

HOUSE RECORD

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Wednesday, April 14, 1999

No. 40

HOUSE JOURNAL No. 12 (cont.)

Thursday, April 1, 1999

(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 738 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 738-FN, transferring funds from the judicial branch to the department of administrative services for the purpose of reimbursing counties for providing prisoner custody in courthouses. (Welch, Rock 18; Major, Rock 16: Finance)

RECESS

(Rep. Konys in the Chair)

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 73 and 734.

Rep. Lozeau, for the Committee

RECESS

(Rep. Henderson in the Chair)

RESOLUTION

Rep. Chandler offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 200 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 200-FN-L, relative to restructuring the juvenile justice system in New Hampshire. (Lozeau, Hills 30; Knowles, Straf 11; Tholl, Coos 5; Mock, Carr3; Hollingworth, Dist 23; Squires, Dist 12: Children and Family Law)

RESOLUTION

Rep. Chandler offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 18, 22, 25, 27, 28, 53, 56, 77, 116, 121, 138, 146, 152 and 204, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 18, relative to the rulemaking authority of the state board of education regarding certain educational personnel. (Education)

SB 22, relative to the pilot program relative to the administration of medication in residential care facilities. (Health, Human Services and Elderly Affairs)

SB 25, expanding the waiver of administration under the law regarding decedents' estates. (Judiciary)

SB 27, relative to assessment fee schedules for trust companies and banks. (Commerce)

SB 28, relative to food production and distribution and food service licensure. (Executive Departments and Administration)

SB 53-FN, relative to licensure of physicians providing teleradiology services in this state. (Executive Departments and Administration)

SB 56, amending the law relative to who may adopt. (Children and Family Law)

SB 77, relative to authorized regional enrollment area schools. (Education)

SB 116, eliminating straight ticket voting. (Election Law)

SB 121, requiring reports to the department of justice following certain DWI arrests and refusals to take alcohol concentration tests. (Criminal Justice and Public Safety)

SB 138, relative to joint tenancy with rights of survivorship. (Transportation)

SB 146, granting district courts exclusive jurisdiction over actions involving certain real estate purchase deposits held in escrow accounts. (Judiciary)

SB 152-L, relative to the procedures for establishing a charter school. (Education)

SB 204, establishing the New Hampshire excellence in higher education endowment trust fund. (Education)

RECESS

(Rep. Clegg in the Chair)

RESOLUTION

Rep. Copenhaver offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 739 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 committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 739, eliminating the restrictions on the number of days bingo volunteers may serve. (Cooney, Rock 26: Criminal Justice)

RESOLUTION

Rep. Copenhaver offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 93 and 137 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 93, relative to self-storage facility liens. (Commerce)

SB 137-FN, relative to use of social security numbers in child support enforcement and in the issuance of driver's licenses. (Children and Family Law)

RECESS

(Rep. Lockwood in the Chair)

senate message

concurrence

HB 227, establishing a committee to study the maintenance of voter checklists.

HB 253, allowing ballots to be examined and counted prior to the opening of polls on election day.

RECESS

(Rep. Guay in the Chair)

RESOLUTION

Rep. Gilmore offers the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 58, 80, 102 through 105, 114, 160, 173, 177, 182 and 224, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 58, allowing clinical mental health counselors to obtain third party payment for services rendered which would otherwise qualify for such payments. (Commerce)

SB 80, adding the name of Martin Luther King, Jr. to Civil Rights Day. (Executive Departments and Administration)

SB 102, relative to payment of the premium tax. (Finance)

SB 103, making certain changes in the insurance laws. (Commerce)

SB 104, making a variety of changes in certain insurance laws.
(Commerce)

SB 105, relative to continuation of coverage of health insurance.
(Commerce)

SB 114, relative to health carrier disclosure of third party liability.
(Commerce)

SB 160, establishing a committee to study and identify or establish the duties of the fish and game commission.
(Wildlife and Marine Resources)

SB 173-FN, relative to optional allowances for beneficiaries of New Hampshire retirement system members. (Executive Departments and Administration)

SB 177, allowing marriage and family therapists to obtain third party payment for services rendered which would otherwise qualify for such payments. (Commerce)

SB 182-FN, relative to eligibility for ordinary death benefits under the New Hampshire retirement system.
(Executive Departments and Administration)

SB 224, relative to stenographic records and availability of transcripts of adjudicative hearings before licensing boards. (Executive Departments and Administration)

RECESS

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 13

Wednesday, April 14, 1999

The House assembled at 1:00 p.m. and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Bradley J. Bergfalk from the Concord Covenant Church.

Lord of heaven and earth, as we together embark on our duties of this day, give us clarity of thought, gracious spirits, and generous wit. So that when this day is over, we may reflect upon its events with the joyful recognition that we have made others stronger because of their encounter with us today. Amen.

Rep. MacGillivray led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Julie Brown, Patricia Cote, Courchesne, Eugene Gagnon, Paul Gagnon, Golden, Hunter, Lyman and Searles, the day, illness.

Reps. Asplund, Bishop, Chabot, Domingo, Grassie, Griffin, Lionel Johnson, Pantelakos, Robb-Theroux, Rogers, Scanlan and Weatherspoon, the day, important business.

INTRODUCTION OF GUESTS

Michael Zaymore, guest of Rep. Marjorie Smith. Barbara Brewster, wife of Rep. Brewster. Michael Willers, guest of Rep. Pilliod. Nancy Chandler, Leslie Sheehan and Former NH Rep. Terry Pfaff, wife, sister-in-law and guest of Rep. Chandler. Donald Lambert, uncle of Rep. Sapareto.

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills 227 and 253.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

senate message

requests concurrence with amendment

HB 249, relative to the membership of the rivers management advisory committee. (Amendment printed SJ 11, 4/1/99)

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

Adopted.

COMMITTEE REPORTS

CONSENT CALENDAR – PART I

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

HB 522, relative to the public's access to sex offender registry information, removed by Rep. Brothers.

HB 63-FN-A, relative to the Weekly Market Bulletin's budget and making an appropriation therefor, removed by Rep. Wendelboe.

Consent Calendar Part I adopted.

HB 565, relative to the disclosure of certain information by the department of health and human services and relative to the disclosure of the identity of a person filing a report of child abuse or neglect. INEXPEDIENT TO LEGISLATE

Rep. Constance A. Jones for Children and Family Law: The committee felt this bill would undermine the integrity and intent of RSA 169-C:30 by not accepting anonymous reports of child abuse and neglect. This bill would also repeal RSA 170-G:8a I(d) Confidentiality. Vote 12-1.

HB 309, relative to motor vehicle insurance. RE-REFER TO COMMITTEE

Rep. Stephen G. Avery for Commerce: The Assistant Insurance Commissioner said that there are consumer protection issues that need addressing. They are waiting to see how several other states handle the problems in current legislation and will be better able to make recommendations this fall. Vote 15-1.

HB 321, requiring health carriers to pay for all recommended prescription drugs. INEXPEDIENT TO LEGISLATE

Rep. Keith R. Herman for Commerce: The sponsor introduced another bill (HB 408) to address concerns regarding pharmaceutical costs and availability. The committee will recommend changes through 408 and the sponsor has agreed to the ITL motion on this bill. The Commerce Committee recognizes consumers' concerns on this issue and will pass legislation to make New Hampshire's health care laws more consumer friendly. Vote 16-0.

HB 435, relative to the mail order and catalog business. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen G. Avery for Commerce: This bill, as amended, requires mail order and catalog businesses to include a telephone number for customer inquiries and complaints. The committee felt that this was an important consumer protection for New Hampshire citizens. Vote 17-0.

Amendment (0516h)

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

AN ACT relative to disclosure by sellers of consumer goods and services.

Amend the bill by replacing sections 1 and 2 with the following:

1 Trade and Commerce; Consumer Protection; Acts Unlawful; Failure to Disclose; Telephone Number Added. Amend RSA 358-A:2, X-a to read as follows:

X-a. Failing to disclose the legal name, ~~[or]~~ street address, **and telephone number** of the business under RSA 361-B:2-a;

2 Retail Installment Sales; Retail Selling; Definition; Home Solicitation Sale; Gender Neutral. Amend RSA 361-B:1 to read as follows:

361-B:1 Definition. "Home solicitation sale" means a sale of goods or services, priced at \$25 or more, in which a seller, ~~[his]~~ **a seller's** representative, or a person acting for ~~[him]~~ **a seller** engages in a solicitation and sale at any place other than a permanent place of business of the seller. A cash or credit sale so consummated shall be deemed to be a home solicitation sale.

AMENDED ANALYSIS

This bill requires certain sellers of consumer goods or services to disclose a telephone number for customer inquiries and complaints.

HB 442, relative to charitable gift annuities. OUGHT TO PASS WITH AMENDMENT

Rep. Sheila T. Francoeur for Commerce: This bill, as amended, will provide greater substantive safeguards for charitable gift annuities without having to shoulder unnecessary regulatory burden

and expense; these include pay out ratios, retention of contributions, and investment of funds. Additionally, organizations that issue charitable gift annuities will now report to the Director of Charitable Trusts in the Office of the Attorney General. Vote 17-0.

Amendment (0626h)

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

1 New Chapter; Charitable Gift Annuities Exemption. Amend RSA by inserting after chapter 403-D the following new chapter:

CHAPTER 403-E

CHARITABLE GIFT ANNUITIES EXEMPTION

403-E:1 Definitions. In this chapter:

I. "American Council on Gift Annuities" means the organization which on the effective date of this chapter has its principal place of business in Indianapolis, Indiana, and which advises charitable organizations and promulgates recommended standards regarding the provision of charitable gift annuities.

II. "Charitable gift annuity" means a transfer of cash or other property by a donor to a charitable organization in return for an annuity payable over one or 2 lives, under which the actuarial value of the annuity is less than the value of the cash or other property transferred and the difference in value constitutes a charitable deduction for federal tax purposes.

III. "Charitable organization" means an entity described by:

(a) Section 501(c)(3), Internal Revenue Code of 1986 (26 U.S.C. section 501(c)(3)); or

(b) Section 170(c), Internal Revenue Code of 1986 (26 U.S.C. section 170(c)).

IV. "Director" means the director of charitable trusts, serving pursuant to RSA 7:20.

V. "Qualified charitable gift annuity" means a charitable gift annuity described by section 501(m)(5), Internal Revenue Code of 1986 (26 U.S.C. section 501(m)(5)), and section 514(c)(5), Internal Revenue Code of 1986 (26 U.S.C. 514(c)(5)), that is issued by a charitable organization that on the date of the annuity agreement:

(a) Has a minimum of \$300,000 in unrestricted cash, cash equivalents, or publicly traded securities, exclusive of the assets funding the annuity agreement;

(b) Has been in continuous operation for at least 3 years or is a successor or affiliate of a charitable organization that has been in continuous operation for at least 3 years;

(c) Issues charitable gift annuities with payout ratios no greater than recommended by the American Council on Gift Annuities at the time of issuance;

(d) Retains 100 percent of the contribution made in exchange for each charitable gift annuity, increased by earnings on the contribution and decreased by annuity payments and expenses properly allocated to the annuity, until the annuity is terminated; and

(e) Invests contributions made in exchange for charitable gift annuities solely in conformance with RSA 564-A:3-b, general standards of prudent investment.

403-E:2 Qualified Charitable Gift Annuity is Not Insurance.

I. The issuance of a qualified charitable gift annuity does not constitute engaging in the business of insurance in this state.

II. A charitable gift annuity issued before the effective date of this chapter shall be deemed to be a qualified charitable gift annuity for purposes of this chapter, and the issuance of that charitable gift annuity shall not constitute engaging in the business of insurance in this state, if the charitable organization issuing such annuity has given notice to the director pursuant to RSA403-E:3, II(a).

403-E:3 Disclosures; Notification; Recertification.

I.(a) When entering into an agreement for a qualified charitable gift annuity, the charitable organization shall disclose to the donor in writing in the annuity agreement that a qualified charitable gift annuity is not insurance under the laws of this state and is not subject to regulation by the insurance department or protected by an insurance guaranty association. The following information shall also be similarly disclosed:

(1) The value of the property being transferred.

(2) The amount of the annuity to be paid.

(3) The manner in which, and the intervals at which, the payment is to be made.

(4) The date that payments are to begin.

(b) The disclosures required by this paragraph shall appear on the first page of the annuity agreement in a print size no smaller than that employed in the annuity agreement generally.

II.(a) A charitable organization that issues qualified charitable gift annuities shall notify the director in writing by the later of 90 days after the effective date of this chapter or the date on which it enters into the organization's first qualified charitable gift annuity agreement. The notice shall:

(1) Be signed by an officer or director of the organization;

(2) Identify the organization; and

(3) Certify that:

(A) The organization is a charitable organization; and

(B) The annuities issued by the organization shall be limited to qualified charitable gift annuities, as defined in RSA 403-E:1, V.

(b) Subsequently, each charitable organization that issues qualified charitable annuities shall, as part of its report submitted to the director pursuant to RSA 7:28, II and III, annually recertify that the annuities issued by the organization shall be limited to qualified charitable gift annuities, as defined in RSA 403-E:1, V.

(c) The organization shall not be required to submit additional information except to determine appropriate penalties that may be applicable under RSA 403-E:4.

403-E:4 Failure to Comply. The failure of a charitable organization to comply with the notice imposed under RSA 403-E:3 of this chapter shall not prevent a charitable gift annuity that otherwise meets the requirements of this chapter from constituting a qualified charitable gift annuity. The director shall enforce performance of RSA 403-E:3 by sending a letter by certified mail, return receipt requested, demanding that the charitable organization comply with the requirements of RSA 403-E:3. The director may fine the charitable organization in an amount not to exceed \$1,000 per qualified charitable gift annuity agreement issued until such time as the charitable organization complies with RSA 403-E:3.

403-E:5 Not Unfair or Deceptive Trade Practice. The issuance of a qualified charitable gift annuity shall not constitute a violation of RSA 417.

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

HB 563, relative to names of limited liability partnerships and companies. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce: The bill makes technical corrections to our corporation laws for limited liability partnerships and corporations, which this House passed two years ago. The amendment requires all businesses, regardless of form of organization, to comply with the provisions of RSA 293, which is the registration of trade names statute so that New Hampshire can help ensure no two businesses have similar or deceptively similar names. Vote 17-0.

Amendment (0637h)

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

AN ACT relative to names of limited liability partnerships and companies and cooperative associations.

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

1 Voluntary Corporations and Associations; Names. Amend RSA 292:3 to read as follows:

292:3 Name. Any corporate name may be assumed which is not the same as or deceptively similar to an existing corporation name, reserved or registered name, New Hampshire investment trust, ***limited liability partnership name, limited liability company name***, partnership or trade name, provided that a similar name may be assumed if written consent is obtained from the holder of the existing name.

2 New Hampshire Business Association Act; Corporate Name. Amend RSA 293-A:4.01(b) to read as follows:

(b) Except as authorized by subsections (c) and (d), a corporate name shall not be the same as, or deceptively similar to:

(1) the corporate name of a corporation incorporated or authorized to transact business in this state;

(2) a corporate name reserved or registered under RSA293-A:4.02 or 293-A:4.03;

(3) the fictitious name of another foreign corporation authorized to transact business in this state;

(4) the corporate name of a not-for-profit corporation incorporated or authorized to transact business in this state;

(5) a trade name registered with the secretary of state under RSA 349;

(6) a domestic or foreign limited partnership name filed pursuant to RSA 304-B;

(7) a domestic or foreign limited liability partnership registered pursuant to RSA 304-A;

(8) the name of a domestic or foreign limited liability company registered pursuant to RSA304-C;

~~[(7)]~~ **(9)** the name of a foreign partnership registered pursuant to RSA 305-A;

~~[(8)]~~ **(10)** the name of a New Hampshire investment trust filed under RSA 293-B;

~~[(9)]~~ **(11)** the name of an agency or instrumentality of the UnitedStates or this state or a subdivision thereof; and

~~[(10)]~~ **(12)** the name of any political party recognized under RSA652:11, unless written consent is obtained from the authorized representative of the respective political organization.

3 Treatment of New Hampshire Investment Trusts; Use of Names Regulated. Amend RSA293-B:16, I to read as follows:

I. The name of each New Hampshire investment trust as set forth in its certificate of trust shall not be the same or deceptively similar to the name of any corporation, trade name, **limited liability company, limited liability partnership**, limited partnership or New Hampshire investment trust reserved, registered or organized under the laws of this state or qualified to do business or conduct investment activity or registered as a foreign corporation or

foreign limited partnership in this state; provided, however, that a New Hampshire investment trust may register under any name which is similar to the name of any corporation, trade name, **limited liability company, limited liability partnership**, limited partnership or New Hampshire investment trust reserved, registered or organized under the laws of this state or qualified to do business or conduct investment activity or registered as a foreign corporation or foreign limited partnership in this state with the consent of the other corporation, trade name, **limited liability company, limited liability partnership**, limited partnership or New Hampshire investment trust, which written consent shall be filed with the secretary of state.

4 New Section; Cooperative Marketing and Rural Electrification Associations; Use of Names Regulated. Amend RSA 301 by inserting after section 43 the following new section:

301:43-a Use of Name Regulated. The secretary of state shall decline to register any cooperative name under this chapter that is the same as or deceptively similar to any of those entities listed under RSA 293-A:4.01(b), without the written consent of such entities.

5 Uniform Limited Partnership Act; Name. Amend RSA 304-B:2, II(a) to read as follows:

II.(a) The name of each limited partnership as set forth in its certificate of limited partnership shall not be the same as or deceptively similar to the name of any:

(1) Corporation organized under RSA 292, 293-A, 301, or 301-A; or foreign corporation registered under RSA 292, 293-A, 301, or 301-A;

(2) Foreign partnership registered under RSA 305-A;

(3) Limited liability company or foreign limited liability company registered under RSA 304-C;

(4) Limited partnership or foreign limited partnership registered under RSA 304-B;

(5) Limited liability partnership or foreign limited liability partnership registered under RSA 304-A;

~~[(5)]~~ **(6)** New Hampshire investment trust registered under RSA 293-B;

~~[(6)]~~ **(7)** Trade name registered under RSA 349;

~~[(7)]~~ **(8)** Name reserved under RSA 293-A, 293-B, 304-B, or 304-C; or

~~[(8)]~~ **(9)** Agency or instrumentality of the United States or of this state or a subdivision thereof or of any political party recognized under RSA 652:11, unless written consent is obtained from the authorized representative of such party.

6 Limited Liability Companies; Use of Name Regulated. Amend RSA 304-C:3, III to read as follows:

III. Shall not be the same as or deceptively similar to the name of any corporation, limited partnership, proprietorship, New Hampshire investment trust, voluntary association, trade

name, business trust, **limited liability partnership** or limited liability company reserved, registered, formed or organized under the laws of New Hampshire or qualified to do business or registered as a foreign corporation, foreign limited partnership, foreign partnership, **foreign limited liability partnership** or foreign limited liability company in New Hampshire or the name of an agency or instrumentality of the United States or this state or a subdivision thereof or of any political party recognized under RSA 652:11, unless written consent is obtained from the authorized representative of such party; provided, however, that a limited liability company may not register under any name that is the same as or deceptively similar to the name of any domestic or foreign corporation, limited partnership, proprietorship, New Hampshire investment trust, voluntary association, trade name, business trust, **limited liability partnership** or limited liability company reserved, registered, formed or organized under the laws of New Hampshire without the written consent of the other corporation, limited partnership, proprietorship, New Hampshire investment trust, voluntary association, trade name, business trust, **limited liability partnership** or limited liability company, which written consent shall be filed with the secretary of state; and

7 Registration of Foreign Partnerships; Name. Amend RSA 305-A:1, IV to read as follows:

IV. A foreign partnership may assume any name which is not in use by any domestic partnership or any other foreign partnership admitted to do business in this state, and which is not so similar thereto or to that of any corporation, **domestic or foreign limited liability company, domestic or foreign limited liability partnership**, New Hampshire investment trust, or association carrying on business in this state as to be liable to be mistaken for it; provided that such name or similar name may be adopted with the consent in writing of such existing corporation, **limited liability company, domestic or foreign limited liability partnership**, New Hampshire investment trust, partnership or association filed with the application for certificate of authority pursuant to RSA305-A:2.

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

AMENDED ANALYSIS

This bill requires that certain business entities receive written consent from limited liability companies and limited liability partnerships before using names that are the same or deceptively similar. This bill also requires that cooperative marketing and rural electrification associations receive written consent from business entities before using names that are the same or deceptively similar.

HB 202, legalizing the possession and cultivation of marijuana for medicinal purposes. RE-REFER TO COMMITTEE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill legalized the possession and cultivation of marijuana for certain medicinal purposes. The sub committee heard extensive testimony from Dr. Lester Grinspoon of Harvard Medical School concerning the very beneficial use of this drug for certain medical purposes including the treatment of cancer, anorexia, AIDS, chronic pain, glaucoma, arthritis and other ailments. The problem we had with the bill was the cultivation of marijuana and how to control it. Dr. Grinspoon was hopeful that the limited research now going on would soon develop a way to extract the beneficial cannabinoids from the plant and a delivery system for their use (inhaler, pill, or I.M. or I.V. delivery) may then be developed. We felt Re-Refer was the proper way to go in the hope that a delivery system would soon be available Vote 15-0.

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. RE-REFER TO COMMITTEE

Rep. Kenneth J. MacDonald for Criminal Justice and Public Safety: The Criminal Justice and Public Safety Committee held HB 1499 in the last session and chose to study the circumstances of the Dow homicides and possible grand jury actions that may or may not take place. During that process of study, a statute from the State of Colorado surfaced that allows a private citizen to pursue a grand jury indictment under certain circumstances. HB 359 calls for a study committee to investigate whether or not such a statute would serve the public's interest in New Hampshire. The committee feels that with all the work that has been done on the issue involved, rather than creating a statutory study, the Criminal Justice Committee should complete the work it started two years ago and re-refer this bill to the committee for study. Vote 17-1.

HB 537, relative to background checks for firearms purchases. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill originally authorized the department of safety to become the POC (point of contact) for the federal government for the purposes of the national instant criminal background check and further stated that only the department of safety could access the NICS system for the purpose of such checks. The latter provision would have precluded the local police chiefs from using the NICS system before granting a concealed weapons permit as prescribed under the Brady Act, 18. U.S.C. 921 et.seq. The amendment replaces the entire bill. Section 1 states that the department of safety may become the point of contact for the federal government for the purposes of the Brady Act and provides that if such background checks are made, those who have successfully passed the check will have the record of the event destroyed within one day of the transaction. Only the transaction approval number will be sent to the dealer making the sale. Second, section 2 says that funding for such activities shall be from either existing funds or federal grants. This is a federal mandate and should be paid for with federal money. Vote 16-1.

Amendment (0527h)

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

1 New Chapter; Sale of Firearms; Criminal Background Checks. Amend RSA by inserting after chapter 159-C the following new chapter:

CHAPTER 159-D

CRIMINAL BACKGROUND CHECKS

159-D:1 Sale of Firearms; Criminal History Record and Protective Order Check. The department of safety may become the point of contact for the federal government for the purposes of the national instant criminal background check (NICS).

159-D:2 Confidentiality.

I. If the department of safety conducts criminal background checks under RSA 159-D:1 any records containing information pertaining to a potential buyer or transferee who is not found to be prohibited from receipt or transfer of a firearm by reason of state or federal law which are created by the department of safety to conduct the criminal background check shall be confidential and may not be disclosed by the department or any officers or employees to any person or to another agency. The department shall destroy any such records after it communicates the corresponding approval number to the licensee and, in any event, such records shall be destroyed within one day after the day of the receipt of the licensee's request.

II. The department shall retain records containing any information pertaining to a potential buyer or transferee who is prohibited from receipt or transfer of a firearm for 3 years.

III. Notwithstanding the provisions of this section, the department may maintain only a log of dates of requests for criminal background checks and unique approval numbers corresponding to such dates for an indefinite period.

IV. Nothing in this section shall be construed to allow the department to maintain records containing the names of licensees who receive unique approval numbers or to maintain records of firearm transactions, including the names or other identification of licensees and potential buyers or transferees, including persons not otherwise prohibited by law from the receipt or possession of firearms.

2 Funding. If the department of safety conducts criminal background checks as authorized in RSA 159-D, as inserted by section 1 of this act, the source of funding for such checks shall be federal grants or funds within the department's existing budget.

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

AMENDED ANALYSIS

The bill authorizes the department of safety to perform criminal history, protective order, and national instant criminal background checks for firearms purchases in accordance with the Brady Act. If the department performs such checks, the source of funding for such checks shall be federal grants or funds within the department's existing budget.

The bill also requires that information provided to the department by prospective firearms purchasers be kept confidential by the department.

Referred to Finance.

HB 687-FN, establishing the criminal offense of identity fraud. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: "It's one of the fastest growing crimes in the nation." And it's so simple: A thief obtains your social security number or arms himself with a blank, pre-approved credit application. Or he can pose as a loan officer and request credit reports with account numbers. Once he gets the information, the identity theft can open new accounts or establish lines of credit in your name. But forget the credit application and account number, your social security number unlocks a gold mine – education, medical, financial and credit records. Unfortunately, victims (thousands a year) don't even know they have been robbed until they get outrageous charges on their credit card statements or a bad credit report. HB 687 establishes the crime of identity fraud. It defines what personal identifying information is, who a victim is, and who "poses" to get the information. The penalties used are from our theft statute. We inserted a provision for restitution and defined venue so that a complaint may be properly made. As shown by our vote, we believe this is a necessary and important piece of legislation. Vote 15-0.

