Katsakiores, George
Katsakiores, Phyllis	Langley, Jane	Langone, John	Letourneau, Robert
Lovejoy, Marian	Major, Norman	Malcolm, Kenneth	McCarthy, John, Jr.
McKinney, Betsy	Mikowlski, Walter	Raynowska, Bernard	Reardon, Neil
Sapareto, Frank	Stickney, Nancy	Stritch, C. Donald	Varrell, Thomas
Vaughn, Charles	Weyler, Kenneth		
STRAFFORD			
Dunlap, Patricia	Hemon, Roland	Keans, Sandra	Pelletier, Arthur
Pelletier, Marsha	Smith, Marjorie	Snyder, Clair	Taylor, Kathleen
SULLIVAN			
Adler, Rudolf	Donovan, Thomas	Flint, Gordon	Leone, Richard
Schotanus, Merle			
NAYS 146			
BELKNAP			
Boyce, Robert	Golden, Paul	Holbrook, Robert	Hurt, George
Pilliod, James	Thomas, John	Turner, Robert	
CARROLL			
Chandler, Gene	Mock, Henry	Patten, Betsey	
CHESHIRE			
Burnham, Daniel	Doucette, Richard	Hunt, John	McGuirk, Paul

Pratt, Irene	Robertson, Timothy	Royce, H. Charles	Smith, Edwin
Vogl, John			
COOS			
Bradley, Paula	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Mears, Edgar	Moynihan, Wayne	Tholl, John, Jr.	
GRAFTON			
Almy, Susan	Brown, Channing	Copenhaver, Marion	Guaraldi, Lawrence
Guest, Robert	Lovett, Sidney	Luker, Elsa	Nordgren, Sharon
Williams, William, Jr.			
HILLSBOROUGH			
Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Baroody, Benjamin
Buckley, Raymond	Calawa, Leon, Jr.	Cardin, Lori	Chabot, Robert
Christiansen, Lars	D'Allesandro, Lou	Daigle, Robert	Dokmo, Cynthia
Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton
Fields, Dennis	Foster, Joseph	Gagnon, Eugene	Gosselin, Gerald
Haettenschwiller, Alphonse	Herman, Keith	Jean, Claudette	Kurk, Neal
Leishman, Peter	Lozeau, Donnalee	Luebkert, Bernard	Lynde, Harold
McCarty, Winston	Melcher, Harold	Morello, Michael	Murch, George
O'Hearn, Jane	Rowe, Robert	Thulander, O. Alan	Vaillancourt, Steve
Welch, Donald	Wheeler, Robert		
MERRIMACK			
Brown, Mary	Chandler, Earle	Crowell, Peter	Daneault, Gabriel
Dunn, Miriam	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Langer, Ray	Leber, William
Moore, Carol	Pfaff, Terence	Seldin, Gloria	St. Cyr, Gerard
Whalley, Michael	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Case, Margaret	Christie, Andrew, Jr.
Clark, Martha	Cooney, Richard	Cote, Patricia	Dowd, Sandra
Downing, Michael	Flanders, David	Flanders, John, Sr.	Francoeur, Sheila
Frechette, Joseph	Gleason, John	Griffin, Mary	Heath, John

Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Klemm, Arthur, Jr.	Kobel, Rudolph	Micklon, Stephanie	Norelli, Terie
Nowe, Ronald	Pantelakos, Laura	Pitts, Jacqueline	Rabideau, Marie
Sabella, Norma	Schanda, Frank	Stone, Joseph	Verani, Giovanni
Welch, David			
STRAFFORD			
Brennan, William	Brown, George	DeChane, Marlene	Estabrook, Iris
Kaen, Naida	Knowles, William	Lundborn, Raymond	Merrill, Amanda
Merritt, Deborah	Rogers, Rose Marie	Rollo, Michael	Spear, Barbara
Sullivan, Henry	Torr, Ann	Torr, Franklin	Vachon, Dennis
Wall, Janet			
SULLIVAN			
Cloutier, John	Lindblade, Eric	Palmer, Lorraine	Robb-Theroux, Amy
Wiggins, Celestine			

and the motion failed.

