

HOUSE RECORD

First Year of the 156th Session of the General Court

Calendar and Journal of the 1999 Session

Vol. 21

Concord N.H.

Thursday, January 28, 1999

No. 15

HOUSE JOURNAL No. 3 (cont.)

Thursday, January 7, 1999

(Rep. Burling in the Chair)

RESOLUTION

Rep. Konys offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 279 through 293, House Concurrent Resolution numbered 4, and House Joint Resolution numbered 1, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, HCR and HJR

First, second reading and referral

HB 279-FN-A, relative to refinancing the cost and rehabilitation of the Cheshire Bridge. (J. Phinizy, Sull 7; McGuirk, Ches 1; Cloutier, Sull 8; Wiggins, Sull 4; Tuthill, Sull 5; Disnard, Dist 8; Cohen, Dist 24: Public Works and Highways)

HB 280-FN, establishing a point system for the annual moose permit lottery. (L'Heureux, Hills 18; W. Phinney, Graf 8; Abbott, Rock 19; Brothers, Graf 6; P. Gagnon, Hills 48; Fraser, Dist 4; Roberge, Dist 9; Brown, Dist 17; Hollingworth, Dist 23: Wildlife and Marine Resources)

HB 281-A, making a capital appropriation for the expansion of veterans' home facilities. (Leber, Merr 1; Kenney, Carr 6; DeChane, Straf 6; E.Gagnon, Hills 48; Wendelboe, Belk 2; Gordon, Dist 2; Johnson, Dist 3; Disnard, Dist 8; F. King, Dist 1: Public Works and Highways)

HB 282-FN-A, relative to bomb dogs and making an appropriation therefor. (Leone, Sull 2; Dokmo, Hills 14; Flint, Sull 4; Stone, Rock 7; Langone, Rock 13; Disnard, Dist 8; J. King, Dist 18: Criminal Justice and Public Safety)

HB 283-A, making a capital appropriation to the department of administrative services for the funding, siting, and design of the new Henniker-Hillsborough district courthouse. (French, Merr 3; Rodd, Merr 3; Trombly, Dist 7: Public Works and Highways)

HB 284-L, relative to recount procedures in school districts. (M. Downing, Rock 26; D'Allesandro, Dist 20: Election Law)

HB 285, providing that equalized value of property in small towns be calculated as a multi-year average. (Thulander, Hills 6: Municipal and County Government)

HB 286, establishing a committee to study the issue of an HIV infected person's failure to warn his or her sexual partners that he or she is infected with HIV. (C. Moore, Merr 19; Copenhagen, Graf 10; Nordgren, Graf 10; Wheeler, Dist 21: Judiciary)

HB 287, relative to nursing home care services. (N. Kaen, Straf 7; Emerton, Hills 7; Torr, Straf 12; Gordon, Dist 2; Hollingworth, Dist 23; Squires, Dist 12: Commerce)

HB 288, relative to the committee to study land management, protection of farmland, rural character, environmental quality and sprawl. (Melcher, Hills 11; M. Fuller Clark, Rock 36: Environment and Agriculture)

HB 289, relative to eligibility for child day care assistance. (Bradley, Carr 8; Norelli, Rock 31; Wallner, Merr 24: Finance)

HB 290, relative to exempting the town of Litchfield from the shoreland protection act. (Calawa, Hills 17: Resources, Recreation and Development)

HB 291, establishing a study committee for seed sterilization technology or "terminator" technology. (Rabideau, Rock 16; Major, Rock 16; Russman, Dist 19: Environment and Agriculture)

HB 292, relative to ballot procedures for constitutional amendments. (Jacobson, Merr 2: Election Law)

HB 293, relative to the definition of "party" for election purposes. (Brewster, Merr 1: Election Law)

HCR 4, urging the U.S. Secretary of Transportation to include U.S. Route 2 as a border corridor highway. (Guay, Coos 6; Fields, Hills 18; Vaillancourt, Hills 44; Horton, Coos 3; F. King, Dist 1; Johnson, Dist 3: Public Works and Highways)

HJR 1, requesting that the federal government prohibit the U.S. Fish and Wildlife Service or other federal agency from introducing wolf populations to the northeastern United States, especially New Hampshire. (Guay, Coos 6: Wildlife and Marine Resources)

RECESS

(Rep. Lozeau in the Chair)

RESOLUTION

Rep. MacGillivray offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 112, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 112-FN-A, increasing the cigarette tax. (Buckley, Hills 44; Burling, Sull 1; Pilliod, Belk 3; D. Cote, Hills 29: Finance)

RECESS

(Rep. Bradley in the Chair)

RESOLUTION

Rep. Chandler offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 113, 294 and 295, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 113, affirming sovereign immunity as it relates to the ***Claremont*** ruling. (Alger, Graf 9; Bickford, Straf 1; Johnson, Dist 3; Francoeur, Dist 14: Finance)

HB 294-FN-L, relative to state aid to municipalities for closure of certain municipal incinerators. (Alger, Graf 9; K. Marshall, Merr 4; Dunlap, Straf 18; Owen, Merr 6; M. Fuller Clark, Rock 36; Gordon, Dist 2; Cohen, Dist 24: Environment and Agriculture)

