

HOUSE RECORD

**First Year of the 156th Session of the General
Court**

Calendar and Journal of the 1999 Session

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Thursday, February 11, 1999

No. 19

HOUSE JOURNAL No. 5 (cont.)

Wednesday, February 10, 1999

(Speaker Sytek in the Chair)

Rep. Whalley moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 6

Thursday, February 11, 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 Eric Lindblade.

Sovereign God, in the quiet of this moment, help us to order our thoughts to meet the challenges of the day. Let us be mindful of the need to listen, in such a way that we hear what is being said. Let us be mindful of the need to listen, that we rightly divide the word of truth. Let us be mindful of the need to listen, that we come to a clear understanding of the issues at hand. For no spoken word has meaning, unless it is listened to. As we listen, give to us a vision for the tomorrows of our state, since all that we legislate is for the future. Help us to be daring, to break new ground, to make no small plans, that far horizons be our quest and our goal. And as we listen to the Governor's budget message, let us think not just of today, but of tomorrow; for it has been truly said that where there is no vision, the people perish. Amen.

Rep. Brundige led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Julie Brown, Patricia Cote, Courchesne, Crowell, Dawe, Densmore, Golden, Knowles, Langer, Mosher, Pepino, St. Hilaire and Spear, the day, illness.

Reps. Arndt, Babson, Bartlett, Burkush, Czech, Desmarais, Donovan, David Flanders, Flora, Franks, Fraser, Goley, Gorman, Griffin, James McDonald, Mirski, Musler, O'Keefe, Perkins, Priestley, Rose, Tate, Torressen and Weatherspoon, the day, important business.

Rep. DiFruscia, the day, illness in the family.

INTRODUCTION OF GUESTS

Leadership New Hampshire Class of 1999, guests of the House. Former NH Rep. Merle Schotanus, guest of Rep. Stone. The 4th grade class from the Canaan Elementary School, guests of Reps. Scanlan and Weber. Dr. Lionel Tracy, Robert Suprenaut, Lee Ann Moynihan, Joanne McHugh and Peggy Terevainian, guests of Reps. Hess, Landers and Marple.

resolution

Reps. Chandler and Burling offered the following:

RESOLVED, that the House inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of hearing Governor Jeanne Shaheen deliver her budget message.

Adopted.

RECESS

senate message

The Senate is ready to meet in Joint Convention for the purpose of hearing Governor Jeanne Shaheen deliver her budget message.

joint convention

(Speaker Sytek presiding)

Her Excellency, Governor Jeanne Shaheen, addressed the Joint Convention.

Madame Speaker, Mr. President, Honorable Members of the House, Senate and My Fellow Citizens of New Hampshire:

This morning, I am proud to once again present to you a balanced budget. It is an honest and responsible budget.

As you are well aware, I present this budget under extraordinary circumstances. The Supreme Court's decision in the Claremont case has placed before us a challenge of historic proportions. Although we will resolve the Claremont case separately from this budget, the budget was crafted recognizing that we must solve the education funding problem.

This is a lean budget. It is balanced without any new taxes. I've made difficult but necessary reductions, cutting agency requests by more than \$140 million.

Wherever possible, we have leveraged our investments with federal funds and private contributions to provide relief to New Hampshire taxpayers.

Aside from required obligations, this budget has an annual real growth rate of only 1.2 percent.

With the exception of necessary new staff in the Department of Corrections, there will be no additional executive branch employees at the end of this budget cycle.

The capital budget I am presenting to you is the lowest since 1989.

This budget invests only in those computer projects currently in progress, as well as in what is necessary to avoid Y2K problems. We received a tremendous number of technology requests from agencies. Capital budget requests alone exceeded \$64 million. Absent a comprehensive strategy to meet our technology needs, I am not willing to fund all of these requests. I'll be initiating a process to evaluate our technology needs and determine how to meet them in as cost-efficient a manner as possible.