Amendment (0526h)

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Identity Fraud. Amend RSA 638 by inserting after section 24 the following new subdivision:

Identity Fraud

638:25 Definitions. In this subdivision:

I. "Personal identifying information" means any name, number, or information that may be used, alone or in conjunction with any other information, to assume the identity of an individual, including any name, address, telephone number, driver's license number, social security number, employer or place of employment, employee identification number, mother's maiden name, demand deposit account number, savings account number, credit card number, debit card number, personal identification number, account number, or computer password identification.

II. "Pose" means to falsely represent oneself, directly or indirectly, as another person or persons.

III. "Victim" means any person whose identifying information has been unlawfully obtained or recorded or any person or entity that provided money, credit, goods, services, or anything of value and has suffered financial loss as a direct result of the commission or attempted commission of a violation of this subdivision.

638:26 Identity Fraud.

I. A person is guilty of identity fraud when, with the purpose to defraud in order to obtain money, credit, goods, services, anything of value, any identification card or other evidence of such person's identity, the person:

(a) Poses as another person without the express authorization of such person.

(b) Obtains or records personal identifying information about another person without the express authorization of such person, with the intent to pose as such person; or

(c) Obtains or records personal identifying information about a person without the express authorization of such person in order to assist another to pose as such person.

II.(a) Identity fraud is:

(1) A class A felony if the value of the property or services obtained exceeds \$1,000.

(2) A class B felony in all other cases.

(b) The value may be determined according to the provisions of RSA 637:2, V.

III. A person found guilty of violating any provisions of this section shall, in addition to the penalty under paragraph II, be ordered to make restitution for economic loss sustained by a victim as a result of such violation.

638:27 Venue. If any act performed in furtherance of the offenses prohibited by RSA 638:26 occurs in this state or if any victim of the offenses prohibited by RSA 638:26 resides in this state, the offense shall be deemed to have occurred in this state.

AMENDED ANALYSIS

This bill establishes the criminal offense of identity fraud.

HB 714-FN, changing the potential penalties for certain acts of solicitation and conspiracy to commit murder and attempted murder to life in prison. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill changes the potential penalties for attempt to commit murder, solicitation of murder, and conspiracy to commit murder by providing the court with the discretion to sentence persons convicted to longer terms of incarceration. These are murders that are planned but not completed for various reasons even though the offender formed the bad intent to commit the underlying murder and had every intent to finish the crime. The committee feels that the judge should have the discretion to sentence such an offender to longer periods than are currently in law. The bill increases the potential sentences for attempt to commit murder from 30 years to up to life, increases the potential sentence for solicitation of murder and conspiracy to commit murder from up to 15 years to up to 30 years. Vote 17-1.

Amendment (0404h)

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as section 5:

4 Repeal. RSA 651:2, II-c, relative to sentences and limitations, is repealed.

AMENDED ANALYSIS

This bill changes the potential punishment for acts of solicitation to commit murder and conspiracy to commit murder to not more than 30 years imprisonment.

The bill also increases the potential punishment for attempted murder to life imprisonment, and repeals the former sentencing provision of RSA 651:2, II-c.

HB 398, relative to prayer in the public schools. INEXPEDIENT TO LEGISLATE

Rep. Susan B. Durham for Education: In the best interest and objective to the bill, the sponsors have asked for it to be inexpedient to legislate. The committee, in response to the sponsors' request and with concern about the constitutionality of the bill, agreed to that request. Vote 12-3.

HB 466, establishing a commission to study education options in school districts not maintaining a high school. RE-REFER TO COMMITTEE

Rep. John Alger for Education: This bill asks that a commission be established to study options for the 28 school districts that do not now have high school facilities in their districts. The committee decided to re-refer the bill in order to request the State Board of Education and the Department of Education to review the issue, address the concerns of the 28 school districts and report recommendations to the committee. Vote 15-2.

HB 582, eliminating the funding of athletic scholarships by institutions within the university system of New Hampshire. INEXPEDIENT TO LEGISLATE

Rep. Warren Henderson for Education: The committee heard extensive testimony that the ultimate impact of eliminating athletic scholarships in the university system may be to jeopardize many college sports in New Hampshire. Only about 10% of all scholarships are given to athletes, and many of those are only partial scholarships. By selectively awarding athletic scholarships, our colleges can field more competitive sports teams. More competitive teams attract more fans, which generates more revenue, which minimizes the financial burden of athletics on the university system. Taking away those scholarships will have the opposite effect. As sports teams become more of a burden the temptation will be to eliminate the teams. Athletic scholarships benefit all athletes on our sports teams by giving them the best chance to compete and win and to continue to be a source of pride throughout New Hampshire. Vote 17-0.

HB 677-FN-L, establishing a teacher compensation advisory board for the purpose of developing a statewide teacher compensation system. INEXPEDIENT TO LEGISLATE

Rep. David E. Larrabee for Education: The sponsor of the bill desired to see established, a teacher compensation advisory board to advise the State Board of Education on the adoption of a statewide teacher compensation system based on merit and performance criteria. Because salary is the most negotiable piece of a local contract, the result would eliminate local control on salary schedules and compensation. Establishing rules for teacher compensation would result in a state mandate. Vote 19-0.

HB 61, relative to political contributions by members of the ballot law commission. OUGHT TO PASS

Rep. Raymond Buckley for Election Law: This bill was introduced at the request of the members of the Ballot Law Commission. The Commissioners feel that there is a need to prohibit contributions to candidates by BLC members in order to eliminate the potential appearance of a conflict of interest in their rulings. The committee supports the Commissioners request. Vote 15-0.

HB 338, relative to absentee voting procedures. INEXPEDIENT TO LEGISLATE

Rep. Christine M. Konys for Election Law: This bill would have repealed the provisions permitting a moderator to reject an absentee ballot because of an improperly executed affidavit. The committee voted ITL with the agreement of the sponsor. There is a similar bill, which takes a more comprehensive view of the absentee balloting procedure, which has been introduced in the Senate. The sponsor and the committee felt that this bill is therefore unnecessary. Vote 16-0.

HB 335, prohibiting the land application of sludge in reclamation areas. RE-REFER TO COMMITTEE

Rep. Betty B. Hall for Environment and Agriculture: Alternative methods of reclaiming spent gravel pits are being studied as well as the effect of papermill sludge on aquifers. This is a controversial issue. The Senate has bills dealing with the problem. Both bodies need to coordinate our efforts. We need to continue our search for a solution. Vote 15-0.

HB 556-FN, relative to transporting hazardous waste. OUGHT TO PASS

Rep. Kenneth R. Marshall for Environment and Agriculture: This bill was a request of the Department of Environmental Services and simply modifies the hazardous waste transporter

registration requirements, confers additional enforcement authority to the Department of Environmental Services relative to hazardous waste transportation, and makes technical changes to the hazardous waste management laws. Vote 15-0.

HB 88-FN, relative to purchasing credit for prior service for certain employees in the New Hampshire retirement system. OUGHT TO PASS

Rep. Robert C. Batchelder for Executive Departments and Administration:: Existing law provides that when a municipality opts to have its employees become members of the New Hampshire Retirement System, an employee may be credited by the NHRS for years of prior service with that municipality provided that the employee within one year "buys into" the retirement system by making a lump sum payment equal to the accrued liability contributions for those prior years. Recognizing that an employee with many years of prior employment may have difficulty accumulating a large lump sum within the one-year limit, HB 88 will extend the time limit to five years. This change will benefit such employees, at no cost to the retirement system. Vote 18-0.

Referred to Finance.

HB 397, establishing a 4-year term for the commissioner of the department of corrections. OUGHT TO PASS WITH AMENDMENT

Rep. Frank V. Sapareto for Executive Departments and Administration: This bill clarifies the four-year term for the commissioner for the department of corrections. It specifies the term for a period of four years upon which the governor and council are required to either re-appoint or make a new appointment. It also clarifies the current commissioner's term as starting his four – year appointment from the date of hire last year and commencing four years from that date. This four-year period is consistent with other commissioner appointments. Vote 17-0.

Amendment (0423h)

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

AN ACT establishing a 4-year term for the commissioner of the department of corrections, and clarifying the process of appointing personnel under the commissioner.

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

1 Term of Appointment. Amend RSA 21-H:6, I and II to read as follows:

I. The commissioner of the department shall be appointed by the governor, with the consent of the council, ~~[and shall serve at the pleasure of the governor]~~ **for a term of 4 years from the date of the appointment and until a successor is appointed and qualified.**

II. The commissioner shall nominate for appointment by the governor, with the consent of the council, each division director, the ~~[warden]~~ **wardens** of *all* the New Hampshire state ~~[prison for men, the superintendent of the lakes region facility, and the superintendent of the New Hampshire state prison for women]~~ **prisons**. All division directors~~[-]~~ **and** the ~~[warden]~~ **wardens** of the New Hampshire state ~~[prison for men, the superintendent of the lakes region facility, and the superintendent of the New Hampshire state prison for women]~~ **prisons** shall serve at the pleasure of the commissioner.

2 Application.

I. The provisions of RSA 21-H:6, I, as amended by section 1 of this act, shall apply to any appointments made after the effective date of this act.

II. The term of the commissioner in office on the effective date of this act shall be deemed to have started on January 8, 1998, the date of initial appointment.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a four-year term for the commissioner of the department of corrections and clarifies the process of appointing personnel under the commissioner.

HB 448, relative to the board of dental examiners and the regulation of dentists and dental hygienists. OUGHT TO PASS WITH AMENDMENT

Rep. Nancy C. Stickney for Executive Departments and Administration: This bill clarifies the adjudicatory process that deals with professional misconduct, board investigations, and hearings following up on legislation passed in 1997 relative to the rules of the Board of Dental Examiners. The amendment requires rules to be adopted under 541-A and retains the current scope of practice of the dental hygienists. Vote 17-0.

Amendment (0540h)

Amend RSA 317-A:8, I as inserted by section 8 of the bill by replacing it with the following:

I. Applications for licensure shall be made to the board in writing and shall be accompanied by a fee established *in rules adopted under RSA 541-A* by the board and by satisfactory proof that the applicant is a graduate of a school, *or has completed an educational specialty program of at least 2 years*, that is recognized by the American Dental Association Commission of Accreditation of Dental and Dental Auxiliary Educational Programs. The applicant shall be of good professional character and 18 years of age or older.

Amend RSA 317-A:21, II as inserted by section 23 of the bill by replacing it with the following:

II. Applications for licensure as a dental hygienist shall be made to the board in writing and shall be accompanied by a fee established by the board and by satisfactory proof that the applicant is a graduate of a school of *dentistry or a school of* dental hygiene with a minimum of a 2-year program in an institution of higher education, the program of which is accredited by a national accrediting agency recognized by the United States Department of Education and the American Dental Association Commission of Dental Accreditation.

Amend the bill by deleting section 24 and renumbering the original sections 25-31 to read as 24-30, respectively.

HB 474-FN, relative to the annual audit of New Hampshire retirement system funds.
INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: The bill would have required the office of the legislative budget assistant (LBA) to hire an outside, nationally recognized accounting firm to do the annual audit in one of the next five years. Prior to the filing of this bill, the LBA had started on his own initiative, to prepare for an outside audit firm. The LBA has met with 5 qualified firms and is now in the process of preparing the specifications for bidding on the contract for the next three years, therefore, this bill is no longer needed. Vote 17-0.

HB 476, establishing a committee to study the feasibility of allowing state and local government part-time employees to participate in their employer's group insurance coverage. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: This subject has been before the legislature in the past. This bill would establish a study committee; however, the full committee felt that this subject should be one of negotiations. Vote 18-0.

HB 598-FN, relative to the licensure of x-ray technicians. RE-REFER TO COMMITTEE

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill would have established a process for licensing x-ray technicians. Public testimony revealed some problems in the way the bill was written. By the time this bill was reviewed by a subcommittee, ED&A received a copy of SB 90 which establishes a study committee to review issues prior to licensure of x-ray technicians. The subcommittee felt that this situation should be studied and felt that the appropriate action is to re-refer this bill. Vote 16-0.

HB 601, allowing the assistant commissioner of corrections to act on behalf of the commissioner in the commissioner's absence, establishing a term of appointment for the commissioner of corrections, and correcting out-of-date references and phraseology pertaining to the department of corrections. OUGHT TO PASS WITH AMENDMENT

Rep. Frank V. Sapareto for Executive Departments and Administration: This bill would allow the assistant commissioner of corrections to assume the duties of the commissioner in the event that the commissioner is unable to perform such duties. It further corrects outdated references in phraseology pertaining to the department of corrections. When the commissioner is unable to perform duties, such may be delegated to the assistant commissioner but not further down the chain of command. Vote 18-0.

Amendment (0523h)

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

AN ACT allowing the assistant commissioner of corrections to assume the duties of the commissioner in the event that the commissioner is unable to perform such duties, and correcting out-of-date references and phraseology pertaining to the department of corrections.

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

1 Powers and Duties of the Commissioner of Corrections. Amend RSA 21-H:8, II (d) to read as follows:

(d) Delegate authority to subordinates as ~~he~~ **the commissioner** deems necessary and appropriate, except that rulemaking authority shall not be delegated. The

commissioner shall provide by delegation for the assistant commissioner or a division director to exercise authority in ~~his~~ **the commissioner's** absence. All such delegations shall be made in writing, shall be disseminated to all division directors, shall clearly delineate the authority delegated and the limitations thereto, and shall be kept on file in the commissioner's office. ***The assistant commissioner shall assume the duties of the commissioner in the event that the commissioner is unable for any reason to perform such duties.***

2 New Subparagraph; Clarification of Term. Amend RSA 651:6, I by inserting after subparagraph (n) the following new subparagraph:

(o) As used in this section, a "law enforcement officer" is a sheriff or deputy sheriff of any county, a state police officer, a constable or police officer of any city or town, an official or employee of any prison, jail or corrections institution, a probation-parole officer or a conservation officer.

3 New Subparagraph; Addition to Committee Membership. Amend RSA 4:9-c, I by inserting after subparagraph (k) the following new subparagraph:

(l) The commissioner of corrections or designee.

4 Department of Corrections Annual Plan. Amend RSA 21-H:8, X to read as follows:

X. The commissioner shall develop, publish, and periodically revise an annual comprehensive plan for the state's correctional system which shall indicate, among other things, the department's goals, objectives, resources, current conditions, and needs. ~~[The commissioner shall cooperate with the commissioner of the department of youth development services in preparing the juvenile section of the plan required by RSA 621:12, II. The commissioner shall adopt the juvenile section submitted by the commissioner of youth development services without revision.]~~ The report shall contain information on any substantial modification of existing facilities, the progress on construction of new facilities, and whether such construction or modification is being undertaken by public or private entities. The commissioner shall annually submit such comprehensive plan to the governor and council, speaker of the house, president of the senate, and governing bodies of municipalities where state corrections facilities are located.

5 Reference Change and Addition to Personnel Group. Amend RSA 94:1-a by:

I. Deleting in group M:

Superintendent, New Hampshire state prison for women.

Superintendent, lakes region facility, department of corrections.

II. Inserting in group M:

Warden, New Hampshire state prison for women.

Warden, lakes region facility, department of corrections.

III. Inserting in group O:

Warden, Berlin prison facility, department of corrections.

6 Terminology Correction. Amend RSA 622:33-a, II to read as follows:

II. The New Hampshire state prison for women shall be under the superintendence of a ~~[superintendent]~~ **warden**. The ~~[superintendent]~~ **warden** shall serve at the pleasure of the commissioner of corrections and shall be an unclassified employee qualified by education and experience.

7 Reference Change. Amend RSA 622:2-a to read as follows:

622:2-a The ~~[warden]~~ **wardens** of the New Hampshire state ~~[prison for men]~~ **prisons** shall serve at the pleasure of the commissioner and shall be ~~[an]~~ unclassified ~~[employee]~~ **employees** qualified by education and experience.

8 Correction to Jurisdiction. Amend RSA 541-B:9, V to read as follows:

V. Notwithstanding paragraph II, the department of corrections shall have exclusive jurisdiction to investigate, conduct hearings and make decisions, and render or deny awards on claims against the ~~[state prison]~~ **department of corrections** when the amount involved is less than \$500.

9 Repeal. RSA 622:1, relative to the general penitentiary, is repealed.

10 Repeal. RSA 622:2-b, relative to the superintendent of the lakes region facility, is repealed.

11 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows the assistant commissioner to assume the duties of the commissioner in the event that the commissioner is unable for any reason to perform such duties and corrects certain out-of-date references pertaining to the department of corrections.

Referred to Finance.

HB 686-FN, defining the state heritage collections committee's responsibilities and the process for acquiring or disposing of items and collections. OUGHT TO PASS WITH AMENDMENT

Rep. Michael O'Neil for Executive Departments and Administration: This bill sets out the procedure for the heritage collections committee approval for the disposal of all state owned objects of historical, cultural or artistic value through publicly advertised sales or auction. Vote 14-0.

Amendment (0644h)

Amend the bill by replacing section 1 with the following:

1 Sale of Items or Collections. Amend RSA 227-C:22, VI to read as follows:

VI. The committee shall approve or disapprove plans to dispose of any state-owned object of historical, cultural or artistic value. ***Such items shall be sold through publicly advertised sale or auction.***

HB 278, relative to scheduling of district court sessions. OUGHT TO PASS WITH AMENDMENT

Rep. Steve Vaillancourt for Finance: The amendment eliminates the need for a fiscal note, and the Finance Committee concurs with the policy committee (Judiciary) and previous vote of the House. The amendment stipulates that district court judges shall hold special sessions (such as night sessions) "as may best serve the convenience of the communities within their district." By striking the phrase noting specific locations and times we allow the scheduling judges enough discretion so that no additional costs should be incurred. Vote 25-0.

Amendment (0663h)

Amend RSA 502-A:2, I as inserted by section 1 of the bill by replacing it with the following:

I. The purpose of the establishment of this system of district courts is to provide the minimum number of courts which will adequately serve the convenience of the public, both transient and permanent residents of this state. To accomplish this purpose, districts must serve certain towns within their district having regard for the parties, the seasonal influx of population in certain areas, and such other considerations as the expeditious and effective administration of justice may require. In addition to the regular sessions which are required to be held in various districts under the provisions of this chapter, ***or in replacement of a portion of regular sessions***, the justice or special justice of each district ~~[may]~~ ***shall*** hold special sessions ~~[in such localities within their respective district and at such times]~~ as may best serve the convenience of the communities within their district, provided, however, that no such special session shall be held in any building which does not meet the minimum standards prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

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.
INEXPEDIENT TO LEGISLATE

Rep. Jeffrey C. MacGillivray for Finance: The bill increased the fee insurance companies pay for copies of motor vehicle records from \$7 to \$8, and used the \$1 increase to establish a dedicated fund for firefighter training courses and purchase of related training equipment. The division director then requested that the fee not be increased, but that instead part of the existing fee be transferred from the general fund to establish this dedicated fund.

The Finance Committee is generally reluctant to establish additional dedicated funds, and prefers to allocate funds among all budget items during the budget process. The request for additional training funds will continue to be discussed during the budget process. Vote 24-1.

HB 361, requiring the suspension of attorneys who do not abide by a client's decision whether to accept an offer of settlement. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary: There were many reasons the committee voted inexpedient to legislate. The most important reason is that the case that precipitated this bill is currently before the supreme court. There are currently no other professions, including real estate, medical, engineering, where the legislature spells out a penalty. As a rule in equity cases, a contract is signed with the client. Settlements that a client has not seen can be set aside by the court. Court rules of professional conduct require an attorney to abide by the client's decisions. The client can report the attorney to the professional conduct committee and also sue for malpractice. In sum, there are multiple remedies in place currently. Vote 17-0.

HB 382, making the law against discrimination by employers applicable to charitable and educational organizations. INEXPEDIENT TO LEGISLATE

Rep. Martha S. Solow for Judiciary: This bill would remove exemptions for charitable and educational associations or corporations from the law against discrimination by employers. As written, the terms are not clearly defined. In addition, the committee questioned the advisability of removing all exemptions except those for small businesses. The committee will consider these issues under HB 551, which proposes to remove all exemptions. Vote 16-1.

HB 544, relative to limitations on landowner liability. INEXPEDIENT TO LEGISLATE

Rep. Loren J. Jean for Judiciary: Upon its surface the provisions of the bill seemed to further limit landowner liability. However, it was considered by the committee that the proposal needed further work, and as presently written, it would erode the present statutes which effectively protect the landowner, and adequately address liability. At the request of the sponsor, upon learning of these diminishing provisions, the committee agreed to leave well enough alone. Vote 17-0.

HB 568, establishing a review panel to review judicial officers. RE-REFER TO COMMITTEE

Rep. James W. Craig for Judiciary: This bill establishes a review panel, consisting of legislators and members appointed by governor and council, to review judicial officers at least once every seven years following his or her appointment. There are many views on the issue of judicial review and many bills concerning the subject. The committee voted 16-2 to re-refer this bill for further study along with the many other bills on the issue of judicial reform. The committee feels that this approach will result in a more coherent picture of what, if anything, should be done. Vote 16-1.

HB 575, limiting railroad liability for passenger and tourist rail service. RE-REFER TO COMMITTEE

Rep. John M. Pratt for Judiciary: While totally sympathetic with the desire of the bill's supporters to further the cause of railroad revitalization in New Hampshire, the committee concluded that the costs to the state were not clear and the financial limits of a railroad's liability which the bill would establish were insufficient. Given the importance of the issue the committee voted overwhelmingly to re-refer the bill. Vote 18-1.

HB 393-FN-A, establishing a sunset review process for state agencies and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Legislative Administration: The purpose of this bill was to reestablish the sunset review process of all agency programs. The legislature had a sunset program from November of 1978 to May of 1987 when the legislature sunset the sunset committee. After the sunset program ended, the legislature established the performance audit group in the legislative budget office to review agency programs. This program is working well and does not require as much agency time as the sunset process did.

Under House rules, a standing committee may consider all matters pertaining to their subject areas. That could include a review of agency programs and the committee could issue a report if they felt a particular action should be taken. This bill would appropriate one dollar for this year, but the fiscal note indicated a cost of \$337,000 in the first year to meet the goals outlined in the bill. Given the cost of the sunset program and the fact that the performance audit program was working well, the committee felt that this bill should be inexpedient to legislate. Vote 14 - 0.

HB 391, establishing a village plan alternative in zoning and land use planning laws. RE-REFER TO COMMITTEE

Rep. Betsey L. Patten for Municipal and County Government: The committee reviewed this proposal for traditional village planning along with HB 209, which also deals with traditional village patterns. The bills look at village planning from two different aspects. The sponsor of this bill worked with the Office of State Planning and the New Hampshire Municipal Association to discuss a variety of changes. The committee recommends re-referring this bill to discuss the possibility of creating a model ordinance that communities may choose to adopt locally. Vote 15-0.

HB 433, relative to moorings on public waters. INEXPEDIENT TO LEGISLATE

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill proposes a process where the state mooring program may be extended from the existing coverage of the six largest lakes to other lakes. The Committee wishes to address this issue, but wishes to use SB 46 as a vehicle since it is a similar bill. The sponsors of both bills have agreed to this approach. Vote 17-0.

HB 539-FN, relative to public access to Squam Lake. RE-REFER TO COMMITTEE

Rep. David M. Lawton for Resources, Recreation and Development: This bill would encourage legislative support to provide full public access to Squam Lake. HB 539-FN was Re-Refered so that the committee would have time to oversee the Fish and Game Department's and the Squam Lake Communities' response to provide public access. The committee would expect to consider taking action on its own in the future to assure free public access to New Hampshire's second largest lake if the issue is not properly resolved. Vote 17-0.

HB 610-FN-A-L, prohibiting the use of wheeled OHRVs on trails maintained by the bureau of trails during the winter. INEXPEDIENT TO LEGISLATE

Rep. H. Charles Royce for Resources, Recreation and Development: This bill would keep all OHRV's off state maintained trails when they are snow covered. There was overwhelming opposition to this bill by both snowmobile and Off Highway Recreational Vehicles (OHRV's) groups throughout the majority of the state. The Committee felt that the Trails Bureau in the Division of Parks and Recreation is working with all users of their trails for the best recreational experience for all. Vote 17-0.

HB 642-FN, relative to the availability of trails under the jurisdiction of the department of resources and economic development. INEXPEDIENT TO LEGISLATE

Rep. Michael D. Whalley for Resources, Recreation and Development: Members of the Committee agreed with the sponsor that the bill as written did not satisfy the sponsors intent of defining different types of recreational trail use. As drafted, the bill was written in a way which was specific to the use off highway recreational vehicles which was too narrow a view from the sponsor's point of view. There was no testimony in support of the bill. The sponsor of the bill chose not to amend the bill to accomplish his original goal. Vote 17-0.