HB 295-FN-L, relative to alternative kindergarten programs in cooperative school districts. (Jacobson, Merr 2; Rodd, Merr 3: Education)

RECESS

(Rep. Eaton in the Chair)

RESOLUTION

Rep. Carol Moore offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 114, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 114-FN-A-L, establishing a local property tax education homestead allowance against school taxes on residential real estate, establishing a fund to reimburse municipalities for such exemptions, and making an appropriation therefor. (Boyce, Belk 5; Howard, Carr 10; D. White, Hills 25; Wendelboe, Belk 2; Letourneau, Rock 13; Brown, Dist 17; Krueger, Dist 16: Finance)

RECESS

(Rep. Chandler in the Chair)

RESOLUTION

Rep. Burling offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 115 through 117, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 115-FN-L, relative to an interim plan authorizing an annual tax for the support of a minimally adequate education and making an appropriation therefor. (V. Clark, Rock 17: Finance)

HB 116-FN-A-L, establishing an alternative consumption tax as a source of funding for education and making an appropriation therefor. (Peterson, Hills 8; Bergin, Hills 16; Dokmo, Hills 14; J. Pratt, Ches 2; Scanlan, Graf 11: Finance)

HB 117-FN-A-L, relative to local property taxation and state aid to support an adequate public education and making an appropriation therefor. (Hess, Merr 11: Finance)

RECESS

(Rep. Burling in the Chair)

RESOLUTION

Rep. Robb-Theroux offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 118 through 120, shall be by this resolution read a

first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 118-FN-A-L, dedicating revenues resulting from future increases in the meals and rooms tax for purposes of funding public education. (Chabot, Hills 48; W. McCarty, Hills 38; E. Gagnon, Hills 48; Dwyer, Hills 43: Finance)

HB 119-FN-A, establishing a 3 percent sales tax. (Whittemore, Merr 13: Finance)

HB 120-FN-A-L, relative to a statewide school tax on income for purposes of funding a constitutionally adequate education and making an appropriation therefor. (Jacobson, Merr 2: Finance)

RECESS

(Rep. Mock in the Chair)

RESOLUTION

Rep. Welch offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 296 through 299 and 301 through 304, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 296-FN-L, consolidating the number of school administrative units to one in each county. (Rubin, Rock 25: Education)

HB 297-FN, permitting a jury trial in the superior court for violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission. (Dawe, Hills 33; Hoadley, Merr 24; Keans, Straf 16; Franks, Hills 26; Bergin, Hills 16: Judiciary)

HB 298-FN, relative to the authority of the executive director of fish and game to prevent damage to commercial agricultural crops through wildlife reduction or management. (Melcher, Hills 11; Abbott, Rock 19; K. Marshall, Merr 4; W. Phinney, Graf 8: Wildlife and Marine Resources)

HB 299, establishing a bill of rights for pregnant women. (Rabideau, Rock 16; Dickinson, Carr 2; Major, Rock 16; V. Clark, Rock 17: Health, Human Services and Elderly Affairs)

HB 301, relative to burials and funerals at the New Hampshire state veterans cemetery. (Clegg, Hills 23; L. Jean, Hills 17; Kenney, Carr 6; Calawa, Hills 17; Alukonis, Hills 23; Francoeur, Dist 14: State-Federal Relations and Veterans Affairs)

HB 302, relative to paint ball guns. (Beaulieu, Rock 11; Hamel, Rock 10: Criminal Justice and Public Safety)

HB 303-FN-A, relative to the preservation of and access to legislative records and making an appropriation therefor. (Major, Rock 16; Horton, Coos 3; J. Wall, Straf 9; Martin, Hills 34; Whittemore, Merr 13; Francoeur, Dist 14; McCarley, Dist 6: Legislative Administration)

HB 304, relative to the confidentiality of criminal history records checks. (Spear, Straf 3; McCarley, Dist 6: Education)

RECESS

(Rep. Henderson in the Chair)

RESOLUTION

Rep. Lozeau offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 121 through 125, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 121-FN-A-L, relating to the funding of education through the establishment of video lotteries at racetracks and making an appropriation therefor. (Pantelakos, Rock 30; Raynowska, Rock 26: Finance)

HB 122-FN-A-L, establishing a 3 percent personal income tax on income earned in New Hampshire to fund public education and making an appropriation therefor. (Bergeron, Hills 32: Finance)

HB 123-FN-A-L, establishing a statewide flat property tax as a source of funding for public education and making an appropriation therefor. (Vachon, Straf 4: Finance)

HB 124-FN-A-L, establishing a one percent personal income tax to fund public education and making an appropriation therefor. (W. McCarthy, Hills 41; Robertson, Ches 18: Finance)

HB 125-FN-L, implementing the findings and recommendations of the adequate education costs and municipal grant distribution commission for fiscal years 2000 and 2001. (Kurk, Hills 5; Henderson, Rock 20; Johnson, Dist 3; Squires, Dist 12: Finance)

RECESS

(Speaker Sytek in the Chair)

committee assignments

Rep. Kurk off Rules.

Rep. Keith Herman on Rules.

