HOUSE RECORD

First Year of the 156th Session of the General Court

Calendar and Journal of the 1999 Session

Vol. 21 Concord N.H. Thursday, May 13, 1999 No. 51

HOUSE JOURNAL No. 16 (cont.)

Thursday, April 29, 1999

(Rep. Chandler in the Chair)

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills 78, 203, 210, 268, 327, 365 and 447 and Senate Bills 19 and 119.

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

RECESS

(Rep. Buckley in the Chair)

enrolled bill amendment

SB 17, relative to funeral arrangements. (Amendment printed SJ 17, 5/6/99)

Adopted.

senate messages

concurrence

HB 58, establishing a committee to study open adoption in New Hampshire.

HB 230, clarifying the waste reduction goals for the state of New Hampshire.

HB 402, establishing a committee to study methods to promote the use of renewable energy sources.

HB 426, relative to clean indoor air in state buildings.

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

HB 530, establishing a committee to review the policies and procedures of the joint health council.

HB 556-FN, relative to transporting hazardous waste.

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

HB 592, creating a study committee regarding requirements for and usage of methyl t-butyl ether.

HB 620-FN, relative to election of vested deferred retirement status for inactive members of the retirement system.

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

HB 638, authorizing a limited license for certain travel agents.

HB 671, adding a member to the council on resources and development.

HB 672-FN-A-L, relative to creating a master plan for Hampton Beach and Hampton State park to deal with growth.

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

concurrence with amendments

SB 41, clarifying references in provisions relating to hunting and fishing licenses for members of the United States army, navy, marines, air force, and coast guard.

SB 160, establishing a committee to study and identify or establish the duties of the fish and game commission.

RECESS

(Rep. Jacobson in the Chair)

RESOLUTION

Rep. Murphy offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 32, 90 and 230 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 32, relative to an employer exemption under the unemployment compensation laws. (Labor, Industrial and Rehabilitative Services)

SB 90, establishing a committee to study and investigate the needs for small business loans to pay for technical improvements for persons working at home. (Commerce)

SB 230, relative to interstate school districts. (Education)

RECESS

(Rep. Chandler in the Chair)

RESOLUTION

Rep. Whalley offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Constitutional Amendment Concurrent Resolution numbered 26, 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 CACR

First, second reading and referral

CACR 26, relating to the state's duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state. Providing that the state shall have the duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state; the nature and means of the fulfillment of such duty shall be determined by the legislature and judicial review shall be limited to whether or not there is any rational basis therefor; the legislature shall have exclusive authority to determine and fund the costs or to delegate the authority to impose assessments, rates, and taxes for education to political subdivisions, which if so delegated shall be deemed local and shall be proportional and reasonable within the political subdivision in which they are imposed. (Chandler, Carr 1; Clegg, Hills 23; Boyce, Belk 5; Flora, Hills 15; K. Herman, Hills 13; McGough, Hills 18: Finance)

RESOLUTION

Rep. Whalley offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 69, shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 69-L, relative to health care charitable trusts and community benefits. (Commerce)

RECESS

(Rep. Konys in the Chair)

enrolled bill amendments

HB 79, relative to reports to the bank commissioner and to safe deposit box openings.

Amendment (1178-EBA)

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

bank commissioner copies of reports required by the provisions of section 208.62 of the Federal

Adopted.

HB 230, clarifying the waste reduction goals for the state of New Hampshire.

Amendment (1183-EBA)

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

Amend the introductory paragraph of RSA 149-M:29, II to read as follows:

Adopted.

HB 302, relative to paint ball guns.

Amendment (1214-EBA)

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

II. Any pupil may be expelled from school by the local school board for gross misconduct, or for neglect or

Adopted.

HB 556-FN, relative to transporting hazardous waste.

Amendment (1190-EBA)

Amend RSA 147-A:6, V(c) as inserted by section 4 of the bill by replacing line 3 with the following:

RSA 147-A, or any rules adopted by the commissioner of the department of safety pursuant

Adopted.

HB 672-FN-A-L, relative to creating a master plan for Hampton Beach and Hampton State park to deal with growth.

Amendment (1179-EBA)

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 Beach state park to deal with growth.

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

Hampton Beach and Hampton Beach state park area, the commissioner of resources and economic

Adopted.

RECESS

(Rep. Herman in the Chair)

enrolled bill amendment

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

Amendment (1221-EBA)

Amend section 3 of the bill by replacing line 2 with the following:

Added. Amend RSA 361-B:2-a, I to read as follows:

Adopted.

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills 92, 214, 358, 383, 403, 515 and 710 and Senate Bill 91.

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

RECESS

(Speaker Sytek in the Chair)

Rep. Henderson moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 17

Thursday, May 13, 1999

The House assembled at 10:00 a.m. and was called to order by the Speaker.

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

God of wind and creation, blow into our lives today as we embark on the business this day brings our way. Help us brave the storm, or, at the very least, hang on for dear life. Amen.

Rep. Cobb led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Courchesne, Crosby, Desmarais, Golden, L'Heureux, McColgan, Nordgren and Searles, the day, illness.

Reps. Asplund, Bergeron, Dearborn, Dolan, Dunham, Feuerstein, Gile, Glines, Guest, Hoadley, Rebecca Hutchinson, James Johnson, Leishman, Mirski, Benjamin Moore, Mosher, O'Keefe, Rowe, Simon, Tate, Weatherspoon and Whittier, the day, important business.

Reps. Dawe, Fraser, Grant, Horton and Dean Ouellette, the day, illness in the family.

INTRODUCTION OF GUESTS

Shirley Cobb, wife of Rep. Cobb. Irving Boynton, guest of Rep. Case.

senate messages

requests concurrence with amendments

HB 67, relative to termination of parental rights upon a finding of either child abuse or the commission of certain criminal offenses. (Amendment printed SJ 17, 5/6/99)

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

Adopted.

The Speaker appointed Reps. Lyman, Irene Pratt, Bickford and Moran.

HB 240, prohibiting the reintroduction of wolf populations to the state of New Hampshire. (Amendment printed SJ 17, 5/6/99)

Rep. Ronald Nowe moved that the House concur and spoke in favor.

Adopted.

HB 442, relative to charitable gift annuities. (Amendment printed SJ 17, 5/6/99)

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

Adopted.

HB 513, relative to approved permissible fireworks. (Amendments printed SJ 17, 5/6/99)

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

Adopted.

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills 402, 530 and 558.

RESOLUTION

Rep. Chandler offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 743 and 744, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 743, requiring that the question relative to the necessity for a convention to revise the New Hampshire constitution be presented to the voters in the November 2000 general election. (Weber, Graf 11; Boyce, Belk 5: Election Law)

HB 744, ratifying the Plainfield Village Water District annual meeting held on March27,1999. (Burling, Sull 1; Jones, Sull 3: Municipal and County Government)

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 722-FN, revising the law relative to protection of persons from domestic violence, removed by Rep. Wendelboe.

HB 617-FN-A-L, relative to funding and monitoring seacoast harbor issues, removed by Rep. Leber.

HCR 11, urging Congress and the Internal Revenue Service to modify tax laws to broaden the ability of taxpayers to make tax-deductible contributions to Nuclear Decommissioning Reserve Funds, removed by Rep. Bradley.

HB 673-FN-A, establishing special number plates for emergency medical service providers and firefighters and continually appropriating fees charged for such plates to certain funds, removed by Rep. McGough.

Consent Calendar adopted.

HB 637-FN, including persons who make medical decisions as practicing medicine. RE-REFER TO COMMITTEE

Rep. Keith R. Herman for Commerce**:** This bill would require medical directors of managed care organizations to be responsible for medical necessity decisions and, therefore, be subject to the New Hampshire Board of Medicine and thus be open for medical liability. The issue of liability is heavily debated as to the costs associated and the implications of being able to sue your HMO, which violates federal law. There was information submitted to the subcommittee by the Medical Society to suggest that the more appropriate action would be to address minimum requirements for licensure of medical directors. This topic is also being introduced through the Governor's "HMO Accountability Act." Vote 17-0.

HB 216, relative to release conditions pending trial for defendants in domestic violence, stalking, or protective order violation cases. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety**:** This bill concerns the release of a defendant pending trial in which a person is charged with a domestic violence crime, stalking or a violation of a protective order. We believe RSA 597:2II already allows the court to hold a person without bail when the person "will endanger the safety of the person or of any other person or the community". HB 216 further defines the circumstances in which the court MAY hold someone in preventive detention without bail in domestic violence, stalking or violation of protective order cases, or in the alternative, add restrictive conditions such as electronic monitoring and supervision. This bill requires the superior court in case of appeal under RSA 597:6-eII to have a hearing and make written findings based upon the hearing and the review of the district court's written findings, orders, pleadings, or transcript when making modifications. Lastly, language is added to RSA 597:7-a, III (a)(2) sanctions for breach of conditions, saying the person's bail may be revoked if the person "has violated a temporary or permanent protective order or by conduct indicating a potential danger to another." Vote 13-0.

Amendment (0761h)

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

1 New Paragraph; Release of Defendant Pending Trial. Amend RSA 597:2 by inserting after paragraph III the following new paragraph:

III-a. If a person is charged with a domestic violence related crime, stalking, or violation of a protective order, the court or justice may order preventive detention without bail, or, in the alternative, restrictive conditions including but not limited to electronic monitoring and supervision, if there is clear and convincing evidence that the person poses a danger to another. The court or justice may consider, but shall not be limited to considering, any of the following conduct as evidence of posing a danger:

(a) Threats of suicide.

(b) Acute depression.

(c) History of violating protective orders.

(d) Possessing or attempting to possess a deadly weapon in violation of an order.

(e) Death threats or threats of possessiveness toward another.

(f) Stalking behavior, as defined in RSA 633:3-a.

(g) Cruelty to or violence directed toward pets.

2 Review and Appeal of Release or Detention Order. Amend RSA 597:6-e, II to read as follows:

II. The person or the state may file with the superior court a motion for revocation of the order or amendment of the conditions of release set by a municipal or district court, by a justice or by a bail commissioner. The motion shall be determined promptly. ***In cases where a district court justice has made findings of dangerousness in a domestic violence related crime, stalking, or a protective order violation, the superior court shall, after notification to both parties and the victim, conduct a hearing and make written findings supporting any modifications and reasons for new conditions or changes from the district court order. The reviewing court shall take into consideration the district court's written findings, orders, pleadings, or transcript when making a modification.***

HB 584-FN, relative to administrative license suspensions. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety**:** This bill further defines the scope of authority to suspend or revoke drivers licenses, by achieving three goals within the Administrative License Suspension (ALS) process. First goal, individuals that request a hearing under ALS and further request that the law enforcement officer be present at the hearing will be responsible for paying a witness fee ($15 for a half day-$30 for more than a half day). This fee can be waived for those who are deemed indigent. Communities with small police departments cannot afford the effects of these hearings when they lose the officer for most of a working day. These types of hearings are at the request of the defendant and the law enforcement officer usually sends his report to the hearing unless his presence is requested by the defendant. Second goal, a provision is included for either party to request a review by the Director of Motor Vehicles within 15 days, if either party feels aggrieved by the ruling at the hearing. Currently there is no review process. Third goal, this allows the Department of Safety to accept cases where the driver has registered .08 on a breathalyzer device having a reported value of .08. The driver will still be able to contest the validity of the test results. The last amendment is not related to the ALS process but is related to the fatal hearing statutes. The Department of Safety currently conducts hearings on fatal cases and suspends driver licenses for up to three years. The courts have the ability to suspend or revoke driver licenses for up to seven years. Some cases do not make it to the courts even when a driver's actions may have materially contributed to the death or serious bodily injury to another. This amendment would allow the Department at its hearing to extend the period of revocation from the current 0-3 years to 0-7 years when the driver's actions have materially contributed to the death or serious bodily injury of another. Vote 14-0.

Amendment (0692h)

Amend the bill by replacing section 3 with the following:

3 Administrative Review and Hearings. Amend RSA 265:91-b, I(c) to read as follows:

(c) If the request is for a hearing, the request shall also indicate whether or not the person desires to have the law enforcement officer present. ***If the person requires that the law enforcement officer be present at the hearing, the person shall be responsible for paying an attendance and travel fee. The fees for law enforcement officers whose presence is necessary to address the issues raised by the person which are to be challenged at the hearing shall be paid in accordance with RSA 516:16. The attendance and travel fee shall be paid prior to the date of the scheduled hearing and failure to pay the fee shall result in a waiver of the requirement that the officer be present at the hearing. When a person is unable to pay attendance and travel fees, the person may file a request for a waiver of these fees with the director. Such request shall be accompanied by a financial affidavit listing the person's income and expenses. The waiver shall be granted if the director concludes the person cannot pay these fees due to financial hardship.*** The hearing shall be held within 20 days after the filing of the request unless the person requests a continuance. A request for a continuance by the person shall not stay the order of suspension or revocation. The hearing shall be recorded, and be conducted by the department's designated agent. The hearing may be conducted upon a review of the law enforcement officer's report if there is no request to have the officer present. If there is a request that the law enforcement officer be present at the hearing and the officer fails to appear without good cause shown, the case shall be dismissed and the order rescinded. If the person requesting the hearing fails to appear without good cause shown, the right to a hearing shall be waived and the order sustained.

Amend the bill by replacing section 5 with the following:

5 Appeal or Review. Amend RSA 265:91-d to read as follows:

265:91-d Appeal ***or Review***.

I. Within 15 days following the examiner's ruling, a person whose license has been suspended or revoked, or a law enforcement officer, may petition the director for a review of the ruling. The filing of the petition shall not stay a suspension or revocation of the person's driver's license or privilege to drive if imposed, or the restoration of the person's driver's license or privilege to drive. After a review of the petition, the director shall issue a written finding either affirming or denying the petition, or issuing any other order, within 15 days.

II. Any person aggrieved by a decision of the department under this section, after the administrative review or hearing, may appeal the decision as provided in RSA 263:75. ***The filing of an appeal shall not stay the action taken by the director.***

HB 718-FN-L, relative to statewide administration and funding of special education in the state of New Hampshire as a single school district. INEXPEDIENT TO LEGISLATE

Rep. Clair A. Snyder for Education**:** This bill would have created the Department of Education as a single school district to administer services and fund all special education costs. This would transfer the liability to the state for all costs and services above 1-1/2 times the state's adequacy figure. Although this sounds appealing, it could create chaos with people from other states flocking to New Hampshire for services with little local control on services or funding. It would also require a huge bureaucracy at the Department of Education to administer it without any funding. This would set a budgetary limit on the amount to be spent for services, which would then leave districts liable for the remaining costs. Additional services required by the federal law would require local districts to fully fund those services. This direction of special education puts mandates at the local level to fund services that the state now pays. Vote 12-2.

SB 18, relative to the rulemaking authority of the state board of education regarding certain educational personnel. OUGHT TO PASS

Rep. Arthur J. Pelletier for Education**:** Currently, new educational personnel or changes in their titles must be addressed through legislation. Generic language in this bill allows such changes to be effected through the rulemaking authority of the state board of education while retaining the Legislature's prerogative to establish additional personnel when deemed necessary. Vote 13-1.

SB 77, relative to authorized regional enrollment area schools. OUGHT TO PASS WITH AMENDMENT

Rep. Gordon B. Flint, Sr. for Education**:** This bill provides for certain changes in the current area school law with regard to the length of an area agreement, the withdrawal of a district from an area agreement, the representation of the sending district on the receiving district's school board, and the manner in which the interests of the school boards of the sending districts will be addressed within the area plan. The amendment sets a timeframe for the area district to take the vote. Vote 13-0.

SB 117, relative to the duties of the board of trustees of the community-technical college system. OUGHT TO PASS WITH AMENDMENT

Rep. Clair A. Snyder for Education**:** This bill restores certain duties to the Board of Trustees of the Community-Technical College system and makes certain technical revisions to the duties of the Board of Trustees. These duties and technical revisions were inadvertently left out of SB508 of last year's session. The amendment requires that reports and recommendations of the public higher education study committee be sent to the Commissioner of the regional community-technical college system. Vote 14-0.

Amendment (0993h)

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

AN ACT relative to the duties of the board of trustees of the community-technical college system and relative to reports made to the commissioner of the regional community-technical college system.

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-4 to read as sections 2-5 respectively:

1 Public Higher Education Study Committee; Report and Recommendation. Amend RSA 187-A:28-d to read as follows:

187-A:28-d Report and Recommendations. The committee shall submit a report to the general court by January 15 of each year. Copies of the report shall be submitted to the governor and council, the senate finance and education committees, the house of representatives finance and education committees, the board of trustees of the university system, ***the commissioner of the regional community-technical college system,*** and to any other individual or organization as the committee deems advisable.

AMENDED ANALYSIS

This bill adds certain duties to the board of trustees of the community-technical college system and makes certain technical revisions to the duties of the board of trustees. The bill also requires that reports and recommendations of the public higher education study committee be sent to the commissioner of the regional community-technical college system.

HB 316, relative to political party expenditures. INEXPEDIENT TO LEGISLATE

Rep. Raymond Buckley for Election Law**:** The Committee will be looking into the entire issue of campaign finance reform with the study committee created by the House in HB 689. The Committee agrees that complete disclosure is the foundation for campaign finance reform and will take the points in HB 316 into consideration as they deliberate the issue this summer and fall. Vote 16-0.

HB 390-L, relative to lengthening the polling hours in towns. INEXPEDIENT TO LEGISLATE

Rep. Natalie S. Flanagan for Election Law**:** Under current law there is a process for voters in towns to vote to change polling hours, provided that the polls do not open later than 11 o'clock a.m. or close earlier than 7 o'clock p.m. This bill would add a provision stating that the polls shall not close later than 8 o'clock in the evening and would add a new process for changing polling hours in towns. As drafted, the bill is unclear and creates conflicts with current law. Since a process for changing polling hours already exists, the committee felt the bill was inexpedient to legislate. Vote 15-0.

SB 38, relative to the optional term for election of a cooperative school district moderator. OUGHT TO PASS

Rep. Raymond Buckley for Election Law**:** The Committee supports enabling school districts to vote by warrant to determine the term of the school district's moderator. SB 38 would allow the local school district to choose to expand the term of their moderator from a one-year term to either a two- or three-year term. The Committee agrees with the sponsor that the school district moderator's position is often one that is non-contested and it should be left to the local voters to determine the length of the term. Vote 17-0.

HB 348-FN, privatizing the sale of liquor. INEXPEDIENT TO LEGISLATE

Rep. Michael O'Neil for Executive Departments and Administration**:** The topic of this bill has been discussed for years by the New Hampshire Legislature and the committee agrees with past decisions that the present state liquor sales operation serves the best interest of the state. The income generated by this operation provides a very important and vital revenue source for the state operating budget and to tinker with the system would be disruptive to the budget and would require additional tax burdens on the citizens of the state. Vote 16-0.

HB 414-FN, relative to the salary of the executive director of fish and game. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration**:** The amendment that is shown in the calendar replaces the bill and changes the title. The original bill deals with a change of the pay grade for an unclassified individual. Over the last 2 years the legislature has not granted individual pay group changes. The governor and the ED&A committee agree that there are serious deficiencies in the present pay structure in the unclassified service. This bill as amended will establish a chapter study committee to investigate what action the legislature should take. This committee will report in November if legislation or funding is needed. The last time this was discussed was in 1990 and nothing came of that study. Vote 16-0.

Amendment (0175h)

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

AN ACT establishing a committee to study the unclassified salary structure for state officers.

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

1 Committee Established. There is established a committee to study the unclassified salary structure for state officers.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three 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.

3 Duties. The committee shall study the unclassified salary structure for state officers pursuant to RSA 94:1-a, I, and any other matters related to the unclassified salary structure deemed necessary by the committee.

4 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.

5 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.

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

AMENDED ANALYSIS

This bill established a committee to study the unclassified salary structure of state officers.

HB 658-FN, relative to certification and registration requirements for recovery agents who assist bail agents and sureties. OUGHT TO PASS WITH AMENDMENT

Rep. William R. Zolla for Executive Departments and Administration**:** This bill requires recovery agents who assist bail agents and sureties in the apprehension, surrender and surveillance of defendants to be trained and certified through a program approved by the Professional Bail Agents of the United States and to provide proof of liability insurance to, and be registered with the secretary of state prior to entry into the state for recovery. This bill still requires bail agents, sureties and recovery agents to notify a municipality's chief law enforcement office if the search is to be

conducted in his jurisdiction. Persons failing to comply with the provisions of this bill shall be guilty of a class A misdemeanor. Vote 15-0.

Amendment (0983h)

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

AN ACT relative to certification, registration, and insurance requirements for recovery agents who assist bail agents and sureties.

Amend RSA 597:7-b, II and III as inserted by section 1 of this act by replacing them with the following:

II. Any person who operates as a recovery agent in this state shall be trained and certified through a program approved by the Professional Bail Agents of the United States and shall register annually with the secretary of state. The secretary of state shall issue to each registered recovery agent proof of such registration. Effective July 1, 2000, each bail agency operating in this state shall annually provide to the secretary of state proof of liability insurance coverage in the amount of $300,000 for bail recovery activities of the agency's bail agents and bail recovery agents. This proof of insurance coverage shall be provided before the agency's bail agents are licensed or relicensed, and before the agency's bail recovery agents are registered or reregistered. Bail recovery agents acting as independent contractors shall provide proof of liability insurance coverage in the amount of $300,000 to the secretary of state before registration or reregistration. Any person who operates as a recovery agent in this state without meeting such certification, insurance, and registration requirements shall be guilty of a class A misdemeanor.

III. A bail agent or recovery agent searching for a person who has violated conditions of release shall notify a municipality's chief law enforcement officer if the search is to be conducted in the municipality's jurisdiction. A bail agent or recovery agent who violates the provisions of this paragraph shall be guilty of a class A misdemeanor.

AMENDED ANALYSIS

This bill requires recovery agents who assist bail agents and sureties in the apprehension, surrender, and surveillance of defendants to be trained and certified through a program approved by the Professional Bail Agents of the United States and to provide proof of insurance to and be registered with the secretary of state.

HB 670, establishing an advisory board to study the future of the New Hampshire automated information system's "Webster" Internet site. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Murphy for Executive Departments and Administration**:** This bill establishes a board to advise the state librarian on matters pertaining to the state's Internet web site, "WEBSTER". The board is charged with recommending standards to the state librarian for electronic publications and coordinating the content of state agency information for publication on the Internet. The board will be composed of eight members with representation from all 3 branches of government. The members of the board that are elected officials will serve terms coterminous with their terms of office and the remaining board members will serve for 3-year terms. The board will issue an annual report on its activities. Vote 16-0.

Amendment (0838h)

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

1 New Section; "Webster" Advisory Board Established. Amend RSA 201-A by inserting after section 26 the following new section:

201-A:27 "Webster" Advisory Board Established.

I. There is hereby established a board to advise the state librarian and to study the future direction of "Webster," the state of New Hampshire's automated information system Internet site.

II. The members of the board shall be as follows:

(a) One house member, appointed by the speaker of the house.

(b) One senator, appointed by the senate president.

(c) One member representing the judicial branch, appointed by the chief justice of the supreme court.

(d) The state librarian, or designee

(e) The director of information technology management, or designee.

(f) The state archivist, or designee.

(g) One member representing the governor's office, appointed by the governor.

(h) One public member, appointed by the governor, who shall be an end user of the information available on Webster.

III. The terms of the members appointed pursuant to subparagraphs II(c) and (h) shall be 3 years; the terms of all other members shall be coterminous with their terms in office. In the event of a vacancy, a new member shall be appointed for the unexpired term in the same manner as the original appointment.

IV. Members of the board shall serve without compensation. Members of the legislature shall receive mileage at the legislative rate when attending to the duties of the commission.

V. The board shall advise the state librarian on matters pertaining to the state's web site known as Webster, examine models from other states, coordinate Internet information content activities on an interagency basis, and recommend standards to the state librarian for electronic publications and other electronic information dissemination issues.

VI. The members of the board shall elect a chairperson from among the members. The first meeting of the board shall be called by the first-named house member and shall be held within 45 days of the effective date of this section. The board shall meet quarterly or as needed and shall make an annual report on or before November 1 of each year which shall be submitted to the

speaker of the house of representatives, the president of the senate, the governor, and the state librarian.

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

HB 716-FN, requiring review of proposed administrative rules by house and senate policy committees. INEXPEDIENT TO LEGISLATE

Rep. Maurice E. Goulet for Executive Departments and Administration**:** The committee recognized the point that the sponsors wished to make with this bill. Subsequent discussion revealed two major problems with the proffered approach: (l) Policy committee review of proposed administrative rules would lengthen the process; and (2) how could policy committees be expected to review proposed rules during the summer and fall months. Perhaps, at some future date, a mechanism will be found to accomplish the intent of the sponsors Vote 15-0.

SB 60, establishing a committee to study the licensure of radiographers and radiologic technicians. OUGHT TO PASS WITH AMENDMENT

Rep. Maurice E. Goulet for Executive Departments and Administration**:** On April 14, 1999, the House voted to re-refer HB 598, an act to license x-ray technicians. SB 60 establishes a study committee to study the licensure of these persons. As a result of our previous action, it was considered prudent to pass this study bill to review this situation with combined House and Senate input. Vote 17-0.

Amendment (1050h)

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

AN ACT establishing a committee to study the licensure of radiographers and radiologic technologists.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the licensure of radiographers and radiologic technologists.

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

3 Duties. The committee shall study the licensure of radiographers, radiologic technologists, and the inclusion or exception for persons operating x-ray systems designed for the irradiation of any part of the human body for diagnostic or therapeutic purposes. The committee seek input from persons or representatives of the following:

AMENDED ANALYSIS

This bill establishes a committee to study the licensure of radiographers and radiologic technologists.

HB 66-FN, relative to disability retirement benefits for retirement system members permanently incapacitated for duty. OUGHT TO PASS

Rep. Robert G. Holbrook for Finance**:** This bill requires New Hampshire retirement system members to prove the cause of accident was work-related in order to qualify for disability benefits for permanent incapacity, including a request for a lump sum payment, from either the New Hampshire retirement system or an insurance company. Vote 23-1.

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

HB 220-FN-L, repealing the excavation tax and excavation activity tax. INEXPEDIENT TO LEGISLATE

Rep. Charles L. Vaughn for Finance**:** Despite decade-old problems with uniform taxation on quarrying or mining earth, the sponsor suggested the bill be Inexpedient to Legislate and that the provisions of HB 666 be used for necessary changes to RSA Chapter 72-B. HB 666 clarifies the intent and procedures of excavation, creates exemptions to the tax including fees, and also permits enforcement with liens of potential excavation violations Vote 23-2.

HB 274-FN, relative to the office of the consumer advocate. OUGHT TO PASS WITH AMENDMENT

Rep. Vivian R. Clark for Finance**:** As received from the policy committee, this bill changes the appointing authority for the Consumer Advocate from the Attorney General to the Governor and Council, and establishes a Residential Ratepayers Advisory Board. The Finance Committee voted a further amendment, to remove a new staff position and to change the authority of the Advisory Board from nominating candidates for Consumer Advocate to recommending them. Vote 23-0.

Amendment (0973h)

Amend RSA 363:28, I as inserted by section 2 of the bill by replacing it with the following:

I. The office of the consumer advocate shall be an independent agency administratively attached to the public utilities commission pursuant to RSA 21-G:10. The office shall consist of the following:

(a) A consumer advocate, appointed by the [~~attorney general~~] ***governor and council***, who shall be [~~a full-time classified employee and~~] a qualified attorney admitted to practice in this state. ***The consumer advocate shall serve a 4-year term and until a successor is appointed and qualified.***

(b) An assistant consumer advocate appointed by the [~~attorney general~~] ***consumer advocate***, who shall be a full-time classified employee [~~and a qualified attorney admitted to practice in this state~~].

(c) A secretary ***appointed by the consumer advocate***.

(d) Two additional staff people[~~, who may be a rate analyst and an economist~~] ***appointed by the consumer advocate. When filling these positions, the consumer advocate should consider appointing rate analysts or economists.***

Amend RSA 363:28-a, V(c) as inserted by section 3 of the bill by replacing it with the following:

(c) Prior to the expiration of the consumer advocate's term, the board shall recommend to the governor and council whether to reappoint the consumer advocate. If the board does not recommend reappointment or the governor and council do not accept the board's recommendation to reappoint, the board shall then recommend 3 persons to the governor and council to fill the position.

AMENDED ANALYSIS

This bill establishes the residential ratepayers advisory board to advise the office of the consumer advocate. This bill changes the appointing authority for the consumer advocate from the attorney general to the governor and council. This bill also provides that the consumer advocate shall serve a 4-year term.

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

Rep. Robert G. Holbrook for Finance**:** As requested by the Unemployment Compensation Advisory Council, this bill brings up to date methods for State-Federal Extended Benefit Programs to conform to US Department of Labor rules. The bill would also broaden the scope of determining the appropriate employer to charge for unemployment compensation benefits. A change in cost for these improvements cannot be determined. Vote 23-0.

HB 486-FN-A, relative to the physician effectiveness program. OUGHT TO PASS WITH AMENDMENT

Rep. Marjorie K. Smith for Finance**:** This bill authorizes the implementation of the physician effectiveness program by the board of medicine. The physician effectiveness program has two major objectives: 1) the protection of the public through early identification, treatment and long term monitoring of physicians who are impaired because of physical or mental illness, including alcohol and/or drug abuse and dependency; and 2) the rehabilitation of the physician.

The amendment provides for the board of medicine to assess additional fees in order to generate revenue of $40,000 over the board's budget request for fiscal years 2000 and 2001. Vote 22-1.

Amendment (1024h)

Amend the bill by replacing section 2 with the following:

2 Authorization for Fee; Appropriation for 2000 and 2001.

I. The fee of $10 authorized in RSA 329:13-b as inserted by section 1 of this act shall be in addition to the fees established by the board of medicine in effect as of the effective date of this act. The total fees assessed shall be established to provide revenues of $40,000 over and above those estimated by the board of medicine for fiscal years 2000 and 2001 of $1,239,574 in support of the board's budget request for the biennium.

II. The sum of $40,000 is hereby appropriated to the board of medicine for each of fiscal years 2000 and 2001 from the general fund for the purpose of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

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

Rep. Jeffrey C. MacGillivray for Finance**:** This bill funds research on groundwater at reclaimed gravel pit sites that have been treated with a mixture of sand, sewage sludge, and short paper fiber. The bill transfers $20,000 of unspent funds budgeted for local state aid grants, which would have lapsed at the end of June, 1999, to the UNH office of sponsored research to conduct this research. Given the past use of sludge for reclaiming sites such as gravel pits, and given current controversy over the appropriate level of such use of sludge, transferring this $20,000 for scientific research of the outcome of past use appears very appropriate. Vote 22-1.

SB 109, deleting the witnessing requirement for notices of lease. OUGHT TO PASS

Rep. Robert H. Rowe for Judiciary**:** Leases of real estate for a term of 7 years or more require a Notice of such lease to be recorded in the Registry of Deeds for the county where the property is situated. The law has required that such Notice be witnessed, and signatures of the parties be acknowledged by a Justice of the Peace or Notary Public. As of August 15, 1981 deeds and other similar instruments that are acknowledged no longer require a witness. This legislation corrects the oversight as to Notices of Lease, and a witness no longer will be required. Vote 15-0.

SB 139, relative to self-proved wills and making reference changes. OUGHT TO PASS

Rep. Tony F. Soltani for Judiciary**:** This bill has three objectives. First, it makes a technical correction in the statute to refer to the registry of probate which is the proper term rather than "register" of probate. Second, it recognizes self-proving wills which are executed according to the laws of the state or country in which they originate. Third, it requires that the will of a decedent be filed with the registry of probate where there are no probate assets. These changes, although technical in nature, will facilitate the proper recording of deeds and most likely minimize the expenses to the families of persons who leave no probate assets. All objectives are laudable. Vote 12-0.

HB 579-FN, relative to eligibility for unemployment benefits for certain persons commensurate with their attachment to the workforce. RE-REFER TO COMMITTEE

Rep. David A. Hall for Labor, Industrial and Rehabilitative Services**:** Currently, benefits are paid only to individuals seeking full-time employment. This bill would expand eligibility to part-time workers. The last available data has the number of part-time workers at 122,000 or 19.3% of the workforce. The sponsors have concern for those in permanent part-time positions who might become unemployed through no fault of their own and are denied benefits because either by choice or circumstance they seek only part-time work. The Department of Employment Security determined that removing the requirement that full-time workers be ready, willing and able to accept suitable employment on any shift for which there is a market for their services will increase the benefit outlays from the Unemployment Trust Fund by $4,088,448 and could jeopardize the ability of the Department to meet the demand of a recession. During sub-committee deliberations, parties on both sides agreed to re-refer to allow the Department to complete a more detailed study of past denied claims and to meet with the Advisory Council to explore possible solutions. Vote 18-1.

SB 180, establishing a committee to study the improvement of employment opportunities offered by the state of New Hampshire for persons with disabilities. OUGHT TO PASS

Rep. Russell D. Bridle for Labor, Industrial and Rehabilitative Services**:** This bill establishes a study committee to look at issues pertaining to improving state employment opportunities for those with

disabilities. The intent of this bill is to take the first step in making the state of New Hampshire a model employer for qualified worked with disabilities. As a model employer, the state can then assist the private sector in similar initiatives Vote 14-2.

HB 730-FN, establishing a pilot program for the recording of committee proceedings of the general court. RE-REFER TO COMMITTEE

Rep. Merton S. Dyer for Legislative Administration**:** This bill would have established a pilot program to record all proceedings of House standing committees. The speaker has already started a pilot program with the Science and Technology Committee. The results of the study are not in yet, but some members of the Legislative Administration Committee wanted this bill re-referred so that the committee could investigate other electronic means of keeping the record of committee proceedings. With this in mind, the committee is requesting that this bill be re-referred. Vote 13-0.

HCR 2, recognizing outstanding student role models in the public schools. OUGHT TO PASS WITH AMENDMENT

Rep. Winston H. McCarty for Legislative Administration**:** This resolution endeavors to promote more recognition of those students in our public schools for their good behavior. School principals of each school will issue certificates to selected students based on school faculty recommendations. Notices of those selected will be sent to the Governor, Speaker of the House and Senate President. Vote 13-0.

Amendment (0905h)

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

A RESOLUTION recognizing students who display good behavior in the public schools.

Amend the resolution by replacing all after the title with the following:

Whereas, the conduct of students who display good behavior, who lead by example, and who strive for excellence by putting forth their best effort in all that they do enhances the overall educational experience for all students; and

Whereas, students who consistently exhibit such behavior should be recognized in their schools and communities; and

Whereas, recognition of these students by the school principal shall reinforce the value and importance of such behavior in the schools and communities of the state; now therefore be it

Resolved by the House of Representatives, the Senate concurring:

That students who display good behavior, who lead by example, and who strive for excellence by putting forth their best effort in all that they do be recognized by school principals in their respective schools; and

That the school principal of each school, based on recommendations from school faculty, select 2 students from each school in the state to be recognized in their schools and communities; and

That the school principal issue a certificate of recognition to each student selected and that principals are encouraged to publicize this student recognition in the local newspapers and the local community; and

That the house clerk send copies of this resolution to the governor, the speaker of the house, the senate president, and the commissioner of the department of education.