The question now being the adoption of the Committee of Conference report.

Rep. Arndt spoke in favor.

Rep. Jacobson spoke against and yielded to questions.

Rep. Lozeau spoke in favor.

Rep. Wheeler requested a roll call; sufficiently seconded.

YEAS 145 NAYS 134			
YEAS 145			
BELKNAP			
Golden, Paul	Holbrook, Robert	Pilliod, James	Thomas, John
CARROLL			
Chandler, Gene	Howard, Godfrey	Mock, Henry	
CHESHIRE			

Burnham, Daniel	Doucette, Richard	Hunt, John	McGuirk, Paul
Pratt, John	Royce, H. Charles	Smith, Edwin	
COOS			
Bradley, Paula	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Moynihan, Wayne	Pratt, Leighton	Tholl, John, Jr.	
GRAFTON			
Akins, Ralph	Alger, John	Almy, Susan	Brown, Channing
Guaraldi, Lawrence	Guest, Robert	Lovett, Sidney	Luker, Elsa
MacNeil, Allen	Nordgren, Sharon	Williams, William, Jr.	
HILLSBOROUGH			
Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.	Baroody, Benjamin
Batula, Peter	Buckley, Raymond	Calawa, Leon, Jr.	Chabot, Robert
Christiansen, Lars	D'Allesandro, Lou	Daigle, Robert	Daniels, Gary
Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton
Fields, Dennis	Foster, Joseph	Gagnon, Eugene	Golding, William
Gosselin, Gerald	Haettenschwiller, Alphonse	Herman, Keith	Jean, Claudette
Konys, Christine	Kurk, Neal	Lefebvre, Roland	Lozeau, Donnalee
Luebkert, Bernard	Lynde, Harold	McCarthy, William	McCarty, Winston
Melcher, Harold	Morello, Michael	Murch, George	Murphy, Robert
O'Hearn, Jane	Riley, Frances	Rowe, Robert	Thulander, O. Alan
Vaillancourt, Steve	Welch, Donald	Wheeler, Robert	
MERRIMACK			
Brown, Mary	Chandler, Earle	Crowell, Peter	Daneault, Gabriel
French, Barbara	Gile, Mary	Hager, Elizabeth	Hess, David
Leber, William	Marshall, Kenneth	Moore, Carol	Seldin, Gloria
St. Cyr, Gerard	Whalley, Michael	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Christie, Andrew, Jr.	Clark, Martha
Cooney, Richard	Dalrymple, Janeen	Downing, Michael	Fesh, Robert
Flanders, John, Sr.	Griffin, Mary	Heath, John	Henderson, Warren
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Katsakiores, George

Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph	Letourneau, Robert
McCarthy, John, Jr.	Micklon, Stephanie	Norelli, Terie	Nowe, Ronald
Pantelakos, Laura	Pitts, Jacqueline	Rabideau, Marie	Sabella, Norma
Schanda, Frank	Stone, Joseph	Verani, Giovanni	Welch, David
STRAFFORD			
Brennan, William	Brown, George	DeChane, Marlene	Estabrook, Iris
Kaen, Naida	Knowles, William	Lundborn, Raymond	Merrill, Amanda
Merritt, Deborah	Rogers, Rose Marie	Rollo, Michael	Snyder, Clair
Sullivan, Henry	Torr, Ann	Torr, Franklin	Vachon, Dennis
Wall, Janet			
SULLIVAN			
Cloutier, John	Donovan, Thomas	Lindblade, Eric	Palmer, Lorraine
Robb-Theroux, Amy	Wiggins, Celestine		
NAYS 134			
BELKNAP			
Bartlett, Gordon	Boyce, Robert	Calvert, Alice	Hurt, George
Turner, Robert			
CARROLL			
Babson, David, Jr.	Bradley, Jeb	Dickinson, Howard, Jr.	Kenney, Joseph
Lyman, L. Randy	MacDonald, Kenneth	Patten, Betsey	Philbrick, Donald
CHESHIRE			
Avery, Stephen	DePecol, Benjamin	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McNamara, Wanda	Meader, David	Pratt, Irene
Richardson, Barbara	Riley, William	Robertson, Timothy	Russell, Ronald
Vogl, John			
COOS			
Hawkinson, Marie	Mears, Edgar		
GRAFTON			
Below, Clifton	Copenhaver, Marion	Hinman, Harry	LaMott, Paul
Mirski, Paul	Phinney, William	Teschner, Douglass	Trelfa, Richard