RECESS

(Rep. Christie in the Chair)

RESOLUTION

Rep. Calawa offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 305 through 309, and House Concurrent Resolution numbered 5, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS and HCR

First, second reading and referral

HB 305-A, making a capital appropriation to the department of administrative services for the construction of the new Jaffrey-Peterborough district courthouse. (Royce, Ches 9; Manning, Ches 9; Peterson, Hills 8; Avery, Ches 8; Lynch, Ches 19; Fernald, Dist 11; Blaisdell, Dist 10: Public Works and Highways)

HB 306, relative to discoverability of environmental audit reports. (Melcher, Hills 11: Judiciary)

HB 307, establishing a committee to study the shared risk when patients decide to remain in a facility over the recommendations of the department of health and human services. (Alger, Graf 9; Sargent, Hills 3; O'Keefe, Rock 21; Chabot, Hills 48; Case, Rock 2; Trombly, Dist 7; Gordon, Dist 2: Health, Human Services and Elderly Affairs)

HB 308, relative to the venue of actions against municipalities. (Keans, Straf 16; Poulin, Merr 14; Simon, Hills 40; F. King, Dist 1: Judiciary)

HB 309, relative to motor vehicle insurance. (Christiansen, Hills 23; Johnson, Dist 3: Commerce)

HCR 5, encouraging WMUR-TV to extend radio station coverage to areas of New Hampshire north of Franconia Notch. (L. Pratt, Coos 4; Copenhaver, Graf 10: Science, Technology and Energy)

RECESS

(Rep. Henderson in the Chair)

RESOLUTION

Its late drafting having been approved by the Rules Committee:

Rep. Buckley offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 344, shall be by this resolution read a first and second time by the therein listed title.

Adopted.

INTRODUCTION OF HOUSE BILL

First and second reading

HB 344-L, relative to voting in official ballot school districts. (Weber, Graf 11; Alger, Graf 9; Mirski, Graf 12; Scanlan, Graf11; Below, Dist 5)

RESOLUTION

Rep. Buckley offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 310 through 330, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 310, repealing the authority of the department of agriculture, markets, and food to conduct meat inspections and poultry products inspections. (Melcher, Hills 11: Environment and Agriculture)

HB 311-FN-A, relative to grants made under the New Hampshire incentive program and making an appropriation therefor. (Hinman, Graf 7; McGough, Hills 18; Buckley, Hills 44; Alger, Graf 9; Gordon, Dist 2; Below, Dist 5; Krueger, Dist 16; Brown, Dist 17: Education)

HB 312, restricting the carrying of firearms in courthouses. (Welch, Rock 18: Criminal Justice and Public Safety)

HB 313-FN, relative to the regulation of the practice of optometry. (Leber, Merr 1; Emerton, Hills 7; Major, Rock 16; Copenhaver, Graf 10: Executive Departments and Administration)

HB 314, relative to universal service. (Bradley, Carr 8: Science, Technology and Energy)

HB 315, permitting the distribution of certain campaign materials at polling places. (Almy, Graf 14: Election Law)

HB 316, relative to political party expenditures. (Almy, Graf 14: Election Law)

HB 317, relative to the display of tobacco products. (Almy, Graf 14: Commerce)

HB 318, relative to recovery of costs in rate proceedings and relative to the appointment of public utilities commissioners. (Bradley, Carr 8; N. Kaen, Straf 7; Pitts, Rock 35; MacGillivray, Hills 21; Thomas, Belk 3; Below, Dist 5; F. King, Dist 1: Science, Technology and Energy)

HB 319-FN, relative to mandatory automobile insurance. (Richardson, Ches 12; Bouchard, Merr 22: Commerce)

HB 320-FN, raising the maximum speed limit on all New Hampshire interstate highways from 65 to 70 miles per hour and on portions of the interstate specifically posted currently at 55 miles per hour to 60 miles per hour. (Vaillancourt, Hills 44; Robertson, Ches 18; McGuirk, Ches 1; L. Jean, Hills 17; Mirski, Graf 12: Transportation)

HB 321, requiring health carriers to pay for all recommended prescription drugs. (Taylor, Straf 11; Bruno, Hills 4; J. Wall, Straf 9; M.FullerClark, Rock 36; Wheeler, Dist 21: Commerce)

HB 322, relative to funds exchanged at real estate closings. (Copenhaver, Graf 10; Batula, Hills 18: Commerce)

HB 323, relative to restricting the decibel level of motor vehicle sound systems. (LaPorte, Hills 39; Buckley, Hills 44; P. Gagnon, Hills 48: Criminal Justice and Public Safety)

HB 324, repealing certain grounds for granting a divorce for cause. (Bickford, Straf 1: Children and Family Law)

HB 325, prohibiting "cramming" in telecommunications billing. (Norelli, Rock 31; Pantelakos, Rock 30; Bradley, Carr 8; Thomas, Belk 3; Below, Dist 5; Cohen, Dist 24; Larsen, Dist 15; F. King, Dist 1; J. King, Dist 18: Science, Technology and Energy)

HB 326-FN, requiring the department of health and human services to survey home health care agencies for compliance with federal regulations for medicare. (Buckley, Hills 44: Health, Human Services and Elderly Affairs)

HB 327-L, allowing municipal treasurers to enter into lease agreements for equipment. (Packard, Rock 29: Municipal and County Government)