AMENDED ANALYSIS

This house concurrent resolution encourages schools and communities to recognize students statewide who display good behavior, who lead by example, and who strive for excellence by putting forth their best effort in all that they do.

HB 446-L, subjecting certain land in the town of Newport to local land use regulations. RE-REFER TO COMMITTEE

Rep. Betsey L. Patten for Municipal and County Government**:** The committee realized that the issue surrounding the property owned and operated by the Sullivan County Regional Refuse Disposal District in Newport was far more complex than originally expected. The zoning change requested might have carved out a single use in a single locality, which seemed to be contrary to all of our local land use regulations. The subcommittee recommended re-refer in order to get input from three other committees; Environment and Agriculture, Resources, Recreation and Development, and Science, Technology and Energy. Also, there are ongoing discussions between the municipal district entity and the towns and cities that make up the refuse disposal district. Vote 12-1.

SB 161-L, relative to amending the contributory pension system for employees of the city of Manchester. OUGHT TO PASS WITH AMENDMENT

Rep. Linda T. Foster for Municipal and County Government**:** This bill ratifies the existing practice regarding the contributory pension system in the City of Manchester. The language of the bill parallels the language voted on by the citizens of Manchester by charter referendum. The amendment addresses a similar but not identical problem regarding pensions for the Town of Salem. It does not change existing policy; it simply ratifies existing practice. No one appeared in opposition to either the original bill or the amendment. Vote 16-0.

Amendment (0978h)

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

AN ACT relative to amending the contributory pension system for employees of the city of Manchester and authorizing the town of Salem pension plan.

Amend the bill by replacing section 11 with the following:

11 Town of Salem; Pension Plan Authorized, Established, and Validated; Termination. The town of Salem is authorized to establish and maintain the Town of Salem Money Purchase Plan in that form in effect as of January 1, 1987, and as subsequently amended through to the effective date of this section. The adoption and amendment of the Town of Salem Money Purchase Plan is hereby confirmed by the New Hampshire legislature and validated by this act, provided that said Town of Salem Money Purchase Plan is terminated by the town of Salem not later that June 30, 1999, and

that the benefits thereunder be distributed to the participants and beneficiaries thereof in accordance with the terms of said plan.

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

AMENDED ANALYSIS

This bill makes various changes to the law authorizing the contributory pension system of the employees of the city of Manchester. This bill also authorizes the town of Salem pension plan and validates the plan subject to its termination prior to June 30, 1999.

HB 609, relative to construction of a sewer force main through a state land conservation easement. OUGHT TO PASS WITH AMENDMENT

Rep. John R. Cloutier**:** This bill would allow Sullivan County to lay a segment of a sewer line below a piece of private property in Claremont. Private property on which the state possesses certain rights pursuant to the land conservation investment program under RSA 162-C. The property owner has no objection to the line, which would allow the county to tie in with Claremont's sewage treatment plant, and thus save county taxpayers from having to build an entirely new wastewater treatment plant for the county complex which is in neighboring Unity. The amendment, drafted with the help of the Office of State Planning, says that the proposed line would only be used for wastewater from the complex, and that no additional private or non-county ties, hook-ups, or similar connections would be allowed. The amendment also says the line's installation will not impair any of the conservation values for which the easement was purchased, nor will such installation impair continuing private agricultural activities, for which the property in question is now being used. Vote 16-0.

Amendment (0987h)

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

1 Certain Land in the City of Claremont. Notwithstanding any other law to the contrary, the land now owned by one Edward MacGlaflin, with certain property rights possessed by the state pursuant to the land conservation investment program under RSA 162-C, identified in the city's records as tax map 19, parcels 24 and 48, may be used by Sullivan County for the purpose of laying a segment of 6-inch sewer force main below the surface of said land. The proposed sewer line running from the Sullivan County Complex in the town of Unity to the Claremont sewer system shall be used for wastewater treatment solely from the complex and no additional private tie-ins, hook-ups, or similar non-public connections shall be allowed.

2 The general court hereby affirms its long term commitment to preserving the natural beauty, landscape, rural character, and natural resources of New Hampshire consistent with the enabling legislation of the land conservation investment program. The general court recognizes that in this specific instance, use of said protected land for the purposes described in section one of this act will not impair any of the conservation values for which such conservation easement was purchased, nor will installation impair continuing private agricultural activities. As such, the general court finds that this legislation balances the public purposes of providing clean, efficient, and reasonably priced sewer service to the Sullivan County Complex in Unity, with the need to ensure that the public's investment in conservation lands through the land conservation investment program is not diminished over time.

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

AMENDED ANALYSIS

This bill allows Sullivan County to lay a segment of a sewer force main below land in Claremont with certain property rights owned by the state under the land conservation investment program.

The sewer line shall be used solely for wastewater treatment from the Sullivan County complex in the town of Unity and no additional tie-ins, hook-ups, or connections shall be allowed.

HCR 9, encouraging greater health care choices for senior citizens throughout New Hampshire. OUGHT TO PASS WITH AMENDMENT

Rep. Richard P. Herman for State-Federal Relations and Veterans Affairs**:** This legislation will encourage greater health care choices for Medicare-eligible citizens in NH. We urge the Federal government to review its Medicare policies & procedures to this goal. Specifically, reimbursement rates for physicians, hospitals, and home health care providers. Also, Medicare premium rates and applications for Medicare insurance product introductions. The amendment added the word "premium" in line 17 and date of 1997 in line 21 Vote 13-0.

Amendment (0864h)

Amend the resolution by replacing the title of the resolution with the following:

A RESOLUTION encouraging greater health care choices for Medicare eligible citizens throughout NewHampshire.

Amend the resolution by replacing all after the resolving clause with the following:

That the general court of New Hampshire hereby urges the federal government to review Medicare policies and procedures to ensure that New Hampshire senior citizens retain all Medicare options. Specifically, the federal government should evaluate the Medicare environment in NewHampshire to ensure that:

(a) Existing policies and procedures provide for citizens to have a choice of Medicare options;

(b) Medicare reimbursement rates for physicians, hospitals, and home health care providers are sufficient to allow for access to needed care statewide and greater product choice in rural areas of the state;

(c) Medicare premium rates for New Hampshire managed care products be set at a level that allows attractive benefit coverage to citizens;

(d) Applications for Medicare insurance product introduction or expansions in NewHampshire receive high priority status by the federal government; and

(e) Congress reviews the impact of the "Balanced Budget Act" of 1997 on the ability of Medicare health maintenance organizations and home health care providers to continue to operate in New Hampshire; and

That a copy of this resolution be forwarded by the house clerk to the President of the UnitedStates, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the New Hampshire delegation.

AMENDED ANALYSIS

This house concurrent resolution urges the federal government to review Medicare policies and procedures to ensure greater choice for Medicare eligible citizens throughout New Hampshire.

HJR 7, supporting the continued management of the White Mountain National Forest for multiple uses as a part of the National Forest System. OUGHT TO PASS

Rep. Richard P. Herman for State-Federal Relations and Veterans Affairs**:** All testimony offered was in favor of maintaining the current status. No organization or individual spoke in favor of changing the status. US Senator Judd Gregg does not support a change. The multiple uses of the forest would be severely curtailed by limited park uses, costly economical losses to NH towns by clearing the harvesting of commercial lumber trees and town's taxes coming from that tax source. The committee was unanimously opposed to changing the status to a National Park, which would change the current uses of the forest area. Vote 14-0.

HB 560-FN, relative to the suspension or revocation of youth operators' licenses. RE-REFER TO COMMITTEE

Rep. Robert J. Letourneau for Transportation**:** This bill is an attempt to specify that a license held by a person under 20 years of age may not be suspended or revoked on account of non-moving violations, and that citations for moving violations given to such drivers must contain a warning message. A problem the committee faces is that there is not a "moving violation" statute in current law, and the state currently uses a point system for driver infractions. However, the Department of Safety is using an under 20 statute written before that system was put into place. The committee is working with the Department of Safety to correct problems that sometimes rise from this type of strict enforcement through a rules change. The committee would like to keep this bill over the summer to address any problems that may arise during these rule changes. Vote 16-0.

SB 35, establishing a study committee to investigate motor vehicle inspection requirements. INEXPEDIENT TO LEGISLATE

Rep. Peter R. Cote for Transportation**:** This session the House passed HB 676, which will increase fees for motor vehicle inspection stickers and establishes the position of motor vehicle inspectors. The inspectors' duties will be to insure that the New Hampshire inspection stations meet state requirements. HB 676 will meet the goals of this bill, therefore, SB 35 will not be needed. Vote 16-0.

SB 75, relative to out-of-state boats. OUGHT TO PASS WITH AMENDMENT

Rep. Gordon E. Bartlett for Transportation**:** This bill establishes a study committee to look at a possible permit system for out-of-state boats using some of our larger lakes. This system is used in other states to fund education of sewage discharge, graywater and other environmental protection agency issues. Vote 15-0.

Amendment (1012h)

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

AN ACT establishing a committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire.

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

1 Committee Established. There is established a committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire.

2 Membership and Compensation.

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

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

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

3 Duties. The committee shall:

I. Study the feasibility of a permit system for vessels registered in another state temporarily using the waters of New Hampshire. The study shall include, but not be limited to:

(a) The effect of a permit system on interstate agreements.

(b) The effect of a permit system on New Hampshire boaters temporarily using the waters of other states.

(c) The appropriate administering body for a permit system.

(d) The appropriateness of a fee for the permits, and whether a fee should be used to fund the enforcement of restrictions on the discharge of sewage and graywater from boats and to fund education programs on safety laws and wildlife protection for out-of-state boaters, in addition to funding the costs of administering the permit system.

II. Seek input from the department of environmental services, the fish and game department, the department of resources and economic development, the department of safety, the New Hampshire Marine Trades Association, and the New Hampshire Lakes Association.

4 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 senate 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.

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

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

AMENDED ANALYSIS

This bill establishes a committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire.

SB 138, relative to joint tenancy with rights of survivorship. OUGHT TO PASS

Rep. Robert J. Letourneau for Transportation**:** This bill denotes how individuals who are joint owners of an automobile can provide for rights of survivorship. Under current statute, if you are co-owner of an automobile and one or the other co-owner dies, the car will go into probate tieing up the title, often for a long period of time. This bill would clarify the word "or" on titles. The words "and" & "or" define the rights of ownership and conveyance of property. When the word "and" is used, both signatures are needed to convey ownership. When the word "or" is used, either signature will define the right of ownership in life or death. Vote 16-0.

REGULAR CALENDAR – PART I

SB 56, amending the law relative to who may adopt. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Julie M. Brown for the Majority of Children and Family Law**:** This bill revises the current adoption law to allow a person over the age of 18 to be adopted by a non-biological parent providing the child, the biological parent, and any spouses, all concur. The testimony received demonstrated the value of the "Big Brother" "Big Sister" program in children's lives. Vote 12-2.

Rep. David A. Bickford for the Minority of Children and Family Law**:** This bill is for adults to adopt adults. The minority sees the only advantage of this bill is to avoid inheritance taxes. The bill could easily allow the loneliness of the elderly to be taken advantage of by adults looking for an inheritance.

Majority report adopted and ordered to third reading.

HB 450, prohibiting a prepayment penalty on a second mortgage home loan which has been in existence for 4 years. INEXPEDIENT TO LEGISLATE

Rep. Sheila T. Francoeur for Commerce**:** The committee, recognizing the growing importance and utilization of nondepository banks and licensees and concerned that the rights of the consumer be protected, voted to ITL this bill, but to incorporate prepayment penalties in a study committee of first and second mortgages under HB 451. Vote 15-1.

Adopted.

HB 451, relative to payments of first and second home mortgages. OUGHT TO PASS WITH AMENDMENT

Rep. Sheila T. Francoeur for Commerce**:** After extensive and frequently contradictory testimony relative to the computation of interest payment on first and second mortgages held by nondepository banks and licensees, (as defined in RSA 397-A and RSA 398-A), the committee amended the bill to create a chapter study committee. The committee felt this complicated subject required in-depth

study of the various methods of interest calculations being used and if the consumer was adequately informed of the payment methods. It was of great concern to the committee that consumers were not aware of the consequences of deviating, by a couple of days, from the schedule of payments and; therefore, incurred penalties. The committee felt that this study should also include how prepayment penalties are applied under these RSAs. Vote 15-1.

Amendment (0856h)

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

AN ACT establishing a committee to study first and second mortgage home loans.

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

1 Committee Established. There is established a committee to study first and second mortgage home loans.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, at least 2 of whom shall be members of the commerce committee, appointed by the speaker of the house.

(b) Three members of the senate, at least 2 of whom shall be members of the banks committee, 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.

3 Duties. The committee shall review the provisions of RSA 397-A, relative to nondepository first mortgage bankers and brokers, and RSA 398-A, relative to second mortgage home loans, as they relate to the computation of interest payments on first and second mortgage home loans and prepayment penalties.

4 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.

5 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.

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

AMENDED ANALYSIS

This bill establishes a committee to study first and second mortgage home loans.

Adopted.

Report adopted and ordered to third reading.

HB 647-FN, relative to health care providers and provider agreements with health insurers. INEXPEDIENT TO LEGISLATE

Rep. Keith R. Herman for Commerce**:** The bill, as introduced, would eliminate the rate of HMOs in delivering health insurance to New Hampshire citizens. There are components of the bill (gag clauses), which this House has already prohibited. While the committee is sensitive to the sponsor's concerns and does agree that there are real and perceived problems with managed care, the committee has re-referred two other HMO bills and has created two statutory study committees to look into the issues highlighted through this legislation. The committee simply does not need to re-refer this bill at this time. Vote 9-8.

Reps. Gilman, Martel and Sabella spoke against.

Rep. Fuller Clark spoke in favor.

Rep. Garrish spoke against and yielded to questions.

Rep. Hunt spoke in favor and yielded to questions.

Rep. Gilman requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 157 NAYS 184 **YEAS 157** **BELKNAP**			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Lawton, David	Rice, Thomas	Thomas, John
Turner, Robert			
CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald		
CHESHIRE			
Avery, Stephen	Blaisdell, Michael	Hunt, John	Lerandeau, Alfred
Roberts, William	Royce, H Charles	Smith, Edwin	
COOS			
Guay, Lawrence	Merrill, Gerald	Pratt, Leighton	Tholl, John, Jr

Woodward, David			
GRAFTON			
Alger, John	Eaton, Stephanie	Harmon, Hobart	Johnson, Gary
Marshall, Gene	Scanlan, David		
HILLSBOROUGH			
Alukonis, David	Arnold, Thomas, Jr	Batula, Peter	Belvin, William
Bergin, Peter	Brundige, Robert	Burkush, James	Calawa, Leon, Jr
Carlson, Donald	Chabot, Robert	Clegg, Robert, Jr	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Daigle, Robert
Dalianis, Griffin	Daniels, Gary	Dokmo, Cynthia	Drabinowicz, A
Durham, Susan	Dyer, Merton	Emerton, Lawrence	Fields, Dennis
Flora, Kathleen	Ford, Nancy	Foster, Linda	Franks, Suzan
Gagnon, Eugene	Gagnon, Paul	Goley, Jeffrey	Gorman, Mary
Goulet, Maurice	Haettenschwiller, Alphonse	Hansen, Herbert	Herman, Keith
Jean, Loren	Johnson, Lionel	Kurk, Neal	LaRose, Richard
Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey
McCarty, Winston	McGough, Tim	Mendenhall, Leslie	Mercer, Robert
Moran, Edward	O'Connell, Timothy	O'Hearn, Jane	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Sargent, Maxwell
Thulander, O Alan	White, John	Withee, Dennis	
MERRIMACK			
Anderson, Eric	Brewster, Richard	Hess, David	Jacobson, Alf
Larrabee, David, Sr	Lavoie, Gerard	Leber, William	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Nichols, Avis
Reardon, Tara	Whalley, Michael		
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn
Christie, Andrew, Jr	Clark, Martha	Clark, Vivian	Cote, Patricia
Dalrymple, Janeen	DiFruscia, Anthony	Dowling, Patricia	Flanagan, Natalie
Flanders, John, Sr	Francoeur, Sheila	Gleason, John	Henderson, Warren

Katsakiores, George	Katsakiores, Phyllis	Langley, Jane	Major, Norman
McKinney, Betsy	Morse, Charles	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	Packard, Sherman	Reardon, Neil	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Weare, Everett	Welch, David
Zolla, William			
STRAFFORD			
Brown, Julie	Dunlap, Patricia	Knowles, William	Lundborn, Raymond
Musler, George	Spear, Barbara	Taylor, Kathleen	Torr, Franklin
Vincent, Francis	Woods, Phyllis		
SULLIVAN			
Burling, Peter	Flint, Gordon, Sr	Leone, Richard	Robb-Theroux, Amy
NAYS 184 **BELKNAP**			
Lawton, Robert	Millham, Alida	Pilliod, James	Rosen, Ralph
Salatiello, Thomas	Wendelboe, Francine	Wood, Jane	
CARROLL			
Sullivan, P Judith	Torressen, Gary		
CHESHIRE			
Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Lynch, Margaret	Manning, Joseph	McGuirk, Paul	Meader, David
Mitchell, McKim	Pratt, Irene	Richardson, Barbara	Riley, William
Robertson, Timothy	Rose, William	Russell, Ronald	Zerba, Roger
COOS			
Davis, Perley	Hawkinson, Marie	Landers, Dana	Mears, Edgar
Rodrigue, Robert			
GRAFTON			
Akins, Ralph	Almy, Susan	Cobb, John	Copenhaver, Marion
Densmore, Jessica	Dudley, Terri	Gilman, G Michael	Hall, David
Ham, Bonnie	Hinman, Harry	MacNeil, Allen	Phinney, William

Picconi, Al	Solow, Martha	Ward, Brien	Weber, Phil
HILLSBOROUGH			
Ahern, Richard	Andrews, Frederick	Arthur, Rose	Baroody, Benjamin
Beaupre, Roland	Bruno, Pierre	Buckley, Raymond	Christiansen, Lars
Craig, James	Curran, James	Desrosiers, William	Dwyer, Paul, Sr
Fenton, James	Fletcher, Richard	Garrish, Linda	Ginsburg, Ruth
Hall, Betty	Herman, Richard	Holley, Sylvia	Jean, Claudette
Keye, Harvey	Konys, Christine	LaPorte, George	Lasky, Bette
Lefebvre, Roland	Lynde, Harold	Martel, Andre	Martin, Mary
McCarthy, William	McDonald, James, Sr	McDonough-Wallace, Alice	Melcher, Harold
Messier, Irene	Milligan, Robert	Moriarty, Mary	Murphy, Robert
Perkins, Paul	Reidy, Frank	Sarette, John	Turgeon, Roland
Vaillancourt, Steve	Wall, Nancy	White, Donald	Williams, Carol
MERRIMACK			
Bouchard, Candace	Chase, George	Daneault, Gabriel	Davis, Francis
Fortnam, Janet	French, Barbara	Hager, Elizabeth	Kennedy, Richard
Langer, Ray	Moore, Carol	Owen, Derek	Potter, Frances
Poulin, Dave	Rodd, Beth	Seldin, Gloria	Soltani, Tony
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		
ROCKINGHAM			
Beaulieu, Jon	Bishop, Franklin	Bridle, Russell	Case, Margaret
Cooney, Richard	Corbin, C David	Cox, Russell	Downing, Michael
Fesh, Robert	Flanders, David	Gibbons, Paul	Griffin, Mary
Hamel, Albert	Johnson, Robert	Kane, Cecelia	Kelley, Jane
Kobel, Rudolph	Langone, John	Letourneau, Robert	Lovejoy, Marian
Mikowlski, Walter	Norelli, Terie	O'Neil, Michael	Pantelakos, Laura
Pitts, Jacqueline	Priestley, Anne	Putnam, Ed, II	Quandt, Marshall
Rabideau, Marie	Raynowska, Bernard	Rubin, George	Ruffner, Walter
Sabella, Norma	Sapareto, Frank	Schanda, Frank	Shelton, Richard

Shultis, Elizabeth	Stickney, Nancy	Varrell, Thomas	Vaughn, Charles
Weyler, Kenneth			
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	Cossette, Larry	DeChane, Marlene	Domingo, Baldwin
Estabrook, Iris	Gilmore, Gary	Grassie, Anne	Heon, Richard
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Lent, Donald
McKinley, Robert	Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Twardus, Joseph
Wall, Janet			
SULLIVAN			
Allison, David	Cloutier, John	Donovan, Thomas, Jr	Jones, Constance
Tuthill, John	Wiggins, Celestine		

and the report failed.

Rep. Hunt moved Re-refer to Committee.

Adopted.

SPECIAL ORDER

HB 487, relative to the adoption of bonds or notes in certain school districts and municipalities. OUGHT TO PASS WITH AMENDMENT

Rep. Iris Estabrook for Education**:** This bill, as amended, provides that a 3/5 majority vote shall be required, not the current 2/3, to adopt bonds or notes in school districts and municipalities which have adopted official ballot voting procedures, commonly known as SB 2. SB 2 has democratized the process by enfranchising all voters, resulting in expanded voter participation. Balloting in 1999 in SB 2 communities is significantly different from traditional meeting in 1895, when the 2/3 statute was enacted. In addition, data now show it to be twice as likely a bond will fail in a SB 2 district, as compared with those under traditional meeting format. The committee supports this modest change, to lessen the minority's ability, clearly magnified in SB 2 communities, to block the intent of the majority and its ability to address pressing facilities needs. The committee also supports the amendment, replacing the bill's original requirement of a simple majority with a 3/5 requirement, in order to retain the need for a super majority. Vote 17-2.

Amendment (0589h)

Amend RSA 33:8 as inserted by section 1 of the bill by replacing it with the following:

33:8 Town or District Bonds or Notes. Except as otherwise specifically provided by law, the issue of bonds or notes by any municipal corporation, except a city or a town which has adopted a charter pursuant to RSA 49-B, without a budgetary town meeting, ***and except a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13*** shall be authorized by a vote by ballot of 2/3, and the issue of tax anticipation notes, by a vote of a majority, of all the voters present and voting at an annual or special meeting of such corporation, called for the purpose. ***The issue of notes or bonds by a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13 shall be authorized by a vote of 3/5.*** No such action taken at any special meeting shall be valid unless a majority of all the legal voters are present and vote at such special meeting, unless the governing board of any municipality shall petition the superior court for permission to hold an emergency special meeting, which, if granted, shall give said special meeting the same authority as an annual meeting. The warrant for a special meeting shall be published once in a newspaper having a general circulation in the municipality within one week after the posting of such special meeting. The warrant for any such annual or special meeting shall be served or posted at least 14 days before the date of such special meeting. Every warrant shall be deemed to have been duly served or posted, if the return on the warrant shall so state, and it shall be certified by the officer or officers required to serve or post the same. All bonds or notes, authorized in accordance with this chapter, shall be signed by the governing board, or a majority of the governing board, and countersigned by the treasurer of the municipality, and shall have the corporate seal, if any, affixed to it. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate in the case of notes, the place of payment, the form and other details of said bonds or notes and of providing for the sale of such bonds or notes, may be delegated to the governing board or to the treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the governing board.

AMENDED ANALYSIS

This bill provides that a 3/5 majority vote shall be required to adopt bonds or notes in school districts and municipalities which have adopted official ballot voting procedures.

Rep. Philbrick requested a roll call; sufficiently seconded.

The question being the adoption of the amendment.

YEAS 230 NAYS 115 **YEAS 230** **BELKNAP**			
Czech, Stanley	Holbrook, Robert	Lawton, Robert	Millham, Alida
Rice, Thomas	Salatiello, Thomas	Turner, Robert	Wood, Jane
CARROLL			
Bradley, Jeb	Howard, Godfrey	Kenney, Joseph	Lyman, L Randy
Sullivan, P Judith	Torressen, Gary		
CHESHIRE			

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret
Manning, Joseph	McGuirk, Paul	Meader, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Zerba, Roger	
COOS			
Davis, Perley	Hawkinson, Marie	Landers, Dana	Mears, Edgar
Rodrigue, Robert	Tholl, John, Jr	Woodward, David	
GRAFTON			
Akins, Ralph	Alger, John	Almy, Susan	Cobb, John
Copenhaver, Marion	Densmore, Jessica	Eaton, Stephanie	Johnson, Gary
MacNeil, Allen	Picconi, Al	Solow, Martha	
HILLSBOROUGH			
Ahern, Richard	Andrews, Frederick	Arnold, Thomas, Jr	Arthur, Rose
Baroody, Benjamin	Beaupre, Roland	Belvin, William	Bergin, Peter
Brundige, Robert	Buckley, Raymond	Burkush, James	Chabot, Robert
Christiansen, Lars	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Curran, James	Daigle, Robert	Dokmo, Cynthia
Drabinowicz, A	Durham, Susan	Dwyer, Paul, Sr	Dyer, Merton
Fenton, James	Fields, Dennis	Ford, Nancy	Foster, Linda
Franks, Suzan	Gagnon, Eugene	Gagnon, Paul	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse
Hall, Betty	Hansen, Herbert	Herman, Richard	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	LaPorte, George
LaRose, Richard	Lasky, Bette	Lefebvre, Roland	Leonard, Peter
Lozeau, Donnalee	Lynde, Harold	MacGillivray, Jeffrey	McCarthy, William
McCarty, Winston	McDonald, James, Sr	McDonough-Wallace, Alice	McGough, Tim
Melcher, Harold	Mendenhall, Leslie	Mercer, Robert	Messier, Irene
Moran, Edward	Moriarty, Mary	Murphy, Robert	O'Hearn, Jane
Perkins, Paul	Peterson, Andrew	Reeves, Sandra	Reidy, Frank

Turgeon, Roland	Vaillancourt, Steve	White, John	Williams, Carol
MERRIMACK			
Bouchard, Candace	Brewster, Richard	Chase, George	Daneault, Gabriel
Davis, Francis	Fortnam, Janet	French, Barbara	Hager, Elizabeth
Hess, David	Jacobson, Alf	Larrabee, David, Sr	Lavoie, Gerard
Moore, Carol	Nichols, Avis	Owen, Derek	Potter, Frances
Reardon, Tara	Rodd, Beth	Seldin, Gloria	Soltani, Tony
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Case, Margaret	Clark, Martha	Cox, Russell	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Fesh, Robert	Flanagan, Natalie
Francoeur, Sheila	Gibbons, Paul	Griffin, Mary	Hamel, Albert
Henderson, Warren	Johnson, Robert	Kane, Cecelia	Kobel, Rudolph
Langone, John	Lovejoy, Marian	McKinney, Betsy	Morse, Charles
Norelli, Terie	Nowe, Mary Lou	O'Neil, Michael	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Quandt, Marshall	Sabella, Norma
Sapareto, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Tufts, J Arthur	Vaughn, Charles	Welch, David	Zolla, William
STRAFFORD			
Bickford, David	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	Cossette, Larry	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	Pelletier, Arthur
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Spear, Barbara	Taylor, Kathleen	Twardus, Joseph
Vincent, Francis	Wall, Janet		
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr

Flint, Gordon, Sr	Jones, Constance	Leone, Richard	Phinizy, James
Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine	
NAYS 115			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Lawton, David
Pilliod, James	Rosen, Ralph	Thomas, John	Wendelboe, Francine
CARROLL			
Babson, David, Jr	Chandler, Gene	Dickinson, Howard	Mock, Henry
Patten, Betsey	Philbrick, Donald		
CHESHIRE			
Hunt, John	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			
COOS			
Guay, Lawrence	Merrill, Gerald	Pratt, Leighton	
GRAFTON			
Dudley, Terri	Gilman, G Michael	Hall, David	Ham, Bonnie
Harmon, Hobart	Hinman, Harry	Marshall, Gene	Phinney, William
Scanlan, David	Ward, Brien	Weber, Phil	
HILLSBOROUGH			
Alukonis, David	Batula, Peter	Bruno, Pierre	Calawa, Leon, Jr
Carlson, Donald	Clegg, Robert, Jr	Coughlin, Pamela	Dalianis, Griffin
Daniels, Gary	Desrosiers, William	Emerton, Lawrence	Fletcher, Richard
Flora, Kathleen	Goulet, Maurice	Herman, Keith	Holley, Sylvia
Jean, Loren	Kurk, Neal	Lessard, Rudy	Martel, Andre
Martin, Mary	Milligan, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy
Pappas, Marc	Pepino, Leo	Sarette, John	Sargent, Maxwell
Thulander, O Alan	Wall, Nancy	White, Donald	Withee, Dennis
MERRIMACK			
Anderson, Eric	Kennedy, Richard	Langer, Ray	Leber, William
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Maxfield, Roy

Poulin, Dave	Whalley, Michael		
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Bridle, Russell	Christie, Andrew, Jr
Clark, Vivian	Cooney, Richard	Corbin, C David	Cote, Patricia
Dalrymple, Janeen	Flanders, David	Flanders, John, Sr	Gleason, John
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Langley, Jane
Letourneau, Robert	Major, Norman	Mikowlski, Walter	Nowe, Ronald
Noyes, Richard	Priestley, Anne	Putnam, Ed, II	Rabideau, Marie
Raynowska, Bernard	Reardon, Neil	Rubin, George	Ruffner, Walter
Schanda, Frank	Stickney, Nancy	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Weare, Everett	Weyler, Kenneth	
STRAFFORD			
Berube, Roger	McKinley, Robert	Musler, George	Torr, Franklin
Woods, Phyllis			
SULLIVAN			
None			

and the amendment was adopted.

Reps. Brundige, Langer and Patten spoke against.

Rep. McKinley spoke against and yielded to questions.

Reps. Dokmo, Alger and Estabrook spoke in favor and yielded to questions.

Rep. Brundige requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 176 NAYS 171 **YEAS 176** **BELKNAP**			
Pilliod, James	Salatiello, Thomas	Wood, Jane	
CARROLL			

Kenney, Joseph			
CHESHIRE			
Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Russell, Ronald	Zerba, Roger		
COOS			
Davis, Perley	Hawkinson, Marie	Landers, Dana	Mears, Edgar
Pratt, Leighton	Rodrigue, Robert		
GRAFTON			
Alger, John	Almy, Susan	Copenhaver, Marion	Densmore, Jessica
Eaton, Stephanie	Johnson, Gary	MacNeil, Allen	Picconi, Al
Solow, Martha			
HILLSBOROUGH			
Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Bergin, Peter
Buckley, Raymond	Burkush, James	Chabot, Robert	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Curran, James
Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A	Durham, Susan
Dwyer, Paul, Sr	Fields, Dennis	Ford, Nancy	Foster, Linda
Franks, Suzan	Gagnon, Eugene	Gagnon, Paul	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Hall, Betty
Herman, Richard	Jean, Claudette	Johnson, Lionel	Keye, Harvey
Konys, Christine	LaRose, Richard	Lasky, Bette	Leonard, Peter
Lynde, Harold	Martel, Andre	McCarty, Winston	McDonough-Wallace, Alice
Melcher, Harold	Mendenhall, Leslie	Mercer, Robert	Messier, Irene
Moriarty, Mary	Murphy, Robert	O'Hearn, Jane	Perkins, Paul
Peterson, Andrew	Reidy, Frank	Turgeon, Roland	Vaillancourt, Steve
White, John	Williams, Carol		
MERRIMACK			

Bouchard, Candace	Brewster, Richard	Chase, George	Daneault, Gabriel
Davis, Francis	Fortnam, Janet	French, Barbara	Hager, Elizabeth
Larrabee, David, Sr	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	Bridle, Russell	Case, Margaret
Clark, Martha	Cooney, Richard	Cox, Russell	DiFruscia, Anthony
Francoeur, Sheila	Gibbons, Paul	Gleason, John	Johnson, Robert
Kane, Cecelia	Katsakiores, Phyllis	Langone, John	Lovejoy, Marian
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Sabella, Norma
Sapareto, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Tufts, J Arthur	Vaughn, Charles		
STRAFFORD			
Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Grassie, Anne	Heon, Richard
Johnson, Nancy	Keans, Sandra	Knowles, William	Lent, Donald
Lundborn, Raymond	Musler, George	Pelletier, Arthur	Rogers, Rose Marie
Smith, Marjorie	Snyder, Clair	Spang, Judith	Spear, Barbara
Taylor, Kathleen	Twardus, Joseph	Vincent, Francis	Wall, Janet
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Leone, Richard	Phinizy, James	Robb-Theroux, Amy
Tuthill, John	Wiggins, Celestine	Young, David	
NAYS 171 **BELKNAP**			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Lawton, David	Lawton, Robert	Millham, Alida
Rice, Thomas	Rosen, Ralph	Thomas, John	Turner, Robert

Wendelboe, Francine			
CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Lyman, L Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith	Torressen, Gary	
CHESHIRE			
Avery, Stephen	Hunt, John	Roberts, William	Rose, William
Royce, H Charles	Smith, Edwin		
COOS			
Guay, Lawrence	Merrill, Gerald	Tholl, John, Jr	Woodward, David
GRAFTON			
Akins, Ralph	Brothers, Richard	Cobb, John	Dudley, Terri
Gilman, G Michael	Hall, David	Ham, Bonnie	Harmon, Hobart
Hinman, Harry	Marshall, Gene	Phinney, William	Scanlan, David
Ward, Brien	Weber, Phil		
HILLSBOROUGH			
Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter
Beaupre, Roland	Belvin, William	Brundige, Robert	Bruno, Pierre
Calawa, Leon, Jr	Carlson, Donald	Christiansen, Lars	Clegg, Robert, Jr
Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary	Desrosiers, William
Dyer, Merton	Emerton, Lawrence	Fenton, James	Fletcher, Richard
Flora, Kathleen	Goulet, Maurice	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Jean, Loren	Kurk, Neal	LaPorte, George
Lefebvre, Roland	Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey
Martin, Mary	McCarthy, William	McDonald, James, Sr	McGough, Tim
McRae, Karen	Milligan, Robert	Moran, Edward	Nolan-Piteri, Dawn
O'Connell, Timothy	Pappas, Marc	Pepino, Leo	Reeves, Sandra
Sarette, John	Sargent, Maxwell	Thulander, O Alan	Wall, Nancy
White, Donald	Withee, Dennis		
MERRIMACK			

Anderson, Eric	Hess, David	Jacobson, Alf	Kennedy, Richard
Langer, Ray	Lavoie, Gerard	Leber, William	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Nichols, Avis
Poulin, Dave	Soltani, Tony	Whalley, Michael	Whittemore, James
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Christie, Andrew, Jr	Clark, Vivian	Corbin, C David	Cote, Patricia
Dalrymple, Janeen	Dowling, Patricia	Downing, Michael	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John, Sr	Griffin, Mary
Hamel, Albert	Henderson, Warren	Katsakiores, George	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Letourneau, Robert	Major, Norman
McKinney, Betsy	Mikowlski, Walter	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	Stickney, Nancy	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Weare, Everett	Welch, David	Weyler, Kenneth
Zolla, William			
STRAFFORD			
Bickford, David	Cossette, Larry	Kaen, Naida	McKinley, Robert
Rollo, Michael	Torr, Franklin	Woods, Phyllis	
SULLIVAN			
Jones, Constance			

and the report was adopted.