HB 659, relative to the use of ski craft on the waters of the state. INEXPEDIENT TO LEGISLATE

Rep. MaryAnn N. Blanchard for Resources, Recreation and Development: The major portion of this bill relates to jet ski regulations and mandatory jet ski operator education. The Committee chose to support unanimously HB 449-FN which is a more comprehensive, mandatory, phased-in, boater

safety education certification program. Operators of all motorized vessels in excess of 15 hp will be covered by HB 449-FN. Vote 17-0.

HB 387, relative to local telephone calling areas, access charges, and competitive telephone services. RE-REFER TO COMMITTEE

Rep. Jeb E. Bradley for Science, Technology and Energy: The committee determined that re-referral was the best option due to the broad public policy implications of this bill. The bill sought to expand local telephone calling areas. While such a policy could be very useful, base rates could increase and there could be diminished opportunities for in-state long distance calling. The bill also sought information from phone companies that are regulated and also provide competitive services about potential separation or divestiture of the company into different subsidiaries. Lastly, the bill sought to reduce the access charge by a local phone company to originate or terminate an inter or intrastate long distance call. These access charges have been substantially reduced in the last several years but long distance companies claim the charges exceed the cost of providing the service. The committee discussed proceeding with this latter portion of the bill and asked that Bell Atlantic and long distance competitors such as AT&T and MCI agree on common language. There was no agreement unfortunately. The Public Utilities Commission (PUC) has lowered these access charges when the earnings of a regulated phone company are such that the charge can be lowered without a corresponding increase in local dial tone service. The PUC may well continue this practice without a legislative directive. Also requiring further study will be the impact of any of these initiatives on the thirteen small independent phone companies that service 6% of the state. Any policy changes must reflect the special circumstances of these small companies and their customers. Vote 20-0.

HB 592, creating a study committee regarding requirements for and usage of methyl t-butyl ether. OUGHT TO PASS WITH AMENDMENT

Rep. Terie T. Norelli for Science, Technology and Energy: Methyl t-butyl ether (MTBE) is a fuel additive in conventional gasoline to improve engine performance and replace lead. It is also found in higher concentrations in reformulated gas, which is required by federal law to reduce harmful auto emissions. Gasoline may make its way into the ground due to leaking underground tanks, small spills at filling stations, or from leaky vehicles. Unfortunately, because of its water solubility, MTBE moves more quickly in groundwater than do other gasoline components and has become a threat to some water supplies in the state. This bill, as amended, established a committee to study the comparative risks of MTBE and other gasoline components, to study the relative benefits, costs and technical feasibility of MTBE and potential substitutes on both air and water pollution, and to study actions that could be taken to reduce the impact of MTBE on surface and groundwater. The committee is also considering a companion bill, HB 694, that begins the process of curbing MTBE. Vote 17-0.

Amendment (0661h)

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

1 Findings. The general court finds that:

I. It is concerned that the gasoline component methyl t-butyl ether (MTBE), which is currently added to gasoline to meet requirements of the Clean Air Act, may have water pollution impacts exceeding its air pollution reduction benefits.

II. This is a nationwide issue and studies have been conducted and are being conducted to evaluate the relative benefits, relative impacts, and relative costs of different gasoline components and of the federal requirement that oxygenates such as MTBE be added to gasoline.

III. The comparative risks of MTBE and other gasoline components should be carefully studied, and the results of all available studies carefully evaluated, prior to taking any action such as proscribing any one gasoline component without good information about the likely consequences of its likely replacements.

2 Committee Established. There is established a committee to study and review issues related to the use of methyl t-butyl ether (MTBE) and other gasoline components and the comparative risks of their use upon air pollution and water pollution.

3 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Five members of the house of representatives, at least 2 of whom shall be from the science, technology and energy committee and at least one of whom shall be from the resources, recreation and development committee appointed by the speaker of the house. The speaker of the house may appoint up to 3 other house members, if deemed necessary, as alternates.

(b) At least 3 but not more than 5 members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties. The committee shall be responsible for the following:

I. Monitoring and assisting efforts to eliminate the federal requirement that oxygenates such as MTBE be added to gasoline.

II. Studying the relative benefits, relative impacts, relative costs, legality and technical feasibility of MTBE and its potential gasoline oxygenate substitutes on levels of air pollution and water pollution.

III. Studying the usage, relative benefits, relative impacts, relative costs, legality and technical feasibility of MTBE and its potential gasoline component substitutes on levels of air pollution and water pollution in the event that the federal oxygenate requirements were decreased or eliminated.

IV. Studying various actions that could be taken to reduce the impact of MTBE on surface water and ground water, including reducing emissions from marine engines prior to the effective date of future federal standards.

5 Chairperson. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

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

HB 368, relative to motor vehicle learner's permit requirements. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: This bill would require teen drivers to have 90 days of practice time with an adult prior to being eligible for a youth driver's license. The committee saw merit in this concept and commends the sponsor for his effort. The committee took this idea and included it in HB 491. Vote 16-0.

HB 432, requiring persons under 18 who complete a driver's education course to also do practice driving with a parent or guardian. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: This bill would require persons under 18 who complete a driver's education course to also practice with a parent or guardian. The committee recognized the merit of this concept and commends the sponsors for their effort. The committee had several bills with similar language and included this idea in HB 491. Vote 16-0.

HB 491, requiring the department of safety to conduct all qualifying examinations of individuals seeking driver's licenses. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. Letourneau for Transportation: This bill is a follow-up bill that continues the effort to improve teen driver education. The committee combined four bills into one rather than passing four separate pieces of legislation concerning the same subject matter. The first part of this bill requires the Department of Safety to be responsible to administer the qualifying examinations for individuals seeking driver's licenses. The amendment requires the administrators of driving schools to conduct 10 hours of practice driving time with pupils. It also provides that persons under the age of 18 must complete 60 hours of additional supervised driving time with a parent, guardian or person over 25 years of age in order to obtain a license. This amendment also provides an exemption for motorcycle endorsements provided that the applicant successfully completes the New Hampshire motorcycle safety program. This bill has the support of the DOS, DOE, AAA and NH driver instructors. The committee strongly supports this bill. Vote 16-0.

Amendment (0564h)

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

AN ACT relative to qualifying examinations for individuals seeking driver's licenses, and driver education course requirements.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4 and 5 to read as 5 and 6, respectively:

4 Behind the Wheel Training Requirements Increased. Amend RSA 263:19 to read as follows:

263:19 Driver Education.

I. A driver's license may be issued subject to the provisions of this chapter to a person under the age of 18 years who has attained his sixteenth birthday, if such person shall present a certificate of successful completion of a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety or given by a motor vehicle driver's school licensed under the provisions of this chapter. An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training **of not less than 10 hours**, in accordance with rules adopted pursuant to RSA541-A, published jointly by the commissioner of education and the commissioner of safety, such standards to be not less than those presently required.

II. To qualify for a driver's license under this section, a person under the age of 18 shall also certify the completion of 60 hours of additional supervised driving time under the supervision of a licensed parent or guardian, or, if there is no licensed parent or guardian, under the supervision of a licensed adult over the age of 25. The commissioner shall adopt rules relative to the method of certification.

III. Any person who wishes to obtain a motorcycle endorsement shall not be required to complete the 60 hours of practice driving time specified in paragraph I, but shall successfully complete a program authorized pursuant to RSA 263:34-b and shall be exempt from RSA 263:14, II(c) while operating a motorcycle.

Amend the bill by replacing section 6 with the following:

6 Effective Date.

I. Sections 1, 2, 3 and 5 of this act shall take effect January 1, 2000.

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

AMENDED ANALYSIS

This bill requires all qualifying examinations for individuals seeking to obtain driver's licenses be conducted by department of safety personnel. The bill also requires administrators of approved driver education courses to conduct 10 hours of practice driving time with pupils, and provides that persons under the age of 18 must complete 60 hours of additional supervised driving time with a parent or guardian in order to obtain a license. Motorcycle license applicants are exempted from the additional 60 hours of driving time.

HB 496-FN-L, relative to increasing the minimum number of hours required for novice drivers enrolled in driver's education programs. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: This bill increases the minimum number of hours required for novice drivers enrolled in driver education programs. The committee recognized the merit of this bill and commends its sponsors for their efforts. The committee included the concept of this bill in HB 491. Vote 16-0.

HB 554, relative to driver education reciprocity. OUGHT TO PASS WITH AMENDMENT

Rep. George A. LaPorte for Transportation: This bill would require students taking driver education out of state to meet the minimum standards of New Hampshire. Only individuals 16 and 17 years of

age would be affected. Those who wish to wait until the age 18 or older would not required to take a driver education course to obtain a driver's license. Vote 17-0.

Amendment (0551h)

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

1 New Hampshire Driver Education Requirements. Amend RSA 263:20 to read as follows:

263:20 Driver Education; Reciprocity. The provisions of RSA 263:19 shall not prevent the issuance of a driver's license to any individual who can produce satisfactory evidence of completion of an equivalent course of driver education, approved by the issuing state, provided that the commissioners of safety and education acting jointly shall determine that such course is equivalent to New Hampshire's driver education course ***and provided that such course meets or exceeds the state's minimum standards.***

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires that new residents attempting to obtain a drivers license in the state shall have completed driver education or training which meets the state's minimum standards.

HB 559-FN-A, authorizing vanity plates or decals for OHRV registrations. OUGHT TO PASS WITH AMENDMENT

Rep. Alfred C. Lerandean for Transportation: This bill, as amended, allows the executive director of the fish and game commission, for a fee, to issue vanity plates or decals for residents only to be used on off highway recreational vehicles. A portion of the monies raised would further the OHRV training programs, and would not cause any fiscal impact to the state. Vote 17-0.

Amendment (0561h)

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

1 New Section; Individual Vanity Plates or Decals. Amend RSA 215-A by inserting after section 23 the following new section:

215-A:23-a Individual Vanity Plates or Decals. The executive director is hereby authorized to design and to issue vanity plates or decals for residents only to be used on off highway recreational vehicles in lieu of other number plates or decals. Such plates or decals shall be of such design and shall bear such letters or letters and numbers as the executive director shall prescribe, but there shall be no duplication of identification. The executive director, or designee, may deny or revoke any plate or decal deemed inappropriate. Such vanity plates or decals shall be issued only upon application therefor and upon payment of a special fee of \$20. The special fee shall be in addition to the regular OHRV registration fee under RSA 215-A:23 and any fee otherwise required by law for the particular vehicle. All special fees collected under this section shall be nonlapsing and continually appropriated to the fish and game department for the purposes described in RSA215-A:23, VIII(b), the administrative costs of this section, and the actual costs to produce the plates or decals. The executive director shall, if necessary, adopt rules pursuant to RSA 541-A relative to the application for, design of, issuance, denial, or revocation of vanity plates or decals.

2 Effective Date. This act shall take effect July 1, 2001.

AMENDED ANALYSIS

This bill authorizes the executive director of the fish and game commission to issue, for a fee, vanity plates or decals to be used on OHRVs for residents. Fees paid for the vanity plates or decals are continually appropriated to the fish and game department for OHRV training programs and administrative and production costs of plates or decals.

Referred to Finance.

HB 651, revising the speed limit law. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. Letourneau for Transportation: This bill revises the speed limit law by allowing the commissioner of the department of transportation to reduce the speed limit in the event of vehicle or weather emergencies. This bill would allow the commissioner to erect signs that may carry either a fixed speed limit or a changeable message so designed as to permit display of different speed limits at various times of the day or night. Vote 17-0.

Amendment (0361h)

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

1 New Subparagraph; Speed Limit Statute Revised. Amend RSA 265:60, II by inserting after subparagraph (e) the following new subparagraph:

(f) On a portion of a highway where officers or employees of the agency having jurisdiction of the same, or any contractor of the agency or their employees, are at work on the roadway or so close thereto as to be endangered by passing traffic, at a speed of 10 miles per hour below the usual posted limit, but in no case greater than 45 miles per hour. The speed shall be displayed on signs as required by RSA 265:6-a.

2 Establishment of State Speed Zones. Amend RSA 265:62, I to read as follows:

I. Whenever the commissioner of transportation shall determine, upon the basis of an engineering and traffic investigation, ***or in the event of vehicle or weather emergencies***, that any prima facie speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the state highway system, outside the compact part of cities or towns, said commissioner may determine and declare a reasonable and safe prima facie speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected. ***Such signs may carry either a fixed speed limit legend or a changeable message so designed as to permit display of different speed limits at various times of the day or night.*** Such a prima facie speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs. The said commissioner shall keep and maintain a full and complete record of all speed zones established by him and all alterations, amendments or removal thereof.

3 Establishment of Speed Zones. Amend RSA 236:7 to read as follows:

236:7 Establishment of Speed Zones. Whenever the commissioner of transportation shall determine upon the basis of an engineering and traffic investigation, ***or in the event of vehicle or***

weather emergencies, that any prima facie speed limit set forth in RSA 265:60 is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place, or upon any part of a class I, class II or class III highway, outside the compact part of cities or towns, said commissioner may determine and declare a reasonable and safe prima facie speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of said highway. ***Such signs may carry either a fixed speed limit legend or a changeable message so designed as to permit display of different speed limits at various times of the day or night. Such a prima facie speed limit may be declared to be effective at all times or at such times as are indicated upon said signs.*** The commissioner shall keep and maintain a full and complete record of all speed zones established by him and all alterations, amendments or removal thereof.

4 Effective Date. This act shall take effect 60 days after its passage.

COMMITTEE REPORTS

CONSENT CALENDAR – Part ii

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

HB 682-FN-A, establishing a statewide program for the removal of graffiti from public property, removed by Rep. Belvin.

Consent Calendar adopted.

HB 654-FN-L, relative to the disposition or sentencing of persons under 18 years of age who commit certain crimes. INEXPEDIENT TO LEGISLATE

Rep. L. Randy Lyman for Children and Family Law: This bill sets forth a procedure whereby juveniles, who have committed certain felony crimes and have been certified as adults, serve part of their sentence at YDC and then possibly get paroled once they reach the age of majority, regardless of the sentence given by the adult court. The bill also encompassed both the juvenile justice and county budget, and the state corrections budget. It is the committee's hope that the sponsor might consider dividing the subject matter into 2 future pieces of legislation. Vote 15-1.

HB 652-FN, relative to victims' assistance, penalty assessments on criminal offenses, and establishing a victims fund which is continually appropriated for district court victim-witness programs. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill re-emphasizes the importance of helping victims of violent crime. The Victims' Assistance Fund, since its establishment in 1988, has ensured that victims do not suffer financial losses out of pocket such as funeral costs, counseling, and medical expenses resulting from the crime. The fund was originally created from 2% of penalty assessments on all fines and penalties so that tax dollars were not used. 15% of penalty assessments is used to fund police standards and training. For 10 years, 3% of penalty assessments was also used to fund a temporary Court Modernization Fund that lapsed in June 1998, five years after its original statutory lapse date. HB 652 takes that 3% and re-directs it into the Victims' Assistance Fund in response to a recent assessment which identified the need for providing victim services within our district courts and more adequately funding the expansion of the victim compensation program. This bill also creates a 5% surcharge on goods purchased at state prison commissaries to be used exclusively to fund victim/witness programs in the district courts (to include

victims of juvenile crime) and makes victim restitution a priority. With the enactment of this legislation, New Hampshire will finally have fully funded victims' compensation program. Vote 13-0.

Amendment (0277h)

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

AN ACT relative to victims' assistance, penalty assessments on criminal offenses, and establishing a surcharge on items sold at state prison commissaries which is continually appropriated to the victims' assistance fund.

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

1 Victims Assistance Fund. Amend RSA 6:12, I(aa) to read as follows:

(aa) The assessments collected under RSA 188-F:31 and 651:63, V **and the surcharges on state commissary purchases under RSA 622:7-b** designated for the victims' assistance fund which shall be credited to the victims' assistance fund until that fund exceeds \$750,000, at which time moneys in excess of \$750,000 shall be credited to the general fund.

2 Grants for Victim Assistance Programs. Amend RSA 21-M:8-i, I to read as follows:

I. Subject to the availability of money in the victims' assistance fund, the attorney general shall make grants totaling not more than ~~[55]~~ **25** percent of the victims' assistance fund, for the establishment and maintenance of victim assistance programs. ~~[The attorney general may, in awarding funds under this section, give preference to those counties not already served by a victim assistance program.]~~

3 Penalty Assessment and Amount of Penalty Assessment Designated for Victims' Assistance Fund Increased. Amend RSA 188-F:31, I to read as follows:

I. Every court shall levy a penalty assessment of \$2 or ~~[17]~~ **20** percent, whichever is greater, on each fine or penalty imposed by the court for a criminal offense, including any fine or penalty for a violation of RSA title XXI or any municipal ordinance, except for a violation of a municipal ordinance relating to motor vehicles unlawfully left or parked. Such penalty assessment shall be divided into the following components, to be designated as follows: 15 percent for the police standards and training council training fund and ~~[2]~~ **5** percent for the victims' assistance fund.

4 Reference to Court Modernization Fund Deleted. Amend RSA 262:44, I to read as follows:

I. Such defendant shall receive, in addition to his summons, a uniform fine schedule entitled "Notice of Fine, Division of Motor Vehicles" which shall contain the normal fines for violations of the provisions of title XXI on vehicles for which a plea may be entered by mail. The defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment at the time the summons is issued; except if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally shall do so on the arraignment date specified in the summons, unless otherwise ordered by the court. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the director of motor vehicles within 30 days of the date of the summons. The director of motor vehicles shall remit the penalty assessments collected to the police standards and training council for deposit in the police

standards and training council training fund and to the state treasurer [~~for deposit in~~] **to be credited and continually appropriated to** the victims' assistance fund [~~and the court modernization fund~~] in the percentages and manner prescribed in RSA 188-F:31. Fines shall be paid over to the commissioner of administrative services, or to such department or agency of the state as the law provides, within 14 days of their receipt.

5 New Section; Victims' Fund. Amend RSA 622 by inserting after section 7-a the following new section:

622:7-b Victims' Fund. Every commissary in a state prison operated for the sale of commodities shall collect a surcharge of 5 percent of the sales price of every item sold. All funds collected pursuant to this section shall be deposited in and continually appropriated to the victims' assistance fund.

6 Restitution First Priority. Amend RSA 651:63, VI to read as follows:

VI. Restitution, administrative fines and fees, and other fees collected, except for supervision fees pursuant to RSA 504-A:13, shall be allocated [~~on a pro-rata basis~~] **by the commissioner of corrections or his or her designee** when payments are insufficient to cover the full amount due for each of these balances. ***Restitution to victims shall have priority over all other collections.***

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

AMENDED ANALYSIS

This bill increases the amount of the penalty assessment on a criminal offense from \$2 or 17 percent of the fine charged for the offense to \$2 or 20 percent of the fine charged for the offense. The bill increases the amount of the penalty assessment designated for the victims' assistance fund from 2 percent to 5 percent.

The bill establishes a surcharge on items sold at state prison commissaries. Surcharges collected are continually appropriated to the victims' assistance fund.

The bill grants victims first priority for payments of restitution over other collectors of payments from restitution, fines and fees collected by the commissioner of corrections.

Referred to Finance.

HB 246, relative to personnel transfers at the department of safety. RE-REFER TO COMMITTEE

Rep. Howard C. Dickinson for Executive Departments and Administration: The bill deals with the transfer of personnel within the department of safety. This was a request of the department and would repeal that portion of the present statute that involves the fire standards and training program. Due to a short notice, the members of the fire standards and training commission were not able to attend the initial hearing or a rescheduled hearing. The prime sponsor was also unable to attend because of a medical condition. The committee requests that the bill be re-referred so that all parties may participate in the process at a later date. Vote 15-0.

HB 313-FN, relative to the regulation of the practice of optometry. OUGHT TO PASS WITH AMENDMENT

Rep. Carolyn A. Virtue for Executive Departments and Administration: This bill strengthens and clarifies procedures for licensure and re-licensure of optometrists. It also provides the Board of Optometry with the ability to assess an administrative fine for violations to statutes or rules promulgated by the board. The amendment clarifies issues on licensure renewals. Renewal applications are mailed out before May 1 of each year, and are due on or before June 30. Licenses of an optometrist will expire on July 1 if the licensee has not submitted the required re-application information and fee. A reinstatement request will be required for continued licensure. The bill also establishes valid differences in continuing education requirements for those optometrists who do not use pharmaceutical agents in their practice. Those who use these agents are required to complete 150 hours of continuing education every three years. This should insure well-trained professionals treating our New Hampshire citizens. Vote 16-0.

Amendment (0594h)

Amend the bill by replacing section 10 with the following:

10 License Renewal. RSA 327:13 is repealed and reenacted to read as follows:

327:13 Renewal of Licenses.

I. All licenses issued under this chapter shall automatically expire on July 1 of each year, unless an application for renewal of the license is received by the board on or before that date.

II. Before May 1 of each year, the board shall mail to every optometrist licensed in the state an application for renewal addressed to the post office address provided by the applicant pursuant to RSA 327:21, V.

III. Any licensee whose license has expired shall be barred from the practice of optometry in New Hampshire until such time as a reinstatement application is granted by the board.

Amend RSA 327:31, VIII as inserted by section 18 of the bill by replacing it with the following:

VIII. ~~[How an applicant shall be examined for professional and technical proficiency when the applicant has been:~~

~~(a) Licensed in another state, but has not taken a written examination, or~~

~~(b) Holding nonactive status for a period of 3 years or more.~~

~~IX.]~~ Additions or alterations to the defined pharmaceutical agents for diagnostic purposes as set forth in RSA ~~[327:1, I.]~~ **327:1, III; and**

HB 343, changing the Columbus Day holiday to Explorers Day. INEXPEDIENT TO LEGISLATE

Rep. Benjamin E. Moore for Executive Departments and Administration: The date, October 12, was added to the statute on legal holidays in 1913. At that time, 1913, the date October 12, historically, had always been associated with Christopher Columbus and the discovery of America. The recognition of a holiday October 12 while unnamed was intended to recognize Columbus and his achievement. The naming of Columbus Day and changing the day of the holiday to the second Monday in October 1971 did not change the original intent of the legislation. For this reason, the committee felt that change in name is unwarranted. Vote 18-0.

HB 516, exempting the New Hampshire retirement system from rulemaking for procedures concerning the retirement fund investment objectives and guidelines. INEXPEDIENT TO LEGISLATE

Rep. Frank V. Sapareto for Executive Departments and Administration: This bill exempts the New Hampshire Retirement System Board of Trustees from the Administrative Procedures Act concerning the retirement fund objectives and guidelines. This bill was requested by the New Hampshire Retirement System, however, controversy arose as to the methods of accomplishing the fund's objectives. The committee felt that this could best be corrected by rule changes without any blanket exemptions. Vote 15-0.

HB 620-FN, relative to election of vested deferred retirement status for inactive members of the retirement system. OUGHT TO PASS WITH AMENDMENT

Rep. Albert W. Hamel for Executive Departments and Administration: This bill changes the process for receiving a vested deferred retirement. A member vested with 10 or more years as a member of the New Hampshire Retirement System who ceases to make contributions to the retirement system will be automatically transferred to vested deferred status in the New Hampshire Retirement System. A member may take an annuity payment at age 60 for group I or age 45 for group II or may request withdrawal of their funds at any time. Vote 16-0.

Amendment (0330h)

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

1 Vested Deferred Retirement Benefits; Inactive Members. Amend RSA 100-A:10 to read as follows:

100-A:10 Vested Deferred Retirement Benefit

I. Group I Members.

(a) A group I member who has completed 10 years of creditable service and who, for reasons other than retirement or death, ceases to be an employee or teacher ~~[may elect, in lieu of the refund of his accumulated contributions under RSA 100-A:11, on a form prescribed by the board of trustees for such purpose, to receive a vested deferred retirement allowance]~~ **shall be deemed in vested status and upon meeting the eligibility requirements of subparagraph (b) may collect a vested deferred retirement allowance. In lieu of a vested deferred retirement allowance, the member may make application on a form prescribed by the board of trustees and receive a return of the member's accumulated contributions under RSA 100-A:11.**

(b) At any time after attainment of age 50, a group I member who ~~[has made such election may apply for]~~ **meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees** and receive a vested deferred retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions on the date of retirement and a state annuity which, together with the member annuity, shall be equal to either the service retirement allowance payable under RSA 100-A:5, I(a) and I(b) or the reduced early service retirement allowance payable under RSA 100-A:5, I(c), based on the member's age when the vested deferred retirement allowance begins and on the member's average final compensation and creditable service at the time service is terminated.

II. Group II Members.

(a) A group II member who has completed 10 years of creditable service and who, for reasons other than retirement or death, ceases to be a permanent policeman or permanent fireman ~~[may elect, in lieu of the refund of his accumulated contributions under RSA 100-A:11, on a form prescribed by the board of trustees for such purpose, to receive a vested deferred retirement allowance]~~ **shall be deemed in vested status and upon meeting the eligibility requirements of subparagraph (b) may collect a vested deferred retirement allowance. In lieu of a vested deferred retirement allowance, the member may make application on a form prescribed by the board of trustees and receive a return of the member's accumulated contributions under RSA 100-A:11.**

(b) Upon ~~[his]~~ **the member's** attainment of age 45, provided [he] **the member** would then have completed 20 years of creditable service, otherwise the subsequent date on which such 20 years would have been completed, a group II member who ~~[has made such election shall commence to]~~ **meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees and** receive a vested deferred retirement allowance which shall consist of: (1) A member annuity which shall be the actuarial equivalent of ~~[his]~~ accumulated contributions on the date ~~[his]~~ **the member's** retirement allowance commences; and (2) A state annuity which, together with ~~[his]~~ **the member** annuity, shall be equal to a service retirement allowance based on the member's average final compensation and creditable service at the time ~~[his]~~ **the member's** service is terminated.