The increases in this budget are driven by required obligations. While we have worked hard to keep costs down, the state has made long-standing commitments that must be honored.

We must fund debt service.

We must fund the state share of municipal employee pensions.

We must fund aid to cities and towns.

We must fund the Berlin prison.

We must fund retiree health care costs. The costs of retirees' health care have shot up dramatically, increasing \$10.3 million for the biennium. This rate of increase is untenable. I have directed the Commissioner of Administrative Services to find ways to reduce these excessive increases while continuing to provide quality health care for our retirees.

Because state employees are paid every two weeks, approximately every decade an additional pay period is charged against the budget. This calendar phenomenon will add more than \$7.5 million in appropriations to the general fund in FY 2000.

While I am required by our Constitution to pass on the Judicial Branch's budget request intact, it is my belief that the courts' requested level of funding can and should be reduced in each year of the biennium. It is incumbent on all branches of state government, including the judiciary, to prudently and wisely expend our financial resources.

This is an honest budget. It is not based on rosy scenarios. It recognizes that the growth in revenue we have experienced over the last three years is expected to slow down. It anticipates a modest surplus of \$3.4 million at the end of FY 2001.

Except for our Claremont II obligations, we would enjoy a \$62 million surplus at the end of the current fiscal year. Instead, there will be only a small amount to split between the Health Care Fund and the Rainy Day Fund.

We have an opportunity to further shore up the Rainy Day Fund. The terms of the recent tobacco settlement call for a one-time \$16 million "signing bonus" that New Hampshire will receive once a critical mass of states have ended litigation. One-time revenue sources such as this should not be spent on ongoing operating expenses. I propose that this one-time \$16 million payment go straight into the rainy day fund. That's the fiscally responsible thing to do.

This is a budget true to New Hampshire's traditions of fiscal responsibility and lean, cost-effective government. But that's not all. It is a budget true to our values. It invests the New Hampshire way: carefully and efficiently. It invests in what we believe in, in New Hampshire's strengths and in our future – and these are smart investments.

We believe in our children and we believe they deserve the best education and the brightest opportunities that we can provide. That's a smart investment.

We believe in our families and in our neighborhoods. We want them safe, healthy, and secure. That's a smart investment.

We believe in our economy and the businesses that sustain it – and us – with the jobs they create. That's a smart investment.

We believe in the great natural beauty that makes our state so special and defines our quality of life. That's a smart investment.

This balanced budget is about smart investments, wisely and prudently made, in our natural resources, in our economy, and in our people.

This budget makes wise investments in education.

It invests in improving our schools, ensuring quality by increasing accountability and raising standards. My Best Schools Initiative returns the focus to the quality of our schools. The Best Schools Leadership Institute that I announced earlier this week will provide leadership training not only for teachers and administrators, but also for parents and community leaders.

At a time when we will be assuming responsibility for hundreds of millions of dollars in school funding to ensure equity, it makes sense to commit a modest amount of funding to ensure excellence.

The Best Schools Initiative will strengthen local control of education while encouraging genuine accountability in our schools. And most important, it will improve student learning and achievement.

This budget fully funds building aid, catastrophic aid, kindergarten aid, and tuition and transportation aid for vocational students.

Our commitment to education must also extend to higher education. This budget includes significant funding for the university system -- 5 percent annual increases that will help keep the doors of higher education open to New Hampshire families. Without this investment, a public college education will become increasingly unaffordable to middle class families in New Hampshire. We will lose the future business and community leaders we need to keep our state strong. Too many of our best students are now driven out of state by the rising costs of higher education. It is time we make the commitment to keep those students here in New Hampshire.

We've also increased support for our Community-Technical Colleges. For example, the capital budget provides support for upgrades to the libraries at the Nashua and Concord campuses so they will be eligible for college accreditation. We are all justifiably proud that New Hampshire has the highest percentage of high tech workers in the country. If we are to maintain that distinction, we must continue to invest in our University and our Community-Technical College systems.