HB 328-L, allowing municipalities to enter into agreements to purchase goods and services with credit cards. (Packard, Rock 29: Municipal and County Government)

HB 329, relative to privatization of nursing homes. (Rubin, Rock 25: Health, Human Services and Elderly Affairs)

HB 330, relative to changing the name of the lienholder or mortgage holder on title insurance when refinancing a home. (Bradley, Carr 8; Johnson, Dist 3: Commerce)

RECESS

(Rep. Whalley in the Chair)

RESOLUTION

Rep. Chandler offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 331 through 343, and House Concurrent Resolution numbered 6, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS and HCR

First, second reading and referral

HB 331, relative to auto leasing. (Jacobson, Merr 2: Commerce)

HB 332, establishing a committee to study the relationship between Plymouth state college and the town of Plymouth. (Hinman, Graf 7; MacNeil, Graf 7; Alger, Graf 9; Wendelboe, Belk 2: Municipal and County Government)

HB 333, relative to contracts between participating providers and managed care entities. (Asplund, Merr 13; Pilliod, Belk 3; Whittemore, Merr 13: Commerce)

HB 334, restricting the land application of sludge, septage, and solid wastes. (B. Hall, Hills 20; Owen, Merr 6: Environment and Agriculture)

HB 335, prohibiting the land application of sludge in reclamation areas. (B. Hall, Hills 20; Owen, Merr 6: Environment and Agriculture)

HB 336, establishing the first Monday in February as a holiday to be known as Abraham Lincoln Civil Rights Day. (Rosen, Belk 7: Executive Departments and Administration)

HB 337, requiring that the order of candidate names on the ballot be determined by a random drawing. (Potter, Merr 24; Vaillancourt, Hills 44: Election Law)

HB 338, relative to absentee voting procedures. (Wallin, Merr 15; D. White, Hills 25: Election Law)

HB 339, requiring consumer reporting agencies to provide annually to the consumer a free copy, upon request, of a consumer report. (Dokmo, Hills 14; Bergin, Hills 16; Leishman, Hills 13: Commerce)

HB 340, establishing a committee to study mercury source reduction and recycling issues. (Musler, Straf 6: Environment and Agriculture)

HB 341, relative to the process for nonrenewal of teacher contracts. (O'Hearn, Hills 26; Larsen, Dist 15: Education)

HB 342, repealing certain laws pertaining to adverse possession. (Bickford, Straf 1: Judiciary)

HB 343, changing the Columbus Day holiday to Explorers Day. (V. Clark, Rock 17: Executive Departments and Administration)

HCR 6, calling on the President and the Congress to fully fund the federal government's share of the average per pupil expenditure in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. (Burling, Sull 1; Nordgren, Graf 10; O'Hearn, Hills 26; Chandler, Carr 1; Konys, Hills 33; Trombly, Dist 7: State-Federal Relations and Veterans Affairs)

RECESS

(Rep. Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 4

Thursday, January 28, 1999

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

Prayer was offered by Guest Chaplain, Reverend Daniel B. Randall from the Congregational Church in Lee, New Hampshire.

O Wondrous Source of Life, as these elected officials begin this session of possibilities grant them the integrity to be tutored by difficult questions, courage to venture beyond easy answers, wisdom to respect one another's differences and trust in one another's commitment to the common good. Gather them now, from hundreds of different stories and backgrounds into one body of public service, that on this day they may find their work filled with hope, justice and the grace of Your holy presence in all they do. Amen.

Rep. Francis Davis led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Carlson, Patricia Cote, Crowell, Dunham, Fenton, Flanagan, Franks, Karen Hutchinson, Langer, Benjamin Moore, Nolan-Piteri, Mary Ouellette, Rubin, Seldin and Splaine, the day, illness.

Reps. Asplund, DePecol, Emerton, Flint, Golden, Hager, Hamel, Heon, Landers, Lynott, MacNeil, McGuirk, O'Keefe, Pantelakos, Marsha Pelletier, Perkins, John Pratt, Priestley,

Rabideau, Riley, Scanlan, Tsiros and Weatherspoon, the day, important business.

Rep. Michael Downing, the day, death in the family.

Reps. Bickford, Bishop, Dawe and Raynowska, the day, illness in the family.

INTRODUCTION OF GUESTS

Students from the Dondero Elementary School in Portsmouth, guests of Reps. Norelli and Pitts. Harold Matava, Russell and Mildred Elwell, Janet Anderson, Marilyn Ross, Ruth Steward, George and Helen Fryer and Robert Fortnam, guests of the Pembroke and Allentown delegations.

communications

January 7, 1999

Karen O. Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Rockingham 20, Jackie K. Weatherspoon, d, Exeter (53 Court Street) 03833

William M. Gardner, Secretary of State

January 20, 1999

Karen O. Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Hillsborough 20, Donald Carlson, r, New Ipswich (PO Box 41) 03071

William M. Gardner, Secretary of State

amendment to house rule 64

Reps. Chandler and Burling moved that House Rule 64 be amended as offered by the Rules Committee.

March 11, 1999, Thursday. Last day to amend house rules by majority vote.

Reps. Lozeau and Burling spoke in favor.

Adopted.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Chandler moved that the Consent Calendar as printed in the day's House Record be adopted.