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

AMENDED ANALYSIS

This bill provides that members of the retirement system who cease to be active members shall be deemed to be in vested deferred retirement status.

This bill is a request of the New Hampshire retirement system.

HB 597-FN-A, making an appropriation to install certain safety equipment in residential care facilities. INEXPEDIENT TO LEGISLATE

Rep. Daniel Burnham for Health, Human Services and Elderly Affairs: Sponsors for this bill, which would make an appropriation to install certain safety equipment in residential care facilities, have told the committee that this legislation is no longer necessary, as state, federal and the private sector have agreed to provide funding. Vote 17-0.

HB 624-FN, establishing a health care quality commission. OUGHT TO PASS WITH AMENDMENT

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: This bill originally called for the state to gather data and publish report cards on physicians. Testimony showed there is a desire for quality reports on a number of phases of health care. Some data is already being gathered by various means. Therefore, it was felt that a study committee needs to be formed to determine what information would be helpful to the public, how, when and how often it should be gathered and in what form it should be disseminated. The sponsor agrees with this committee. Vote 14-0.

Amendment (0662h)

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

AN ACT establishing a committee relative to health care quality.

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

1 Statement of Purpose. The general court finds that as the state's system of health care delivery has become increasingly complex, there exists a need to provide consumers with information about the quality of health care being delivered.

2 Committee Established. There is established a committee to study and make recommendations regarding the collection, review and dissemination to consumers of information related to health care quality.

3 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, one of whom shall be from the house health, human services and elderly affairs committee, appointed by the speaker of the house.

(b) Three members of the senate, one of whom shall be from the senate public institutions, health and human services committee, appointed by the president of the senate.

II. The committee shall solicit information from a licensed physician, a representative for the managed care industry, a representative from a New Hampshire acute care hospital, a representative of consumers, and a representative of employers providing employee health benefits.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties. The committee shall study the feasibility of establishing a state information resource for consumers related to the quality of health care and shall make findings and recommendations. In performing its duties, the committee shall review the experience of other states and may seek information from any other relevant source. The committee shall determine:

I. What information is available from existing sources, including, but not limited to licensing and accreditation processes for health carriers, managed care companies, physicians, and hospitals.

II. The extent to which such available information is relevant to consumers' need for information on health care quality.

III. How frequently such information is updated.

IV. How such information may be made meaningful and available to consumers.

V. The cost to the state of providing such information, with attention given to the cost effectiveness of this information resource.

VI. The legal and practical need for the protection of certain confidential information from disclosure.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 30, 1999.

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

AMENDED ANALYSIS

This bill establishes a committee to make recommendations regarding the collection, review, and dissemination to consumers of information related to health care quality.

HB 570, restricting a presiding judge's authority to interrupt jury deliberations. OUGHT TO PASS

Rep. Tony F. Soltani for Judiciary: Under our constitutional system, the jury is the ultimate trier of fact. Its province should be respected and never invaded. It is not a common occurrence for a judge to interrupt jury deliberations, in order to speed matters. However, this bill will overtly and expressly discourage such interruptions. There is no prohibition, however, for a judge to instruct the jury with the consent of both litigants, or to answer questions forwarded by the jury. Vote 14-2.

HB 667, relative to the quorum required for sessions of the supreme court. OUGHT TO PASS WITH AMENDMENT

Rep. Loren J. Jean for Judiciary: RSA 490:7 as it presently reads enables a single justice of the supreme court to "hear and determine the case with all the power of the court". That provision should not be allowed to stand. The committee felt the statute brushes aside the traditional tribunal concept of appeal. The bill as now amended assures that at least 3 justices sit on, participate in, and decide a case. Vote 12-0.

Amendment (0353h)

Amend RSA 490:7 as inserted by section 1 of the bill by replacing it with the following:

490:7 Quorum. Sessions of the court ~~[may]~~ **shall** be held by **at least 3 and preferably 5 supreme court** justices. A lesser number, or the clerk, if no justice attends, may adjourn the sessions from day to day until 3 justices attend. If one or more of the justices present is disqualified to sit in any case, one or more temporary justices may be assigned in accordance with RSA 490:3 ~~[or the remaining justices or justice shall hear and determine the case with all the power of the court];~~ **provided that at least 3 justices, either full-time or temporarily appointed, must sit, participate, and decide.**

AMENDED ANALYSIS

This bill requires that at least 3 supreme court justices sit, participate, and decide in each case before the supreme court. The bill states that it is preferable that 5 supreme court justices sit in each case.

HB 69, relative to overtime pay for hourly employees. OUGHT TO PASS WITH AMENDMENT

Rep. Jane P. Kelley for Labor, Industrial and Rehabilitative Services: This bill, as amended, makes a uniform definition of independent contractor consistent throughout labor law where inconsistencies existed in the past. It also enables the NH Labor Department to enforce Federal Fair Labor Standards regarding overtime pay. Vote 19-0.

Amendment (0267h)

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

AN ACT relative to the definition of employee under certain labor laws and relative to overtime pay for hourly employees.

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

1 Procuring Employment, Conditions of Employment; Definition of Employee. RSA 275:4, II is repealed and reenacted to read as follows:

II. In this subdivision, "employee" means and includes every person who may be permitted, required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VII(b) or any person who meets all of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(b) The person has control and discretion over the means and manner of performance of the work in achieving the result of the work.

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this criterion does not prohibit the employer from reaching agreement with the person as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person holds himself or herself out to be in business for himself or herself.

(e) The person is not required to work exclusively for the employer.

2 Payment of Wages; Definition of Employee. RSA 275:42, II is repealed and reenacted to read as follows:

II. "Employee" means and includes every person who may be permitted, required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any

employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VII(b) or any person who meets all of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(b) The person has control and discretion over the means and manner of performance of the work in achieving the result of the work.

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this criterion does not prohibit the employer from reaching agreement with the person as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person holds himself or herself out to be in business for himself or herself.

(e) The person is not required to work exclusively for the employer.

3 Whistleblower Protection Act; Definition of Employee. RSA 275-E:1, I is repealed and reenacted to read as follows:

I. "Employee" means and includes every person who may be permitted, required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VII(b) or any person who meets all of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(b) The person has control and discretion over the means and manner of performance of the work in achieving the result of the work.

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this criterion does not prohibit the employer from reaching agreement with the person as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person holds himself or herself out to be in business for himself or herself.

(e) The person is not required to work exclusively for the employer.

4 Minimum Wage Law; Definition of Employee. RSA 279:1, X is repealed and reenacted to read as follows:

X. "Employee" means and includes every person who may be permitted, required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VII(b) or any person who meets all of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(b) The person has control and discretion over the means and manner of performance of the work in achieving the result of the work.

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this criterion does not prohibit the employer from reaching agreement with the person as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person holds himself or herself out to be in business for himself or herself.

(e) The person is not required to work exclusively for the employer.

5 New Subparagraphs; Minimum Wage Law; Exceptions to Overtime Rate. RSA 279:21, VIII(b) is repealed and reenacted to read as follows:

(b) Notwithstanding the annual sales test provisions under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. section 201, et seq.), any employee exempt from, or any employee of an employer exempt from the overtime provisions of the Fair Labor Standards Act.

(c) Salaried employees as defined by RSA 275:42, VI allowing for payment in accordance with RSA 275:43-b.

(d) Governmental and public sector employees who are entitled to accrue and use compensatory time off in accordance with RSA 275:43, V.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill changes the definition of employee related to certain labor laws. This bill also changes provisions in the minimum wage law relative to the exclusions to the time-and-one-half for overtime requirement.

HB 485-FN, relative to the calculation of unemployment compensation benefits. OUGHT TO PASS WITH AMENDMENT

Rep. Russell D. Bridle for Labor, Industrial and Rehabilitative Services: This bill makes changes in the procedures for calculation of unemployment compensation benefits as requested by the Unemployment Compensation Advisory Council. It curtails the practice of employers from hiring

employees for four (4) weeks, then laying them off for a week before rehiring them, to avoid paying unemployment insurance. The adoption of these changes allows New Hampshire legislation to conform to the US Department of Labor legislation. The Committee recommends that this bill "Ought to Pass with Amendment". Vote 18-0.

Amendment (0134h)

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

1 Most Recent Employer. Amend RSA 282-A:12 to read as follows:

282-A:12 Most Recent Employer. "Most recent employer" means the last employer with whom an individual's work record exceeded 4 consecutive weeks of employment **or exceeded 9 weeks of employment in the immediately preceding 13 week period** while such individual received no benefits under RSA 282-A.

2 State-Federal Extended Benefit Program; New Paragraph; Definitions. Amend RSA282-A:30, I by inserting after paragraph (k) the following new subparagraph:

(l) "High unemployment period" means any period in which an extended benefit period is in effect if RSA 282-A:30; I(d)(3) is applied by substituting 8 percent for 6.5 percent.

3 State-Federal Extended Benefit Program. Amend RSA 282-A:30, V to read as follows:

V. The total extended benefit amount payable to any eligible individual with respect to ~~[his]~~ **the individual's** applicable benefit year, calculated on the benefit schedule applicable to ~~[him]~~ **the individual** at the close of said year, shall be ~~[50 percent of the total amount of regular benefits]~~ **13 times the individual's maximum weekly benefit amount** which ~~[were]~~ **was** payable to ~~[him]~~ **the individual** under this chapter during the applicable benefit year **or 20 times the individual's maximum weekly benefit amount if such occurs during a high unemployment period.**

4 State-Federal Extended Benefit Program. Amend RSA 282-A:30, IX to read as follows:

IX. In no event shall benefits payable under the laws of this state to any individual exceed with respect to any benefit year an amount equal to ~~[39]~~ **46** times ~~[his]~~ **the individual's** maximum weekly benefit amount.

5 Fact Finding; Employer Cooperation. Amend RSA 282-A:45, I(a) to read as follows:

(a) Send to the **last** employing unit or ~~[employer or both for whom the claimant last performed services]~~ **any employer who was or may be charged with benefits and any employing unit or employer whenever a claimant's reason for leaving their employ may be material to the claim** a notice of the filing of a claim advising ~~[that he may appear in person in a given office of the department at a specific time and date to furnish full and complete factual information with respect to the discontinuance of said services; and]~~ **the employer or employing unit of the material information provided by the claimant and advising the employer or employing unit whether the department will initiate contact with the employer or employing unit to obtain full and complete information or whether the employer or employing unit is required to contact the department to dispute the information provided by the claimant; and**

6 Fact Finding; Employer Cooperation. Amend RSA 282-A:45, I(c) to read as follows:

(c) Send to the same employing [unit] **units** or [employer or both] **employers** as in subparagraph (a) [a] **an information verification and** waiver form as provided in RSA 282-A:50.

7 Fact Finding; Employer Cooperation. Amend RSA 282-A:45, II and III to read as follows:

II. The notice, request and waiver form provided in paragraph I may be in one or more forms and shall be as provided for in the rules adopted by the commissioner, including such time limitations as [he] **the commissioner** deems appropriate.

III. Failure on the part of the employing [unit] **units** or [employer or both] **employers** to respond in at least one of the [3] methods provided in paragraph I shall, at the expiration of the period set for response, be deemed an irrevocable waiver of [his] **its** right to be heard before the determination is made. Benefits charged to [his] **its** account as a result of the determination shall remain so charged even though the claimant is, by reason of some later decision, held not to be entitled to such benefits.

8 Redetermination. Amend RSA 282-A:46 to read as follows:

282-A:46 Redetermination. A certifying officer may, within 30 days of any determination, for good cause reconsider [his] **the** determination or any part thereof, **provided there was no appeal taken from the determination**, and may, **notwithstanding the filing of an appeal**, within one year reconsider that part of the determination that established the claimant's annual earnings, maximum benefit amount, or maximum weekly benefit amount[, ~~provided there was no appeal taken from the determination~~]. Such redetermination shall be made, and an appeal therefrom may be had, in the same manner as the original determination.

9 Repeal. RSA 282-A:45, I(b) relative to employer cooperation, is repealed.

10 Effective Date.

I. Sections 2, 3 and 4 of this act shall take effect April 1, 2001 at 12:01 a.m.

II. The remainder of this act shall take effect upon its passage.

Referred to Finance.

HB 462, relative to public/private partnership projects in the department of transportation.
INEXPEDIENT TO LEGISLATE

Rep. Marlene M. DeChane for Public Works and Highways: This bill has good intentions, however, 1) it has no legislative oversight, and 2) it would jeopardize future projects. The private, public partnership would allow projects not at the top of the 10-year plan to begin with private funds encumbering future state/federal money. However, a private partner reneging on its responsibility at worst would leave the state holding the bond. At best, the state would pay back the contractor using future funds, and the possibility of a toll road. In essence, robbing Peter to pay Paul. The Department of Transportation testified that there was no known use for this except maybe in regards to the railroads. They also stated that there has been no instance where this would have been used or needed. Vote 17-2.

HB 541, establishing a committee to study the upgrade of Routes 11 and 140. OUGHT TO PASS

Rep. William E. Leber for Public Works and Highways: This bill establishes a committee to study the feasibility of upgrading Route 11 and Route 140 from Claremont to Rochester. The proposed study committee will have members representing the four counties, and will request input from the Commissioner of Transportation, the regional planning commissions and the local communities. There was no testimony in opposition to this bill. Vote 15-1.

HB 573, clarifying the status of class VI highways. OUGHT TO PASS

Rep. Gabriel J. Daneault for Public Works and Highways: The bill will clarify existing law in regards to gates and bars on Class VI highways, and those who testified, including the department of transportation, were in favor. The Municipal Association requested the bill. The law needed clarification due to a recent New Hampshire Supreme Court ruling (Stevens v. Town of Gorham). Vote 16-0.

HB 591-FN, permitting certain village districts to become eligible for state highway aid apportionment. INEXPEDIENT TO LEGISLATE

Rep. Elizabeth C. Shultis for Public Works and Highways: This bill permits certain village districts to become eligible for state block grant highway aid. The committee feels that though there are some considerations, road maintenance issues are best solved between the town and village in which the roads are located. Passage of this bill would set a precedent that could create problems with the state block aid program. This town and village district is not able to agree on acceptance of these local roads. This issue should be solved locally and not by the legislature. Vote 16-0.

HB 593-FN-L, relative to the classification of class VI roads which have been maintained by a town. OUGHT TO PASS WITH AMENDMENT

Rep. Robert A. Daigle for Public Works and Highways: Class VI highways are those town roads closed "subject to gates and bars," which means the towns do not maintain these roads except in emergency situations, i.e., fire protection. Towns are prohibited from maintaining these roads. This bill would require that roads in towns who regularly maintain and repair Class VI highways for 5 successive years or more than on a seasonal basis shall be deemed Class V highways. Class V highways are regularly maintained town roads. Vote 12-4.

Amendment (0536h)

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

1 Time Period Added. Amend RSA 229:5, VI to read as follows:

VI. Class V highways shall consist of all other traveled highways which the town has the duty to maintain regularly and shall be known as town roads. ***Any public highway which at one time lapsed to Class VI status due to 5-years' nonmaintenance, as set forth in RSA 229:5, VII, but which subsequently has been regularly maintained and repaired by the town on more than a seasonal basis and in suitable condition for year-round travel thereon for at least 5 successive years without being declared an emergency lane pursuant to RSA231:59-a, shall be deemed a Class V highway.***

2 Effective Date. This act shall take effect April 1, 2000.

AMENDED ANALYSIS

This bill includes certain class VI road maintained by a town for a 5-year period in the classification of class V roads.

HB 672-FN-A-L, relative to creating a master plan for Hampton Beach and Hampton State park to deal with growth, and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. William E. Leber for Public Works and Highways: This bill requires the Commissioner of Resources and Economic Development to complete a master plan of the seacoast parks. The plan shall include the State Park, Seashell complex, North Beach and establishment of a year-round facility at the beach. The amendment deletes section 2, which was the appropriation. The sponsors and the department indicate there may be other sources of funding, and the bill will encourage a cooperative effort with the town and business communities. Vote 16-0.

Amendment (0757h)

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

AN ACT relative to creating a master plan for Hampton Beach and Hampton State park to deal with growth.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

AMENDED ANALYSIS

This bill requires the department of resources and economic development to complete a master plan of the seacoast parks and Hampton Beach area.

HB 678, relative to leasing of properties owned by the department of environmental services. INEXPEDIENT TO LEGISLATE

Rep. Candace White Bouchard for Public Works and Highways: The committee recognizes the good intentions of the sponsor to speed up the process for the Department of Environmental Services to lease property. However, the committee felt that the current process of checks and balances: approval of the Council on Resources and Development, reviewed and approved by the Long Range Capital Planning and Utilization Committee prior to submission to the Governor Council for approval, protects both the state and its citizens. Vote 17-0.

HB 362, relative to dam safety program violations. OUGHT TO PASS WITH AMENDMENT

Rep. David M. Lawton for Resources, Recreation and Development: This bill, as introduced, would give administrative fine authority to the Commissioner of the Department of Environmental Services (DES) to impose penalties for rule violations as well as project permits or approval violations relative to dams, mills, and flowage. The Committee believes that the scope of fine authority was too broad and therefore the authority to fine for project permit or approval violations is removed by the amendment. Vote 12-0.

Amendment (0408h)

Amend the bill by replacing section 1 with the following:

1 Water Management and Protection; Dams, Mills, and Flowage; Administration, Procedure, and Appeals; Penalties, Administrative Fine; Authority Added. Amend RSA 482:89, II to read as follows:

II. The commissioner, after notice and hearing pursuant to RSA 541-A, may impose upon any person who violates any provision of this chapter, ***or any rule adopted under this chapter*** an administrative fine not to exceed \$2,000 for each offense in addition to other remedies and penalties provided under this chapter. Rehearings and appeals under this paragraph shall be in accordance with RSA 541. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violation of this chapter, ***or rules adopted under this chapter***.

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

AMENDED ANALYSIS

This bill extends the commissioner of environmental services' administrative fine authority relative to dams, mills, and flowage to include violations of rules.

HB 439, relative to exemptions from the safe drinking water act. INEXPEDIENT TO LEGISLATE

Rep. MaryAnn N. Blanchard for Resources, Recreation and Development: The sponsors of this bill acknowledged that it was filed in response to a constituent who operates a daycare and objected to the high cost of testing mandated by the Safe Drinking Water Act. The Committee was sympathetic to this individual; however, exempting these systems and allowing them to use bottled water is not allowed by the United States Environmental Protection Agency. If passed, it would jeopardize New Hampshire's status as a "primacy" state in the implementation of the Safe Drinking Water Act and its accompanying funding of \$7,950,000. The Committee and the Department of Environmental Services agreed to aggressively pursue negotiations with the New England Regional Environmental Protection Agency to achieve some flexibility with regards to testing schedules and costs. Vote 9-2.

HB 580-FN-A-L, creating a new tourism district and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Timothy D. O'Connell for Resources, Recreation and Development: This bill would enable a bi-state effort between New Hampshire and Vermont to market the Connecticut River as a travel and visitor destination. The bill would appropriate \$25,000 from the general fund to be matched in kind by Vermont. At this time there are a number of local and regional organizations involved in this initiative, but none have assumed a dominant leadership role. The committee feels that some additional time is needed to allow co-ordination and implementation of management strategies to occur, with the various organizations involved. The Committee feels that by Re-Referring this bill it will give the time needed for all parties involved to develop the needed leadership. Vote 11-0.

HB 527, relative to the duties of the public utilities commission. OUGHT TO PASS WITH AMENDMENT

Rep. Jeb E. Bradley for Science, Technology and Energy: HB 527 prohibits the consumer affairs director and the chief economist of the Public Utilities Commission (PUC) from accepting a job with a utility for two years after being employed by the PUC. The PUC requested this portion of the bill. As introduced, the bill contained a provision that allowed the PUC to impose administrative fines upon

utilities unprepared for Y2K computer issues. The committee determined this section was not necessary as the PUC has ample statutory provisions that would allow for penalties to be imposed upon utilities that act imprudently with regard to this issue. The amendment also gives the PUC greater authority over utility parent company mergers and acquisitions. A statutory change in 1997 designed to streamline the approval process for mergers or acquisitions did not allow enough flexibility for the PUC to determine if there might be adverse effects on rates, terms, service or operation of the public utility in New Hampshire. The amendment allows the PUC to determine any adverse effect of a proposed merger or acquisition and gives the parent company of a utility an opportunity to address the PUC concerns. Should the PUC continue to have a concern after an amended utility filing, the PUC may judge the merger or acquisition on the basis of other underlying statutes. The committee believes streamlining is maintained while giving the PUC authority it needs to determine adverse effects of proposed parent company mergers or acquisitions. The committee is aware that energy and telecommunication utilities nationwide are merging and consolidating and that this suggested change in statute is an appropriate response to that trend. Lastly, the amendment makes minor changes to the Dig Safe Law, which were agreed to by utilities, contractors, and the PUC. Vote 19-0.

Amendment (0773h)

Amend the bill by replacing all after section 1 with the following:

2 Public Utilities Commission; Appointment, Qualification, etc.; Prohibition on Future Employment. Amend RSA 363:12-b to read as follows:

363:12-b Prohibition on Future Employment. No commissioner, executive director, finance director, general counsel, ~~[ombudsman]~~ **consumer affairs director, chief economist,** or chief engineer of the commission shall accept any employment with any utility under the control of the commission until 2 years after ~~[he]~~ **such person** shall become separated from the commission.

3 Public Utilities Commission; Support Personnel to Commission; Staff, Separation of Functions; Functional Lines Replaced. Amend RSA 363:27, II to read as follows:

II. The staff of the commission shall be ~~[divided along functional lines, as shall be determined from time to time by]~~ **organized as** the commission **determines best achieves its statutory responsibilities.**

4 Public Utilities; Issuance of Stock and Other Securities, General Provisions; Foreign Business; Discretion of Commission. RSA 369:8, II is repealed and reenacted to read as follows:

II.(a) To the extent that the approval of the commission is required by any other statute for any corporate restructuring, financing, change in long-term or short-term indebtedness, or issuance of stock involving parent companies of a public utility regulated by the commission, the approval of the commission shall not be required if the public utility files with the commission a detailed representation in writing no less than 60 days prior to the anticipated completion of the transaction that the transaction will not adversely affect rates, terms, service, or operation of the public utility within the state.

(b)(1) To the extent that the approval of the commission is required by any other statute for any corporate merger or acquisition involving parent companies of a public utility whose rates, terms, and conditions of service are regulated by the commission, the approval of the commission shall not be required if the public utility files with the commission a detailed written representation no less than 60 days prior to the anticipated completion of the transaction that the

transaction will not have an adverse effect on rates, terms, service, or operation of the public utility within the state.

(2) If the commission does not issue an order within 60 days of the completed filing, the transaction shall be considered approved as filed.

(3) If the commission within 30 days, and after an opportunity for a public hearing, issues a preliminary written determination that such a merger or acquisition will have an adverse effect on rates, terms, service, or operation of the public utility in the state, the commission shall allow the utility at least 30 days to amend its filing in order to address the commission's preliminary determination.

(4) The commission may extend making its preliminary determination of adverse effect on rates, terms, service, or operation of the public utility in the state for 30 days.

(5) Should the commission find within 30 days after receiving the amended filing, the proposed merger or acquisition has an adverse effect, the commission shall review the transaction under the statute which would have otherwise applied but for this section, and, after an opportunity for a public hearing, issue a ruling based upon the other applicable statute or statutes within 60 days of its determination of adverse effect.

5 Public Utilities; General Regulations; Underground Utility Damage Prevention System; Definitions; Excavate, Excavating, or Excavation; Exception Added. Amend RSA 374:48, III to read as follows:

III. "Excavate", "excavating", or "excavation" means any operation conducted in a public way, right-of-way, easement, public street, or other public place, in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of any tools, equipment, or explosive, and includes but is not limited to drilling, grading, boring, milling, trenching, tunneling, scraping, tree and root removal, cable or pipe plowing, fence or sign post installation, pile driving, wrecking, razing, rending or moving any structure or mass material, but does not include the tilling of soil for agricultural purposes ***or replacement of department-of-transportation-installed delineator posts in the same location.***

6 Public Utilities; General Regulations; Underground Utility Damage Prevention System; Notification by Excavator; Premarking. RSA 374:51, IV is repealed and reenacted to read as follows:

IV. Prior to complying with the notification requirements of paragraph II, an excavator must premark the area as provided in this paragraph, which means identifying the perimeter of the proposed site of the excavation by marking the perimeter in an appropriate manner in the color white paint, stakes, or other suitable white markings on non-paved surfaces. No such premarking shall be acceptable if the marks interfere with traffic or pedestrian control, or are misleading to the general public. Premarking shall not be required on any continuous excavation that is over 100 feet in length, or any pole replacement that is within 5 feet of an existing location. If an excavation is over 100 feet in length or a pole replacement is within 5 feet of an existing location, the excavator shall communicate the perimeter of the excavation by means of a description of the area or construction plans, or have an on-site meeting with affected operators or other suitable means acceptable to the parties.