And, because we should provide opportunity to every New Hampshire citizen, this budget also increases our support for adult basic education for the first time in 10 years. Adult education is critical to the success of our welfare-to-work initiative. During the past 18 months, we have reduced the welfare rolls in New Hampshire by more than 18 percent. Over 2,500 people have participated in employment and training services in the past year alone. This is a tremendous accomplishment that should be continued.

Our economy is strong in New Hampshire and we must invest wisely to keep it that way. This budget makes smart investments in economic development that will help us secure a prosperous future.

We continue to invest in the Small Business Development Centers, which provide technical assistance to the small businesses that are the backbone of our economy. We maintain the Challenge Grants to help employers provide job training, so critical in these times when the labor market is tight. And this budget invests in child care so that parents can go to work, knowing their children are properly cared for.

We again increase investment in tourism promotion and advertising. For every dollar spent on tourism, we earn more than eight dollars in additional tax revenue and seventy-five dollars for our economy. This budget also invests in international trade, an area of significant opportunity for New Hampshire businesses.

And this budget invests in the roads and bridges that are our economic lifeline.

We include the hard money match needed to obtain over 81 million dollars in additional federal transportation funding over the next two years. That will make a real difference in our quality of life, the strength of our economy, and the safety of our families.

With this additional support for transportation, we can reconstruct major portions of Route 3 in the North Country. Travelling through Nashua will be easier in the fall of 1999, when we complete construction of the Everett Turnpike and open the link to Hudson on the circumferential highway. And we will complete Route 101 by the Fall of 2000, three years ahead of schedule.

This budget also continues to get the red out of our red-listed bridges. With our increased investment, we will remove 32 municipal bridges from the red list by the end of the biennium.

Our investments in roads and bridges help our businesses and our economy. They relieve pressure on local property taxpayers by helping cities and towns pay for the infrastructure so central to the life of their communities.

But that's only part of the investment this budget makes in our local communities. For the people in our cities and towns, this budget keeps an important promise.

We honor our commitment to local communities by providing significant resources to help relieve the burden of local property taxes. This budget sends 525 million dollars – over half a billion dollars -- in total state funds to our cities and towns over the next two years.

We have fully funded revenue sharing, including the additional rooms and meals tax revenue for cities and towns required by state law – an increase of 15 million dollars over the biennium.

New Hampshire's natural beauty is invaluable to the quality of our lives and the strength of our economy. This budget allows us to protect our natural environment while we expand our economy.

We invest in a new source water protection program that will preserve the land surrounding aquifers and well heads. In addition, we fully fund drinking water treatment grants, landfill closures and sewer projects, along with that new source water protection program – without spending one dollar more than we will spend in 1999. These investments enable local communities to preserve the environment, protect public health and relieve pressure on local property taxpayers.

This budget invests in public safety – in prison space for violent offenders, safety on our lakes and rivers, and cutting-edge crime solving tools. The Berlin prison will open in February 2000 at a significant but necessary cost. The Southern Area Halfway House, authorized last year by the legislature, will be operational as well, providing a safer transition into society for state prison inmates. Three staffers for the state's new DNA crime lab will be funded with state dollars so that we can keep pace with new trends in criminal investigations. We also fund two new marine patrol positions to promote public safety on our lakes and rivers.

And we invest in the independence and freedom of some of our most vulnerable citizens.

We increase support for the meals on wheels program that enables seniors to remain in their homes and communities and not be forced prematurely into nursing homes.

The capital budget provides the funding to make our public buildings and parks as accessible to the physically challenged as they are to every other New Hampshire citizen. We must do this to comply

with the federal Americans with Disabilities Act. But we should do this because it is the right thing to do.

In response to the findings and recommendations of a legislative study committee, I am putting half a million dollars in the capital budget to design an expansion of the Veterans' Home in Tilton.