Ordered to third reading.

RECESS

(Speaker Sytek in the Chair)

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.

Consent Calendar adopted.

HB 662-FN, relative to the duties of the liquor commission. RE-REFER TO COMMITTEE

Rep. Stephen G. Avery for Commerce**:** This bill would limit the Liquor Commission to certain restrictions as to how they do business. The committee is not yet ready in limiting the commission as they are doing a great job raising revenues for the State. There has been at least one incident in Portsmouth, which did raise some questions, and the committee would like to take some extra time to look at these issues. Vote 14-0.

HB 732, relative to nonpayment of member dues and fees and access to financial records of condominium associations. OUGHT TO PASS WITH AMENDMENT

Rep. Gene B. Marshall for Commerce**:** This bill amends the current law, which allows condominium owner associations to terminate common privileges and services, including parking, to owners who are seriously delinquent in payment of common assessments. This bill concerns some issues that arose in the implementation of the new law by adding due process protections. It also assures access of owners to all financial records of their condominium association. Vote 13-1.

Amendment (1133h)

Amend the bill by replacing section 2 with the following:

2 Termination of Common Privileges and Services. RSA 356-B:46, IX is repealed and reenacted to read as follows:

IX. Notwithstanding any law, rule or provision of the condominium declaration, bylaws or rules to the contrary, the unit owners' association may authorize pursuant to RSA 356-B, its board of directors to, after 30 days prior written notice to the unit owner and the unit owner's first mortgagee of nonpayment of common assessments, terminate the delinquent unit's common privileges and cease supplying any unit which is delinquent in payment of common assessments for a period of 3 months or a total of more than $1,000, whichever is greater, with any and all services normally supplied or paid for by the unit owners' association. Where such services or privileges include use of, or access to a parking space, the board of directors may, upon application to a court of competent jurisdiction for an order authorizing same, cause any motor vehicle to be towed or removed from such space at the delinquent unit owner's expense. The court shall issue an order pursuant to this section in accordance with the rules governing the issuance of a preliminary injunction. The court may consider all legal and equitable defenses of the delinquent unit owner and shall not issue an order without notice to said owner of the pending claim.

HB 706, relative to the definition of "sexual contact" under the sexual assault laws. OUGHT TO PASS WITH AMENDMENT

Rep. William V. Knowles for Criminal Justice and Public Safety**:** The definition of sexual contact is clarified in Section l. Section 2 clarifies the fact that a person is guilty of aggravated felonious sexual assault without penetration when such person touches whether directly, through clothing, or otherwise, the genitalia of a person under the age of 13 under circumstances that can be reasonably construed as being for the purpose of sexual arousal or gratification. The remainder of the bill deals with the federal requirement of registration of criminal offenders. Added to the list of those required

to register are those found guilty of incest, computer pornography, and using a computer to seduce, solicit, lure, or entice a child or another person believed by the person to be a child. Vote 13-0.

Amendment (0720h)

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

AN ACT relative to the definition of "sexual contact" under the sexual assault laws and relative to the registration of certain criminal offenders.

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

1 Definitions; Sexual Contact. Amend RSA 632-A:1, IV to read as follows:

IV. "Sexual contact" means the intentional touching ***whether directly, through clothing, or otherwise,*** of the victim's or actor's sexual or intimate parts, including breasts and buttocks[~~, and the intentional touching of the victim's or actor's clothing covering the immediate area of the victim's or actor's sexual or intimate parts~~]. Sexual contact includes only that aforementioned conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification.

2 Aggravated Felonious Sexual Assault. Amend RSA 632-A:2, II to read as follows:

II. A person is guilty of aggravated felonious sexual assault without penetration when he intentionally touches ***whether directly, through clothing, or otherwise,*** the genitalia of a person under the age of 13 under circumstances that can be reasonably construed as being for the purpose of sexual arousal or gratification.

3 Registration of Criminal Offenders; Definitions Amended. Amend RSA 651-B:1, V (a) and (b) to read as follows:

(a) Any of the following offenses, where the victim was under the age of 18 at the time of the offense, RSA 633:1, 633:2, 633:3, ***639:2,*** or 645:2; or

(b) RSA 169-B:41, II, 639:3, III, 649-A:3, ***649-B:3, 649-B:4*** or 650:2, II; or

4 Registration of Criminal Offenders; Duration of Registration; Offenses Added. Amend RSA651-B:6, I to read as follows:

I. Any sexual offender convicted of a violation or attempted violation of RSA 632-A:2 or 632-A:3, and any offender against children convicted of a violation or attempted violation of RSA169-B:41, II, 633:1, 633:2, ***639:2,*** 639:3, III, 645:2, II, 649-A:3, I, ***649-B:3, 649-B:4,*** or 650:2, II, or of an equivalent offense in an out-of-state jurisdiction, shall be registered for life.

5 Registration of Criminal Offenders; Duration of Registration; Multiple Offenses. Amend RSA651-B:6, III to read as follows:

III. Notwithstanding the provisions of paragraph II, any sexual offender or offender against children who ***has been convicted of more than one offense listed in RSA 651-B:1, III or RSA651-B:1, V, or who*** is sentenced to an extended term of imprisonment pursuant to RSA 651:6, I(b) shall be registered for life.

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

AMENDED ANALYSIS

This bill adds touching, whether directly, through clothing, or otherwise, to the definition of sexual contact and aggravated felonious sexual assault without penetration within RSA 632-A. This bill also adds the criminal offenses of incest and computer pornography and child exploitation to the criminal offenders registration statute.

HB 739, eliminating the restrictions on the number of days bingo volunteers may serve. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety**:** This bill, as introduced, repealed RSA 287-E:7, IV relative to restrictions on assisting in the conduct of bingo games or of Lucky 7 games. The committee felt that was too big a step to take and that a gradual lessening of the work restrictions was what was needed. The new amendment simply says that one may work these games no more than 2 times in any calendar week, which we specifically defined as Sunday through Saturday. Vote 16-0.

Amendment (1044h)

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

AN ACT eliminating certain restrictions on the number of days bingo volunteers may serve.

Amend the bill by replacing section 1 with the following:

1 Bingo and Lucky 7 Volunteers; Restrictions on Number of Days Volunteers May Assist. Amend RSA 287-E:7, XIV to read as follows:

XIV. No person shall assist in the conduct of bingo games or of lucky 7, or any combination thereof, more than 2 times in one [~~7 day period, nor shall any such assists occur during the next 7 day period; no person shall assist in the conduct of bingo games or of lucky 7 on behalf of more than 2 licensed organizations in any calendar year. This paragraph shall not apply to any person who, on or before January 1, 1985, assisted at any licensed game in any commercial hall more than 2 days in one 7 day period~~] ***calendar week, meaning Sunday through Saturday***.

AMENDED ANALYSIS

This bill limits the prohibitions on how frequently a volunteer may assist in the conduct of games of bingo or lucky 7 to no more than 2 times in one calendar week, meaning Sunday through Saturday. This bill also eliminates the exception for any person who, on or before January 1, 1985, assisted at any licensed game in any commercial hall more than 2 days in one 7 day period.

SB 30, relative to the cruelty to animals law. OUGHT TO PASS WITH AMENDMENT

Rep. Everett A. Weare for Criminal Justice and Public Safety**:** This bill allows the animal control officer, law enforcement officer, or officer of a duly licensed humane society to take into temporary protective custody any animal where there is probable cause that the animal has been abused or neglected. It further set forth the procedures for the care and disposition of any animal taken into custody. It further requires a veterinarian be present when livestock are involved. The amendment

deletes the requirement that the appointed veterinarian be the law enforcement officer for animals involved in pari-mutuel racing. The committee felt that pari-mutuel racing is presently regulated sufficiently to avoid any problems with animal abuse. Vote 16-0.

Amendment (1046h)

Amend RSA 644:8. IV-a as inserted by section 1 of the bill by deleting subparagraph (c):

AMENDED ANALYSIS

This bill eliminates the provision that a veterinarian be the enforcement officer to take a non-livestock domesticated animal into protective custody upon a finding of probable cause of cruelty to animals.

The bill requires the investigating officer be accompanied by a veterinarian licensed under RSA332-B or the state veterinarian when taking an animal considered livestock into protective custody. The accompanying veterinarian shall set the probable cause criteria for taking the animal.

SB 121, requiring reports to the department of justice following certain DWI arrests and refusals to take alcohol concentration tests. INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety**:** This bill would require law enforcement officers to make reports to the attorney general following DWI arrests that do not result in charges being filed and also where someone takes or refuses a breath test where no charges are filed. Presently, the police must file a report with the attorney general when a DWI charge is reduced or dismissed. To also do it when someone is simply arrested for DWI but not charged would greatly add to the police workload. If a person passes the breath test and is released, there is no need to burden the department with the submission of a report. In those instances where too many letters were going to the attorney general's office regarding the reduction of DWI charges, the attorney general contacted that police department and advised them to prosecute the cases, not reduce the charge. In another case where a person was arrested for DWI and the case never went forward, both police chiefs were forced to resign. The committee felt that the present statute was working just fine. Vote 14-0.

HB 613-FN-L, consolidating the pari-mutuel commission and sweepstakes commission into a gaming commission. RE-REFER TO COMMITTEE

Rep. Michael O'Neil for Executive Departments and Administration**:** This bill would combine and re-organize the pari-mutuel and sweepstakes commissions into a single gaming commission. Due to the uncertainty of the future of the gaming industry in New Hampshire, the committee believes it prudent to re-refer HB 613-FN in order to further investigate the impact of combining the two commissions into one at the present time. Vote 16-0.

HB 626-FN, relative to revising the laws regulating accountancy. OUGHT TO PASS WITH AMENDMENT

Rep. Howard C. Dickinson for Executive Departments and Administration**:** This bill, as amended, brings the State of New Hampshire into compliance with the Uniform Accountancy Act, model legislation developed jointly by the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy. Furthermore, the bill removes the prohibition against non-licensees who perform "general accounting services," i.e. bookkeeping, tax preparation

and allows them to describe themselves as "accountants". All parties seemed to have reached an agreement on this bill. Vote 17-0.

Amendment (1131h)

Amend the bill by replacing section 1 with the following:

1 Accountancy Act. RSA 309-B is repealed and reenacted to read as follows:

CHAPTER 309-B

NEW HAMPSHIRE ACCOUNTANCY ACT

309-B:1 Citation. This chapter may be cited as the "Accountancy Act of 1999."

309-B:2 Purpose. It is the policy of the state of New Hampshire and the purpose of this chapter, to promote the reliability of information that is used for guidance in financial transactions or for accounting for or assessing the financial status or performance of commercial, noncommercial, and governmental enterprises. The public interest requires that persons professing special competence in accountancy or offering assurance as to the reliability or fairness of presentation of such information shall have demonstrated and maintained their qualifications to do so; that a public authority competent to prescribe and assess the qualifications and to regulate the professional conduct of licensees be established; and that the use of titles that are likely to mislead the public as to the status or competence of the persons using such titles be prohibited.

309-B:3 Definitions. In this chapter:

I.(a) "Attest" means providing the following financial statement services:

(1) Any audit or other engagement to be performed in accordance with the American Institute of Certified Public Accountants' Auditing Standards Board's Statements on Auditing Standards (SAS).

(2) Any review of a financial statement or compilation of a financial statement to be performed in accordance with the American Institute of Certified Public Accountants' Auditing Standards Board's Statements on Standards for Accounting and Review Services (SSARS).

(3) Any examination of prospective financial statements to be performed in accordance with the American Institute of Certified Public Accountants' Statements on Standards for Attestation Engagements (SSAE).

(b) The Statements on Standards specified in subparagraph (a)(1)-(3) above shall be adopted by reference by the board pursuant to rulemaking and shall be those developed for general application by recognized national accountancy organizations such as the American Institute of Certified Public Accountants.

II. "Board" means the New Hampshire board of accountancy established under RSA 309-B:4.

III. "Certificate" means a certificate as a certified public accountant issued under RSA309-B:5 or corresponding provisions of prior law, or a corresponding certificate as certified public accountant issued after examination under the law of any other state.

IV. "CPA firm" means a sole proprietorship, a corporation, a partnership including a limited liability partnership, a limited liability company including a professional limited liability company, or any other legally authorized association issued a license under RSA 309-B:8.

V. "Financial Accounting Foundation" means the independently incorporated organization, the board of trustees of which consists of members of organizations having special knowledge of, and interest in, financial reporting, that is responsible for the oversight and funding for the Financial Accounting Standards Board and the Governmental Accounting Standards Board.

VI. "Financial Accounting Standards Board" or "FASB" means the designated organization formed by the Financial Accounting Foundation or its successor organization that establishes the standards of financial accounting and reporting for nongovernmental entities recognized by the United States Securities and Exchange Commission and the American Institute of Certified Public Accountants.

VII. "Governmental Accounting Standards Board" or "GASB" means the designated independent organization in the private sector or its successor organization that establishes the standards of financial accounting and reporting for state and local governmental entities recognized by the United States Securities and Exchange Commission and the American Institute of Certified Public Accountants.

VIII. "License" means a certificate issued under RSA 309-B:5, a permit issued under RSA309-B:8 or a registration under RSA 309-B:9; or in each case, a certificate or permit issued under corresponding provisions of prior law.

IX. "Licensee" means the holder of a license as defined in RSA 309-B:3, VIII.

X. "Manager" means a manager of a professional limited liability company established under RSA 304-D or equivalent statute in another state.

XI. "Member" means a member of a professional limited liability company established under RSA 304-D or equivalent statute in another state.

XII. "Peer review" means a study, appraisal, or review of one or more aspects of the professional work of a person or firm that performs attest services, by a person or persons who hold certificates and who are not affiliated with the person or firm being reviewed.

XIII. "Permit" means a permit to practice as a CPA firm issued under RSA 309-B:8 or corresponding provisions of prior law, or under corresponding provisions of the laws of other states.

XIV. "Professional" means arising out of or related to the specialized knowledge or skills associated with certified public accountants.

XV. "Report," when used with reference to financial statements, means an opinion, report, or other form of language that states or implies assurance as to the reliability of any financial statements, and that also includes or is accompanied by any statement or implication that the person or firm issuing it has special knowledge or competence in accounting or auditing. Such a

statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that such person or firm is an accountant or auditor, or from the language of the report itself. The term "report" shall include any form of language which disclaims an opinion when such form of language is conventionally understood to imply any positive assurance as to the reliability of the financial statements referred to or special competence on the part of the person or firm issuing such language, and it shall include any other form of language that is conventionally understood to imply such assurance or such special knowledge or competence.

XVI. "Rule" means any rule adopted by the board under RSA 541-A.

XVII. "State" means any state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and Guam; except that "this state" means the state of New Hampshire.

XVIII. "Substantial equivalency" is a determination by the board or its designee that the education, examination, and experience requirements contained in the statutes and administrative rules of another jurisdiction are comparable to or exceed the education, examination, and experience requirements contained in this chapter and rules relating thereto adopted under RSA 541-A, or that the individual certified public accountant's education, examination, and experience qualifications are comparable to or exceed the education, examination, and experience requirements contained in this chapter and rules relating thereto adopted under RSA 541-A.

XIX. "Uniform Accountancy Act" means the third edition of the model legislation developed jointly by the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy as published in 1998.

309-B:4 Board of Accountancy; Appointment; Disposition of Fees; Rulemaking.

I.(a) There is hereby created the New Hampshire board of accountancy, which shall have responsibility for the administration and enforcement of this chapter. The board shall consist of 5 members, all of whom shall be residents of this state appointed by the governor with the approval of council. Three members shall be holders of certificates under RSA309-B:5 or corresponding provisions of prior law; one member shall be a public accountant who is a holder of a currently valid registration, and one member shall be a public member, who is not, and never was, a member of the accounting profession, or the spouse of such a person, but who has, or has had, professional or practical experience in the use of accounting services and financial statements so as to be qualified to make judgments about the qualifications and conduct of persons and firms subject to regulation under this chapter. The one position to be occupied by a public accountant shall instead be occupied by a public member after the number of public accountants holding currently valid public accountant registrations drops below 25.

(b) Members of the board shall serve staggered 5-year terms. Members serving terms of less than 5-years under prior law shall serve out such shorter terms. A vacancy occurring during a term shall be filled by appointment of the governor and approval of council for the unexpired portion of such term. Upon the expiration of a member's term, such member shall continue to serve until a successor shall have been appointed and taken office.

(c) No person who has served 2 successive complete terms shall be eligible for reappointment, but appointment to fill an unexpired term shall not be considered a complete term for this purpose. All terms of service under prior law shall be considered in determining the completion of 2 consecutive terms.

(d) Any member of the board whose certificate under RSA 309-B:5 or registration under RSA309-B:9 of this chapter is revoked or suspended shall automatically cease to be a member of the board. A board member may be removed for cause by the governor and council under RSA 4:1.

II.(a) The board shall elect annually from among its members a chairperson, a secretary-treasurer, and such other officers as the board may deem appropriate.

(b) The board shall meet at such times and places as may be fixed by the board. Meetings of the board shall be open to the public except insofar as they are concerned with investigations under RSA 309-B:11 and except as may be necessary to protect information that is required to be kept confidential by board rules or by the laws of this state. A majority of the board members then in office shall constitute a quorum at any meeting duly called.

(c) The board shall have a seal which shall be judicially noticed.

(d) The board shall retain or arrange for the retention of all applications, all documents under oath that are filed with the board, and records of its proceedings. The board shall maintain a registry of the names and addresses of all licensees under this chapter. In any proceeding in court, civil or criminal, arising out of or founded upon any provision of this chapter, copies of any of the records certified as true copies under the seal of the board shall be admissible in evidence as tending to prove the contents of said records.

III.(a) Each member of the board shall be paid $100 for each day or portion of a day spent in the discharge of official duties and shall be reimbursed for actual and necessary expenses incurred in the discharge of official duties.

(b) In addition to the amounts in subparagraph (a), the secretary-treasurer shall be compensated in an amount to be determined by the board, but not to exceed $5,000.

IV. All moneys collected by the board from fees authorized under this chapter shall be received and accounted for by the board, shall be deposited in the state treasury to the credit of the board, and shall not lapse. Administration expenses shall be limited to the funds collected and may include, but shall not be limited to, the costs of conducting investigations and of taking testimony and procuring the attendance of witnesses before the board or its committees; all legal proceedings taken under this chapter for the enforcement of this chapter; and educational programs for the benefit of the public or licensees and their employees. All fees prescribed by the board under prior law shall remain in effect until the board shall prescribe a new schedule of fees pursuant to RSA541-A.

V. The board shall file an annual report of its activities with the governor, the president of the senate, and the speaker of the house of representatives. The report shall include a statement of all receipts and disbursements and a listing of all current licensees under this chapter. The board shall mail a copy of the annual report to any person requesting it, upon payment of a reasonable charge.

VI. The board may employ an executive director, investigators, and such other personnel as it deems necessary for administration and enforcement under this chapter. It may appoint such committees or persons to advise or assist it in such administration and enforcement, as it may see fit. It may retain its own counsel to advise and assist it, in addition to such advice and assistance as is provided by the department of justice.

VII. The board shall have the power to take any action necessary and proper to carry out the purposes of this chapter, including the power to sue and be sued in its official name as an agency of this state; to issue subpoenas to compel the attendance of witnesses and the production of documents; and to administer oaths, to take testimony, to cooperate with the appropriate authorities in other states in investigations and enforcement concerning violations of this chapter and comparable laws of other states, and to receive evidence concerning all matters within its jurisdiction. In case of disobedience of a subpoena, the board may invoke the aid of any court of this state in requiring the attendance and testimony of witnesses and the production of documentary evidence. The board, its members, and its agents shall be immune from personal liability for actions taken in good faith in the discharge of the board's responsibilities, and the state shall hold the board, its members, and its agents harmless from all costs, damages, and attorneys' fees arising from claims and suits against them with respect to matters to which such immunity applies.

VIII. The board shall adopt rules, pursuant to RSA 541-A, governing its administration, the enforcement of this chapter and the conduct of licensees. Such rules shall include, but not be limited to:

(a) Rules governing the board's meetings and conduct of its business.

(b) Rules of procedure governing the conduct of investigations and hearings by the board.

(c) Rules specifying the educational and experience qualifications required for all licensees, and the continuing professional education required for renewal of certificates or registrations.

(d) Rules of professional conduct directed to controlling the quality and integrity of the practice of public accountancy by licensees, including, but not limited to, matters relating to independence, integrity, objectivity, competence, technical standards, responsibilities to the public, and responsibilities to clients.

(e) Rules on substantial equivalency for implementation of RSA 309-B:6.

(f) Rules governing the manner and circumstances of use of the titles "certified public accountant", "CPA," "public accountant" and "PA."

(g) Rules regarding peer review as required under this chapter. Such rules shall include conduct and cost parameters to ensure that charges for the off-site peer review process are not excessive.

(h) The establishment of all fees required under this chapter.

(i) Such other rules as the board may deem necessary or appropriate for implementing the provisions and purposes of this chapter.

IX. In accordance with RSA 541-A, the board shall publish notice of such proposed action and shall, in addition, notify all licensees.

309-B:5 Qualifications for a Certificate as a Certified Public Accountant.

I. The certificate of "certified public accountant" shall be granted to persons of good character who meet the education, experience, and examination requirements of this section, who make application therefor pursuant to RSA 309-B:7, and who pay the fees prescribed by the board.

II. Good character for purposes of this section means the lack of a history of dishonest or felonious acts.

III. The education requirements for a certificate shall be as follows:

(a) Until January 1, 2005, a baccalaureate degree or its equivalent conferred by a college or university acceptable to the board, with an accounting concentration or equivalent as determined by board rule to be appropriate.

(b) After January 1, 2005, at least 150 semester hours of college education including a baccalaureate or higher degree conferred by a college or university acceptable to the board, the total educational program to include an accounting concentration or equivalent as determined by board rule to be appropriate; provided however, that candidates for a certificate may sit for the examination described in paragraph IV if they have at least 120 semester hours of college education including a baccalaureate degree conferred by a college or university acceptable to the board, the total educational program to include an accounting concentration or equivalent as determined by board rule to be appropriate.

IV. The examination required to be passed as a condition for the granting of a certificate shall be held as often as the board may specify by rule, and shall test the applicant's knowledge of the subjects of accounting and auditing and such other related subjects as the board may specify by rule. The time for holding such examination shall be determined by the board and may be changed from time to time. The board shall prescribe by rule the methods of applying for and conducting the examination, including methods for grading papers and determining a passing grade required of an applicant for a certificate, provided, however, that the board shall, to the extent possible, see to it that the examination itself, the grading of the examination and the passing grades are uniform with those applicable in all other states. The board may make such use of all or any part of the Uniform Certified Public Accountant Examination and Advisory Grading Service of the American Institute of Certified Public Accountants, and may contract with third parties to perform such administrative services with respect to the examination as it deems appropriate to assist it in performing its duties under this section.

V. An applicant shall be required to pass all sections of the examination provided for in paragraph IV in order to qualify for a certificate. A passing grade for each section shall be 75. If, at a given sitting of the examination, an applicant passes 2 or more but not all sections, the applicant shall be given credit for those sections passed and need not sit for reexamination in those sections, provided that:

(a) At that sitting the applicant wrote all sections of the examination for which the applicant does not have credit;

(b) The applicant attained a minimum grade of 50 on each section not passed at that sitting;

(c) The applicant passes the remaining sections of the examination within 5 years of the examination at which the first sections were passed;

(d) At each subsequent sitting at which the applicant seeks to pass any additional sections, the applicant writes all sections for which the applicant does not have credit; and

(e) In order to receive credit for passing additional sections in any such subsequent sitting, the applicant attains a minimum grade of 50 on sections taken at that sitting.

VI. An applicant shall be given credit for any and all sections of an examination passed in another state if such credit would have been given, under applicable requirements at that time, had the applicant taken the examination in this state.

VII. The board may in particular cases waive or defer any of the requirements of paragraphs V and VI regarding the circumstances in which the various sections of the examination must be passed, upon a showing that, by reason of circumstances beyond the applicant's control, the applicant was unable to meet such requirement.

VIII. The board may charge, or provide for a third party administering the examination to charge, each applicant a fee in an amount prescribed by the board by rule, for each section of the examination or reexamination taken by the applicant.

IX. The experience requirement shall consist of public accounting experience in providing one or more kinds of services involving the use of accounting or auditing skills, including the issuance of reports on financial statements, or one or more kinds of management advisory, financial advisory, or consulting services, or the preparation of tax returns or the furnishing of advice on tax matters, or the equivalent, all of which was under the direction of a licensee in any state in practice as a certified public accountant or as a public accountant, or in any state in employment as a staff accountant by a certified public accountant or anyone practicing public accounting, or a combination of either of such types of experience and for the following periods of time:

(a) Two years for a candidate with a 4-year college degree, or the equivalent; or

(b) One year for a candidate holding a master's degree in accounting, taxation, finance, or business administration.

X. Experience obtained in the employment of a governmental agency for the periods of time provided in paragraph IX in the following areas shall be accepted by the board as qualifying experience under this section:

(a) In auditing the tax returns or books and accounts of nongovernmental entities in 3 or more distinct lines of commercial or industrial business in accordance with generally accepted auditing standards under the direction of a licensee; or

(b) In auditing the books and accounts or activities of 3 or more governmental agencies or distinct organizational units in accordance with generally accepted auditing standards under the direction of a licensee and reporting on their operations to a third party, to the Congress, or to a state legislature; or

(c) In reviewing financial statements and supporting material covering the financial condition and operations of nongovernmental entities engaged in 3 or more distinct lines of commercial or industrial business under the direction of a licensee to determine the reliability and

fairness of the financial reporting and compliance with generally accepted accounting principles and applicable government regulations for the protection of investors and consumers.

XI. The board shall by rule prescribe other kinds of experience that meet the experience requirement, provided that minimum requirements shall include at least one year of experience in providing any type of service or advice involving the use of accounting, attest, management advisory, financial advisory, tax or consulting skills, all of which shall be under the general direction of a licensee or other appropriately qualified professional acceptable to the board.

309-B:6 Substantial Equivalency.

I. The practice rights, reciprocity and discipline for certificate holders and licensees from states whose accountancy statutes are substantially equivalent to the requirements set out in this chapter shall be governed by the following provisions:

(a) An individual whose principal place of business is not in this state and who has a valid certificate or license as a certified public accountant from any United States jurisdiction which the board has verified to be in substantial equivalence with the certified public accountant licensure requirements of this state, shall be presumed to have qualifications substantially equivalent to this state's requirements and shall have all rights and privileges of certificate holders and licensees of this state without the need to obtain a certificate under RSA 309-B:7 or a permit under RSA 309-B:8. However, such individuals shall notify the board of their intent to enter the state under this provision and pay any required fee.

(b) An individual whose principal place of business is not in this state and who has a valid certificate or license as a certified public accountant from any United States jurisdiction which the board has not verified to be in substantial equivalence with the certified public accountant licensure requirements of this state, shall be presumed to have qualifications substantially equivalent to this state's requirements and shall have all rights and privileges of certificate holders and licensees of this state without the need to obtain a certificate under RSA 309-B:7 or a permit under RSA 309-B:8 if such individual obtains from the board verification that such individual's certified public accountant qualifications are substantially equivalent to the certified public accountant licensure requirements of this state. However, such individuals shall notify the board of their intent to enter the state under this provision and pay any required fee.

II. As an alternative to the requirements of RSA 309-B:7, III, a certificate holder licensed by another state, before establishing a principal place of business in this state, shall request the issuance of a certificate from the board prior to establishing such principal place of business. The board shall issue a certificate to such person who meets the standards and requirements set out in subparagraph I(b) of this section.

III. A licensee of another state who satisfies all of the requirements specified in subparagraphs I(a) or (b) of this section shall comply with all applicable provisions of this chapter.

IV. A licensee of this state offering or rendering services or using this state's certified public accountant designation in another state shall be subject to disciplinary action in this state for an act committed in another state for which the licensee would be subject to discipline in the other state. Notwithstanding RSA 309-B:11, I, the board shall be required to investigate any complaint made by the board of accountancy of another state.

V. Any licensee of another state exercising the privileges afforded under subparagraph I(a) or I(b) of this section hereby consents, as a condition of the grant of this privilege, to:

(a) The personal and subject matter jurisdiction of the board;

(b) Comply with this chapter and the rules of the board, including payment of any fees the board may assess such licensees;

(c) The appointment of the out-of-state board of accountancy which issued their license as their agent upon whom process may be served in any action or proceeding by this board against the licensee.

309-B:7 Issuance and Renewal of Certificates; Maintenance of Competency.

I. The board shall grant or renew certificates to persons who make application and demonstrate that their qualifications, including where applicable the qualifications prescribed by RSA 309-B:5, are in accordance with the requirements of this section, or that they are eligible for licensure under the substantial equivalency standards set out in RSA 309-B:6. The holder of a certificate issued under this section may provide attest services as defined in RSA309-B:3, I(a) only in a CPA firm that holds a permit issued under RSA 309-B:8.

II. Certificates shall be initially issued, and renewed, for periods of not more than 3 years. Annual periods shall coincide with the state's fiscal year, beginning on July 1 and ending on the subsequent June 30. Applications for such certificates shall be made in such form, and in the case of applications for renewal, between such dates, as the board shall by rule specify. A certificate shall remain valid for the period of time that the board requires to act on the application for renewal, provided that the renewal was submitted in accordance with the rules adopted by the board. The board shall grant or deny any application no later than 90 days after the application is filed in proper form. In any case where the applicant seeks the opportunity to show that issuance or renewal of a certificate was mistakenly denied, or where the board is not able to determine whether it should be granted or denied, the board may issue to the applicant a provisional certificate, which shall expire 90 days after its issuance or when the board determines whether or not to issue or renew the certificate for which application was made, whichever shall first occur.

III. With regard to applicants that are not eligible for reciprocity under the substantial equivalency standard set out in RSA 309-B:6, I(b), the board shall issue a certificate to a holder of a certificate, license, or permit issued by another state upon a showing that:

(a) The applicant passed the examination required for issuance of the applicant's certificate with grades that would have been passing grades at the time in this state;

(b) The applicant had at least 4 years of experience outside of this state of the type described in RSA 309-B:5 or meets equivalent requirements prescribed by the board by rule, after passing the examination upon which the applicant's certificate was based and within the 10 years immediately preceding the application;

(c) If the applicant's certificate, license, or permit was issued more than one year prior to the application for issuance of an initial certificate under this section, that the applicant has fulfilled the requirements of continuing professional education that would have been applicable under paragraph IV of this section.

IV. The board may charge a fee to any licensee of another state exercising the privileges afforded under this section, in accordance with rules adopted by the board.

V. Persons requesting issuance of certificates under paragraph IV of this section shall in their request list all states in which they have applied for or hold certificates, or licenses, and list any past denial, revocation, or suspension of a certificate or license and shall notify the board, in writing, within 30 days after its occurrence, of any issuance, denial, revocation, or suspension of a certificate or license by another state.

VI. An application under this section may be made through any qualification service that the board may approve by rule.

VII. For renewal of a certificate under this section each licensee shall participate in a program of learning designed to insure continuing professional competence. The requirements established by the board shall specify any reasonable approach to meeting this requirement, including but not limited to, the setting of hours, the setting of fees, and the conducting of random audits of reports submitted to the board. The approach to meeting this requirement specified by the board shall be comparable to guidelines specified in the Statement on Standards for Continuing Professional Education (CPE) Programs jointly approved by the National Association of State Boards of Accountancy (NASBA) and the American Institute of Certified Public Accountants (AICPA). The board may by rule create an exception to this requirement for licensees who do not perform or offer to perform for the public one or more kinds of services involving the use of accounting or auditing skills, including issuance of reports on financial statements or of one or more kinds of management advisory, financial advisory or consulting services, or the preparation of tax returns or the furnishing of advice on tax matters. Licensees granted such an exception by the board shall place the word "inactive" adjacent to their CPA title or PA title on any business card, letterhead, or any other document or device, with the exception of their CPA certificate or PA registration, on which the CPA or PA title appears.

VIII. The board shall charge a fee for each application for initial issuance or renewal of a certificate under this section in an amount prescribed by the board by rule.

IX. Applicants for initial issuance or renewal of certificates under this section shall in their applications list all states in which they have applied for or hold certificates, licenses, or permits and list any past denial, revocation, or suspension of a certificate, license, or permit, and each holder of or applicant for a certificate under this section shall notify the board in writing, within 30 days after its occurrence, of any issuance, denial, revocation, or suspension of a certificate, license, or permit by another state.

X. The board shall issue a certificate to a holder of a substantially equivalent foreign designation, granted in a foreign country, provided that:

(a) The foreign authority which granted the designation makes similar provision to allow a person who holds a valid certificate issued by this state to obtain such foreign authority's comparable designation; and

(b) The foreign designation:

(1) Was duly issued by a foreign authority that regulates the practice of public accountancy and the foreign designation has not expired or been revoked or suspended;

(2) Entitles the holder to issue reports upon financial statements; and

(3) Was issued upon the basis of educational, examination, and experience requirements established by the foreign authority or by law; and

(c) The applicant:

(1) Received the designation, based on educational and examination standards substantially equivalent to those in effect in this state, at the time the foreign designation was granted;

(2) Completed an experience requirement, substantially equivalent to the requirement set out in RSA 309-B:5, IX, in the jurisdiction which granted the foreign designation or has completed at least 4 years of professional experience in this state; or meets equivalent requirements prescribed by the board by rule, within the 10 years immediately preceding the application; and

(3) Passed a uniform qualifying examination in national standards acceptable to the board.

XI. An applicant under paragraph X shall in the application list all jurisdictions, foreign and domestic, in which the applicant has applied for or holds a designation to practice public accountancy, and each holder of a certificate issued under this paragraph shall notify the board in writing, within 30 days after its occurrence, of any issuance, denial, revocation, or suspension of a designation or commencement of a disciplinary or enforcement action by any jurisdiction.

XII. The board has the sole authority to interpret the application of the provisions of paragraphs X and XI.

309-B:8 Firm Permits to Practice; Attest Experience and Peer Review.

I. The board shall grant or renew permits to practice as a CPA firm to entities that make application and demonstrate their qualifications therefor in accordance with the requirements of this section or to CPA firms originally licensed in another state that establish an office in this state. A firm shall hold a permit issued under this section in order to provide attest services or to use the designation "CPAs" or "CPA firm."