Consent Calendar adopted.

HB 75, changing the number required for a quorum on the commission for human rights. OUGHT TO PASS

Rep. Howard C. Dickinson for Executive Departments and Administration: When the number of members of the commission for human rights was increased from 5 to 7 members in 1992, the members needed to make a quorum remained at 3. This bill increases the number of members necessary for quorum from 3 to 4, except that three members may sit to hear complaints, RSA 354-A:21,II(b). Vote 17-0.

HB 54, allowing simultaneous service of a demand for rent and a notice to quit. OUGHT TO PASS

Rep. James W. Craig for Judiciary: This bill provides a technical change in the landlord/tenant statute without affecting the rights of either landlords or tenants as they currently exist in that statute. The current statute requires a landlord in an eviction process to serve a demand for rent prior to serving a notice to quit upon a tenant. Today, there is no legitimate reason for this requirement in the statute and HB 54 corrects this by allowing a landlord to serve the demand for rent prior to "or simultaneously with" the notice to quit. Vote 19-1.

HB 72, relative to the seasons for fishing on certain large lakes. INEXPEDIENT TO LEGISLATE

Rep. Richard S. Brothers for Wildlife and Marine Resources: This bill seeks to expand the fishing season on large lakes. While a well intentioned idea, the legislature has always allowed the Fish and Game Department to set the fishing seasons, with the information they receive from their biologists. This has been the most effective way to manage the fish population in these lakes. Vote 18-0.

REGULAR CALENDAR

HB 102-FN, establishing a dedicated education trust fund. INEXPEDIENT TO LEGISLATE

Rep. O. Alan Thulander for Finance: The intent of this bill is to establish a dedicated fund to receive all proceeds from state aid or appropriations for educational support. The aim is to prevent any transfer or diversion of these funds to other than educational purposes. This bill, while having merit, is premature in that the final structure of the solution has yet to be formulated. This approach may possibly be included in the recommendation brought forward for House consideration. Vote 24-0.

Adopted.

HB 103-L, repealing the annual school tax rate to be assessed for the support of the public schools. INEXPEDIENT TO LEGISLATE

Rep. Charles L. Vaughn for Finance: This bill repeals the annual school tax rate of \$3.50 (RSA 198:1) assessed since 1919 by selectmen for the support of public schools. However, in 1939 a tobacco tax was enacted (RSA 78) which set aside RSA 198:1 disclosing that "no direct state tax shall be levied on the cities and towns" while the tobacco chapter remains in effect. In short, this bill is unnecessary as the provisions of RSA 198:1 no longer apply. Vote 23-1.

Rep. Mirski spoke against.

Rep. Vaughn spoke in favor.

Rep. Gilman requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 276 NAYS 41
YEAS 276
BELKNAP

Bartlett, Gordon	Boriso, Thomas	Czech, Stanley	Holbrook, Robert
Millham, Alida	Pilliod, James	Salatiello, Thomas	Thomas, John
Turner, Robert	Wendelboe, Francine	Wood, Jane	
CARROLL			
Chandler, Gene	Howard, Godfrey	Kenney, Joseph	Lyman, L Randy
MacDonald, Kenneth	Patten, Betsey	Philbrick, Donald	
CHESHIRE			
Avery, Stephen	Blaisdell, Michael	Burnham, Daniel	Doucette, Richard
Lerandeau, Alfred	Lynch, Margaret	Manning, Joseph	Meader, David
Mitchell, McKim	Pratt, Irene	Richardson, Barbara	Roberts, William
Robertson, Timothy	Rose, William	Royce, H Charles	Russell, Ronald
Smith, Edwin	Zerba, Roger		
COOS			
Davis, Perley	Glines, Sara	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Mears, Edgar	Merrill, Gerald	Pratt, Leighton
Rodrigue, Robert	Tholl, John, Jr	Woodward, David	
GRAFTON			
Akins, Ralph	Almy, Susan	Brothers, Richard	Copenhaver, Marion
Densmore, Jessica	Eaton, Stephanie	Guest, Robert	Johnson, Gary
Marshall, Gene	Nordgren, Sharon	Solow, Martha	Ward, Brien
HILLSBOROUGH			
Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr
Arthur, Rose	Batula, Peter	Belvin, William	Bergeron, Lucien
Bergin, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Burkush, James	Calawa, Leon, Jr	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Cote, David	Cote, Peter	Curran, James
Daigle, Robert	Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian
Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A	Durham, Susan
Dyer, Merton	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Ford, Nancy	Foster, Linda	Gagnon, Eugene	Garrish, Linda

Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Goulet, Maurice
Haettenschwiller, Alphonse	Hall, Betty	Hansen, Herbert	Haley, Robert
Herman, Keith	Herman, Richard	Holley, Sylvia	Hunter, Bruce
Jean, Claudette	Johnson, Lionel	Keye, Harvey	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaPorte, George	LaRose, Richard
Lasky, Bette	Leishman, Peter	Leonard, Peter	Lessard, Rudy
Lozeau, DonnaLee	MacGillivray, Jeffrey	McCarthy, William	McCarty, Winston
McColgan, Philip, Jr	McDonough-Wallace, Alice	McGough, Tim	Melcher, Harold
Mendenhall, Leslie	Mercer, Robert	Messier, Irene	Milligan, Robert
Moriarty, Mary	Mosher, William	O'Connell, Timothy	Pappas, Marc
Pepino, Leo	Reeves, Sandra	Reidy, Frank	Rowe, Robert
Sarette, John	Sargent, Maxwell	Tate, Joan	Thulander, O Alan
Turgeon, Roland	Vaillancourt, Steve	White, John	Williams, Carol
Withee, Dennis			