Also in the capital budget, we recognize one of New Hampshire's most famous sons, astronaut Alan Shepard. We honor his memory, increase learning and promote tourism by investing in the design and development of the Alan B. Shepard wing at the Christa McAuliffe planetarium.

This summer, we will be promoting New Hampshire on the world stage, at the Smithsonian Folklife Festival in Washington, DC. This is a unique opportunity to showcase virtually every aspect of our state under the theme "Celebrating New Hampshire's Stories." We thought it was so important to showcase the Smithsonian Festival that we decided to put it in the budget, the budget address and in the budget highlights. We will do this the New Hampshire way, leveraging public money with voluntary contributions from businesses and individuals.

We make the difficult choices in this budget, investing in New Hampshire's future in a way that is fiscally responsible. In doing so, we continue on the course we began together two years ago.

The state has benefited from our efforts. Despite the current uncertainty due to the Claremont II decision, bond rating agencies have affirmed our favorable bond rating, recognizing our state's underlying fiscal stability and strength.

And we must build on that stability and strength for the next biennium and into the future.

Two years ago the House acted responsibly, and sent the budget I presented on to a Republican Senate virtually unchanged. This year, I expect there will be the temptation to put partisan advantage over public interest, pressure to make irresponsible cuts that the Democratic Senate will be forced to restore. We can ill afford such political gamesmanship, especially this year.

The choice before us is clear: our love for this great state and our concern for the people we represent can bring us together or, partisan politics can draw us apart. We can demonstrate leadership or partisanship. The choice is ours.

One course leads to responsible, honest, balanced budgets. The other leads to finger pointing, gridlock, and worse.

We have worked together in the past to great result for our state and its citizens. We must do so again now.

We share a commitment to the people of New Hampshire. We share a concern for our state and a determination to secure a prosperous future. Let us also share a common vision for where and how we should invest in New Hampshire's people, in our economy, in our rich natural resources, and in our future.

I look forward to working with you in the coming months. Thank you.

Sen. Larsen and Rep. Chandler moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

RECESS

(Speaker Sytek in the Chair)

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 Tuesday, February 16, 1999 at 1:00 p.m.

Adopted.

LATE SESSION

RECESS MOTION

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

Adopted.

The House recessed at 10:45 a.m.

RECESS

(Rep. Edwin Smith in the Chair)

RESOLUTION

Rep. David Hall offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 613 through 627, 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 613-FN-L, consolidating the pari-mutuel commission and sweepstakes commission into a gaming commission. (Burling, Sull 1; B. Moore, Rock. 21: Executive Departments and Administration)

HB 614-FN-L, requiring the department of health and human services to pay for certain costs of providing special education services. (Mirski, Graf 12: Education)

HB 615-FN-A, establishing a brain and spinal cord injury trust fund and continually appropriating a special fund. (Boyce, Belk 5; Hollingworth, Dist 23: Health, Human Services and Elderly Affairs)

HB 616-FN-A, relative to providing tuition funds to students participating in private driver education courses from the driver training fund. (Gleason, Rock 13; Pilliod, Belk 3; G. Katsakiores, Rock 13; Milligan, Hills 18: Transportation)

HB 617-FN-A-L, relative to funding and monitoring seacoast harbor issues. (Leber, Merr 1; Vaughn, Rock 35; Calawa, Hills 17; Winston McCarty, Hills 38; Alukonis, Hills 23; .Gordon, Dist 2; F. King, Dist 1; D'Allesandro, Dist 20: Public Works and Highways)

HB 618-FN-A, establishing a voucher program for smoking cessation and continually appropriating a special fund. (Wendelboe, Belk 2: Health, Human Services and Elderly Affairs)

HB 619-FN, requiring the commissioner of health and human services to produce certain quarterly reports. (Wallner, Merr 24: Finance)

HB 620-FN, relative to election of vested deferred retirement status for inactive members of the retirement system. (Dyer, Hills 8; J. King, Dist 18: Executive Departments and Administration)