7 Public Utilities; General Regulations; Underground Utility Damage Prevention System; Civil Penalty. RSA 374:55 is repealed and reenacted to read as follows:

374:55 Civil Penalty.

I. Proof that an excavation has been made without compliance with the notice requirement of RSA 374:51 and that damage to an underground facility has occurred shall be prima facie evidence in any court or administrative proceeding that the damage was caused by the negligence of the excavator.

II. Any excavator who does not give notice of or identify the proposed excavation area as required by RSA 374:51 or rules of the commission regarding tolerance zones and marking procedures shall be subject to the penalties in paragraph VIII, in addition to any liability for the actual damages.

III. Any operator which does not mark the location of its underground facilities as required by RSA 374:53 or rules of the commission regarding tolerance zones and marking procedures shall be subject to the penalties in paragraph VIII.

IV. If underground facilities are damaged because an operator does not mark its underground facilities as required by RSA 374:53, the operator shall be subject to the penalties in paragraph VIII, liable for damages sustained to its facilities and, in addition, shall be liable for any damages incurred by the excavator as a result of the operator's failure to mark such facilities.

V. If marked underground facilities are damaged, the excavator shall be subject to the penalties in paragraph VIII and liable for the cost of repairs for the damage.

VI. Any excavator who damages an underground facility and fails to notify the operator, or backfills the excavation without receiving permission, as required by RSA 374:54, shall be subject to the penalties in paragraph VIII.

VII. The commission or any commission employee, involved in the "Dig Safe" program and designated by the commission, may enforce violations of this subdivision. Any excavator or operator that violates this subdivision shall be subject to the penalties in paragraph VIII. In addition, the commission may assess the excavator for expenditures made to collect the civil penalty. Any excavator or operator which suffers damage resulting from violation of this subdivision may petition the commission to initiate an enforcement action.

VIII. Any excavator or operator that does not comply with RSA 374:51-54 shall be required either to complete a "Dig Safe" training program, or to pay a civil penalty of up to \$500. The civil penalty may be up to \$5,000 if the excavator or operator previously violated RSA 374:51-54 within the prior 12 months or if the violation results in bodily injury or property damages exceeding \$50,000, excluding utility costs.

8 Applicability. This act shall not apply to any transaction entered into prior to July 1, 1999.

9 Repeal. RSA 369:5, relative to certificate of issue of securities, is repealed.

10 Effective Date.

I. Sections 5-7 of this act shall take effect January 1, 2000.

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

AMENDED ANALYSIS

This bill:

- I. Modifies requirements and penalties under the "Dig Safe" law.
- II. Clarifies the applicability of certain utility laws.

REGULAR CALENDAR – PART I

HB 588-FN-L, relative to county expenditures for children at the youth development center.
INEXPEDIENT TO LEGISLATE

Rep. Karen K. Hutchinson for Children and Family Law: The committee believes that the funding method utilized for YDC will be reviewed and discussed in another bill coming before the committee reforming the juvenile justice system in New Hampshire. Vote 8-5.

Rep. Bickford moved Re-commit to Committee and spoke in favor.

Rep. Wallin spoke in favor.

Rep. Dowling spoke against.

Rep. Dowling requested a roll call; sufficiently seconded.

The question being the motion to Re-commit to Committee.

YEAS 162 NAYS 192			
YEAS 162			
BELKNAP			
Bartlett, Gordon	Rice, Thomas		
CARROLL			
Dickinson, Howard	MacDonald, Kenneth	Torresen, Gary	
CHESHIRE			
Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Roberts, William
Robertson, Timothy	Rose, William	Russell, Ronald	Zerba, Roger
COOS			

Hawkinson, Marie	Landers, Dana	Rodrigue, Robert	
GRAFTON			
Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Hall, David	Johnson, Gary	Mirski, Paul	Nordgren, Sharon
Picconi, Al	Solow, Martha	Ward, Brien	
HILLSBOROUGH			
Ahern, Richard	Arthur, Rose	Bergeron, Lucien	Burkush, James
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Curran, James	Daigle, Robert	Drabinowicz, A	Dwyer, Paul, Sr
Dyer, Merton	Fields, Dennis	Foster, Linda	Garrish, Linda
Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse	Haley, Robert
Hall, Betty	Herman, Richard	Holley, Sylvia	Jean, Claudette
Keye, Harvey	Konys, Christine	LaPorte, George	Lasky, Bette
Leonard, Peter	Lynde, Harold	McCarthy, William	McColgan, Philip, Jr
McDonough-Wallace, Alice	McRae, Karen	Melcher, Harold	Mendenhall, Leslie
Moriarty, Mary	Murphy, Robert	Pepino, Leo	Reidy, Frank
Sarette, John	Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve
White, Donald	White, John	Williams, Carol	
MERRIMACK			
Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Fortnam, Janet	Fraser, Marilyn	French, Barbara
Gile, Mary	Langer, Ray	Lavoie, Gerard	Lockwood, Priscilla
Marple, Richard	Moore, Carol	Owen, Derek	Potter, Frances
Reardon, Tara	Rodd, Beth	Seldin, Gloria	St Cyr, Gerard
Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Downing, Michael	Hutchinson, Rebecca
Kane, Cecelia	Kelley, Jane	Kobel, Rudolph	Norelli, Terie
O'Keefe, Patricia	Pitts, Jacqueline	Priestley, Anne	Reardon, Neil

Rubin, George	Sapareto, Frank	Schanda, Frank	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Stickney, Nancy	Stone, Joseph
Varrell, Thomas	Weyler, Kenneth		
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	DeChane, Marlene	Estabrook, Iris	Heon, Richard
Johnson, Nancy	Kaen, Naida	Knowles, William	Lent, Donald
Lundborn, Raymond	Pelletier, Arthur	Pelletier, Marsha	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Twardus, Joseph	Vachon, Dennis	Wall, Janet	
SULLIVAN			
Burling, Peter	Cloutier, John	Donovan, Thomas, Jr	Flint, Gordon, Sr
Phinizy, James	Tuthill, John	Wiggins, Celestine	
NAYS 192			
BELKNAP			
Boriso, Thomas	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Millham, Alida	Pilliod, James
Rosen, Ralph	Salatiello, Thomas	Thomas, John	Turner, Robert
Wendelboe, Francine			
CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Howard, Godfrey
Kenney, Joseph	Mock, Henry	Patten, Betsey	Philbrick, Donald
Sullivan, P Judith			
CHESHIRE			
Avery, Stephen	Hunt, John	Riley, William	Royce, H Charles
Smith, Edwin			
COOS			
Davis, Perley	Glines, Sara	Guay, Lawrence	Horton, Lynn
Merrill, Gerald	Pratt, Leighton	Tholl, John, Jr	Woodward, David
GRAFTON			

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Harmon, Hobart
Hinman, Harry	MacNeil, Allen	Marshall, Gene	Phinney, William
Weber, Phil			
HILLSBOROUGH			
Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter
Beaupre, Roland	Belvin, William	Bergin, Peter	Brundige, Robert
Bruno, Pierre	Buckley, Raymond	Calawa, Leon, Jr	Carlson, Donald
Christiansen, Lars	Clegg, Robert, Jr	Coughlin, Pamela	Dalianis, Griffin
Daniels, Gary	Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia
Durham, Susan	Emerton, Lawrence	Fenton, James	Fletcher, Richard
Flora, Kathleen	Ford, Nancy	Franks, Suzan	Ginsburg, Ruth
Goulet, Maurice	Herman, Keith	Jean, Loren	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland	Leishman, Peter
Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre
McCarty, Winston	McDonald, James, Sr	McGough, Tim	Mercer, Robert
Messier, Irene	Milligan, Robert	Mosher, William	O'Connell, Timothy
O'Hearn, Jane	Ouellette, Dean	Pappas, Marc	Perkins, Paul
Peterson, Andrew	Reeves, Sandra	Rowe, Robert	Sargent, Maxwell
Tate, Joan	Thulander, O Alan	Wall, Nancy	
MERRIMACK			
Anderson, Eric	Davis, Francis	Feuerstein, Martin	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Larrabee, David, Sr
Leber, William	Marshall, Kenneth	Maxfield, Roy	Nichols, Avis
Poulin, Dave	Whalley, Michael	Whittemore, James	
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bridle, Russell
Case, Margaret	Christie, Andrew, Jr	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dolan, Richard	Dowling, Patricia	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John, Sr	Francoeur, Sheila

Gibbons, Paul	Gleason, John	Grant, Kenneth	Hamel, Albert
Henderson, Warren	Hutchinson, Karen	Johnson, Robert	Katsakiores, George
Langley, Jane	Langone, John	Letourneau, Robert	Lovejoy, Marian
Major, Norman	McKinney, Betsy	Mikowski, Walter	Moore, Benjamin
Morse, Charles	Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard
O'Neil, Michael	Packard, Sherman	Putnam, Ed, II	Quandt, Marshall
Rabideau, Marie	Raynowska, Bernard	Ruffner, Walter	Sabella, Norma
Stritch, C Donald	Tufts, J Arthur	Vaughn, Charles	Verani, Giovanni
Weare, Everett	Welch, David	Whittier, John	Zolla, William
STRAFFORD			
Cossette, Larry	Dunlap, Patricia	Gilmore, Gary	Keans, Sandra
McKinley, Robert	Musler, George	Spear, Barbara	Torr, Franklin
Vincent, Francis	Woods, Phyllis		
SULLIVAN			
Allison, David	Jones, Constance	Leone, Richard	McIntyre, Sara

and the motion failed.

Report adopted.

Rep. Lionel Johnson did not vote and wished to be recorded against.

HB 711-FN-A, establishing a special fund to subsidize child custody and support seminars.
MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Karen K. Hutchinson for the Majority of Children and Family Law: Child impact seminars are currently being held in several counties with couples seeking divorce who have children. The cost is \$75.00 per person paid by the recipients. A sliding scale fee is available for those who need it. The committee heard of no hardships occurring and therefore found no cause to raise marriage license fees to create a dedicated fund to subsidize these seminars. Vote 14-1.

Rep. David A. Bickford for the Minority of Children and Family Law: The intent of this bill is to help parents pay for child impact classes mandated by the state. The classes are designed to teach parents not to involve their children in custody and child support issues. Any one seeking or required to use the court for this reason must pay \$75 for the class or be in violation of law. Presently \$38 is raised for domestic violence programs. This bill would raise marriage license fees to \$70.

Majority report adopted.

HB 721-FN, relative to procedures regarding delinquent children under RSA 169-B. **OUGHT TO PASS**

Rep. David C. Allison for Children and Family Law: The bill deals with delinquent children and their families; in particular, with mutually-agreed-upon court orders that require families to attend mediation sessions, parenting programs that are ordered by the court. Failure on the part of a responsible family member to follow an agreed upon court order may be treated as criminal contempt punishable up to a \$1,000 fine and 90 days imprisonment. Vote 12-0.

Adopted and ordered to third reading.

HB 87-FN, relative to penalties for marijuana possession. INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill was introduced to decriminalize the possession of less than one (1) ounce of marijuana for which the penalty would become a violation. While the sub committee heard some rather strong reasons to support the medical use of marijuana, there was no hue and cry for this piece of legislation from the public. Material supplied to us by the Institute of Medicine states in their study that "marijuana is not a completely benign substance. It is a powerful drug with a variety of effects." Last fall the U.S. Congress on a 310-93 vote said that marijuana was a dangerous and addictive drug and should not be legalized, even for medicinal purposes. On an eleven to four vote, the committee agreed that marijuana was a powerful drug and should not at this time be decriminalized. Vote 11-4.

Rep. Robertson spoke against and yielded to questions.

Rep. Christie spoke in favor and yielded to questions.

Rep. Cossette requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 269 NAYS 92			
YEAS 269			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Lawton, Robert
Millham, Alida	Pilliod, James	Rice, Thomas	Rosen, Ralph
Salatiello, Thomas	Thomas, John	Turner, Robert	Wendelboe, Francine
CARROLL			
Bradley, Jeb	Chandler, Gene	Howard, Godfrey	Kenney, Joseph
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	Philbrick, Donald
Sullivan, P Judith	Torressen, Gary		
CHESHIRE			
Avery, Stephen	Blaisdell, Michael	Doucette, Richard	Hunt, John

Lerandeau, Alfred	Manning, Joseph	Pratt, Irene	Roberts, William
Rose, William	Royce, H Charles	Smith, Edwin	Zerba, Roger
COOS			
Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Tholl, John, Jr	Woodward, David	
GRAFTON			
Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Cobb, John	Densmore, Jessica	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Hall, David	Ham, Bonnie	Harmon, Hobart
Hinman, Harry	MacNeil, Allen	Marshall, Gene	Nordgren, Sharon
Phinney, William	Picconi, Al	Ward, Brien	Weber, Phil
HILLSBOROUGH			
Ahern, Richard	Alukonis, David	Andrews, Frederick	Baroody, Benjamin
Batula, Peter	Beaupre, Roland	Belvin, William	Bergeron, Lucien
Bergin, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Burkush, James	Calawa, Leon, Jr	Carlson, Donald	Christiansen, Lars
Clegg, Robert, Jr	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Daigle, Robert	Dalianis, Griffin	Daniels, Gary
Dawe, Eileen	Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia
Drabinowicz, A	Durham, Susan	Dyer, Merton	Emerton, Lawrence
Fenton, James	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Ford, Nancy	Foster, Linda	Franks, Suzan	Goley, Jeffrey
Goulet, Maurice	Herman, Keith	Herman, Richard	Holley, Sylvia
Jean, Claudette	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaPorte, George	LaRose, Richard	Lefebvre, Roland	Leishman, Peter
Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre
McCarty, Winston	McColgan, Philip, Jr	McDonald, James, Sr	McGough, Tim
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Moran, Edward	Moriarty, Mary	Mosher, William	Murphy, Robert
O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean	Pappas, Marc
Pepino, Leo	Perkins, Paul	Peterson, Andrew	Reeves, Sandra

Rowe, Robert	Sarette, John	Sargent, Maxwell	Simon, Anthony
Tate, Joan	Thulander, O Alan	Turgeon, Roland	Wall, Nancy
White, Donald	Williams, Carol		
MERRIMACK			
Anderson, Eric	Brewster, Richard	Chase, George	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Hager, Elizabeth	Hess, David
Hoadley, Elizabeth	Jacobson, Alf	Kennedy, Richard	Langer, Ray
Larrabee, David, Sr	Lavoie, Gerard	Leber, William	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Nichols, Avis
Poulin, Dave	Seldin, Gloria	St Cyr, Gerard	Whalley, Michael
Whittemore, James	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bridle, Russell	Case, Margaret	Christie, Andrew, Jr	Clark, Vivian
Cooney, Richard	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dolan, Richard	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John, Sr
Francoeur, Sheila	Gibbons, Paul	Gleason, John	Grant, Kenneth
Hamel, Albert	Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Lovejoy, Marian
Major, Norman	McKinney, Betsy	Moore, Benjamin	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	O'Neil, Michael
Packard, Sherman	Priestley, Anne	Putnam, Ed, II	Quandt, Marshall
Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Rubin, George
Ruffner, Walter	Schanda, Frank	Shelton, Richard	Shultis, Elizabeth
Stickney, Nancy	Stone, Joseph	Stritch, C Donald	Tufts, J Arthur
Varrell, Thomas	Vaughn, Charles	Verani, Giovanni	Weare, Everett
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William
STRAFFORD			
Berube, Roger	Brown, George	Callaghan, Frank	Cossette, Larry

Dunlap, Patricia	Gilmore, Gary	Knowles, William	Lundborn, Raymond
McKinley, Robert	Musler, George	Pelletier, Arthur	Pelletier, Marsha
Rollo, Michael	Spear, Barbara	Taylor, Kathleen	Torr, Franklin
Wall, Janet	Woods, Phyllis		
SULLIVAN			
Burling, Peter	Cloutier, John	Donovan, Thomas, Jr	Flint, Gordon, Sr
Jones, Constance	Leone, Richard		
NAYS 92			
BELKNAP			
None			
CARROLL			
Babson, David, Jr	Dickinson, Howard		
CHESHIRE			
Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin	Lynch, Margaret
Lynott, Margaret	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Russell, Ronald			
COOS			
Glines, Sara	Hawkinson, Marie	Landers, Dana	Rodrigue, Robert
GRAFTON			
Copenhaver, Marion	Guest, Robert	Johnson, Gary	Mirski, Paul
Solow, Martha			
HILLSBOROUGH			
Arnold, Thomas, Jr	Arthur, Rose	Clemons, Jane	Curran, James
Dwyer, Paul, Sr	Garrish, Linda	Ginsburg, Ruth	Gorman, Mary
Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty	Keye, Harvey
Konys, Christine	Lasky, Bette	Leonard, Peter	Lynde, Harold
McCarthy, William	McDonough-Wallace, Alice	McRae, Karen	Mendenhall, Leslie
Reidy, Frank	Vaillancourt, Steve	White, John	

MERRIMACK			
Bouchard, Candace	Crosby, Toni	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Moore, Carol	Owen, Derek
Potter, Frances	Reardon, Tara	Rodd, Beth	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane		
ROCKINGHAM			
Blanchard, MaryAnn	Clark, Martha	Corbin, C David	Cox, Russell
Hutchinson, Karen	Kane, Cecelia	Norelli, Terie	O'Keefe, Patricia
Pitts, Jacqueline	Sabella, Norma	Sapareto, Frank	
STRAFFORD			
Bickford, David	Brennan, William	DeChane, Marlene	Estabrook, Iris
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Lent, Donald	Smith, Marjorie	Snyder, Clair	Spang, Judith
Twardus, Joseph	Vachon, Dennis	Vincent, Francis	
SULLIVAN			
Allison, David	McIntyre, Sara	Phinizy, James	Tuthill, John
Wiggins, Celestine			

and the report was adopted.

Rep. Lionel Johnson did not vote and wished to be recorded in favor.

indefinite postponement

Rep. Boyce moved that ***HB 87-FN***, relative to penalties for marijuana possession, be indefinitely postponed.

Rep. Cossette requested a roll call; sufficiently seconded.

YEAS 219 NAYS 142			
YEAS 219			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Holbrook, Robert
Lawton, David	Lawton, Robert	Millham, Alida	Pilliod, James

Rice, Thomas	Rosen, Ralph	Salatiello, Thomas	Thomas, John
Turner, Robert	Wendelboe, Francine		
CARROLL			
Bradley, Jeb	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	MacDonald, Kenneth	Mock, Henry	Patten, Betsey
Philbrick, Donald	Torressen, Gary		
CHESHIRE			
Avery, Stephen	Blaisdell, Michael	Hunt, John	Roberts, William
Royce, H Charles	Smith, Edwin		
COOS			
Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Tholl, John, Jr	Woodward, David	
GRAFTON			
Akins, Ralph	Alger, John	Brothers, Richard	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Ham, Bonnie	Harmon, Hobart
Hinman, Harry	MacNeil, Allen	Nordgren, Sharon	Phinney, William
Picconi, Al	Ward, Brien	Weber, Phil	
HILLSBOROUGH			
Alukonis, David	Andrews, Frederick	Batula, Peter	Beaupre, Roland
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Burkush, James	Calawa, Leon, Jr	Carlson, Donald
Christiansen, Lars	Clegg, Robert, Jr	Cote, David	Coughlin, Pamela
Craig, James	Dalianis, Griffin	Daniels, Gary	Dawe, Eileen
Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A	Durham, Susan
Dwyer, Paul, Sr	Emerton, Lawrence	Fenton, James	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Foster, Linda
Franks, Suzan	Goley, Jeffrey	Goulet, Maurice	Herman, Keith
Holley, Sylvia	Jean, Claudette	Jean, Loren	Keye, Harvey
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland
Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre

McCarty, Winston	McColgan, Philip, Jr	McDonald, James, Sr	McGough, Tim
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Moran, Edward	Mosher, William	Murphy, Robert	O'Connell, Timothy
O'Hearn, Jane	Ouellette, Dean	Pappas, Marc	Pepino, Leo
Peterson, Andrew	Reeves, Sandra	Reidy, Frank	Rowe, Robert
Sarette, John	Tate, Joan	Thulander, O Alan	Wall, Nancy
White, Donald			
MERRIMACK			
Anderson, Eric	Brewster, Richard	Davis, Francis	Feuerstein, Martin
Hager, Elizabeth	Hess, David	Hoadley, Elizabeth	Kennedy, Richard
Langer, Ray	Larrabee, David, Sr	Lavoie, Gerard	Leber, William
Lockwood, Priscilla	Marshall, Kenneth	Nichols, Avis	Poulin, Dave
Whalley, Michael	Whittemore, James		
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Blanchard, MaryAnn	Bridle, Russell	Case, Margaret	Christie, Andrew, Jr
Clark, Vivian	Cooney, Richard	Dalrymple, Janeen	Dearborn, Bruce
DiFruscia, Anthony	Dolan, Richard	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John, Sr
Francoeur, Sheila	Gibbons, Paul	Gleason, John	Grant, Kenneth
Hamel, Albert	Henderson, Warren	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Lovejoy, Marian	Major, Norman	McKinney, Betsy	Moore, Benjamin
Morse, Charles	Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Putnam, Ed, II
Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard	Reardon, Neil
Ruffner, Walter	Schanda, Frank	Shelton, Richard	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Verani, Giovanni	Weare, Everett	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		
STRAFFORD			

Berube, Roger	Callaghan, Frank	Cossette, Larry	Dunlap, Patricia
McKinley, Robert	Musler, George	Spear, Barbara	Torr, Franklin
Wall, Janet	Woods, Phyllis		
SULLIVAN			
Burling, Peter	Flint, Gordon, Sr	Jones, Constance	Leone, Richard
NAYS 142			
BELKNAP			
Czech, Stanley	Johnson, James		
CARROLL			
Babson, David, Jr	Sullivan, P Judith		
CHESHIRE			
Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Rose, William	Russell, Ronald	Zerba, Roger	
COOS			
Glines, Sara	Hawkinson, Marie	Landers, Dana	Rodrigue, Robert
GRAFTON			
Almy, Susan	Cobb, John	Copenhaver, Marion	Densmore, Jessica
Guest, Robert	Hall, David	Johnson, Gary	Marshall, Gene
Mirski, Paul	Solow, Martha		
HILLSBOROUGH			
Ahern, Richard	Arnold, Thomas, Jr	Arthur, Rose	Baroody, Benjamin
Bergeron, Lucien	Clemons, Jane	Cote, Peter	Curran, James
Daigle, Robert	Desmarais, Vivian	Dyer, Merton	Garrish, Linda
Ginsburg, Ruth	Gorman, Mary	Haettenschwiller, Alphonse	Haley, Robert
Hall, Betty	Herman, Richard	Konys, Christine	LaPorte, George
Lasky, Bette	Leishman, Peter	Leonard, Peter	Lynde, Harold

McCarthy, William	McDonough-Wallace, Alice	McRae, Karen	Mendenhall, Leslie
Moriarty, Mary	Perkins, Paul	Sargent, Maxwell	Simon, Anthony
Turgeon, Roland	Vaillancourt, Steve	White, John	Williams, Carol
MERRIMACK			
Bouchard, Candace	Chase, George	Crosby, Toni	Daneault, Gabriel
Fortnam, Janet	Fraser, Marilyn	French, Barbara	Gile, Mary
Jacobson, Alf	Marple, Richard	Maxfield, Roy	Moore, Carol
Owen, Derek	Potter, Frances	Reardon, Tara	Rodd, Beth
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Yeaton, Charles		
ROCKINGHAM			
Clark, Martha	Corbin, C David	Cox, Russell	Dowling, Patricia
Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Kelley, Jane	Norelli, Terie	O'Keefe, Patricia	Pitts, Jacqueline
Rubin, George	Sabella, Norma	Sapareto, Frank	Shultis, Elizabeth
Vaughn, Charles			
STRAFFORD			
Bickford, David	Brennan, William	Brown, George	DeChane, Marlene
Estabrook, Iris	Gilmore, Gary	Heon, Richard	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Lent, Donald
Lundborn, Raymond	Pelletier, Arthur	Pelletier, Marsha	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Twardus, Joseph	Vachon, Dennis	Vincent, Francis	
SULLIVAN			
Allison, David	Cloutier, John	Donovan, Thomas, Jr	McIntyre, Sara
Phinizy, James	Tuthill, John	Wiggins, Celestine	

and the bill was indefinitely postponed.

Rep. Lionel Johnson did not vote and wished to be recorded in favor.

regular calendar (cont'd.)