HILLSBOROUGH				
Allen, W. Gordon	Belvin, William	Boutin, David	Brundige, Robert	
Burke, M. Virginia	Cardin, Lori	Carlson, Donald	Clegg, Robert, Jr.	
Clemons, Jane	Cote, David	Dokmo, Cynthia	Flora, Kathleen	
Foster, Linda	Gage, Ruth	Goulet, Maurice	Hall, Betty	
Hart, Nick	Holley, Sylvia	Jean, Loren	Johnson, Lionel	
L'Heureux, Robert	LaRose, Richard	Leishman, Peter	Letendre, Evelyn	
MacGillivray, Jeffrey	Marcinkowski, Michael	McRae, Karen	Mercer, Robert	
Messier, Irene	Milligan, Robert	Peterson, Andrew	Reidy, Frank	
Tate, Joan	Turgeon, Roland	White, Donald	White, Jay	
Wright, George				
MERRIMACK				
Adams, Stephen	Anderson, Eric	Burney, Carol	Davis, Francis	
DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin	Hoadley, Elizabeth	
Jacobson, Alf	Krueger, Patricia	Lamach, Bernard	Langer, Ray	
Larrabee, David	Lockwood, Robert	Nichols, Avis	Pfaff, Terence	
Wallin, Jean	Whittemore, James			
ROCKINGHAM				
Beaulieu, Jon	Belanger, Ronald	Blanchard, MaryAnn	Camm, Kevin	
Cote, Patricia	Dodge, Robert	Dowd, Sandra	Dunham, Vivian	
Flanagan, Natalie	Flanders, David	Francoeur, Sheila	Frechette, Joseph	
Gibbons, Paul	Gleason, John	Guthrie, Joseph	Langley, Jane	
Langone, John	Lovejoy, Marian	Major, Norman	Malcolm, Kenneth	
McKinney, Betsy	Mikowlski, Walter	Raynowska, Bernard	Reardon, Neil	
Sapareto, Frank	Stickney, Nancy	Stritch, C. Donald	Varrell, Thomas	
Vaughn, Charles	Weyler, Kenneth			
STRAFFORD				
Dunlap, Patricia	Hemon, Roland	Keans, Sandra	Pelletier, Arthur	
Pelletier, Marsha	Smith, Marjorie	Spear, Barbara	Taylor, Kathleen	
SULLIVAN				
Adler, Rudolf	Allison, David	Flint, Gordon	Leone, Richard	

Schotanus, Merle

and the report was adopted.

HB 1655-FN-A, relative to the authority of the length of service awards program committee and making an appropriation therefor. (Report printed SJ 20, 6/18/98)

Adopted.

SUSPENSION OF RULES

Reps. Wheeler and Amanda Merrill move that the Rules be so far suspended as to permit consideration of a Committee of Conference report signed off after the deadline on ***HB 1123,*** relative to the control of wolf hybrids.

Adopted by the necessary two-thirds.

HB 1123, relative to the control of wolf hybrids. (Report printed SJ 20, 6/18/98)

Adopted.

CLERK'S NOTE

With less than two-thirds of the elected membership present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to take any action.

SUSPENSION OF RULES

Reps. Wheeler and Amanda Merrill move that the Rules be so far suspended as to permit consideration of a Committee of Conference report signed off after the deadline on ***HB 1531,*** relative to reimbursement for removal of petroleum storage facilities from the oil pollution control fund.