II. Permits shall be initially issued and renewed for periods of not more than 3 years. Annual periods shall coincide with the state's fiscal year, beginning on July 1 and ending on the subsequent June 30. Applications for such permits shall be made in such form and in the case of applications for renewal, between such dates, as the board shall by rule specify. A permit shall remain valid for the period of time that the board requires to act on the application for renewal, provided that the renewal was submitted in accordance with the rules adopted by the board. The board shall grant or deny any application no later than 90 days after the application is filed in proper form. In any case where the applicant seeks the opportunity to show that issuance or renewal of a permit was mistakenly denied or where the board is not able to determine whether it should be granted or denied, the board may issue to the applicant a provisional permit, which shall expire 90 days after its issuance or when the board determines whether or not to issue or renew the permit for which application was made, whichever shall first occur.

III. An applicant for initial issuance or renewal of a permit to practice under this section shall be required to show that:

(a) Notwithstanding any other provision of law, a 2/3 majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members or managers, belongs to holders of a certificate who are licensed in some state of the UnitedStates and such partners, officers, shareholders, members, or managers, whose principal place of business is in this state, and who perform professional services in this state, hold a valid certificate issued under RSA 309-B:5 or the corresponding provisions of prior law or are public accountants licensed under RSA 309-B:9. Firms may include non-licensee owners but the firm and its ownership shall comply with rules adopted by the board. For firms of public accountants, at least a 2/3 majority of the ownership of the firm, in terms of financial interests and voting rights, shall belong to holders of registration under RSA 309-B:9.

(b) Any CPA or PA firm may include non-licensee owners provided that:

(1) The firm designates a licensee of this state, who is responsible for the proper registration of the firm and identifies that individual to the board.

(2) All non-licensee owners are active individual participants in the CPA or PA firm or affiliated entities.

(3) The firm complies with such other requirements as the board may impose by rule.

(c) Any individual licensee who is responsible for supervising attest services, and signs or authorizes someone to sign the accountant's report on the financial statements on behalf of the firm, shall meet the appropriate experience requirements for such services as required by professional standards for such services.

(d) Any individual licensee who signs or authorizes someone to sign the accountant's report on the financial statements on behalf of the firm shall meet the experience requirement of RSA 309-B:8, III(c).

IV. An applicant for initial issuance or renewal of a permit to practice under this section shall be required to register each office of the firm within this state with the board and show that all attest services rendered in this state are under the charge of a person holding a valid certificate issued under RSA 309-B:5 or the corresponding provision of prior law or some other state.

V. The board shall charge a fee for each application for initial issuance or renewal of a permit under this section in an amount prescribed by the board by rule.

VI. Applicants for initial issuance or renewal of permits under this section shall in their application list all states in which they have applied for or hold permits as CPA firms and list any past denial, revocation, or suspension of a license or permit by any other state, and each holder of or applicant for a permit under this section shall notify the board in writing, within 30 days after its occurrence, of any change in the identities of partners, officers, shareholders, members, or managers whose principal place of business is in this state, any change in the number or location of offices within the state, any change in the identity of the persons in charge of such offices, and any issuance, denial, revocation, or suspension of license or permit by any other state.

VII. Firms which fall out of compliance with the provisions of this section due to changes in firm ownership or personnel, after receiving or renewing a license, shall take corrective action to bring the firm back into compliance as quickly as possible. The board may grant a reasonable period of time for a firm to take such corrective action. Failure to bring the firm back into

compliance within a reasonable period as defined by the board will result in the suspension of the firm permit.

VIII. The board shall by rule require, on either a uniform or random basis, as a condition to renewal of permits under this section, that applicants undergo, no more frequently than once every 3 years, peer reviews conducted in such manner as the board shall specify, and such peer review shall include a verification by the reviewer that individuals in the firm who are responsible for attest services and who sign or authorize someone to sign the accountant's report on the financial statements on behalf of the firm meet the experience requirements set out in professional standards for such services, provided that such rule:

(a) Shall be adopted reasonably in advance of the time when it first becomes effective;

(b) Shall include reasonable provision for compliance by an applicant showing that it has, within the preceding 3 years, undergone a peer review that is a satisfactory equivalent to peer review generally required pursuant to this paragraph;

(c) Shall require, with respect to peer reviews contemplated by subparagraph (b), that they be subject to oversight by an oversight body established or sanctioned by board rule, which body shall periodically report to the board on the effectiveness of the review program under its charge, and provide to the board a listing of firms that have participated in a peer review program that is satisfactory to the board; and

(d) Shall require, with respect to peer reviews contemplated by subparagraph (b), that the peer review processes be operated and documents maintained in a manner designed to preserve confidentiality, and that neither the board nor any third party, other than the peer review oversight body, shall have access to documents furnished or generated in the course of such peer review. This subparagraph shall not be construed to limit the board's subpoena power under RSA 309-B:11, I; nor shall it be construed to prevent the board from obtaining from the applicant, its peer review report, the related letter of comment, and the related letter of response.

309-B:9 Public Accountants and Firms of Public Accountants.

I. Persons who on January 1, 2,000 hold registrations as public accountants issued under prior law of this state shall be entitled to have their registrations renewed upon fulfillment of the continuing professional education requirements for renewal of certificates set out in RSA 309-B:7, and on the renewal cycle and payment of fees there prescribed for renewal of certificates. Any registration not so renewed shall expire January 1, 2003.

II. Firms of public accountants holding permits to practice as such issued under prior law of this state shall be entitled to have their permits to practice renewed pursuant to the procedures set out in RSA 309-B:8, subject to the requirements for renewal of permits to practice for firms of certified public accountants.

III. So long as such public accountants hold valid registrations and permits to practice, they shall be entitled to perform attest services to the same extent as holders of certificates and holders of permits. In addition, they shall be entitled to use the title "public accountant" and "PA," but no other title under this chapter. The holder of a registration issued under this section may perform attest services only in a firm that holds a permit under RSA 309-B:8.

309-B:10 Enforcement Against Holders of Certificates, Permits, and Registrations.

I. After notice and hearing pursuant to RSA 309-B:12, the board may revoke any certificate, permit, or registration issued under RSA 309-B:7, 309-B:8 or 309-B:9 or corresponding provisions of prior laws; suspend any such certificate, permit, or registration; or refuse to renew any such certificate, permit, or registration for a period of not more than 5 years. The board may reprimand, censure, or limit the scope of practice of any licensee; impose an administrative fine not exceeding $1,000; or place any licensee on probation, all with or without terms, conditions, and limitations, for any one or more of the following reasons:

(a) Fraud or deceit in obtaining a certificate, permit, or registration.

(b) Cancellation, revocation, suspension, or refusal to renew a license or practice rights by any other state, including possessions of the United States, for any cause involving disciplinary reasons.

(c) Failure, on the part of a holder of a certificate under RSA309-B:7 or permit under RSA309-B:8 or registration under RSA 309-B:9, to maintain compliance with the requirements for issuance or renewal of such certificate, permit, or registration or to report changes to the board under RSA 309-B:7, VI and 309-B:8, VI.

(d) Revocation or suspension of the right to practice before any state, including possessions of the United States, or federal agency for disciplinary reasons.

(e) Dishonesty, fraud, or gross negligence in the performance of services as a licensee or in the filing or failure to file the licensee's own income or employment tax returns or the payment of the licensee's income or employment tax liability.

(f) Violation of any provision of this chapter or rule adopted by the board under this chapter or violation of professional standards.

(g) Violation of any rule of professional conduct adopted by the board under RSA309-B:4, VIII(d).

(h) Conviction of a felony, or of any crime an element of which is dishonesty or fraud, under the laws of the United States, of this state, or of any other state, of any possessions of the United States, or of any other country if the acts involved would have constituted a crime under the laws of this state.

(i) Performance of any fraudulent act while holding a certificate, registration, or permit issued under this chapter or prior law.

(j) Any conduct reflecting adversely upon the licensee's fitness to perform services as a licensee.

(k) Making any false or misleading statement or verification, in support of an application for a certificate, registration, or permit filed by another.

II. In lieu of, or in addition to, any remedy specifically provided in paragraph I of this section, the board may require one or both of the following of a licensee:

(a) A peer review conducted in such fashion as the board shall specify.

(b) Satisfactory completion of such continuing professional education programs as the board may specify.

III. In any proceeding in which a remedy provided by paragraph I or II of this section is imposed, the board may also require the respondent licensee to pay the costs of the proceeding.

309-B:11 Enforcement Procedures; Investigations.

I. The board may, upon receipt of a complaint or other information suggesting violations of this chapter or of the rules of the board, conduct investigations to determine whether there is probable cause to institute proceedings under RSA 309-B:12, 309-B:15 or 309-B:16 against any person or firm for such violation, but an investigation under this section shall not be a prerequisite to such proceedings in the event that a determination of probable cause can be made without investigation. In aid of such investigations, the board, through its chairperson, shall have the power to compel the testimony of witnesses and the production of documents or other evidence by the issuance of subpoenas. The board and the defendant may take the depositions of witnesses residing within or without the state pertaining to any matter being investigated.

II. The board may designate a member, or any other person of appropriate competence, to serve as investigating officer to conduct an investigation. Upon completion of the investigation, the investigating officer shall file a report with the board. The board shall find probable cause or lack of probable cause based upon the report or shall return the report to the investigating officer for further investigation. Unless there has been a determination of probable cause, the report of the investigating officer, the complaint, if any, the testimony and documents submitted in support of the complaint or gathered in the investigation, and the fact of pendency of the investigation shall be treated as confidential information and shall not be disclosed to any person except law enforcement authorities, and, to the extent deemed necessary in order to conduct the investigation, the subject of the investigation, persons whose complaints are being investigated, and witnesses questioned in the course of the investigation.

III. Upon a finding of probable cause, if the subject of the investigation is a licensee, the board shall direct that a complaint be issued under RSA 309-B:12, and if the subject of the investigation is not a licensee, the board shall take appropriate action under RSA 309-B:15 or 309-B:16. Upon a finding of no probable cause, the board shall close the matter and shall thereafter release information relating to the investigation only with the consent of the person or firm under investigation.

IV. The board may review the publicly available professional work of licensees on a general and random basis, without any requirement of a formal complaint or suspicion of impropriety on the part of any particular licensee. If, as a result of such review, the board discovers reasonable grounds for a more specific investigation, the board may proceed under paragraphs I through III of this section.

309-B:12 Enforcement Procedures; Hearings by the Board.

I. In any case where probable cause with respect to a violation by a licensee has been determined by the board, whether following an investigation under RSA309-B:11, or upon receipt of a written complaint furnishing grounds for a determination of such probable cause, or upon receipt of notice of a decision by the board of accountancy or similar agency of another state, possession of the United States or country furnishing such grounds, the board shall issue a complaint setting forth appropriate charges and set a date for a disciplinary hearing before the board on such charges. The board shall, not less than 30 days prior to the date of such hearing, serve a copy of the complaint and

notice of the time and place of the hearing upon the licensee, together with a copy of the board's rules governing proceedings under this section, either by personal delivery or by mailing a copy by certified mail, return receipt requested, to the licensee at the licensee's address last known to the board.

II. A licensee against whom a complaint has been issued under this section shall have the right, reasonably in advance of the hearing, to examine and copy the report of investigation, if any, and any documentary or testimonial evidence and summaries of anticipated evidence in the board's possession relating to the subject matter of the complaint. The board's rules governing proceedings under this section shall specify the time and manner in which such right may be exercised.

III. In a hearing under this section the respondent licensee may appear in person or, in the case of a firm, through a duly authorized partner, officer, director, or shareholder member or manager, or by counsel. The respondent or counsel may examine witnesses and evidence presented in support of the complaint, and may present evidence and witnesses on the licensee's behalf. The licensee shall have the right, on application to the board, to the issuance of subpoenas to compel the attendance of witnesses and the production of documentary evidence.

IV. The evidence supporting the complaint shall be presented by the investigating officer, by a board member designated for that purpose, or by counsel. A board member who presents the evidence, or who has conducted the investigation of the matter under RSA 309-B:11, shall not participate in the board's decision of the matter.

V. In a hearing under this section, the board shall be advised by counsel, and such individual shall not be the same counsel who presents or assists in presenting the evidence supporting the complaint under paragraph IV of this section.

VI. In a hearing under this section, the board shall not be bound by the technical rules of evidence.

VII. In a hearing under this section, a stenographic or electronic record shall be made and filed with the board. A transcript need not be prepared unless review is sought under paragraph X of this section or the board determines that there is other good cause for its preparation. The respondent may request a copy of such record and shall bear the cost of making such copy.

VIII. In a hearing under this section, a recorded vote of a majority of all members of the board, excluding members disqualified by reason of paragraph IV or other reasons under this section, shall be required to sustain any charge and to impose any penalty with respect to such hearing.

IX. If, after service of a complaint and notice of hearing as provided in paragraph I of this section, the respondent licensee fails to appear at the hearing, the board may proceed to hear evidence against the licensee and may enter such order as it deems warranted by the evidence. The order shall be final unless the licensee petitions for review under paragraph X of this section, provided, however, that within 30 days from the date of any such order, upon a showing of good cause for the licensee's failure to appear and defend, the board may set aside the order and schedule a new hearing on the complaint to be conducted in accordance with applicable paragraphs of this section.

X. Any person or firm adversely affected by any order of the board entered after a hearing under this section may appeal such order by filing a written petition with the superior court

in the county in which the respondent resides or, if not a resident of this state, in the county in which the respondent has a place of business or resident agent. The petition shall be filed within 30 days after the entry of the order. The respondent shall exhaust all applicable administrative procedures before periodical review may commence. The procedures for review and the scope of the review shall be as specified in RSA 541-A, the New Hampshire Administrative Procedure Act.

XI. In any case where the board renders a decision imposing discipline against a licensee under RSA 309-B:10 or RSA 309-B:12, the board shall examine its records to determine whether the licensee holds a certificate, license, or a permit in any other state, possession of the United States, or country. If that is the case, the board shall notify the board of accountancy or other similar regulatory agency of such other state, possession of the United States, or country of its decision, by mail, within 45 days of rendering the decision or within 45 days of a final decision of an appeal by a court reviewing the board's decision, whichever is later. The board may also furnish information relating to proceedings resulting in disciplinary action to other public authorities and to professional organizations having a disciplinary interest in the licensee. Where a petition for review has been filed pursuant to RSA309-B:12, X, the notification and furnishing of information provided for in this paragraph shall await the resolution of such review and, if resolution is in favor of the licensee, no such notification or furnishing of information shall be made.

309-B:13 Reinstatement.

I. In any case where the board has suspended or revoked a certificate, permit, or registration or refused to renew a certificate, permit, or registration, the board may, upon application in writing by the individual or firm affected and for good cause shown, modify the suspension or reissue the certificate, permit, or registration.

II. The board shall by rule specify the manner in which such applications shall be made, the times within which they shall be made, and the circumstances under which hearings will be held.

III. Before reissuing or terminating the suspension of a certificate, permit, or registration under this section, and as a condition to such action, the board may require the applicant to show successful completion of specified continuing professional education. The board may make the reinstatement of a certificate, permit, or registration conditional and subject to satisfactory completion of a peer review conducted in such fashion as the board shall specify.

309-B:14 Unlawful Acts.

I. Only licensees may issue a report on financial statements of any other person, firm, organization, or governmental unit or otherwise offer to render or render any attest service. This restriction shall not prohibit any act of a public official or public employee in the performance of that person's duties as such; or prohibit the performance by any person from the use of accounting skills, or analyzing and preparing projections of financial data in the performance of management advisory services, financial advisory services, consulting services, the preparation of tax returns, or the furnishing of advice on tax matters. This restriction also does not apply to non-licensees who may prepare financial statements and issue reports thereon which do not purport to be in compliance with the Statements on Standards for Accounting and Review Services (SSARS).

II. Licensees performing attest services shall provide those services pursuant to statements on standards relating to those services adopted by reference or directly by the board.

III. No person not holding a valid certificate shall use or assume the title or designation "certified public accountant," or the abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such person is a certified public accountant.

IV. No firm shall provide attest services or assume or use the title or designation "certified public accountants," or the abbreviation "CPAs," or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such firm is a CPA firm unless (1) the firm holds a valid permit issued under RSA 309-B:8, and (2) ownership of the firm is in accord with this chapter and rules adopted by the board.

V. No person shall assume or use the title or designation "public accountant," or the abbreviation "PA," or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such person is a public accountant unless such person holds a valid registration issued under RSA 309-B:9.

VI. No person or firm not holding a valid certificate, permit, or registration issued under RSA 309-B:7, 309-B:8 or 309-B:9 shall provide attest services or assume or use the title or designation "public accountant," the abbreviation "PA," or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such firm is composed of public accountants.

VII. No person or firm not holding a valid certificate, permit, or registration issued under RSA 309-B:7, 309-B:8 or 309-B:9 shall assume or use the title or designation "certified accountant," "chartered accountant," "enrolled accountant," "licensed accountant," "registered accountant," "accredited accountant," or any other title or designation likely to be confused with the titles "certified public accountant" or "public accountant," or use any of the abbreviations "CA," "LA," "RA," "AA," or similar abbreviation likely to be confused with the abbreviations "CPA" or "PA." The title "Enrolled Agent" or "EA" may only be used by individuals so designated by the Internal Revenue Service.

VIII. Persons not licensed under this chapter shall not use language in any statement relating to the financial affairs of a person or entity which is conventionally used by licensees in reports on financial statements. In this regard, the board shall issue safe harbor language non-licensees may use in connection with such financial information. Such disclaimer language shall include the following:

"I (we) have prepared the accompanying (financial statements) of (name of entity) as of (time period) for the (period) then ended. This presentation is limited to preparing in the form of financial statements information that is the representation of management (owners).

I (we) have not audited or reviewed the accompanying financial statements and accordingly do not express an opinion or any form of assurance on them."

IX. No person or firm not holding a valid certificate, permit, or registration issued under RSA309-B:7, 309-B:8 or 309-B:9 shall assume or use any title or designation that includes the words "accountant," "auditor," or "accounting," in connection with any other language, including the language of a report, that implies that such person or firm holds such a certificate, permit, or registration or has special competence as an accountant or auditor. This paragraph shall not prohibit any officer, partner, or employee of any firm or organization from affixing a signature to any statement in reference to the financial affairs of such firm or organization with any wording designating the position, title, or office that person holds, nor shall it prohibit any act of a public

official or employee in the performance of that person's duties. Nothing in this chapter shall prohibit non-licensees who perform services involving the use of accounting skills from describing such services as "bookkeeping", "tax preparation" or "general accounting" services or describing themselves as "accountants".

X. No persons holding a certificate or registration or firm holding a permit under this chapter shall use a professional or firm name or designation that is misleading about the legal form of the firm, or about the persons or number of persons who are partners, officers, members, managers, or shareholders of the firm, or about any other matter; provided, however, that names of one or more of the former partners, members, managers or shareholders may be included in the name of a firm or its successor.

XI. No provision of this section shall have any application to a person holding a certification, designation, degree, license, or permit granted in a foreign country entitling the holder to engage in the practice of public accountancy or its equivalent in such country, whose activities in this state are limited to the provision of professional services to persons or firms who are residents of, governments of, or business entities of the country in which the person holds such entitlement, who performs no attest services as defined, and who issues no reports with respect to the financial statements of any other persons, firms, or governmental units in this state, and who does not use in this state any title or designation other than the one under which that person practices in such country, followed by a translation of such title or designation into English, if it is in a different language, and by the name of such country.

XII. No holder of a certificate issued under RSA 309-B:7 or a registration issued under RSA309-B:9 shall perform attest services in any firm that does not hold a valid permit issued under RSA 309-B:8.

XIII.(a) A licensee shall not for a commission recommend or refer to a client any product or service, or for a commission recommend or refer any product or service to be supplied by a client, or receive a commission, when the licensee also performs for that client an attest service as defined in RSA 309-B:3, I or a compilation of a financial statement when the licensee expects, or reasonably might expect, that a third party will use the financial statement and the licensee's compilation report does not disclose a lack of independence.

(b) A licensee who is not prohibited by this section from performing services for or receiving a commission and who is paid or expects to be paid a commission shall disclose that fact to any person or entity to whom the licensee recommends or refers a product or service to which the commission relates.

(c) Any licensee who accepts a referral fee for recommending or referring any service of a licensee to any person or entity or who pays a referral fee to obtain a client shall disclose such acceptance or payment to the client.

XIV.(a) A licensee shall not:

(1) Perform for a contingent fee any professional services for, or receive such a fee from a client for whom the licensee or the licensee's firm performs an attest service as defined in RSA 309-B:3, I or a compilation of a financial statement when the licensee expects, or reasonably might expect, that a third party will use the financial statement and the licensee's compilation report does not disclose a lack of independence; or

(2) Prepare an original or amended tax return or claim for a tax refund for a contingent fee for any client; provided however that a licensee may prepare an amended return or claim for refund for a contingent fee if that licensee has a reasonable expectation that the amended return or claim for refund will be the subject of substantive review by the taxing authority.

(b) The prohibition in subparagraph (a) applies during the period in which the licensee is engaged to perform any of the services listed in subparagraph (a) and the period covered by any historical financial statements involved in any such listed services.

(c) Except as otherwise provided in this subparagraph, a contingent fee is a fee established for the performance of any service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of such service. Solely for purposes of this section, fees are not regarded as being contingent if fixed by courts or other public authorities, or, in tax matters, if determined based on the results of judicial proceedings or the findings of governmental agencies. A licensee's fees may vary depending, for example, on the complexity of services rendered.

XV. Nothing within this section shall prohibit a practicing attorney or firm of attorneys from preparing or presenting records or documents customarily prepared by an attorney or firm of attorneys in connection with the attorney's professional work in the practice of law, or from billing a client or receiving a fee from a client in conformity with the professional conduct rules that govern the practice of law by such attorney or firm of attorneys.

309-B:15 Injunctions Against Unlawful Acts. Whenever, as a result of an investigation under RSA 309-B:11 or RSA 309-B:12, the board believes that any person or firm has engaged, or is about to engage, in any acts or practices which constitute or will constitute a violation of RSA 309-B:14, the board may make application to the appropriate court for an order enjoining such acts or practices. Upon a showing by the board that such person or firm has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order, or other order as may be appropriate may be granted by such court.

309-B:16 Criminal Penalties.

I. Whenever, by reason of an investigation under RSA 309-B:11 or otherwise, the board has reason to believe that any person or firm has knowingly engaged in acts or practices which constitute a violation of RSA309-B:14, the board may bring its information to the attention of the department of justice of this state which may, in its discretion, cause appropriate criminal proceedings to be brought.

II. Any person who knowingly violates any provision of RSA309-B:14 shall be guilty of a class A misdemeanor.

309-B:17 Single Act as Evidence of Practice. In any action brought under RSA309-B:12, RSA309-B:15 or RSA 309-B:16, evidence of the commission of a single act prohibited by this chapter shall be sufficient to justify the imposition of a penalty, injunction, restraining order, or conviction, respectively, without evidence of a general course of conduct.

309-B:18 Confidential Communications. Except by permission of the client for whom a licensee performs services, or the heirs, successors, or personal representatives of such client, a licensee or any partner, officer, member, manager, shareholder, or employee of a licensee shall not voluntarily disclose information communicated to such person by the client relating to and in connection with services rendered to the client by the licensee. Such information shall be deemed

confidential, provided, however, that nothing in this chapter shall be construed as prohibiting the disclosure of information required to be disclosed by the standards of the public accounting profession in reporting on the examination of financial statements or as prohibiting disclosures in court proceedings or administrative proceedings before governmental agencies in instances where a subpoena or summons has been issued, in investigations or proceedings under RSA 309-B:11 or RSA 309-B:12, in ethical investigations conducted by private professional organizations, or in the course of peer reviews, or to other persons active in the organization performing services for that client on a need to know basis or to persons in such professional organization, peer review entity, or organization performing services for that client who need this information for the sole purpose of assuring quality control.

309-B:19 Licensees' Working Papers and Clients' Records.

I. Subject to the provisions of RSA 309-B:18, all statements, records, schedules, working papers, and memoranda made by a licensee or a partner, shareholder, officer, director, member, manager, or employee of a licensee, incident to, or in the course of, rendering services to a client except for the records that are part of the client's records, shall be and remain the property of the licensee in the absence of an express agreement between the licensee and the client to the contrary. No such statement, record, schedule, working paper, or memorandum shall be sold, transferred, or bequeathed, without the consent of the client or the client's personal representative or assignee, to anyone other than one or more surviving partner, member or stockholder or new partner, new member or new stockholder of the licensee, or any combined or merged firm or successor in interest to the licensee. Nothing in this section shall be construed as prohibiting any temporary transfer of work papers or other material necessary in the course of carrying out peer reviews or as otherwise interfering with the disclosure of information pursuant to RSA 309-B:18.

II. A licensee shall furnish to the client or former client, upon request and reasonable notice:

(a) A copy of the licensee's working papers, to the extent that such working papers include records that would ordinarily constitute part of the client's records and are not otherwise available to the client; and

(b) Any accounting or other records belonging to, or obtained from or on behalf of, the client that the licensee removed from the client's premises or received for the client's account. The licensee may make and retain copies of such documents of the client when they form the basis for work done by the licensee.

(c) A copy of computer prepared client data diskettes containing client ledger data, spread sheet data, client documents and any other such data of the client or former client that would ordinarily constitute part of the client's records and not otherwise be available to the client.

III. Nothing in this section shall require a licensee to keep any work paper beyond the period prescribed in any other applicable statute.

309-B:20 Appointment of Secretary of State as Agent. Application by a person or a firm not a resident of this State for a certificate under RSA 309-B:7 or a license to practice under RSA 309-B:8 shall constitute appointment of the secretary of state as the applicant's agent upon whom process may be served in any action or proceeding against the applicant arising out of any transaction or operation connected with or incidental to services performed by the applicant while a licensee within this state.

309-B:21 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

Amend the bill by replacing section 3 with the following:

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

HB 691-FN, relative to persons receiving split benefit accidental disability retirement benefit allowances. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration**:** This bill would have changed some of the requirements for vested deferred benefits in the retirement system. The changes are necessary but can be postponed for another year. After consultation with the retirement system, it was felt appropriate to make this bill inexpedient to legislate and address all similar questions of language changes in a future bill. Vote 15-0.

HB 616-FN-A, relative to providing funds to certified driver education courses from the driver training fund. OUGHT TO PASS WITH AMENDMENT

Rep. Vivian R. Clark for Finance**:** As received from the policy committee, this bill would reimburse students at private driving schools at the same rate that public schools are reimbursed for their drivers' ed students. Review of the financial aspects of the bill brought out that the Department of Safety is unsure of how many students are currently eligible for public driver education or of how many annually take private courses; that reimbursement is being made for some out-of-state residents; that passing the course is not required for reimbursement; and that reimbursement funds are used for widely different purposes, including support of athletic programs. The amendment therefore changes the bill to create a study committee to examine all of these issues. Vote 23-0.

Amendment (1165hh)

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

AN ACT establishing a house study committee to consider issues related to the driver training fund.

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

1 Committee Established. There is established a committee to study issues related to the driver training fund established pursuant to RSA 263:52.

2 Membership and Compensation.

I. The membership of the committee shall consist of 3 members of the house transportation committee and 2 members of the house finance committee, appointed by the speaker of the house.

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

3 Duties. The committee shall study issues related to the driver training fund established pursuant to RSA 263:52, including but not limited to:

I. Revenue generated for the fund from the issuance of original licenses and vanity plates.

II. Recipients of reimbursement from the fund.

III. Utilization of reimbursement funds.

IV. Methods of reimbursement.

V. Requirements for reimbursement.

4 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 member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

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

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

AMENDED ANALYSIS

This bill establishes a study committee to consider issues related the driver training fund, established pursuant to RSA 263:52.

HB 698-FN-L, restricting fees for registration permits for certain vehicles. OUGHT TO PASS

Rep. Vivian R. Clark for Finance**:** This bill is intended to create some consistency in the fees charged for registration of construction equipment. Neither the Department of Safety nor the Municipal Association could predict how the change would affect revenues, but both agreed that the amount of the change would be small and neither had any objection to it. Vote 22-0.

HB 551, relative to employers who are subject to state law against discrimination. OUGHT TO PASS WITH AMENDMENT

Rep. Tony F. Soltani for Judiciary**:** This bill, as amended, expands the application of the New Hampshire Anti-Discrimination Law and codifies certain exemptions. The bill will treat all entities in the private sector equally regardless of their for-profit or not-for-profit status. State and local governments will remain subject to the prohibitions of the statute. This act will also codify exemptions for religious organizations, where the entity seeks to advance its philosophical or theological objectives. Additionally, an exemption is made for circumstances where a bona fide employment qualification may create a preference. The exemptions adopted are, for the most part, adaptations of parts of the Federal Title VII exemption, as well as, the New York State Law exemptions for religious institutions. These laws have been subject to repeated scrutiny by the courts and the committee sought to avoid the reinvention of the wheel. The law will only impact

employment relationships where the employer has six (6) or more employees. It does not affect membership in social clubs, public accommodations, housing or other activities. Vote 13-1.

Amendment (1156h)

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

AN ACT revising the definition of "employer" under the employment discrimination laws of the state.

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

1 Commission for Human Rights; Definitions. Amend RSA 354-A:2, VII to read as follows:

VII. "Employer" does not include [~~a club exclusively social, or a fraternal, charitable, educational or religious association or corporation, if such club, association or corporation is not organized for private profit, nor does it include~~] any employer with fewer than 6 persons in its employ, but shall include the state and all political subdivisions, boards, departments and commissions thereof.

(a) Nothing in this section shall prevent an employer from hiring and employing employees on the basis of religion, sex, national origin, family or marital status, sexual orientation, color, creed or disability in those instances where religion, sex, national origin, family or marital status, sexual orientation, color, creed or absence of disability is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

(b) Nothing in this section shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes which is operated, supervised or controlled by or in connection with a religious organization, from limiting employment or giving preference to persons of the same religion or denomination in taking such actions as are calculated by the religious organization to promote the religious principles for which it is established or maintained.

4 Effective Date. This act shall take effect January 1 2000.

AMENDED ANALYSIS

This bill revises the definition of "employer" under the employment discrimination laws of the state.

HB 728-FN, relative to per diem reimbursement to legislators for expenses on days of legislative committee meetings. OUGHT TO PASS WITH AMENDMENT

Rep. Peter H. Burling for Legislative Administration**:** The committee felt it is time for a serious and thorough review of the compensation and reimbursement of legislators. This study will be done by June 30, 2000, and will offer the possibility of meaningful change for the next century. Vote 13-0.

Amendment (1203h)

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

AN ACT establishing a commission to study the compensation of members of the legislature and the reimbursement for expenses.

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

1 Commission Established. There is established a commission to study the compensation of members of the legislature and the reimbursement for expenses.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

(c) Three nonvoting members appointed by the governor.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall study the compensation and reimbursement for expenses of members of the New Hampshire house of representatives and the New Hampshire senate.

4 Chairperson; Quorum. The speaker of the house shall appoint a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member and shall be held within 45 days of the effective date of this section. Five members of the commission shall constitute a quorum.

5 Report. The commission 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 June 30, 2000.

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

AMENDED ANALYSIS

This bill establishes a commission to study the compensation of the members of the legislature and the reimbursement for expenses.

SB 81, permitting the city of Manchester to issue bonds to finance unfunded liability of the city's employee pension system. OUGHT TO PASS WITH AMENDMENT

Rep. Elizabeth S. Hager for Municipal and County Government**:** This bill allows Manchester flexibility in funding one of its pension plans. The Committee was reassured that a great deal of preparation and research was done in preparation of the bill's filing. The amendment "sunsets" the bill after five years. Vote 15-0.

Amendment (1169h)

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

2 Definition. In this act, the "old" pension system means the city of Manchester pre-1974 non-contributory pension system.

3 Issuance of Bonds or Notes. The city of Manchester is hereby authorized to issue bonds or notes from time to time up to an aggregate principal amount not exceeding $30,000,000 for the purpose of funding the unfunded pension liability of the pay-as-you-go "old" pension system of the city of Manchester. Bonds or notes issued pursuant to the authority hereof shall be issued for terms not in excess of 30 years from their date of issue and, except as otherwise provided herein, shall be subject to the applicable provisions of RSA 33, the municipal finance act. The aggregate amount of bonds or notes which may be issued by the city of Manchester hereunder, shall not exceed the amount which the "old" pension system of the city of Manchester, with the approval of the mayor and city finance officer, shall determine to be the unfunded actuarial liability of the "old" pension system of the city of Manchester. Such determination of the "old" pension system of the city of Manchester shall be based upon the report of a nationally recognized independent consultant actuary, which may be the consulting actuary generally retained by the city of Manchester. Such report shall also set forth the present value savings to the city of Manchester reasonably expected to be achieved as a result of the issuance of such bonds and shall be filed with the board of mayor and aldermen of the city of Manchester prior to the final passage of any bond resolution of the city of Manchester authorizing the issuance of bonds or notes hereunder.

4 Maturity Schedules. Notwithstanding the provisions of any general or special law to the contrary, the maturities of bonds or notes issued pursuant to the authority of this act shall either be arranged so that for each issue the annual combined payments of principal and interest shall be as nearly equal as practicable in the opinion of the officer of the city authorized to issue said bonds or notes or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal.

5 Investment of Proceeds. Proceeds of any bonds or notes issued pursuant to the authority of this act, shall be paid by the city of Manchester to the trustees of trust funds of the city of Manchester, shall be allocated solely to reduce the funding obligations of the city of Manchester thereto, and shall be held, invested, and expended by the trustee of trust funds of the city of Manchester in accordance with law.

6 Authority to Issue Bonds or Notes. The authority of the city of Manchester to issue bonds or notes provided in section 3 of this act shall terminate on July 1, 2004. The termination of the authority to issue bonds or notes shall not effect the validity of any bonds or notes issued prior to July 1, 2004.

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

HB 263, repealing the Northern New England Low-Level Radioactive Waste Management Compact. OUGHT TO PASS

Rep. Ralph J. Rosen for Science, Technology and Energy**:** This compact was formed on paper a number of years ago. It has never existed as an organization, no meetings were ever held, and no record of any correspondence exists. Maine and Vermont withdrew from the compact and entered into agreements with Texas for handling low-level waste. New Hampshire has turned to South Carolina. The current House and Senate appointees to the compact committee are the sponsors of this bill. Vote 16-0.

HJR 8, urging the Federal Energy Regulatory Commission to change the structure of the New England Individual Service Organization (ISO). OUGHT TO PASS WITH AMENDMENT

Rep. Gary R. Gilmore for State-Federal Relations and Veterans Affairs**:** This resolution urges the Federal Energy Regulatory Commission (FERC) to appoint a more diverse, representative, and local Board to govern the New England Independent System Operator (ISO), the agency responsible for operating New England's electric transmission grid. The current ISO Board is largely comprised of individuals from outside the New England region while some other regional ISOs are comprised in a similar manner as advocated in the resolution. Of additional concern is the lack of competitive power supply being built in New England and the ISO's failure in facilitating such energy policy. Vote 15-0.

Amendment (1176h)

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

A RESOLUTION urging the Federal Energy Regulatory Commission to change the structure of the New England Independent System Operator (ISO).