HB 621-FN-L, reducing the tolls on New Hampshire highways by 25 cents. (Arthur, Hills 18; Moriarty, Hills. 18: Public Works and Highways)

HB 622-FN, relative to a school district's duty to provide education. (Soltani, Merr 10; Larrabee, Merr 9: Children and Family Law)

HB 623-FN, increasing the mileage reimbursement rate for members of the legislature. (Guay, Coos 6; Dickinson, Carr 2: Legislative Administration)

HB 624-FN, establishing a health care quality commission. (K. Herman, Hills 13: Health, Human Services and Elderly Affairs)

HB 625-FN-A, relative to a mercury emissions reduction and control program. (Bradley, Carr 8; Gilmore, Straf 11; Norelli, Rock 31; MacGillivray, Hills 21; D. White, Hills 25; Russman, Dist 19; Cohen, Dist 24; Pignatelli, Dist 13; Below, Dist 5; Fraser, Dist 4: Science, Technology and Energy)

HB 626-FN, relative to revising the laws regulating accountancy. (M. Whalley, Merr 5; Buckley, Hills 44; Torr, Straf 12; Sapareto, Rock 13; Roberge, Dist 9; Krueger, Dist 16: Executive Departments and Administration)

HB 627-FN-A, relative to establishing a differential between special fuel and gasoline taxes. (MacGillivray, Hills 21; D. White, Hills 25: Public Works and Highways)

RECESS

(Rep. Dickinson in the Chair)

RESOLUTION

Rep. Christiansen offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 628 through 633, 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 628, relative to the relocation of the principal residence of a child. (Wallin, Merr 15; Bickford, Straf 1: Children and Family Law)

HB 629, relative to establishing weekly "no hunting" days. (Riley, Ches 7; Konys, Hills 33; I. Pratt, Ches 5; Leber, Merr 1; Wheeler, Dist 21; Roberge, Dist 9: Wildlife and Marine Resources)

HB 630-FN-L, relative to the Skyhaven airport transfer plan. (Leber, Merr 1; Chandler, Carr 1; McCarty, Hills 38; Calawa, Hills 17; F. King, Dist 1; Gordon, Dist 2: Public Works and Highways)

HB 631-FN, authorizing the department of safety to issue photographic identification cards to persons required to have criminal background checks for employment or other lawful purposes. (Welch, Rock 18; Pepino, Hills 40; Mikowski, Rock 29: Criminal Justice and Public Safety)

HB 632-FN-A, directing a portion of fees for copies of motor vehicle records to be deposited in a nonlapsing account within the department of safety, division of fire standards and training. (Welch, Rock 18; Dyer, Hills 8; Hunter, Hills 7: Finance)

HB 633-FN-L, establishing parental choice scholarships. (Rabideau, Rock 16; D. Lawton, Belk 1; V. Clark, Rock 17; Hunt, Ches 10; Corbin, Rock 25; Roberge, Dist 9; Brown, Dist 17; Krueger, Dist 16: Education)

RECESS

(Rep. Hess in the Chair)

RESOLUTION

Rep. Durham offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 634 through 638, 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 634-FN, eliminating the requirement that retirement system disability recipients notify the board of trustees of unreduced social security disability benefits. (Dyer, Hills 8; J. King, Dist 18: Executive Departments and Administration)

HB 635-FN-L, establishing January 4, 2000 as a legal holiday in the state to be known as "Year 2000 Day." (Pitts, Rock 35: Executive Departments and Administration)

HB 636-FN, relative to public safety employee collective bargaining negotiations under the public employee labor relations act. (Kelley, Rock 22: Labor, Industrial and Rehabilitative Services)

HB 637-FN, including persons who make medical decisions as practicing medicine. (Pilliod, Belk 3; Hess, Merr 11; Fuller Clark, Rock 36; McCarley, Dist 6; Wheeler, Dist 21: Commerce)

HB 638-FN, authorizing a limited license for certain travel agents. (Hunt, Ches 10: Commerce)

RECESS