Adopted by the necessary two-thirds.

HB 1531-FN, relative to reimbursement for removal of petroleum storage facilities from the oil pollution control fund. (Report printed SJ 20, 6/18/98)

Reps. Whalley and Merritt spoke in favor.

Adopted by the necessary two-thirds.

UNANIMOUS CONSENT

Rep. Marcinkowski addressed the House.

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

Adopted by the necessary two-thirds..

Rep. Marcinkowski: Thank you, Madam Speaker. I rise to confirm what most of you know. Because of health reasons, I will not stand for re-election this term. I'll only take a few seconds of your time to say my good-byes. To many of you, I thank you for your friendship. To the members of the Education Committee, thank you for your tolerance and your courtesies. To you, Madam Speaker, thank you for your guidance and your leadership. To all of you, thank you for the pleasure of your company.

Reps. Sabella, Buckley, Hall, Dickinson and Wheeler addressed the House.

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

Adopted by the necessary two-thirds.

Rep. Wheeler: Thank you, Madam Speaker. It has indeed been a privilege for me to serve in this House with all of you. I am not one of those people who have been eminent long-timers. I am one of those people who have enjoyed eight years here mingling, meeting and associating with a group of wonderful people who have allowed me to learn a great deal. For that, I want to say thank you very much. It has been a great ride.

MOTION TO SUSPEND THE RULES

Rep. Hemon moved that the rules be so far suspended as to permit the late drafting and introduction of a resolution of impeachment pursuant to Article 17, Part II and Article 38, Part II of the New Hampshire Constitution, directed to Commissioner of the New Hampshire Department of Transportation, Leon S. Kenison, and spoke in favor.

Pursuant to House Rule 26, Rep. Morello objected to Rep. Hemon's reading of a paper.

The question now being, shall Rep Hemon be permitted to read a paper.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

YEAS 156 NAYS 99			
YEAS 156			
BELKNAP			
Pilliod, James			
CARROLL			
Babson, David, Jr.	Bradley, Jeb	Lyman, L. Randy	Mock, Henry
CHESHIRE			
Burnham, Daniel	DePecol, Benjamin	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	McNamara, Wanda	Meader, David	Pratt, Irene
Pratt, John	Richardson, Barbara	Robertson, Timothy	Russell, Ronald
Smith, Edwin	Vogl, John		

COOS			
Bradley, Paula	Hawkinson, Marie	Mears, Edgar	Moynihan, Wayne
Tholl, John, Jr.			
GRAFTON			
Akins, Ralph	Alger, John	Below, Clifton	Copenhaver, Marion
Guaraldi, Lawrence	LaMott, Paul	Lovett, Sidney	Mirski, Paul
Nordgren, Sharon	Phinney, William	Teschner, Douglass	
HILLSBOROUGH			
Alukonis, David	Arnold, Thomas, Jr.	Baroody, Benjamin	Batula, Peter
Buckley, Raymond	Burke, M. Virginia	Cardin, Lori	Carlson, Donald
Christiansen, Lars	Clegg, Robert, Jr.	Clemons, Jane	D'Allesandro, Lou
Daigle, Robert	Dokmo, Cynthia	Dyer, Merton	Fields, Dennis
Flora, Kathleen	Foster, Joseph	Gage, Ruth	Haettenschwiller, Alphonse
Hall, Betty	Herman, Keith	Jean, Claudette	Jean, Loren
Konys, Christine	Kurk, Neal	L'Heureux, Robert	Lefebvre, Roland
Letendre, Evelyn	Lynde, Harold	MacGillivray, Jeffrey	Marcinkowski, Michael
McCarthy, William	Mercer, Robert	Murch, George	Murphy, Robert
O'Hearn, Jane	Peterson, Andrew	Riley, Frances	Tate, Joan
Vaillancourt, Steve	Welch, Donald	White, Donald	White, Jay
Wright, George			
MERRIMACK			
Adams, Stephen	Anderson, Eric	Brown, Mary	Burney, Carol
Crowell, Peter	Daneault, Gabriel	Davis, Francis	French, Barbara
Gile, Mary	Hess, David	Hoadley, Elizabeth	Jacobson, Alf
Krueger, Patricia	Lamach, Bernard	Langer, Ray	Larrabee, David
Lockwood, Robert	Marshall, Kenneth	Moore, Carol	Nichols, Avis
St. Cyr, Gerard	Wallin, Jean	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Blanchard, MaryAnn
Camm, Kevin	Clark, Martha	Dalrymple, Janeen	Dodge, Robert
Dunham, Vivian	Fesh, Robert	Flanagan, Natalie	Flanders, David