HB 715-FN-A-L, granting responsibility for court security and custody and control of prisoners while in a courthouse to the county sheriff and abolishing certain court security officer positions. OUGHT TO PASS

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill is a response to the supreme court decision of November 4, 1998 wherein the court struck down certain provisions of Chapter 297 enacted June 26, 1998 which gave to the state's sheriffs control of prisoners while they are in a court facility, made the sheriffs responsible for court security in all the states courts except for the supreme court and the role of bailiffs/security officers in the state's district courts replacing the court security officers that currently are the employees of the judicial branch. The court handed down the opinion that the separation of powers act was violated by the elimination of its court security officers who answer directly to the judicial branch. The court claims that authority to control courtroom functions was somehow eroded by replacing district court security officers with sheriff's court security officers such as has been the practice in the state's superior courts for over 200 years. HB 715 addresses this issue by putting into the statute that the sheriff's bailiffs are to be subject to the specific directives of the presiding justice while performing court duties. The court's finding declaring parts of Chapter 297 unconstitutional did not address the funds that were earmarked for court prisoner custody issues that are now mandated by the state. Another bill will be introduced to transfer these funds from the court budget to the department of administrative services budget to reimburse the sheriffs for the prisoner custody duty. The committee believes that security of the public is and has always been an executive branch function and that only executive branch personnel should have the power of arrest with proper training by the police standards and training academy. Vote 15-3.

Adopted and referred to Finance.

Reps. Christie and Perkins declared conflicts of interest and did not participate.

HB 243, requiring legislative fiscal committee approval of university system tuition increases. INEXPEDIENT TO LEGISLATE

Rep. Clair A. Snyder for Education: The main sources of operating funds are tuition and funds from the state. For the Legislative Fiscal Committee to decide on the tuition necessary to operate the programs at the university system is a prime example of micro-managing. Also, the state provides only 27% of the funds for the university system, so the only other major source left to them is tuition. The university has taken a major step towards seeking endowments and alumni donations. We recognize the need to be aware of the rising costs of the University System of New Hampshire, but it is unrealistic to set controls on both ends of the financial structure and expect the university system to continue. Vote 16-3 .

Adopted.

HB 454, relative to tuition waivers for veterans at state institutions of higher learning. OUGHT TO PASS WITH AMENDMENT

Rep. Warren Henderson for Education: Advocates of the original bill wished to provide access to higher education without cost to military veterans who served in the U.S. armed forces during various periods of combat activity. While the committee was sympathetic to the goal of the sponsors, profound questions regarding costs and eligibility were raised during the hearing. These factual and fiscal questions must be answered before the bill is considered to become law. The amendment adopted by the committee directs the university system board of trustees to conduct the study needed to get the facts on how many veterans would be covered by this bill and the costs of their

participation and what effect the pending revisions of veterans' benefits by the federal government would have on funds for higher education for veterans. Those findings, along with recommendations, would be reported back to the Governor and legislative leaders by January 1, 2000 for our consideration next session. Vote 16-3.

Amendment (0367h)

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

AN ACT requiring the university system of New Hampshire board of trustees to initiate a study of the status of veterans' access to higher education within the university system.

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

1 Status of Veterans' Benefits Within the University System of New Hampshire; Veterans' Eligibility for Free or Reduced Cost Tuition. The board of trustees of the university system of New Hampshire shall initiate a study of the eligibility of veterans to receive free or reduced cost tuition at institutions within the university system. This study shall include, but is not limited to:

I. The status of veterans' access to higher education within the university system and any financial or curricular impact such access may have.

II. The number of veterans enrolled in courses at institutions within the university system who pay no tuition or who receive reduced cost tuition; and

III. Recommendations for legislation, as necessary, to provide access for veterans to higher education without imposing unreasonable burdens on the university system.

2 Report. The board of trustees shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, and the governor, on or before January 1, 2000.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the university system of New Hampshire board of trustees to initiate a study of the status of veterans' access to higher education within the university system.

Adopted.

Report adopted and ordered to third reading.

HB 614-FN-L, requiring the department of health and human services to pay for certain costs of providing special education services. INEXPEDIENT TO LEGISLATE

Rep. Robert E. McKinley for Education: The intent of the bill is to separate special education costs such that the Health & Human Services Dept. be responsible for costs identified as health related, instead of continuing to burden the educational system. A new interagency agreement between HHS and DOE was signed in early March and addresses costs and needs of the education community alongside with the responsibility to address costs and responsibilities of HHS. The DOE and Health

& Human Services are presently working toward resolving this problem within existing federal regulations Vote 16-2.

Adopted.

HB 675-FN, extending the applicability of postsecondary educational assistance for New Hampshire national guard members and requiring an annual reporting from state-supported postsecondary institutions. OUGHT TO PASS

Rep. Elizabeth K. Hoadley for Education: This bill extends the reporting date for educational benefits to New Hampshire National Guard members. State-supported post-secondary institutions are required to report annually on all enrollees. To be eligible to take classes on a space available basis, guard members must be enrolled in degree programs and exhaust all other scholarship aid before the schools' assistance shall begin. Vote 18-0.

Adopted and ordered to third reading.

HB 701-FN-L, granting the parents of school children an education voucher for a child to attend a school other than the assigned public school. INEXPEDIENT TO LEGISLATE

Rep. Russell Cox for Education: This bill would create a statewide voucher system encompassing all public and private schools valued at 10% of the per pupil cost. It is unconstitutional due to inclusion of sectarian schools, does not specify who qualifies for vouchers and does not provide adequate funding to accomplish its purpose. There is another bill addressing the school choice issues being reviewed by a subcommittee. Vote 15-4.

Rep. Bruno spoke against.

Rep. Cox spoke in favor.

Rep. Weber requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 283 NAYS 78			
YEAS 283			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Czech, Stanley	Holbrook, Robert
Lawton, Robert	Millham, Alida	Pilliod, James	Salatiello, Thomas
Thomas, John	Turner, Robert		
CARROLL			
Bradley, Jeb	Chandler, Gene	Patten, Betsey	Philbrick, Donald
Sullivan, P Judith			

CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Lerandean, Alfred	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meadar, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	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	Landers, Dana	Merrill, Gerald	Pratt, Leighton
Rodrigue, Robert	Tholl, John, Jr		
GRAFTON			
Akins, Ralph	Almy, Susan	Cobb, John	Copenhaver, Marion
Densmore, Jessica	Dudley, Terri	Eaton, Stephanie	Guest, Robert
Ham, Bonnie	Johnson, Gary	MacNeil, Allen	Marshall, Gene
Mirski, Paul	Nordgren, Sharon	Phinney, William	Picconi, Al
Solow, Martha	Ward, Brien		
HILLSBOROUGH			
Ahern, Richard	Andrews, Frederick	Arnold, Thomas, Jr	Baroody, Benjamin
Belvin, William	Bergeron, Lucien	Bergin, Peter	Brundige, Robert
Buckley, Raymond	Burkush, James	Carlson, Donald	Christiansen, Lars
Clegg, Robert, Jr	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Curran, James	Daigle, Robert
Dawe, Eileen	Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A
Durham, Susan	Dwyer, Paul, Sr	Dyer, Merton	Fenton, James
Fields, Dennis	Fletcher, Richard	Ford, Nancy	Foster, Linda
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Goulet, Maurice	Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty
Herman, Richard	Jean, Claudette	Keye, Harvey	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lasky, Bette

Leishman, Peter	Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee
Lynde, Harold	MacGillivray, Jeffrey	McCarthy, William	McCarty, Winston
McColgan, Philip, Jr	McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie
Mercer, Robert	Messier, Irene	Milligan, Robert	Moran, Edward
Moriarty, Mary	Mosher, William	Murphy, Robert	O'Connell, Timothy
O'Hearn, Jane	Perkins, Paul	Peterson, Andrew	Reeves, Sandra
Reidy, Frank	Rowe, Robert	Sarette, John	Sargent, Maxwell
Simon, Anthony	Vaillancourt, Steve	White, Donald	White, John
Williams, Carol			
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	Fraser, Marilyn	French, Barbara	Gile, Mary
Hager, Elizabeth	Hess, David	Hoadley, Elizabeth	Jacobson, Alf
Leber, William	Lockwood, Priscilla	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Nichols, Avis	Owen, Derek	Potter, Frances
Poulin, Dave	Reardon, Tara	Rodd, Beth	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallner, Mary Jane	Whalley, Michael
Whittemore, James	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn
Bridle, Russell	Case, Margaret	Clark, Martha	Clark, Vivian
Cooney, Richard	Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce
DiFruscia, Anthony	Dolan, Richard	Dowling, Patricia	Downing, Michael
Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Henderson, Warren	Hutchinson, Karen
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph	Langley, Jane
Langone, John	Lovejoy, Marian	Major, Norman	Morse, Charles
Norelli, Terie	Nowe, Ronald	Noyes, Richard	O'Keefe, Patricia

O'Neil, Michael	Packard, Sherman	Pitts, Jacqueline	Putnam, Ed, II
Raynowska, Bernard	Reardon, Neil	Ruffner, Walter	Sabella, Norma
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles
Welch, David	Whittier, John	Zolla, William	
STRAFFORD			
Berube, Roger	Brennan, William	Callaghan, Frank	Cossette, Larry
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	McKinley, Robert
Musler, George	Pelletier, Arthur	Pelletier, Marsha	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Spear, Barbara
Taylor, Kathleen	Torr, Franklin	Tsiros, William	Twardus, Joseph
Vachon, Dennis	Vincent, Francis	Wall, Janet	
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Kibbey, David	Leone, Richard
McIntyre, Sara	Tuthill, John	Wiggins, Celestine	
NAYS 78			
BELKNAP			
Boyce, Robert	Johnson, James	Lawton, David	Rice, Thomas
Rosen, Ralph	Wendelboe, Francine		
CARROLL			
Babson, David, Jr	Dickinson, Howard	Howard, Godfrey	Kenney, Joseph
MacDonald, Kenneth	Mock, Henry	Torressen, Gary	
CHESHIRE			
Hunt, John			
COOS			
Woodward, David			
GRAFTON			

Alger, John	Brothers, Richard	Gilman, G Michael	Hall, David
Harmon, Hobart	Hinman, Harry	Weber, Phil	
HILLSBOROUGH			
Alukonis, David	Arthur, Rose	Batula, Peter	Beaupre, Roland
Bruno, Pierre	Calawa, Leon, Jr	Dalianis, Griffin	Daniels, Gary
Desrosiers, William	Flora, Kathleen	Franks, Suzan	Herman, Keith
Holley, Sylvia	Jean, Loren	LaPorte, George	Lefebvre, Roland
Martel, Andre	Martin, Mary	McDonald, James, Sr	McGough, Tim
McRae, Karen	Ouellette, Dean	Pappas, Marc	Pepino, Leo
Tate, Joan	Thulander, O Alan	Turgeon, Roland	Wall, Nancy
MERRIMACK			
Kennedy, Richard	Langer, Ray	Larrabee, David, Sr	Lavoie, Gerard
Marple, Richard			
ROCKINGHAM			
Beaulieu, Jon	Corbin, C David	Dunham, Vivian	Flanders, David
Grant, Kenneth	Hamel, Albert	Letourneau, Robert	McKinney, Betsy
Mikowski, Walter	Nowe, Mary Lou	Priestley, Anne	Quandt, Marshall
Rabideau, Marie	Rubin, George	Sapareto, Frank	Stickney, Nancy
Verani, Giovanni	Weare, Everett	Weyler, Kenneth	
STRAFFORD			
Bickford, David	Brown, George	Woods, Phyllis	
SULLIVAN			
Phinizy, James			

and the report was adopted.

Rep. Lionel Johnson did not vote and wished to be recorded in favor.

HB 705-FN-L, privatizing the functions of the community-technical college system. INEXPEDIENT TO LEGISLATE

Rep. Brien L. Ward for Education: The community technical college system is the most cost effective, post-secondary education provider in New Hampshire. The committee believes that the community technical college system delivers educational opportunities throughout the entire state, including areas of the state which are not densely populated and where private providers would not be able to

provide cost effective programs. The system also provides a valuable economic development tool in delivering market-oriented programs in training and re-training workers. Vote 18-1.

Adopted.

CACR 25, relating to the election of governor, executive councilors, and senators. Providing that the governor, executive councilors, and senators shall be elected every 4 years. INEXPEDIENT TO LEGISLATE

Rep. Jane A. Clemons for Election Law: The sponsor requested this bill be Inexpedient to Legislate. The committee has passed a CACR increasing the governor's term to 4 years. The committee felt this step would be enough before the voters at this time Vote 14-0.

Adopted.

HB 366, allowing the secretary of state to accept faxed filings for a primary on the last day of the filing period. OUGHT TO PASS WITH AMENDMENT

Rep. Francis W. Davis for Election Law: The committee strongly recommended repealing the requirement that a candidate must file in person before the secretary of state on the last day of the primary filing period. Currently, this is the only day candidates required to file with the secretary of state must appear in person. The candidate is still responsible for correctly completing the application form and arranging for its timely delivery to the secretary of state. Vote 13-2.

Amendment (0597h)

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

AN ACT repealing the requirement that persons filing for a primary on the last day of the filing period do so in person.

Amend the bill by replacing section 1 with the following:

1 Repeal. RSA 655:16, relative to personal filing, is repealed.

AMENDED ANALYSIS

This bill repeals the requirement that persons filing for a primary on the last day of the filing period do so in person before the secretary of state.

Adopted.

Report adopted and ordered to third reading.

HB 222-L, preempting local regulation of biosolids or sludge disposal by landfilling or landspreading. INEXPEDIENT TO LEGISLATE

Rep. Peter R. Leishman for Environment and Agriculture: There was overwhelming testimony to continue to allow local communities authority to regulate biosolids or sludge within their borders. The New Hampshire Municipal Association along with the Department of Environmental Services were both opposed to this legislation. The Committee agrees. Municipalities should have the ability

to enact sludge ordinances and continue to share resources within the community and state to ensure attention to local concerns and impacts. Vote 14-1.

Adopted.

HB 334, restricting the land application of sludge, septage, and solid wastes. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Peter R. Leishman for the Majority of Environment and Agriculture: This bill would restrict the land application of sludge, septage and solid wastes within a two hundred and fifty-foot setback from any surface waters of the state. Presently, a one hundred and twenty-five-foot setback is required unless the sludge is incorporated within forty-eight hours in which case the buffer distance is seventy-five feet. The Environmental Protection Agency requires a thirty-three foot setback from surface waters. Also, the legislature acted in 1998 to establish a two hundred and fifty-foot buffer for designated rivers and immediate incorporation of sludge for sites within these corridors. Factors such as the vegetation and management of activities within the buffer have a far greater protective influence than distance. Vote 12-4.

Rep. Betty B. Hall for the Minority of Environment and Agriculture: Cleaning up our rivers and protecting our aquifers has been a major focus of our Resources and Environment and Agriculture committees for the last 30 years. By enacting legislation and providing tax dollars, we have created an infrastructure of sewage treatment plants. These municipal plants remove the toxins and pollutants from our sewer systems, concentrate them in the residual sludge, and discharge the clean effluent into our rivers. Disposal of the remaining toxic brew of sludge will require our attention for the next thirty years. Ocean dumping has been prohibited, incineration puts the toxins into the air and the ash, and landfill space is limited. Land spreading is the newest option. Since sludge contains heavy metals, toxic organics and dioxins, we are researching the long-term and short-term effects. Precautionary principles dictate that we do not land spread it closer than 250 feet from our rivers and surface waters. Resources and Environment and Agriculture committees fought for this number in our Rivers Management Programs, knowing the need to create buffer strips and setbacks. We should require this number by statute so that DES rules cannot retreat under industry pressure.

Rep. Hall spoke against and yielded to questions.

Rep. Leishman spoke in favor and yielded to questions.

On a division vote, 203 members having voted in the affirmative and 146 in the negative, the majority report was adopted.

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. INEXPEDIENT TO LEGISLATE

Rep. David L. Babson, Jr. for Environment and Agriculture: The Committee felt that it was the prerogative of each town operating a wastewater treatment facility (WWTF) to decide who their customers will be. It was also a concern that towns that send septage to a WWTF and who do not allow the land application of biosolids are, in effect, raising the cost of disposal for remaining towns using the facility. There was also a concern that the operators of WWTF facilities might decide to not allow any outside town to off-load in their plant causing a major problem for those communities without dumping facilities. Vote 13-2.

Adopted.

HB 472, relative to establishing metal limits on land-applied sludge. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS

Rep. Peter R. Leishman for the Majority of Environment and Agriculture: This bill would require that metal concentrations of land applied sludge be at least as stringent as other New England states. Based on recent changes in legislation and regulations developed by the Department of Environmental Services, out-of-state sludge must meet the more stringent metals limits of either New Hampshire rules or the requirements of the state of origin. Based on these facts, the majority of this Committee felt that this legislation was unnecessary. Vote 10-5.

Rep. Derek Owen for the Minority of Environment and Agriculture: Currently the minority does not believe that New Hampshire metal and dioxin limits in land applied sludge are protective of human health, livestock, or the environment. Molybdenum levels are three times higher than what Massachusetts allows on dairy pastures. Dioxin levels are higher than what Wisconsin allows on dairy pastures.

Rep. Owen spoke against and yielded to questions.

Rep. Leishman spoke in favor and yielded to questions.

Rep. Whittier requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

YEAS 191 NAYS 176			
YEAS 191			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Holbrook, Robert
Lawton, David	Millham, Alida	Rice, Thomas	Rosen, Ralph
Thomas, John	Turner, Robert	Wendelboe, Francine	
CARROLL			
Babson, David, Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	MacDonald, Kenneth	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith		
CHESHIRE			
Hunt, John	Manning, Joseph	Roberts, William	Rose, William
Royce, H Charles	Russell, Ronald	Smith, Edwin	
COOS			
Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald

Pratt, Leighton	Tholl, John, Jr	Woodward, David	
GRAFTON			
Alger, John	Cobb, John	Dudley, Terri	Ham, Bonnie
Harmon, Hobart	MacNeil, Allen	Marshall, Gene	Phinney, William
Ward, Brien	Weber, Phil		
HILLSBOROUGH			
Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon, Jr	Carlson, Donald	Christiansen, Lars	Clegg, Robert, Jr
Coughlin, Pamela	Craig, James	Dalianis, Griffin	Daniels, Gary
Dawe, Eileen	Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia
Durham, Susan	Dwyer, Paul, Sr	Dyer, Merton	Emerton, Lawrence
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Franks, Suzan
Goulet, Maurice	Herman, Keith	Holley, Sylvia	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Leishman, Peter
Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey	McCarty, Winston
McGough, Tim	McRae, Karen	Melcher, Harold	Mercer, Robert
Milligan, Robert	Moran, Edward	Mosher, William	O'Connell, Timothy
O'Hearn, Jane	Ouellette, Dean	Pappas, Marc	Pepino, Leo
Reeves, Sandra	Rowe, Robert	Sarette, John	Sargent, Maxwell
Simon, Anthony	Tate, Joan	Thulander, O Alan	Wall, Nancy
MERRIMACK			
Daneault, Gabriel	Feuerstein, Martin	Hager, Elizabeth	Hess, David
Hoadley, Elizabeth	Langer, Ray	Larrabee, David, Sr	Lavoie, Gerard
Leber, William	Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth
Maxfield, Roy	Nichols, Avis	Poulin, Dave	Reardon, Tara
Soltani, Tony	Whalley, Michael		
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bridle, Russell
Case, Margaret	Christie, Andrew, Jr	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	Dolan, Richard

Dowling, Patricia	Flanagan, Natalie	Flanders, David	Flanders, John, Sr
Francoeur, Sheila	Gibbons, Paul	Gleason, John	Hamel, Albert
Henderson, Warren	Hutchinson, Karen	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langone, John	Letourneau, Robert	Lovejoy, Marian
Major, Norman	McKinney, Betsy	Mikowski, Walter	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	O'Neil, Michael
Packard, Sherman	Priestley, Anne	Quandt, Marshall	Raynowska, Bernard
Reardon, Neil	Sapareto, Frank	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Varrell, Thomas	Weare, Everett	Welch, David
Weyler, Kenneth	Zolla, William		
STRAFFORD			
Berube, Roger	Bickford, David	Cossette, Larry	Dunlap, Patricia
Heon, Richard	Kaen, Naida	McKinley, Robert	Musler, George
Spear, Barbara	Taylor, Kathleen	Torr, Franklin	Tsiros, William
Vachon, Dennis			
SULLIVAN			
Flint, Gordon, Sr	Jones, Constance	Kibbey, David	Leone, Richard
Young, David			
NAYS 176			
BELKNAP			
Czech, Stanley	Johnson, James	Lawton, Robert	Pilliod, James
Salatiello, Thomas			
CARROLL			
Bradley, Jeb	Torressen, Gary		
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret
Lynott, Margaret	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Zerba, Roger		

COOS			
Glines, Sara	Hawkinson, Marie	Landers, Dana	Rodrigue, Robert
GRAFTON			
Akins, Ralph	Almy, Susan	Brothers, Richard	Copenhaver, Marion
Densmore, Jessica	Eaton, Stephanie	Gilman, G Michael	Guest, Robert
Hall, David	Hinman, Harry	Johnson, Gary	Mirski, Paul
Nordgren, Sharon	Picconi, Al	Solow, Martha	
HILLSBOROUGH			
Arthur, Rose	Baroody, Benjamin	Batula, Peter	Beaupre, Roland
Bergeron, Lucien	Buckley, Raymond	Burkush, James	Clemons, Jane
Cote, David	Cote, Peter	Curran, James	Daigle, Robert
Drabinowicz, A	Fenton, James	Ford, Nancy	Foster, Linda
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty	Herman, Richard
Jean, Claudette	Keye, Harvey	Konys, Christine	LaPorte, George
Lasky, Bette	Lefebvre, Roland	Leonard, Peter	Lynde, Harold
Martel, Andre	Martin, Mary	McCarthy, William	McColgan, Philip, Jr
McDonald, James, Sr	McDonough-Wallace, Alice	Mendenhall, Leslie	Messier, Irene
Moriarty, Mary	Murphy, Robert	Perkins, Paul	Peterson, Andrew
Reidy, Frank	Turgeon, Roland	Vaillancourt, Steve	White, Donald
White, John	Williams, Carol		
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Davis, Francis	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Jacobson, Alf	Kennedy, Richard
Moore, Carol	Owen, Derek	Potter, Frances	Rodd, Beth
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	
ROCKINGHAM			

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Corbin, C David
DiFruscia, Anthony	Downing, Michael	Dunham, Vivian	Fesh, Robert
Grant, Kenneth	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Kelley, Jane	Langley, Jane	Norelli, Terie	O'Keefe, Patricia
Pitts, Jacqueline	Putnam, Ed, II	Rabideau, Marie	Rubin, George
Ruffner, Walter	Sabella, Norma	Schanda, Frank	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Stickney, Nancy	Vaughn, Charles
Verani, Giovanni	Whittier, John		
STRAFFORD			
Brennan, William	Brown, George	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Gilmore, Gary	Johnson, Nancy	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	Pelletier, Arthur
Pelletier, Marsha	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Twardus, Joseph	Vincent, Francis	Wall, Janet
Woods, Phyllis			
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
McIntyre, Sara	Phinizy, James	Tuthill, John	Wiggins, Celestine

and the majority report was adopted.

Rep. Lionel Johnson did not vote and wished to be recorded in favor.

HB 504, establishing a sludge advisory board and relative to sludge quality standards.
INEXPEDIENT TO LEGISLATE

Rep. Peter R. Leishman for Environment and Agriculture: This legislation was proposed to facilitate negotiation between sludge users, the legislature and the Department of Environmental Service in the development and implementation of rules governing land application of sludge. The Committee believes that present legislative involvement with the Department of Environmental Services, the public, and sludge users is sufficient and a legislative advisory board may only duplicate this process that has worked well. Vote 15-0.

Adopted.

HB 557-FN, relative to hazardous waste permitting and container identification. OUGHT TO PASS

Rep. John S. Cobb for Environment and Agriculture: This act is relative to hazardous waste permitting and container identification. Specifically, there are wastes such as fluorescent tubes,

certain types of thermostats, thermometers, switches and relays, batteries and antifreeze which are referred to as "universal wastes" due to their ubiquitous presence. These wastes, while voluminous, are of low risk and, as such, need not, if properly managed, be subject to the same rigorous standards that apply to "high risk" hazardous wastes. The intent of this legislation is to remove greater quantities of these wastes from our general waste stream, thereby lowering the level of hazardous constituents in it such as mercury. Vote 13-2.

Adopted and ordered to third reading.

HB 679-FN, requiring that certain solid waste permit applicants include an environmental impact statement as part of the permit application. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Harold P. Melcher for the Majority of Environment and Agriculture: The committee felt that the bill risked a 28a problem and needed more consideration to solve the problems it addressed. Vote 12-3.

Rep. John G. Tuthill for the Minority of Environment and Agriculture: Substantial and rapid changes in the waste industry, including but not limited to consolidation of ownership in the private sector requires re-evaluation of waste management policy and regulation in the state. The intent of this legislation is to address an aspect of these changes and to promote adequate protection of public health.

Majority report adopted.

HB 459, removing the requirement for continuing education for renewal of a professional engineer's license. INEXPEDIENT TO LEGISLATE

Rep. Alida I. Millham for Executive Departments and Administration : A requirement for continuing education for engineers was established two years ago by the board of engineers. This bill was submitted to eliminate the education requirement for re-licensure. The committee majority determined that eliminating continuing education was not in the interest of the public or the profession of engineering, as well as setting poor precedent for continuing education in other professions. Vote 16-1.