Amend the resolution by replacing all after the resolving clause with the following:

That the general court of the state of New Hampshire urges the Federal Energy Regulatory Commission to appoint a diverse body to govern the New England Independent System Operator (ISO), with membership from the following groups, selected by the membership of said groups:

I. Four representatives from investor-owned utilities.

II. Two representatives from municipally or cooperatively owned utilities.

III. One representative of industrial consumers.

IV. One representative of commercial consumers.

V. One representative of residential consumers.

VI. One representative from an environmental public interest group.

VII. One representative from a public utility commission.

VIII. One representative from a non-utility organization which markets energy products; and

IX. One representative of a consumer advocate's office.

That membership shall be apportioned to provide representation from throughout the New England states; and

That a copy of this resolution, signed by the president of the senate and the speaker of the house, be forwarded by the house clerk to the Commissioner of the Federal Energy Regulatory Commission, and the congressional delegations, house and senate leaders and governors of all the New England States.

AMENDED ANALYSIS

This house joint resolution urges the Federal Energy Regulatory Commission to change the structure of the New England Independent System Operator (ISO) to create a more appropriate and representative body to address the utility issues before it.

HB 680-FN-A, establishing a veterans' programs number plate trust fund and a special veterans' programs license plate, to support state veterans' programs. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation**:** An amendment was offered by the sponsor to establish a $25 fee for these special license plates and an advisory commission to design the plates. The committee has many members who are veterans and support veterans issues. They commend the sponsors for their effort, however, they are opposed to the use of special license plates to do so. The Department of Safety felt that the start up cost associated with the development and implementation of a new special plate issuance would be about $25,000 for 900 sets of special plates, not including the cost of a data base and programmers or commission. There were also recent reports from our neighbor to the south that has implemented 7 such special plates and have not sold well. This state has not even recovered the start up or inventories cost. The committee also recognizes that the conservation license plate has not been issued yet, and this needs to be considered. Finally, the committee heard testimony from the commissioner of safety that the legal purpose for license plates is for law enforcement to recognize proper registration. The department would like to discourage legislation of special license plates for recognition and safety concerns within the law enforcement community. Vote 18-0.

regular calendar - PART I (cont'd.)

HB 241, relative to party nominations in multi-seat districts. INEXPEDIENT TO LEGISLATE

Rep. Janet S. Arndt for Election Law**:** This bill would permit candidates for state office in multi-seat districts to receive the nomination of more than one political party. Under current law, only candidates for multi-seat districts are prohibited from accepting the nomination of more than one party. On March 25, this House passed HB 381, by a vote of 243-102, making this prohibition uniform for all candidates. This bill would reverse that action. The majority of the committee continues to endorse the goal of HB 381, which is to assure "truth in labeling" by having candidates run as members of their own party only. The purpose of the primary election is to allow party members to select the best candidate for the general election. It is less confusing to list candidates on the general election ballot with only one party affiliation-------this allows voters to understand more clearly the actual party affiliation of the candidate for whom they are voting. Vote 11-2.

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

Rep. Jacobson spoke against.

Rep. Vaughn spoke against and yielded to questions.

Reps. Buckley and Lozeau spoke in favor and yielded to questions.

Rep. Arndt requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 230 NAYS 97			
YEAS 230			
BELKNAP			
Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Millham, Alida	Pilliod, James	Rosen, Ralph	Salatiello, Thomas
Turner, Robert	Wendelboe, Francine	Wood, Jane	
CARROLL			
Babson, David, Jr	Chandler, Gene	Kenney, Joseph	Mock, Henry
Patten, Betsey	Torressen, Gary		
CHESHIRE			
Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Hunt, John	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Meader, David	Pratt, Irene	Riley, William	Roberts, William
Rose, William	Royce, H Charles	Smith, Edwin	
COOS			
Davis, Perley	Guay, Lawrence	Landers, Dana	Mears, Edgar
Merrill, Gerald	Rodrigue, Robert	Tholl, John, Jr	Woodward, David
GRAFTON			
Akins, Ralph	Almy, Susan	Cobb, John	Copenhaver, Marion
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Guest, Robert
Hall, David	Harmon, Hobart	Johnson, Gary	LaMott, Paul
Marshall, Gene	Picconi, Al	Weber, Phil	
HILLSBOROUGH			
Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr
Arthur, Rose	Baroody, Benjamin	Batula, Peter	Beaupre, Roland
Bergin, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Burkush, James	Calawa, Leon, Jr	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Curran, James	Daigle, Robert
Dalianis, Griffin	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A

Durham, Susan	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Ford, Nancy	Foster, Linda	Franks, Suzan	Gagnon, Eugene
Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Goulet, Maurice	Hansen, Herbert	Herman, Keith	Holley, Sylvia
Jean, Claudette	Jean, Loren	Johnson, Lionel	Keye, Harvey
Konys, Christine	Kurk, Neal	LaPorte, George	Lasky, Bette
Lessard, Rudy	Lozeau, Donnalee	Lynde, Harold	MacGillivray, Jeffrey
McCarthy, William	McCarty, Winston	McDonald, James, Sr	McGough, Tim
Mendenhall, Leslie	Mercer, Robert	Milligan, Robert	Moriarty, Mary
Murphy, Robert	Nolan-Piteri, Dawn	O'Hearn, Jane	Pappas, Marc
Reeves, Sandra	Sargent, Maxwell	Thulander, O Alan	Turgeon, Roland
Wall, Nancy	White, John	Withee, Dennis	
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Chase, George	Daneault, Gabriel
Davis, Francis	Fortnam, Janet	Hess, David	Larrabee, David, Sr
Leber, William	Lockwood, Priscilla	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Nichols, Avis	Potter, Frances	Poulin, Dave
Rodd, Beth	Soltani, Tony	Virtue, Carolyn	Wallner, Mary Jane
Whalley, Michael	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Bishop, Franklin
Blanchard, MaryAnn	Bridle, Russell	Case, Margaret	Clark, Martha
Corbin, C David	Cote, Patricia	Cox, Russell	Dalrymple, Janeen
Downing, Michael	Fesh, Robert	Francoeur, Sheila	Gibbons, Paul
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Letourneau, Robert	McKinney, Betsy
Morse, Charles	Norelli, Terie	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	O'Neil, Michael	Pitts, Jacqueline	Putnam, Ed, II
Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard	Reardon, Neil
Ruffner, Walter	Sabella, Norma	Sapareto, Frank	Schanda, Frank

Shelton, Richard	Shultis, Elizabeth	Stickney, Nancy	Stone, Joseph
Tufts, J Arthur	Weare, Everett	Zolla, William	
STRAFFORD			
Berube, Roger	Brown, George	Callaghan, Frank	Cossette, Larry
Domingo, Baldwin	Estabrook, Iris	Gilmore, Gary	Heon, Richard
Johnson, Nancy	Knowles, William	Lundborn, Raymond	Musler, George
Rollo, Michael	Smith, Marjorie	Spang, Judith	Spear, Barbara
Torr, Franklin	Vincent, Francis	Wall, Janet	Woods, Phyllis
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Flint, Gordon, Sr
Robb-Theroux, Amy	Wiggins, Celestine	Young, David	
NAYS 97 **BELKNAP**			
None			
CARROLL			
Bradley, Jeb	Dickinson, Howard	Lyman, L Randy	Philbrick, Donald
Sullivan, P Judith			
CHESHIRE			
Avery, Stephen	Manning, Joseph	McGuirk, Paul	Mitchell, McKim
Pratt, John	Richardson, Barbara	Robertson, Timothy	Russell, Ronald
Zerba, Roger			
COOS			
Pratt, Leighton			
GRAFTON			
Alger, John	Brothers, Richard	Densmore, Jessica	Hinman, Harry
MacNeil, Allen	Phinney, William	Scanlan, David	Solow, Martha
Ward, Brien			
HILLSBOROUGH			
Carlson, Donald	Daniels, Gary	Dwyer, Paul, Sr	Emerton, Lawrence
Fenton, James	Hall, Betty	Herman, Richard	LaRose, Richard

Lefebvre, Roland	Leonard, Peter	Martel, Andre	Martin, Mary
McDonough-Wallace, Alice	McRae, Karen	Melcher, Harold	Messier, Irene
Moran, Edward	O'Connell, Timothy	Pepino, Leo	Perkins, Paul
Peterson, Andrew	Reidy, Frank	Sarette, John	Vaillancourt, Steve
White, Donald			
MERRIMACK			
Bouchard, Candace	Brewster, Richard	Jacobson, Alf	Kennedy, Richard
Langer, Ray	Lavoie, Gerard	Marple, Richard	Owen, Derek
Reardon, Tara	Seldin, Gloria	St Cyr, Gerard	Wallin, Jean
Whittemore, James			
ROCKINGHAM			
Beaulieu, Jon	Clark, Vivian	DiFruscia, Anthony	Flanagan, Natalie
Flanders, David	Flanders, John, Sr	Langley, Jane	Langone, John
Lovejoy, Marian	Major, Norman	Mikowlski, Walter	Packard, Sherman
Pantelakos, Laura	Priestley, Anne	Rubin, George	Splaine, James
Stritch, C Donald	Varrell, Thomas	Vaughn, Charles	Welch, David
Weyler, Kenneth			
STRAFFORD			
Bickford, David	Brennan, William	Brown, Julie	Dunlap, Patricia
Kaen, Naida	Keans, Sandra	Lent, Donald	McKinley, Robert
Pelletier, Arthur	Snyder, Clair	Taylor, Kathleen	Twardus, Joseph
SULLIVAN			
Jones, Constance	Leone, Richard		

and the report was adopted.

HB 97, establishing a right to farm act. OUGHT TO PASS WITH AMENDMENT

Rep. Harold P. Melcher for Environment and Agriculture**:** In the conflict between agricultural interests and local zoning control, this bill strikes an acceptable compromise supported by the municipal association. The amendment, which replaces the original bill, provides protections for agricultural activities by creating a presumption that unless explicitly addressed through zoning, such activities are deemed permitted if conducted in accordance with best management practices adopted by the commissioner of agriculture, markets and food and all applicable laws and regulations. Vote 15-0.

Amendment (0590h)

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

AN ACT relative to the right to farm.

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

1 Purpose. The purpose of this act is to clarify the requirements of RSA 672:1, III-b, that farming and agriculture, as defined in RSA 21:34-a, shall not be unreasonably limited by the use of municipal planning and zoning powers.

2 Purposes of Zoning Ordinances. Amend RSA 674:17, I(g) and (h) to read as follows:

(g) To facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks, child day care; [~~and~~]

(h) To assure proper use of natural resources and other public requirements[~~.~~]***; and***

(i) To preserve agricultural land and buildings for agricultural use.

3 New Subdivision; Agricultural Uses of Land. Amend RSA 674 by inserting after section 32 the following new subdivision:

Agricultural Uses of Land

674:32-a Presumption. In accordance with RSA 672:1, III-d, whenever agricultural activities are not explicitly addressed with respect to any zoning district or location, they shall be deemed to be permitted there, as either a primary or accessory use, so long as conducted in accordance with best management practices adopted by the commissioner of agriculture, markets, and food and with federal and state laws, regulations, and rules.

674:32-b Existing Agricultural Uses. Any agricultural use which exists pursuant to RSA674:32-a, or which was legally established prior to the enactment of restrictive regulations:

I. May be re-established after any period of disuse.

II. May without restriction be expanded, altered to meet changing technology or markets, or changed to another agricultural use, as set forth in RSA 21:34-a, so long as any such expansion, alteration, or change complies with all federal and state laws, regulations, and rules, including best management practices adopted by the commissioner of agriculture, markets, and food; subject, however, to the following limitations:

(a) Any new establishment, re-establishment after disuse, or significant expansion of an operation involving the keeping of livestock, poultry, or other animals may be made subject to special exception, building permit, or other local land use board approval.

(b) Any new establishment, re-establishment after disuse, or significant expansion of a farm stand, retail operation, or other use involving on-site transactions with the public, may be made subject to applicable special exception, building permit, or other local land use

board approval and may be regulated to the extent necessary to prevent traffic and parking from adversely impacting adjacent property, streets and sidewalks, or public safety.

674:32-c Other General Provisions.

I. The tilling of soil and the growing and harvesting of crops and horticultural commodities, as a primary or accessory use, shall not be prohibited in any district.

II. Nothing in this subdivision shall exempt new, re-established, or expanded agricultural operations from generally applicable building and site requirements such as dimensional standards, setbacks, driveway and traffic regulations, parking requirements, noise, odor, or vibration restrictions or sign regulations; provided, however, that in circumstances where their literal application would effectively prohibit an agricultural use allowed by this subdivision, or would otherwise be unreasonable in the context of an agricultural use, the board of adjustment, building code board of appeals, or other applicable local board, after due notice and hearing, shall grant a waiver from such requirement to the extent necessary to reasonably permit the agricultural use, unless such waiver would have a demonstrated adverse effect on public health or safety, or the value of adjacent property. Such waiver shall continue only as long as utilized for the permitted agricultural use.

III. Nothing in this subdivision shall apply to any aspect of an agricultural operation determined to be injurious to public health or safety under RSA 147. Nothing in this subdivision shall be deemed to modify or limit the duties and authority of the department of environmental services under RSA 485 or RSA 485-A or the commissioner of the department of agriculture, markets, and food under title XL.

IV. Nothing in this subdivision shall be deemed to affect the regulation of sludge or septage.

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

AMENDED ANALYSIS

This bill provides protections for agricultural activities by creating a presumption that unless explicitly addressed through zoning, such activities are deemed permitted if conducted in accordance with best management practices adopted by the commissioner of agriculture, markets, and food and all applicable laws and regulations.

Adopted.

Report adopted and ordered to third reading.

CACR 21, relating to gender neutral language in the constitution. Providing that all references to persons in part 2 of the constitution shall be gender neutral. OUGHT TO PASS WITH AMENDMENT

Rep. William R. Zolla for Executive Departments and Administration**:** The committee by a vote of 15-0, felt that with the advance of women's rights since the inception of the Constitution in 1784, the time has come to formally recognize these changes throughout the New Hampshire Constitution by incorporating the gender neutral language. This bill with the amendment encompasses the entire document and not just part II as originally proposed and passed by both the house and senate last

session. In that the gender neutral language will be incorporated as existing documentation is revised, reprinted or updated, no additional costs are anticipated. Vote 15-0.

Amendment (0830h)

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

RELATING TO: gender neutral language in the constitution.

PROVIDING THAT: all references to persons in the constitution shall be gender neutral.

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

I. That article 1 of the first part of the constitution be amended to read as follows:

[Art.] 1. [Equality of [~~Men~~] ***People***; Origin and Object of Government.] All [~~men~~] ***people*** are born equally free and independent; therefore, all government of right originates from the people, is founded in consent, and instituted for the general good.

II. That article 2 of the first part of the constitution be amended to read as follows:

[Art.] 2. [Natural Rights.] All [~~men~~] ***people*** have certain natural, essential, and inherent rights - among which are, the enjoying and defending life and liberty; acquiring, possessing, and protecting, property; and, in a word, of seeking and obtaining happiness. Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin.

III. That article 3 of the first part of the constitution be amended to read as follows:

[Art.] 3. [Society, its Organization and Purposes.] When [~~men~~] ***people*** enter into a state of society, they surrender up some of their natural rights to that society, in order to ensure the protection of others; and, without such an equivalent, the surrender is void.

IV. That article 5 of the first part of the constitution be amended to read as follows:

[Art.] 5. [Religious Freedom Recognized.] Every individual has a natural and unalienable right to worship God according to the dictates of [~~his~~] ***one's*** own conscience, and reason; and no subject shall be hurt, molested, or restrained, in [~~his~~] person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of [~~his~~] ***an individual's*** own conscience; or for [~~his~~] ***one's*** religious profession, sentiments, or persuasion; provided [~~he~~] ***such individual*** [~~doth~~] ***shall*** not disturb the public peace or disturb others in their religious worship.

V. That article 6 of the first part of the constitution be amended to read as follows:

[Art.] 6. [Morality and Piety.] As morality and piety, rightly grounded on high principles, will give the best and greatest security to government, and will lay, in the hearts of [~~men~~] ***all people***, the strongest obligations to due subjection; and as the knowledge of these is most likely to be propagated through a society, therefore, the several parishes, bodies, corporate, or religious societies shall at all times have the right of electing their own teachers, and of contracting with them for their support or maintenance, or both. But no person shall ever be compelled to pay towards the support of the schools of any sect or denomination. And every person, denomination or sect shall be equally under

the protection of the law; and no subordination of any one sect, denomination or persuasion to another shall ever be established.

VI. That article 10 of the first part of the constitution be amended to read as follows:

[Art.] 10. [Right of Revolution.] Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one [~~man~~] ***individual***, family, or class [~~of men~~]; therefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old, or establish a new government. The doctrine of nonresistance against arbitrary power, and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

VII. That article 11 of the first part of the constitution be amended to read as follows:

[Art.] 11. [Elections and Elective Franchises.] All elections are to be free, and every inhabitant of the state of 18 years of age and upwards shall have an equal right to vote in any election. Every person shall be considered an inhabitant for the purposes of voting in the town, ward, or unincorporated place where [~~he has his domicile~~] ***one is domiciled***. No person shall have the right to vote under the constitution of this state who has been convicted of treason, bribery or any willful violation of the election laws of this state or of the United States; but the supreme court may, on notice to the attorney general, restore the privilege to vote to any person who may have forfeited it by conviction of such offenses. The general court shall provide by law for voting by qualified voters who at the time of the biennial or state elections, or of the primary elections therefor, or of city elections, or of town elections by official ballot, are absent from the city or town of which they are inhabitants, or who by reason of physical disability are unable to vote in person, in the choice of any officer or officers to be elected or upon any question submitted at such election. Voting registration and polling places shall be easily accessible to all persons including disabled and elderly persons who are otherwise qualified to vote in the choice of any officer or officers to be elected or upon any question submitted at such election. The right to vote shall not be denied to any person because of the non-payment of any tax. Every inhabitant of the state, having the proper qualifications, has equal right to be elected into office.

VIII. That article 12 of the first part of the constitution be amended to read as follows:

[Art.] 12. [Protection and Taxation Reciprocal.] Every member of the community has a right to be protected by it, in the enjoyment of [~~his~~] life, liberty, and property; [~~he is~~] ***everyone is*** therefore bound to contribute [~~his~~] ***one's*** share in the expense of such protection, and to yield [~~his~~] personal service when necessary. But no part of [~~a man's~~] ***an individual's*** property shall be taken [~~from him~~], or applied to public uses, without [~~his~~] ***one's*** own consent, or that of the representative body of the people. Nor are the inhabitants of this state controllable by any other laws than those to which they, or their representative body, have given their consent.

IX. That article 14 of the first part of the constitution be amended to read as follows:

[Art.] 14. [Legal Remedies to be Free, Complete, and Prompt.] Every subject of this state is entitled to a certain remedy, by having recourse to the laws, for all injuries [~~he~~] ***an individual*** may receive [~~in his~~] ***to*** person, property, or character; to obtain right and justice freely, without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

X. That article 15 of the first part of the constitution be amended to read as follows:

[Art.] 15. [Right of Accused.] No subject shall be held to answer for any crime, or offense, until the same is fully and plainly, substantially and formally, described to him ***or her***; or be compelled to accuse or furnish evidence against [~~himself~~] ***oneself***. Every subject shall have a right to produce all proofs that may be favorable to [~~himself~~] ***oneself***; to meet the witnesses against [~~him~~] ***oneself*** face to face, and to be fully heard in [~~his~~] ***one's own*** defense, [~~by himself~~] ***personally***, and ***by*** counsel. No subject shall be arrested, imprisoned, despoiled, or deprived of [~~his~~] property, immunities, or privileges, put out of the protection of the law, exiled or deprived of [~~his~~] life, liberty, or estate, but by the judgment of [~~his~~] ***one's*** peers, or the law of the land; provided that, in any proceeding to commit a person acquitted of a criminal charge by reason of insanity, due process shall require that clear and convincing evidence that the person is potentially dangerous to himself ***or herself,*** or to others**,** and that the person suffers from a mental disorder must be established. Every person held to answer in any crime or offense punishable by deprivation of liberty shall have the right to counsel at the expense of the state if need is shown; this right [~~he~~] ***an individual*** is at liberty to waive, but only after the matter has been thoroughly explained by the court.

XI. That article 19 of the first part of the constitution be amended to read as follows:

[Art.] 19. [Searches and Seizures Regulated.] Every subject hath a right to be secure from all unreasonable searches and seizures of [~~his~~] ***one's*** person, [~~his~~] houses, [~~his~~] papers, and all [~~his~~] possessions. Therefore, all warrants to search suspected places, or arrest a person for examination or trial in prosecutions for criminal matters, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order, in a warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure; and no warrant ought to be issued; but in cases and with the formalities, prescribed by law.

XII. That article 35 of the first part of the constitution be amended to read as follows:

[Art.] 35. [The Judiciary; Tenure of Office, etc.] It is essential to the preservation of the rights of every individual, [~~his~~] ***such person's*** life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold their offices so long as they behave well; subject, however, to such limitations, on account of age, as may be provided by the constitution of the state; and that they should have honorable salaries, ascertained and established by standing laws.

XIII. That article 7 of the second part of the constitution be amended to read as follows:

[Art.] 7. [Members of Legislature Not to Take Fees or Act as Counsel.] No member of the general court shall take fees, be of counsel, or act as advocate, in any cause before either branch of the legislature; and upon due proof thereof, such member shall forfeit his ***or her*** seat in the legislature.

XIV. That article 14 of the second part of the constitution be amended to read as follows:

[Art.] 14. [Representatives, How Elected, Qualifications of.] Every member of the house of representatives shall be chosen by ballot; and, for two years, at least, next preceding [~~his~~] ***the representative's*** election shall have been an inhabitant of this state; shall be, at the time of [~~his~~] election, an inhabitant of the town, ward, place, or district [~~he~~] ***the representative*** may be chosen to represent and shall cease to represent such town, ward, place, or district immediately on [his] ceasing to be qualified as aforesaid.

XV. That article 21 of the second part of the constitution be amended to read as follows:

[Art.] 21. [Privileges of Members of Legislature.] No member of the house of representatives, or senate shall be arrested, or held to bail, on mesne process, during [~~his~~] ***the legislator's*** going to, returning from, or attendance upon, the court.

XVI. That article 22 of the second part of the constitution be amended to read as follows:

[Art.] 22. [House to Elect Speaker and Officers, Settle Rules of Proceedings, and Punish Misconduct.] The house of representatives shall choose their own speaker, appoint their own officers, and settle the rules of proceedings in their own house; and shall be judge of the returns, elections, and qualifications, of its members, as pointed out in this constitution. They shall have authority to punish, by imprisonment, every person who shall be guilty of disrespect to the house, in its presence, by any disorderly and contemptuous behavior, or by threatening, or illtreating, any of its members; or by obstructing its deliberations; every person guilty of a breach of its privileges, in making arrests for debt, or by assaulting any member during [~~his~~] ***the member's*** attendance at any session; in assaulting or disturbing any one of its officers in the execution of any order or procedure of the house; in assaulting any witness, or other person, ordered to attend, by and during [~~his~~] ***the individual's*** attendance of the house; or in rescuing any person arrested by order of the house, knowing them to be such.

XVII. That article 24 of the second part of the constitution be amended to read as follows:

[Art.] 24. [Journals and Laws to be Published; Yeas and Nayes, and Protests.] The journals of the proceedings, and all public acts of both houses, of the legislature, shall be printed and published immediately after every adjournment or prorogation; and upon motion made by any one member, duly seconded, the yeas and nays, upon any question, shall be entered, on the journal: And any member of the senate, or house of representatives, shall have a right, on motion made at the time for that purpose to have [~~his~~] ***the member's*** protest, or dissent, with the reasons, against any vote, resolve, or bill passed, entered on the journal.

XVIII. That article 29 of the second part of the constitution be amended to read as follows:

[Art.] 29. [Qualifications of Senators.] Provided nevertheless, that no person shall be capable of being elected a senator, who is not of the age of thirty years, and who shall not have been an inhabitant of this state for seven years immediately preceding [his] election, and at the time thereof [~~he~~] ***the individual*** shall be an inhabitant of the district for which he ***or she*** shall be chosen. Should such person, after election, cease to be an inhabitant of the district for which [~~he~~] ***the senator*** was chosen, [~~he~~] ***such person*** shall be disqualified to hold said position and a vacancy shall be declared therein.

XIX. That article 30 of the second part of the constitution be amended to read as follows:

[Art.] 30. [Inhabitant Defined.] And every person, qualified as the constitution provides, shall be considered an inhabitant for the purpose of being elected into any office or place within this state, in the town, or ward, where [~~he~~] ***one*** is domiciled.

XX. That article 32 of the second part of the constitution be amended to read as follows:

[Art.] 32 [Biennial Meetings, How Warned, Governed, and Conducted; Return of Votes, etc.] The meetings for the choice of governor, council and senators, shall be warned by warrant from the selectmen, and governed by a moderator, who shall, in the presence of the selectmen (whose duty it shall be to attend) in open meeting, receive the votes of all the inhabitants of such towns and wards present, and qualified to vote for senators; and shall, in said meetings, in presence of the said selectmen, and of the town or city clerk, in said meetings, sort and count the said votes, and make a public declaration thereof, with the name of every person voted for, and the number of votes for each person; and the town or city clerk shall make a fair record of the same at large, in the town book, and shall make out a fair attested copy thereof, to be [~~by him~~] sealed up ***by the town or city clerk*** and directed to the secretary of state, within five days following the election, with a superscription expressing the purport thereof.

XXI. That article 33 of the second part of the constitution be amended to read as follows:

[Art.] 33. [Secretary of State to Count Votes for Senators and Notify Persons Elected.] And that there may be a due meeting of senators and representatives on the first Wednesday of December, biennially, the secretary of state shall, as soon as may be, examine the returned copy of such records; and fourteen days before the first Wednesday of December, [~~he~~] ***the secretary of state*** shall issue [~~his~~] ***a*** summons to such persons as appear to be chosen senators and representatives, by a plurality of votes, to attend and take their seats on that day.

XXII. That article 38 of the second part of the constitution be amended to read as follows:

[Art.] 38. [Senate to Try Impeachments; Mode of Proceeding.] The senate shall be a court, with full power and authority to hear, try, and determine, all impeachments made by the house of representatives against any officer or officers of the state, for bribery, corruption, malpractice or maladministration, in office; with full power to issue summons, or compulsory process, for convening witnesses before them: But previous to the trial of any such impeachment, the members of the senate shall respectively be sworn truly and impartially to try and determine the charge in question, according to evidence. And every officer, impeached for bribery, corruption, malpractice or maladministration in office, shall be served with an attested copy of the impeachment, and order of the senate thereon with such citation as the senate may direct, setting forth the time and place of their sitting to try the impeachment; which service shall be made by the sheriff, or such other sworn officer as the senate may appoint, at least fourteen days previous to the time of trial; and such citation being duly served and returned, the senate may proceed in the hearing of the impeachment, giving the person impeached, if [~~he~~] ***such person*** shall appear, full liberty of producing witnesses and proofs, and of making [~~his~~] ***a*** defense, ***personally*** and ***by*** counsel, and may also, upon [~~his~~] ***such individual*** refusing or neglecting to appear hear the proofs in support of the impeachment, and render judgment thereon, [~~his~~] ***such person's*** nonappearance notwithstanding; and such judgment

shall have the same force and effect as if the person impeached had appeared and pleaded in the trial.

XXIII. That article 41 of the second part of the constitution be amended to read as follows:

[Art.] 41. [Governor; Supreme Executive Magistrate.] There shall be a supreme executive magistrate, who shall be styled the Governor of the State of New Hampshire, and whose title shall be His ***or Her*** Excellency. The executive power of the state is vested in the governor. The governor shall be responsible for the faithful execution of the laws. [~~He~~] ***The governor*** may, by appropriate court action or proceeding brought in the name of the state, enforce compliance with any constitutional or legislative mandate, or restrain violation of any constitutional or legislative power, duty, or right, by any officer, department or agency of the state. This authority shall not be construed to authorize any action or proceedings against the legislative or judicial branches.

XXIV. That article 42 of the second part of the constitution be amended to read as follows:

[Art.] 42. [Election of Governor, Return of Votes; Electors; If No Choice, Legislature to Elect One of Two Highest Candidates; Qualifications for Governor.] The governor shall be chosen biennially in the month of November; and the votes for governor shall be received, sorted, counted, certified and returned, in the same manner as the votes for senators; and the secretary shall lay the same before the senate and house of representatives, on the first Wednesday following the first Tuesday of January to be by them examined, and in case of an election by a plurality of votes through the state, the choice shall be by them declared and published. And the qualifications of electors of the governor shall be the same as those for senators; and if no person shall have a plurality of votes, the senate and house of representatives shall, by joint ballot elect one of the two persons, having the highest number of votes, who shall be declared governor. And no person shall be eligible to this office, unless at the time of [~~his~~] election, [~~he~~] ***the person*** shall have been an inhabitant of this state for 7 years next preceding, and unless [~~he~~***/ the person*** shall be of the age of 30 years.

XXV. That article 43 of the second part of the constitution be amended to read as follows:

[Art.] 43. [In Cases of Disagreement Governor to Adjourn or Prorogue Legislature; If Causes Exist, May Convene Them Elsewhere.] In cases of disagreement between the two houses, with regard to the time or place of adjournment or prorogation, the governor, with advice of council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days at any one time, as [~~he~~] ***the governor*** may determine the public good may require, and [~~he~~] ***the governor*** shall dissolve the same on the first Wednesday of December biennially. And, in cases whereby dangers may arise to the health or lives of the members from their attendance at the general court at any place, the governor may direct the session to be holden at some other the most convenient place within the state.

XXVI. That article 44 of the second part of the constitution be amended to read as follows:

[Art.] 44. [Veto to Bills.] Every bill which shall have passed both houses of the general court, shall, before it becomes a law, be presented to the governor, if [~~he approve~~] ***approved***, [~~he~~] ***the governor*** shall sign it, but if not, [~~he~~] ***the governor*** shall return it, with [~~his~~] objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and

proceed to reconsider it; if after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with such objections, to the other house, by which it shall likewise be reconsidered, and, if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of persons, voting for or against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within five days (Sundays excepted) after it shall have been presented to [~~him~~] ***the governor***, the same shall be a law in like manner as if [~~he~~] ***the governor*** had signed it unless the legislature, by their adjournment, prevent its return, in which case it shall not be a law.

XXVII. That article 45 of the second part of the constitution be amended to read as follows:

[Art.] 45. [Resolves to Be Treated Like Bills.] Every resolve shall be presented to the governor, and before the same shall take effect, shall be approved by [~~him~~] ***the governor***, or being disapproved by [~~him~~] ***the governor***, shall be repassed by the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

XVIII. That article 49 of the second part of the constitution be amended to read as follows:

[Art.] 49. [President of Senate, etc., To Act as Governor When Office Vacant; Speaker of House to Act When Office of President of Senate Is Also Vacant.] In the event of the death, resignation, removal from office, failure to qualify, physical or mental incapacity, absence from the state, or other incapacity of the governor, the president of the senate, for the time being, shall act as governor until the vacancy is filled or the incapacity is removed; and if the president of the senate, for any of the above-named causes, shall become incapable of performing the duties of governor, the same shall devolve upon the speaker of the house of representatives, for the time being, or in the case of the like incapacity of the speaker, upon the secretary of state, or in case of [~~his~~] like incapacity ***of the secretary of state***, upon the state treasurer, each of whom, in that order, shall act as governor, as hereinabove provided, until the vacancy is filled or the incapacity removed. Whenever a vacancy for the duration or remainder of the governor's term of office occurs before the commencement of the last year of such term, a special election for governor shall take place to fill the vacancy, as provided by law. Whenever the speaker of the house acts as governor, [~~he~~] ***the speaker of the house*** shall act as such only until such time as the vacancy is filled or the incapacity removed in either the office of governor or of president of the senate, whichever occurs first. Whenever either the secretary of state or the treasurer acts as governor, [~~he~~] ***such person*** shall act as such only until such time as the vacancy is filled or the incapacity removed in the offices of governor, of president of the senate or of speaker of the house, whichever occurs first. While acting as governor under this article, the president of the senate, speaker of the house, secretary of state or state treasurer, as the case may be, shall be styled Acting Governor, shall not be required to take an additional oath of office, shall have and exercise all the powers, duties and authorities of, and receive compensation equal to that of the office of governor; and the capacity of each such officer to serve as president of the senate as well as senator, speaker of the house of representatives as well as representative, secretary of state, or state treasurer, as the case may be, or to receive the compensation of such office, shall be suspended only. While the governor or an acting governor is absent from the state on official business, [~~he~~] ***such person*** shall have the power and authority to transact such business.

XXIX. That article 49-a of the second part of the constitution be amended to read as follows:

[Art.] 49-a. [Prolonged Failure to Qualify; Vacancy in Office of Governor Due to Physical or Mental Incapacity, etc.] Whenever the governor transmits to the secretary of state and president of the senate [~~his~~] ***a*** written declaration that [~~he~~] ***the governor*** is unable to discharge the powers and duties of [~~his~~] ***such*** office by reason of physical or mental incapacity and until [~~he~~] ***the governor*** transmits to them a written declaration to the contrary, the president of the senate, for the time being, shall act as governor as provided in article 49, subject to the succession provisions therein set forth. Whenever it reasonably appears to the attorney general and a majority of the council that the governor is unable to discharge the powers and duties of [~~his~~] ***such*** office by reason of physical or mental incapacity, but the governor is unwilling or unable to transmit [~~his~~] ***a*** written declaration to such effect as above provided, the attorney general shall file a petition for declaratory judgment in the supreme court requesting a judicial determination of the ability of the governor to discharge the powers and duties of [~~his~~] ***such*** office. After notice and hearing, the justices of the supreme court shall render such judgment as they find warranted by a preponderance of the evidence; and, if the court holds that the governor is unable to discharge the powers and duties of [~~his~~] ***such*** office, the president of the senate, for the time being, shall act as governor as provided in article 49, subject to the succession provisions therein set forth, until such time as the disability of the governor is removed or a newly elected governor is inaugurated. Such disability, once determined by the supreme court, may be removed upon petition for declaratory judgment to the supreme court by the governor if the court finds, after notice and hearing, by a preponderance of the evidence that the governor is able to discharge the powers and duties of [~~his~~] ***such*** office. Whenever such disability of the governor, as determined by [~~his~~] ***a*** written declaration or by judgment of the supreme court, has continued for a period of 6 months, the general court may, by concurrent resolution adopted by both houses, declare the office of governor vacant. Whenever the governor-elect fails to qualify by reason of physical or mental incapacity or any cause other than death or resignation, for a period of 6 months following the inauguration date established by this constitution, the general court may, by concurrent resolution adopted by both houses, declare the office of governor vacant. The provisions of article 49 shall govern the filling of such vacancy, either by special election or continued service of an acting governor. If the general court is not in session when any such 6-month period expires, the acting governor, upon written request of at least 1/4 of the members of each house, shall convene the general court in special session for the sole purpose of considering and acting on the question whether to declare a vacancy in the office of governor under this article.