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Hoadley, Elizabeth
Jacobson, Alf	Larrabee, David, Sr	Lavoie, Gerard	Leber, William
Lockwood, Priscilla	Marshall, Kenneth	Maxfield, Roy	Moore, Carol
Nichols, Avis	Owen, Derek	Potter, Frances	Poulin, Dave
Reardon, Tara	Rodd, Beth	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Whalley, Michael	Whittemore, James
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn
Bridle, Russell	Case, Margaret	Christie, Andrew, Jr	Clark, Martha
Clark, Vivian	Cooney, Richard	Cox, Russell	Dowling, Patricia
Fesh, Robert	Flanders, David	Flanders, John, Sr	Francoeur, Sheila
Gibbons, Paul	Grant, Kenneth	Griffin, Mary	Henderson, Warren

Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph	Langone, John
Letourneau, Robert	Lovejoy, Marian	Major, Norman	McKinney, Betsy
Morse, Charles	Norelli, Terie	Nowe, Mary Lou	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Pitts, Jacqueline	Ruffner, Walter
Sabella, Norma	Sapareto, Frank	Schanda, Frank	Shelton, Richard
Shultis, Elizabeth	Stone, Joseph	Tufts, J Arthur	Vaughn, Charles
Verani, Giovanni	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			

STRAFFORD

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	Cossette, Larry	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Grassie, Anne	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Lent, Donald
Lundborn, Raymond	McKinley, Robert	Musler, George	Pelletier, Arthur
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Spear, Barbara	Taylor, Kathleen	Torr, Franklin
Twardus, Joseph	Vachon, Dennis	Vincent, Francis	Wall, Janet
Woods, Phyllis			

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Jones, Constance	Leone, Richard	Robb-Theroux, Amy	Wiggins, Celestine
Young, David			

NAYS 41

BELKNAP

Boyce, Robert	Johnson, James	Rice, Thomas	Rosen, Ralph
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CARROLL

Babson, David, Jr	Bradley, Jeb	Dickinson, Howard	Mock, Henry
Torressen, Gary			

CHESHIRE			
None			
COOS			
None			
GRAFTON			
Alger, John	Cobb, John	Dudley, Terri	Gilman, G Michael
Hall, David	Harmon, Hobart	Mirski, Paul	Phinney, William
Picconi, Al	Weber, Phil		
HILLSBOROUGH			
Beaupre, Roland	Coughlin, Pamela	Jean, Loren	Ouellette, Dean
Wall, Nancy	White, Donald		
MERRIMACK			
Kennedy, Richard	Marple, Richard	Soltani, Tony	
ROCKINGHAM			
Beaulieu, Jon	Dolan, Richard	Langley, Jane	Mikowski, Walter
Noyes, Richard	Putnam, Ed, II	Quandt, Marshall	Stickney, Nancy
Stritch, C Donald	Varrell, Thomas	Weare, Everett	
STRAFFORD			
None			
SULLIVAN			
Phinizy, James	Tuthill, John		

and the report was adopted.

Reps. Carson, Gleason, Martel and Simon did not vote and wished to be recorded in favor.

HB 104, relative to the first property tax bill of 1999. INEXPEDIENT TO LEGISLATE

Rep. Jeffrey C. MacGillivray for Finance: While it is often prudent to plan for contingencies, at this time we expect that the New Hampshire legislature will enact legislation to address the Claremont ruling on time. In the event that we do not, we would need different legislation with considerably more provisions than are contained in this bill. We thank the sponsor for her suggestions, but we would prefer to only work on such legislation if it became necessary. Vote 24-0.

Adopted.

HB 111-L, relative to the validity and enforceability of certain obligations and indebtedness of municipalities. OUGHT TO PASS WITH AMENDMENT

Rep. Vivian R. Clark for Finance: This bill provides "belt and suspender" protections for municipalities facing short-term Claremont-related problems. The bill allows banks to risk making small, short-term loans to municipalities this year, and absolves municipal officials from official and personal liability for borrowing those sums even if those loans would normally be repaid from school revenues which are not currently assured. The amendment permits school boards and towns to call special school district and town meetings until December 31, 1999 without court approval, if necessary to address issues created by any resolution of the Claremont lawsuit. Vote 23-0.

Amendment (0013h)

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

An act relative to the validity and enforceability of certain obligations and indebtedness of municipalities and allowing school districts and towns to hold special meetings to address issues raised by resolution of the Claremont lawsuit.

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

3 Special School District and Town Meetings Authorized. A school board may call a special school district meeting under RSA 197:3, without court approval, and a town may call a special town meeting under RSA 31:5, without court approval, to address any issues raised by resolution of the Claremont lawsuit. This authority shall expire no later than December 31, 1999.