Adopted.

HB 634-FN, eliminating the requirement that retirement system disability recipients notify the board of trustees of unreduced social security disability benefits. OUGHT TO PASS

Rep. Ray F. Langer for Executive Departments and Administration: In 1988, there was action to enter words that a member or retired member of the retirement system who is a disability recipient must report to the retirement system if they received unreduced social security disability benefits that affected the monthly disability annuity payment from the system. This bill removes the requirement that the unreduced social security disability benefits must be reported because we have been advised by the trustees of the retirement board that the actuaries no longer use this item in their actuarial calculations of disability benefits. Vote 13-2.

Adopted.

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

HB 635-FN-L, establishing January 4, 2000 as a legal holiday in the state to be known as "Year 2000 Day." INEXPEDIENT TO LEGISLATE

Rep. Michael O'Neil for Executive Departments and Administration: This bill would declare Monday, January 3, 2000, a state holiday. The committee felt the financial impact on state, county and local government would be costly and create a hardship to the business and financial communities on the first business day in the new millennium. It was agreed that should a holiday be desirable, it would be more appropriate to institute this holiday at the national level. Vote 14-3.

Rep. Pitts spoke to the bill.

Rep. O'Neil spoke in favor.

Adopted.

HB 299, establishing a bill of rights for pregnant women. INEXPEDIENT TO LEGISLATE

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: This bill was re-committed to the Health & Human Services and Elderly Affairs committee on March 19, 1999. The committee did again, have a considered discussion and arrived at the same decision. The sponsor's intent is very laudable, pregnant women should have available to them the information discussed in HB 299. However, the committee clearly felt that the issue can more appropriately be addressed through non-legislative measures. The Foundation for Healthy Communities, in light of the concerns in this legislation, is conducting a statewide collaborative initiative to use feedback to improve care for mothers and newborns. The NH Hospital Association is also participating in this effort. Vote 13-4.

Adopted.

motion to SPECIAL ORDER

Rep. Mock moved that **CACR 22**, relating to 7-year terms for state judges. Providing that all state judges appointed on or after January 1, 2001 be commissioned for 7-year terms, which may be renewed, be made a Special Order for the next session day after April 15, 1999 in the regular calendar order, and spoke in favor.

Adopted.

regular calendar part i (cont'd.)

HB 449-FN, requiring boating safety education. OUGHT TO PASS WITH AMENDMENT

Rep. William E. Roberts for Resources, Recreation and Development: This bill, as amended, will require a certificate of boating education to operate any watercraft in excess of 15 hp. Initially the requirement will only apply to boaters age 16 and younger, but each year the age will increase until 2010 when all boat operators will be required to hold a certificate. The bill was supported by a broad spectrum of interests including marine dealers, lakes associations and conservation groups. The 18-0 vote shows the serious concerns that the Resources Committee has over improving boating safety via education of operators of all types of motorized vessels. Vote 18-0.

Amendment (0579h)

Amend RSA 270-D:10 as inserted by section 1 of the bill by replacing it with the following:

270-D:10 Certificate Required. No person born on or after the dates provided in this section shall operate a motorized vessel with any type of power motor in excess of 15 horsepower on the public waters of this state without first obtaining a certificate of boating safety education in accordance with this subdivision:

Date of Birth Certificate Required

January 1, 1984	January 1, 2000
January 1, 1983	January 1, 2001
January 1, 1982	January 1, 2002
January 1, 1981	January 1, 2003
January 1, 1980	January 1, 2004
January 1, 1979	January 1, 2005
January 1, 1978	January 1, 2006
January 1, 1977	January 1, 2007
January 1, 1976	January 1, 2008
January 1, 1975	January 1, 2009
All	January 1, 2010

Amend RSA 270-D:11, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Possess the certificate when operating a motorized vessel with any type of power motor in excess of 15 horsepower on the public waters of the state.

Adopted.

Rep. Riley offered a floor amendment.

Floor Amendment (0778h)

Amend section 1 of the bill by inserting after RSA 270-D:17 the following:

270-D:18 Boat Rentals.

I. Any person who offers any boat for rent, hire, or lease shall:

(a) Not rent, hire, or lease a boat to any person under 18 years of age.

(b) Not rent, hire, or lease a boat to any person who does not possess a certificate of boating safety education pursuant to RSA 270-D:10.

(c) Supply to the operator or operators in print, prior to rental, hire, or lease:

(1) The operational characteristics of the type of vessel being rented.

(2) The boating rules pertaining to the area of rental including, but not limited to, no-entry zones, no-wake zones, channel routes and water hazards, and tidal flow.

(3) The common courtesies of operating a vessel on the water and the effect on wildlife, the environment, and other water users.

(4) The age restrictions on operation of boats.

(d) Provide personal flotation devices for each person who will be on board, as specified in rules adopted pursuant to RSA 270:11.

II. Any person who violates the provisions of this section shall be guilty of a violation for the first offense, and guilty of a misdemeanor and fined not less than \$300 for any subsequent offense.

III. Upon receipt of evidence of a third or subsequent offense, the director of the division of motor vehicles may, after opportunity for a hearing, suspend the vessel registration of all boats registered to the person offering the boats for rental, lease, or hire.

Rep. Riley spoke in favor and yielded to questions.

Rep. Royce spoke against and yielded to questions.

The floor amendment failed.

Rep. Whalley spoke in favor of the report and yielded to questions..

Rep. Royce requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 258 NAYS 100			
YEAS 258			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Lawton, Robert	Millham, Alida
Salatiello, Thomas	Thomas, John	Turner, Robert	
CARROLL			

Bradley, Jeb	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Mock, Henry	Patten, Betsey	Philbrick, Donald
Torressen, Gary			
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret	Manning, Joseph
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Riley, William	Roberts, William
Rose, William	Royce, H Charles	Smith, Edwin	Zerba, Roger
COOS			
Davis, Perley	Glines, Sara	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Landers, Dana	Merrill, Gerald	Pratt, Leighton
Rodrigue, Robert	Tholl, John, Jr	Woodward, David	
GRAFTON			
Akins, Ralph	Alger, John	Almy, Susan	Cobb, John
Copenhaver, Marion	Densmore, Jessica	Eaton, Stephanie	Ham, Bonnie
Johnson, Gary	MacNeil, Allen	Marshall, Gene	Nordgren, Sharon
Picconi, Al	Solow, Martha		
HILLSBOROUGH			
Ahern, Richard	Andrews, Frederick	Arnold, Thomas, Jr	Arthur, Rose
Barody, Benjamin	Belvin, William	Bergeron, Lucien	Bergin, Peter
Brundige, Robert	Buckley, Raymond	Burkush, James	Calawa, Leon, Jr
Carlson, Donald	Christiansen, Lars	Clegg, Robert, Jr	Cote, David
Cote, Peter	Curran, James	Daigle, Robert	Dalianis, Griffin
Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A	Durham, Susan
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Ford, Nancy
Foster, Linda	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Goulet, Maurice	Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty
Herman, Keith	Herman, Richard	Jean, Claudette	Keye, Harvey
Konys, Christine	Kurk, Neal	L'Heureux, Robert	LaRose, Richard

Lasky, Bette	Lefebvre, Roland	Leishman, Peter	Leonard, Peter
Lessard, Rudy	Lozeau, Donnalee	Lynde, Harold	MacGillivray, Jeffrey
Martin, Mary	McCarty, Winston	McColgan, Philip, Jr	McDonald, James, Sr
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Moran, Edward	Moriarty, Mary	Mosher, William	O'Connell, Timothy
O'Hearn, Jane	Pappas, Marc	Reidy, Frank	Rowe, Robert
Sargent, Maxwell	Simon, Anthony	Thulander, O Alan	Wall, Nancy
White, John	Williams, Carol		
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Larrabee, David, Sr	Lavoie, Gerard
Leber, William	Marshall, Kenneth	Moore, Carol	Nichols, Avis
Owen, Derek	Potter, Frances	Poulin, Dave	Rodd, Beth
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallner, Mary Jane
Whalley, Michael	Whittemore, James	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Blanchard, MaryAnn	Case, Margaret	Clark, Martha	Clark, Vivian
Cooney, Richard	Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce
DiFruscia, Anthony	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Flanagan, Natalie	Flanders, David	Flanders, John, Sr	Francoeur, Sheila
Gleason, John	Hamel, Albert	Henderson, Warren	Hutchinson, Rebecca
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langone, John	Letourneau, Robert
Lovejoy, Marian	McKinney, Betsy	Norelli, Terie	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	O'Keefe, Patricia	Packard, Sherman
Pitts, Jacqueline	Priestley, Anne	Quandt, Marshall	Rabideau, Marie
Ruffner, Walter	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Stickney, Nancy	Tufts, J Arthur

Welch, David	Weyler, Kenneth		
STRAFFORD			
Berube, Roger	Bickford, David	Brown, George	Callaghan, Frank
Dunlap, Patricia	Estabrook, Iris	Heon, Richard	Johnson, Nancy
Keans, Sandra	Knowles, William	Lent, Donald	Lundborn, Raymond
Musler, George	Pelletier, Arthur	Pelletier, Marsha	Smith, Marjorie
Snyder, Clair	Spang, Judith	Spear, Barbara	Taylor, Kathleen
Torr, Franklin	Vachon, Dennis	Vincent, Francis	Wall, Janet
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Flint, Gordon, Sr
Jones, Constance	Kibbey, David	Leone, Richard	Tuthill, John
Wiggins, Celestine	Young, David		
NAYS 100			
BELKNAP			
Boyce, Robert	Pilliod, James	Rice, Thomas	Rosen, Ralph
Wendelboe, Francine			
CARROLL			
Babson, David, Jr	MacDonald, Kenneth	Sullivan, P Judith	
CHESHIRE			
DePecol, Benjamin	Hunt, John	Lynott, Margaret	Robertson, Timothy
Russell, Ronald			
COOS			
None			
GRAFTON			
Brothers, Richard	Dudley, Terri	Hall, David	Harmon, Hobart
Hinman, Harry	Mirski, Paul	Phinney, William	Ward, Brien
Weber, Phil			
HILLSBOROUGH			
Alukonis, David	Batula, Peter	Beaupre, Roland	Bruno, Pierre
Clemons, Jane	Coughlin, Pamela	Craig, James	Daniels, Gary

Dawe, Eileen	Desrosiers, William	Dwyer, Paul, Sr	Fenton, James
Franks, Suzan	Gorman, Mary	Holley, Sylvia	Jean, Loren
LaPorte, George	Martel, Andre	McCarthy, William	McDonough-Wallace, Alice
McGough, Tim	McRae, Karen	Mendenhall, Leslie	Murphy, Robert
Ouellette, Dean	Pepino, Leo	Perkins, Paul	Peterson, Andrew
Reeves, Sandra	Sarette, John	Tate, Joan	Turgeon, Roland
Vaillancourt, Steve	White, Donald		
MERRIMACK			
Jacobson, Alf	Kennedy, Richard	Langer, Ray	Lockwood, Priscilla
Marple, Richard	Maxfield, Roy	Reardon, Tara	Soltani, Tony
Wallin, Jean			
ROCKINGHAM			
Bridle, Russell	Dolan, Richard	Fesh, Robert	Gibbons, Paul
Grant, Kenneth	Hutchinson, Karen	Langley, Jane	Major, Norman
Mikowski, Walter	Morse, Charles	O'Neil, Michael	Putnam, Ed, II
Raynowska, Bernard	Reardon, Neil	Rubin, George	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Vaughn, Charles	Verani, Giovanni
Weare, Everett	Whittier, John	Zolla, William	
STRAFFORD			
Brennan, William	Cossette, Larry	DeChane, Marlene	Gilmore, Gary
Kaen, Naida	McKinley, Robert	Rollo, Michael	Tsiros, William
Twardus, Joseph	Woods, Phyllis		
SULLIVAN			
Donovan, Thomas, Jr	Phinizy, James		

and the report was adopted.

Referred to Executive Departments and Administration.

Rep. Lionel Johnson did not vote and wished to be recorded in favor.

HB 546-FN-A, providing partial funding to support research monitoring groundwater at reclamation sites that have had sludge applied. OUGHT TO PASS WITH AMENDMENT

Rep. Amy E. Robb-Theroux for Resources, Recreation and Development: The bill supports the UNH/McDowell Research Group with an appropriation of \$20,000 from available funds appropriated by the biosolids samples fund. The project specifically assesses the impact of nitrate movement through the soil by monitoring the percolate-water and groundwater at three different sites in New Hampshire which utilize biosolids and short paper fiber (paper mill residuals). The Committee could support this bill with the support of the Department of Environmental Services and felt it was important to the state to continue research on this issue of biosolids/sludge recycling. Vote 16-0.

Amendment (0452h)

Amend the bill by replacing section 1 with the following:

1 Findings. The general court finds it imperative to know the impacts to groundwater of the application of sludge or biosolids and short paper fiber to reclamation sites. Without reclamation, the state is faced with stripping irreplaceable topsoil or ignoring environmentally degraded areas, or both.

Amend the bill by replacing section 3 with the following:

3 State Support of Research; Source of Funds. The commissioner of the department of environmental services shall provide funds from the sampling and analysis of sludge or biosolids samples fund totaling \$20,000, for the fiscal year ending June 30, 1999, to the university of New Hampshire office of sponsored research for the purposes of section 2 of this act.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4 and 5 to read as 6 and 7, respectively:

4 Transfer of Appropriation. The sum of \$20,000, from available funds appropriated for state aid grants by 1997, 350:1, PAU 03-04-02-01-04, for fiscal year 1999, shall be transferred to the sampling and analysis of sludge or biosolids samples fund established by RSA 485-A:4, XVI-c, provided all eligible municipalities have received such state aid grants.

5 Application of Receipts; Sampling and Analysis of Sludge or Biosolids Samples Fund; Reference Corrected. Amend RSA 6:12, I(ttt) to read as follows:

(ttt) Money received under RSA [~~485-A:4, XVI-b~~] **485-A:4, XVI-c**, which shall be deposited in the sampling and analysis of sludge or biosolids samples fund.

Amend the bill by replacing section 6 with the following:

6 Annual Reports. The university of New Hampshire office of sponsored research shall submit annual reports on the research for the years ending June 30, 2000 and 2001 to the speaker of the house, the president of the senate, the governor, the chair of the house committee on environment and agriculture, the chair of the house resources, recreation and development committee, and the commissioner of environmental services.

Adopted.

Report adopted and referred to Finance.

HB 561-FN, reducing lab analysis fees of chemical analyses of water. OUGHT TO PASS

Rep. Judith T. Spang for Resources, Recreation and Development: Due to upgrades in lab technology and changing demand for certain tests at the Department of Environmental Services (DES) lab, fees need to be adjusted. Most will be decreased. The Committee supports these changes to make water testing more affordable. Vote 16-0.

Adopted and referred to Finance.

HB 685-FN-A, relative to the New Hampshire land and community heritage commission, and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. David M. Lawton for Resources, Recreation and Development: HB 685-FN-A recognizes the important efforts begun last session with the New Hampshire Land and Community Heritage Commission. It also makes an appropriation to allow the commission to continue its work in developing a public-private program to protect New Hampshire's most important natural, cultural and historic resources. Vote 17-0.

Amendment (0651h)

Amend the bill by replacing paragraph IV as inserted by section 1 with the following:

IV. Therefore, the general court accepts with gratitude the interim findings of the New Hampshire land and community heritage commission, and directs the commission to complete its work on or before November 30, 1999, according to the duties set forth herein, so that the general court may have the necessary information and recommendations upon which to base its consideration of a new program or programs to protect and preserve New Hampshire's natural, cultural and historic resources for this and future generations.

Amend the bill by replacing section 3 with the following:

3 Appropriation; Department of Cultural Resources; New Hampshire Land and Community Heritage Commission. The sum of \$15,000 is hereby appropriated to the department of cultural resources for the fiscal year ending June 30, 2000, for the purpose of supplementing funds raised privately in anticipation of this appropriation for the purposes of continued staffing, operational support, and public outreach and communication for the New Hampshire land and community heritage commission during the 1999 legislative session. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Adopted.

Report adopted and referred to Finance.

HB 318, relative to recovery of costs in rate proceedings and relative to the appointment of public utilities commissioners. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Jeb E. Bradley for the Majority of Science, Technology and Energy: This bill passed the Senate last year in a much broader form but was sent to Interim Study by the House. After much work and many compromises made the committee recommends passage. The bill allows a retail customer intervenor at a Public Utilities Commission (PUC) proceeding an opportunity to recover intervention costs of up to \$10,000 if the intervenor substantially contributes to the Commission's decision. The retail customer intervenor must demonstrate financial hardship in order to recover this cost. The

Commission is given total discretion whether to allow recovery of such intervention costs and they must be approved by Governor and Council. The intervention costs would be recovered by a utility in rates. Intervention at the PUC is a time consuming and expensive process, which generally means that utility customers are at a disadvantage. This legislation would tend to level that playing field. This bill also requires a public hearing before the Executive Council of any nominee for one of the three seats on the Public Utilities Commission. Vote 18-1.

Rep. Donald B. White for the Minority of Science, Technology and Energy: No person or organization should be prevented from appealing to the Public Utilities Commission. However, the Office of Consumer Advocate is the spokesman for consumers and the bill makes no provision for applicants to work with the Consumer Advocate to advance their case. If they cannot agree with the Office of Consumer Advocate's procedures or decision, then they should be allowed to act independently.

Amendment (0511h)

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

AN ACT relative to recovery of costs in utility proceedings and relative to the appointment of public utilities commissioners.

Amend the bill by replacing section 2 with the following:

2 New Section; Complaints to and Proceedings Before the Public Utilities Commission; Reparations, Fees, and Costs; Proceeding Costs. Amend RSA 365 by inserting after section 38 the following new section:

365:38-a Proceeding Costs. The commission may allow recovery of costs associated with utility proceedings before the commission, provided that recovery of costs for utilities and other parties shall be just and reasonable and in the public interest. For purposes of this section, other parties shall be defined as retail customers that are subject to the rates of the utility and who demonstrate financial hardship; other parties shall not include New Hampshire municipalities. Recovery by other parties shall be deemed to be in the public interest when, in any commission proceeding, the other party substantially contributes to the adoption by the commission, in whole or in part, of a position advocated by the other party in that proceeding, or in a judicial review of that proceeding. An other party shall not recover more than \$10,000 from any utility for any single proceeding. The commission may allow recovery of less than \$10,000 depending upon the scope of the proceeding. The utility shall pay the other party an award of costs if such award is granted by the commission in accordance with the procedures and requirements of the commission and the award is subsequently approved by the governor and council. The utility shall not be liable for any award of costs except in accordance with the procedures and requirements of the commission. If the commission proceeding involves more than one utility, the liability of each utility for the award shall be determined by dividing the amount of the award among the utilities in a manner approved by the commission. If an award of costs is granted in a proceeding involving a change in a utility's rates, the entire amount of the award shall be recovered by the utility in that proceeding. If an award of costs is granted in a proceeding other than one involving a change in a utility's rates, the entire amount of the award shall be immediately recovered by the utility through measures approved on a timely basis by the commission.

Adopted.

Majority report adopted and ordered to third reading.

HB 386, establishing a committee to study allowing Internet service providers to restrict unsolicited electronic mail. RE-REFER TO COMMITTEE

Rep. Jacqueline A. Pitts for Science, Technology and Energy: This bill deals with some of the major issues concerning the Internet especially electronic mail. The committee realizes that the Federal Communications Committee and other entities are exploring the subject and we would like the opportunity to hear their concerns and possible solutions as well as being able to probe this matter more carefully. Therefore, the committee's recommendation is to re-refer. Vote 11-9.

Adopted.

HB 388, relative to telephone number conservation. OUGHT TO PASS WITH AMENDMENT

Rep. Jeb E. Bradley for Science, Technology and Energy: This bill recognizes that unless significant national and state policy changes are made, New Hampshire will shortly run out of available telephone exchange numbers. This bill gives maximum authority to the Public Utilities Commission (PUC) to conserve the existing supply of phone numbers. The bill also outlines how the PUC should plan for implementing a new area code in the event it becomes necessary.

The number shortage has been caused by the growth in new lines, wireless numbers, and dedicated numbers for pagers, data, and Internet lines. The shortage has also been caused by antiquated Federal Communications Commission (FCC) policy, which requires that available phone numbers be assigned in blocks of 10,000 numbers even when the providers only use a handful of numbers of the assigned block. Every three-digit number, for instance 271 in the state system, has 10,000 possible last four numbers. We are running out of combinations for the first three digits (e.g. 271) in area code 603. Due to these factors the private entity (Lockheed Martin) that nationally administers area code exhaust and assignment has determined that the 603 area code is in jeopardy of being exhausted toward the end of the year 2000.

Right now there are actually less than 1.5 million phone numbers in use out of a possible pool of about 7.5 million possible numbers in area code 603. It seems illogical; to say the least, that with 6 million numbers potentially available, New Hampshire is running out of phone numbers. Much of the problem that New Hampshire faces is due to bureaucratic problems at the FCC, which up until now, has refused to allow the assignment of blocks of 1,000 numbers instead of blocks of 10,000 and other conservation methods. If the FCC continues to delay even making these common sense decisions, states will have no choice but to implement new area codes. The PUC has been a staunch advocate at the FCC for common sense solutions to this problem and has suggested that New Hampshire be a pilot program state for number conservation initiatives but has run into the wall in Washington. Our federal delegation is also well aware of this problem, but as of yet, there has been no movement by the FCC.

Competition in the telephone industry will suffer as will the ability of suppliers to offer new innovative services if there is not an adequate supply of phone numbers in New Hampshire. Currently there is a lottery in order to obtain new three-digit exchanges. The lottery of three per month is not enough to meet the demand of a growing telecommunications industry in New Hampshire. Economic growth in New Hampshire is linked to advanced telecommunication services being offered. Therefore, the bill also outlines standards which should guide the commission in determining how to implement a new area code if the FCC does not allow number conservation measures in time.

The two ways of implementing new area codes are via a geographic split or use of an overlay of new numbers. A geographic split would divide New Hampshire into two geographic area codes. An overly

would have any new phone numbers go into a new area code regardless of location. There are advantages and disadvantages to either an overlay or geographic split. An overlay would require ten-digit dialing, which is not well received. A geographic split would force half the state to change the area code of their existing phone numbers, which is costly, confusing, and controversial. This bill does not specify which method the Commission should choose, but the bill does outline policy principles the Commission should adhere to if and when such a choice must be made. These principles include minimizing customer disruption and confusion, minimizing cost to both customers and the cost of implementation by phone companies, insuring competitive neutrality and public safety, and utilization of the best available technology and planning.

The bill does not require implementation of a new area code as the committee believes conservation of existing 603 phone numbers is the best policy. The committee has and will continue to advocate for number conservation policy in Washington. Vote 19-0.

Amendment (0468h)

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

AN ACT relative to telephone number conservation and area code implementation.

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

1 Purpose. The general court finds that:

I. The public utilities commission has set policies that have fostered a vibrant and competitive marketplace for telecommunications services and products. This marketplace is essential for the economic well being of the state as many New Hampshire businesses, residents, and visitors require advanced telecommunication services and products at competitive prices.

II. The recent determination by the North American Numbering Plan Administrator that New Hampshire's 603 area code is in jeopardy of new telephone number exhaustion is a serious threat to the ability of incumbent and other telecommunication providers to provide needed products and services. Of particular concern presently is the fact that providers can only obtain new blocks of numbers through a very limited lottery.

III. It is in the public interest for the public utilities commission to aggressively conserve telephone numbers according to the principles set forth in RSA 374:59, as inserted by this act, in order to prolong the useful life of area code 603 and any subsequent area code. The public utilities commission is to be commended for proposing a voluntary agreement with providers to reserve unused telephone numbers in blocks of 1,000 for eventual distribution rather than the customary blocks of 10,000. The public utilities commission is encouraged to continue to press telecommunications providers as well as the Federal Communications Commission for technical and regulatory solutions to telephone number exhaustion including, but not limited to, mandatory thousands number block pooling and local number portability.

IV. Along with implementing aggressive conservation measures, it is also in the public interest for the public utilities commission to plan for implementation of a new area code subject to the principles set forth in this act in order that, in the event it becomes necessary to implement a new area code, suppliers may have access to needed numbers in adequate time to avoid disruptions to New Hampshire businesses and customers.

V. The general court recognizes that implementation of a new area code can be accomplished via means of a geographic split or through a statewide overlay of new numbers assigned in a new area code. The choice between a geographic split and an overlay is often controversial. The principles set forth in this act are intended to guide the public utilities commission's decision-making process. The public utilities commission is encouraged to open a docket and hold public hearings at several locations around the state to solicit input for this decision.

2 New Subdivision; Telephone Number Conservation and Area Code Implementation Policy Principles. Amend RSA 374 by inserting after section 58 the following new subdivision:

Telephone Number Conversation and Area Code Implementation Policy Principles

374:59 Telephone Number Conservation and Area Code Implementation Policy Principles.

I. Definitions. In this section:

(a) "Commission" means the public utilities commission.

(b) "Geographic split" means the division of an area code into typically 2 areas each served by its own area code.