XXX. That article 51 of the second part of the constitution be amended to read as follows:

[Art.] 51. [Powers and Duties of Governor as Commander-in-Chief.] The governor of this state for the time being, shall be commander-in-chief of all the military forces of the state; and shall have full power, [~~by himself~~] ***personally*** or [~~by~~] ***through*** any chief commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia; to call forth the militia and to put in warlike posture the inhabitants of the state; to execute the laws of the state and of the UnitedStates; to suppress insurrection and to repel invasion; and, in fine, the governor is hereby entrusted with all other powers incident to the office of commander-in-chief to be exercised agreeably to the rules and regulations of the constitution and the laws of the land.

XXXI. That article 62 of the second part of the constitution be amended to read as follows:

[Art.] 62. [Subsequent Vacancies; Governor to Convene; Duties.] If any person thus chosen a councilor, shall be elected governor or member of either branch of the legislature, and shall accept the trust; or if any person elected a councilor, shall refuse to accept the office, or in case of the death, resignation, or removal of any councilor out of the state, the governor may issue a precept for the election of a new councilor in that county where such vacancy shall happen and the choice shall be in the same manner as before directed. And the governor shall have full power and authority to

convene the council, from time to time, at [~~his~~] ***the governor's*** discretion; and, with them, or the majority of them, may and shall, from time to time hold a council, for ordering and directing the affairs of the state, according to the laws of the land.

XXXII. That article 64 of the second part of the constitution be amended to read as follows:

[Art.] 64. [Secretary to Record Proceedings of Council.] The resolution and advice of the council shall be recorded by the secretary, in a register, and signed by all members present agreeing thereto; and this record may be called for at any time, by either house of the legislature; and any member of the council may enter [~~his~~] ***an*** opinion contrary to the resolutions of the majority, with the reasons for such opinion.

XXXIII. That article 68 of the second part of the constitution be amended to read as follows:

[Art.] 68. [State Records, Where Kept; Duty of Secretary.] The records of the state shall be kept in the office of the secretary, and [~~he~~] ***the secretary of state*** shall attend the governor and council, the senate and representatives, in person, or by deputy, as they may require.

XXXIV. That article 69 of the second part of the constitution be amended to read as follows:

[Art.] 69. [Deputy Secretary.] The secretary of the state shall, at all times, have a deputy, to be [~~by him~~] appointed ***by the secretary of state***; for whose conduct in office [~~he~~] ***the secretary of state*** shall be responsible: And, in case of the death, removal, or inability of the secretary, [~~his~~] ***the*** deputy shall exercise all the duties of the office of secretary of this state, until another shall be appointed.

XXXV. That article 70 of the second part of the constitution be amended to read as follows:

[Art.] 70. [Secretary to Give Bond.] The secretary, before [~~he enters~~] ***entering*** upon the business of [~~his~~] ***such*** office, shall give bond, with sufficient sureties, in a reasonable sum, for the use of the state, for the punctual performance of [~~his~~] ***the secretary's*** trust.

XXXVI. That article 73 of the second part of the constitution be amended to read as follows:

[Art.] 73. [Tenure of Office To Be Expressed in Commissions; Judges to Hold Office During Good Behavior, etc.; Removal.] The tenure that all commissioned officers shall have by law in their offices shall be expressed in their respective commissions, and all judicial officers duly appointed, commissioned and sworn, shall hold their offices during good behavior except those for whom a different provision is made in this constitution. The governor with consent of the council may remove any commissioned officer for reasonable cause upon the address of both houses of the legislature, provided nevertheless that the cause for removal shall be stated fully and substantially in the address and shall not be a cause which is a sufficient ground for impeachment, and provided further that no officer shall be so removed unless [~~he~~] ***the officer*** shall have had an opportunity to be heard in [~~his~~] ***the officer's*** defense by a joint committee of both houses of the legislature.

XXVII. That article 73-a of the second part of the constitution be amended to read as follows:

[Art.] 73-a. [Supreme Court, Administration.] The chief justice of the supreme court shall be the administrative head of all the courts. [~~He~~] ***The chief justice*** shall, with the concurrence of a majority of the supreme court justices, make rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts. The rules so promulgated shall have the force and effect of law.

XXVIII. That article 75 of the second part of the constitution be amended to read as follows:

[Art.] 75. [Justices of Peace Commissioned for Five Years.] In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail in discharging the important duties of [~~his~~] office with ability and fidelity, all commissions of justice of the peace shall become void at the expiration of five years from their respective dates, and upon the expiration of any commission, the same may if necessary be renewed or another person appointed as shall most conduce to the well being of the state.

XXXIX. That article 78 of the second part of the constitution be amended to read as follows:

[Art.] 78. [Judges and Sheriffs, When Disqualified by Age.] No person shall hold the office of judge of any court, or judge of probate, or sheriff of any county, after [~~he~~] ***one*** has attained the age of seventy years.

XL. That article 79 of the second part of the constitution be amended to read as follows:

[Art.] 79. [Judges and Justices Not to Act as Counsel.] No judge of any court, or justice of the peace, shall act as attorney, or be of counsel, to any party, or originate any civil suit, in matters which shall come or be brought before [~~him~~] ***such person*** as judge, or justice of the peace.

XLI. That article 81 of the second part of the constitution be amended to read as follows:

[Art.] 81. [Judges and Registers of Probate Not to Act as Counsel.] No judge, or register of probate, shall be of counsel, act as advocate, or receive any fees as advocate or counsel, in any probate business which is pending, or may be brought into any court of probate in the county of which [~~he~~] ***such person*** is judge or register.

XLII. That article 82 of the second part of the constitution be amended to read as follows:

[Art.] 82. [Clerks of Courts, by Whom Appointed.] The judges of the courts (those of probate excepted) shall appoint their respective clerks to hold their office during pleasure: And no such clerk shall act as an attorney or be of counsel in any cause in the court of which [~~he~~] ***the person*** is clerk, nor shall [~~he~~] ***such clerk*** draw any writ originating a civil action.

XLIII. That article 84 of the second part of the constitution be amended to read as follows:

[Art.] 84. [Oath of Civil Officers.] Any person chosen governor, councilor, senator, or representative, military or civil officer, (town officers excepted) accepting the trust, shall, before [~~he~~]

such person proceeds to execute the duties of [~~his~~] office, make and subscribe the following declaration, viz. -

I, A.B. do solemnly swear, that I will bear faith and true allegiance to the United States of America and the state of New Hampshire, and will support the constitution thereof. So help me God.

I, A.B. do solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all duties incumbent on me as ....., according to the best of my abilities, agreeably to the rules and regulations of this constitution and laws of the state of New Hampshire. So help me God.

Any person having taken and subscribed the oath of allegiance, and the same being filed in the secretary's office, [~~he~~] shall not be obliged to take said oath again.

Provided always, when any person chosen or appointed as aforesaid shall be of the denomination called Quakers, or shall be scrupulous of swearing, and shall decline taking the said oaths, such person shall take and subscribe them, omitting the word "swear," and likewise the words "So help me God," subjoining instead thereof, "This I do under the pains and penalties of perjury."

XLIV. That article 95 of the second part of the constitution be amended to read as follows:

[Art.] 95. [Incompatibility of Certain Offices.] No person holding the office of judge of any court, (except special judges) secretary, treasurer of the state, attorney general, register of deeds, sheriff, collectors of state and federal taxes, members of Congress or any person holding any office under the United States, including any person in active military service, shall at the same time hold the office of governor, or have a seat in the senate, or house of representatives, or council; but [~~his~~] ***such person*** being chosen and appointed to, and accepting the same, shall operate as a resignation of [~~his~~] ***such person's*** seat in the chair, senate, or house of representatives, or council; and the place so vacated shall be filled up. No member of the council shall have a seat in the senate or house of representatives.

XLV. That the subdivision heading preceding article 84 of the constitution be amended as follows:

OATHS AND SUBSCRIPTIONS – EXCLUSION FROM OFFICES – COMMISSIONS – WRITS – CONFIRMATION OF LAWS – HABEAS CORPUS – THE ENACTING STYLE – CONTINUANCE OF OFFICERS – PROVISION FOR FUTURE REVISION OF THE CONSTITUTION – ***GENDER NEUTRAL LANGUAGE*** - ETC.

XLVI. That the second part of the constitution be amended by inserting after article 101 the following new article:

[Art.] 102. Gender Neutral Language Required. All references to specific persons in the constitution shall be gender neutral.

XLVII. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2000.

XLVIII. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2000 election an article to the following effect: To

decide whether the amendments of the constitution proposed by the 1999 session of the general court shall be approved.

XLIX. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the Constitution to make it more inclusive by changing specific references to people to gender neutral terms recognizing that this will in no way alter the meaning or effect of the constitution?

L. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 1999 General Court" shall be printed in bold type at the top of the ballot.

LI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

AMENDED ANALYSIS

This constitutional amendment-concurrent resolution removes all gender-specific language from the constitution and provides that all references to persons in the constitution shall be gender neutral.

Adopted.

Rep. Zolla yielded to questions.

On a division vote, 224 members having voted in the affirmative and 109 in the negative, the report failed lacking the constitutionally required three-fifths.

Rep. Keith Herman moved Inexpedient to Legislate.

laid on the table

Rep. Burling moved that ***CACR 21,*** relative to gender neutral language in the constitution. Providing that all references to persons in the constitution shall be gender neutral, be laid on the table.

On a division vote, 191 members having voted in the affirmative and 142 in the negative, the motion was adopted.

regular calendar – part i (CONT'D.)

HB 499-FN, relative to payment by the state of the cost of medical insurance benefits for certain New Hampshire retirement system members. RE-REFER TO COMMITTEE

Rep. Ray F. Langer for Executive Departments and Administration**:** When the bill was first introduced to the committee, it appeared as a duplicate of RSA 100:51 with the exception that it

moved the responsibility of paying for a medical plan from an agreement between the trustees of the retirement system and the employer to one between the trustees and the retired member. The bill was voted ITL. Later the committee was provided an amendment that changed the responsibility for payment to the retirement system. This was done even though the retirement system stated, through it's executive director, that NHRS does not have the staff to assume more health administrative responsibility. The committee voted to reconsider its previous vote of ITL and then voted to Re-Refer the bill for further study. Vote 13-2.

Adopted.

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

Rep. Steve Vaillancourt for Finance**:** This bill allows employees to purchase credit for prior service with an employer joining the retirement system within 5 years from the date of the employer's participation. Current law limits both the employer and the employee to one year from the date of participation. The NH Retirement System indicates this bill will have no fiscal impact on state, county and local revenue or expenditures. Thus, the Finance Committee supports the decision of the policy committee, Executive Departments and Administration, and the previous vote by the House. Vote 19-4.

Adopted and ordered to third reading.

HB 89-FN-A, making an appropriation for a department of transportation study of the state house complex to evaluate space needs. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance**:** Both the Public Works and Finance committees see the need for this study to begin soon. The amendment delineates the six buildings (Capitol, L.O.B., Annex, State Library, Upham-Walker, and Justice/Bank) but allows consideration of adjacent areas. The amendment also changes funding from a new appropriation to $50,000 of the remainder from a previous borrowing authority. Study will include space use and assignment, and also adequacy of current systems for electricity, air handling, etc., as well as traffic flow, parking, related issues. Vote 25-0.

Amendment (1086h)

Amend the bill by replacing section 1 with the following:

1 Study of State House Complex Space Needs. The general court recognizes that a thorough evaluation of the state house complex's current and future space needs must be conducted, including, but not limited to, an appraisal of the requirements of the state library, legislative office building, state house, state house annex, Upham Walker building, and department of justice building. Therefore, the general court hereby directs the department of transportation to retain the services of an architectural firm to conduct such a study.

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of $50,000 is hereby appropriated from the funds authorized by 1991, 355:115 and 1998, 226:1 to the department of transportation for the fiscal year ending June 30, 2000, for the purposes of section 2 of this act.

AMENDED ANALYSIS

This bill requires the department of transportation to hire an architectural consultant to conduct a study of the state house complex's space needs. This bill makes an appropriation to the department of transportation for the purposes of the study from funds authorized by 1991, 355:115 and 1998, 226:1.

Adopted.

Report adopted and ordered to third reading.

HB 294-FN-L, relative to state aid to municipalities for closure of certain municipal incinerators. OUGHT TO PASS

Rep. Jeffrey C. MacGillivray for Finance**:** This bill expands the state's 20% grant program for closure costs of municipal unlined solid waste landfills to also include closure costs of 18 municipal solid waste incinerators. Half of these 18 have already closed, and the rest are expected to close in the next few years. The cost per capita of incinerator closure in far less than the cost per capita of landfill closure, so the additional cost of providing parity in state grant funds will be far less than the total long-term cost of landfill closure grants. The long-term cost of this program is expected to be less than $1,200,000 total over 20 years, with less than $100,000 in each of fiscal years 2000 and 2001 – compared to current landfill closure grant expenditures of just under $3,000,000 per year. Vote 23-1.

Adopted and ordered to third reading.

HB 311-FN-A, relative to grants made under the New Hampshire incentive program and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Charles L. Vaughn for Finance**:** The bill permits part-time students to be eligible for grants made under the New Hampshire incentive grant program: PAU 06-01-01, line 99. This bill increases state general fund expenditures by $750,000 in FY 2000 and FY 2001. The committee removed the $1.5 million from the bill, supporting the notion that an increase in this grant program be addressed during the review of the budget. Vote 21-4.

Amendment (0876h)

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

AN ACT relative to grants made under the New Hampshire incentive program.

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

AMENDED ANALYSIS

This bill permits part-time students to be eligible for grants made under the New Hampshire incentive grant program.

Adopted.

Report adopted and ordered to third reading.

HB 608-FN-A, establishing a New Hampshire emergency management response and recovery fund and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret A. Lynch for Finance**:** As introduced, this bill established an emergency management response and recovery fund at a cost of $3,000,000 to the general fund in the year 2000. It was determined during the hearing process that the main concern of the director of emergency management was to have provided a source for the matching funds required, and which the director states that he has, as a commitment to secure Federal Emergency Management Agency relief assistance grants.

The amendment replaces the entire bill and establishes a non-lapsing Response and Recovery Fund, at an appropriation of $100,000 from the general fund to meet the requirement for providing state matching funds. Vote 22-3.

Amendment (1035h)

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

1 New Hampshire Emergency Response and Recovery Fund. RSA 107-C:15 is repealed and reenacted to read as follows:

107-C:15 New Hampshire Emergency Response and Recovery Fund. There is hereby established a New Hampshire emergency response and recovery fund. The fund shall provide a source for the matching funds required as a commitment to secure Federal Emergency Management Agency relief assistance grants for costs incurred in disasters declared by the President of the UnitedStates. The fund shall be non-lapsing and continually appropriated.

2 Appropriation. The sum of $100,000 is hereby appropriated to the governor's office of emergency management for the fiscal year ending June 30, 2000, for the purpose of funding the emergency response and recovery fund established in section 1 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

Adopted.

Report adopted and ordered to third reading.

HB 695-FN-A, providing an exemption under the interest and dividends tax for taxpayers on a limited income. INEXPEDIENT TO LEGISLATE

Rep. David J. Alukonis for Finance**:** This bill provides an alternative tax exemption to the interest and dividends tax for taxpayers on a limited income. As defined in the bill, limited income means that the taxpayer's income from all sources does not exceed 200 percent of the most recent federal poverty guidelines. The Legislative Budget Assistant, Department of Revenue, and the Finance Committee agree that the fiscal impact of this bill cannot be estimated at this time as information on taxpayers' other (non interest and dividend) income is not collected. Being unable to determine this impact, the committee recommends that the bill be found Inexpedient to Legislate. Additionally, the Finance Committee is continuing its review of HB 235, which increases currently existing exemptions to the interest and dividends tax. The Finance Committee prefers to use HB 235 as the fiscal impacts of altering already existing exemptions can be readily and easily estimated. Vote 23-2.

Rep. Sabella spoke against.

Rep. Alukonis spoke in favor and yielded to questions.

laid on the table

Rep. Langley moved that ***HB 695-FN-A,*** providing an exemption under the interest and dividends tax for taxpayers on a limited income, be laid on the table.

On a division vote, 236 members having voted in the affirmative and 99 in the negative, the motion was adopted.

regular calendar – part i (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 WITH AMENDMENT

Rep. Jeffrey C. MacGillivray for Finance**:** This bill makes the county sheriffs, through their deputies and bailiffs, responsible for providing court security in all state courts, except the supreme court. The bill also abolishes the judicial employee positions currently performing these functions. Estimated savings of enacting this bill are approximately $600,000 per year.

This bill is a reenactment with modifications of the part of 1998 HB 204 that was ruled unconstitutional, by clearly stating that the sheriffs' employees performing these duties "shall be subject to the specific directives of the presiding justice."

The amendment removes proposed transfers of FY 1999 appropriations which are no longer relevant due to the passage of time. The amendment also removes contingency language which would take effect if this bill were also declared unconstitutional; this issue will be handled in other legislation. Vote 22-2.

Amendment (1105h)

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

AN ACT granting responsibility for court security to the county sheriff and abolishing certain court security officer positions.

Amend the bill by replacing all after section 6 with the following:

7 Repeal. The following are repealed:

I. 1998, 297:1, relative to a statement of intent with regard to court security.

II. 1998, 297:8-11, relative to the abolishment of court security positions and transfer of funds.

8 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not effect other provisions or applications of this act

which can be given effect without the invalid provisions or applications, and, to this end the provisions of this act are severable.

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

AMENDED ANALYSIS

This bill makes the county sheriffs, through their deputies and bailiffs, responsible for providing adequate security in all state courts, except the supreme court. The bill abolishes judicial employee positions, except for court security officer positions at the supreme court.

The bill provides that when sheriffs are providing security in the state courts, they are subject to the specific directives of the presiding justice when actually performing this duty in areas of courthouses where trials or other adjudicatory functions are undertaken.

Adopted.

Report adopted and ordered to third reading.

HB 723-FN, relative to standby and emergency guardianship proxies. OUGHT TO PASS

Rep. Marjorie K. Smith for Finance**:** The policy committee voted Ought to Pass, 13-0, concluding that the "bill would reduce the turmoil and potential trauma to children in times of family crises, especially when parents die unexpectedly or are incapacitated due to illness or accident."

The Finance Committee concluded that there was no fiscal impact on Health and Human Services, and no impact on state, county and local revenue. There may or may not be a slight positive or negative impact on probate court expenditures. Vote 22-1.

Adopted and ordered to third reading.

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. OUGHT TO PASS WITH AMENDMENT

Rep. Susan W. Almy for Finance**:** Last year with the passage of HB 204 the state assumed financial responsibility for the costs of both prisoner custody and courtroom security in superior and district courts. These costs were to be reimbursed to the county sheriffs and paid out of transfers from the judicial branch budget to the Department of Administrative Services budget. The court ruled the courtroom security and budget transfers unconstitutional. This bill appropriates money to pay the county bills for custody costs from HB 204's effective date of 1/1/99 until the end of this fiscal year. The amendment reduces the cost to $308,000, that actually needed according to the Sheriffs' Association, and takes the money from funds otherwise not appropriated rather than, at this late date, from the judicial branch budget Vote 24-0.

Amendment (1104h)

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

An Act making an appropriation to the department of administrative services for the purpose of reimbursing counties for providing prisoner custody in courthouses.

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

1 Appropriation; Department of Administrative Services. The sum of $308, 000 is appropriated to the department of administrative services for the fiscal year ending June 30, 1999, for the purpose of reimbursing counties for providing prisoner custody in courthouses. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill appropriates funds to the department of administrative services for the purpose of reimbursing counties for providing prisoner custody in courthouses.

Adopted.

Report adopted and ordered to third reading.

HB 297-FN, permitting a jury trial in the superior court for violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission. OUGHT TO PASS WITH AMENDMENT

Rep. Loren J. Jean for Judiciary**:** Allowing the truism that justice is and ought to be blind, this bill is long overdue in that it allows for jury trials to both parties who have cases dealing with civil rights actions under 354-A:1. The bill in its original form would have granted jury trials only to the plaintiff; this amended version levels the playing field to allow respondents to also request a jury trial. It gives true meaning to Art. 20, Part I of the Bill of Rights, NH Constitution regarding jury trials. "This method of procedure shall be held sacred." Vote 12-3.

Amendment (1065h)

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

AN ACT permitting a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission.

Amend the bill by replacing section 1 with the following:

1 New Section; Filing Action in Superior Court. Amend RSA 354-A by inserting after section 22 the following new section:

354-A:22-a Filing Action in Superior Court.

I. Notwithstanding any law to the contrary, any party alleging to be aggrieved by or alleged to have committed any practice made unlawful under this chapter may, at the expiration of 90 days after the timely filing of a complaint with the commission, or sooner if the commission assents in writing, but not later than 3 years after the alleged unlawful practice occurred, bring a civil action for damages or injunctive relief, or both, in the superior court for the county in which the alleged unlawful practice occurred or in the county of residence of the party, to the same extent as

damages and injunctive relief could be awarded by the commission in a complaint not removed. However, a superior court trial shall not be available to any party if the hearing before the commission has begun or has concluded pursuant to RSA 354-A:21, II(b). The party is entitled to a trial by jury on any issue of fact in an action for damages regardless of whether the party seeks equitable relief.

II. The party shall notify the commission of the filing of the superior court action. The commission shall then dismiss the complaint without prejudice, if the superior court action is filed by the complainant. A party electing to file a civil action with the superior court under paragraph I shall be barred from bringing any subsequent complaint before the commission based upon the same alleged unlawful discriminatory practice.

AMENDED ANALYSIS

This bill permits a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission.

Adopted.

Report adopted and referred to Finance.

HB 470, relative to settlement of personal actions. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Jane Wood for the Majority of Judiciary**:** A structured settlement is an amount payable to an injured party, in settlement of a law suit, that provides for structured periodic payments rather than one large sum. An investment of the agreed-upon sum is normally made in an annuity. There are various cases when this is preferable, especially where there are ongoing or recurring expenses. An injured adult may need to be covered over a long period of time. (Children are covered under a different statute.) If a structured settlement is agreed upon through the court process, the interest earned on the investment is not taxable. This is an added benefit to the injured party (the plaintiff, who filed the law suit). This legislation would give the plaintiff the exclusive right to choose or designate a structured settlement broker (the one who will actually invest the injured party's money. The plaintiff would also have the exclusive right to designate the insurance company or other entity to which settlement proceeds, or any portion thereof, are to be paid to fund structured periodic payments. The committee felt that the plaintiff should have the option to choose, giving the injured party greater control over his/her financial future. The legislation is basically consumer protection for the injured party. Presently, they normally rely on the defendant's insurance company, which may choose a subsidiary to be its broker. This arrangement usually results in a rebate payment to the insurance company. Most of the members questioned the motives of the insurance company. They could offer a deal with a high interest rate but with a company not very stable. The plaintiff would be more likely to choose a highly rated company, in an effort to minimize the risk involved. Vote 9-3.

Rep. John M. Pratt for the Minority of Judiciary**:** In the judgment of the minority of the committee, the effect of this bill, if passed, would be either (a) to decrease dramatically the number of structured settlements arrived at through the normal plaintiff/defendant negotiation process, causing a corresponding increase in the number of cases going to trial, or (b) to lower significantly the dollar amount of structured settlements which defendants will offer to plaintiffs. Either result harms the very people structured settlements were designed to serve.

Amendment (0639h)

Amend RSA 524:6-b as inserted by section 1 of the bill by replacing it with the following:

524:6-b Settlement of Personal Actions. In any action for personal injury or wrongful death where the parties have agreed to settlement, and where the parties have agreed that all or part of the settlement proceeds be used to provide for structured periodic payments, upon making such agreement:

I. The plaintiff shall have the exclusive right to designate a structured settlement broker to place the structured settlement; and

II. The plaintiff shall have the exclusive right to designate the insurance company or other entity to which settlement proceeds, or any portion thereof, are to be paid to fund structured periodic payments.

AMENDED ANALYSIS

This bill permits plaintiffs in personal injury or wrongful death actions, where the parties have agreed to a structured settlement, to designate a structured settlement broker and an entity to receive the structured payments.

Adopted.

Reps. John Pratt and Soltani spoke against.

Rep. DePecol spoke in favor and yielded to questions.

Majority report adopted and ordered to third reading.

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. OUGHT TO PASS WITH AMENDMENT

Rep. Janet G. Wall for Judiciary**:** This bill was recommitted back to the committee recognizing the complexity and uncertainty of the year 2000 compliance issue. The sub-committee essentially rewrote the bill to focus on technical aspects only for equipment readiness for the Y2K problem. In this amended version of the bill, the state of New Hampshire and its political subdivisions, including municipalities, will be granted limited liability if errors occur due to mechanical errors in system failures, program failure, and the generation of erroneous information. Every department in the state has an individual responsibility for oversight in upgrading equipment. While employee responsibilities in job performance are addressed elsewhere in law, this bill is narrowly focused on technological operations. Currently, quarterly reports on the state's readiness are issued. This bill does not address any other problems regarding the year 2000 such as 9/9/99, leap year, or the 100th day of the year, which has already passed without any computer problems. Vote 18-1.

Amendment (1096h)

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

AN ACT affirming sovereign immunity for the state and its political subdivisions as it relates to the "year 2000 problem".

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

1 New Section; Defense and Indemnification of the State, its Political Subdivisions; and Public Officers and Employees; Damages Arising From Computer-Related Problems. Amend RSA 99-D by inserting after section 8 the following:

99-D:9 Claims Arising Out of Computer-Related Problems. Notwithstanding any other provision of law to the contrary, the state hereby asserts for itself and its officers, legislators, employees, agents, and political subdivisions sovereign immunity with respect to any cause of action or claim for judicial relief or remedy brought or pending against the state or any of its political subdivisions or any of their respective officers, legislators, employees or agents arising out of any failure or problem related to the "year 2000" problem, as defined in RSA 541-B:1, VII.

2 New Paragraph; Actions Against Governmental Units; Definitions; Year 2000 Problem. Amend RSA 541-B:1 by inserting after paragraph VI the following new paragraph:

VII.(a) "Year 2000 problem" means an error resulting from or caused by a failure to recognize the year 2000, including an incorrect date or incorrect mechanical or electronic interpretation of a date, that is produced, calculated, or generated by any equipment, system, or process, that is owned or leased by the state, that is controlled, operated, or in any way impacted by interaction with any method of computer or automated data processing.

(b) For the purposes of this paragraph, "error" shall include, but not be limited to, system failure, program failure, and the generation of erroneous information.

3 New Subparagraph; Computer Error Immunity. Amend RSA 541-B:19, I by inserting after subparagraph (d) the following new subparagraph:

(e) Any claim arising out of an error produced, calculated, or generated by a computer or information system, the cause of which is the year 2000 problem.

4 New Section; Liability of Governmental Units for Certain Computer Errors. Amend RSA507-B by adding after section 2-b the following new section:

507-B:2-c Immunity for Certain Computer Errors. A governmental unit shall not be held liable for damages from any claim arising out of an error produced, calculated, or generated by a computer or information system, the cause of which is the year 2000 problem, as defined in RSA 541-B:1, VII, provided that the error is not the result of performing duties in a wanton, reckless, or grossly negligent manner.

5 Severability. In the event any of these sections are found to be unconstitutional, the provisions of RSA 541-B, relative to claims against the state, and RSA 507-B, relative to claims against governmental units, shall apply.

6 Applicability. The provisions of this act shall apply to all actions and causes of action brought after the effective date of this act.

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

AMENDED ANALYSIS

This bill affirms sovereign immunity for the state and its political subdivisions as it relates to the "year 2000" problem.

Adopted.

Report adopted and ordered to third reading.

HB 707-FN, relative to the family division of the courts. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew R. Peterson for Judiciary**:** This bill, as amended, achieved the unanimous support of the committee, and is endorsed by representatives of the New Hampshire District, Superior, and Supreme courts, the New Hampshire Bar Assn. and other interested parties. The amendment expands the existing Family Division now existing in Rockingham and Grafton counties to two additional counties, Carroll and Belknap, by 2001. It also creates a chaptered study committee to consider the best method of implementing the family division statewide. This important bill offers the opportunity to provide enhanced legal services to the citizens of the granite state when dealing with such difficult matters as divorce, abuse and neglect, children in need of services, adoption and domestic violence cases. Vote 17-0.

Amendment (1099h)

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

1 Intent. It is the intent of the general court that a family court be implemented statewide in a manner which most expeditiously achieves the goal of providing enhanced services to parties involved in cases relating to divorce, custody, children, domestic violence, and other family law matters. The general court finds that this area of law requires the skills and attention of experienced and committed individuals who are dedicated to serving families and to the appropriate, timely resolution of family law cases in a manner which best services the public interest. The goals of the family division are the respectful treatment of all citizens by justices, marital masters and other family division staff, the prompt and fair resolution of family issues by justices and marital masters specially selected and trained to deal effectively with such issues, the use of alternative dispute resolution to reduce the adversarial nature of proceedings involving families, and the assignment of all family matters of a single family to one family division justice or marital master located in a family division that is geographically accessible to the family.

2 New Subdivision; Family Division Established. Amend RSA 490 by inserting after section 31 the following new subdivision:

Family Division

490:32 Family Division.

I. There is hereby established a family division which shall be a permanent component of the judicial branch under the administrative authority of the supreme court in the counties of Rockingham and Grafton on the effective date of this subdivision. All matters under the jurisdiction of the family division shall be transferred from other state courts no later than 6 months after the effective date of this section.

II. The family division shall be expanded to the counties of Carroll and Belknap during the biennium ending June 30, 2001.

III. In establishing the family division, the supreme court shall:

(a) Designate the courthouses within each county which will house the family division.

(b) Select and designate judges, marital masters, and other court personnel from the district, probate and superior courts to serve in the family division, based on their expertise in, and commitment to, family law matters;

(c) Designate an administrative judge for the family division by selecting, from among the district and probate court judges serving in the family division, a jurist who has demonstrated an interest in legal issues affecting the family and a commitment to the values, objectives, and ideals of the family division.

490:33 Jurisdiction. Notwithstanding any law to the contrary, for each county in which the family division is established, jurisdiction over the following matters shall be exclusively exercised through the family division as jurisdiction was previously exercised in the superior, district and municipal and probate courts:

I. Petitions and libels of divorce, and petitions of nullity of marriage, alimony, custody of children, support, and to establish paternity.

II. Actions for support or custody for children of unwed parties.

III. Actions under RSA 169-B, relating to delinquent children.

IV. Actions under RSA 169-C, relating to abused and neglected children.

V. Actions under RSA 169-D, relating to children in need of services.

VI. Actions under RSA 173-B, relating to protection of persons from domestic violence except for concurrent jurisdiction with the superior and district and municipal courts to enter temporary protective orders under RSA173-B:6.

VII. The adoption of children.

VIII. The guardianship of the person of minors.

IX. The termination of parental rights.

X. The change of names of persons who apply therefor in matters relating to jurisdiction in paragraphs I-IX.

490:34 Equity Jurisdiction. Notwithstanding any law to the contrary and for each county in which the family division is established, the family division shall have the powers of a court of equity in cases where subject matter jurisdiction lies with the family division. Suits in equity where subject matter jurisdiction lies with the family division including, but not limited to, petitions and libels of divorce, and petition of nullity of marriage, alimony, custody of children, support, and other similar

proceedings may be heard upon oral testimony or depositions, or both, or when both parties consent, or service having been made and a notice of the time and place of the hearing having been given, when both parties appear. Such suits may be heard by any justice of the family division at any time, but nothing contained in this section shall be construed as limiting the power of the family division to have issues of fact framed and tried by a jury, according to the rules in equity, or the course of such proceedings at common law.

490:35 Judges and Marital Masters.

I. With the understanding of the special nature of matters within the family division, judges and marital masters selected to serve shall possess the following qualifications:

(a) Willingness to serve in the family division;

(b) Professional experience in family law matters;

(c) Legal and personal qualities including, but not limited to:

(1) Knowledge of family matters, including related matters such as tax and pension law;

(2) Personal maturity so as to understand and make decisions on matters before the court; and

(3) Personal qualities of patience and understanding of the difficult personal matters which are the subject of the division and a willingness to deal with complex family matters in a non-adversarial manner.

II. The governor shall nominate and the council shall confirm all new marital masters. The governor and council shall approve those seeking a renewed contract term and the terms and conditions of the marital master contract.

3 Committee Established. There is established a committee to study procedures for implementation of a statewide family division.

4 Membership and Compensation.

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

(a) Three members of the house, each of whom shall be a member of either the judiciary committee or the children and family law committee, appointed by the speaker of the house.

(b) Three members of the senate, who shall be members of the judiciary committee, appointed by the senate president.

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

5 Duties. The committee shall study and recommend the best method of establishing procedures for implementing a statewide family division.

6 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.

7 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.

8 Transfer of Funds and Personnel. Funds within the judicial branch operating budget and court personnel shall be transferred to the family division from the superior court and other courts as necessary.

9 Effective Date.

I. Sections 3-8 of this act shall take effect upon its passage.

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

AMENDED ANALYSIS

This bill establishes a family division of the courts in Rockingham and Grafton counties and requires the supreme court to expand the family division to Carroll and Belknap counties. The bill also establishes a committee to study implementation of a statewide family division.

Adopted.

Report adopted and referred to Finance.

HB 303-FN-A, relative to the preservation of and access to legislative records and making an appropriation therefor. OUGHT TO PASS

Rep. John E. Tholl, Jr. for Legislative Administration**:** This bill was the request of a study committee on the preservation and access to legislative records established in 1998. This bill will provide for the entire record of any bill in the possession of the clerks of the House and Senate to be transferred to the Division of Records Management and Archives to be microfilmed and scanned for electronic access or otherwise preserved. This will make the records more accessible to the public and legislators in the future. This bill has a fiscal impact on state finances on the short term for equipment and long term for one data librarian. The Fiscal Note reflects an appropriation of $140,000 for the biennium. Vote 14-0.

Adopted and referred to Finance.

HB 25-FN-A, making appropriations for capital improvements. OUGHT TO PASS WITH AMENDMENT

Rep. William E. Leber for Public Works and Highways**:** The committee spent several days receiving testimony from various state agencies and heard about many necessary projects. Then the committee spent several weeks researching and learning more details about the projects. The treasurer provided the financial status of the state and suggested a bonding limit of $50 million for the general fund. Since the Laws of 1998 provided a $33 million appropriation for the new prison, the committee

accepted $50 million as the limit, and met the challenge by recommending a $49.9 million General Fund capital budget for FY 2000-01 (about $20 million less than FY 1998-99). This appropriation will generate $20.8 million of federal funds for the approved projects. The Highway Fund projects total $8.7 million, and the Fish and Game projects total $1.04 million. The final bill balances the needs of the state, provides the greatest benefits and serves the greater number of citizens within the limited bonding. There were worthy projects not included that had some support, and there were many projects that would be 'nice to have' but funding limits this year did not permit their inclusion. There is concern among many members of this committee that too many projects are being proposed as capital projects that more appropriately should be funded in the operating budget. This practice causes delay in the funding of truly needed improvements or expansion of the state's crumbling infrastructure. An effort was made to 'weed out' such projects in this budget; but more effort is needed earlier in the budgeting process. The final version of this bill was passed by unanimous vote of the committee. Vote 19-0.