Gibbons, Paul	Griffin, Mary	Heath, John	Klemm, Arthur, Jr.
Langley, Jane	Langone, John	Mikowlski, Walter	Norelli, Terie
Pitts, Jacqueline	Rabideau, Marie	Raynowska, Bernard	Sabella, Norma
Sapareto, Frank	Schanda, Frank	Stickney, Nancy	Stone, Joseph
Varrell, Thomas	Welch, David		
STRAFFORD			
Brennan, William	Brown, George	DeChane, Marlene	Estabrook, Iris
Hemon, Roland	Merrill, Amanda	Merritt, Deborah	Pelletier, Arthur
Pelletier, Marsha	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Taylor, Kathleen	Torr, Ann	Vachon, Dennis	Wall, Janet
SULLIVAN			
Adler, Rudolf	Cloutier, John	Donovan, Thomas	Leone, Richard
Lindblade, Eric	Schotanus, Merle	Wiggins, Celestine	
NAYS 99			
BELKNAP			
Bartlett, Gordon	Boyce, Robert	Calvert, Alice	Holbrook, Robert
Hurt, George	Turner, Robert		
CARROLL			
Chandler, Gene	Dickinson, Howard, Jr.	Howard, Godfrey	MacDonald, Kenneth
Patten, Betsey	Philbrick, Donald		
CHESHIRE			
Avery, Stephen	Doucette, Richard	Royce, H. Charles	
COOS			
Guay, Lawrence	Horton, Lynn	Merrill, Gerald	
GRAFTON			
Almy, Susan	Brown, Channing	Hinman, Harry	Trelfa, Richard
Williams, William, Jr.			
HILLSBOROUGH			
Amidon, Eleanor	Belvin, William	Brundige, Robert	Calawa, Leon, Jr.
Chabot, Robert	Daniels, Gary	Drabinowicz, A. Theresa	Durham, Susan

Dwyer, Paul, Sr.	Emerton, Lawrence, Sr.	Foster, Linda	Gagnon, Eugene
Golding, William	Goulet, Maurice	Hart, Nick	Holley, Sylvia
Hunter, Bruce	Johnson, Lionel	LaRose, Richard	Leishman, Peter
Lozeau, Donnalee	McCarty, Winston	McRae, Karen	Messier, Irene
Milligan, Robert	Morello, Michael	Thulander, O. Alan	Turgeon, Roland
Wheeler, Robert			
MERRIMACK			
Chandler, Earle	DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin
Leber, William	Pfaff, Terence	Seldin, Gloria	Whalley, Michael
Whittemore, James			
ROCKINGHAM			
Belanger, Ronald	Christie, Andrew, Jr.	Cooney, Richard	Dowd, Sandra
Downing, Michael	Flanders, John, Sr.	Francoeur, Sheila	Frechette, Joseph
Gleason, John	Guthrie, Joseph	Henderson, Warren	Hutchinson, Rebecca
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Letourneau, Robert	Major, Norman	Malcolm, Kenneth
McCarthy, John, Jr.	McKinney, Betsy	Nowe, Ronald	Pantelakos, Laura
Reardon, Neil	Stritch, C. Donald	Vaughn, Charles	Verani, Giovanni
STRAFFORD			
Dunlap, Patricia	Kaen, Naida	Keans, Sandra	Knowles, William
Rogers, Rose Marie	Spear, Barbara	Sullivan, Henry	Torr, Franklin
SULLIVAN			
Flint, Gordon	Palmer, Lorraine		

and the motion failed to carry, lacking the Constitutionally required two-thirds of the membership present and voting.