(c) "Overlay" means the addition of a new area code serving the same geographic area as the existing area code.

II. The commission should promote and adopt telephone number conservation measures to the maximum extent allowed by federal law for area code 603 and any subsequently assigned New Hampshire area codes.

III. The commission should adopt measures, to the maximum extent allowable by federal law and availability of technology, to provide that all customers of all suppliers have equitable access to all currently available unassigned telephone numbers and equitable access to numbers that have not been assigned to a customer which are available for porting to a second supplier. Blocks of telephone numbers that are currently assigned but may be retrievable if thousands number block pooling becomes available should be assigned on an equitable basis to all suppliers.

IV. The commission should adopt measures, to the maximum extent allowable by federal law and availability of technology, to provide for local number portability by all suppliers of local exchange service.

V. To the extent that any one competitor is responsible for managing a pool of numbers which is to be assigned to customers of that competitor and other competitors, the commission should adopt policies to require that the assignment and management of the numbers be kept segregated from the marketing portion of that competitor.

VI. When determining whether to implement a new area code via geographic split or overlay the commission should consider, but not be limited to, the following criteria when determining the public interest:

(a) Which method best minimizes customer disruption from having to change numbers;

- (b) Which method is the least costly for business and residents;
- (c) Which method best minimizes customer confusion;
- (d) Which method is the least costly for providers to implement;
- (e) Which method most effectively conserves the total pool of telephone numbers once a new area code is created;
- (f) Which method minimizes geographic controversy;
- (g) Which method is most equitable to every resident and business in New Hampshire;
- (h) Which method minimizes repeating the disruption of area code changes in the future;
- (i) Which method best ensures public safety;
- (j) Which method is more competitively neutral; and
- (k) Which method utilizes best available technology and comprehensive telecommunications planning.

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

AMENDED ANALYSIS

This bill establishes policy principles to guide the public utilities commission in telephone number conservation and area code implementation.

Adopted.

Report adopted and ordered to third reading.

HB 407, relative to unsolicited telephone sales by competitive telephone and electricity providers. RE-REFER TO COMMITTEE

Rep. Roy D. Maxfield for Science, Technology and Energy: Federal regulations prohibit restrictions on most telephone solicitation. There are unresolved issues with this legislation as it relates to pending electric deregulation however. The sponsor and the majority of the committee support re-refer of this bill to allow further study of this application. Vote 14-6.

Adopted.

HB 611, relative to performance standards for telephone companies providing noncompetitive services. RE-REFER TO COMMITTEE

Rep. John H. Thomas for Science, Technology and Energy: Even though the Public Utilities Commission (PUC) has authority and the ability to enforce its authority through fines, the majority

of the committee felt there are issues that exist between the PUC and providers as to how information is collected and collated. Vote 16-4.

Adopted.

HB 566, relative to the supervision of the driver education program. OUGHT TO PASS

Rep. George A. LaPorte for Transportation: This bill would make the department of safety the final decision maker concerning direct or indirect all life and safety issues. The quality standard shall rest with the DOS, aided and facilitated by the department of education. This legislation shall affect all secondary and private motor vehicle driving school courses. Vote 15-2.

Report adopted and ordered to third reading.

HB 639-FN, relative to motor vehicle registration fees for antique motor vehicles and motorcycles. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. Letourneau for Transportation: This bill restricts reduced registration fees to antique motor vehicles and motorcycles for 1945 and earlier (\$6.00 cars and \$2.40 motorcycles), and caps the registration fee for vehicles 1946 and up at \$31.20 (\$2.60 per month) on vehicles over 3000 lbs. Vehicles under 3000 lbs. would be \$19.20 (\$1.60 per month). This bill does not change the eligibility of vehicles over 25 years old to be in the antique class, only the fees associated with the cost of the plates issued to them. Further, this bill in no way affects the status of an antique vehicle or the rights associated with this class of vehicles. The committee felt that other seasonal vehicles such as recreational vehicles, motorcycles, snow removal and construction equipment, etc., pay their share of the road use although seasonal. Additionally, these newer antiques are driven daily during the summer months; the DOS continues to receive complaints relative to this abuse, and this was not the intent of the original law which states these plates are for ***"any vehicle over 25 yrs. old which is maintained for use in exhibitions, club activity, and parades."*** Vote 17-0.

Amendment (0383h)

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

1 Antique Motorcycle Registration Fees. Amend RSA 261:141, III(f) to read as follows:

(f) For antique motorcycles ***manufactured in 1945 or earlier -- \$2.40. Antique motorcycles manufactured in 1946 or later shall be charged a registration fee of \$12.***

2 Antique Motor Vehicle Registration Fees. Amend RSA 261:141, III(r) to read as follows:

(r) For antique motor vehicles other than antique motorcycles ***manufactured in 1945 or earlier -- \$6. Antique motor vehicles other than antique motorcycles manufactured in 1946 or later shall be charged a maximum of \$31.20 (\$2.60 per month) for vehicles weighing over 3000 lbs, and a maximum of \$19.20 (\$1.60 per month) for vehicles weighing less than 3000 lbs.***

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

AMENDED ANALYSIS

This bill restricts reduced registration fees for antique motor vehicles and motorcycles to motor vehicles and motorcycles manufactured in 1945 or earlier.

Adopted.

Rep. Letourneau spoke in favor and yielded to questions.

Report adopted and referred to Finance.

HB 522, relative to the public's access to sex offender registry information. RE-REFER TO COMMITTEE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill greatly expands the crimes that would be required to be reported to the sex offender registry and also requires that the public be able to request information about any or all of those people listed in the entire state. Furthermore, information on who this information was given to must also be recorded. Passage of this bill is a huge policy change and the department of safety indicated there should be a fiscal note because of the tremendous burden the bill puts on their resources. In fact, they question whether they could comply without additional employees. The committee voted to re-refer to enable the committee to examine those questions thoroughly. Vote 12-0.

Rep. Brothers spoke against and yielded to questions.

Rep. Christie spoke in favor.

Rep. Brothers requested a roll call; sufficiently seconded.

The question being the adoption of the report.

BELKNAPBartlett, Gordon	Boriso, Thomas	Czech, Stanley	Holbrook, Robert
Lawton, David	Lawton, Robert	Millham, Alida	Pilliod, James
Rice, Thomas	Salatiello, Thomas	Thomas, John	Turner, Robert
Wendelboe, Francine			
CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	MacDonald, Kenneth	Mock, Henry

Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Hunt, John	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meadar, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Rose, William	Royce, H Charles	Smith, Edwin
Zerba, Roger			
COOS			
Davis, Perley	Glines, Sara	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Landers, Dana	Merrill, Gerald	Rodrigue, Robert
Tholl, John, Jr			
GRAFTON			
Almy, Susan	Densmore, Jessica	Dudley, Terri	Eaton, Stephanie
Ham, Bonnie	Hinman, Harry	MacNeil, Allen	Marshall, Gene
Nordgren, Sharon	Phinney, William	Solow, Martha	Ward, Brien
HILLSBOROUGH			
Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr
Arthur, Rose	Baroody, Benjamin	Beaupre, Roland	Belvin, William
Bergeron, Lucien	Bergin, Peter	Buckley, Raymond	Burkush, James
Calawa, Leon, Jr	Carlson, Donald	Christiansen, Lars	Clegg, Robert, Jr
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Curran, James	Daigle, Robert	Dalianis, Griffin

Daniels, Gary	Dawe, Eileen	Desrosiers, William	Drabinowicz, A
Durham, Susan	Dwyer, Paul, Sr	Dyer, Merton	Emerton, Lawrence
Fenton, James	Fields, Dennis	Flora, Kathleen	Ford, Nancy
Foster, Linda	Franks, Suzan	Garrish, Linda	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Haettenschwiller, Alphonse	Haley, Robert
Hall, Betty	Herman, Keith	Herman, Richard	Holley, Sylvia
Jean, Claudette	Jean, Loren	Keye, Harvey	Konys, Christine
Kurk, Neal	LaPorte, George	LaRose, Richard	Lasky, Bette
Lefebvre, Roland	Leonard, Peter	Lozeau, Donnalee	Lynde, Harold
MacGillivray, Jeffrey	Martel, Andre	Martin, Mary	McCarthy, William
McCarty, Winston	McDonald, James, Sr	McDonough-Wallace, Alice	McGough, Tim
McRae, Karen	Melcher, Harold	Mendenhall, Leslie	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Moriarty, Mary
Mosher, William	Murphy, Robert	O'Connell, Timothy	O'Hearn, Jane
Pappas, Marc	Pepino, Leo	Perkins, Paul	Peterson, Andrew
Reeves, Sandra	Reidy, Frank	Rowe, Robert	Sarette, John
Sargent, Maxwell	Simon, Anthony	Tate, Joan	Thulander, O Alan
Turgeon, Roland	Vaillancourt, Steve	White, Donald	White, John
Williams, Carol			
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Chase, George	Crosby, Toni

Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
French, Barbara	Gile, Mary	Hager, Elizabeth	Hess, David
Hoadley, Elizabeth	Jacobson, Alf	Langer, Ray	Larrabee, David, Sr
Lavoie, Gerard	Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth
Moore, Carol	Nichols, Avis	Owen, Derek	Potter, Frances
Poulin, Dave	Reardon, Tara	Rodd, Beth	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Whalley, Michael	Whittemore, James	Yeaton, Charles	
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Blanchard, MaryAnn	Bridle, Russell
Case, Margaret	Christie, Andrew, Jr	Clark, Martha	Clark, Vivian
Cooney, Richard	Dalrymple, Janeen	Dowling, Patricia	Downing, Michael
Dunham, Vivian	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr	Francoeur, Sheila	Gibbons, Paul	Henderson, Warren
Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Lovejoy, Marian	Major, Norman
Mikowski, Walter	Morse, Charles	Norelli, Terie	Nowe, Ronald
Noyes, Richard	O'Keefe, Patricia	O'Neil, Michael	Packard, Sherman
Pitts, Jacqueline	Priestley, Anne	Putnam, Ed, II	Quandt, Marshall

Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Sabella, Norma
Sapareto, Frank	Schanda, Frank	Shelton, Richard	Shultis, Elizabeth
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Vaughn, Charles	Verani, Giovanni	Weare, Everett	Welch, David
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	Cossette, Larry	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Heon, Richard	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Lent, Donald
Lundborn, Raymond	McKinley, Robert	Musler, George	Pelletier, Arthur
Pelletier, Marsha	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Spear, Barbara	Taylor, Kathleen	Torr, Franklin
Tsiros, William	Twardus, Joseph	Vachon, Dennis	Vincent, Francis
Wall, Janet			
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Kibbey, David	Leone, Richard
Phinizy, James	Tuthill, John	Wiggins, Celestine	
NAYS 57			
BELKNAP			
Boyce, Robert	Johnson, James	Rosen, Ralph	
CARROLL			

Torressen, Gary			
CHESHIRE			
Blaisdell, Michael	Roberts, William		
COOS			
Pratt, Leighton	Woodward, David		
GRAFTON			
Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Copenhaver, Marion	Hall, David	Harmon, Hobart	Johnson, Gary
Mirski, Paul	Picconi, Al	Weber, Phil	
HILLSBOROUGH			
Batula, Peter	Brundige, Robert	Bruno, Pierre	Desmarais, Vivian
Dokmo, Cynthia	Fletcher, Richard	Ginsburg, Ruth	L'Heureux, Robert
Leishman, Peter	Lessard, Rudy	McColgan, Philip, Jr	Ouellette, Dean
Wall, Nancy			
MERRIMACK			
Brewster, Richard	Kennedy, Richard	Leber, William	Maxfield, Roy
Soltani, Tony			
ROCKINGHAM			
Abbott, Dennis	Belanger, Ronald	Cox, Russell	Dearborn, Bruce
DiFruscia, Anthony	Dolan, Richard	Gleason, John	Grant, Kenneth
Hamel, Albert	Kane, Cecelia	McKinney, Betsy	Nowe, Mary Lou
Rubin, George	Ruffner, Walter	Stickney, Nancy	Weyler, Kenneth
Whittier, John	Zolla, William		

STRAFFORD			
Woods, Phyllis			
SULLIVAN			
Young, David			

and the report was adopted.

Rep. Lionel Johnson did not vote and wished to be recorded in favor.

HB 63-FN-A, relative to the Weekly Market Bulletin's budget and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Vivian R. Clark for Finance: Subscriptions to the Weekly Market Bulletin currently provide income to the General Court that exceeds the expenses of the Bulletin. The committee felt that if some future plan to alter or enlarge the Bulletin should require additional expenditure, it should be obtained through the normal budget process rather than through the creation of yet another dedicated fund. Vote 23-2.

motion to special order

Rep. Wendelboe moved that *HB 63-FN-A*, relative to the Weekly Market Bulletin's budget and making an appropriation therefor, be made a Special Order for the end of the Calendar on April 15, 1999, spoke in favor and yielded to questions.

Rep. Kurk spoke in favor.

Rep. Wendelboe withdrew her motion.

The question now being the adoption of the report.

Adopted.

regular calendar (cont'd.)

HB 682-FN-A, establishing a statewide program for the removal of graffiti from public property. INEXPEDIENT TO LEGISLATE

Rep. John R. Cloutier for Public Works and Highways: This bill would establish a statewide program for the removal of graffiti from public property. While the committee appreciates the efforts of the sponsor to eliminate graffiti, it believes the problem is not as severe as in more urban states, and is usually and swiftly removed. Also, in some areas of the state, passage of the bill might result in the elimination of some popular landmarks, since what constitutes graffiti vs. art is in the eyes of the beholder. Finally, the Department of Transportation Director of Operations said passage might force his department in some cases to divert some money and employee hours away from more important tasks. Vote 16-0.

Rep. Belvin spoke against.

Rep. Cloutier spoke in favor.

Adopted.

reconsideration

Having voted with the prevailing side, Rep. Mock moved that the House reconsider its action whereby it adopted the Consent Calendar, Part II, and spoke in favor.

Reconsideration prevailed.

COMMITTEE REPORTS

CONSENT CALENDAR – Part II

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

HB 605-FN, affirming sovereign immunity as it relates to the state's computers and computer software and programs and granting the state board of claims jurisdiction over claims against the state arising out of computer-related problems, removed by Rep. Mock.

Consent Calendar adopted.

HB 605-FN, affirming sovereign immunity as it relates to the state's computers and computer software and programs and granting the state board of claims jurisdiction over claims against the state arising out of computer-related problems. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary: This bill immunizes the state in perpetuity for any and all computer problems whether they relate to the Y2K problem or not. The state departments have taken corrective action to prevent problems, the latest report stating that state government was in good shape to prevent any major problems relating to Y2K. Individuals and businesses will not be exempt from liability and the committee believed the state should not be either since the trend has been away from granting more state immunity. There are judicial procedures in place to allow for remedies when persons are harmed by the state in other areas. The committee believes the Y2K problem has been over exaggerated and where the Public Utilities Commission and the Attorney General's Office took "no position" on the bill, it reinforced the committee's resolve. Vote 13-1.

Rep. Mock moved Re-commit to Committee and spoke in favor.

Adopted.

reconsideration

Having voted with the prevailing side, Rep. Bickford moved that the House reconsider its action whereby it voted *HB 737*, declaring the New Hampshire supreme court's Claremont II decision to be an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution, Inexpedient to Legislate.

Reps. Nancy Wall, and Dickinson spoke in favor.

Rep. Weber spoke in favor and yielded to questions.

Reps. Belvin and MacGillivray spoke against.

Rep. Dickinson requested a roll call; sufficiently seconded.

The question being the motion to reconsider.

YEAS 120 NAYS 225			
YEAS 120			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Johnson, James	Lawton, David	Lawton, Robert	Rice, Thomas
Rosen, Ralph	Wendelboe, Francine		
CARROLL			
Babson, David, Jr	Bradley, Jeb	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	MacDonald, Kenneth	Mock, Henry	Sullivan, P Judith
Torressen, Gary			
CHESHIRE			
Hunt, John	Roberts, William	Rose, William	
COOS			
Merrill, Gerald	Pratt, Leighton	Woodward, David	
GRAFTON			
Alger, John	Brothers, Richard	Dudley, Terri	Eaton, Stephanie
Hall, David	Ham, Bonnie	Harmon, Hobart	Hinman, Harry
Mirski, Paul	Phinney, William	Ward, Brien	Weber, Phil
HILLSBOROUGH			
Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter
Beaupre, Roland	Brundige, Robert	Christiansen, Lars	Clegg, Robert, Jr
Daniels, Gary	Desmarais, Vivian	Desrosiers, William	Fenton, James
Fletcher, Richard	Flora, Kathleen	Goulet, Maurice	Jean, Loren
L'Heureux, Robert	Lefebvre, Roland	Martel, Andre	Martin, Mary

McDonald, James, Sr	McDonough-Wallace, Alice	McGough, Tim	Mercer, Robert
Milligan, Robert	Moran, Edward	O'Connell, Timothy	Ouellette, Dean
Pappas, Marc	Pepino, Leo	Reeves, Sandra	Tate, Joan
Wall, Nancy	White, Donald		
MERRIMACK			
Langer, Ray	Lavoie, Gerard	Leber, William	Marple, Richard
Soltani, Tony			
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Clark, Vivian	Dolan, Richard
Dunham, Vivian	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr	Grant, Kenneth	Hamel, Albert	Hutchinson, Karen
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Letourneau, Robert	McKinney, Betsy	Mikowski, Walter	Morse, Charles
Nowe, Mary Lou	Noyes, Richard	Packard, Sherman	Priestley, Anne
Putnam, Ed, II	Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Rubin, George	Ruffner, Walter	Stickney, Nancy
Stritch, C Donald	Varrell, Thomas	Verani, Giovanni	Weare, Everett
Welch, David	Weyler, Kenneth		
STRAFFORD			
Bickford, David	McKinley, Robert	Woods, Phyllis	
SULLIVAN			
Jones, Constance	Tuthill, John	Young, David	
NAYS 225			
BELKNAP			
Holbrook, Robert	Millham, Alida	Pilliod, James	Salatiello, Thomas
Thomas, John	Turner, Robert		
CARROLL			
Chandler, Gene	Patten, Betsey	Philbrick, Donald	
CHESHIRE			

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meader, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Royce, H Charles	Smith, Edwin	Zerba, Roger
COOS			
Davis, Perley	Glines, Sara	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Landers, Dana	Rodrigue, Robert	Tholl, John, Jr
GRAFTON			
Akins, Ralph	Almy, Susan	Cobb, John	Copenhaver, Marion
Densmore, Jessica	Johnson, Gary	MacNeil, Allen	Marshall, Gene
Nordgren, Sharon	Picconi, Al	Solow, Martha	
HILLSBOROUGH			
Ahern, Richard	Arthur, Rose	Belvin, William	Bergeron, Lucien
Bergin, Peter	Bruno, Pierre	Buckley, Raymond	Burkush, James
Calawa, Leon, Jr	Carlson, Donald	Clemons, Jane	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Curran, James
Daigle, Robert	Dalianis, Griffin	Dawe, Eileen	Dokmo, Cynthia
Drabinowicz, A	Durham, Susan	Dwyer, Paul, Sr	Dyer, Merton
Emerton, Lawrence	Fields, Dennis	Ford, Nancy	Foster, Linda
Franks, Suzan	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty
Herman, Richard	Jean, Claudette	Keye, Harvey	Konys, Christine
Kurk, Neal	LaRose, Richard	Lasky, Bette	Leishman, Peter
Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee	Lynde, Harold
MacGillivray, Jeffrey	McCarthy, William	McCarty, Winston	McColgan, Philip, Jr
Melcher, Harold	Mendenhall, Leslie	Messier, Irene	Moriarty, Mary
Mosher, William	Murphy, Robert	O'Hearn, Jane	Perkins, Paul
Peterson, Andrew	Reidy, Frank	Rowe, Robert	Sarette, John
Sargent, Maxwell	Simon, Anthony	Thulander, O Alan	Turgeon, Roland

Vaillancourt, Steve	White, John	Williams, Carol	
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Larrabee, David, Sr
Lockwood, Priscilla	Marshall, Kenneth	Maxfield, Roy	Moore, Carol
Nichols, Avis	Owen, Derek	Potter, Frances	Poulin, Dave
Reardon, Tara	Rodd, Beth	Seldin, Gloria	St Cyr, Gerard
Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane	Whalley, Michael
Whittemore, James	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Belanger, Ronald	Blanchard, MaryAnn	Case, Margaret
Christie, Andrew, Jr	Clark, Martha	Cooney, Richard	Cox, Russell
Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Francoeur, Sheila	Gibbons, Paul	Gleason, John	Henderson, Warren
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Kelley, Jane
Langone, John	Lovejoy, Marian	Major, Norman	Norelli, Terie
Nowe, Ronald	O'Keefe, Patricia	O'Neil, Michael	Pitts, Jacqueline
Sabella, Norma	Sapareto, Frank	Schanda, Frank	Shelton, Richard
Shultis, Elizabeth	Stone, Joseph	Vaughn, Charles	Whittier, John
Zolla, William			
STRAFFORD			
Brennan, William	Brown, George	Callaghan, Frank	Cossette, Larry
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Heon, Richard
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Lent, Donald	Lundborn, Raymond	Pelletier, Arthur	Pelletier, Marsha
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Torr, Franklin	Tsiros, William	Twardus, Joseph
Vachon, Dennis	Wall, Janet		

SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Kibbey, David	Leone, Richard	Phinizy, James
Wiggins, Celestine			

and reconsideration failed.

Rep. Lionel Johnson did not vote and wished to be recorded in favor.

Without objection, the Speaker ordered that Part II of the Regular Calendar be taken up on Thursday, April 15, 1999.

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 Thursday, April 15, 1999 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 435, relative to disclosure by sellers of consumer goods and services.

HB 442, relative to charitable gift annuities.

HB 563, relative to names of limited liability partnerships and companies and cooperative associations.

HB 687-FN, establishing the criminal offense of identity fraud.

HB 714-FN, changing the potential penalties for certain acts of solicitation and conspiracy to commit murder and attempted murder to life in prison.

HB 61, relative to political contributions by members of the ballot law commission.

HB 556-FN, relative to transporting hazardous waste.

HB 397, establishing a 4-year term for the commissioner of the department of corrections, and clarifying the process of appointing personnel under the commissioner.

HB 448, relative to the board of dental examiners and the regulation of dentists and dental hygienists.

HB 686-FN, defining the state heritage collections committee's responsibilities and the process for acquiring or disposing of items and collections.

HB 278, relative to scheduling of district court sessions.

HB 592, creating a study committee regarding requirements for and usage of methyl t-butyl ether.

HB 491, relative to qualifying examinations for individuals seeking driver's licenses, and driver education course requirements.

HB 554, relative to driver education reciprocity.

HB 651, revising the speed limit law.

HB 313-FN, relative to the regulation of the practice of optometry.

HB 620-FN, relative to election of vested deferred retirement status for inactive members of the retirement system.

HB 624, establishing a committee relative to health care quality.

HB 570, restricting a presiding judge's authority to interrupt jury deliberations.

HB 667, relative to the quorum required for sessions of the supreme court.

HB 69, relative to the definition of employee under certain labor laws and relative to overtime pay for hourly employees.

HB 541, establishing a committee to study the upgrade of Routes 11 and 140.

HB 573, clarifying the status of class VI highways.

HB 593-FN-L, relative to the classification of class VI roads which have been maintained by a town.

HB 672-FN-L, relative to creating a master plan for Hampton Beach and Hampton State park to deal with growth.

HB 362, relative to dam safety program violations.

HB 527, relative to the duties of the public utilities commission.

HB 721-FN, relative to procedures regarding delinquent children under RSA 169-B.

HB 454, requiring the university system of New Hampshire board of trustees to initiate a study of the status of veterans' access to higher education within the university system.

HB 675-FN, extending the applicability of postsecondary educational assistance for New Hampshire national guard members and requiring an annual reporting from state-supported postsecondary institutions.

HB 366, repealing the requirement that persons filing for a primary on the last day of the filing period do so in person.

HB 557-FN, relative to hazardous waste permitting and container identification.

HB 634-FN, eliminating the requirement that retirement system disability recipients notify the board of trustees of unreduced social security disability benefits.

HB 318, relative to recovery costs in utility proceedings and relative to the appointment of public utilities commissioners.

HB 388, relative to telephone number conservation and area code implementation.

HB 566, relative to the supervision of the driver education program.

RECESS MOTION

Reps. Chandler and Burling 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.

The House recessed at 4:55 p.m.

RECESS

bills signed by the governor

HB 54, (Chap. 6) allowing simultaneous service of a demand for rent and a notice to quit. (eff. 1/1/2000)

HB 93, (Chap. 7) permitting a dam to be constructed on Rand Pond in Goshen. (eff. 6/4/99)

HB 248, (Chap. 8) relative to the Monadnock advisory commission. (eff. 6/4/99)

HB 734-FN-L, (Chap. 9) relative to state guarantees of tax anticipation notes issued by municipalities; relative to teacher non-renewals for the 1999-2000 school year; and relative to the transfer of tax liens for the 1999 calendar year only. (eff. 4/8/99)

HB 73, (Chap. 10) extending the reporting date of the commission to study the effects of and jurisdiction over alternative agricultural products. (eff. 4/12/99)