Amendment (0917h)

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

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Adjutant General.

A. NHSVC maintenance building and equipment completion $ 610,000

Less federal -610,000

Net state appropriation subparagraph A $ 0

B. Replacement of information technology

hardware systems & applications * 62,000

Total state appropriation paragraph I $ 62,000

II. Department of Administrative Services, Division of Plant and Property Management.

A. Bureau of General Services.

1. Life safety code compliance – Johnson Hall building $ 170,000

2. Defective elec. wiring & panel replacement,

health and human services building 148,500

3. Replace defective cooling tower legislative office building 66,000

4. Flash & coat (2) stair towers – health and human services building		88,000
5. Repair building foundation – Storrs St. warehouse	52,000	
6. Renovate existing facility – 61 South Spring St.		1,580,800
7. Communications equipment upgrade *		200,000
8. Executive/legislative budget system *		294,000
9. Information technology plan consultants *		250,000
10. Equipment upgrade-DASD *		200,000
11. Business continuity plan *		250,000
12. Consulting service-asset tracking system *	750,000	
13. VSE to MSV Conversion *		200,000
14. Bridges House roof and structural rehabilitation		125,000
15. Light replacement – health and human services *		389,050
16. Light replacement – safety *		177,000
Net state appropriation subparagraph A	$ 4,940,350	

B. Bureau of Court Facilities.

1. Carroll County courthouse construction	$ 1
Net state appropriation subparagraph B	$ 1
Total state appropriation paragraph II	$ 4,940,351

III. Department of Agriculture, Markets, and Food.

A. Laboratory equipment $ 195,000

Total state appropriation paragraph III $ 195,000

IV. Community-technical college system.

A. Alan B. Shepard memorial wing development, Christa McAuliffe planetarium – Concord $ 100,000

B. Library accreditation compliance 4,700,000

C. Maintenance/critical repairs 1,365,000

D. General science laboratory upgrade 600,000

E. Computer systems/hardware * 132,500

Total state appropriation paragraph IV $ 6,897,500

V. Department of Corrections.

A. Replace boiler plant – women's prison $ 200,000

B. New halfway house – southern 1,500,000

C. Year 2000 equipment replacement/upgrade * 146,000

D. Expansion of department WAN * 126,000

Total state appropriation paragraph V $ 1,972,000

VI. Department of Education.

A. Computer applications expansion/replacement * $ 300,000

Total state appropriation paragraph VI $ 300,000

VII. Department of Environmental Services.

A. Drinking water state revolving fund matching funds $ 2,946,780

B. Wastewater state revolving fund matching funds 270,314

C. Hazardous waste superfund match
3,140,000

D. Storage building for emergency response equipment
540,000

Less federal -432,000

Net state appropriation subparagraph E
108,000

E. Natural resources mapping 304,000

Less federal -124,000

Net state appropriation subparagraph E
180,000

F. Bedrock aquifer program 215,515

G. Implementation of information technology plan * 317,104

Total state appropriation paragraph VII $ 7,177,713

VIII. Department of Health and Human Services Commissioner's Office.

A. Laboratory safety improvements $
242,000

B. Laundry and bathing equipment – Glencliff 80,000

C. APS kitchen floor & window repairs – N.H. Hospital
100,000

D. Laundry equipment replacement – N.H. Hospital 180,000

E. Main Bldg./Annex 1 roof replacement –behavioral health 1,210,000

F. Laconia developmental services campus –

designated receiving facility renovations –

developmental services 500,000

G. Philbrook fire safety improvements – N.H. Hospital 115,000

H. Information technology * $ 20,500,000

Less federal -13,000,000

Net state appropriation subparagraph H
7,500,000

Total state appropriation paragraph VIII $ 9,927,000

The funds appropriated in subparagraph VIII, H for information technology programs shall not be committed, contracted for, or expended, without the prior written approval of the governor.

IX. Office of Emergency Management.

A. Telephone system replacement $
218,800

Total state appropriation paragraph IX $
218,800

X. Liquor Commission.

A. Renovate store #73, Hampton – southbound $ 1,425,000

Total state appropriation paragraph X $ 1,425,000

XI. Port Authority.

A. Security monitoring system $ 140,000

B. Building improvements 300,000

Total state appropriation paragraph XI $
440,000

XII. Department of Resources and Economic Development.

A. ADA compliance for parks facilities $
150,000

B. Statewide radio system 650,000

Less federal -150,000

Net state appropriation subparagraph B
500,000

C. Construct 15 recreational vehicle sites – Moose Brook
100,000

D. Septic gray water system – Mount Washington
150,000

E. Install power – Crawford Notch
150,000

Total state appropriation paragraph XII $ 1,050,000

XIII. Department of Safety.

A. Carpeting at 10 Hazen Drive, Concord * $ 154,000

B. Design and construct Troop D barracks/DMC training 86,850

C. Paving and roof replacement at troop stations 15,200

D. Video surveillance system – troop stations/Hayes bldg. 9,500

Total state appropriation paragraph XIII $
265,550

XIV. Department of Transportation.

A. Match for FAA projects $ 500,000

B. Match for public transit bus replacement 290,000

C. Match for regional aircraft fire training facility
700,000

D. Acquisition for abandoned railroads & airports
1,450,000

E. Concord rail bridge 650,000

F. Compliance, governor's commission on disability –

All general fund agencies
1,000,000

Total state appropriation paragraph XIV $ 4,590,000

XV. N.H. Veterans Home.

A. Design and build new facility $ 10,000,000

Less federal -6,500,000

Net state appropriation subparagraph A
3,500,000

Total state appropriation paragraph XV $ 3,500,000

XVI. Youth Development Services.

A. King cottage renovations – design only – YDC $ 27,000

B. Safe rooms for Tobey building – construction – YDC 245,000

C. Purchase 4 generators * 210,000

D. Phase I – preparation for agency networking * 225,000

Total state appropriation paragraph XVI $ 707,000

Total state appropriation section 1 $ 43,667,914

* The bonds issued for these projects shall be 5-year bonds.

2 Appropriation; University System of New Hampshire. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Pettee Hall general renovation $4,300,000

B. New Hampshire public television equipment 2,000,000

Total state appropriation section 2 $ 6,300,000

3 Appropriation; Department of Fish and Game. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Broodfish facility – Milford $ 180,000

B. Repair & replacement of fish rearing containers 350,000

C. Water line repair/replacement 200,000

D. Central boat/equipment storage – Concord 210,000

E. Barry conservation camp building replacement 100,000

Total state appropriation section 3 $ 1,040,000

4 Appropriation; Department of Transportation and Department of Safety. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Department of Transportation.

A. Paint storage & transfer building $ 415,000

B. Roof repair/Stickney Ave. 630,000

C. Patrol shed – Exeter 600,000

D. Additions & modifications to building B – traffic 325,000

E. Energy & environmental renovations – statewide 1,000,000

F. Conway rest area 500,000

G. Morton building 3,000,000

H. CAD/D transition * 552,000

I. PC & Server & Software Upgrade * 603,000

Total state appropriation paragraph I $ 7,625,000

II. Department of Safety.

A. Design and construct Troop D barracks/DMC training $823,150

B. Paving and roof replacement at troop stations 64,800

C. Video surveillance system – troop stations/Hayes bldg. 40,500

Total state appropriation paragraph II $ 928,450

Total state appropriation section 4 $ 8,553,450

* The bonds issued for these projects shall be 5-year bonds.

5 Expenditures; General. The appropriations made for the purposes mentioned in sections 1, 3, and 4 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided

that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

6 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said buildings or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees, in its discretion, may wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered must advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

V. Notwithstanding paragraphs I, III, and IV, the sums appropriated by section 2, paragraph A of this act for the Pettee Hall general renovation, may be expended and awarded by the trustees of the university system; provided that all contracts for all or any part of the building or facilities shall follow construction management procurement procedures and guidelines. If the trustees select construction management pursuant to this paragraph, paragraphs I, III, and IV shall not apply and the trustees shall retain the right to reject or negotiate following accepted construction management practices.

7 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, and 4 of this act, except such land, if any, as may be acquired under the appropriation for the department of environmental services, shall be purchased by the commissioner of the department of transportation with the approval of governor and council.

8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the

credit of the state not exceeding the sum of $59,561,364 and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA6-A.

9 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds in the state.

II. The payment of principal and interest on bonds issued for the projects in:

(a) Section 3 shall be made when due from the fish and game fund.

(b) Section 4 shall be made when due from the highway fund.

10 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu therefor, for each fiscal year such sum as may be necessary to meet interest and principal payments in accordance with the terms and conditions of bonds and notes issued for the purpose of section 2.

11 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes of this act.

II. To accept any federal funds which are, or become available for any project under sections 1, 3, and 4 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 8 shall be reduced by the same amount.

12 Transfers. The individual project appropriations provided in sections 1, 2, 3, and 4 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by governor and council, or for expenditures made pursuant to section 6 by the trustees of the university system, to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval of the capital budget overview committee is obtained.

13 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3, and 4 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 8 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

14 Information Technology Equipment and Software. Individual project appropriations for information technology equipment provided for by sections 1, 3, or 4, or for any other agency in any

budget bill enacted during the 1999 legislative session, shall not be spent, obligated, or encumbered until such time as the agency's information technology plans are reviewed by the division of information technology management pursuant to RSA 21-I:67 and approved by the capital budget overview committee. The division of information technology management shall review any such agency technology plans within 90 days. An agency may request an extension of time from the capital budget overview committee.

15 Youth Development Services; Capital Budget Overview Committee Approval. Amend 1997, 351:68, as amended by 1998, 372:2, to read as follows:

351:68 Expenditure of Funds Appropriated for Construction and Renovations - YDC in HB 25-A. The appropriation for construction and renovations - YDC made to the department of youth development services in section 1, paragraph XVI, D of HB 25-A of the 1997 legislative session shall be set aside for a match for any federal funds which are now or may be made available for the construction or renovation costs of facilities for juvenile offenders and shall not be spent, obligated, or encumbered until such time as ***the department receives approval from*** the capital budget overview committee [~~approves the consultant's survey authorized under section 67 of this act~~].

16 Regional Community-Technical Colleges; Early Childhood Laboratory School Fund Established. Amend RSA 188-F by inserting after section 20 the following new section:

188-F:20-a Early Childhood Laboratory School Fund. There is established the early childhood laboratory school fund which shall be administered by the department of regional community-technical colleges. Moneys received from private donations or from federal or other sources shall be deposited into the fund. The purpose of the fund is to provide for payment of the cost of bonds and notes on the early childhood laboratory school on the Concord campus, and to enhance academic programs in parent education. The fund shall be continually appropriated to the department of regional community-technical colleges and shall be nonlapsing.

17 Appropriation; Payment of Bonds and Notes; Regional Community-Technical Colleges; Early Childhood Laboratory School.

I. The sum of $427,400 is appropriated to the regional community-technical colleges for the purpose of the construction of the early childhood laboratory school on the Concord campus.

II. To provide funds for the appropriation made in paragraph I the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of $427,400 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the early childhood laboratory school fund established in RSA 188-F:20-a.

18 Appropriation Purpose Amended; Resources and Economic Development; Cannon Ski Area. Amend 1995, 309:1, XII, A, 2 to read as follows:

2. [~~Sunapee/~~]Cannon lift and ski area repairs	$ 527,000

19 Lapse Date Eliminated; Resources and Economic Development; New Hampshire Economic Development Fund. Amend 1991, 4:22 as amended by 1992, 289:26, 1993, 358:18 and 1995, 285:1, and as extended by 1997, 349:34, II to read as follows:

4:22 Appropriation. The sum of $5,750,000 is hereby appropriated to the department of resources and economic development for the purpose of carrying out the provisions of section 21 of

this act. These funds shall be in addition to any other funds appropriated to the department and [~~on June 30, 1997, all unexpended and unencumbered balances~~] shall ***not*** lapse.

20 Lapse Date Eliminated; Resources and Economic Development; New Hampshire Economic Development Fund. Amend 1993, 349:18, III as inserted by 1995, 285:2 and as amended by 1997, 349:18 to read as follows:

III. The appropriation contained in paragraph I shall not lapse [~~until June30, 1999~~]. Any balances remaining [~~as of June 30, 1997,~~] shall be allocated by the review committee or budgeted within the state operating budget for the purposes of paragraph I or other economic initiatives and programs.

21 Capital Appropriation to Department of Safety; Amount Increased. Amend 1997, 349:4, II, A as amended by 1998, 276:4 to read as follows:

A. Dover Point substation addition***,*** [~~$390,000~~] ***$460,000***

Warehouse/Epping station

22 Capital Budget; 1997 HB 25-A; Total Appropriation Increased; Highway Funds. Amend 1997, 349:4, total state appropriation section 4 to read as follows:

Total state appropriation section 4 [~~$ 4,790,000~~] ***$4,860,000***

23 Capital Budget; 1997 HB 25-A; Total Increased. Amend 1997, 349:8 to read as follows:

349:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~$67,998,437~~] ***$68,068,437*** and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

24 Lapse Dates Extended to June 30, 2001. The following appropriations are hereby extended to June 30, 2001.

I. The appropriation made to the department of transportation in 1989, 367:1, XII, A, 1, as amended by 1991, 351:27, II(l) and 1992, 289:60, as extended by 1993, 359:20, V, 1995, 309:32, VII, 1996, 215:3, I, and 1997, 349:34, I for improvements at the Keene Dillant-Hopkins airport.

II. The appropriation made to the department of environmental services in 1993, 359:1, IV, B for the state revolving fund match.

III. The appropriation made to the department of transportation in 1993, 359:1, XII, A, 1, as extended by 1994, 171:1, 1996, 215:3, III, and 1997, 349:34, X for land acquisition for navigation beacons.

IV. The appropriation made to the department of administrative services in 1995, 309:1, II, A, 1, as extended by 1997, 349:34, XI for the health and human services building and laboratory HVAC renovations.

V. The appropriation made to the department of administrative services in 1995, 309:1, II, B, 3, as extended by 1997, 349:34, XIV for the study and design of court facility on county donated land – Carroll County Superior Court.

VI. The appropriation made to the department of corrections in 1995, 309:1, IV, K, as amended by 1997, 349:29, and as extended by 1997, 349:34, XVII for preliminary design of expanded correctional facilities, including land acquisition, in accordance with federal crime bill grants.

VII. The appropriation made to the department of corrections in 1995, 309:1, IV, L and as amended by 1997, 349:34, XVIII for the construction of boilers, N.H. state prison for women, Goffstown.

VIII. The appropriation made to the department of environmental services in 1995, 309:1, VI, A as extended by 1997, 349:34, XIX for the state revolving fund program – wastewater.

IX. The appropriation made to the department of health and human services in 1995, 309:1, VII, B, I as extended by 1997, 349:34, XXIII for RSA 171-B mentally retarded criminal offenders.

X. The appropriation made to the department of health and human services in 1995, 309:1, VII, C, 1 as extended by 1997, 349;34, XXIV for life and safety renovations – Glencliff.

XI. The appropriation made to the department of resources and economic development in 1995, 309:1, XII, A, 2 as amended by section 18 of this act and as extended by 1997, 349:34, XXVIII for Cannon lift and ski area repairs.

XII. The appropriation made to the department of resources and economic development in 1997, 335:3 for the purchase and development of property in Piermont, New Hampshire on Lake Tarleton.

XIII. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 3 and 4 for roof repairs – supreme court and health and human services building.

XIV. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 9 for repair of drainage system – state library.

XV. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 10 and 11 for parking garage repairs – legislative office building and Storrs street.

XVI. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 12 for the emergency repairs, contingency fund.

XVII. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 13 for the life safety, renovations – health and human services building.

XVIII. The appropriation made to the department of administrative services in 1997, 349:1, II, B, 1-3 for LAN hardware and site preparation, year 2000 financial support system, and check processing and mailing system.

XIX. The appropriation made to the department of administrative services in 1997, 349:1, II, C, 1 for the bureau of court facilities Dover/Durham/Somersworth District Court.

XX. The appropriation made to the community technical college system in 1997, 349:1, IV, A for telephone systems and roof projects- Manchester, Claremont, Nashua, and Concord.

XXI. The appropriation made to the community technical college system in 1997, 349:1, IV, C for critical laboratory support for N.H. industries.

XXII. The appropriation made to the community technical college system in 1997, 349:1, IV, E for upgrade of general science laboratories.

XXIII. The appropriation made to the department of environmental services in 1997, 349:1, VI, A for the waste water state revolving fund match.

XXIV. The appropriation made to the department of environmental services in 1997, 349:1, VI, B for the drinking water state revolving fund match.

XXV. The appropriation made to the department of environmental services in 1997, 349:1, VI, D for the bedrock aquifer assessment.

XXVI. The appropriation made to the department of environmental services in 1997, 349:1, VI, F for dam removal.

XXVII. The appropriation made to the department of health and human services commissioner's office in 1997, 349:1, VII, F and as amended in 1998, 276:1 for the Brown Building addition and renovation – Glencliff.

XXVIII. The appropriation made to the port authority in 1997, 349:1, IX, D for the maintenance dredging Hampton/Seabrook harbor.

XXIX. The appropriations made to the department of resources and economic development in 1997, 349:1, X, B-D for repair Rocky Bend seawall, replace bath house – Sunapee, and replace bridge – Lafayette campground.

XXX. The appropriation made to the department of transportation in 1997, 349:1, XIV, A for 5-10 percent match FAA airport projects.

XXXI. The appropriation made to youth development services in 1997, 349:1, XVI, D as amended by 1997, 351:68 and 1998, 372:2, 3 and as amended by section 15 of this act for construction and renovations – YDC.

XXXII. The appropriation made to the department of transportation in 1997, 349:4, I, A for John O. Morton building renovation.

XXXIII. The appropriation made to the department of safety in 1997, 349:4, II, A as amended by 1998, 276:4 and as amended by section 21 of this act for warehouse/Epping station.

XXXIV. The appropriation made to the department of safety in 1997, 349:4, II, B as amended by 1998, 276:4 for microwave system upgrade.

XXXV. The appropriation made to the department of corrections in 1998, 223:2 for the design and construction of the new medium security prison and for furnishings and equipment for inmates of the new prison.

25 Effective Date.

I. Section 24 of this act shall take effect June 30, 1999.

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

Adopted.

Report adopted and referred to Finance.

HB 630-FN-L, relative to the Skyhaven airport transfer plan. OUGHT TO PASS WITH AMENDMENT

Rep. Winston H. McCarty for Public Works and Highways**:** Skyhaven Airport, located in Rochester, is the only airport in this state owned and managed by the state of New Hampshire, other than the Pease Airport, which is managed by an authority. This bill endeavors to make possible the formulation of the mechanics to transfer Skyhaven to a local or regional entity. The objective is for better management and a more beneficial airport. The amendment specifies that revenues from hangars 2, 3 & 4 not needed for bond repayment shall be deposited for use in the operating fund. This bill calls for a plan to be developed by the Long Range Capital Planning and Utilization Committee and the Skyhaven Airport Operation Commission. This bill was the result of a study done last summer. This bill does not require that any city, town or other public entity take title; it does however, require that a plan be developed. Vote 16-1.

Amendment (0400h)

Amend RSA 422:49, III as inserted by section 3 of the bill by replacing it with the following:

III. Rental revenues from Hangars 2, 3 and 4 at Skyhaven airport which are not needed for bond repayment or required to be deposited in the Skyhaven hangar sinking fund account shall be deposited in this fund. All other revenues from Skyhaven airport rentals, leases, fees, and the sale of goods and services at Skyhaven airport shall be deposited in this fund.

Adopted.

On a division vote, 238 members having voted in the affirmative and 84 in the negative, the report was adopted.

Referred to Finance.

SB 12-FN-A, relative to the World War II memorial campaign and making an appropriation therefor. OUGHT TO PASS

Rep. George R. Rubin for State-Federal Relations and Veterans Affairs**:** This bill asks an appropriation of $1 for each NH citizen who served in W.W.II to help fund the construction of a W.W.II memorial on the national wall in Washington DC. This memorial will be the first national memorial dedicated to all who served in the Armed Forces and Merchant Marine of the US during W.W.II. In 1993, Congress passed legislation authorizing the building of the national W.W.II memorial. The Fiscal Note calls for a total appropriation of $60,000. Vote 13-0.

Adopted and referred to Finance.

regular calendar – part II

HB 252, establishing a procedure for separation of condominium units at the Commons at Merrimack. OUGHT TO PASS WITH AMENDMENT

Rep. Tara G. Reardon for Commerce**:** This bill provides a mechanism to allow a condominium to divide itself into two separate properties. The condominium association that came before us included a block of rental units divided by a road from a group of owner-occupied townhouses. The owner-occupied units have been unable to obtain financing from some lenders because of the high rate of non-owner occupied units. The bill, as amended, included numerous opportunities for an opponent of the division to have an opportunity to be heard before the local governing body, planning board, and appeal to the superior court. Vote 12-2.

Rep. Hunt moved Re-commit to Committee.

Adopted.

HB 668, adding 2 members to the board of directors of the Pease development authority. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Commerce**:** While the sponsor had valid concerns as to the tenants' representation on the Board of Directors, many conflict of interest problems surfaced during the testimony. The committee does not feel that we can move ahead at this time with this piece of legislation. Vote 11-3.

Adopted.

HB 360-FN, clarifying that any person convicted of a felony in this state is prohibited from owning or possessing firearms and other dangerous weapons. OUGHT TO PASS

Rep. Frank M. Schanda for Criminal Justice and Public Safety**:** This bill clarifies the current statutes relative to convicted felons who are prohibited from possession of firearms and/or other dangerous weapons. Under existing New Hampshire statutes those convicted of a non violent felony such as passing a bad check, can still possess a firearm. Under federal statutes, these same people are prohibited from possession of firearms. The existing conflict between federal and state statutes puts citizens of New Hampshire who have a non violent felony on their record, in harm's way. This correction to RSA 159:3 will clarify who can and who cannot possess firearms. RSA 159:3, III states that: "It is an affirmative defense to a charge under this section that a felony of which a defendant has been convicted in another jurisdiction would not have constituted a felony in the state of New Hampshire at the time such felony was committed." House Bill 360 as introduced makes New Hampshire statutes conform to federal statutes. Vote 14-2.

Adopted and ordered to third reading.

HB 574-FN-A, establishing a fisheries habitat fee required for persons obtaining a fishing license and continually appropriating the funds for fisheries habitats. OUGHT TO PASS

Rep. Steve Vaillancourt for Finance**:** This bill would raise the price of a fishing license by $1 (currently $23.25 for in-state residents, $35.50 for out-of-staters) generating an estimated $140,000 a year to be used to fund a fisheries habitat account within Fish and Game. Finance took into account the support this bill had from Fish and Game and members of the public during the hearing before

the Wildlife and Marine Resources Committee. No general fund monies are involved; the increase seems appropriate for the purpose established by the policy committee; thus Finance has no objection. Vote 22-2.

Adopted and ordered to third reading.

HB 596, making technical corrections to certain laws administered by the department of revenue administration. OUGHT TO PASS WITH AMENDMENT

Rep. David J. Alukonis for Finance**:** This bill makes technical corrections to certain tax laws and extends the temporary tax rate for the communications services tax through the biennium ending June 30, 2001. The technical changes include: reference to general tax provisions regarding penalties, reference to the United States Internal Revenue Code, clarification of an existing exemption from the real estate transfer tax, correction of a reference regarding the legacies and succession tax, and the repeal of a certain limitation on the commissioner's authority to waive or abate penalties which was enacted for the sole purpose of the tax amnesty program in the last biennium. The bill also provides that the 5.5% communications services tax rate is continued for the next biennium (3.0% permanent, 5.5% temporary). This extension will yield over $45 million during fiscal '00 & '01. Lastly, the bill also extends the prospective repeal date for the exemption of wooden poles used for communications purposes from real estate taxes. This action is taken pursuant to the extensive review and legislation which took place during the last legislative session. It should also be noted that the temporary tax rates regarding the real estate transfer tax and the rooms and meals tax are NOT in this bill as the rates for those taxes were addressed in HB 117. Vote 21-1.

Amendment (1135h)

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

AN ACT making technical corrections to certain laws administered by the department of revenue administration and extending the temporary tax rate of the communications services tax through the biennium ending June 30, 2001.

Amend the bill by replacing all after section 5 with the following:

6 Rate of Tax for Biennium Ending June 30, 2001; Intrastate and Interstate Communications Services Tax. Notwithstanding RSA 82-A:3 and RSA 82-A:4, for the period beginning July 1, 1999 and ending June 30, 2001, the rate of tax is 5.5 percent on the gross charge for communications services purchased at retail from a retailer.

7 Prospective Repeal Date Extended for Exemption of Wooden Poles Under RSA 72:8-b. Amend 1998, 304:6, I to read as follows:

I. Section 5 of this act shall take effect July 1, [~~1999~~] ***2001***.

8 Effective Date.

I. Sections 1-5 of this act shall take effect 60 days after its passage.

II. Section 7 of this act shall take effect upon its passage.

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

AMENDED ANALYSIS

This bill makes technical corrections to certain laws administered by the department of revenue administration. This bill extends the temporary tax rate of the communications services tax through the biennium ending June 30, 2001.

Adopted.

Report adopted and ordered to third reading.

HB 601, 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. OUGHT TO PASS WITH AMENDMENT

Rep. Jeffrey C. MacGillivray for Finance**:** This bill creates a new unclassified (appointed by governor and council) position of warden of the northern New Hampshire (Berlin) correctional facility, allows the assistant commissioner to assume the duties of the commissioner when necessary, renames two current superintendents as wardens, and corrects out-of-date references. The committee amendment changes this warden's pay group and salary to the minimum category exceeding his current classified employee salary ("N" instead of "O"; next-to-top step instead of the top step), and changes the personnel group of the lakes region facility (Laconia) warden to equal the new warden's personnel group.

While the Committee considered making both of these warden positions group "O" instead of "N", limiting the new position to group "N" leaves this recently-hired employee with one step increase still available; this decision also leaves time for the study committee being created by separate legislation to evaluate all unclassified positions within the state and recommend changes. However, given the increase in population at the Laconia facility since its warden was classified in group "M", to a population comparable with Berlin's capacity, the similarity between Laconia and Berlin justifies paying these two wardens equally Vote 22-1.

Amendment (1170h)

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, correcting out-of-date references and phraseology pertaining to the department of corrections, adding the position of warden of the Northern New Hampshire Correctional Facility to the unclassified system, and changing the personnel group status of the warden of the lakes region facility.

Amend the bill by replacing section 5 with the following:

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

III. Inserting in group N:

Warden, lakes region facility, department of corrections

Warden, Northern New Hampshire Correctional Facility, department of corrections

Amend the bill by inserting after section 5 the following and renumbering the original sections 6-11 to read as 7-12, respectively:

6 Applicability of Salary Classifications. The warden of the Northern New Hampshire Correctional Facility (formerly the Berlin prison facility) on the effective date of this act shall become the unclassified warden at the salary step in group N which is not less than the warden's classified salary. The warden of the lakes region facility on the effective date of this act, shall be placed in the unclassified salary step in group N so that the warden shall be compensated at a rate not less than the superintendent's present salary.

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, corrects certain out-of-date references pertaining to the department of corrections, and adds the position of warden of the Northern New Hampshire Correctional Facility to unclassified personnel group N and the position of warden of the lakes region facility to unclassified personnel group N.

Adopted.

Report adopted and ordered to third reading.

HB 644-FN-A-L, authorizing the operation of electronic games of chance at pari-mutuel licensee locations. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE.

Rep. William S. Belvin for the Majority of Finance**:** This bill authorizes electronic games of chance (e.g. slot machines or video poker), establishes the process for conducting these games, and creates a gaming enforcement division with the Department of Safety. The bill intends to grant an exclusive privilege to the state's four racetracks, as the gambling machines are only authorized for the existing holders of pari-mutuel licenses. Local communities in which racetracks are located must adopt the authorizing RSA by majority vote, but there is no provision for rescinding video gambling once adopted. Extensive provisions are made for the control of both persons and machines, including investments in central computer systems, thus recognizing the inherent dangers contained within the bill. The fiscal note shows first two years expenditures of $1.691 million to establish video gambling with state revenues of $160 million for the same time period. There is broad skepticism about these revenue estimates, particularly in light of the potential for Massachusetts to permit casinos on our border if such a bill is adopted.

The committee majority doubted that the state should in effect establish monopolies at the four racetracks for video gambling, and felt that the social and economic consequences would greatly diminish any presumed revenue benefits from video gambling. Some committee members viewed the proposal as exploitative of persons vulnerable to addiction. Others viewed the measure as a regressive means of raising revenue. Concerns were expressed over the potential damage to area small businesses from the diversion of discretionary dollars from stores and amusements into gambling.

Division IV of Finance and the full committee defeated motions of recommit and re-refer before voting 15-8 for Inexpedient to Legislate. Expanded gambling bills are heard in the legislature nearly every year. This bill will mark the third time this session that expanded gambling has been before the full House. It is clear to the committee majority that, on balance, video gambling brings more monetary and social ills than any presumed economic benefit Vote 15-8.

Rep. Steve Vaillancourt for the Minority of Finance: The minority believes it is essential that this bill be re-referred for further study. While we can differ about the pluses and minuses of expanded video lottery, one thing we ought to be able to agree upon is that if we are going to do this, we ought to do it right. We ought to consider the arguments and counter-arguments regarding such things as: the social and economic impacts on society; whether this is a sustainable source of revenue should Massachusetts also legalize expanded gambling in the near future; does this type of activity lead to an increase in crime; and perhaps most significantly, what constraints should be placed on gambling and should it be limited to tracks, hotels, or opened to a wider array.

While this bill contains specific proposals, the sponsor is not married to any of them and offers the referral as an ideal device to address these and other philosophical and implementation issues. A starting point could well be the 1994 150-page gambling study which provides voluminous data on the issues raised here. The minority believes an extensive review of this is absolutely required, and if not now, then when?

The minority also believes that now is not the time to foreclose any funding source, not considering the gap we created in the general fund when we passed the committee of conference Claremont solution last week.

motion to lay on the table

Rep. Vaillancourt moved that ***HB 644-FN-A-L,*** authorizing the operation of electronic games of chance at pari-mutuel licensee locations, be laid on the table.

Rep. Soltani requested a roll call; sufficiently seconded.

YEAS 158 NAYS 176			
YEAS 158			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Czech, Stanley	Lawton, David
Salatiello, Thomas			
CARROLL			

Babson, David, Jr	Dickinson, Howard		
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	DePecol, Benjamin
Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, Irene
Richardson, Barbara	Riley, William	Roberts, William	Russell, Ronald
Smith, Edwin	Zerba, Roger		
COOS			
Guay, Lawrence	Landers, Dana	Mears, Edgar	Rodrigue, Robert
GRAFTON			
Alger, John	Copenhaver, Marion	Densmore, Jessica	Ham, Bonnie
Picconi, Al	Solow, Martha	Ward, Brien	
HILLSBOROUGH			
Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Buckley, Raymond
Burkush, James	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Drabinowicz, A	Dwyer, Paul, Sr
Fenton, James	Fields, Dennis	Foster, Linda	Franks, Suzan
Gagnon, Paul	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Herman, Richard	Jean, Claudette	Johnson, Lionel	Keye, Harvey
Konys, Christine	LaPorte, George	Lasky, Bette	Leonard, Peter
Lynde, Harold	Martel, Andre	McCarthy, William	McDonald, James, Sr
McDonough-Wallace, Alice	McRae, Karen	Mendenhall, Leslie	Milligan, Robert
Moran, Edward	Moriarty, Mary	Murphy, Robert	Perkins, Paul
Reeves, Sandra	Reidy, Frank	Sarette, John	Turgeon, Roland
Vaillancourt, Steve	Wall, Nancy	White, John	
MERRIMACK			
Bouchard, Candace	Daneault, Gabriel	Davis, Francis	Fortnam, Janet
Owen, Derek	Potter, Frances	Poulin, Dave	Seldin, Gloria
Wallin, Jean	Whittemore, James		
ROCKINGHAM			

Belanger, Ronald	Blanchard, MaryAnn	Bridle, Russell	Clark, Martha
Clark, Vivian	Dalrymple, Janeen	DiFruscia, Anthony	Downing, Michael
Flanagan, Natalie	Gibbons, Paul	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Langley, Jane
Langone, John	Mikowlski, Walter	Morse, Charles	Norelli, Terie
O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne
Raynowska, Bernard	Rubin, George	Sapareto, Frank	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Stritch, C Donald	Vaughn, Charles
Weyler, Kenneth			
STRAFFORD			
Berube, Roger	Bickford, David	Brown, George	Brown, Julie
Callaghan, Frank	Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris
Gilmore, Gary	Heon, Richard	Johnson, Nancy	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	McKinley, Robert
Rogers, Rose Marie	Rollo, Michael	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Twardus, Joseph	Vincent, Francis	Wall, Janet
SULLIVAN			
Allison, David	Burling, Peter	Donovan, Thomas, Jr	Flint, Gordon, Sr
Jones, Constance	Leone, Richard	Phinizy, James	Robb-Theroux, Amy
NAYS 176 **BELKNAP**			
Boyce, Robert	Holbrook, Robert	Lawton, Robert	Millham, Alida
Pilliod, James	Rosen, Ralph	Turner, Robert	Wendelboe, Francine
Wood, Jane			
CARROLL			
Bradley, Jeb	Chandler, Gene	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	Sullivan, P Judith
Torressen, Gary			
CHESHIRE			
Burnham, Daniel	Hunt, John	Manning, Joseph	Pratt, John

Robertson, Timothy	Rose, William	Royce, H Charles	
COOS			
Davis, Perley	Merrill, Gerald	Pratt, Leighton	Tholl, John, Jr
Woodward, David			
GRAFTON			
Akins, Ralph	Almy, Susan	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Guest, Robert
Hall, David	Harmon, Hobart	Hinman, Harry	Johnson, Gary
LaMott, Paul	MacNeil, Allen	Marshall, Gene	Phinney, William
Scanlan, David	Weber, Phil		
HILLSBOROUGH			
Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter
Beaupre, Roland	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Coughlin, Pamela	Curran, James	Dalianis, Griffin
Daniels, Gary	Desrosiers, William	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Emerton, Lawrence	Fletcher, Richard	Flora, Kathleen
Ford, Nancy	Gagnon, Eugene	Garrish, Linda	Goulet, Maurice
Hall, Betty	Hansen, Herbert	Herman, Keith	Holley, Sylvia
Jean, Loren	Kurk, Neal	LaRose, Richard	Lessard, Rudy
Lozeau, Donnalee	MacGillivray, Jeffrey	Martin, Mary	McCarty, Winston
McGough, Tim	Melcher, Harold	Mercer, Robert	Messier, Irene
Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Sargent, Maxwell	Thulander, O Alan
White, Donald	Withee, Dennis		
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Brewster, Richard	Chase, George
French, Barbara	Hager, Elizabeth	Hess, David	Jacobson, Alf
Kennedy, Richard	Langer, Ray	Larrabee, David, Sr	Lavoie, Gerard
Leber, William	Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth

Maxfield, Roy	Moore, Carol	Nichols, Avis	Rodd, Beth
Soltani, Tony	St Cyr, Gerard	Virtue, Carolyn	Wallner, Mary Jane
Whalley, Michael	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Bishop, Franklin
Case, Margaret	Christie, Andrew, Jr	Corbin, C David	Cote, Patricia
Cox, Russell	Dowling, Patricia	Fesh, Robert	Flanders, David
Flanders, John, Sr	Francoeur, Sheila	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Kobel, Rudolph	Lovejoy, Marian
Major, Norman	McKinney, Betsy	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	Packard, Sherman	Putnam, Ed, II	Quandt, Marshall
Reardon, Neil	Ruffner, Walter	Sabella, Norma	Stickney, Nancy
Stone, Joseph	Tufts, J Arthur	Varrell, Thomas	Weare, Everett
Welch, David	Zolla, William		
STRAFFORD			
Cossette, Larry	Kaen, Naida	Pelletier, Arthur	Smith, Marjorie
Spear, Barbara	Torr, Franklin	Woods, Phyllis	
SULLIVAN			
Cloutier, John	Wiggins, Celestine	Young, David	

and the motion failed.