Rep. Dickinson voted nay and intended to vote yea.

The question now being the motion by Rep. Hemon to suspend the Rules.

Rep. Hemon spoke in favor.

The motion failed lacking the necessary two-thirds.

RECONSIDERATION

Rep. Lozeau moved that the House reconsider its action whereby it adopted the Committee of Conference report on ***HB 1520-FN,*** relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission and spoke against.

Reconsideration failed.

SENATE MESSAGE

REFUSES TO ADOPT COMMITTEE OF CONFERENCE REPORTS

SB 333, relative to absentee voting.

SB 475-FN-L, relative to medicaid reimbursement rates and dental care, relative to eligibility levels for certain programs, and making an appropriation to the office of emergency management.

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 at the call of the Chair.

Adopted by the necessary two-thirds.

LATE SESSION

RECESS MOTION

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

Adopted by the necessary two-thirds.

The House recessed at 5:45 p.m.

RECESS

(Rep. Thulander in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 256, 272, 485, 490, 616, 651, 676, 682, 730, 774, 784, 1106, 1129, 1141, 1145, 1156, 1174, 1191, 1201, 1208, 1223, 1224, 1226, 1272, 1279, 1281, 1290, 1314, 1331, 1337, 1338, 1345, 1387, 1397, 1402, 1411, 1424, 1434, 1455, 1459, 1509, 1515, 1516, 1553, 1588, 1600, 1606, 1623, 1631, 1636, 1657 and 1659 and Senate Bills numbered 53, 68, 191, 301, 313, 317, 324, 336, 342, 346, 349, 354, 358, 363, 372, 377, 402, 405, 417, 423, 427, 444, 457, 462, 464, 465, 471, 472, 476, 483, 492, 495, 497, 498, 500, 503 and 504.

Rep. Nowe, Sen. Barnes for the Committee

RECESS

(Rep. Burling in the Chair)

ENROLLED BILL AMENDMENTS

HB 1448, relative to confidential communication between victims and counselors.

Amendment (2271-EBA)

Amend RSA 173-C:1, VI as inserted by section 2 of the bill by replacing line 3 with the following:

under state or federal law, who consults a sexual assault counselor or a domestic violence

Amend RSA 173-C:1, VI as inserted by section 2 of the bill by replacing line 6 with the following:

domestic abuse***, stalking, or sexual harassment,*** or an alleged attempted sexual assault or

Adopted by the necessary two-thirds.

HB 1471, allowing loss of familial relationship damages in wrongful death actions.

Amendment (2264-EBA)

Amend line 8 of RSA 556:12, III as inserted by section 1 of the bill by replacing it with the following:

provided for in RSA 507:7-d. For purposes of this paragraph, loss of familial relationship shall include

Adopted by the necessary two-thirds.

HB 1555-FN, relative to including revocable trusts for medicaid estate recovery purposes.

Amendment (2265-EBA)

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

paragraph III the following new paragraph:

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Contingency. If HB 1295-FN of the 1998 regular session becomes law, RSA 167:14-a, IV, as inserted by section 1 of this act, shall be renumbered as RSA 167:14-a, V.

Adopted by the necessary two-thirds.

SB 451-FN-L, relative to the accessibility of pupil assessment materials and the anonymity of pupil assessment results. (Amendment printed SJ 20, 6/18/98)

Adopted by the necessary two-thirds.

BILLS SIGNED BY THE GOVERNOR

Chap. 163, ***HB 717,*** relative to taxation of qualified investment capital companies. (eff. 7/1/98)