AMENDED ANALYSIS

This bill makes valid and enforceable certain obligations and indebtedness of municipalities. The bill also allows school districts and towns to hold special meetings to address issues raised by resolution of the Claremont lawsuit on or before December 31, 1999.

Rep. Torr spoke in favor.

Adopted.

Report adopted and ordered to third reading.

HB 234-FN-A, relative to state matching funds for Federal Emergency Management Agency disaster assistance grants, and making appropriations therefor. OUGHT TO PASS

Rep. Charles L. Vaughn for Finance: In 1995 and in the winter and spring of 1998, ice and rain storms created disaster areas throughout New Hampshire. FEMA inspectors approved eligible costs associated with these disasters based on cost sharing set at 75% federal and 25% state. The 25% state share reimburses state agency expenses and the full 12.5% of local expenditures for which the state is responsible. This requires \$621,710 from state general funds and \$213,127 from highway funds. Vote 18-0.

Adopted and ordered to third reading.

suspension of rules

Reps. Chandler and Burling moved that the rules be so far suspended as to permit consideration at the present time of **HB 344-L**, relative to voting in official ballot school districts, without the required referral to committee, proper hearing and notice.

Adopted by the necessary two-thirds.

consideration of hb 344

HB 344-L, relative to voting in official ballot school districts.

Rep. Weber moved Ought to Pass.

Rep. Henderson spoke in favor.

Adopted and ordered to third reading.

suspension of rules

Reps. Chandler and Burling moved that the rules be so far suspended as to permit the last day for sign-off of all House bills to be Thursday, January 28, 1999 at 5:00 p.m.

Rep. Lozeau spoke in favor and yielded to questions.

Adopted by the necessary two-thirds.

RESOLUTION

Rep. Chandler offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 10, 1999 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 75, changing the number required for a quorum on the commission for human rights.

HB 54, allowing simultaneous service of a demand for rent and a notice to quit.

HB 111-L, relative to the validity and enforceability of certain obligations and indebtedness of municipalities and allowing school districts and towns to hold special meetings to address issues raised by resolution of the Claremont lawsuit.

HB 234-FN-A, relative to state matching funds for Federal Emergency Management Agency disaster assistance grants, and making appropriations therefor.

HB 344-L, relative to voting in official ballot school districts.

unanimous consent

Reps. Burnham and Dolan addressed the House.

recognition

The House observed a moment of silence in the memory of teacher and astronaut Christa McAuliffe.

RECESS MOTION

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

Adopted.

The House recessed at 11:00 a.m.

RECESS

(Rep. Whalley in the Chair)

RESOLUTION

Rep. Clegg offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 345 through 390, and House Joint Resolutions numbered 2 through 4, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS and HJR's

First, second reading and referral

HB 345-FN, relative to harassment via the Internet. (Stone, Rock 7; Dolan, Rock 12; Knowles, Straf 11; Christie, Rock 22; J. King, Dist 18; Trombly, Dist 7: Criminal Justice and Public Safety)

HB 346-FN-A, relative to permissible fireworks. (Hunter, Hills 7; Roberge, Dist 9: Criminal Justice and Public Safety)

HB 347-L, relative to municipal economic development and revitalization district tax increments. (Thulander, Hills 6: Municipal and County Government)

HB 348-FN, privatizing the sale of liquor. (Rubin, Rock 25: Executive Departments and Administration)

HB 349-FN-L, relative to revising annual grant amounts for school building aid. (Hinman, Graf 7; Alger, Graf 9; Rollo, Straf 10; Wendelboe, Belk 2; MacNeil, Graf 7; Krueger, Dist 16; Brown, Dist 17: Education)

HB 350-FN, relative to an additional lane on Route 102 in Chester and making an appropriation therefor. (Beaulieu, Rock 11; Hamel, Rock 10; R. Nowe, Rock 3; Brown, Dist 17; Krueger, Dist 16: Public Works and Highways)

HB 351, relative to liability for property taxes on manufactured housing when the manufactured housing is moved. (Lyman, Carr 5: Commerce)

HB 352-FN, relative to including persons practicing as sports trainers in the regulation of athletic trainers. (Rubin, Rock 25: Executive Departments and Administration)

HB 353, relative to access to toilet facilities in public places. (Taylor, Straf 11: Health, Human Services and Elderly Affairs)

HB 354, broadening the range of acceptable media for storage of public records. (L'Heureux, Hills 18; Langer, Merr 11; Beaulieu, Rock 11; Roberge, Dist 9: Municipal and County Government)

HB 355, relative to the dredging of harbors and channels. (O'Keefe, Rock 21; Weare, Rock 21; Kelley, Rock 22; Francoeur, Rock 22; Hollingworth, Dist 23: Public Works and Highways)

HB 356, relative to the issuance of summons and notice in CHINS petitions. (Lyman, Carr 5: Children and Family Law)

HB 357, establishing a committee to study and investigate issues related to investigations, trials, convictions, and sentencing of sex offenders. (Lyman, Carr 5; William McCarthy, Hills 41; Pepino, Hills 40; Sargent, Hills 3: Criminal Justice and Public Safety)

HB 358, relative to the term of office for members of the state board of education. (O'Hearn, Hills 26: Education)