The question now being the adoption of the majority report.

Reps. Guay and Ward spoke against.

Reps. Jacobson, Kennedy and John Pratt spoke in favor and yielded to questions.

Reps. DePecol, Milligan and Vaillancourt spoke against and yielded to questions.

Reps. Boyce and Hess spoke in favor.

Rep. Kurk requested a roll call; sufficiently seconded.

YEAS 233 NAYS 108 YEAS 233 BELKNAP			
Boyce, Robert	Holbrook, Robert	Lawton, David	Lawton, Robert
Millham, Alida	Pilliod, James	Rosen, Ralph	Salatiello, Thomas
Turner, Robert	Wendelboe, Francine		
CARROLL			
Bradley, Jeb	Chandler, Gene	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	Sullivan, P Judith
Torressen, Gary			
CHESHIRE			
Burnham, Daniel	Hunt, John	Manning, Joseph	Meader, David
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Rose, William	Royce, H Charles	
COOS			
Davis, Perley	Pratt, Leighton	Tholl, John, Jr	Woodward, David
GRAFTON			
Akins, Ralph	Almy, Susan	Brothers, Richard	Cobb, John
Copenhaver, Marion	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
Guest, Robert	Hall, David	Ham, Bonnie	Harmon, Hobart
Hinman, Harry	Johnson, Gary	MacNeil, Allen	Marshall, Gene
Phinney, William	Scanlan, David	Solow, Martha	Weber, Phil
HILLSBOROUGH			
Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter
Beaupre, Roland	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Coughlin, Pamela	Curran, James	Dalianis, Griffin
Daniels, Gary	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A
Durham, Susan	Dyer, Merton	Emerton, Lawrence	Fenton, James
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Gagnon, Eugene

Garrish, Linda	Ginsburg, Ruth	Goulet, Maurice	Hall, Betty
Hansen, Herbert	Herman, Keith	Herman, Richard	Holley, Sylvia
Hunter, Bruce	Jean, Loren	Kurk, Neal	LaRose, Richard
Lasky, Bette	Lessard, Rudy	Lozeau, Donnalee	Lynde, Harold
MacGillivray, Jeffrey	Martel, Andre	Martin, Mary	McCarthy, William
McCarty, Winston	McGough, Tim	McRae, Karen	Melcher, Harold
Mercer, Robert	Messier, Irene	Moran, Edward	Nolan-Piteri, Dawn
O'Connell, Timothy	O'Hearn, Jane	Pappas, Marc	Pepino, Leo
Perkins, Paul	Peterson, Andrew	Reeves, Sandra	Sarette, John
Sargent, Maxwell	Thulander, O Alan	Wall, Nancy	White, Donald
Withee, Dennis			
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Davis, Francis	Fortnam, Janet	French, Barbara	Hager, Elizabeth
Hess, David	Jacobson, Alf	Kennedy, Richard	Langer, Ray
Larrabee, David, Sr	Lavoie, Gerard	Leber, William	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Moore, Carol
Nichols, Avis	Owen, Derek	Potter, Frances	Reardon, Tara
Rodd, Beth	Seldin, Gloria	Soltani, Tony	St Cyr, Gerard
Virtue, Carolyn	Wallner, Mary Jane	Whalley, Michael	Whittemore, James
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Bishop, Franklin
Case, Margaret	Christie, Andrew, Jr	Clark, Martha	Clark, Vivian
Corbin, C David	Cote, Patricia	Cox, Russell	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John, Sr	Francoeur, Sheila	Gleason, John
Hamel, Albert	Henderson, Warren	Johnson, Robert	Katsakiores, George
Kelley, Jane	Kobel, Rudolph	Letourneau, Robert	Lovejoy, Marian
Major, Norman	McKinney, Betsy	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Putnam, Ed, II

Quandt, Marshall	Rabideau, Marie	Reardon, Neil	Ruffner, Walter
Sabella, Norma	Sapareto, Frank	Shultis, Elizabeth	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Vaughn, Charles	Weare, Everett	Welch, David	Zolla, William
STRAFFORD			
Cossette, Larry	Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Lent, Donald
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Smith, Marjorie
Snyder, Clair	Spang, Judith	Spear, Barbara	Torr, Franklin
Wall, Janet	Woods, Phyllis		
SULLIVAN			
Allison, David	Cloutier, John	Jones, Constance	Leone, Richard
Phinizy, James	Tuthill, John	Wiggins, Celestine	
NAYS 108 **BELKNAP**			
Bartlett, Gordon	Boriso, Thomas	Czech, Stanley	Wood, Jane
CARROLL			
Babson, David, Jr	Dickinson, Howard		
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	DePecol, Benjamin
Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
McGuirk, Paul	Mitchell, McKim	Roberts, William	Russell, Ronald
Smith, Edwin	Zerba, Roger		
COOS			
Guay, Lawrence	Landers, Dana	Mears, Edgar	Merrill, Gerald
Rodrigue, Robert			
GRAFTON			
Alger, John	Densmore, Jessica	LaMott, Paul	Picconi, Al
Ward, Brien			
HILLSBOROUGH			

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Buckley, Raymond
Burkush, James	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Dwyer, Paul, Sr	Fields, Dennis
Foster, Linda	Franks, Suzan	Gagnon, Paul	Goley, Jeffrey
Gorman, Mary	Jean, Claudette	Johnson, Lionel	Keye, Harvey
Konys, Christine	LaPorte, George	Lefebvre, Roland	Leonard, Peter
McDonough-Wallace, Alice	Mendenhall, Leslie	Milligan, Robert	Moriarty, Mary
Murphy, Robert	Reidy, Frank	Turgeon, Roland	Vaillancourt, Steve
White, John	Williams, Carol		
MERRIMACK			
Daneault, Gabriel	Poulin, Dave	Wallin, Jean	
ROCKINGHAM			
Belanger, Ronald	Blanchard, MaryAnn	Bridle, Russell	Cooney, Richard
Dalrymple, Janeen	Gibbons, Paul	Griffin, Mary	Kane, Cecelia
Katsakiores, Phyllis	Langley, Jane	Langone, John	Mikowlski, Walter
Morse, Charles	Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline
Priestley, Anne	Raynowska, Bernard	Rubin, George	Schanda, Frank
Shelton, Richard	Splaine, James	Weyler, Kenneth	
STRAFFORD			
Berube, Roger	Bickford, David	Brown, George	Brown, Julie
Callaghan, Frank	Domingo, Baldwin	Heon, Richard	Knowles, William
Lundborn, Raymond	McKinley, Robert	Rollo, Michael	Taylor, Kathleen
Twardus, Joseph	Vincent, Francis		
SULLIVAN			
Burling, Peter	Donovan, Thomas, Jr	Flint, Gordon, Sr	Young, David

and the majority report was adopted.

indefinite postponement

Rep. Hager moved that ***HB 644-FN-A-L,*** authorizing the operation of electronic games of chance at pari-mutuel licensee locations, be indefinitely postponed and spoke in favor.

Reps. Baroody, Avery, DiFruscia, Wallin and Burling spoke against.

Reps. Mock and Chandler spoke in favor.

Rep. Hager requested a roll call; sufficiently seconded.

YEAS 191 NAYS 145 **YEAS 191** **BELKNAP**			
Boyce, Robert	Holbrook, Robert	Millham, Alida	Pilliod, James
Turner, Robert	Wendelboe, Francine		
CARROLL			
Bradley, Jeb	Chandler, Gene	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	Torressen, Gary
CHESHIRE			
Burnham, Daniel	Hunt, John	Manning, Joseph	Meader, David
Pratt, Irene	Richardson, Barbara	Robertson, Timothy	Rose, William
Royce, H Charles	Zerba, Roger		
COOS			
Davis, Perley	Landers, Dana	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr			
GRAFTON			
Akins, Ralph	Almy, Susan	Brothers, Richard	Cobb, John
Copenhaver, Marion	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
Guest, Robert	Hall, David	Hinman, Harry	Johnson, Gary
LaMott, Paul	MacNeil, Allen	Marshall, Gene	Phinney, William
Scanlan, David	Weber, Phil		
HILLSBOROUGH			
Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter
Beaupre, Roland	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Coughlin, Pamela	Curran, James	Dalianis, Griffin

Daniels, Gary	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A
Durham, Susan	Dyer, Merton	Emerton, Lawrence	Fenton, James
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Gagnon, Eugene
Garrish, Linda	Goulet, Maurice	Hall, Betty	Hansen, Herbert
Herman, Keith	Herman, Richard	Holley, Sylvia	Hunter, Bruce
Jean, Loren	Kurk, Neal	LaRose, Richard	Lessard, Rudy
Lozeau, Donnalee	MacGillivray, Jeffrey	Martin, Mary	McCarthy, William
McCarty, Winston	McGough, Tim	Melcher, Harold	Mercer, Robert
Messier, Irene	Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Sarette, John	Thulander, O Alan	Wall, Nancy	White, Donald
Withee, Dennis			
MERRIMACK			
Anderson, Eric	Brewster, Richard	Chase, George	Davis, Francis
French, Barbara	Hager, Elizabeth	Hess, David	Jacobson, Alf
Larrabee, David, Sr	Lavoie, Gerard	Leber, William	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Moore, Carol
Nichols, Avis	Owen, Derek	Rodd, Beth	Soltani, Tony
Virtue, Carolyn	Wallner, Mary Jane	Whalley, Michael	Whittemore, James
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Bishop, Franklin
Case, Margaret	Christie, Andrew, Jr	Corbin, C David	Cote, Patricia
Cox, Russell	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr	Francoeur, Sheila	Gleason, John	Hamel, Albert
Henderson, Warren	Kelley, Jane	Kobel, Rudolph	Letourneau, Robert
Lovejoy, Marian	Major, Norman	McKinney, Betsy	Nowe, Mary Lou
Nowe, Ronald	Packard, Sherman	Putnam, Ed, II	Quandt, Marshall
Reardon, Neil	Ruffner, Walter	Sabella, Norma	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Weare, Everett	Welch, David	Zolla, William	

STRAFFORD			
Cossette, Larry	Dunlap, Patricia	Estabrook, Iris	Johnson, Nancy
Kaen, Naida	Lent, Donald	Pelletier, Arthur	Pelletier, Marsha
Smith, Marjorie	Snyder, Clair	Spang, Judith	Spear, Barbara
Torr, Franklin	Wall, Janet	Woods, Phyllis	
SULLIVAN			
Allison, David	Phinizy, James	Tuthill, John	Wiggins, Celestine
NAYS 145 **BELKNAP**			
Bartlett, Gordon	Boriso, Thomas	Czech, Stanley	Lawton, David
Lawton, Robert	Rosen, Ralph	Salatiello, Thomas	Wood, Jane
CARROLL			
Babson, David, Jr	Dickinson, Howard	Sullivan, P Judith	
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	DePecol, Benjamin
Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
McGuirk, Paul	Mitchell, McKim	Pratt, John	Riley, William
Roberts, William	Russell, Ronald	Smith, Edwin	
COOS			
Guay, Lawrence	Mears, Edgar	Rodrigue, Robert	
GRAFTON			
Alger, John	Densmore, Jessica	Ham, Bonnie	Harmon, Hobart
Picconi, Al	Solow, Martha	Ward, Brien	
HILLSBOROUGH			
Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Buckley, Raymond
Burkush, James	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Dwyer, Paul, Sr	Fields, Dennis
Foster, Linda	Franks, Suzan	Gagnon, Paul	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Jean, Claudette	Johnson, Lionel
Keye, Harvey	Konys, Christine	LaPorte, George	Lasky, Bette

Lefebvre, Roland	Leonard, Peter	Lynde, Harold	Martel, Andre
McDonough-Wallace, Alice	McRae, Karen	Mendenhall, Leslie	Milligan, Robert
Moran, Edward	Moriarty, Mary	Murphy, Robert	Perkins, Paul
Reidy, Frank	Sargent, Maxwell	Turgeon, Roland	Vaillancourt, Steve
White, John	Williams, Carol		
MERRIMACK			
Bouchard, Candace	Daneault, Gabriel	Fortnam, Janet	Langer, Ray
Potter, Frances	Poulin, Dave	Reardon, Tara	Seldin, Gloria
St Cyr, Gerard	Wallin, Jean		
ROCKINGHAM			
Belanger, Ronald	Blanchard, MaryAnn	Bridle, Russell	Clark, Martha
Clark, Vivian	Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Gibbons, Paul	Griffin, Mary
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Langone, John	Mikowlski, Walter	Morse, Charles
Norelli, Terie	O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline
Priestley, Anne	Raynowska, Bernard	Sapareto, Frank	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Vaughn, Charles
Weyler, Kenneth			
STRAFFORD			
Berube, Roger	Bickford, David	Brown, George	Brown, Julie
Callaghan, Frank	Domingo, Baldwin	Gilmore, Gary	Heon, Richard
Keans, Sandra	Knowles, William	Lundborn, Raymond	McKinley, Robert
Rogers, Rose Marie	Rollo, Michael	Taylor, Kathleen	Twardus, Joseph
Vincent, Francis			
SULLIVAN			
Burling, Peter	Cloutier, John	Donovan, Thomas, Jr	Flint, Gordon, Sr
Jones, Constance	Leone, Richard	Young, David	

and the motion was adopted.

reconsideration

Having voted with the prevailing side, Rep. Kurk moved that the House reconsider its action whereby it voted to Indefinitely Postpone ***HB 644-FN-A-L,*** authorizing the operation of electronic games of chance at pari-mutuel licensee locations, and spoke against.

Reconsideration failed.

regular calendar – Part II (cont'd.)

HB 652-FN, 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. OUGHT TO PASS WITH AMENDMENT

Rep. Jeffrey C. MacGillivray for Finance**:** This bill significantly increases funds available for the victims' assistance fund by increasing the surcharge on all fines and penalties for criminal offenses from 17 to 20 per cent ($500,000 additional revenue per year) and surcharging state prison commissary purchases by 5 per cent ($75,000 additional revenue per year). The bill also makes these funds continually appropriated. The Committee finds that the additional revenue generated for victim assistance will allow significant increases in dollar limits and significant relaxation of categorical limitations on expenses by the victims' assistance fund. The committee amendment simply clarifies language. Vote 20-3.

Amendment (1163h)

Amend the bill by replacing section 6 with the following:

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***, except that restitution to victims shall have priority over all other allocations.***

Adopted.

Report adopted and ordered to third reading.

HB 719-FN, relative to procedures regarding children in need of services. OUGHT TO PASS WITH AMENDMENT

Rep. Mary Jane Wallner for Finance**:** This bill clarifies certain procedures involving children in need of services. The policy committee voted 14-0 Ought to Pass as Amended. The bill originated as the direct result of an 18-month study done by the court task force. Definitions for the terms of diversion and intervention are established.

The Finance Committee amended the bill to change the effective date, clarify the definition of diversion, and to make clear that the cost of the programs shall be paid by private insurance, if available, or otherwise by the child, parent, guardian or person having custody of the child, except under certain circumstances already provided by law. Vote 20-0.

Amendment (1185h)

Amend the bill by replacing section 3 with the following:

3 New Paragraph; Diversion Defined. Amend RSA 169-D:2 by inserting after paragraph IV the following new paragraph:

IV-a. "Diversion" means a decision made by a person with authority which results in providing an individually designed program for delivery of services for the child by a specific provider, or a plan to assist the child in finding a remedy for his or her inappropriate behavior. The goal of diversion is to prevent further involvement of the child in the formal legal system. Diversion of a child may take place either at pre-filing as an alternative to the filing of a petition or at any time after the filing of the petition.

Amend the bill by replacing section 9 with the following:

9 New Subparagraph; Dispositional Hearing May Include Certain After-School or Evening Programs. Amend RSA 169-D:17, I by inserting after subparagraph (d) the following new subparagraph:

(e) Requiring any child to attend structured after-school or evening programs which address some of the child's compliance issues, as well as supervise the child during the time of the day in which the child most values his or her freedom and the time which is most often used to perform unruly acts. The cost of said programs shall be paid by private insurance, if available, or otherwise by the child, parent, guardian or person having custody of the child, or may be available to the child free of charge based on the limited means of the family or based on the program's receipt of other funding, including but not limited to funding distributed pursuant to RSA 170-G:4, XVI. Payment shall be made pursuant to RSA 169-D:29 only for those programs that have been certified pursuant to RSA 170-G:4, XVIII.

Amend the bill by replacing section 11 with the following:

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

Adopted.

Report adopted and ordered to third reading.

HB 505-FN, establishing a special license plate for veterans. INEXPEDIENT TO LEGISLATE

Rep. Jon P. Beaulieu Transportation**:** An amendment was offered by the sponsor to establish a $25 fee for these special license plates and an advisory commission to design the plates. This bill was very similar to HB 680, and most of the debate was centered around the same issues. The committee has many members who are veterans and support veterans issues. Once again they commend the sponsors for their effort, however, they are opposed to the use of special license plates to do so. There were also recent reports from our neighbor to the south that has implemented 7 such special plates, which have not sold well. This state has not even recovered the start up or inventories cost. The committee also recognizes that the conservation license plate has not been issued yet, and this needs to be considered. Additionally, the committee heard testimony from the Commissioner of Safety that the legal purpose for license plates is for law enforcement to recognize proper registration. The

department would like to discourage legislation of special license plates for recognition and safety concerns within the law enforcement community. Vote 18-0.

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

Adopted.

HB 525-FN, relative to prisoner of war license plates. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Alfred C. Lerandeau for the Majority of Transportation**:** This bill as amended relative to special plates for certain veterans extends the transferring of plates to a surviving spouse. After much lively discussion amongst the committee over the role of caregiver or spouse, it became our opinion that the plate would only be for the surviving spouse. This bill creates no fiscal impact. Vote 12-5.

Rep. Stanley E. Czech for the Minority of Transportation**:** It was the opinion of the minority that since the amendment deleted the phrase, "… may be retained by widows upon death of a former prisoner of war for as long as they remain widows.", the original idea behind the bill is lost. Furthermore, the bill does not allow a spouse, who may have been the spouse for a greater number of years after the veteran returned, and provided support and loving care longer than the spouse at the time of incarceration, was not eligible to keep the plate simply because she was not married to the POW when he was a prisoner. We believe this bill does not do what was originally intended – to honor those spouses who supported their POW husbands after their return from the war.

Amendment (1142h)

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

AN ACT relative to special number plates for certain veterans.

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

1 Special Number Plates for Certain Veterans. RSA 261:86 is repealed and reenacted to read as follows:

261:86 Special Number Plates for Certain Veterans.

I. The department shall furnish one set of special number plates, designed by the director with the approval of the commissioner, for one motor vehicle owned by a veteran who:

(a) Because of being an amputee, or paraplegic, has received said motor vehicle from the United States government or whose vehicle is to replace one so received, or who is evaluated by the United States Department of Veterans Affairs to be permanently and totally disabled from such service-connected disability. The special number plates shall incorporate the international accessibility symbol.

(b) Has been determined by the veterans administration to be suffering from total blindness as a result of a service-connected disability.

(c) Is a former prisoner of war and was captured and incarcerated for 30 days or more while serving in a qualifying war or armed conflict as defined in RSA 72:28, IV, and who was

honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances. The plates shall be transferable upon death to the surviving spouse of the prisoner of war provided that such surviving spouse provides proof that he or she was married to the prisoner of war during the imprisonment.

(d) Was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA 72:28, IV, and who was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances.

(e) Survived Pearl Harbor and was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances. The plates shall be issued upon payment of the regular registration and number plate fees. The plates shall be transferable upon death to the surviving spouse of the Pearl Harbor survivor provided that such surviving spouse provides proof that he or she was married to the Pearl Harbor survivor at the time of the Pearl Harbor invasion.

II. Plates furnished pursuant to subparagraphs I(a)-(c) shall be issued without charge. Plates furnished pursuant to subparagraphs I(d) and (e) shall be issued upon payment of the regular registration and number plate fees. Notwithstanding RSA 265:73 or any other law, any person who is issued a plate pursuant to subparagraphs I(c)-(e) shall not be entitled to free parking privileges provided for disabled veterans. Individuals who qualify for special plates for certain veterans shall only be issued one set of plates pursuant to this section.

2 Repeal. The following are repealed:

I. RSA 261:87, relative to special number plates for vehicles of blind veterans.

II. RSA 261:87-a, relative to plates for former prisoners of war.

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

AMENDED ANALYSIS

This bill delineates the requirements for certain veterans to obtain special number plates. The bill also repeals provisions relative to special number plates for vehicles of blind veterans and plates for former prisoners of war.

Adopted.

Majority report adopted and ordered to third reading.

reconsideration

Having voted on the prevailing side, Rep. Bergin moved that the House reconsider its action whereby it ordered to third reading ***HB 487,*** relative to the adoption of bonds or notes in certain school districts and municipalities, and spoke against.

Rep. Weyler spoke in favor and requested a roll call; sufficiently seconded.

YEAS 154 NAYS 168 YEAS 154 BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Lawton, David
Lawton, Robert	Millham, Alida	Rosen, Ralph	Turner, Robert
Wendelboe, Francine			
CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Kenney, Joseph	Lyman, L Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith	Torressen, Gary	
CHESHIRE			
Avery, Stephen	Hunt, John	Roberts, William	Rose, William
Royce, H Charles	Smith, Edwin		
COOS			
Guay, Lawrence	Merrill, Gerald	Tholl, John, Jr	
GRAFTON			
Akins, Ralph	Cobb, John	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Hall, David	Ham, Bonnie	Harmon, Hobart
Hinman, Harry	Johnson, Gary	LaMott, Paul	Marshall, Gene
Phinney, William	Picconi, Al	Ward, Brien	Weber, Phil
HILLSBOROUGH			
Alukonis, David	Arnold, Thomas, Jr	Batula, Peter	Beaupre, Roland
Brundige, Robert	Bruno, Pierre	Calawa, Leon, Jr	Carlson, Donald
Christiansen, Lars	Clegg, Robert, Jr	Dalianis, Griffin	Daniels, Gary
Dyer, Merton	Emerton, Lawrence	Fenton, James	Fletcher, Richard
Flora, Kathleen	Gagnon, Eugene	Goulet, Maurice	Herman, Keith
Holley, Sylvia	Jean, Loren	Johnson, Lionel	Kurk, Neal
Lefebvre, Roland	Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey
Martel, Andre	McGough, Tim	McRae, Karen	Mercer, Robert
Milligan, Robert	Moran, Edward	Murphy, Robert	O'Connell, Timothy

Pappas, Marc	Pepino, Leo	Reeves, Sandra	Sarette, John
Sargent, Maxwell	Thulander, O Alan	Turgeon, Roland	Wall, Nancy
White, Donald	Withee, Dennis		
MERRIMACK			
Anderson, Eric	Brewster, Richard	Hess, David	Jacobson, Alf
Langer, Ray	Lavoie, Gerard	Leber, William	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Nichols, Avis
Whalley, Michael	Whittemore, James		
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Christie, Andrew, Jr	Clark, Vivian	Corbin, C David	Cote, Patricia
Dalrymple, Janeen	Dowling, Patricia	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John, Sr	Griffin, Mary	Hamel, Albert
Henderson, Warren	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Letourneau, Robert	Major, Norman
McKinney, Betsy	Mikowlski, Walter	Morse, Charles	Nowe, Mary Lou
Nowe, Ronald	Packard, Sherman	Priestley, Anne	Putnam, Ed, II
Quandt, Marshall	Raynowska, Bernard	Reardon, Neil	Ruffner, Walter
Schanda, Frank	Shelton, Richard	Stickney, Nancy	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Weare, Everett	Welch, David
Weyler, Kenneth	Zolla, William		
STRAFFORD			
McKinley, Robert	Torr, Franklin	Woods, Phyllis	
SULLIVAN			
None			
NAYS 168 **BELKNAP**			
Holbrook, Robert	Pilliod, James	Wood, Jane	
CARROLL			
None			

CHESHIRE			
Batchelder, Robert	Blaisdell, Michael	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	Russell, Ronald	Zerba, Roger	
COOS			
Davis, Perley	Landers, Dana	Mears, Edgar	Pratt, Leighton
Rodrigue, Robert			
GRAFTON			
Alger, John	Almy, Susan	Copenhaver, Marion	Densmore, Jessica
Guest, Robert	MacNeil, Allen	Scanlan, David	Solow, Martha
HILLSBOROUGH			
Ahern, Richard	Andrews, Frederick	Arthur, Rose	Baroody, Benjamin
Bergin, Peter	Buckley, Raymond	Burkush, James	Chabot, Robert
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Curran, James	Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A
Durham, Susan	Dwyer, Paul, Sr	Fields, Dennis	Ford, Nancy
Foster, Linda	Franks, Suzan	Gagnon, Paul	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Hall, Betty
Hansen, Herbert	Herman, Richard	Jean, Claudette	Keye, Harvey
Konys, Christine	LaPorte, George	LaRose, Richard	Lasky, Bette
Leonard, Peter	Lynde, Harold	Martin, Mary	McCarthy, William
McCarty, Winston	McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie
Messier, Irene	Moriarty, Mary	O'Hearn, Jane	Perkins, Paul
Peterson, Andrew	Reidy, Frank	Vaillancourt, Steve	White, John
Williams, Carol			
MERRIMACK			
Bouchard, Candace	Chase, George	Daneault, Gabriel	Davis, Francis
Fortnam, Janet	Hager, Elizabeth	Larrabee, David, Sr	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	Bridle, Russell	Case, Margaret
Clark, Martha	Cooney, Richard	Cox, Russell	DiFruscia, Anthony
Downing, Michael	Francoeur, Sheila	Gibbons, Paul	Gleason, John
Kane, Cecelia	Langone, John	Lovejoy, Marian	Norelli, Terie
O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline	Sabella, Norma
Sapareto, Frank	Shultis, Elizabeth	Splaine, James	Tufts, J Arthur
Vaughn, Charles			
STRAFFORD			
Berube, Roger	Brown, George	Brown, Julie	Callaghan, Frank
Cossette, Larry	Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris
Gilmore, Gary	Heon, Richard	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Lent, Donald	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Spear, Barbara	Taylor, Kathleen
Twardus, Joseph	Vincent, Francis	Wall, Janet	
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Leone, Richard	Phinizy, James
Tuthill, John	Wiggins, Celestine		

and reconsideration failed.

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, May 20, 1999 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 216, relative to release conditions pending trial for defendants in domestic violence, stalking, or protective order violation cases.

HB 584-FN, relative to administrative license suspensions.

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

SB 77, relative to authorized regional enrollment area schools.

SB 117, relative to the duties of the board of trustees of the community-technical college system.

SB 38, relative to the optional term for election of a cooperative school district moderator.

HB 414-FN, establishing a committee to study the unclassified salary structure for state officers.

HB 658-FN, relative to certification, registration, and insurance requirements for recovery agents who assist bail agents and sureties.

HB 670, establishing an advisory board to study the future of the NewHampshire automated information system's "Webster" Internet site.

SB 60, establishing a committee to study the licensure of radiographers and radiologic technicians.

HB 66-FN, relative to disability retirement benefits for retirement system members permanently incapacitated for duty.

HB 274-FN, relative to the office of the consumer advocate.

HB 485-FN, relative to the calculation of unemployment compensation benefits.

HB 486-FN-A, relative to the physician effectiveness program.

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

SB 109, deleting the witnessing requirement for notices of lease.

SB 139, relative to self-proved wills and making reference changes.

SB 180, establishing a committee to study the improvement of employment opportunities offered by the state of New Hampshire for persons with disabilities.

HCR 2, recognizing students who display good behavior in the public schools.

SB 161-L, relative to amending the contributory pension system for employees of the city of Manchester.

HB 609, relative to construction of a sewer force main through a state land conservation easement.

HCR 9, encouraging greater health care choices for Medicare eligible citizens throughout New Hampshire.

HJR 7, supporting the continued management of the White Mountain National Forest for multiple uses as a part of the National Forest System.

SB 75, relative to out-of-state boats.

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

SB 56, amending the law relative to who may adopt.

HB 451, establishing a committee to study first and second mortgage home loans.

HB 487, relative to the adoption of bonds or notes in certain school districts and municipalities.

HB 732, relative to nonpayment of member dues and fees and access to financial records of condominium associations.

HB 706, relative to the definition of "sexual contact" under the sexual assault laws and relative to the registration of certain criminal offenders.

HB 739, eliminating certain restrictions on the number of days bingo volunteers may serve.

SB 30, relative to the cruelty to animals law.

HB 626-FN, relative to revising the laws regulating accountancy.

HB 616-FN-A, establishing a house study committee to consider issues related to the driver training fund.

HB 698-FN-L, restricting fees for registration permits for certain vehicles.

HB 551, revising the definition of "employer" under the employment discrimination laws of the state.

HB 728-FN, establishing a commission to study the compensation of members of the legislature and the reimbursement for expenses.

SB 81, permitting the city of Manchester to issue bonds to finance unfunded liability of the city's employee pension system.

HB 263, repealing the Northern New England Low-Level Radioactive Waste Management Compact.

HJR 8, urging the Federal Energy Regulatory Commission to change the structure of the New England Independent System Operator (ISO).

HB 97, relative to the right to farm.

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

HB 89-FN-A, making an appropriation for a department of transportation study of the state house complex to evaluate space needs.

HB 294-FN-L, relative to state aid to municipalities for closure of certain municipal incinerators.

HB 311-FN-A, relative to grants made under the New Hampshire incentive program.

HB 608-FN-A, establishing a New Hampshire emergency management response and recovery fund and making an appropriation therefor.

HB 715-FN-A-L, granting responsibility for court security to the county sheriff and abolishing certain court security officer positions.

HB 723-FN, relative to standby and emergency guardianship proxies.

HB 738-FN, making an appropriation to the department of administrative services for the purpose of reimbursing counties for providing prisoner custody in courthouses.

HB 470, relative to settlement of personal actions.

HB 605-FN, affirming sovereign immunity for the state and its political subdivisions as it relates to the "year 2000 problem".

HB 360-FN, clarifying that any person convicted of a felony in this state is prohibited from owning or possessing firearms and other dangerous weapons.

HB 574-FN-A establishing a fisheries habitat fee required for persons obtaining a fishing license and continually appropriating the funds for fisheries habitats.

HB 596, making technical corrections to certain laws administered by the department of revenue administration and extending the temporary tax rate of the communications services tax through the biennium ending June 30, 2001.

HB 601, 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, correcting out-of-date references and phraseology pertaining to the department of corrections, adding the position of warden of the Northern New Hampshire Correctional Facility to the unclassified system, and changing the personnel group status of the warden of the lakes region facility.

HB 652-FN 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.

HB 719-FN, relative to procedures regarding children in need of services.

HB 525-FN, relative to prisoner of war license plates.

RECESS MOTION

Rep. Chandler 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 5:10 p.m.

RECESS

bills signed by the governor

Chap. 17, ***HB 117,*** establishing a uniform education property tax and a utility property tax, increasing the business profit and real estate transfer taxes, and including other sources of revenue to provide funding for an adequate public education and making an appropriation therefor. (eff. varied)

Chap. 18, ***HB 90,*** removing the prohibition on adoption and foster parenting by homosexual persons. (eff. 7/2/99)

Chap. 19, ***HB 207,*** directing the office of state planning to conduct a study of the effects of sprawl in the state and making an appropriation therefor. (eff. 7/1/99)

Chap. 20, ***HB 218,*** reinstating the corporate charter of Approved Industries Inc. (eff. 5/5/99)

Chap. 21, ***HB 229,*** changing the registration fee requirement of the commercial feed law. (eff. 7/1/99)

Chap. 22, ***HB 238,*** allowing the production and sale of American ginseng in the state of New Hampshire and making an appropriation therefor.

Chap. 23, ***HB 288,*** relative to the committee to study land management, protection of farmland, rural character, environmental quality and sprawl. (eff. 5/5/99)

Chap. 24, ***HB 307,*** establishing a committee to study the negotiated risk agreements when patients desire to remain in a facility over the recommendations of the department of health and human services. (eff. 7/4/99)

Chap. 25, ***HB 355,*** relative to the dredging of harbors and channels. (eff. 7/4/99)

Chap. 26, ***HB 418,*** relative to accounts and reporting dates of certain funds in the fish and game department.

Chap. 27, ***HB 490,*** enabling cities to permit the mayor to vote at city council meetings. (eff. 7/4/99)

Chap. 28, ***HB 520,*** relative to an open season for chukar partridge. (eff. 7/4/99)

Chap. 29, ***SB 65,*** establishing a study committee to review field activities conducted by the department of health and human services relative to children, youth and families. (eff. 7/4/99)

Chap. 30, ***SB 130,*** establishing a committee to study issues regarding procedures and standards for selection and supervision of court-appointed guardians ad litem. (eff. 5/5/99)

Chap. 31, ***HB 78,*** relative to the counting of votes when the moderator is disqualified. (eff. 7/10/99)

Chap. 32, ***HB 203,*** making impaired boating laws consistent with driving while intoxicated laws. (eff. 1/1/00)

Chap. 33, ***HB 210,*** reinstating the corporate charter of C.A.B. real Estate Inc. (eff. 5/11/99)

Chap. 34, ***HB 268,*** relative to the adoption and rescission of the official ballot form of meetings. (eff. 7/10/99)

Chap. 35, ***HB 327,*** allowing municipal governing bodies to enter into lease agreements for equipment. (eff. 7/10/99)

Chap. 36, ***HB 365,*** establishing a committee to study the current practice of posting roads and its effect on the economy. (eff. 7/10/99)

Chap. 37, ***HB 447,*** repealing the laws prohibiting certain promotional games. (eff. 1/1/00)

Chap. 38, ***SB 19,*** extending the reporting date of the state substance abuse treatment delivery system committee. (eff. 5/11/99)

Chap. 39, ***SB 119,*** relative to the withdrawal of a pupil from school. (eff. 7/10/99)