HB 359, establishing a committee to study the rights of a private citizen to pursue a criminal investigation if he or she believes it is not being pursued vigorously. (Lyman, Carr 5; Hunter, Hills 7: Criminal Justice and Public Safety)

HB 360-FN, clarifying that any person convicted of a felony in this state is prohibited from owning or possessing firearms and other dangerous weapons. (Murphy, Hills 42; Pepino, Hills 40: Criminal Justice and Public Safety)

HB 361, requiring the suspension of attorneys who do not abide by a client's decision whether to accept an offer of settlement. (Gilman, Graf 1: Judiciary)

HB 362, relative to dam safety program violations. (Royce, Ches 9: Resources, Recreation and Development)

HB 363-FN, increasing the bonding limit of the school building authority. (Burling, Sull 1: Public Works and Highways)

HB 364, relative to expenditure of funds received from the United States on account of national forest lands in this state. (Dyer, Hills 8: Municipal and County Government)

HB 365, establishing a committee to study the current practice of posting roads and its effect on the economy. (Lyman, Carr 5: Public Works and Highways)

HB 366, allowing the secretary of state to accept faxed filings for a primary on the last day of the filing period. (Buckley, Hills 44: Election Law)

HB 367, relative to requesting certifying scientists to appear at DWI hearings. (Musler, Straf 6; Welch, Rock 18; Wheeler, Dist 21: Criminal Justice and Public Safety)

HB 368, relative to motor vehicle learner's permit requirements. (Akins, Graf 14: Transportation)

HB 369, relative to tobacco use violations by minors and establishing a committee on teen tobacco use prevention and education. (Akins, Graf 14; Pilliod, Belk 3; Nordgren, Graf 10; Richardson, Ches 12: Commerce)

HB 370-L, prohibiting wastewater treatment plants from excluding towns that regulate sludge disposal within their borders from using such facilities and requiring disclosure by sellers of sludge applications to land. (Owen, Merr 6: Environment and Agriculture)

HB 371, relative to warranty coverage and liability for loss under a motor vehicle lease. (Christiansen, Hills 23; Clegg, Hills 23: Commerce)

HB 372, amending the bond issuing powers of the business finance authority. (Belvin, Hills 14; Below, Dist 5: Commerce)

HB 373, making technical corrections to the securities laws. (Flanagan, Rock 14: Commerce)

HB 374, relative to the order of names on presidential primary election ballots. (Flanagan, Rock 14: Election Law)

HB 375, relative to substitutions for disqualified candidates and relative to nominations by nomination papers. (Flanagan, Rock 14: Election Law)

HB 376, relative to the times for sessions for corrections of voter checklists. (Flanagan, Rock 14: Election Law)

HB 377, relative to staying adoption of zoning ordinances under certain circumstances. (Moran, Hills 15; Roberge, Dist 9: Municipal and County Government)

HB 378, relative to discharge or suspension of county employees. (Soltani, Merr 10: Municipal and County Government)

HB 379, setting up a study committee to study issues pertaining to the Sullivan county regional refuse disposal district. (Tuthill, Sull 5: Environment and Agriculture)

HB 380, repealing the Interstate Solid Waste Compact. (Tuthill, Sull 5: Environment and Agriculture)

HB 381, prohibiting any candidate from receiving the nomination of more than one party. (Rollo, Straf 10: Election Law)

HB 382, making the law against discrimination by employers applicable to charitable and educational organizations. (Nordgren, Graf 10; Konys, Hills 33; Cohen, Dist 24: Judiciary)

HB 383, relative to the authority of the department of environmental services to assign air pollution allowances and credits. (MacGillivray, Hills 21: Science, Technology and Energy)

HB 384-L, relative to permitting the election of city officers to be held on biennial election day. (Feuerstein, Merr 13: Municipal and County Government)

HB 385, increasing the time window for holding the first session of a town meeting in political subdivisions which have adopted the official ballot. (MacGillivray, Hills 21: Municipal and County Government)

HB 386, establishing a committee to study allowing Internet service providers to restrict unsolicited electronic mail. (MacGillivray, Hills 21: Science, Technology and Energy)

HB 387, relative to local telephone calling areas, access charges, and competitive telephone services. (MacGillivray, Hills 21: Science, Technology and Energy)

HB 388, relative to telephone number conservation. (MacGillivray, Hills 21: Science, Technology and Energy)

HB 389, relative to procedures for apportioning state representatives among counties and among legislative districts. (MacGillivray, Hills 21: Election Law)

HB 390-L, relative to lengthening the polling hours in towns. (MacGillivray, Hills 21: Election Law)

HJR 2, urging that federal air pollution programs not punish early adopters of air pollution control technology. (MacGillivray, Hills 21: Science, Technology and Energy)

HJR 3, urging ISO-New England to adopt policies furthering the state's interest in electric utility restructuring. (MacGillivray, Hills 21: Science, Technology and Energy)

HJR 4, urging the federal government to support telephone number conservation. (MacGillivray, Hills 21: State-Federal Relations and Veterans Affairs)

bill signed by the governor

Chap. 1, **HB 100**, adopting certain interim provisions as a result of the Claremont decision to enable municipalities to continue to fund education. (eff. 1/7/99)